

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; [or]
 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.**

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) as the student organization defines, further the mission or purpose of the student
 60 organization.

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.