

Legislative Analysis



COUNSELING STUDENTS MAY REFUSE TO SERVE CLIENTS BASED ON RELIGIOUS BELIEFS

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House Bill 5040 (Substitute H-1)

Sponsor: Rep. Joe Haveman

Committee: Education

Complete to 3-19-12

A SUMMARY OF HOUSE BILL 5040 AS REPORTED FROM COMMITTEE 3-13-12

Under House Bill 5040 (H-1), public 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, outcomes, or behaviors conflicted with the student's sincerely held religious belief, as long as the student referred the client to a counselor who would 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.

POSITIONS:

The Michigan Family Forum supports the bill. (3-14-12)

The Michigan Attorney General supports the bill. (3-14-12)

The Michigan School of Professional Psychology opposes the bill. (3-14-12)

The Michigan School Counselor Association opposes the bill. (3-14-12)

The National Organization for Women opposes the bill. (3-14-12)

The Michigan Counseling Association opposes the bill. (3-14-12)

Equality Michigan opposes the bill. (3-14-12)

The Council on Social Work Education opposes the bill. (3-14-12)

The National Association of Social Workers and the Michigan Association of Social Workers oppose the bill. (3-7-12)

The American Civil Liberties Association opposes the bill. (3-7-12)

The Presidents' Council of Public Universities of Michigan opposes the bill. (3-7-12)

Western Michigan University opposes the bill. (3-7-12)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.