

The 40th Session of the Student Body Senate

Florida International University

Miami, Florida

S.R. 04 030

Can't Ban Us 2.0

IN THE SENATE

March 19, 2024

Senate President Kaily LaChapelle; Senator Hua Hui Vogel; Student James Hernandez; Student E.M. Krause; Student Skip Barbosa; and the Advocacy Committee of PSU, introduced the following resolution, which was read on the Senate floor:

A RESOLUTION

To highlight harmful state legislation that has negative consequences on the LGBTQIA+ community at Florida International University (FIU) and the entire state university system; for the Student Government Association to take a firm stance in protecting students and faculty's rights to academic and personal freedom; for the Student Government Association to make a material commitment to DEI; and to call upon FIU's Board of Trustees to stand with this resolution.

Be it enacted by the Senate of the Student Body at Florida International University assembled,

Whereas, FIU’s Student Government Association (SGA) is permitted to pass measures that pertain to local, state, or federal government affairs;

Whereas, it is the responsibility of the Senate to express the will and advocate on behalf of the student body through Student Government legislation;

Whereas, FIU SGA is a micro-political body that falls under the Florida Student Association and Board of Governors; and has material power to advocate against state laws that negatively affect students’ access and ability to feel comfortable in their education at this campus;

Whereas, the SGA website clearly states that the purpose of SGA is “to provide official voice and action on behalf of the student body and ensure that students’ concerns are addressed in governance and policy development of Florida International University at all levels.” (1)

Whereas, due to the fact the state legislation that affects the LGBTQIA+ community requires FIU to pass enforcement and compliance policies, FIU SGA has the discretion to bring light to how policies affect students at all levels;

Whereas, FIU’s Student Government Association passed S.R. 03 014, or *Can’t Ban Us*, on February 20th, 2023;

Whereas, S.R. 03 014 or *Can’t Ban Us* was a resolution to denounce HB 7 (2022) and SB 266 (2023), which were two pieces of state legislation that severely limited diversity, equity, and inclusion (DEI), academic freedom, and academic tenure (7);

Whereas, this resolution, *Can’t Ban Us 2.0*, brings light to numerous bills that specifically target the LGBTQIA+ community and students within higher education and their day-to-day lives;

Whereas, *Can’t Ban Us 2.0* is highlighting the anti-DEI and anti-LGBTQIA+ legislative timeline, demonstrating why students in this state feel unsafe and targeted: HB 1557 (2022), HB 7 (2022), SB 266 (2023), HB 1521(2023), SB 252 (2023), HB 599 (2024 - failed), HB 1233 (2024 - failed), as well as highlighting the policies implemented through the Board of Governors,

Whereas, this resolution aims to show that the legislative attacks on marginalized communities is not what the constituents, workers, and students want as required implementation policies at FIU;

Whereas, mobilizing people to organize, protest, lobby, and testify against legislation has been able to turn the tides in the state legislature, and some of the most powerful and influential statements have come from SGA;

Whereas, the writers of this resolution are members of the SGA Bureau, Pride Student Union's (PSU) Advocacy Committee, and the goal of this resolution is to keep utilizing student power and voices to protect our students on this campus;

Whereas, the PSU constitution states "The purpose of PSU is to educate, uplift, engage, and promote pride and solidarity for and on behalf of 2SLGBTQIA+, SGL, allied, and other marginalized intersectional communities at FIU. PSU also strives to empower the student body in their efforts to make the most of their college experience, contribute to student success and equity, and promote unity."

Whereas, PSU strongly believes bringing attention to these policies as not inherently "political", but necessary to empower and keep LGBTQIA+ students safe on campus after years of harmful politicization of their identities;

Whereas, in the state of Florida there have been more bills targeting the LGBTQIA+, particularly transgender community, than any other demographic or issue, leading to the harmful politicization of their identities,

Whereas, the Human Rights Campaign reported in 2023 over 520 anti-LGBTQ+ state bills and that "last year there were more anti-LGBTQ+ bills introduced in state houses than in each of the previous five years; with the increase in LGBTQ Erasure bills, bills that strip away dozens of legal protections and rights for LGBTQ+ people, coming as the newest form of attacks on the community" (3);

Whereas, according to the American Civil Liberties Union (ACLU) legislation targeting LGBTQIA+ rights nearly tripled from 2022 to 2023 (4);

Whereas, According to the ACLU's "Mapping State Legislative Attacks Against LGBTQIA+ community" in 2018 there were 42 bills, in 2019 there were 51 bills, in 2020 there were 77 bills, in 2021 there were 154 bills, in 2022 there were 180 bills, in 2023 there were 510, and in 2024 there are 478 bills (Note that these are the bills being tracked and does not include all the bills introduced nationwide) (4);

Whereas, The Human Rights Campaign (reported that just in 2022 alone there was a 13.8% increase sexual orientation-based hate crimes and a 32.9% jump in gender identity-based hate crimes (5);

Whereas, there is a direct correlation between the increase in anti-LGBTQ+ legislature in US states and the recent increase in violence against LGBTQ+ individuals in educational settings (15),

Whereas, according to the Human Rights Campaign, “more than 1 in 5 of any type of hate crime is now motivated by anti-LGBTQ+ bias, and HRC in recent years has been tracking a horrifying wave of fatal violence against transgender people, especially Black transgender women” (5);

Whereas, an “analysis of FBI data on anti-LGBTQ+ hate crimes taking place in K-12 schools and on college campuses, published on March 12 found that anti-LGBTQ+ hate crimes ‘serious enough to be reported to local police’; more than doubled across the country in recent years.” Between 2015 and 2019 there was 108 anti-LGBTQ+ school hate crimes and that rose to 232 anti-LGBTQ+ hate crimes between 2021 and 2022. The most common hate crimes reported at schools were intimidation, simple assault, and vandalism (16);

Whereas, “in states with restrictive laws, the number of hate crimes on K-12 campuses has more than quadrupled since the onset of a divisive culture war that has often centered on the rights of LGBTQ+ youth” (17);

Whereas, transgender people already have an increased overall and cause-specific mortality compared to cisgender people, according to some studies that rate can be twice as much, meaning our society needs to be focusing on mental health, medical care, and well-being rather than introducing bills to eradicate or severely limit autonomy in daily life (6),

Whereas, transgender people lack medical care due to financial barriers, discrimination, lack of cultural competence by providers, health systems, and socioeconomic barriers (23),

Whereas, transgender people can experience gender dysphoria, that left untreated, due to the lack of mental health care, can lead to severe emotional and psychological distress, anxiety, depression, and PTSD, (24)

Whereas, LGBTQIA+, especially transgender students already experience higher rates of bullying, harassment, and suicide rates than heterosexual, cisgender students,

Whereas, PSU E-Board, Cabinet, Committees, and members have personally seen since 2022 a rise of homophobia, transphobia, and violence against the LGBTQIA+ community in Florida, causing the majority of LGBTQIA+ students to feel unsafe, unseen, and uncomfortable on the FIU campus;

Whereas, HB 1557 initially required the school board to out trans students to their parents, disregarding trans students’ privacy and support needs, however enforcement has changed due to settlement (8),

Whereas, HB 1557 prevents discussion of sexual orientation or gender identity within the classroom in grades 4-12 (8);

Whereas, anti-LGBTQ legislation that targets students K-12 also makes college students in those states feel unsafe on campus (18);

Whereas, 88% of parents reported that they were worried of HB 1557's effect on their children and families (2);

Whereas, 13% of parents shared that their LGBTQ+ children expressed fear related to continued living in Florida (2);

Whereas, in a survey of 1,000 Florida students, it was found that 1 in 8 incoming Freshmen would not attend a Florida university due to the governor's policies (19);

Whereas, legislation such as HB 1557 was taken to the courts where a settlement finalized that LGBTQ+ people can be discussed, and this bill does not prevent anti-bullying rules based on sexual orientation and gender identity (14);

Whereas, HB 7 (2022) revises requirements for teaching African American history in schools, restricting education claiming that any of eight specified concepts can be constituted as racism, effectively limiting students' access to accounts of the US's extensive history of race-based discrimination (9);

Whereas, HB 1521 (2023) requires individuals to use the bathroom of their assigned sex at birth, disregarding the safety of the individual (10);

Whereas, transgender and gender non-conforming individuals face higher risks of sexual assault in schools that do not allow them to use the restroom consistent with their gender identity (12);

Whereas, 70% of respondents to a survey of over 25,000 transgender individuals reported verbal harassment in gender segregated restrooms and 9% reported physical assault (13);

Whereas, HB 1521 (2023) requires exclusive use of domestic violence shelters by victims correlating to their sex at birth, disregarding the safety of the individual (10);

Whereas, SB 266 (2023) restricts spending on programs which promote "Diversity, Equity and Inclusion" (20);

Whereas, SB 266 (2023) heavily restricts or bans several fields of study for college students relating to topics addressing "systemic racism, sexism, oppression, and privilege inherent in the institutions of the United States and were created to maintain social, political and economic inequalities." (20);

Whereas, SB 266 (2023) allows the Board of Trustees to review a faculty member's tenure at will, threatening their freedom to teach controversial topics (20);

Whereas, SB 266 (2023) was amended April 27, 2023 on the Senate floor to protect Activity and Service (A&S) fees, which are student fees, and to solely eliminate funding from Education and General (E&G), which is state funding (20);

Whereas, HB 599 (2024) states that it is unlawful for nonprofit organizations to require diversity trainings pertaining to gender or sexual orientation during the employment process, restricting the access of employees to knowledge and skills that allow them to accommodate different perspectives and effectively collaborate in diverse spaces (21);

Whereas, HB 599 (2024) claims it is “false” to prescribe pronouns not typically associated with one’s sex assigned at birth and prohibits such use of certain employers and contractors (21);

Whereas, HB 1233 (2024) revises previous discrimination protections based on gender to then be based on sex assigned at birth, denies identification marker changes for transgender individuals, and required individual health insurance to include conversion therapy (22),

Whereas, HB 599 and 1233 died in the state legislature this session; it is still important to note that organizing, lobbying, and statements like this very resolution are what assist with preventing the legislature to continue with the attacks on LGBTQIA+ and marginalized communities,

Whereas, there is precedent in SGA to be vocal about how state policies affect our lives and education, as mentioned previously *Can’t Ban Us* passed March 13, 2023, with 26 ayes, 8 nays, and 3 abstentions (7);

Whereas, the *Can’t Ban Us* and statewide coalitions that formed to protect DEI across the state university system were monumental in amending SB 266 to protect Activity and Service (A&S) fees and student autonomy; hence the continued existence at FIU of the Pride Student Union, Black Student Union, Disabled Student Union, Centers for Student Engagement, and Department of Access, Compliance, and Equal Opportunity, and numerous faculty members that contribute to the campus community,

Whereas, the FIU Senate of the Student Body passed S.R. 04 017, also known as the *Equal Restrooms Access (ERA)* Resolution, on March 4th, 2024, with 14 ayes, 1 nay, and 4 abstentions (11),

Whereas, the passing of ERA solidified FIU support to create long-term strategic plans to protect transgender, non-binary, and disabled students on this campus by requiring at least 2 gender-neutral facilities in each building on campus,

Whereas, the FIU administration has been positively affected by passing resolutions aimed to protect vulnerable students by allowing FIU Division Leadership to show the will of our students and what our needs are,

Whereas, the passing of this resolution solidifies institutional recognition and support for LGBTQIA+ students on campus by giving them a voice and bringing light to the tragic experiences of LGBTQIA+ students on campus the past few years,

Whereas, this resolution has no binding power, however, it serves as an influential statement ensuring there is strong institutional rhetoric being pushed to decrease legislative attacks and hate crimes and to protect LGBTQIA+ students' right to feel safe and seen on the FIU campus,

Whereas, FIU was able to protect vital programming such as the Martin Luther King Jr. Parade and faculty positions that were threatened under SB 266, however it is unclear how enforcement will fully look in the years to come; meaning it is crucial to show how its implementation is affecting students within higher education,

Whereas, many state university systems such as New College and the University of Florida completely eliminated their DEI departments and fired their faculty that fell underneath those departments; this resolution stands in solidarity with all marginalized students across the state and empowers students to stay vocal about our needs, concerns, and academic freedom,

Whereas, in November 2023, the Florida Board of Governors voted to remove "Principles of Sociology" as one of the six courses offered under social sciences (25),

Whereas, the American Psychological Association's comment on the Board of Governors' decision stated "Principles of Sociology contributes substantially to improving the civic literacy of Florida's college students and provides broad foundational knowledge. Your expert faculty advisory committee recommends that Principles of Sociology be included on the list of general education core course options for social science. And the proposed additional history course can be added without removing Principles of Sociology; this is not a zero-sum game" (26),

Whereas, students in Florida and at FIU are concerned about the quality of our education when important curriculum, history, and knowledge is being banned from our classrooms,

Whereas, students in Florida and FIU are worried about the long-term consequences of these bans when it comes to national certification, rankings, and credentials,

Whereas, students in Florida and FIU are worried about the long-term consequences of these bans in terms of financial flows; it is expected to see a decline in enrollment, sponsorships, and retention,

Now, Therefore, Be It Resolved that the Student Government Association pledges to generously fund DEI-focused organizations, including but not limited to: the Centers for Student Engagement; the office of Access, Compliance, and Equal Opportunity; the Women's Center; the Pride Center; the Black Student Union (BSU); the Pride Student Union (PSU); the Disabled Student Union (DSU); and the International Student Union (ISU);

Now, Therefore, Be It Resolved that the Student Government Association promotes and raise awareness of extracurricular programming by the academic departments targeted by Florida legislation, including but not limited to; Global and Sociocultural Studies, which includes Anthropology, Sociology, and Geography; Women and Gender Studies; Psychology; African and African Diaspora Studies; and History;

Now, Therefore, Be It Resolved that the Student Government Association commits to taking a larger stance in fighting for diversity, equity, and inclusion; condemning attacks on academic and personal freedom by the state on its constituency;

Now, Therefore, Be It Resolved that the Student Government Association will always use its institutional power to advocate for the LGBTQIA+ community on campus and take actions to make sure students within this community feel safe and comfortable on campus, especially by centering and promoting the concerns and voices of SGA Bureaus like PSU, BSU, DSU, and ISU who all serve marginalized students and share intersectional communities;

Now, Therefore, Be It Resolved the Student Government Association calls upon the FIU Board of Trustees and Florida State University System to stand with the sentiments and actions within this resolution to adequately support our students, faculty, and community; and a copy of this Resolution be sent to FIU Faculty Senate Chair, FIU President, FIU Board of Trustees, FIU Provost, FIU Vice Provost and Department Deans, Florida Student Association, Florida State University Systems, the Florida Board of Governors, Florida Chancellor and the leaders of the Legislature.



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- 7) S.R. 03 014 -- The 39th Session of the Student Body Senate: *Can't Ban Us*. (2023, February 20). https://dasa.fiu.edu/all-departments/student-government-association/archives-and-minutes/_assets/senate-legislation/2022-2023/sr-03-014-cant-ban-us.pdf
- 8) H.B. 1557 -- 2022 Legislature: *Parental Rights in Education*. (2022, March 8). <https://www.flsenate.gov/Session/Bill/2022/1557>
- 9) H.B. 7 – 2022 Legislature: *Individual Freedom*. (2022, March 10). <https://www.flsenate.gov/Session/Bill/2022/7>
- 10) H.B. 1521 – 2023 Legislature: *Facility Requirements Based on Sex*. (2023, May 3). <https://www.flsenate.gov/Session/Bill/2023/1521>
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- 21) H.B. 599 – 2024 Legislature: *Gender Identity Employment Practices*. (2023, November 21).
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Senate Resolution Transmission Form

This resolution is presented by the Senate of the Student Body at Florida International University. It is presented by the Senate President Pro-Tempore and affixed with the signature of the Senate President. Both the Senate President and the Senate President Pro-Tempore affirm that the information presented below is accurate and that the resolution has successfully passed in the Senate of the Student Body. The resolution is presented on this day and at this hour for signature or veto.

<i>SR 04 030</i>			
Date Introduced:	<i>03/19/2024</i>		
Committees Assigned:	(1) Student Life and Academic Concerns (2) Rules and Administration		
SLAC: <i>04/01/2024</i>	3 <i>For</i>	0 <i>Against</i>	0 <i>Abstaining</i>
Rules and Administration: <i>04/02/2024</i>	4 <i>For</i>	0 <i>Against</i>	0 <i>Abstaining</i>
Vote on the Senate Floor: <i>04/08/2024</i>	16 <i>For</i>	0 <i>Against</i>	4 <i>Abstaining</i>
			
Signature of the Senate President	Signature of the Senate President Pro Tempore		

Presidential Signature of a Senate Resolution

On this day, at this time, and in this place, the Senate of the Student Body at Florida International University does hereby present this resolution to the desk of the President of the Student Body for signature or veto. The Senate has passed this resolution and all its accompaniments, in accordance with the Constitution and Statutes of the Student Government Association at Florida International University. It is presented in good faith, whereas the officers of the Senate have affixed their signatures to affirm that the resolution has followed due procedure and is valid. The Senate will await your decision.

SR 04 030



Kaily LaChapelle, Senate President



Tiara Campbell, Senate President Pro-Tempore



Karina Hernandez, Senate Floor Leader



Alexander P. Sutton, Student Body President

