

U-M Regents' Meeting – September 15, 2011

I appreciate the opportunity to address the Board of Regents. For those who do not know, I have been prevented from participating in public comments because of multiple trespass warnings issued against me dating back to October 2007, which continue to this day, despite the new trespass policy unveiled in June. Contrary to the new policy, I have not received notice of the extension of the trespass warning from the DPS, nor documentation of the reason for the extension.

This opportunity to address the Board is the result of several people pushing the issue of the University's misuse of the trespass policy to thwart free speech and to deprive administrative and constitutional protections. I wish to thank Dr. Douglas Smith for his hard work in this regard, most notably for forcing the University to convene a legally mandated DPS Oversight Committee. I also want to acknowledge the student chapter of the ACLU for taking up the cause, and, of course, the state ACLU chapter.

It is amazing that of the thousands of people who were trespassed from the University over the last decade, the University has not faced a serious challenge before now. Like a recalcitrant teenager, the University had expected to continue its extra-judicial practices in perpetuity. From my experience, the reason is the difficulty of finding counsel with the integrity and talent necessary to take on the University. Prominent local attorneys told me point blank that it would be impossible to fight the University once it initiates this type of action.

For those who have not seen the Litigation Report this month, there is an update on my federal case. Against all odds, specifically termination of two attorneys who failed to act in my best interest, I have advanced the case representing myself and have just completed oral arguments on a motion to dismiss, wherein the University has argued that students do not have a

property interest in their education, without which they are not entitled to constitutional due process. It is a shameful argument for the University to make, and I will have more to say about it at a later date, but for now will limit my comments to the trespass policy.

Although the problems with the University's trespass policy were well-known in the community for many years, unfortunately it took the sexiness of the Armstrong-Shirvell situation to bring the University's abuse of the criminal justice system out of the closet and into the public light. It's ironic that Armstrong has charged Shirvell with abuse of process, which is precisely the tactic used by the university itself. Were it not for the publicity surrounding the Shirvell case, the University would not have voluntarily revised its trespass policy.

The first trespass warning issued to me barred me from continuing my clinical class, and subsequently caused my failure in the course and disenrollment from my Nursing program. Notwithstanding the violation of University policy to issue a student a trespass warning in lieu of an administrative hearing, under the weight of the trespass warning I was also prohibited from speaking to any of my classmates, instructors or other employees in an effort to gain their support to defend myself. This was a violation of my first amendment free speech.

Subsequent trespass warnings similarly attempted to ban my communication with anyone in the University community by using the trespass warning to enforce the communication ban. As indicated in the three email handouts, General Counsel Donica Varner attempted to sanction me for attempting to contact a student panelist on the first Formal Grievance Board, which was adjourned under suspicious circumstances. I note that Ms. Varner went so far as to advise the student to file a police report and seek a PPO against me, although we had neither met face-to-face, nor spoken on the phone (no contact by email either). This appears to be an apparent attempt to set me up for stalking. Ms. Varner also cited me for violating the trespass warning for

copying an University administrator on an email. I know of no legal basis for the University to restrict my free speech thusly.

(The third trespass warning, issued on the same date that Nursing Dean Kathleen Potempa denied the second Formal Grievance Board's unanimous recommendation for a new hearing, was used to deny my request to address the Regents in April 2009, which I contend was a violation of my first amendment rights.)

The trespass warning was modified September 2009, but specifically prohibited me from the Fleming Building, in an apparent attempt to further prohibit me from addressing the Board of Regents. I was able to speak at the Regents' meeting in May 2010, at the Dearborn campus, which, I believe, is the reason General Counsel Suellyn Scarnecchia expanded the trespass policy to all three campuses, in order to keep victims of the policy from speaking at all Regents' meetings.