

BILL ANALYSIS

Senate Research Center
88R8395 JTZ-F

S.B. 1711
By: Perry
State Affairs
3/29/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1711 would ensure that student organizations are able to select members and organizational leadership that follow the organization's sincerely held beliefs. These organizational protections will help ensure that organizations can continue to adequately represent the beliefs of their members. Additionally, S.B. 1711 waives sovereign immunity and allows harmed students and student organizations to bring civil actions to enforce these protections.

As proposed, S.B. 1711 amends current law relating to the protection of expressive activities at public institutions of higher education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.9315, Education Code, by amending Subsection (g) and adding Subsections (k), (l), (m), and (n), as follows:

(g) Prohibits an institution of higher education from taking action against a student organization or denying the organization any benefit generally available to other student organizations at the institution on the basis of:

- (1) creates this subdivision from existing text; or
- (2) a requirement of the organization that the organization's leaders or members:
 - (A) affirm and adhere to the organization's sincerely held beliefs;
 - (B) comply with the organization's standards of conduct; or
 - (C) further the organization's mission or purpose.

(k) Authorizes a person or student organization whose expressive rights have been violated under Section 51.9315 (Protected Expression on Campus), not later than the first anniversary of the date a violation of this section is alleged to have occurred at an institution of higher education, to bring an action for injunctive relief to compel the institution to comply with this section or to recover compensatory damages, court costs, and reasonable attorney's fees.

(l) Provides that each day of a continuing violation of this section, including each day a rule or policy of an institution of higher education that violates this section remains in effect, for purposes of computing the limitation period under Subsection (k), constitutes a separate violation.

(m) Authorizes a person or student organization to raise a violation of this section against the person or organization as a defense or counterclaim in any relevant civil,

administrative, or disciplinary proceedings brought against the person or organization by the institution of higher education.

(n) Provides that an institution of higher education's sovereign immunity to suit and from liability is waived and abolished to the extent of liability created under this section.

SECTION 2. Makes application of Section 51.9315, Education Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.