
HOUSE BILL 2324

State of Washington

65th Legislature

2018 Regular Session

By Representatives Van Werven, Shea, Haler, and Young

Prefiled 12/26/17. Read first time 01/08/18. Referred to Committee on Higher Education.

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

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

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

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

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10
18 RCW to read as follows:

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

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

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

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

11 (d) "Freedom of expression activity" means any activity protected
12 by the first amendment to the Constitution of the United States and
13 may include speechmaking, appearance of speakers, informational
14 picketing, petition circulation, the distribution of information
15 leaflets or pamphlets, demonstrations, rallies, protests, meetings to
16 display group feelings or sentiments, and other types of
17 constitutionally protected assemblies to share information,
18 perspective, or viewpoints.

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

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

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

33 (2)(a) By December 1, 2019, and each December 1st thereafter,
34 every institution of higher education shall submit to the governor,
35 the higher education committee of the house of representatives, and
36 the higher education committee of the senate, or their successor
37 committees, a report summarizing incidents involving freedom of
38 expression activities on its campus in which the institution took
39 action. The report must summarize incidents that occurred the
40 previous academic year, whether or not any proceedings related to the

1 incident are still pending or otherwise unresolved at the time the
2 report is due.

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

5 (i) Any complaints filed by or against students or campus
6 officials regarding a student's, student organization's, or campus
7 official's freedom of expression activity;

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

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

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

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

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

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