

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1503

Page 1, line 17, overstrike "while adhering to"

Page 1, overstrike line 18

Page 1, line 20, after the overstruck period insert "by guaranteeing, at a minimum, no faculty member will face adverse employment action for classroom speech, unless the speech is not reasonably germane to the subject matter of the class as broadly construed and comprises a substantial portion of classroom instruction"

Page 1, line 21, after "4." insert "Prohibits student-on-student discriminatory harassment consistent with the following requirements:

- a. An institution may not enforce the student-on-student discriminatory harassment policy by disciplining or otherwise imposing any sanction on a student for a violation of the policy stemming from expression unless:
  - (1) The speech or expression is unwelcome, targets the victim on a basis protected under federal, state, or local law, and is so severe, pervasive, and objectively offensive that a student effectively is denied equal access to educational opportunities or benefits provided by the institution; or
  - (2) The speech or expression explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances or requests for sexual favors.
- b. An institution may sanction or discipline student-on-student speech or expression that does not meet the definition of student-on-student harassment only when the speech or expression is not protected under the first amendment to the United States Constitution or section 4 of article I of the Constitution of North Dakota.
- c. An institution may respond to student-on-student speech that is not discriminatory harassment by taking nonpunitive actions designed to promote a welcoming, inclusive environment.

5."

Page 2, line 2, after "restrictions" insert "on free speech, assembly, and expression which are applicable to the publicly accessible outdoor areas of campus, do not violate the first amendment to the United States Constitution or section 4 of article I of the Constitution of North Dakota, and are clear, published, reasonable, content-neutral, viewpoint-neutral, and narrowly tailored to satisfy a significant institutional interest, and leave open alternative channels for the communication of information or a message"

Page 3, line 5, after "action" insert "against an institution of higher education and the institution's agents acting in their official capacities"

Page 3, line 9, replace "twenty-five" with "fifty"

Renumber accordingly