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**SSB 5064** - H AMD TO JUDI COMM AMD (H-4920.2/18) **1245**

By Representative Van Werven

**WITHDRAWN 03/02/2018**

On page 4, after line 20 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The definitions in this section apply throughout this section unless the context clearly requires otherwise.

(a) "Campus" includes all of the institution's campus buildings, grounds, and facilities, all of its extension and research locations, and all other institution-leased, institution-owned, or institution-managed buildings, grounds, and facilities, including its institution-sponsored or institution-hosted online platforms.

(b) "Campus community" includes all students, campus officials, and guests of and visitors to the institution of higher education.

(c) "Campus official" means an employee of the institution of higher education performing the official's assigned administrative, professional, or paraprofessional duties.

(d) "Freedom of expression activity" has the same meaning as "free expression," "free speech," or "academic freedom" as these terms are used or defined in the policies or rules of an institution of higher education that submits the report required by this section. If an institution of higher education does not use or define those terms in its policies or rules, "freedom of expression activity" means any activity protected by the first amendment to the Constitution of the United States and may include speechmaking, appearance of speakers, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, demonstrations, rallies, protests, meetings to display group feelings or sentiments, and other types of constitutionally protected assemblies to share information, perspective, or viewpoints.

(e) "Institution" and "institution of higher education" have the same meanings as defined in RCW 28B.10.016.

(f) "Student" means any person enrolled in or taking courses at or through an institution of higher education, either full-time or part-time, including credit, noncredit, online, and nondegree courses, and any person who has been notified of acceptance for admission by the institution of higher education.

(g) "Student organization" means a group of students that has complied with the requirements for recognition by the institution of higher education or that is otherwise granted any rights or privileges by the institution of higher education. Student organizations include athletic teams or clubs, registered student organizations, institution of higher education service clubs, and sororities and fraternities.

(2)(a) By December 1, 2019, and each December 1st thereafter, every institution of higher education shall submit to the governor, the higher education committee of the house of representatives, and the higher education committee of the senate, or their successor committees, a report summarizing incidents involving freedom of expression activities on its campus in which the institution took action. Nothing in this section requires the institution to change its policies or procedures regarding how the institution responds to incidents involving freedom of expression on its campus. The report must summarize incidents that occurred the previous academic year, whether or not any proceedings related to the incident are still pending or otherwise unresolved at the time the report is due.

(b) The report must, at a minimum, contain the following information in summary form:

(i) Any written complaints filed with the institution's administration by or against students or campus officials regarding a student's, student organization's, or campus official's freedom of expression activity, on which the institution took action. Written complaints include complaints sent to the administration through electronic mail, letter, or an institution's complaint process if an institution has a complaint process;

(ii) Any investigations and administrative proceedings, including informal and formal adjudicatory misconduct or disciplinary proceedings, conducted by the institution of higher education regarding any freedom of expression activity by a student, student organization, or campus official, and the institution of higher education's resolution of the investigation or administrative proceeding;

(iii) A description of any incidents of disruption of freedom of expression activity occurring on campus, including any attempts by students, student organizations, campus officials, or the institution of higher education to prohibit, restrict, or otherwise limit speakers; and

(iv) Any incident in which the institution of higher education has denied a student's, student organization's, or campus official's use of or access to campus based on the content of the freedom of expression activity and an explanation of the institution's reasons for denying use of or access to campus.

(3) The report must not contain individual identifying information of any student or campus official involved in the incidents described in the report.

(4) Every institution of higher education must make its annual reports available on its home web page. Reports must be accessible to the public without requiring registration, the use of a user name or password, or other user identification. Reports must be searchable by keywords."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

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|  | EFFECT: Requires institutions of higher education to submit  annual reports to the Governor and Legislature regarding the institution's handling of incidents involving freedom of  expression on campus. |

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