

SENATE BILL NO. 1800

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

7465S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to expressive activity at postsecondary educational institutions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 173, RSMo, is amended by adding thereto one new section, to be known as section 173.1558, to read as follows:

173.1558. 1. As used in this section, the following terms mean:

(1) "Campus", the physical facilities and grounds of a postsecondary educational institution;

(2) "Materially and substantially disruptive conduct", behavior that occurs when a person intentionally engages in conduct which such person knows or reasonably should know would significantly hinder another person's or group's expressive activity, prevent the communication of the person's or group's message, or prevent the transaction of the business of a lawful meeting, gathering, or procession, including by:

(a) Engaging in fighting, violent, or other unlawful behavior;

(b) Damaging or defacing institutional, public, or private property;

17 (c) Physically blocking, using threats of violence, or
18 creating loud or sustained noise or vocalization intended to
19 prevent any person from attending, listening to, viewing, or
20 otherwise participating in a meeting, class, or other
21 activity;

22 (d) Occupying without institutional consent or
23 otherwise materially disrupting the ingress, egress, and use
24 of institutional facilities;

25 (e) Materially violating reasonable time, place, and
26 manner restrictions of the institution regarding expressive
27 activity; or

28 (f) Engaging in significant and prolonged harassment
29 of students, faculty, or visitors;

30 (3) "Postsecondary educational institution", any
31 approved Missouri public institution of postsecondary
32 education, as defined in subdivision (3) of subsection 1 of
33 section 173.1102;

34 (4) "State student financial aid", state funds for any
35 grants or scholarships administered under the authority of
36 the coordinating board for higher education;

37 (5) "Student", any person who is enrolled as a student
38 in courses for academic credit on a full-time, part-time,
39 temporary, or intermittent basis in a postsecondary
40 educational institution.

41 2. (1) Every student of a postsecondary educational
42 institution who receives state student financial aid shall
43 be deemed by such receipt to have agreed to observe the
44 rules and regulations promulgated by the governing authority
45 of the postsecondary educational institution.

46 (2) Subject to administrative review and hearing
47 procedures pursuant to subsection 3 of this section, any
48 student who receives state student financial aid in

49 connection with his or her matriculation at a postsecondary
50 educational institution and who, while on the campus of the
51 postsecondary educational institution, engages in materially
52 and substantially disruptive conduct and is convicted of a
53 criminal offense or found by the institution to have
54 violated any code of conduct as a result of such disruptive
55 behavior shall be ineligible for state student financial aid
56 for a period not to exceed the ensuing two academic years.

57 3. (1) Each postsecondary educational institution
58 shall refer to the coordinating board for higher education
59 for final administrative determination in the case of any
60 student found to have violated the provisions of subsection
61 2 of this section.

62 (2) Administrative review and hearing procedures for
63 the implementation of this section shall be promulgated by
64 the coordinating board for higher education.

65 (3) Such procedures shall include those elements of
66 due process of law required by the Constitution of Missouri
67 and the United States Constitution.

68 (4) Nothing in this section shall prevent the
69 immediate suspension from campus of any student whose
70 activities materially disrupt the educational and
71 administrative operations of the institution.

72 4. Nothing in this section shall be construed to
73 prohibit any postsecondary educational institution from
74 taking disciplinary or other action against a student or
75 group of students, or from suspending or refusing to grant
76 scholarships, loans, fellowships, grants-in-aid, or any
77 other financial aid given or guaranteed by the state for
78 academic assistance to any individual, because of any other
79 misconduct.

80 5. (1) Each postsecondary educational institution
81 shall adopt a policy detailing students' rights and
82 responsibilities regarding expressive activities at the
83 institution.

84 (2) The policy shall:

85 (a) Allow:

86 a. Students enrolled at and employees of the
87 institution to, subject to reasonable restrictions, engage
88 in expressive activities on campus, including by responding
89 to the expressive activities of others; and

90 b. Student organizations and faculty to invite
91 speakers to speak on campus;

92 (b) Prohibit:

93 a. Using a device to amplify sound while engaging in
94 expressive activities on campus during class hours;

95 b. During the last two weeks of a semester or term,
96 engaging in expressive activities:

97 (i) In the common outdoor areas of the institution's
98 campus in a manner that materially and substantially
99 disrupts the functioning of the institution;

100 (ii) By inviting speakers to speak on campus;

101 (iii) By using a device to amplify sound; or

102 (iv) By using drums or other percussive instruments;

103 c. Camping or erecting tents or other living
104 accommodations on campus;

105 d. Wearing a mask, facial covering, disguise, or other
106 means of concealing a person's identity while engaging in
107 expressive activities on campus with the intent to:

108 (i) Obstruct the enforcement of the institution's
109 rules or the law by avoiding identification;

110 (ii) Intimidate others; or

111 (iii) Interfere with an institution employee's or a
112 peace officer's lawful performance of a duty;

113 e. Lowering the institution's flag of the United
114 States or of this state with the intent to raise the flag of
115 another nation or a flag representing an organization or
116 group of people; and

117 f. Engaging in expressive activities on campus between
118 the hours of 10 p.m. and 8 a.m.;

119 (c) Establish disciplinary sanctions for students,
120 student organizations, or employees who unduly interfere
121 with the expressive activities of others on campus or
122 violate an institution policy or state law;

123 (d) Include a grievance procedure for addressing
124 complaints of a violation of this section;

125 (e) Require students enrolled at or employees of the
126 institution to present proof of identity and status at the
127 institution on request by a peace officer on the
128 institution's campus engaging in an official duty;

129 (f) Be approved by a majority vote of the
130 institution's governing board before final adoption; and

131 (g) Be posted on the institution's internet website.

132 6. Nothing in this section limits the authority of a
133 postsecondary educational institution to adopt rules
134 differentiating between the rights of students and employees
135 to engage in expressive activities on campus and those of
136 persons not affiliated with the institution.

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