

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

WILLIAM A. LINK, et al.,

Plaintiffs,

v.

RICHARD CORCORAN, in his official
capacity as the Florida Commissioner of
Education, et al.,

Defendants.

Case No. 4:21-cv-00271-MW-MAF

**NOTICE OF SUPPLEMENTAL MATERIALS IN SUPPORT OF
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER OR PRELIMINARY INJUNCTION**

In Plaintiffs' Emergency Motion for Temporary Restraining Order or Preliminary Injunction (ECF No. 75) ("Motion"), Plaintiffs advised the Court that Defendants had failed, to date, to provide final copies of the Surveys required by Fla. Stat. §§ 1001.03(19)(b) and 1001.706(13)(b), despite Defendants' plans to administer the Surveys, beginning this coming Monday, April 4, 2022.

On March 28, Defendants have since produced "final survey drafts," which Defendants advised "were finalized" that day. Defendants' counsel later confirmed by phone that Defendants *will* begin administering the Surveys Monday, April 4. Defendants acknowledged they have distributed a memorandum to Florida's public

colleges and universities the prior week regarding the forthcoming Surveys. However, that memorandum has not yet been produced.

These “final” Surveys, though slightly different from prior drafts provided by Defendants and Florida State University, which Defendants commissioned to draft the Surveys, are illustrative of the *same* constitutional violation identified in Plaintiffs’ Motion. *See* ECF No. 75 at 12-23.

These final Surveys, coupled with Defendants’ intention to administer them beginning on Monday, provide further information critical to this Court’s assessment of the irreparable injury that Plaintiffs will suffer absent emergency relief. *See id.* at 24-30.

For the purposes of making a completed and accurate record, Plaintiffs now file the following exhibits with the Court:

Exhibit 1, a true and correct copy of the document entitled “Intellectual Freedom and Viewpoint Diversity: Employee Survey” as Defendants produced on March 28, 2022; and

Exhibit 2, a true and correct copy of the document entitled “Intellectual Freedom and Viewpoint Diversity: Student Survey,” as Defendants produced on March 28, 2022.

LOCAL RULE 7.1(F) CERTIFICATION

The undersigned, Frederick Wermuth, certifies that this supplement contains 287 words, excluding the case style and certifications.

Respectfully submitted this 29th day of March, 2022.

/s/ Frederick S. Wermuth

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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2022 I filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Frederick S. Wermuth
Frederick S. Wermuth
Florida Bar No.: 0184111
Counsel for Defendants

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Exhibit 1

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Intellectual Freedom and Viewpoint Diversity: Employee Survey

In spring 2021, the Florida Legislature passed House Bill 233 to promote intellectual freedom and viewpoint diversity within the State of Florida's State University System and Florida College System. This survey attempts to discover the extent to which all viewpoints, conservative, liberal, and otherwise, are welcomed and provided appropriate attention on your campus and in the classroom.

This survey is anonymous. You are free to not answer any question or withdraw from the survey at any time. Responses will only be reported at the group level, not at the individual level. Respondents' identities will never be published or compromised in any way.

For the following survey items, please select the extent to which you agree or disagree with the given statements.

1. My institution provides an environment for free expression of ideas, opinions, and beliefs.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

2. I see examples of free and welcomed expression (such as speeches, debates with other students or instructors, class assignments, etc.) on my campus regularly.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

3. Students at my institution are encouraged to consider a wide variety of viewpoints and perspectives.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

4. Students at my institution are not shielded from ideas and opinions they find unwelcome, disagreeable or even deeply offensive.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

5. Employees at my institution are encouraged to consider a wide variety of viewpoints and perspectives.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

6. Employees at my institution are not shielded from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

7. I have felt intimidated to share my ideas or political opinions because they were different from those of my colleagues.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

8. My institution is equally tolerant and welcoming of both liberal and conservative ideas and beliefs.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

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Intellectual Freedom and Viewpoint Diversity: Employee Survey

9. If you “disagree” or “strongly disagree” that your institution is equally tolerant and welcoming of both liberal and conservative ideas and beliefs, indicate the ideas and beliefs that are more prevalent.

- Liberal
- Conservative
- Other

Intellectual Freedom and Viewpoint Diversity: Employee Survey

10. What category describes your primary employment with your institution?

- Faculty with continuing contract/tenure
- Faculty/instructor without continuing contract/tenure
- Administrator
- Staff
- Other

Intellectual Freedom and Viewpoint Diversity: Employee Survey

For faculty or instructional personnel only. For the following survey items, please select the extent to which you agree or disagree with the given statements.

11. Students in my classes are exposed to competing arguments and multiple perspectives on a topic.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

12. I rarely inject my own political ideas and beliefs into my classes.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

13. An expectation of receiving continuing contract/tenure is that faculty ascribe to a particular political viewpoint.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Intellectual Freedom and Viewpoint Diversity: Employee Survey

14. If you "agree" or "strongly agree" that an expectation of receiving continuing contract/tenure is that faculty ascribe to a particular political viewpoint, indicate which political viewpoint is the expectation:

- Liberal
- Conservative
- Other

Intellectual Freedom and Viewpoint Diversity: Employee Survey

For the following survey item, please select the extent to which you agree or disagree with the given statement.

15. My institution encourages research, publications, dissertations, etc. on topics that span both liberal and conservative viewpoints.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

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Intellectual Freedom and Viewpoint Diversity: Employee Survey

16. If you "disagree" or "strongly disagree" that your institution encourages research, publications, dissertations, etc. on topics that span both liberal and conservative viewpoints, indicate the ideas and beliefs that are more prevalent or encouraged.

- Liberal
- Conservative
- Other

Intellectual Freedom and Viewpoint Diversity: Employee Survey

17. In what subject area do you teach?

- Liberal Arts and Humanities
- Communication and Design
- Business
- Education
- Health Sciences
- Industry/Manufacturing and Construction
- Public Safety
- Science, Technology, Engineering, and Mathematics
- Social and Behavioral Sciences and Human Services

Intellectual Freedom and Viewpoint Diversity: Employee Survey

For the following survey items, please select the extent to which you agree or disagree with the given statements.

18. Students are afforded the opportunity to pursue projects, dissertations, theses, or research regardless of whether the topics defend conservative or liberal viewpoints/theoretical frameworks.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Intellectual Freedom and Viewpoint Diversity: Employee Survey

19. If you "disagree" or "strongly disagree" that students are afforded the opportunity to pursue projects, dissertations, theses, or research regardless of whether the topics defend conservative or liberal viewpoints/theoretical frameworks, indicate the ideas and beliefs that are more prevalent or encouraged.

- Liberal
- Conservative
- Other

Intellectual Freedom and Viewpoint Diversity: Employee Survey

The following questions are intended to collect information about survey respondents' backgrounds as a whole. As a reminder, no responses will be attributed to any single individual.

20. Please identify if you are employed by:

- A state or community college (two year or four year)
- A state university (four year and above)

21. Please identify your race:

- American Indian or Alaskan Native
- Asian or Asian American
- Black or African American
- Caucasian or White
- Other
- Prefer not to respond

22. Are you of Hispanic, Latin or Spanish Origin?

- Yes
- No

23. Gender:

- Female
- Male
- Prefer not to respond

24. Where would you place yourself on the following scale?

- Conservative
- Liberal
- Moderate
- None of the Above

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Exhibit 2

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Intellectual Freedom and Viewpoint Diversity: Student Survey

In spring 2021, the Florida Legislature passed House Bill 233 to promote intellectual freedom and viewpoint diversity within the State of Florida's State University System and Florida College System. This survey attempts to discover the extent to which all viewpoints, conservative, liberal, and otherwise, are welcomed and provided appropriate attention on your campus and in the classroom.

This survey is anonymous. You are free to not answer any question or withdraw from the survey at any time. Responses will only be reported at the group level, not at the individual level. Respondents' identities will never be published or compromised in any way.

For the following survey items, please select the extent to which you agree or disagree with the given statements.

1. I feel that it is important to be able to express my political viewpoints without fear of negative consequences.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

2. My college or university campus provides an environment for free expression of ideas, opinions, and beliefs.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

3. My college or university classes provide an environment for free expression of ideas, opinions, and beliefs.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

4. I see examples of free and welcomed expression (such as speeches, debates with other students or instructors, class assignments, etc.) in my classes regularly.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

5. My professors or course instructors use class time to express their own social or political beliefs without objectively discussing opposing social or political beliefs.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

Intellectual Freedom and Viewpoint Diversity: Student Survey

6. If you “agree” or “strongly agree” that your instructors use class time to express their own beliefs, indicate the ideas and beliefs that are more prevalent.

- Liberal
- Conservative
- Other

Intellectual Freedom and Viewpoint Diversity: Student Survey

For the following survey items, please select the extent to which you agree or disagree with the given statements.

7. Students at my college or university are encouraged to consider a wide variety of viewpoints and perspectives.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

8. I feel comfortable speaking up and giving my views on noncontroversial topics.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

9. I feel comfortable speaking up and giving my views on controversial topics.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

10. My college or university is doing a good job when it comes to promoting or encouraging diverse political viewpoints.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

11. I would be concerned if most of my professors or course instructors held the same political beliefs.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

12. I have felt intimidated to share my ideas or political opinions because they were different from those of my professors.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

Intellectual Freedom and Viewpoint Diversity: Student Survey

For the following survey items, select the option that best describes your perception of your professors, course instructors, college, or university with respect to political beliefs.

13. My professors or course instructors are generally more:

- Conservative
 Liberal
 Other
 Don't know

14. My college or university is generally:

- More tolerant of liberal ideas and beliefs
 More tolerant of conservative ideas and beliefs
 Equally tolerant of both liberal and conservative ideas and beliefs

Intellectual Freedom and Viewpoint Diversity: Student Survey

The following questions are intended to collect information about survey respondents' backgrounds as a whole. As a reminder, no responses will be attributed to any single individual.

15. Please identify your enrollment status:

- Full time
- Part time

16. Which of the following best describes your coursework:

- Entirely online
- Mostly online
- Mostly face to face
- Entirely face to face

17. Please identify your race:

- American Indian or Alaskan Native
- Asian or Asian American
- Black or African American
- Caucasian or White
- Other
- Prefer not to respond

18. Are you of Hispanic, Latin or Spanish Origin?

- Yes
- No

19. Gender:

- Female
- Male
- Prefer not to respond

20. Please identify if you attend:

- A state or community college (two year or four year)
- A state university (four year and above)

21. What is your current level of study?

- Certificate
- Associate in Arts
- Associate in Science
- Baccalaureate
- Graduate
- Other