

**Resolution #12**

**Resolution Against LGBTQ Discrimination**

Introduced By:

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Authored By:

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**Resolution #12****Resolution Against LGBTQ Discrimination****Background:**

On Thursday March 26<sup>th</sup>, 2015 Indiana Governor Mike Pence signed the Religious Freedom Restoration Act (RFRA). This law is a license for businesses in Indiana to discriminate against LGBTQ individuals seeking to make a business transaction. The first RFRA was signed in 1993, which was actually signed by Bill Clinton. By a unanimous vote, this bill passed the House of Representatives and protected institutions such as churches or places of worship from committing actions contrary to their beliefs. The law reestablished a balancing test for courts so that they would apply this law in religious liberty cases. The law allows a person's free exercise of religion to be "substantially burdened" by a law only if the law furthers a "compelling governmental interest" in the "least restrictive means of furthering that compelling governmental interest."

To understand what all the fuss is about, you must compare the already existing RFRA's to the newly created RFRA in Indiana. First and foremost, the Indiana law explicitly allows any for profit business to assert a right to "the free exercise of religion." The federal RFRA does not contain this language, and neither do any of the state RFRA's except for one other.

Furthermore, this new statute also says "A person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, by a violation of this chapter may assert the violation or impending violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the state or any other governmental entity is a party to the proceeding." This vague language is only included in one other state's RFRA, Texas. These vague words translate into Indiana directly recognizing that corporations have the rights matching individuals or churches. This statute shows every sign of having been carefully designed to construct new obstacles in the path of equality. This law also allows for businesses to discriminate when it comes to employment, housing, and public accommodations on the basis of sexual orientation.

Although there is already an existing version of the Religious Freedom Restoration Act that has been implemented throughout the United States, this specific RFRA would amount to an over-correction of protection for religious liberty rights, which would crush the well-established harmony already struck in Indiana before this law was passed. Because of this new law in Indiana, many are concerned that there will be specific circumstances that are controversial and specific instances of how this law may be implemented. The most famous circumstance is that this law will allow for florists to reject the sale of flowers to LGBTQ weddings. In more general terms, this law the right for any person to refuse the sale of products to an individual based off their LGBTQ status. When the governor signed this bill, he actually signed it behind closed doors so that he would not attract attention. After the story broke, massive media coverage has been created and various cities (San Francisco), states (Connecticut), and businesses (Angies List) have since decided to boycott the state for its discriminatory law. Because

of the pressure placed on Indiana, the Governor of Arkansas has since decided to request changes to a similar being pushed through their own legislature.

**Purpose:** The purpose of this resolution is to convey to the University of California, Merced campus that our student government does not agree with this law and that we strongly encourage a boycott of any conferences, events, or activities in Indiana until this law has been repealed.

1. **Whereas:** According to the University of California Regents statement on diversity that was adopted on September 20, 2007 and amended on September 16<sup>th</sup> 2010, diversity “should be integral to the University’s achievement of excellence”; and,
2. **Whereas:** The University of California, Merced has a vibrant LGBTQ population that often holds events on campus and holds an annual pride week; and,
3. **Whereas:** according to the University of California Regents statement on diversity that was adopted on September 20, 2007 and amended on September 16<sup>th</sup> 2010, diversity “A defining feature of California’s past, present, and future – refers to the variety of personal experiences, values, and worldviews that arise from differences of culture and circumstance. Such differences include race, ethnicity, gender, age, religion, language, abilities/disabilities, SEXUAL ORIENTATION, GENDER IDENTITY, socioeconomic status, and geographic region, and more; and,
4. **Whereas:** The University of California, Merced has hired a LGBTQ coordinator that seeks to expand tolerance on campus, programs related to the LGBTQ community, additional resources for this community, and to facilitate the betterment of this community; and,
5. **Whereas:** Companies such as Yelp, Angies List, Cities like San Francisco, and now the states of Connecticut and Washington have decided to boycott trips, events, or expansions in the state of Indiana.
6. **Whereas:** Boycotting is an effective tool to change institutionalized discrimination, and;
7. **Whereas:** If the Associated Students of the University of California, Merced were to finance trips to the state of Indiana, we would be directly contradicting the diversity by which our university values so much; and therefore,

**Be it Resolved:** That the Associated Students of the University of California, Merced does not support nor condone the investment into Indiana until this discriminatory law is repealed or until the LGBTQ community is given substantial protection from this discriminatory law.

**Be it Further Resolved:** That the Associated Students of the University of California, Merced recommend that Chancellor, Dorothy Leland, also implement a similar university-wide boycott of Indiana until this law is repealed

**Be it Further Resolved:** That the Associated Students of the University of California, Merced fully supports the LGBTQ community on campus and strongly discourages discriminatory behavior to this community in Indiana, Merced, and around the world.

**Be it Finally Resolved:** The Associated Students of the University of California, Merced shall not finance any trips or events in the state of Indiana until this discriminatory law is repealed or until the LGBTQ community is given substantial protection from this discriminatory law as defined by the Senate.

**Resolution #12**

**Resolution Against LGBTQ Discrimination**

Date Introduced: \_\_\_\_\_

Submitted Senate Committee(s):

Date Settled: \_\_\_\_\_

Budget and Finance

Student Advocacy

Veto Expires: \_\_\_\_\_

Student Activities

Academic Affairs

Other \_\_\_\_\_

Comments/Recommendations:

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Senate Action:

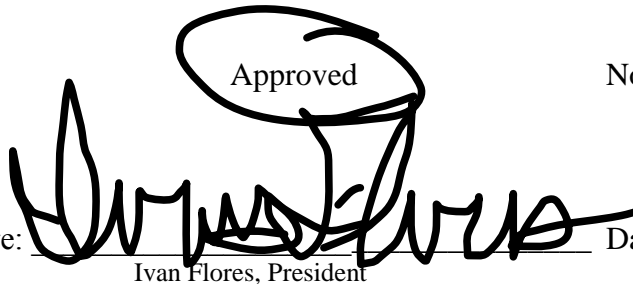
Approved

Not Approved

Senate Chair Authorization: \_\_\_\_\_  
Zachary Mondo, Internal Vice President

Date: \_\_\_\_\_

President Action:

Approved  


Not Approved

President's Signature: \_\_\_\_\_  
Ivan Flores, President

Date: 4/03/15