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COMMENTARY

The Impacts of Ongoing Higher Education Legislation on University Instruction: Perspectives from an Anthropology Graduate Student in the State of Florida

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Abstract

In this essay, I reflect on my own experiences as a graduate student in applied anthropology working in the context of ongoing higher education legislation implemented under the DeSantis administration in the state of Florida. In particular, I focus on the ways Florida's House Bill 7 and Senate Bill 266 have impacted my experiences as a graduate student teaching general education courses in anthropology. This commentary argues that these laws have promoted a culture of uncertainty and precarity by disrupting the academic freedoms of people in teaching positions, while potentially undermining critical and creative thinking in the classroom.

Keywords: Legislation; Graduate Student; Higher Education; Teaching; Florida

Introduction

Prior to entering the Ph.D. program in Applied Anthropology at the University of South Florida (USF), I completed my B.A. and M.A. in Anthropology at San Francisco State University (SFSU). As a student at SFSU, I was exposed to a social justice-oriented approach to addressing systemic issues in society. For example, Stop AAPI Hate, a national coalition to fight racism against Asian Americans and Pacific Islanders, was co-founded by the Asian American Studies Department at SFSU. When I came to USF, I was surprised to find a lack of action from the university to address ongoing higher educational legislation such as Florida's House Bill (HB) 7 (popularly referred to as the "Stop Woke Act") and its impacts on university instruction. Although some students and faculty did take legal action in response to this legislation (see Sachs 2022), the university at large has not provided clear guidance on how to proceed within the classroom. From my perspective, this perhaps demonstrates a lack of coordinated efforts at USF much unlike the previous university that I attended. These circumstances have inspired me to pursue my dissertation research on the impacts of ongoing higher education legislation on university instruction in the state of Florida. As I have begun to conduct participant observation at faculty events, I found that

instructors express a range of emotions including fear and uncertainty of acting against the repressive legislation developed under the DeSantis administration. In this commentary, I will reflect on my own experiences as a graduate student in applied anthropology while teaching general education courses as a teaching assistant (TA) and instructor with the ongoing higher education legislation at USF.

What are these laws? And what do they mean?

HB 7 (officially the “Individual Freedom Act” but also popularly referred to as the “Stop WOKE – Wrongs to Our Kids and Employees – Act”) amended the Florida Civil Rights Act by imposing limitations on how certain “concepts” (such as privilege, affirmative action, and systemic racism) are discussed in relation to employee training or student instruction. This means that instructors working within the State University System of Florida were required to avoid using “indoctrinating” or “divisive” language when presenting their material in the classroom. Because of HB 7, instructors grappled with how to comport themselves when providing instruction to students. In some ways, the dynamic of higher education has been literally flipped upside down with this legislation. Although instructors received quasi-guidance on their academic freedoms at my university (e.g., via email correspondence), it was still unclear how HB 7 would impact pedagogy within the classroom. This law was in effect between July 1 and November 17, 2022.

HB 7 eventually became conjoined with Senate Bill (SB) 266: Higher Education. Similar to HB 7, SB 266 prohibits the use of state or federal money on activities that advocate for diversity, equity, and inclusion (DEI) and places restrictions on state-level approved general education courses.¹ On pg. 20, SB 266 states, “General education core courses may not distort significant historical events or include a curriculum that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.” Although this law was not currently enforced by the Board of Governors in Summer 2023, SB 266 still had the potential to make general education core courses (such as *Intro to Anthropology*)² more difficult to teach. This law has been in effect since July 1, 2023. In the following sections, I will outline what I term the “first” and “second” waves of these laws. In the “first wave,” I discuss my experiences as a graduate student and TA under HB 7 during the Fall 2022 semester. In the “second wave,” I reflect on my experiences teaching as an instructor of record under SB 266 during the Summer 2023 semester.

¹ Please keep in mind that this legislation is subject to change depending on the current political circumstances.

² A revised version of the state-level approved general education course curriculum was formalized by the Florida Board of Governors as of January 2024.

The First Wave: Teaching in Fall 2022 under HB 7

When reading HB 7, I found it to be deceptively written, almost appearing benign at first glance. The third page of the bill, for example, states that it is unlawful to subject any individual to instruction which promotes the belief that “members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.” Although the legislation reads as if it is about anti-discrimination, HB 7 was controlling the way pedagogy is approached in higher educational settings. At a closer glance, I found HB 7 to be against equity-based programs (such as affirmative action). This was especially clear when the law states on the fourth page, “An individual, by virtue of his or her race, color, sex, or national origin, should [not] be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.” HB 7 also purported that it is unlawful to compel students or employees to believe that “colorblindness” is a “racist” practice. Because this bill was written so poorly, HB 7 instilled a sense of uncertainty about how people in teaching positions could approach subjects related to systemic racism and privilege.

To give people in teaching positions more confidence and to affirm their academic freedoms in the classroom, a syllabus disclaimer prepared by the Office of the General Counsel was circulated throughout the university community prior to the Fall 2022 semester. Although this effort was intended to protect the rights of instructors, the disclaimer seemed to act as a trigger warning confirming that certain issues (pertaining to race, gender, sexuality, or privilege) will be discussed and therefore may make students feel “uncomfortable.”

As a graduate student in applied anthropology, I was personally affected by HB 7. During the Fall 2022 semester, I facilitated my advisor’s *Cultural Anthropology* class while he was conducting fieldwork outside of the country. I remember second guessing myself when I was giving an example of my own positionality to the class. I feared my language would be construed as “indoctrinating.” I later realized that I may not have had academic freedom in the classroom as defined by my university. This is because academic freedoms are specific to people within instructional positions (such as tenured and tenure-track faculty, adjunct faculty, and graduate student instructors of record) (USF 2022); it was unclear to me whether this protection applied to people who serve in teaching assistant positions. This exemplifies a lack of formal protocol on the institutional level as well as fear on the individual level with regard to the ongoing higher education legislation.

In addition to my experiences as a graduate TA, I wondered how this legislation would impact my doctoral training and whether faculty would want to continue working within the State University System of Florida with the ongoing legislation. I also observed graduate-level courses that dealt with critical race theory using alternative wording (such as “discourse” or “studies”) to bypass potential controversy. I asked myself: will my degree not hold value by the time I graduate? Will I need to work faster to complete my degree?

These were just a couple of the numerous unrelenting questions during my first few months of the program. My fears, however, subsided for a few months between the district court's block of HB 7 in November 2022 and the institution of SB 266 on July 1, 2023.

The Second Wave: Teaching in Summer 2023 under SB 266

It was not until my first time teaching *Cultural Anthropology* in Summer 2023 that my visceral fears began to return. Because I was within a more formal teaching capacity, it would be on me if a student complained about the content of my instruction (although I did have more clearly delineated academic freedoms as defined by my university). During the course of the semester, I found many of my students had difficulty discussing core topics like gender, sexuality, race, politics, and power in relation to their own reflexive positioning. I remember, for example, only getting two of my students to talk about their positionality – as this would force them to reflect on their own gender, sexual, racial, and political positioning. However, this “discomfort” and unease that I observed among my students seemed to be experienced disproportionately in my class.³

Although this may not have applied to all of my students, many indicated feeling generally uncomfortable participating and actively engaging with the course material. This, as Bal et al. (2014) argue, obstructs reflexivity and knowledge production within the classroom. When teaching on politics and power, for example, a white male student told me that the case study on Black Lives Matter was “stupid.” I also had issues when teaching gender and sexuality. I remember another of my white male students asking me “why is gender equality necessary if women are inherently weak?” These reactions took me by surprise, especially as a new teacher who had recently moved from California. I wondered if I should have added a syllabus disclaimer in an attempt to reaffirm my academic freedoms within the classroom, a common practice I noticed instructors used at USF. At the same time, I did not want to hide “behind the cloak of objectivity,” as aptly remarked by Svinicki and McKeachie (2011, 12), by negating the “honest discussion of vital issues.” These instances made me wonder to what extent critical and creative thinking would be obstructed within the classroom, as I observed my other students responding in silence or whispering their thoughts to me on these “controversial” topics.

As an instructor, I felt a duty to not elide the content of my instruction; however, I found myself refraining from using certain words like structural racism, privilege, or sexism. To encourage critical and creative thinking without vocalizing these specific terms, I assigned my students outside class readings and documentaries (such as the film *13th*) to reflect on during their own time. When reading my students' reflection essays, I found that they were still able to employ an anthropological lens by critically and creatively engaging with the material.

³ Please note that this is what I was thinking and feeling as a first-time teacher experiencing the uncertainty of the legislation in Summer 2023.

Conclusions: So, What Will This Mean for Teaching Anthropology?

During the course of my graduate training in applied anthropology at USF, laws such as HB 7 and SB 266 have promoted a culture of uncertainty and precarity within public institutions of higher education in the state of Florida and beyond (see Reinke 2022). Because of these types of laws, academics may be less inclined to work in states that place prohibitory constraints on teaching (Groton et al. 2023). This has made me wonder what the future of anthropology (and other disciplines that discuss so-called “divisive” and “controversial” concepts) will hold. It has also made me feel weary about my own doctoral training and whether my degree will have value once I have graduated. Although some have stood up against these injustices (see Kumar 2023), from my perspective this legislation has promoted a culture of silence within my current university. This has been a relatively strange experience for me especially having come from SFSU, an institution with a strong social justice background.

My experiences as a TA and instructor of record at USF have also made me wonder whether the discipline of anthropology will cease to exist within the state of Florida. The value of anthropology is to provide a humanistic lens on social issues like race, gender, and sexuality. Because these topics are under fire with the current legislation making it even more challenging to engage with students, instructors will need to be prepared to teach and respond to difficult situations. As I have learned at my time at USF, graduate students and contingent faculty teaching classes such as *Cultural Anthropology* may not have the same protections as those who work in tenured and tenure-track positions. Because not all instructors share the same protections nor experience, some instructors (particularly those who are untenured) may feel uncomfortable engaging with the material for fear that their instruction will be perceived as “indoctrinating.” This, as an outcome, has the potential to disrupt critical and creative thinking in the classroom. As instructors, we have a duty to teach concepts without fear of making our students feel “uncomfortable.” However, this is only possible when instructors (including graduate TAs and more broadly anyone who works within a teaching capacity) are not living in a constant state of precarity and uncertainty of losing their jobs for fear of being reported for not teaching in an “objective” manner.

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