

House Concurrent Resolution No. 5035

By Committee on Appropriations

2-2

9 A CONCURRENT RESOLUTION expressing the sense of the Kansas
10 House of Representatives and Senate that colleges and universities
11 should adopt an Academic Bill of Rights to secure the intellectual
12 independence of faculty members and students, protect the principles
13 of academic freedom, promote intellectual diversity, and support the
14 pursuit of knowledge and truth as a fundamental purpose of the uni-
15 versity; and for other purposes.

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

23 WHEREAS, Free inquiry and free speech within the academic com-
24 munity are indispensable to the achievement of the central purposes of
25 a university, the freedoms to teach and to learn depend upon the creation
26 of appropriate conditions and opportunities on the campus as a whole as
27 well as in the classrooms and lecture halls, and these purposes reflect the
28 values of integrity, pluralism, diversity, opportunity, analytical intelli-
29 gence, openness and fairness that are the cornerstones of American so-
30 ciety, and academic freedom and intellectual diversity are values indis-
31 pensable to an American university;

32 WHEREAS, From its first formulation in the General Report of the
33 Committee on Academic Freedom and Tenure of the American Associ-
34 ation of University Professors, the concept of academic freedom has been
35 premised on the ideas that human knowledge is a never-ending pursuit
36 of the truth, that there is no humanly accessible truth that is not in prin-
37 ciple open to challenge, and that no party or intellectual faction has a
38 monopoly on wisdom;

39 WHEREAS, Academic freedom is most likely to thrive in an environ-
40 ment of intellectual diversity that protects and fosters independence of
41 thought and speech. In the words of the general report, it is vital to protect
42 “as the first condition of progress, [a] complete and unlimited freedom
43 to pursue inquiry and publish its results”;

1 Whereas, Because free inquiry and its fruits are crucial to the demo-
2 cratic enterprise, and academic freedom is a national value as well;
3 Whereas, In *Keyishian v. Board of Regents of the University of the*
4 *State of New York*, a historic 1967 decision, the Supreme Court over-
5 turned a New York State loyalty provision for teachers with these words:
6 “Our Nation is deeply committed to safeguarding academic freedom,[a]
7 transcendent value to all of us and not merely to the teachers concerned.”
8 In *Sweezy v. New Hampshire*, in 1957, the Supreme Court observed that
9 the “essentiality of freedom in the community of American universities
10 [was] almost self-evident”;
11 WHEREAS, Academic freedom consists of protecting the intellectual
12 independence of professors, researchers, and students in the pursuit of
13 knowledge and the expression of ideas from interference by legislators or
14 authorities within the institution itself, meaning that no political, ideolog-
15 ical or religious orthodoxy should be imposed on professors and research-
16 ers through the hiring, tenure or termination process, nor through any
17 other administrative means by the academic institution;
18 WHEREAS, It has long been recognized that intellectual independ-
19 ence means the protection of students and faculty members from the
20 imposition of any orthodoxy of a political, ideological or religious nature;
21 WHEREAS, The 1915 Declaration of Principles of the American As-
22 sociation of University Professors admonished faculty members to avoid
23 “taking unfair advantage of the student’s immaturity by indoctrinating
24 him with the teacher’s own opinions before the student has had an op-
25 portunity fairly to examine other opinions upon the matters in question,
26 and before he has sufficient knowledge and ripeness of judgment to be
27 entitled to form any definitive opinion of his own”;
28 WHEREAS, In 1967, the American Association of University Profes-
29 sors’ Joint Statement on Rights and Freedoms of Students reinforced and
30 amplified this injunction by affirming the inseparability of “the freedom
31 to teach and freedom to learn” and, in the words of the joint statement,
32 “students should be free to take reasoned exception to the data or views
33 offered in any course of study and to reserve judgment about matters of
34 opinion”;
35 WHEREAS, It is essential that professors and lecturers not force their
36 opinions about philosophy, politics and other contestable issues on stu-
37 dents in the classroom and in all academic environments, as this is a
38 cardinal principle of academic freedom laid down by the American As-
39 sociation of University Professors: Now, therefore,
40 *Be it Resolved by the House of Representatives of the State of Kansas,*
41 *the Senate concurring therein:* That, to secure the intellectual inde-
42 pendence of faculty members and students, protect the principles of ac-
43 ademic freedom, promote intellectual diversity, and support the pursuit

1 of knowledge and truth as a fundamental purpose of the university:

2 (1) The Kansas House of Representatives and Senate strongly rec-
3 ommend that the following principles and procedures be observed at all
4 public colleges and universities within the State of Kansas:

5 (a) All faculty members will be hired, fired, promoted and granted
6 tenure on the basis of their competence and appropriate knowledge in
7 the field of their expertise and, in the humanities, the social sciences and
8 the arts, with a view toward fostering a plurality of methodologies and
9 perspectives;

10 (b) no faculty member will be hired, fired, promoted or denied pro-
11 motion or tenure on the basis of his or her political, ideological or religious
12 beliefs;

13 (c) no faculty member will be excluded from tenure, search and hir-
14 ing committees on the basis of his or her political, ideological or religious
15 beliefs;

16 (d) students will be graded solely on the basis of their reasoned an-
17 swers and appropriate knowledge of the subjects and disciplines they
18 study, not on the basis of their political, ideological or religious beliefs;

19 (e) curricula and reading lists in the humanities and social sciences
20 should reflect the uncertainty and unsettled character of all human knowl-
21 edge in these areas and provide students with dissenting sources and
22 viewpoints;

23 (f) while teachers are and should be free to pursue their own findings
24 and perspectives in presenting their views, they should consider and make
25 their students aware of other viewpoints;

26 (g) academic disciplines should welcome a diversity of approaches on
27 all unsettled questions and institutions should recognize that exposing
28 students to the spectrum of significant scholarly viewpoints on the sub-
29 jects examined in their courses is a major responsibility of faculty
30 members;

31 (h) faculty members will not use their courses or their positions for
32 the purpose of political, ideological, religious or antireligious
33 indoctrination;

34 (i) faculty and instructors have a right to academic freedom in the
35 classroom in discussing their subjects, but they should make their stu-
36 dents aware of serious scholarly viewpoints other than their own and
37 should encourage intellectual honesty, civil debate and the analysis of
38 ideas in the pursuit of knowledge and truth.

39 (j) The freedom of speech, freedom of expression, freedom of assem-
40 bly and freedom of conscience of students and student organizations shall
41 not be infringed by instructors, university administrators, student govern-
42 ment organizations or by institutional policies, rules or procedures;

43 (k) selection of speakers, allocation of funds for speakers' programs

1 and other student activities will observe the principles of academic free-
2 dom and promote intellectual pluralism;

3 (l) except as provided by law, the obstruction of invited campus
4 speakers, the destruction of campus literature and other efforts to ob-
5 struct a civil exchange of ideas shall not be permitted;

6 (m) academic institutions and professional societies should maintain
7 a posture of organizational neutrality with respect to the substantive dis-
8 agreements that divide researchers on questions within, or outside, their
9 fields of inquiry, recognizing that:

10 a. Knowledge advances when individual scholars are left free to reach
11 their own conclusions about which methods, facts and theories have been
12 validated by research; and

13 b. academic institutions and professional societies formed to advance
14 knowledge within an area of research, maintain the integrity of the re-
15 search process and organize the professional lives of related researchers
16 serve as indispensable venues within which scholars circulate research
17 findings and debate their interpretation; and

18 (2) the Kansas House of Representatives and Senate recognize that
19 the principles and procedures described in paragraph (m) fully apply only
20 to public universities.

21 *Be it further resolved:* That, the Secretary of State be directed to send
22 enrolled copies of this resolution to the governing boards and to the pres-
23 ident of every college and university in this state, and to the Governor,
24 Lieutenant Governor and Attorney General.