

1993-94
ACADEMIC SENATE
California State University, Sacramento

REVISED AGENDA ORDER
Thursday, April 28, 1994

CONSENT CALENDAR

AS 94-34/Ex. COMMITTEE APPOINTMENTS--University *Page 1, April 28 Agenda*

AS 94-35/CODE, Ex. DEPARTMENT OF DEFENSE POLICIES, RESOLUTION ON
..... *See attachment*

REGULAR AGENDA

AS 94-33/Flr. MINUTES *Page 1, April 28 Agenda*

AS 94-31/Ex. ACCREDITATION--CSUS SELF-STUDY (WASC ADVISORY
COMMITTEE) *Pages 1-2, April 21 Agenda*

FIRST READING

AS 94-36/FA, Ex. PERIODIC REVIEW OF TENURED FACULTY (Amends AS 84-64 and
PM 85-06) *Pages 4-5, April 28 Agenda*

Old Business

AS 94-10/Ex. STANDING RULES--Changes to Existing Rules . . *Page 3, March 10 Agenda*

AS 94-10A CURRICULUM COMMITTEE, CREATE *Page 3, March 10 Agenda*

AS 94-10B ACADEMIC PROGRAMS REVIEW COMMITTEE, CREATE
..... *Page 4, March 10 Agenda*

AS 94-10C ACADEMIC SUPPORT COMMITTEE, CREATE . . *Page 4, March 10 Agenda*

AS 94-10D STUDENT RETENTION AND EDUCATIONAL EQUITY COMMITTEE (as
Standing Subcommittee of Academic Policies Committee), CREATE
..... *Page 5, March 10 Agenda*

AS 94-10E FACULTY AFFAIRS COMMITTEE *Page 5, March 10 Agenda*

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AS 94-10G VISITING SCHOLARS COMMITTEE--Subcommittee of Faculty Professional
Development Committee *Page 6, March 10 Agenda*

The Executive Committee substitutes the following resolution for AS 94-35 as presented on the April 28 Academic Senate Agenda. Amendments are shown by strikeover = deletion and underscore = addition:

AS 94-35/CODE, Ex. DEPARTMENT OF DEFENSE POLICIES, RESOLUTION ON

- WHEREAS, CSU systemwide policy (Executive Order 340, February 27, 1981) on non-discrimination prohibits discrimination on the basis of sexual orientation; and
- WHEREAS, University policy on non-discrimination at CSU, Sacramento prohibits discrimination on the basis of sexual orientation in any of its programs or activities; and
- WHEREAS, Department of Defense (DoD) Directive 1304.26 stipulates that "...homosexual conduct will continue to be a basis for barring entry into the Armed Forces..." and the definition of homosexual conduct includes merely a statement that an applicant is homosexual or bisexual; and
- WHEREAS, DoD Directive 1304.26 stipulates that "...an applicant shall be rejected for entry [to military service] if he or she makes a statement that he or she is a homosexual or bisexual, or words to that effect...", "...unless there is a further determination that the applicant has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts" which is discriminatory on its requirement of proof; and
- WHEREAS, DoD Directive 1332.14 states the following three (3) bases for separation from military service:
1. "if a service member engages in, or solicits another to engage in homosexual acts",
 2. "if a service member has married or attempted to marry a person of the same sex",
 3. "if a service member states that he or she is a homosexual or bisexual, or words to that effect. Such a statement creates the presumption that the member engages in homosexual acts or has the propensity to do so"; and
- WHEREAS, if a service member discloses that he or she is a homosexual or bisexual, the service member is presumed to engage in homosexual conduct, and must demonstrate that he or she does not engage in homosexual acts is discriminatory in its perspective and requirement of proof; and

- WHEREAS, the foregoing DoD Directives demonstrate that current DoD policy continues to discriminate by barring entry and separating individuals who state they are homosexual or bisexual; and
- WHEREAS, DoD policy (Enclosure 4 to DoDD 1332.14 and Enclosure 8 to DoDD 1332.30) accords discretion to military commanders on whether to initiate inquiries about an individual's statement that he or she is homosexual or bisexual; and
- WHEREAS, policies that allow for discretion to discriminate are in and of themselves discriminatory; and
- WHEREAS, CSUS Reserve Officers' Training Corps (ROTC) follows the DoD policy of commander discretion, thereby allowing for the possibility of disqualification of an applicant who states he/she is a homosexual or bisexual, who admits homosexual acts, who states he/she is married to a person of the same sex, or who has been previously separated for homosexuality from military service and will not be accepted for entrance into a precommissioning program; and
- WHEREAS, CSUS ROTC has the discretion to suspend the processing of any applicant who freely admits or volunteers, during any stage of processing (any time during the four years the student is in the ROTC program), that he/she is a homosexual or bisexual; and
- WHEREAS, policies that allow for discretionary disqualification and/or dismissal of homosexuals or bisexuals from the cadet corps of ROTC programs offered on the CSUS campus are in direct violation of the University's non-discrimination policy; and
- WHEREAS, the implementation of the new Department of Defense Directives (December 22, 1993) have been postponed, thereby continuing discriminatory policies; and
- WHEREAS, the previous Academic Senate, CSU and the CSUS Academic Senate, in May, 1990, resolutions AS 1930 and AS 90-75, respectively, condemned the Department of Defense policy in effect at that time (DoD policy, 32.C.F.R, part 41, App. A, part H); and
- WHEREAS, failure to take action to ensure compliance or discontinue programs on the campus that deny access on the basis of sexual orientation lends institutional support to the practice of discrimination; and

- WHEREAS, on October 10, 1991, President Donald R. Gerth informed the CSUS Academic Senate of his concurrence with the Senate's position that the exclusion of homosexuals or bisexuals from ROTC programs is contrary to University policy on non-discrimination and that any program that fails to comply with the University policy on non-discrimination should not be allowed to continue indefinitely on this campus; and
- WHEREAS, President Donald R. Gerth further informed the Senate that he is supportive of action on the part of the CSU which would serve immediate notice to the DoD that, if the DoD policy were not reversed by Spring 1993, a phase-out of ROTC from all CSU campuses would begin in the following academic year; and
- WHEREAS, the CSUS Academic Senate urged the President to recommend to the CSU Executive Council for adoption by the CSU, a proposal that the Department of Defense be notified immediately that if the Department of Defense policy was not reversed by early Spring 1993, a phase-out of ROTC from all CSU campuses would begin in academic year 1993-94; and
- WHEREAS, the modifications to DoD policy effected December 22, 1993, failed to address the concerns expressed in CSUS Academic Senate resolution (AS 90-75) by continuing to allow for the discretionary disqualification and/or dismissal of homosexuals or bisexuals from the cadet corps of ROTC; and
- WHEREAS, President Donald R. Gerth inquired of the DoD (March 25, 1994) whether DoD regulations allow sufficient discretion to campus ROTC commanders to permit them to comply with the University's non-discrimination policy; and
- WHEREAS, the DoD response to President Gerth (April 11, 1994) was that campus ROTC commanders *did not have* the discretion to comply with University policy, that ROTC programs are subject to DoD policy, and that the impact of this policy is that it would prohibit ROTC applicants from obtaining scholarships or entering the services when a determination is made that they are not in compliance with DoD policy; and
- WHEREAS, a University President is responsible for upholding the values of the Institution and ensuring compliance of all University programs with the policies of the University; and

WHEREAS, President Gerth, on April 22, 1994, announced his decision to phase out ROTC programs at CSU, Sacramento, based on the refusal of the DoD to comply with University policy on non-discrimination; therefore, be it

RESOLVED, that the Academic Senate ~~recommends to the President of CSUS that he begin the immediate phase-out of ROTC from CSUS~~ commends President Gerth for his leadership and effort in attempting to effect change in the DoD policy of discrimination on the basis of sexual orientation; and, be it further

RESOLVED, the Academic Senate supports President Gerth's decision to phase out ROTC programs beginning Spring 1995, and commends the President for acting quickly and decisively when informed of the DoD's refusal to comply with University policy on non-discrimination.

ALTERNATIVE PROPOSAL ON SENATE RESTRUCTURING

The Academic Senate approves the establishment of 3 ad hoc committees, to reflect the grouping of faculty governance functions into 3 clusters. These committees are as follows:

1. Ad Hoc Committee on Academic Programs
2. Ad Hoc Committee on Academic Support
3. Ad Hoc Committee on Faculty Affairs.

Each Committee is charged to:

- 1) review the structure and process used by committees and work groups in its cluster to carry out faculty governance functions;
- 2) identify strengths and weaknesses; and
- 3) develop and recommend changes in current structure and process that will improve efficiency, and enhance communication between faculty performing the functions in each cluster, the Executive Committee, the Senate, and the faculty at large.

Each ad hoc cluster committee shall be disestablished when the Senate approves changes to structure and process for discharge of governance functions subsumed under that cluster. (This does not preclude the ad hoc committee from proposing permanent establishment of an oversight committee for the cluster, as part of its recommendations for change.)

Until the Academic Senate adopts changes in its structure and process that disestablish existing committees and subcommittees, these entities shall continue to perform governance functions in accordance with their charges.

Each ad hoc cluster committee shall be constituted before the end of Spring semester, 1994, and shall forward its report and recommendations to the Academic Senate by the end of Fall semester, 1994. Membership shall be constituted from a combination of nominees from the major committees under each cluster's purview, and faculty nominated by the Executive Committee.

CLUSTER COMMITTEE MEMBERSHIP

Membership on each ad hoc cluster committee shall be as follows:

1. Ad Hoc Cluster Committee on Academic Programs

Five (5) faculty members nominated by the following committees:

1 current member of the Curriculum Committee, or faculty member who has had other extensive involvement with undergraduate curriculum issues, nominated by the Committee;

1 current member of the Graduate Policies and Programs Committee, or faculty member who has had other extensive involvement with graduate program issues, nominated by the Committee;

1 current member of the General Education Committee, or faculty member who has had other extensive involvement with issues of general education, nominated by the Committee;

1 current member of the University Teacher Education Committee, or who has had other extensive involvement with issues of teacher education, nominated by the Committee;

1 current member of the International Programs Committee, or faculty member who has had extensive involvement with international programs issues, nominated by the Committee.

Six (6) faculty members nominated by the Executive Committee:

At least one of whom shall be or have recently been a graduate coordinator, one of whom shall have had extensive involvement with issues of educational technology, one of whom shall have had involvement with issues of continuing education, and one of whom has demonstrated an interest in interdisciplinary programs, and one from the Library.

Two (2) ex-officio members:

1 administrative designee; and

1 staff member appointed by the USA.

2. Ad Hoc Cluster Committee on Academic Support:

Three (3) faculty members nominated by the following committees:

1 current instructional faculty member of the Academic Policies Committee, or faculty member who is otherwise knowledgeable about the issues under the Committee's purview;

1 faculty member who is currently a member of the Library Committee, or who is otherwise knowledgeable about Library issues, nominated by the Committee;

1 faculty member who is currently a member of the Student Economic Support Committee, or member who is otherwise knowledgeable about student financial aid, scholarships and employment programs, nominated by the Committee.

Eight (8) members nominated by the Executive Committee:

2 current members from the Library, at least one of whom is currently serving on the Academic Policies Committee, or is otherwise knowledgeable about academic support issues;

2 student services professionals;

3 faculty members at large;

1 professional staff member from CCMS.

Two (2) ex-officio members:

1 administrative designee; and

1 staff member appointed by the USA.

3. Ad Hoc Cluster Committee on Faculty Affairs:

Six (6) faculty members nominated by the following committees:

2 current members of the Faculty Professional Development Committee, or faculty member who has had comparable knowledge of matters under the Committee's purview;

2 current members of the Research and Creative Activity Committee, or faculty member who has had comparable knowledge of matters under the Committee's purview;

2 current members of the Faculty Affairs Committee, or faculty member who has had comparable knowledge of matters under the Committee's purview.

Five (5) members nominated by the Executive Committee:

1 faculty member from the Library;

3 faculty at large;

1 student services professional.

Two (2) ex-officio members:

1 administrative designee; and

1 staff member appointed by the USA..



California State University, Sacramento

SACRAMENTO, CALIFORNIA 95819-6036

ACADEMIC SENATE



MEMORANDUM

DATE: April 22, 1994
TO: Academic Senators
FROM: Sylvia Navari, Chair
Academic Senate
278-6593; FAX 278-5358

A handwritten signature in cursive script, likely belonging to Sylvia Navari, the Chair of the Academic Senate.

SUBJECT: Department of Defense Policy
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At 9:30 a.m. today, Friday, April 22, 1994, President Gerth announced the phaseout of ROTC from CSUS. Students currently enrolled, and those admitted for Fall 1994, will be able to complete their program and course of study.

President Gerth's decision was predicated on the response he received to his request (letter to Secretary of Defense, March 1994) that DoD regulations allow campus ROTC program commanders to comply with the University's non-discrimination policy.

As Chair of the Academic Senate, I knew of his decision before the press conference and I thanked him for his quick and decisive response to the information he received. The newspaper asked if the President had "preempted" the Senate. The answer was, "no". The President was well aware of our CODE Committee's findings regarding whether changes to DoD policy had brought the DoD into compliance with our policy. They had not. And the Senate spoke its peace four years ago.

Given the President's decision, I believe the April 28 Senate Agenda item on this matter is now moot. We most likely will have a revised agenda -- the unfinished business of Structure/Function.

It is unfortunate that the DoD could not comply with the University's policy.

SN:f

cc: Department Chairs