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**SENATE COMMITTEE AMENDMENTS**

2018 Regular Session

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 364  
by Senator Ward

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1 AMENDMENT NO. 1

2 On page 1, line 3, change "R.S. 17:3399.31 through 3399.35" to "R.S. 17:3399.31 through  
3 3399.37"

4 AMENDMENT NO. 2

5 On page 1, line 5, change "a policy" to "policies"

6 AMENDMENT NO. 3

7 On page 1, line 6, after "expression;" delete the remainder of the line, and delete lines 7  
8 through 9

9 AMENDMENT NO. 4

10 On page 1, line 10, before "matters" insert "to provide for definitions; and to provide for  
11 related"

12 AMENDMENT NO. 5

13 On page 1, line 13, change "R.S. 17:3399.31 through 3399.35" to "R.S. 17:3399.31 through  
14 3399.37"

15 AMENDMENT NO. 6

16 On page 1, between lines 14 and 15, insert the following:

17 **§3399.31. Definitions**

18 **For the purposes of this Part, the following words, terms, and phrases**  
19 **shall have the following meanings, unless the context clearly requires otherwise:**

20 **(1) "Expressive activities" include but are not limited to any lawful**  
21 **verbal or written means by which individuals communicate ideas to one**  
22 **another, including all forms of peaceful assembly, protests, speeches,**  
23 **distribution of literature, carrying signs, and circulating petitions.**

24 **(2) "Outdoor areas" are outside areas generally accessible to the**  
25 **majority of students, administrators, faculty and staff, such as grassy areas,**  
26 **walkways, or other similar common areas, and does not include areas where**  
27 **access is restricted.**

28 **(3) "Student organization" means an officially recognized group at a**  
29 **public postsecondary education institution, or a group seeking official**  
30 **recognition, comprised of admitted students.**

31 **§3399.32. Expressive activities; public postsecondary institutions; protected**

32 **A. Expressive activities at public postsecondary education institutions by**  
33 **students, administrators, faculty members, staff members, and invited guests**  
34 **are protected.**

35 **B. Any person who wishes to engage in noncommercial expressive**  
36 **activity on the campus of a public postsecondary education institution shall be**  
37 **permitted to do so freely, as long as the person's conduct is not unlawful and**  
38 **does not materially and substantially disrupt the functioning of the institution.**

39 **C. The outdoor areas of a public postsecondary institution shall be**  
40 **deemed traditional public forums and open to expressive activities. Nothing in**  
41 **this Paragraph shall be interpreted as limiting the right of student expression**  
42 **elsewhere on campus.**

**D. A public postsecondary education institution may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored in service of a significant institutional interest only when such restrictions employ clear, published, content and viewpoint-neutral criteria, and provide for ample alternative means of expression. Any such restrictions shall allow for spontaneously and contemporaneously assembly and distribution of literature.**

**E. Nothing in this Part shall be interpreted as preventing institutions from prohibiting, limiting, or restricting expression that the First Amendment does not protect, such as threats and expressions directed to provoke and likely to produce imminent lawless actions, or prohibiting harassment.**

**§3399.33. Freedom of association; student organizations**

**No public postsecondary education institution shall deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization:**

**(1) Affirm and adhere to the organization's sincerely held beliefs.**

**(2) Comply with the organization's standards of conduct.**

**(3) Further the organization's mission or purpose, as defined by the organization.**

**§3399.34. Institutional policies on free expression**

**Each public postsecondary education institution shall develop policies, regulations, and expectations of students regarding free expression and association on campus that are consistent with this Part and the policies of its management board. The policies shall outline the rights of students, administrators, faculty, and staff and shall:**

**(1) Be made public in the institution's handbooks, on its website, and through student orientation programs.**

**(2) Be incorporated in the materials, programs, and procedures provided to all faculty and staff, including administrators, campus police officers, residence life officials, and professors.**

**(3) Provide information regarding the procedures whereby a person aggrieved by a violation of this Part or the institution's policies on free expression may seek relief."**

**AMENDMENT NO. 7**

On page 1, line 15, change "**§3399.31.**" to "**§3399.35.**"

**AMENDMENT NO. 8**

On page 1, line 16, at the beginning of the line delete "**The Board of Regents, in consultation with the**" and insert "**Each**"

**AMENDMENT NO. 9**

On page 1, line 17, change "**boards,**" to "**board, in collaboration with the Board of Regents,**"

**AMENDMENT NO. 10**

On page 2, line 19, after "expression." delete the remainder of the line and insert the following:

**"(4) A provision that students and faculty shall be permitted to"**

**AMENDMENT NO. 11**

On page 2, line 23, change "**(4)**" to "**(5)**"

**AMENDMENT NO. 12**

1 On page 2, line 27, after "**permitted**" insert a period "." and delete the remainder of the line,  
2 and delete lines 28 and 29.

3 AMENDMENT NO. 13

4 On page 3, delete lines 1 through 5

5 AMENDMENT NO. 14

6 On page 3, delete lines 8 through 20

7 AMENDMENT NO. 15

8 On page 3, line 21, change "**(9)**" to "**(7)**"

9 AMENDMENT NO. 16

10 On page 3, line 22, change "**restrict**" to "**restricts**"

11 AMENDMENT NO. 17

12 On page 3, delete lines 27 through 29, and insert the following:

13 **§3399.36. Reports**

14 **A. Each public postsecondary education institution shall submit a report to the**  
15 **governor and the legislature by January 1, 2019, on the implementation of the**  
16 **provisions of this Part.**

17 **B. Each institution shall annually submit a report to the governor and the**  
18 **legislature regarding any barriers to, or incidents against, free expression that occurred**  
19 **at the institution. The report shall detail the barrier or incident, as well as actions taken**  
20 **in response to the barrier or incident.**

21 **C. If an institution is sued for an alleged violation of First Amendment rights,**  
22 **the institution shall submit a supplementary report with a copy of the complaint to the**  
23 **governor and the state legislature within thirty days of receipt of the complaint.**

24 **D. Each institution shall post all reports pursuant to this Section on its website."**

25 AMENDMENT NO. 18

26 On page 4, delete lines 1 through 13

27 AMENDMENT NO. 19

28 On page 4, line 14, change "**§3399.33.**" to "**3399.37.**"

29 AMENDMENT NO. 20

30 On page 4, delete lines 15 and 16, and insert the following:

31 **"Each postsecondary education management board shall adopt policies to**  
32 **implement the provisions of this Part. Nothing"**

33 AMENDMENT NO. 21

34 On page 4, end of line 21, delete "**, including:**" and insert a period "."

35 AMENDMENT NO. 22

36 On page 4, delete lines 22 through 29, delete page 5, and on page 6, delete line 1