
By: **Delegates Frank, Aumann, Bartlett, Bates, Boteler, Cluster, Costa, Glassman, Impallaria, Jennings, Krebs, McComas, McDonough, McKee, Miller, Myers, O'Donnell, Parrott, Shewell, Stocksdale, Stull, Trueschler, and Weldon**

Introduced and read first time: February 10, 2005

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education - Public Institutions of Higher Education - Academic Bill**
3 **of Rights**

4 FOR the purpose of requiring a public institution of higher education to develop
5 certain guidelines; requiring the guidelines to include certain information;
6 prohibiting a faculty member from using the member's courses for political,
7 ideological, religious, or antireligious indoctrination; prohibiting the governing
8 body of a public institution of higher education from hiring, firing, or excluding
9 a faculty member from tenure based on the faculty member's political or
10 religious beliefs; and generally relating to an academic bill of rights for public
11 institutions of higher education.

12 BY adding to
13 Article - Education
14 Section 15-111
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2004 Supplement)

17 Preamble

18 WHEREAS, Exposing students to a spectrum of significant scholarly viewpoints
19 on the subjects examined by their courses is a major responsibility of faculty; and

20 WHEREAS, An environment conducive to the civil exchange of ideas is an
21 essential component of a public institution of higher education, and the obstruction of
22 invited campus speakers, the destruction of campus literature, or any other effort to
23 obstruct this exchange shall not be tolerated; and

24 WHEREAS, Knowledge advances when individual scholars are left free to reach
25 their own conclusions about which methods, facts, and theories have been validated
26 by research; and

1 WHEREAS, Academic institutions and professional societies formed to advance
2 knowledge within an area of research, maintain integrity of the research process, and
3 organize the professional lives of related researchers serve as indispensable venues
4 within which scholars circulate research findings and debate their interpretation; and

5 WHEREAS, To perform these functions adequately, academic institutions and
6 professional societies shall maintain a posture of organizational neutrality with
7 respect to the substantive disagreements that divide researchers on questions within
8 or outside their fields of inquiry; now, therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Education**

12 15-111.

13 (A) EACH GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER
14 EDUCATION SHALL DEVELOP ACADEMIC GUIDELINES BASED ON THE PRINCIPLES
15 IDENTIFIED IN SUBSECTION (B) OF THIS SECTION.

16 (B) THE GUIDELINES SHALL REQUIRE:

17 (1) A STUDENT TO BE GRADED SOLELY ON THE BASIS OF THE STUDENT'S
18 REASONED ANSWERS AND APPROPRIATE KNOWLEDGE OF THE SUBJECT MATTER
19 THE STUDENT STUDIED AND NOT ON THE BASIS OF THE STUDENT'S POLITICAL OR
20 RELIGIOUS BELIEFS;

21 (2) DIVERSIFIED CURRICULA AND READING LISTS IN SUBJECT AREAS
22 OF HUMANITIES AND SOCIAL SCIENCES TO RESPECT THE UNCERTAINTY AND
23 UNSETTLED CHARACTER OF ALL HUMAN KNOWLEDGE IN THESE AREAS AND TO
24 PROVIDE STUDENTS WITH DISSENTING SOURCES AND VIEWPOINTS;

25 (3) FACULTY TO PRESENT THE FACULTY MEMBER'S FINDINGS AND
26 PERSPECTIVES ON SUBJECT MATTER AND ALTERNATIVE POINTS OF VIEW WHEN
27 TEACHING A SUBJECT TO THE STUDENTS;

28 (4) FACULTY AND STUDENT ORGANIZATIONS TO OBSERVE THE
29 PRINCIPLES OF ACADEMIC FREEDOM AND PROMOTE INTELLECTUAL PLURALISM
30 WHEN SELECTING SPEAKERS AND ALLOCATING FUNDS FOR SPEAKERS, PROGRAMS,
31 AND OTHER STUDENT ACTIVITIES; AND

32 (5) FACULTY TO BE HIRED, FIRED, PROMOTED, AND CONSIDERED FOR
33 TENURE ON THE BASIS OF THE FACULTY MEMBER'S COMPETENCE AND
34 APPROPRIATE KNOWLEDGE IN THE FACULTY MEMBER'S FIELD OF EXPERTISE.

35 (C) A FACULTY MEMBER MAY NOT USE THE FACULTY MEMBER'S COURSES OR
36 POSITIONS FOR THE PURPOSE OF POLITICAL, IDEOLOGICAL, RELIGIOUS, OR
37 ANTIRELIGIOUS INDOCTRINATION.

1 (D) THE GOVERNING BODY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION
2 MAY NOT HIRE, FIRE, OR EXCLUDE A FACULTY MEMBER FROM TENURE ON THE
3 BASIS OF THE FACULTY MEMBER'S POLITICAL OR RELIGIOUS BELIEFS.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2005.