
HOUSE BILL 3185

State of Washington 58th Legislature 2004 Regular Session

By Representatives Boldt and McMahan

Read first time 02/05/2004. Referred to Committee on Higher Education.

1 AN ACT Relating to creating an academic bill of rights; adding a
2 new section to chapter 28B.10 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) The central purposes of a university are the pursuit of truth,
6 the discovery of new knowledge through scholarship and research, the
7 study and reasoned criticism of intellectual and cultural traditions,
8 the teaching and general development of students to help them become
9 creative individuals and productive citizens of a pluralistic
10 democracy, and the transmission of knowledge and learning to a society
11 at large. Free inquiry and free speech within the academic community
12 are indispensable to the achievement of these goals. The freedom to
13 teach and to learn depend upon the creation of appropriate conditions
14 and opportunities on the campus as a whole as well as in classrooms and
15 lecture halls. These purposes reflect the values, pluralism,
16 diversity, opportunity, critical intelligence, openness, and fairness,
17 that are the cornerstones of American society.

18 (2) Academic freedom and intellectual diversity are values
19 indispensable to American universities. From its first formulation in

1 the "General Report of the Committee on Academic Freedom and Tenure of
2 the American Association of University Professors," the concept of
3 academic freedom has been premised on the idea that human knowledge is
4 a never-ending pursuit of the truth, that there is no humanly
5 accessible truth that is not in principle open to challenge, and that
6 no party or intellectual faction has a monopoly on wisdom. Therefore,
7 academic freedom is most likely to thrive in an environment of
8 intellectual diversity that protects and fosters independence of
9 thought and speech. In the words of the general report, it is vital to
10 protect "as the first condition of progress, [a] complete and unlimited
11 freedom to pursue inquiry and publish its results."

12 (3) Because free inquiry and its fruits are crucial to the
13 democratic enterprise itself, academic freedom is a national value as
14 well. In a historic 1967 decision, *Keyishian v. Board of Regents of*
15 *the University of the State of New York*, the supreme court of the
16 United States overturned a New York state loyalty provision for
17 teachers with these words: "Our Nation is deeply committed to
18 safeguarding academic freedom, [a] transcendent value to all of us and
19 not merely to the teachers concerned." In *Sweezy v. New Hampshire*,
20 1957, the court observed that the "essentiality of freedom in the
21 community of American universities [was] almost self-evident."

22 (4) Academic freedom consists in protecting the intellectual
23 independence of professors, researchers, and students in the pursuit of
24 knowledge and the expression of ideas from interference by legislators
25 or authorities within the institution itself. This means that no
26 political, ideological, or religious orthodoxy will be imposed on
27 professors and researchers through the hiring, tenure, or termination
28 process, or through any other administrative means by the academic
29 institution. Nor shall legislatures impose any such orthodoxy through
30 their control of the university budget.

31 (5) This protection includes students. From the first statement on
32 academic freedom, it has been recognized that intellectual independence
33 means the protection of students, as well as faculty, from the
34 imposition of any orthodoxy of a political, religious, or ideological
35 nature. The 1915 general report admonished faculty to avoid "taking
36 unfair advantage of the student's immaturity by indoctrinating him with
37 the teacher's own opinions before the student has had an opportunity
38 fairly to examine other opinions upon the matters in question, and

1 before he has sufficient knowledge and ripeness of judgment to be
2 entitled to form any definitive opinion of his own." In 1967, the
3 American association of university professors' "Joint Statement on
4 Rights and Freedoms of Students" reinforced and amplified this
5 injunction by affirming the inseparability of "the freedom to teach and
6 freedom to learn." In the words of the report, "Students should be
7 free to take reasoned exception to the data or views offered in any
8 course of study and to reserve judgment about matters of opinion."

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW
10 to read as follows:

11 To secure the intellectual independence of faculty and students and
12 to protect the principle of intellectual diversity, the following
13 principles and procedures shall be observed. These principles apply
14 only to public universities and to private universities that present
15 themselves as bound by the canons of academic freedom. Private
16 institutions choosing to restrict academic freedom on the basis of
17 creed must explicitly disclose the scope and nature of these
18 restrictions.

19 (1) All faculty shall be hired, fired, promoted, and granted tenure
20 on the basis of their competence and appropriate knowledge in the field
21 of their expertise and, in the humanities, the social sciences, and the
22 arts, with a view toward fostering a plurality of methodologies and
23 perspectives. No faculty may be hired, fired, or denied promotion or
24 tenure on the basis of his or her political or religious beliefs.

25 (2) No faculty member may be excluded from tenure, search, and
26 hiring committees on the basis of the member's political or religious
27 beliefs.

28 (3) Students will be graded solely on the basis of their reasoned
29 answers and appropriate knowledge of the subjects and disciplines they
30 study, not on the basis of their political or religious beliefs.

31 (4) Curricula and reading lists in the humanities and social
32 sciences should reflect the uncertainty and unsettled character of all
33 human knowledge in these areas by providing students with dissenting
34 sources and viewpoints where appropriate. While teachers are and
35 should be free to pursue their own findings and perspectives in
36 presenting their views, they should consider and make their students

1 aware of other viewpoints. Academic disciplines should welcome a
2 diversity of approaches to unsettled questions.

3 (5) Exposing students to the spectrum of significant scholarly
4 viewpoints on the subjects examined in their courses is a major
5 responsibility of faculty. Faculty will not use their courses for the
6 purpose of political, ideological, religious, or antireligious
7 indoctrination.

8 (6) Selection of speakers, allocation of funds for speakers'
9 programs, and other student activities will observe the principles of
10 academic freedom and promote intellectual pluralism.

11 (7) An environment conducive to the civil exchange of ideas is an
12 essential component of a free university; the obstruction of invited
13 campus speakers, destruction of campus literature, or other effort to
14 obstruct this exchange is prohibited.

15 (8) Knowledge advances when individual scholars are left free to
16 reach their own conclusions about which methods, facts, and theories
17 have been validated by research. Academic institutions and
18 professional societies formed to advance knowledge within an area of
19 research, maintain the integrity of the research process, and organize
20 the professional lives of related researchers serve as indispensable
21 venues within which scholars circulate research findings and debate
22 their interpretation. To perform these functions adequately, academic
23 institutions and professional societies should maintain a posture of
24 organizational neutrality with respect to the substantive disagreements
25 that divide researchers on questions within, or outside, their fields
26 of inquiry.

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