

104TH CONGRESS
2D SESSION

H. R. 4207

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 1996

Mr. LIVINGSTON introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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 1996”.

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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