



**Prepared Remarks**  
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Georgia House Higher Education Committee  
Coverdell Legislative Office Building, Room 606  
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Good Afternoon. My name is Nicole Robinson, and I am the Policy Analyst for the American Civil Liberties Union of Georgia. Thank you for the opportunity to speak with you today about HB 995.

The ACLU of Georgia OPPOSES HB 995.

This bill, as currently worded, would roll out a red carpet for student organizations at Georgia's PUBLIC colleges and universities to discriminate in their membership and leadership.

Specifically, I'm referring to section 20-1-33 (e), lines 131-138.

Currently, many of Georgia's public colleges and universities have policies that prevent student organizations from discriminating in their membership and/or leadership. These are also known as "all-comers" policies, and in other instances are known university-wide as "anti-discrimination policies." These policies are designed to protect the civil rights and civil liberties of students regardless of whether those students are a federally protected class.

Current policy allows the institution to withdraw official recognition of student organizations if they are found to discriminate on the basis of sex, religion, national origin, ethnicity, color, age, gender, gender identity or expression, marital status, citizenship, sexual orientation, or disability.

The oldest public university in America - The University of Georgia - prohibits discrimination on the basis of race, color, sex, sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status.

These types of policies promote equal protection under the law for all students at Georgia's public colleges and universities. AND these policies foster an open, safe, and invigorating environment in which students can learn and grow while attending the state's public colleges and universities, institutions that are among the best in the nation.

Students at our public universities maintain their right to freedom of expression and anti-discrimination policies do not violate the First Amendment. In 2010, the U.S. Supreme Court ruled in *Christian Legal Society v. Martinez*, that university policies that bar discrimination do not violate the First Amendment, because the enforcement of the anti-discrimination policy was based on the student organization's conduct and not their views. The decision affirmed a school's right to require student clubs seeking school recognition and funding to adhere to the school's non-discrimination policy, provided the requirement is applied to all student clubs equally.

Lines 131-138 of House Bill 995 would effectively prevent Georgia's public colleges and universities from enforcing these policies on "religious", "political", and "ideological" student organizations. This section of HB 995 prevents public institutions of higher education from denying any benefit or privilege to a student organization based upon the "actual or anticipated expressive activity of the organization." "Activity" is conduct, not speech. This section of the bill attempts to put the sheep's clothing of free speech over the wolf of discriminatory conduct.

Racial segregation in Georgia was the law in our institutions, not long ago. Today, Georgia has made tremendous progress in celebrating the diversity of our institutions. Once segregated, my alma mater, Georgia State University, attracts students from across Georgia, the United States and nearly 50 other countries. The largest university in Georgia, students at Georgia State represent diverse political and religious backgrounds. That diversity is our strength and part of the success formula for my fellow graduates.

HB 995 would have a chilling effect on the important protections Georgia's public colleges and universities have to bar discrimination. Discrimination remains a real concern in our state. For example, a few years ago at Valdosta State, black students were removed from a rally for then-candidate Donald Trump. People assumed that their race meant they were protestors, rather than students with a legitimate interest in a major

political candidate for President, just like the white students who were present.

For these reasons, the ACLU of Georgia asks the committee to remove lines 131-138 from this legislation. Our public universities are marketplaces of ideas. The American ideals of free speech must never be used as a shield for discriminatory conduct.

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