

BILL ANALYSIS

Senate Research Center
85R27778 KJE-D

C.S.S.B. 1151
By: Buckingham
Higher Education
5/4/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Amidst national outrage and persistent disregard for protection of free speech there is a dire need to craft effective policy to protect students' First Amendment rights. Speech codes on campuses substantially limiting First Amendment rights are common and becoming more prevalent. Schools often designate, arbitrarily, "offensive" speech, thus limiting dialogue and punishing students for exercising their rights. In the case of "offensive" speech, a lack of clear definitions opens students up to the will of the administration to issue violations.

S.B. 1151 seeks to rectify the issue by defining expressive activities in statute and requiring universities to adopt policies protecting a student's right to such activities. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1151 amends current law relating to the protection of expressive activities at public institutions of higher education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9315, as follows:

Sec. 51.9315. PROTECTED EXPRESSION ON CAMPUS. (a) Defines "expressive activities" and "institution of higher education."

(b) Requires each institution of higher education (IHE) to adopt a policy detailing students' and employees' rights to engage in expressive activities at the IHE. Requires that the policy:

(1) prohibit reducing a student's grade for engaging in expressive activities and prohibit increasing a student's grade for engaging in expressive activities, unless a variety of expressive activities and viewpoints, including the viewpoints of any political party, qualify for the increase;

(2) include a grievance procedure for addressing complaints of a violation of this section;

(3) be approved by a majority vote of the IHE's governing board before final adoption; and

(4) be posted on the IHE's Internet website.

(c) Requires each IHE to inform students enrolled at and employees of the IHE of the policy adopted under Subsection (b), including by discussing the policy during

student orientation and annually distributing a copy of the policy to students and employees.

(d) Prohibits an IHE or any employee of the IHE from punishing a student or employee in any manner for engaging in expressive activities.

SECTION 2. Severability clause.

SECTION 3. Effective date: September 1, 2017.