"Give Students a Voice on Regulation 5.010"

Author(s): Boris Bastidas
Sponsor(s): Boris Bastidas

WHEREAS: The Florida Atlantic University Anti-Discrimination and Anti-Harassment Regulation 5.010 affirms a commitment to ensure that each member of the University community is permitted to work or study in an environment free from any form of unlawful discrimination or harassment, and;

WHEREAS: During the 3rd Legislative Session, the Boca Raton House of Representatives passed BRHR-09-03, which called for the inclusion of sexual orientation and gender identity as protected classes along with race, gender, religion and other protected classes, and;

WHEREAS: The FAU Anti-Discrimination and Anti-Harassment Regulation 5.010 still does not include either "sexual orientation" nor "gender identity" as legally protected classes, and;

WHEREAS: Although certain legal protections based on sexual orientation are not in the Florida Constitution, Florida hate crime law directly addresses sexual orientation, (Fla. Stat. § 775.085 [2001]), and;

WHEREAS: The following Universities include "sexual orientation" in regulations pertaining to Anti-Discrimination and Harassment policies: University of Florida, Florida State University, University of North Florida, University of South Florida, Florida Gulf Coast University, Florida International University, University of Central Florida, and;

WHEREAS: New College of Florida includes both "sexual orientation" and "gender identity" in the schools' non-discrimination regulations, and;

WHEREAS: These other State Universities include "sexual orientation" in their anti-discrimination policies even though sexual orientation is not protected by state or federal law, and;

CODING: Words stricken are deletions; words underlined are additions.
WHEREAS: Florida International University in Miami Dade County and Florida State University have “sexual orientation” in their policy even though it is already protected in the Miami-Dade County and Leon County codes, and;

WHEREAS: The University of West Florida does not protect “sexual orientation” in their University regulations but includes it in an adopted policy on discrimination from the University President aimed at protecting from discrimination all protected classes including “sexual orientation,” and;

WHEREAS: Legal issues, Municipal issues or internal University concerns such as domestic partnership benefits did not prevent these other fellow state Universities from amending the regulation to include sexual orientation or gender identity, and;

WHEREAS: In the past, issues such as the smoking zones, smoke-free campus, green fee, marijuana policy changes, the BSUMP name change and an official Mascot have all been proposed as poll questions to be put on Student Government Elections ballots as a way of gaging student opinion on these topics, NOW;

THEREFORE BE IT RESOLVED: That a question on amending FAU Regulation 5.010 is placed on the fall 2011 Boca Raton Campus poll ballot, and;

THEREFORE BE IT FURTHER RESOLVED: That the question reads: “Do you support changing FAU’s Policy on Anti-Discrimination and Harassment to include sexual orientation as a protected class along with race, religion and gender?” with the responses being “yes” and “no,” and;

THEREFORE BE IT FURTHER RESOLVED: That the Boca Raton House of Representatives will support the results of this poll and respect it as the opinion of the students they represent and that the poll results are delivered to the office of the University President and the Board of Trustees.

CODING: Words stricken are deletions; words underlined are additions.
Florida Atlantic University
Student Government
Boca Raton House of Representatives
5th Legislative Session

BRHB-11-26

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Aarons - Yes
Allen - Absent
Anastasi - Yes
Arsolino - Yes
Boydman - Yes
Dunne - Yes
Joseph - Yes
Lambert - Yes
Lupo - Absent
Maceeus - Absent
Maher - Yes
McCoy - Yes
Montes - Yes
Nicotra - Yes
Phillips - Yes
Rattray - Absent
Rosario - Yes
Sosa - Yes
Varela - Yes
Wu - Absent
Bastidas - Yes

BRHB-11-26 PASSED on this 22nd day of July, 2011 by a vote of 16 YES and 0 NO

Signature - House Speaker

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Legislation Signature Sheet

This Bill / Resolution #<BRH-11-26 P A S S E D / F A I L E D on this 22nd day of
July, 2011 by a vote of 16 YES, 0 NO, 0 ABSTAIN
moved by Aarons and seconded by Durre
Signature – House Speaker: 

This Bill / Resolution is hereby ENACTED / VETOED on this 25 day of July, 2011. Signature – Campus Governor: Ryan Ebanks

This Bill is hereby ENACTED / VETOED on this 19th day of August, 2011. Signature – Student Body President Ayda Maher

For All Legislation, Pursuant to University Regulation 4.006

This Bill / Resolution is APPROVED / SENT BACK FOR RECONSIDERATION on this 19th day of August, 2011. Signature – Vice President for Student Affairs Dr. Charles Brown

This Bill / Resolution is Received and Recorded by the Student Government Student Court on this 19th day of August, 2011. 

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