NORTH DAKOTA STUDENT ASSOCIATION | THE VOICE OF THE STUDENTS

SB 2199

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Chairman Larson and members of the Judiciary Committee: My name is Adelyn Emter, and I am the Chief of Staff of the North Dakota Student Association. I am writing today on behalf of our organization and students within the North Dakota University System in opposition of SB 2199.

The North Dakota Student Association is a student organization established in 1969 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 institutions meeting monthly to engage students in ND Higher Education policy. Our mission is 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 purpose of NDSA is to represent all students enrolled in the North Dakota University System (NDUS) and advocate on issues of higher education in support of access, affordability, quality, and the student experience. On Saturday, November 5th, 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, and SB-2199 directly conflicts with this stance. SB-2199 fails to acknowledge the existence of intersex individuals whose biological markers are not consistent with the faulty assumption of a gender binary. Native people represent 6.4% of the North Dakota population, and this bill blatantly ignores and disrespects the cultural existence of certain native individuals who identify as two-spirit.

The NDSA has also passed several resolutions in support of promoting student mental health initiatives, including NDSA-09-2223 and NDSA-12-2122. This bill would likely have severe detrimental effects stemming from the emotional stress caused by referring to individuals with improper pronouns. According to the Trevor Project, more than half of all transgender youth seriously considered suicide in the past year, and nearly 20% attempted suicide. The mental health risks posed by this legislation are severe and pervasive, placing students across the NDUS at risk. Further, NDSA-16-1819: A Resolution in Support of Free Speech established that the NDSA fully supports the right of students and faculty to practice free speech, a stance that has

been consistently upheld. SB-2199 infringes on student free speech and academic freedoms by restricting terminology used in correspondence.

NDSA-11-1819 was passed in January of 2019 in support of prohibiting discrimination in North Dakota housing and workplaces based on sexual orientation and gender identity. All 11 public institutions of higher education in North Dakota prohibit discrimination based on sexual orientation and gender identity. The NDSA believes that the state should be encouraging all types of people, no matter their gender identity, to work and live in the state, a value threatened by SB-2199.

Finally, the NDSA supports gender inclusive policies on North Dakota University System campuses. NDSA-10-2122 was passed in February of 2022 establishing support of policy protecting individuals on the basis of gender identity and expression. The NDSA has a long history of advocating for the protection, right to equal access, and equal treatment of students. Every member of the NDUS should be free from discrimination and harassment based on their gender identity and/or gender expression. Further, the NDSA recognizes the right of all individuals to be addressed in a manner consistent with their gender identity and expression, as requested or indicated by the individual, including, but not limited to, the ensured use of preferred names and pronouns, access to gender appropriate housing, and protection of educational and extracurricular opportunities. Under federal law, gender identity is considered a protected class, which would be violated by this legislation. It is the responsibility and obligation of the NDUS and its institutions to take any reasonable action that will ensure the health and safety of its students, and this bill explicitly discriminates against transgender student population within the North Dakota University System.