



NDSA-16-2223

A Resolution in Opposition to the Criminalization of False Allegations of Sexual Harassment or Discrimination

WHEREAS, the North Dakota Student Association (NDSA) represents the voice of North Dakota's 45,000 public college and university students; and,

WHEREAS, 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; and,

WHEREAS, 13% of college and graduate students report nonconsensual sexual contact by physical force or an inability to consent, according to a 2019 Association of American Universities survey of nearly 182,000 students^[1]; and,

WHEREAS, if an individual who experienced legitimate sexual harassment is unable to substantiate their claim with outside evidence, they could be charged with this crime even though they are a victim of sexual harassment; and,

WHEREAS, sexual harassment is already highly unreported, and this bill would further discourage reporting by establishing a penalty for failure to produce adequate evidence; and,

WHEREAS, making false statements is already a Class A Misdemeanor under North Dakota Century Code 12.1-11-02; and,

WHEREAS, a Class C Felony, punishable by up to five years in prison and/or a \$10,000 fine is an inappropriate and excessive punishment for false allegations; and,

WHEREAS, HB 1256 does not define the specification of "false and frivolous," creating a vague and unenforceable standard for false allegations; so,

THEREFORE, BE IT RESOLVED, the NDSA opposes the passage of HB 1256 by the North Dakota legislature.

*Approved by the North Dakota Student Association General Assembly
Saturday, January 21st, 2023*

[1] [https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_\(01-16-2020_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf)