

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 A.M. on March 15, 2006 in Room 514-S of the Capitol.

All members were present.

Committee staff present:

J. G. Scott, Legislative Research Department
Becky Krahl, Legislative Research Department
Matt Spurgin, Legislative Research Department
Debra Hollon, Legislative Research Department
Susan Kannarr, Legislative Research Department
Amy VanHouse, Legislative Research Department
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Administrative Assistant
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

David Horowitz, well-known author and media commentator and president of the Center for the Study of Popular Culture
Charles Merrifield, Newman University
Dr. Joe Yanik, Professor of Mathematics, Emporia State University
Jamie Corkhill, Policy Attorney, Department of Social and Rehabilitation Services (SRS)
Dick Hayter, Associate Dean, College of Engineering, Kansas State University

Others attending:

See attached list.

- Attachment 1 Testimony on **HCR 5035** by David Horowitz
- Attachment 2 Testimony on **HCR 5035** by Dr. Joe Yanik
- Attachment 3 Testimony on **HCR 5035** by Lori Drummer, Education Task Force Director, American Legislative Exchange Council (ALEC)
- Attachment 4 Testimony on **SB 579** by Dick Hayter, Kansas State University
- Attachment 5 Budget Committee report on **SB 553**
- Attachment 6 Testimony on **SB 420** by Jamie Corkhill, Policy Attorney, Department of Social and Rehabilitation Services

Hearing on HCR 5035 - Academic freedom for Kansas public universities.

Deb Hollon, Legislative Research Department, explained that **HCR 5035** would recommend a series of procedures for public colleges and universities. All faculty members would be hired on the basis of their competence and appropriate knowledge in the field of their expertise; no faculty member will be hired, fired, promoted or denied promotion or tenure on the basis of his or her political, ideological or religious beliefs; students would be graded on the basis of subject area, not on the basis of their political, ideological or religious beliefs; curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas; exposing students to a spectrum of viewpoints on the subjects is a major responsibility of faculty members; faculty members will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.

Chairman Neufeld recognized David Horowitz, well-known author and media commentator and president of the Center for the Study of Popular Culture, who presented testimony in support of **HCR 5035** (Attachment 1).

Responding to questions from the Committee, Mr. Horowitz indicated:

- Courses, as now taught, violate Board of Regents' policies; wastes time and the taxpayers' money.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on March 15, 2006 in Room 514-S of the Capitol.

- Students should be judged on their work, rather than their opinion.
- Academic freedom should be protected.
- A nationwide problem exists; professionals protected - no one protects the student.
- More than 12 states now have similar legislation.

The Chair recognized Dr. Charles Merrifield, Newman University, who introduced Dr. Joe Yanik, Professor of Mathematics at Emporia State University, to present testimony in opposition to **HCR 5035** (Attachment 2).

Responding to a question from the Committee, Dr. Yanik indicated that he was not aware of any incidence where anyone in the profession was discouraged from testifying before a legislative committee or denied academic freedom by the Board of Regents.

Written testimony from Lori Drummer, Education Task Force Director, American Legislative Exchange Council (ALEC), in support of **HCR 5035**, was distributed to the Committee (Attachment 3).

The hearing on HCR 5035 was closed.

Hearing on SB 574 - Transfer of certain land in Shawnee county to helping hands humane society, amending land description.

Becky Krahl, Legislative Research Department, explained that **SB 574** would correct 2005 legislation involving a land transfer in Shawnee county from the Juvenile Justice Authority to the Helping Hands Humane Society. The 2005 legislation included a transfer provision for the 4.9 acres to be conveyed, but that legislation included an inaccurate legal description of the land with the error being discovered after the end of the 2005 Session.

The hearing on SB 574 was closed.

Hearing on SB 579 - Authorizing the state board of regents to sell certain real estate.

Deb Hollon, Legislative Research Department, explained that **SB 579** would authorize the Board of Regents to sell a tract of land and building on behalf of the Kansas State University. The Board of Regents also would be authorized to exchange the property with the Kansas State University Foundation for property of equal or greater value. The land tract outlined in the bill is approximately four acres located in an industrial park in the city of Manhattan.

Dick Hayter, Associate Dean of the College of Engineering at Kansas State University, presented testimony on **SB 579** and stated that a land survey was performed at the site during the past month (Attachment 4).

The hearing on SB 579 was closed.

Discussion and action on SB 553 - State historical society; transfer of property to Audubon of Kansas.

The Education Budget Committee recommends amending the bill to include language that the property would revert back to the State Historical Society if the Audubon of Kansas ever ceases to exist, transfers the land, or fails to make the property available for public use.

Representative Huy, member of the Education Budget Committee, presented the Budget Committee recommendation on SB 553 and moved for the adoption of the Budget Committee report (Attachment 5). The motion was seconded by Representative Feuerborn. Motion carried.

Discussion and action on HB 2954 - Surplus real estate at Osawatomie state hospital to city of Osawatomie for economic development purposes.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on March 15, 2006 in Room 514-S of the Capitol.

Representative Feuerborn explained that the parties involved have met, worked out any differences within the legislation and now have a legal description of the land involved. The transfer now contains 4 tracts of land, 76 acres in total. Gary Daniels, Secretary of the Department of Corrections, in a letter to the Committee, requested that one tract of land remain with Osamatomie State Hospital for the possible construction of a children's unit at the Rainbow facility.

Representative Feuerborn moved to amend **SB 553** by rolling the contents of **SB 574**, **SB 579** and **HB 2954** into **SB 553** and allow for technical corrections to the bill as necessary. The motion was seconded by Representative Landwehr. Motion carried.

Representative Feuerborn moved to recommend **SB 553** favorable for passage as amended. The motion was seconded by Representative Landwehr. Motion carried.

Hearing on SB 420 - Amendments to the Kansas payment center statute; repealing the sunset provision regarding the state being fined for lack of compliance with title IV-D.


Chairman Neufeld recognized Jamie Corkhill, Policy Attorney, Department of Social and Rehabilitation Services, who presented testimony in support of **SB 420** (Attachment 6). Ms. Corkhill noted that purpose of **SB 420** includes providing the ability for the Kansas Pay Center (KPC) to accept and process checks that are not made payable to the KPC; adjusts existing language in KSA 23-4, 118 to assure the standards for operating the KPC will apply appropriately, regardless of how resources are configured to fulfill KPC functions; makes changes in the way unclaimed or abandoned support payments are handled; and repeals the automatic sunset provision enacted in 1957.

Responding to Committee questions, Ms. Corkhill stated that no additional staff would be required as staff and resources from the State Treasurer's Office will be used to accomplish an additional work.

The hearing on SB 420 was closed.

HB 3013 was referred to the Social Services Budget Committee.

The meeting was adjourned at 11:00 a.m. The next meeting of the Committee will be held at 9:00 a.m. on March 16, 2006.



Melyin Neufeld, Chairman

HOUSE APPROPRIATIONS COMMITTEE

March 15, 2006

9:00 a.m.

NAME	REPRESENTING
Charles Merrifield	American Association of University Professors
SUE PETERSON	IC-STATE
Jamie Corkhill	SRS
Ron Seebat	Hein Law Firm
JOHN DOUGHERTY	ESU
Lee Boyd	AAUP
Kath Bradshaw	JIA

The Political Attack On Our Universities

By David Horowitz

What follows in these pages is testimony I presented to the Appropriations Committee of the Kansas House on March 15, 2006, concerning the assault on academic freedom by tenured radicals in Kansas' public university system.

Although the principal examples of political indoctrination and violations of academic freedom cited in this testimony pertain to institutions of higher learning in Kansas, they could easily be replicated in similar institutions in any state in the union.

The intellectual corruption of our universities by political radicals has been proceeding without interruption since the Vietnam War. This political movement in the academic world didn't get into high gear until the 1980s, when the Sixties generation attained tenure rank and with it institutional power in the universities. But it has now become a pervasive and destructive fact of our national life. Entire academic departments and fields are no longer devoted to scholarly pursuits, but have become ideological training and recruitment centers for radical causes.

Educational institutions are the cornerstones of our democracy. This is particularly so in the present historical juncture when we are engaged in a war with totalitarian enemies that seek to destroy us. Teaching the next generations the principles of our system, and developing in them the ability to reason and think for themselves are agendas crucial to the health and survival of our nation. This knowledge and these abilities are the fundamental prerequisites of a democratic culture. And they are in danger in our country today.

The testimony contained in this pamphlet provides a framework for viewing the problem of our universities within the framework of traditional educational values to which most universities still feel obliged to pay lip service. This framework therefore also provides an agenda for reform – for confronting the intellectual corruption that threatens our institutions of higher learning and for restoring the precepts and standards that created them in the first place and on which the future of our country depends.

* * *

My name is David Horowitz. I am a well-known author and media commentator and am the president of the Center for the Study of Popular Culture, a non-profit public interest organization supported by the contributions of 40,000 individuals. I am also the author of a recent book, *The Professors*, which profiles more than a hundred academics and reveals several disturbing patterns in university governance, including the use of university classrooms and curricula to promote agendas that are political, not academic.

HOUSE APPROPRIATIONS

DATE 3-15-2006
ATTACHMENT 1

I am the creator of a national organization called Students for Academic Freedom which has chapters on 150 campuses nationwide and the author of an Academic Bill of Rights, which seeks to restore educational and academic values to university curricula, as well as traditions of academic responsibility that have been lost in recent years. The Academic Bill of Rights has effected changes in the academic policies of public university systems in Colorado and Ohio, and has provided a model for legislation that has been introduced or is in the process of being introduced in more than a dozen states.

In the course of the last twenty years I have visited over 300 campuses, among which was the University of Kansas in Lawrence. In the course of these visits, I have interviewed several thousand students and several hundred professors concerning the academic freedom issues I am here to discuss.

The Academic Bill of Rights I have proposed is an attempt to restore the principles of academic freedom that played a central role in shaping the modern research university in America and making it the envy of the world. My bill is first of all a codification of existing academic freedom policies which university administrations have increasingly failed to enforce in recent years. I have explained why this is so in my book *The Professors*, but it should be apparent to any observer of recent events at Harvard University, where the most powerful president in the history of the modern research university was forced to resign by a radical faculty which did not approve his expression of politically incorrect ideas. The only real innovation of my Academic Bill of Rights, in terms of existing academic freedom provisions, is that it codifies the existing policies and intentions as a bill of student rights.

Academic freedom is basic to a free society like ours. In a historic 1967 decision (*Keyishian v. Board of Regents of the University of the State of New York*) the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." In *Sweezy v. New Hampshire*, (1957) the Court observed that the "essentiality of freedom in the community of American universities is almost self-evident."

In authoritarian and totalitarian societies schools exist to indoctrinate students in the orthodoxy of the state. In a democracy we teach students how to think, not what to think. In other words, in a free society the very purpose of education is to open students' minds and teach its citizens to think for themselves. This is the idea that lies at the heart of the academic freedom provisions of every university. It found its clearest expression in the famous clause written by University of California president Robert Gordon Sproul in 1934 for the Academic Personal Manual which governs faculty behavior:

"Essentially the freedom of a university is the freedom of competent persons in the classroom. In order to protect this freedom, the University assumes the right to prevent exploitation of its prestige by unqualified persons or by those who would use it as a platform for propaganda.... The function of the university is to seek and to transmit knowledge and to train students in the processes whereby truth is to be made known. To

convert, or to make converts, is alien and hostile to this dispassionate duty. Where it becomes necessary in performing this function of a university, to consider political, social, or sectarian movements, they are dissected and examined, not taught, and the conclusion left, with no tipping of the scales, to the logic of the facts...."¹

The Crisis In Our Universities

An emblem of the crisis that besets our universities is provided by an episode that occurred on July 30, 2003, when the Faculty Senate of the University of California elected by a vote of 43-3 to remove the famous Sproul Clause from Berkeley's Academic Personnel Manual. The Faculty Senate took the step because this academic freedom principle came into conflict with the teaching of a specific course at the University of California, Berkeley. The course was called, "The Politics and Poetics of Palestinian Resistance" and earned national embarrassment for the university when its radical instructor inserted into the school catalogue a warning that conservative students would be advised not to take it, presumably because of its ideological content. This course, mind you, was not even a course in history or political science or Middle Eastern Studies. It was a course in an English writing program required for all freshmen.

Instead of removing this blatantly political course from the university curriculum – a course that clearly violated its own academic freedom guidelines in multiple ways-- the Faculty Senate removed the guideline. In its stead, it substituted a clause to the effect that whatever a teacher says in a classroom is appropriate and proper if the Faculty Senate says it is.

This episode is but one of many manifestations of a trend in American institutions of higher learning towards the politicization of the curriculum and thus towards a university model which is more akin to the educational systems of authoritarian societies than to democratic societies like ours. This trend is a product of two major developments that have taken place in the university system over the course of the last twenty-five years.

The first of these developments is the abdication by university administrators of their oversight of what faculty are saying and doing in the classroom. Administrators are increasingly so focused on financial concerns that they have turned a blind eye to radical advocacy in the classroom, and the substitution of political attitudinizing for scholarly research. Segments of the faculty have now become accustomed to the most irresponsible conduct without any consequences.

Two examples – at the most prestigious institutions of higher learning -- will demonstrate this problem. The first is what happened to Lawrence Summers when he demanded that Cornel West, the holder of a prestigious Harvard professorship, actually produce real scholarship instead of spending his time recording rap music albums and working on political campaigns. Professor West had not produced a scholarly work in

¹ Rule APM 0-10 of UC Berkeley's Academic Personnel Manual.

nearly twenty years. But West simply brushed aside the president of Harvard's request, insinuated that he was a racist and secured another prestigious position at Princeton.

The second example involved the Director of Undergraduate Studies at Duke University, a tenured professor in the Department of Cultural Anthropology. During a speech I gave at the university only last week, which was sponsored by the Office of the Provost and the Department of Political Science, Anthropology Professor Diane Nelson led a group of undergraduates in disruptions of the event. For a faculty member to disrupt an invited speaker to the Duke campus is a specific violation of published faculty guidelines of behavior. But Professor Nelson went further. In its report on the event, the Duke Chronicle, Duke's student newspaper, published an email that Professor Nelson had sent to students urging them to strip naked at the event to further disrupt my speech. Professor Nelson is the Director of Undergraduate Studies at the fifth ranked university in the nation. So far, there have been no repercussions for this behavior.

In keeping with the increasing power of this imperial faculty, tenured members of the university community have become unaccountable to any authorities but their own. That is the meaning of the forced resignation of President Summers at Harvard and of the Faculty Senate's decision in California that professors should be free to say anything they wish in the classroom, even if that includes the political indoctrination of their students.

Lawrence Summers was the most powerful university president in the history of the modern research university and became the first president ever to be censured by his own faculty. Months after his censure the same faculty radicals threatened a second censure, which had the effect of forcing his resignation. The trigger of Summers' unprecedented termination by a small but politically active faculty minority -- amounting to a mere ten percent of all Harvard professors -- was Summers' expression of ideas which the faculty found politically unacceptable. While academic freedom was regarded by the faculty as the right to say anything they wished in a classroom, the same freedom did not apply to their university president.

One of the ideas that precipitated Summers' troubles was uttered in a private seminar behind closed doors. This was his observation that scientific studies showed that women and men had different aptitudes for mathematics. It was apparently not an idea that could be uttered by a university president, even one with distinguished academic and career credentials. Once he said, it, the only remedy acceptable to Harvard's faculty radicals was his dismissal.

There is not a single president of a college or university in the entire nation who has not taken note of this episode and considered its implications for university governance and for their own presidential careers. To challenge the political radicals on their faculty risks damage to their universities and exposes them to the possible termination of their administrative futures.

The second development behind the present crisis of academic governance is the creation and then intrusion of entire programs into the academic curriculum that are

overtly ideological in nature and whose goals are determined by political rather than scholarly or educational agendas. The driving force behind these programs, which encompass entire departments and fields, are the same radicals who have created the imperial faculty with its censorious attitudes towards intellectual freedom.

One of the most advanced stages of this intellectual corruption of our universities has been achieved at the University of California Santa Cruz, where faculty radicals have changed the very name of the Department of Women's Studies to reflect the overtly ideological nature of its courses. It is now called the Department of Feminist Studies,² and is a program of indoctrination in the theory and practice of radical feminism whose agenda is the recruitment of students to radical causes. On the official departmental website under "Career Opportunities" and the heading "What Can I Do With A Major in Feminist Studies" the answer is as follows:

"Resources - What Can I Do with a Major in Feminist Studies?"

"Employment Opportunities for Feminist Studies Majors:

"With a background in women's and minorities' histories and an understanding of racism, sexism, homophobia, classism, and other forms of oppression, graduates have a good background for work with policy-making and lobbying organizations, research centers, trade and international associations, and unions. Graduates' knowledge about power relationships and injustice often leads them to choose careers in government and politics, because they are determined to use their skills to change the world..."³

This is not an academic curriculum. It is an indoctrination and recruitment program, which violates the most fundamental precepts of the academic freedom guidelines of the University of California. Yet not a single administrator in the University of California system is the slightest concerned.

The power of faculty radicals has made political indoctrination courses like those offered in Feminist Studies required of all university undergraduates. These undergraduate programs are the feeder systems for law and journalism faculties which the taxpayers of California and states like Kansas have set up as professional training institutions for future lawyers, judges, editors and reporters. These faculties themselves are not immune to the political forces that have insinuated themselves into our academic institutions with agendas that are not academic and that are not democratic. When educational administrators fail to keep their trust, it is the responsibility of legislators to remind them of their responsibilities and keep their own trust with the citizens of their states.

² <http://feministstudies.ucsc.edu/resCareers.html>

³ <http://feministstudies.ucsc.edu/resMajor.html>

The termination of an illustrious president of Harvard who refused to observe the party line radical faculty had placed on his institution and the creation of overtly political courses whose purpose is to indoctrinate students in radical politics are part of a growing crisis of academic governance and academic freedom on American university campuses. It is a crisis from which the higher education system in Kansas is not immune and is the subject I am here to discuss.

Obviously in the time allotted I cannot present a complete analysis of the system of public higher education in your state. I will have to settle for a few examples that reflect a widespread problem in these institutions. I urge the legislature to consider undertaking a comprehensive audit of the entire university system in your state with an eye to assessing the condition of academic freedom on its many campuses.

Academic Freedom and Tenure

To begin the present discussion I would like to remind you of the contract established between the faculties of Kansas's public universities and the tax-paying citizenry that supports them.

Tenured faculty in Kansas -- as at publicly and privately financed colleges and universities elsewhere -- are a highly privileged social and economic elite. According to the Chronicle of Higher Education, full professors with tenure at public universities can make in excess of \$100,000 a year (while at private universities the figure moves to \$150,000). These salaries are supplemented by generous benefit packages. At the University of Kansas the average salary for a full professor is \$92,253 and at Kansas State, \$79,983.

These are handsome payments for public officials. To earn this income, professors work an average of six to nine hours a week in class and are required to work only eight months out of the working year. Every year they are entitled to four months paid vacation, and every seven years they are awarded a sabbatical leave that provides them with 10 months leave at full or half pay. To crown these privileges they alone among America's public employees -- with the exception of Supreme Court Justices -- have lifetime jobs.

These great privileges are specifically granted to academics on the assumption that they are professionals and that they are possessors of an expertise that is of great benefit to society at large. The Kansas Board of Regents specifies this contract in the following words: "It is the mastery teachers have of their subjects and their own scholarship that entitles them to their classrooms and to freedom in the presentation of their subjects."⁴

⁴ KANSAS BOARD OF REGENTS POLICY STATEMENT ON THE USE OF CONTROVERSIAL MATERIAL IN INSTRUCTION, INCLUDING THE USE OF SEXUALLY EXPLICIT MATERIALS IN INSTRUCTION (adopted April 23, 2004).

The contractual premise is that professors are scholars who require prodigious amounts of time outside the classroom to conduct research that is scholarly and disinterested, and that encompasses such diligence and long years of effort in its pursuit, as to make the results of the research both beneficial to knowledge in general and to society, and also puts it beyond the ken or judgment of laypersons who lack their training and research.

That is the contract. That is why university academics are paid more generously than most public employees, and that is why the elite among them are afforded lifetime tenure. The tenure provision is to protect their valued expertise. Academic freedom and academic tenure are historically linked in all the policy statements concerning academic freedom by the American Association of University Professors. The principles of academic freedom and tenure are there to hold them harmless for conclusions they may draw from their years of specialized research, and to guard the disinterested knowledge they have accumulated from unwarranted censure by persons who are unqualified -- because are not experts -- to pass judgment on what they have discovered.

Politicians and radio talk show hosts do not have lifetime jobs; they do not have special freedom protections. That is because they deal in opinion, not in expertise. Opinion is vital to a democracy; it is what we take into the voting booth when we pull the lever. But it is not expertise. And it does not require the protection of a lifetime job.

Thus there is another side to the special privilege that professors enjoy under the provisions of academic freedom. This is their obligation to be professional, to strive for scholarly objectivity, and to remain non-partisan and non-political in their classroom pronouncements. Professors are not granted tenure or the protections of academic freedom to defend their "free speech." Their free speech as citizens is already guaranteed by the First Amendment. Their speech in the classroom, on the other hand, is professional speech which entails certain obligations and requires certain self-restrictions to fulfill these obligations.

The Kansas Board of Regents states the distinction in these words: "College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they 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..."⁵

http://www.provost.ku.edu/policy/controversial_material/controversial_%20material_policy_042304.doc

⁵ This clause is identical to the 1940 Statement on the Principles of Academic Freedom and Tenure of the American Association of University Professors.

Free speech is the right that professors have as ordinary citizens to express themselves in public spaces outside the classroom. Like other professionals, however, teachers are expected to maintain professional standards to earn the privilege of their employment. A pastor who preaches a sermon to the effect that God does not exist will soon be looking for other work, free speech or no. A nurse who interrupts an operation she is assisting to deliver a stump speech on nurse's salaries or the war in Iraq will probably not be invited into the same operating room again. And a professor who violates the standards of the academic profession and the academic guidelines of his or her university, is subject to discipline for this breach of professional conduct.

In sum, it is professors' specialized academic expertise, drawn from years of disinterested research that entitles them to their professorial privileges and in particular to the freedom to present the results of their expertise in their classroom and in other academic settings. On the one hand, teachers are privileged with the freedom to express the ideas that result from their expertise; on the other, they are required to limit their instruction to that expertise and not inflict their prejudices – political or otherwise – on students who have been entrusted to their care. While teaching their expertise – knowledge that has been gleaned from long and arduous years of research in a specialized field – they are not permitted to fill their classrooms with uninformed opinions they may have arrived at in their roles as ordinary citizens or to vent their biases on controversial issues of the day; or to impose such attitudes on impressionable students through the authority they have been granted as a result of their expertise.

These strictures are made explicit by the Regents in the following statement of principle: "Thus, it is improper for an instructor persistently to intrude material that has no relation to the subject or to fail to present the subject matter of the course as announced to the students and as approved by the faculty in their collective responsibility for the curriculum." And again: "Students should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or their own social behavior."

In other words, professors should not be making comments about the war in Iraq in classes that are not about the war in Iraq, or where the subject matter has no relation to the war in Iraq. Nor should they be indoctrinating students in feminism or any other ism. Nor should they be attempting to impose controversial positions or sectarian attitudes on students in their classrooms no matter what the subject.

Professor Stanley Fish, who is a well-known academic scholar and political liberal, and who recently retired as Dean of the Chicago campus of the University of Illinois wrote an article on this subject which appeared in the Chronicle of Higher Education. It is titled, "Save The World On Your Own Time":

"Teachers should teach their subjects. They should not teach peace or war or freedom or diversity or uniformity or nationalism or anti-nationalism or any other agenda that might properly be taught by a political leader or a talk-show host. Of course they

should teach about such subjects, something very different from urging them as commitments – when they are part of the history or philosophy or literature or sociology that is being studied. The only advocacy that should go on in the classroom is the advocacy of what James Murphy has identified as the intellectual virtues, ‘thoroughness, perseverance, intellectual honesty,’ all components of the cardinal academic virtue of being ‘conscientious in the pursuit of truth.’”⁶ (emphasis added)

In other words, teachers should approach controversial issues that are relevant to the courses in which they have expertise, as disinterested scholars. They should present their students with two or more sides to any controversial issue, and not urge on them any particular side. They should teach them what the evidence is, how to assemble it, and how to construct an argument. After that, they should leave it to students to form their own conclusions. This has been the basic idea of a democratic education throughout our nation’s history. But it is now under sustained and systematic attack from forces within our educational institutions themselves.

An academic program in a democracy should be governed by principles of academic freedom and disinterested inquiry; it should not be a program in advocacy for a particular point of view, nor should it attempt to indoctrinate students in the pet ideologies and prejudices of their professors.

Are these policies being violated in Kansas schools? The evidence exists that they are. Entire Departments at Kansas State University and the University of Kansas, for example, are devoted to ideological and political agendas, and are in fact advocacy programs designed to indoctrinate and train students in one-sided views of controversial issues. In other words, they violate the explicit mandates of the Kansas Board of Regents and the American Association of University Professors.

Women’s Studies Programs

At Kansas State University, the Women’s Studies Department describes its program in the catalogue this way:

“To qualify for a B.S. or B.A. degree in Women's Studies, students will have demonstrated:

- Their understanding that Women's Studies is an academic discipline that generates new knowledge about women and gender, reconsiders other disciplines through feminist perspectives, and is committed to social action and social change. [emphasis added]
- Their familiarity with key Women's Studies concepts such as the social construction of gender, oppression of and violence against women, heterosexism, racism, classism, and global inequality.

⁶ http://www.studentsforacademicfreedom.org/essays/political_party.html

- Their understanding of how and why gender inequality developed and is maintained in the United States and in our global society. Their ability to recognize the social, political, economic, and cultural consequences of gender inequality.
- Their familiarity with the history of feminism in the United States and with the different ways that gender inequality has been challenged in the contemporary world.
- Their ability to identify and apply a broad range of feminist perspectives and theories to their personal experiences, professional work, and to their understanding of society.”

This is not the mission statement of an academic program of scholarly inquiry into the history and sociology of women; this is an ideological program frankly designed to indoctrinate students in a radical feminist view of the world, and to recruit them to feminist causes.

The statement takes a non-academic, partisan view of issues that are controversial – whether women are in fact “oppressed” in the United States, whether there is “gender inequality” in our society, or whether “heterosexism” and “classism” are meaningful let alone valuable categories of analysis. The Women’s Studies program is openly designed to recruit students to radical feminist causes and political agendas. Its core courses for establishing a major are not courses about women, but are courses in the history theory and politics of a particular ideology of women, namely radical feminism; the program is designed to be taught exclusively from the point of view of radical feminists and with assigned readings from texts by radical feminists. No intellectual diversity is permitted.

The academic program of the Women’s Studies Department at the University of Kansas is designed in exactly the same vein. The introductory course required of all majors states: “Our focus is not only to look at how women are members of an oppressed group, but how women have always been active agents in changing the world in which they live.”

An academic course by contrast would ask whether women are members of an oppressed group; it would not focus on the alleged fact that they are, which is a controversial issue that divides our political culture. An academic course would not presume that women “have always been active agents in changing the world.” A program of scholarly analysis would not place at its center the idea that its graduates should be “active agents in changing the world.” That is a program of political action, in this case funded unwittingly – and possibly illegally -- by the taxpayers of the state of Kansas.

The mission statements and curricula of the Women’s Studies Departments at Kansas State and the University of Kansas violate the academic freedom policies and standards of the Kansas Board of Regents. They can in no way be justified as taxpayer-supported programs. Radical feminism is not an academic category or enterprise. It is a sectarian political movement. Professors who teach radical feminism are not scholars; they are political activists. Consequently, they do not permit intellectual critics to enter

their programs. Scholars would welcome such diversity; but activists disdain contrarian viewpoints as complicating their agendas of indoctrination and action.

On what basis should political activists be granted tenured positions? As already noted, politicians don't have lifetime jobs; nor do radio talk show hosts. That is because they deal in opinions, not scholarly expertise. Radical feminism is a collection of opinions. According to who is judging them, they may be good opinions or groundless opinions, but they are opinions nonetheless. There is no way to decide on their merits except by election. That is the way we adjudicate differences of political opinion in a democracy.

Professors of Women's Studies at the University of Kansas, however, are not elected. They are appointed, and in fact they are self-appointed, since new hires in the Women's Studies Department will be determined by the votes of the tenured members of the Department itself. That means that not only is there no intellectual diversity in these programs now, but as long as they continue to exist there never will be. The tenured members of these departments know the ideology they want in a hire, and will always hire someone who believes politically as they do. An analogy would be if the Republican majority in the Kansas State Legislature had lifetime jobs and were entrusted with electing their successors. This is a prescription for authoritarian rule; it is not the principle by which we operate in a democracy.

To Republican legislators, I would point out that programs such as these are essentially tax-payer funded recruiting programs not only for the left generally but for the Democratic Party in particular, especially its most liberal wing. Is that an appropriate way for the education taxes of Kansas citizens to be spent?

The questions for this committee are: How did such partisan and self-perpetuating political departments get created in our universities, and what can be done about them? These, by the way, are not small or insignificant programs. The Department of Women's Studies (which is in practice the Department of feminist ideology) at the University of Kansas lists more than 30 courses. How did such a political enterprise, totally inappropriate for an academic institution and totally inappropriate for a state institution, get funded in the first place? How is it that no one in the administration of either of these two universities noticed that such advocacy programs violate the core policies of academic freedom that have been established by the Kansas Board of Regents to govern them? Or, if they did notice, how is it that they have allowed this massive misuse of public funds and abuse of Kansas students to take place?

School of Social Activism

Women's Studies is not the only field with these problems in Kansas universities, and indeed in universities across the nation. At Kansas State University the Social Work

program describes itself to students this way: "Social work is a profession for those with a spark of idealism, a belief in social justice, and a natural love of working with people."⁷

The term "social justice" is not a neutral term but is a generally recognized code for partisans of socialism and the expansion of the welfare state. It does not mean "justice for all" in the legal sense, but refers to an "economic justice" that the free market system allegedly denies, and that government is required to redress. In other words, it is code for one of the central political debates in our democracy. The School of Social Work at Kansas State is apparently training students to take one side of this debate.

A required course for Social Work majors -- Social Work 525 -- lists in its syllabus for students "Social Work's Core Values." The second of these core values is "social justice":

"Social Justice-Social workers challenge social injustice.

Social workers pursue social change, particularly with and on behalf of vulnerable and oppressed individuals and groups of people. Social workers' social change efforts are focused primarily on issues of poverty, unemployment, discrimination, and other forms of social injustice. These activities seek to promote sensitivity to and knowledge about oppression and cultural and ethnic diversity."

This is the program of a political party or the training school for political party activists. It does not represent an academic approach to social work. It is a program of radical social activism funded -- I am sure unknowingly -- by the taxpayers of Kansas.

The entire Social Work program at Kansas State is an advocacy program for leftwing and liberal "solutions" to significant social problems. A leftwing point of view is a legitimate part of the great political debate within our culture, but it is only one point of view, and constitutes only one side of the debate in our two-party, two-sided system.

A Kansas State student who does not accept the premises and goals of the program will fail out of the program, because he or she has failed to "understand" its core beliefs. More likely, such a student will never be admitted to the program in the first place, no matter how much he or she wants to help poor people. This is not an academic program. It is ideological and partisan, and it violates the academic freedom policies of the Kansas Board of Regents.

Social Work 510 and Sociology 510 constitute a joint course in "Social Welfare" taught by both the Social Work and Sociology Departments at Kansas State. This is just one indication that the problem is not confined to a single department at the university. The course syllabus for Social Work 510 and Sociology 510 explains its agendas: "An understanding of the development of social injustice is a necessary first step toward working for social justice," -- again, a statement of advocacy not inquiry.

⁷ <http://www.k-state.edu/socialwork/main.html>pro

And what does the course curriculum consider to be the origins of social injustice? The required text for the Social Welfare course, which answers this question, is not a text that presents several points of view, nor is it even a text with social welfare as its subject. Instead, it is a highly tendentious and well-known political indictment of American history written by Marxist historian Howard Zinn. The entire Social Welfare course of the departments of Social Work and Sociology at Kansas State is, in fact, a chapter by chapter, class by class reading of Zinn's book, *A People's History of the United States*.

Howard Zinn is a well-known radical who supported the Soviet empire during the Cold War, and whose book describes America as repressive state run by a corporate ruling class for the benefit of the rich. According to Zinn, the root causes of social injustice are private property and private corporations, the very foundations of America's legal, political and business systems. According to Zinn, America is the world's "greatest terrorist state" and the terrorists America faces, are victims of American imperialism and oppression and thus "freedom fighters." Furthermore, in Zinn's view the entire American system of government and its laws should be overthrown, by violent means if necessary, and replaced with a socialist system.

Zinn's book is not a text in Social Welfare policy. To give an example, according to the course syllabus, one entire class session is devoted to Zinn's chapter called "The Impossible Victory: Vietnam" which celebrates the victory of the Communists in Vietnam -- while failing to mention the summary executions of a hundred thousand Vietnamese that followed the Communists' imposition of a totalitarian state. What is the relevance of this history -- let alone this blatantly false history -- to the training of Kansas State students for careers in Social Work? There is none. But is there anybody at the university who has ever asked this question?

And what business is it of a professor of social work to be teaching a tendentious history of the Vietnam War as part of a course on Social Welfare, not to mention a history that celebrates the victory of the Communists? Professors, as noted, are professors by virtue of their trained professional expertise in specific subjects. That is what gives them license to teach those subjects. But this is a course in American imperialism and oppression taught by ideologically committed amateurs intent on imposing their own point of view on impressionable students. And let us not forget that the taxpayers of Kansas are paying for this.

In addition to presenting an extremely controversial view of matters that have no relevance to the subject of Social Welfare, Social Work 510 fails to present any other perspectives so that students in the course could read critics of the extreme views Zinn presents -- and there are many. Where are the debates that surround these issues, let alone the debates that surround Social Welfare policy itself in a course on Social Welfare?

This course violates every tenet of Kansas State University's existing academic freedom policies and has been violating them for at least four years, according to the school catalogue. Social Work 510 is a course designed to indoctrinate students into an

extreme Marxist view of American society which proposes the destruction of the very system in which the students in the course are intending to seek employment. No society can survive if its schools become one-sided indoctrination centers in propaganda against it. And this is but one such course in the Kansas State Social Work program.

If Social Work 510 were a course whose sole text were written by a conservative like Charles Murray, and was clearly designed to indoctrinate students in a conservative view of Social Welfare theory, it would also violate the academic freedom policies and standards of the Kansas Board of Regents and the American Association of University Professors and would be just as illegitimate from an educational and policy point of view. But does anyone think it would proceed without opposition? Or that some outraged faculty members would not have informed the administration that it violates the academic guidelines of the university? Or that it wouldn't have been terminated long before now?

Obviously this is not a small problem that radical faculties and negligent administrations have created in our university system. What can the Kansas legislature do to advance a remedy for this problem without causing injury to the institutions themselves?

The long-term remedy is the restoration of academic values and standards in our institutions of higher learning, including the academic freedom policies of the Kansas Board of Regents and the American Association of University Professors. This program might be summed up as the restoration of academic professionalism.

It is also time that educational authorities focus attention on the lack of intellectual diversity on university faculties and in the university curriculum. Without a true marketplace of ideas, it is much easier for intellectual standards to be ignored and for indoctrination to replace education.

The immediate step I would recommend is the passage of The Academic Bill of Rights resolution that is now before the Kansas House, HCR 5035.⁸

The second would be to pass a resolution recommending the following:

- 1) That the Kansas Board of Regents draw up and institute in the colleges and universities under their jurisdiction a Student Bill of Rights incorporating the provisions of their academic freedom policies (I would include in these provisions the right of students to be assigned a class text that is not sectarian in nature or to be assigned multiple texts with reasonably different points of view);
- 2) That the Kansas Board of Regents adopt the June 23 statement on academic freedom of the American Council on Education⁹ for all public institutions of higher learning in the state;

⁸ http://www.kslegislature.org/bills/2006/2006_5035.pdf

- 3) That the Kansas Board of Regents instruct its institutions of higher learning to put in place a grievance machinery for students who feel they have been discriminated against for their political views, as recommended in the American Council on Education statement;
- 4) That the Kansas Board of Regents instruct its institutions of higher learning to place the Student Bill of Rights and all academic freedom policies in a brochure that is handed out to every incoming freshman, and to make the contents of the brochure part of every freshman orientation program;
- 5) That the Kansas Board of Regents create an Office of Intellectual Diversity and Academic Standards on each of its campuses in the Office of the president or chancellor. The new office would be tasked with maintaining professional standards in all university departments and fostering the growth of intellectual diversity on the faculty and in the curriculum;
- 6) That the Kansas legislature create a standing committee to look into the state of academic freedom at public colleges and universities in the state, and to make annual reports to the legislature on the progress of university reforms.

I consider this last step to of utmost importance in furthering these agendas.

I thank you for your patience and your time, and I hope you will attend these matters with all the gravity that they deserve.

Academic Bill of Rights Testimony (HCR 5035)

House Appropriations Committee

Joe Yanik

Good morning, my name is Joe Yanik and I am a Professor of Mathematics at Emporia State University. I am past President of the Kansas Conference of the American Association of University Professors (AAUP) and I currently serve as the newsletter editor.

I appreciate the opportunity this committee has given me today to present the AAUP's viewpoint on the important issues this committee is considering.

I'd like to turn first to the general context raised by HCR 5035 which proposes to adopt an "Academic Bill of Rights." We contend that the title "Academic Bill of Rights" is misleading. The national AAUP's Committee A on Academic Freedom and Tenure issued a statement on this issue which was published in the January 2004 issue of *Academe*, where we make our opposition clear. I've distributed copies of that statement to the committee today.

We recognize that the Academic Bill of Rights does quote AAUP documents, but we want to make clear that those quotes are quite selective. There are even cases where we agree with a principle advanced in the document – for example the "principle of neutrality" which is defined as the principle that "no political, ideological or religious orthodoxy should be imposed on professors and researchers through the hiring or tenure or

HOUSE APPROPRIATIONS

DATE 3-15-2006
ATTACHMENT 2

termination process." While we agree with this principle, we firmly believe that (quoting from the AAUP statement) "the Academic Bill of Rights is an improper and dangerous method for its implementation. There are already mechanisms in place that protect this principle, and they work well." [For example, at my own institution, ESU, we have a well-established grievance policy that can be used by any faculty member who alleges inappropriate treatment.]

The AAUP statement goes on to say that, "Not only is the Academic Bill of Rights redundant, but, ironically, it also infringes academic freedom in the very act of purporting to protect it."

The AAUP also agrees that [as stated in the academic bill of rights] students should be graded only on the basis of their reasoned answers and appropriate knowledge of the subject and not on the basis of their political, ideological, or religious beliefs. Once again, there are already mechanisms in place to protect this. At ESU, we have a long-standing grade appeal policy which allows a student to appeal a grade that he or she feels has been awarded on an unfair basis.

The key point of disagreement here is with the issue of who should make the decision as to whether a faculty member or a student has been treated inappropriately. To quote from the AAUP statement "if a professor of American literature reads an examination of a student that proposes a singular interpretation of *Moby Dick*, the determination of whether the examination should receive a high or a low grade must be made with reference to the scholarly standards of literary criticism. The student has no 'right' to be rewarded for an opinion of *Moby Dick* that is independent of

these scholarly standards. If students possessed such right, all knowledge would be reduced to opinion and education would be rendered superfluous.”

A fundamental premise of academic freedom is that decisions concerning the quality of scholarship and teaching are to be made by reference to the standards of the academic profession, as interpreted and applied by the community of scholars who are qualified by expertise and training to establish such standards.” The danger of guidelines such as those that are suggested by the Academic Bill of Rights is that they invite diversity to be measured by political standards that diverge from the academic criteria of the scholarly profession.

In my opinion there is a fundamental misunderstanding of academic freedom that is indicated in the Academic Bill of Rights. The purpose of academic freedom is to create, as much as possible, a true “marketplace of ideas” where superior ideas will eventually triumph. It is not intended to treat all opinions as equal. In fact, in a true marketplace of ideas there should be winners and losers at any given time. Yet, HCR 5035 declares that “academic institutions and professional societies should maintain a posture of organizational neutrality with respect to substantive disagreements that divide researchers...” It is the very nature of academic freedom that professionals will be making judgments about substantive disagreements and, if they are not permitted to express those judgments freely, either individually or as a group, then the mechanism for separating out the bad ideas from the good will be irreparably harmed.

In terms of larger questions, I refer you to AAUP’s Policy Documents & Reports. I will arrange for a copy to be delivered to the committee. This

book contains a large number of policy statements that represents the standards and norms of the profession, many of which speak directly to issues raised by the so-called Academic Bill of Rights.

In closing I would like to quote from Walter Metzger writing in the March/April 1982 issue of *Academe*, [page 12] “centuries of history tell us that [a legislature] invades the very core of academic freedom thus defined when it dictates the contents of any course at any level or for any purpose. When it does that, it converts the university into a bureau of public administration, the subject into a vehicle for partisan politics or lay morality, and the act of teaching into a species of ventriloquism.... The central precepts of academic freedom ... are that professors should say what they believe without fear or favor and that universities should appoint meritorious persons, not followers of a diversity of party lines.”

American Association of University Professors

Academic Bill of Rights

The statement that follows was approved for publication by the Association's Committee A on Academic Freedom and Tenure. Comments are welcome and should be addressed to the AAUP's Washington office.

The past year has witnessed repeated efforts to establish what has been called an "Academic Bill of Rights." Based upon data purporting to show that Democrats greatly outnumber Republicans in faculty positions, and citing official statements and principles of the American Association of University Professors, advocates of the Academic Bill of Rights would require universities to maintain political pluralism and diversity. This requirement is said to enforce the principle that "no political, ideological or religious orthodoxy should be imposed on professors and researchers through the hiring or tenure or termination process."¹ Although Committee A endorses this principle, which we shall call the "principle of neutrality," it believes that the Academic Bill of Rights is an improper and dangerous method for its implementation. There are already mechanisms in place that protect this principle, and they work well. Not only is the Academic Bill of Rights redundant, but, ironically, it also infringes academic freedom in the very act of purporting to protect it.

A fundamental premise of academic freedom is that decisions concerning the quality of scholarship and teaching are to be made by reference to the standards of the academic profession, as interpreted and applied by the community of scholars who are qualified by expertise and training to establish such standards. The proposed Academic Bill of Rights directs universities to enact guidelines implementing the principle of neutrality, in particular by requiring that colleges and universities appoint faculty "with a view toward fostering a plurality of methodologies and perspectives."² The danger of such guidelines is that they invite diversity to be measured by political standards that diverge from the academic criteria of the scholarly profession. Measured in this way, diversity can easily become contradictory to academic ends. So, for example, no department of political theory ought to be obligated to establish "a plurality of methodologies and perspectives" by appointing a professor of Nazi political philosophy, if that philosophy is not deemed a reasonable scholarly option within the discipline of political theory. No department of chemistry ought to be obligated to pursue "a plurality of methodologies and perspectives" by appointing a professor who teaches the phlogiston theory of heat, if that theory is not deemed a reasonable perspective within the discipline of chemistry.

These examples illustrate that the appropriate diversity of a university faculty must ultimately be conceived as a question of academic judgment, to be determined by the quality and range of pluralism deemed reasonable by relevant disciplinary standards, as interpreted and applied by college and university faculty. Advocates for the Academic Bill of Rights, however, make clear that they seek to enforce a kind of diversity that is instead determined by essentially political categories, like the number of Republicans or Democrats on a faculty, or the number of conservatives or liberals. Because there is in fact little correlation between these political categories and disciplinary standing, the assessment of faculty by such explicitly political criteria, whether used by faculty, university administration, or the state, would profoundly corrupt the academic integrity of universities. Indeed, it would violate the neutrality principle itself. For this reason, recent efforts to enact the Academic Bill of Rights pose a grave threat to fundamental principles of academic freedom.

The Academic Bill of Rights also seeks to enforce the principle that "faculty members will not use their courses or their position for the purpose of political, ideological, religious, or antireligious indoctrination."³ Although Committee A endorses this principle, which we shall call the nonindoctrination principle, the Academic Bill of Rights is an inappropriate and dangerous means for its implementation. This is because the bill seeks to distinguish indoctrination from appropriate pedagogy by applying principles other than relevant scholarly standards, as interpreted and applied by the academic profession.

If a professor of constitutional law reads the examination of a student who contends that terrorist violence should be protected by the First Amendment because of its symbolic message, the determination of whether the examination should receive a high or a low grade must be made by reference to the scholarly standards of the law. The application of these standards properly distinguishes indoctrination from

competent pedagogy. Similarly, if a professor of American literature reads the examination of a student that proposes a singular interpretation of *Moby Dick*, the determination of whether the examination should receive a high or a low grade must be made by reference to the scholarly standards of literary criticism. The student has no "right" to be rewarded for an opinion of *Moby Dick* that is independent of these scholarly standards. If students possessed such rights, all knowledge would be reduced to opinion, and education would be rendered superfluous.

The Academic Bill of Rights seeks to transfer responsibility for the evaluation of student competence to college and university administrators or to the courts, apparently on the premise that faculty ought to be stripped of the authority to make such evaluative judgments. The bill justifies this premise by reference to "the uncertainty and unsettled character of all human knowledge."⁴ This premise, however, is antithetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge. Although academic freedom rests on the principle that knowledge is mutable and open to revision, an Academic Bill of Rights that reduces all knowledge to uncertain and unsettled opinion, and which proclaims that all opinions are equally valid, negates an essential function of university education.

Some versions of the Academic Bill of Rights imply that faculty ought not to be trusted to exercise the pedagogical authority required to make evaluative judgments. A bill proposing an Academic Bill of Rights recently under discussion in Colorado, for example, provides:

The general assembly further declares that intellectual independence means the protection of students as well as faculty from the imposition of any orthodoxy of a political, religious or ideological nature. To achieve the intellectual independence of students, teachers should not take unfair advantage of a student's immaturity by indoctrinating him with the teacher's own opinions before a student has had an opportunity fairly to examine other opinions upon the matters in question, and before a student has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own, and students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.⁵

On the surface, this paragraph appears merely to restate important elements of AAUP policy.⁶ In the context of that policy, this paragraph unambiguously means that the line between indoctrination and proper pedagogical authority is to be determined by reference to scholarly and professional standards, as interpreted and applied by the faculty itself. In the context of the proposed Colorado Academic Bill of Rights, by contrast, this paragraph means that the line between indoctrination and proper pedagogical authority is to be determined by college and university administrations or by courts. This distinction is fundamental.

A basic purpose of higher education is to endow students with the knowledge and capacity to exercise responsible and independent judgment. Faculty can fulfill this objective only if they possess the authority to guide and instruct students. AAUP policies have long justified this authority by reference to the scholarly expertise and professional training of faculty. College and university professors exercise this authority every time they grade or evaluate students. Although faculty would violate the indoctrination principle were they to evaluate their students in ways not justified by the scholarly and ethical standards of the profession, faculty could not teach at all if they were utterly denied the ability to exercise this authority.

The clear implication of AAUP policy, therefore, is that the question whether it is indoctrination for teachers of biology to regard the theory of "evolution" as an opinion about which students must be allowed "to reserve judgment" can be answered only by those who are expert in biology. The whole thrust of the proposed Colorado Academic Bill of Rights, by contrast, is to express distrust of faculty capacity to make such judgments, and to transfer the supervision of such determinations to a college or university administration or to courts. The proposed Colorado bill thus transforms decisions that should be grounded in professional competence and expertise into decisions that are based upon managerial, mechanical, or, even worse, overtly political criteria. The proposed Colorado bill also facilitates the constant supervision of everyday pedagogic decision making, a supervision that threatens altogether to undercut faculty authority in the classroom. It thus portends incalculable damage to basic principles of academic freedom.

Skepticism of professional knowledge, such as that which underlies the Academic Bill of Rights, is deep

2-6

and corrosive. This is well illustrated by its requirement that "academic institutions . . . maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within . . . their fields of inquiry."² The implications of this requirement are truly breathtaking. Academic institutions, from faculty in departments to research institutes, perform their work precisely by making judgments of quality, which necessarily require them to intervene in academic controversies. Only by making such judgments of quality can academic institutions separate serious work from mere opinion, responsible scholarship from mere polemic. Because the advancement of knowledge depends upon the capacity to make judgments of quality, the Academic Bill of Rights would prevent colleges and universities from achieving their most fundamental mission.

When carefully analyzed, therefore, the Academic Bill of Rights undermines the very academic freedom it claims to support. It threatens to impose administrative and legislative oversight on the professional judgment of faculty, to deprive professors of the authority necessary for teaching, and to prohibit academic institutions from making the decisions that are necessary for the advancement of knowledge. For these reasons Committee A strongly condemns efforts to enact the Academic Bill of Rights.

The AAUP has consistently held that academic freedom can only be maintained so long as faculty remain autonomous and self-governing. We do not mean to imply, of course, that academic professionals never make mistakes or act in improper or unethical ways. But the AAUP has long stood for the proposition that violations of professional standards, like the principles of neutrality or nonindoctrination, are best remedied by the supervision of faculty peers. It is the responsibility of the professoriate, in cooperation with administrative officers, to ensure compliance with professional standards. By repudiating this basic concept, the Academic Bill of Rights alters the meaning of the principles of neutrality and nonindoctrination in ways that contradict academic freedom as it has been advanced in standards and practices which the AAUP has long endorsed.

Endnotes

1. This language derives from a Concurrent Resolution (H.Con.Res. 318) proposed in the House of Representatives by Jack Kingston during the 108th Congress. It also appears in a proposed amendment to Article I of Title 23 of the Colorado Revised Statutes, 24-125.5. Both pieces of legislation grow out of a version of the Academic Bill of Rights originally drafted by columnist David Horowitz. See <http://studentsforacademicfreedom.org/>. [Back to text.](#)

2. H.Con.Res. 318. We note, parenthetically, that, while this embrace of diversity may be reasonable in some circumstances, it may make little academic sense in other contexts, as, for example, when a department wishes to specialize in a particular disciplinary approach. [Back to text.](#)

3. H.Con.Res. 318. [Back to text.](#)

4. H.Con.Res. 318. [Back to text.](#)

5. Proposed amendment to Article I of Title 23 of the Colorado Revised Statutes, 24-125.5. [Back to text.](#)

6. "Some Observations on Ideology, Competence, and Faculty Selections," *Academe: Bulletin of the AAUP*, (January-February 1986):1a-2a. [Back to text.](#)

7. H.Con.Res. 318. [Back to text.](#)

(Posted 12/03)

American Association of University Professors, 1012 Fourteenth Street, NW, Suite #500; Washington, DC 20005
202-737-5900 Fax: 202-737-5526
[AAUP Home Page](#) | [Contact Us](#) | [Join AAUP](#)

2-7

AMERICAN LEGISLATIVE EXCHANGE COUNCIL



Jeffersonian
Principles
in Action

ALEC Testimony

Testimony of Lori Drummer, Education Task Force Director

On behalf of the American Legislative Exchange Council

1129 20th Street, NW, Suite 500

Washington, DC 20036

202/466-3800 ~ www.alec.org

Kansas House Appropriations Committee

March 15, 2006

Background

Mr. Chairman and Members of the Committee, thank you for the opportunity to submit testimony in support of the policy in House Concurrent Resolution 5035, the Academic Bill of Rights. I am submitting this testimony today on behalf of the American Legislative Exchange Council (ALEC), where I serve as the Education Task Force Director. ALEC is the nation's largest bipartisan, individual membership association of state legislators. One of ALEC's nine task forces, the Education Task Force's mission is to promote excellence in the nation's educational system by advocating reform policies that are consistent with Jeffersonian principles of individual liberty and federalism.

One of the primary roles of ALEC is to provide a forum where legislators can identify policy problems and formulate the appropriate resolution, either through education, legislation, or restraint. Let me provide you the considerations our members took into account when examining model legislation similar to House Concurrent Resolution 5035.

The Problem

During the past decade higher education has come under increased scrutiny for its lack of dedication to intellectual pluralism and academic freedoms. Many students in today's higher education system report political, social, or religious bias in the classroom, and this bias can translate into unfair and unethical grading practices by their professors. According to a survey conducted by the American Council of Trustees and Alumni, 48 percent of higher education students find that campus presentations regarding political issues "seem totally one-sided;" 46% believe that professors "use the classroom to present their personal political views;" and 42% of America's college students "fault reading assignments for presenting only one side of a controversial issue."¹

At its core, the purpose of the higher education system is to educate students and to prepare those students for independent thought. Without a balance of ideas and debate in the classroom, students are hardly receiving an education—they are receiving half of an argument. While some students will never learn the other half of an argument, other students face repercussions for not agreeing with their professors. To be sure, this extreme situation is not the norm in the university system, but this resolution aims to protect the students and professors who do face the discrimination of political and religious pressures. Moreover, the resolution aims to preserve intellectual debate in America's universities.

1129 20th Street N.W.
Suite 500
Washington, D.C.
20036
Tel (202) 466-3800
FAX (202) 466-3801
www.ALEC.org

HOUSE APPROPRIATIONS

DATE 3-15-2005
ATTACHMENT 3

Intellectual Freedom and its Benefits

The goal of the Academic Bill of Rights is quite simple: to codify the objectives of academic freedoms the American Association of University Professors set forth almost a century ago. Students have the right to be graded fairly on the content of their work, not by the political bias that is prevalent in today's higher education system. HCR 5035 does not call for an affirmative action-like hiring of conservative academic professors, nor does it call for an increased curriculum. To the contrary, the bill aims to ensure that professors provide an academic environment that allows students to freely discuss and learn any topic, free of a graded conservative or liberal bias. Professors enjoy a unique position by holding grades as the tool that universally states students' academic success, and students should not fear a poor mark due solely to the fact that their religious or political beliefs vary from their educators.

Legislation or terms of understanding similar to the language found in HCR 5035 has been adopted in Colorado, Ohio, and Tennessee, and similar language has been introduced in more than 15 states. Lawmakers across the nation recognize the need for the higher education system to offer students an education that includes all perspectives. They also understand that students should be encouraged to develop their own opinions regarding politics, history, religion, and other social issues - without fear of reprisal from professors who hold the opposing view.

Conclusion

Ultimately, intellectual diversity is the core of a solid, challenging education. However, academic freedom can only be found in an environment where the free exchange of differing views is a fundamental freedom. This resolution takes a bold step to ensuring that students in Kansas' higher education system have the freedom to openly discuss varying beliefs.

I would like to take this opportunity to commend Representative Mary Pilcher Cook for her support to bringing academic freedom to your state's colleges and universities. I urge you to join her in supporting the policy in House Concurrent Resolution 5035.

Endnotes

¹ American Council of Trustees and Alumni, Press release "Survey Reveals Pervasive Political Pressure in the Classroom," November 30, 2004. www.goacta.org/press/Press%20Releases/11-30-04PR.htm. A total of 658 randomly selected students from the top 25 National Universities and top 25 National Liberal Arts Colleges, as defined by U.S. News & World Report, were interviewed for this survey. Because of ties in the rankings, a total of 26 National Universities were included in the sample.



College of Engineering
 Office of the Dean
 1046 Rathbone Hall
 Manhattan, KS 66506 -5201
 785-532-5590
 Fax: 785-532-7810
 E-mail: deanengr@ksu.edu
 http://www.engg.ksu.edu

Testimony Presented to
 House Appropriations Committee
 On Senate Bill 579
 Wednesday, March 15, 2006
 Dick Hayter, Ph.D. Associate Dean College of Engineering
 Kansas State University

K-State is seeking authority to sell or trade real property owned by the University in the industrial park in the east side of Manhattan. This building currently houses the Advanced Manufacturing Institute (AMI). This facility was purchased by the University in 1994 using federal grant funds and restricted fees for the purpose of re-locating the AMI to afford the entity more space to continue their mission.

The Advanced Manufacturing Institute is a Kansas Technology Enterprise Corporation Center of Excellence that provides an array of resources to advance technologies, people and companies through collaborative engineering and business partnerships.

With a full-service product and process development center equipped with cutting-edge manufacturing hardware and software, AMI utilizes its research expertise to develop and transfer new technologies and provide technical assistance.

The AMI internship program is focused on supplying engineering student's hands-on training and a connection to potential career opportunities, in addition to providing employers a resource of experienced candidates.

The AMI is still housed in the facility, but would like to re-locate to the K-State Research Park in conjunction with the National Institute for Strategic Technology Acquisition and Commercialization (NISTAC). The NISTAC facility is currently under construction.

The staff of AMI believes they would benefit to be co-located with NISTAC because of the similarity of the work and the cross-over of faculty clients.

The University has not secured the three appraisals as yet pending legislative approval to sell the property.

Thank you for your consideration of SB579 and I will stand for questions.

HOUSE APPROPRIATIONS

DATE 3-15-2006
 ATTACHMENT 4

HOUSE EDUCATION BUDGET COMMITTEE

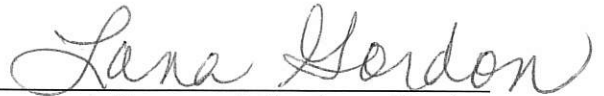
SB 553



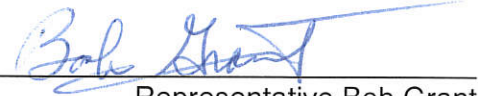
Representative Becky Hutchins, Chair



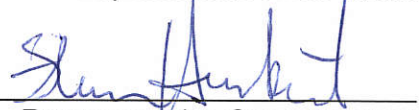
Representative Bill Feuerborn



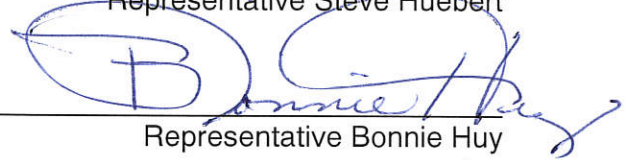
Representative Lana Gordon



Representative Bob Grant



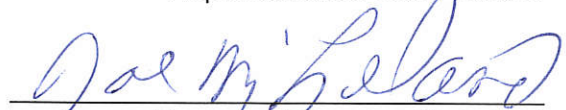
Representative Steve Huebert



Representative Bonnie Huy



Representative Carl Krehbiel



Representative Joe McLeland



Representative Tom Sawyer

HOUSE APPROPRIATIONS

DATE 3-15-2006

ATTACHMENT 5

House Education Budget Committee

Recommendation on Senate Bill 553

Brief

SB 553 authorizes the Kansas State Historical Society to convey a parcel of land in Wabaunsee County, Kansas, to the Audubon of Kansas. The Audubon of Kansas would be responsible for any costs related to the transaction. The bill also provides that the land be conveyed without consideration. The parcel of land to be conveyed constitutes approximately 30 acres.

The Budget Committee recommends amending the bill to include language that the property would revert back to the State Historical Society if the Audubon of Kansas ever ceases to exist, transfers the land, or fails to make the property available for public use.

Background

A representative of the State Historical Society indicated that this land had been willed to the agency in 1953 to be held as a public park, and noted that the property had never functioned as a state historic site. The property is commonly known as Mount Mitchell, in memory of Captain William Mitchell. A portion of the property is leased to a local rancher, and the conveyance of the property would result in a loss of income of about \$400 per year.

Proponents of the bill included the State Historical Society and the Audubon of Kansas. Local residents and representatives of Wabaunsee County appeared in support before the Senate Committee, but did not testify before the House Budget Committee. According to those testifying, the property has historic significance to the heritage of the community dating back to the settlement of the area and the underground railroad.

DRAFT

House Education Budget Committee

Recommendation on Senate Bill 553

Brief

SB 553 authorizes the Kansas State Historical Society to convey a parcel of land in Wabaunsee County, Kansas, to the Audubon of Kansas. The Audubon of Kansas would be responsible for any costs related to the transaction. The bill also provides that the land be conveyed without consideration. The parcel of land to be conveyed constitutes approximately 30 acres.

The Budget Committee recommends amending the bill to include language that the property would revert back to the State Historical Society if the Audubon of Kansas ever ceases to exist, transfers the land, or fails to make the property available for public use.

Background

A representative of the State Historical Society indicated that this land had been willed to the agency in 1953 to be held as a public park, and noted that the property had never functioned as a state historic site. The property is commonly known as Mount Mitchell, in memory of Captain William Mitchell. A portion of the property is leased to a local rancher, and the conveyance of the property would result in a loss of income of about \$400 per year.

Proponents of the bill included the State Historical Society and the Audubon of Kansas. Local residents and representatives of Wabaunsee County appeared in support before the Senate Committee, but did not testify before the House Budget Committee. According to those testifying, the property has historic significance to the heritage of the community dating back to the settlement of the area and the underground railroad.

5-4

SENATE BILL No. 553

By Committee on Ways and Means

2-14

9 AN ACT authorizing the state historical society to convey property to
10 Audubon of Kansas.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) ~~The~~ state historical society is hereby authorized to con-
14 vey, without consideration, to Audubon of Kansas all of the rights, title
15 and interest in the following described real estate, and any improvements
16 thereon, located in Wabamsee county, Kansas: Approximately 30 acres
17 of real estate starting at a point on the South section boundary line and
18 running East 120 rods to the East boundary line, then North 80 rods
19 along East boundary line, then West 40 rods, then West by Southwest in
20 a straight line to point of beginning, in Section 25, Township 10 South,
21 Range 10 East of the 6th Principal Meridian.

22 (b) Conveyance of such rights, title and interest in such real estate,
23 and any improvements thereon, shall be executed in the name of the
24 historical society by the executive director of the historical society. The
25 deed for such conveyance shall be by quitclaim deed.

26 (c) No exchange and conveyance of real estate and improvements
27 thereon as authorized by this section shall be made by the executive di-
28 rector of the historical society until the deeds and conveyances have been
29 reviewed and approved by the attorney general. *

30 (d) All costs related to the conveyance shall be paid by the Audubon
31 of Kansas. The conveyance shall not be subject to the provisions of K.S.A.
32 75-3043a, and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its
publication in the statute book.

Subject to the provisions of this section, the

The deed for the conveyance shall provide that on July 1, 2026, that in the event that any portion of the above-described real estate is not being used for public recreation purposes, by Audubon of Kansas or if Audubon of Kansas ceases to exist, then all rights, title and interest in such portion of such real estate shall revert to the state historical society. The transfer of all rights, title and interest in the real estate conveyed by this section to Audubon of Kansas shall not include any right for Audubon of Kansas to convey any portion of the above described real estate.

Kansas Department of

Social and Rehabilitation Services

Gary Daniels, Secretary

House Appropriations Committee
March 15, 2006

SB 420- Kansas Pay Center

Gary Daniels, Secretary
Jamie Corkhill, Policy Attorney
785 - 296 - 3271

For additional information contact:
Public and Governmental Services Division
Kyle Kessler, Director of Legislative and Media Affairs

Docking State Office Building
915 SW Harrison, 6th Floor North
Topeka, Kansas 66612-1570
phone: 785.296.0141
fax: 785.296.4685
www.srskansas.org

HOUSE APPROPRIATIONS

DATE 3-15-2006
ATTACHMENT 6

Kansas Department of Social and Rehabilitation Services
Gary Daniels, Secretary

House Appropriations Committee
March 15, 2006

SB 420 - Kansas Pay Center

Representative Neufeld and members of the Committee, I am Jamie Corkhill, Policy Attorney with SRS. Thank you for the opportunity to testify today about SB 420 regarding the Kansas Pay Center and the Kansas Child Support Enforcement Program (CSE).

SB 420 concerns technical operations of the Kansas Payment Center. In October of 2000, the Kansas Payment Center ("the KPC"), a joint venture between CSE and the Office of Judicial Administration, became Kansas' central unit for collection and disbursement of all support payments. The KPC presently serves nearly 200,000 families and offers a number of customer services statewide. Services include 24-hour access to payment and disbursement information by phone or through the Internet, a toll-free customer service center, and direct deposit of support disbursements. Taken together, these elements enable families to monitor support payments independently and use up-to-date information for planning and managing their household finances.

Key to the KPC's ability to transmit child support rapidly is the ability to accept and process checks that are not made payable to the KPC. Kansas statutes have long provided a limited power of attorney for endorsing and processing child support checks in SRS' CSE cases, so that individual payees do not have to grant that permission every time a check needs to be processed. The need for a similar statute for cases that have never had CSE involvement was not identified at the time the KPC was created. This bill corrects that oversight and, because it should have been in place back in 2000 when the KPC began processing checks, the change is made retroactive to that date.

This limited power of attorney is purely for the purpose of endorsing and processing support payments. It does not change how the KPC is required to handle two-party checks nor who is entitled to receive disbursements. In no way does this bill authorize the KPC or SRS to keep any part of a Non-CSE support payment as a fee, nor does it interfere in any way with district court trustee fees which may be applicable. Please note there is no such thing as a "KPC fee" charged to families, just as there were no fees payable to the clerks of court when those offices posted and disbursed support payments.

The second purpose of this bill is to adjust the existing language in K.S.A. 23-4,118 to assure the standards for operating the Kansas Payment Center will apply appropriately, regardless of how resources are configured to fulfill KPC functions. The current law

addresses these standards only as terms required to appear in a single KPC contract, creating uncertainty about how they apply if some KPC functions are not outsourced or if there are multiple providers. Enactment of this measure will eliminate such ambiguity and allow SRS the flexibility to administer the most cost-efficient, effective configuration of KPC services possible.

The third change relates to the treatment of payments which cannot be distributed. When any IV-D-related support payment becomes abandoned or unclaimed under state law, federal law forces the IV-D agency to remit 66 percent of that amount to the federal government. Consequently, under current law, SRS is required to transfer 100 percent of the undisbursed payment to the State Treasurer under the unclaimed property act and pay an additional 66 percent to the federal government. The proposed amendment would prevent this unintended expenditure by making undisbursed child support an exception to the unclaimed property act. The measure also requires SRS and the State Treasurer to collaborate to assure that all appropriate outreach methods are used to try to locate the true owner and deliver the property. We anticipate that, in the not-distant future, the federal government will establish performance standards concerning delivery of undisbursed collections, which will add further impetus to our efforts to locate the true owner.

The final measure in this bill is repeal of K.S.A. 39-7,153, which is an automatic sunset provision enacted back in 1997. It's purpose related to questions, now resolved, about the validity of CSE requirements that were part of welfare reform. The effect, if the automatic sunsets were triggered, would be to repeal numerous laws of general application scattered throughout the statute books, including such diverse items as the section that makes perjury a crime and the debtor protections that are part of the income withholding act. Because the purpose of this statute has been served and the consequences of triggering the sunsets are so large, we recommend that the statute now be repealed.

We are proud of the services that the Kansas Payment Center has provided to Kansas families over the past five years and of our collaboration with the Office of Judicial Administration. We want to continue to improve the quality and value returned for customers of the KPC, and the measures in this bill will help us do just that.

This concludes my prepared remarks. I will be glad to stand for questions.

Note: Attached is a CSE Fact Sheet that provides background information about the Child Support Enforcement Program and its recent achievements.

2005 CSE Fact Sheet

- The Kansas Child Support Enforcement Program, operated under Title IV-D of the federal social security act, has two purposes: (1) to ease the taxpayers' burden for public assistance to children not being supported by both parents, and (2) to promote financial stability for the appalling number of children living in or near poverty. By pursuing these goals CSE helps families become and remain independent of public assistance, which in turn allows the State to extend its finite resources to more families in need. CSE's work helps custodial parents expand their children's opportunities to grow, learn, and develop their abilities to the fullest.
- The Department of Social and Rehabilitation Services is the designated Title IV-D (CSE) agency for the State of Kansas. CSE operates within the Integrated Service Delivery Division of SRS. The CSE caseload consists of approximately 131,000 TAF and Non-TAF cases serving over a quarter million people.
- The Kansas CSE Program is a multifaceted operation that combines state, county, judicial, and private resources to meet detailed federal requirements concerning all phases of operation. CSE services include:
 - Locating absent parents and their assets;
 - Establishing parentage, as needed;
 - Establishing support orders, including medical coverage;
 - Ensuring regular payment of support through income withholding orders;
 - Enforcing past due support through administrative action, such as interception of federal and state tax refunds;
 - Enforcing past due support through court action, such as garnishment of bank accounts; and
 - Modifying ongoing support orders, as needed, to reflect the child's current needs and the parent's ability to provide support.
- CSE services are provided across Kansas by full and part-time SRS staff and by more than 20 contractors. CSE's enforcement contractors are selected through competitive procurement and presently include a county prosecutor, several district court trustees, and a variety of private sector vendors. Other private contractors include the vendor operating the Kansas Payment Center, a paternity testing laboratory, credit bureaus, and process servers.

- CSE cases fall into two broad categories:
 - Temporary Assistance to Families (TAF). When a child's custodian applies for TAF (Temporary Assistance to Families), that child's support rights are assigned to the State. If CSE collects support in a TAF case, it is used to reimburse the state and federal governments for public assistance provided to the child's family. Any collections beyond the claim for reimbursement are passed on to the family. If the TAF eligibility worker determines that monthly child support collections for a family are regularly exceeding the monthly TAF grant, the TAF cash grant may be ended. When that happens, appropriate transitional services and supports for the family continue, including CSE services.
 - Non-TAF. Federal law requires the CSE Program to provide services to any family, regardless of income, that applies for support enforcement services. CSE is also required to provide Non-TAF services when a family stops receiving cash TAF benefits, at the custodial parent's discretion. The idea is to prevent the need for TAF and other forms of public assistance by insuring reliable child support income, and to provide equal treatment under the law for all children. It is important to note that nearly 2 out of 3 Kansas Non-TAF families formerly received public assistance.

The CSE Non-TAF caseload also includes families receiving only Child Care Assistance from SRS. When CSE successfully collects support in such a case, current support (and any past due support that is not subject to an SRS claim for reimbursement) goes to the family. Child support income enables the family to make co-payments while eligible for Child Care Assistance and, after Child Care Assistance ends, to pay independently for child care services from the provider of their choice.

- Although SRS normally deducts a 4% cost recovery fee from Non-TAF collections, families receiving Child Care Assistance, Medicaid, or Food Assistance are all exempt from the fee. In addition, all CSE cases are automatically exempt from any district court trustee fee that might otherwise apply.
- In state fiscal year 2005, CSE's total support collections topped \$156 million, most of which was passed on to families. Altogether, more than 1.8 *billion* dollars of support have been collected for families and taxpayers since the Kansas IV-D program's inception in 1976.

- In state fiscal year 2005, CSE established over 9,800 child support obligations. The Child Support Guidelines, used to calculate all current support orders in Kansas, call for work-related child care expenses to be factored into the monthly support award, so that the parent who pays for child care will receive a fair contribution toward that expense from the other parent. Whenever appropriate, CSE also establishes a medical support order that requires the noncustodial parent to provide group health coverage for the child.
- Paternity establishment by the CSE Program also plays a vital role in SRS' mission. Children benefit from having their parentage established because it opens the avenue to cash and medical support from the second parent, assures them access to complete family medical information, and paves the way for potential inheritance and other rights. It also gives the child certainty about his or her family background, which is so important to the child's emotional development and confidence.
- Federal rules permit TAF cash assistance to be ended when current support payments regularly exceed the cash grant. Such closures provide significant advantages to the State, allowing scarce public assistance resources to be focused on the people most in need. CSE services to the former TAF family continue automatically, providing a safety net that reduces the risk of the family returning to dependence on public assistance. This is especially important for people affected by the five-year lifetime limit on TAF eligibility.

Whenever CSE secures regular child support income for a household receiving Child Care Assistance, the State also has the opportunity to stretch its limited resources to help more families -- including families who do not have the option of child support income from an absent parent. Regular, dependable child support income gives a working family greater assurance that, regardless of the ups and downs of public human services, they will be able to purchase the child care services that they need.

- In October 2000 the Kansas Payment Center (KPC), a joint venture of CSE and the Kansas Office of Judicial Administration, became Kansas' central unit for collection and disbursement of all support payments. The KPC offers a number of customer services statewide that were not feasible before 2000. Examples include 24-hour access to payment and disbursement information by phone or through the Internet, a toll-free customer service center, and direct deposit of support disbursements. Taken together, these elements enable families to monitor support payments independently and use up-to-date information for planning and managing their own household expenses.

■ Historic information about the Kansas CSE Program:

	State FY 2002	State FY 2003	State FY 2004	State FY 2005
CSE cases	150,204	144,544	134,115	131,616
Total collections	\$143.1 million	\$146.8 million	\$151.7 million	\$156.3 million
State's share	\$15.3 million	\$15.7 million	\$17.2 million	\$16.8 million

6-7