

Date: January 24, 2022  
To: UTK-UTIA Faculty Senate  
From: Diversity and Inclusion Committee

## **Resolution Defending Academic Freedom and the Right to Teach About Race and Gender Justice and Critical Race Theory**

**WHEREAS** the Tennessee General Assembly’s ban on the K-12 teaching, and pending legislation regarding higher education, of critical race perspectives limits academic discussions of racism and related issues of United States history in public education; and,

**WHEREAS** educating about systemic barriers to realizing a multiracial democracy based on race or gender should be understood as central to the active and engaged pursuit of knowledge in the 21<sup>st</sup> century to produce engaged and informed citizens; and,

**WHEREAS** the term “divisive” used in existing legislation is indeterminate, subjective, and chills the capacity of educators to explore a wide variety of topics based on subjective criteria that are in opposition to the goals of education and the development of essential critical thinking skills; and,

**WHEREAS** the [American Association of University Professors’ \(AAUP\) 1940 statement of Principles on Academic Freedom and Tenure](#) affirms that, “teachers are entitled to freedom in the classroom in discussing their subject”; and,

**WHEREAS** over seventy organizations, including the American Association of University Professors (AAUP) and the Association of American Colleges and Universities (AACU), issued the [Joint Statement on Legislative Efforts to Restrict Education about Racism and American History](#) (June 16, 2021) stating their “firm opposition to a spate of legislative proposals being introduced across the country that target academic lessons, presentations, and discussions of racism and related issues in American history in schools, colleges and universities”; and,

**WHEREAS** in higher education, under principles of academic freedom that have been widely endorsed, professors are entitled to freedom in the classroom in discussing their subject and educators, not politicians, should make decisions about teaching and learning; and,

**WHEREAS** the primary mission of the University of Tennessee is to move forward the frontiers of human knowledge to enrich and elevate the citizens of the state of Tennessee, the nation, and the world; and,

**WHEREAS** the [2021 Faculty Handbook, Section 2.1.1](#) affirms that “faculty members have the right to academic freedom and are expected to seek and to speak the truth as they perceive it on the basis of expertise and research in their discipline”; and,

**WHEREAS** the [2021 Faculty Handbook, Section 2.1.1](#) also affirms that “academic freedom is this right for faculty members to teach, research, create, and perform about their knowledge and understanding in their discipline”; and,

**WHEREAS** in a nation that has for centuries struggled with issues of racial inequity and injustice, many students do not have adequate knowledge of Black, Indigenous, Latinx, Asian-American/Pacific Islander, multi-racial, and LGBTQIA+ history as well as the policies that contributed to inequities, the University of Tennessee has a responsibility and opportunity to help build equity and social justice.

**THEREFORE, BE IT RESOLVED** that the UTK-UTIA Faculty Senate stands with our K-12 colleagues throughout the country who may be affected by this pernicious legislation when they seek to teach U.S. history and civics education comprehensively, fairly, and accurately.

**BE IT FURTHER RESOLVED** that the UTK-UTIA Faculty Senate affirms the [Joint Statement on Efforts to Restrict Education about Racism](#), authored by the AAUP, PEN America, the American Historical Association, and the Association of American Colleges & Universities, endorsed by over seventy organizations, and issued on June 16, 2021.

**BE IT FURTHER RESOLVED** that the UTK-UTIA Faculty Senate resolutely rejects any attempts by bodies external to the faculty to restrict or dictate university curriculum on any matter, including matters related to racial and social justice, and will stand firm against encroachment on any, and all, faculty members’ authority by the legislature or the Boards of Trustees.

**BE IT FURTHER RESOLVED** that UTK-UTIA Faculty Senate calls upon President Randy Boyd, Chancellor Donde Plowman, and Provost John Zomchick to provide an official statement opposing any attempts by bodies external to the faculty to restrict or dictate university curriculum on any matter, including matters related to racial and social

justice, and will stand firm against encroachment on any and all faculty members' authority by the legislature or the Board of Trustees.

## Background Information

- Scholarly Groups Condemn Laws Limiting Teaching on Race (New York Times, June 16, 2021)
- Texas 'critical race theory' bill limiting teaching of current events signed into law (ABC13, June 16, 2021)
- Republicans Want Federal Funding Cuts to Schools Using '1619 Project' But There's a Twist (Education Week, June 15, 2021)
- Critical race theory battle invades school boards with help from conservative groups (NBC News, June 15, 2021)
- Teachers across the country protest laws restricting lessons on racism (Washington Post, June 12, 2021)
- 'Children deserve to be taught': Teachers in 22 cities are planning protests over laws restricting racism lessons in schools (USA Today, June 11, 2021)
- 'Critical Race Theory Is Simply the Latest Bogeyman.' Inside the Fight Over What Kids Learn About America's History (TIME Magazine, June 24, 2021)
- Uncovering Who Is Driving the Fight Against Critical Race Theory In Schools (LISTEN) (Fresh Air, June 24, 2021)
- How the media's helping GOP fuel critical race theory hysteria (Press Run, June 23, 2021)
- Critical race theory has been around for decades: why's it a powder keg now? (LISTEN) (Marketplace, June 22, 2021)
- VIDEO: Creator of term 'Critical Race Theory' Kimberlé Crenshaw explains what it really is (MSNBC/The Reid Out, June 21, 2021)
- VIDEO: The truth about 'critical race theory': co-founder breaks down GOP gaslight (MSNBC/The Medhi Hasan Show, June 20, 2021)
- Fox's anti-"critical race theory" parents are also GOP activists (Media Matters, June 17, 2021)
- Critical Race Theory: What It Means for America and Why It Has Sparked Debate (Wall Street Journal, June 17, 2021)
- Why are states lining up to ban critical race theory? (University World News, June 12, 2021)
- The New York Times' Culture-War Definition of Free Speech (Melissa Gira Grant, The New Republic, June 8, 2021)
- Guest Blog: Where Does the Bizarre Hysteria About 'Critical Race Theory' Come From? Follow the Money! (Inside Higher Ed, June 3, 2021)
- Opinion: Why Conservatives Really Fear Critical Race Theory (Christine Emba, The Washington Post, May 26, 2021)

- (VIDEO) What critical race theory is really about (Education Week, June 15, 2021)

### American Bar Association

“CRT is not a diversity and inclusion “training” but a practice of interrogating the role of race and racism in society that emerged in the legal academy and spread to other fields of scholarship. Crenshaw—who coined the term “CRT”—notes that CRT is not a noun, but a verb. It cannot be confined to a static and narrow definition but is considered to be an evolving and malleable practice. It critiques how the social construction of race and institutionalized racism perpetuate a racial caste system that relegates people of color to the bottom tiers. CRT also recognizes that race intersects with other identities, including sexuality, gender identity, and others. CRT recognizes that racism is not a bygone relic of the past. Instead, it acknowledges that the legacy of slavery, segregation, and the imposition of second-class citizenship on Black Americans and other people of color continue to permeate the social fabric of this nation. “

While recognizing the evolving and malleable nature of CRT, scholar Khiara Bridges outlines a few key tenets of CRT, including:

- Recognition that race is not biologically real but is socially constructed and socially significant. It recognizes that science (as demonstrated in the Human Genome Project) refutes the idea of biological racial differences. According to scholars Richard Delgado and Jean Stefancic, race is the product of social thought and is not connected to biological reality.
- Acknowledgement that racism is a normal feature of society and is embedded within systems and institutions, like the legal system, that replicate racial inequality. This dismisses the idea that racist incidents are aberrations but instead are manifestations of structural and systemic racism.
- Rejection of popular understandings about racism, such as arguments that confine racism to a few “bad apples.” CRT recognizes that racism is codified in law, embedded in structures, and woven into public policy. CRT rejects claims of meritocracy or “colorblindness.” CRT recognizes that it is the systemic nature of racism that bears primary responsibility for reproducing racial inequality.
- Recognition of the relevance of people’s everyday lives to scholarship. This includes embracing the lived experiences of people of color, including those preserved through storytelling, and rejecting deficit-informed research that excludes the epistemologies of people of color.

### PUBLIC CHAPTER NO. 493 SENATE BILL NO. 623

SECTION 51. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section: (

- a) An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow

teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts:

- (1) One (1) race or sex is inherently superior to another race or sex; 6 SB 623
- (2) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;
- (3) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;
- (4) An individual's moral character is determined by the individual's race or sex;
- (5) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (6) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;
- (7) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;
- (8) This state or the United States is fundamentally or irredeemably racist or sexist;
- (9) Promoting or advocating the violent overthrow of the United States government;
- (10) Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;
- (11) Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;
- (12) The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;
- (13) All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or
- (14) Governments should deny to any person within the government's jurisdiction the equal protection of the law.

(b) Notwithstanding subsection (a), this section does not prohibit an LEA or public charter school from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include:

- (1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with part 22 of this chapter;
  - (2) The impartial discussion of controversial aspects of history;
  - (3) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region;
- or

(4) Historical documents relevant to subdivisions (b)(1) -(3) that are permitted under § 49-6-1011.

(c) If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA or public charter school until the LEA or public charter school provides evidence to the commissioner that the LEA or public charter school is no longer in violation of this section.