

Legislative Analysis



STUDENTS MAY REFUSE TO SERVE CLIENTS BASED ON RELIGIOUS BELIEFS AND MORAL CONVICTIONS

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House Bill 5040

Sponsor: Rep. Joe Haveman

Committee: Education

Complete to 3-6-12

A SUMMARY OF HOUSE BILL 5040 AS INTRODUCED 10-5-11

Under House Bill 5040, public and private degree- or certificate-granting colleges, universities, junior colleges, and community colleges would be prohibited from disciplining or discriminating against a student in the *counseling*, *social work*, or *psychology* programs, because the student refused to serve a client whose goals conflicted with a student's sincerely held religious belief or moral conviction, as long as the student refers the client to a counselor who will provide the counseling or services.

The bill would create a new act to be known as "the Julea Ward Freedom of Conscience Act."

A person who alleged a violation of this act could bring a civil action for appropriate injunctive relief and/or actual damages, within 90 days after the violation occurred. The action could be brought in the circuit court for the county where the violation happened, or where the complainant resides, or the county where the educational institution is located. The term "damages" mean compensation for injury or loss caused by each violation of this act, including reasonable attorney fees.

FISCAL IMPACT:

This bill would not have a significant fiscal impact on community colleges or public universities. This bill would have an indeterminate, but likely minimal, fiscal impact on local courts. The number of new actions that would be brought under this bill is not known, but would not likely be a significant portion of a court's caseload.

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