

SSB 5064 - H AMD TO JUDI COMM AMD (H-4920.2/18) **1245**
By Representative Van Werven

WITHDRAWN 03/02/2018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 section is added to chapter
4 28B.10 RCW to read as follows:

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

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

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

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

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

1 constitutionally protected assemblies to share information,
2 perspective, or viewpoints.

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

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

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

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

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

31 (i) Any written complaints filed with the institution's
32 administration by or against students or campus officials regarding a
33 student's, student organization's, or campus official's freedom of
34 expression activity, on which the institution took action. Written

1 complaints include complaints sent to the administration through
2 electronic mail, letter, or an institution's complaint process if an
3 institution has a complaint process;

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

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

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

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

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

29
30 Renumber the remaining sections consecutively and correct any
31 internal references accordingly.

32
33 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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