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# Utah Could Allow Conscientious Objection to Class Assignments

If signed into law, a bill recently passed by the State Legislature would permit students to opt out of coursework that goes against their conscience or religious beliefs.

By [Sara Weissman](#)



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**U**tah representative Mike Petersen was inspired to introduce new legislation after receiving a call from his daughter, a master’s student in social work in Louisiana. She was disturbed that a professor had asked the class to write to a local lawmaker in favor of LGBTQ rights.

“She ... said, ‘Dad, I just got told I needed to write a letter to my legislator advocating for some policies that don’t align with me,’” Peterson said. She didn’t raise her concerns to the instructor “because she was afraid.”

Petersen has since sponsored a bill, passed by the Utah Legislature this month, that would allow students in the state to opt out of some coursework that conflicts with their religious beliefs. The legislation now awaits the governor’s signature.

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The bill creates a process by which students at Utah public colleges and universities could request to skip upcoming assignments for a mandatory class or major requirement that go against a “sincerely held religious or conscience belief.” For example, a student could ask in advance to opt out of watching a sexually explicit film required on a course syllabus. A professor who denies a student’s request would have to explain the decision to a “neutral arbiter” assigned by the university, according to the bill. That person would assess whether nixing the assignment—or subbing in an alternative—counts as a “fundamental alteration” to the class’s learning objectives.

The bill also states that professors can't "compel a student to publicly take or communicate a specified position," such as requiring them to write a letter to a lawmaker or publish an article espousing a particular viewpoint.

The bill leaves it to the Utah Higher Education Board to come up with more specific guidance on how these policies should be applied and requires the board to report back to the Legislature on how implementation goes.

The legislation would be the first of its kind to extend conscientious objection to higher education, though Petersen sees the bill as an extension of a previous law he advanced in 2024 that allows state government employees to abstain from work activities they object to on moral grounds. He emphasized that Utah's state Constitution includes a provision that "the rights of conscience will never be infringed."

"I think we have to live up to that promise," he said.

## **Academic Freedom Concerns**

Laura Benitez, state manager for U.S. free expression programs at PEN America, a free speech advocacy organization, worries the law could compel professors to change the assignments they give their students, out of fear of heightened scrutiny from university leaders and state lawmakers. She also argued the bill chips away at professors' authority to decide what materials and activities they use to teach based on their expertise.

"We consider this bill to be an infringement on academic freedom, having sincere, significant consequences on professors' ability to make decisions about what they can teach and assign in the classroom," Benitez said. "A professor's choices about how to achieve the learning outcomes of the course is part of what academic freedom is."

Robin Wilson, a law professor at the University of Illinois at Urbana-Champaign who helped craft and present the bill, said she believes academic freedom should be "balanced off" by the needs of students "trapped" in a course—and if that makes faculty reconsider certain assignments, so be it. She compared students with conscientious objections to students with post-traumatic stress disorder who might want an alternative to violent material.

As faculty, “I think it’s OK for us to be checked sometimes,” she said. “This is a mechanism for faculty to kind of stop for a moment and consider what the experience of their students might be.”

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She also believes the law can prevent conflicts over course material from blowing up. She cited a [recent incident](#) at Texas A&M University, in which a student filmed an argument with a professor over reading material related to gender identity, resulting in the firing of the professor and two administrators. Wilson argued that a public battle—or a student quietly suffering moral discomfort—is less likely if there’s a process in place to handle these types of student objections.

“You’re going to have parties work things out” because “they’re going to have someone in the room that can lower the temperature of that conversation”—the neutral arbiter, she said. “We don’t need that in the newspapers.”

## **‘Disservice’ or Safeguard?**

Critics of the bill also worry that students may opt out of readings and assignments that force them to engage with alternative perspectives in a way that could hamper their education.

Students benefit from “assignments that really require you to engage in critical thinking and grapple with perspectives and opinions that are different from your own—and sometimes that involves putting yourselves in the shoes of someone who you disagree with,” Benitez said. “To take away the professor’s ability to put students in that situation [is] a disservice” and a “betrayal and a mistrust of students’ ... ability to actually grapple with things that they are going to grapple with out in the world.”

Petersen believes the provision that an accommodation can’t be a “fundamental alteration” to a course will prevent students from getting out of assignments that would benefit them. Universities have veto power.

“You can’t say, ‘I’m going to be a climatologist, but I don’t want to take a class on climate change,’ or ‘I’m going to study nursing, but I don’t want to learn about how to give a shot because I’m an antivaxxer,” he said. “It doesn’t work for that.” In a similar vein, “I don’t think learning about evolution is going to violate someone’s conscience.”

But in some cases, there’s more than “one way for a student to learn the information, and maybe we could be just a little more creative, a little more thoughtful about that,” he added.

Charles Russo, Joseph Panzer Chair in Education and research professor of law at the University of Dayton, said he disagrees with the bill and doesn’t think it should become law because it limits faculty’s control over teaching and isn’t specific enough about valid requests or alternative assignments. Still, he believes it raises some valid concerns.

“I think it infringes on academic freedom, but I think it’s a reaction,” Russo said. “More often than not, it would be the liberal perspective trying to get a kid who disagrees to write these kind of assignments, and I would like to get some ideological balance in there. I think educators have to be sensitive to the beliefs of their students ... Respect needs to go both ways.”

He’d prefer state lawmakers stay out of it and stressed that, especially in law school, assignments that force students to engage with multiple sides of an issue are important. But he hopes that colleges and universities have internal conversations about how to accommodate students’ conscientious objections to coursework.

“Mandating that a student write a paper that’s antithetical to one’s deeply held religious beliefs, I think, can be problematic,” he said. “I’m not saying drop the assignment, but maybe come up with an alternative assignment for people who have such strongly held feelings,” as long as the alternative is “in keeping with the spirit, the goal.”

## The Broader Impact

The bill offers a broad definition of conscience: “a sincerely held belief as to the rightness or wrongness of an action or inaction.”

That means the legislation extends beyond religious beliefs—which was intentional, Wilson noted. She believes the law could accommodate a wide range of objections, including political, philosophical and other ideological concerns about coursework.

“You’re just allowing everybody—believers, nonbelievers ... to all say, ‘Wait a minute, I have a moral center, and my moral center matters to me,’” she said.

Russo said, ostensibly, a pacifist could argue they don’t want to do an assignment focused on studying war. He believes that complaint is unlikely to succeed if challenged in court, but it raises questions about how the bill could be applied.

Despite its broad nature, Petersen foresees the legislation as having “very little impact” on the state’s universities, because they can weed out unreasonable requests; in any case, only a “handful” of professors are likely to run into these issues with their students, he said.

But Benitez believes the bill could have more serious ripple effects.

She acknowledged there are ways to implement the bill that “wouldn’t be catastrophic”; for example, a law professor could ask a student to write an opposing argument on a less personal or sensitive topic if they conscientiously object to the original assignment. But in a heated political climate where higher ed leaders already feel pressure to “overcomply” with policymakers’ laws and guidance, she fears the consequences of the bill “will go further than what the bill text actually says.” And while the law could protect all kinds of objections in theory, she believes in practice it “will be used to target specific viewpoints,” like content related to LGBTQ+ issues, which “we

ultimately see as censorship.”

She noted that while students opting out of coursework is a new concept for higher ed, it’s been a contentious issue in K–12 schools. Notably, the U.S. Supreme Court last year sided with religious families seeking to opt their children out of readings with LGBTQ+ themes in *Mahmoud et al. v. Taylor*.

She worries that Utah’s bill, which she expects the governor to sign, could become a model for other states, following the way such conflicts have spread in the K–12 sector.

“This is the first time we are seeing this particular kind of measure, but we have seen with every kind of censorship that we have tracked since 2021 that it might start in one state, but it will absolutely be copy-pasted in another state,” she said.

## Written By

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