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HOUSE BILL NO. 344**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Education

on January 24, 2018)

(Patron Prior to Substitute—Delegate Landes)

A *BILL to amend the Code of Virginia by adding a section numbered 23.1-401.1 and to repeal § 23.1-900.1 of the Code of Virginia, relating to public institutions of higher education in the Commonwealth; campus free speech; policies and reports.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-401.1 as follows:

§ 23.1-401.1. *Campus free speech; policies and reports.*

A. *Except as otherwise permitted by the First Amendment to the United States Constitution, no public institution of higher education shall abridge the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus.*

B. *Each public institution of higher education shall establish and include in its student handbook, on its website, and in its student orientation programs policies regarding free speech on campus.*

C. *Each public institution of higher education shall develop materials on the policies established pursuant to subsection B and notify any employee who is responsible for the discipline or education of enrolled students of such materials.*

D. *Each public institution of higher education shall develop; post on its website in a searchable, publicly accessible, and conspicuous manner; and submit to the Governor and the General Assembly no later than December 1 of each year a report on the institution's compliance with the provisions of this section that includes:*

1. *A description of any barriers to free speech on campus; any incidents of disruption of free speech on campus, including any attempt to block or prohibit campus speakers and any investigation of students or student organizations for their speech; and any disciplinary action taken against the individual or entity that was responsible for any such barrier or incident of disruption. No such description shall disclose any student's personally identifiable information; and*

2. *Any other information relating to free speech on campus that the institution deems necessary to publicly report or deems valuable for the public to evaluate whether the institution has protected and enforced the right of individuals to engage in free speech on campus.*

Such report shall be amended and resubmitted to the Governor and General Assembly within 30 days after the institution is sued for an alleged violation of the First Amendment to the United States Constitution. Such amended report shall include a copy of the complaint that alleges such a violation.

2. That § 23.1-900.1 of the Code of Virginia is repealed.