

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2335

BY DELEGATES OVERINGTON, ROWAN, FRICH, FOSTER,

G., KELLY AND SOBONYA

[Introduced February 10, 2017; Referred
to the Committee on Education then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18B-7-17, relating to protecting academic freedom in higher education;
 3 prohibiting employment decisions concerning faculty members from being based solely
 4 on political or religious beliefs; requiring all tenure, search and hiring committee
 5 deliberations to be recorded and made available to the appropriate constituted authorities;
 6 prohibiting students from being graded on political or religious beliefs; requiring academic
 7 disciplines to welcome a diversity of approaches to unsettled questions and to provide
 8 dissenting viewpoints; providing that the uncertainty and unsettled character of all human
 9 knowledge must be respected; and providing that the obstruction of campus speakers or
 10 the civil exchange of ideas may not be tolerated.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §18B-7-17, to read as follows:

ARTICLE 7. PERSONNEL GENERALLY.

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

1 The state recognizes the importance of protecting academic freedom of personnel and
 2 students in its institutions of higher education. To secure intellectual independence for faculty
 3 and students, and to protect intellectual diversity, state institutions of higher education shall
 4 observe the following principles and procedures:

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

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

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

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

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

27 (6) The principles of academic freedom and the promotion of intellectual pluralism must
28 be observed in the selection of speakers, allocation of funds for speaker's programs and other
29 student activities.

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

32 (8) Because knowledge advances when scholars are free to reach their own conclusions
33 about which methods, facts and theories have been validated by research, academic institutions
34 shall maintain a posture of organizational neutrality with respect to the substantive disagreements
35 that divide researchers on questions 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.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.