

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 294

2024 Regular Session

Hodges

## KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

STUDENTS. Confirms the perfections of free speech and First Amendment protected activities on college and university campuses. (gov sig)

## SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes definition of "material and substantial disruption" to include the crime of attempted battery instead of attempted assault.
2. Removes limitation on definition of "student-on-student discriminatory harassment" to only victims who are members of a protected class of individuals.
3. Adds remedy provisions.

## DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

## DIGEST

SB 294 Reengrossed

2024 Regular Session

Hodges

Present law provides protections for free expression on public college and university campuses.

Proposed law retains present law but clarifies that free expression is the free speech and protected expressive activities guaranteed by the First Amendment of the U.S. Constitution and the La. Constitution.

Present law defines "expressive activities" as any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the U.S. Constitution or the La. Constitution, including all forms of peaceful assembly, protest, distribution of literature, carrying signs, and circulating petitions. The definition of "expressive activities" excludes commercial activities.

Proposed law retains present law but changes the term from "expressive activities" to "free speech and First Amendment protected expressive activities".

Present law, as it relates to the protections for a student's free speech rights in present law, excludes commercial activities when individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

Proposed law retains present law but also excludes the following:

- (1) Activities in which an individual or group is being monetarily funded or organized by any individual, corporation, business, or organization that has been designated as a foreign terrorist organization or foreign adversary by the U.S. Dept. of State.
- (2) Any criminal activity which is prohibited by state law.

Present law defines "material and substantial disruption" as when a person, with the intent and knowledge of doing so, significantly hinders expressive activity, prevents the communication of the message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either of the following:

- (1) Engaging in fighting, violence, or similar unlawful behavior.

- (2) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

Proposed law retains present law but specifically references criminal acts.

Present law defines "student-on-student discriminatory harassment" as unwelcome conduct that targets a victim on the basis of a class protected by federal, state or local law that is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to an institution's resources and opportunities.

Proposed law retains present law but removes limitation to victims who are targeted based on being a member of a protected class.

Present law provides with respect to freedom of association and provides that a public college or university cannot deny a belief-based student organization any benefit or privilege available to any other student organization. Present law further provides that no college or university is to deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization:

- (1) Affirm and adhere to the organization's sincerely held beliefs.
- (2) Comply with the organization's standards of conduct.
- (3) Further the organization's mission or purpose, as defined by the organization.

Proposed law retains present law but changes the term from "belief-based student organization" to "religious or faith-based student organization" and "political or ideological belief-based organization".

Proposed law retains present law and adds that no public college or university is allowed to engage in discrimination on the basis of religion, politics, or ideology against any organizations, officers, leaders or members of the organization in a manner that does any of the following:

- (1) Restricts the organization's sincerely held religious beliefs or restricts the political or ideological belief-based organization's beliefs.
- (2) Requires the organization accept officers, choose leaders, or accept members who are not members of the same religion if to do so would violate the organization's standards of conduct.

Present law provides that present law supersedes and controls to the extent of any conflict with any other provision of law and governs a college or university's obligation to address all forms of discriminatory harassment perpetrated by one student on another student, including sexual harassment.

Proposed law retains present law and clarifies that the protections or remedies available to a student pursuant to any other provision of law are still in effect.

Proposed law provides that each student is free from discrimination on the basis of political ideas, affiliations, or ideologies. Provides that the La. Constitution guarantees that each person, including a college or university student, has the right to individual dignity and further provides that protections are guaranteed against discrimination based upon the student's political ideas or affiliations. Provides that a public college or university management board make reasonable efforts to protect students from discrimination on the basis of political ideas, affiliations, or ideology.

Proposed law prohibits a professor or instructor from imposing the professor's or instructor's political views onto students. Prohibits the professor or instructor from doing any of the following:

- (1) Requiring a student to attend a political protest or engage in any other political activity outside the classroom that aligns with the political views of the professor or instructor.
- (2) Requiring a student to participate in a certain political activity outside the classroom as a condition of obtaining the letter grade to which the student would otherwise be entitled based upon the student's actual academic performance in the class.

Present law requires the colleges and universities to develop policies to enforce present law and to post those policies on the institution's website.

Proposed law retains present law but requires the colleges and universities to also post to the institution's website an advisory that the institution's policy is to be free from political duress to attend off-campus political activities.

Proposed law provides that a college or university is prohibited from denying any student the right to have an attorney present at any disciplinary hearings to which the student is a party if the student desires to engage an attorney at the student's expense.

Proposed law provides that the attorney general can obtain injunctive relief, protective order, writ of mandamus, or declaratory relief to prevent any violation of the law.

Proposed law provides a student who is harmed in violation of the law a cause of action for remedies and may obtain appropriate relief.

Proposed law directs the La. State Law Institute to make technical changes.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3399.31(1), (2), and (5), 3399.32(A), 3399.33, 3399.34 (heading and intro para), and 3399.38; adds R.S. 17:3399.34(4),(5), and (6), 3399.39, 3399.40, and 3399.41)

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