

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1135 (Delegate McDonough)
 Appropriations

Public Institutions of Higher Education - Instructors - Expressions of Opinion

This bill requires an instructor of a course related to civics, history, government, social studies, or political science to teach the course in a fair and balanced manner that does not reflect the instructor’s personal philosophical agenda, bias, or political opinion. Each public institution of higher education must establish an Office of the Ombudsman to review complaints and assist students who have concerns regarding the philosophical agenda, bias, or political opinion expressed by a professor in one of the above courses. The office must be independent and impartial, and all communications must be confidential. The bill may not be construed to infringe on speech protected by the First Amendment to the U.S. Constitution or Article 40 of the Maryland Declaration of Rights.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: General fund expenditures for public institutions of higher education increase by a total of \$1.2 million in FY 2018 for each of the 14 institutions to hire an ombudsman as required by the bill. Future years reflect annualization and the elimination of one-time costs. Higher education revenues and expenditures increase correspondingly.

(\$ in millions)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Higher Ed Rev.	\$1.2	\$1.2	\$1.2	\$1.3	\$1.3
GF Expenditure	\$1.2	\$1.2	\$1.2	\$1.3	\$1.3
Higher Ed Exp.	\$1.2	\$1.2	\$1.2	\$1.3	\$1.3
Net Effect	(\$1.2)	(\$1.2)	(\$1.2)	(\$1.3)	(\$1.3)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local expenditures for the 15 locally controlled community colleges increase by a total of \$1.3 million in FY 2018, escalating to \$1.4 million annually by

FY 2022, for each community college to hire an ombudsman as required by the bill. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background: The bill relates to the concept of “academic freedom” and the free speech rights of college instructors and public institutions of higher education. There is no consensus definition of academic freedom; however, the [*1940 Statement of Principles on Academic Freedom and Tenure*](#) authored by the American Association of University Professors and the Association of American Colleges is a commonly referenced document that describes the concept and its application. Specific to concepts in this bill:

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

University System of Maryland (USM) [policy](#) states that, by tradition, students and teachers have certain rights and responsibilities which they bring to the academic community and that the following conventions are central to the learning and teaching process, among others:

- Faculty members must enjoy freedom in the classroom to discuss all subject matter reasonably related to the course. In turn, they have the responsibility to encourage free and honest inquiry and expression on the part of students.
- Faculty members, consistent with the principles of academic freedom, have the responsibility to present courses that are consistent with their descriptions in the catalog of the institution.
- Faculty members are obligated to evaluate students fairly, equitably, and in a manner appropriate to the course and its objectives. Grades must be assigned without prejudice or bias.

State Expenditures: The bill explicitly requires each of the 14 public institutions of higher education in the State to hire an ombudsman, including 11 USM institutions, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College.

Therefore, general fund expenditures increase by \$1,204,350 in fiscal 2018, which accounts for the bill's July 1, 2017 effective date and ensures that the ombudsmen are available for the start of the 2017-2018 academic year. This estimate reflects the cost of hiring one individual as an ombudsman at each of the 14 public institutions of higher education. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses at a cost of approximately \$86,000 per institution in fiscal 2018.

Positions	14
Salaries and Fringe Benefits	\$1,130,640
Other Operating Expenses	<u>73,710</u>
Total FY 2018 State Expenditures	\$1,204,350

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses; per-institution costs increase to approximately \$95,000 in fiscal 2022. This estimate assumes that each institution has sufficient space to hire an ombudsman, and it assumes standard professional expenses. To the extent that additional funds or personnel are needed at a particular institution, general fund expenditures further increase. Higher education revenues and expenditures increase correspondingly.

Local Expenditures: The bill explicitly requires each of the 15 locally controlled community colleges in the State to hire an ombudsman. Assuming the same salaries and associated costs as for the State public institutions of higher education described above, local community college expenditures increase by a total of \$1.3 million in fiscal 2018, escalating to \$1.4 million annually by fiscal 2022, for each community college to hire an ombudsman.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Higher Education Commission; Baltimore City Community College; University System of Maryland; Morgan State University; American Association of University Professors; Department of Legislative Services

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