

Amend CSHB 2100 (house committee report) as follows:

(1) On page 6, between lines 2 and 3, insert the following appropriately lettered subsections and reletter subsequent subsections and cross-references to those subsections accordingly:

(\_\_\_\_) Each institution of higher education shall adopt procedures for the institution's disciplinary process regarding an alleged violation of the institution's student code of conduct involving expressive activities and provide notice of those procedures to each student enrolled at the institution. At a minimum, the procedures must entitle the student alleged to have violated the institution's student code of conduct to:

(1) receive written notice of the allegation before the initiation of the disciplinary process;

(2) review evidence supporting the allegation;

(3) present a defense, including by calling witnesses for the student and confronting witnesses against the student;

(4) have the institution's determination of responsibility made by an impartial arbiter or panel;

(5) appeal a determination finding the student responsible for the violation; and

(6) if a potential sanction for the violation is suspension for a period of more than 30 days or expulsion from the institution, have assistance of counsel during each stage of the disciplinary process.

(\_\_\_\_) On the second or any subsequent determination by an institution of higher education that a student is responsible for violating the institution's student code of conduct by materially and substantially interfering with the expressive activities of others, the institution shall:

(1) suspend the student for at least one semester or term; or

(2) not later than two weeks after resolving the disciplinary process, provide to the committee on free expression for the institution established under this section an explanation of the reason the institution did not impose a sanction on the student under Subdivision (1).

(2) On page 8, strike lines 13 through 18 and substitute the

following appropriately lettered subsection:

(\_\_\_\_) The governing board of each institution of higher education or university system shall create a committee on free expression to address free speech issues at the institution or institutions governed by the board. The committee must consist of at least five members. Not later than September 1 of each year, the committee shall prepare and submit to the governor, the members of the legislature, and the governing board a report on free speech issues that arose at the institution or institutions during the preceding academic year. The report must include, for each institution governed by the board:

(1) a description of any barriers to or disruptions of expressive activities at the institution;

(2) a summary of the institution's handling of free speech issues, including any disciplinary action taken related to the policies adopted under this section and any explanations regarding those actions provided to the committee by the institution as required under this section;

(3) an analysis of any substantial difficulties, controversies, or successes in maintaining the institution's official position of neutrality on matters of public concern; and

(4) any recommendations for legislative or other action.

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Not later than September 1, 2019, the governing board of each public institution of higher education or university system shall create the committee on free expression required under Section 51.9315, Education Code, as added by this Act. Each governing board's committee shall prepare and submit its initial report required under that section not later than September 1, 2020.