

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2320**

Introduced by

Senators Holmberg, Davison

Representatives Becker, K. Koppelman, Mock, Schreiber-Beck

1 A BILL for an Act to create and enact chapter 15-10.4 of the North Dakota Century Code,
2 relating to free speech at institutions under the control of the state board of higher education.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 15-10.4 of the North Dakota Century Code is created and enacted as
5 follows:

6 **15-10.4-01. Definitions.**

7 As used in this chapter:

- 8 1. "Constitutional time, place, and manner restrictions" means restrictions on the time,
9 place, and manner of free speech which do not violate the First Amendment to the
10 United States Constitution or section 4 of article I of the Constitution of North Dakota
11 and which are reasonable, content- and viewpoint-neutral, and narrowly tailored to
12 satisfy a significant institutional interest, and leave open alternative channels for the
13 communication of the information or message.
- 14 2. "Faculty" means an individual, regardless of whether the individual is compensated by
15 an institution, and regardless of political affiliation, who is tasked with providing
16 scholarship, academic research, or teaching, including tenured and nontenured
17 professors, adjunct professors, visiting professors, lecturers, graduate student
18 instructors, and those in comparable positions. "Faculty" does not mean an individual
19 whose primary responsibilities are administrative or managerial, unless the individual
20 also teaches at least one credit-hour.
- 21 3. "Free speech" means speech, expression, and assemblies protected by the First
22 Amendment to the United States Constitution or section 4 of article I of the
23 Constitution of North Dakota, including all forms of peaceful assembly, protests,
24 demonstrations, rallies, vigils, marches, public speaking, distribution of printed

1 materials, carrying signs, displays, or circulating petitions. "Free speech" does not
2 include the promotion, sale, or distribution of a product or service, unless the
3 promotion, sale, or distribution of the product or service is incidental to the exercise of
4 free speech.

5 4. "Institution" means an institution under the control of the state board of higher
6 education.

7 5. "Student" means an individual enrolled in at least one course offered by an institution.

8 6. "Student organization" means an officially recognized organization at an institution, or
9 an organization seeking official recognition, comprised of admitted students receiving
10 or are seeking to receive benefits through the institution.

11 **15-10.4-02. Adoption of campus free speech policy.**

12 By August 27, 2019, the state board of higher education and each institution shall adopt a
13 policy that:

14 1. Protects students' rights to free speech, assembly, and expression;

15 2. Permits institutions to establish and enforce reasonable and constitutional time, place,
16 and manner restrictions on free speech, assembly, and expression;

17 3. Permits students, faculty, or student organizations to invite guest speakers or groups
18 to present regardless of the viewpoint or content of the anticipated speech of the guest
19 speaker or group; and

20 4. Protects the academic freedom and free speech rights of faculty while adhering to
21 guidelines established by the American association of university professors.

22 Upon adoption of the policies under this section, the state board of higher education shall
23 provide a copy of the policies to the legislative management.