

**ASSEMBLY BILL**

**No. 1212**

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**Introduced by Assembly Member Grove**

February 27, 2015

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An act to add Chapter 5.3 (commencing with Section 66330) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1212, as introduced, Grove. Postsecondary education: Student Freedom of Association Act.

Under existing law, the segments of postsecondary education in this state include the University of California, the California State University, the California Community Colleges, private postsecondary educational institutions, and independent institutions of higher education. Existing law prohibits the Regents of the University of California, the Trustees of the California State University, and the governing board of a community college district from making or enforcing a rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that is protected by specified provisions of the United States Constitution and the California Constitution.

This bill would require, as a condition of receiving state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, and the Board of Regents of the University of California to adopt a policy prohibiting their respective campuses from discriminating against a student organization, as specified, for imposing certain requirements on its leaders or voting members. The bill would authorize a student or a student organization aggrieved by a violation of these provisions to

commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court. The bill would also authorize a court to award attorney’s fees to a prevailing plaintiff in a civil action pursuant to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 5.3 (commencing with Section 66330)  
2 is added to Part 40 of Division 5 of Title 3 of the Education Code,  
3 to read:

4  
5 CHAPTER 5.3. STUDENT FREEDOM OF ASSOCIATION ACT  
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7 66330. This chapter shall be known, and may be cited, as the  
8 Student Freedom of Association Act.

9 66331. (a) Notwithstanding Section 67400, in order to receive  
10 state funds for student financial assistance, the governing board  
11 of each community college district, the Trustees of the California  
12 State University, and the Board of Regents of the University of  
13 California shall adopt a policy prohibiting their respective  
14 campuses from discriminating against a student organization with  
15 respect to a benefit available to any other student organization,  
16 based on that organization’s requirement that its leaders or voting  
17 members satisfy either of following:

18 (1) Adhere to the organization’s viewpoints or sincerely held  
19 beliefs.

20 (2) Be committed to furthering the organization’s beliefs,  
21 mission, or standards of conduct.

22 (b) A student or a student organization aggrieved by a violation  
23 of subdivision (a) may commence a civil action to obtain  
24 appropriate injunctive and declaratory relief as determined by the  
25 court. Upon motion, a court may award attorney’s fees to a  
26 prevailing plaintiff in a civil action pursuant to this section.

27 (c) For purposes of this chapter:

28 (1) “Benefit” includes, but is not limited to, all of the following:

29 (A) Recognition.

30 (B) Registration.

1 (C) The use of campus facilities for meetings or speaking  
2 purposes that are otherwise available to other campus student  
3 organizations.

4 (D) The use of channels of communication of the campus that  
5 are otherwise available to other campus student organizations.

6 (E) Funding sources that are otherwise available to other campus  
7 student organizations.

8 (2) “Public institution of higher learning” includes any state  
9 postsecondary educational institution governed or supervised by  
10 any of the following:

11 (A) The Board of Regents of the University of California.

12 (B) The Trustees of the California State University.

13 (C) The governing board of a community college district.

14 (3) “Student” means a person who is enrolled full-time or  
15 part-time in a public institution of higher learning.

16 (4) “Student organization” means an association of students  
17 organized around shared missions, interests, beliefs, or education  
18 goals.

19 (d) This section shall not apply to any private institution of  
20 higher learning.

21 SEC. 2. The provisions of this chapter are severable. If any  
22 provision of this chapter or its application is held invalid, that  
23 invalidity shall not affect other provisions or applications that can  
24 be given effect without the invalid provision or application.