



# CAMPUS FREE SPEECH ACT

## Key Legislative Concepts

1. State lawmakers should require public university governing boards to adopt a **statement of commitment to free speech on campus**, to be made available in university materials like student handbooks and discussed during student orientation.
  2. Free speech policies should be clear that **anyone lawfully present on campus can protest or demonstrate there**. Universities can adopt rules to maintain order on campus that may affect the ability of individuals to speak or demonstrate, but such rules must be publicly available and provide other means for individuals to express themselves.
  3. **All public areas of a public college campus should be free speech zones**. Individuals who want to speak in public areas on campus should not be sequestered to hard-to-reach areas of the college grounds.
  4. Public colleges and universities **should not sanction members of the campus community for their views**. Faculty and students must be free to take positions on issues without fear that the school will silence them because of official university policies. Universities should provide forums for free speech, not decide what speech is acceptable.
  5. State policymakers should also encourage schools to **institute consequences for anyone who violates the free speech rights of others, up to and including suspension or expulsion**. Policymakers should conduct oversight to review public universities' handling of such situations.
  6. Proposals that levy sanctions for interfering with the free speech rights of others must be paired with **due process protections for the accused**. College officials must provide written notice of the charges and provide an impartial forum to weigh evidence on both sides. In the more serious cases, the accused should have the right to active assistance of counsel.
- If an incident on campus involves violation of state or local ordinances—laws involving arson or physical assault, for example—then universities should refer such issues to the proper authorities.
7. University governing boards should oversee the writing of **annual reports on the condition of free speech in the campus community**, including an evaluation of college administrators' decisions regarding any free speech-related incidents that happened during the year. The board should make the reports available to lawmakers and the public.

### ***For More Information:***

*"How to Protect Free Speech on College Campuses,"* The Heritage Foundation

[RestoreFreeSpeech.com](http://RestoreFreeSpeech.com), The Goldwater Institute