



A campus of The California State University

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**SS-S05-1**

At its meeting of April 4, 2005, the Academic Senate passed the following Sense of the Senate Resolution presented by Senator Veregge for the Executive Committee.

### **SENSE OF THE SENATE RESOLUTION**

#### **CALL FOR INCREASED ATTENTION TO CAMPUS CLIMATE POLICY VIOLATIONS AND BROADER UNDERSTANDING AND SUPPORT OF THE POLICY**

WHEREAS, For decades, San José State University has followed and promoted principles of non-discrimination and equal opportunity for all; and

WHEREAS, SJSU's current campus climate policy, UP S01-13, states that SJSU is "committed to creating a diverse community guided by core values of inclusion, civility, and respect for each individual. Such a community enriches the intellectual climate of the University and the educational experiences of its students, promotes personal growth and a healthy society, and supports a positive work environment;" and

WHEREAS, The SJSU Academic Senate has repeatedly resolved (SS-S97-1, F94-1, SS-S92-9, SS-S91-3, S85-9, SS-S84-6, SS-S83-14, etc.) that discrimination on the basis of sexual orientation is deplorable and inconsistent with the academic principles of equal opportunity and respect for human dignity; and

WHEREAS, In 1995, an amendment to the Armed Forces Code (Title 10 of the U.S. Code) denied certain federal funding to campuses that limited military recruiting on campus, the code being amended subsequently so that today it denies most kinds of federal funding to universities that prevent ROTC access or military recruiting on campus (this provision is referred to as the "Solomon Amendment" after the congressional sponsor);<sup>1</sup> and

WHEREAS, In its resolution F94-1 the Academic Senate has affirmed a policy of non-discrimination, as distinct from a policy or practice of being "anti-ROTC" or "anti-military"; and

WHEREAS, In resolution F94-1 the Senate found that campus ROTC programs, because of their discriminatory practices against homosexuals, are in violation of the California State University policy of non-discrimination; and

WHEREAS, In SS-S97-3, the SJSU Academic Senate stated its condemnation of the "forced presence of a discriminatory organization on our campus" and further declared it "will use every legal and ethical means at its disposal to

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<sup>1</sup> For further information see 10 U.S.C. § 983, as well as information at <http://www.law.georgetown.edu/solomon/Rules.html>.

uphold our cherished principles of equal opportunity, nondiscrimination, academic freedom, and shared collegial governance;” and

WHEREAS, In November 2004, in the case of *Forum for Academic and Institutional Rights, Inc. (FAIR) v. Rumsfeld, et al*, the Third Circuit ruled that the Solomon Amendment was unconstitutional because it violates the 1<sup>st</sup> Amendment; and

WHEREAS, There has been some interest in the 109<sup>th</sup> Congress to repeal the “don’t ask, don’t tell” military policy;<sup>2</sup> and

WHEREAS, San José State University should be active and diligent in addressing violations of equal opportunity practices and alerting the community to the educational and campus climate dilemma the Solomon Amendment poses; therefore be it

RESOLVED, That we call upon the Senate Chair and Vice Chair to pursue actions calling attention to and addressing campus concerns with the Solomon Amendment, such as ensuring that the Senate’s Critical Issues document (available at the Senate website) describe this important issue, calling upon the Statewide Senate to address problems created by the Solomon Amendment, and asking the Chancellor and CSU Trustees to take more proactive steps to challenge the Solomon Amendment; and be it further

RESOLVED, That we call upon the Divisions of Academic Affairs and Student Affairs to take actions to ensure that campus announcements and information about the ROTC and military recruiting on campus include an explanation of how the Solomon Amendment forces the university to accept the presence of such programs even though they violate the university’s equal opportunity and campus climate policies; and be it further

RESOLVED, That we call upon the SJSU community to promote our equal opportunity and campus climate policies and how they enrich the learning process and campus community and to work to end efforts that discriminate against members of our community and society.

Approved: March 21, 2005 (via email vote)

Present: Ashton, Bros, Donoho, Heisch, Kassing, Lee, Lessow-Hurley, Maldonado-Colon, Nellen, Phillips, Sigler, Thames, Van Selst, Veregge

Absent: Greathouse

Vote: 13-0-1

Financial Impact: None

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<sup>2</sup> See, for example, press release of Congressman Meehan at [http://www.house.gov/apps/list/press/ma05\\_meehan/NR050302DADT.html](http://www.house.gov/apps/list/press/ma05_meehan/NR050302DADT.html).