



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SR-45 (2021-2022)

SHARE THIS:  

ENROLLED APRIL 04, 2022

PASSED IN SENATE APRIL 04, 2022

AMENDED IN SENATE MARCH 16, 2022

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE RESOLUTION

NO. 45

Introduced by Senator Min

July 14, 2021

Relative to academic freedom.

LEGISLATIVE COUNSEL'S DIGEST

SR 45, Min.

WHEREAS, Freedom of thought and expression are necessary for every higher education institution; and

WHEREAS, “Academic freedom” means the freedom of teaching faculty to teach, conduct research, and speak as citizens without interference or restraint by the institution, boards of trustees, political figures, or other entities; and

WHEREAS, Academic freedom is foundational for the free flow of knowledge, ideas, and governance on college campuses; and

WHEREAS, In 1940, the American Association of University Professors issued a statement of principles on academic freedom and tenure; and

WHEREAS, This statement on academic freedom describes college and university faculty as “citizens, members of a learned profession, and officers of an educational institution”; and

WHEREAS, This statement also establishes that when college and university teachers “write as citizens, they should be free from institutional censorship or discipline, but their unique position in the community imposes special obligations”; and

WHEREAS, This statement further declares, “as scholars and educational officers, [college and university teachers] should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be

accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution"; and

WHEREAS, Many colleges and universities are engaged in Diversity, Equity, and Inclusion work, requiring necessary, valuable, and potentially uncomfortable conversations and dialogue, and faculty across the state are engaging in these conversations with students in their classrooms; and

WHEREAS, Section 51023 of Title 5 of the California Code of Regulations states: "the governing board of a community college district shall adopt a policy statement on academic freedom which shall be made available to faculty"; and

WHEREAS, Local academic freedom policies required by Title 5 and adopted by independent governing boards vary greatly, and the state therefore lacks the uniformity necessary to uphold and ensure the principles of academic freedom across all of California's community colleges; and

WHEREAS, Academic freedom policies are in some but not all collective bargaining agreements, and this creates a lack of uniformity and comparability for academic freedom policies and processes across all of California's community colleges; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate recognizes that academic freedom, as defined by the American Association of University Professors, entitles teachers to "full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution"; and be it further

Resolved, That the Senate recognizes that academic freedom, as defined by the American Association of University Professors, entitles teachers to freedom in the classroom discussing their discipline, and states that teachers should not introduce into their teaching matter that has no relation to their discipline; and be it further

Resolved, That under an academic freedom policy, a faculty member can, within their discipline, articulate or even advocate positions or concepts that may be controversial in nature without fear of retribution or reprisal by the institution; and be it further

Resolved, That the Senate declares that academic freedom is an essential requisite for teaching and learning in California Community Colleges; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Board of Governors of the California Community Colleges and the Chancellor of the California Community Colleges.