Resolution Regarding Limits on Diversity and Inclusion Enacted by the State of Texas

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Proposed Statement

Whereas, the National Communication Association (NCA) is committed to free and responsible communication in a democratic society;

Whereas, the National Communication Association also is committed to broad precepts of diversity, inclusivity, and equity, and remains committed to ensuring the equitable treatment of all members of society, regardless of race, creed, religion, sexual orientation, gender identity, national origin, immigration status, or ability;

Whereas, the Texas Legislature has repeatedly enacted and enforced legislation that restricts the human rights of immigrants, members of the LBGTQ+ community, and non-normative families;

Whereas, these restrictions result in undue and unjustified harm to already victimized, oppressed, and marginalized members of society;

Whereas, this legislation both reflects and fuels a communicative dynamic that enables public discourse that is demeaning and discriminatory to many members of society, thus violating the NCA Credo for Ethical Communication and the NCA Statement on Diversity;

Now, therefore, be it Resolved that the National Communication Association condemns these legislative limits on diversity, inclusivity, and equity and calls on the Texas Legislature to repeal and reverse its discriminatory actions.

Rational and Supporting Materials

1. Rationale for why this resolution merits Legislative Assembly consideration and how it meets the criteria for inclusion in the Public Policy Platform specified in the Preamble.

Issues of equity and inclusivity are essentially communicative issues, as is legislation aimed at constraining these two hallmarks of a civil society. In fact, NCA’s Credo for Ethical Communication reads in part that the association both promotes “climates of caring and mutual understanding that respect the unique needs and characteristics of individual communicators” and condemns “communication that degrades individuals and humanity through distortion, intimidation, coercion, and violence, and through the expression of intolerance and hatred.” We view the recent legislative activity in Texas as an explicit expression of intolerance, and as impeding the commitments of the NCA membership to the study of communication. Thus, it is appropriate for inclusion in the association’s Public Policy Platform.
2. **Background information regarding the public policy issue being addressed.**

**New Laws from the Texas Legislature**

The Texas Legislature convenes in regular session on the second Tuesday in January of each odd-numbered year; its constitutionally-mandated term of office is 140 days. The 85th Texas Legislature convened on January 10, 2017. During its regular session, the legislature passed two pieces of legislation that potentially violate many of the principles articulated in NCA’s site selection policies and procedures.

On March 10, 2017, Texas House Bill 3859 was filed; it passed the Texas House of Representatives on May 10, 2017 and was passed by the Texas Senate on May 22. Texas Governor Greg Abbott signed the legislation on June 15, 2017 and the new law will take effect September 1, 2017. Titled “AN ACT relating to protection of the rights of conscience for child welfare services providers,” Texas H.B. 3859 allows, among other actions, for faith-based organizations to place a child in a religious school; deny referrals for certain contraceptives, drugs or devices; and refuse to contract with other organizations that don’t share their religious beliefs. Under the law, if an organization refuses services to children or prospective parents on religious grounds, they will be required to refer the child or parent to a different organization. Most notably, Texas H.B. 3859 allows religious organizations to refuse placement of an eligible child for adoption by LGBTQ parents, single parents, and/or non-religious parents.

Texas Senate Bill 4 (S.B. 4) was passed by the Texas House on April 27, 2017, and by the Texas Senate as amended on May 3, 2017; it was signed into law by Governor Abbott on May 7, 2017 and will take effect September 1, 2017. The law requires local and campus law enforcement officials to cooperate with federal authorities and to honor requests from immigration authorities to detain noncitizen inmates who are subject to deportation. The law includes a provision that allows police to question a person’s immigration status during a detention (e.g., arrest, traffic stop).

Texas Senate Bill 6 (S.B. 6), the so-called “Bathroom Bill,” that seeks to regulate bathroom use and to restrict the access of transgender Texans to bathrooms (and other facilities) that align with their gender identity. S.B. 6, as originally proposed, failed to pass through the Texas legislature. Another effort to regulate bathroom use by transgender people in public buildings also failed in the legislature, which adjourned its bi-annual legislative session on Memorial Day. On Tuesday, June 6, Governor Abbott announced that he was calling a special session of the legislature, to start sometime in July, that would reconsider the bathroom legislation alongside other legislative priorities.

This resolution is presented in opposition to the myriad infringements of equity and inclusion presented by the legislation described above.

3. **Demonstration of the relationship of the issue to existing communication scholarship, including specific citations**

Below, we have included key citations that speak to the issues of equity and inclusion inherent in the Texas legislation as an area of focus among communication scholars.
Immigration:


Adoption/Family Communication/Same-Sex Families:


4. **Specific action being requested of policy makers.**

   The primary action being requested is for the Texas Legislature to repeal and reverse the legislation deemed by NCA to be discriminatory, exclusionary, and intolerant.

5. **Specific actions the Association will be expected to take if the resolution passes.**

   As a resolution largely focused on actions taken by the Texas Legislature, there are no specific actions required by the Association. However, as an organization that is committed to diversity and inclusion, NCA might be expected to engage in continued monitoring of and information dissemination about legislative developments in Texas and similar developments in other states.

6. **An explicit statement of the resolution**

   See proposed resolution at the beginning of this document.

7. **Consideration of how this fits with the rest of the current public policy platform, and**

   The proposed resolution is directly related to and comports with the Association’s Credo for Ethical Communication and the NCA Statement on Diversity, both mainstays of the Association’s public policy platform.

8. **An assessment of the resources required (both financial and human) to implement the resolution (to be determined in consultation with the Executive Director) and justification for priority of this expenditure**

   There are no financial resources required to implement the resolution. Some staff time in disseminating the resolution and monitoring future developments will be required.