

**Introduced by Senator Morrow**February 22, 2006

---

---

An act to add Section 66015.8 to the Education Code, relating to public postsecondary education.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1412, as introduced, Morrow. Public postsecondary education: Student Bill of Rights.

(1) Existing law establishes the various segments of the public higher education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges.

This bill would request the Regents of the University of California, and direct the Trustees of the California State University and the Board of Governors of the California Community Colleges, to develop guidelines and implement specified principles, relating to academic freedom, of a Student Bill of Rights. Among other things, the bill would require the audiotaping of all meetings pertaining to faculty hiring, promotion, and tenure. Because this provision would create new duties for community college districts, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 66015.8 is added to the Education  
2 Code, to read:

3 66015.8. (a) The Legislature finds and declares, with respect  
4 to public institutions of higher education, as follows:

5 (1) The central purposes of the university are the pursuit of  
6 truth, the discovery of new knowledge through scholarship and  
7 research, the study and reasoned criticism of intellectual and  
8 cultural traditions, the teaching and general development of  
9 students to help them become creative individuals and productive  
10 citizens of a pluralistic democracy, and the transmission of  
11 knowledge and learning to a society at large.

12 (2) Free inquiry and free speech within the academic  
13 community are indispensable to the achievement of these goals,  
14 the freedoms to teach and to learn depend upon the creation of  
15 appropriate conditions and opportunities on the campus as a  
16 whole as well as in the classrooms and lecture halls, and these  
17 purposes reflect the values of pluralism, diversity, opportunity,  
18 critical intelligence, openness, and fairness that are the  
19 cornerstones of American society.

20 (3) From its first formulation in the 1910 General Report of  
21 the Committee on Academic Freedom and Tenure of the  
22 American Association of University Professors, the concept of  
23 academic freedom has been premised on the idea that human  
24 knowledge is the pursuit of truth, that there is no humanly  
25 accessible truth that is not, in principle, open to challenge.

26 (4) Academic freedom is most likely to thrive in an  
27 environment of intellectual diversity that protects and fosters  
28 independence of thought and speech, and that academic freedom  
29 protects the intellectual independence of professors, researchers,  
30 and students in the pursuit of knowledge and the expression of  
31 ideas from interference by legislators or authorities within the  
32 institution itself.

1 (5) Intellectual independence means the protection of students  
2 from the imposition of any orthodoxy of a political, religious, or  
3 ideological nature. To achieve the intellectual independence of  
4 students, teachers should not take unfair advantage of their  
5 position of power over a student by indoctrinating him or her  
6 with the teacher's own opinions before a student has had an  
7 opportunity fairly to examine other opinions upon the matters in  
8 question, and before a student has sufficient knowledge and life  
9 experience to be entitled to form any definitive opinion of his or  
10 her own, and students should be free to take reasoned exception  
11 to the data or views offered in any course of study and to reserve  
12 judgment about matters of opinion.

13 (b) To secure the intellectual independence of students, and to  
14 protect the principles of intellectual diversity, the Regents of the  
15 University of California are requested to, and the Trustees of the  
16 California State University and the Board of Governors of the  
17 California Community Colleges are directed to, develop  
18 guidelines and implement the following principles of the Student  
19 Bill of Rights:

20 (1) Students shall be graded solely on the basis of their  
21 reasoned answers and appropriate knowledge of the subjects and  
22 disciplines they study, attendance, class participation, and other  
23 generally accepted grading criteria, not on the basis of their  
24 political or religious beliefs. Furthermore, each college and  
25 university should have well-known and publicly accessible  
26 policies and procedures available to students who believe that  
27 they have been penalized for their social, political, or ideological  
28 beliefs.

29 (2) Curricula and reading lists in the humanities and social  
30 sciences shall respect the uncertainty and unsettled character of  
31 all human knowledge in these areas, and provide students with  
32 dissenting sources and viewpoints. While teachers are and should  
33 be free to pursue their own findings and perspectives in  
34 presenting their views, they should consider and make their  
35 students aware of other viewpoints. Academic disciplines should  
36 welcome a diversity of approaches to unsettled questions.

37 (3) Exposing students to the spectrum of significant scholarly  
38 viewpoints on the subjects examined in their courses is a major  
39 responsibility of faculty. Faculty shall not use their courses or

1 their positions for the purpose of political, ideological, religious,  
2 or antireligious indoctrination.

3 (4) The selection of speakers, allocation of funds for speakers'  
4 programs, and other student activities shall observe the principles  
5 of academic freedom and promote intellectual pluralism.

6 (5) An environment conducive to the civil exchange of ideas  
7 being an essential component of a free university, the obstruction  
8 of invited campus speakers, the destruction of campus literature,  
9 or any other effort to obstruct this exchange shall not be  
10 tolerated.

11 (6) Knowledge advances when individual scholars are free to  
12 reach their own conclusions about whether research has validated  
13 a particular method or theory.

14 (7) Formal or informal quota systems shall not be used in  
15 making decisions regarding faculty hiring, promotions, and  
16 tenure.

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

24 (9) No faculty member shall be excluded from tenure, search,  
25 or hiring committees on the basis of his or her political or  
26 religious beliefs.

27 (10) (A) All meetings pertaining to faculty hiring, promotion,  
28 and tenure must be audiotaped. The audiotapes shall be  
29 maintained and made available for review by appropriate  
30 authorities for compliance with state and federal laws and  
31 systemwide or campus policies. The audiotapes shall be  
32 maintained in a manner that affords the same privacy protections  
33 as other personnel-related materials.

34 (B) At his or her own expense, any person under consideration  
35 for faculty hiring, promotion, or tenure may arrange for  
36 transcription of that portion of the meeting by a certified court  
37 reporter. The court reporter shall be instructed to refer to all  
38 participants in the meeting as "Speaker A," "Speaker B," et  
39 cetera, rather than by their actual names or titles. The campus or  
40 academic department conducting the meeting shall inform the

1 person under consideration of this right at least seven days prior  
2 to the meeting so as to allow sufficient time for that person to  
3 arrange for the certified court reporter. The services of the  
4 certified court reporter shall be paid for by the person under  
5 consideration.

6 SEC. 2. If the Commission on State Mandates determines that  
7 this act contains costs mandated by the state, reimbursement to  
8 local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.

O