

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

United States Code Annotated
Title 20. Education
Chapter 28. Higher Education Resources and Student Assistance (Refs & Annos)
Subchapter I. General Provisions (Refs & Annos)
Part B. Additional General Provisions (Refs & Annos)

20 U.S.C.A. § 1011a

§ 1011a. Protection of student speech and association rights

Effective: August 14, 2008

[Currentness](#)

(a) Protection of rights

(1) It is the sense of Congress that no student attending an institution of higher education on a full- or part-time basis should, on the basis of participation in protected speech or protected association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division of the institution directly or indirectly receiving financial assistance under this chapter, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

(2) It is the sense of Congress that--

(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

(B) individual institutions of higher education have different missions and each institution should design its academic program in accordance with its educational goals;

(C) an institution of higher education should facilitate the free and open exchange of ideas;

(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

(E) students should be treated equally and fairly; and

(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.

(b) Construction

Nothing in this section shall be construed--

(1) to discourage the imposition of an official sanction on a student that has willfully participated in the disruption or attempted disruption of a lecture, class, speech, presentation, or performance made or scheduled to be made under the auspices of the institution of higher education, provided that the imposition of such sanction is done objectively and fairly; or

(2) to prevent an institution of higher education from taking appropriate and effective action to prevent violations of State liquor laws, to discourage binge drinking and other alcohol abuse, to protect students from sexual harassment including assault and date rape, to prevent hazing, or to regulate unsanitary or unsafe conditions in any student residence.

(c) Definitions

For the purposes of this section:

(1) Official sanction

The term “official sanction”--

(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official.

(2) Protected association

The term “protected association” means the joining, assembling, and residing with others that is protected under the first and 14th amendments to the Constitution, or would be protected if the institution of higher education involved were subject to those amendments.

(3) Protected speech

The term “protected speech” means speech that is protected under the first and 14th amendments to the Constitution, or would be protected if the institution of higher education involved were subject to those amendments.

CREDIT(S)

(Pub.L. 89-329, Title I, § 112, as added Pub.L. 105-244, Title I, § 101(a), Oct. 7, 1998, 112 Stat. 1591; amended Pub.L. 110-315, Title I, § 104, Aug. 14, 2008, 122 Stat. 3090.)

[Notes of Decisions \(1\)](#)

20 U.S.C.A. § 1011a, 20 USCA § 1011a

Current through P.L. 115-281. Also includes P.L. 115-283 to 115-333, 115-335 to 115-384, 115-386, and 115-391 to 115-396. Title 26 current through P.L. 115-442.

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