

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1139

Short Title: Academic Bill of Rights. (Public)

Sponsors: Senators Brock; Pittenger and Webster.

Referred to: Education/Higher Education.

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE EACH CONSTITUENT INSTITUTION OF THE
3 UNIVERSITY OF NORTH CAROLINA TO ADOPT AN "ACADEMIC BILL OF
4 RIGHTS".

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 1 of Chapter 116 of the General Statutes is amended by
7 adding a new Part to read:

8 "Part 8. Academic Bill of Rights.

9 **"§ 116-44.9. Academic bill of rights.**

10 Each constituent institution of The University of North Carolina shall adopt a policy
11 recognizing that the students, faculty, and instructors of the institution have the
12 following rights:

13 (1) The constituent institution shall provide its students with a learning
14 environment in which the students have access to a broad range of
15 serious scholarly opinions pertaining to the subjects they study. In the
16 humanities, the social sciences, and the arts, the fostering of a plurality
17 of serious scholarly methodologies and perspectives shall be a
18 significant institutional purpose. In addition, curricula and reading lists
19 in the humanities and social studies shall respect all human knowledge
20 in these areas and provide students with dissenting sources and
21 viewpoints.

22 (2) Students shall be graded solely on the basis of their reasoned answers
23 and appropriate knowledge of the subjects and disciplines they study
24 and shall not be discriminated against on the basis of their political,
25 ideological, or religious beliefs. Faculty and instructors shall not use
26 their courses or their positions for the purpose of political, ideological,
27 religious, or antireligious indoctrination.

28 (3) Faculty and instructors shall not infringe upon the academic freedom
29 and quality of education of their students by persistently introducing

1 controversial matter into the classroom or coursework that has no
2 relation to their subject of study and that serves no legitimate
3 pedagogical purpose.

4 (4) University administrators, student government organizations, and
5 institutional policies, rules, or procedures shall not infringe upon the
6 freedom of speech, freedom of expression, freedom of assembly, and
7 freedom of conscience of students and student organizations.

8 (5) The constituent institution shall distribute student fee funds on a
9 viewpoint-neutral basis and shall maintain a posture of neutrality with
10 respect to substantive political and religious disagreements,
11 differences, and opinions. The selection of speakers, allocation of
12 funds for speakers' programs, and other student activities shall observe
13 the principles of academic freedom and promote the presentation of a
14 diversity of opinions on intellectual matters. Except as provided by
15 law, the institution shall not permit the obstruction of invited campus
16 speakers, the destruction of campus literature, or other efforts to
17 obstruct a civil exchange of ideas.

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

24 (7) Faculty and instructors shall be hired, fired, promoted, and granted
25 tenure on the basis of their competence and appropriate knowledge in
26 their field of expertise and shall not be hired, fired, promoted, granted
27 tenure, or denied promotion or tenure on the basis of their political,
28 ideological, or religious beliefs.

29 (8) Faculty and instructors shall not be excluded from tenure, search, and
30 hiring committees on the basis of their political, ideological, or
31 religious beliefs.

32 (9) The institution and its professional societies shall maintain a posture of
33 organizational neutrality with respect to the substantive disagreements
34 that divide researchers on questions within or outside their fields of
35 inquiry, recognizing that:

36 a. Knowledge advances when individual scholars are left free to
37 reach their own conclusions about which methods, facts, and
38 theories have been validated by research;

39 b. Academic institutions and professional societies formed to
40 advance knowledge within an area of research, maintain the
41 integrity of the research process, and organize the professional
42 lives of related researchers serve as indispensable venues within
43 which scholars circulate research findings and debate their
44 interpretations."

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SECTION 2. This act is effective when it becomes law.