

FREEDOM OF EXPRESSION

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July 1, 2009

President Robert Agrella  
Santa Rosa Junior College  
Office of the President  
1501 Mendocino Avenue  
Santa Rosa, California 95401

*Sent by U.S. Mail and Facsimile (707-527-4938)*

Dear President Agrella:

As you can see from the list of our Directors and Board of Advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, due process, freedom of association, religious liberty and, as in this case, freedom of speech on America's college campuses. Our website, [www.thefire.org](http://www.thefire.org), will give you a greater sense of our identity and activities.

FIRE is concerned about the threat to freedom of expression posed by Santa Rosa Junior College's (SRJC's) overbroad and unconstitutional decision to ban members of the SRJC community from using the letters "SRJC" in Internet domain names or e-mail addresses. In short, this restriction is broader than what the California Education Code restricts, and it is broader than the United States Constitution and California Constitution permit. We urge you to lift the ban and clarify that unambiguously private, noncommercial use of SRJC's name both is and must be permitted among SRJC students and faculty members.

This is our understanding of the facts; please inform us if you believe we are in error. On May 5, 2009, Vice President of Academic Affairs/Assistant

**abbreviation of the college name is protected by Education Code 72000(b)(4). Computing Services will be contacting any student violators individually and requesting that they immediately cease using Santa Rosa Junior College or SRJC in their domain name or e-mail addresses. Students will be notified that failure to comply could result in legal action. [Emphasis added.]**

The specifics of Education Code section 72000(b)(4) follows [sic]:

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(4) The name “Sonoma County Junior College District”, “Santa Rosa Junior College” and the names of community colleges maintain



more vital than in the community of American schools”); *Widmar v. Vincent*, 454 U.S. 263, 268–69 (1981) (“With respect to persons entitled to be there, our cases leave no doubt that the First Amendment rights of speech and association extend to the campuses of state universities”). As a public institution, SRJC is both legally and morally bound by these and other decisions of the United States Supreme Court.

By misinterpreting the restrictions of the California Education Code, SRJC has unconstitutionally restricted the freedom of expression of members of the SRJC community. SRJC may reasonably restrict the use of its name when a reas

Again, it is acceptable, as you state in the May 8 article, to prevent people from “mak[ing] it look like the college is endorsing a product or issue,” but it is not acceptable to summarily ban the letters “SRJC” in order to keep the college from being “misrepresented.” That is, SRJC may prohibit people from falsely representing themselves as SRJC officials or using SRJC’s name to imply commercial or political endorsement, but placing prior restraint on e-mail addresses and domain names in order to keep people from making merely controversial, unpopular, unwanted, or merely unremarkable assertions about the college is unconstitutional.

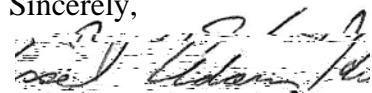
SRJC may not threaten legal action against protected expression, nor may it seek to silence protected expression by declaring that it is illegal. *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963) (holding that “threat of invoking le

unconstitutional provisions and uses of the Code, in the future you might not be able to claim qualified immunity from personal legal liability for the kinds of First Amendment violations described in this letter.

Finally, I should note that in 2005, after the University of California–Santa Barbara similarly tried to force the independently hosted website “www.thedarksideofucsb.com” to remove the letters “ucsb” from its website URL—alleging that the website owner was “guilty of a misdemeanor” for using the letters—FIRE successfully intervened to protect the owner’s rights.

We urge you to lift the ban and to clarify the First Amendment rights of members of the SRJC community by announcing that unambiguously private, noncommercial use of SRJC’s name both is and must be permitted among SRJC students and faculty members. FIRE hopes to resolve this situation amicably and swiftly; we are, however, prepared to use all of our resources to see this situation through to a just and moral conclusion. We request a response to this letter by July 17, 2009.

Sincerely,



Adam Kissel  
Director, Individual Rights Defense Program

cc:

Mary Kay Rudolph, Vice President of Academic Affairs, SRJC  
Kenneth L. Fiori, Director, Computing Services, SRJC  
Ricardo D. Navarrette, Vice President of Student Services, SRJC  
Kay L. Albiani, President, Board of Governors, California Community Colleges  
Diane Woodruff, Chancellor, California Community Colleges