

February 15, 2018
Follow-up Written Opposition Testimony on SB 340

Dear Chairman Estes and members of the Senate Federal and State Affairs Committee:

I would like to ask the committee to please oppose SB 340, because the parts of it which are good are unnecessary as they are already covered under the First Amendment, and the parts of it which are not good will be detrimental to higher education in the state of Kansas.

First, I would like to reiterate the role of the university. Universities are institutions of knowledge and learning, and with that comes a responsibility to impart accurate information to students, to perform peer-reviewed, tested research, and to teach students to think critically about the world that they live in. This bill states that an institution shall be committed to maintaining a “marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical or wrong-headed.” While it is true that we must learn from a variety of viewpoints and expose ourselves of different ways of thinking, we must be careful not to create a situation in which we give every voice the same weight in an academic context. For example, there are scientific ideas and theories that at one point in our history, we believed to be true. Upon gathering further evidence and doing more studies, science has adapted and changed so that we have the most recent, most accurate information available to us. The world is not flat, for example, but many of our ancestors believed it was. There is also a subsection of people on the internet right now who believe like our ancestors did and also believe that the fact (which is a verifiable fact) that the earth is spherical is a conspiracy. Under SB 340, a university – whose job is to disseminate facts and research – would be forced to accommodate a conference of people preaching the idea that the earth is flat if someone invited them to campus. Under SB 340, a scientist who interrupted a flat-earthier’s speech in order to make sure that students understood the truth would be breaking the law.

Likewise, if a speaker on campus was advocating genocide, this law would forbid the university from disallowing their speech and would forbid individual students from speaking themselves in opposition to that speaker during their actual speech.

There is nothing stopping flat-earthiers from speaking their nonfactual beliefs in their own homes, in public parks, at the public library, or in a variety of other spaces in the United States. That person will not be arrested for their nonfactual belief that the earth is flat. They are not in any danger by saying what they believe, even though their belief is clearly, verifiably wrong. However, does a university need to accommodate that person alongside peer-reviewed, educated scientists whose research is based in fact? No. SB 340 would force a university to accommodate speakers whose research and opinions have been clearly debunked.

SB 340 states “an institution shall not disinvite a speaker invited by a student, student organization or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical or wrong-headed by students, faculty, administrators, government officials or members of the public”. This means that if a student invited the Grand Wizard of the KKK to speak on campus, the university would be forced to accommodate him. If Hitler were alive and a student invited him, the university would be forced to accommodate him, and people would be forbidden from even speaking over him. There would also be no actual security and many untrained individuals

with guns because in Kansas, we allow basically anyone who wants to carry a gun to carry one with no questions asked. Anyone who does not want unfettered violence on college campuses should recognize that this combination of factors may have disastrous consequences.

SB 340 also defines student-on-student harassment as “unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state or local law and that is so severe, pervasive and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit.” – This is a much stricter and smaller definition than most anti-discriminatory statements and positions by universities that are designed to protect marginalized students. Who is the judge of severity? Who is the judge of pervasiveness? What does it mean for someone to be effectively barred from an educational opportunity or benefit? This section would only protect abusers and would make it harder for students who are being marginalized or bullied on campus to get the education they deserve and are, frankly, paying for.

SB 340 would also forbid postsecondary institutions from charging fees for speakers, which are not uncommon in university settings – especially in a day and age when state funding for higher education is very low. Sometimes security fees are necessary, especially in Kansas, where anyone over the age of 21 can concealed carry a handgun onto a college campus, without permits or training, and with no questions asked. Say there is a hateful and vitriolic speaker who has been invited to the university – under SB 340, the university would not be able to charge for added security, so that security would likely not happen because of a lack of funding, like we have seen with the “adequate security measures” under the concealed carry law. The universities wanted them, but because of a lack of funding, were unable to do so. The last think Kansas needs is a gun battle started and fueled by hateful speech the university is forced to accommodate without extra funding from the state to handle security.

Additionally, the section of SB 340 that states “an institution shall not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates” could be interpreted to mean that a group of students whose sole purpose is the hate or marginalization of another group – for example a white supremacist group – would be able to get equal funding from the university for its activities, even though those activities are clearly in contradiction to the purpose of the university and the safety of the student body.

This law is dangerous for so many reasons. Please oppose SB 340.

Thank you,
Megan Jones
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