

September 28, 2017

Dear King Hall Community:

On August 25, 2017, President Trump issued a Presidential Memorandum directing the Department of Defense and Department of Homeland Security to prohibit the accession of transgender individuals into the United States military. UC Davis School of Law strongly opposes this decision and urges the federal government to end its discrimination against transgender persons.

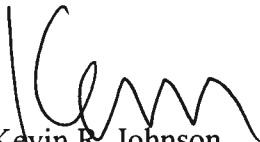
The Law School has a general policy to not make its career services facilities or services available to employers who discriminate in the selection of employees on the basis of sex, gender, gender expression, or gender identity. Despite our school policy, a federal law, which was upheld by the Supreme Court in *Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*, 547 U.S. 47 (2006), requires us to allow the military to use our facilities for recruiting law students. Although we must allow such recruiting, UC Davis School of Law strongly condemns the U.S. government's decision to limit the ability of transgender people to serve in the U.S. armed forces. UC Davis students who have served, are serving, and wish to serve in the military have our deepest respect. King Hall believes that this opportunity should be available to all, regardless of gender identity or expression. The school's position on this issue is laid out in the attached memorandum, which will be placed on the Career Services web page and displayed outside the interview rooms and classrooms when military recruiters interview at the School of Law.

The School of Law will continue to support the LGBT community, including but not limited to, the following:

- The school will continue to offer relevant courses, including Professor Joslin's Sexual Orientation, Gender Identity and the Law class, which this year will be offered in spring 2018.
- Holding a program with Professors Courtney Joslin and Brian Soucek and Amy Whelan (National Center for Lesbian Rights) to discuss the ban on the service of transgender people in the U.S military. It is scheduled for October 12, 2017 from noon-1:00 p.m. in Room 1301 (the Wilkins Moot Courtroom).
- Professor Brian Soucek will participate in an event in connection with the Community Book Project on Janet Mock's book entitled **Redefining Realness: My Path to Womanhood, Identity, Love & So Much More** (2014), which explores Mock's life growing up multiracial and transgender. Details about the event can be found at <http://ccbp.ucdavis.edu/events/events.html#!/?i=1>.

- The School of Law administration will continue to support our King Hall Lambda Law Students Association, which, among other things includes financial support for students to attend the annual national Lavender Law Conference.
- The school will continue to sponsor other events supporting the LGBT community, including
 - The Annual Bill Smith Lecture – January 30, 2018, a presentation by Dr. Diane Ehrensaft regarding gender-nonconforming youth; and
 - The Annual Campus Book Project – **Janet Mock, Redefining Realness: My Path to Womanhood, Identity, Love & So Much More** (2014), <https://www.ucdavis.edu/news/2017-18-book-project-explores-identity>

We welcome further discussion of the civil rights concerns of the transgender, gay, and lesbian communities. Those concerns deserve all of our undivided attention.



Kevin R. Johnson
Dean

STATEMENT REGARDING MILITARY RECRUITMENT AT UC DAVIS SCHOOL OF LAW

On August 25, 2017, President Trump issued a Presidential Memorandum directing the Department of Defense and Department of Homeland Security to prohibit the accession of transgender individuals into the United States military.

By-Law 6-3(b) of the Association of American Law Schools states as follows:

A member school shall pursue a policy of providing its students and graduates with equal opportunity to obtain employment, without discrimination or segregation on the ground of race, color, religion, national origin, sex, gender (including identity and expression), sexual orientation, age, or disability. A member school shall communicate to each employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school's firm expectation that the employer will observe the principle of equal opportunity.

UC Davis School of Law strongly supports this unqualified commitment to equality. Our policies provide that:

The UC Davis School of Law Career Services Office expects employers recruiting at King Hall to share our belief that the diversity of our students' backgrounds, experience and interests will enrich the legal profession.

UC Davis School of Law does not make its career services facilities or services available to employers who discriminate in the selection of employees on the basis of ... sex, gender, gender expression, [or] gender identity.

Despite AALS By-Law 6-3(b) and Law School policy, federal law, which the U.S. Supreme Court upheld in *Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*, 547 U.S. 47 (2006), requires UC Davis School of Law to allow the military to use our facilities for recruiting law students. Although mandated by law to do so, the School of Law strongly condemns the U.S. military's decision to limit the ability of transgender people to serve in the U.S. armed forces. UC Davis students who have served, are serving, and wish to serve in the military have earned our deep and enduring respect. We firmly believe that this opportunity should be available to all, regardless of their gender identity or expression.

UC Davis School of Law provides its non-discrimination policy to every employer—including military employers—when they sign up to conduct on-campus interviews. We prominently post our non-discrimination statement when employers visit campus, which is designed to remind all employers of its terms. We will continue to enforce our non-discrimination policy with all non-military recruiters. We urge the federal government to end its discrimination against transgendered persons.

Kevin R. Johnson
Dean

Attachments

Career Services Office Non-Discrimination Policy and Statement of Equal Opportunity

The UC Davis School of Law Career Services Office expects employers recruiting at King Hall to share our belief that the diversity of our students' backgrounds, experience and interests will enrich the legal profession.

UC Davis School of Law does not make its career services facilities or services available to employers who discriminate in the selection of employees on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy (including pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), physical or mental disability, age, medical condition (cancer-related or genetic characteristics), ancestry, marital status, citizenship, sexual orientation, or service in the uniformed services (includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services) status as a Vietnam-era veteran or special disabled veteran, in accordance with all applicable state and federal laws, and with university policy). Employers must ensure that they are in compliance with the Americans With Disabilities Act. A limited exception to this Policy exists for military recruiters to the extent that their employment and hiring practices are permitted under federal law.

An employer that submits a job posting or registers for our On-Campus Interview Program/Resume Collection affirmatively agrees to comply with UC Davis School of Law's Non-Discrimination Policy.



The Association of American Law Schools

Advancing Excellence in Legal Education

Membership Requirements

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BYLAWS AND EXECUTIVE COMMITTEE REGULATIONS PERTAINING TO THE REQUIREMENTS OF MEMBERSHIP

BYLAW ARTICLE 2. MEMBERSHIP

Bylaw Section 2-2.

Qualification for Membership.

- a. Applications for membership shall be addressed to the Executive Director accompanied by evidence that the applicant has fulfilled and is capable in the future of fulfilling the obligations of membership as reflected in these bylaws (including the requirements and approved policies they embody), and the regulations promulgated thereunder. The Executive Committee shall examine the application and report at the Annual Meeting of the Association whether or not the applicant has qualified. The application for membership shall be filed at the time and in the form specified by the Executive Committee.
- b. In determining whether a school fulfills and can continue to fulfill the obligations of membership, the controlling issue is the overall quality of the school measured against the standards of quality articulated in the Requirements of Article 6. The statements of Approved Association Policy and the Regulations are designed to provide guidance in making this assessment. They are not meant to be taken as implying that formal compliance with their specific terms is necessarily equivalent to satisfaction of the qualitative requirements, or that departure from any of their specific terms is automatically demonstrative of qualitative failure.
- c. A law school making application for membership shall pay to the Association an application fee to defray the indirect expenses of the Association in an amount established by the Executive Committee and such direct expenses incurred in connection with the application as are specified by the Executive Committee.
- d. An applicant school may appeal to the House of Representatives the decision of the Executive Committee not to recommend it for membership. The grounds and procedures for the appeal shall be those specified by regulation adopted by the Executive Committee. Representatives of the applicant school are entitled to the privileges of the floor during the consideration of its appeal by the House.

BYLAW ARTICLE 5. EXECUTIVE COMMITTEE

Bylaw Section 5-5.

Power to Grant Variances. Upon application by a member school proposing an experiment in legal education, the Executive Committee may grant to the member school such variance from the terms of these articles and regulations thereunder as will not be contrary to the general purposes of this Association. The Executive Committee shall grant the variance upon the conditions that the member school report the results of its experiment to the Executive Committee and that the variance be effective for a stated time not to exceed six years.

BYLAW ARTICLE 6 MEMBERSHIP REQUIREMENTS

Bylaw Section 6-1. Core Values

- a. The obligations of membership imposed by this Article and the Executive Committee Regulations are intended to reflect the Association's core values and distinctive role as a membership association, while according appropriate respect for the autonomy of its member schools.
- b. The Association values and expects its member schools to value:
 - (i) a faculty composed primarily of full-time teachers/scholars who constitute a self-governing intellectual community engaged in the creation and dissemination of knowledge about law, legal processes, and legal systems, and who are devoted to fostering justice and public service in the legal community;

- (ii) scholarship, academic freedom, and diversity of viewpoints;
- (iii) a rigorous academic program built upon strong teaching in the context of a dynamic curriculum that is both broad and deep;
- (iv) a diverse faculty and staff hired, promoted, and retained based on meeting and supporting high standards of teaching and scholarship and in accordance with principles of nondiscrimination; and
- (v) selection of students based upon intellectual ability and personal potential for success in the study and practice of law, through a fair and nondiscriminatory process designed to produce a diverse student body and a broadly representative legal profession.

Bylaw Section 6-2. Admissions

- a. A member school shall admit only those applicants whose applications have been evaluated pursuant to a process consistent with Bylaw 6-3 and who appear to have the capacity to meet its academic standards.
- b. In order that appropriate intellectual rigor may be maintained, a member school shall admit to its first professional degree program only those applicants who have the level of intellectual maturity and accomplishment normally demonstrated by the award of an undergraduate degree.
- c. A member school shall deal fairly with applicants for admission.

Bylaw Section 6-3. Diversity: Nondiscrimination and Affirmative Action.

- a. A member school shall provide equality of opportunity in legal education for all persons, including faculty and employees with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students, and graduates, without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, disability, or sexual orientation.
- b. A member school shall pursue a policy of providing its students and graduates with equal opportunity to obtain employment, without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, disability, or sexual orientation. A member school shall communicate to each employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school's firm expectation that the employer will observe the principle of equal opportunity.
- c. A member school shall seek to have a faculty, staff, and student body which are diverse with respect to race, color, and sex. A member school may pursue additional affirmative action objectives.

Bylaw Section 6-4. Faculty

- a. A member school shall attract and maintain a faculty of high competence and suitable size, with a sufficient number of full-time faculty members to provide ready professional relationships among the faculty and between the faculty and the students and to offer a reasonably broad curriculum. "Full-time faculty member" means a faculty member who devotes substantially the entire time to the responsibilities of teacher, scholar, and educator. Professional activities outside the law school are not precluded if limited so as not to divert the faculty member from the primary interest and duty as a legal educator.
- b. A member school shall have a full-time dean who devotes substantially the entire time to the responsibilities of dean.
- c. A faculty's competence shall be judged primarily with reference to the full-time members. Competence shall be determined in the aggregate, with emphasis upon the following criteria:
 - (i) Quality of teaching and attention given to law students both as individuals and as a group;
 - (ii) Breadth, depth, and variety of the faculty's training and experience;
 - (iii) Scholarly interests and performance; and
 - (iv) Responsible participation in the group deliberative processes of the law faculty.
- d. In each division of a member school's program, each student shall have the opportunity to obtain substantially all of his or her instruction leading to the Juris Doctor degree from the school's full-time faculty.

Bylaw Section 6-5. Law School Governance.

- a. A member school shall vest in the faculty primary responsibility for determining institutional policy.
- b. To determine institutional policy, the law faculty shall be properly constituted and organized, meet regularly according to orderly procedures, and maintain a record of its deliberations.

the WHITE HOUSE PRESIDENT DONALD J. TRUMP



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The White House

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For Immediate Release

August 25, 2017

Presidential Memorandum for the Secretary of Defense and the Secretary of Homeland Security

MEMORANDUM FOR THE SECRETARY OF DEFENSE

THE SECRETARY OF HOMELAND SECURITY

SUBJECT: Military Service by Transgender Individuals

Section 1. Policy. (a) Until June 2016, the Department of Defense (DoD) and the Department of Homeland Security (DHS) (collectively, the Departments) generally prohibited openly transgender individuals from accession into the United States military and authorized the discharge of such individuals. Shortly before President Obama left office, however, his Administration dismantled the Departments' established framework by permitting transgender individuals to serve openly in the military, authorizing the use of the Departments' resources to fund sex-reassignment surgical procedures, and permitting accession of such individuals after July 1, 2017. The Secretary of Defense and the Secretary of Homeland Security have since extended the deadline to alter the currently effective accession policy to January 1, 2018, while the Departments continue to study the issue.

In my judgment, the previous Administration failed to identify a sufficient basis to conclude that terminating the Departments' longstanding policy and practice would not hinder military effectiveness and lethality, disrupt unit cohesion, or tax military resources, and there remain meaningful concerns that further study is needed to ensure that continued implementation of last year's policy change would not have those negative effects.

(b) Accordingly, by the authority vested in me as President and as Commander in Chief of the Armed Forces of the United States under the Constitution and the laws of the United States of America, including Article II of the Constitution, I am directing the Secretary of Defense, and the Secretary of Homeland Security with respect to the U.S. Coast Guard, to return to the longstanding policy and practice on military service by transgender individuals that was in place prior to June 2016 until such time as a sufficient basis exists upon which to conclude that terminating that policy and practice would not have the negative effects discussed above. The Secretary of Defense, after consulting with the Secretary of Homeland Security, may advise me at any time, in writing, that a change to this policy is warranted.

Sec. 2. Directives. The Secretary of Defense, and the Secretary of Homeland Security with respect to the U.S. Coast Guard, shall:

(a) maintain the currently effective policy regarding accession of transgender individuals into military service beyond January 1, 2018, until such time as the Secretary of Defense, after consulting with the Secretary of Homeland Security, provides a recommendation to the contrary that I find convincing; and

(b) halt all use of DoD or DHS resources to fund sex reassignment surgical procedures for military personnel, except to the extent necessary to protect the health of an individual who has already begun a course of treatment to reassign his or her sex.

Sec. 3. Effective Dates and Implementation. Section 2(a) of this memorandum shall take effect on January 1, 2018. Sections 1(b) and 2(b) of this memorandum shall take effect on March 23, 2018. By February 21, 2018, the Secretary of Defense, in consultation with the Secretary of Homeland Security, shall submit to me a plan for implementing both the general policy set forth in section 1(b) of this memorandum and the specific directives set forth in section 2 of this memorandum. The implementation plan shall adhere to the determinations of the Secretary of Defense, made in consultation with the Secretary of Homeland Security, as to what steps are appropriate and consistent with military effectiveness and lethality, budgetary constraints, and applicable law. As part of the implementation plan, the Secretary of Defense, in consultation with the Secretary of Homeland Security, shall determine how to address transgender individuals currently serving in the United States military. Until the Secretary has made that determination, no action may be taken against such individuals under the policy set forth in section 1(b) of this memorandum.

Sec. 4. Severability. If any provision of this memorandum, or the application of any provision of this memorandum, is held to be invalid, the remainder of this memorandum and other dissimilar applications of the provision shall not be affected.

Sec. 5. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register*.