

State Laws Protecting Religious Student Groups on Public College Campuses (last updated January 28, 2020)

Note: This compilation does not replicate the entire statute but only the relevant provision. The entire statute can be found at the citation given.

Ohio

Ohio Rev. Code 3345.023 – Denial of benefits to religious student group prohibited

No state institution of higher education shall take any action or enforce any policy that would deny a religious student group any benefit available to any other student group based on the religious student group's requirement that its leaders or members adhere to its sincerely held religious beliefs or standards of conduct.

<http://codes.ohio.gov/orc/3345.023>

Tennessee

T.C.A. 49-7-156 – No discrimination or denial or recognition to student organization on basis of religious content of organization's speech – Restricting membership to persons professing the faith of the group is allowed.

(a) No state higher education institution that grants recognition to any student organization shall discriminate against or deny a recognition to a student organization, or deny to a student organization access to programs, funding, or facilities otherwise available to another student organization, on the basis of: (1) The religious content of the organization's speech including, but not limited to, worship; or (2) The organization's exercise of its rights pursuant to subsection (b). (b) A religious student organization may determine that the organization's religious mission requires that only persons professing the faith of the group and comporting themselves in conformity with it qualify to serve as members or leaders. (c) As used in this section, "state higher education institution" means any higher education institution governed by chapter 8 or 9 of this title.

<http://search.mleesmith.com/tca/49-07-0156.html>

Idaho

Idaho Code 33-107D – Campus Access for Religious Students

No state postsecondary educational institution shall take any action or enforce any policy that would deny a religious student group any benefit available to any other student group based on the religious student group's requirement that its leaders adhere to its sincerely held religious beliefs or standards of conduct.

<https://legislature.idaho.gov/statutesrules/idstat/title33/t33ch1/sect33-107d/>

Arizona

A.R.S. 15-1863 – Student organizations; recognition; rights

A. A university or community college that grants recognition to any student organization or group may not discriminate against or deny recognition, equal access or a fair opportunity to any student organization or group on the basis of the religious, political, philosophical or other content of the organization's or group's speech including worship. B. A religious or political student organization may determine that order the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines and resolving the organization's disputes are in furtherance of the organization's religious or political mission and that only persons committed to that mission should conduct such activities. C. A university or community college may not deny recognition or any privilege or benefit to a student organization or group that exercises its rights pursuant to subsection B.

<http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/15/01863.htm>

Virginia

Va. Code. Ann. 23-9.2:12 – Student organizations; rights and recognitions.

To the extent allowed by state and federal law: 1. A religious or political student organization may determine that ordering the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes are in furtherance of the organization's religious or political mission and that only persons committed to that mission should conduct such activities. 2. No public institution of higher education that has granted recognition of and access to any student organization or group shall discriminate against any such student organization or group that exercises its rights pursuant to subdivision 1.

<http://law.lis.virginia.gov/vacode/title23/chapter1/section23-9.2:12/>

Kansas

K.S.A. 60-5311 – Exercise of religion by religious student associations; definitions

(a) "Benefit" means the following: (1) Recognition; (2) registration; (3) the use of facilities of the postsecondary educational institution for meetings or speaking purposes; (4) the use of channels of communication of the postsecondary education institution; and (5) funding sources that are otherwise available to other student associations in the postsecondary educational institution; (b) "Postsecondary education institution" shall have the same meaning as that term is defined in K.S.A. 74-3201b. and amendments thereto. (c) "Student" means any person who is enrolled on a full-time or part-time basis in a postsecondary educational institution. (d) "Religious student association" means an association of students organized around shared religious beliefs.

http://www.ksrevisor.org/statutes/chapters/ch60/060_053_0011.html

K.S.A. 60-5312 – Same; prohibition on certain actions by postsecondary educational institutions.

No postsecondary educational institution may take any action or enforce any policy that would deny a religious student association any benefit available to any other student association, or discriminate against a religious student association with respect to such benefit, based on such association's requirement that the leaders or members of such association: (a) Adhere to the association's sincerely held religious beliefs; (b) comply with the association's sincerely held religious beliefs; (c) comply with the association's sincere religious standards of conduct; or (d) be committed to furthering the association's religious missions, as such religious beliefs, observance requirements, standards of conduct or missions are defined by the religious student association, or the religion on which the association is based.

http://www.ksrevisor.org/statutes/chapters/ch60/060_053_0012.html

K.S.A. 60-5313 – Same; cause of action

Any student or religious student association aggrieved by a violation of K.S.A. 2016 Supp. 60-5312. and amendments thereto, may bring a cause of action against the postsecondary educational institution for such violation and seek appropriate relief, including but not limited to, monetary damages. Any student or religious student association aggrieved by a violation of K.S.A. 2016 Supp. 60-5312. and amendments thereto, also may assert such violation as a defense or counterclaim in any civil or administrative proceedings brought against such student or religious student association.

http://www.ksrevisor.org/statutes/chapters/ch60/060_053_0013.html

Oklahoma

70 Okl. St. Ann 70-2119.1 – Protection for Religious student associations.

(A) No public institution of higher education may take any action or enforce any policy that would deny a religious student association any benefit available to any other student association, or discriminate against a religious student association with respect to such benefit, based on that association's requirement that its leaders or members: (1) Adhere to the association's sincerely held religious beliefs; (2) Comply with the association's sincere religious observance requirements; (3) Comply with the association's sincere religious standards of conduct; or (4) Be committed to furthering the association's religious missions, as such religious beliefs, observance requirements, standards of conduct or missions are defined by the religious student association, or the religion upon which the assertion is based. (B) The legal standard provided in subsection B of Section 3 of this act shall not apply to this section.

<http://law.justia.com/codes/oklahoma/2014/title-70/section-70-2119.1/>

North Carolina

N.C.G.S.A. 115D-20.2 – Student organizations; rights and recognition

(a) No community college that grants recognition to any student organization shall deny recognition to a student organization or deny to a student organization access to programs, funding, facilities, or other privileges associated with official recognition otherwise available to another student organization, on the basis of the organization's exercise of its rights pursuant to

subsection (b) of this section. (b) To the extent allowed by State and federal law, a religious or political student organization may, in conformity with organization's established written doctrines expressing the organization's faith or mission, (i) determine that only persons professing the faith or mission of the group, and comporting themselves in conformity with, are qualified to serve as leaders of that organization; (ii) order its internal affairs according to the established written doctrines, and (iii) resolve the organization's disputes according to the established written doctrines.

http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_115D/GS_115D-20.2.pdf

N.C.G.S.A. 116-40.12 – Student organizations; rights and recognition.

(a) No constituent institution that grants recognition to any student organization shall deny recognition to a student organization or deny to a student organization access to programs, funding, facilities, or other privileges associated with official recognition otherwise available to another student organization, on the basis of the organization's exercise of its rights pursuant to subsection (b) of this section. (b) To the extent allowed by State and federal law, a religious or political student organization may, in conformity with organization's established written doctrines expressing the organization's faith or mission, (i) determine that only persons professing the faith or mission of the group, and comporting themselves in conformity with, are qualified to serve as leaders of that organization; (ii) order its internal affairs according to the established written doctrines, and (iii) resolve the organization's disputes according to the established written doctrines.

http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_116/GS_116-40.12.pdf

Kentucky

Ky. Rev. Stat. Ann. § 164.348 (2)(h)

No recognized religious or political student organization is hindered or discriminated against in the ordering of its internal affairs, selection of leaders and members, defining of doctrines and principles, and resolving of organizational disputes in the furtherance of its mission, or in its determination that only persons committed to its mission should conduct such activities.

<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=49294>

Louisiana

LSA-R.S. 17:3399.33

No public postsecondary education institution shall deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization: 1) Affirm and adhere to the organization's sincerely held beliefs; 2) Comply with the organization's standards of conduct; and 3) Further the organization's mission or purpose, as defined by the organization.

<https://legis.la.gov/Legis/Law.aspx?d=1108429>

Arkansas

A.C.A. § 6-60-1006. Freedom of association – Nondiscrimination against students and student organizations.

A state-supported institution of higher education shall not deny a student organization any benefit or privilege available to any other student organization or otherwise discriminate against an organization based on the expression of the organization, including any requirement that the leaders or members of an organization: (1) Affirm and adhere to the organization's sincerely held beliefs or statement of principles; (2) Comply with the organization's standards of conduct; and (3) Further the organization's mission or purpose, as defined by the student organization.

Iowa

Iowa Code § 261H.3(3)

A public institution of higher education shall not deny benefits or privileges available to student organizations based on the viewpoint of a student organization or the expression of the viewpoint of a student organization by the student organization or its members protected by the first amendment to the Constitution of the United States. In addition, a public institution of higher education shall not deny any benefit or privilege to a student organization based on the student organization's requirement that the leaders of the student organization agree to and support the student organization's beliefs, as those beliefs are interpreted and applied by the organization, and to further the student organization's mission.

<https://www.legis.iowa.gov/docs/code/2020/261H.pdf>

South Dakota

South Dakota Chapter 13-53-52

A public institution of higher education, its faculty, administrators, and other employees, may not discriminate against any student or student organization based on the content or viewpoint of their expressive activity. Funds allocated to student organizations shall be distributed in a nondiscriminatory manner in accordance with applicable state and federal authority. Access to, and use of, facilities at a public institution of higher education shall be equally available to all student organizations, regardless of the ideological, political, or religious beliefs of the organization. An institution may not prohibit an ideological, political, or religious student organization from requiring that its leaders or members of the organization affirm and adhere to the organization's sincerely held beliefs, comply with the organization's standards of conduct, or further the organization's mission or purpose, as defined by the organization.

https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=13-53-52

Alabama

HB 498 (signed into law June 7, 2019 to go into effect July 1, 2020) (part of FORUM bill)

§ 3(a)(8): That the public institution of higher education shall support free association and shall not deny a student organization any benefit or privilege available to any other student organization or otherwise discriminate against an organization based on the expression of the organization, including any requirement of the organization that the leaders or members of the organization affirm and adhere to an organization's sincerely held beliefs or statement of principles, comply with the organization's standard of conduct, or further the organization's mission or purpose, as defined by the student organization.

<http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2019RS/PrintFiles/HB498-enr.pdf>