



Recommendation of the People's Gender Council of Middlebury on Military Recruitment and the College's Nondiscrimination Statement

ATTN: Office of the President, Office of the Dean of the College, Community Council

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PGCOM Subcommittee on Resisting Discriminatory Military Recruitment Practices:

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Recommendation: The People's Gender Council of Middlebury recommends that the College **not** revert back to the former language of the employer recruitment policy as recommended by the Community Council.

Reasoning: On March 21, 2011, Community Council discussed making changes to Middlebury College's "[Recruitment Policy for Employers](#)" that would "be in line with the repeal of 'Don't Ask Don't Tell'" ([3/21/11 minutes](#)). But what does this mean?

Before we move on, let's establish what we *are* and *aren't* talking about: this memorandum is **not** about giving credits to Middlebury students enrolled in UVM's ROTC program; it is **not** about debating whether to bring the ROTC back to campus; it is **not** about the the College's recruitment policy more broadly (i.e., the practice of open meetings with those employers who violate the Nondiscrimination Statement). All of these topics are worthy of discussion, but that is not what we essay to do here. This is about the College's [Nondiscrimination Statement](#) as it pertains to military recruitment.

On November 21, 2007, President Liebowitz explained changes made to the College's recruitment policy [via his blog](#), making clear the following:

1. Until that point, the College's policy had been to require employers who could not sign the College's Nondiscrimination Statement to hold an open meeting upon request at which they would explain their discriminatory practices.
2. It was the College's position that the military, by virtue of enforcing DADT, violated Middlebury's Nondiscrimination Statement "prohibit[ing] discrimination...on the basis of...sexual orientation."
3. In 2006, the Supreme Court ruled "that federal funding could be withheld if colleges did not provide 'equal' access to military recruiters."
4. The College's policy of *requiring* an open meeting of military recruiters denied them this "'equal' access," meaning that doing so would lose the College those federal funds it considers important to its work and its community.
5. To keep those funds, the College changed the language of the policy to "request[ing] of military recruiters] that an open meeting be held as specified."

The Community Council is now recommending the following: "We had language that privileged the military, but we are proposing that take out [sic] the language and require an open forum...not putting military in any special category." (Again, this is considered to "be in line with the repeal of" DADT.) Assuming other conditions to be stable (i.e., the College still wants to keep those federal funds), we can only be led to believe that the Community Council's recommendation is entirely premised on the understanding that because DADT has been repealed, the military no longer violates Middlebury College's Nondiscrimination Statement.

Although we are aware that institutions of higher learning all across the country are taking this position, it is our contention that it is **absolutely wrong**.

As described in the issue of the Middlebury *Campus* from [November 13, 2003](#), Middlebury College took a “step toward greater recognition of the GLBTQ community [when it] added **gender identity and expression** to its non-discrimination clause this July—13 years after it became one of the first colleges in the nation to officially prohibit discrimination based on 'sexual orientation' [emphasis ours].” The addition of “gender identity and expression” to the College’s Nondiscrimination Statement was intended to protect and benefit transgender and gender-nonconforming members of Middlebury’s community. And indeed, within the past twelve months alone we have seen the College commission the “[Review of Potential Student Life Issues Facing Transgender Students](#),” implement an [All-Gender Housing policy](#) for sophomores and above, and [announce a project to create all-gender restrooms](#) throughout non-residential buildings on campus. Why, then, is the College failing to do its due diligence now?

To reiterate what members of the Middlebury Open Queer Alliance said in advance of the January 2011 SGA meeting at which these issues were discussed, “**even after repeal of DADT, transgender people can still be discharged from the military** [emphasis theirs].” According to the National Center for Transgender Equality’s article “[Transgender in the Military](#),” the reasons for these discharges of trans members of the military are as follows:

1. Trans folks' gender-affirming surgeries and hormone therapy can be used as grounds to declare them "medically unfit"
2. Any person identifying as trans can be declared to have "Gender Identity Disorder"—also making them "medically unfit"
3. "Cross-dressing" and "perceived cross-dressing" "may be considered a violation of the UCMJ [Uniform Code of Military Justice] and can be prosecuted at court-martial"

If the language of the current policy was crafted to reconcile the military’s violation of the Nondiscrimination Statement and the College’s desire to retain federal funds, then there is no reason to change the language of the policy, because the **military is still violating the Nondiscrimination Statement**. We don’t know what the military’s lawyers have to say about this, but we do know that the lived experiences of trans folk in the military confirm for us that military recruiters can most definitely not provide an equal opportunity for employment to all Middlebury students. Furthermore, as MOQA tried to make clear to the SGA, any policy change motivated by the end of military discrimination against gays, lesbians, and bisexuals would in and of itself ignore the discrimination trans folk still experience in the military and throughout society—or, at best, mark it as far less important and not worthy of the College’s notice.

At this time, the People’s Gender Council of Middlebury recommends that the recruitment policy for employers not be reverted to its pre-Fall 2007 language because the military still violates the College’s Nondiscrimination Statement by discriminating on the basis of gender identity and expression.