

Religious Expression in Higher Education

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Keven J. Stratton

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

ENACTS:

53B-27-203.5, Utah Code Annotated 1953

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

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

53B-27-202 . Definitions.

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

(1) "Benefit" means:

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

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

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

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

- (a) officially recognized, or seeking official recognition, by an institution as a student club; and
- (b) comprised of students that receive, or are seeking to receive, benefits available to student clubs from the institution.

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

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

Protection from discrimination.

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

- (1) because such student organization is religious, political, or ideological;
- (2) on the basis of protected expressive activity engaged in by the student organization or the student organization's members; or
- (3) based on a requirement that a leader of the student organization:
 - (a) affirm or adhere to the sincerely held beliefs of the student organization;
 - (b) comply with a standard of conduct the student organization establishes; or
 - (c) further the mission, purpose, or standards of conduct of the student organization, as these are defined by the student organization.

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

53B-27-204 . Cause of action.

- (1) The following persons may bring an action in a state court of competent jurisdiction to enjoin a violation of this part or to recover compensatory damages, reasonable court costs, or reasonable attorney fees:
 - (a) the attorney general; or
 - (b) a person claiming that the person's ~~[expressive]~~rights, as described in this part, were violated.
- (2) In an action brought under this part, if the court finds a violation of this part, the court:
 - (a) shall enjoin the violation;
 - (b) shall, if a person whose ~~[expressive]~~rights, as described in this part, were violated brought the action, award the person:
 - (i) at least \$500 for an initial violation; and
 - (ii) if the person notifies the institution of the violation, \$50 for each day the violation continues after the notification; and
 - (c) may award a prevailing plaintiff:
 - (i) compensatory damages;
 - (ii) reasonable court costs; or
 - (iii) reasonable attorney fees.
- (3) Notwithstanding Title 63G, Chapter 7, Governmental Immunity Act of Utah, an institution that violates this part is not immune from suit or liability for the violation.

Section 4. Section **53B-27-501** is amended to read:

53B-27-501 . Free expression policies.

- (1) As used in this section, "free expression policy" means an institution's policy, regulation, or other expectation related to student expression.
- (2) An institution shall:
 - (a) publish the institution's free expression policies:
 - (i) in the institution's student handbook; and
 - (ii) on the institution's website;
 - (b) include information about the institution's free expression policies in an orientation program for students enrolled in the institution; and
 - (c) develop a program, procedures, and materials to ensure that an individual who has responsibility for the discipline or education of a student at the institution understands the institution's free expression policies.

96 (3) An individual described in Subsection (2)(c) includes an institution:

97 (a) administrator;

98 (b) campus police officer;

99 (c) residence life official; and

100 (d) faculty member.

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

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

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

105 Section 5. **Effective Date.**

106 This bill takes effect on May 7, 2025.