

January 29, 2008

To the Campus Community:

I am writing to inform you of a very difficult decision I have made about blood drives on campus. After extensive consultation, I am suspending all blood drives at San José State University on the grounds that the U.S. Food and Drug Administration's lifetime blood donor deferral affecting gay men violates our non-discrimination policy. This suspension is effective immediately and applies to blood drives arranged by employees representing the university and/or by recognized student organizations.

A university employee brought this matter to my attention. He referred to the language in San José State University's non-discrimination policy, which says "discrimination of any kind, including sexual orientation is an affront to the entire university community and is strictly prohibited."

In an effort to resolve this issue, my staff and I consulted many experts and reviewed background material on the FDA Web site. We learned from the FDA that the deferral dates back to 1983, "when the risk of AIDS from transfusion was first recognized." We also learned nucleic acid testing has since greatly reduced the risk HIV/AIDS once posed to blood supply safety. "In fact, our current risks are now so low that they cannot be measured directly and, hence, we rely on [mathematical] models," Jay S. Epstein, M.D., said at a March 2006 FDA Workshop on Behavior-Based Donor Deferrals.

Yet, the FDA remains reluctant to relax the deferral affecting gay men. We agree that more research may be needed given "current scientific data from the U.S. Centers for Disease Control and Prevention indicate that, as a group, men who have sex with other men are at a higher risk for transmitting infectious diseases or HIV than are individuals in other risk categories," as stated in the "FDA Policy on Blood Donations from Men Who Have Sex with Other Men."

However, AABB, America's Blood Centers and the American Red Cross -- three organizations that stake their reputations on blood supply safety -- have reviewed the same data and come out in favor of relaxing the deferral. In a joint statement, they said they "believe that the current lifetime deferral for men who have had sex with other men is medically and scientifically unwarranted and recommend that deferral criteria be modified and made comparable with criteria for other groups at increased risk for sexual transmission of transfusion-transmitted infections." The FDA deferral for such groups is 12 months, according to the AABB Full-Length Donor History Questionnaire.

AABB, America's Blood Centers and the American Red Cross also offered their vast resources -- a great many of the nation's blood collection centers -- to assist with any additional research required by the FDA. I am troubled the FDA has not, to our knowledge, made progress with additional research, nor disclosed if and/or when an FDA committee will vote again on the deferral for men who have sex with other men. Meanwhile, the lifetime deferral affecting gay males as a group remains in place when it may be safe and appropriate for these men to be treated individually, as is the case with people of other sexual orientations.

With these concerns in mind, I decided to suspend blood drives on campus and have notified the FDA of our decision. In doing so, our purpose is to respect our policy of

non-discrimination and the climate that the policy is intended to create on our campus. I have also asked the FDA to contact me so we can discuss this issue further. Specifically, I'd like to discuss timing for additional studies and the next FDA committee vote on the matter.

I recognize the importance of giving blood and we know that universities are a significant source of blood. Our campus alone accounts for 32,000 students and 5,700 employees. However, lacking further action by the FDA, we are guided by the clear mandates of our non-discrimination policy. Our hope is that the FDA will revisit its deferral policy in a timely manner and we may soon be able to hold blood drives on this campus again.

Larry Carr, associate vice president for public affairs, is available to answer questions and address concerns about this decision at 408-924-1166 and [by e-mail](#). [See links to more information and background about the issue in general](#).

Sincerely,

Don W. Kassing
President