



Resolution #	44
Originally Presented On	February 4, 2010
Sponsor(s)	Andrew Brokman '11, Matt Danzer '12
Subject of Resolution	Non-Discrimination Clause
Type of Action	Legislation
Status/Result	Unfinished Business

Whereas, on April 23rd 2009, the Student Assembly passed R. 41, Resolution Against Discriminating Within Student Organizations, which stated,

“**Be it therefore resolved**, that the Student Assembly finds Chi Alpha Christian Fellowship in violation of the aforementioned policies.”

Whereas, the Student Activities Finance Commission subsequently found that it was permissible for an independent student organization to revoke a member’s leadership status if the leader’s sexual orientation conflicted with the organization’s values, and resolution 41 was overturned.

Whereas, the University Assembly is currently working on a non-discrimination clause for the Campus Code of Conduct that does not seek to secure membership rights within student organizations.

Whereas, the Student Assembly maintains the legislative authority to alter policies in the Student Activities Office’s (SAO) contract for independent student organizations given its legislative authority over the Office of the Dean of Students.

Whereas, the SAO’s contract for independent student organizations includes a non-discrimination clause which reads,

7. Non-discrimination

The IO shall not discriminate on the basis of race, color, religion, national origin, disability, gender, citizenship, sexual orientation, or age when determining its membership.

Notwithstanding these requirements, a club sport may restrict membership based on gender where selection for such clubs is based upon competitive athletic skill or the activity involved is a contact sport. Organizations may also make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one gender. In determining cases of discrimination it is not sufficient to look merely to the constitution of the IO. Its actual practices and operations are also relevant.

Whereas, the SAO’s non-discrimination clause does not clarify what it means to be free from discrimination in terms of “membership.”

Whereas, a clarification of the non-discrimination clause governing independent student organizations would prevent using student activity fee money to perpetuate discrimination against legally protected classes.

Whereas, updating the non-discrimination clause governing independent student organizations would allow for the protection of more students in a manner consistent with University Policy 6.4, Prohibited Forms of Discrimination.

Be it therefore resolved, that the Student Activities Offices’ contract for independent student organizations be amended as follows with insertions indicated in bold:

7. Non-discrimination

The IO shall not discriminate on the basis of **actual or perceived** age, **ancestry or ethnicity**, color, **creed**, disability, gender, **gender identity or expression**, **height**, **immigration or citizenship status**, **marital status**, national origin, race, religion, **religious practice**, sexual orientation, **socioeconomic status**, **veteran status or weight** when determining its membership **and when determining full rights of membership, which shall include, but is not limited to, voting for, seeking, and holding positions within the IO**. Notwithstanding these requirements, a club sport may restrict membership based on gender, **height, and weight** where selection for such clubs is based upon competitive athletic skill or the activity involved is a contact sport. Organizations may also make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one gender. In determining cases of discrimination it is not sufficient to look merely to the constitution of the IO. Its actual practices and operations are also relevant.

Respectfully submitted,

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At-Large Representative, Student Assembly

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