

1996-97
ACADEMIC SENATE
California State University, Sacramento

AGENDA

Thursday, December 19, 1996

☞ ☞ ☞ ☞ ☞ MENDOCINO HALL 1003

3:00-5:00 p.m.

REGULAR AGENDA

AS 96-94/Flr. ROTC, CSUS SENATE RESOLUTION ON

- 1 WHEREAS: The nondiscrimination policy of California State University, Sacramento, prohibits
2 discrimination on the basis of age, ethnicity, religion, sexual preference, marital status,
3 pregnancy, or Vietnam era veteran status in any of its programs and activities; and
- 4 WHEREAS: The CSUS Academic Senate in AS 91-40 and 91-74 expressed its full support of the
5 University's nondiscrimination policy and urged CSUS President Gerth to discontinue ROTC
6 Programs on the CSUS campus if they could not comply with the University's
7 nondiscrimination policy, and
- 8 WHEREAS: After extensive consultation between CSUS President Gerth, ROTC, and the Department of
9 Defense, it was determined that the Department of Defense policy that excludes from military
10 ranks homosexuals who self-identify or are known to engage in homosexual relations applies
11 to ROTC Programs and prohibits compliance of ROTC Programs with the University's policy
12 on nondiscrimination; and
- 13 WHEREAS: CSUS President Gerth in a memo to the CSUS campus community dated February 11, 1992,
14 announced that he would inform the Department of Defense that "...while it is our wish to
15 retain ROTC at California State University Sacramento, if the Department's policy regarding
16 sexual orientation is not vacated by the spring of 1993, we will act to bring about an orderly
17 phase out of ROTC at this campus"; and
- 18 WHEREAS: Failure of the Department of Defense to eliminate its policy on the exclusion of homosexuals
19 from military ranks including appointment as ROTC cadets or midshipmen in University
20 ROTC Programs necessitated CSUS President Gerth's implementation of an orderly phase
21 out of ROTC programs at CSUS because of non-compliance with the University's
22 nondiscrimination policy; and
- 23 WHEREAS: At the time of President's Gerth's action to implement discontinuation of ROTC programs at
24 CSUS for non-compliance with the University's non-discrimination policy, provision was
25 made to ensure that all currently enrolled ROTC students would have the opportunity to
26 complete the program, and it was further determined that there would be no substantial
27 impact on other CSUS programs or on current or future students at CSUS: and

1 WHEREAS: On September 30, 1996, President Clinton signed into law the 1997 Omnibus Appropriations
2 Act which included the "Solomon Amendment" that created the **Campus ROTC Access Act**
3 which modifies the Armed Forces Code (Title 10) of the United States Code to include the
4 following provision:

5 **"DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS: None**
6 **of the funds made available to this or any other Department of Labor, Health and**
7 **Human Services and Related Agencies Appropriations Act for any fiscal year may**
8 **be provided by contract or by grant (including a grant of funds to be available for**
9 **student aid) to a covered educational entity if the Secretary of Defense determines**
10 **that the covered educational entity has a policy or practice (regardless of when**
11 **implemented) that either prohibits, or in effect prevents:**

12 **(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer**
13 **Training Corps (in accordance with section 454 of title 10, United States Code, and**
14 **other applicant Federal laws) at the educational entity; or**
15 **(2) a student in the covered educational entity from enrolling in a unit of the Senior**
16 **Reserve Officer Training Corps at another institution of higher education."; and**

17 WHEREAS: On November 13, 1996, CSUS President Gerth received a memorandum from F. Pang of the
18 Office of the Assistant Secretary of Defense inquiring about the policy of CSUS with respect
19 to maintaining ROTC programs in relation to the newly enacted policies on ROTC Access to
20 Campuses and Denial of Funds for Preventing ROTC Access to Campus; and

21 WHEREAS: Despite President Gerth's efforts to date to ascertain whether the action taken to phase out
22 ROTC Programs at CSUS because of non-compliance with the University's
23 nondiscrimination policy will result in the loss of federal financial aid for students at CSUS
24 under the provisions of the Campus ROTC Access Act, the question remains unanswered;
25 and

26 WHEREAS: In 1995-96, 10,000 students at CSUS (42% of students enrolled at CSUS) received federal
27 financial aid for a total of slightly over \$37 million dollars; and

28 WHEREAS: The CSUS Academic Senate cannot, in good conscience, allow the rape of the institution's
29 financial aid resources for students by the force of the U.S. Military; therefore be it

30 RESOLVED: The CSUS Academic Senate reaffirms its support of the University's nondiscrimination
31 policy and its position that programs that fail to comply with this policy, including ROTC,
32 should not be allowed on campus; and be it further

33 RESOLVED: The CSUS Academic Senate objects to the Campus ROTC Access Act which, in effect,
34 authorizes the use of governmental force to establish and maintain ROTC Programs on
35 University campuses; and be it further

36 RESOLVED: The CSUS Academic Senate supports President Gerth in his efforts to uphold the principles
37 and values of the University's nondiscrimination policy as it pertains to ROTC, but
38 recognizes that he must also take into consideration the implications of discontinuing ROTC

1 Programs at CSUS in the event that the Department of Defense determines that such action
2 constitutes an "anti-ROTC policy" and a basis for withdrawing federal financial aid for over
3 10,000 students at CSUS: and be it further

4 RESOLVED: The CSUS Academic Senate urges President Gerth to adhere to his decision to discontinue
5 ROTC Programs at CSUS so long as the Department of Defense Policy on exclusion of
6 homosexuals prohibits compliance with University Policy on nondiscrimination, and so long
7 as such action does not result in the loss of federal financial aid grants to the institution; and
8 be it further

9 RESOLVED: If it is determined that discontinuation of ROTC Programs at CSUS for failure to comply
10 with the University's nondiscrimination policy would result in the loss of federal financial aid
11 grants to the institution, the Academic Senate would support a decision made by President
12 Gerth to allow ROTC programs to be imposed on the campus by the Department of Defense
13 in order to maintain federal financial aid grants for thousands of CSUS students.

Happy Holidays!!

CSUS Federally Funded Programs - FY 96/97

(includes multi-year funding for some programs)

<u>Program</u>	<u>approx. 10,000 students in 95/96</u>	<u>Funding Agency</u>	<u>95/96 Award</u>	<u>Current Award Amount</u>
Federal Aid to Students		Office of Education		\$37,298,558
Archaeological Research Center		Department of Defense		\$350,390
College Assistance Migrant Program (CAMP)		Office of Education		\$738,667
Cooperative Education		Department of Defense		\$2,857,202
Cooperative Education		Office of Education		\$52,869
Cross Cultural Resource Center (CCRC)		Office of Education		\$1,264,476
International Programs		Information Agency		\$268,196
International Programs		Office of Education		\$276,000
MEP		National Science Foundation		\$74,214
MESA		National Science Foundation		\$227,973
MESA		UC Regents (federal pass through)		\$494,690
Special Services		Office of Education		\$360,646
Title IV-E Stipend Program		UC Berkeley (federal pass through)		\$939,308
Water Programs		Department of Defense		\$43,116
Water Programs		Environmental Protection Agency		\$365,000
Miscellaneous Campus Programs		Various		\$5,052,781
TOTAL				\$50,664,086