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.

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(Attachment #2 to Resolution #10-04/05-EX)

Academic Freedom for Students

AS-2676-04/FA - November 11-12, 2004

RESOLVED: That the Academic Senate of the California State University (CSU), recognize that the academic freedom of students rests first upon their access to a high quality education and their right to pursue a field of study that they deem appropriate and desirable; and be it further

RESOLVED: That the Academic Senate CSU reaffirm its support of the principles of academic freedom as they apply to the rights of students in a class and university environment that fosters civil discourse, respect, open inquiry and freedom of expression; and be it further

RESOLVED: That the Academic Senate CSU affirm further that these principles also support the University's mission to foster in students a maturity and independence of mind by providing within the class and university an environment where students as well as faculty are free to express the widest range of viewpoints within the standards of scholarly inquiry and professional ethics; and be it further

RESOLVED: That the Academic Senate CSU urge all campus senates to review and/or create policies and procedures that advance the principles stated above; and be it further

RESOLVED: That the Academic Senate CSU also urge campus senates to make these policies and procedures easily accessible and undertake processes to educate their campus community about the meanings of academic freedom; and be it further

RESOLVED: That the Academic Senate CSU send this resolution to the Chancellor, the CSU Board of Trustees, CSSA, CSU Presidents, the CFA Board, and chairs of the Senate Education Committee and Assembly Higher Education Committee in the California Legislature.

RATIONALE: *The Academic Senate of the California State University needs periodically to remind the public that it endorses the importance of academic freedom for students as well as faculty members and that the CSU and its campuses have procedures for both students and faculty who believe their rights to academic freedom have been violated. Further, essential to the acceptance of the concept of academic freedom is the notion that truth is best discovered through the open investigation of data and through a broad and open inquiry regardless of personal beliefs. Such inquiry requires an atmosphere devoid of fear of reprisal, or ridicule.*

APPROVED - January 20-21, 2005