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**HOUSE BILL 2324**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Van Werven, Shea, Haler, and Young

AN ACT Relating to requiring institutions of higher education to report incidents involving freedom of expression on campus; adding a new section to chapter 28B.10 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature recognizes that freedom of expression is a highly valued and indispensable quality of higher education. The public institutions of higher education each have their own policies that attempt to balance student and faculty rights to free expression with the institution's responsibility to fulfill its obligation to provide an environment for learning.

(2) The legislature finds that it is important for it and the public to be aware of how institutions respond to incidents involving the right to free expression. Therefore, the legislature intends to require institutions of higher education to provide periodic reports to the legislature and to have those reports readily available on the institutions' web sites.

NEW SECTION. **Sec.**  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" 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. 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 complaints filed by or against students or campus officials regarding a student's, student organization's, or campus official's freedom of expression activity;

(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.

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