

1 A bill to be entitled

2 An act relating to student and faculty academic freedom in  
3 postsecondary education; amending s. 1002.21, F.S.;  
4 providing student rights to academic freedom; creating s.  
5 1004.09, F.S.; providing a postsecondary student and  
6 faculty academic bill of rights; specifying student,  
7 faculty, and instructor rights; requiring the  
8 dissemination of copies of the act to state universities  
9 and community colleges; providing an effective date.

10  
11 WHEREAS, the principles enumerated in this act fully apply  
12 only to public postsecondary institutions, and nothing in this  
13 act shall be construed as interfering with the right of a  
14 private postsecondary institution to restrict academic freedom  
15 on the basis of creed or belief, and

16 WHEREAS, the central purposes of a postsecondary  
17 institution are the pursuit of truth, the discovery of new  
18 knowledge through scholarship and research, the study and  
19 reasoned criticism of intellectual and cultural traditions, the  
20 teaching and general development of students to help them become  
21 creative individuals and productive citizens of a pluralistic  
22 democracy, and the transmission of knowledge and learning to  
23 society at large, and

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

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

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

41 WHEREAS, academic freedom is most likely to thrive in an  
42 environment that protects and fosters independence of thought  
43 and speech and, in the words of the general report, it is vital  
44 to protect as "the first condition of progress, [a] complete and  
45 unlimited freedom to pursue inquiry and publish its results,"  
46 and

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

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

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

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

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

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

83 WHEREAS, in 1967, the American Association of University  
84 Professors' Joint Statement on Rights and Freedoms of Students

85 reinforced and amplified this injunction by affirming the  
 86 inseparability of "the freedom to teach and freedom to learn"  
 87 and, in the words of the joint statement, "Students should be  
 88 free to take reasoned exception to the data or views offered in  
 89 any course of study and to reserve judgment about matters of  
 90 opinion," and

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

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

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

103  
 104 Be It Enacted by the Legislature of the State of Florida:

105  
 106 Section 1. Subsection (7) is added to section 1002.21,  
 107 Florida Statutes, to read:

108 1002.21 Postsecondary student and parent rights.--

109 (7) STUDENT ACADEMIC FREEDOM.--As detailed in s. 1004.09,  
 110 students have rights to a learning environment in which they  
 111 have access to a broad range of serious scholarly opinion, to be  
 112 graded without discrimination on the basis of their political or

113 religious beliefs, and to a viewpoint-neutral distribution of  
114 student fee funds.

115 Section 2. Section 1004.09, Florida Statutes, is created  
116 to read:

117 1004.09 Postsecondary student and faculty academic bill of  
118 rights.--

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

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

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

136 (4) Students have a right to expect that freedom of  
137 speech, freedom of expression, freedom of assembly, and freedom  
138 of conscience of students and student organizations will not be  
139 infringed upon by postsecondary administrators, student

140 government organizations, or institutional policies, rules, or  
141 procedures.

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

147 (6) Faculty and instructors have a right to academic  
148 freedom in the classroom in discussing their subjects, but they  
149 should make their students aware of serious scholarly viewpoints  
150 other than their own and should encourage intellectual honesty,  
151 civil debate, and critical analysis of ideas in the pursuit of  
152 knowledge and truth.

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

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

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

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

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