FINAL REPORT OF THE R.O.T.C.

TASK FORCE.

OPTIONS 4 and 5, APPROVED AS AMENDED
BY THE FACULTY SENATE, 4/18/85

FEBRUARY 1985.
Rationale

If UWU wishes to resolve this particular conflict, it will be the first University in the country to do so (San Jose State will be considering action in the Spring 1985 semester also - see Document 34) in regard to the ROTC program. The question has been raised as to whether or not UWU wishes to be the first University which challenges the Military on this issue, and face the potentially adverse consequences (see Option Five).

UWU is placed in a difficult position by the conflict in policies, but receives little direction from either the State, which has similar anti-discriminatory legislation (see Document 11), or the rest of the U.W.System. Madison, Oshkosh and Steven's Point have similar anti-discriminatory policies as well as R.O.T.C. programs, but only Madison has sought to address the issue, and then only in regard to the specific issue of recruiting on campus, in which they followed the reasoning of the State Attorney General (see Documents 7 and 8).

Prior to any action which may ultimately affect our University adversely, it has been argued that it may be prudent to solicit further direction and/or support within the State. Such actions may include:

Seeking reconsideration of the La Follette determination.
However, the likelihood of another determination by the same Attorney General is only likely to occur if a filed case comes to court, or if a significant change in circumstances takes place.

Seeking changes in Military policy through State and National sources. Congressman Moody has agreed to act 'as a conduit' for University concern in this matter ("To address the issues outside of Wisconsin law adequately, the Committee believes that federal legislation is necessary. The approach therefore is to support federal legislative initiatives" Madison Faculty Document 542, and ad hoc study on campus recruiting by the Military and the F.B.I. - see Document 7).

Seeking further advice and support from the campuses within the UW System, including the President of the System and the Board of Regents. If changes are sought as outlined in the last two options, concerted, collective action may be the most effective course of action.
Option 4

Possible Impacts

If changes in military policy are sought by UWM, the channels previously outlined are likely to be the most effective. Changes in national military policy are necessary if gay and lesbian students are to have opportunities in the Military. However, accusations of procrastination may be forthcoming from those who wish to see the issue resolved immediately to prevent the continuation of the current conflict in policies. This approach may also be unpopular with those that support the view that the non-discriminatory policy is a creation of the University of Wisconsin-Milwaukee, and that it should be resolved at the Senate level without further recourse to Systemwide or State channels.
OPTION FIVE: ENFORCE UWM NONDISCRIMINATION POLICIES BY TERMINATING THE ROTC CONTRACT, EFFECTIVE JULY 1, 1988. SEEK TO RESOLVE THE ISSUE AT A HIGHER LEVEL

Rationale

The Senate may discount the argument forwarded in Option One, and find that discrimination concerning sexual preference currently exists in the ROTC program. It may therefore consider it necessary to enforce University policy and adopt one of the courses of action outlined in Options Three or Four. If this is unacceptable, or the course of action chosen fails to resolve the issue, the ROTC contract may be terminated. Termination procedures are written into the current contract, and provide for a period of one academic year's notice by either side of their intention to terminate.

Arguments for pursuing this course of action derive from the point that the selective commissioning process affects gay students wishing to enroll as cadets, thus limiting their potential career opportunities. Such discrimination also applies to potential instructors in the program who, by virtue of their admission to officer status, have been selectively screened for sexual orientation.

Other campuses have attempted to address the issue with regard to the Military's selective commissioning policy, but only in respect to recruiting on campus. Many of these are Law Schools, while others are Universities and Colleges which have sought to ban military and FBI personnel from their campuses during career days in response to their stance on sexual preference discrimination. (They include UCLA, Columbia, Harvard, New York University, Wayne State, Yale, Temple, University of Pennsylvania, University of Oregon, Bates College, University of Connecticut, Boston University, University of Minnesota, New York Law School, Syracuse, and the University of Southern California. Six of these have now reversed their initial stance. San Jose State is the only other campus pursuing the issue with regard to ROTC programs, and intends to act in the Spring semester, 1985.

Possible Impacts

If the University chooses to terminate its voluntary contract with the Army, the latter would have no choice but to leave, and the positive aspects of the ROTC program outlined in Option One would be removed. This option would not necessarily provide any relief to gay students wishing to enroll in the Military, as gays are restricted from Military Service not because there is an ROTC at UWM, but because of U.S. Defense Department policy. Furthermore, removal of the ROTC program would also deprive non-gay students of a potential career path at UWM, and of the possibility of funding support (of the current 150 students involved in the program, 73 are in the commissioning process and 6 are receiving ROTC scholarships. The total amount of financial support that ROTC students at UWM will receive during the current academic year is approximately $80,000.).
However, termination of the contract might be considered precedent-setting, and encourage other campuses to pursue similar action. Furthermore, it will send a signal to the University at large that UWM policies are being enforced.

If the contract between UWM and the Army is discontinued or ROTC activities restricted in some way (see Option Six), it is possible that some form of retaliatory action could be taken by the military. An example of such action occurred when six Law School who barred recruiters were warned by Major General Clausen of the Judge Advocate General's office. Based upon the Armed Forces Appropriation Authorization Act 1972, a Department of Defense directive was issued (see Documents 29, 15 and 22) providing that any campus barring military recruiters may lose contracts and funding for training and ROTC on campus. Restrictions have already been placed on several private, religiously affiliated colleges (Bluffton, Goshen, Wilmington, Elizabethtown, Antioch and Haverford).

Furthermore, it has been suggested that other Defense contracts between the Military and a University may be withdrawn if the barring of recruitment on campus continues. In the case of UWM, defense contracts have represented approximately 2% of the total extramural funding ($1.5 million) over the past five years (see Document 33). In the event that discontinuation of a contract for an ROTC program would provoke a similar response by the Military as in the matter of recruitment barring, it is believed that a new Directive would be necessary if extramural funding were to be withheld.