

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3490

By Delegate Kimble

[Introduced March 18, 2025; referred to the
Committee on Education then the Judiciary]

1 A BILL to amend and reenact §18B-20-4 and §18B-20-7 of the Code of West Virginia, 1931, as
2 amended, all relating to establishing "Forming Open and Robust University Minds"
3 (FORUM) on university campuses, prohibiting content-based security fees, and requiring
4 development and distribution of information concerning university policies surrounding free
5 expression.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 20. ~~FREE EXPRESSION ON CAMPUS~~ FORMING OPEN AND ROBUST
UNIVERSITY MINDS (FORUM).**

§18B-20-4. Time, place, and manner restrictions.

1 (a) Any person who wishes to engage in protected and lawful expressive activity on
2 campus shall be permitted to do so freely, as long as the person's conduct is not unlawful, and
3 does not materially and substantially disrupt the functioning of the state institution of higher
4 education.

5 (b) No state institution of higher education shall charge security fees to a student or a
6 student group based on the content of their expression, the content of the expression of their
7 invited guest, or anticipated reaction to their invited guest's expression.

8 ~~(b)~~(c) To enable the state institutions of higher education to function in a safe and secure
9 manner and to advance their missions and objectives, the state institutions of higher education
10 may enact reasonable time, place, and manner restrictions which are content neutral and narrowly
11 tailored to serve a significant state institution of higher education or other governmental interest.
12 A state institution of higher education may deny, cancel, or postpone a reservation, or immediately
13 terminate any ongoing activity that represents a violation of its time, place, and manner
14 restrictions. A state institution of higher education shall endeavor to allow members of the campus
15 community to spontaneously and contemporaneously engage in protected expressive activities.

16 ~~(c)~~(d) Nothing in this article shall be interpreted as preventing state institutions of higher

education from prohibiting, limiting, or restricting expression not protected by the First Amendment to the Constitution of the United States such as true threats, expression designed to provoke imminent lawless actions and likely to produce it or prohibiting harassment as defined in §18B-20-2 of this code, or sexual harassment as prohibited by federal law and defined by federal regulations applicable to state institutions of higher education.

~~(d)~~(e) Nothing in this article shall be construed to authorize a person or group to intentionally, materially, and substantially disrupt another person or group's expressive activity if that activity is occurring in a campus space reserved for that activity under the exclusive use or control of a particular group.

§18B-20-7. Accountability to the public.

(a) Each state institution of higher education shall publicly post on its website, and in its orientation program and materials for students, any policies it has enacted regarding protected expressive activity under the First Amendment to the United States Constitution.

(b) Develop and distribute materials, programs, and procedures to individuals responsible for the education and discipline of students, including, but not limited to, administrators, campus police officers, residence life officials, professors, and teaching faculty, to inform them of the policies, regulations, and duties of the institution regarding free expression on campus.

~~(b)~~(c) Each campus shall report to the Higher Education Policy Commission or the Council for Community and Technical College Education, as applicable, a description of any barriers to, or incidents of disruption of, free expression occurring on campus, including, but not limited to, attempts to block or prohibit speakers and investigations into students or student organizations for their speech. The description shall include the nature of each barrier or incident, as well as what disciplinary action, if any, was taken against members of the campus community determined to be responsible for those specific barriers or incidents involving students and shall be reported without revealing those students' personally identifiable information. Annually, by August 1, the

- 17 commission and council shall report to the Legislative Oversight Commission on Education
- 18 Accountability any barriers or incidents reported to them pursuant to this subsection.

NOTE: The purpose of this bill is to establish "Forming Open and Robust University Minds" (FORUM) on university campuses, prohibit content-based security fees, and require development and distribution of information concerning university policies surrounding free expression.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.