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## A BILL FOR AN ACT

RELATING TO FREE SPEECH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the protection of  
2 the right to free speech, which is guaranteed by the First  
3 Amendment to the United States Constitution, within the  
4 university of Hawaii system is a matter of statewide concern.

5           Accordingly, the purpose of this Act is to require:

- 6           (1) The university of Hawaii to establish a free speech  
7 policy for implementation on each campus throughout  
8 the university of Hawaii system;
- 9           (2) The policies to include a process for students to  
10 report alleged violations of free speech rights;
- 11           (3) The policies to be disseminated to any person who is  
12 responsible for the discipline or education of  
13 enrolled students, and be included in each campus's  
14 student handbook, student orientation program, and  
15 website; and
- 16           (4) The university of Hawaii to submit a report to the  
17 legislature summarizing the complaints, if any, filed



1           against each campus alleging violation of First  
2           Amendment rights.

3           SECTION 2. Chapter 304A, Hawaii Revised Statutes, is  
4 amended by adding a new section to part I to be appropriately  
5 designated and to read as follows:

6           "§304A-       Campus free speech; policies; reports. (a)

7 Each campus of the University of Hawaii shall:

8           (1) Establish a policy regarding free speech that is  
9           protected by the First Amendment to the United States  
10           Constitution; provided that the policy shall include a  
11           process for a student to report alleged violations of  
12           this right;

13           (2) Develop materials on the policies and ensure that the  
14           materials are distributed to any person who is  
15           responsible for the discipline or education of  
16           enrolled students;

17           (3) Include the policies and materials in the campus's  
18           student handbook and student orientation program; and

19           (4) Publish on its website the policies and materials  
20           required by this subsection in a searchable, publicly  
21           accessible, and conspicuous manner.



1        (b) No later than twenty days prior to the convening of  
2 each regular session, the University of Hawaii shall submit a  
3 report to the legislature and the governor that includes:

4        (1) A summary by campus of all complaints alleging a  
5 violation of a person's right to free speech under the  
6 First Amendment of the United States Constitution that  
7 were filed against the university or an employee of  
8 the university acting in the employee's official  
9 capacity; and

10       (2) A summary by campus of all lawsuits initiated against  
11 the university, or an employee of the university  
12 acting in the employee's official capacity, alleging a  
13 violation of a person's right to free speech under the  
14 First Amendment of the United States Constitution."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

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# H.B. NO. 1227

**Report Title:**

UH; First Amendment; Free Speech; Policies; Complaints; Reports

**Description:**

Requires each campus of the University of Hawaii to establish a free speech policy that includes a process for students to report alleged violations of free speech rights. Requires the policy to be disseminated to certain employees and be included in the campus's student handbook, student orientation program, and website. Requires annual report summarizing any complaints alleging violation of free speech rights.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

