

1 HOUSE BILL NO. 349

2 INTRODUCED BY M. HOPKINS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO FREEDOM OF
5 ASSOCIATION AND FREEDOM OF SPEECH ON CAMPUSES OF PUBLIC POSTSECONDARY
6 INSTITUTIONS; PROVIDING PROTECTIONS FOR FREE ASSOCIATION ON PUBLIC POSTSECONDARY
7 INSTITUTION CAMPUSES; PROHIBITING DISCRIMINATION AGAINST STUDENT ORGANIZATIONS;
8 PROVIDING RESTRICTIONS ON POLICIES PERTAINING TO THE EXPULSION OF A STUDENT; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **NEW SECTION. Section 1. Discrimination against student organizations prohibited.** (1) A public
14 postsecondary institution may not deny a religious, political, or ideological student organization a benefit or
15 privilege available to other student organizations or otherwise discriminate against a student organization based
16 on the student organization's expressive activity, including any requirement of the student organization that a
17 leader or member:

- 18 (a) affirm and adhere to the student organization's sincerely held beliefs;
19 (b) comply with the student organization's standards of conduct; or
20 (c) further the student organization's mission or purpose, as defined by the student organization.

21 (2) As used in [section 2] and this section, the following definitions apply:

22 (a) "Benefit or privilege" means any type of advantage, including but not limited to:

- 23 (i) recognition;
24 (ii) registration;
25 (iii) the use of facilities of the public postsecondary institution for meetings or speaking purposes;
26 (iv) the use of channels of communication; and
27 (v) funding sources that are otherwise available to other student organizations at the public

28 postsecondary institution.

- 1 (b) "Public postsecondary institution" means:
- 2 (i) a unit of the Montana university system as defined in 20-25-201; or
- 3 (ii) a Montana community college, defined and organized as provided in 20-15-101.
- 4 (c) "Student organization" means an officially recognized group or a group seeking official recognition
- 5 at a public postsecondary institution that is comprised of students who receive or are seeking to receive a
- 6 benefit through the public postsecondary institution.
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8 **NEW SECTION. Section 2. Freedom of speech protections for students.** A public postsecondary

9 institution may not expel a student for a behavioral violation of harassment or a similar charge stemming from

10 speech or expression unless the speech or expression is unwelcome and so severe, pervasive, and

11 subjectively and objectively offensive that a student is effectively denied equal access to educational

12 opportunities or benefits provided by the public postsecondary institution.

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14 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified

15 as an integral part of Title 20, chapter 25, part 5, and the provisions of Title 20, chapter 25, part 5, apply to

16 [sections 1 and 2].

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18 **NEW SECTION. Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are

19 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

20 the part remains in effect in all valid applications that are severable from the invalid applications.

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22 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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