STUDENT SENATE RESOLUTION 2017-105

TITLE: Resolution Supporting First Amendment Protections

AUTHORS: Brett Oehrle

SPONSORS: Senate President Pro-Tempore Trevor Schaettle, Pride Student Union Treasurer Preston Jones

WHEREAS, the right to free speech is an unalienable human right, outlined and protected by the United States Constitution, and the State of Florida Constitution; and,

WHEREAS, the Supreme Court of the United States, in the case of R.A.V. v. City of St. Paul, decided that a Minnesota criminal law was unconstitutional because limiting an individual's expression, even if hateful, violates First Amendment free speech rights[1]; and,

WHEREAS, in the case of Wisconsin v. Mitchell the Supreme Court of the United States held that increased penalties for crimes motivated by discrimination are allowable, and free speech rights are not violated because the discrimination extended to the harm of an individual; and,

WHEREAS, the Supreme Court of the United States has ruled that while hate speech is protected under the first amendment, penalties for crimes rooted in hate may be enhanced because of how others are affected; and,

WHEREAS, John F. Banzhaf III, professor of law at George Washington University, asserts that state schools cannot ban hate speech under constitutional free-speech protections unless displayed throughout the course of an illegality, like vandalism or “a threat of imminent violence,”[2]; and,

WHEREAS, The Center For College Affordability and Productivity released an article expressing the sentiment that when free speech is limited, in any way, “we cease to be Americans – at least the type of Americans that the Founding Fathers helped nurture with the Bill of Rights, Americans who believe the right of free expression is at the core of what it means to be a citizen of what up to now has been the freest and most prosperous major nation this planet has ever seen”[3]; and,

WHEREAS, the American Civil Liberties Union believes that, especially at universities, limiting free speech is not the appropriate response to biased speech, but rather the appropriate response is encouraging open conversation [4]; and,
WHEREAS, the ACLU believes that speech codes are inappropriate at universities because “all views are entitled to be heard, explored, supported or refuted,” which allows for hate to be addressed[4]; and,

WHEREAS, the ACLU believes that individuals should be able to organize to attempt to confront and dispel the ideas expressed in hate speech[4]; and,

THEREFORE, LET IT BE RESOLVED that the University of Florida Student Senate recognizes free speech as an unalienable human right which shall not be infringed upon by national, state, city, or university policies; then,

THEREFORE, LET IT FURTHER BE RESOLVED that the University of Florida Student Senate condemns hate speech in all forms and believes all people deserve to feel safe and accepted, regardless of any and all identities, and regardless of the legality of hate speech; then,

THEREFORE, LET IT FURTHER BE RESOLVED that the University of Florida Student Senate believes that all individuals deserve equal treatment and respect regardless of ability, age, creed, ethnic or national origin, gender, gender identity and expression, marital status, political or social affiliation, race, religion, or sexual orientation; then,

THEREFORE, LET IT FURTHER BE RESOLVED that the University of Florida Student Senate encourages students to utilize resources such as U Matter We Care, the Counseling and Wellness Center, the Bias Education and Response Team, Students Taking Action Against Racism, Multicultural and Diversity Affairs in order to build an educated and educating response to discriminatory acts; then,

THEREFORE, LET IT FINALLY BE RESOLVED that the University of Florida Student Senate encourages open dialogue among students, with the intention to educate others and dispel hate speech, rather than limiting speech and providing the precedent to potentially silence unpopular and dissenting opinions.

Jackie Phillips
Senate President

3/24/17

Proviso: A copy should be sent to Associate Vice President and Dean of Students Dr. Jen Day Shaw, Vice President of Student Affairs Dr. David Parrott