

115th CONGRESS

2nd Session

**H.R. \_\_\_\_\_**

To require post-secondary educational institutions to disclose how their policies protect free speech on campus.

**IN THE HOUSE OF REPRESENTATIVES**

**July \_\_, 2018**

Mr./Ms. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on Education and the Workforce.

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**A BILL**

To prohibit public post-secondary educational institutions from infringing on students' rights of association and to require certain private post-secondary educational institutions to disclose how their policies protect free speech and freedom of association on campus.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. 1. SHORT TITLE.**

This Act may be cited as the "College Student Free Speech and Association Act."

**SEC. 2. PROTECTION OF STUDENT ASSOCIATION RIGHTS.**

(a) PROTECTION OF RIGHTS - No student attending an institution of higher education that receives funds under this act, on a full- or part-time basis should, on the basis of participation in a protected association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division of the institution directly or indirectly receiving financial assistance under this Act, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

(b) DISCLOSURE-Not later than 1 year after the date of enactment of this Act:

(1) every institution of higher education that accepts funds under this act shall annually submit a statement to the Secretary certifying that it has reviewed its current policies and that those policies are compliant with the institution's obligations under this Act and under the First Amendment;

(2) every privately operated educational institution that accepts funds under this act shall annually submit a statement to the Secretary disclosing whether it guarantees its

students freedom of speech and association rights equivalent to the rights guaranteed to students at public educational institutions ;

(c) The Secretary shall review the educational institutions' disclosures and publish those disclosures and the list of educational institutions that fail to provide the disclosures on the Department of Education's website in a publically accessible and searchable database.

(d) CONSTRUCTION- Nothing in this section shall be construed:

(1) to discourage the imposition of an official sanction on a student that has willfully participated in the material and substantial disruption or attempted material and substantial disruption of a lecture, class, speech, presentation, or performance made or scheduled to be made under the auspices of the institution of higher education; or

(2) to prevent an institution of higher education from taking appropriate and effective action to prevent violations of State liquor laws, to discourage binge drinking and other alcohol abuse, to protect students from sexual harassment including assault and date rape, to prevent hazing, or to regulate unsanitary or unsafe conditions in any student residence.

(e) DEFINITIONS- For the purposes of this section:

(1) OFFICIAL SANCTION- The term "official sanction":

(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official.

(2) PROTECTED ASSOCIATION- The term "protected association" means the joining, assembling, and residing with others that is protected under the first and fourteenth amendments to the Constitution, or would be protected if the institution of higher education involved were subject to those amendments.

(4) SECRETARY- The term "Secretary" means the Secretary of the Department of Education.