AMENDMENT TO H.R. 4137, AS REPORTED

OFFERED BY MR. SOUDER OF INDIANA

Page 28, after line 16, insert the following new section and (redesignate succeeding sections accordingly):

1 **SEC. 103. STUDENT SPEECH AND ASSOCIATION RIGHTS.**

2 Section 112 (20 U.S.C. 1011a) is amended—

3 (1) by amending subsection (a) to read as fol-
4 lows:

5 "(a) PROTECTION OF RIGHTS.—

6 "(1) It is the sense of Congress that no student
7 attending an institution of higher education on a
8 full- or part-time basis should, on the basis of par-
9 ticipation in protected speech or protected associa-
10 tion, be excluded from participation in, be denied the
11 benefits of, or be subjected to discrimination or offi-
12 cial sanction under any education program, activity,
13 or division of the institution directly or indirectly re-
14 ceiving financial assistance under this Act, whether
15 or not such program, activity, or division is spon-
16 sored or officially sanctioned by the institution; and

17 "(2) It is the sense of Congress that—

1 "(A) the diversity of institutions and edu-
2 cational missions is one of the key strengths of
3 American higher education;
4 "(B) individual colleges and universities
5 have different missions and each institution
6 should design its academic program in accord-
7 ance with its educational goals;
8 "(C) within the context of its institutional
9 mission, a college should promote intellectual
10 pluralism and facilitate the free and open ex-
11 change of ideas;
12 "(D) students should not be intimidated,
13 harassed, discouraged from speaking out, dis-
14 criminated against, or subject to official sanc-
15 tion because of their personal political, ideolog-
16 ical, or religious beliefs; and
17 "(E) students should be treated equally
18 and fairly, including evaluation and grading,
19 without regard to or consideration of their per-
20 sonal political views or ideological beliefs.
21 "(3) Nothing in paragraph (2) shall be con-
22 strued to modify, change, or infringe upon any con-
23 stitutionally protected religious liberty, freedom, ex-
24 pression, or association."; and

1 (2) in subsection (b)(1), by inserting after
2 "higher education" the following: ", if the imposition
3 of such sanction is done objectively, fairly, and with-
4 out regard to the student's personal political, ideo-
5 logical, or religious beliefs".