SEC. 1. SHORT TITLE

This act may be cited as the “Free Inquiry and Rights for Student Training (FIRST) Act”

SEC. 2. FINDINGS

(1) The Supreme Court of the United States has long emphasized and understood the importance of free and open expression on our nation’s public campuses, proclaiming in 1957’s *Sweezy v. New Hampshire* that the “essentiality of freedom in the community of American universities is almost self-evident.” Fifteen years later, in *Healy v. James*, the Court stated that “the precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’” And in 1995, in *Rosenberger v. Rector & Visitors of the University of Virginia*, the Court declared, “For the University, by regulation, to cast disapproval on particular viewpoints of its students risks the suppression of free speech and creative inquiry in one of the vital centers for the Nation’s intellectual life, its college and university campuses.” Accordingly, public institutions are fully obligated to respect and uphold their students’ First Amendment rights.

(2) Despite this clear legal background, public institutions of higher education often misapply their policies and practices regarding expressive activities. Additionally, many students do not fully understand their expressive rights, nor the constitutional boundary between protected expression and unlawful conduct.

(3) According to a 2026 survey of nearly 63,000 students conducted by the Foundation for Individual Rights and Expression, only 26% of students say their campus administration is very or extremely likely to defend a controversial campus speaker’s right to express their views, 69% of students say it is acceptable to shout down a speaker to prevent them from speaking on campus, and 30% of students say it is acceptable to use violence to stop a campus speech.

(4) When students understand their expressive rights and the constitutional boundary between protected expression and unlawful conduct, they are better prepared to participate in the marketplace of ideas on campus. They can express their views with greater confidence, knowing when their speech is protected and why, and they can make more informed decisions about how to respond to new or difficult ideas. Incorporating free speech training into orientation programming will help ensure that new students are so prepared.

SEC. 3. FREE SPEECH TRAINING

(1) Each public institution of higher education shall develop a free speech training in consultation with the general counsel's office that includes, at a minimum, all of the content required by subsection (2). An institution may contract with an outside organization to develop this training. Each new student must attend the training as part of in-person orientation programming.

(2) Each institution's training shall, at a minimum:

(a) Explain each of the following concepts as defined in law or by the United States Supreme Court, as applicable:
(i) Speech, including speech that some find offensive or hateful, is presumed protected by the First Amendment unless the government proves it falls within an exception as defined by the Supreme Court of the United States, such as incitement to imminent lawless action, true threats, and defamation. The training should identify and define each category of unprotected speech;
(ii) State actors may subject protected speech to reasonable time, place, and manner regulations that are content- and viewpoint-neutral, to further a significant governmental interest, so long as the regulations provide for ample alternative means of expression;
(iii) The First Amendment does not prevent public institutions of higher education from prohibiting unprotected conduct, including student-on-student harassment defined in *Davis v. Monroe County Board of Education* as behavior so severe, pervasive, and objectively offensive that it effectively denies its victims equal access to an institution's resources and opportunities.

(b) Explain that viewpoint discrimination by state actors, including public institutions of higher education, is strictly prohibited. As a result, the university may not deny students or student organizations any generally available benefit, including the right to reserve space for expressive activities like speaking events, on the basis of the viewpoint of a student, a student organization, or a student's or student organization's invited guest;

(c) Explain why hearing a wide variety of viewpoints, even those that some may find offensive or hateful, is a necessary part of the higher education experience. The campus experience should push students outside their comfort zones so that they can learn to develop their own ideas and fairly consider new ones. Even ideas that many consider abhorrent can be addressed only by people who know how to respond effectively. Shielding students from certain ideas only serves to produce adults with a diminished capacity to participate in a democratic and free society;

(d) Explain that the institution will not intervene to prevent or punish speech that is protected by law and complies with the institution's lawful time, place, and manner regulations and encourage members of the campus community to respond to speech or expressive activities they disagree with by making their own arguments in response, not by advocating for institutional censorship or engaging in disruptive activity;
(e) Explain that freedom of speech does not enable individuals to engage in conduct that intentionally, materially, and substantially disrupts another person's expressive activity in a space reserved for such activity, nor does it enable individuals to prevent any person from attending, listening to, viewing, or otherwise participating in the expressive activity. The institution will take steps to prevent such disruptions and may discipline students who violate institutional policies by participating in such disruptions;
(f) Explain the institution's content- and viewpoint-neutral time, place, and manner restrictions on expressive activities and any other policies that may burden expressive activities;
(g) Provide examples of protected expressive activities and unprotected expressive activities on campus to help trainees understand the concepts outlined by this subsection;
(h) Explain that academic freedom protects the right of any individual faculty member to teach, research, publish, and express views in their classroom instruction and scholarship, and to disseminate that scholarship and comment on matters within their field of expertise, without facing adverse action because of the viewpoint expressed; and
(i) Identify where members of the campus community can find more information about the institution's free speech policies and procedures and report violations of expressive rights.