

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 23.1-401.1 and to repeal*
3 *§ 23.1-900.1 of the Code of Virginia, relating to public institutions of higher education in the*
4 *Commonwealth; constitutionally protected speech; policies, materials, and reports; report.*

5 [H 344]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That the Code of Virginia is amended by adding a section numbered 23.1-401.1 as follows:**9 **§ 23.1-401.1. Constitutionally protected speech; policies, materials, and reports; report.**10 *A. Except as otherwise permitted by the First Amendment to the United States Constitution, no public*
11 *institution of higher education shall abridge the constitutional freedom of any individual, including*
12 *enrolled students, faculty and other employees, and invited guests, to speak on campus.*13 *B. Each public institution of higher education shall establish and include in its student handbook, on*
14 *its website, and in its student orientation programs policies regarding speech that is constitutionally*
15 *protected under the First Amendment to the United States Constitution and the process to report*
16 *incidents of disruption of such constitutionally protected speech.*17 *C. Each public institution of higher education shall develop materials on the policies established*
18 *pursuant to subsection B and notify any employee who is responsible for the discipline or education of*
19 *enrolled students of such materials.*20 *D. Each public institution of higher education shall develop, post on its website in a searchable,*
21 *publicly accessible, and conspicuous manner, and submit to the Governor and the Chairmen of the*
22 *House Committee on Education and the Senate Committee on Education and Health no later than*
23 *December 1 of each year a report on the institution's compliance with the provisions of this section that*
24 *includes:*25 *1. A copy of the institution's policies as described in subsection B and materials on such policies as*
26 *described in subsection C;*27 *2. Certification that the institution has complied with subsection C; and*28 *3. A copy of any complaint filed in a court of law since December 1 of the preceding year to initiate*
29 *a lawsuit against the institution or an employee of the institution in his official capacity for an alleged*
30 *violation of the First Amendment to the United States Constitution.*31 *E. Each public institution of higher education shall submit to the Governor and the Chairmen of the*
32 *House Committee on Education and the Senate Committee on Education and Health a copy of any*
33 *complaint filed in a court of law to initiate a lawsuit against the institution or an employee of the*
34 *institution in his official capacity for an alleged violation of the First Amendment to the United States*
35 *Constitution no later than 30 days after such complaint is served.*36 **2. That § 23.1-900.1 of the Code of Virginia is repealed.**

ENROLLED

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