

# **UCLA and UC Policies and Principles and City, State and Federal Resolutions and Laws Potentially Violated by UCLA Students for Justice in Palestine**

## **I. UCLA Principles of Community**

**“We do not tolerate acts of discrimination, harassment, profiling or other conduct causing harm to individuals on the basis of expression of race, color, ethnicity, gender, age, disability, religious beliefs, political preference, sexual orientation, gender identity, citizenship or national origin, among other personal characteristics. Such conduct violates UCLA's Principles of Community and may result in imposition of sanctions according to campus policies governing the conduct of students, staff and faculty.”**

## **II. UCLA Student Organizations, Leadership and Engagement (SOLE) Policies**

### **A. Civil Disobedience Initiative (CDI)<sup>1</sup>**

**“...civil disobedience is not protected speech under the Constitution. The Constitution does not guarantee any right to engage in civil disobedience — which, by its very definition, involves the violation of laws or regulations — without incurring consequences. Civil disobedience may have a negative effect on the protected interests of others and may interfere with University business or threaten public safety or University assets, in ways that require the University to act to protect those other interests. For everyone to enjoy freedom of expression there must be reciprocal respect for the rights of all individuals: the exercise of the rights granted by the First Amendment cannot interfere with others’ exercising their own rights.”**

**“While individuals may exercise the constitutionally protected rights of speech and assembly on university grounds that are generally open to the public, these activities must not interfere with the orderly operation of the campus and must be conducted in a manner that reasonably protects others from becoming involuntary audiences.”**

**“Failure to comply with the law or time, place, and manner regulations in order to make a political statement while engaging in speech and assembly constitutes civil disobedience...it is essential for students to be aware that civil disobedience involving violence and threats of violence, damage to property, and serious disruption of the business of the university, cannot be tolerated. Equally, interfering with the free expression of other individuals, such as disrupting a speech, cannot be tolerated.”**

### **B. UCLA Regulations on Activities, Registered Campus Organizations, and Use of Properties<sup>2</sup>**

**“The time, place, and manner of exercising the constitutionally protected rights of free expression, speech, assembly, and worship are subject to these campus regulations, which have been formulated to provide for the greatest possible free and open**

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<sup>1</sup> [http://www.studentgroups.ucla.edu/dos/assets/documents/Civil Disobedience Initiative \(CDI\)\\_F13.pdf](http://www.studentgroups.ucla.edu/dos/assets/documents/Civil%20Disobedience%20Initiative%20(CDI)_F13.pdf)

<sup>2</sup> [http://www.studentgroups.ucla.edu/sole/wp-content/uploads/2014/04/UCLA-Regulations-7-20-10\\_1.pdf](http://www.studentgroups.ucla.edu/sole/wp-content/uploads/2014/04/UCLA-Regulations-7-20-10_1.pdf)

association, discussion, and debate while at the same time providing for the orderly operation of the campus and **providing reasonable protection for individuals from practices that would make them involuntary audiences or place them in reasonable fear, as determined by the University, for their personal safety.**”

“Continuation of privileges or registration is contingent upon compliance with University policies and regulations.”

“No person on University property or at official University functions may...knowingly and willfully interfere with the peaceful conduct of the activities of the campus or any campus facility by intimidating, harassing, or obstructing any University employee, student, or any other person having lawful business with the University”

“CSP [Center for Student Programming] may deny registration to an organization for any one or more of the following reasons... 3. **Statement of purpose to conduct activities clearly contrary to University policies or campus regulations.**”

“**If a Registered Campus Organization violates, or is alleged to have violated, any University policy or campus regulation** previously published, or about which it knows or reasonably should know, in the conduct of its activities on campus, **CSP may... impose, or impose and suspend, one or more of the Sanctions listed below ... Warning... Mediation... Probation... Suspension of Registration... Withdrawal of Registration.**”

### III. UC Policies Applying to Campus Activities, Organizations and Students (PACAOS)

#### A. 20.00 UC Policy on Non-Discrimination<sup>3</sup>

“**The University is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices.** All groups operating under the authority of The Regents, including administration, faculty, student governments, University-owned residence halls, and programs sponsored by the University or any campus, are governed by this policy of nondiscrimination.”

#### B. 30.00 UC Policy on Speech and Advocacy<sup>4</sup>

“**The University is committed to assuring that all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship...** It is the responsibility of the Chancellor to assure an ongoing opportunity for **the expression of a variety of viewpoints...** The time, place, and manner of exercising the constitutionally protected rights of free expression, speech, assembly, and worship are subject to campus regulations that shall provide for non-interference with University functions and **reasonable protection to persons against practices that would make them involuntary audiences or place them in reasonable fear, as determined by the University, for their personal safety.**”

#### C. 70.00 UC Policy on Registered Campus Organizations<sup>5</sup>

“**A Registered Campus Organization is required to comply with University policies**

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<sup>3</sup> <http://policy.ucop.edu/doc/2710522>

<sup>4</sup> <http://policy.ucop.edu/doc/2710529>

<sup>5</sup> <http://policy.ucop.edu/doc/2710527>

**and campus regulations as well as applicable laws or it will be subject to revocation of registration, loss of privileges, or other sanctions.”**

**D. 100.00 Policy on Student Conduct and Discipline<sup>6</sup>**

**Chancellors may impose discipline** for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the following types of violations by students, as well as such other violations as may be specified in campus regulations:

102.09

**Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person’s access to University programs or activities that the person is effectively denied equal access to the University’s resources and opportunities.**

Harassment includes, but is not limited to, conduct that is **motivated on the basis of a person's race**, color, **national or ethnic origin**, citizenship, sex, **religion**, age, sexual orientation, gender identify, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications. Pursuant to section 104.90, **sanctions may be enhanced** for conduct motivated on the basis of the above classifications.

**IV. Applicable City, State and Federal Resolutions and Laws**

**A. City Resolution**

**1. LA City Council Resolution on USAC Ethics Statement<sup>7</sup>**

“WHEREAS, additional action must be taken by the University of California Board of Regents and the President of the University of California system to ensure that students are protected from bullying and harassment;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby included in its 2013-2014 State Legislative Program **support for administrative action by the University of California Board of Regents and President of the University of California system to develop policies and institute practices that will be implemented at every University of California campus so that intimidation or harassment of any student not be tolerated and where appropriate referred to the proper law enforcement agencies.”**

**B. State Resolution and Law**

**1. CA House Resolution 35<sup>8</sup>**

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<sup>6</sup> <http://policy.ucop.edu/doc/2710530>

<sup>7</sup> <http://www.scribd.com/doc/227571013/LA-City-Council-Resolution-on-USAC-Ethics-Statement>

<sup>8</sup> [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201120120HR35](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120HR35)

“WHEREAS over the last decade some Jewish students on public postsecondary education institution campuses in California have experienced the following: (1) physical aggression, harassment, and intimidation...(2) speakers, films, and exhibits... that engage in anti-Semitic discourse or use anti-Semitic imagery and language...(3) ... anti-Semitic graffiti ... (4) student- and faculty-sponsored boycott, divestment, and sanction campaigns against Israel...(5) actions of student groups that encourage support for terrorist organizations such as Hamas and Hezbollah and openly advocate terrorism against Israel and the Jewish people; and (6) suppression and disruption of free speech that present Israel’s point of view”

“Resolved by the Assembly of the State of California, That **the Assembly unequivocally condemns all forms of intolerance, including anti-Semitism, on public postsecondary educational institution campuses in California**”

## 2. Education Code Section 66270-66271.1<sup>9</sup>

“**No person shall be subjected to discrimination on the basis of** disability, gender, gender identity, gender expression, **nationality, race or ethnicity, religion**, sexual orientation, or any characteristic listed or defined in Section 11135 of the Government Code or any other characteristic that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code **in any program or activity conducted by any postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.**”

## C. Federal Law

### 1. Title VI of the Civil Rights Act of 1964<sup>10</sup>

“...**no person in the United States shall**; on the ground of race, color, or national origin [including **on the ground of Jewish ethnicity or ancestry**]<sup>11</sup> **be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education.**”

### 2. Anti-Boycott Laws: the Ribicoff Amendment to the 1976 Tax Reform Act (TRA) and the Export Administration Act (EAA)<sup>12</sup>

“Conduct that **may be penalized** under the TRA and/or prohibited under the EAR includes...**Agreements to refuse or actual refusal to do business with or in Israel or with blacklisted companies.**”

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<sup>9</sup> <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=66001-67000&file=66270-66271.1>

<sup>10</sup> <http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr100.html>

<sup>11</sup> <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCIQFjAA&url=http://www2.ed.gov/ocr/letters/>

<sup>12</sup> <http://www.bis.doc.gov/index.php/enforcement/oac>