

# HOUSE BILL No. 4656

May 24, 2017, Introduced by Reps. Reilly, Lucido, Kelly, Runestad, Johnson, Victory, Robinson, Noble, Hoitenga, Hornberger, Lilly and Iden and referred to the Committee on Oversight.

A bill to promote and safeguard the right of free speech and assembly on the campuses of public universities and community and junior colleges; and to provide for the powers and duties of certain state and local governmental officers and entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "college campus intellectual and expressive freedom act".

3           Sec. 2. As used in this act:

4           (a) "Expressive activity" includes, but is not limited to, all  
5 peaceful forms of assembly, protest, speech, distributing  
6 literature, carrying signs, and circulating petitions, by any  
7 number of individuals and whether planned or spontaneous.

8           (b) "Public institution of higher education" or "institution"  
9 means a public community or junior college established under

1 section 7 of article VIII of the state constitution of 1963 or part  
2 25 of the revised school code, 1976 PA 451, MCL 380.1601 to  
3 380.1607, or a state university described in section 4, 5, or 6 of  
4 article VIII of the state constitution of 1963.

5 (c) "Student organization" means any student group officially  
6 recognized by, or seeking official recognition from, a public  
7 institution of higher education that receives or seeks to receive  
8 benefits from the institution.

9 Sec. 3. A public institution of higher education shall do all  
10 of the following:

11 (a) Develop and adopt a policy on free expression that  
12 contains at least the following:

13 (i) A statement that an essential part of the institution's  
14 mission is the discovery, improvement, transmission, and  
15 dissemination of knowledge by means of research, teaching,  
16 discussion, and debate and that, to fulfill this function, the  
17 institution will strive to ensure the fullest degree of  
18 intellectual freedom and free expression.

19 (ii) A statement assuring that students and faculty are free  
20 to discuss anything, as the First Amendment of the Constitution of  
21 the United States permits and within the limits of reasonable  
22 viewpoint- and content-neutral restrictions on time, place, and  
23 manner of expression. For purposes of this subparagraph and  
24 subparagraph (iii), a viewpoint- and content-neutral restriction of  
25 expression is reasonable only if it is consistent with this  
26 section, is necessary to achieve a significant institutional  
27 interest, is clearly written and published, and provides ample

1 alternative means of expression.

2 (iii) A statement assuring that students and faculty are  
3 permitted to assemble and engage in expressive activity as long as  
4 the activity is not unlawful and does not materially and  
5 substantially disrupt the functioning of the institution, as the  
6 First Amendment of the Constitution of the United States permits  
7 and within the limits of reasonable viewpoint- and content-neutral  
8 restrictions on time, place, and manner of expression.

9 (iv) A statement assuring any person lawfully present on  
10 campus the right to protest or demonstrate there but making clear  
11 that protests and demonstrations that infringe upon the rights of  
12 others to engage in or listen to expressive activity are not  
13 permitted and are subject to sanction. A statement that complies  
14 with this subparagraph does not prohibit professors or other  
15 instructors from maintaining order in the classroom.

16 (v) A statement assuring that the institution's campuses are  
17 open to any speaker whom students, student groups, or members of  
18 the faculty have invited.

19 (vi) A statement assuring that the public areas of campuses of  
20 the institution are traditional public forums, open on the same  
21 terms to any speaker.

22 (vii) A statement assuring that belief-based student  
23 organizations will not be denied any benefits or privileges  
24 available to other student organizations and that a belief-based  
25 organization will not be discriminated against based on the  
26 expressive activity of the organization or based on any requirement  
27 that leaders or members of the organization affirm and adhere to

1 the organization's sincerely held beliefs, comply with the  
2 organization's standards of conduct, or further the organization's  
3 mission or purpose.

4 (viii) A statement assuring that the institution will strive  
5 to remain neutral, as an institution, on the public policy  
6 controversies of the day and will not take any action, as an  
7 institution, on the public policy controversies of the day that  
8 would require students or faculty to publicly express a given view  
9 of social policy.

10 (ix) A statement assuring that the policy on free expression  
11 adopted under this subdivision supersedes all prior provisions of  
12 institutional policy or regulation to the extent that those prior  
13 provisions are inconsistent with the policy on free expression  
14 adopted under this subdivision and that the institution will remove  
15 or revise any inconsistent prior provision of policy or regulation  
16 to ensure compatibility of its policies and regulations with the  
17 policy on free expression adopted under this subdivision.

18 (b) Include in freshman orientation programs, handbooks, and  
19 websites information for students describing the policies and  
20 regulations regarding free expression consistent with this section.

21 (c) Develop materials, programs, and procedures to ensure that  
22 all individuals who have responsibility for discipline or education  
23 of students, including, but not limited to, administrators, campus  
24 police officers, residence life officials, and professors,  
25 understand the policies, regulations, and duties of the public  
26 institution of higher education regarding free expression on campus  
27 consistent with this act.

1           Sec. 4. This act does not prevent a public institution of  
2 higher education from prohibiting, limiting, or otherwise  
3 restricting expressive activity in a manner permitted by the First  
4 Amendment of the Constitution of the United States and sections 3  
5 and 5 of article I of the state constitution of 1963.