

House Bill 3350

Sponsored by Representative LIM (at the request of Seth Hatmaker)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs governing boards of post-secondary institutions to adopt rule on academic freedom and rights of faculty, instructors and students. Directs governing boards to adopt grievance procedure for faculty, instructors and students.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to higher education; and declaring an emergency.

3 Whereas academic freedom and intellectual diversity are values indispensable to American col-
4 leges and universities; and

5 Whereas from its first formulation in the General Report of the Committee on Academic Free-
6 dom and Tenure of the American Association of University Professors, the concept of academic
7 freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth,
8 that there is no humanly accessible truth that is not, in principle, open to challenge and that no
9 party or intellectual faction has a monopoly on wisdom; and

10 Whereas academic freedom is likely to thrive in an environment of intellectual diversity that
11 protects and fosters independence of thought and speech; and

12 Whereas students and faculty should be protected from the imposition of ideological orthodoxy,
13 and faculty members have the responsibility to not take advantage of their positions of authority to
14 introduce inappropriate or irrelevant subject matter outside their fields of study; now, therefore,

15 **Be It Enacted by the People of the State of Oregon:**

16 **SECTION 1.** **As used in sections 2 and 3 of this 2007 Act, "post-secondary institution"**
17 **means:**

18 **(1) A community college;**

19 **(2) A state institution of higher education listed in ORS 352.002;**

20 **(3) The Oregon Health and Science University; and**

21 **(4) A school that has been authorized to offer academic degrees under ORS 348.594 to**
22 **348.615.**

23 **SECTION 2.** **The governing board of each post-secondary institution shall adopt a rule**
24 **recognizing that the students, faculty and instructors of the institution have the following**
25 **rights:**

26 **(1) The institution shall provide its students with a learning environment in which the**
27 **students have access to a broad range of serious scholarly opinion pertaining to the subjects**
28 **they study. In the humanities, the social sciences and the arts, the fostering of a plurality**
29 **of serious scholarly methodologies and perspectives shall be a significant institutional pur-**
30 **pose. In addition, curricula and reading lists in the humanities and social studies shall re-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 spect all human knowledge in these areas and provide students with dissenting sources and
2 viewpoints.

3 (2) Students shall be graded solely on the basis of their reasoned answers on, and ap-
4 propriate knowledge of, the subjects and disciplines the students study and may not be dis-
5 criminated against on the basis of their political, ideological or religious beliefs. Faculty and
6 instructors may not use their courses or their positions for the purpose of political, ideo-
7 logical, religious or antireligious indoctrination.

8 (3) Faculty and instructors may not infringe upon the academic freedom and quality of
9 education of their students by persistently introducing controversial matter into the class-
10 room or coursework that has no relation to the students' subjects of study and that serves
11 no legitimate pedagogical purpose.

12 (4) Institution administrators, student government organizations and institutional poli-
13 cies, rules or procedures may not infringe upon the freedom of speech, freedom of ex-
14 pression, freedom of assembly or freedom of conscience of students and student
15 organizations.

16 (5) The institution shall distribute funds for student activities on a viewpoint-neutral
17 basis and shall maintain a posture of neutrality with respect to substantive political and re-
18 ligious disagreements, differences and opinions. The selection of speakers, allocation of funds
19 for speakers' programs and other student activities shall observe the principles of academic
20 freedom and shall promote the presentation of a diversity of opinions on intellectual matters.
21 Except as provided by law, the institution may not permit the obstruction of invited campus
22 speakers, the destruction of campus literature or other efforts to obstruct a civil exchange
23 of ideas.

24 (6) Faculty and instructors shall be free to pursue and discuss their own findings and
25 perspectives in presenting their views, but they shall make their students aware of serious
26 scholarly viewpoints other than their own through classroom discussion or dissemination of
27 written materials. Faculty and instructors shall encourage in their students intellectual
28 honesty, civil debate and the critical analysis of ideas in the pursuit of knowledge and truth.

29 (7) Faculty and instructors shall be hired, fired, promoted and granted tenure on the
30 basis of their competence and appropriate knowledge in their field of expertise and may not
31 be hired, fired, promoted, granted tenure or denied promotion or tenure on the basis of their
32 political, ideological or religious beliefs.

33 (8) Faculty and instructors may not be excluded from tenure or search and hiring com-
34 mittees on the basis of their political, ideological or religious beliefs.

35 (9) The institution and its professional societies shall maintain a posture of organiza-
36 tional neutrality with respect to the substantive disagreements that divide researchers on
37 questions within, or outside, their fields of study, recognizing that:

38 (a) Knowledge advances when individual scholars are left free to reach their own con-
39 clusions about which methods, facts and theories have been validated by research; and

40 (b) Academic institutions and professional societies formed to advance knowledge within
41 an area of research, maintain the integrity of the research process and organize the profes-
42 sional lives of related researchers serve as indispensable venues within which scholars cir-
43 culate research findings and debate their interpretations.

44 **SECTION 3.** The governing board of each post-secondary institution shall adopt, by rule,
45 a grievance procedure by which a student, faculty member or instructor may seek redress

1 for an alleged violation of any of the rights specified by the institution's policy adopted under
2 section 2 of this 2007 Act. Each board shall provide students, faculty and instructors with
3 notice of the rights and grievance procedure by publication in the institution's course catalog
4 and student handbook and on the institution's website.

5 SECTION 4. Sections 1 to 3 of this 2007 Act first apply to the 2007-2008 academic year.

6 SECTION 5. This 2007 Act being necessary for the immediate preservation of the public
7 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
8 July 1, 2007.

9
