



UNIVERSITY OF  
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October 5, 2009

Dr. William E. Kirwan  
Chancellor, University System of Maryland  
2C Elkins Building  
3300 Metzert Road, Adelphi, MD 20783

Dear Chancellor Kirwan:

The Senate Executive Committee (SEC) of the University of Maryland College Park Senate met on October 1, 2009 and discussed the three proposed options for the "University System of Maryland Policy on Displaying Obscene Material." The members of the SEC wish to express their desire to protect the educational mission of the University and hope that any final policy will meet this objective.

The members of the committee decided not to endorse any of the options completely due to serious concerns with each of them. These concerns are described next.

(a) After [effective date] any faculty, student or staff organization that requests the use of a meeting room, auditorium or other facility in which to exhibit a motion picture purely for entertainment purposes may be asked to design and propose an educational program to accompany the screening of the film, such program to precede or follow the screening of the film, and to be advertised both by the institution and by the sponsoring organization. If the sponsoring organization fails or refuses to develop such an educational program, the university shall do so.

The SEC members are concerned about the specific wording in this version of the policy. They believe that this wording (specifically, the use of the word "shall") could be construed to require that the university must develop an educational program if the sponsoring organization fails or refuses to do so. Of greater concern, however, is that unpopular political views expressed in films that might be objectionable could be a target of this policy, and the university would be given the right to request an accompanying educational program or provide such a program itself. We urge that the applicability of this policy be limited.

(b) After [effective date] any faculty, student or staff organization that requests the use of a meeting room, auditorium or other facility in which to exhibit a motion picture purely for entertainment purpose may be required to design and propose an educational program to accompany the screening of the film, such program to precede or follow the screening of the film, and to be advertised both by the institution and by the sponsoring organization. If

the sponsoring organization fails or refuses to develop such an educational program, the university shall do so.

The SEC members are concerned by the wording in this version of the policy that states that the sponsoring organization “may be required to design and propose an educational program” but is also afforded the right to “fail or refuse to develop such an educational program.” Several members felt that this was a contradiction of terms. Again, as with version (a), they questioned whether the university ‘shall’ meant that the university must provide an educational program. As with version (a), the members are concerned that the lack of specificity as to which films are to be the target of the policy can lead to opportunity for misuse. We urge that the applicability of this policy be limited.

( c) After [effective date] any faculty, student or staff organization that requests the use of a meeting room, auditorium or other facility in which to exhibit purely for entertainment purposes a motion picture that has not received a rating from the Motion Picture Association of America may be required to design and propose an educational program to accompany the screening of the film, such program to precede or follow the screening of the film, and to be advertised both by the institution and by the sponsoring organization. If the sponsoring organization fails or refuses to develop such an educational program, the university shall do so.

The SEC members are concerned about tying our evaluation of appropriate films to an external agency, such as the Motion Picture Association of America. There was large concern about whether films that were obscure or presented at film festivals, and as such unrated, could be required to include an educational program under this version. Consequently there was concern that unpopular political views expressed in these unrated films could be found to be objectionable and an educational program could, thus, be required.

We hope that our comments will be useful as you try to create an effective policy that preserves our educational mission.

Sincerely,



Elise Miller-Hooks  
Chair  
University Senate