

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

Sec. 1. 20-A MRS §10009 is enacted to read:

§10009. Academic bill of rights

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

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

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

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

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

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;

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

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

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

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

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