



HOUSE BILL 527: Restore/Preserve Campus Free Speech.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2017-2018 General Assembly

Committee:	House Education - Universities. If favorable, re-refer to Judiciary I	Date:	April 24, 2017
Introduced by:	Reps. Millis, Jordan	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition H527-CSBE-17		Committee Co-Counsel

OVERVIEW: House Bill 527 would require the Board of Governors of The University of North Carolina to develop, adopt, and implement various policies related to free expression. The bill would create a cause of action to enforce the provisions of the act. The PCS would:

- Remove the cause of action
- Remove the requirement that constituent institutions strive for neutrality
- Make various clarifying changes to comply with First Amendment jurisprudence
- Add a limitation on liability when speech is restricted in response to threats to (1) the health and safety of students or (2) the continued functioning of the campus

CURRENT LAW: Currently, no statutes address free speech at the constituent institutions of The University of North Carolina. The Board of Governors has adopted a broad policy that "supports and encourages freedom of inquiry for faculty members and students"; protects faculty and students "in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth"; and charges faculty and students with the responsibility of maintaining a respectful community in which academic freedom flourishes. UNC Code Sec. 600. Within that framework, constituent institutions may create their own policies that comply with the First Amendment.

BILL ANALYSIS: The PCS to House Bill 527 would require the Board of Governors of The University of North Carolina to develop, adopt, and implement various policies related to free expression.

SECTION 1

116-300. Policies required:

- Requires the Board of Governors of The University of North Carolina to develop and adopt a policy on free expression that includes specific components.

116-301. Committee on Free Expression:

- Directs the Board of Governors to create a Committee on Free Expression consisting of 11 individuals from among its membership.
- The committee will be charged with annual reporting on the status of free expression at the constituent institutions.

116-302. Freshman orientation:

- Policies on free expression must be included in freshman orientation at constituent institutions.

116-303. Guidelines and additional policies authorized:

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- Authorizes the Board of Governors and constituent institutions to adopt additional policies related to free expression.
- Allows constituent institutions to only restrict student expression that is not protected by the First Amendment.

116-304. Limitations on liability:

- Exempts from personal liability chancellors, officers, employees, and boards of trustees of constituent institutions, as well as the President, officers, employees, and members of the Board of Governors of The University of North Carolina when acting pursuant to official duties.
- Exempts institutions from liability if the restriction of expressive activity occurred due to a threat to: (1) the health and safety of students or other individuals; or (2) the continued functioning of campus operations.

SECTION 2

- Requires designated compliance officers at each constituent institution to receive training that is to be developed and provided by The University of North Carolina School of Government.
- Requires constituent institutions that have a diversity office or department to also include among its duties compliance with the provisions of House Bill 527, as well as rename the office or department to include the phrase "Free Speech Compliance" in its title.

EFFECTIVE DATE: House Bill 527 would be effective June 30, 2017. The initial annual report of the Committee on Free Expression would be due by September 1, 2018.