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Sunday, October 02, 2005

Carol Zuses
MLA
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Dear Ms Zuses:

Please find attached the supporting documents for the "Resolution on Academic and Student Bills of Rights and Legislation" which I am proposing on behalf of the Radical Caucus of the MLA.

1. Text of the Academic Bill of Rights (ABOR)
2. Text of the Student Bill of Rights (SBOR)
3. Documents of the attack on Academic Freedom by supporters of A/SBOR at Santa Rosa Junior College (SRJC):
 - a. "Modern-Day McCarthyism hits community college", from the October 2005 issue of *On Campus*, the AFT Higher Education magazine. The issue is the attempt by supporters of the A/SBOR to stifle the teaching of ideas they don't like, whether "communist" or not.
 - b. Resolution of faculty senate at SRJC on SBOR.
 - c. "What Was Operation Red Scare?"
 - d. David Bacon, "What's behind the Student Bill of Rights?" June 2005.
4. Keith Hardeman, "Academic 'rights' bill will only stifle debate." *Columbia Daily Tribune* (Columbia, MO) August 23, 2005.
5. "The Fuel Behind the Academic Bill of Rights Campaign." *On Campus* May-June 2005. This article reveals that the ABOR is supported by an elite Republican group of secret membership whose purpose is "to help execute an agenda that would roll back civil rights, challenge government restrictions on pollution, privatize services and reduce government." That is, that the A/SBOR are aimed to reduce criticism of corporate exploitation.

6. “Silencing the Professoriate.” *On Campus* May-June 2005. This article points out, in part, that the A/SBOR is actually a tool for political indoctrination – by “conservatives.” One quotation:

“If professors should keep their politics out of the classroom, as Horowitz argues, why should a dearth of Republicans in the classroom matter? It only matters if you’re a conservative who wants to use the classroom as a platform for preaching your conservative ideology, which is precisely what they want to do.”

7. Texts of National and State Legislation embodying the A/SBOR, as of Sept. 11, 2005, from the website of “Students For Academic Freedom”, the David Horowitz –funded group that is promoting the SBOR.

8. “ABOR quotes” – a short document of selections from the ABOR, SBOR, and proposed Legislation, in which phrases are highlighted to illustrate the danger to Academic Freedom of such legislation.

Please let me know if you or the Delegates wish more materials.

Sincerely,

Grover Furr
Montclair State University

[printable version](#)
[read in Spanish](#)

Academic Bill of Rights

I. The Mission of the University.

The central purposes of a University are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large. Free inquiry and free speech within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls. These purposes reflect the values -- pluralism, diversity, opportunity, critical intelligence, openness and fairness -- that are the cornerstones of American society.

II. Academic Freedom

1. The Concept . Academic freedom and intellectual diversity are values indispensable to the American university. From its first formulation in the *General Report of the Committee on Academic Freedom and Tenure* of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom. Therefore, academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech. In the words of the *General Report*, it is vital to protect “as the first condition of progress, [a] complete and unlimited freedom to *pursue* inquiry and publish its results.”

Because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision (*Keyishian v. Board of Regents of the University of the State of New York*) the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: “Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned.” In *Sweezy v. New Hampshire*, (1957) the Court observed that the “essentiality of freedom in the community of American universities [was] almost self-evident.”

2. The Practice . Academic freedom consists in protecting the intellectual independence of professors, researchers and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself. This means that no political, ideological or religious orthodoxy will be imposed on professors and researchers through the hiring or tenure or termination process, or through any other administrative means by the academic institution. Nor shall legislatures impose any such orthodoxy through their control of the university budget.

This protection includes students. From the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students – as well as faculty – from the imposition of any orthodoxy of a political, religious or ideological nature. The 1915 *General Report* admonished faculty to avoid “taking unfair advantage of the student’s immaturity by indoctrinating him with the teacher’s own

opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own.” In 1967, the AAUP’s *Joint Statement on Rights and Freedoms of Students* reinforced and amplified this injunction by affirming the inseparability of “the freedom to teach and freedom to learn.” In the words of the report, “Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.”

Therefore, to secure the intellectual independence of faculty and students and to protect the principle of intellectual diversity, the following principles and procedures shall be observed.

These principles fully apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom. Private institutions choosing to restrict academic freedom on the basis of creed have an obligation to be as explicit as is possible about the scope and nature of these restrictions.

1. All faculty shall be hired, fired, promoted and granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise and, in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives. No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs.
2. No faculty member will be excluded from tenure, search and hiring committees on the basis of their political or religious beliefs.
3. Students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.
4. Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions.
5. Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.
6. Selection of speakers, allocation of funds for speakers programs and other student activities will observe the principles of academic freedom and promote intellectual pluralism.
7. An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature or other effort to obstruct this exchange will not be tolerated.
8. Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation. To perform these functions adequately, academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.

Op. cit., p. 50

[printable version](#)

The Student Bill of Rights

I. The Mission of the University.

The central purposes of a University are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large. Free inquiry and free speech within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls. These purposes reflect the values -- pluralism, diversity, opportunity, critical intelligence, openness and fairness -- that are the cornerstones of American society.

II. Academic Freedom

1. The Concept. Academic freedom and intellectual diversity are values indispensable to the American university. From its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom. Therefore, academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech. In the words of the General Report, it is vital to protect "as the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results."

Because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision (*Keyishian v. Board of Regents of the University of the State of New York*) the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." In *Sweezy v. New Hampshire*, (1957) the Court observed that the "essentiality of freedom in the community of American universities [was] almost self-evident."

2. The Practice. Academic freedom consists in protecting the intellectual independence of professors, researchers and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself. This means that no political, ideological or religious orthodoxy will be imposed on professors, researchers and students through the hiring or tenure or termination process, or through the grading system or through the control of the classroom or any other administrative means. Nor shall legislatures impose any such orthodoxy through their control of the university budget.

From its very first statement on academic freedom, the university community has recognized the vulnerability of students in particular to political and ideological abuses of the university as an institution. The 1915 General Report admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own."

In The 1940 Statement of Principles on Academic Freedom and Tenure, the American Association of University Professors declared: "Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject." In a 1970 clarification and re-endorsement of this principle, the AAUP said: "The intent of this statement is not to discourage what is 'controversial.' Controversy is at the heart of the free academic inquiry, which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject." ("1970 Interpretative Comments," endorsed by the 56th annual association meeting as association policy.)

In 1967, the AAUP's Joint Statement on Rights and Freedoms of Students affirmed the inseparability of "the freedom to teach and freedom to learn." In the words of the report, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion."

Professors are hired to teach all students, not just students who share their political, religious and philosophical beliefs. It is essential therefore, that professors and lecturers not force their opinions about philosophy, politics and other contestable

issues on students in the classroom and in all academic environments. This is a cardinal principle of academic freedom laid down by the American Association of University Professors.

In an academic environment professors are in a unique position of authority vis-à-vis their students. The use of academic incentives and disincentives to advance a partisan or sectarian view creates an environment of indoctrination which is unprofessional and contrary to the educational mission. It is a violation of students' academic freedom. The creation of closed, political fiefdoms in colleges, programs or departments, is the opposite of academic freedom, and does not deserve public subsidy or private educational support.

Therefore, to ensure the integrity of the educational process and to protect the principle of intellectual diversity, the following principles and procedures shall be observed. These principles fully apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom. Private institutions choosing to restrict academic freedom on the basis of creed have an obligation to be as explicit as is possible about the scope and nature of these restrictions.

1. Students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.
2. Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions.
3. Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.
4. Selection of speakers, allocation of funds for speakers programs and other student activities will observe the principles of academic freedom and promote intellectual pluralism.
5. An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature or other effort to obstruct this exchange will not be tolerated.
6. Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation. To perform these functions adequately, academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.

Modern-day McCarthyism hits community college

Teri Mulcaire is nervous. Not because his department chair monitors his classroom, nor because his tenure committee is about to vote. Mulcaire is nervous because students have targeted him with a red star on his door, turning back the clock to the age of McCarthyism, and calling him a communist.

Mulcaire was one of 10 faculty members at Santa Rosa Junior College in Petaluma, Calif., who came to work one day in March to find taped to their doors a flier, topped by a red star, featuring text from an obscure California law. "No teacher ... shall advocate or teach communism with the intent to indoctrinate or to inculcate in the mind of any pupil a preference for communism," the law reads, then identifies communism as a theory promoting the violent and forceful change of the U.S. government to a totalitarian dictatorship.

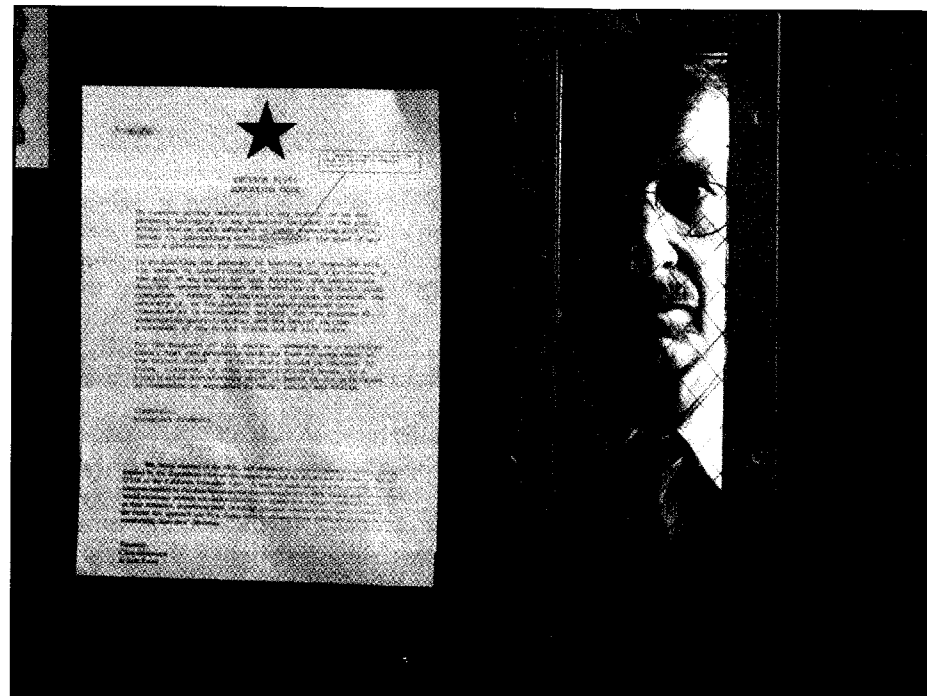
The posting, dubbed "Operation Red Scare" by the Santa Rosa Junior College Republicans who eventually claimed responsibility, was lambasted by the faculty senate and, eventually, the board of trustees. The president of the college wrote personal letters of support to each faculty member targeted, though he did not speak publicly on the matter until August.

But faculty remain concerned that ultra-conservative students will continue to publicly challenge them as part of a movement to excise liberal thinkers from campus. Mulcaire believes he was singled

out because he made clear his passionate opposition to the war in Iraq—while encouraging students to discuss their own views, regardless of whether they agreed with his own. Michael Aparicio, another red star professor, believes he attracted attention for hanging fliers about—but not screening—three documentaries questioning conservative bias in the media and President Bush's policies in Iraq.

The president of the Santa Rosa Junior College Republicans herself linked the red star action to an attempt to pass a Student Bill of Rights, the right-wing effort to ensure that conservative voices are heard—and, many feel, liberal ones squelched—on college campuses. "It was a ruse for publicity," says Marco Giordano, whose colleagues in the English department were targeted. "The point of the intimidation is not to actually pass the bill," he says, though that may be one goal. "The intimidation itself is an attempt to chill discourse."

Which is, in part, what it's done. Since the red star incident, Aparicio has altered his syllabus and requires students to come to his office before bringing a visitor to class. None of the students responsible for the fliers was enrolled in classes taught by the targeted teachers. "I want to make it clear to them that discussions can not hinder the learning experience in the classroom," says Aparicio. "It's a classroom, not a talk radio program." Similarly, Mulcaire is no longer teaching war issues



Student Republicans slapped a red star on the door of Martin Bennett, CFT Local 1946/AFT, and implied he was a communist sympathizer.

in his English classes, and he repeatedly reminds students that his opinions are just that—and they are entitled, even encouraged, to express their own views. "I'm just nervous about being attacked," says Mulcaire. "It has really, really changed the way I think about teaching."

Red star prof Martin Bennett is determined to fight such dampers on edu-

cation and free thinking. His union, the California Federation of Teachers Local 1946/AFT, is co-sponsoring a lecture by historian Ellen Schrecker, an expert on McCarthyism, and a discussion with the red-starred faculty set for Oct. 17. "[We will be] combating this inappropriate speech with free speech," he says. "That's the best of higher education."

This is the html version of the file <http://www.santarosa.edu/senate/Academic%20Freedom%20resolution.doc>.

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Academic Freedom and Integrity in the Learning Environment

Whereas, **Santa Rosa Junior College** firmly supports and upholds Academic Freedom in both Board Policy and Article 9 of the AFA contract; and

Whereas, the Faculty at **Santa Rosa Junior College** have a strong commitment to First Amendment guarantees of free expression and debate for both students and teachers; and

Whereas, the ethics of our profession as educators requires that all teachers provide within the classroom and college an environment where students are free to express a wide range of viewpoints within the standards of scholarly inquiry; and

Whereas, pending legislation such as the so-called student **bill of rights** currently known as SB 5 (Student **Bill of Rights**) would legislatively eliminate academic freedom; and

Be It Resolved that the Academic Senate for **Santa Rosa Junior College** supports the Statewide Academic Senates Resolution opposing SB 5 and any other legislation that would limit academic freedom; and

Be It Resolved that the Academic Senate for **Santa Rosa Junior College** encourages SRJC to make students more aware of the established institutional grievance policies and procedures and students rights to utilize them; and

Be It Resolved that the Academic Senate for **Santa Rosa Junior College** requests that the Board of Trustees at **Santa Rosa Junior College** join the Academic Senate in condemning any action that stigmatizes faculty members or restricts academic freedom; and

Be It Resolved that the Academic Senate for **Santa Rosa Junior College** requests that the Board of Trustees and administration at **Santa Rosa Junior College** join the Academic Senate in supporting the academic freedom of our faculty and students by opposing SB5 and any other similar legislation.

Academic Senate

Approved: May 4, 2005



WHAT WAS OPERATION RED SCARE?

February 24, 2005- A [Flyer](#) is anonymously posted at ten (10) Santa Rosa Junior College (S.R.J.C.) instructors' offices, including mine. Underneath a bright red star, the flyer quotes [California Education Code 51530](#), which prohibits "the advocacy or teaching of communism with the intent of indoctrinating or inculcating a preference in the mind of any pupil for such doctrine." The code defines communism as "the political theory that the presently existing form of government of the United States or of this state should be changed, by force, violence, or other

unconstitutional means, to a totalitarian dictatorship which is based on the principles of communism as expounded by Marx, Lenin, and Stalin.”

February 28, 2005- The S.R.J.C. College Republicans – an official student club at S.R.J.C. – appear when [KFTY TV 50](#) interviews some of the targeted faculty. The club provides a [Press Release](#) announcing, “The Santa Rosa Junior College Republicans are responsible for the posting of the Education Code Section 51530 that was signed ‘Anonymous students’. We did this because we believe certain instructors at SRJC are in violation of California state law.” The post also asserts that their flyer "was simply a notification to teachers we have received complaints about."

February 28, 2005 – The [California College Republicans](#) publish a press release on its web site. It identifies the SRJC College Republicans’ actions as “[Operation](#)

Red Scare.”

February 28, 2005 – A [blog](#) appears on the [College Republicans Community's Journal](#). Its author claims to be the President of the S.R.J.C. College Republicans, Molly McPherson. The post 1) includes a link to the “Operation Red Scare” press release of the California College Republicans, 2) states “I’m busy emailing some local radio stations,” 3) declares “All we need is for [the faculty] to oppress us more, like try to take away our charter, and we’ll smack Sean Hannity and the O’Reilly Factor on them,” and 4) reveals “this is just in time for one of our senators introducing the [academic bill of rights](#) in April. :)”

March 2, 2005- The SRJC student newspaper, The Oak Leaf, publishes a front page story titled “[Code Red?](#)”. The article frames its story with the subtitle "Republicans feel faculty blowback over flyer." The article shifts the story from

the 'Red Star Flyer' to the faculty reaction to the flyer. Quoting the SRJC College Republican's February 28th press release, the article ignores the press release's claim that "We did this because we believe certain instructors at SRJC are in violation of California state law"; and it merely mentions then ignores the fact McPherson admitted she had "no specific complaints, no threats or specific accusations." The story portrays the SRJC College Republicans' behavior during the February 28th KFTY interview as a "search for dialogue"; and the story contrasts this with a portrait of a faculty member who, according to the story, "refused to let [the SRJC College Republicans] participate in the press conference."

March 2, 2005- An Oak Leaf [cartoon](#) continues to frame the paper's coverage of "Operation Red Scare" by emphasizing faculty reaction to the 'Red Star Flyer'; and it portrays this reaction

as a hypocritical attempt to refuse to let the SRJC College Republicans to participate in the KFTY interview.

March 2, 2005- The Oak Leaf's issue quotes [four faculty email messages](#). The messages had been sent to a SRJC email list exclusively for SRJC faculty, staff, and administrators.

March 2, 2005- The Oak Leaf's editorial, titled [Getting from conflict to dialogue](#), begins by advocating that 'Operation Red Scare' be "seen as an opportunity to open a dialogue" and limits its account of the 'Red Star Flyer' to "the fact the students initially aired their grievance anonymously" [[Commentary](#)]

March 2, 2005- In his Oak Leaf column "[Fair and Balanced](#)," Editor-in-chief, Dana Wright, compares "Operation Red Scare" to the infamous 1964 [Daisy Ad](#), highlighting that the ad "capitalized on people's fears by *falsely* claiming that if Goldwater was elected, there would be a

nuclear war," noting "Republicans denounced the ad, saying it was *underhanded and fallacious*," and pointing out "the ad was taken off the air after only one showing." Despite this, Wright begins his column by giving, "My compliments to the designer of the 'scarlet letter' that appeared on the doors and windows of several SRJC instructors last friday" and claims this "scarlet letter" "[pales] in significance to the retort it has sparked from faculty..."

March 2, 2005- In an Oak Leaf [letter to the editor](#), Molly McPherson no longer associates the "the instructors I targeted" with teaching "communism *with the intent to indoctrinate or to inculcate in the mind of any pupil a preference for communism*." Rather, she claims "there's even been accounts of JC teachers openly *advocating* Communist and Marxist theories" and she insists that Communism "has been outlawed in the classrooms." Despite being quoted in the

article "Code Red?" saying she had "no specific complaints, no threats or specific accusations," McPherson insists, "This had to be done publicly because engaging in public discourse is the only way to be taken seriously in this huge college bureaucracy."

March 2, 2005- In a Press Democrat article titled, "[SRJC Uproar over Republican Protest](#)," McPherson rephrases the issue again: "It's a big issue. The opinion of the far left is presented as fact, with no alternative." [[Commentary](#)]

March 3, 2005- A Press Democrat article titled "[SRJC teachers, students face off](#)" adopts McPherson's new phrasing of the issue when it frames the article with the subtitle "Session draws crowd eager to debate letters accusing instructors of left-leaning bias."

March 7, 2005- An Inside Higher Ed article titled '[A New Red Scare](#)' elaborates on this

new phrasing of the issue when it 1) begins by stating, "Members of the College Republicans group at Santa Rosa Junior College had had enough. They were fed up... with various professors who, by expressing unvarnished liberal views as fact, made the students feel uncomfortable expressing their opposing views in class," 2) quotes Molly McPherson saying, "What are you supposed to think when your teacher stands in front of the class and talks about what idiots all the people are who voted in the current administration," 3) quotes McPherson saying, "The goal was to promote a discussion. We weren't trying to say they were communists," and 4) concludes by noting that McPherson "said she plans to build student support for [legislation](#) introduced in the California legislature – modeled on David Horowitz's [Student Bill of Rights](#)." [[Commentary](#)]

March 16, 2005- During the S.R.J.C. Academic Senate's "Open Forum" I read a [prepared speech](#) explaining why I think it is

premature to stop talking about 'Operation Red Scare' and the 'Red Star Flyer'; for "the more I listen to and read from the SRJC College Republicans' leadership, the more concerned I become that they are not interested in understanding the issues surrounding this incident. They seem more interested in creating publicity for a partisan political bill."

March 16, 2005- S.R.J.C. Academic Senate's "[Red Star Resolution](#)" "condemns the behavior of the students involved for threatening targeted instructors" by, among other things, 1) labeling instructors communists, 2) ignoring established grievance procedures, and 3) choosing their targeted faculty based on hearsay complaints by unknown students.

April 7, 2005- [The Academic Senate for California Community Colleges](#) passes a resolution titled '[Integrity for the Learning Environment](#)'. The resolution asserts that Senator Morrow's SB5

"denigrates the abilities of students of all political, ideological, and religious backgrounds to synthesize and critically evaluate the information received in the classroom and undermines the integrity of the learning environment by usurping and impugning the role and expertise of the instructor in the determination of course content" and "[reaffirms] its opposition to proposals that abrogate academic freedom as defined by the American Association of University Professors (AAUP) and that attempt to undermine the integrity of the learning environment, whether they be under the title of 'The Student Bill of Rights', 'The Academic Bill of Rights' or any other name."

April 11, 2005- Sonoma State University's Academic Senate passes a [resolution](#). Condemning both "the stigmatizing of faculty members who express ideas, whether they are conventional or unconventional, popular

or unpopular" and "attempts to restrict the free flow of ideas, as well as attempts to intimidate teachers," the SSU resolution "expresses its support for and solidarity with the 10 targeted SRJC faculty members and wholeheartedly endorses academic freedom."

April 12, 2005- In an Oak Leaf article titled "[Republican Forum Points to Grievance Process](#)," 1- SRJC Student Trustee, Nick Caston, points out, "I have been on the Board of Review (the last step [of] the grievance process) for three years and have never heard a complaint about bias in the class room," and 2- the article depicts the forum discussing *past* cases of alleged academic bias; but, according to the article, when a student refers to Operation Red Scare, saying "What the Republican club did was hostile and threatening and the faculty deserve an apology at the very least," the forum moderator "reminded the crowd that the forum was not about dwelling on

the *past*, but about moving forward and addressing the issues that had been raised."

April 12, 2005- In an [Oak Leaf editorial, California State Senator Rob Morrow \(R-Oceanside\)](#) attempts to justify his bill, SB5 (a.k.a. "The Student Bill of Rights"), by 1- charging "In some cases, our public campuses are morphing into hotbeds of incivility, intolerance, lack of intellectual diversity, harrassment, intimidation, and breach of contract," 2- alluding to two alleged examples of academic bias, 3- claiming "some [faculty] humiliate students who offer dissenting opinions or employ a two-tier grading system that punishes the GPA of those expressing alternative perspectives," asserting 4- "a growing number -- both liberal and conservative -- run their classrooms as if managing little Abu Graibs," and 5- charging the American Association of University Presidents has "abandoned" a Statement

of Principle which declares "The common good depends upon the free search for truth and its free expression."
[[Commentary](#)]

April 12, 2005- In his Oak Leaf column "[Fair and Balanced](#)," Editor-in-chief, Dana Wright, insists "I have been declared guilty of bias coverage of the news for no other reason than my association with the SRJC Republicans." Then, he explains "why the discrediting of the campus press was a crucial part of the faculty reaction. They know the Oak Leaf is simply holding a mirror up to the campus. And so long as there are people who don't like what they see in the mirror, the paper's credibility will be challenged." [[Commentary](#)]

April 12, 2005- S.R.J.C. instructor Terry Mulcaire reads a "[Statement to the Board of Trustees at S.R.J.C..](#)" Suggesting that Senator Morrow's SB5 "responds to a false problem" and "will have the effect

of reducing all knowledge to opinion," the statement asks, "If everything is arguable, and no one can lay any particular claim to authoritative knowledge or expertise, then why have a system of higher education at all?" Claiming that "The anti-intellectualism that underpins SB5 is breathtaking, and antithetical to everything this college stands for," Mulcaire "[urges] the board to make public their opposition to SB5."

April 13, 2005- In an online column titled, ['Red Scare Retro'](#), Michael Davidson, the head of the California College Republicans, is quoted explaining why the organization used the name 'Operation Red Scare' on their original press release: "A lot of the college professors are leftovers from the Seventies - and Communist sympathizers."

April 17, 2005- In a Press Democrat editorial titled "[Sound Advice](#)," Oak Leaf Editor-in-chief, Dana Wright,

compares Operation Red Scare with the terrorist attacks of September 11, 2001, quotes Noam Chomsky saying, "After any criminal act of this scale, you look at the circumstances and analyze the problems; often times they are legitimate and ought to be addressed independently of the crime," and then asserts "I think this is also sound advice for instructors, post-'red-star'." [[Commentary](#)]

April 20, 2005- Senator Morrow's [SB5 fails to pass](#) in the [The Education Committee of the California State](#); but it is [granted a reconsideration](#). The reconsideration has not been schedule yet.

May 11, 2005- In an Oak Leaf Guest Column titled "[Putting to rest red star not without year-end lessons](#)," I propose "As we move on with our lives, I do think it's important to think about the significance of [Operation Red Scare]." Noting that

the [American Heritage dictionary](#) defines 'McCarthyism' as "The practice of publicizing accusations of political disloyalty or subversion with insufficient regard for evidence," I claim "The Red Star Incident is a clear case of McCarthyism." Claiming "Political subversion is a serious charge" and "publicizing such accusations with insufficient regard for evidence is reckless, dehumanizing, and despicable," I declare, "as I approach the end of the semester, and look forward to putting the Red Star Incident behind me," I want 1- "to forge ahead with a strengthened resolve to identify and resist McCarthyism when I encounter it," 2- "to acknowledge those who fail to resist it," 3- "to appreciate those who do resist it," and 4- "to move forward with a deepened appreciation of such concerns as part of my commitment to democracy."

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BILL NUMBER: SB 5 INTRODUCED
BILL TEXT

INTRODUCED BY Senator Morrow

DECEMBER 6, 2004

An act to add Section 66015.8 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as introduced, Morrow. Public postsecondary education standard: Student Bill of Rights.

Existing law establishes the various segments of the public higher education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges.

This bill would request the Regents of the University of California, and direct the Trustees of the California State University and the Board of Governors of the California Community Colleges, to develop guidelines and implement specified principles, relating to academic freedom, of a Student Bill of Rights.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66015.8 is added to the Education Code , to read:

66015.8. (a) (1) The Legislature makes the following declarations and findings with respect to public institutions of higher education:(A) The Legislature declares that the central purposes of the university are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large.

(B) The Legislature further declares that free inquiry and free speech within the academic community are indispensable to the achievement of these goals, the freedoms to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls, and these purposes reflect the values of pluralism, diversity, opportunity, critical intelligence, openness, and fairness that are the cornerstones of American society.

(C) The Legislature finds that academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech, and that academic freedom protects the intellectual independence of professors, researchers, and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself.

(D) The Legislature further declares that intellectual independence means the protection of students from the imposition of any orthodoxy of a political, religious, or ideological nature. To achieve the intellectual independence of students, teachers should not take unfair advantage of a student's immaturity by indoctrinating him or her with the teacher's own opinions before a student has had an opportunity fairly to examine other opinions upon the matters in question, and before a student has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his or her own, and students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.

(b) To secure the intellectual independence of students, and to protect the principles of intellectual diversity, the Regents of the University of California are requested to, and the Trustees of the California State University and the Board of Governors of the California Community Colleges are hereby directed to, develop guidelines and implement the following principles of the Student Bill of Rights:

(1) Students shall be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.

(2) Curricula and reading lists in the humanities and social sciences shall respect the uncertainty and unsettled character of all human knowledge in these areas, and provide students with dissenting sources and viewpoints. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions

(3) Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty shall not use their courses or their positions for the purpose of political, ideological, religious, or anti-religious indoctrination.

(4) The selection of speakers, allocation of funds for speakers' programs, and other student activities shall observe the principles of academic freedom and promote intellectual pluralism.

(5) An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, the destruction of campus literature, or any other effort to obstruct this exchange shall not be tolerated.

What's behind the Student Bill of Rights?

By David Bacon
truthout | Perspective

Tuesday 07 June 2005

Santa Rosa, CA - An older generation of teachers may remember the days of California's loyalty oaths and red scares. During the cold-war, McCarthyite era of the early 1950s, educators accused of being Communists or harboring left-wing views were driven from the school system.

Today, witchhunts seem once again on the rise. The latest attempt to return to the era of red-baiting is called, ironically, the Student Bill of Rights. That has a fine, democratic ring to it. The phrase, however, is being used to restrict the ability of teachers to introduce controversial or provocative ideas into their classrooms. The argument goes like this: Conservative students are offended when "liberal" faculty try to force them to consider ideas with which they don't agree. Political science or sociology instructors, for instance, who support the benefits of minimum or living wage ordinances for workers, should be prevented from advancing such liberal biases in class.

If this sounds far-fetched, consider the fact that 13 states have introduced legislation that would prohibit such "indoctrination." These bills, a project of ultra-conservative ideologue David Horowitz, aren't aimed at the many prestigious business schools around the country. There, instructors not only teach students that making profit is necessary and virtuous, but insist students learn to do so as efficiently as possible. Instead, these measures are directed against teachers who question such established ideas.

This spring in Santa Rosa, conservative students supporting the state's own version of the Student Bill of Rights demonstrated where this is headed.

On February 25, leaflets quoting Section 51530 of the Education Code were anonymously posted on the doors of ten faculty members at Santa Rosa Junior College. The leaflet quoted the code: "No teacher ... shall advocate or teach communism with the intent to indoctrinate, inculcate in the mind of any pupil a preference for communism." Such "advocacy," the statute says, means teaching "for the purpose of undermining patriotism for, and the belief in, the government of the United States and of this state." Fifty years ago, when left-wing teachers were hounded out of the state's school system during the cold war, this code section was rushed through the legislature to make it legal.

A subsequent press release by the Santa Rosa Junior College Republicans claimed responsibility. "We did this because we believe certain instructors at SRJC are in violation of California state law," it said. The same day, a news release was posted on the website of California College Republicans, titled "Operation 'Red Scare,'" saying the action targeted "10 troublesome professors." The organization's chair, Michael Davidson, told blogger John Gorenfeld that "a lot of the college professors are leftovers from the Seventies - and Communist sympathizers."

In a letter to the campus newspaper, the Oak Leaf, the president of the SRJC College Republicans, Molly McPherson, explains that "The instructors I 'targeted' were not selected at random ... There have even been accounts of JC teachers openly advocating Communist and Marxist theories ... [which have] been outlawed in the classrooms of a country with the strongest free speech rights in the world."

When the campus Republicans found it hard to document the massive teaching of communism at the junior college, they retreated to general complaints of "leftist bias" by faculty members. Evidence to support charges of biased teaching seemed just as scarce. In a forum discussing the flyer, student trustee Nick Caston pointed out, "I have been on the Board of Review (the last step of the grievance process) for three years and have never heard a complaint about bias in the class room."

"I've never even talked with any of the students who were involved in this," commented red-starred professor Marty Bennett. "But I do teach a lot of labor history in my social sciences classes, and I'm identified in the community as someone involved in the labor movement. That's probably why I was chosen." Other instructors also had had little or no contact with the young Republicans. Bennett says that because of the incident, "some teachers were reluctant to take up more controversial subjects. But it pushed others towards an activism they might not have considered before."

On her organization's website, McPherson says the flyering was "just in time for one of our senators introducing the academic bill of rights in April." That bill, SB 5, introduced by Sen. Bill Morrow, R-San Juan Capistrano, says, "faculty shall not use their courses or their positions for the purpose of political, ideological, religious or anti-religious indoctrination."

David Horowitz' website warns that "while a professor is on campus or in an academic setting, he or she has professional responsibilities that make partisan political action unacceptable," and that "all too frequently, professors behave as political advocates in the classroom, express opinions in a partisan manner on controversial issues irrelevant to the academic subject." In an era in which Governor Schwarzenegger has gone to war with the state's teachers, Horowitz's admonitions would silence protest against him. On April 20, SB 5 failed to pass the Senate Education Committee. McPherson and her clubmates fared equally poorly in late April student body elections at SRJC, when the slate they supported lost by a 2-1 majority.

Nevertheless, bills similar to Morrow's have been introduced into 13 other states this year. Defending one in the Columbus Dispatch, Ohio State Senator Larry Mumfer warned that "card-carrying Communists," whom he defined as "people who try to over-regulate and try to bring in a lot of issues we don't agree with," are teaching at universities.

Isn't that what the free market in ideas is all about?

*David Bacon is a California photojournalist who documents labor, migration and globalization. His book*The Children of NAFTA: Labor Wars on the US/Mexico Border *was published last year by University of California Press.*

Commentary

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Academic 'rights' bill will only stifle debate

By **KEITH HARDEMAN**

Published Tuesday, August 23, 2005

Nat Hentoff's Sunday column, "Conservative voices muted at colleges," says students shouldn't "be disadvantaged or evaluated on the basis of their political opinions." I couldn't agree more. Professors who've been proved to base their course grading on a student's political views should be reprimanded for such unprofessional conduct and, if it persists, ultimately terminated.

However, Hentoff's bandwagon contention that all college professors are nothing but an intolerant, liberal bunch who, as a whole, oppose intellectual diversity while continuously persecuting conservative students has no factual merit. It is behind this fundamentally flawed reasoning that he and others such as conservative activist David Horowitz push the misnamed and misguided "academic bill of rights."

As a 25-year veteran of college teaching, I'm not much concerned with student political affiliation. Whether I agree or disagree, I've always welcomed diversity of opinions in my classes. My only stipulation is that students who voice their ideas, however conservative or liberal, should also be responsible for defending them with evidence and rational logic. So when a student asserted in one of my classes, for instance, that the Holocaust never took place, I believed it was my educational responsibility to challenge that viewpoint, as did most students in the class.

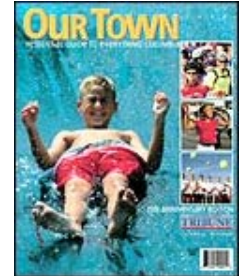
Was it intimidation or perhaps disrespect to ask that student how he reached his conclusion, especially when mountains of evidence exist to the contrary? Hentoff apparently believes so, especially if there is a remote possibility for a challenge to what he sees as conservative thought. Two words "prove it" if used by both faculty and students in college classrooms, will promote lively, informative and useful discussions.

Unfortunately, the two words Hentoff and Horowitz are trying to legislate onto college and university professors are "shut up."

Versions of the "academic bill of rights" have been introduced in more than a dozen state legislatures alleging the "protection" of students from professors ostensibly forcing their liberal views on them through intimidation. However, the reality is that *all* colleges and universities already have policies and procedures for students to file grievances in the event of faculty impropriety, harassment or intimidation. And there is simply no authoritative evidence whatsoever to suggest these policies en masse aren't working.

Since student protection can't really be the issue, the actual hidden purpose of this legislation must then be one or both of two things: Hentoff either wishes to governmentally force particular viewpoints on

Our Town 2005



• Mid-Missouri's
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Editorial Cartoonist



• Best of Darkow 2004

college professors whether or not those viewpoints are factually valid or he wants to prohibit faculty from challenging any government-endorsed thought, all disguised in the name of "objectivity." In any case, it is a clear attempt to censure knowledge. If objectivity were truly the driving force behind this bill, it seems logical that Hentoff and Horowitz would also be targeting U.S. business schools that freely advance one-sided, conservative, pro-business and anti-labor philosophies.

Needless to say, they're not.

Accusations of "liberal indoctrination" and political intimidation are quite common these days. As we all know, however, accusing and proving are two quite different courses of action. I'd like to think the 25 lives lost in false accusation during the Salem witch trials of 1692 demonstrate the absolute necessity of putting the burden of proof squarely on the shoulders of the accuser.

Virtually all of these charges trumped up by conservative activists against college professors have been shot down one by one when such cases have come to hearings, and for very good reason: blatant lack of evidence. This spring, for example, the College Republicans of Santa Rosa Junior College accused 10 professors of teaching and advocating communism in the classroom. When pressed to cite *even one* specific example at a hearing, the College Republicans could not. Apparently, the accusing students involved had little or no interaction with any of the targeted professors before the charges were made. Therefore, it is highly likely that many critics of college faculty rely far more on selective perception and hearsay than on actual encounters with professors.

America's colleges and universities are the envy of the world, and for good reason. In spite of how Hentoff bloviates, the "academic bill of rights" would suppress, not enhance, opportunities for faculty and students to introduce and fully explore certain issues, ideas or perspectives in class simply because they might challenge some students' ways of thinking. But faculty introducing new perspectives and new ways of thinking certainly is not a recent phenomenon. It's what the college experience has always been and should continue to be all about. After all, wouldn't an education investment of \$40,000 or more be wasted if professors only reaffirmed what students think they already know?

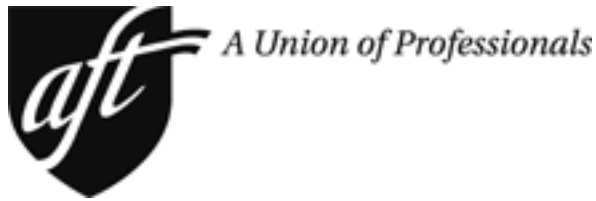
And, finally, Hentoff and Horowitz are likely giving professors just a little too much credit for their persuasive powers in their classrooms. For if these types of influencing abilities existed, wouldn't it also be reasonable for faculty to see other fruits of that tree as well? Wouldn't we also experience vast increases in the numbers of students who come to class every day, who complete all reading assignments before class, who follow all assignment directions, who screen and edit papers for errors before turning them in, and who always hand in assignments on time?

You'd think which apparently is what Hentoff doesn't want college students doing much of these days.

Keith Hardeman, assistant professor and chairman of communication and fine arts at Westminster College in Fulton, is vice president of the Missouri Chapter of the American Association of University Professors.

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The fuel behind the Academic Bill of Rights campaign

When you pull back the curtain on the campaign to bring intellectual diversity to higher education, you see one person managing a machine funded by a network of major right-wing foundations.

The model language for the Academic Bill of Rights is the creation of conservative activist David Horowitz, president of the Los Angeles-based Center for the Study of Popular Culture. Horowitz founded the CSPC in 1988, at the same time he launched Heterodoxy, a tabloid attacking liberal academics. Now, the group puts out [FrontPageMag.com](#) and is also associated with the Individual Rights Foundation, a legal reform group.

According to Transparency in Media, CSPC's multimillion-dollar annual budget is funded by the Lynde and Harry Bradley Foundation, the Richard Scaife Foundation and the John M. Olin Foundation, among others. The Bradley and Scaife foundations have supplied nearly \$20 million since 1989.

In June 2003, Horowitz founded Students for Academic Freedom, which is based in Washington, D.C., and run by the former executive director of Accuracy in Academia (a right-wing watchdog group that encourages students to monitor and write up their professors). SAF provides the national organizing base for both the Academic and Student Bills of Rights. The group's self-proclaimed mission is to restore intellectual diversity to campus life and to ensure that universities adopt the Academic Bill of Rights as official policy. It claims more than 150 campus chapters, has a downloadable SAF handbook on its Web site (www.studentsforacademicfreedom.org), and also has an extensive online vehicle where students can file their complaints of professorial bias and abuse.

Through its Web site, SAF also distributes the booklet "Unpatriotic University," published by CSPC and described as "a wealth of information about the bias in

hiring, the anti-American rhetoric and the shutting out of conservative points of view both in classrooms and on speakers' platforms."

Although it may be tempting to view groups like SAF and CSPC as fringe expressions of the diversity represented in this great country, their link to another organization suggests a larger purpose.

In August 2003, Horowitz was a featured speaker at a breakfast plenary session of the annual meeting of the American Legislative Exchange Council. ALEC is a public policy organization whose membership comprises about 2,400 state legislators who join as individuals. It keeps a low profile and while the party affiliation of all of its officers who are elected officials is Republican, its membership list is secret.

ALEC's primary activities are holding an annual meeting, and developing model legislation and lobbying to get it introduced in state legislatures. At these meetings, its members learn about issues and network with like-minded legislators and corporate sponsors. The sponsors—firms like Enron, American Nuclear Energy Council, Phillip Morris, Coors Brewing Company, to name a few—join with organizations like the National Rifle Association, the Heritage Foundation and the Family Research Council, not to mention the State Policy Network, to help execute an agenda that would roll back civil rights, challenge government restrictions on pollution, privatize services and reduce government.

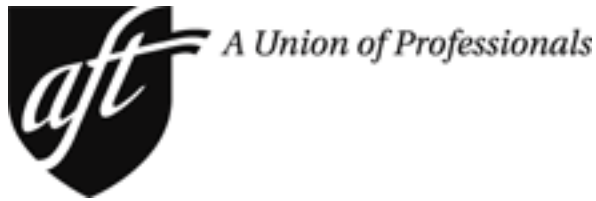
As luck would have it, when Horowitz told legislators about the Academic Bill of Rights that summer morning in 2003, Erin O'Neill was in attendance. She was there to learn the lay of the land as she was becoming oriented for a new job as program director of the Public Trust, a coalition based at People for the American Way that follows the activities of right-wing groups. At that point, only the Colorado Legislature had considered the legislation. Immediately after the meeting, ALEC posted the Academic Bill of Rights on its Web site as model legislation. O'Neill has followed its trajectory through 15 states since then.

"This is common with ALEC," she says. "What they do is take other people's ideas and get them out to state legislators." In the 32 years of its existence, ALEC has created an infrastructure that is more effective than any other similar lobbying group. It claims that its member legislators introduce thousands of bills based on the ALEC models. To learn more about ALEC, go to www.publictrustaction.org.

What started as just an idea sparked when Horowitz hooked up with ALEC. Now, the Academic Bill of Rights is burning a path across the United States.

**American Federation of Teachers | 555 New Jersey Avenue NW Washington, DC
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Silencing the professoriate

Don't let the Academic Bill of Rights become law in your state

A new intrusion of politics into the classroom comes in the form of state legislation entitled an "Academic Bill of Rights." It is an Orwellian name for a bill whose aim is to overturn the First Amendment on college campuses, restricting freedoms of speech, religion and association that are as basic to democracy as academic freedom is to scholarship.

The conservative groups behind this legislation, which has been introduced in 15 states, say students and ideas need to be protected from a professoriate that, studies show, is overwhelmingly made up of registered Democrats. Thus, in an ironic conservative application of affirmative action principles, legislating intellectual diversity on campus has suddenly become a measurable goal. In Colorado, where the Academic Bill of Rights first surfaced, legislators asked university presidents for quotas on Democratic and Republican hires to bring more ideological balance to their institutions' faculty.

The person behind the Academic Bill of Rights (ABOR) is David Horowitz, founder of the California-based Center for the Study of Popular Culture. He has claimed that professors behave as "political advocates in the classroom, express opinions in a partisan manner on controversial issues irrelevant to the academic subject, and even grade students in a manner designed to enforce their conformity to professorial prejudices."

As an antidote, Horowitz wrote and is promulgating model legislation (see "What the bills say") that dictates how institutions can encourage a variety of political and religious beliefs in their hiring, curriculum and classroom management practices. Through a companion statement, the Student Bill of Rights, Horowitz is pushing

colleges to adopt policies that protect students' rights and establish stronger complaint and grievance procedures.

On his own, Horowitz and his reactionary ideas are hardly taken seriously. But in this campaign, Horowitz has been picked up and supported by a well-established right-wing movement (see "The fuel behind the Academic Bill of Rights campaign").

The bills are "very cleverly packaged with mom-and-apple-pie language," says Larry Gold, AFT higher education director. "However, lying beneath the idea is an inaccurate and downright libelous view of higher education."

For example, ABOR supporters say liberal orthodoxy, not scholarship, shapes most hiring practices at elite institutions. Professors holding politically different views are not hired or promoted, or, when hired, are isolated or disparaged. Conservative speakers are not welcome on campuses. ABOR proponents say students who do not hold liberal views are intimidated in the classroom and receive poor grades.

"These bills are based on the assumption that academics don't behave professionally," says William Scheuerman, AFT vice president and president of the United University Professions/ AFT at the State University of New York. "And they also sidestep the fact that institutions have procedures for students to challenge abusive faculty.

"[Horowitz's] goal of 'intellectual diversity' directly contradicts the principle of ideological neutrality in the classroom, the bedrock of his Academic Bill of Rights," Scheuerman noted in a Northeast Public Radio commentary he delivered in March. "If professors should keep their politics out of the classroom, as Horowitz argues, why should a dearth of Republicans in the classroom matter? It only matters if you're a conservative who wants to use the classroom as a platform for preaching your conservative ideology, which is precisely what they want to do."

Last summer, delegates to AFT's biennial convention passed a resolution strongly opposing this legislation and urging members and affiliates to do the same. The union has prepared materials for affiliates and members that provides background information on the bills and talking points on why these measures should be defeated—for use in op-ed pieces, public discussions and visits to elected representatives. The materials and the resolution are posted on the AFT Web site, www.aft.org/topics/academic-freedom/index.htm.

Academic Bill of Rights advocates want to bring government onto the campus to impose an ideological litmus test on hiring, curriculum and teaching. This would have a chilling effect on scholarship, teaching and service, say unions, and on the very working conditions and environment of faculty and academic professionals.

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National and State Legislation Texts:

National:

[House Concurrent Resolution 318](#)

Introduced by Georgia Congressman Jack Kingston into the U.S. House of Representatives

[House Resolution 609](#)

A section of the Higher Education Reauthorization Act inspired by the Academic Bill of Rights

State:

[California Senate Bill No. 5](#)

[Colorado House Bill, HB 04-1315](#)

Introduced by Rep. Shawn Mitchell

[Colorado Joint Resolution](#)

In support of the Memorandum of Understanding

[Colorado Memorandum of Understanding](#)

Signed by the presidents of the major universities in Colorado agreeing to incorporate the principles of the Academic Bill of Rights in their institutions.

[Florida House Bill 837](#)

[Georgia Senate Resolution 661](#)

Introduced by Senators Johnson of the 1st, Hamrick of the 30th, Smith of the 52nd and Balfour of the 9th
Adopted March 22, 2004, 1:50 p.m. – 41 Yeas, 5 Nays, 8 NV, 2 Excused

[Indiana House Bill 1531](#)

[Maine LD 1194](#)

[Massachusetts Legislative Bill 1234](#)

[Minnesota Senate Bill 1988](#)

[North Carolina Senate Bill 1139](#)

[Ohio Senate Bill 24](#)

[Pennsylvania House Resolution 177](#)

[Tennessee House Bill 432 and Senate Bill 1117](#)

[Washington House Bill 1991](#)

[ALEC Model Resolution](#)

[ALEC Model Bill](#)

[printable version](#)

Expressing the sense of the Congress that American colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students... (Introduced in House)

HCON 318 IH

108th CONGRESS

1st Session

H. CON. RES. 318

Expressing the sense of the Congress that American colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students and to protect the principle of intellectual diversity.

IN THE HOUSE OF REPRESENTATIVES

October 30, 2003

Mr. KINGSTON (for himself, Mr. JONES of North Carolina, Mr. WICKER, Mr. ISTOOK, Mr. COX, Mr. PITTS, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. MCKEON, Mr. HERGER, Mr. MARIO DIAZ-BALART of Florida, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. WELDON of Pennsylvania, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. OSBORNE, and Mr. POMBO) submitted the following concurrent resolution; which was referred to the Committee on Education and the Workforce

CONCURRENT RESOLUTION

Expressing the sense of the Congress that American colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students and to protect the principle of intellectual diversity.

Whereas the central purposes of a university are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and

productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large;

Whereas free inquiry and free speech within the academic community are indispensable to the achievement of the central purposes of a university, the freedoms to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls, and these purposes reflect the values of pluralism, diversity, opportunity, critical intelligence, openness, and fairness that are the cornerstones of American society;

Whereas academic freedom and intellectual diversity are values indispensable to an American university;

Whereas from its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the ideas that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom;

Whereas academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech;

Whereas in the words of the general report, it is vital to protect 'as the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results';

Whereas free inquiry and its fruits are crucial to the democratic enterprise, and academic freedom is a national value;

Whereas in *Keyishian v. Board of Regents of the University of the State of New York*, a historic 1967 decision, the Supreme Court overturned a New York State loyalty provision for teachers with these words: 'Our Nation is deeply committed to safeguarding academic freedom , [a] transcendent value to all of us and not merely to the teachers concerned';

Whereas in *Sweezy v. New Hampshire* in 1957, the Supreme Court observed that the 'essentiality of freedom in the community of American universities [was] almost self-evident';

Whereas academic freedom consists of protecting the intellectual independence of professors, researchers, and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself, meaning that no political, ideological, or religious orthodoxy should be imposed on professors and researchers through the hiring, tenure, or termination process, nor through any other administrative means by the academic institution, nor should the legislature impose any such orthodoxy through its control of the university budget;

Whereas it has long been recognized that intellectual independence means the protection of students and

faculty members from the imposition of any orthodoxy of a political, ideological, or religious nature;

Whereas the 1915 Declaration of Principles of the American Association of University Professors admonished faculty members to avoid `taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own';

Whereas in 1967, the American Association of University Professors' Joint Statement on Rights and Freedoms of Students reinforced and amplified this injunction by affirming the inseparability of `the freedom to teach and freedom to learn'; and

Whereas in the words of the joint statement, `[s]tudents should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, to secure the intellectual independence of faculty members and students and to protect the principle of intellectual diversity--

(1) the Congress encourages all public and private colleges and universities in the United States to adopt an Academic Bill of Rights and to observe the following principles and procedures--

(A) all faculty members will be hired, fired, promoted, and granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise and, in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives;

(B) no faculty member will be hired, fired, or denied promotion or tenure on the basis of his or her political, ideological, or religious beliefs;

(C) no faculty member will be excluded from tenure, search, and hiring committees on the basis of his or her political, ideological, or religious beliefs;

(D) students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political, ideological, or religious beliefs;

(E) curricula and reading lists in the humanities and social sciences will respect the uncertainty and unsettled character of all human knowledge in these areas and provide students with dissenting sources and viewpoints;

(F) while teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints;

- (G) academic disciplines should welcome a diversity of approaches to unsettled questions;
- (H) exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty members;
- (I) faculty members will not use their courses or their positions for the purpose of political, ideological, religious, or antireligious indoctrination;
- (J) selection of speakers, allocation of funds for speakers' programs, and other student activities will observe the principles of academic freedom and promote intellectual pluralism;
- (K) because an environment conducive to the civil exchange of ideas is an essential component of a free university, the obstruction of invited campus speakers, the destruction of campus literature, and other efforts to obstruct this exchange will not be tolerated;
- (L) academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry, recognizing that--
 - (i) knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research; and
 - (ii) academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation; and
- (2) the Congress recognizes that the principles and procedures described in paragraph (1) fully apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom ; and
- (3) it is the sense of the Congress that private institutions choosing to restrict academic freedom on the basis of creed have an obligation to be as explicit as is possible about the scope and nature of these restrictions.



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Note: This section of the Higher Education Reauthorization Act is based on the Academic Bill of Rights.

House Resolution 609

College Access and Opportunity Act of 2005 (Introduced in House)

SEC. 103. STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended--

(1) by amending subsection (a) to read as follows:

(a) Protection of Rights- It is the sense of Congress that--

(1) no student attending an institution of higher education on a full- or part-time basis should, on the basis of participation in protected speech or protected association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division of the institution directly or indirectly receiving financial assistance under this Act, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution; and

(2) an institution of higher education should ensure that a student attending such institution on a full- or part-time basis is--

`(A) evaluated solely on the basis of their reasoned answers and knowledge of the subjects and disciplines they study and without regard to their political, ideological, or religious beliefs;

(B) assured that the selection of speakers and allocation of funds for speakers, programs, and other student activities will utilize methods that promote intellectual pluralism and include diverse viewpoints;

(C) presented diverse approaches and dissenting sources and viewpoints within the instructional setting; and

(D) not excluded from participation in, denied the benefits of, or subjected to discrimination or official sanction on the basis of their political or ideological beliefs under any education program, activity, or division of the institution directly or indirectly receiving financial assistance under this Act, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.'; and

(2) in subsection (b)(1), by inserting after 'higher education' the following: `, provided that the

imposition of such sanction is done objectively, fairly, and without regard to the student's political, ideological, or religious beliefs'.



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California Senate Bill No. 5

Introduced by Senator Morrow

December 6, 2004

An act to add Section 66015.8 to the Education Code, relating to public postsecondary education.

legislative counsel's digest

SB 5, as introduced, Morrow. Public postsecondary education standard: Student Bill of Rights.

Existing law establishes the various segments of the public higher education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges.

This bill would request the Regents of the University of California, and direct the Trustees of the California State University and the Board of Governors of the California Community Colleges, to develop guidelines and implement specified principles, relating to academic freedom, of a Student Bill of Rights.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 66015.8 is added to the Education Code, to read:

66015.8. (a) (1) The Legislature makes the following declarations and findings with respect to public institutions of higher education:

(A) The Legislature declares that the central purposes of the university are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large.

(B) The Legislature further declares that free inquiry and free speech within the academic community are indispensable to the achievement of these goals, the freedoms to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls, and these purposes reflect the values of pluralism, diversity, opportunity, critical intelligence, openness, and fairness that are the cornerstones of American

society.

(C) The Legislature finds that academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech, and that academic freedom protects the intellectual independence of professors, researchers, and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself.

(D) The Legislature further declares that intellectual independence means the protection of students from the imposition of any orthodoxy of a political, religious, or ideological nature. To achieve the intellectual independence of students, teachers should not take unfair advantage of a student's immaturity by indoctrinating him or her with the teacher's own opinions before a student has had an opportunity fairly to examine other opinions upon the matters in question, and before a student has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his or her own, and students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.

(b) To secure the intellectual independence of students, and to protect the principles of intellectual diversity, the Regents of the University of California are requested to, and the Trustees of the California State University and the Board of Governors of the California Community Colleges are hereby directed to, develop guidelines and implement the following principles of the Student Bill of Rights:

(1) Students shall be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.

(2) Curricula and reading lists in the humanities and social sciences shall respect the uncertainty and unsettled character of all human knowledge in these areas, and provide students with dissenting sources and viewpoints. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions.

(3) Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty shall not use their courses or their positions for the purpose of political, ideological, religious, or anti-religious indoctrination.

(4) The selection of speakers, allocation of funds for speakers' programs, and other student activities shall observe the principles of academic freedom and promote intellectual pluralism.

(5) An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, the destruction of campus literature, or any other effort to obstruct this exchange shall not be tolerated.

**Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 04-0751.02 Julie Pelegrin

HOUSE BILL 04-1315

HOUSE SPONSORSHIP

Mitchell, Cadman, Brophy, Miller, Rhodes, Sinclair, and Tochtrop

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STUDENTS' RIGHTS IN HIGHER EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Recognizes students' rights to academic freedom, rights to freedom from discrimination on the basis of political or religious beliefs, and rights to information concerning grievance procedures for protection of their academic freedoms. Directs the governing boards of the state institutions of higher education to adopt a grievance procedure for use in enforcing students' rights.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** 23-1-125 (1), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF THE FOLLOWING NEW
3 PARAGRAPHS to read:

4 **23-1-125. Commission directive - student bill of rights - degree**
5 **requirements - implementation of core courses - competency test -**
6 **academic freedoms. (1) Student bill of rights.** The general assembly
7 hereby finds that students enrolled in public institutions of higher
8 education shall have the following rights:

9 (h) STUDENTS HAVE A RIGHT TO EXPECT THAT THEIR ACADEMIC
10 FREEDOM WILL NOT BE INFRINGED BY INSTRUCTORS WHO CREATE A
11 HOSTILE ENVIRONMENT TOWARD THEIR POLITICAL OR RELIGIOUS BELIEFS
12 OR WHO **PERSISTENTLY** INTRODUCE CONTROVERSIAL MATTER INTO THE
13 CLASSROOM OR COURSE WORK THAT IS SUBSTANTIALLY UNRELATED TO
14 THE SUBJECT OF STUDY;

15 (i) STUDENTS HAVE A RIGHT TO EXPECT THAT THEY WILL BE
16 GRADED SOLELY ON THE BASIS OF THEIR REASONED ANSWERS AND
17 APPROPRIATE KNOWLEDGE OF THE SUBJECTS THEY STUDY AND THAT THEY
18 SHALL NOT BE DISCRIMINATED AGAINST ON THE BASIS OF THEIR POLITICAL
19 OR RELIGIOUS BELIEFS;

20 (j) STUDENTS HAVE A RIGHT TO EXPECT THAT THEIR ACADEMIC
21 INSTITUTIONS SHALL DISTRIBUTE STUDENT FEE FUNDS ON A
22 VIEWPOINT-NEUTRAL BASIS AND SHALL MAINTAIN A POSTURE OF
23 NEUTRALITY WITH RESPECT TO SUBSTANTIVE POLITICAL OR RELIGIOUS
24 DISAGREEMENTS, DIFFERENCES, AND OPINIONS;

25 (k) STUDENTS HAVE A RIGHT TO BE FULLY INFORMED OF THEIR
26 INSTITUTIONS' GRIEVANCE PROCEDURES FOR VIOLATIONS OF ACADEMIC
27 FREEDOM BY MEANS OF NOTICES PROMINENTLY DISPLAYED IN COURSE

1 CATALOGS OR STUDENT HANDBOOKS AND ON THE INSTITUTIONAL WEB
2 SITE;

3 (1) STUDENTS HAVE A RIGHT TO ENGAGE IN THE FULL AND
4 VIGOROUS EXPRESSION AND DEBATE OF OPINIONS AND IN THE OPEN AND
5 CHALLENGING EXCHANGE OF IDEAS AMONG AND BETWEEN STUDENTS AND
6 FACULTY.

7 **SECTION 2.** 23-1-125, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **23-1-125. Commission directive - student bill of rights - degree**
10 **requirements - implementation of core courses - competency test -**
11 **academic freedoms. (5) Definitions.** FOR PURPOSES OF THIS SECTION,
12 "HOSTILE ENVIRONMENT" MEANS AN ENVIRONMENT CREATED BY A LEVEL
13 OF HARASSMENT THAT IS SUFFICIENTLY SERIOUS, SEVERE, PERSISTENT, OR
14 PERVASIVE AS TO LIMIT OR DENY A STUDENT'S ABILITY TO PARTICIPATE IN
15 OR BENEFIT FROM AN EDUCATIONAL PROGRAM. TO ENGAGE IN A LEVEL OF
16 HARASSMENT THAT IS SUFFICIENT TO CREATE A HOSTILE ENVIRONMENT, A
17 PERSON MUST TAKE ACTIONS OTHER THAN THE EXPRESSION OF VIEWS,
18 WORDS, SYMBOLS, OR THOUGHTS THAT ANOTHER PERSON FINDS
19 OFFENSIVE.

20 **SECTION 3.** Article 5 of title 23, Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW SECTION to read:

22 **23-5-128. Governing boards - protection of student rights.**
23 EACH GOVERNING BOARD SHALL ADOPT A GRIEVANCE PROCEDURE BY
24 WHICH A STUDENT MAY SEEK A REDRESS OF GRIEVANCE FOR AN ALLEGED
25 VIOLATION OF ANY OF THE RIGHTS SPECIFIED IN SECTION 23-1-125 (1) (h)
26 to (1) (l). EACH GOVERNING BOARD SHALL PUBLICIZE THE GRIEVANCE
27 PROCEDURE TO THE STUDENTS ON EACH CAMPUS OF THE INSTITUTIONS

1 THAT ARE UNDER THE CONTROL AND DIRECTION OF THE GOVERNING
2 BOARD.

3 **SECTION 4. Effective date.** This act shall take effect at 12:01
4 a.m. on the day following the expiration of the ninety-day period after
5 final adjournment of the general assembly that is allowed for submitting
6 a referendum petition pursuant to article V, section 1 (3) of the state
7 constitution (August 4, 2004, if adjournment sine die is on May 5, 2004);
8 except that, if a referendum petition is filed against this act or an item,
9 section, or part of this act within such period, then the act, item, section,
10 or part, if approved by the people, shall take effect on the date of the
11 official declaration of the vote thereon by proclamation of the governor.



SENATE JOINT RESOLUTION 04-033

BY SENATOR(S) Andrews, Arnold, Chlouber, Dyer, Evans, Hagedorn, Hillman, Johnson S., Jones, Kester, and Teck;
also REPRESENTATIVE(S) Spradley, Briggs, Brophy, Cadman, Cloer, Crane, Decker, Fairbank, Garcia, Hall, Harvey, Hefley, Hoppe, Jahn, Johnson R., King, Lee, Lundberg, May M., McCluskey, Merrifield, Miller, Mitchell, Paccione, Rhodes, Rippey, Rose, Schultheis, Sinclair, Smith, Spence, Stafford, Stengel, Welker, White, Wiens, Williams S., Williams T., and Witwer.

CONCERNING ACADEMIC FREEDOM IN HIGHER EDUCATION.

WHEREAS, Higher education in Colorado is a prized institution that fosters learning, culture, and economic vitality; and

WHEREAS, Colorado's public institutions of higher education have often expressed their commitment to valuing and respecting diversity, including diverse intellectual and political viewpoints, and this commitment must remain strong; and

WHEREAS, Respecting intellectual and political diversity means that a student should never be penalized because of the political opinions he or she holds that differ from a professor's and that all students should be made to feel comfortable in exercising their right to listen critically and to challenge a professor's opinions; and

WHEREAS, Academic freedom of faculty and academic freedom of students are essential and complementary elements of successful education, so that policies that protect students' rights need not and must not cast doubt on professors' rights or vice versa; and

WHEREAS, Although the state of Colorado has a legitimate oversight role in state-sponsored higher education, the individual institutions and their governing bodies are in the best position to implement policies to safeguard

the academic freedom of students and faculty; and

WHEREAS, A memorandum of understanding addressing the foregoing points was signed at the State Capitol on March 18, 2004, by University of Colorado President Betsy Hoffman, Colorado State University President Larry Penley, Metropolitan State College of Denver Interim President Ray Kieft, and University of Northern Colorado President Kay Norton; now, therefore,

Be It Resolved by the Senate of the Sixty-fourth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That we, the members of the Sixty-fourth General Assembly, commend the signatory institutions for the memorandum of understanding to protect academic freedom, and encourage all other public institutions of higher education in Colorado to join in signing the memorandum of understanding.

(2) That each state-supported institution of higher education is encouraged to review its student rights and campus grievance procedures to ensure that intellectual and political diversity is explicitly recognized and protected and to ensure those rights are adequately publicized to students. Each institution is further encouraged to work with student leadership to ensure that the use of student activity fees meets the standards articulated by the United States Supreme Court for an open forum that is fair to all viewpoints.

(3) That leaders in higher education are encouraged to meet periodically in joint session with the Education Committees of the House of Representatives and the Senate during the next twelve months to discuss the ongoing effort to ensure that the campus environment across Colorado is open and inviting to students of all political viewpoints.

Be It Further Resolved, That a copy of this Joint Resolution be sent to Rick O'Donnell, the executive director of the Colorado commission on higher education with the request that copies of this Joint Resolution be forwarded to each member of the Colorado commission on higher education; the chairman of each higher education governing board in the state; and the president and the faculty council chairman of each state-supported institution of higher education in the state.

John Andrews
PRESIDENT OF
THE SENATE

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Memorandum of Understanding

As lawmakers and educational leaders in Colorado, we agree to the following:

Higher education in Colorado is a prized institution that fosters learning, culture and economic vitality.

Colorado's institutions of higher education are committed to valuing and respecting diversity, including respect for diverse political viewpoints.

No student should be penalized because of political opinions that differ from a professor's. Every student should be comfortable in the right to listen critically, and challenge a professor's opinions.

Policies that protect students' rights should not cast doubt on professors' academic freedom. Academic freedom of faculty and academic freedom of students are essential and complementary elements of successful education.

While the State of Colorado has a legitimate oversight role in state-sponsored higher education, the individual institutions and their governing bodies are in the best position to implement policies to respect the rights of students and faculty.

Each institution will review its students rights and campus grievance procedures to ensure that political diversity is explicitly recognized and protected.

Each institution will ensure those rights are adequately publicized to students.

Each institution will work with student leadership to ensure that the use of student activity fees meets standards articulated by the U.S. Supreme Court for an open forum that is fair to all viewpoints.

We will have future discussions to share ideas and perspectives on a range of issues to ensure the campus environment is open and inviting to students of all political viewpoints.

Endorsed by:

University of Colorado President Elizabeth Hoffman

Colorado State University President Larry Penley

Metropolitan State College of Denver Interim President Raymond Kieft

University of Northern Colorado President Kay Norton

State Representative Shawn Mitchell, House District 33

HB 837 Student and Faculty Academic Freedom in Postsecondary Education

GENERAL BILL by Baxley

Student and Faculty Academic Freedom in Postsecondary Education: Provides a postsecondary student and faculty academic bill of rights; specifies student, faculty, and instructor rights; requires the dissemination of copies of the act to state universities and community colleges.

Effective Date: July 1, 2005.

Last Action: Favorable by Choice & Innovation Committee on Tuesday, March 22, 2005 3:30 PM

HB 837

A bill to be entitled

An act relating to student and faculty academic freedom in postsecondary education; amending s. 1002.21, F.S.; providing student rights to academic freedom; creating s. 1004.09, F.S.; providing a postsecondary student and faculty academic bill of rights; specifying student, faculty, and instructor rights; requiring the dissemination of copies of the act to state universities and community colleges; providing an effective date.

WHEREAS, the principles enumerated in this act fully apply only to public postsecondary institutions, and nothing in this act shall be construed as interfering with the right of a private postsecondary institution to restrict academic freedom on the basis of creed or belief, and WHEREAS, the central purposes of a postsecondary institution are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to society at large, and

WHEREAS, free inquiry and free speech within the academic community are indispensable to the achievement of these central purposes which reflect the values of pluralism, diversity, opportunity, critical intelligence, openness, and fairness that are the cornerstones of American society, and

WHEREAS, the freedoms to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls, and

WHEREAS, academic freedom is indispensable to American postsecondary education and, from its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is the pursuit of truth and that there is no humanly accessible truth that is not in principle open to challenge, and

WHEREAS, academic freedom is most likely to thrive in an environment that protects and fosters

independence of thought and speech and, in the words of the general report, it is vital to protect as "the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results," and

WHEREAS, because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well, and

WHEREAS, in *Keyishian v. Board of Regents of the University of the State of New York*, a historic 1967 decision, the Supreme Court of the United States overturned a New York State loyalty provision for teachers with the words, "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned," and

WHEREAS, in *Sweezy v. New Hampshire* (1957), the Supreme Court of the United States observed that the "essentiality of freedom in the community of American universities [was] almost self-evident," and

WHEREAS, academic freedom consists of protecting the intellectual independence of professors, researchers, and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself, meaning that no political or ideological orthodoxy should be imposed on professors and researchers through the hiring, tenure, or termination process or through any other administrative means by the academic institution nor should legislators impose any such orthodoxy through the control of postsecondary institution budgets, and

WHEREAS, from the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students as well as faculty from the imposition of any orthodoxy of a political or ideological nature, and

WHEREAS, the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own," and

WHEREAS, in 1967, the American Association of University Professors' Joint Statement on Rights and Freedoms of Students reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn" and, in the words of the joint statement, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion," and

WHEREAS, the academic criteria of the scholarly profession should include reasonable scholarly options within the areas of discipline, and

WHEREAS, the value of the life of the mind was articulated by Thomas Jefferson when he stated, "We are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it," and

WHEREAS, the education of the next generation of leaders should contain rigorous and balanced exposure to significant theories and thoughtful viewpoints, and students should be given the knowledge and background that empowers them to think for themselves, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) is added to section 1002.21, Florida Statutes, to read:
1002.21 Postsecondary student and parent rights.--

(7) STUDENT ACADEMIC FREEDOM.--As detailed in s. 1004.09, students have rights to a learning environment in which they have access to a broad range of serious scholarly opinion, to be graded without discrimination on the basis of their political or religious beliefs, and to a viewpoint-neutral distribution of student fee funds.

Section 2. Section 1004.09, Florida Statutes, is created to read:
1004.09 Postsecondary student and faculty academic bill of rights.--

(1) Students have a right to expect a learning environment in which they will have access to a broad range of serious scholarly opinion pertaining to the subjects they study. In the humanities, the social sciences, and the arts, the fostering of a plurality of serious scholarly methodologies and perspectives should be a significant institutional purpose.

(2) Students have a right to expect that they will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects they study and that they will not be discriminated against on the basis of their political or religious beliefs.

(3) Students have a right to expect that their academic freedom and the quality of their education will not be infringed upon by instructors who persistently introduce controversial matter into the classroom or coursework that has no relation to the subject of study and serves no legitimate pedagogical purpose.

(4) Students have a right to expect that freedom of speech, freedom of expression, freedom of assembly, and freedom of conscience of students and student organizations will not be infringed upon by postsecondary administrators, student government organizations, or institutional policies, rules, or procedures.

(5) Students have a right to expect that their academic institutions will distribute student fee funds on a viewpoint- neutral basis and will maintain a posture of neutrality with respect to substantive political and religious disagreements, differences, and opinions.

(6) Faculty and instructors have a right to academic freedom in the classroom in discussing their subjects,

but they should make their students aware of serious scholarly viewpoints other than their own and should encourage intellectual honesty, civil debate, and critical analysis of ideas in the pursuit of knowledge and truth.

(7) Faculty and instructors have a right to expect that they will be hired, fired, promoted, and granted tenure on the basis of their competence and appropriate knowledge in their fields of expertise and will not be hired, fired, denied promotion, or denied tenure on the basis of their political or religious beliefs.

(8) Faculty and instructors have a right to expect that they will not be excluded from tenure, search, or hiring committees on the basis of their political or religious beliefs.

(9) Students, faculty, and instructors have a right to be fully informed of their rights and their institution's grievance procedures for violations of academic freedom by means of notices prominently displayed in course catalogs and student handbooks and on the institutional website.

Section 3. The Chancellor of Colleges and Universities shall provide a copy of the provisions of this act to the president of each state university. The Chancellor of Community Colleges and Workforce Education shall provide a copy of the provisions of this act to the president of each community college.

Section 4. This act shall take effect July 1, 2005.

04 LC 33 0427S (SCS)

Georgia Senate Resolution 661

By: Senators Johnson of the 1st, Hamrick of the 30th, Smith of the 52nd and Balfour of the 9th

GEORGIA SENATE

A RESOLUTION

Recommending the observance of the Academic Bill of Rights at public universities in Georgia; and for other purposes.

WHEREAS, the principles enumerated in this resolution fully apply only to public universities that present themselves as bound by the canons of academic freedom contained within. Nothing in this resolution shall be construed as interfering with the right of a private institution to restrict academic freedom on the basis of creed or belief; and

WHEREAS, the central purposes of a university are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large; and

WHEREAS, free inquiry and free speech within the academic community are indispensable to the achievement of these goals, the freedoms to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls, and these purposes reflect the values – pluralism, diversity, opportunity, critical intelligence, openness, and fairness – that are the cornerstones of American society; and

WHEREAS, academic freedom is indispensable to the American university. From its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is the pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge; and

WHEREAS, academic freedom is most likely to thrive in an environment that protects and fosters independence of thought and speech. In the words of the General Report, it is vital to protect "as the first condition of progress [a] complete and unlimited freedom to pursue inquiry and publish its results"; and

WHEREAS, because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision, the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: "Our Nation is deeply

committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." (Keyishian v. Board of Regents of the Univ. of the State of New York). In *Sweezy v. New Hampshire*, (1957), the Court observed that the "essentiality of freedom in the community of American universities [was] almost self-evident"; and

WHEREAS, academic freedom consists in protecting the intellectual independence of professors, researchers, and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself, meaning that no political or ideological orthodoxy should be imposed on professors and researchers through the hiring, tenure, or termination process, nor through any other administrative means by the academic institution, nor should the legislature impose any such orthodoxy through the control of the university budget; and

WHEREAS, from the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students as well as faculty from the imposition of any orthodoxy of a political or ideological nature. The 1910 General Report admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own." In 1967, the American Association of University Professors' Joint Statement on Rights and Freedoms of Students reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn." In the words of the report, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion;" and

WHEREAS, the academic criteria of the scholarly profession should include reasonable scholarly options within the areas of discipline; and

WHEREAS, the value of the life of the mind was articulated by Thomas Jefferson when he stated, "We are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it;" and

WHEREAS, the education of the next generation of leaders should contain rigorous and balanced exposure to significant theories and thoughtful viewpoints, and students should be given the knowledge and background that empowers them to think for themselves.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that to secure the intellectual independence of faculty and students and to protect the principles of academic freedom, this body strongly recommends that the following principles and procedures be observed at all public colleges and universities within the State of Georgia:

1. All faculty members shall be hired, fired, promoted, or granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise. No faculty member shall be hired, fired, or

denied promotion or tenure solely on the basis of his or her political or ideological beliefs;

2. No faculty member shall be excluded from a tenure search or hiring committee on the basis of his or her political or ideological beliefs;

3. Students shall not be graded on the basis of their political or ideological beliefs. Each college and university should have well known and publicly accessible policies and procedures available to students who believe they have been penalized for their social, political, or ideological beliefs;

4. While teachers are and should be free to pursue their own findings and perspectives in presenting their viewpoints, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome exploration of unsettled questions;

5. Faculty members should not use their courses for the purpose of political or ideological indoctrination;

6. An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature, or other efforts to obstruct this exchange shall not be tolerated; and

7. Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretations.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the Board of Regents of the University System of Georgia and to the president of every college and university in this state.

http://www.legis.state.ga.us/legis/2003_04/sum/sr661.htm

Adopted March 22, 2004, 1:50 p.m. – 41 Yeas, 5 Nays, 8 NV, 2 Excused

Indiana House Bill 1531:

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-12-76.

Synopsis: Academic bill of rights at state universities. Requires the board of trustees at public colleges and universities to develop guidelines and implement an academic bill of rights.

Effective: July 1, 2005.

Messer

January 18, 2005, read first time and referred to Committee on Education.

Introduced

First Regular Session 114th General Assembly (2005)

HOUSE BILL No. 1531

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana

SOURCE: IC 20-12-76; (05)IN1531.1.1. --> SECTION 1. IC 20-12-76 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 76. Academic Bill of Rights

Sec. 1. The board of trustees of each state educational institution (as defined in IC 20-12-0.5-1) shall develop academic guidelines based on the principles identified in section 2 of this chapter.

Sec. 2. The guidelines required by section 1 of this chapter must be based on the following principles:

(1) Students should be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study and not on the basis of their political or religious beliefs.

(2) Curricula and reading lists in the humanities and social sciences should respect the uncertainty and unsettled character of all human knowledge in these areas and provide students with dissenting sources

and viewpoints. While faculty members are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions.

(3) Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty shall not use their courses or their positions for the purpose of political, ideological, religious, or anti-religious indoctrination.

(4) The selection of speakers, allocation of funds for speakers programs, and other student activities must observe the principles of academic freedom and promote intellectual pluralism.

(5) An environment conducive to the civil exchange of ideas is an essential component of a free university, and the obstruction of invited campus speakers, the destruction of campus literature, or any other effort to obstruct this exchange shall not be tolerated.

(6) All faculty shall be hired, fired, promoted, and considered for tenure on the basis of their competence and appropriate knowledge in the field of their expertise, and, in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives. A faculty member shall not be hired, fired, or denied promotion or tenure solely on the basis of the faculty member's political or religious beliefs.

(7) No faculty member shall be excluded from tenure, search and hiring committees on the basis of the faculty member's political or religious beliefs.

(8) Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation. To perform these functions adequately, academic institutions and professional societies shall maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within or outside their fields of inquiry.



Maine LD 1194

Sponsored by Rep.Steven Bowen (R-Rockport),

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §10009 is enacted to read:

§10009. Academic bill of rights

1. Rights for students. A student enrolled in a postsecondary institution under this Part has the right to expect:

A. A learning environment in which the student has access to a broad range of serious scholarly opinion pertaining to the subjects the student studies and in which, in the humanities, the social sciences and the arts, the fostering of a plurality of serious scholarly methodologies and perspectives has a significant institutional purpose;

B. To be graded solely on the basis of the student's reasoned answers and appropriate knowledge of the subjects the student studies and to not be discriminated against on the basis of the student's political or religious beliefs;

C. That the student's academic freedom and the quality of education will not be infringed upon by instructors who persistently introduce controversial matter into the classroom or coursework that has no relation to the subject of study and that serves no legitimate pedagogical purpose;

D. That the freedom of speech, freedom of expression, freedom of assembly and freedom of conscience of students and student organizations are not infringed upon by administrators, student government organizations or institutional policies, rules or procedures; and

E. That the student's academic institution distributes student fee funds on a viewpoint-neutral basis and maintains a posture of neutrality with respect to substantive political and religious disagreements, differences and opinions.

2. Rights for faculty and instructors. A faculty member or instructor of a postsecondary institution under this Part has the right to expect:

A. Academic freedom in the classroom in discussing subjects while making the students aware of serious scholarly viewpoints other than that of the faculty member or instructor and encouraging intellectual

honesty, civil debate and the critical analysis of ideas in the pursuit of knowledge and truth;

B. To be hired, fired, promoted, denied promotion, granted tenure or denied tenure on the basis of competence and appropriate knowledge in the field of expertise of the faculty member or instructor and not on the basis of political or religious beliefs; and

C. To not be excluded from tenure, search and hiring committees on the basis of political or religious beliefs.

3. Publishing of rights. A postsecondary institution under this Part shall fully inform students, faculty and instructors of the rights under this section and of the institution's grievance procedures for violations of academic freedom by notices prominently displayed in course catalogs or student handbooks and on the institutional publicly accessible site on the Internet.

4. Protection of academic freedom and rights of faculty and students. The governing board of each postsecondary institution under this Part shall develop institutional guidelines and policies to protect the academic freedom and the rights of students and faculty under this section and shall adopt a grievance procedure by which a student or faculty member may seek redress of grievance for an alleged violation of a right specified in this section. A governing board under this subsection shall publicize the grievance procedure developed pursuant to this subsection to the students and faculty on every campus that is under the control and direction of the governing board.

Sec. 2. Hiring policies of postsecondary institutions.

A public postsecondary institution under the Maine Revised Statutes, Title 20-A, Part 5 shall include in the institution's hiring policies that the institution endeavors to ensure a diversity of political and philosophical viewpoints in faculty members and instructors and that the institution may not discriminate in its hiring policies against applicants for a faculty position or instructorship for reasons of political or philosophical viewpoints.

SUMMARY

This bill creates an academic bill of rights that ensures an academic environment for both students and faculty members that allows freedom of political viewpoint, expression and instruction. This bill requires all public postsecondary institutions in the State to publish this bill of rights and to adopt a grievance procedure to address complaints of violations of these rights. This bill also requires public postsecondary institutions in the State to include in their hiring policies

that the institutions endeavor to ensure a diversity of political and philosophical viewpoints in faculty members and instructors and that the institutions may not discriminate in their hiring policies against applicants for a faculty position or instructorship for reasons of political or philosophical viewpoints.



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Massachusetts Legislative Bill 1234

CHIEF SPONSOR:

Representative Perry of Sandwich

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled.

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying resolve.

PETITIONERS: LEGISLATOR/CITIZEN
DISTRICT/FULL MAILING ADDRESS

Jeffrey Davis Perry
5th Barnstable

James B. Eldridge
37th Middlesex

New Bill OF YEAR: 2005

The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

RESOLVE PROVIDING FOR THE Academic Bill of Rights.

Resolved,

The General Court hereby finds the following:

(1) The principles enumerated in this section fully apply only to public universities that present themselves as bound by the canons of academic freedom contained within. Nothing in this section shall be construed as interfering with the right of a private institution to restrict academic freedom on the basis of creed or belief; and

(2) the central purposes of a university are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the

teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large; and

(3) free inquiry and free speech within the academic community are indispensable to the achievement of these goals, the freedoms to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls, and these purposes reflect the values – pluralism, diversity, opportunity, critical intelligence, openness, and fairness – that are the cornerstones of American society; and

(4) academic freedom is indispensable to the American university. From its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is the pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge; and

(5) academic freedom is most likely to thrive in an environment that protects and fosters independence of thought and speech. In the words of the General Report, it is vital to protect "as the first condition of progress [a] complete and unlimited freedom to pursue inquiry and publish its results"; and

(6) because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision, the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." (*Keyishian v. Board of Regents of the Univ. of the State of New York*). In *Sweezy v. New Hampshire*, (1957), the Court observed that the "essentiality of freedom in the community of American universities [was] almost self-evident"; and

(7) academic freedom consists in protecting the intellectual independence of professors, researchers, and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself, meaning that no political or ideological orthodoxy should be imposed on professors and researchers through the hiring, tenure, or termination process, nor through any other administrative means by the academic institution, nor should the legislature impose any such orthodoxy through the control of the university budget; and

(8) from the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students as well as faculty from the imposition of any orthodoxy of a political or ideological nature. The 1910 General Report admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own." In 1967, the American Association of University Professors' Joint Statement on Rights and Freedoms of Students reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn." In the words of the report, "Students should be free to take reasoned exception to the

data or views offered in any course of study and to reserve judgment about matters of opinion;" and

(9) the academic criteria of the scholarly profession should include reasonable scholarly options within the areas of discipline; and

(10) the value of the life of the mind was articulated by Thomas Jefferson when he stated, "We are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it;" and

(11) the education of the next generation of leaders should contain rigorous and balanced exposure to significant theories and thoughtful viewpoints, and students should be given the knowledge and background that empowers them to think for themselves.

(b) The board of higher education shall, in cooperation with institutions of public higher education, establish an academic bill of rights. Such bill of rights shall secure the intellectual independence of faculty and students and protect the principles of academic freedom by requiring that the following principles and procedures be observed at all public colleges and universities within the commonwealth:

1). All faculty members shall be hired, fired, promoted, or granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise. No faculty member shall be hired, fired, or denied promotion or tenure solely on the basis of his or her political or ideological beliefs;

2). No faculty member shall be excluded from a tenure search or hiring committee on the basis of his or her political or ideological beliefs;

3). Students shall not be graded on the basis of their political or ideological beliefs. Each college and university should have well known and publicly accessible policies and procedures available to students who believe they have been penalized for their social, political, or ideological beliefs;

4). While teachers are and should be free to pursue their own findings and perspectives in presenting their viewpoints, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome exploration of unsettled questions;

5). Faculty members should not use their courses for the purpose of political or ideological indoctrination;

6). An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature, or other efforts to obstruct this exchange shall not be tolerated; and

7). Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions formed to advance knowledge within an area of research, maintain the integrity of the research process, and

organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation”.



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Minnesota Senate Bill 1988

S.F. No. 1988, as introduced 84th Legislative Session (2005-2006) Posted on Mar 29, 2005

A bill for an act relating to higher education; enacting the Free Speech for Faculty and Students Bill of Rights; proposing coding for new law in Minnesota Statutes, chapter 135A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: Section 1.
[135A.145] [FREE SPEECH FOR FACULTY AND STUDENTS BILL OF RIGHTS.]

Subdivision 1. [CITATION.] This section shall be referred to as the Free Speech for Faculty and Students Bill of Rights.

Subd. 2. [DEFINITION.] For the purposes of this section, "faculty" means a person who is a member of the faculty of the institution or is an instructor at the institution.

Subd. 3. [POLICY REQUIRED.] The Board of Trustees of the Minnesota State Colleges and Universities shall, and the University of Minnesota is requested to, adopt a policy recognizing the following rights:

- (a) The institution shall provide students with a learning environment in which the students have access to a broad range of serious scholarly opinion pertaining to the subjects of study. The fostering of a plurality of serious scholarly methodologies and perspectives shall be a significant institutional purpose. In addition, curricula and reading lists shall make students aware of the existence of dissenting scholarly sources and viewpoints.
- (b) Students shall be graded solely on the basis of reasoned answers and appropriate knowledge of the subjects and disciplines studied and shall not be discriminated against on the basis of political, ideological, or religious beliefs.
- (c) University and college administrators, student government organizations, and institutional policies, rules, or procedures shall not infringe the freedom of speech, freedom of expression, freedom of assembly, or freedom of conscience of students and student organizations.
- (d) The institution shall distribute student fee funds on a fair and equitable basis and shall maintain a posture of neutrality with respect to substantive political and religious disagreements, differences, and opinions. The selection of speakers, allocation of funds for speakers' programs, and other student activities shall observe the principles of academic freedom and promote the presentation of a diversity of opinions on intellectual matters. Except as provided by law, the institution shall not permit the obstruction of invited campus speakers or the destruction of student newspapers or campus literature promoting campus events.

- (e) Faculty are free to pursue and discuss their findings and perspectives in presenting views, but shall make students aware of the existence of serious scholarly viewpoints other than their own through classroom discussion or dissemination of written materials, and shall encourage civil debate and the critical analysis of ideas in the pursuit of knowledge and truth.
- (f) Faculty shall be hired, fired, promoted, or granted tenure on the basis of competence and appropriate knowledge in their field of expertise.
- (g) Faculty shall not be hired, fired, promoted, granted tenure, or denied promotion or tenure on the basis of political, ideological, or religious beliefs.
- (h) Faculty shall not be excluded from tenure, search, and hiring committees on the basis of political, ideological, or religious beliefs.
- (i) The institution and its professional societies shall maintain a posture of organizational neutrality with respect to methods, facts, and theories which have been validated by research.

Subd. 4. [GRIEVANCE PROCEDURE.] The board of trustees of each state institution of higher education shall, and the Board of Regents of the University of Minnesota is requested to, adopt a grievance procedure by which a student or faculty member may seek redress for an alleged violation of any of the rights specified by the institution's policy adopted under subdivision 3.

Subd. 5. [NOTICE OF RIGHTS.] Each board of trustees or other governing authority shall, and the Board of Regents of the University of Minnesota is requested to, provide students and faculty with notice of the rights and the grievance procedure adopted under subdivisions 3 and 4 by publication in the institution's course catalog, student handbook, and Web site.



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North Carolina Senate Bill 1139

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 1

SENATE BILL 1139

Short Title: Academic Bill of Rights.
(Public)

Sponsors:
Senators Brock; Pittenger and Webster.

Referred to:
Education/Higher Education.

March 24, 2005

A BILL TO BE ENTITLED

AN ACT to require each constituent institution of the university of north carolina to adopt an "Academic bill of rights".

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 116 of the General Statutes is amended by adding a new Part to read:

"Part 8. Academic Bill of Rights.

"§ 116-44.9. Academic bill of rights.

Each constituent institution of The University of North Carolina shall adopt a policy recognizing that the students, faculty, and instructors of the institution have the following rights:

(1) The constituent institution shall provide its students with a learning environment in which the students have access to a broad range of serious scholarly opinions pertaining to the subjects they study.

In the humanities, the social sciences, and the arts, the fostering of a plurality of serious scholarly methodologies and perspectives shall be a significant institutional purpose. In addition, curricula and reading lists in the humanities and social studies shall respect all human knowledge in these areas and provide students with dissenting sources and viewpoints.

(2) Students shall be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study and shall not be discriminated against on the basis of their political, ideological, or religious beliefs. Faculty and instructors shall not use their courses or their positions for the purpose of political, ideological, religious, or antireligious indoctrination.

(3) Faculty and instructors shall not infringe upon the academic freedom and quality of education of their students by persistently introducing controversial matter into the classroom or coursework that has no relation to their subject of study and that serves no legitimate pedagogical purpose.

(4) University administrators, student government organizations, and institutional policies, rules, or procedures shall not infringe upon the freedom of speech, freedom of expression, freedom of assembly, and freedom of conscience of students and student organizations.

(5) The constituent institution shall distribute student fee funds on a viewpoint-neutral basis and shall maintain a posture of neutrality with respect to substantive political and religious disagreements, differences, and opinions. The selection of speakers, allocation of funds for speakers' programs, and other student activities shall observe the principles of academic freedom and promote the presentation of a diversity of opinions on intellectual matters. Except as provided by law, the institution shall not permit the obstruction of invited campus speakers, the destruction of campus literature, or other efforts to obstruct a civil exchange of ideas.

(6) Faculty and instructors shall be free to pursue and discuss their own findings and perspectives in presenting their views, but they shall make their students aware of serious scholarly viewpoints other than their own through classroom discussion or dissemination of written materials, and they shall encourage intellectual honesty, civil debate, and the critical analysis of ideas in the pursuit of knowledge and truth.

(7) Faculty and instructors shall be hired, fired, promoted, and granted tenure on the basis of their competence and appropriate knowledge in their field of expertise and shall not be hired, fired, promoted, granted tenure, or denied promotion or tenure on the basis of their political, ideological, or religious beliefs.

(8) Faculty and instructors shall not be excluded from tenure, search, and hiring committees on the basis of their political, ideological, or religious beliefs.

(9) The institution and its professional societies shall maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within or outside their fields

of inquiry, recognizing that:

- a. Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research;
- b. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretations."

SECTION 2. This act is effective when it becomes law.



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Ohio Senate Bill 24:

As Introduced

126th General Assembly

Regular Session

2005-2006

S. B. No. 24

Senators Mumper, Jordan, Cates, Wachtmann

A BILL

To enact sections 3345.80 and 3345.81 of the Revised Code to establish the academic bill of rights for higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3345.80 and 3345.81 of the Revised Code be enacted to read as follows:

Sec. 3345.80. The board of trustees of each state institution of higher education, as defined in section 3345.011 of the Revised Code, and the board of trustees or other governing authority of each private institution of higher education that holds a certificate of authorization issued under section 1713.02 of the Revised Code shall adopt a policy recognizing that the students, faculty, and instructors of the institution have the following rights:

(A) The institution shall provide its students with a learning environment in which the students have access to a broad range of serious scholarly opinion pertaining to the subjects they study. In the humanities, the social sciences, and the arts, the fostering of a plurality of serious scholarly methodologies and perspectives shall be a significant institutional purpose. In addition, curricula and reading lists in the humanities and social studies shall respect all human knowledge in these areas and provide students with dissenting sources and viewpoints.

(B) Students shall be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study and shall not be discriminated against on the basis of their political, ideological, or religious beliefs. Faculty and instructors shall not use their courses or their positions for the purpose of political, ideological, religious, or antireligious indoctrination.

(C) Faculty and instructors shall not infringe the academic freedom and quality of education of their students by persistently introducing controversial matter into the classroom or coursework that has no relation to their subject of study and that serves no legitimate pedagogical purpose.

(D) University administrators, student government organizations, and institutional policies, rules, or

procedures shall not infringe the freedom of speech, freedom of expression, freedom of assembly, and freedom of conscience of students and student organizations.

(E) The institution shall distribute student fee funds on a viewpoint-neutral basis and shall maintain a posture of neutrality with respect to substantive political and religious disagreements, differences, and opinions. The selection of speakers, allocation of funds for speakers' programs, and other student activities shall observe the principles of academic freedom and promote the presentation of a diversity of opinions on intellectual matters. Except as provided by law, the institution shall not permit the obstruction of invited campus speakers, the destruction of campus literature, or other efforts to obstruct a civil exchange of ideas.

(F) Faculty and instructors shall be free to pursue and discuss their own findings and perspectives in presenting their views, but they shall make their students aware of serious scholarly viewpoints other than their own through classroom discussion or dissemination of written materials, and they shall encourage intellectual honesty, civil debate, and the critical analysis of ideas in the pursuit of knowledge and truth.

(G) Faculty and instructors shall be hired, fired, promoted, and granted tenure on the basis of their competence and appropriate knowledge in their field of expertise and shall not be hired, fired, promoted, granted tenure, or denied promotion or tenure on the basis of their political, ideological, or religious beliefs.

(H) Faculty and instructors shall not be excluded from tenure, search, and hiring committees on the basis of their political, ideological, or religious beliefs.

(I) The institution and its professional societies shall maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry recognizing that:

(1) Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research;

(2) Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretations.

Sec. 3345.81. The board of trustees of each state institution of higher education, as defined in section 3345.011 of the Revised Code, and the board of trustees or other governing authority of each private institution of higher education that holds a certificate of authorization issued under section 1713.02 of the Revised Code, shall adopt a grievance procedure by which a student, faculty member, or instructor may seek redress for an alleged violation of any of the rights specified by the institution's policy adopted under section 3345.80 of the Revised Code. Each board of trustees or other governing authority shall provide students, faculty, and instructors with notice of the rights and grievance procedure by publication

in the institution's course catalog, student handbook, and web site.



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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 177 Session of 2005

INTRODUCED BY ARMSTRONG, BARRAR, BENNINGHOFF, BIRMELIN, BOYD, CALTAGIRONE, CLYMER, CRAHALLA, CREIGHTON, FAIRCHILD, FICHTER, FORCIER, GABIG, GILLESPIE, GINGRICH, HERSHEY, JAMES, W. KELLER, KILLION, LEH, METCALFE, R. MILLER, MUSTIO, PHILLIPS, READSHAW, ROBERTS, ROHRER, SCHRODER, STERN, R. STEVENSON, E. Z. TAYLOR, TRUE, WILT, YOUNGBLOOD, DENLINGER, CIVERA, RAPP, FLEAGLE, FLICK, BASTIAN, BROWNE, HARPER AND PAYNE, MARCH 29, 2005

AS AMENDED, HOUSE OF REPRESENTATIVES, JULY 5, 2005

A RESOLUTION

1 Establishing a select committee to examine the academic
2 atmosphere and the degree to which faculty have the
3 opportunity to instruct and students have the opportunity to
4 learn in an environment conducive to the pursuit of knowledge
5 and truth at State-related and State-owned colleges and
6 universities and community colleges in this Commonwealth.

7 WHEREAS, Academic freedom and intellectual diversity are
8 values indispensable to the American colleges and universities;
9 and

10 WHEREAS, From its first formulation in the General Report of
11 the Committee on Academic Freedom and Tenure of the American
12 Association of University Professors, the concept of academic
13 freedom has been premised on the idea that human knowledge is a
14 never-ending pursuit of the truth, that there is no humanly
15 accessible truth that is not, in principle, open to challenge,
16 and that no party or intellectual faction has a monopoly on
17 wisdom; and

1 WHEREAS, Academic freedom is likely to thrive in an
2 environment of intellectual diversity that protects and fosters
3 independence of thought and speech; and

4 WHEREAS, Students and faculty should be protected from the
 5 imposition of ideological orthodoxy, and faculty members have
 6 the responsibility to not take advantage of their authority
 7 position to introduce inappropriate or irrelevant subject matter
 8 outside their field of study; therefore be it
 9 RESOLVED, That a select committee composed of the
 10 Subcommittee on Higher Education of the Education Committee,
 11 plus one member appointed by the Speaker of the House of
 12 Representatives and one member appointed by the Minority Leader
 13 of the House of Representatives, examine, study and inform the
 14 House of Representatives on matters relating to the academic
 15 atmosphere and the degree to which faculty have the opportunity
 16 to instruct and students have the opportunity to learn in an
 17 environment conducive to the pursuit of knowledge and truth and
 18 the expression of independent thought at State-related and
 19 State-owned colleges, universities and community colleges,
 20 including, but not limited to, whether:
 21 (1) faculty are hired, fired, promoted and granted
 22 tenure based on their professional competence and subject
 23 matter knowledge and with a view of helping students explore
 24 and understand various methodologies and perspectives;
 25 (2) students have an academic environment, quality life
 26 on campus and reasonable access to course materials that
 27 create an environment conducive to learning, the development
 28 of critical thinking and the exploration and expression of
 29 independent thought and that the students are evaluated based
 30 on their subject knowledge; and
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1 (3) that students are graded based on academic merit,
 2 without regard for ideological views, and that academic
 3 freedom and the right to explore and express independent
 4 thought is available to and practiced freely by faculty and
 5 students;
 6 and be it further
 7 RESOLVED, That the chairman of the Subcommittee on Higher
 8 Education of the Education Committee of the House of
 9 Representatives shall be chairman of the select committee, that
 10 committee vacancies not affect the power of the remaining
 11 members to execute committee functions and that committee
 12 vacancies be filled in the same manner as the original
 13 appointment; and be it further
 14 RESOLVED, That the committee may hold hearings, take

15 testimony and conduct investigations within this Commonwealth as
16 necessary; and be it further

17 RESOLVED, THAT IF AN INDIVIDUAL MAKES AN ALLEGATION AGAINST A <--
18 FACULTY MEMBER CLAIMING BIAS, THE FACULTY MEMBER MUST BE GIVEN
19 AT LEAST 48 HOURS' NOTICE OF THE SPECIFICS OF THE ALLEGATION
20 PRIOR TO THE TESTIMONY BEING GIVEN AND BE GIVEN AN OPPORTUNITY
21 TO TESTIFY AT THE SAME HEARING AS THE INDIVIDUAL MAKING THE
22 ALLEGATION; AND BE IT FURTHER

23 RESOLVED, That the Chief Clerk, with the Speaker's approval,
24 pay for the reasonable, appropriate and proper expenses incurred
25 by the committee; and be it further

26 RESOLVED, That the committee make a report of its findings
27 and any recommendations for remedial legislation and other
28 appropriate action by June 30, 2006, and that the committee may
29 extend the investigation for additional time, if necessary, but
30 no later than November 30, 2006.



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Tennessee House Bill 432 and Senate Bill 1117

Filed for intro on 02/03/2005

HOUSE BILL 432

By Campfield

SENATE BILL 1117

By Finney

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 7, relative to higher education.

WHEREAS, the General assembly of the state of Tennessee recognizes students' rights to academic freedom and rights to freedom from discrimination on the basis of political or religious beliefs; and

WHEREAS, students enrolled in state postsecondary educational institutions have the right to information concerning grievance procedures for the protection of their academic freedoms; and

WHEREAS, it is determined to be in the best interests of the state to direct the governing board of state postsecondary educational institutions to adopt a grievance procedure for use in enforcing students' rights; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new appropriately designated section:
49-7-1(__).

(a) Students enrolled in state postsecondary educational institutions shall have the following rights:

(1) The right to expect that their academic freedom will not be infringed upon by instructors who create a hostile environment toward their political or religious beliefs or who introduce controversial matter into the classroom or course work that is substantially unrelated to the subject of study;

(2) The right to expect that they will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects they study and that they shall not be discriminated against on the basis of their political or religious beliefs;

(3) The right to expect that their academic institutions shall distribute student fee funds on a viewpoint neutral basis and shall

maintain a posture of neutrality with respect to substantive political or religious disagreements, differences, and opinions; and

(4) The right to be fully informed of their institutions' grievance procedures for violations of academic freedom by means of notices prominently displayed in course catalogues, student handbooks, and on the institutional web site.

(b) State postsecondary educational institutions shall publicize the statewide institutional grievance procedure by which a student may seek redress for an alleged violation of any of the rights specified in this section in course catalogues, student handbooks, and on the institutional website.

SECTION 2. Tennessee Code Annotated, Section 49-7-202(c), is amended by adding the following as a new appropriately designated subdivision:

(__) Develop, monitor, and enforce a statewide institutional grievance procedure by which a student may seek a redress of grievance for an alleged violation of any of the rights specified in this act.

SECTION 3. The commissioner of the Tennessee higher education commission is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, title 4, chapter 5.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

Washington House Bill 1991

Creating an academic bill of rights.

State of Washington 59th Legislature 2005 Regular Session

By Representatives Dunn, Wallace and Schindler

Read first time 02/14/2005. Referred to Committee on Higher Education.

AN ACT Relating to creating an academic bill of rights; adding a new section to chapter 28B.10 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1 The legislature finds that:

(1) The central purposes of a university are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large. Free inquiry and free speech within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in classrooms and lecture halls. These purposes reflect the values, pluralism, diversity, opportunity, critical intelligence, openness, and fairness, that are the cornerstones of American society.

(2) Academic freedom and intellectual diversity are values indispensable to American universities. From its first formulation in the "General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors," the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom. Therefore, academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech. In the words of the general report, it is vital to protect "as the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results."

(3) Because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision, *Keyishian v. Board of Regents of the University of the State of New York*, the supreme court of the United States overturned a New York state loyalty provision for teachers with these words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." In *Sweezy v. New Hampshire*, 1957, the court observed that the "essentiality of freedom in the community of American universities [was] almost self-evident."

(4) Academic freedom consists in protecting the intellectual independence of professors, researchers, and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself. This means that no political, ideological, or religious orthodoxy will be imposed on professors and researchers through the hiring, tenure, or termination process, or through any other administrative means by the academic institution. Nor shall legislatures impose any such orthodoxy through their control of the university budget.

(5) This protection includes students. From the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students, as well as faculty, from the imposition of any orthodoxy of a political, religious, or ideological nature. The 1915 general report admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own." In 1967, the American association of university professors' "Joint Statement on Rights and Freedoms of Students" reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn." In the words of the report, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion."

NEW SECTION. Sec. 2 A new section is added to chapter 28B.10 RCW to read as follows:

To secure the intellectual independence of faculty and students and to protect the principle of intellectual diversity, the following principles and procedures shall be observed. These principles apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom. Private institutions choosing to restrict academic freedom on the basis of creed must explicitly disclose the scope and nature of these restrictions.

(1) All faculty shall be hired, fired, promoted, and granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise and, in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives. No faculty may be hired, fired, or denied promotion or tenure on the basis of his or her political or religious beliefs.

(2) No faculty member may be excluded from tenure, search, and hiring committees on the basis of the member's political or religious beliefs.

(3) Students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.

(4) Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions.

(5) Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious, or antireligious indoctrination.

(6) Selection of speakers, allocation of funds for speakers' programs, and other student activities will observe the principles of academic freedom and promote intellectual pluralism.

(7) An environment conducive to the civil exchange of ideas is an essential component of a free university; the obstruction of invited campus speakers, destruction of campus literature, or other effort to obstruct this exchange is prohibited.

(8) Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation. To perform these functions adequately, academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.

--- END ---

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ABOR quotes

Affirms Academic Freedom:

“In the words of the General Report, it is vital to protect “as the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results.””

No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs.

Exposing students to the spectrum of **significant scholarly viewpoints** on the subjects examined in their courses is a major responsibility of faculty.

Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.

the obstruction of invited campus speakers, destruction of campus literature or other effort to obstruct this exchange will not be tolerated.

Academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.

SBOR quotes:

The 1915 General Report admonished faculty to avoid “taking unfair advantage of the student’s immaturity by **indoctrinating him with the teacher’s own opinions** before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own.”

In The 1940 Statement of Principles on Academic Freedom and Tenure, the American Association of University Professors declared: “Teachers are entitled to freedom in the classroom in discussing their subject, **but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.**” In a 1970 clarification and re-endorsement of this principle, the AAUP said: “The intent of this statement is not to discourage what is ‘controversial.’ Controversy is at the heart of the free academic inquiry, which the entire statement is designed to foster. The passage serves to underscore **the need for teachers to avoid persistently intruding material which has no relation to their subject.**” (“1970 Interpretative Comments,” endorsed by the 56th annual association meeting as association policy.)

It is essential therefore, that professors and lecturers not force their opinions about philosophy, politics and other contestable issues on students in the classroom and in all academic environments.

The use of academic incentives and disincentives to advance a partisan or sectarian view creates an environment of indoctrination which is unprofessional and contrary to the educational mission.

Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints **where appropriate**.

Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.

academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.

Model Legislation

(c) Students have a right to expect that their academic freedom and the quality of their education will not be infringed by instructors who persistently introduce controversial matter into the classroom or coursework that has no relation to their subject of study and that serves no legitimate pedagogical purpose;

{ implication is that the Legislature, or somebody other than the faculty, decides what's "legitimate."

(d) Students have a right to expect that the **freedom of speech, freedom of expression, freedom of assembly, and freedom of conscience** of students and student organizations shall not be infringed by university administrators, student government organizations or by institutional policies, rules or procedures;

Faculty and instructors have a right to academic freedom in the classroom in discussing their subjects, but they should make their students aware of serious scholarly viewpoints other than their own

Colorado Draft Legislation

12 OR WHO PERSISTENTLY INTRODUCE **CONTROVERSIAL MATTER** INTO THE

13 CLASSROOM OR COURSE WORK

Florida House Bill 837

(3) Students have a right to expect that their academic freedom and the quality of their education will not be infringed upon **by instructors who persistently introduce**

controversial matter into the classroom or coursework that has no relation to the subject of study and serves no legitimate pedagogical purpose.

- who determines this?

Georgia Senate Resolution – Adopted March 22 2004

4. While teachers are and should be free to pursue their own findings and perspectives in presenting their viewpoints, they should consider and make their students aware of other viewpoints.

- what “other viewpoints”? Who determines this?

5. Faculty members should not use their courses for the purpose of political or ideological indoctrination;

- who determines what is “indoctrination” and what is teaching?

Indiana House Bill 1531

To perform questions within or outside their fields of these functions adequately, academic institutions and professional societies **shall** maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on inquiry.

- this is a command. Who is going to enforce it – the police?

Maine LD 1194

C. That the student's academic freedom and the quality of education will not be infringed upon by **instructors who persistently introduce controversial matter into the classroom or coursework that has no relation to the subject of study and that serves no legitimate pedagogical purpose;**

- who determines the underlined criteria? Not the instructor, obviously.

Sec. 2. Hiring policies of postsecondary institutions.

A public postsecondary institution under the Maine Revised Statutes, Title 20-A, Part 5 shall include in the institution's hiring policies that the institution endeavors to ensure a diversity of political and philosophical viewpoints in faculty members and instructors and that the institution may not discriminate in its hiring policies against applicants for a faculty position or instructorship for reasons of political or philosophical viewpoints.

- who determines what is “political” and “philosophical”?

Massachusetts Legislative Bill 1234

(11) the education of the next generation of leaders should contain **rigorous and balanced** exposure to **significant theories and thoughtful viewpoints**,

- who determines what is r, b and what theories are s, what viewpoints are t?

5). Faculty members should not use their courses for the purpose of **political or ideological indoctrination**;

- who determines what is p or i indoctrination?

Minnesota Senate Bill 1988

(f) Faculty shall be hired, fired, promoted, or granted tenure on the basis of competence and appropriate knowledge in their field of expertise.

North Carolina Senate Bill 1139

In the humanities, the social sciences, and the arts, the fostering of a plurality of serious scholarly methodologies and perspectives shall be a significant institutional purpose. In addition, curricula and reading lists in the humanities and social studies shall respect all human knowledge in these areas and provide students with dissenting sources and viewpoints.

How about schools of theology, business, economics? Do they have to teach Atheism and Marxism?

- who determines whether “dissenting sources and viewpoints” are included? What constitutes “human knowledge”? What are “serious scholarly methodologies”?

(3) Faculty and instructors shall not infringe upon the academic freedom and quality of education of their students by persistently introducing **controversial matter** into the classroom or coursework that has **no relation to their subject of study and that serves no legitimate pedagogical purpose**.

- who determines what is “controversial”, what has “no relation” and “no legitimate pedagogical purpose”?

(6) Faculty and instructors shall be free to pursue and discuss their own findings and perspectives in presenting their views, but they shall make their students aware of serious scholarly viewpoints other than their own through classroom discussion or dissemination of written materials,

- “free, but”. Who determines what “serious scholarly viewpoints other than their own” are?

Similar statements in Ohio Senate Bill 24; Washington (State) House Bill 1991

Penna House Resolution 177 (not yet adopted)

- especially dangerous.

4 WHEREAS, Students and faculty should be protected from the
5 imposition of ideological orthodoxy, and faculty members have
6 the responsibility to not take advantage of their authority
7 position to introduce inappropriate or irrelevant subject matter
8 outside their field of study;

- goes on to empower a House committee to investigate “State-related and State-owned colleges, universities and community colleges,”

- can call faculty members before “hearings” if

17 AN INDIVIDUAL MAKES AN ALLEGATION AGAINST A
18 FACULTY MEMBER CLAIMING BIAS

.....

Main purpose is to take some power over syllabi, class discussions, and faculty expression away from faculty member and peers, and invest it in some other body – e.g. a legislative body;

- i.e. mere existence of ABOR, SBOR, Model resolution, model legislation, is a violation of academic freedom. Aside from the professor and department, who will determine what are

* “significant scholarly viewpoints” (ABOR)

* what constitutes “indoctrination”; “substantive disagreements”(ABOR); controversial matter which has no relation to their subject” (SBOR); “material which has no relation to their subject.” (SBOR); what is a “contestable issue” (SBOR); a “partisan” or “sectarian” view (SBOR); where “dissenting sources and viewpoints” are “appropriate” (SBOR); what the “spectrum of significant scholarly viewpoints on the subjects examined in their courses” is (SBOR); who is to determine what constitutes “a posture of organizational neutrality with respect to the substantive disagreements” in a field (SBOR).

All these issues come up in the legislation.

Who is promoting this ABOR / SBOR /

Resolution: draft

Whereas the Academic and Student Bills of Rights (A/SBOR) take some power over syllabi, class discussions, and faculty expression away from faculty and invest it in some other body;

Whereas they leave to this body the determination of what constitutes “indoctrination”; “substantive disagreements”; “controversial matter,” “relation to subject,” “contestable issues,” “partisan” and “sectarian” views ; “appropriate” “dissenting sources and viewpoints;” the “spectrum of significant scholarly viewpoints;”

Whereas, therefore, the purpose of these initiatives is the violation of academic freedom of both students and faculty;

Resolved that the MLA oppose the A/SBOR and all related legislation.