

**ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, CA**

AS-784-14

**RESOLUTION ON THE USE OF CONFLICT MINERALS IN THE
DEMOCRATIC REPUBLIC OF CONGO**

- 1 WHEREAS, Cal Poly is committed to the principles of fair trade; and
2
3 WHEREAS, Cal Poly has a history of commitment to the preservation of the environment; and
4
5 WHEREAS, Cal Poly has declared its commitment to human rights and social justice in its
6 governance documents and policies and has taken affirmative steps throughout its
7 history to promote these values; and
8
9 WHEREAS, The Cal Poly Academic Senate endorsed the Code of Product Labor Principles
10 and Business Standards on May 23, 2000 with AS-542-00/HG; and
11
12 WHEREAS, The commitment to fundamental rights of all workers should apply to all goods
13 and services purchased by the University; and
14
15 WHEREAS, The United States Senate and the House of Representatives have found that armed
16 groups bear responsibility for massive atrocities in the eastern Congo; and
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18 WHEREAS, Legislation signed into law (Section 1502 of the Dodd-Frank Wall Street Reform
19 Act of 2010) requires that companies submit an annual report to the Securities and
20 Exchange Commission disclosing whether their products contain gold, tin,
21 tantalum, or tungsten from the Congo or nearby areas; and
22
23 WHEREAS, The International Rescue Committee has found that more than 5.4 million
24 civilians have been killed and countless more remain at risk as a consequence of
25 attacks conducted by armed groups in eastern Congo; and
26
27 WHEREAS, The U.N. has urged the international community to weaken the aforementioned
28 armed groups, and to cooperate with a U.N. peacekeeping force authorized under
29 U.N. Security Council Resolution 1291; and
30
31 WHEREAS, Cal Poly makes significant purchases from and investments in companies that use
32 conflict minerals from Democratic Republic of Congo in their supply chains; and
33
34 WHEREAS, Governor Jerry Brown signed SB 861 into law in October 2011, which prohibits
35 state agencies from signing contracts with companies that fail to comply with
36 federal regulations aimed at deterring business with armed groups in eastern
37 Congo; therefore be it

- 38 RESOLVED: That the Academic Senate request that the Cal Poly Office of Contract and
39 Procurement Services take into account whether electronic products contain
40 conflict minerals in future purchasing decisions and, when available, will favor
41 verifiably conflict-free products; and be it further
42
- 43 RESOLVED: That the Academic Senate request that the Office of Contract and Procurement
44 Services publish a statement on its website stating its awareness of the conflict in
45 Congo and its commitment to purchasing conflict-free products when available;
46 and be it further
47
- 48 RESOLVED: That the Academic Senate request that the Office of Contract and Procurement
49 Services of Cal Poly urge electronic companies and other industries to implement
50 the necessary steps to remove conflict minerals from their supply chain.

Proposed by: Katie Hoselton, 4th Year Political Science Student
Supporters: Dr. Ryan Alaniz, Professor of Sociology
Dr. Matthew Hopper, Professor of African History
Dr. Linda Vanasupa, Professor of Materials
Engineering
Dr. Kathy Chen, Chair of Materials Engineering
Department
Dr. Shelley Hurt, Professor of Political Science
Dr. Meg Streiff, Professor of Geography
Dr. Harvey Greenwald, Professor of Mathematics
Dr. Benjamin Funston-Timms, Professor of
Geography
Que Dang, Assistant Coordinator, Multicultural
Center
Adam Serafin, Assistant Coordinator, Pride Center
Tammie Velasquez, Assistant Coordinator for the
Gender Equity Center and Multicultural Center

Date: April 8 2014
Revised: May 12 2014



MATERIALS
ENGINEERING
California Polytechnic State University

April 28, 2014

Dear Cal Poly Academic Senate,

As the Chair and a faculty member of the Materials Engineering department, I applaud Katie Hoselton's effort in bringing awareness of conflict minerals to our campus and actually trying to do something about it.

She has spoken to students in several of the Materials Engineering courses because the topic is very pertinent to our engineering students. One of the important roles of a material engineer is selecting the appropriate materials to use for any application. However, the inherent properties and costs of a material are not the only factors for such a decisions. An important student learning outcome stipulated by our accreditation board (ABET) is for students to achieve "the broad education necessary to understand the impact of engineering solutions in a global, economic, environmental, and societal context." Conflict-minerals are real world examples of how engineering interfaces with the political and global world.

In order to make informed and ethical decisions, students need to know where materials come from, and how they are produced. This issue does not only affect material engineers, but also other types of engineers, as well as students who study politics, economics, or social sciences. Thus, as professionals and educators, we should be modeling the same ethics that we purportedly teach.

Just as Cal Poly feels that it is important for students to know when and if they are purchasing items that were produced in a sweatshop (as decided in AS-542-00/HG in May of 2000), it is important for students to know where the components in the electronic products that they use everyday are coming from. Students should know, and Cal Poly, as a mass consumer of technology, should acknowledge if the products we use contain components that are violating human rights in the attainment process and contributing to the most deadly conflict since WWII.

Cal Poly has the opportunity to demonstrate to our students, faculty, staff, and stakeholders that we practice the same ethics that we supposedly impart to our students to be ethical, practical, and informed individuals that will enter the work force. Thus we hope that the Academic Senate will be in support of this initiative.

Sincerely,

Kathy Chen
Professor and Chair, MATE

References for Academic Senate Resolution on the Use of Conflict Minerals in the Democratic Republic of Congo

Compiled by Katie Hoselton

Below, each clause of the resolution that makes a claim is stated, followed by the link to where that information was obtained.

WHEREAS clause 2: Cal Poly has a history of commitment to the preservation of the environment;

a.

<http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1572&context=senateresolutions>

b.

<http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1623&context=senateresolutions>

WHEREAS clause 3: Cal Poly has declared its commitment to human rights and social justice in its governance documents and policies and has taken affirmative steps throughout its history to promote these values;

a. In Cal Poly's Multicultural Center's Mission Statement, it states that one of its goals is to "work towards social justice":

<http://studentlife.calpoly.edu/multicultural/>

b. The Assistant Coordinator of the Multicultural Center, Que Dang, has signed on as a supporter of this resolution

WHEREAS clause 4: The Cal Poly Academic Senate endorsed the Code of Product Labor Principles and Business Standards on May 23, 2000 with AS-542-00/HG;

a.

<http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1542&context=senateresolutions>

WHEREAS clause 6: The United States Senate and the House of Representatives have found that armed groups bear responsibility for massive atrocities in the eastern Congo;

a. <http://engel.house.gov/latest-news1/engel-statement-on-m23-congo-rebel-group-ending-rebellion/>

b. http://www.state.gov/s/greatlakes_drc/releases/2014/222630.htm

c. <http://www.state.gov/p/af/rls/rm/2012/201812.htm>

d.<http://www.enoughproject.org/publications/us-congo-policy-matching-deeds-words-end-world%E2%80%99s-deadliest-war>

WHEREAS clause 7: Legislation signed into law (Section 1502 of the Dodd-Frank Wall Street Reform Act of 2010) requires that companies submit an annual report to the Securities and Exchange Commission disclosing whether their products contain gold, tin, tantalum, or tungsten from the Congo or nearby areas;

a.<https://www.govtrack.us/congress/bills/111/hr4173/text>

b.<http://www.raisehopeforcongo.org/blog/post/congo-sen-durbin-11-members-congress-urge-sec-uphold-conflict-minerals-requirements>

WHEREAS clause 8: The International Rescue Committee has found that more than 5.4 million civilians have been killed and countless more remain at risk as a consequence of attacks conducted by armed groups in eastern Congo;

a.http://www.rescue.org/sites/default/files/resource-file/2006-7_congoMortalitySurvey.pdf

WHEREAS clause 9: The U.N. has urged the international community to weaken the aforementioned armed groups, and to cooperate with a U.N. peacekeeping force authorized under U.N. Security Council Resolution 1291;

a.[http://daccess-dds-](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/313/35/PDF/N0031335.pdf?OpenElement)

<ny.un.org/doc/UNDOC/GEN/N00/313/35/PDF/N0031335.pdf?OpenElement>

b.[http://daccess-dds-](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/485/59/PDF/N0048559.pdf?OpenElement)

<ny.un.org/doc/UNDOC/GEN/N00/485/59/PDF/N0048559.pdf?OpenElement>

c.<http://www.raisehopeforcongo.org/blog/post/un-experts-sec-conflict-minerals-bill-working-congo>

WHEREAS clause 10: Cal Poly spends an estimated \$2.39 million per year on computer hardware from Dell and Apple and has significant investments in companies which use conflict minerals from Democratic Republic of Congo in their supply chains;

a. This information is not publicly available online, but see the image for data that I received via request through the Office of Procurement:

Fiscal Year	Dell	Apple	Total Computer Hardware Purchases
2010-2011	\$1,873,130	\$21,613	\$2,390,986
2011-2012	\$1,041,799	\$65,331	\$1,370,680
2012-2013	\$1,147,123	\$10,035	\$2,390,986

b. <http://www.calpers.ca.gov/eip-docs/about/pubs/cafr-2013.pdf>

WHEREAS clause 11: Governor Jerry Brown signed SB 861 into law in October 2011, which prohibits state agencies from signing contracts with companies that fail to comply with federal regulations aimed at deterring business with armed groups in eastern Congo;

a. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB861

b. <http://accountabilityroundtable.org/analysis/california-governor-brown-signs-into-law-conflict-minerals-legislation/>

c. <http://www.enoughproject.org/blogs/gov-brown-signs-ca-conflict-minerals-bill>

Additional Sources for Information on Conflict Minerals in the DRC:

Dell: <http://www.dell.com/learn/us/en/uscorp1/conflict-minerals>

Apple: <http://www.apple.com/supplier-responsibility/labor-and-human-rights/>

Intel: <http://www.intel.com/content/www/us/en/corporate-responsibility/conflict-free-minerals.html>

Security and Exchanges Commission: <http://www.sec.gov/News/PressRelease/Detail/PressRelease/1365171484002#.U3EHP61dXSB>

Electronic Company Rankings: <http://www.raisehopeforcongo.org/companyrankings>

Participating Schools: <http://www.raisehopeforcongo.org/content/participating-schools>

Federation of American Sciences Report: <http://www.fas.org/sgp/crs/row/R43166.pdf>

Additional Resources: http://www.raisehopeforcongo.org/sites/default/files/Educational%20Materials%20Toolkit_0.pdf

State of California
Memorandum

To: Gary Laver
Academic Senate Chair

Date: June 27, 2014

From: Jeffrey D. Armstrong
President

Copies: K. Enz Finken
B. Kinsley
D. Zachmeyer
H. Greenwald
K. Hoselton

Subject: Response to Academic Senate Resolution AS-784-14
Resolution on the Use of Conflict Minerals in the Democratic Republic of Congo

I am pleased to offer my support for the above titled Academic Senate Resolution and for Ms. Katie Hoselton's admirable efforts to raise awareness about the issues therein. I have consulted with representatives from Cal Poly's Office of Contracts and Procurement. In addition, I have studied the attached California State Senate Bill 861, concerning public contracts and conflict minerals in the Democratic Republic of Congo, which is still under consideration in the California State Senate.

I approve the resolution with the following provisos:

First, Cal Poly has no legal means for "favoring" conflict free products as requested in lines 38-41 of the abovementioned resolution. However, I assure the Academic Senate and Ms. Hoselton that Cal Poly will comply with the terms of SB 861 in the time and manner described in CSU policy. This policy is currently under development and implementation is likely to occur within the next year.

Second, lines 43-46 in the abovementioned resolution request that the Office of Contract and Procurement Services publish a statement indicating its awareness of the issues in the Democratic Republic of Congo. Ms. Hoselton worked with the Office of Contract and Procurement Services in developing the attached statement and will publish the statement on the Contracts website by September, 2014.

I am grateful to the Academic Senate, Ms. Hoselton, and the Office of Contracts and Procurement for working on this issue in a collaborative manner. Furthermore, I congratulate Ms. Hoselton for bringing to Cal Poly's attention the upsetting conditions under which so many people continue to live in the Democratic Republic of Congo. It is worth noting, too, that Ms. Hoselton's actions have not only raised awareness at Cal Poly. I have learned that her efforts caused the California State University Office of General Counsel and Chancellor's Office Department of Contract Services and Procurement to recognize SB 861 as an important piece of legislation that should be followed voluntarily through incorporation in CSU policy. I applaud Ms. Hoselton for her dedication to the conflict minerals cause as well as her persistence in pursuing meaningful results at Cal Poly and across the CSU.

Thank you.