

1 **Religious Expression in Higher Education**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill protects student organizations' rights on a higher education campus.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ adds protections for student organizations;
- 9 ▶ establishes definitions for protected activities and benefits;
- 10 ▶ modifies institutional duties regarding student organization rights;
- 11 ▶ amends provisions on free expression policies; and
- 12 ▶ makes technical changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **53B-27-202**, as enacted by Laws of Utah 2017, Chapter 440

20 **53B-27-204**, as enacted by Laws of Utah 2017, Chapter 440

21 **53B-27-501**, as enacted by Laws of Utah 2021, Chapter 125

22 ENACTS:

23 **53B-27-203.5**, Utah Code Annotated 1953

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **53B-27-202** is amended to read:

27 **53B-27-202 . Definitions.**

28 As used in this part["expressive"] :

29 (1) "Benefit" means:

30 (a) recognition by an institution;

- 31 (b) registration by an institution;
 32 (c) the use of an institution's facility for meeting or speaking purposes;
 33 (d) the use of communication channels; or
 34 (e) funding sources that are otherwise available to other student organizations at an
 35 institution.

36 (2) Expressive activity" means an activity that includes:

- 37 ~~[(1)]~~ (a) peacefully assembling, protesting, or speaking;
 38 ~~[(2)]~~ (b) distributing literature;
 39 ~~[(3)]~~ (c) carrying a sign; [ø]
 40 ~~[(4)]~~ (d) circulating a petition[-] ; or
 41 (e) otherwise participating in speech or conduct protected by:
 42 (i) the First Amendment to the United States Constitution; or
 43 (ii) Utah Constitution, Article I, Sections 4 and 15.

44 (3) "Student organization" means a group that is:

- 45 (a) officially recognized, or seeking official recognition, by an institution; and
 46 (b) comprised of students that receive, or are seeking to receive, benefits from the
 47 institution.

48 Section 2. Section **53B-27-203.5** is enacted to read:

49 **53B-27-203.5 . Religious, political, and ideological student organizations --**

50 **Protection from discrimination.**

50a An institution may not deny any benefit or privilege that is available to any student
 52 organization, or discriminate against, a religious, political, or ideological student organization:

- 53 (1) because such student organization is religious, political, or ideological;
 54 (2) on the basis of protected expressive activity engaged in by the student organization or
 55 the student organization's members; or
 56 (3) based on a requirement that a leader of the student organization:
 57 (a) affirm or adhere to the sincerely held beliefs of the student organization;
 58 (b) comply with a standard of conduct the student organization establishes; or
 59 (c) ~~to~~ **→ further the mission, purpose, or standards of conduct of the student**

58a **organization, as these are defined by the student organization.**[as the

58b **student organization defines, further the mission or purpose of the student**] ← ~~to~~

60 ~~to~~ **→ [organization.]** ← ~~to~~

61 Section 3. Section **53B-27-204** is amended to read:

62 **53B-27-204 . Cause of action.**

- 63 (1) The following persons may bring an action in a state court of competent jurisdiction to
64 enjoin a violation of this part or to recover compensatory damages, reasonable court
65 costs, or reasonable attorney fees:
- 66 (a) the attorney general; or
67 (b) a person claiming that the person's [~~expressive~~]rights, as described in this part, were
68 violated.
- 69 (2) In an action brought under this part, if the court finds a violation of this part, the court:
70 (a) shall enjoin the violation;
71 (b) shall, if a person whose [~~expressive~~]rights, as described in this part, were violated
72 brought the action, award the person:
73 (i) at least \$500 for an initial violation; and
74 (ii) if the person notifies the institution of the violation, \$50 for each day the violation
75 continues after the notification; and
76 (c) may award a prevailing plaintiff:
77 (i) compensatory damages;
78 (ii) reasonable court costs; or
79 (iii) reasonable attorney fees.
- 80 (3) Notwithstanding Title 63G, Chapter 7, Governmental Immunity Act of Utah, an
81 institution that violates this part is not immune from suit or liability for the violation.
82 Section 4. Section **53B-27-501** is amended to read:
83 **53B-27-501 . Free expression policies.**
- 84 (1) As used in this section, "free expression policy" means an institution's policy,
85 regulation, or other expectation related to student expression.
- 86 (2) An institution shall:
87 (a) publish the institution's free expression policies:
88 (i) in the institution's student handbook; and
89 (ii) on the institution's website;
90 (b) include information about the institution's free expression policies in an orientation
91 program for students enrolled in the institution; and
92 (c) develop a program, procedures, and materials to ensure that an individual who has
93 responsibility for the discipline or education of a student at the institution
94 understands the institution's free expression policies.
- 95 (3) An individual described in Subsection (2)(c) includes an institution:
96 (a) administrator;

97 (b) campus police officer;

98 (c) residence life official; and

99 (d) faculty member.

100 (4) An institution shall ensure that a free expression policy is consistent with the provisions
101 of this chapter[-] and ensure the policy is:

102 (a) viewpoint-neutral in text and application; and

103 (b) respects a student organization's rights, as described in this part.

104 Section 5. **Effective Date.**

105 This bill takes effect on May 7, 2025.