I. Minutes: Approval of the January 22, 1991 Academic Senate minutes (pp. 2-5).

II. Communication(s) and Announcement(s):
   A. Resolutions approved by President Baker:
      AS-346-90 Resolution on Name Change for SPSE
      AS-347-90 Resolution on Name Change for the CTE
   B. Academic Senate vacancies for 1991-1993 (pp. 6-7)

III. Reports:
   A. Academic Senate Chair
   B. President's Office
   C. Vice President for Academic Affairs' Office
      status report on the MCA model
   D. Statewide Senators
   E. CFA Campus President
   F. CSEA Campus President
   G. ASI Representatives

IV. Consent Agenda:

V. Business Item(s):
   A. GE&B Proposal for ENGL 310—Burgunder, Chair of the GE&B Committee,
      second reading (p. 8).
   B. Resolution on Academic Senate Election Dates—DeMers, Chair of the
      Constitution and Bylaws Committee, second reading (pp. 9-10).
   C. Resolution on Academic Senate Caucus Committee Nominations—DeMers, Chair
      of the Constitution and Bylaws Committee, second reading (pp. 11-12).
   D. Curriculum Proposal for B.A. Philosophy—Bailey, Chair of the Curriculum
      Committee, second reading (pp. 13-14).
   E. Curriculum Proposal for Certificate for Teaching English as a Second Language—
      Bailey, Chair of the Curriculum Committee, first reading (p. 15).
   F. Curriculum Proposal for M.S. Mechanical Engineering—Bailey, Chair of the
      Curriculum Committee, first reading (p. 16).
   G. Curriculum Proposal for Dairy Products Technology Specialization, M.S.
      Agriculture—Bailey, Chair of the Curriculum Committee (p. 17).
   H. Curriculum Proposal for Water Science Minor—Bailey, Chair of the Curriculum
      Committee, first reading (p. 18).

VI. Discussion Item(s):
   CSU Policy on Non-discrimination and ROTC programs (pp. 19-37).

VII. Adjournment:
ACADEMIC SENATE VACANCIES FOR 1991-1993

Please note that your school may be electing fewer senators than last year due to a decrease in school faculty positions.

School of Agriculture (7 senators total) - 3 VACANCIES

leaving senators | remaining senators | unrepresented departments
--- | --- | ---
Ahern | Amspacher | Ag Educ
Harris | Beyer | Ani Sci/Ind
Smith | Grinnell | Dairy
 | Shelton | Food Sci/Nut

School of Architecture & Environmental Design (5 senators total) - 2 VACANCIES

leaving senators | remaining senators | unrepresented departments
--- | --- | ---
Blackmon | Botwin | Arch
Dalton | Johnston | C&R Plang
Weisenthal | Timmons |

School of Business (5 senators total) - 3 VACANCIES

leaving senators | remaining senators | unrepresented departments
--- | --- | ---
Buxbaum | Andrews | Econ
Keller | Bertozzi | Mgtmt
Peach | |

School of Engineering (7 senators total) - 3 VACANCIES

leaving senators | remaining senators | unrepresented departments
--- | --- | ---
Biezad | Balasubramanian | Aero
Goldberg | Forgeng | C/E Engr
Mallareddy | Lomas | EL/EE Engr
Moustafa | Pokorny | Mech Engr
 | | Met & Mat Engr

School of Liberal Arts (8 senators total) - 4 VACANCIES

leaving senators | remaining senators | unrepresented departments
--- | --- | ---
Clark | Jerchich | For Langs
Coleman | Lerner | History
Foroozar | Russell | Journalism
LaPorte | Torres | Philosophy
Mori | | Poli Sci
 | | Soc Sci
 | | Speech Com
 | | Thea & Dnc

School of Professional Studies (5 Senators total) - 2 VACANCIES

leaving senators | remaining senators | unrepresented departments
--- | --- | ---
Acord | Freberg | Ind Tech
DeMers | Heesch | Lib Studies
Lord | Morris | P.E./R.A.
Murphy | |
School of Science and Mathematics (8 senators total) - 4 VACANCIES

**leaving senators**
Bailey
Hanson
Knight
Stowe

**remaining senators**
Devore
Rogers
Terry
Zammit

Professional Consultative Services (5 senators total) - 3 VACANCIES

**leaving senators**
Harrigan
Lutrin
Reynoso

**remaining senators**
Brumley
Gamble

(2 librarians continue their terms to '92. Of the 3 SAS positions to be elected, 2 terms should be for two years and 1 term should be for one year.)

Statewide Senator

One vacancy (the position presently held by Reg Gooden will be expiring in June 1991). This is a three-year position.

Research Committee (No tenure requirement for membership. However, only tenure/probationary faculty may vote.)

**vacancies**
SAGR, SAED, SENG, and SPS

University Professional Leave Committee (Members must be tenured. Within PCS, only librarians are eligible. Only tenure/probationary faculty/librarians may vote.)

**vacancies**
SAGR, SENG, SPS, and SSM

Other positions to be appointed to the Academic Senate:
Part-time representative
UCTE representative
Parliamentarian
Administrative appointments
ASI appointments

Academic Senate positions to be elected:
Chair
Vice Chair
Secretary
School/PCS caucus chairs
<table>
<thead>
<tr>
<th>1. PROPOSER'S NAME</th>
<th>2. PROPOSER'S DEPT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEROY DAVIS</td>
<td>Agribusiness</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. SUBMITTED FOR AREA (include section, and subsection if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GE&amp;B Area A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. COURSE PREFIX, NUMBER, TITLE, UNITS, DESCRIPTION, ETC. (use catalog format)</th>
</tr>
</thead>
<tbody>
<tr>
<td>English 310</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. SUBCOMMITTEE RECOMMENDATION AND REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>English 310 should not be included in Area A. The request violates a provision in GE&amp;B Notes 3, which reads: &quot;Area A courses should be limited to those which address the content and form of communication in general. Specialized courses such as business English, journalism and speech for salespersons should be avoided.&quot;</td>
</tr>
<tr>
<td>(Vote: 4-0)</td>
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<table>
<thead>
<tr>
<th>6. GE &amp; B COMMITTEE RECOMMENDATION AND REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The GE&amp;B Committee upheld the subcommittee's decision. Also noted as relevant was GE&amp;B Notes 8 which relates that the ad hoc review committee sustained challenges to writing courses &quot;in Area A designed to meet the specialized needs of a particular academic major; for example &quot;Writing for Accounts...&quot;</td>
</tr>
</tbody>
</table>

| 7. ACADEMIC SENATE RECOMMENDATION |
Background statement: The dates for elections given in Article VII.1.5.b.(2) of the Constitution and Bylaws start the elections process in late February of every year. The actual mailing of ballots does not occur until late April. This time frame creates many problems and does not allow a reasonable amount of time for runoffs, filling of vacancies, and new caucus chair elections.

AS- 90/C&BC
RESOLUTION ON
ACADEMIC SENATE ELECTION DATES

WHEREAS, The Academic Senate election process begins in late February; and

WHEREAS, This time frame does not allow a reasonable amount of time for completion of the Senate election process; be it

RESOLVED: That Article VII.1.5.b.(2) of the Academic Senate Bylaws be changed as follows:

(2) Election of Academic Senate members, Research Committee, University Professional Leave Committee:
   (a) At the first January meeting of the Senate, the committee shall announce impending vacancies in the Senate membership (according to the filled full-time equivalent faculty positions for the previous fall quarter, as listed by the university Personnel Office), in the Research Committee, and in the University Professional Leave Committee. At the same time, each caucus shall be notified in writing of its vacancies.
   (b) By Friday of the following week, each caucus shall notify the Elections Committee, in writing, of any discrepancies in the number of vacancies in its constituency.
   (c) During the third week of January, the committee shall solicit nominations for the impending vacancies. Accepted nominations shall include a signed statement of intent to serve from the candidate. For each
school and Professional Consultative Services, the Elections Committee shall
determine that each nominee is eligible
to serve.

(d) At the first Senate meeting in February, the
elections Committee shall report the
names of all nominees, the dates of the
elections (including a runoff, if same
is necessary) and the time and place at
which ballots will be counted.

(e) The committee shall conduct elections
in the last week of February.

(f) In the following week, the committee shall conduct the runoff
elections, if needed.

(g) The committee shall announce election
results by mail to all departments and
again at the first Senate meeting following the
elections.

(h) Whenever the normal election process
fails to provide full membership or
when a vacancy occurs:

i) The caucus for the underrepresented
school/PCS shall solicit
nominations through direct mail
contact to each faculty member in
the school/PCS. Accepted
nominations shall include signed
statements of intent to serve from
the candidates.

ii) From the list of accepted
nominations, the caucus shall
select by secret ballot the
nominee(s) of its choice and
recommend the name(s) of the
selected nominee(s) to the
Executive Committee for
appointment.

iii) The appointed member shall serve
until the end of the term of the
position being filled.

Proposed by:
Academic Senate
Constitution and
Bylaws Committee
November 1990
Adopted:

ACADEMIC SENATE
OF
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, California

Background Statement: The May date in Article VII.B. of the Constitution and Bylaws does not coincide with elections to the Academic Senate Research Committee and University Professional Leave Committee. It is also unclear whether the newly-elected caucus or the present caucus convenes to nominate candidates to fill existing committee vacancies.

AS-91/C&BC
RESOLUTION ON ACADEMIC SENATE CAUCUS COMMITTEE NOMINATIONS

WHEREAS, Caucus nominations to vacancies on Academic Senate committees do not coincide with elections to the Research Committee and University Professional Leave Committee; and

WHEREAS, The new caucus will be working with the newly-elected members to Academic Senate committees; and

WHEREAS, One-half of the Senate members will still be serving their two-year term when the new caucus convenes; and

WHEREAS, There will be representation of senators who are familiar with committee functions within the caucus; and

WHEREAS, There will be a balance of new caucus members and incumbent caucus members; therefore, be it

RESOLVED: That the new caucus shall meet during the second week of Spring quarter; and be it further

RESOLVED: That Article VII.B. of the Academic Senate Bylaws be changed as follows:

VII. COMMITTEES
B. MEMBERSHIP
   Except as noted in the individual committee description, committees shall include at least one representative from each school and from Professional Consultative Services. Additional ex
officio representation may include ASI members appointed by the ASI president, the Chair of the Senate, faculty emeriti, and other representation when deemed necessary by the Senate. Ex officio members shall be voting members unless otherwise specified in the individual committee description.

During the second week of Spring Quarter, the new caucus shall convene to nominate candidates from that school or Professional Consultative Services to fill existing committee vacancies occurring for the next academic year. The caucus shall obtain a statement of willingness to serve from each nominee.

These nominations shall be taken to a meeting of the newly-elected Executive Committee before the June regular meeting of the Senate. The Executive Committee shall appoint members to standing committee vacancies from these lists of nominations, unless another method of selection is specified in these Bylaws. Each appointed member shall serve for two years. No person shall be assigned concurrent membership on more than one standing committee, except Executive Committee members, who may serve on that committee and one other.

Proposed by:
Academic Senate Constitution and Bylaws Committee
January 8, 1991
I. CURRICULUM

Required Courses

<table>
<thead>
<tr>
<th>Course</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>*PHIL 170</td>
<td>Problems of Philosophy (3)</td>
</tr>
<tr>
<td>PHIL 225</td>
<td>Symbolic Logic (3)</td>
</tr>
<tr>
<td>PHIL 230</td>
<td>Philosophical Classics (3) (GEB C.1.)</td>
</tr>
<tr>
<td>PHIL 231</td>
<td>Philosophical Classics (3) (GEB C.1.)</td>
</tr>
<tr>
<td>PHIL 311</td>
<td>History of Greek Philosophy (3) (GEB C.3.)</td>
</tr>
<tr>
<td>PHIL 313</td>
<td>Continental Philosophy: Montaigne to Leibnitz (3) (GEB C.3.)</td>
</tr>
<tr>
<td>PHIL 314</td>
<td>British Philosophy: Bacon to Mill (3) (GEB C.3.)</td>
</tr>
<tr>
<td>PHIL 315</td>
<td>German Philosophy: Kant to Nietzsche (3) (GEB C.3.)</td>
</tr>
<tr>
<td>PHIL 321</td>
<td>Philosophy of Science (3) (GEB C.3.)</td>
</tr>
<tr>
<td>PHIL 331</td>
<td>Ethics (3) (GEB C.3.)</td>
</tr>
<tr>
<td>*PHIL 411</td>
<td>Metaphysics (3)</td>
</tr>
<tr>
<td>*PHIL 412</td>
<td>Epistemology (3)</td>
</tr>
<tr>
<td>*PHIL 460</td>
<td>Senior Project Seminar (3)</td>
</tr>
<tr>
<td>*PHIL 461</td>
<td>Senior Project (2)</td>
</tr>
</tbody>
</table>

Choice of concentration or 300-400 level PHIL electives: 18

Ethics and Society Concentration or

*PHIL 332 | History of Ethics (3) |
| PHIL 333 | Political Philosophy (3) (GEB C.3.) |
| PHIL 334 | Jurisprudence (3) (GEB C.3.) |
| PHIL 335 | Social Ethics (3) (GEB C.3.) |
| PHIL 337 | Professional Ethics (3) (GEB C.3.) |
| *PHIL 339 | Bioethics (3) |

18 units of 300-400 level PHIL electives

II. COMMITTEE COMMENTS

*New courses needed for implementation of proposal
Academic Senate Curriculum Committee Comments concerning the B.A. in Philosophy (12/90)

The Curriculum Committee recommends the approval of the B.A. degree in Philosophy and would like to acknowledge the efforts of the Philosophy Department in the development of this proposal.

The Philosophy department has revised its original proposal to include PHIL 321 - Philosophy of Science in its core as suggested by CC. The CC also encouraged the department to develop its offerings related to science and technology so as to have a program reflecting the unique character of this university. The department has addressed this issue and would have also proposed a science and technology concentration if it had had the resources. However, the department recognizes its commitment to General Education at this time and has stated its intention to pursue the topics in its future course development and faculty hiring. It should be noted that the two proposed elective courses are a step in this direction and the department withdrew proposals for three elective courses which would have added to the group in this area.

The proposed concentration in Ethics and Society is an option available to the Philosophy major which is also designed to reflect the nature of this campus.
CERTIFICATE FOR TEACHING ENGLISH AS A SECOND LANGUAGE (TESL)

ENGLISH, SPEECH COMMUNICATION, AND SOCIAL SCIENCES DEPARTMENTS
School of Liberal Arts

Date: Jan. 14, 1991

1992-94 CATALOG PROPOSALS

VP (Vice President Academic Affairs), AS (Academic Senate),
CC (Curriculum Committee)
A = Approved, A* = Approved pending technical modification,
AR = Approved with reservation (see Committee Comments),
T = Tabled (see Committee Comments), D = Disapproved

I. CURRICULUM

Required Courses

ENGL 290 Introduction to Linguistics (4)
ENGL 390 Modern English Grammar (4)
*ENGL 392 Topics in Applied Linguistics (4)
**ENGL 496 Introduction to Teaching English as a Second
Language/Dialect (4)
***ENGL 497 Methods in Teaching English as a Second
Language/Dialect (with Practicum) (4)
SPC 316 Cross-Cultural Communication (4)
ANTH 333 Language and Culture (3)

* Course title change from Contemporary Grammar and
Composition.
** Course title will be changed to Theories of Second
Language Acquisition if ENGL 497 is approved.
*** New course to be developed for certificate program.

II. COMMITTEE COMMENTS

The Curriculum Committee recommends this certificate
program because we feel it meets a current and
future educational need. Particular attention should
be paid to future hiring in the area of linguistics.
M. S. MECHANICAL ENGINEERING

MECHANICAL ENGINEERING DEPARTMENT
School of Engineering

Date: January 28, 1991

1992-94 CATALOG PROPOSALS

VP (Vice President Academic Affairs), AS (Academic Senate), CC (Curriculum Committee)
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AR = Approved with Reservation (see Committee Comments),
T = Tabled (see Committee Comments), D = Disapproved

I. CURRICULUM

Core Courses
ME 599 Design Project (Thesis) (2)(2)(5) or
9 units of approved technical electives and comprehensive exam
Approved courses chosen from MATH, STAT, or CSC (8)
Adviser approved Mechanical Engineering electives

ME 502 Stress Analysis (4)
ME 517 Advanced Vibrations (4)
ME 531 Acoustics and Noise Control (3)
ME 541 Advanced Thermodynamics (4)
ME 542 Dynamics & Thermodynamics of Compressible Flow (4)
ME 551 Mechanical Systems Analysis (4)
ME 552 Conductive Heat Transfer (3)
ME 553 Convective Heat Transfer (3)
ME 554 Computational Heat Transfer (3)

Approved technical electives

II. COMMITTEE COMMENTS

M.S. in Mechanical Engineering

This submission is essentially a change in title and format from an M.S. in Engineering with a Specialization in Mechanical Engineering to an M.S. in Mechanical Engineering.

A concern of the Curriculum Committee which applies to all graduate programs, not just this one, is a guideline as to the size and scope of graduate programs at Cal Poly. We are reviewing at least four graduate program proposals in this cycle and have questioned the standards of "success" for graduate programs. It is the consensus of our committee that a minimum "critical mass" is needed to sustain a program in terms of the numbers of graduate students enrolled and the variety of courses offered. Determining those numbers is not a function of our committee. However, in reviewing proposals we have questioned the small numbers of students in existing programs as well as the clientele in existing graduate courses offered in programs with a small number of graduate students. We believe that this critical mass of students and courses is necessary in order to maintain the quality of the graduate level of instruction and to allow those students enough interactions with their peers, and challenges to their intellects, so as to enhance their experiences. In other words, we know we offer undergraduate programs of the highest quality when compared to other institutions. Can we be sure that our graduate programs can say the same.
DAIRY PRODUCTS TECHNOLOGY SPECIALIZATION,  
M.S. AGRICULTURE  

School of Agriculture  

1992-94 CATALOG PROPOSALS  

VP (Vice President Academic Affairs), AS (Academic Senate),  
CC (Curriculum Committee)  
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AR = Approved with Reservation (see Committee Comments),  
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I. CURRICULUM  

<table>
<thead>
<tr>
<th>Course</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG 599 Thesis</td>
<td>6</td>
</tr>
<tr>
<td>SS 501 Scientific Investigation</td>
<td>3</td>
</tr>
<tr>
<td>FSN 581 Graduate Seminar</td>
<td>3</td>
</tr>
</tbody>
</table>

Core Courses: 12 units  

Required in the specialization: 13 units  

DPT 401 Physical and Chemical Properties of Dairy Products (3)  
DPT 402 Quality Assurance and Control of Dairy Products (3)  
DPT 433 Dairy Plant Management and Equipment (4)  
DPT 522 Bioseparation Processes in Dairy Product Technology (3)  

Restricted Electives: 20 units  

400-500 level courses approved by the student's graduate committee. At least 8 units must be at the 500 level.  

Total Units: 45  

II. COMMITTEE COMMENTS  

M.S. in Agriculture with a Specialization in Dairy Products Technology  

It should be noted that no new courses are proposed for this degree program and that the physical facilities already exist and are currently under expansion.  

The Curriculum Committee had some questions concerning an adequate number of available 500-level courses to complete this program. This issue has been addressed by the department.
WATER SCIENCE MINOR
School of Agriculture

Date: May 10, 1990

1992-94 CATALOG PROPOSALS

VP (Vice President Academic Affairs), AS (Academic Senate),
CC (Curriculum Committee)
A = Approved, A* = Approved pending technical modification,
AR = Approved with Reservation (see Committee Comments),
T = Tabled (see Committee Comments), D = Disapproved

I. CURRICULUM

<table>
<thead>
<tr>
<th>Base Core</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>AE 340 Irrigation Water Management (4)</td>
<td></td>
</tr>
<tr>
<td>SS 121 Introductory Soil Science (4)</td>
<td></td>
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<tr>
<td>NRM 408 Water Resource Law and Policy (3)</td>
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</tbody>
</table>

Select one emphasis area:

<table>
<thead>
<tr>
<th>Irrigation Emphasis (13)</th>
<th>13--16</th>
</tr>
</thead>
<tbody>
<tr>
<td>AE 131 Agricultural Surveying (2)</td>
<td></td>
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<tr>
<td>AE 405 Fertilization (1)</td>
<td></td>
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<tr>
<td>AE 435 Drainage (3)</td>
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<tr>
<td>AE 440 Agricultural Irrigation Systems (4)</td>
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<tr>
<td>AE 492 Pumps and Pump Drives (3)</td>
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<thead>
<tr>
<th>Watershed Management Emphasis (16)</th>
<th>24--27</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR 440 Watershed Management (3)</td>
<td></td>
</tr>
<tr>
<td>FOR 441 Forest and Range Hydrology (3)</td>
<td></td>
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<tr>
<td>FOR 442 Watershed Protection (2)</td>
<td></td>
</tr>
<tr>
<td>NRM 304 Ecology of Resource Areas (4)</td>
<td></td>
</tr>
<tr>
<td>SS 440 Forest and Range Soils (4)</td>
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</tbody>
</table>

II. COMMITTEE COMMENTS
WHEREAS, Discrimination on the basis of sexual orientation is a violation of basic human rights; and

WHEREAS, California State University campuses maintain relations and contracts with the United States Department of Defense whereby Reserve Officer Training Corps (ROTC) programs are taught on various campuses; and

WHEREAS, The United States Department of Defense's policy and regulations exclude homosexuals from military ranks; and

WHEREAS, There is scholarly evidence that the policy of discrimination by the military on the basis of sexual orientation is a policy based on prejudice and is not beneficial to the national defense; and

WHEREAS, It is a violation of CSU policy for the CSU system, or any part of it, to discriminate in employment or access on the basis of sexual orientation; and

WHEREAS, The CSU makes vigorous efforts to create campus climates free of bigotry and prejudice; and

WHEREAS, The Department of Defense policy and practice of discrimination on the basis of sexual orientation is inimical to the values of the university; and

WHEREAS, Allowing academic credit for ROTC courses and awarding faculty status to instructors who teach in these programs facilitates such discrimination by lending institutional support and respectability to the Department of Defense's policy of discrimination; and

(over)
WHEREAS, In May, 1990 the Academic Senate CSU called upon the Department of Defense to end its discriminatory policy based on sexual orientation (AS-1939-90/AA); and

WHEREAS, In May, 1990 the Academic Senate CSU urged the campus senates to consider action if the military's policy discrimination against homosexuals was not rescinded by January 1, 1991; and

WHEREAS, In June, 1990 the Chair of the Academic Senate CSU received a reply from a Deputy Assistant Secretary of the Department of Defense, which stated: "Accordingly, we [the Department of Defense] do not plan to reassess the Department's policy on homosexuality."; therefore be it

RESOLVED: That the Academic Senate of the California State University urge the campus senates and campus presidents to enact the following policies:

(a) ROTC programs shall not be allowed to enroll any additional students;

(b) students already enrolled in ROTC programs be allowed to complete the program;

(c) all contracts with the United States military regarding the offering of ROTC programs at the University be terminated, not be renewed, or be allowed to expire;

and be it further

RESOLVED: That the Academic Senate CSU urge the Chancellor and the Board of Trustees to enact statewide procedures to ensure that its non-discrimination policy for all students, in all campus programs throughout the system, be observed; and be it further

RESOLVED: That should the Department of Defense alter its discriminatory policy regarding homosexuals, the Academic Senate CSU urge that campus policies regarding ROTC be modified accordingly.
Resolution Against ROTC Ban on Homosexuals

WHEREAS, The California State University has made an ongoing attempt to rid its campuses of racism and discrimination; and

WHEREAS, The CSU is supporting ACR 126 which states that "discriminatory policies, behavior, and practices will not be tolerated" on the CSU campuses; and

WHEREAS, It is to the benefit of all students that all forms of discrimination are removed from campuses; and

WHEREAS, The campus ROTC's continues to follow a discriminatory U.S. Government policy that bans homosexuals from completing its programs; and

WHEREAS, No other academic program in the CSU system has a requirement of sexual orientation for admission or retention; and

WHEREAS, This discriminatory practice directly violates California Civil Code § 51 (Unruh Civil Rights Act); now, therefore, be it

RESOLVED, That the California State Student Association condemns this discriminatory practice; and be it further

RESOLVED, That the California State Student Association Board of Directors request that the CSU remove the ROTC practice of discriminating in academic programs; and be it further

RESOLVED, That the CSSA Board of Directors request that if the ROTC's discriminatory practices are not halted, the CSU will remove the ROTC's from campus until their discriminatory practices are stopped; and be it further

RESOLVED, That copies of this resolution will be sent to the CSU Board of Trustees, Chancellor W. Ann Reynolds, CSU Presidents, CSU AS Presidents and California Associated Students with ROTC programs.

Submitted by Associated Students, CSU, Sacramento.

Adopted by the California State Student Association
March 11, 1990.

---
representing over 360,000 students statewide
MEMORANDUM

Date: September 6, 1990
From: Les Pincu, Senator
CSU, Fresno
To: Sandra Wilcox, Chair
Academic Senate CSU
Subject: CSU Policy on Non-Discrimination and Reserve Officer Training Corps (ROTC) Programs

I thought it might be useful to draw your attention to two documents which were published by the Department of Defense. These two documents were produced by the Defense Personnel Security Research and Education Center in December, 1988 and January 1989. The first is entitled Nonconforming Sexual Orientations and Military Suitability, the second Preservice Adjustment of Homosexual and Heterosexual Military Accessions: Implications for Security Clearance Suitability.

The first study set out to examine the ..."DoD's [Department of Defense's] long-time practice of denying military employment to homosexuals solely on the basis of their sexual orientation." The study concluded:

"In our study of suitability for military service, we have been governed by a silent assumption: that social attitudes are historically conditioned. In our own time, we witnessed far-reaching changes in attitudes toward the physically disabled, people of color, disease prevention, birth control, cohabitation of unmarried couples, and so on. We have witnessed a noticeable shift in tolerance for women and for homosexual men and women in the civilian workplace...The lessons of history tell us that the legitimacy of our behaviors, customs, and laws is not permanently resistant to change. Custom and law change with the times, sometimes with amazing rapidity. The military cannot indefinitely isolate itself from the changes occurring in the wider society, of which it is an integral part."

The second study on security clearance suitability set out to determine if homosexuals were unsuitable for positions of trust or had characteristics which would be relevant to security suitability. This study concluded:
"In summary, this report has provided limited but cogent evidence regarding the preservice suitability of homosexuals who may apply for positions of trust. Although this study has several limitations, the preponderance of the evidence presented indicates that homosexuals show preservice suitability-related adjustment that is as good or better than the average heterosexual. Thus, these results appear to be in conflict with conceptions of homosexuals as unstable, maladjusted persons. Given the critical importance of appropriate policy in the national security area, additional research attention to this area is warranted."

Finally, Sandy, let me draw your attention to the striking and disturbing similarity between the arguments used just several decades ago against the integration of blacks into the Armed Services and those currently used against homosexuals. A 1941 Navy Department memorandum outlined the argument for the military’s exclusion of Blacks as follows:

"The close and intimate conditions of life aboard ship, the necessity for the highest possible degree of unity and esprit-de-corps; the requirement of morale - all these demand that nothing be done which may adversely affect the situation...."

The same reasoning, rooted in bigotry, is used today to exclude homosexuals from the military. I quote (in part) the present policy regarding the exclusion of homosexuals:

"Homosexuality is incompatible with military service. The presence of such members adversely affects the ability of the Armed Forces to maintain discipline, good order, and morale; to foster mutual trust and confidence among the members; to ensure the integrity of the system of rank and command;..." etc.

As you can see, the arguments, the bigotry, the intolerance are all the same; only the target group has changed. Prejudice of this nature is clearly not commensurate with, but in fact the antithesis of, the purpose of higher education.

cc: Executive Committee
Academic Affairs Committee
Support ROTC

CSU wrong in attack on military unit

At the same time officials of the California State University are trying to convince voters to approve a $450 million bond issue (Proposition 143 on the Nov. 6 ballot), they are attempting to give the boot to an ROTC program that helps train 70 percent of the officers in the U.S. Army.

They are asking for our support at a time when they are failing to support our troops in Saudi Arabia and future officers who may someday take their place.

It's just plain disgusting.

The ROTC (Reserve Officer Training Corps) has been on the CSU campuses and other campuses for years, surviving even the attacks of the 1960s peaceniks' and flower children.

But now an assortment of students, faculty members and homosexuals are banding together to try and remove this important program from universities that are financed by the taxpayers.

These characters must be stopped.

The CSU and other taxpayer-supported universities are not just for the use of the educational elitists.

They are there to help all Californians in a variety of ways.

The important teaching that takes place on these campuses provides workers and leaders for virtually all types of jobs. And the research that takes place in the CSU and UC systems provides solutions for all kinds of problems.

UC Davis, for example, has been a major contributor to the advancement of agriculture not just in California but throughout the world.

ROTC has made a major contribution to the armed forces and society in general in several ways. For example, it has helped funnel a continuing stream of well-educated and highly motivated officers into the Army at a time when increased technology makes it imperative that soldiers be more highly educated than in the past.

ROTC has also provided a source of financial aid to students who may not have been able to obtain a university education without this help.

Of course these benefits mean nothing to the liberal elitists who want to throw the program off the campuses.

The ROTC program operates under Department of Defense rules that place certain restrictions on the participation of homosexuals.

Because of these rules, the California State University's Statewide Academic Senate — which represents the Sacramento campus and 18 others — has voted to eliminate the program and withdraw the faculty status now given to ROTC instructors.

This outrageous demand comes from faculty members who claim they believe in academic freedom. Hiller also believed in academic freedom, as long as nobody expressed any thoughts with which he disagreed.

Already ROTC units have been banned from the campuses at Harvard, Yale and Princeton universities.

While we think these institutions were wrong and shortsighted in their decisions, they are private universities and free to take the actions they have.

On the other hand, CSU and UC are public, tax-supported institutions and should have no right to remove ROTC programs.

Such decisions should be left to Congress and state legislatures, the bodies elected by the people to decide matters of public policy.

If the educational elitists in the CSU system want their own little private sanctuaries, let them go start their own private universities — and pay for them. But as long as these institutions are tax-supported, they had better be run in the overall interests of California and the United States.

CSU officials should take the anti-ROTC resolution passed by the faculty members and tear it up and send the professors back to the classroom to do what they are being paid to do — teach the students.
Dear Mr. Geigle and Ms. Wilcox:

Thank you for your letter of May 24 to President Bush advising of the CSU Academic Senate Resolution concerning Reserve Officers' Training Corps (ROTC) policies regarding homosexuals. Your letter was forwarded to the Department of Defense for consideration and response.

We appreciate your concern about these policies. However, as I am sure you know, it has long been the policy of the Department of Defense that homosexuality is incompatible with military service. There are numerous reasons for this policy, including the necessity to maintain good order, morale, and discipline; foster mutual trust and confidence among Service members; recruit and retain members of the Military Services; and maintain the public acceptability of military service.

I believe it is important to stress that the Military Services do not discriminate in enlistment or officer commissioning programs on the basis of religion, national or ethnic origin, race, color, or sex. The unique requirements of military service, however, do necessitate the establishment of certain essential, and legally permissible, enlistment and commissioning criteria. For example, in addition to being of heterosexual orientation, applicants must meet minimum and maximum age and mental, physical, moral, loyalty, and citizenship standards.

Federal courts have upheld the Military’s homosexual exclusion policy and accepted its rational relationship to legitimate military purposes. In fact, I believe it is noteworthy that since the current DoD policy on homosexuality became effective in 1982, every court
that has ruled finally on the issue has held that the homosexual exclusion policy is constitutional. Accordingly, we do not plan to reassess the Department’s policy on homosexuality.

Sincerely,

[Signature]

Donald W. Jones
Lieutenant General, USA
Deputy Assistant Secretary
(Military Manpower & Personnel Policy)
June 27, 1990

Mr. Ray A. Geigle and
Ms. Sandra Wilcox
CSU Academic Senate
400 Golden Shore, Suite #134
Long Beach, CA 90802

Dear Mr. Geigle and Ms. Wilcox:

Governor Deukmejian has asked that I reply to your recent letter regarding Department of Defense policies towards homosexuals.

As a matter of general policy, the Governor does not become involved with issues beyond his constitutional jurisdiction. Since the Department of Defense is part of the United States federal government, it is not appropriate for the Governor of California to influence its policies or management decisions.

The Administration, however, appreciates your concern in this matter and the time you have taken to inform us of your situation.

Sincerely,

Peter G. Mehas, Ed.D.
Assistant to the Governor for Education

PGM/jp
Discrimination in Campus ROTC Programs

The Army, Navy and Air Force Reserve Officers' Training Corps (ROTC) units on the University of California (UC) campuses, in conformance to Department of Defense (DoD) policies, discriminate on the basis of sexual orientation. Although in principle ROTC classes are open to all academically qualified students, advanced ROTC classes presuppose knowledge and skills ordinarily acquired only through participation in military activities, from which lesbian and gay students are excluded.

Students participating in ROTC programs sign a contract after their second year, agreeing to be commissioned into one of the Armed Forces upon graduation. When a student signs such a contract, he or she becomes an ROTC cadet. Because commissioning is done on a discriminatory basis, lesbian and gay students are not allowed to proceed to this stage of the program.

All three ROTC units on campus discriminate on the basis of sexual orientation in contracting cadets, providing summer training pay and monthly subsistence allowances, and awarding ROTC scholarships. UC students applying to participate in Army ROTC, for example, are faced with a question on Cadet Command Form 126 which asks "Have you ever engaged in, desired or intended to engage in bodily contact with a person of the same sex for the purpose of sexual satisfaction?" Students interested in Navy and Air Force ROTC must answer similar questions.¹

There is also discrimination in the selection of instructors in the three departments through which ROTC operates, since they must be members of the Armed Forces. The same DoD policies thus require discrimination on the basis of sexual orientation in appointing ROTC officers to be members of the UC faculty.

According to DoD regulations, homosexuality is incompatible with military service.² The regulations define "homosexual" as "a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts." Such persons are ineligible to enlist in the Army, Navy and Air Force and are subject to immediate discharge if they are discovered.³

¹Air Force ROTC Form 20, Application for AFROTC Membership (Document 1).


The broad scope of the DoD discriminatory policy has resulted in discharge of service members who merely stated that they were gay or lesbian, and against whom no charges were made that they had violated any regulations by their conduct. In addition, members of the Armed Forces have suffered demotions and other punishment for testifying favorably as to the job performance of a lesbian drill instructor in a court-martial proceeding and for being "in the presence of" persons who "looked homosexual.

In a case specifically involving ROTC, a cadet at the University of Washington in Saint Louis came out (accepted the fact that he was gay) during his senior year. He had outstanding grades and performance, and was even selected to be in a nationwide advertising campaign soliciting students for ROTC. The Army has disenrolled the cadet from the program and is requiring him to pay back his scholarship. Because ROTC's discriminatory policies are enforced nationwide, this situation could also occur to students here at the University of California.

Rationale for the Discrimination

The DoD always expresses the rationale for its discriminatory policy with the following paragraph:

Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the Military Services to maintain discipline, good order, and morale; to foster mutual trust and confidence among servicemembers; to ensure the integrity of the system of rank and command; to facilitate assignment and


6Weisberg, supra (Document 4), p. 20.

7ACLU Press Release, "Another University Comes Out Against ROTC Ban on Gays," February 27, 1990 (Document 7).
worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the Military Services; to maintain the public acceptability of military service; and to prevent breaches of security.

The essence of the argument seems to be premised on the idea that discipline, order, morale, trust, and confidence in the services would decrease if lesbian and gay people were allowed to serve because hatred of lesbian and gay people exists among members of the military. Bigoted heterosexual servicemembers would not want to work with or take orders from a lesbian or gay person. The exact same argument was used a few decades ago to support racial segregation. Fortunately, the existence of racism in the military has been rejected as a justification for racist policies. Homophobia should be treated the same way.

The only studies available evaluating any of the DoD’s justifications refute their validity. Both of these studies were conducted by the DoD itself. The first, a 656-page document called the Crittenden report, was written by a committee established by the Secretary of the Navy. The committee did its work in 1957, just after the McCarthy era, and its charge was not to investigate whether lesbians and gays should be excluded from the military, but how. Despite this, it stated that it found no evidence whatsoever to indicate that gays and lesbians were more of a security risk than heterosexuals.


\textbf{Conflict in Policy}

The University of California has a policy against discrimination based on sexual orientation. Despite this, the Army, Navy and Air Force ROTC, which operate out of the official University departments of military science, naval science, and

\footnote{\textit{See footnote 2.}}
aerospace studies, respectively, deny equal opportunity to UC students and potential instructors.

Gay, lesbian and bisexual students are prohibited from every phase of the ROTC program except introductory classes. The fact that these classes may be open to all students is not significant. The very purpose of these introductory classes is to lead students into the later stages of the ROTC program, and then to commissioning, which are discriminatory.

As stated in the ROTC contracts between the Army, Navy and Air force, the campus ROTC departments are to be an "integral" part of the University. Faculty in the departments, under official ROTC policy, must be Armed Forces personnel. These personnel who, according to the contracts, must be given faculty voting rights, must (according to military regulations) be exclusively heterosexual.

The University of California, as a condition for hosting ROTC programs, is required to provide space, supplies, and expense funds to the ROTC departments. The University of California must also accept scholarship tuition that is unavailable to lesbian, gay and bisexual students.

Clearly the University is substantially involved in the operation and administration of the ROTC programs. Because there is a policy conflict between the ROTC programs' discriminatory policy and the nondiscrimination policy of the University, it is necessary to decide what action to take to remedy the conflict.

One solution to eliminate the policy conflict is for the University of California to repeal or make an exception to its policy prohibiting discrimination based on sexual orientation. This would be a reasonable step if discrimination in the Armed Forces were deemed necessary and sound. Because of the lack of rational justification for the discrimination, however, this solution does not appear to be appropriate. In addition, part of the mission of this University should be to foster equal opportunity, and as an educational institution, provide an example for society in this area. For these reasons, the University should not retreat from its position against discrimination.

Another solution to the policy conflict is to enforce the University's nondiscrimination policy and decline to renew the ROTC contracts with the Army, Navy, and Air Force. These contracts were entered into voluntarily by both sides, and are renewed annually unless either side gives one year's notice to the other that it does not wish to renew. It would be unfortunate for us to have to make this decision, but if there is refusal to end the ROTC discriminatory policy, we will be forced to do so.
The Morrill Act

In order to comply with federal law, the University of California must offer instruction in military tactics. In 1862, Congress passed a law called the Morrill Act or the "Land Grant Act." The act provided for the sale of large amounts of federal land to provide a permanent endowment for the establishment in each state of

at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. 10

Prior to the passage of the act, higher education in the United States followed the classical European system, preparing small numbers of elite men for medicine, theology, teaching and law. The Morrill Act grew out of criticisms of this system as ignoring the education of the vast majority of the population, who were members of the industrial class. The purpose of the act was to remedy this situation.

The Morrill Act does not require land grant institutions to have ROTC, only to provide instruction in military tactics. At the time the Morrill Act was passed, ROTC did not even exist. ROTC was established upon passage of the National Defense Act of 1916. At this time, land grant institutions found it convenient to establish ROTC programs on their campuses to provide instruction in military tactics.

The Morrill Act stipulates that the legislatures of the states may determine how to satisfy the educational requirements of the act. If the University of California decides to enforce its rules on equal educational opportunity and identify new programs through which it can meet its Land Grant obligations in a nondiscriminatory manner, the California state legislature could simply provide for the establishment of such programs. Courts have upheld this concept, stating that state legislatures have the authority to determine what kind of instruction satisfies the requirements of the act.

Federal Grants

Matthew Weeden of the Research Service of the Library of

Congress reports that "there has never been any legislation or official policy covering schools with defense contracts that have dropped their ROTC programs."\(^{11}\) Congressman Robert Kastenmeier was informed by the Director of Legislation and Legal Policy for the Deputy Assistant Secretary of Defense, Military Manpower and Personnel Policy that there is "no directive or statute with respect to defense contracts that applies to the departure of ROTC programs from campuses."\(^ {12}\)

There is a law stating that DoD funds may be withheld from any institution of higher learning if it bars Armed Forces recruiting personnel from its campus.\(^ {13}\) This is distinct from ROTC. Military recruiters can visit UC campuses with or without the presence of any ROTC units.

It is doubtful that federal agencies would be willing to discontinue fruitful research projects at a great university such as the University of California. There is no requirement that they do so. The University should not retreat from principles of equality based on imaginary threats of blackmail on the part of the federal government.

**Legality of the Discrimination**

It may be the case that ROTC's discrimination is legal. The uncertainty is due to conflicting decisions on the issue in the federal courts. In some cases, discrimination based on sexual orientation in the Armed Forces has been upheld as constitutional.\(^ {14}\)

In Matthews v. Marsh, 755 F.2d 182 (1st Cir. 1985), a case involving a lesbian ROTC cadet, the court ruled that the Army's exclusion of persons from its ranks because of statements indicating lesbian, gay or bisexual sexual orientation is unconstitutional. The Army appealed the case to the First Circuit Court of Appeals. Subsequently, statements by Ms. Matthews indicated that she had participated in homosexual activity. This, in the opinion of the judges, changed the substance of the case and the case was neither overturned nor affirmed.

In Watkins v. Army, a man who has served in the Army for almost fifteen years was discharged because he was gay. The

\(^{11}\)Document 11.

\(^{12}\)Document 12.

\(^{13}\)Public Law 92-436, §606 (Document 13).

\(^{14}\)BenShalom v. Army, supra.
Army, with knowledge of his homosexuality, had allowed him to re-enlist three times. The Ninth Circuit Court of Appeals held that because of the fact that the Army knew Mr. Watkins was gay, and allowed him to serve anyway, that they were barred from changing their position and trying to discharge him. The court specifically rejected the Army's arguments that the reinstatement of Mr. Watkins would be detrimental to morale and discipline.

While case law may be unclear on the subject of discrimination based on sexual orientation in the Armed Forces, analysis of relevant statutes does not present this problem. Federal statutes currently do not prohibit the discrimination. A bill (HR 655) under consideration as an amendment to the Civil Rights Act of 1964 would add "sexual orientation" to the list of bases on which discrimination is prohibited. If Congress passes this bill, UC ROTC units may then be required to admit eligible candidates regardless of sexual orientation. Alternatively, Congress could specifically target the policies of the Armed Forces, as it did in the 1970's to press for expanded opportunities for women.

Federal law does not mandate the current DoD policy, it just permits it. Thus, the discrimination could also end through internal DoD action. In addition, the policy could be reversed by the President through executive order (as was racial segregation in the Armed Forces by President Truman in 1948), or by the federal courts. If any of these things occurred, the policy conflict would end. For now, however, we cannot ignore the conflict with University nondiscrimination rules.

Integrity of the University

The University has rules for a reason. They should not merely be empty words on paper. The integrity of the University as an institution depends on the even-handed enforcement of these rules. This, in addition to concerns about fairness, makes the current situation intolerable.

At different times in U.S. history, slavery, the return of fugitive slaves, school segregation, and the internment of American citizens on the basis of their ancestry have all been supported by federal law. UC faculty are not required to be a party to unjust discrimination simply because the discrimination, at the moment, might be legal. The University of California has the authority to make rules on nondiscrimination that are more comprehensive than required by law, and when it does so, it has the responsibility to enforce them.

Enforcement of University policy may cause hardship for individual students who benefit from ROTC scholarships. But economic benefits conferred on one group of students do not justify denial of rights to another.
If there were a program on campus that offered scholarships to students and provided training leading to a career, but a requirement for receipt of a scholarship or pursuit of this career was that applicants be white, how could we accept such a program on our campus? Those who would argue in favor of keeping such a program on campus may argue that white students would be denied money and opportunities if the program were discontinued. Few would argue that this is a tenable position.

Enforcement of University rules may also result in the foregoing of some financial benefits to the University. This could occur if the cost of a nondiscriminatory alternative to ROTC is more expensive than the costs of space, supplies and expense funds currently provided to ROTC units by the University.

The possibility that there might be a net financial loss if ROTC programs are not continued is not a compelling reason for inaction. The University should not be willing to be bought off and ignore its principles for a possible financial gain. If an individual or organization wanted to make a $4 billion donation to the University of California, with the only condition being that no Latino be given a degree from the School of Education, should the donation be accepted? How much money are we willing to accept to allow continued discrimination? We must definitively reject placing a price tag on civil rights.

A growing number of colleges and universities around the nation are challenging ROTC programs on their campuses because of their discrimination. Some, including Harvard and Yale, have concluded that as long as the ROTC discriminatory policy remains in effect, ROTC will not be allowed on their campuses.

The University of California, as one of the foremost educational institutions in the nation, must be a leader in equal opportunity. Part of the mission of the University should be to promote the idea that ours is a pluralistic society and that people should accept one another's differences. Rejection of irrational prejudices should be part of this educational mission.

UCLA Chancellor Charles Young recently decided to establish a Chancellor's Advisory Committee on the Gay and Lesbian Community at UCLA to address the needs and concerns of gay and lesbian members of the University community. The proposal for the committee states that "the time has come at UCLA to work consciously to eliminate all those activities and practices which

\[15\] See footnote 7.
contribute to [anti-gay] oppression."\textsuperscript{16}

Similarly, UC President David Gardner has stated that the University "strives to create campuses that...are free from discrimination based on race, ethnicity, sex, religion, sexual orientation, disability, and other personal characteristics."\textsuperscript{17} These are laudable and necessary goals, for which the University should take vigorous action to attain.

March 5, 1990

\textsuperscript{16}Letter from Charles E. Young to proposed members of the Chancellor's Advisory Committee, February 14, 1990, and "Proposal for a Chancellor's Advisory Committee on Gay and Lesbian Community at UCLA" (Document 14).

\textsuperscript{17}UC Focus Vol. 4, No 2, p.1, November 1989, quoting September 21 letter to UC chancellors (Document 15).
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<tr>
<td>Bakersfield</td>
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<td>Chico</td>
<td>yes</td>
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2/1/91