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In Support of UT Disbanding the Young Conservatives of Texas from Campus for Its 'Affirmative Action Bake Sale,' Efforts and 'Catch an Illegal Immigrant' Game Effort, and UT Meeting Future Incidents of Bias with Punitive Action

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WHEREAS, Student Government serves as the official voice of students at the University of Texas at Austin; and,

WHEREAS, Students at the University of Texas at Austin are continually subjected to incidents of bias for which there is little to no action taken by the university. Such incidents over just the past few years have included:

- 1.) A Wednesday Oct. 26 incident in which the Young Conservatives of Texas registered student organization hosted an “affirmative action bake sale” for at least the second time, at which bake sale item prices were based on student race, gender and ethnicity¹
- 2.) A February 20 incident in which a black student reported to the university and police that three white men, two of which were identified as UT students, had thrown glass bottles at him and yelled “f--- you n-----”²
- 3.) A February 2015 incident in which Phi Gamma Delta (Fiji) fraternity threw a “border patrol party” where guests wore hard hats with “Jefe” and “Pablo Sanchez” on them
- 4.) A 2013 effort by the Young Conservatives of Texas to host a “Catch an Illegal Immigrant” game, at which students would have to chase around other students wearing “illegal immigrant” signs

¹ <http://dailytexanonline.com/2016/10/26/anti-affirmative-action-bake-sale-causes-protest-sparks-discussion>

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<http://www.dailytexanonline.com/2016/03/29/ut-students-in-racially-motivated-assault-appeal-university-disciplinary-process>

- 5.) A 2012 Alpha Tau Omega fraternity effort to host a “fiestau” party that would have fake U.S. and Mexico sides with obstacles in between that guests would have to cross³
- 6.) Reports in 2012 and 2013 of students of color having bleach-filled balloons thrown at them in an effort to “whitewash” them⁴
- 7.) A 2012 *Daily Texan* cartoon that labeled Trayvon Martin, an unarmed black teen killed by police, as a “colored boy”; and,⁵

WHEREAS, Incidents 1, 3, 4, 5, and 7 had identifiable university-associated perpetrators and UT took no punitive action⁶, its response was incredibly slow to incident 2⁷ and its investigation to incident 7 took months to even occur.⁸ This is in spite of almost all of these incidents making at least national headlines and many of them sparking large-scale protests and outrage.⁹¹⁰¹¹¹²¹³ This can be seen with the latest “bake sale” incident which led to a large protest¹⁴, a petition calling for YCT’s suspension with more than 800 signatures and at least 178 reports to the Campus Climate Response team; and,¹⁵

WHEREAS, UT often claims that its failure to act is in order to protect freedom of speech, yet other universities both public and private do choose to act when similar incidents of bias occur. Such instances include University of Oklahoma President David Boren ordering the removal of the school’s SAE chapter from campus and the expulsion of two of its members following a racist chant in 2015,¹⁶ the University of Missouri suspending its Delta Upsilon chapter over reports of racist and sexist insults in September,¹⁷ and Duke University suspending its Kappa Sigma chapter in 2013 for an international-themed party that mocked Asians; and,¹⁸

³ <https://www.theodysseyonline.com/ut-continually-defends-freedom-speech-when-campus-racism-occurs>

⁴ http://www.huffingtonpost.com/2013/08/26/university-of-texas-bleach-bomb-bryan-davis_n_3818280.html

⁵ <http://articles.latimes.com/2012/mar/29/nation/la-na-nn-trayvon-cartoon-20120329>

⁶ <https://www.theodysseyonline.com/ut-continually-defends-freedom-speech-when-campus-racism-occurs>

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<http://www.dailytexanonline.com/2016/03/29/ut-students-in-racially-motivated-assault-appeal-university-disciplinary-process>

⁸ <http://kut.org/post/ut-no-proof-bleach-bombs-west-campus-water-balloon-attacks>

⁹ <http://www.cnn.com/2016/10/28/us/university-bake-sale-trnd/>

¹⁰ <http://gawker.com/texas-frat-defends-racist-border-patrol-party-it-was-1684639720>

¹¹ http://www.huffingtonpost.com/2013/09/03/frats-behaving-badly_n_3830905.html

¹² <http://takingnote.blogs.nytimes.com/2013/11/19/the-catch-an-illegal-immigrant-game/>

¹³ <http://articles.latimes.com/2012/mar/29/nation/la-na-nn-trayvon-cartoon-20120329>

¹⁴ <http://dailytexanonline.com/2016/10/26/anti-affirmative-action-bake-sale-causes-protest-sparks-discussion>

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<http://dailytexanonline.com/2016/10/28/student-created-petition-calls-for-removal-of-young-conservatives-of-texas-from-campus>

¹⁶ <https://www.theodysseyonline.com/ut-continually-defends-freedom-speech-when-campus-racism-occurs>

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http://www.columbiatribune.com/news/education/turmoil_at_mu/university-of-missouri-suspends-delta-upsilon-fraternity-after-report-of/article_716ab49e-210d-55c9-a4ca-a793d35a3642.html

¹⁸ <https://www.theodysseyonline.com/ut-continually-defends-freedom-speech-when-campus-racism-occurs>

WHEREAS, UT's continual decision not to act impacts the culture at UT leading to other incidents of bias such as a 2012 incident in which a swastika was carved into a student's door in a West Campus apartment complex¹⁹; and,

WHEREAS, The campus clearly wants to fight back against racism on the 40 Acres further evidenced by its ultimately successful 2015 call to have the Jefferson Davis statue removed from display²⁰; and,

WHEREAS, It is vital for UT to foster diversity, especially when some minority groups make up such a small percentage of the student body, including blacks that make up just 3.9 percent, American Indians that make up just .2 percent, Hawaiians and Pacific Islanders that make up just .1 percent, and multiracial students that make up just 3.2 percent²¹; and,

WHEREAS, Although UT has made statements against some of these incidents, including the recent bake sale²², the "Catch an Illegal Immigrant" game effort²³ and the Fiji "border patrol" party,²⁴ this has not stopped such incidents from occurring; and,

WHEREAS, YCT has held this bake sale at least twice along with the "Catch an Illegal Immigrant" game effort; and,

WHEREAS, University policy Sec. 13-204 prohibits harassment. It states that this policy applies to "all speech on campus" and "may consist of threats, insults, epithets, ridicule, personal attacks, or the categories of harassing sexual speech..."²⁵

WHEREAS, the U.S. Supreme Court held in *Bethel School District v. Fraser* (478 U.S. 675, 1986) that obscene speech is not protected by the First Amendment, stating in the majority opinion that, "Conduct which materially and substantially interferes with the educational process is prohibited, including the use of obscene, profane language or gestures,"²⁶

BE IT RESOLVED, UT must take punitive action against YCT to prevent future incidents from occurring in the form of disbanding the organization from campus; and,

BE IT RESOLVED, UT must respond to future incidents of bias on campus with the possibility of punitive action such as putting an individual or organization on disciplinary probation, suspending them or expelling them from campus. Other efforts should include education, inclusion measures and outreach.; and,

BE IT RESOLVED, The biased-incident policy UT administrators are working on should reflect this approach to biased incidents of taking punitive action among other efforts like education and be put in place by the end of this academic year with updates provided to the student body via email at least monthly until then; and,

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to *The Daily Texan*, KVR News, other campus media, city and national media, the Office of the Dean of Students, the Office of the President and the UT System Board of Regents.

¹⁹ <http://www.dailytexanonline.com/news/2012/10/22/swastikas-concern-residents-at-off-campus-dormitory>

²⁰ <http://time.com/4017022/jefferson-davis-statue-removed/>

²¹ <https://www.utexas.edu/about/facts-and-figures>

²² <http://diversity.utexas.edu/2016/10/26/statement-regarding-yct-affirmative-action-bake-sale/>

²³ <http://news.utexas.edu/2013/11/18/yct-game>

²⁴ <http://news.utexas.edu/2015/03/10/statement-by-president-bill-powers-on-ut-fraternity-issues>

²⁵ <http://catalog.utexas.edu/general-information/appendices/appendix-c/speech-expression-and-assembly/>

²⁶ https://www.law.cornell.edu/supremecourt/text/478/675#writing-USSC_CR_0478_0675_ZO