



A campus of The California State University

Office of the Academic Senate • One Washington Square • San Jose, California 95192-0024 • 408-924-2440 Fax: 408-924-2451
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);¹ 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

¹ 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 1st Amendment; and

WHEREAS, There has been some interest in the 109th