

108TH CONGRESS
1ST SESSION

H. CON. RES. 318

Expressing the sense of the Congress that American colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students and to protect the principle of intellectual diversity.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2003

Mr. KINGSTON (for himself, Mr. JONES of North Carolina, Mr. WICKER, Mr. ISTOOK, Mr. COX, Mr. PITTS, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. McKEON, Mr. HERGER, Mr. MARIO DIAZ-BALART of Florida, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. WELDON of Pennsylvania, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. OSBORNE, and Mr. POMBO) submitted the following concurrent resolution; which was referred to the Committee on Education and the Workforce

CONCURRENT RESOLUTION

Expressing the sense of the Congress that American colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students and to protect the principle of intellectual diversity.

Whereas 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;

Whereas free inquiry and free speech within the academic community are indispensable to the achievement of the central purposes of a university, 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 of pluralism, diversity, opportunity, critical intelligence, openness, and fairness that are the cornerstones of American society;

Whereas academic freedom and intellectual diversity are values indispensable to an American university;

Whereas 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 ideas that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom;

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

Whereas 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”;

Whereas free inquiry and its fruits are crucial to the democratic enterprise, and academic freedom is a national value;

Whereas in *Keyishian v. Board of Regents of the University of the State of New York*, a historic 1967 decision, the Supreme Court 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”;

Whereas in *Sweezy v. New Hampshire* in 1957, the Supreme Court observed that the “essentiality of freedom in the community of American universities [was] almost self-evident”;

Whereas academic freedom consists of 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, ideological, or religious 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 its control of the university budget;

Whereas it has long been recognized that intellectual independence means the protection of students and faculty members from the imposition of any orthodoxy of a political, ideological, or religious nature;

Whereas the 1915 Declaration of Principles of the American Association of University Professors admonished faculty members 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”;

Whereas 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”; and

Whereas in the words of the joint statement, “[s]tudents 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”: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That, to secure the intellectual independence
 3 of faculty members and students and to protect the prin-
 4 ciple of intellectual diversity—

5 (1) the Congress encourages all public and pri-
 6 vate colleges and universities in the United States to
 7 adopt an Academic Bill of Rights and to observe the
 8 following principles and procedures—

9 (A) all faculty members will be hired, fired,
 10 promoted, and granted tenure on the basis of
 11 their competence and appropriate knowledge in
 12 the field of their expertise and, in the human-
 13 ities, the social sciences, and the arts, with a
 14 view toward fostering a plurality of methodolo-
 15 gies and perspectives;

1 (B) no faculty member will be hired, fired,
2 or denied promotion or tenure on the basis of
3 his or her political, ideological, or religious be-
4 liefs;

5 (C) no faculty member will be excluded
6 from tenure, search, and hiring committees on
7 the basis of his or her political, ideological, or
8 religious beliefs;

9 (D) students will be graded solely on the
10 basis of their reasoned answers and appropriate
11 knowledge of the subjects and disciplines they
12 study, not on the basis of their political, ideo-
13 logical, or religious beliefs;

14 (E) curricula and reading lists in the hu-
15 manities and social sciences will respect the un-
16 certainty and unsettled character of all human
17 knowledge in these areas and provide students
18 with dissenting sources and viewpoints;

19 (F) while teachers are and should be free
20 to pursue their own findings and perspectives in
21 presenting their views, they should consider and
22 make their students aware of other viewpoints;

23 (G) academic disciplines should welcome a
24 diversity of approaches to unsettled questions;

1 (H) exposing students to the spectrum of
 2 significant scholarly viewpoints on the subjects
 3 examined in their courses is a major responsi-
 4 bility of faculty members;

5 (I) faculty members will not use their
 6 courses or their positions for the purpose of po-
 7 litical, ideological, religious, or antireligious in-
 8 doctrination;

9 (J) selection of speakers, allocation of
 10 funds for speakers' programs, and other stu-
 11 dent activities will observe the principles of aca-
 12 demic freedom and promote intellectual plu-
 13 ralism;

14 (K) because an environment conducive to
 15 the civil exchange of ideas is an essential com-
 16 ponent of a free university, the obstruction of
 17 invited campus speakers, the destruction of
 18 campus literature, and other efforts to obstruct
 19 this exchange will not be tolerated;

20 (L) academic institutions and professional
 21 societies should maintain a posture of organiza-
 22 tional neutrality with respect to the substantive
 23 disagreements that divide researchers on ques-
 24 tions within, or outside, their fields of inquiry,
 25 recognizing that—

1 (i) knowledge advances when indi-
2 vidual scholars are left free to reach their
3 own conclusions about which methods,
4 facts, and theories have been validated by
5 research; and

6 (ii) academic institutions and profes-
7 sional societies formed to advance knowl-
8 edge within an area of research, maintain
9 the integrity of the research process, and
10 organize the professional lives of related
11 researchers serve as indispensable venues
12 within which scholars circulate research
13 findings and debate their interpretation;
14 and

15 (2) the Congress recognizes that the principles
16 and procedures described in paragraph (1) fully
17 apply only to public universities and to private uni-
18 versities that present themselves as bound by the
19 canons of academic freedom; and

20 (3) it is the sense of the Congress that private
21 institutions choosing to restrict academic freedom on
22 the basis of creed have an obligation to be as explicit
23 as is possible about the scope and nature of these
24 restrictions.

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