
From: Kim Huggett [mailto:kim.huggett@csueastbay.edu]

Sent: Wednesday, 05 March, 2008 8:41 AM

To: bruce@-----.-----

Subject: Cal State East Bay Communique - State Attorney General's Office Affirms Oath of Allegiance Requirement

Dear Sir,

We received your recent e-mail and thought you'd be interested in today's announcement from the California State Attorney General's office.

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Director of Public Relations
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Communiqué

<http://www.csueastbay.edu/communications/>

State Attorney General's Office Affirms Oath of Allegiance Requirement

California State University, East Bay has received a statement from the state attorney general's office affirming its decision to terminate an employee based on her refusal to sign a state-required oath of allegiance.

According to the attorney general's office, "the California State University acted appropriately" in requiring the employee "to affirm the Oath of Office that is required by Article XX, section 3 of the California Constitution as a condition of employment."

The official statement noted that "The language of the present oath has been upheld against constitutional challenge, and it simply requires employees to agree to uphold and defend our democratic and peaceful process of self-government."

"The oath does not compel an employee to take any violent action and, in fact, requires an employee to work within the system of government to resolve problems and achieve change. Such a requirement is consistent with the goals of all law-abiding persons, especially those entrusted with governmental responsibilities."

The attorney general's office concluded that the "California State University acted appropriately in requiring (the employee) to sign the oath as written."

"In addition," the statement noted, "it also appears that California State University made diligent, good faith efforts to engage (the employee) in an interactive process designed to address her concerns and accommodate her beliefs regarding the oath while at the same time pursuing its legal responsibility to ensure that she signed the oath as required by law. That is the course we advise state employers to take, and it appears to have been taken in this case."

Previously, the University had expressed regret at having had to terminate an employee based on her refusal to sign the state-required oath of allegiance and announced it would welcome the employee's return to her position if she were willing to follow the employment requirements of the CSU and the State of California.

The oath of allegiance is a requirement of California law enacted by the State Legislature as a condition of employment. Cal State East Bay offered the employee the option of adding a statement of her personal convictions in addition to signing the oath and was disappointed that she declined to do so.

During the course of several weeks, the University's human resources office worked with the employee in hopes of finding an alternative that would satisfy her personal convictions while complying with state law. The University extended the deadline for filing the paperwork to allow her more time to consider all the alternatives. The employee was also informed that the University would, by law, have to terminate her from employment if she was unwilling to sign the document unaltered, with or without a personal statement of conviction.

Signature of the [oath of allegiance](#) is required by California law ([Government Code Sections 3100-3109](#) and [California Constitution, Article 20, Section 3](#)). Cal State East Bay and the CSU have no discretion to waive or modify this requirement.

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