

**STATE UNIVERSITY SYSTEM OF FLORIDA
BOARD OF GOVERNORS**

June 18, 2015

SUBJECT: Appearance as Amicus Curiae in Litigation involving a Matter of System-wide Importance

PROPOSED BOARD ACTION

Consideration of request for Board of Governors to appear as Amicus Curiae in litigation that involves a legal issue of system-wide importance

AUTHORITY FOR BOARD OF GOVERNORS ACTION

Article IX, Section 7, Florida Constitution

BACKGROUND INFORMATION

In *Lang v. Board of Trustees of the University of South Florida*, an employment discrimination case pending in the United States District Court for the Middle District of Florida, the trial court denied the university's motion to dismiss on the basis that the USF Board of Trustees is a "local political entity" and therefore not entitled to immunity from suit in federal court, which is accorded to state entities under the Eleventh Amendment of the United States. The university appealed the court's ruling to the Eleventh Circuit Court of Appeals.

Because the issue of Eleventh Amendment immunity has significant statewide implications for all SUS institutions which, prior to this opinion, were entitled to immunity from suit in federal court under the Eleventh Amendment, we are requesting authorization to join the other SUS institutions in participating in the appeal as amici curiae to advise the Eleventh Circuit Court of Appeals of the criticality of the legal issue to the State University System.

Supporting Documentation Included: None

Facilitators/Presenters: Ms. Vikki Shirley