



April 1, 2020

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Dear UC and UCSC Administrators:

The National Lawyers Guild, San Francisco Bay Area Chapter (NLG) is deeply concerned about the ongoing student conduct proceedings against a number of the striking graduate student workers and undergraduate supporters. We demand the University stop illegally punishing students for strike activities and instead, resolve the labor dispute by accepting the graduate students' [March 31 counter-offer](#).

The University is actively pursuing student suspensions and other disciplinary actions despite the state and local shelter in place orders and cessation of in-person instructional activities on campus. At least seven students have received *indefinite* interim suspensions, meaning that the students were summarily banned from campus prior to any hearing or findings. The suspensions have prevented some students from accessing the student health clinic and other critical services such as Slug Support (emergency support for students facing hunger, loss of housing and other crises). Others have been impeded from providing aid such as food and supplies to friends still living on campus during the public health emergency. At the same time, many of the graduate students have been fired from their teaching positions, putting them at risk of losing their housing and being unable to sustain themselves during this dangerous time.

An interim suspension can only be imposed when university officials make a determination that the student's presence on campus poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.¹ Yet the only violence that has occurred at any of the strike-related demonstrations was inflicted by UCPD officers, who used excessive force on a number of students, including [clubbing one woman on the head](#) causing a concussion and other injuries, and grinding another student's face into the pavement. It is further troubling that the University is continuing to impose such suspensions given there are no live classes, and no ongoing pickets or demonstrations. This raises the inference that the interim suspensions are being used punitively, rather than for safety. This is unlawful, as there has been no determination that the students did anything wrong.

The students' rights are being violated throughout the process. The University is not providing students constitutionally required fair notice of the factual basis for the accusations. The University has not been able to explain why it is targeting a few students who participated in demonstrations involving hundreds, as so dangerous that they must be banned from a mostly closed campus. Further, the University's emergency hearing officer is not acting as a neutral

¹ *Goss v. Lopez* (1975) 419 U.S. 565, 582.

decisionmaker, but is instead using the emergency hearings to interrogate the students to strengthen the University's case. This is akin to having a prosecutor rather than a judge or jury make the findings in a trial. The University's failure to give meaningful notice and its refusal to provide a fair hearing before an unbiased decisionmaker violates the students' constitutional right to due process.²

A total of approximately 18 students are facing this new round of conduct charges. The potential consequences are severe, including disciplinary probation or suspensions that will go on their academic records and delay completion of their degrees, possible loss of campus housing, and even expulsion. But most of the allegations stem from the students' mere presence at public assemblies. As you are well aware, the First Amendment protects free speech on the campus of a public university.³ Prosecuting student conduct charges to chill participation in the ongoing campus labor dispute may also violate students' right to equal protection of law under the Fourteenth Amendment.⁴

Given the University's aggressive prosecution of strike participants and failure to provide basic due process rights, we can only surmise that the University is using the conduct charges as a way to pressure the strikers to give up. Yet the student workers' plea for a cost of living adjustment is the result of skyrocketing local rents that place many UCSC graduate students in constant jeopardy of homelessness or hunger. This financial insecurity has been made even worse by the COVID-19 pandemic. Many students who were getting by supplementing their UC income with a second (and third) job, and were fired from their UC positions, have now been laid off or told to stay home without pay from their additional jobs. At the same time the students, like all of us, are facing unexpected additional expenses such as for childcare and aid to relatives. They are being forced to endanger their own and others' health by seeking out alternative employment, such as with delivery services, to pay their rent.

These young people, some of whom are the first in their families to attend college, are striking to promote equal access to the vocations of teaching and research. If UC truly shares this goal, it should not punish students for standing up for economic justice. The NLG urges UC to drop all disciplinary actions related to the strike, reinstate the approximately 85 workers who were fired, and accept the recent [\(March 31\) counter-offer](#) from the striking graduate students to resolve the labor dispute.

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² *Doe v. Univ. of S. California* (2016) 246 Cal.App.4th 221, 241, 244.

³ *Healy v. James* (1972) 408 U.S. 169, 180.

⁴ *Murgia v. Municipal Court* (1975) 15 Cal.3d 287