

By Senator Wise

5-1187A-05

See HB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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

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

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

13 WHEREAS, academic freedom is most likely to thrive in
14 an environment that protects and fosters independence of
15 thought and speech and, in the words of the general report, it
16 is vital to protect as "the first condition of progress, [a]
17 complete and unlimited freedom to pursue inquiry and publish
18 its results," and

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

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

29 WHEREAS, in *Sweezy v. New Hampshire* (1957), the Supreme
30 Court of the United States observed that the "essentiality of
31

1 freedom in the community of American universities [was] almost
2 self-evident," and

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

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

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

27 WHEREAS, in 1967, the American Association of
28 University Professors' Joint Statement on Rights and Freedoms
29 of Students reinforced and amplified this injunction by
30 affirming the inseparability of "the freedom to teach and
31 freedom to learn" and, in the words of the joint statement,

1 "Students should be free to take reasoned exception to the
2 data or views offered in any course of study and to reserve
3 judgment about matters of opinion," and

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

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

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

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (7) is added to section 1002.21,
20 Florida Statutes, to read:

21 1002.21 Postsecondary student and parent rights.--

22 (7) STUDENT ACADEMIC FREEDOM.--As detailed in s.
23 1004.09, students have rights to a learning environment in
24 which they have access to a broad range of serious scholarly
25 opinion, to be graded without discrimination on the basis of
26 their political or religious beliefs, and to a
27 viewpoint-neutral distribution of student fee funds.

28 Section 2. Section 1004.09, Florida Statutes, is
29 created to read:

30 1004.09 Postsecondary student and faculty academic
31 bill of rights.--

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

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

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

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

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

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

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

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

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

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

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

26 Section 4. This act shall take effect July 1, 2005.
27
28
29
30
31