

July 27, 1984

CHANCELLORS

Dear Colleagues:

On June 17, 1983, the Board of Regents approved a [policy statement](#) which read, in part:

It is the intent and direction of the Board of Regents that the University's policy against legally impermissible, arbitrary, or unreasonable discriminatory practices shall be understood and applied so as to prohibit discrimination on the basis of sexual orientation. As specified in that policy, all groups operating under The Regents, including administration, faculty, student governments, University-owned residence halls, and programs sponsored by the University, are governed by this policy of nondiscrimination. [Emphasis added]

Current Department of Defense policy states that "homosexuality is incompatible with military service." Because of the policy, which has been unsuccessfully challenged in Court, homosexuals may not serve in the armed forces; nor will the armed forces recruit homosexuals. The Department has also issued a regulation which states that funds appropriated by the Department may not be used at any institution of higher learning or a "subordinate element" of the institution "if military recruiting personnel are being barred by the policy of the institution from the premises of the institution."

You may remember that in February, 1984 I reported to The Regents on the implementation of the 1983 policy on sexual orientation. My report stated, in part, that the University policy permitting on-campus recruitment by military recruiters was not inconsistent with The Regents policy statement on sexual orientation. The Regents policy statement applies specifically to groups operating under The Regents and does not speak to the use of University facilities by groups or individuals not operating under The Regents. It was not the purpose of The Regents policy to establish employment criteria for third parties which exceed or are inconsistent with these otherwise provided under law. Beyond that, military recruiters are officials of the United States Government engaged in lawful pursuits as part of their official duty, and it would be inappropriate for the University to interfere with their recruitment activities.

Accordingly, campus recruitment programs which are open to employers generally shall not exclude military recruiters or other employers because of practices that are not impermissible under law. Placement centers may require employers to certify that in using University facilities they will not engage in discriminatory employment practices in violation of applicable federal or state law. [A model statement of compliance appropriate for this purpose is attached.](#)

Sincerely,

David Pierpont Gardner

cc:

Senior Vice President Frazer
General Counsel Reidhaar
Executive Assistant Copeland
Director Rogin