



RESOLUTION

STUDENT GOVERNMENT ASSOCIATION • FLORIDA INTERNATIONAL UNIVERSITY

Agenda Item: SR 1703 - THE SEXUAL MISCONDUCT JOINT RESOLUTION TO CONDEMN SEXUAL MISCONDUCT AND SUPPORT VICTIMS OF SEXUAL MISCONDUCT AT FLORIDA INTERNATIONAL UNIVERSITY

Date: Monday, November 13th, 2017

Committee: Student Advocacy Committee

Authors: Senator Francesca Riccio-Ackerman, Vice Chair of Student Advocacy Committee, College of Engineering & Computing (MMC); Senator Antonia Passalacqua, Chair of Student Advocacy Committee, College of Arts & Sciences (MMC); Senator Joshua Mandall, Chair of Rules and Regulations, School of International & Public Affairs (MMC)

Sponsors: Senator Allison Sardinas, Graduate Senator (MMC); Senator Aujanæ Watson, School of International & Public Affairs (MMC); Senator Curtis Litwiller, Housing Senator (MMC); Senator Timothy Ramjattan, College of Business (MMC); Senator Jonathan Espino, Speaker of the Senate, Housing Senator (BBC); Senator Ronan Kelly, Chair of Finance, Lower Division Senator (BBC)

THE SEXUAL MISCONDUCT JOINT RESOLUTION

BE IT ENACTED BY THE STUDENT GOVERNMENT ASSOCIATIONS OF FIU-MMC AND
FIU-BBC:

Section I: Policy

The proposal outlined in this Council Resolution are in compliance with the authority granted in Article III, 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:

- a. "SGC-MMC" will hereby refer to the Student Government Council of the FIU Modesto A. Maidique Campus,
- b. "SGC-BBC" will hereby refer to the Student Government Council of the FIU Biscayne Bay Campus,



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- c. "SGA" will hereby refer to the Student Government Association, which includes both SGC-MMC and SGC-BBC,
- d. The "FIU Handbook" will hereby refer to the Florida International University Student Handbook as provided by the Division of Student Affairs.

Section III: Resolution

WHEREAS, the Senates of the Student Government Association (SGA), both at FIU-MMC and FIU-BBC campuses recognize the prevalence and severity of University-related sexual misconduct, including but not limited to sexual violence, sexual harassment, sexual exploitation, and rape,

WHEREAS, the Senates of the SGA acknowledge that 1 in 5 women and 1 in 16 men are sexually assaulted in college, with increased risk for people of color, people who identify as LGBTQIA, and other disadvantaged populations,

WHEREAS, the Senates of the SGA reaffirm their pledge as Florida International University students to the nationwide "It's On Us (to stop sexual assault)" campaign through our Joint Resolution and our actions,

WHEREAS, the Senates of the SGA hold true to our commitment as a University as stated within 2017-18 Florida International University Handbook ("FIU Handbook"),

WHEREAS, the Senates of the SGA recognize under Policies and Regulations Section I: Policy Statement, that "All members of the University community should be able to work and/or learn in an atmosphere free from discrimination and/or harassment; and the University is committed to addressing conduct that violates these standards",

WHEREAS, the Senates of the SGA recognize that under Policies and Regulations Section I: Policy Statement, that the University "expressly, therefore, prohibits Sexual Violence and Sexual Exploitation, which by definition involves conduct of a sexual nature..."

WHEREAS, the Senates of the SGA recognize that under the same section Policies and Regulations Section I: Policy Statement, that the University has an obligation to "actively promote prevention efforts, educate the community, respond to all reports promptly, provide Interim-Protective Measures to address safety and emotional well-being, and act in a manner that recognizes the inherent dignity of all individuals involved.",



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WHEREAS, the Senates of the SGA recognize that under Policies and Regulations Section II: Scope and Applicability, that “[these Regulations apply] to the conduct of University students and employees, including faculty and staff,

WHEREAS, the Senates of the SGA recognize that under Policies and Regulations Section II: Scope and Applicability, that these regulations not only apply to all Prohibited Conduct that occurs on campus, but also applies to Prohibited Conduct that occurs off campus “including online or electronic conduct”,

WHEREAS, the Senates of SGA recognize that under Policies and Regulations Section IV: Prohibited Conduct, Subsection S titled “Sexual or Gender-Based Harassment” of the FIU Handbook that Sexual or Gender-Based Harassment includes verbal, physical, or electronic conduct of a sexual nature that [create] a hostile, intimidating, or abusive environment,

WHEREAS, The Senates of the SGA recognize that Subsection T titled “Sexual Assault or Sexual Violence” defines these terms as forms of Sexual or Gender-Based Harassment that involve having or attempting to have Sexual Contact with another individual without Consent,

WHEREAS, The Senates of the SGA recognize Subsection U titled “Sexual Exploitation” defines this term as a form of Sexual or Gender-Based Harassment that involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, and/or other personal benefit,

WHEREAS, The Senates of the SGA recognize again that Subsection U, under “Examples of Sexual Exploitation”,

WHEREAS, the Senates of the SGA emphasizes the example of “non-consensual streaming of images, photography, video, or audio recording of Sexual Contact or nudity, or distribution of such without the knowledge and/or Consent of all parties involved”,

WHEREAS, the Senates of the SGA recognize Subsection W titled “Consent”, the Senate emphasizes that it is the responsibility of each person involved in any sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in sexual activity,

WHEREAS, the Senates of the SGA recognizes again Subsection W titled “Consent”, the Senate emphasizes that Someone under 16 years of age cannot consent to sexual activity regardless of the age of the other person.



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WHEREAS, the Senates of the SGA emphasizes that an individual that is at least 16 years of age but less than 18 years of age cannot consent to sexual activity if the other person is 24 years of age or older,

WHEREAS, the Senates of SGA recognize the federal law colloquially referred to as “Title IX”, which applies to Florida International University under the United States Education Amendments of 1972 Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. §§ 1681–1688,

WHEREAS, the Senates of the SGA acknowledge and accept the definitions of Sexual Harassment and Sexual Violence provided by the Florida International University Title IX office, that sexual jokes, offensive messages and posts online, unwelcome touching, sexual assault and rape are all examples of Sexual Harassment and Sexual Violence,

WHEREAS, the Senates of SGA acknowledge the email from the Vice-President of Student Affairs Dr. Larry Lunsford that states that the alleged behavior from the fraternity Tau Kappa Epsilon is not acceptable and will not be tolerated by any members of the university,

THEREFORE, BE IT RESOLVED, that the Senates of the SGA remind members of the Florida International University community that any form of Sexual Misconduct is strictly prohibited,

THEREFORE, LET IT BE FURTHER RESOLVED THAT, the Senates of the SGA condemn the recent alleged behavior from the fraternity Tau Kappa Epsilon for violating the rules and regulations outlined in Section IV of the FIU Handbook titled “Prohibited Conduct” in multiple subsections and for committing acts that violate Title IX of the United States Education Amendment of 1972,

THEREFORE, LET IT BE FURTHER RESOLVED THAT, the Senates of the SGA encourage the Florida International University Administration to investigate and distribute appropriately severe consequences for those who are found guilty of violating the “Prohibited Conduct” Section of the FIU Handbook and/or the Title IX laws,

THEREFORE, LET IT BE FINALLY RESOLVED THAT, the Student Government Councils of FIU-MMC and FIU-BBC support the victims in violations of these rules, and encourage them to seek support and justice through the Title IX Office, the Victim Empowerment Program, and the Counseling and Psychological Services at Florida International University.



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Section IV: Enforcement

This 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 SGC-MMC and SGC-BBC Student Government Councils;

Section V: Enactment

This Resolution and all its contents shall be the official opinion of the SGC-MMC and SGC-BBC Student Governments upon passage by the SGC-MMC Senate, the SGC-BBC Senate, and approval of the FIU-MMC Student Body President and the FIU-BBC Student Body President;

Section VI: Implementation

Upon the enactment of this Resolution, this shall be the official opinion and position of the SGC-MMC and SGC-BBC Student Governments and shall make any prior legislation that conflicts with this legislation hereby null and void.

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FIU-MMC STUDENT GOVERNMENT COUNCIL		
DATE _____	IN FAVOR OF _____	AGAINST _____
AMENDMENTS:		
VOTE OUTCOME	PASS	FAIL
Maria Delgado, Senate Speaker		
Francesca Riccio-Ackerman, Author	Antonia Passalacqua, Author	Joshua Mandall, Author



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PRESIDENTIAL RULING	ENACT	VETO
Krista Schmidt, President		

SR 17##		
FIU-BBC STUDENT GOVERNMENT COUNCIL		
DATE _____	IN FAVOR OF _____	AGAINST _____
AMENDMENTS:		
VOTE OUTCOME	PASS	FAIL
_____, Senate Speaker		
Francesca Riccio-Ackerman, Author	Antonia Passalacqua, Author	Joshua Mandall, Author
PRESIDENTIAL RULING	ENACT	VETO
_____, President		