

1 **H. B. 2723**

2
3 (By Delegates Overington, Duke, Andes,
4 J. Miller, Canterbury, Cowles, Rowan
5 and Walters)
6

7 [Introduced January 21, 2011; referred to the
8 Committee on Education then the Judiciary.]
9

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §18B-7-13, relating
12 to protecting academic freedom in higher education.

13 *Be it enacted by the Legislature of West Virginia:*

14 That the Code of West Virginia, 1931, as amended, be amended
15 by adding thereto a new section, designated §18B-7-13, to read as
16 follows:

17 **ARTICLE 7. PERSONNEL GENERALLY.**

18 **§18B-7-13. Intellectual independence and diversity protected.**

19 The state recognizes the importance of protecting academic
20 freedom of personnel and students in its institutions of higher
21 education. To secure intellectual independence for faculty and
22 students, and to protect intellectual diversity, state institutions
23 of higher education shall observe the following principles and
24 procedures:

25 (1) All faculty must be hired, fired, promoted and granted

1 tenure on the basis of their competence and appropriate knowledge
2 in the field of their expertise and, in the humanities, the social
3 sciences, and the arts, with a view toward fostering a plurality of
4 methodologies and perspectives. No faculty may be hired or fired
5 or denied promotion or tenure solely on the basis of his or her
6 political or religious beliefs.

7 (2) All tenure, search and hiring committee deliberations must
8 be recorded and made available to appropriately constituted
9 authorities empowered to inquire into the integrity of the process.
10 The names of committee members may be redacted from the record. No
11 faculty member may be excluded from tenure, search and hiring
12 committees on the basis of his or her political or religious
13 beliefs.

14 (3) Students must be graded solely on the basis of their
15 reasoned answers and appropriate knowledge of the subjects and
16 disciplines they study. Students may not be graded on the basis of
17 their political or religious beliefs.

18 (4) Curricula and reading lists in the humanities and social
19 sciences must respect the uncertainty and unsettled character of
20 all human knowledge in these areas and provide students with
21 dissenting sources and viewpoints. While teachers are and should
22 be free to pursue their own findings and perspectives in presenting
23 their views, they must consider and make their students aware of
24 other viewpoints. Academic disciplines must welcome a diversity of

1 approaches to unsettled questions.

2 (5) Exposing students to the spectrum of significant scholarly
3 viewpoints on the subjects examined in their courses is a major
4 responsibility of faculty. Faculty may not use their courses for
5 the purpose of political, ideological, religious or anti-religious
6 indoctrination.

7 (6) The principles of academic freedom and the promotion of
8 intellectual pluralism must be observed in the selection of
9 speakers, allocation of funds for speakers programs and other
10 student activities.

11 (7) The obstruction of invited campus speakers, destruction of
12 campus literature or other effort to obstruct the civil exchange of
13 ideas may not be tolerated.

14 (8) Because knowledge advances when scholars are free to reach
15 their own conclusions about which methods, facts and theories have
16 been validated by research, academic institutions shall maintain a
17 posture of organizational neutrality with respect to the
18 substantive disagreements that divide researchers on questions
19 within, or outside, their fields of inquiry.

NOTE: The purpose of this bill is to promote intellectual diversity and academic freedom in institutions of higher education. It protects faculty and students from discrimination resulting from political or religious beliefs.

This section has been completely rewritten; therefore, it has been completely underscored.

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