

By: Hughes

S.B. No. 880

A BILL TO BE ENTITLED

AN ACT

relating to the protection of expressive rights at public institutions of higher education.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9315 to read as follows:

Sec. 51.9315. PROTECTION OF EXPRESSIVE RIGHTS. (a) In this section:

(1) "Expressive rights" means the rights protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, including freedom of speech, freedom of the press, freedom of association, and free exercise of religion.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(3) "Student organization" includes any organization that is composed mostly of students enrolled at an institution of higher education and that is recognized by or registered with the institution.

(b) An institution of higher education may not designate any area on campus as a free speech zone or otherwise create policies implying that its students' or employees' expressive rights are restricted to particular areas of campus.

(c) Notwithstanding Subsection (b), an institution of

1 higher education may adopt a policy that imposes reasonable
2 restrictions on the time, place, and manner of the exercise of
3 expressive rights on the institution's campus if those
4 restrictions:

5 (1) are narrowly tailored to serve a significant
6 institutional interest;

7 (2) employ clear, published, content-neutral, and
8 viewpoint-neutral criteria; and

9 (3) provide for ample alternative means of expression.

10 (d) An institution of higher education shall permit a
11 student organization formed for the purpose of exercising
12 expressive rights to establish and maintain membership and
13 leadership qualifications for the organization that further the
14 organization's purpose, including by requiring the organization's
15 leaders or members to:

16 (1) adhere to or comply with the organization's:

17 (A) sincerely held beliefs; or

18 (B) sincere standards of conduct; or

19 (2) be committed to furthering the organization's
20 mission or purpose.

21 (e) Each institution of higher education shall adopt a
22 policy protecting the expressive rights of students enrolled at and
23 employees of the institution. The policy must:

24 (1) require the institution to provide written notice
25 to students and employees of a restriction adopted under Subsection
26 (c) at least 30 days before the date on which the restriction is
27 imposed, including by:

1 (A) posting the notice on the institution's
2 Internet website; and

3 (B) mailing or e-mailing the notice to each
4 student and employee;

5 (2) clearly define the purpose and scope of any
6 limited public forum established by the institution;

7 (3) prohibit punishing a student or employee in any
8 manner for exercising expressive rights;

9 (4) include a grievance procedure for addressing
10 complaints of a violation of this section;

11 (5) be approved by a majority vote of the institution's
12 governing board before final adoption; and

13 (6) be posted on the institution's Internet website
14 and annually distributed by mail or e-mail to students and
15 employees.

16 SECTION 2. This Act takes effect September 1, 2019.