BP 3440 Doing Business With the United States Military

(Comment: This language is generally taken from current PM 1.14 – Doing Business with the United States Military; the language is updated. This topic is not covered in the League’s structure.)

The San Francisco Community College District prohibits discrimination based on sexual orientation in any of its programs or services. The adoption and continued enforcement of the U.S. Department of Defense policy that excludes from military ranks gays, lesbian and bisexuals who self-identify or are known or thought to be in these categories directly conflicts with the principles of nondiscrimination embodied in Board policy as well as with First Amendment protection, privacy guarantees, basic human rights, and a proper construction of state and federal law.

Although the Board believes that allowing military recruitment on District campuses perpetuates an unjust and discriminatory federal policy and conflicts with the District’s nondiscrimination policies, the District risks the loss of federal funding if it fails to comply with federal requirements. In particular, the District must offer military recruiters the same access to its campuses and students that it provides to nonmilitary recruiters receiving the most favorable access.

The federal funding at risk includes funding from the Department of Education for student aid. The Board recognizes that a large proportion of District students would be unable to continue their education in the absence of such federal funds.

The federal government’s action creates both a practical and moral crisis for the District, inasmuch as the District must choose between sacrificing students’ ability to remain enrolled in college, and abdicating its role in defining appropriate educational and campus policies directly pertinent to the District’s educational mission, the District’s legal and moral obligations, and freedom of speech and association. Although the Board deplores the discriminatory “don’t ask, don’t tell, don’t pursue” policies of the United States military, and the coercive and unjust potential withdrawal of federal funds needed by District students to continue their education, the District is compelled to resolve the moral and practical dilemma posed by the federal government’s action by allowing access to military recruiters, subject to reasonable time, place and manner restrictions established by the Chancellor or his or her designee.

The District shall not enter into any agreements which involve the training of personnel of the U.S. military until such time as the military shall adopt a policy of non-discrimination with regard to sexual orientation.

Reference: Education Code, section 70902; Government Code, sections 11135 etseq.