

1996-97 ACADEMIC SENATE

OF

CALIFORNIA STATE UNIVERSITY, SACRAMENTO

Minutes  
December 19, 1996

Issue #8

**ROLL CALL**

Present: Alexander, Amata, Cameron Wedding, Castaneda, Cleveland, Doolittle, Fitzgerald, Gardner, Gelus, Hamblin, Hayashigatani, Hoadley, Huff, Kando, Koester, Lascher, Miller, Navari, C. Nelson, R. Nelson, Newsome, Olson, Ostiguy, Palmer, Parrott, Partovi, Pittman, Rodriguez, Seid, Strahan, Tooker, Uplinger, Valtierra

Absent: Canton, Christenson, Clark, Cleek, Dixon, DuBray, Dundon, Goldstene, Hill, Hornback, Kelley, Kostyrko, Krabacher, Lan, Lund, Mackey, McFadden, Moylan, Noble, Nystrom, Pickett, Reardon, Samantrai, Sanders, Serrano, Taylor, Turrill, Wheeler, Wilcox

**INFORMATION**

President Gerth briefed the Senate on his communications with members of the Department of Defense and Department of Education personnel with respect to implementation of the Campus ROTC Access Act ("Solomon Amendment") contained in the 1997 Omnibus Appropriations Act.

**ACTION ITEMS**

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

WHEREAS: The nondiscrimination policy of California State University, Sacramento, prohibits discrimination on the basis of age, ethnicity, religion, sexual preference, marital status, pregnancy, or Vietnam era veteran status in any of its programs and activities; and

WHEREAS: The CSUS Academic Senate in AS 91-40 and 91-74 expressed its full support of the University's nondiscrimination policy and urged CSUS President Gerth to discontinue ROTC Programs on the CSUS campus if they could not comply with the University's nondiscrimination policy, and

WHEREAS: After extensive consultation between CSUS President Gerth, ROTC, and the Department of Defense, it was determined that the Department of Defense policy that excludes from military ranks homosexuals who self-identify or are known to engage in homosexual relations applies to ROTC Programs and prohibits compliance of ROTC Programs with the University's policy on nondiscrimination; and

WHEREAS: CSUS President Gerth in a memo to the CSUS campus community dated February 11, 1992, announced that he would inform the Department of Defense that "...while it is our wish to retain ROTC at California State University Sacramento, if the Department's policy regarding sexual orientation is not vacated by the spring of 1993, we will act to bring about an orderly phase out of ROTC at this campus"; and

WHEREAS: Failure of the Department of Defense to eliminate its policy on the exclusion of homosexuals from military ranks including appointment as ROTC cadets or midshipmen in University ROTC Programs necessitated CSUS President Gerth's implementation of an orderly phase out of ROTC programs at CSUS because of non-compliance with the University's nondiscrimination policy; and

WHEREAS: At the time of President's Gerth's action to implement discontinuation of ROTC programs at CSUS for non-compliance with the University's non-discrimination policy, provision was made to ensure that all currently enrolled ROTC students would have the opportunity to complete the program, and it was further determined that there would be no substantial impact on other CSUS programs or on current or future students at CSUS: and

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

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

**in effect prevents:**

**(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 454 of title 10, United States Code, and other applicable Federal laws) at the educational entity; or**

**(2) a student in the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education."; and**

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

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

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

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

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

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

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

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

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

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

Carried.

AS 96-95A/Flr. REFER TO CURRICULUM POLICIES COMMITTEE (AS 96-95 ROTC, CSUS SENATE RESOLUTION ON)

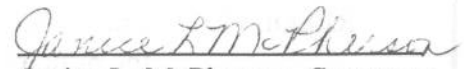
[AS 96-95/Flr. ROTC, CSUS SENATE RESOLUTION ON

The CSUS Academic Senate adopts the following resolution on ROTC:

RESOLVED: If, in order to avoid the loss of financial aid grants and other federal grants that support vital instructional/student service programs, President Gerth is coerced by the Department of Defense to rescind his decision to phase out ROTC Programs at CSUS for failure to comply with the University's nondiscrimination policy, the CSUS Academic Senate urges that ROTC be accorded the status of an extracurricular club and that no University credit be awarded for ROTC Program activities (including "courses") since coercion of this type constitutes evidence that the program cannot be expected to adhere to the principles of academic freedom.]

Carried.

The meeting was adjourned at 4:10 p.m.

  
Janice L. McPherson, Secretary

\*Presidential approval requested.