

By: Bucy

H.B. No. 3471

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the general responsibility of public institutions of
3 higher education and to protected expression and academic freedom
4 at those institutions.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 51.354, Education Code, is amended to
7 read as follows:

8 Sec. 51.354. INSTITUTIONAL RESPONSIBILITY. In addition to
9 specific responsibilities imposed by this code or other law, each
10 institution of higher education has the general responsibility to
11 serve all members of the public regardless of social background
12 and, within the institution's role and mission, to:

13 (1) transmit diverse perspectives, knowledge, and
14 culture through general education;

15 (2) extend knowledge and promote critical thinking;

16 (3) teach and train students for 21st century
17 professions;

18 (4) provide for scientific, engineering, medical,
19 social science, and other academic research;

20 (5) protect intellectual exploration and academic
21 freedom for students and faculty;

22 (6) strive for intellectual excellence;

23 (7) provide educational opportunity for all, with
24 special attention to traditionally underserved and marginalized

1 populations who would most [~~can~~] benefit from opportunities
2 provided by postsecondary education and training; and

3 (8) provide continuing education opportunities for a
4 diverse array of populations.

5 SECTION 2. Section 51.9315(f), Education Code, is amended
6 to read as follows:

7 (f) Each institution of higher education shall adopt a
8 policy detailing students' rights and responsibilities regarding
9 expressive activities at the institution. The policy must:

10 (1) protect a person's or student organization's right
11 to uphold and promote ideals related to diversity, equity, and
12 inclusion;

13 (2) allow:

14 (A) any person to, subject to reasonable
15 restrictions adopted under Subsection (d), engage in expressive
16 activities on campus, including by responding to the expressive
17 activities of others; and

18 (B) student organizations and faculty to,
19 subject to Subsection (h), invite speakers to speak on campus;

20 (3) [~~(2)~~] establish disciplinary sanctions for
21 students, student organizations, or faculty who unduly interfere
22 with the expressive activities of others on campus;

23 (4) [~~(3)~~] include a grievance procedure for
24 addressing complaints of a violation of this section;

25 (5) [~~(4)~~] be approved by a majority vote of the
26 institution's governing board before final adoption; and

27 (6) [~~(5)~~] be posted on the institution's Internet

1 website.

2 SECTION 3. Section 51.942, Education Code, is amended by
3 adding Subsection (c-2) to read as follows:

4 (c-2) For purposes of Subsection (c)(5), a faculty member's
5 exercise of the right of free speech or use of diverse instructional
6 materials may not be considered to be incompetency, neglect of
7 duty, or other good cause for disciplinary action.

8 SECTION 4. This Act takes effect September 1, 2023.