

Legislative Information

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S6336 DEFRANCISCO

BILL TEXT:

STATE OF NEW YORK

6336

IN SENATE

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Introduced by Sens. DeFRANCISCO, GOLDEN, JOHNSON, LARKIN, MALTESE, MEIER, MORAHAN, PADAVAN, TRUNZO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating an academic bill of rights

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 224-b
 2 to read as follows:

3 § 224-b. Academic bill of rights. 1. A student enrolled in an institu-
 4 tion of higher education has the right to expect:

5 a. A learning environment in which the student has access to a broad
 6 range of serious scholarly opinion pertaining to the subjects the
 7 student studies in which, in the humanities, the social sciences and the
 8 arts, the fostering of a plurality of serious scholarly methodologies
 9 and perspectives has a significant institutional purpose;

10 b. To be graded solely on the basis of the student's reasoned answers
 11 and appropriate knowledge of the subjects the student studies and to not
 12 be discriminated against on the basis of the student's political or
 13 religious beliefs;

14 c. That the student's academic freedom and the quality of education
 15 will not be infringed upon by instructors who persistently introduce
 16 controversial matter into the classroom or coursework that has no
 17 relation to the subject of study and that serves no legitimate pedagog-

18 ical purpose;

19 d. That the freedom of speech, freedom of expression, freedom of
20 assembly and freedom of conscience of students and student organizations
21 are not infringed upon by administrators, student government organiza-
22 tions or institutional policies, rules or procedures; and

23 e. That the student's academic institution distributes student fee
24 funds on a viewpoint-neutral basis and maintains a posture of neutrality
25 with respect to substantive political and religious disagreements,
26 differences and opinions.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 2. A faculty member or instructor at an institution of higher educa-
2 tion has the right to expect:

3 a. Academic freedom in the classroom in discussing subjects while
4 making the students aware of serious scholarly viewpoints other than
5 that of the faculty member or instructor and encouraging intellectual
6 honesty, civil debate and the critical analysis of ideas in the pursuit
7 of knowledge and truth;

8 b. To be hired, fired, promoted, denied promotion, granted tenure or
9 denied tenure on the basis of competence and appropriate knowledge in
10 the field of expertise of the faculty member or instructor and not on
11 the basis of political or religious beliefs; and

12 c. To not be excluded from tenure, search and hiring committees on the
13 basis of political or religious beliefs.

14 3. An institution of higher education shall fully inform students,
15 faculty and instructors of the rights under this section and of the
16 institution's grievance procedures for violations of academic freedom by
17 notices prominently displayed in course catalogs or student handbooks
18 and on the institutional publicly accessible site on the Internet.

19 4. The governing board of an institution of higher education shall
20 develop institutional guidelines and policies to protect the academic
21 freedom and the rights of students and faculty under this section and
22 shall adopt a grievance procedure by which a student or faculty member
23 may seek redress of grievance for an alleged violation of a right speci-
24 fied in this section. A governing board under this subdivision shall
25 publicize the grievance procedure developed pursuant to this subdivision
26 to the students and faculty on every campus that is under the control
27 and direction of the governing board.

28 § 2. This act shall take effect immediately.