

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 964  
Appropriations

(Delegate Frank, *et al.*)

---

Higher Education - Public Institutions of Higher Education - Academic Bill of Rights

---

This bill prohibits the governing board of a public institution of higher education from hiring, firing, or excluding a faculty member from tenure on the basis of the faculty member's political or religious beliefs. In addition, faculty members may not use their courses or positions for the purpose of political, ideological, religious, or antireligious indoctrination. The bill also requires the governing board of each public institution of higher education to develop academic guidelines that require: (1) a student to be graded solely on the basis of the student's reasoned answers and knowledge; (2) diversified curricula and reading lists; (3) faculty to provide alternative points of view; (4) faculty and student organizations to observe the principles of academic freedom and promote intellectual pluralism when selecting speakers and allocating funds; and (5) faculty to be hired, fired, promoted, and considered for tenure on the basis of the faculty member's competence, knowledge, and expertise.

---

Fiscal Summary

**State Effect:** Public institutions of higher education could develop and meet the conditions of the required academic guidelines with existing resources.

**Local Effect:** Community colleges could develop and meet the conditions of the required academic guidelines with existing resources.

**Small Business Effect:** None.

---

## Analysis

**Current Law:** The governing boards of public institutions of higher education establish policies for the institutions.

For example, policies adopted by the University System of Maryland (USM) Board of Regents state that faculty members have the responsibility to encourage free and honest inquiry and expression on the part of students. In addition, faculty members are required to assign grades and evaluate students fairly and without prejudice or bias. Acceptable reasons for firing tenured or tenure-track faculty are limited to moral turpitude, professional or scholarly misconduct, incompetence, or willful neglect of duty. The policies also state that criteria for tenure and promotion in USM institutions are: (1) teaching effectiveness; (2) research, scholarship, and, in appropriate areas, creative activities; and (3) relevant service to the community, profession, and institution.

---

### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** University System of Maryland, Maryland Higher Education Commission, Baltimore City Community College, Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2005  
mll/rhh

---

Analysis by: Mark W. Collins

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510