

# SENATE BILL No. 350

May 2, 2017, Introduced by Senators COLBECK, JONES, NOFS, PAVLOV,  
BRANDENBURG, GREEN, HANSEN, EMMONS, HUNE and SCHUITMAKER and  
referred to the Committee on Appropriations.

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
(MCL 388.1601 to 388.1896) by adding sections 210f, 210g, and 275c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 210F. IT IS THE INTENT OF THE LEGISLATURE THAT EACH  
2   COMMUNITY COLLEGE THAT RECEIVES AN APPROPRIATION IN SECTION 201 DO  
3   ALL OF THE FOLLOWING:

4           (A) DEVELOP AND ADOPT A POLICY ON FREE EXPRESSION THAT  
5   CONTAINS AT LEAST THE FOLLOWING:

6           (i) A STATEMENT THAT THE COMMUNITY COLLEGE'S PRIMARY FUNCTION  
7   IS THE DISCOVERY, IMPROVEMENT, TRANSMISSION, AND DISSEMINATION OF  
8   KNOWLEDGE BY MEANS OF RESEARCH, TEACHING, DISCUSSION, AND DEBATE  
9   AND THAT, TO FULFILL THIS FUNCTION, THE COMMUNITY COLLEGE WILL  
10  STRIVE TO ENSURE THE FULLEST DEGREE OF INTELLECTUAL FREEDOM AND

1 FREE EXPRESSION.

2 (ii) A STATEMENT THAT IT IS NOT THE PROPER ROLE OF THE  
3 COMMUNITY COLLEGE TO SHIELD INDIVIDUALS FROM SPEECH PROTECTED BY  
4 THE FIRST AMENDMENT, WITHOUT EXCEPTION, EVEN IF THEY FIND THE IDEAS  
5 AND OPINIONS EXPRESSED UNWELCOME, DISAGREEABLE, OR EVEN DEEPLY  
6 OFFENSIVE.

7 (iii) A STATEMENT ASSURING THAT STUDENTS AND FACULTY ARE FREE  
8 TO DISCUSS ANY PROBLEM THAT PRESENTS ITSELF, AS THE FIRST AMENDMENT  
9 PERMITS AND WITHIN THE LIMITS OF REASONABLE VIEWPOINT- AND CONTENT-  
10 NEUTRAL RESTRICTIONS ON TIME, PLACE, AND MANNER OF EXPRESSION. FOR  
11 PURPOSES OF THIS SUBPARAGRAPH AND SUBPARAGRAPH (iv), A VIEWPOINT-  
12 AND CONTENT-NEUTRAL RESTRICTION OF EXPRESSION IS REASONABLE ONLY IF  
13 IT IS CONSISTENT WITH THIS SECTION, IS NECESSARY TO ACHIEVE A  
14 SIGNIFICANT INSTITUTIONAL INTEREST, IS CLEARLY WRITTEN AND  
15 PUBLISHED, AND PROVIDES AMPLE ALTERNATIVE MEANS OF EXPRESSION.

16 (iv) A STATEMENT ASSURING THAT STUDENTS AND FACULTY ARE  
17 PERMITTED TO ASSEMBLE AND ENGAGE IN SPONTANEOUS EXPRESSIVE ACTIVITY  
18 AS LONG AS THE ACTIVITY IS NOT UNLAWFUL AND DOES NOT MATERIALLY AND  
19 SUBSTANTIALLY DISRUPT THE FUNCTIONING OF THE COMMUNITY COLLEGE, AS  
20 THE FIRST AMENDMENT PERMITS AND WITHIN THE LIMITS OF REASONABLE  
21 VIEWPOINT- AND CONTENT-NEUTRAL RESTRICTIONS ON TIME, PLACE, AND  
22 MANNER OF EXPRESSION.

23 (v) A STATEMENT ASSURING ANY PERSON LAWFULLY PRESENT ON CAMPUS  
24 THE RIGHT TO PROTEST OR DEMONSTRATE THERE BUT MAKING CLEAR THAT  
25 PROTESTS AND DEMONSTRATIONS THAT INFRINGE UPON THE RIGHTS OF OTHERS  
26 TO ENGAGE IN OR LISTEN TO EXPRESSIVE ACTIVITY ARE NOT PERMITTED AND  
27 ARE SUBJECT TO SANCTION. A STATEMENT THAT COMPLIES WITH THIS

1 SUBPARAGRAPH DOES NOT PROHIBIT PROFESSORS OR OTHER INSTRUCTORS FROM  
2 MAINTAINING ORDER IN THE CLASSROOM.

3 (vi) A STATEMENT ASSURING THAT THE COMMUNITY COLLEGE'S  
4 CAMPUSES ARE OPEN TO ANY SPEAKER WHOM STUDENTS, STUDENT GROUPS, OR  
5 MEMBERS OF THE FACULTY HAVE INVITED.

6 (vii) A STATEMENT ASSURING THAT THE PUBLIC AREAS OF CAMPUSES  
7 OF THE COMMUNITY COLLEGE ARE TRADITIONAL PUBLIC FORUMS, OPEN ON THE  
8 SAME TERMS TO ANY SPEAKER.

9 (viii) PROVISIONS SETTING FORTH A RANGE OF DISCIPLINARY  
10 SANCTIONS FOR ANYONE UNDER THE JURISDICTION OF THE COMMUNITY  
11 COLLEGE WHO INTERFERES WITH THE FREE EXPRESSION OF OTHERS.

12 (ix) PROVISIONS ASSURING THAT, IN A DISCIPLINARY CASE AGAINST  
13 A STUDENT ARISING OUT OF THE STUDENT'S EXPRESSIVE CONDUCT, THE  
14 STUDENT IS ENTITLED TO A DISCIPLINARY HEARING UNDER PUBLISHED  
15 PROCEDURES, INCLUDING AT LEAST ALL OF THE FOLLOWING PROCEDURES:

16 (A) THE RIGHT TO RECEIVE ADVANCED WRITTEN NOTICE OF ALL  
17 CHARGES.

18 (B) THE RIGHT TO REVIEW THE EVIDENCE IN SUPPORT OF ALL  
19 CHARGES.

20 (C) THE RIGHT TO CONFRONT WITNESSES AGAINST THE STUDENT.

21 (D) THE RIGHT TO PRESENT A DEFENSE.

22 (E) THE RIGHT TO CALL WITNESSES.

23 (F) THE RIGHT TO HAVE THE CASE DECIDED BY AN IMPARTIAL ARBITER  
24 OR PANEL.

25 (G) THE RIGHT OF APPEAL.

26 (H) THE RIGHT TO ACTIVE ASSISTANCE OF COUNSEL IF SUSPENSION  
27 FOR LONGER THAN 30 DAYS OR EXPULSION IS A POTENTIAL PENALTY.

1 (x) A STATEMENT WARNING THAT ANY STUDENT WHO HAS TWICE BEEN  
2 FOUND RESPONSIBLE FOR INFRINGING UPON THE EXPRESSIVE RIGHTS OF  
3 OTHERS WILL BE SUSPENDED FOR A MINIMUM OF 1 YEAR OR EXPELLED.

4 (xi) A STATEMENT ASSURING THAT THE COMMUNITY COLLEGE WILL  
5 STRIVE TO REMAIN NEUTRAL, AS AN INSTITUTION, ON THE PUBLIC POLICY  
6 CONTROVERSIES OF THE DAY AND WILL NOT TAKE ANY ACTION, AS AN  
7 INSTITUTION, ON THE PUBLIC POLICY CONTROVERSIES OF THE DAY THAT  
8 WOULD REQUIRE STUDENTS OR FACULTY TO PUBLICLY EXPRESS A GIVEN VIEW  
9 OF SOCIAL POLICY.

10 (xii) A STATEMENT ASSURING THAT THE POLICY ON FREE EXPRESSION  
11 ADOPTED UNDER THIS SUBDIVISION SUPERSEDES ALL PRIOR PROVISIONS OF  
12 COMMUNITY COLLEGE POLICY OR REGULATION TO THE EXTENT THAT THOSE  
13 PRIOR PROVISIONS ARE INCONSISTENT WITH THE POLICY ON FREE  
14 EXPRESSION ADOPTED UNDER THIS SUBDIVISION AND THAT THE COMMUNITY  
15 COLLEGE WILL REMOVE OR REVISE ANY INCONSISTENT PRIOR PROVISION OF  
16 POLICY OR REGULATION TO ENSURE COMPATIBILITY OF ITS POLICIES AND  
17 REGULATIONS WITH THE POLICY ON FREE EXPRESSION ADOPTED UNDER THIS  
18 SUBDIVISION.

19 (B) PARTICIPATE IN THE FORMATION AND DIRECTION OF THE HIGHER  
20 EDUCATION COMMITTEE ON FREE EXPRESSION DESCRIBED IN SECTION 210G.

21 (C) INCLUDE IN FRESHMAN ORIENTATION PROGRAMS INFORMATION FOR  
22 STUDENTS DESCRIBING THE POLICIES AND REGULATIONS REGARDING FREE  
23 EXPRESSION CONSISTENT WITH THIS SECTION.

24 (D) REGULATE STUDENT SPEECH AND EXPRESSIVE ACTIVITY, IF AT  
25 ALL, IN A MANNER CONSISTENT WITH THIS SECTION, AND LIMIT  
26 RESTRICTIONS TO STUDENT SPEECH OR EXPRESSIVE ACTIVITY TO REASONABLE  
27 TIME, PLACE, AND MANNER RESTRICTIONS CONSISTENT WITH SUBDIVISION

1 (A) (iii) AND (iv) AND TO SPEECH OR ACTIVITY THAT IS NOT PROTECTED  
2 BY THE FIRST AMENDMENT, INCLUDING:

3 (i) SPEECH OR ACTIVITY THAT IS PROHIBITED BY STATE OR FEDERAL  
4 LAW.

5 (ii) SPEECH OR ACTIVITY THAT A COURT HAS DEEMED UNPROTECTED  
6 DEFAMATION.

7 (iii) SPEECH OR ACTIVITY THAT CONSTITUTES PEER-ON-PEER  
8 HARASSMENT OR QUID PRO QUO SEXUAL HARASSMENT.

9 (iv) SPEECH OR ACTIVITY THAT CONSTITUTES A TRUE THREAT.

10 (v) SPEECH OR ACTIVITY THAT CONSTITUTES AN UNJUSTIFIABLE  
11 INVASION OF PRIVACY OR CONFIDENTIALITY NOT INVOLVING A MATTER OF  
12 PUBLIC CONCERN.

13 (vi) SPEECH OR ACTIVITY THAT UNLAWFULLY DISRUPTS THE FUNCTION  
14 OF THE COMMUNITY COLLEGE.

15 (E) AS USED IN THIS SECTION:

16 (i) "FIRST AMENDMENT" MEANS THE FIRST AMENDMENT TO THE  
17 CONSTITUTION OF THE UNITED STATES.

18 (ii) "PEER-ON-PEER HARASSMENT" MEANS CONDUCT OF A STUDENT  
19 TARGETING ANOTHER STUDENT THAT IS SO SEVERE, PERVASIVE, AND  
20 OBJECTIVELY OFFENSIVE THAT IT EFFECTIVELY DEPRIVES THE TARGETED  
21 STUDENT OF ACCESS TO THE EDUCATIONAL OPPORTUNITIES OR BENEFITS  
22 PROVIDED BY THE COMMUNITY COLLEGE.

23 (iii) "QUID PRO QUO SEXUAL HARASSMENT" MEANS WORDS, CONDUCT,  
24 OR OTHER MEANS OF EXPLICITLY OR IMPLICITLY CONDITIONING A STUDENT'S  
25 PARTICIPATION IN AN EDUCATION PROGRAM OR ACTIVITY OR BASING AN  
26 EDUCATIONAL DECISION ON THE STUDENT'S SUBMISSION TO UNWELCOME  
27 SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, OR OTHER VERBAL,

1 NONVERBAL, OR PHYSICAL CONDUCT OF A SEXUAL NATURE.

2 (iv) "TRUE THREAT" MEANS A STATEMENT BY WHICH THE SPEAKER  
3 INTENTIONALLY COMMUNICATES A SERIOUS EXPRESSION OF AN INTENT TO  
4 COMMIT AN ACT OF UNLAWFUL VIOLENCE ON A PARTICULAR INDIVIDUAL OR  
5 GROUP OF INDIVIDUALS.

6 SEC. 210G. FOR THE PURPOSE OF COORDINATING EFFORTS TO PROMOTE  
7 EXPRESSIVE FREEDOM UNDER SECTIONS 210F AND 275C, EACH COMMUNITY  
8 COLLEGE THAT RECEIVES AN APPROPRIATION IN SECTION 201 AND EACH  
9 PUBLIC UNIVERSITY THAT RECEIVES AN APPROPRIATION IN SECTION 236  
10 SHALL PARTICIPATE IN THE FORMATION AND DIRECTION OF A HIGHER  
11 EDUCATION COMMITTEE ON FREE EXPRESSION IN THE DEPARTMENT OF  
12 EDUCATION THAT CONSISTS OF 12 MEMBERS, 5 APPOINTED BY THE BOARDS OF  
13 TRUSTEES OF THE COMMUNITY COLLEGES RECEIVING APPROPRIATIONS IN  
14 SECTION 201, 4 APPOINTED BY THE GOVERNING BOARDS OF THE PUBLIC  
15 UNIVERSITIES RECEIVING APPROPRIATIONS IN SECTION 236, 1 APPOINTED  
16 BY THE GOVERNOR, 1 APPOINTED BY THE SPEAKER OF THE HOUSE OF  
17 REPRESENTATIVES, AND 1 APPOINTED BY THE SENATE MAJORITY LEADER. THE  
18 12 MEMBERS APPOINTED TO THE HIGHER EDUCATION COMMITTEE ON FREE  
19 EXPRESSION SHALL SERVE ON THAT COMMITTEE FOR 2 YEARS AND SHALL THEN  
20 BE REPLACED BY 12 NEW MEMBERS APPOINTED IN THE SAME MANNER TO SERVE  
21 FOR THE NEXT 2 YEARS, WITH REPRESENTATIVES FROM THE COMMUNITY  
22 COLLEGES AND PUBLIC UNIVERSITIES APPOINTED ON A ROTATING BASIS. THE  
23 HIGHER EDUCATION COMMITTEE ON FREE EXPRESSION SHALL PROVIDE A  
24 WRITTEN REPORT FULLY EXPLAINING ALL OF THE FOLLOWING TO THE PUBLIC,  
25 THE BOARD OF TRUSTEES OF EACH COMMUNITY COLLEGE DISTRICT, THE  
26 GOVERNING BOARD OF EACH PUBLIC UNIVERSITY, THE GOVERNOR, AND THE  
27 STATE LEGISLATURE BY NOT LATER THAN SEPTEMBER 1 OF EVERY YEAR:

1 (A) ANY BARRIERS TO OR DISRUPTIONS OF FREE EXPRESSION WITHIN  
2 THIS STATE'S PUBLIC UNIVERSITIES AND COMMUNITY COLLEGES.

3 (B) THE ADMINISTRATIVE HANDLING AND DISCIPLINE RELATING TO THE  
4 DISRUPTIONS AND BARRIERS DESCRIBED IN SUBDIVISION (A).

5 (C) SUBSTANTIAL DIFFICULTIES, CONTROVERSIES, OR SUCCESSES IN  
6 MAINTAINING A POSTURE OF ADMINISTRATIVE AND INSTITUTIONAL  
7 NEUTRALITY WITH REGARD TO POLITICAL OR SOCIAL ISSUES.

8 (D) ASSESSMENTS, CRITICISMS, COMMENDATIONS, OR RECOMMENDATIONS  
9 THE COMMITTEE SEES FIT TO REPORT.

10 SEC. 275C. IT IS THE INTENT OF THE LEGISLATURE THAT EACH  
11 PUBLIC UNIVERSITY THAT RECEIVES AN APPROPRIATION IN SECTION 236 DO  
12 ALL OF THE FOLLOWING:

13 (A) DEVELOP AND ADOPT A POLICY ON FREE EXPRESSION THAT  
14 CONTAINS AT LEAST THE FOLLOWING:

15 (i) A STATEMENT THAT THE UNIVERSITY'S PRIMARY FUNCTION IS THE  
16 DISCOVERY, IMPROVEMENT, TRANSMISSION, AND DISSEMINATION OF  
17 KNOWLEDGE BY MEANS OF RESEARCH, TEACHING, DISCUSSION, AND DEBATE  
18 AND THAT, TO FULFILL THIS FUNCTION, THE UNIVERSITY WILL STRIVE TO  
19 ENSURE THE FULLEST DEGREE OF INTELLECTUAL FREEDOM AND FREE  
20 EXPRESSION.

21 (ii) A STATEMENT THAT IT IS NOT THE PROPER ROLE OF THE  
22 UNIVERSITY TO SHIELD INDIVIDUALS FROM SPEECH PROTECTED BY THE FIRST  
23 AMENDMENT, WITHOUT EXCEPTION, EVEN IF THEY FIND THE IDEAS AND  
24 OPINIONS EXPRESSED UNWELCOME, DISAGREEABLE, OR EVEN DEEPLY  
25 OFFENSIVE.

26 (iii) A STATEMENT ASSURING THAT STUDENTS AND FACULTY ARE FREE  
27 TO DISCUSS ANY PROBLEM THAT PRESENTS ITSELF, AS THE FIRST AMENDMENT

1 PERMITS AND WITHIN THE LIMITS OF REASONABLE VIEWPOINT- AND CONTENT-  
2 NEUTRAL RESTRICTIONS ON TIME, PLACE, AND MANNER OF EXPRESSION. FOR  
3 PURPOSES OF THIS SUBPARAGRAPH AND SUBPARAGRAPH (iv), A VIEWPOINT-  
4 AND CONTENT-NEUTRAL RESTRICTION OF EXPRESSION IS REASONABLE ONLY IF  
5 IT IS CONSISTENT WITH THIS SECTION, IS NECESSARY TO ACHIEVE A  
6 SIGNIFICANT INSTITUTIONAL INTEREST, IS CLEARLY WRITTEN AND  
7 PUBLISHED, AND PROVIDES AMPLE ALTERNATIVE MEANS OF EXPRESSION.

8 (iv) A STATEMENT ASSURING THAT STUDENTS AND FACULTY ARE  
9 PERMITTED TO ASSEMBLE AND ENGAGE IN SPONTANEOUS EXPRESSIVE ACTIVITY  
10 AS LONG AS THE ACTIVITY IS NOT UNLAWFUL AND DOES NOT MATERIALLY AND  
11 SUBSTANTIALLY DISRUPT THE FUNCTIONING OF THE UNIVERSITY, AS THE  
12 FIRST AMENDMENT PERMITS AND WITHIN THE LIMITS OF REASONABLE  
13 VIEWPOINT- AND CONTENT-NEUTRAL RESTRICTIONS ON TIME, PLACE, AND  
14 MANNER OF EXPRESSION.

15 (v) A STATEMENT ASSURING ANY PERSON LAWFULLY PRESENT ON CAMPUS  
16 THE RIGHT TO PROTEST OR DEMONSTRATE THERE BUT MAKING CLEAR THAT  
17 PROTESTS AND DEMONSTRATIONS THAT INFRINGE UPON THE RIGHTS OF OTHERS  
18 TO ENGAGE IN OR LISTEN TO EXPRESSIVE ACTIVITY ARE NOT PERMITTED AND  
19 ARE SUBJECT TO SANCTION. A STATEMENT THAT COMPLIES WITH THIS  
20 SUBPARAGRAPH DOES NOT PROHIBIT PROFESSORS OR OTHER INSTRUCTORS FROM  
21 MAINTAINING ORDER IN THE CLASSROOM.

22 (vi) A STATEMENT ASSURING THAT THE UNIVERSITY'S CAMPUSES ARE  
23 OPEN TO ANY SPEAKER WHOM STUDENTS, STUDENT GROUPS, OR MEMBERS OF  
24 THE FACULTY HAVE INVITED.

25 (vii) A STATEMENT ASSURING THAT THE PUBLIC AREAS OF CAMPUSES  
26 OF THE UNIVERSITY ARE TRADITIONAL PUBLIC FORUMS, OPEN ON THE SAME  
27 TERMS TO ANY SPEAKER.



1           (viii) PROVISIONS SETTING FORTH A RANGE OF DISCIPLINARY  
2 SANCTIONS FOR ANYONE UNDER THE JURISDICTION OF THE UNIVERSITY WHO  
3 INTERFERES WITH THE FREE EXPRESSION OF OTHERS.

4           (ix) PROVISIONS ASSURING THAT, IN A DISCIPLINARY CASE AGAINST  
5 A STUDENT ARISING OUT OF THE STUDENT'S EXPRESSIVE CONDUCT, THE  
6 STUDENT IS ENTITLED TO A DISCIPLINARY HEARING UNDER PUBLISHED  
7 PROCEDURES, INCLUDING AT LEAST ALL OF THE FOLLOWING PROCEDURES:

8           (A) THE RIGHT TO RECEIVE ADVANCED WRITTEN NOTICE OF ALL  
9 CHARGES.

10           (B) THE RIGHT TO REVIEW THE EVIDENCE IN SUPPORT OF ALL  
11 CHARGES.

12           (C) THE RIGHT TO CONFRONT WITNESSES AGAINST THE STUDENT.

13           (D) THE RIGHT TO PRESENT A DEFENSE.

14           (E) THE RIGHT TO CALL WITNESSES.

15           (F) THE RIGHT TO HAVE THE CASE DECIDED BY AN IMPARTIAL ARBITER  
16 OR PANEL.

17           (G) THE RIGHT OF APPEAL.

18           (H) THE RIGHT TO ACTIVE ASSISTANCE OF COUNSEL IF SUSPENSION  
19 FOR LONGER THAN 30 DAYS OR EXPULSION IS A POTENTIAL PENALTY.

20           (x) A STATEMENT WARNING THAT ANY STUDENT WHO HAS TWICE BEEN  
21 FOUND RESPONSIBLE FOR INFRINGING UPON THE EXPRESSIVE RIGHTS OF  
22 OTHERS WILL BE SUSPENDED FOR A MINIMUM OF 1 YEAR OR EXPELLED.

23           (xi) A STATEMENT ASSURING THAT THE UNIVERSITY WILL STRIVE TO  
24 REMAIN NEUTRAL, AS AN INSTITUTION, ON THE PUBLIC POLICY  
25 CONTROVERSIES OF THE DAY AND WILL NOT TAKE ANY ACTION, AS AN  
26 INSTITUTION, ON THE PUBLIC POLICY CONTROVERSIES OF THE DAY THAT  
27 WOULD REQUIRE STUDENTS OR FACULTY TO PUBLICLY EXPRESS A GIVEN VIEW

1 OF SOCIAL POLICY.

2 (xii) A STATEMENT ASSURING THAT THE POLICY ON FREE EXPRESSION  
3 ADOPTED UNDER THIS SUBDIVISION SUPERSEDES ALL PRIOR PROVISIONS OF  
4 UNIVERSITY POLICY OR REGULATION TO THE EXTENT THAT THOSE PRIOR  
5 PROVISIONS ARE INCONSISTENT WITH THE POLICY ON FREE EXPRESSION  
6 ADOPTED UNDER THIS SUBDIVISION AND THAT THE UNIVERSITY WILL REMOVE  
7 OR REVISE ANY INCONSISTENT PRIOR PROVISION OF POLICY OR REGULATION  
8 TO ENSURE COMPATIBILITY OF ITS POLICIES AND REGULATIONS WITH THE  
9 POLICY ON FREE EXPRESSION ADOPTED UNDER THIS SUBDIVISION.

10 (B) PARTICIPATE IN THE FORMATION AND DIRECTION OF THE HIGHER  
11 EDUCATION COMMITTEE ON FREE EXPRESSION DESCRIBED IN SECTION 210G.

12 (C) INCLUDE IN FRESHMAN ORIENTATION PROGRAMS INFORMATION FOR  
13 STUDENTS DESCRIBING THE POLICIES AND REGULATIONS REGARDING FREE  
14 EXPRESSION CONSISTENT WITH THIS SECTION.

15 (D) REGULATE STUDENT SPEECH AND EXPRESSIVE ACTIVITY, IF AT  
16 ALL, IN A MANNER CONSISTENT WITH THIS SECTION, AND LIMIT  
17 RESTRICTIONS TO STUDENT SPEECH OR EXPRESSIVE ACTIVITY TO REASONABLE  
18 TIME, PLACE, AND MANNER RESTRICTIONS CONSISTENT WITH SUBDIVISION  
19 (A) (iii) AND (iv) AND TO SPEECH OR ACTIVITY THAT IS NOT PROTECTED  
20 BY THE FIRST AMENDMENT, INCLUDING:

21 (i) SPEECH OR ACTIVITY THAT IS PROHIBITED BY STATE OR FEDERAL  
22 LAW.

23 (ii) SPEECH OR ACTIVITY THAT A COURT HAS DEEMED UNPROTECTED  
24 DEFAMATION.

25 (iii) SPEECH OR ACTIVITY THAT CONSTITUTES PEER-ON-PEER  
26 HARASSMENT OR QUID PRO QUO SEXUAL HARASSMENT.

27 (iv) SPEECH OR ACTIVITY THAT CONSTITUTES A TRUE THREAT.

1           (v) SPEECH OR ACTIVITY THAT CONSTITUTES AN UNJUSTIFIABLE  
2 INVASION OF PRIVACY OR CONFIDENTIALITY NOT INVOLVING A MATTER OF  
3 PUBLIC CONCERN.

4           (vi) SPEECH OR ACTIVITY THAT UNLAWFULLY DISRUPTS THE FUNCTION  
5 OF THE UNIVERSITY.

6           (E) AS USED IN THIS SECTION:

7           (i) "FIRST AMENDMENT" MEANS THE FIRST AMENDMENT TO THE  
8 CONSTITUTION OF THE UNITED STATES.

9           (ii) "PEER-ON-PEER HARASSMENT" MEANS CONDUCT OF A STUDENT  
10 TARGETING ANOTHER STUDENT THAT IS SO SEVERE, PERVASIVE, AND  
11 OBJECTIVELY OFFENSIVE THAT IT EFFECTIVELY DEPRIVES THE TARGETED  
12 STUDENT OF ACCESS TO THE EDUCATIONAL OPPORTUNITIES OR BENEFITS  
13 PROVIDED BY THE UNIVERSITY.

14           (iii) "QUID PRO QUO SEXUAL HARASSMENT" MEANS WORDS, CONDUCT,  
15 OR OTHER MEANS OF EXPLICITLY OR IMPLICITLY CONDITIONING A STUDENT'S  
16 PARTICIPATION IN AN EDUCATION PROGRAM OR ACTIVITY OR BASING AN  
17 EDUCATIONAL DECISION ON THE STUDENT'S SUBMISSION TO UNWELCOME  
18 SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, OR OTHER VERBAL,  
19 NONVERBAL, OR PHYSICAL CONDUCT OF A SEXUAL NATURE.

20           (iv) "TRUE THREAT" MEANS A STATEMENT BY WHICH THE SPEAKER  
21 INTENTIONALLY COMMUNICATES A SERIOUS EXPRESSION OF AN INTENT TO  
22 COMMIT AN ACT OF UNLAWFUL VIOLENCE ON A PARTICULAR INDIVIDUAL OR  
23 GROUP OF INDIVIDUALS.