

By: Perry

S.B. No. 1711

A BILL TO BE ENTITLED

AN ACT

relating to the protection of expressive activities at public institutions of higher education.

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

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

(g) An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of:

(1) a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization; 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) Not later than the first anniversary of the date a person or student organization's expressive rights were allegedly

1 violated by an institution of higher education under this section,
2 the person or organization may bring an action against the
3 institution for:

4 (1) a declaratory judgment under Chapter 37, Civil
5 Practice and Remedies Code; or

6 (2) an injunction to prevent the institution from
7 further violating this section.

8 (1) For purposes of computing the limitation period under
9 Subsection (k), each day of a continuing violation of this section,
10 including each day a rule or policy of an institution of higher
11 education that violates this section remains in effect, constitutes
12 a separate violation.

13 (m) A person or student organization may raise a violation
14 of this section against the person or organization as a defense or
15 counterclaim in any relevant civil, administrative, or
16 disciplinary proceedings brought against the person or
17 organization by the institution of higher education.

18 (n) An institution of higher education's sovereign immunity
19 to suit and from liability is waived and abolished to the extent of
20 liability created under this section.

21 SECTION 2. Section 51.9315, Education Code, as amended by
22 this Act, applies only to a cause of action that accrues on or after
23 the effective date of this Act. A cause of action that accrued
24 before the effective date of this Act is governed by the law in
25 effect immediately before the effective date of this Act, and that
26 law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2023.