SEC. 1. TITLE AND PURPOSE

Association and Campus Clubs Equal Status and Support (ACCESS) Act

To protect the free association and speech rights of religious, political, ideological, or belief-based student organizations at public institutions of higher education.

SEC. 2. DEFINITIONS

As used in this part:

(1) "Benefit" means:

(a) Recognition by a public institution of higher education;
(b) Registration by a public institution of higher education;
(c) The use of a public institution of higher education's facility for meeting or speaking purposes;
(d) The use of a public institution of higher education's communication channels; or
(e) Funding sources that are otherwise available to student organizations at a public institution of higher education.

(2) "Expressive activity" includes but is not limited to:

(a) Peacefully assembling, protesting, or speaking;
(b) Distributing literature;
(c) Carrying signs;
(d) Circulating petitions;
(e) Recording and lawfully publishing video and audio lawfully recorded in public outdoor areas at public institutions of higher education; or
(f) Otherwise participating in speech or expressive conduct protected by:
    (i) The First Amendment to the United States Constitution; or
    (ii) [State constitution citation]

(3) "Leader" means any person who holds a position within a student organization that authorizes such person to participate in the leadership or governance of the student organization or in establishing criteria for the student organization's leadership or governance.

(4) "Voting member" means any person who is allowed to participate in the formal process of choosing any leader in a student organization;

(5) "Student organization" means a student organized group that is:

(a) Officially recognized, or seeking official recognition, by a public institution of higher education as a student organization; and
(b) Comprised of students that receive, or are seeking to receive, benefits available to student organization from the public institution of higher education.

SEC. 3. BELIEF-BASED STUDENT ORGANIZATIONS – PROTECTION FROM DISCRIMINATION

A public institution of higher education may not deny any benefit or privilege that is available to any student organization or otherwise discriminate against a religious, political, ideological, or belief-based student organization:

(1) Because such student organization is religious, political, ideological, or belief-based;

(2) On the basis of protected expressive activity engaged in by the student organization or the student organization's members; or

(3) Based on a requirement that a leader or voting member of the student organization:

(a) Affirm or adhere to the sincerely held beliefs of the student organization; or
(b) Comply with a standard of conduct the student organization establishes.

SEC. 4. CAUSE OF ACTION

(1) The following persons may bring an action against a public institution of higher education, and its agents acting within their official capacities, in a State or Federal Court of competent jurisdiction to enjoin violation of this Act and to recover compensatory damages, reasonable court costs, and attorneys' fees:

(a) The state attorney general; or
(b) A person claiming that the person's rights, as described in this part, were violated.

(2) In an action brought under this Section, if the court finds a violation of this Act, the court shall award the aggrieved persons no less than $500 for the initial violation plus $50 for each day the violation remains ongoing, which shall accrue starting on the day after the complaint is served on the institution of higher education.

(3) An institution that violates this part is not immune from suit or liability for the violation.