

1 **CONCURRENT RESOLUTION ON THE IMPORTANCE OF**
2 **CIVIL LIBERTIES FOR STUDENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jim Dabakis**

6 House Sponsor: Kim F. Coleman

7
8 **LONG TITLE**

9 **Committee Note:**

10 The Administrative Rules Review Committee recommended this bill.

11 **General Description:**

12 This concurrent resolution of the Legislature and the Governor encourages state
13 institutions of higher education to defend the civil liberties of students and create an
14 avenue by which a student may appeal a school policy.

15 **Highlighted Provisions:**

16 This resolution:

- 17 ▶ recognizes some rights as inalienable;
- 18 ▶ emphasizes the protection of many inalienable rights in the United States

19 Constitution and the Utah Constitution;

- 20 ▶ recognizes the unique role of institutions of higher education;
- 21 ▶ recognizes state institutions of higher education as government actors;
- 22 ▶ encourages state institutions of higher education to defend the civil liberties of
- 23 students through policies that reflect constitutional protections; and
- 24 ▶ recommends that state institutions of higher education create avenues by which

25 students may appeal a policy.

26 **Special Clauses:**

27 None



28

29 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

30 WHEREAS, it is one of the founding principles of our country that all humans have
31 certain inalienable rights upon which government may not infringe;

32 WHEREAS, both the United States Constitution and the Utah Constitution protect
33 these inalienable rights, including the freedom of expression, the freedom of speech, the
34 freedom of religion, the freedom of assembly, the right to due process, and the freedom of
35 conscience;

36 WHEREAS, the Supreme Court of the United States upholds these rights, setting them
37 as the standard by which all other laws are measured;

38 ~~Ĥ→ [WHEREAS, state institutions of higher education are uniquely positioned to expose~~
39 ~~minds to diverse ideas, people, and experiences;]~~ WHEREAS, higher education is an essential
39a element of the state's continuous focus on civic and character education in the public schools
39b and institutions of higher education as recognized and provided in sections 53G-10-204 and
39c 67-1a-11 of the Utah Code; ←Ĥ

40 WHEREAS, the achievement of graduating from an institution of higher education
41 provides a student with greater opportunities in the workforce; and

42 WHEREAS, state institutions of higher education are government actors, required to
43 abide by both the United States Constitution and the Utah Constitution:

44 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
45 Governor concurring therein, strongly encourages state institutions of higher education to
46 vigorously defend the civil liberties of students through policies that ensure the protection of
47 constitutional rights.

48 BE IT FURTHER RESOLVED that the Legislature of the state of Utah, the Governor
49 concurring therein, recommends that state institutions of higher education each develop an
50 appeal process for cases in which the institution's policies are challenged for failing to protect a
51 student's rights.

52 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the State Board
53 of Regents and the president of each state institution of higher education in Utah.

Legislative Review Note
Office of Legislative Research and General Counsel