

The Senate Higher Education Committee offered the following substitute to SR 661:

#### A RESOLUTION

1     Recommending the observance of the Academic Bill of Rights at public universities in  
2     Georgia; and for other purposes.

3     WHEREAS, the principles enumerated in this resolution fully apply only to public  
4     universities that present themselves as bound by the canons of academic freedom contained  
5     within. Nothing in this resolution shall be construed as interfering with the right of a private  
6     institution to restrict academic freedom on the basis of creed or belief; and

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

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

18    WHEREAS, academic freedom is indispensable to the American university. From its first  
19    formulation in the General Report of the Committee on Academic Freedom and Tenure of  
20    the American Association of University Professors, the concept of academic freedom has  
21    been premised on the idea that human knowledge is the pursuit of the truth, that there is no  
22    humanly accessible truth that is not in principle open to challenge; and

23    WHEREAS, academic freedom is most likely to thrive in an environment that protects and  
24    fosters independence of thought and speech. In the words of the General Report, it is vital

1 to protect "as the first condition of progress [a] complete and unlimited freedom to pursue  
2 inquiry and publish its results"; and

3 WHEREAS, because free inquiry and its fruits are crucial to the democratic enterprise itself,  
4 academic freedom is a national value as well. In a historic 1967 decision, the Supreme Court  
5 of the United States overturned a New York State loyalty provision for teachers with these  
6 words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent  
7 value to all of us and not merely to the teachers concerned." (*Keyishian v. Board of Regents*  
8 of the Univ. of the State of New York). In *Sweezy v. New Hampshire*, (1957), the Court  
9 observed that the "essentiality of freedom in the community of American universities [was]  
10 almost self-evident"; and

11 WHEREAS, academic freedom consists in protecting the intellectual independence of  
12 professors, researchers, and students in the pursuit of knowledge and the expression of ideas  
13 from interference by legislators or authorities within the institution itself, meaning that no  
14 political or ideological orthodoxy should be imposed on professors and researchers through  
15 the hiring, tenure, or termination process, nor through any other administrative means by the  
16 academic institution, nor should the legislature impose any such orthodoxy through the  
17 control of the university budget; and

18 WHEREAS, from the first statement on academic freedom, it has been recognized that  
19 intellectual independence means the protection of students as well as faculty from the  
20 imposition of any orthodoxy of a political or ideological nature. The 1910 General Report  
21 admonished faculty to avoid "taking unfair advantage of the student's immaturity by  
22 indoctrinating him with the teacher's own opinions before the student has had an opportunity  
23 fairly to examine other opinions upon the matters in question, and before he has sufficient  
24 knowledge and ripeness of judgment to be entitled to form any definitive opinion of his  
25 own." In 1967, the American Association of University Professors' Joint Statement on  
26 Rights and Freedoms of Students reinforced and amplified this injunction by affirming the  
27 inseparability of "the freedom to teach and freedom to learn." In the words of the report,  
28 "Students should be free to take reasoned exception to the data or views offered in any course  
29 of study and to reserve judgment about matters of opinion;" and

30 WHEREAS, the academic criteria of the scholarly profession should include reasonable  
31 scholarly options within the areas of discipline; and

32 WHEREAS, the value of the life of the mind was articulated by Thomas Jefferson when he

1 stated, "We are not afraid to follow truth wherever it may lead, nor to tolerate any error so  
2 long as reason is left free to combat it;" and

3 WHEREAS, the education of the next generation of leaders should contain rigorous and  
4 balanced exposure to significant theories and thoughtful viewpoints, and students should be  
5 given the knowledge and background that empowers them to think for themselves.

6 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that to secure the intellectual  
7 independence of faculty and students and to protect the principles of academic freedom, this  
8 body strongly recommends that the following principles and procedures be observed at all  
9 public colleges and universities within the State of Georgia:

10 1. All faculty members shall be hired, fired, promoted, or granted tenure on the basis of  
11 their competence and appropriate knowledge in the field of their expertise. No faculty  
12 member shall be hired, fired, or denied promotion or tenure solely on the basis of his or her  
13 political or ideological beliefs;

14 2. No faculty member shall be excluded from a tenure search or hiring committee on the  
15 basis of his or her political or ideological beliefs;

16 3. Students shall not be graded on the basis of their political or ideological beliefs. Each  
17 college and university should have well known and publicly accessible policies and  
18 procedures available to students who believe they have been penalized for their social,  
19 political, or ideological beliefs;

20 4. While teachers are and should be free to pursue their own findings and perspectives in  
21 presenting their viewpoints, they should consider and make their students aware of other  
22 viewpoints. Academic disciplines should welcome exploration of unsettled questions;

23 5. Faculty members should not use their courses for the purpose of political or ideological  
24 indoctrination;

25 6. An environment conducive to the civil exchange of ideas being an essential component  
26 of a free university, the obstruction of invited campus speakers, destruction of campus  
27 literature, or other efforts to obstruct this exchange shall not be tolerated; and

1 7. Knowledge advances when individual scholars are left free to reach their own  
2 conclusions about which methods, facts, and theories have been validated by research.  
3 Academic institutions formed to advance knowledge within an area of research, maintain  
4 the integrity of the research process, and organize the professional lives of related  
5 researchers serve as indispensable venues within which scholars circulate research findings  
6 and debate their interpretations.

7 **BE IT FURTHER RESOLVED** that the Secretary of the Senate is authorized and directed  
8 to transmit appropriate copies of this resolution to the Board of Regents of the University  
9 System of Georgia and to the president of every college and university in this state.