



Michael V. Drake, MD
President

August 19, 2024

Office of the President
1111 Franklin St.
Oakland, CA 94607

universityofcalifornia.edu

CHANCELLORS

Re: Directive on Policies Impacting Expressive Activities

Dear Colleagues:

CAMPUSES

- Berkeley
- Davis
- Irvine
- UCLA
- Merced
- Riverside
- San Diego
- San Francisco
- Santa Barbara
- Santa Cruz

MEDICAL CENTERS

- Davis
- Irvine
- UCLA
- San Diego
- San Francisco

NATIONAL LABORATORIES

- Lawrence Berkeley
- Lawrence Livermore
- Los Alamos

DIVISION OF AGRICULTURE AND
NATURAL RESOURCES

As we prepare to begin a new academic year, it is important that we reaffirm our commitment to fostering an environment that encourages free expression and debate, while protecting the rights of all community members to teach, study, live, provide and receive clinical care, and work safely. To support this, we must work with our students, faculty, other academic appointees, and staff to facilitate free expression in a safe manner and to communicate the multitude of ways our community members can engage in free speech.

Our longstanding systemwide policies uphold the constitutionally protected rights of all members of the University community regarding free expression, speech, and assembly. In addition, academic freedom protects freedom of inquiry and research, teaching, and expression and publication.¹ These rights come with the expectation that these activities shall not disrupt the University’s functions, impede orderly operations, or place community members in reasonable fear for their personal safety or infringe on their civil rights.²

UC campuses also have well-established policies including time, place, and manner (TPM) policies relating to expression; more broadly applicable codes of conduct for students, faculty, other academic appointees, and staff; and policies on the use of university property. These policies have generally been in place in various forms for many years, and several, described below, warrant particular emphasis in light of recent campus protests.

Making our policies understandable and accessible is key to facilitating awareness and promoting an environment that balances free expression with safety and orderly campus operations. To that end, I am directing each campus to provide, in a single document or webpage, a compilation of existing policies that most commonly apply to protest and demonstration activity. This information must be made available prior to the Fall 2024 academic term and include the following policy requirements:

- Camping or encampments: Policies must clarify that no person shall camp, set up or erect a campsite, or occupy a tent or other temporary housing structure on University property, unless specifically pre-approved.

¹ APM – [010](#), [011](#), and [015](#)

² [Policy on Speech and Advocacy \(PACAOS 30.30\)](#); [Policy on Use of University Properties \(PACAOS 40.40\)](#); [Anti-Discrimination Policy](#)

- Unauthorized structures: Policies must clarify that no person shall erect, build, construct, set up, establish and/or maintain unauthorized structures on University property.
- Restricting free movement: Policies must clarify that no person shall restrict the movement of another person or persons by, among other means, blocking or obstructing their ingress or egress of roadways, walkways, buildings, parking structures, fire lanes, windows, doors or other passageways to university property, or otherwise denying a person access to a University facility or space.
- Masking to conceal identity: Policies must clarify that no person shall wear a mask or personal disguise or otherwise conceal their identity with the intent of intimidating any person or group, or for the purpose of evading or escaping discovery, recognition, or identification in the commission of violations of law or policy.
- Refusal to reveal identity: Policies must clarify that no person shall refuse to identify themselves while on University property to University officials who are acting in the performance of their duties in situations where assistance or intervention is needed.

I expect that most of our campuses have existing policies that cover the areas listed above. To the extent that this is not the case at your campus, your campus should develop and/or amend policies as soon as possible. Please note that the policy descriptions above are intended to be illustrative, and your own policies may use different language to achieve the same effect.

This directive should complement your ongoing efforts to compile and communicate policies in line with the notification requirements of California's Budget Act of 2024 (Senate Bill 108), as noted in my July 25th letter to you. In that letter, I indicated that further direction would be provided on the range of consequences possible for students, faculty, other academic appointees, and/or staff who violate policies or laws, and how campuses may respond to activities that threaten the safety of UC community members (provisions 5 and 6). Attached is the additional direction on these points.

I hope that the direction provided in this letter will help you achieve an inclusive and welcoming environment at our campuses that protects and enables free expression while ensuring the safety of all community members by providing greater clarity and consistency in our policies and policy application. My office is scheduling workshops to further support your teams as we prepare for another academic year. Additional information on those workshops will be forthcoming.

As always, I appreciate your continued leadership and commitment to these efforts. My team and I stand ready to answer your questions and support you in any way we can.

Sincerely,



Michael V. Drake, MD
President

Attachment

cc: Academic Council Chair Steintrager
Academic Council Vice Chair Cheung
UCOP Division Leaders
Vice President and Chief of Staff Kao
Vice President and Vice Provost Gullatt
Vice President Lloyd
Chief Policy Advisor McAuliffe
Associate Vice President Dávalos
Deputy Provost Lee
Associate Vice President & Chief Risk Officer Confetti
Associate Vice President of Employee and Labor Relations Matella
Systemwide Director of Community Safety Stiger
Executive Director Systemwide Office of Civil Rights Catherine Spear
Executive Vice Chancellors/Provosts
Vice Chancellors of Administration
Vice Chancellors for Student Affairs

2024 Budget Act (SB 108) Requirements - Provisions 5 & 6

All UC campuses should include the specified language below in their respective websites dedicated to campus climate notification, in response to provisions #5 and #6 in California's 2024 Budget Act. These provisions require that campuses provide notification of the following before the start of the academic year:

5) The range of consequences possible for students, faculty, or staff who violate relevant institutional policies, state law or federal law, including but not limited to discrimination based on shared ancestry under Title VI of the Civil Rights Act of 1964.

6) How the campuses may respond to activities that threaten the safety of students, faculty, or staff and disrupt their ability to access the campus or campus buildings, the educational process or activities on campus. The notification will include strategies consistent with current law for how the University intends to ensure students can safely access buildings and activities on campus.

Language to be included in Websites for Campus Climate Notification at all UC Campuses

**Please note the entirety of the below must be included. Provision #6 is provided ahead of Provision #5 to account for flow of activity with potential response followed by accountability.*

The University's policies, rules, and regulations are designed to support the University's mission of education, research, and public service.

The University has explicit policies that protect and foster extensive opportunities for free expression, speech, and assembly. In addition, academic freedom protects freedom of inquiry and research, teaching, and expression and publication. The University also has policies that comply with federal and state laws, protect lawful access to University programs and facilities, address unsafe behavior and aim to prevent the destruction of property. These policies apply regardless of the cause or content of a particular protest, speech, or other form of expression, or whether the conduct involves expression at all.

While systemwide policies affirm the constitutionally protected rights of all members of the University community regarding free expression, speech, and assembly, these activities should not disrupt the University's functions, impede orderly operations, or place community members in reasonable fear for their personal safety.¹

(Provision 6 Language) If violations of local, state and federal law or University's policies occur, they will be addressed with the following consistent tiered response at all UC locations – with an emphasis on providing community members with multiple opportunities to adjust their conduct:

¹ [Regents Policy 3303: Policy on Employee and Student Protections Related to Student Press and Student Free Speech Rights](#)
[Policy on Speech and Advocacy \(PACAOS 30\)](#)
[Policy on Use of University Properties \(PACAOS 40\)](#)

- Initially, people engaged in committing a policy violation should be informed of the violation and asked to change their conduct. Multiple requests may be made, and compliance with the requests means the response will not be escalated.
- If the people involved do not comply with requests to alter their conduct, they will be warned about potential consequences and directed to comply. If the conduct continues, UC Police Department (UCPD) and/or Campus Fire Marshal will assess the situation and, based on their assessment, may issue an unlawful assembly notice/announcement, orders to disperse, orders to identify oneself, or other relevant orders.
- In the final phase of tiered response, people who refuse to change their conduct as directed may be cited for a violation of the relevant University policy. If they are breaking the law they may be cited, detained and arrested for unlawful behavior, or subject to other police actions. Stay-away orders may be issued for higher severity violations and/or for repeat offenses. The University may utilize University of California Police Departments or other state or local law enforcement agencies to maintain the health and safety of the University community.
- Members of the University community who are arrested for unlawful behavior must have their conduct evaluated for potential violations of University policy. Members of the University community who are cited for a violation of University policy must go through the applicable campus review process.²

While the tiered response outlines consistent expectations in many situations, it is not a rigid prescription that will capture all situations, all specific violations of policy or law, or all response actions. It does not dictate a specific timeframe. A tiered response does not mean a slow response but one that fits the situation and the resources to address it. Specifically, if violation of policy or law poses an immediate threat to life safety³ or critical University functions, the University will act accordingly and mobilize the appropriate resources, which may include UCPD, Campus Fire Marshal, and/or other resources to respond. This is consistent with the University's established tiered response approach, where an escalation of threat to life safety or of disruption to operations demands a rapidly escalated response. The tiered response approach outlined above is rooted in the best practices and recommendations of the Robinson-Edley report⁴ and the Community Safety Plan⁵ to encourage free expression while safeguarding the rights of all members to teach, study, and exchange ideas freely.

(Provision 5 Language) In order to create inclusive spaces where all voices are heard and our community members can engage in their educational, academic, research, and patient care pursuits, the University must also take consistent and fair accountability measures against individuals whose conduct violates the University's policies. These accountability measures are

² [UC Board of Regents statement on conduct guidelines issued by UC President Michael V. Drake, M.D. | University of California](#)

³ Life safety: Imminent threat of harm or endangerment to people and/or systems designed to protect people from immediate harm (i.e., fire detection and suppression systems)

⁴ [Robinson-Edley Report and Implementation Plans](#)

⁵ [UC Community Safety Plan](#)

taken only after disciplinary proceedings are completed with appropriate procedural safeguards.⁶ Accountability measures for the violation of the University's policies may include but are not limited to:

Students: Educational sanctions, written warning, disciplinary probation, exclusion from areas of the campus or from official University functions, restitution, suspension, and dismissal.

Staff: Counseling memorandums, written reprimands, suspension without pay, reduction in pay, and termination or dismissal.

Senate Faculty: Informal counseling memorandums, written censure, reduction in salary, demotion, suspension without pay, non-reappointment, denial or curtailment of emeritus status, and dismissal.

Non-Senate Academic Appointees: Informal counseling memorandums, written warning, written censure, demotion, suspension without pay, reduction in salary, non-reappointment, and dismissal.

Visitors and Non-UC Affiliates: Exclusion from campus, restitution, and potential for criminal sanctions for violation of University rules in accordance with the California Education Code.

⁶ Consistent with Regents Bylaw 40, for faculty, the proposed imposition of any type of disciplinary sanction will proceed in accordance with the established policies and procedures for discipline, including an opportunity for a prior hearing before an appropriate advisory committee of the Division of the Academic Senate.