

By: King of Parker

H.B. No. 428

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements of public institutions of higher education regarding student organization membership.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9362 to read as follows:

Sec. 51.9362. CERTAIN REQUIREMENTS OF PUBLIC INSTITUTIONS REGARDING STUDENT ORGANIZATION MEMBERSHIP. (a) In this section:

(1) "Benefit" includes:

(A) recognition by or registration with an institution of higher education;

(B) the use of an institution of higher education's facilities for meetings or speaking purposes;

(C) the use of channels of communication controlled by an institution of higher education; and

(D) funding sources made generally available to student organizations at an institution of higher education.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(3) "Religious student organization" means a student organization whose charter, bylaws, mission statement, policies, or practices indicate that the organization is guided or motivated by shared religious beliefs.

(4) "Student organization" includes any organization

1 that is composed mostly of students enrolled at an institution of
2 higher education and that receives a benefit from the institution.

3 (b) An institution of higher education may not take action
4 against a religious student organization or deny the organization
5 any benefit generally available to other student organizations at
6 the institution on the basis that the religious student
7 organization requires the organization's leaders or members to:

8 (1) adhere to or comply with the organization's:

9 (A) sincerely held religious beliefs; or

10 (B) sincere religious standards of conduct; or

11 (2) be committed to furthering the organization's
12 religious missions.

13 (c) An institution of higher education that violates
14 Subsection (b) is liable to the religious student organization that
15 is the subject of the violation and any student member of that
16 organization for:

17 (1) actual damages suffered by the organization or
18 member as a result of the violation;

19 (2) court costs; and

20 (3) reasonable attorney's fees.

21 (d) The cause of action created by Subsection (c) is
22 cumulative of any other remedy provided by common law or statute.

23 (e) A religious student organization or a student member of
24 the organization may raise a violation of Subsection (b) against
25 the organization as a defense or counterclaim in any relevant civil
26 or administrative proceedings brought against the organization or
27 member by the institution of higher education.

1 SECTION 2. This Act takes effect September 1, 2017.