

MAR 9 1995

EDUCATION

HOUSE FILE 316
BY COON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to freedom of speech of students at postsecondary
2 institutions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 316

1 Section 1. NEW SECTION. 659A.1 FREEDOM OF SPEECH.

2 It is an unfair and discriminatory practice for a public or
3 private postsecondary college, university, community college,
4 or trade school to make or enforce a rule subjecting students
5 to disciplinary sanctions solely on the basis of conduct that
6 is speech or other communication that, when engaged in outside
7 the campus of a public or private postsecondary institution,
8 is protected from government intrusion by the first amendment
9 of the Constitution of the United States or by Article I,
10 section 7, of the Constitution of the State of Iowa.

11 Sec. 2. NEW SECTION. 659A.2 STUDENT REMEDIES.

12 A student enrolled at a postsecondary educational
13 institution covered in this section that has made or enforced
14 any rule in violation of this section may bring a civil action
15 to obtain injunctive or declaratory relief. Venue for this
16 action shall be with the district court in the county in which
17 the postsecondary institution is located. In the event the
18 postsecondary institution has branches, venue shall be in the
19 county in which the student attends the postsecondary
20 educational institution.

21 A civil action brought pursuant to this section must be
22 filed with the district court within one hundred eighty days
23 after the alleged discriminatory or unfair practice occurred.
24 If requested in the petition for relief, a court hearing the
25 petition shall award attorney's fees to a plaintiff prevailing
26 in a civil action brought pursuant to this section. Upon
27 motion of the plaintiff, the district court shall order the
28 temporary restraint or injunction of any disciplinary sanction
29 imposed or contemplated by the postsecondary educational
30 institution which is based on an unfair or discriminatory
31 practice under this section during the pendency of an action
32 brought under this section. This temporary injunction shall
33 issue without bond or surety upon the request of the
34 plaintiff, any other provision of the Code or the rules of
35 civil procedure notwithstanding.

