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THE 4 TO 5 MOVEMENT

The 4 to 5 Movement is a constantly growing coalition that is founded on the dynamic that a majority exists on campus which is supportive of full inclusion for GLBTQ members of the community, but that this majority perceives itself to be a minority. The 4 to 5 Movement established its three goals as (1) raising the voices of allies on campus and getting allies involved in inclusive-oriented events, (2) creating forums and spaces on campus to foster dialogue surrounding these issues, and (3) addressing the lack of recognition of a gay-straight alliance student club and the lack of an inclusive nondiscrimination clause.

RECENT HISTORY OF ADMINISTRATIVE RESPONSE

The struggle for full inclusion gained significant force in 1986 when Gays and Lesbians at Notre Dame / St. Mary's College (GLND/SMC) applied for formal recognition from Student Activities. Upon every application, this group and those that it has become in later years including OutreachND, RainbowND, and now AllianceND have been denied. There have been three main reasons that have been used to justify the denial of these groups: first, that the group's purpose is inconsistent "with the mission of the University and the moral teachings of the Catholic Church"; second, that the needs that would be addressed by the student group "remain best met through the structures currently in place," i.e. Core Council, Campus Ministry, Office of Student Affairs, Student Activities Office, Student Government and the Progressive Student Alliance; and third, that this is a sensitive issue, the decision for which will be the default 1986 position. We would like to take this opportunity to address these objections.

When it applied for official club status, GLND/SMC never stated in any of its application documents that it dissented from Church teaching in the area of sexuality. Instead, it stated explicitly that, *like every other student group*, it maintained a value neutral approach to sexual behavior and had no sexual purpose as a group. That was in 1986, and the position has not changed since. While it may be the opinion of administrators that the group's purpose is one focused on sexual behavior, it is an unfounded and highly prejudicial stance that completely negates any fair system of recognition status. We are fearful that such a decision and view is reflective of a general distrust of students who identify as gay, lesbians, bisexual, transgender, or questioning. And yet, to summarize: no GLBTQ or GLBTQ-Ally themed student group has ever advocated or had a constitutional stance against Church teaching.

In recent years, especially since the formation of Core Council from the Standing Committee on Gay and Lesbian Student Needs, the objection has been stated that other University and administrative structures effectively meet the needs of the GLBTQ and ally community on campus. While Core Council has incorporated important initiatives into its programming, it is limited in many aspects of its structure and has not effectively met all the needs of the GLBTQ and ally community. This is evident by the desire year after year for AllianceND or its

predecessor to be recognized as an official student club. A student club differs from Core Council in many respects - a student club allows for growth capacity of student membership; the leadership of the group would not have to be out with their sexual orientation as they do if they want to be a member of Core Council; allies would have more representation in a student group instead of being limited by a quota in Core Council membership; a multitude of students can become involved in programming; and a gay-straight alliance student club would be able to work in conjunction with other student clubs to *actively* address the aversive homophobia and prejudice on campus.

The argument that, because the recognition of a gay-straight alliance is a sensitive issue, it should not be recognized due to the default 1986 position of denial is simply illogical and unbecoming of a prominent university that has always been on the forefront of advancing civil rights. With all due respect, admitting women to Notre Dame in 1972 was a “sensitive issue.” And now, our University is better because of it. It was a “sensitive issue” when Father Hesburgh stood arm in arm with Martin Luther King, Jr., in 1964. And now, the nation is better because of it. The fact that it is a sensitive issue does not give us reason, justification, nor excuse to fall on the side of inaction. In order to be a healing, unifying, and enlightening University in any aspect, we must be willing to address the sensitive issues. And we guarantee, when our University does correctly address the issue of the gay-straight alliance, it will be better because of it.

Another issue that hinders true inclusion on campus is the refusal of the University to include “sexual orientation” in its legally binding nondiscrimination clause. The reasoning set forth by the Officers of the University on August 27, 1997, in *An Open Letter to the Notre Dame Community*, reads:

We have been asked to change our nondiscrimination clause to add sexual orientation as a protected category. Institutional nondiscriminating clauses are highly stylized statements which are legally binding. Neither federal nor state law mandates that sexual orientation be included in nondiscrimination clauses. Thus, like a number of other institutions, our clause does not currently include sexual orientation.

After considerable reflection, we have decided not to add sexual orientation to our legal nondiscrimination clause. To make the change requested would mean that our decisions in this area would be measured by civil courts that may interpret this change through the lens of the broader social milieu in which we live. This, in turn, might jeopardize our ability to make decisions that we believe necessary to support Church teaching.

As a compromise, the University issued the Spirit of Inclusion statement which calls all of Notre Dame to “create an environment of mutual respect, hospitality and warmth in which none are strangers and all may flourish.” The Spirit of Inclusion and the University’s refusal to legally protect its students, faculty, and staff on the basis of sexual orientation, while created in tandem, clash in practice. During the 1998 Academic Council discussions regarding the nondiscrimination clause, Professor Detlefsen eloquently indicated this incoherency with an analogy: He presented the scenario in which he and his girlfriend wrote each other love letters until finally “she said, ‘Okay, marry me.’ Suppose further that he replied: ‘Wait. Marriage has legal commitments. I might have to separate property with you or other such things. I love you, but I won’t do that.’ In this instance, his [girlfriend] might have said: ‘You don’t really love me,’ or at least she might have questioned his love. People within the Notre Dame community

might feel the same.” And they do feel the same. We, as a University, should take every action necessary to ensure the members of our family that they are loved. The lack of an inclusive nondiscrimination clause severely hinders this endeavor. While legal protection may incorporate risks, these are risks that a caring University should be willing to take for its family.

The Spirit of Inclusion and a desire to do more are inadequate. At the very least it is un-American, but like our predecessors, “we claim also that it is patently un-Christian and does not rise to the best that can be expected of a Catholic University.” Our Spirit of Inclusion does not hold us to a high standard - it holds us to be decent human beings, to respect others regardless of their sexual orientation, and to actively create a welcoming environment for all members of the community. Adding “sexual orientation” to the nondiscrimination clause is part of our obligation set forth in the Spirit of Inclusion.

We can legitimately claim our concern and fear that lack of institutional support and protection for GLBTQ members of the community through lack of recognition of a gay-straight alliance and lack of an inclusive nondiscrimination clause only condones bigotry and discrimination within the larger University community. How can the University rightly not condone such behavior when the University itself is unwilling to make a firm and legal commitment toward preventing it?

## CONCERNS OF INACTION

It is also justified for us to have deep concerns and skepticism regarding the University's lack of commitment to promoting and expanding inclusion at Notre Dame. Following a meeting with you on March 22, 2011, officers of the Progressive Student Alliance, at your request, presented you with a list of strong suggestions that would help to create a more inclusive campus environment. The list of suggestions is as follows:

- 1) A full and inclusive legal non-discrimination clause
- 2) A Gay-Straight Alliance officially recognized as a club
- 3) Establish ombudsperson specifically for sexual orientation
- 4) Publicize University harassment policy
- 5) Publicize channels for reporting harassment
- 6) Strengthen enforcement of the harassment policy and establish clear guidelines for consequences
- 7) Full time staff member for Core Council
- 8) Regular Office of President meetings with members of Core Council
- 9) Physical Location on campus for Core Council
- 10) Inclusion of LGBT diversity in diversity segment of Contemporary Topics course for freshmen
- 11) More representation of LGBT diversity on Notre Dame Diversity web page (currently the only mention of LGBT diversity is a link to Core Council under Additional Resources)
- 12) Clear course descriptions for courses that focus on LGBT issues
- 13) More academic courses within the field of Queer Studies
- 14) Strengthen existing Center for Social Concerns courses and Community Based Learning in community/public health, HIV/AIDS and LGBT health issues

- 15) Make ally training for students, faculty and staff available beyond CommUnity sessions and RA training (current Core Council programs)
- 16) Expansion of the "Safe Space" Initiative
- 17) Require sensitivity training for Freshman Orientation Commissioners
- 18) Spirit of Inclusion and LGBT inclusion addressed explicitly at First Year Students Convocation and Parent Orientation
- 19) Invite LGBT students to meet with Office of the President (informal dinner, mass, etc.)
- 20) Additional counseling center member
- 21) Strengthen advertising of counseling resources
- 22) Physical space (office or room) for LGBT resources with a full-time staff

By our observation and count, of these twenty-two suggestions, only five have been addressed: publicize University harassment policy, publicize channels for reporting harassment, strengthen enforcement of the harassment policy and establish clear guidelines for consequences, physical location on campus for Core Council, and Spirit of Inclusion and LGBT inclusion addressed explicitly at First Year Students Convocation and Parent Orientation. Of these five, each suggestion dealing with the harassment policy was a suggestion given in June of 2011 after an Office for Civil Rights review; and within the further publication of the harassment policy, "sexual orientation" was not stressed as an included category. This leaves only two out of the twenty-two suggestions that have been advocated for and completed by the administration.

The lack of responsiveness from the administration creates a justified impression that inclusion is not a priority of this University. Any further progress that has been done towards inclusion has been the initiative of individual students, other recognized students groups, and faculty members. At some point, the administration must complement the work of the students, faculty and staff who are committed to inclusion. Recently, Student Senate and the Diversity Council have shown their support by both passing resolutions proposing that the University approve a gay-straight alliance student group and proposing that the University add "sexual orientation" to its nondiscrimination clause. The support for these changes is adamant and highly present. As the days go on, it is becoming more and more visible as well.