
The original instrument was prepared by Cheryl Cooper. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. W. Wiley.

DIGEST

SB 364 Reengrossed

2018 Regular Session

Ward

Proposed law provides that expressive activities at a public postsecondary institution are protected.

Proposed law provides that institutions may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored in service of significant institutional interest.

Proposed law provides for freedom of association and provides that a public postsecondary institution shall not deny a belief-based student organization any benefit or privilege available to any other student organization.

Proposed law requires each public postsecondary institution to develop policies, regulation, and expectations of students regarding free expression and association on campus that are consistent with proposed law and the policies of the management board. Requires that the policies be made public in the institution's handbook, on its website, and through student orientation.

Proposed law requires the postsecondary education management boards, in consultation with the Board of Regents, to develop and adopt policies on free expression that contain the following:

- (1) A statement that the primary function of an institution of postsecondary education is the discovery, improvement, transmission, and dissemination of knowledge and in order to fulfill the function, each institution must strive to ensure the fullest degree of intellectual freedom and free expression.
- (2) A statement that it is not the proper role of an institution to shield individuals from speech protected by the United States Constitution.
- (3) A provision that students and faculty have the freedom to discuss any topic in a manner of expression that is permitted by the United States Constitution and the Louisiana Constitution. Additionally provides that limits on time, place, and manner of expression shall be consistent with proposed law and must be necessary to achieve a significant institutional interest. Further provides that such restrictions shall be published and provide ample alternative means of expression.
- (4) A provision that students and faculty shall be permitted to assemble and engage in spontaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the institution.
- (5) A provision that any person lawfully present on a campus may protest or demonstrate there.

Protests and demonstrations that infringe upon the constitutional rights of others or create a substantial and material disruption to the functioning of the institution shall not be permitted.

- (6) A provision that the public areas of campus are traditional public forums, open on the same terms to any speaker.
- (7) A provision that the adopted policy supersedes and nullifies any existing provisions in the policies and regulations of any institution that restrict speech on campus.

Proposed law requires each public postsecondary institution to submit a report to the governor and the legislature by Jan. 1. 2019, on the implementation of proposed law.

Further requires each institution to submit an annual report to the governor and the legislature regarding barriers to, or incidents against, free expression that occurred at the institution and actions taken in response.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3399.31-3399.37)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

- 1. Provides definitions.
- 2. Provides that expressive activities are protected.
- 3. Provides for freedom of association.
- 4. Provides for institutional policies on free expression.
- 5. Revises required management board policies.
- 6. Mandates reporting.

Senate Floor Amendments to the engrossed bill

- 1. Makes Legislative Bureau technical changes.