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## Student bill of rights needs tweaking

**February 3, 2004**

The debate over lawmaker plans to sponsor a so-called Academic Bill of Rights has been raging for four months - ever since the *Rocky Mountain News* broke the story in September - but the focus sharpened last week with the introduction of actual legislation. House Bill 1315 turns out to be far from the fearsome mandate for political balance in the classroom that critics predicted and more of a commendable attempt to shield students from viewpoint discrimination.

We support those provisions in the bill that stick to the anti-discrimination purpose. Unfortunately, not every provision does. For example, while students do indeed "have a right to expect that their academic freedom will not be infringed by instructors who create a hostile environment toward their political or religious beliefs," should students also be able to lodge official complaints every time an instructor introduces "controversial matter into the classroom or course work that is substantially unrelated to the subject of study"?

As a matter of general policy, professors should of course stick to the course topic and not pontificate on unrelated matters. But every now and then an extraordinary event virtually *demands* at least passing discussion. The terrorist attacks of 2001 were such an event. The start of the war with Iraq last year may have been another.

We don't think Colorado should aspire to imitate the example of Forsyth Technical Community College in Winston-Salem, N.C., which fired an instructor after students complained she took 10 minutes of her March 28 class last year to criticize the invasion of Iraq - even though the instructor then turned the issue into a writing assignment. Was Elizabeth Ito's conduct unprofessional? Probably. But as a spokesman for the Philadelphia-based Foundation for Individual Rights in Education argues in her defense, such punishment "will chill the free speech of faculty members who must now worry if they make the slightest digression from what administrators believe is relevant in the classroom. If colleges and universities are to err, they should err on the side of free speech."

We also wonder how authorities would interpret a provision in HB 1315 that says "academic institutions shall distribute student fee funds on a viewpoint-neutral basis and shall maintain a posture of neutrality with respect to substantive political or religious disagreements, differences, and opinions." Does that mean an equal number of liberal and conservative speakers must be invited to

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campus if their appearances are made possible by student fees? If so, who would rate the speakers' politics? For that matter, what is a "posture of neutrality" on, say, affirmative action? Either an institution offers ethnic preferences for designated minorities or it doesn't. Either way it has taken a position on a political issue involving "substantive . . . disagreements."

Even with these flaws, HB 1315 has much to commend it. Whether some professors like it or not, for example, lawmakers have every right to ensure public colleges and universities have a grievance procedure to protect students from political zealots who belittle, intimidate or even punish them academically for differing views. Such professors no doubt are a small minority, but they exist.

An academic bill of rights is a worthy goal if it is narrowly focused on political discrimination in the classroom. HB 1315 is a good starting point for such a statute.

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