

April 24, 2003

Richard Atkinson
University of California Office of the President
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Re: Equity for Students with Domestic Partners

Dear President Atkinson,

It has come to my attention recently that some university policies treat students with domestic partners differently than students with spouses. Given the Regents' recent efforts to treat faculty and staff with domestic partners equally with those who are married, it seems logical to extend that equitable treatment to students.

In specific, Regents Standing Order 110.2 Matters Relating to Residency includes provisions that allow for nonresident tuition and other fee waivers of the following types:

- a) A nonresident student who is also "a spouse of a member of the University faculty who is a member of the Academic Senate" may have his or her nonresident tuition waived.
- b) A student who is also "a spouse or child of a resident law enforcement officer or fire fighter killed on active duty" is exempt from nonresident tuition and all mandatory systemwide fees.
- c) A student who is "the surviving spouse who has not remarried of any member of the California National Guard who was killed or permanently disabled while in active service" may be exempted from mandatory systemwide fees but not nonresident tuition.
- d) A student who "is married ... and will not be claimed as an income tax deduction by his or her parents or any other individual for the tax year immediately preceding the request for residence classification" is granted financial independence, allowing him or her to claim California residency and avoid nonresident tuition.

Granting these waivers and exemptions to students with domestic partners on an equal basis with those who have spouses would be a positive step toward equity within the UC system. Students in domestic partnerships are in committed relationships that deserve the university's recognition. The exemption of nonresident tuition for the spouses of faculty members in part (a) above is a

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positive recruitment incentive for new faculty, and in the coming years we will be recruiting an unprecedented number of new faculty. We should be treating the partners of those faculty members fairly. The other three exemptions in the Standing Order are intended to recognize the financial interdependence of married couples. Domestic partners are just as financially interdependent and deserve to be treated as such.

As far as I can tell, changing the Standing Order to recognize domestic partners would not affect any federal or state laws. Standing Order 110.2 is a purely internal UC policy that the Regents have the authority to change.

This issue has very real impacts on members of our university community. I have been contacted by an out-of-state student here on the Berkeley campus who has a registered domestic partner. If he was married to his partner, he would be granted financial independence under part (d) above, but he has been denied that independence because domestic partners are not included in the policy. The lack of availability of same-sex marriages in this country, along with our own UC policy that treats students with spouses differently than students with domestic partners, costs this student thousands of dollars each year. As far as I am concerned, he is being charged that money because he is gay and his relationship's status is not recognized. That type of disparate treatment is simply unacceptable.

I also know of more than one UC faculty member whose domestic partner is charged nonresident tuition, unlike the spouses of other faculty members whose nonresident tuition is waived under part (a) above. Again, these dedicated members of our university community are being treated unfairly, costing them thousands of dollars a year, because their relationships are not recognized by our policy.

As far as I am concerned, the university should treat domestic partners and spouses equivalently in everything we do, so long as we do not violate state or federal law. We have had a Policy on Nondiscrimination on the Basis of Sexual Orientation (Approved June 17, 1983) for almost 20 years now. Everything we can do to ensure domestic partners and spouses are treated equally will help us fulfill the ideals we set forth in that policy.

I hope you will carry this issue forward on the Regents' agenda very soon. I offer any assistance I can possibly provide throughout my upcoming term in helping to ensure equity for all members of our university community.

Sincerely,

Matt Murray
Regent-designate

CC: Senior Vice Presidents