

1 **H. B. 2741**

2
3 (By Delegates Overington, Andes, Canterbury,
4 Cowles, Rowan, R. Walters, Frich, Border,
5 Ellington, Evans, D. and Pasdon)
6

7 [Introduced February 26, 2013; 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-7-17, relating
12 to protecting academic freedom in higher education;
13 prohibiting employment decisions concerning faculty members
14 from being based solely on political or religious beliefs;
15 requiring all tenure, search and hiring committee
16 deliberations to be recorded and made available to the
17 appropriate constituted authorities; prohibiting students from
18 being graded on political or religious beliefs; requiring
19 academic disciplines to welcome a diversity of approaches to
20 unsettled questions and to provide dissenting viewpoints;
21 providing that the uncertainty and unsettled character of all
22 human knowledge must be respected; and providing that the
23 obstruction of campus speakers or the civil exchange of ideas
24 may not be tolerated.

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

26 That the Code of West Virginia, 1931, as amended, be amended

1 by adding thereto a new section, designated §18B-7-17, to read as
2 follows:

3 **ARTICLE 7. PERSONNEL GENERALLY.**

4 **§18B-7-17. Intellectual independence and diversity protected.**

5 The state recognizes the importance of protecting academic
6 freedom of personnel and students in its institutions of higher
7 education. To secure intellectual independence for faculty and
8 students, and to protect intellectual diversity, state institutions
9 of higher education shall observe the following principles and
10 procedures:

11 (1) All faculty must be hired, fired, promoted and granted
12 tenure on the basis of their competence and appropriate knowledge
13 in the field of their expertise and, in the humanities, the social
14 sciences, and the arts, with a view toward fostering a plurality of
15 methodologies and perspectives. No faculty may be hired or fired
16 or denied promotion or tenure solely on the basis of his or her
17 political or religious beliefs.

18 (2) All tenure, search and hiring committee deliberations must
19 be recorded and made available to the appropriate constituted
20 authorities empowered to inquire into the integrity of the process.
21 The names of committee members may be redacted from the record. No
22 faculty member may be excluded from tenure, search and hiring
23 committees on the basis of his or her political or religious
24 beliefs.

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

5 (4) Curricula and reading lists in the humanities and social
6 sciences must respect the uncertainty and unsettled character of
7 all human knowledge in these areas and provide students with
8 dissenting sources and viewpoints. While teachers are and should
9 be free to pursue their own findings and perspectives in presenting
10 their views, they must consider and make their students aware of
11 other viewpoints. Academic disciplines must welcome a diversity of
12 approaches to unsettled questions.

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

18 (6) The principles of academic freedom and the promotion of
19 intellectual pluralism must be observed in the selection of
20 speakers, allocation of funds for speakers programs and other
21 student activities.

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

1 (8) Because knowledge advances when scholars are free to reach
2 their own conclusions about which methods, facts and theories have
3 been validated by research, academic institutions shall maintain a
4 posture of organizational neutrality with respect to the
5 substantive disagreements that divide researchers on questions
6 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. The bill prohibits employment decisions concerning faculty members from being based solely on political or religious beliefs. The bill requires all tenure, search and hiring committee deliberations to be recorded and made available to the appropriate constituted authorities. The bill prohibits students from being graded on political or religious beliefs. The bill requires academic disciplines to welcome a diversity of approaches to unsettled questions and to provide dissenting viewpoints. The bill provides that the uncertainty and unsettled character of all human knowledge must be respected. The bill provides that the obstruction of campus speakers or the civil exchange of ideas may not be tolerated.

This section is new; therefore, it has been completely underscored.