

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

LEROY PERNELL, DANA THOMPSON
DORSEY, SHARON AUSTIN, SHELLEY
PARK, JENNIFER SANDOVAL,
RUSSELL ALMOND, MARVIN DUNN,
and JOHANA DAUPHIN,

Plaintiffs,

v.

FLORIDA BOARD OF GOVERNORS OF
THE STATE UNIVERSITY SYSTEM,
BRIAN LAMB, ERIC SILAGY,
TIMOTHY M. CERIO, RICHARD
CORCORAN, AUBREY EDGE,
PATRICIA FROST, NIMNA
GABADAGE, EDWARD HADDOCK,
KEN JONES, LUCCIO JORDAN, ALAN
LEVINE, CHARLES H. LYDECKER,
CRAIG MATEER, STEVEN M. SCOTT,
WILLIAM SELF, AND KENT
STERMON, in their official capacities as
members of the Florida Board of Governors
of the State University System, MANNY
DIAZ JR., in his official capacity as the
Commissioner of the Florida State Board of
Education, UNIVERSITY OF FLORIDA
BOARD OF TRUSTEES, UNIVERSITY
OF SOUTH FLORIDA BOARD OF
TRUSTEES, FLORIDA
INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES, FLORIDA A&M
UNIVERSITY BOARD OF TRUSTEES,
FLORIDA STATE UNIVERSITY BOARD
OF TRUSTEES, and UNIVERSITY OF
CENTRAL FLORIDA BOARD OF

Case No.: 4:22-cv- 304

TRUSTEES,
Defendants.

**DECLARATION OF SHARON AUSTIN IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

I, Sharon Austin, hereby declare and state as follows:

A. Background

1. My name is Sharon Austin. I am over 18 years of age, and identify as a Black woman.
2. I have personal knowledge of the following facts and if called to testify could and would competently do so.
3. I currently serve as a Professor of Political Science, with tenure, at the University of Florida (UF). I have been a professor at UF since 2001.
4. I have 30 years of professional experience in higher education. My teaching focuses on American politics. I also teach courses in African American politics, minority politics, American government, public law, and public policy.
5. My research focuses on African-American women's political behavior, African-American mayoral elections, rural African-American political activism, and African-American political behavior.
6. My interest in these areas was influenced by my upbringing in Memphis, Tennessee. I am the daughter of Mississippi Delta sharecroppers who later

moved to the city and worked in factories. I heard my parents, neighbors, and grandparents discuss race relations in the rural South because they all came from the same backgrounds. These conversations encouraged me to dedicate my career to studying race.

7. I received a bachelor's degree in History with a minor in Political Science from Christian Brothers University in Memphis, Tennessee. I received a master's degree in Political Science with a minor in Education from the University of Memphis. I received a PhD in Political Science from the University of Tennessee at Knoxville.
8. While earning my doctorate, I started working as an Assistant Professor of Pan African Studies at the University of Louisville in Kentucky from 1992 until 1995.
9. I served as an Assistant Professor of Political Science and Black Studies starting in fall 1995, for five years at the University of Missouri Columbia. Starting in the summer of 2000, I was promoted to Associate Professor of Political Science and Black Studies. I stayed in this position until 2002.
10. From 2000 until 2001, I also served as a Visiting Scholar of Political Science at the University of Michigan at Ann Arbor while on an unpaid leave from Missouri.

11. During the summer of 2002, I served as an Associate Professor of American Government in the Junior Statesman Program at Yale University.
12. From fall 2001 until fall 2004, I served as a Visiting Associate Professor at the University of Florida. From 2004 until 2018, I served as an Associate Professor, receiving tenure in 2007. Since 2018, I have served as a Professor of Political Science.
13. Starting in 2011 until 2012, I served as the Interim Director of the African American Studies Program at UF. From 2012 until 2019, I served as the Director of the African American Studies Program.
14. I have authored several publications including *Race, Power, and Political Emergence in Memphis*; *The Transformation of Plantation Politics in the Mississippi Delta: Black Politics, Concentrated Poverty, and Social Capital in the Mississippi Delta*; and *The Caribbeanization of Black Politics: Race, Group Consciousness, and Political Participation in America*.
15. I have also published articles in the *National Political Science Review*, *Political Research Quarterly*, *Social Science Quarterly*, the *Journal of Black Studies*, and *Politics and Policy*, as well as several book chapters.
16. I have two forthcoming books, *Political Black Girl Magic: The Elections and Governance of Black Female Mayors* and *Beyond Racial Capitalism: Cooperatives in the African Diaspora*, that will be published next year.

17. I have been a member of the American Political Science Association (APSA) since 1992. I am a member of the 2020—2024 term Editorial Team for the *American Political Science Review* which is the most prestigious journal in the political science discipline. Beginning in December 2022, I will be the first African American lead editor of this journal which was founded in 1906.
18. I have been selected as a University Term Professor at UF for the 2018—2021 and 2021—2024 terms, for excellence in scholarship, teaching, and service.
19. In December 2021, I received the Science Defender Award from the Union of Concerned Scientists.
20. I was inducted into the Edward A. Bouchet Graduate Honor Society's UF Chapter on February 8, 2021 because of my scholarship, leadership, character, service, and advocacy on behalf of under-represented graduate students.
21. In January 2022, I received the David King Defender of Democracy Award from the League of Women Voters of Florida.
22. In April 2022, the Office of Graduate Diversity Initiatives selected me as a Graduate Education Diversity Champion for 2021-22. This award recognizes faculty members who have enhanced and contributed to the overall graduate environment by actively and positively promoting the concept of diversity and improving cross-cultural understanding and inclusivity in the university environment.

23. I was the 2010—2011 Colonel Allen R. and Margaret G. Crow Term Professor of Liberal Arts and Sciences for excellence in scholarship, teaching, and service at UF.

24. In 2008, I received a Best Paper on Blacks and Politics award for my paper *Black Group Consciousness in South Florida*, presented at the Annual Meeting of the Western Political Science Association.

25. I have received several grants for my work in the African American Studies Program at UF. I received a *Support for Workshops and Speaker Series in the Humanities* grant from the Center for the Humanities and Public Sphere in February 2012, March 2015, and February 2016. These grants funded the *Education and Identity of African American Men* workshop in February 2013, the *Legacy and Influence of President Barack Hussein Obama* workshop in February 2016, and the *Black Women in the Academy* workshop in February 2017 at the University of Florida. I also received *Civil Debate Wall* grant from the Bob Graham Center for Public Service in July 2012, which funded an online discussion of African American views about same-sex marriage.

26. I have also received grants for my research and teaching, including a University of Florida Racial Justice Grant to conduct research on Black faculty recruitment and retention, and the university's ties to slavery in 2020; a University of Florida Department of Political Science grant to conduct

research on *Racial Group Consciousness and the Haitian Immigrant Quest for Political Incorporation* in 2010; a University of Florida Graham Center Case Study grant to conduct research on *Taking Back the Land: The Battle of Liberty City's Resident against Gentrification* in 2009; a University of Florida Graham Center grant to develop a Latino Politics and Policy course in 2008; a University of Florida Department of Political Science grant to conduct research on *Concentrated Poverty, Social Isolation, and Political Participation in the Southern Black Belt* in 2006; and a University of Florida College of Liberal Arts and Sciences Humanities Enhancement grant to conduct research on *Concentrated Poverty, Social Isolation, and Political Participation in the Southern Black Belt* in 2005.

27. In the Fall 2022 term, I will teach a “Quest 1” course, Politics of Race at UF, and Urban Politics. Quest courses are required for UF’s general education curriculum and are designed to contribute to students’ intellectual and personal growth. Politics of Race is a multi-disciplinary online course that examines the historical exclusion of Black, Hispanic/Latinx, Asian, international and other students of color from UF and the hostile and unwelcoming environment these students experienced after the University desegregated. We cover topics including, but not limited to, free speech,

political correctness, affirmative action, the intersection of on-campus Greek life and racism, and religious discrimination.

28. Students discuss race relations in both the past and present by examining the theories and methodologies in research articles and books. Students also complete an experiential oral history activity, and receive information about current campus units that conduct research on racial issues.

29. I was asked by the Provost's Office to put the Politics of Race course together after the death of George Floyd in 2020 and the political unrest that later ensued. I received a Quest grant to put a course together and created this Politics of Race at UF class.

30. Urban Politics has undergraduate and graduate sections. It examines several political and public policy issues in urban cities such as downtown development, environmental justice, gentrification and urban housing issues, immigration, mayoral elections and governance, political incorporation theories, the city/suburbanization divide, the politics of urban education, urban policing, and urban revitalization efforts. For this course, students use a book I wrote, *The Caribbeanization of Black Politics: Race, Group Consciousness, and Political Participation in America*, and two other books that include chapters that I wrote.

31. In the Spring 2023 term I will teach a “Quest 2” course that I developed over the summer, Black Horror and Social Justice, for the first time and an African American Politics and Policy course (that has both undergraduate and graduate sections). Quest 2 courses are interdisciplinary courses that allow students to examine important societal issues and debate possible solutions to them. Black Horror and Social Justice is an online course. The course will examine Black horror films and the manner in which filmmakers and scholars have used them to advocate for social justice, civil rights, and political issues. We will review films from the past and present, starting with the 1915 *Birth of Nation* film, through modern day films, such as *Get Out*. We will discuss racial stereotypes, the exploitation of Black actors, and the social justice themes in the context of the civil rights and racial justice movements.

32. African American Politics and Policy examines the political behavior of African Americans in the United States from the era of disfranchisement to the current era, including the election of the first Black president. We start the course with a discussion of the denial of “universal freedom” to African Americans during the 1800s and move on to discuss the civil rights and political gains African Americans experienced during the modern civil rights and black power movements in both the Democratic and Republican parties. This course compares and contrasts the events of the current justice and

political movements to those of the past. We discuss topics such as police brutality against Black people, the Black Lives Matter Movement, gender harassment in Black social justice movements, and violence and discrimination in the #MeToo Movement. I have taught this course almost every year since I have been a professor at UF.

The Interaction Between House Bill 7 (H.B. 7)¹ and the Content of My Courses

33. On April 22, 2022, Governor Ron DeSantis signed H.B. 7 into law. This law amended § 1000.05(4), Fla. Stat., to add a list of eight prohibited concepts that instructors are permitted to denounce but are not permitted to advance.
34. I believe the Stop W.O.K.E. Act is intended to stop discussions of racism. I understand this to mean that instructors teaching courses that discuss race can't provide examples that affect the sensibilities of certain students or make them feel uncomfortable.
35. In all of my courses, we discuss concepts of racial and gender superiority, intersectionality, unconscious bias, privilege and oppression, color blindness, affirmative action, and institutional and systemic racism in the United States.
36. In my African American Politics and Policy course, we discuss deracialization theory, the racist components of American feminism, political incorporation

¹ Ch. 2022-72, Laws of Fla.

theory, the connections between racism and partisanship, gentrification, reparations theory, racial micro-aggressions, and sexism.

37. These concepts are necessary because many students are not aware of issues related to these concepts, such as Jim Crow or state-sanctioned racial segregation. As an educator, I do not assume that students have previously learned about these concepts. In my experience, most of them have not been exposed to racial theories or African American history and politics.

38. Students that take courses related to race issues, take such courses because they want to learn more since they likely have not previously received instruction on these topics. It is my experience that students want to be taught about these concepts. At UF, most of the students that take my courses are White students and they are enrolling because they want to learn more.

39. These concepts are also appropriate within my field of Political Science because they involve academic research that needs to be done to further the field. I believe that society should not ban these topics, but welcome them and any other novel interdisciplinary theories, as well as the scholars doing the research. These concepts will encourage individuals to participate in important discussions about the role of race in American politics. As a result, they will have a greater understanding of the political conflicts that occur among citizens and among elected officials.

C. How HB 7 Will Impact My Teaching and My Courses

40. The Stop W.O.K.E. Act impacts my ability to teach all of my courses because they involve teachings and discussion of viewpoints disfavored by the legislature. I will no longer be able to use CRT as theoretical framework in my courses because I cannot maintain this pedagogical approach and not endorse Critical Race Theory as an appropriate lens. In using CRT as a framework, I have, for example, discussed the idea that people of different races carry different unconscious biases; that white people carry certain privileges that Black and Latino people do not; and that racial “colorblindness” can be a tool to oppress people of color. Discussing all of these ideas could be seen as endorsing viewpoints that are now prohibited due to the Stop W.O.K.E. Act.

41. Moreover, many of the authors and articles that I assign in my courses endorse concepts that could be prohibited under the Stop W.O.K.E Act, such as Ibram Kendi, Derrick Bell and Toni Morrison, because they include discussions, for example, that argue that African Americans have been treated in an inferior manner since the institution of slavery began, and they continue to be subjected to, and disadvantaged by, American racism. According to Bell’s work on Critical Race Theory, racism is the norm in America because it provides advantages to whites and disadvantages to Blacks. Bell also coined

the term “interest convergence” to argue that the interests of Black Americans only are promoted when they align with those of whites. For example, some White Americans supported desegregation, not because of a moral obligation, but because of America’s negative image abroad during the Cold War. American hypocrisy was exposed because they advocated for freedom and democracy abroad while at the same time enforcing a separate but equal society at home. Civil rights advancements finally occurred because of America’s desire to improve its image abroad.

42. I make it clear to my students that their grades are not based on their opinions, but on their abilities to analyze the readings to support their opinions. While some students agree with the authors and theories, others disagree and I have no problem with it.

43. Finally, my plan to assign the film *Beloved* in my Black Horror and Social Justice class during the spring 2023 semester, may lead to accusations that I am in violation of this law. *Beloved* is based on the 1988 Pulitzer Prize-winning book of the same title by Toni Morrison. In this book, and in the film, Morrison depicts the atrocities and realities of American slavery, including one slave mother’s murder of her daughter so that she would not be enslaved. I also may no longer be able to use the text *Blackballed: The Black and White Politics of Race on America’s Campuses* because it endorses concepts

prohibited under the Stop W.O.K.E. Act, such as white privilege, institutional racism at predominantly white colleges, and advocates for affirmative action to ensure campus diversity.

44. The Stop W.O.K.E. Act therefore forces me to self-censor when discussing topics that relate to or implicate a prohibited concept. If I do not engage in this self-censorship, I will be accused of breaking the law. I believe that I no longer have the academic freedom to teach classes my way, using materials and curriculum that I believe are best for my courses.

45. I believe that the Stop W.O.K.E. Act will negatively affect internal funding to professors and departments that teach viewpoints disfavored by the Florida Legislature, including systemic racism and sexism.

46. I also believe that the Stop W.O.K.E. Act will impact professor recruitment and retention. I believe that instructors that teach courses that include the prohibited concepts will leave Florida universities and it will be difficult to recruit new professors. Instructors will not want to come to Florida because they face possibility of being sued. Young, untenured professors have more to worry about because they could potentially lose their jobs if a person doesn't like a theory or book they used in class. Additionally, instructors are no longer able to teach the courses they want in the ways they want under the Stop W.O.K.E. Act.

47. Students in my courses bring up questions about race, gender, sexual orientation on a frequent basis. I guide student-led discussion on these topics to get them to think and debate. I believe that the Stop W.O.K.E. Act will prevent students from hearing the truth about racism. I believe the Act will negatively impact the quality of education that students receive because they are prohibited from being exposed to viewpoints disfavored by the state legislature. It will also encourage students to challenge professors who use readings and other materials that include prohibited discussions about race. Students will now be able to demand that certain materials and discussions be omitted from courses if they are made to feel uncomfortable. When in reality, American historical, civil rights, and political issues have never made Americans feel comfortable. Unfortunately, “Black history is Black horror” and students need to understand that from the lens of theories (like Critical Race Theory and others) that examine Black history and politics. This is one of the themes of my upcoming Black Horror and Social Justice Quest 2 course.

48. I believe that the Stop W.O.K.E. Act will cause many students to lose respect for university instructors if they have to change their course content or decide not to teach certain topics or courses. I believe that the Stop W.O.K.E. Act is unnecessary because students that are unhappy with their courses or

professors already have the ability to complain in several ways if they feel uncomfortable or discriminated against.

49. I also believe that recruitment of Black students and other students of color will be more difficult under the Stop W.O.K.E. Act because they perceive Black professors as role models and look to them to discuss and understand historic wrongs that have been committed against Black people. Currently, UF does not have very many Black students, only about 6% of the total student population.

50. Black students will be further deterred from enrolling or continuing their education at UF if they see an exodus of Black professors because of the limitations imposed by the Stop W.O.K.E. Act.

51. I believe that the Stop W.O.K.E. Act has caused fear among university faculty. I know many instructors feel bullied and pressured to make changes. Assistant Professors are afraid that they will be sued for breaking the law if they do not make changes to their curriculum.

52. I am concerned about retaliation for myself and for others. I believe that these concerns are greater for lecturers and untenured professors. Many African American Studies professors are hired as lecturers, which means they are on a year-to-year renewal. Generally, more minority people are hired in these positions and they are the instructors that teach courses that are related to race.

They will face serious implications under the Stop W.O.K.E. Act for teaching courses that the university requested.

53.I also believe that the Stop W.O.K.E. Act will negatively impact tenure decisions for instructors that teach courses related to disfavored viewpoints of the legislature because colleagues will be less likely to vote for tenure for those that teach controversial topics. Each year, there have been increases in the evaluations of tenured professors and I believe this process will be used to try to silence outspoken professors that challenge the state government and the Stop W.O.K.E. Act.

54.I believe that the Act targets professors who teach race studies courses and puts us more at risk for punishment, termination, and other negative consequences. There are few minority faculty on the UF campus and they are the same people that tend to teach classes on race, which puts them more at risk of violating the Stop W.O.K.E. Act.

55.I believe the Stop W.O.K.E. Act will deter scholars from seeking out funding for research related to race studies. Grant applications are time consuming and some scholars may think it is a waste time since universities are no longer able support the work. Further, some agencies may no longer want to fund research in Florida because they fear getting sued under the Stop W.O.K.E. Act.

56. I believe that the history of UF ties into what is happening now under the Stop W.O.K.E. Act. Historically, Black students had to protest because they were mistreated and discriminated against. I believe now Black instructors and students are being silenced so they will not discuss the struggle that it took us to get where we are today.

57. I believe that the Stop W.O.K.E. act will chill discussions on campus about racist incidents that have occurred, in turn leaving the door open for new racist incidents to occur. Since I have been at UF I can recall several racist incidents. For example, the Institute of Hispanic-Latino Cultures was defaced with racial slurs. Students dressed in blackface for racist Halloween costumes. Also, a Black female student was harassed and called several vile racial slurs by a white male fraternity member while his fraternity brothers watched in silence. None of the students who committed these acts were punished.

58. I also have been the target of harassment by a known White supremacist by the name of Thomas John (Tom) Kelly. In April 2017, he confronted me and my assistant in the African American Studies main office and made several derogatory statements about Black women, civil rights, Virgil Hawkins (a civil rights pioneer), and Black people generally. A friend called the police on our behalf twice, but they refused to enter the office. My assistant and I had to push him out of the way so that he would follow us into the lobby area

where the policemen were located. Since then, Mr. Kelly has emailed me (and other professors and students) several times and made derogatory statements about my assistant and I to the administration. Although I continue to block his email addresses, I still receive them and received a message from him as recently as one month ago. The UF Police Department and members of the administration are aware of this harassment and his occasional appearances on campus. During the fall 2021 semester, I taught my face-to-face class from home online for awhile after being informed that Mr. Kelly was on campus again.

59. I have been very uncomfortable over the years and at times am terrified that he will cause me (and/or other members of our campus community) harm. After the murders of nine African Americans in Buffalo, New York this summer by a White supremacist, I emailed the dean of my college, an associate dean, and UFPD (the University of Florida Police Department) to again express concern about Kelly's threats, harassment, and White supremacist ties (and the fact that he continues to show up unannounced in public areas of the UF campus).

60. I believe that many universities want Black instructors and other instructors of color to teach race topics as a way to attract minority students to the school. Practically every Black instructor that I know at UF in my college, the law

school, and the college of education, though there are not many, is teaching a related topic prohibited by the Stop W.O.K.E. Act.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and accurate.

Executed on August 14, 2022.

Dr. Sharon Austin

Sharon Austin