
New Bill OF YEAR: 2005



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

RESOLVE PROVIDING FOR THE Academic Bill of Rights.

Resolved,

The General Court hereby finds the following:

- (1) The principles enumerated in this section fully apply only to public universities that present themselves as bound by the canons of academic freedom contained within. Nothing in this section shall be construed as interfering with the right of a private institution to restrict academic freedom on the basis of creed or belief; and
- (2) the central purposes of a 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; and
 - 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 – pluralism, diversity, opportunity, critical intelligence, openness, and fairness – that are the cornerstones of American society; and
- (4) academic freedom is indispensable to the American university. From its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is the pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge; and
- (5) academic freedom is most likely to thrive in an environment that protects and fosters independence of thought and

speech. In the words of the General Report, it is vital to protect "as the first condition of progress [a] complete and unlimited freedom to pursue inquiry and publish its results"; and

(6)

because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision, the Supreme Court of the

United States overturned a New York State

loyalty provision for teachers with these words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." (*Keyishian v. Board of Regents of the Univ. of the State of*

New York

). In *Sweezy v. New Hampshire*, (1957), the Court observed that the "essentiality of freedom in the community of American universities [was] almost self-evident"; and

(7)

academic freedom consists in protecting 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, meaning that no political or ideological orthodoxy should be imposed on professors and researchers through the hiring, tenure, or termination process, nor through any other administrative means by the academic institution, nor should the legislature impose any such orthodoxy through the control of the university budget; and

(8) from the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students as well as faculty from the imposition of any orthodoxy of a political or ideological nature. The 1910 General Report admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own." In 1967, the American Association of University Professors' Joint Statement on Rights and Freedoms of Students reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn." In the words of the report, "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;" and

(9) the academic criteria of the scholarly profession should include reasonable scholarly options within the areas of discipline; and

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

(11) the education of the next generation of leaders should contain rigorous and balanced exposure to significant theories and thoughtful viewpoints, and students should be given the knowledge and background that empowers them

to think for themselves.

(b) The board of higher education shall, in cooperation with institutions of public higher education, establish an academic bill of rights. Such bill of rights shall secure the intellectual independence of faculty and students and protect the principles of academic freedom by requiring that the following principles and procedures be observed at all public colleges and universities within the commonwealth:

- 1). All faculty members shall be hired, fired, promoted, or granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise. No faculty member shall be hired, fired, or denied promotion or tenure solely on the basis of his or her political or ideological beliefs;
- 2). No faculty member shall be excluded from a tenure search or hiring committee on the basis of his or her political or ideological beliefs;
- 3). Students shall not be graded on the basis of their political or ideological beliefs. Each college and university should have well known and publicly accessible policies and procedures available to students who believe they have been penalized for their social, political, or ideological beliefs;
- 4). While teachers are and should be free to pursue their own findings and perspectives in presenting their viewpoints, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome exploration of unsettled questions;
- 5). Faculty members should not use their courses for the purpose of political or ideological indoctrination;
- 6). An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature, or other efforts to obstruct this exchange shall not be tolerated; and
- 7). Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation”.