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November 27, 2007

Dr. Patricia Telles-Irvin  
Office of Vice President for Student Affairs  
146, Grinter Hall  
PO Box 113250  
Gainesville, FL 32611-3250

Dear Dr. Telles-Irvin:

I am the registered faculty advisor for the Law School Republicans. In the future, please provide me with a copy of all correspondence from your office to this or any other organization for which I am the registered advisor. If this is not your existing policy, I respectfully ask that you make it so. In the alternative, I will ask the Faculty Senate to take appropriate action such that the Administration shall inform, in advance, Registered Faculty Advisors for student groups of any important matters affecting the groups. In particular, this should include notice of disciplinary action, be it formal or informal – including public requests for apologies.

Your letter of November 26, 2007 “To: All University Students” is disturbing on several levels. Likewise, the prior email correspondence from Eugene L. Zdziarski, II, Ph.D. Assistant Vice-President, Student Affairs, Dean of Students, University of Florida, was also disturbing.

Regardless of how you and Dr. Zdziarski feel about the organization and its joint actions with others, you owe them due process of law. That would include reasonable notification to them and to their advisors regarding proposed meetings, as well as reasonable attempts to discuss disciplinary matters with their advisors. You and your office provided neither. Your office supported a meeting last week - which included the loaded words “Racism” and “Discrimination” in the title. You provided me with no notice. You provided the students with inadequate notice. Now, one day after the Thanksgiving Holiday break, you issue an “Official Response” from the University. In it you confusingly state – using first person – that you “believe” the groups owe an apology to the campus and others, as well as clarification. Again, you provided me with no notice and you provided the students – and their legal counsel – no opportunity to be heard in advance.

That action was inappropriate. You should retract it. While you are free to state your personal opinion, when you issue an "Official Response" in the name of the University, you have limitations on your right to speak. You owe due process. You may not threaten or intimidate others in their exercise of their rights to assemble or to speak:

**760.51 Violations of constitutional rights, civil action by the Attorney General; civil penalty.--**

(2) Any person who interferes by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any other person of rights secured by the State Constitution or laws of this state is liable for a civil penalty of not more than \$10,000 for each violation. This penalty may be recovered in any action brought under this section by the Attorney General. A civil penalty so collected shall accrue to the state and shall be deposited as received into the General Revenue Fund unallocated.

As a licensed and former practicing psychologist, you unquestionably realize how intimidating your letter is to students. If you intended it to be intimidating – and thus chilling of the group's free speech rights – you not only violate Florida Law, but you also prove yourself unfit for your high position. If, in the alternative, you do not comprehend how intimidating your letter and your office's actions have been, then you really should not be dealing with students.

I do not – at the present – want a lengthy debate on Constitutional Law with you. But, let's be clear: you fundamentally misunderstand both the Florida and the United States Constitutions. Students at the University of Florida have the right to free speech under both Constitutions. Regardless of what you may feel about the wisdom of their speech or the accuracy of their information, you must understand that both their posting of the flyers and their showing of the movie are constitutionally protected actions. Your arguments about "diversity" and "responsibility" and "divisiveness" are irrelevant to that fundamental issue: the actions are protected speech and you have no right – in your "Official" capacity – to censure them, either before or after the fact. Indeed, you have the obligation not to do so. You are the one behaving inappropriately and you are the one who should apologize.

Members of the UF community – some wearing hoods – tore down most of the legally posted flyers. After the groups replaced the flyers, someone removed them again. Why are you not investigating and condemning this violation of law and free speech? Where is your outrage that a student disrupted a recent speech by a United States Senator? Where is your outrage that others – some wearing hoods – disrupted a recent speech by a former Attorney General of the United States?

I believe Islam is a great religion. I believe students should use good judgment in exercising their rights. I believe they should be cognizant of others' feelings. I believe they should consider the possibility that others' may misunderstand some statements: English grammar rules leave much to be desired. In my role as Faculty Advisor, I advise consistent with my beliefs. In your role as Vice President, so do you. We undoubtedly agree on many

issues. However, we clearly disagree on others. "Radical Islam Wants You Dead" is a constitutionally protected statement, your misunderstanding of the Constitution notwithstanding. How a grammarian might deconstruct the sentence – either placing the word "radical" as a restrictive adjective or as part of a proper noun – is unimportant from a legal standpoint. Many people believe the statement is factually correct, however inconsistent with traditional Islam the radical factions may be. Those persons are ones who correctly see the word radical as a restrictive adjective. What I believe about the statement is no longer important. What you believe is irrelevant. I have advised as a Faculty Advisor and I now also advise as an Attorney.

You have violated our organization's rights, as well as the rights of its members. You have violated Florida Law by intimidating or attempting to intimidate students and citizens in their exercise of protected rights. You should retract your letter and apologize to the student organizations and to the student body.

Respectfully yours,



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Cc: President Machen  
Provost Fouke  
Christian Waugh, President, Law School Republicans  
Matt Klein, Event Organizer  
Adam Hasner, Majority Leader, Florida House of Representative  
Robert Jerry, Dean, College of Law