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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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## Substitute Bill Comparative Synopsis

**Sub. S.B. 40**

**133<sup>rd</sup> General Assembly**

Senate Education

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_133_1909)
<b>Harassment policy</b>	
<p>Defines “harassment” as “only expression that is unwelcome and so severe, pervasive, and subjectively and objectively offensive that it unreasonably interferes with an individual’s access to educational opportunities or benefits provided by a state institution of higher education. (R.C. 3345.0211(A)(4).)</p> <p>No provision.</p>	<p>Same, but adds “conduct by an employee or a state institution of higher education that requires an individual to submit to unwelcome sexual activity in order to receive an aid, benefit, or service of the institution” to the definition of “harassment.” (R.C. 3345.0211(A)(4)(a) and (b).)</p> <p>Requires each state institution to adopt a policy on harassment consistent with and adhering to the bill’s definition of “harassment.” (R.C. 3345.0212(C)(1).)</p>

Previous Version (As Introduced)	Latest Version (I_133_1909)
<b>Prohibition against preventing expressive activity</b>	
<p>No provision.</p> <p>Specifies that the bill’s provisions may be interpreted as preventing state institutions from prohibiting harassment or restricting expressive activities that are not protected by the First Amendment of the United States Constitution. <i>(R.C. 3345.0212(C)(1).)</i></p> <p>Specifies that the bill’s provisions do not enable individuals to engage in conduct that <i>“intentionally or materially and substantially disrupts”</i> another’s expressive activity. <i>(R.C. 3345.0212(C)(2).)</i></p>	<p>Prohibits a state institution from charging security fees to a student or student group based on the content of their expression, the content of the expression of their invited guest, or the anticipated reaction to an invited guest’s expression. <i>(R.C. 3345.0212(B).)</i></p> <p>Same, but includes Article I, Sections 3 and 11 of the Ohio Constitution for considering what is not protected expression. <i>(R.C. 3345.0212(D)(1).)</i></p> <p>Specifies that the bill’s provisions do not enable individuals to engage in conduct that <i>“intentionally, materially, and substantially disrupts”</i> another’s expressive activity. <i>(R.C. 3345.0212(D)(2).)</i></p>