

February 1, 2010

Christina Gonzales, Associate Dean  
Campus Life and Leadership  
326 Sproul Hall, # 2430  
University of California  
Berkeley, CA 94720

by email (cgonzales@berkeley.edu)

**RE: ANGELA MILLER'S SECOND REQUEST FOR RECONSIDERATION  
OF INTERIM SUSPENSION AND DISMISSAL OF STUDENT CONDUCT  
CHARGES**

Dear Dean Gonzales:

As you know, I represent Angela Miller,<sup>1</sup> an undergraduate student who was suspended on an interim basis (Campus Code of Student Conduct §VI-105.08) at the beginning of finals week last semester, by the Vice Chancellor for Student Affairs. On January 19, 2010, we requested a reconsideration of the January 15 hearing panel decision on the suspension authored by Professor Wildsoet *et al.* That request was summarily denied the same evening by Assistant Dean and Center for Student Conduct Director Susan Trageser, in a 9:30 p.m. email:

“As you are aware[,] if there are questions regarding the conduct process, I am the appropriate person to provide a response. The panel's review of and decision on the interim suspension at the hearing on January 13, 2010 was final. There is no further [sic] of the interim suspension outlined in the Code of Student Conduct.”

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<sup>1</sup> I consider my role as her *pro bono* attorney to be 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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In addition to the arguments we submitted in favor of a rehearing or administrative appeal, I have since learned that reconsideration does *in fact* have precedent within the Campus Life and Leadership administration.

Our request of January 19 sets out in detail the procedural violations—under the Campus Code, UC Policies and the state and federal constitutions—committed in the processing of Ms. Miller’s disciplinary case. Among the deficiencies is a continuing failure to notify Ms. Miller of the “[t]imeline for the disciplinary process” and “the duration of the Interim Suspension.” Code, §1-A. *The Vice Chancellor’s Notice of December 12, 2009 contains neither a timeline nor duration of the suspension, much less a date for hearing the underlying charges.*

Today marks the third week of Spring Semester. Ms. Miller continues to be barred from attending classes, utilizing campus libraries, laboratories and other facilities and from communicating with faculty, staff or students. She has also been ordered evicted from her University-owned housing. This is not a restriction to the minimum extent necessary, nor is it founded on any reasonable cause. It also turns on its head the Code’s provision that an interim suspension not disadvantage a student’s academic status. §VI-105.08.

Since the suspension remains indefinite and open-ended, and Angela Miller was never afforded a hearing that satisfies her basic due process rights, I am advising her today that the interim suspension is invalid on its face and as applied.

Sincerely,



STEPHEN A. ROSENBAUM

Lecturer

Attorney at Law

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