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Florida Board of Governors State University System

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To the Board of Governors of the State University System of Florida,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

We are deeply concerned about the [published report](#) that New College of Florida fired Kevin Wang because of his Chinese nationality. Wang is a Chinese national lawfully authorized to reside and work in the United States as he seeks asylum for political persecution by the Chinese government. He taught at New College on a contract basis on topics of Chinese language and culture. He was dismissed from his position, according to the college, not because of “any misconduct” but rather because his country of origin made him ineligible for employment at an institution of higher education in Florida.

The policy at issue apparently derives from [Florida’s SB 846](#), which governs “agreements of educational entities with foreign entities,” and the [guidance document](#) implementing that statute produced by the Board of Governors. Although the legislation is primarily aimed at restricting the creation of foreign-controlled institutes that “promotes an agenda detrimental to the safety or security of the United States,” the law does in relevant part restrict Florida public universities from contracting with “any person domiciled in a foreign country of concern and is not a citizen or lawful permanent resident of the United States.” The guidance document in turn defines “domicile” as “physical presence in a foreign country of concern with an intent to return thereto,” with intent “demonstrated by an absence of seeking citizenship in the United States.”

It seems evident that the legislation is aimed at the influence of foreign-controlled institutes on American college campuses. Even within the statute’s core concern, the statute grants the Board discretionary authority to approve an “agreement . . . with a foreign principal, if such partnership or agreement is deemed by the board to be valuable to students and the state university and is not detrimental to the safety or security of the United States or its residents.” The Board’s guidelines indicate that “hiring a foreign principal for academic” purposes requires case-by-case approval by the Board.

Our concern is with the academic freedom implications of this policy as it is being implemented by the Board. Foreign scholars routinely come to the United States to



present single lectures, speak to classes, and teach courses. In some cases, a foreign national like Wang might reside in the United States for an extended period of time while performing scholarly and educational work at American universities. Such intellectual exchanges between foreign scholars and American students serve important educational benefits and help make American universities the best in the world. Restricting access to foreign scholars based on nothing more than their country of origin carries the risk of seriously impinging on the ability of students to be exposed to a wide range of ideas and perspectives. Not only is the result of such a restriction likely to be counterproductive and arbitrary in some individual cases, as it seems to be in this case of a dissident and asylum seeker, but even in its most paradigmatic cases discriminating against scholars based on their country of origin will unnecessarily impede the free exchange of ideas and restrict the learning of students. To the extent that there are legitimate concerns of such a policy as it might be applied to college instructors, those concerns are better addressed through the usual application of standards of professional conduct that prohibit using the classroom for purposes of ideological indoctrination. A Chinese national who uses a college classroom for professionally competent teaching should be seen as an asset to the university and not as a threat.

We hope the case of Professor Wang at New College is primarily one of administrative error and can be easily remedied, but we urge the Board to allow as a default the hiring of foreign nationals as instructors. The United States has frequently served as a refuge for scholars fleeing from authoritarian regimes abroad, and American higher education has benefitted enormously from welcoming such scholars onto our campuses. Any policies aimed at restricting partnerships between American universities and “countries of concern” should be designed and implemented with a view to preserving the intellectual freedom of teachers and scholars working in the United States.