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Calif. university ends quest to shut down critical Web site

University officials said www.thedarksid eofucsb.com violated the university's copyright

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CALIFORNIA – The owner of a Web site that criticizes the University of California at Santa Barbara was notified on Feb. 1 that the university will not seek legal action against him, following the school's previous request that he remove the school's name from his site or face criminal sanctions.

The university dropped its removal efforts the same day the school received a letter from the Foundation for Individual Rights in Education, stating the University of California at Santa Barbara's actions were unconstitutional, and after James Baron placed a disclaimer on his site that distinguishes it as separate from the university.

Baron is the father of a former student at the University of California at Santa Barbara.

The Web site lists its goals on its homepage: "to provide resources for students experiencing problems at UCSB; help students understand and avoid the dark side of campus life; and substantially mitigate or eliminate the negative impact of the dark side of UCSB."

But the university said it did not object to the content of the site.

Instead, according to Paul Desruisseaux, the university's associate vice chancellor of public affairs, the university took issue with Baron's Web site name: [thedarksid eofucsb.com](http://www.thedarksid eofucsb.com).

"We were initially concerned that there might be some confusion among web visitors that this site might have something to do with the campus and we made that clear to the proprietors of that site," Desruisseaux says. "We take actions when we need to, to protect the university's name and copyright."

Baron created the Web site in November 2004 after talking to former students who had negative experiences at the school, including what Baron calls "marginal" academics, a "party-school environment" and his

reference to Isla Vista, Calif., the town next to the university in which many students live, as the "student ghetto."

Baron's site also focuses on what he sees as a lack of administrative action to control student violence, drug use and the sexual assaults that have occurred on and around the campus.

"We've gotten support as well as condemnation from it but the main thing is we have people talking about the issues," Baron said. "And that's the most important part, because there's a lot of smart people at [the University of California]—the system and students—and they can do a lot more to change these things than we can."

The university Policy and Records Management Coordinator, Meta Clow, first contacted Baron on Nov. 10, 2004, using the Web site's feedback form.

Her message read, "You may not be aware that the name and initials of the University of California, Santa Barbara (UCSB) are protected by Section 92000 of the Education Code of the State of California. The name or initials may not be used, without written permission of the University, to designate any business, social, political, religious, or other organization or activity. Anyone violating this provision is guilty of a misdemeanor. Please immediately remove our initials from your website designation."

Baron has since placed a disclaimer on his site that says it is not supported or funded by the University of California at Santa Barbara. There are no advertisements on Baron's site, and it is solely supported by contributions. The university, satisfied with Baron's disclaimer, sent him a letter saying the university officials have decided not to pursue legal action to have the school's name removed from Baron's Web site.

"In this case we don't think any further actions are going to be taken," Desruisseaux said. "And we've made that clear to the operators of the site as well as to other people who have corresponded to us about this."

According to an article published Feb. 6 on Baron's Web site, Baron said he would have preferred a lawsuit with the university instead of the school's decision to cease further action, in order to attain a "victory" for free speech.

Baron said he spoke with lawyers who told him that section 92000 is "on its face unconstitutional." He and the individuals who maintain the site—including students, former students, parents and local community members—plan to write to legislators to have section 92000 repealed. Baron said he has received e-mails from people whose Web sites were shut down by the university.

"UCSB and the UC system have a long history of stifling free speech with threats of trademark infringement litigation and threats of criminal prosecution for violation of the education code," Baron said on his Web site. "Hopefully they will now stop these odious practices."

-By Britt Hulit

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