

SSB 5064 - H AMD TO JUDI COMM AMD (H-4920.2/18) **1243**
By Representative Manweller

WITHDRAWN 03/02/2018

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

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

5 CAMPUS FREE EXPRESSION. (1) This section may be known and cited
6 as the campus free expression act.

7 (2)(a) The outdoor area of a campus of an institution of higher
8 education must be considered a traditional public forum.

9 (b) The governing board of the institution of higher education
10 may impose content-neutral and viewpoint-neutral time, place, and
11 manner restrictions on the use of the outdoor area of the campus for
12 expressive activities that are necessary to serve a compelling state
13 interest and narrowly drawn to achieve that interest. These
14 restrictions must allow members of the institution community to
15 spontaneously and contemporaneously assemble. In addition, the
16 restrictions must be well-defined and published, at a minimum, on
17 the web site of the institution and as part of any printed materials
18 covering the rules and policies of the institution.

19 (3) A person who wishes to engage in noncommercial expressive
20 activity on the campus of an institution of higher education must be
21 permitted to do so freely, as long as the person's conduct is not
22 unlawful and does not materially and substantially disrupt the
23 orderly operation of the institution.

24 (4) Nothing in this section may be construed as narrowing a
25 student's rights of expression under the First Amendment to the
26 United States Constitution or Article I, section 5 of the Washington
27 state Constitution.

1 (5)(a) The attorney general or a person whose rights under this
2 section have been violated may bring an action in a court of
3 competent jurisdiction against the institution of higher education,
4 members of the institution's governing board, deans, chairs, or
5 faculty or staff members.

6 (b) In an action brought under this section, if the court finds
7 a violation of this section, the court shall take the following
8 actions:

9 (i) For the first established violation, issue an injunction
10 against continued violation of this section; and

11 (ii) For subsequent violations, award the aggrieved person: (A)
12 Compensatory damages of no less than five hundred dollars for the
13 initial violation, plus fifty dollars for each day the violation
14 remains ongoing; (B) reasonable court costs; (C) attorneys' fees,
15 including expert fees; and (D) any other relief in equity or law
16 deemed appropriate.

17 (c) An action to enforce a right or obligation arising under
18 this section must commence within one year after the cause of action
19 accrues. A cause of action accrues when the section is violated.
20 Each day that a violation of this section persists, and each day
21 that a policy or rule in violation of the section remains in effect,
22 is a new violation of the section, and therefore, another day that a
23 cause of action accrues.

24 (6) As used in this section, "expression," "expressive
25 activity," or "expressive activities" includes all forms of peaceful
26 assembly, protest, speech, distributing literature, carrying signs,
27 and circulating petitions. The term does not include fighting words,
28 libelous statements, or obscene material, as defined by the United
29 States supreme court.

30
31 NEW SECTION. **Sec. 4.** CHAPTER TITLE. The chapter created in
32 section 3 of this act may be known and cited as the academic bill of
33 rights."

34

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

3

4 Correct the title.

5

EFFECT: Creates the Academic Bill of Rights, which addresses free expression on campus. Designates the outdoor area of a campus of an institution of higher education as a traditional public forum. Provides that remedies for the violation of the Academic Bill of Rights includes injunctive relief, compensatory damages, reasonable court costs, attorneys' fees and any other relief in equity or law deemed appropriate.

--- END ---