

The House Committee on Judiciary offers the following substitute to SB 339:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,
2 relating to the board of regents and university system, so as to require the board of regents
3 to develop a policy providing for free speech or free press to be implemented at all
4 institutions of the university system; to provide requirements for such policy; to provide for
5 reports and the content of reports; to provide for disciplinary measures; to provide for
6 exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the
10 board of regents and university system, is amended by adding a new part to read as follows:

11 "Part 1D

12 20-3-48.

13 (a) The board of regents shall adopt regulations and policies relevant to free speech and
14 expression on the campuses of state institutions of higher education that address the
15 following:

16 (1) To assure that freedom of speech or of the press is protected for all persons;

17 (2) To foster the discovery, improvement, transmission, and dissemination of knowledge
18 by means of research, teaching, discussion, and debate of different ideological positions;

19 (3) Each such institution shall maintain and publish policies addressing content-neutral
20 time, place, and manner restrictions on expressive activities with the least restrictive
21 means, in accordance with relevant First Amendment jurisprudence, necessary for
22 providing use of facilities and resources under the control of the institution to all student
23 groups and invited speakers, including security and rental fees for such use, to foster the

24 discovery, improvement, transmission, and dissemination of knowledge by means of
 25 research, teaching, discussion, and debate of different ideological positions;

26 (4) To assure that each such institution does not shield students, staff, or individuals on
 27 campus from speech protected by the First Amendment of the United States Constitution,
 28 including ideas and opinions which such students, staff, or individuals on campus find
 29 unwelcoming, disagreeable, or even offensive;

30 (5) To assure students and faculty are permitted to assemble and engage in spontaneous
 31 expressive activity, as long as such activity is not unlawful and does not disrupt or
 32 interfere with the functioning of the institution or classroom instruction, and complies
 33 with the applicable institution's content-neutral time, place, and manner restrictions;

34 (6) To assure that each such institution is open to any invited speaker whom a student
 35 group or members of the faculty have invited, provided any such speaker complies with
 36 the applicable institution's content-neutral time, place, and manner restrictions; and

37 (7) To assure that any student or his or her invitee lawfully present on campus of these
 38 institutions may peacefully protest or demonstrate, provided any such students or invitees
 39 comply with the applicable institution's content-neutral time, place, and manner
 40 restrictions and:

41 (A) Do not interfere with other previously scheduled events or activities on campus
 42 occurring at the same time; and

43 (B) Do not prevent professors or other instructors from maintaining order in the
 44 classroom.

45 (b) Subject to notice, hearing, and due process requirements, the board of regents shall
 46 establish a range of disciplinary sanctions for anyone under the jurisdiction of the state
 47 institution of higher learning who is found by his or her conduct to have interfered with the
 48 board of regents' regulations and policies relevant to free speech and expression on the
 49 campus of each such institution.

50 20-3-48.1

51 The board of regents shall make and publish an annual report and provide a copy to the
 52 Governor and each chamber of the General Assembly on July 1 of each year addressing the
 53 following from the previous calendar year:

54 (1) Any barriers to, or disruptions of, free expression within state institutions of higher
 55 education;

56 (2) Administrative response and discipline relating to violation of regulations and
 57 policies established pursuant to Code Section 20-3-48;

58 (3) Actions taken by state institutions of higher learning, including difficulties,
59 controversies, or successes, in maintaining a posture of administrative and institutional
60 neutrality with regard to political or social issues; and

61 (4) Any assessments, criticisms, commendations, or recommendations the board of
62 regents deems appropriate to further include in the report.

63 20-3-48.2.

64 (a) Nothing in Code Section 20-3-48 shall be construed to prevent institutions from
65 regulating student speech or activity that is prohibited by law.

66 (b) Except as further limited by this part, institutions shall be allowed to restrict student
67 expression only for expressive activity not protected by the First Amendment and shall be
68 able to require reasonable time, place, and manner restrictions on expressive activities
69 consistent with Code Section 20-3-48."

70

SECTION 2.

71 All laws and parts of laws in conflict with this Act are repealed.