

Resolution to change FDA Policy and to move blood drives off campus until law is changed.

Adopted on May 11th, 2012

Whereas, The current federal Food and Drug Administration (FDA) donor deferral policy, first established in 1983, prohibits blood donation by men who have had sex with another man even once since 1977; and

Whereas, CUNY hosts blood drives on campuses that must abide by the FDA ban; and

Whereas, No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance (Title IX of the 1972 Education Amendment); and

Whereas, It is within CUNY's own anti-discrimination policy to "... provide services for students without regard to ... sex, sexual orientation, [or] gender identity (CUNY Manual of General Policy, Article VI, Policy 6.2)"; and

Whereas, New York State Law protects its citizens against discrimination on the basis of sexual orientation; and

Whereas, It is not rational to broadly differentiate sexual transmission via responsible male-to-male sexual activity from transmission via responsible heterosexual activity on scientific grounds. This differentiation is unfair, creates stigma and institutionalized homophobia without any justifiable public health imperative, and results in negative attitudes to blood donor eligibility criteria and blood collection facilities; and

Whereas, The organizations responsible for collecting and disseminating donated blood, the American Red Cross (ARC), American Association for Blood Banks (AABB) and America's Blood Centers (ABC), including the New York Blood Center (NYBC), have joined other national and local organizations such as the New York City Council, the Gay Men's Health Crisis (GMHC), and the CUNY LGBT Task Force in asking for guidelines that treat all donors equally and without regard to sexual orientation or gender; and

Whereas, FDA guidelines conflate behavior with identity by discriminating against a class of people based on gender and sexual orientation, rather than providing equal treatment for all responsible sexual activity, and

Whereas, FDA guidelines followed by The City University of New York and their respective blood drive vendors throughout its New York Campuses create unjustified stigma directed towards gay, bisexual, heterosexual males, as well as transgender identified people on the basis that they have had sex with another male since 1977; and

Whereas, CUNY colleges have recently begun the process of adopting policies which remove blood drives from CUNY campuses; and

Whereas, The Doctoral Students' Council (DSC) is the democratically elected representative body for all doctoral and master's

students at the CUNY Graduate Center; therefore now be it

Resolved, The DSC calls the Secretary of the United States Department of Health and Human Services to adopt policies that repeal the current donor suitability and deferral policies of the FDA regarding blood donation by men who have had sex with other men and, instead, direct the FDA to develop scientifically-grounded policies consistent with "A Drive For Change" (Report by Gay Men's Health Crisis), which lists as possible alternatives both institution of temporary deferral periods for donors who are men who have had sex with other men, and the elimination of the blood ban for men who have had sex with other men by revising and conforming deferral periods for all prospective donors based on objective risk factors; and

Further Resolved, The DSC calls upon the American Red Cross (ARC) and all New York Blood Centers to publicize the discriminatory and illogical nature of the FDA blood ban for men who have had sex with men at their blood drive sites and make petitions to the FDA prominently available there; and

Finally Resolved, the DSC calls upon CUNY to hold all blood drives off campus until such time when fair non-discriminatory practices are developed that are not based on gender or orientation, to actively inform students of times and locations of off-campus blood drives and nearby blood donation sites in lieu of publicity that would otherwise have been devoted to on-campus blood drives, to include information regarding the discriminatory nature of the FDA blood ban for men who have had sex with men in any blood drive publicity materials, to work with the Gay Men's Health Crisis to proactively and strategically address the possibility of any decline in the New York City blood supply, and to encourage all eligible donors to give blood ~~de-se~~ in accordance with the latest published policy of The Gay Men's Health Crisis.