

August 11, 2009

Chancellor Jack Scott
California Community Colleges
System Office
1102 Q Street, Fourth Floor
Sacramento, CA 95811

Re: Protecting the Use of the College's Name

Dear Chancellor Scott:

I refer to the letter dated August 5, 2009, that you received from the Foundation for Individual Rights in Education (FIRE).

Let me begin by assuring you that no adverse action has been taken against any employee or student related to the use of the college name or the use of SRJC.

At the same time, the District has a strong interest in protecting its rights, as set forth in Education Code section 72000(b)(4), which provides:

(4) The name "_____ Community College District" and the names of community colleges maintained by the district are the property of the district. No person shall, without permission of the board, use these names, or any abbreviation of them, or any name of which these words are a part in any of the following ways:

(A) To designate any business, social, political, religious, or other organization, including, but not limited to, any corporation, firm, partnership, association, group, activity or enterprise.

(B) To imply, indicate or otherwise suggest that any organization, or any product or service of the organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by one or more California community colleges, the Board of Governors of the California Community Colleges, or the office of the Chancellor of the California Community Colleges.

(C) To display, advertise, or announce these names publicly at or in connection with any meeting, assembly, or demonstration, or any

propaganda, advertising or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition or defeat of any strike, lockout, or boycott or of any political, religious, sociological, or economic movement, activity or program.

(D) The provisions of this section shall not preclude the use of the name "___ Community College" or "___ Community College District" by any person or organization otherwise subject to this section using the name immediately prior to the effective date of this section, so long as the name is not used in additional, different ways.

(E) Nothing in this section shall interfere with or restrict the right of any person to make a true and accurate statement in the course of stating his or her experience or qualifications for any academic, governmental, business, or professional credit or enrollment, or in connection with any academic, governmental, professional or other employment whatsoever.

In this regard, we agree with FIRE that employees and students may use SRJC's name for "unambiguously private, noncommercial purposes." We also agree with FIRE that we have legitimate concerns where "reasonable persons" might mistake the private expression at issue as institutional expression.

After you have had an opportunity to review this matter, please let me know if you would like to discuss this matter with me.

Very truly yours,

Robert F. Agrella
Superintendent/President