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Steve Juarez, Associate Vice President and Director

July 14, 2008

The Honorable Leland Yee
Member of the State Senate
State Capitol, Room 4048
Sacramento, CA 95814

Re: SB 1370 (Yee), As Amended June 30, 2008
Scheduled for Hearing on the Assembly Floor on July 14, 2008

Dear Senator Yee:

I want to thank you and Adam Keigwin on your staff for meeting with me to discuss SB 1370, your bill that will protect employees from dismissal, discipline, or other sanctions solely for protecting the free speech and/or free press rights of students. As I expressed in our meetings, the University strongly supports the free speech rights of our students and the intent of your legislation.

As I discussed with Adam today, we have developed language that the University could adopt that would implement your bill consistent with the University's policies on freedom of speech. Specifically, the President will recommend that the Regents adopt the following language if SB 1370 is enacted:

“An employee of The Regents of the University of California shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect, or otherwise refusing to infringe upon, the rights of a University of California student protected by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.”

We believe this language fully meets your stated intent for SB 1370, yet is consistent with existing UC policies on freedom of speech, including for example, policies establishing reasonable time, place, and manner regulations and policies defining public forums for exercise of First Amendment rights in particular campus contexts (see [attachment](#) on existing UC policies).

Accordingly, we are withdrawing our prior position that UC is unlikely to adopt the provisions of SB 1370 and believe that we can recommend that the Regents adopt the language outlined above.

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I very much appreciate your consideration of our views and thank you again for working with us on this issue.

Sincerely,

A handwritten signature in black ink that reads "Steve Juarez". The signature is written in a cursive, flowing style.

Steve Juarez
Associate Vice President and Director
State Governmental Relations

Enclosure

cc: President Mark G. Yudof
Provost and Executive Vice President Rory Hume
Executive Vice President Katherine Lapp
Vice President and General Counsel Charles Robinson
Alan Hoffman, Contractor, University of California Office of the President

Attachment
Existing UC Policies on Freedom of Speech

UC strongly supports the rights of UC faculty, students, and staff to carry out their constitutional rights of free speech. UC's policies are very clear:

30.00 POLICY ON SPEECH AND ADVOCACY

[source: [UC Policies Applying to Campus Activities, Organizations and Students](http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc30.html)
<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc30.html>]

(Revised July 28, 2004)

30.10. The University is committed to assuring that all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship.

30.20. It is the responsibility of the Chancellor to assure an ongoing opportunity for the expression of a variety of viewpoints.

30.30. The time, place, and manner of exercising the constitutionally protected rights of free expression, speech, assembly, and worship are subject to campus regulations that shall provide for non-interference with University functions and reasonable protection to persons against practices that would make them involuntary audiences or place them in reasonable fear, as determined by the University, for their personal safety.

30.40. The University recognizes, supports, and shall not abridge the constitutional rights of faculty, students, or staff to participate, either as individuals or as members of a group, in the political process of supporting candidates for public office or any other political activity.

UC recently revised its Academic Freedom policy. The new policy states very clearly that:

"The University also seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students and faculty are free within the classroom to express the widest range of viewpoints in accord with the standards of scholarly inquiry and professional ethics."

And:

"Members of the faculty are entitled as University employees to the full protections of the Constitution of the United States and of the Constitution of the State of California. These protections are in addition to whatever rights, privileges, and responsibilities attach to the academic freedom of university faculty."

[Source: <http://www.ucop.edu/acadadv/acadpers/apm/apm-010.pdf>]