

HOUSE BILL NO. 525
INTRODUCED BY R. KOOPMAN

A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING INTELLECTUAL DIVERSITY IN THE UNIVERSITY SYSTEM; URGING UNITS OF THE UNIVERSITY SYSTEM TO PROVIDE AN ANNUAL REPORT; PROVIDING A ROLE FOR THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE; AMENDING SECTION 5-5-224, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] must be known and may be cited as the "Intellectual Diversity in Higher Education Act".

NEW SECTION. **Section 2. Legislative findings.** The legislature finds and declares that:

(1) the creation of knowledge results from the continuous testing of claims to truth, the encouragement of criticism, the toleration of diverse opinions, and the open opportunity to examine, interrogate, and challenge any claim;

(2) intellectual diversity is the foundation of a learning environment that exposes students to a variety of political, ideological, and other perspectives when these perspectives relate to the subject matter being taught or issues being discussed;

(3) colleges and universities should welcome intellectual diversity and the free exchange of ideas as values indispensable to teaching, program development, and a liberal education;

(4) teachers should not take unfair advantage of the immaturity of students by indoctrinating them with the teachers' own opinions before the students have had an opportunity to examine other opinions;

(5) academic decisions, including grades, should be based solely on considerations that are intellectually relevant to the subject matter under consideration;

(6) members of the campus community who believe that they have been treated unfairly in academic matters must have access to a clear institutional process by which grievances can be addressed;

(7) political and ideological bias in hiring, promotion, and tenure is unacceptable;

(8) intellectual diversity must be achieved in ways that protect values such as academic freedom, shared governance, and academic standards;

(9) faculty, administrators, and the board of regents should take the initiative in meeting the challenge of intellectual diversity;

(10) there is a high degree of consensus on the principles set forth in a statement entitled "academic rights and responsibilities" that was issued by the American council on education on behalf of 30 higher education organizations;

(11) surveys increasingly reveal ideological imbalance in the classroom, evidence of politicization, and public concern over these issues; and

(12) it is the responsibility of governing boards to ensure that institutional policies and procedures promote, for all students and faculty, an open atmosphere in which a range of viewpoints can be freely expressed.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 5], the following definitions apply:

(1) "Intellectual diversity" means the foundation of a learning environment that exposes students to a variety of political, ideological, and other perspectives, when these perspectives relate to the subject matter being taught or issues being discussed, recognizes knowledge as provisional, and encourages continuous challenge and scrutiny.

(2) "Unit of the university system" means those units listed in 20-25-201.

NEW SECTION. Section 4. Higher education intellectual diversity report. The board of regents is urged to require each unit of the university system to annually report to the legislature detailing the steps that the unit of the university system is taking to ensure intellectual diversity and the free exchange of ideas.

(1) The report must address the specific measures taken by the unit of the university system to ensure and promote intellectual diversity and academic freedom.

(2) The report may but is not required to include any steps taken by the unit of the university system to:

(a) conduct a study to assess the current state of intellectual diversity on its campus;

(b) incorporate intellectual diversity into institutional statements, grievance procedures, and activities on diversity;

(c) encourage a balanced variety of campuswide panels and speakers and annually publish the names of panelists and speakers;

(d) establish clear campus policies that ensure that hecklers or threats of violence do not prevent speakers from speaking;

- (e) include intellectual diversity concerns in the unit of the university system's guidelines on teaching and program development;
 - (f) include intellectual diversity issues in student course evaluations;
 - (g) develop hiring, tenure, and promotion policies that protect individuals against political viewpoint discrimination and that track any reported grievances in that regard;
 - (h) establish clear campus policies to ensure freedom of the press for students and report any incidents of student newspaper thefts or destruction;
 - (i) establish clear campus policies to prohibit political bias in the distribution of student-fee funds;
 - (j) eliminate any speech codes that restrict the freedom of speech; or
 - (k) create an institutional ombudsman on intellectual diversity.
- (3) The report of each unit of the university system must be distributed to members of the Montana legislature not later than December 31 of each year.
- (4) The report of each unit of the university system must be posted on its website.

NEW SECTION. Section 5. Role of education and local government interim committee. The education and local government interim committee shall:

- (1) hear testimony annually from each unit of the university system regarding the report provided for in [section 4] and concerning any matters requested by the committee;
- (2) conduct annual hearings that include university students, faculty members, invited expert witnesses, and others; and
- (3) generate an annual report on intellectual diversity to be distributed to all members of the legislature, the governor, the commissioner of higher education, all units of the university system, and public libraries.

Section 6. Section 5-5-224, MCA, is amended to read:

"5-5-224. Education and local government interim committee. (1) The education and local government interim committee shall act as a liaison with local governments. The education and local government interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes:

- (a) state board of education;
- (b) board of public education;

- (c) board of regents of higher education; and
- (d) office of public instruction.
- (2) The committee shall:
 - (a) provide information to the board of regents in the following areas:
 - (i) annual budget allocations;
 - (ii) annual goal statement development;
 - (iii) long-range planning;
 - (iv) outcome assessment programs; and
 - (v) any other area that the committee considers to have significant educational or fiscal policy impact;
 - (b) periodically review the success or failure of the university system in meeting its annual goals and long-range plans;
 - (c) periodically review the results of outcome assessment programs;
 - (d) develop mechanisms to ensure strict accountability of the revenue and expenditures of the university system;
 - (e) study and report to the legislature on the advisability of adjustments to the mechanisms used to determine funding for the university system, including criteria for determining appropriate levels of funding;
 - (f) conduct the annual hearings and prepare an annual report on intellectual diversity provided for in [section 5];
 - ~~(f)~~(g) act as a liaison between both the legislative and executive branches and the board of regents;
 - ~~(g)~~(h) encourage cooperation between the legislative and executive branches and the board of regents;
 - ~~(h)~~(i) promote and strengthen local government through recognition of the principle that strong communities, with effective, democratic governmental institutions, are one of the best assurances of a strong Montana;
 - ~~(i)~~(j) bring together representatives of state and local government for consideration of common problems;
 - ~~(j)~~(k) provide a forum for discussing state oversight of local functions, realistic local autonomy, and intergovernmental cooperation;
 - ~~(k)~~(l) identify and promote the most desirable allocation of state and local government functions, responsibilities, and revenue;
 - ~~(l)~~(m) promote concise, consistent, and uniform regulation for local government;
 - ~~(m)~~(n) coordinate and simplify laws, rules, and administrative practices in order to achieve more orderly and less competitive fiscal and administrative relationships between and among state and local governments;

~~(n)~~(o) review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;

~~(o)~~(p) make recommendations to the legislature, executive branch agencies, and local governing bodies concerning:

(i) changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and uniform guidance and regulations for local government;

(ii) changes in tax laws that will achieve more orderly and less competitive fiscal relationships between levels of government;

(iii) methods of coordinating and simplifying competitive practices to achieve more orderly administrative relationships among levels of government; and

(iv) training programs and technical assistance for local government officers and employees that will promote effectiveness and efficiency in local government; and

~~(p)~~(q) conduct interim studies as assigned."

NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 20, chapter 25, part 1, and the provisions of Title 20, chapter 25, part 1, apply to [sections 1 through 5].

NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2007.

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