Council Resolution

STUDENT GOVERNMENT COUNCIL · MODESTO A. MAIDIQUE CAMPUS

Agenda Item: SR1810 — A RESOLUTION TO CONDEMN ACTS OF RACIAL DISCRIMINATION, RELIGIOUS DISCRIMINATION, AGRESSION, AND SEXUAL MISCONDUCT.

Date: October 22nd, 2018

Authors: Senator Brandon Aquino, College of Arts, Science & Education

Committee: NONE

Sponsors: Senator Antonia Passalacqua, College of Arts, Science & Education; Senator Samuel Santos, School of International & Public Affairs; Senator Victoria Larson, Housing; Senator Peter Hernandez, College of Nursing and Health Sciences; Senator Ariadna Naterri, At-Large

A RESOLUTION TO CONDEMN THE FLORIDA INTERNATIONAL UNIVERSITY CHAPTER OF TURNING POINT USA

SECTION I POLICY

The provisions in this Council Resolution are pursuant to Article II, Section 5.A.2 of the Student Government Association Constitution;

SECTION II TERMS

The following terms are defined as to ensure the legality of this resolution:

I. “University” shall hereby be defined as Florida International University;

II. “FIU” shall hereby be defined as Florida International University;

III. “SGA” shall hereby be defined as the Student Government Association, which is compromised of the governing councils of Student Government Council – Modesto A. Maidique Campus and the Student Government Council – Biscayne Bay Campus whose authority is granted by Florida Statutes Chapter 1004, Section 26 [F.S. §1004.26] and the University;

IV. “SGC-MMC” shall hereby be defined as the Student Government Council – Modesto A. Maidique Campus;

V. “SGC-BBC” shall hereby be defined as the Student Government Council – Biscayne Bay Campus;

VI. “Student”, “Students” shall hereby be defined as “Any person who participates in any course or program of the University, either full-time or part-time, in-person or online, and whether degree-seeking or non-degree seeking. Persons who withdraw after alleged-ly violating the Student Code of Conduct, persons who are not officially enrolled at the University for a particular term but who have a continuing relationship with the University, persons who have been notified of being accepted for admission, and persons who are living in the residence halls but are not enrolled at the University are also considered Students;”[1]
VII. “Student Code of Conduct” shall hereby refer to latest June 2018 edition of the [FIU-2501] Student Code of Conduct which is a compilation of policies, regulations, and rights designed to serve the Florida International Community;

VIII. “Student Handbook” shall hereby refer to the latest 2018-2019 edition of the FIU Student Handbook as provided by the Division of Student Affairs;

“A&S Fees” shall hereby refer to Activity and Service Fees which pursuant to Florida Statues Chapter 1009 Section 24 Subsection (7) [F.S. §1009.24 (7)] shall be defined as “Each Florida College System institution board of trustees may establish a separate activity and service fee not to exceed 10 percent of the tuition fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the tuition and fees. The student activity and service fees shall be paid into a student activity and service fund at the Florida College System institution and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the Florida College System institution without regard to race, sex, or religion;”

IX. “Student Organizations” shall hereby be defined as “A Student group that is officially registered or recognized by the University, including, but not limited to, political groups, social groups, honor & professional societies, fraternities & sororities, and sport clubs;”[1]

X. “CSO” shall hereby refer to the Council for Student Organizations which is the SGC-MMC Agency overseeing and representing all undergraduate clubs, graduate clubs, and Honor Societies;

XI. “TPUSA” shall hereby refer to FIU Chapter of Turning Point USA which is an on-campus student organization registered under CSO as an active organization and is able to be a recipient of A&S Fees;

SECTION III RESOLUTION

WHEREAS, the Senates of the SGA recognize that the University is host to a diverse set of Students, faculty, and staff of, including, but not limited to racial, ethnic, and religious backgrounds;

WHEREAS, the Senates of the SGA recognize that the University is host to a Student community comprised of sixty-one percent (61%) Hispanic, fifteen percent (15%) White Non-Hispanic, thirteen percent (13%) Black, four percent (4%) Asian or Pacific Islander, and seven percent (7%) other minority groups;

WHEREAS, the Senates of the SGA recognizes that Students are responsible for knowing University requirements and regulations, including, but not limited to, the Student Code of Conduct regardless of institutional or program affiliation; [1]

WHEREAS, the Senates of the SGA reaffirm their commitment and understanding of the responsibility as Students to adhere and abide by University requirements and regulations, including, but not limited to, the Student Code of Conduct;
WHEREAS, the Senates of the SGA recognize the policies and regulations as stated in the
Student Handbook to be in accordance with the Student Code of Conduct;

WHEREAS, the Senates of the SGA recognize that alleged members of TPUSA had allegedly
made comments in regards to underage pornography, racial slurs, depictions of
rape, depictions of bodily threats, religious discrimination specific to sects of
Judaism and Islam, insinuations of deportation of minority groups, suppression of
other organizations, and conspirations to expel an individual from the University in
an online WhatsApp group chat;

WHEREAS, the Senates of the SGA recognize that as per Student Handbook Policies and
Regulations Section II: Scope and Applicability, that these [Regulations] apply “to
all Prohibited Conduct that occurs on campus. It also applies to Prohibited Conduct
that occurs off campus, including online or electronic conduct…”[2]

WHEREAS, the Senates of the SGA recognize that as per the Student Handbook Policies and
Regulations Section IV: Prohibited Conduct, Paragraph A: Discrimination and
Harassment Based on All Protected Statuses Prohibited, that these [Regulations]
prohibit “all forms of Discrimination and Harassment based on an individual’s
Protected Status, including, age, color, creed, disability, gender, gender expression,
gender identity, genetic information, national origin, race, religion, sex, sexual
orientation, veteran’s status and/or any other legally protected status;”[2]

WHEREAS, the Senates of the SGA recognize that A&S Fees must be expended for lawful
purposes to benefit the Student body in general;

WHEREAS, the Senates of the SGA recognize that TPUSA is able to receive of up to a
minimum of one-thousand, two-hundred and fifty dollars and zero cents ($1,250.00)
of A&S Fees according to the Activity & Services Business Office (Reference
#542240002).[3]

WHEREAS, the Senates of the SGA recognize that the alleged conduct of TPUSA is in potential
violation of the Student Code of Conduct;

WHEREAS, the Senates of the SGA recognize that as per the Student Code of Conduct Section
can be held responsible under the Student Code of Conduct for its actions or those
of its members acting together;”[1]

WHEREAS, the Senates of the SGA recognize that as per the FIU Board of Trustees Regulations
FIU-105 REGULATION ON PROHIBITED DISCRIMINATION,
HARASSMENT AND RELATED MISCONDUCT INCLUDING SEXUAL AND
GENDER-BASED HARASSMENT, SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING, Section I: Policy Statement that the University affirms its commitment to ensure that each member of the University community shall be permitted to work or study in an environment free from any form of illegal discrimination based on race, color, religion, age, disability, sex (including sexual misconduct), sexual orientation, gender identity or expression, national origin, marital status, veteran status, and/or any other legally protected status (collectively referred to as Protected Status). The University recognizes its obligation to work towards a community in which diversity is valued and opportunity is equalized;[3]

WHEREAS, the Senates of the SGA recognize it is the responsibility of the University to provide a safe and stimulating environment in which scholarship and personal growth may occur;[1]

THEREFORE LET IT BE RESOLVED THAT, the Senates of the SGA condemn and do not condone the recent alleged behavior of TPUSA for violating the Policies and Regulations outlined in Section IV: Prohibited Conduct, Paragraph A: Discrimination and Harassment Based on All Protected Statuses Prohibited;

THEREFORE LET IT BE FURTHER RESOLVED THAT, the Senates of the SGA implore the officials, departments, and governing bodies with vested or delegated authority over Student discipline and the Student conduct system of the University to potentially review, investigate, and administer appropriately severe action(s) to TPUSA as an organization;

THEREFORE LET IT BE FURTHER RESOLVED THAT, the Senates of the SGA implore the officials, departments, and governing bodies with vested or delegated authority over Student discipline and the Student conduct system of the University to potentially review, investigate, and administer appropriately severe action(s) to Student members of TPUSA;

THEREFORE LET IT BE FURTHER RESOLVED THAT, the Senates of the SGA encourage all Students to foster a community of respectful discourse, unbridled academic stimulation and success, global understanding, and one that aligns with the core values, tenants, and mission of our University;

THEREFORE LET IT BE FINALLY BE RESOLVED THAT, the Senates of the SGA extend full support to those who have been afflicted by the aforementioned violations and encourage them to seek support and justice.

SECTION IV: ENFORCEMENT
This Joint Resolution shall be presented to the Student Body, the FIU Board of Trustees, the FIU Foundation Board, and all relevant committees on behalf of the Student Body by the SGA;

SECTION V: ENACTMENT
This Joint Resolution and all its contents shall be the official opinion of the SGA upon passage by the SGC-MMC Senate, the SGC-BBC Senate, and approval of the SGC-MMC Student Body President and the SGC-BBC Student Body President;

SECTION VI: IMPLEMENTATION
Upon the enactment of this Joint Resolution, this shall be the official opinion and position of the SGA and shall make any prior legislation that conflicts with this legislation hereby null and void.


| SR1810 |
|-----------------|-----------------|------------------|
| IN FAVOR OF | AGAINST | ABSTENTIONS |
| 28 | 1 | 0 |

AMENDMENTS: NONE

DATE 10/29/19 | PASS | FAIL

SIGNED IN ABSENTIA
Antonia Passalacqua, Speaker of the Senate

Brandon Aquino, Author

Peter Hernandez, RLJC Chair

PRESIDENTIAL RULING

ENACT

VETO

Sabrina Russell, Student Body President