

HOUSE BILL No. 5350

November 5, 1997, Introduced by Reps. Kaza, Raczkowski, Scranton, Mans, Gustafson and Richner and referred to the Committee on Colleges and Universities.

A bill to protect the free speech rights of college students; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 Michigan collegiate speech protection act".

3 Sec. 2. As used in this act, "state-supported postsecondary
4 educational institution" means a postsecondary educational insti-
5 tution that receives money directly from a state appropriation or
6 that enrolls students who receive financial aid from a
7 state-funded student financial aid program.

8 Sec. 3. (1) Subject to subsection (2), a state-supported
9 postsecondary educational institution shall not establish or
10 enforce a rule or policy that subjects a student to disciplinary
11 action solely on the basis of conduct that is speech or other

1 communication protected from government restriction under the
2 first amendment to the constitution of the United States.

3 (2) This section does not apply to a state-supported post-
4 secondary educational institution that is controlled by a reli-
5 gious organization to the extent that the application of this
6 section would not be consistent with the organization's religious
7 tenets.

8 Sec. 4. A student at a state-supported postsecondary educa-
9 tional institution may bring a civil action in the circuit court
10 for violation of this section. If the court finds a violation of
11 this section, the court shall order appropriate injunctive or
12 declaratory relief, or both, and shall award costs and reasonable
13 attorney fees to a prevailing plaintiff.