



Model Legislation

[HOUSE/SENATE] JOINT RESOLUTION ACADEMIC BILL OF RIGHTS FOR PUBLIC HIGHER EDUCATION

A RESOLUTION

Expressing the sense of the General Assembly that colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students, protect the principles of academic freedom, promote intellectual diversity, and support the pursuit of knowledge and truth as a fundamental purpose of the university; and for other purposes.

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 constitutional republic, 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, and 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. 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, because free inquiry and its fruits are crucial to the democratic enterprise, and academic freedom is a national value as well;

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.” In *Sweezy v. New Hampshire* in 1957, the Supreme Court ob-

served 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;

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, 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 GENERAL ASSEMBLY, that, to secure the intellectual independence of faculty members and students, protect the principles of academic freedom, promote intellectual diversity, and support the pursuit of knowledge and truth as a fundamental purpose of the university—

(1) the General Assembly strongly recommends that the following principles and procedures be observed at all public colleges and universities within the State of [_____]:

- (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, promoted, 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 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 and institutions should recognize that exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty members;
 - (h) Faculty members will not use their courses or their positions for the purpose of political, ideological, religious, or antireligious indoctrination;
 - (i) The freedom of speech, freedom of expression, freedom of assembly, and freedom of conscience of students and student organizations shall not be infringed by instructors, university administrators, student government organizations, or by institutional policies, rules or procedures;
 - (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) Except as provided by law, the obstruction of invited campus speakers, the destruction of campus literature, and other efforts to obstruct this civil exchange of ideas shall not be permitted;
 - (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—
 - 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; and
 - 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 interpretation; and
- (2) the General Assembly recognizes that the principles and procedures described in paragraph (1) fully apply only to public universities.

BE IT FURTHER RESOLVED, that, the Secretary of the [House/Senate] is authorized and directed to transmit copies of this resolution to the governing boards and to the president of every college and university in this state, and to the Governor, Lieutenant Governor, and Attorney General.