

- SUBJECT:** Free-speech requirements at higher education institutions
- COMMITTEE:** Higher Education — committee substitute recommended
- VOTE:** 5 ayes — Morrison, F. Brown, J. Jones, Mercer, Nixon
0 nays
3 absent — Chavez, Giddings, Smithee
- WITNESSES:** For — Collin Bost, American Civil Liberties Union of Texas; Will Harrell, American Civil Liberties Union
Against — None
- BACKGROUND:** Education Code, sec. 51.352 outlines the responsibilities of governing boards of Texas higher education institutions. Governing boards are expected to provide policy direction for each institution; establish goals consistent with the role and mission of each institution; appoint the president or other chief executive officer; set campus admission standards consistent with the role and mission of the institution; and communicate the institution’s formal positions to the Texas Higher Education Coordinating Board.
- DIGEST:** CSHB 2447 would specify that regulation by the governing board of a higher education institution of the time, place, and manner of speech and assembly may not be more restrictive than necessary to protect normal academic and institutional activities.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.
- SUPPORTERS SAY:** CSHB 2447 would establish a minimum statewide standard that higher education governing boards would have to follow in adopting free-speech requirements. Currently, each institution has its own policies regarding the expression of ideas, and some are far more restrictive than others. For example, the University of Houston bans all “expressive activities” on

campus, except in campus free-speech zones that require prior approval before they are used by students. An anti-abortion group, Justice For All, has faced numerous obstacles in attempting to present an anti-abortion display at the University of Texas at Austin. CSHB 2447 would codify common law and would ensure that all higher education institutions adhere to the same basic requirements in establishing free-speech standards.

**OPPONENTS
SAY:**

CSHB 2447 inappropriately would add a specific directive to the statute that broadly defines the role of the governing board of a higher education institution. The bill is unnecessary, because these institutions already must adhere to constitutional free-speech rights. Beyond this basic level, each institution should be able to establish its own policies that take into account student safety and other concerns. For example, the University of Houston establishes free-speech zones for the safety of all students, including those who wish to exercise their right to free speech.

NOTES:

The committee substitute made nonsubstantive changes to the syntax of the filed version of the bill.

The companion bill, SB 1332 by Barrientos, has been referred to the Senate Education Committee.