

"In summary then, I think that the grant of 'constitutional autonomy' to the University of Maryland in the Constitution would be most unwise both from the point of view of the Constitutional Convention and from that of the University. I say this notwithstanding the fact that, as you know, I am a staunch advocate of Dr. Elkins' basic premise, namely, that it is imperative that the University of Maryland now and in the future have autonomy and that it be completely free of all forms of political control or influence. It must continue to be operated by and have its policies determined by a completely independent Board of Regents. I think, however, that it can achieve and retain this independence by statute. . . ."

A somewhat different, and more broadly based viewpoint, has been expressed by the Maryland Advisory Council for Higher Education. In a communication to the Commission, the Council said:

". . . The Council urges that the *total effect* of any specific provision of constitutional autonomy as it affects not only management but the orderly growth and development of *all* public higher education in the State be given careful consideration. . . .

DEGREE OF AUTONOMY

"The determination of the degree of freedom which may be granted the public higher educational institutions in Maryland requires a clear understanding of the meaning and implications of terms, especially the difference between 'immunity' and 'autonomy.' For public institutions—state-supported and existing essentially for the promotion of the common good—the status of immunity is foreign to the

concept and processes of democracy. On the other hand, a too stringent control or limitation of freedom is similarly unwarranted. Some degree of freedom, that is, an appropriate measure of autonomy defined here simply as self-government is warranted in a democratic state and deemed desirable for institutions of higher learning. . . .

"Particularly at the state level, the problem of autonomy for institutions of higher education is to obtain and maintain some freedom of decision and action apart from general executive and/or legislative controls. . . .

"In its reports, the Advisory Council has recommended that college and university administrators be given the freedom to make decisions affecting the internal affairs of their institutions.

"For the University and the state colleges, a degree of autonomy defined in terms of fiscal and internal management would not be inconsistent with the previously stated position of the Advisory Council in its advanced planning and development of the State's master plan for higher education. . . ."

CONSTITUTIONAL PROVISION

"Four issues have to be taken into account in the consideration of constitutional autonomy: (1) Responsiveness to change—the freezing of a *status quo* versus adaptability to emerging needs; (2) Responsiveness to the public will—judicial interpretation versus legislative action; (3) Responsiveness to the requirements of internal management—restrictive policies and detailed procedures versus initiative and flexibility in administrative decision makings; (4) Re-