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grievances citing the CIA's discrimination on the basis of sexual orientation. Aside from their claims of illegal activity, the students demanded the CIA be banned from campus because they believe the agency's hiring practices do not meet the University's equal opportunity standards.

Now, as the CIA makes plans to return to the University in March for further hiring, the issue heats up again.

Two main questions emerge from the fracas:

- Does the CIA actually "unreasonably differentiate" in its hiring on the basis of sexual orientation and, therefore, violate University standards of equal opportunity?

- If so, do the CIA's policies have the power of federal law to override state or local laws?

The result of the controversy is a swirl of legal debate that would revive even the most boring of law classes.

Following in the footsteps of CIA opponents at other universities, Tim Hughes and Shannon Oliver, the students who filed grievances, see the requirement of a clearly defined equal opportunity statement as the beginning of the end of CIA campus recruiting.

The form would require all employers to affirm that they are equal opportunity employers in accordance with University standards before they could be assisted by the Office of Career Planning and Placement.

But when the CIA recruited on campus last term an older version of the statement was used by the career planning office. The previous form reflected an older version of the University's equal opportunity statement, said Larry Smith, director of the career planning office. The office used the outdated form because of a mix-up in printing orders, Smith said.

The older statement didn't

prohibit discrimination based on sexual orientation or marital status.

The office switched to the newer form "sometime in mid-fall term," Smith said. The office's records indicate that the new forms were first used in late November. The CIA representative who scheduled last term's interviews signed the old form in September.

Now with the new form, "if the CIA doesn't sign it, they can't make campus interviews, groups meetings or presentations," Smith said.

New York University Law School requires all employers to sign a similar statement. The first year discrimination based on sexual orientation was specified in the form, the CIA would not sign the statement and stopped recruiting on campus.

At Princeton University, however, the CIA did sign a statement specifying sexual orientation as an unacceptable basis for discrimination. Last October, the CIA returned the signed form with the agency's own equal opportunity statement attached, according to reports in *Princeton Alumni*

*Weekly*. The agency asserted that it "does not reject or disqualify people on the basis of sexual orientation."

Despite the signed document, the Council of the Princeton University Community, an advisory group of students, faculty and administration banned the CIA from campus "until the agency clarified its position on sexual orientation," the article reported.

The agency resumed advertisements for spring applicants in the *Emerald* in January, and CIA spokesman Mark Mansfield said the agency plans to conduct interviews "around the first week of March."

"But we haven't decided whether the interviews will be on or off campus," Mansfield said.

Although the CIA so far has not contacted the career planning office about spring interviews, "if they were to sign the statement, they would then be able to come on campus," Smith said.

Smith claims the agency does not violate the University's equal opportunity statement, citing an agency position statement dated Aug. 10, 1989. The

statement declares "there is no blanket policy of rejection or automatic disqualification on the basis of sexual conduct."

The agency uses a review process that "takes into account the 'whole person,'" Mansfield said. "The 'whole person' concept means looking at all the aspects of an individual, their aptitudes, capabilities and character."

But Oliver stated in the appeal of her grievance that the CIA's policy does not go far enough. "It does not state that they do not discriminate on the basis of sexual orientation ... that equal standards of evaluating sexual conduct are equally applied ... (or) that they have any standards in place to prevent unintended discrimination."

Hughes, who filed a grievance on the grounds that he

was denied a CIA interview last term because he is openly gay, cited two legal cases from 1981 and 1982 that identify discrimination in the CIA.

However, in a letter to Oregon State System of Higher Education Chancellor Thomas Bartlett dated Jan. 17, University President Myles Brand wrote, "There is nothing about the cases to indicate the current status of CIA hiring policy if fairly applied, does not violate our rule against discrimination based upon sexual orientation."

In the letter Brand also addressed Hughes' personal discrimination claim: "... Mr. Hughes applied for an interview with the CIA and was denied that opportunity because the CIA had not included

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