



[SF 2344](#) – College Campus Free Speech (LSB5524SV)
Analyst: Robin Madison (515.281.5270) robin.madison@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2344](#) requires the Board of Regents and the boards of directors of the community colleges to adopt policies regarding free speech on campuses. The Bill requires that the policies include specific provisions regarding the proper function and role of the institutions of higher education, the freedoms to be afforded students, and the use of public areas of campus for public forums.

The Bill identifies protected activities for members of a campus community and specifies certain responsibilities of the institutions. The Bill deems the outdoor areas of the institutions' campuses as traditional public forums. The Bill excludes areas outside campus health care facilities from being considered traditional or designated public forums.

The Bill provides remedies for members of a campus community who are aggrieved by a violation of legislation and specifies that the legislation does not make any administrator, officer, employee, or agent of an institution personally liable for acts taken pursuant to the individual's official duties.

The Bill may include a State mandate as defined in Iowa Code section [25B.3](#).

The Bill takes effect upon enactment.

Background

In January 2018, the State Appeal Board agreed to pay \$150,000 in damages and \$193,000 in legal fees related to a lawsuit filed by the student leaders of the Iowa State University (ISU) chapter of the National Organization for the Reform of Marijuana Laws (NORML). A federal judge found that the leaders' free-speech rights were violated in 2012 when campus administrators withdrew approval of a T-shirt that included the ISU mascot. Approval for payment of attorney fees will be sought when the district court has determined the amount.

The costs approved by the State Appeal Board do not include the State's expenses for providing legal representation for the campus administrators.

Fiscal Impact

[Senate File 2344](#) may have a fiscal impact related to increased future exposure to litigation for the community colleges and State universities; however, the number of future complaints related to campus free speech provisions required in the Bill is unknown. In addition, the legal and settlement costs incurred by the State or by the institutions as a result of future litigation cannot be estimated.

Sources

Board of Regents
Iowa Association of Community College Trustees

/s/ Holly M. Lyons

February 23, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
