

# SENATE BILL NO. 499

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time February 25, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to intellectual diversity.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 173, RSMo, is amended by adding thereto one new  
2 section, to be known as section 173.057, to read as follows:

173.057. 1. This section shall be known and may be cited as the  
2 "Emily Brooker Higher Education Sunshine Act". As used in this  
3 section, "intellectual diversity" shall mean the diversity of ideas that  
4 provides the foundation of a learning environment that exposes  
5 students to a variety of political, ideological, religious, and other  
6 perspectives, when such perspectives relate to the subject matter being  
7 taught or issues being discussed. As used in this section, "free  
8 exchange of ideas" includes intellectual pluralism and students' right  
9 to learn in an environment that exposes them to an abundance of new  
10 knowledge, different perspectives, competing ideas, and alternative  
11 claims of truth.

12 2. The coordinating board for higher education shall require  
13 each public institution to report annually to the general assembly  
14 detailing the steps the institution is taking to ensure intellectual  
15 diversity and the free exchange of ideas.

16 (1) The report required in this subsection shall address the  
17 specific measures taken by the institution to ensure and promote  
18 intellectual diversity and academic freedom. The report may include  
19 steps taken by the institution to:

20 (a) Conduct a study to assess the current state of intellectual  
21 diversity on its campus;

22 (b) Incorporate intellectual diversity into institution statements,

23 **grievance procedures, and activities on diversity;**

24 **(c) Encourage a balanced variety of campus-wide panels and**  
25 **speakers and annually publish the names of panelists and speakers;**

26 **(d) Establish clear campus policies that ensure that hecklers or**  
27 **threats of violence do not prevent speakers from speaking;**

28 **(e) Include intellectual diversity concerns in the institution's**  
29 **guidelines on teaching and program development;**

30 **(f) Include intellectual diversity issues in student course**  
31 **evaluations;**

32 **(g) Develop hiring, tenure, and promotion policies that protect**  
33 **individuals against viewpoint discrimination and track any reported**  
34 **grievances in that regard;**

35 **(h) Establish clear campus policies to ensure freedom of the**  
36 **press for students and report any incidents of student newspaper thefts**  
37 **or destruction;**

38 **(i) Establish clear campus policies to prohibit viewpoint**  
39 **discrimination in the distribution of student fee funds;**

40 **(j) Develop methods for disseminating best practices to ensure**  
41 **that conflicts between personal beliefs and classroom assignments that**  
42 **may contradict such beliefs can be resolved in a manner that achieves**  
43 **educational objectives without requiring a student to act against his or**  
44 **her conscience;**

45 **(k) Eliminate any speech codes that restrict the freedom of**  
46 **speech; or**

47 **(l) Create an institutional ombudsman on intellectual diversity**  
48 **or specifically charge an existing ombudsman with monitoring the state**  
49 **of intellectual diversity.**

50 **(2) The report shall be distributed to the members of the general**  
51 **assembly no later than December thirty-first of each year, beginning in**  
52 **2010.**

53 **(3) The report shall be posted on each public higher education**  
54 **institution's web site.**

55 **3. Each public higher education institution shall ensure that**  
56 **students are notified that measures to promote intellectual diversity**  
57 **are in place and how to report alleged violations of policy.**

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