

**HCR 3010**March 3<sup>rd</sup>, 2023

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Chair Weisz and Members of the Committee: My name is Adelyn Emter, and I am the Chief of Staff for the North Dakota Student Association (NDSA). I writing to provide student insight on the potential implications of [HCR 3010](#).

The North Dakota Student Association is dedicated to ensuring that students have a voice at the table in policy that affects higher education. We consist of delegates from each of the 11 public North Dakota University System (NDUS) institutions, meeting monthly to engage students in discussions about North Dakota higher education policy. Since 1969, our mission has been to empower students, create collaboration between the student bodies of the North Dakota public universities, and to give a student perspective on higher education policy.

The NDSA supports protection and equal opportunity for all students' rights, especially women and minority populations who have historically experienced obstructions to these goals.

The fourth whereas clause, beginning on line 11, may diminish the experiences of sexual violence by populations other than women in the context of this resolution. On Saturday, November 5<sup>th</sup>, 2022, the North Dakota Student Association passed [NDSA-09-2223](#): A Resolution in Support of the NDSA's Legislative Priorities for the 23-25 Biennium. This resolution establishes our legislative priorities, including our support of policies protecting the rights of NDUS LGBTQIA2S+ students. According to the Human Rights Campaign, 47% of transgender people are sexually assaulted at some point in their lifetime<sup>[1]</sup>. It is also important to acknowledge the existence of intersex individuals whose biological markers are not consistent with the faulty assumption of a gender binary. Additionally native people represent approximately 6.4% of the North Dakota population, and we should not disregard the cultural existence of certain native individuals who identify as two-spirit.

Line 16 of the resolution states "separate is not inherently unequal," which is phrasing that was used in the landmark court case *Brown v. Board of Education of Topeka*, a US Supreme Court case that ultimately ruled that separate education is inherently unequal. Because of this context, the NDSA would recommend considering a change to this wording.

[1] <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

[2] <https://orwh.od.nih.gov/sex-gender>

The NDSA has made it a priority to protect the rights of transgender students for the 23-25 biennium, specifically outlined in [NDSA-14-2223](#). The NDSA would urge any public institution addressed in this resolution to respect the differences in definition between sex and gender. Sex, as defined by the National Institutes of Health Office of Research on Women's Health, is a multidimensional biological construct based on anatomy, physiology, genetics, and hormones, while gender a multidimensional construct that encompasses gender identity and expression, as well as social and cultural expectations about status, characteristics, and behavior as they are associated with certain sex traits<sup>[2]</sup>. Understandings of gender also vary throughout historical and cultural contexts.

We respectfully ask that the House Committee on Health and Human Services consider this input, as it is provided on behalf of NDUS students whose data and identities would be collected as these statistics as recommended in [HCR 3010](#).

[1] <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

[2] <https://orwh.od.nih.gov/sex-gender>