

March 5, 2010

Susan P. Trageser, Director
Center for Student Conduct
and Community Standards
University of California
Berkeley, CA 94720

by email (trageser@berkeley.edu)

RE: ANGELA MILLER (9678-19212)
Notice of Possible Violation of Code of Student Conduct

Dear Ms. Trageser:

This letter responds to your Notice dated February 26, 2010, served by email on Angela Miller four days later on March 2. The Notice informs her that your office is investigating possible violations of the Berkeley Campus Code of Student Conduct, *viz*:

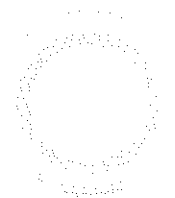
§V-102.16. Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of his or her duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of the attempt to perform their duties; and

§V-102.21. Violation of the conditions contained in the terms of a disciplinary action imposed under this Code or campus regulations.

You asked Ms. Miller to contact your office by today to set up a meeting “to explain the disciplinary process to [her], clarify the specifics of the incident, and review possible options for resolving this matter.” As you know, I represent Ms. Miller,¹ who was suspended by the Vice Chancellor for Student Affairs on an *interim* basis (Code §VI-105.08) at the beginning of finals week last semester.

The sole evidence alluded to in your letter is “information received by this office that alleges on or about February 17, 2010 you failed to comply with the conditions of your interim suspension by attending a forum at the Valley Life Sciences Building.”

¹ My role as her *pro bono* attorney is part of my University community service. I am also authorized to act as Ms. Miller’s “advisor” for purposes of the Campus Code of Student Conduct.



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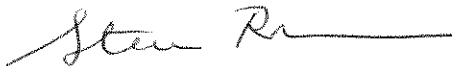
On its face, it is difficult to discern how, if true, this allegation triggers a violation of §V-102.16. In any event, Ms. Miller appreciates your offer to discuss informal resolution of this latest potential charge, as well as the pending charges set for hearing on May 7, 2010. To that end, please provide us (by email, facsimile or campus mail) the new contents of the conduct record in this matter (Code, § II-C(2)) and the names of the complaining party/ies (Code, §II-A) — as a result of the February 17 “information” —and a written proposal for informal resolution. If you are only able to disclose the record contents in person, either Ms. Miller, another student (named on her confidentiality waiver on file) or I can make arrangements to retrieve the record.

It is now almost twelve weeks since Ms. Miller has been barred from unfettered access to campus and banned from communicating with any member of the campus community beyond her instructors. As I have previously written you and your Campus Life and Leadership associates, no one has yet to notify her of the “[t]imeline for the disciplinary process”² or “the duration of the Interim Suspension” (Code §VI-105.08)—much less the rationale for continued restrictions pending the May 7 hearing.

In fact, the timing of this latest allegation—delivered almost two weeks after the alleged violation, but prepared a mere four days following Ms. Miller’s filing of a grievance against you and other campus administrators under the Campus Student Grievance Procedure—suggests retaliation for her filing the grievance. If we cannot resolve this matter informally, Ms. Miller will consider supplementing her grievance of February 22.

Thank you for your consideration.

Sincerely,



STEPHEN A. ROSENBAUM

Lecturer

Attorney at Law

c: Christina Gonzales (cgonzales@berkeley.edu)

Michael R. Smith (mikesmith@berkeley.edu)

Angela Miller

² Again, most of the Code’s relevant timeline information is contained in appendices not accessible through your website and is subject to a behind-the-scenes *ad hoc* amendment process that calls into question the legitimacy of this Code and the way in which it is administered.