

# Higher Education and Employment Advancement Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-5108

AN ACT REQUIRING PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO ESTABLISH A POLICY REGARDING FREEDOM OF EXPRESSION ON

**Title:** CAMPUS.

**Vote Date:** 3/22/2021

**Vote Action:** Joint Favorable

**PH Date:** 2/18/2021

**File No.:** 329

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### **SPONSORS OF BILL:**

REP. CHEESEMAN, 37th Dist.

### **REASONS FOR BILL:**

During an event at a local university an audience member stood up and took papers off the podium from the speaker and an altercation ensued. The speaker was arrested.

This bill requires each higher education institution's governing board to establish their own policy on freedom of expression for any campus of each institution

It requires the policy to include, among other things, (1) the role of the institution in protecting freedom of expression on campus, including when ideas or opinions expressed are disagreeable and offensive, (2) allowance for protest or demonstration by any person lawfully present on campus, and (3) the availability of resources for protecting the safety and freedom of expression of any speaker invited on campus.

The bill also requires Board of Regents and Board of Trustees to submit their policies to the Higher Education and Employment Advancement Committee.

### **RESPONSE FROM ADMINISTRATION/AGENCY:**

[Carl Lejuez Provost and Executive Vice President for Academic Affairs and Eleanor Daugherty Associate Vice President for Student Affairs and Dean of Students, University of Connecticut](#) submitted testimony stating "Given the University by-laws and the Event Review Procedures that are strictly enforced, we believe HB 5108 is not necessary. However, if in the event the bill were to move forward, we would request that this legislation is not intended to provide rights or restrictions beyond those already afforded by the First Amendment to the U.S. Constitution."

## **NATURE AND SOURCES OF SUPPORT:**

[State Representative Holly Cheeseman, 37<sup>th</sup> Assembly District](#) testified and submitted written testimony in support. Representative Cheeseman quoted Frederick Douglas: "Liberty is meaningless where the right to utter one's thoughts and opinions has ceased to exist. That, of all rights, is the dread of tyrants. It is the right which they first of all strike down. They know its power. Equally clear is the right to hear, to suppress free speech is a double wrong. It violates the rights of the hearer, and as well as those of the speaker."

In her written testimony Representative Cheeseman stated "I wholeheartedly support the effort to ensure that the First Amendment freedoms of all on college campuses are not abridged. Freedom of speech is a fundamental American freedom, a human right, and a core value of our society. Universities should foster robust and vigorous debate and the free exchange of differing views on all topics and should not punish those who exercise their first amendment rights."

[UConn College Republicans](#) submitted written testimony in support of this bill. They believe that "The ability to engage in discussion and challenge one's beliefs enhances the learning process that students have taken part in." They shared that they "support of this bill to ensure that every student, faculty member, and organization is able to express themselves without the fear of administrative pushback."

## **NATURE AND SOURCES OF OPPOSITION:**

[Jennifer Widness, President Connecticut Conference of Independent Colleges](#) submitted written testimony in opposition to this bill. Ms. Widness urged the Committee to not move forward with this bill because:

"First, the legislation is unnecessary because CCIC member campuses have policies in place to protect free speech.

Second, campus policies on freedom of expression are largely about de-regulating speech to ensure all perspectives are heard. A bill that seeks to regulate the de-regulation of speech may unintentionally have a chilling effect as institutions would naturally be concerned about government intervention/monitoring. Any legislation dictating a campus policy on freedom of expression is implicitly a step in regulating how schools protect freedom of speech on campus.

Third, the legislation requires that institutions of higher education create policies but given that this is a proposed bill, it is unclear what institutions are to do with such policies once created. Previous versions of this bill required institutions to submit their policies to the Higher Education and Employment Advancement Committee. It is disconcerting to think that the legislature may be empowered by this legislation to assess whether campus policies meet the statutory criteria, especially in a contentious area of constitutional law and in a context – private colleges and universities – that the First Amendment was not intended to address."

**Reported by: Jeanie Phillips, Clerk**

**Date: April 8, 2021**