

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1194

H.P. 823

House of Representatives, March 8, 2005

### An Act To Create an Academic Bill of Rights

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BOWEN of Rockport.

Cosponsored by Representatives: BOWLES of Sanford, DAVIS of Falmouth, JOY of Crystal, STEDMAN of Hartland, TARDY of Newport, TRAHAN of Waldoboro, Senator: WESTON of Waldo.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 20-A MRSA §10009** is enacted to read:

6 **§10009. Academic bill of rights**

8 **1. Rights for students.** A student enrolled in a postsecondary institution under this Part has the right to expect:

10 A. A learning environment in which the student has access  
12 to a broad range of serious scholarly opinion pertaining to  
14 the subjects the student studies and in which, in the  
16 humanities, the social sciences and the arts, the fostering  
18 of a plurality of serious scholarly methodologies and  
20 perspectives has a significant institutional purpose;

22 B. To be graded solely on the basis of the student's  
24 reasoned answers and appropriate knowledge of the subjects  
26 the student studies and to not be discriminated against on  
28 the basis of the student's political or religious beliefs;

30 C. That the student's academic freedom and the quality of  
32 education will not be infringed upon by instructors who  
34 persistently introduce controversial matter into the  
36 classroom or coursework that has no relation to the subject  
38 of study and that serves no legitimate pedagogical purpose;

40 D. That the freedom of speech, freedom of expression,  
42 freedom of assembly and freedom of conscience of students  
44 and student organizations are not infringed upon by  
46 administrators, student government organizations or  
48 institutional policies, rules or procedures; and

50 E. That the student's academic institution distributes  
student fee funds on a viewpoint-neutral basis and maintains  
a posture of neutrality with respect to substantive  
political and religious disagreements, differences and  
opinions.

**2. Rights for faculty and instructors.** A faculty member or instructor of a postsecondary institution under this Part has the right to expect:

A. Academic freedom in the classroom in discussing subjects  
while making the students aware of serious scholarly  
viewpoints other than that of the faculty member or  
instructor and encouraging intellectual honesty, civil  
debate and the critical analysis of ideas in the pursuit of  
knowledge and truth;

2           B. To be hired, fired, promoted, denied promotion, granted  
4           tenure or denied tenure on the basis of competence and  
6           appropriate knowledge in the field of expertise of the  
8           faculty member or instructor and not on the basis of  
10           political or religious beliefs; and

12           C. To not be excluded from tenure, search and hiring  
14           committees on the basis of political or religious beliefs.

16           **3. Publishing of rights.** A postsecondary institution under  
18           this Part shall fully inform students, faculty and instructors of  
20           the rights under this section and of the institution's grievance  
22           procedures for violations of academic freedom by notices  
24           prominently displayed in course catalogs or student handbooks and  
26           on the institutional publicly accessible site on the Internet.

28           **4. Protection of academic freedom and rights of faculty and**  
30           students. The governing board of each postsecondary institution  
32           under this Part shall develop institutional guidelines and  
34           policies to protect the academic freedom and the rights of  
36           students and faculty under this section and shall adopt a  
38           grievance procedure by which a student or faculty member may seek  
40           redress of grievance for an alleged violation of a right  
42           specified in this section. A governing board under this  
44           subsection shall publicize the grievance procedure developed  
46           pursuant to this subsection to the students and faculty on every  
48           campus that is under the control and direction of the governing  
50           board.

**Sec. 2. Hiring policies of postsecondary institutions.** A public  
postsecondary institution under the Maine Revised Statutes, Title  
20-A, Part 5 shall include in the institution's hiring policies  
that the institution endeavors to ensure a diversity of political  
and philosophical viewpoints in faculty members and instructors  
and that the institution may not discriminate in its hiring  
policies against applicants for a faculty position or  
instructorship for reasons of political or philosophical  
viewpoints.

## SUMMARY

This bill creates an academic bill of rights that ensures an  
academic environment for both students and faculty members that  
allows freedom of political viewpoint, expression and  
instruction. This bill requires all public postsecondary  
institutions in the State to publish this bill of rights and to  
adopt a grievance procedure to address complaints of violations  
of these rights. This bill also requires public postsecondary  
institutions in the State to include in their hiring policies

2 that the institutions endeavor to ensure a diversity of political  
and philosophical viewpoints in faculty members and instructors  
4 and that the institutions may not discriminate in their hiring  
policies against applicants for a faculty position or  
6 instructorship for reasons of political or philosophical  
viewpoints.