

sponsiveness to coordination and planning—independent action and competitive duplication versus state-wide development and orderly growth.

“Change is a characteristic of the age. Higher education throughout the nation, and no less so in Maryland, is caught up in the process change. At a time when educational development is phenomenal, there are those to whom it would seem less than wise to establish by constitutional means a *status quo* even in the matter of autonomy. What will be expected of the University and the state colleges as well as what they themselves, perhaps within a few years, might want and desperately need cannot be clearly anticipated. To freeze structure and operational procedure by constitutional provision limits the flexibility of institutions to respond to change. The very concept as well as the reality of development necessitates a fluid or flexible situation wherein the *status quo* of any segment of higher education is not frozen in a constitutional structure.

“Autonomy granted to public institutions by means of a constitutional provision would make these institutions less likely to be responsive to the public will which normally is expressed through the legislative action of elected officials. Constitutional amendment is, of course, possible but the process, at best, is slow. Significant changes in institutional policy or deviation from established practice to respond to changing societal needs may be open for challenge under a constitutional provision and may, therefore, necessitate court interpretation of rights and responsibilities. Judicial decision would then be substituted for direct action by the representatives of the people.

“Proponents of a constitutional provision for autonomy point out that it is a firm and relatively stable safeguard of institutional initiative and the need for internal management. Autonomy protected by a constitutional guarantee limits the possibilities of the imposition of restrictive policies and detailed procedures by other governmental agencies and protects institutions from infringement or interference arising from caprice or executive or legislative shift of policy.

“There are those who caution against constitutional autonomy on the grounds that it encourages independent action on the part of institutions that may result in needless forms of competition and costly duplication of programs and facilities. Regardless of the degree and form of autonomy and the initiative it engenders, efficiency and economy in the use of resources necessitates a continual responsiveness on the part of all institutions to orderly growth and coordination on a statewide basis.

#### STATUTORY PROVISION

“Opponents of constitutional powers ask why cannot statutory provisions serve the purpose of institutional autonomy? Less secure and more readily subject to change than a constitutional provision, statutory autonomy allows the institutions and the higher educational system to be responsive to change resulting from need, reorganization of structures and responsibilities, or direct manifestations of the public will through elected officials. Admittedly, a statutory provision for autonomy will lay open the institutions to the checks and balances inherent in the democratic process.