

Friday, December 12, 2025

Updated UFF/FEA Guidance on BOG/Boe Syllabi Rules, Course Censorship, and Compliance Pressures (Dec. 2025)

For SUS and FCS Faculty, SUS Graduate Assistants

Understanding the Landscape: SUS vs. FCS Governance

Florida's public higher-education systems are governed by two different bodies:

- **State University System (SUS)** – governed by the **Board of Governors (BOG)**
- **Florida College System (FCS)** – governed by the **State Board of Education (SBOE)/Department of Education**

Because these systems operate under different authorities, rules that apply to one system often do not apply to the other. The distinctions below are essential to understand what is—and is not—required of faculty.

I. Why This Guidance Is Needed Now

Faculty across both systems are reporting significant pressure to:

- Submit syllabi months in advance
- Remove content
- Reveal assignments or teaching materials
- Adopt standardized syllabi structures
- Self-censor out of fear of discipline

Many directives are **not based in law**, and some represent **overreach or pre-compliance** — administrative decisions made to avoid perceived political or regulatory risk.

This document clarifies the actual legal requirements.

II. What the Law Actually Requires—System by System

A. SUS (Universities):

a. **BOG Regulation 6.017**

BOG Reg. **6.017** prohibits SUS institutions from imposing **institution-wide graduation requirements** that conflict with FS 1007.25(3)(c), which reads “General education core courses may not distort significant historical events or include a curriculum that teaches identity politics, violates FS 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.” While 6.017 governs

institution-wide graduation requirements, any attempt to use it (or related statutes) to censor classroom content or impose viewpoint-based restrictions should be evaluated considering the injunction currently blocking enforcement of HB 7 / Florida Statute 1000.05 (Stop WOKE Act) in higher-ed institutions.

What this means:

- It applies **only** to courses required of **every bachelor's degree student** at the university.
(Example: a single mandated writing or civics requirement)
- It **does not** apply to:
 - Program-specific or major-specific requirements
 - Department-level required courses
 - Electives
 - Individual syllabi or assignments
- It does **not** authorize administrators to censor content, require standardized syllabi, or demand advance submission of syllabi.

Some SUS institutions are misusing 6.017 to justify broad content restrictions—these actions **do not flow from the regulation**.

b. BOG Regulation 8.003 — Syllabi Posting Rule

BOG Regulation 8.003 was amended in November 2025 and now imposes substantial new transparency obligations.

What universities must now do:

- Post **current course syllabi at least 45 days before the first day of class**
- Post the **full list of required and recommended instructional materials** by the same 45-day deadline
- Keep syllabi and materials lists publicly accessible for **five years** in a searchable database

What syllabi must now include:

- **The course curriculum**, including required reading
 - *Note: “course curriculum” is undefined, which creates a risk of over-interpretation by administrators.*
- Required and recommended textbooks and instructional materials
- Course goals, objectives, and student expectations
- How student performance will be evaluated and graded

How 8.003 defines “instructional materials”:

“Materials include but are not limited to textbooks, **tests and assignment questions**, assigned and supplemental reading, and **any other instructional material** the faculty member plans to assign.”

(Reg. 8.003(6); emphasis added)

This definition is **broad enough** that some universities are interpreting it to require faculty to turn over far more than the rule expressly mandates.

What 8.003 does NOT explicitly require:

- Uploading or publicly posting the full content of assignments, test questions, quizzes, assessments, lecture notes, slides, or other instructional materials
- Providing administrators with advance access to detailed course content for review or approval
- Turning over proprietary or copyrighted pedagogical materials

However:

- Some universities **may** adopt local policies or templates that require faculty to upload additional materials into internal systems (e.g., LMS platforms or syllabus-management tools). When this occurs, several protections still apply. Such policies **:do not flow from BOG Regulation 8.003 itself**
 - may constitute **changes in terms and conditions of employment**, which are **mandatory subjects of bargaining**.
 - may have implications on **academic-freedom provisions** in CBAs.
 - may raise **intellectual property and copyright concerns**, especially when full content is demanded.
 - do not authorize **pre-approval** or **content censorship** unless expressly grounded in law (which currently does not exist).

Therefore:

- Faculty are not required by **BOG Regulation 8.003 alone** to upload or disclose the full content of assignments or lectures.
- If a university imposes such a requirement through internal policy, faculty should:
 - Request the written authority underlying the requirement
 - Treat it as potentially subject to collective bargaining
 - Consult their UFF chapter for guidance specific to their campus

B. FCS (State Colleges):

a. SBOE Rule 6A-14.092 — Under Legal Challenge

Rule **6A-14.092** applies **only to state colleges**, not SUS universities.

The rule requires:

- Submission of “final syllabi” **45 days before the term**
- Public posting of course times, locations, and “instructional material”
- Use of a state-controlled submission platform

UFF/FEA have filed a petition arguing that 6A-14.092:

- Exceeds delegated rulemaking authority
- Adds requirements not found in statute
- Is vague, arbitrary, and capricious
- Introduces serious academic-freedom and security concerns
- Imposes workload changes not authorized by law

The 45-day requirement is not mentioned in Florida **statute** and is central to the legal challenge.

III. Statewide Legal Protections Remain in Effect

Despite the regulatory environment, faculty retain important protections:

1. FS 1000.05 (“Stop WOKE”) is blocked in higher education
Under *Pernell v. Lamb*, faculty **cannot** be disciplined for instructional content based on this statute.
2. SB 266 does not regulate teaching or syllabi content
Per *Austin v. Lamb*, SB 266 applies **only to university expenditures**, not instructional decisions.
3. Collective Bargaining Agreements
Most UFF CBAs contain academic freedom language (though exact provisions vary by chapter).
4. Intellectual Property Law
Faculty retain copyright ownership over original instructional materials.
5. First Amendment Protections
Compelled speech, viewpoint discrimination, and content-based restrictions remain constitutionally suspect.
6. Vagueness & Arbitrary Enforcement
Both state and federal law prohibit agencies from imposing vague, unclear, or arbitrarily enforced directives.

IV. What Is NOT Legally Required

Neither SUS nor FCS institutions are legally permitted to require:

- Removal of academic content based on viewpoint
- Disclosure of assignments or lecture notes
- Administrative pre-approval of content
- Restrictions on disciplines such as race, gender, intersectionality, or identity studies
- Deadlines not grounded in BOG or SBOE rules
- Censorship regarding concerns about overreach

These are **policy choices**, not legal mandates.

The Higher Education Affiliate of Florida Education Association, National Education Association, American Federation of Teachers, and AFL-CIO

V. Faculty Response Guidance

Faculty across SUS and FCS institutions are receiving new or inconsistent directives regarding syllabus posting, material disclosure, and course content. The union's responsibility is to ensure members understand their rights, responsibilities, and the potential consequences of different responses. UFF is not instructing members to take or avoid any particular action; rather, this section explains how to protect yourself and when to contact your chapter.

Members must understand:

- Discipline is possible
- UFF will defend them to the fullest extent of the CBA
- Administration cannot be prevented from initiating disciplinary procedures
- Written defiance should cite the injunctions and regulatory limits
- Chapter leadership should be notified immediately

Request Written Directives and Clarification

If an administrator issues an instruction that is unclear, inconsistent with law, or appears to exceed 8.003 or SBOE rules, faculty should request the directive **in writing** and ask for the specific policy or authority on which it is based.

Example: "Please provide the written policy and legal authority for this requirement so I can ensure full compliance."

Comply to the Extent Required by Law, CBA, and IP Protections

Faculty may comply with directives that are grounded in BOG/SBOE rule, university policy, or the CBA. However:

- Assignments, exam questions, rubrics, and lecture notes remain **protected intellectual property** unless a university policy lawfully requires disclosure.
- Faculty may decline to upload proprietary content unless the directive is explicitly grounded in a written policy that has been properly adopted.
- Request directives in writing:
 - *Example:* "Please provide the written policy and legal authority for this requirement and confirm whether this course is an institution-wide graduation requirement under BOG Regulation 6.017."
- Provide minimal compliance consistent with law and contract.
- Withhold assignments and proprietary materials unless legally compelled.
- **Preserve all evidence of directives, changes, and pressures.**

When in doubt, consult your UFF chapter before submitting materials that go beyond the syllabus and instructional materials list required by 8.003.

Seek Clarification as a Group When Directives Are Inconsistent

When multiple faculty in a department or college receive unclear or conflicting guidance, they may jointly request written clarification from a chair or dean. This is a standard, low-risk workplace practice and is **not** a protest or refusal.

This approach:

- Ensures all faculty receive the same explanation
- Prevents any individual from being singled out
- Requires the administration to clearly state its interpretation
- Creates a record for UFF to use in grievance or bargaining processes

Notify UFF When Working Conditions Change

If new requirements affect workload, timelines, disclosure obligations, or teaching procedures, these may constitute **changes in terms and conditions of employment**, triggering bargaining obligations. Documentation from members is essential for UFF to act effectively.

Faculty should promptly notify chapter leadership so the union can:

- Request information
- File a grievance, if warranted
- Demand bargaining when changes are unilateral
- Clarify whether the directive is contractual, lawful, or overreach

Important Information About Noncompliance or Formal Objection

Some faculty may feel compelled to object to directives they believe are unlawful or exceed institutional authority. If a faculty member chooses to submit a written objection, it should remain factual, reference the relevant legal authorities (injunctions, statutory limits, bargaining status, rule boundaries), and request clarification needed to ensure lawful compliance. UFF does not encourage or discourage objections; **our role is to ensure members understand the protections and risks so they can make an informed decision.**

Before objecting to directives, members must understand the following:

- **Employers may initiate disciplinary action** if they believe a directive has not been followed.
- **UFF will defend members under the CBA to the fullest extent possible**, but UFF cannot prevent an employer from starting disciplinary procedures.
- Such cases may involve **long-term processes** through grievance steps, arbitration, or litigation.
- Members should **consult UFF before submitting any written objection** or before declining a directive.
- Members should **immediately notify their chapter** if they believe they may be investigated or disciplined.

VI. Bottom Line: What Is Required Right Now?

SUS Faculty (Universities)

- Only **BOG Reg. 6.017** (graduation requirements) and **BOG Reg. 8.003** (syllabi posting) apply.
- Neither regulation authorizes content censorship.
- Only minimal information about instructional materials is required to be posted.
- Faculty retain strong protections from existing injunctions, constitutional rights, IP law, and CBA language.
- Rule **6A-14.092** **does not apply** to SUS universities.

FCS Faculty (State Colleges)

- Rule **6A-14.092** applies only to state colleges and **is under legal challenge**.
- The 45-day syllabi submission requirement has **no statutory basis**.
- Faculty should **preserve all directives and request written instructions**.

For All Faculty

- Most “requirements” being imposed right now are **administrative choices**, not legal mandates.
- Faculty should request clarity in writing, protect their rights, and report overreach.
- Members should choose the pathway aligned with their personal risk tolerance and the protections available through their chapter.

Reporting & Support

Faculty members should immediately contact their local **UFF chapter leadership**. Chapter Leadership should contact their assigned Service Unit Director. Report all directives and attach documentation. The union’s ability to fight depends on what members send us.

-----End of Document-----