



NDSA-19-2425

A Resolution in Opposition to HB 1181: Relating to Gender Usage in the North Dakota Century Code

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, during the 69th North Dakota Legislative Session, the Legislature introduced HB 1181 which would change the century code to refer to an individual's sex, gender, gender identity, or gender expression to mean the individual's determined sex at birth: male or female; and,

WHEREAS, if enacted, this bill would require institutions under the control of the State Board of Higher Education (SBHE) to apply this change to the Century Code to all of their policies, records, rules, etc.; and,

WHEREAS, this change would be detrimental to the students in the NDUS who do not identify as the sex assigned at birth and would discourage prospective students from choosing to attend an NDUS institution; and,

WHEREAS, students who do not identify or present as the sex assigned at birth would have to be placed in residence halls with students of the sex they don't express themselves as and would also force students to be referred to in NDUS forms and records as the gender they do not identify as; and,

WHEREAS, this bill also conflates gender and sex as being the same, when these two are different concepts; ^[1]; and,

WHEREAS, HB 1181 does not clarify the burden of proof for contesting another individual's gender or add a fiscal note for the required DNA test adding a potential financial burden on students; so,

^[1] What Do We Mean by Sex and Gender? Carolyn M. Mazure. September 19, 2021. <https://medicine.yale.edu/news-article/what-do-we-mean-by-sex-and-gender/>.

THEREFORE, BE IT RESOLVED, the North Dakota Student Association opposes HB 1181; and,

THEREFORE, BE IT FURTHER RESOLVED, that the North Dakota Student Association calls on the NDUS and SBHE to join in opposition to this bill.

Approved by the North Dakota Student Association General Assembly



Saturday, February 8th, 2025