

E-VERITAS EXTRA

For the Faculty and Staff of the University of Miami

Tuesday, January 17, 2006

This statement was originally released via a link in the December 19 issue of e-Veritas. It is being distributed again to ensure that the University community is informed on this policy.

Statement from UM President Donna E. Shalala Regarding Solicitations on Campus

Academic freedom requires an environment where intellectual pluralism and the free expression of ideas are embraced. The University of Miami, as an institution dedicated to the pursuit of knowledge and charged with the duty of educating young adults from around the world, is committed to supporting the values of free speech, the rights of assembly and free association, and other basic civil liberties.

Consequently, the University of Miami supports and defends all members of our university community as they exercise their fundamental individual rights. The Rock near the University Center, for example, has been designated as a “Free Speech” area for decades—a venue where students, faculty, and staff have voiced opinions on a multitude of subjects. Any individual University of Miami student, faculty member, or staff member may use The Rock at any time to exercise his or her fundamental rights of free speech and association. Registered student organizations and UM departments may also reserve The Rock for special programs and presentations, subject to certain guidelines, by contacting the administrative offices of the University Center. In addition, the School of Communication is working to develop a second free speech zone in its quadrangle.

The University, however, must balance the individual’s right to express his or her ideas with the need to protect the safety and privacy of our students, faculty, and staff and to avoid disruption to University operations. As the largest private employer in Miami-Dade County, the University regularly receives requests from individuals, organizations, and companies wanting either direct access to our students and employees or permission to distribute material to them. Some want assistance in promoting various national, state, and local initiatives, while others want to sell or distribute products or services on our campuses, and still others wish to collect personal information such as names, addresses, phone numbers, ages, etc., from our students, faculty, and staff. The University has a commitment and a responsibility to maintain the safety and privacy of those who study, work on, or visit our campuses and, therefore, does not allow any non-authorized solicitations.

In order to fairly and properly balance the individual’s important interests in free speech and association with the University’s responsibility to maintain the safety and privacy of the members of its community, the University of Miami has in place long-standing policies pertaining to the solicitation of students, faculty, and staff for all purposes. For example, solicitation by non-UM individuals and organizations is permitted on the Coral Gables campus in the University Center Breezeway area and adjacent areas provided the promulgated solicitation policy guidelines are followed. Several University administrative offices, including Student Affairs, Business Services, Human Resources, the Medical Education office, and Public Safety, have responsibility for administering and enforcing solicitation policies on our campuses.

Recently, the Service Employees International Union (SEIU) began a campaign to become the collective bargaining representative of some 450 UNICCO employees who work on University of Miami campuses.

UNICCO is an outside contractor that provides cleaning and landscaping services for the University. The University became aware of the organizing effort in June 2005. From the outset, the University committed itself to remaining neutral throughout this labor organization process and continues to maintain that position.

It is essential, however, that the University community clearly understand our solicitation policies as they apply to SEIU's organizing efforts. Although UNICCO employees are not University of Miami employees, they work on University property. This presents a thorny issue for the University. Although we respect SEIU's statutory right to access and articulate its position to the UNICCO workers, we must regulate their access to our campuses in the same manner that we regulate others seeking admittance. Accordingly, all solicitation efforts by the SEIU on any of the University of Miami's campuses must be approved and in accordance with the University's articulated solicitation policies. Both UNICCO and the SEIU have been provided copies of the University's written solicitation policies. We are aware of no exception to the policies that has been made for any outside individual, organization, or company that has sought to solicit non-University personnel. A review of recent trespass notices issued to outside individuals and organizations reflects that the solicitation policies are applied uniformly and that there has been no selective enforcement.

The National Labor Relations Act governs private employee/employer labor issues and we intend to obey the spirit as well as the letter of that law. Individuals have the right to freely associate and organize if they so desire. We recognize and strongly support the statutory right of UNICCO employees to make their own, informed, and uncoerced decision whether or not to select the SEIU as their collective bargaining representative. Although the University remains neutral on this serious labor issue, it has made it clear to UNICCO and the SEIU that the University of Miami expects them to recognize these fundamental rights and obey the rule of law. We encourage the parties to expeditiously use the procedures set forth in the statute to afford them the opportunity to make this decision. The University will respect any decision that is rendered.



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