

HOUSE BILL 2438

By Terry

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) A state institution of higher education shall act with regard to a student's expression of a political viewpoint, if any, on a permissible subject in the same manner as the institution acts with regard to a student's expression of a different or opposing political viewpoint on a permissible subject and shall not discriminate against the student based on the political viewpoint, if any, expressed by the student.

(b) A student may express the student's political viewpoint in coursework free from discrimination based on the political viewpoint of the student's submissions. A student's coursework must be evaluated and graded by ordinary, objective academic standards of substance and relevance and against other legitimate academic concerns identified by the institution. An institution shall not penalize or reward a student based on the political viewpoint expressed by the student in the student's coursework.

(c) If a state institution of higher education, acting through the institution's governing board, faculty, or staff, discriminates against a student based on the political viewpoint expressed by the student in the student's coursework, then the student has a cause of action against the institution for actual damages plus reasonable attorney's fees and court costs. A student is not required to exhaust any administrative remedies that may be available to the student before the student may pursue a cause of action under this section against an institution in a court of competent jurisdiction.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.