

105TH CONGRESS  
1ST SESSION

# H. R. 980

To amend the Higher Education Act of 1965 to protect the speech and association rights of students attending institutions of higher education.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1997

Mr. LIVINGSTON (for himself, Mr. LAHOOD, Mr. MICA, Mr. TIAHRT, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Higher Education Act of 1965 to protect the speech and association rights of students attending institutions of higher education.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom of Speech  
5 and Association on Campus Act of 1997”.

1 **SEC. 2. PROTECTION OF STUDENT SPEECH AND ASSOCIA-**  
2 **TION RIGHTS.**

3 Title XII of the Higher Education Act of 1965 (20  
4 U.S.C. 1141 et seq.) is amended by adding at the end  
5 the following new section:

6 **“SEC. 1214. PROTECTION OF STUDENT SPEECH AND ASSO-**  
7 **CIATION RIGHTS.**

8 “(a) PROTECTION OF RIGHTS.—No student attend-  
9 ing an institution of higher education on a full- or part-  
10 time basis shall, on the basis of protected speech and asso-  
11 ciation, be excluded from participation in, be denied the  
12 benefits of, or be subjected to discrimination or official  
13 sanction under any education program, activity, or divi-  
14 sion directly or indirectly receiving financial assistance  
15 under this Act, whether or not such program, activity, or  
16 division is sponsored or officially sanctioned by the institu-  
17 tion.

18 “(b) SANCTION.—

19 “(1) IN GENERAL.—No funds shall be made  
20 available under this Act to any institution of higher  
21 education that the Secretary finds, after notice and  
22 opportunity for a hearing, has violated subsection  
23 (a) of this section.

24 “(2) INAPPLICABILITY TO STUDENT ASSIST-  
25 ANCE.—Paragraph (1) shall not apply to any funds

1       that are provided under this Act for student finan-  
2       cial assistance.

3       “(c) EXCEPTION.—This section shall not apply to an  
4       institution of higher education that is controlled by a reli-  
5       gious or military organization, if the speech or association  
6       is not consistent with the religious tenets or military train-  
7       ing of the institution.

8       “(d) SANCTIONS FOR DISRUPTION PERMITTED.—  
9       Nothing in this section shall be construed to prevent the  
10      imposition of an official sanction on a student that has  
11      willfully participated in the disruption or attempted dis-  
12      ruption of a lecture, class, speech, presentation, or per-  
13      formance made or scheduled to be made under the aus-  
14      pices of the institution of higher education.

15      “(e) DEFINITIONS.—

16           “(1) INSTITUTION OF HIGHER EDUCATION.—  
17      The term ‘institution of higher education’ has the  
18      meaning given in section 1201(a).

19           “(2) PROTECTED SPEECH.—The term ‘pro-  
20      tected speech’ means speech that is protected under  
21      the 1st and 14th amendments to the United States  
22      Constitution, or would be so protected if the institu-  
23      tion of higher education were subjected to those  
24      amendments.

1           “(3) PROTECTED ASSOCIATION.—The term  
2           ‘protected association’ means the right to join, as-  
3           semble, and reside with others that is protected  
4           under the 1st and 14th amendments to the United  
5           States Constitution, or would be protected if the in-  
6           stitution of higher education were subject to those  
7           amendments.

8           “(4) OFFICIAL SANCTION.—The term ‘official  
9           sanction’—

10                 “(A) means expulsion, suspension, proba-  
11                 tion, censure, condemnation, reprimand, or any  
12                 other disciplinary, coercive, or adverse action  
13                 taken by an institution of higher education or  
14                 administrative unit of the institution; and

15                 “(B) includes an oral or written warning  
16                 made by an official of an institution of higher  
17                 education acting in the official capacity of the  
18                 official.”.

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