

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 160
AN ACT

To amend chapter 173, RSMo, by adding thereto two new sections relating to student associations at public institutions of higher learning.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 173, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 173.1555 and 173.1556,
3 to read as follows:

173.1555. As used in this section and section
2 173.1556, the following terms mean:

3 (1) "Adverse action", any action or policy that denies
4 a belief-based student association any benefit available to
5 other student associations or organizations or that
6 otherwise discriminates with respect to any such benefit;

7 (2) "Belief-based student association" includes, but
8 is not limited to, any political or ideological student
9 association or any religious student association;

10 (3) "Benefit", recognition, registration, the use of
11 facilities of a public institution of higher learning for
12 meetings or speaking purposes, the use of channels of
13 communication of a public institution of higher learning, or
14 such other assistance, aid, or advantage as is made
15 available to student associations by a public institution of
16 higher learning;

17 (4) "Public institution of higher learning", any state
18 postsecondary educational institution governed or supervised
19 by a board erected under chapter 172, 174, 175, or 178; a
20 board of trustees of a community college; or any state board
21 for any other technical school.

173.1556. 1. (1) No public institution of higher learning shall take any adverse action against a belief-based student association or an applicant to be recognized as such:

(a) Because such association is political, ideological, or religious;

(b) On the basis of such association's viewpoint or expression of the viewpoint by the association or the association's members; or

(c) Based on such association's requirement that the association's leaders be committed to furthering the association's mission or that the association's leaders adhere to the association's sincerely held beliefs, sincere practice requirements, or sincere standards of conduct.

(2) Leaders referred to in paragraph (c) of subdivision (1) of this subsection shall include, but not be limited to, any person who holds a position within the association that authorizes such person to participate in the leadership or governance of the association or in establishing criteria for the association's leadership or governance.

(3) The mission, beliefs, practice requirements, and standards of conduct referred to in paragraph (c) of subdivision (1) of this subsection shall be interpreted as defined by the association.

2. Any belief-based student association or applicant to be recognized as such that has been aggrieved as a result of a violation or threatened violation of subsection 1 of this section may assert that violation or threatened violation as a claim or defense in a judicial proceeding or in an administrative proceeding involving the public institution of higher learning and obtain appropriate relief.

33 3. The provisions of this section shall not apply to a
34 belief-based student association if there is substantial
35 evidence that such association's viewpoint or expression of
36 the viewpoint by the association or the association's
37 members would cause a material and substantial disruption to
38 the educational environment or interfere with the rights of
39 others on campus, in accordance with the United States
40 Supreme Court's decision in *Healy v. James*, 408 U.S. 169
41 (1972).