

116TH CONGRESS
2D SESSION

H. R. 6236

To amend the Higher Education Act of 1965 to provide for certain freedom of association protections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2020

Mr. GALLEG0 (for himself, Ms. STEFANIK, Mrs. MURPHY of Florida, Mr. STIVERS, Mr. GOTTHEIMER, Mr. HUDSON, Mrs. KIRKPATRICK, Mr. FLORES, Ms. KENDRA S. HORN of Oklahoma, Mr. WOMACK, Ms. SEWELL of Alabama, Mr. RODNEY DAVIS of Illinois, Mrs. BEATTY, Mr. BOST, Mr. HILL of Arkansas, Mr. STEUBE, Mr. HIMES, Mr. BYRNE, and Mrs. BROOKS of Indiana) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Higher Education Act of 1965 to provide for certain freedom of association protections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Collegiate Freedom
5 of Association Act 2.0”.

1 **SEC. 2. FREEDOM OF ASSOCIATION PROTECTIONS.**

2 Part B of title I of the Higher Education Act of 1965
3 (20 U.S.C. 1011 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 124. FREEDOM OF ASSOCIATION PROTECTIONS.**

6 “(a) **NON-RETALIATION AGAINST STUDENTS OF SIN-**
7 **GLE-SEX SOCIAL ORGANIZATIONS.**—An institution of
8 higher education that receives funds under this Act shall
9 not—

10 “(1) take any action to require or coerce a stu-
11 dent or prospective student who is a member or pro-
12 spective member of a single-sex social organization
13 to waive the requirements of paragraph (2), includ-
14 ing as a condition of enrolling in the institution; or

15 “(2) take any adverse action against a student
16 who is a member or a prospective member of a sin-
17 gle-sex social organization based solely on the mem-
18 bership practice of such organization limiting mem-
19 bership to only individuals of one sex.

20 “(b) **RULES OF CONSTRUCTION.**—Nothing in this
21 section shall—

22 “(1) require an institution of higher education
23 to officially recognize a single-sex organization;

24 “(2) prohibit an institution of higher education
25 from taking an adverse action against a student who
26 joins a single-sex social organization for a reason in-

cluding academic misconduct or nonacademic misconduct, or because the organization’s purpose poses a clear harm to the students or employees, so long as that adverse action is not based solely on the membership practice of the organization of limiting membership to only individuals of one sex; or

“(3) inhibit the ability of the faculty of an institution of higher education to express an opinion (either individually or collectively) about membership in a single-sex social organization, or otherwise inhibit the academic freedom of such faculty to research, write, or publish material about membership in such an organization.

“(c) DEFINITIONS.—In this section:

“(1) ADVERSE ACTION.—The term ‘adverse action’ means any of the following actions taken by an institution of higher education with respect to a member or prospective member of a single-sex social organization:

“(A) Expulsion, suspension, probation, censure, condemnation, formal reprimand, or any other disciplinary action, coercive action, or sanction taken by an institution of higher education or administrative unit of such institution.

1 “(B) An oral or written warning with re-
2 spect to an action described in subparagraph
3 (A).

4 “(C) An action to deny participation in
5 any education program or activity.

6 “(D) An action to withhold, in whole or in
7 part, any financial assistance (including schol-
8 arships and on campus employment), or deny-
9 ing the opportunity to apply for financial assist-
10 ance, a scholarship, a graduate fellowship, or
11 on-campus employment.

12 “(E) An action to deny or restrict access
13 to on-campus housing.

14 “(F) An act to deny any certification, en-
15 dorsement, or letter of recommendation that
16 may be required by a student’s current or fu-
17 ture employer, a government agency, a licensing
18 board, an institution of higher education, a
19 scholarship program, or a graduate fellowship
20 to which the student seeks to apply.

21 “(G) An action to deny participation in
22 any sports team, club, or other student organi-
23 zation, including a denial of any leadership po-
24 sition in any sports team, club, or other student
25 organization.

1 “(H) An action to require any student to
2 certify that such student is not a member of a
3 single-sex social organization or to disclose the
4 student’s membership in a single-sex social or-
5 ganization.

6 “(2) SINGLE-SEX SOCIAL ORGANIZATION.—The
7 term ‘single-sex social organization’ means a social
8 fraternity or sorority described in section 501(c) of
9 the Internal Revenue Code of 1986 which is exempt
10 from taxation under section 501(a) of such Code, or
11 an organization that has been historically single-sex,
12 the active membership of which consists primarily of
13 students or alumni of an institution of higher edu-
14 cation.”.

○