

By: Creighton

S.B. No. 2325

A BILL TO BE ENTITLED

AN ACT

relating to the protection of expressive activities 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. PROTECTED EXPRESSION ON CAMPUS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution.

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

(b) Each institution of higher education shall adopt a policy that:

(1) encourages the free and open exchange of ideas, including unpopular, controversial, or offensive ideas;

(2) requires the institution to maintain an official position of neutrality on issues of public controversy;

(3) prohibits preventing a student from engaging in expressive activities because of the content or message of the expressive activities;

1           (4) prohibits any institution official or employee  
2 from disinviting a speaker who has been requested to speak at the  
3 institution by a member of the university community from speaking  
4 at the institution for any reason other than a reasonable concern  
5 regarding a legitimate risk to campus safety; and

6           (5) establishes disciplinary sanctions for students  
7 or employees who persist in unduly interfering with the expressive  
8 activities of others on campus after being asked by an institution  
9 official or employee to stop the interference.

10          (c) An institution of higher education may not:

11           (1) designate any area on campus as a free speech zone  
12 or otherwise create policies implying that its students' expressive  
13 activities are restricted to particular areas of campus;

14           (2) in determining whether to recognize or register a  
15 student organization, consider the number of students seeking to  
16 create the organization; or

17           (3) require a student organization recognized by or  
18 registered with the institution to accept all students seeking to  
19 join the organization.

20          (d) An institution of higher education may adopt a statement  
21 of community values for students enrolled at the institution, so  
22 long as the statement is aspirational and does not subject a student  
23 to punishment based on the student's viewpoint.

24          (e) Not later than September 1 of each even-numbered year,  
25 each institution of higher education shall submit to the  
26 coordinating board a report on free speech issues that arose at the  
27 institution during the two preceding academic years. The report

1 must include:

2 (1) a summary of the institution's handling of free  
3 speech issues, including any disciplinary action taken related to  
4 the policies adopted under this section; and

5 (2) an analysis of any substantial difficulties,  
6 controversies, or successes in maintaining the institution's  
7 official position of neutrality on issues of public controversy.

8 (f) Not later than December 1 of each even-numbered year,  
9 the coordinating board shall submit to the governor, the lieutenant  
10 governor, the speaker of the house of representatives, and the  
11 standing legislative committees with primary jurisdiction over  
12 higher education a report on the information reported to the  
13 coordinating board under Subsection (e) and any recommendations for  
14 legislative or other action.

15 SECTION 2. Not later than September 1, 2020, each public  
16 institution of higher education shall submit its initial report  
17 required under Section 51.9315(e), Education Code, as added by this  
18 Act.

19 SECTION 3. Not later than December 1, 2020, the Texas Higher  
20 Education Coordinating Board shall submit its initial report  
21 required under Section 51.9315(f), Education Code, as added by this  
22 Act.

23 SECTION 4. This Act takes effect September 1, 2019.