



Model Legislation

CONCERNING AN ACADEMIC BILL OF RIGHTS FOR HIGHER EDUCATION

BILL SUMMARY

Recognizes the rights of students and faculty 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 develop policies and grievance procedures to protect academic freedom and the rights of students and faculty.

Be it enacted by the General Assembly of the State of [_____]:

SECTION 1. [Statutory Section Number], [State] Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

[Statutory Section Number]. (1) Academic Bill of Rights. The general assembly hereby finds that faculty and students enrolled in public institutions of higher education shall have the following rights:

- (a) 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;
- (b) 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 shall not be discriminated against on the basis of their political or religious beliefs;
- (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;
- (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;
- (e) Students have a 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 and religious disagreements, differences and opinions;

- (f) 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 the critical analysis of ideas in the pursuit of knowledge and truth.
- (g) 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 field of expertise, and shall not be hired, fired, denied promotion or denied tenure on the basis of their political or religious beliefs;
- (h) Faculty and instructors have a right to expect that they will not be excluded from tenure, search and hiring committees on the basis of their political or religious beliefs;
- (i) Students and faculty 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, student handbooks and on the institutional web site;

[Statutory Section Number]. (2) Governing Boards – protection of academic freedom and the rights of faculty and students. The governing board of each institution of higher education shall develop institutional guidelines and policies to protect the academic freedom and the rights of students and faculty, and shall adopt a grievance procedure by which a student or faculty member may seek redress of grievance for an alleged violation of any of the rights specified in [Statutory Section Number] (1) (a) to (1) (i). Each governing board shall publicize the grievance procedure to the students and faculty on each campus of the institutions that are under the control and direction of the governing board.

SECTION 2. Effective date. This act shall take effect...