



Council Resolution

STUDENT GOVERNMENT COUNCIL · MODESTO A. MAIDIQUE CAMPUS

1 Agenda Item: SR1810 — A RESOLUTION TO CONDEMN ACTS OF RACIAL
2 DISCRIMINATION, RELIGIOUS DISCRIMINATION, AGGRESSION, AND SEXUAL
3 MISCONDUCT.

4
5 Date: October 22nd, 2018

6
7 Authors: Senator Brandon Aquino, College of Arts, Science & Education

8
9 Committee: NONE

10
11 Sponsors: Senator Antonia Passalacqua, College of Arts, Science & Education; Senator Samuel
12 Santos, School of International & Public Affairs; Senator Victoria Larson, Housing; Senator
13 Peter Hernandez, College of Nursing and Health Sciences; Senator Ariadna Natteri, At-Large

14
15 **A RESOLUTION TO CONDEMN THE FLORIDA INTERNATIONAL UNIVERSITY**
16 **CHAPTER OF TURNING POINT USA**

17 **SECTION I POLICY**

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

20
21 **SECTION II TERMS**

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

- 23 I. "University" shall hereby be defined as Florida International University;
- 24 II. "FIU" shall hereby be defined as Florida International University;
- 25 III. "SGA" shall hereby be defined as the Student Government Association, which is
26 compromised of the governing councils of Student Government Council – Modesto A.
27 Maidique Campus and the Student Government Council – Biscayne Bay Campus whose
28 authority is granted by Florida Statutes Chapter 1004, Section 26 [F.S. §1004.26] and the
29 University;
- 30 IV. "SGC-MMC" shall hereby be defined as the Student Government Council – Modesto A.
31 Maidique Campus;
- 32 V. "SGC-BBC" shall hereby be defined as the Student Government Council – Biscayne Bay
33 Campus;
- 34 VI. "Student", "Students" shall hereby be defined as "Any person who participates in any
35 course or program of the University, either full-time or part-time, in-person or online, and
36 whether degree-seeking or non-degree seeking. Persons who withdraw after alleged- ly
37 violating the Student Code of Conduct, persons who are not officially enrolled at the
38 University for a particular term but who have a continuing relationship with the
39 University, persons who have been notified of being accepted for admission, and persons
40 who are living in the residence halls but are not enrolled at the University are also
41 considered Students;"^[1]



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- 42 VII. “Student Code of Conduct” shall hereby refer to latest June 2018 edition of the [FIU-
43 2501] Student Code of Conduct which is a compilation of policies, regulations, and rights
44 designed to serve the Florida International Community;
- 45 VIII. “Student Handbook” shall hereby refer to the latest 2018-2019 edition of the FIU Student
46 Handbook as provided by the Division of Student Affairs;
47 “A&S Fees” shall hereby refer to Activity and Service Fees which pursuant to Florida
48 Statutes Chapter 1009 Section 24 Subsection (7) [F.S. §1009.24 (7)] shall be defined as
49 “Each Florida College System institution board of trustees may establish a separate
50 activity and service fee not to exceed 10 percent of the tuition fee, according to rules of
51 the State Board of Education. The student activity and service fee shall be collected as a
52 component part of the tuition and fees. The student activity and service fees shall be paid
53 into a student activity and service fund at the Florida College System institution and shall
54 be expended for lawful purposes to benefit the student body in general. These purposes
55 include, but are not limited to, student publications and grants to duly recognized student
56 organizations, the membership of which is open to all students at the Florida College
57 System institution without regard to race, sex, or religion;”
- 58 IX. “Student Organizations” shall hereby be defined as “A Student group that is officially
59 registered or recognized by the University, including, but not limited to, political groups,
60 social groups, honor & professional societies, fraternities & sororities, and sport clubs;”^[1]
- 61 X. “CSO” shall hereby refer to the Council for Student Organizations which is the SGC-
62 MMC Agency overseeing and representing all undergraduate clubs, graduate clubs, and
63 Honor Societies;
- 64 XI. “TPUSA” shall hereby refer to FIU Chapter of Turning Point USA which is an on-
65 campus student organization registered under CSO as an active organization and is able
66 to be a recipient of A&S Fees;

SECTION III RESOLUTION

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

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

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

82 WHEREAS, the Senates of the SGA reaffirm their commitment and understanding of the
83 responsibility as Students to adhere and abide by University requirements and
84 regulations, including, but not limited to, the Student Code of Conduct;



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- 85
86 WHEREAS, the Senates of the SGA recognize the policies and regulations as stated in the
87 Student Handbook to be in accordance with the Student Code of Conduct;
88
- 89 WHEREAS, the Senates of the SGA recognize that alleged members of TPUSA had allegedly
90 made comments in regards to underage pornography, racial slurs, depictions of
91 rape, depictions of bodily threats, religious discrimination specific to sects of
92 Judaism and Islam, insinuations of deportation of minority groups, suppression of
93 other organizations, and conspirations to expel an individual from the University in
94 an online WhatsApp group chat;
95
- 96 WHEREAS, the Senates of the SGA recognize that as per Student Handbook Policies and
97 Regulations Section II: Scope and Applicability, that these [Regulations] apply “to
98 all Prohibited Conduct that occurs on campus. It also applies to Prohibited Conduct
99 that occurs off campus, including online or electronic conduct...”^[2]
100
- 101 WHEREAS, the Senates of the SGA recognize that as per the Student Handbook Policies and
102 Regulations Section IV: Prohibited Conduct, Paragraph A: Discrimination and
103 Harassment Based on All Protected Statuses Prohibited, that these [Regulations]
104 prohibit “all forms of Discrimination and Harassment based on an individual’s
105 Protected Status, including, age, color, creed, disability, gender, gender expression,
106 gender identity, genetic information, national origin, race, religion, sex, sexual
107 orientation, veteran's status and/or any other legally protected status;”^[2]
108
- 109 WHEREAS, the Senates of the SGA recognize that A&S Fees must be expended for lawful
110 purposes to benefit the Student body in general;
111
- 112 WHEREAS, the Senates of the SGA recognize that TPUSA is able to receive of up to a
113 minimum of one-thousand, two-hundred and fifty dollars and zero cents (\$1,250.00)
114 of A&S Fees according to the Activity & Services Business Office (Reference
115 #542240002);^[3]
116
- 117 WHEREAS, the Senates of the SGA recognize that the alleged conduct of TPUSA is in potential
118 violation of the Student Code of Conduct;
119
- 120 WHEREAS, the Senates of the SGA recognize that as per the Student Code of Conduct Section
121 11: Principles of Group Responsibility, Paragraph A, “Any Student Organization
122 can be held responsible under the Student Code of Conduct for its actions or those
123 of its members acting together;”^[1]
124
- 125 WHEREAS, the Senates of the SGA recognize that as per the FIU Board of Trustees Regulations
126 FIU-105 REGULATION ON PROHIBITED DISCRIMINATION,
127 HARASSMENT AND RELATED MISCONDUCT INCLUDING SEXUAL AND



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128 GENDER-BASED HARASSMENT, SEXUAL VIOLENCE, DATING
129 VIOLENCE, DOMESTIC VIOLENCE AND STALKING, Section I: Policy
130 Statement that the University affirms its commitment to ensure that each member of
131 the University community shall be permitted to work or study in an environment
132 free from any form of illegal discrimination based on race, color, religion, age,
133 disability, sex (including sexual misconduct), sexual orientation, gender identity or
134 expression, national origin, marital status, veteran status, and/or any other legally
135 protected status (collectively referred to as Protected Status). The University
136 recognizes its obligation to work towards a community in which diversity is valued
137 and opportunity is equalized;”^[3]

138

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

142

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

147

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

153

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

159

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

164

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

168

169 **SECTION IV: ENFORCEMENT**



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170 This Joint Resolution shall be presented to the Student Body, the FIU Board of Trustees, the FIU
171 Foundation Board, and all relevant committees on behalf of the Student Body by the SGA;
172

173 **SECTION V: ENACTMENT**

174 This Joint Resolution and all its contents shall be the official opinion of the SGA upon passage
175 by the SGC-MMC Senate, the SGC-BBC Senate, and approval of the SGC-MMC Student Body
176 President and the SGC-BBC Student Body President;
177

178 **SECTION VI: IMPLEMENTATION**

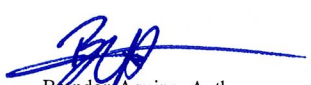


179 Upon the enactment of this Joint Resolution, this shall be the official opinion and position of the
180 SGA and shall make any prior legislation that conflicts with this legislation hereby null and void.
181

182 [1] https://studentaffairs.fiu.edu/get-support/student-conduct-and-conflict-resolution/student-code-of-conduct%20/_assets/code_of_conduct_booklet-web.pdf

183 [2] https://studentaffairs.fiu.edu/get-involved/campus-life/mmc/_assets/handbook-2018-2019-compressed.pdf

184 [3] https://sa-ostrich.fiu.edu/asbo_live/index.cfm?fuse=lbudgets

185 [4] <https://regulations.fiu.edu/docs=202>
186
187
188

SR1810		
FIU-MMC STUDENT GOVERNMENT COUNCIL		
IN FAVOR OF <u>28</u>	AGAINST <u>1</u>	ABSTENTIONS <u>0</u>
AMENDMENTS: <u>NONE</u>		
DATE <u>10/29/10</u>	<u>PASS</u>	FAIL
SIGNED IN ABSENTIA Antonia Passalacqua, Speaker of the Senate		
 Brandon Aquino, Author		 Peter Hernandez, RLJC Chair
PRESIDENTIAL RULING	<u>ENACT</u>	VETO
 Sabrina Rossell, Student Body President		