

Monday, February 10, 2024

Dear Governor Spencer Cox:

The **American Civil Liberties Union of Utah (ACLU of Utah)** strongly urges you to veto House Bill 269, misleadingly titled Privacy Protections in Sex-designated Areas. This bill perpetuates discrimination, needlessly imposes barriers to access higher education, and will result in harm to transgender, non-binary, and gender non-conforming Utahns. Beyond the harm this bill would impose on students, HB269 is unnecessary—Utah’s colleges and universities have long managed student housing effectively without government interference in roommate assignments.

HB269 would force public colleges and universities to assign dormitory housing without respecting a student’s gender identity. It sets a troubling precedent for government overreach into personal decisions. College students are at a pivotal stage, learning to navigate independence and how to interact with and respect others. Restricting their ability to make personal choices about housing doesn’t just undermine their autonomy—it also limits opportunities for all students to learn how to live, engage, and, as you’ve encouraged, disagree better.

HB269 relegates transgender students to gender-neutral or single-occupant dormitories, yet these options do not exist at all public colleges and universities in Utah. As a result, students may be excluded from campus housing entirely pending the completion of the Utah System of Higher Education’s rulemaking process to expand access in these facilities. Even if such housing were available statewide, this legislation risks creating a separate, unequal, and stigmatizing system that isolates rather than includes.

History has shown us the dangers of using the state to single out, marginalize, and discriminate against specific communities. In our country—and even here in Utah—Black students were segregated under the pretense of “protection,” and religious minorities were refused service. HB269 resurrects this discriminatory logic, targeting trans students in the name of control. Utah will look back with shame on this series of laws that discriminate against trans people.

For four consecutive years, the Legislature has sent bills to your desk directly targeting the rights of transgender and nonbinary Utahns. These laws, and now HB269, were flawed from their inception and represent a concerted effort to undermine a specific population’s civil rights and liberties. When those in power single out and attack a particular group, it erodes the rights of everyone and fuels hostility that extends beyond the laws themselves.

HB269 contains provisions that, at a minimum, raise serious constitutional concerns. Under the United States and Utah Constitutions, laws are required to treat everyone fairly and equally. HB269 falls well short of that promise.

Everyone’s rights are at risk when anyone’s rights are jeopardized. Utah laws should not intrude into every facet of people’s lives. HB269 is not about protection—it weaponizes language like “privacy” to justify discrimination, ultimately attempting to erase trans people from public life. These attacks harm trans people and anyone perceived as a threat by leaders who are supposed to represent all of us. As Governor, you can stop this intrusion into Utahns’ personal lives by vetoing HB269.

Thank you for your attention to this matter. We trust that you will carefully consider the consequences HB269 poses to Utahns’ civil rights, individual freedoms, and personal dignity. We urge you to veto this unnecessary and harmful bill.

Sincerely,



Brittney Nystrom
Executive Director
ACLU of Utah

CC:
Lt. Governor Deidre Henderson
Jon Pierpont
Neil Abercrombie
Jennifer Napier-Pearce
Emma Williams