



OFFICE OF THE CHANCELLOR

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February 28, 2013

Tammi Rossman-Benjamin  
[Tbenjami@ucsc.edu](mailto:Tbenjami@ucsc.edu)

Dear Ms. Rossman-Benjamin:

I am responding on behalf of the Chancellor to your February 14, 2013 email message entitled, "concerns about possible retaliation for Title VI complaint," and your February 25, 2013 email message identified by the same subject line.

Although you address a number of issues in your email messages, it appears that the immediate concern of your communications is an on-line *change.org* petition directed to President Yudof, which on its face states that it was written by the Committee for Justice in Palestine ("CJP"), a registered campus organization ("RCO") at UCSC. In particular, you identify a UCSC student that you claim drafted the petition. In your second email message, you raise concerns about this same student's February 24, 2013 communication promoting the petition, sent from a non-University gmail.com account.<sup>1</sup> You also express frustration with flyers that appear to have been prepared by students and include photographs of students, urging individuals to sign "this student-led petition."

While we understand your concern regarding the petition and other related matters, the campus is unable to require that students remove the content of their petition from the *change.org* website, or to limit its circulation by the non-University groups that you have identified in your February 14 email. Neither is the campus able to prohibit students, using the types of flyers and email communication about which you complain, from asking individuals to sign their petition.

As you know, there are many RCOs on the UCSC campus representing a variety of views on all manner of subjects. The comments and opinions of our students as expressed through their RCOs do not represent the views of the University of California. On the contrary, registered campus organizations must avoid any implication that their views are endorsed or favored by the University of California.<sup>2</sup>

Private speech on matters of public concern is protected by the First Amendment. The University cannot limit such speech on the basis that it is controversial or even offensive and appalling to those who disagree with the speaker.

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<sup>1</sup> You also reference an "email sent out this morning by 'CJP' to an extensive recipient list . . . ." That email was not attached to your message.

<sup>2</sup> Voluntary student fees used in support of RCO activities are distributed without regard to the views expressed by any student group; and the UCSC Student Organization Advising and Resources ("SOAR") office that you mention in your email letters provides staff support to registered student organizations in a content neutral manner.

You further complain about a University employee who signed the *change.org* petition by including what you believe was an offensive comment. You allege that this action, along with this employee's previous participation in a June 2011 event on campus, constitutes unlawful retaliation for your having filed a Title VI complaint with the Office for Civil Rights. I have reviewed the employee's comment on the *change.org* web page. The comment does not identify this individual as being affiliated with the University. Neither does the employee's *change.org* "user" page indicate an affiliation with the University. Thus, the employee appears to have been acting as a private citizen in signing the petition. Moreover, I am informed that the previous June 2011 activity about which you raise concerns occurred while this individual was on an approved leave from University employment. There is no basis for prohibiting these lawful expressive activities of this employee conducted as a private citizen.

Most of your other allegations, including those regarding *A Pulse on Palestine* and *Between Two Worlds*, concern events previously addressed by the University in response to the complaint you initiated with the Office for Civil Rights. The University does not agree with your version of these events. Given that these matters are still pending before the OCR, further comment would not be appropriate at this time. Indeed the Office for Civil Rights has issued no findings against the University in this case.

In my assessment, you have made one new claim. In your February 14 message, you allege that in the winter of 2012 a student journalist was inappropriately berated by a UCSC Lecturer for having submitted an article regarding your Title VI complaint. As indicated by the above discussion, the University affirms the right of all its students to exercise their constitutionally protected freedom of expression. I will be forwarding this matter to the relevant College Provost for review and for further investigation as appropriate, consistent with University policies and/or the relevant collective bargaining agreement provisions governing faculty conduct.

Sincerely,



Ashish Sahni  
Associate Chancellor

cc: Laura M. Welp, Esq., Staff Attorney, OCR  
President Mark Yudof  
Chancellor George Blumenthal  
General Counsel Charles F. Robinson  
Diversity Coordinator Jesse M. Bernal  
Chief Campus Counsel Carole R. Rossi