

## RÉSUMÉ DIGEST

ACT 584 (SB 294)

2024 Regular Session

Hodges

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

New law retains existing 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.

Prior law defined "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.

New law changes the term from "expressive activities" to "free speech and First Amendment protected expressive activities".

Existing law, as it relates to the protections for a student's free speech rights, 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.

New law retains existing law but also excludes the following:

- (1) Activities in which an individual or group is being momentarily 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.

Existing 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.

New law retains existing law but changes the definition of "material and substantial disruption" from including the term "fighting" to include the more specific terms "assault, battery, or attempted battery".

Existing law defines "student-on-student discriminatory harassment" as unwelcome conduct that targets its 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.

New law retains existing law but removes limitation to victims who are targeted based on being a member of a protected class and expands protections to include any student who is targeted for student-on-student discriminatory harassment.

Prior law provided, with respect to freedom of association, 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.

New law changes the term from "belief-based student organization" to "religious or faith-based student organization" and "political or ideological belief-based organization".

New law prohibits the public college or university from requiring a religious or faith-based student organization or a political or ideological belief-based organization to accept officers, choose leaders, or accept members who are not members of the same religion or political party or who do not share the same ideological beliefs if to do so would violate the organization's standards of conduct.

Existing law provides that, in the event existing law is in conflict with any other provision of law that governs a college or university's obligation to address all forms of discriminatory harassment perpetrated by one student on another student, existing law is to supercede and control.

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

New law 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, affiliations, or ideologies. Requires 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.

New 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.

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

New law retains existing 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.

New 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.

New law provides that the attorney general or a student can obtain injunctive relief, a protective order, a writ of mandamus, or other declaratory relief to prevent any violation of existing law or new law.

New law provides a student who is harmed in violation of the existing law or new law has a civil cause of action in court for remedies and may obtain appropriate relief, including actual damages, attorney fees, and costs.

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

Effective June 11, 2024.

(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)