

"mfsweeney@ucdavis.edu" <mfsweeney@ucdavis.edu>,
"mmtheodossy@ucdavis.edu" <mmtheodossy@ucdavis.edu>
Subject: CAMPUS REVIEW: Policy Changes to Address Hate
Crimes -- Please respond by November 9

**Re: Proposed Revisions to University of California Systemwide Policy
Applying to Student Conduct and Discipline**

Dear Colleagues:

This message is to request that you or the appropriate committee for your college, school, department or constituency review and comment on the attached proposed revisions to the systemwide Policy on Student Conduct and Discipline. A previous version of the proposed revisions was circulated to you in July, 2010. Attached is the revised version of the policy and a marked-up version showing the changes made.

As explained in the July, 2010 request for campus review, these policy changes have been proposed to address hate crimes in light of recent incidents at several UC campuses. I am assisting with coordinating the request for comments from the Davis campus. This is the "second round" campus review that is taking place at all ten campuses. There is no schedule for any further review, so it is important that you provide comments at this time.

Systemwide policies provide for a consultative process as part of the review of proposed changes to student-related policies, including student, faculty, and staff constituent organizations, as well as campus officials who may have relevant expertise or information. This request for review is being distributed to you in your role as assistant or associate dean or vice chancellor, president, chair, department head, or constituency representative. If there are other individuals or units to whom you think this proposed policy should be distributed for review, you are welcome to either forward the information directly, or let me know so that I can do so.

Comments may be sent to me at jxwilson@ucdavis.edu by Tuesday, November 9, 2010, so that I may compile them and forward them to the UC Office of the President. If you have any questions, or would like additional time for review, please let me know.

Thank you for your assistance in this important review process.

Sincerely,

Jeanne Wilson
Student Affairs Policy Coordinator
University of California, Davis
jxwilson@ucdavis.edu
530-752-3184

From: Assistant/Associate Vice Chancellors for Student Life/Deans of Students [AVC-DOS-L@LISTSERV.UCOP.EDU] on behalf of Jerlena Griffin-Desta [jlerlena.griffin-desta@UCOP.EDU]

Sent: Wednesday, October 20, 2010 11:59 AM

To: AVC-DOS-L@LISTSERV.UCOP.EDU

Subject: ACTION-REQUEST FOR SECOND-ROUND CAMPUS REVIEW:
Proposed Policy Changes to Address Hate Crimes

CAMPUS STUDENT AFFAIRS POLICIES COORDINATORS
cc: Vice Chancellors-Student Affairs

Colleagues:

Attached you will find revised policy proposals to address hate crimes. One version is provided in Track Changes with rationale for the revisions and another is the "clean" version of the revisions. Numerous comments were received in response to the first-round campus review of the proposed policies. Some changes have been made in response to earlier comments and some are still under consideration.

The policies are now being re-circulated to ensure that campuses - students in particular - have an opportunity to adequately review the proposals, since the earlier request for review was made during the summer.

Please circulate this note and attached documents to the appropriate units within Student Affairs and elsewhere on your campus for review and comment. Comments should be returned directly to me and cc Policy Analyst Eric Heng (eric.heng@ucop.edu) by Wednesday, November 10th.

If you have any questions or concerns about the proposed revisions to the UC Policy, please do not hesitate to contact me.

Best,

Jerlena Griffin-Desta

Director – Student Services

Student Affairs Office of the President

1111 Franklin Street, 9th Floor

Oakland, CA 94607

Jerlena.Griffin-Desta@ucop.edu

(510) 987-9756

From: Assistant/Associate Vice Chancellors for Student Life/Deans of Students [<mailto:AVC-DOS-L@LISTSERV.UCOP.EDU>] On Behalf Of Jerlena Griffin-Desta

Sent: Wednesday, June 23, 2010 5:28 PM

To: AVC-DOS-L

Subject: ACTION-REQUEST FOR FIRST-ROUND CAMPUS REVIEW:
Proposed Policy Changes to Address Hate Crimes

Importance: High

CAMPUS STUDENT AFFAIRS POLICIES COORDINATORS

Colleagues:

Attached you will find policy proposals to address hate crimes. The Office of General Counsel was asked to draft these proposals in response to the incidents of hate and bias that occurred on UC campuses earlier this year.

As this request comes at a time when it will be difficult to ensure adequate review by students, I am writing to request that you circulate this note and attached document to the appropriate units within Student Affairs and elsewhere on your campus for their initial review and comment. Comments should be returned directly to me and cc Policy Analyst Eric Heng (eric.heng@ucop.edu) by Wednesday, July 21st.

A final, second-round review period will be initiated at the beginning of the fall term to ensure adequate review by staff, students, and faculty. If you have any questions or concerns about the proposed amendments to the UC Policy, please do not hesitate to contact me.

Best,

Jerlena Griffin-Desta

Associate Director, Student Policy & Programs

Student Affairs Office of the President

1111 Franklin Street, 9th Floor

Oakland, CA 94607

Jerlena.Griffin-Desta@ucop.edu

(510) 987-9756

REVISED: Proposed Policy Changes to Address Hate Crimes

1. Terrorizing Conduct

The following new language would be added to the *Policy on Student Conduct and Discipline* (section 102.00 Grounds for Discipline):

“[The following is prohibited:] Conduct, where the actor means to communicate a serious expression of intent to terrorize, or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff. ‘Terrorize’ means to cause a reasonable person to fear bodily harm or death, perpetrated by the actor or his/her confederates. ‘Reckless disregard’ means consciously disregarding a substantial risk. This section applies without regard to whether the conduct is motivated by race, ethnicity, personal animosity, or other reasons. This section does not apply to conduct that constitutes the lawful defense of one’s self, of another, or of property.”

2. Sanction Enhancement for Violations Motivated by Hate

The following new language would be added to the *Policy on Student Conduct and Discipline* (section 104.00 Administration of Student Discipline):

“Sanctions [for any violations of the Grounds for Discipline] may be enhanced where the victim was selected because of the victim’s race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition (cancer related or genetic characteristics), or perceived membership in any of these classifications.”

3. Discipline for criminal convictions

The following new language would be added to the *Policy on Student Conduct and Discipline* (section 102.00 Grounds for Discipline):

“[Students may be subject to discipline, i.e., discipline is possible, not mandatory, on the basis of] A conviction under any California state or federal criminal law, when the conviction constitutes reasonable cause to believe that the student poses a current threat to the health or safety of any person or to the security of any property, on University premises or at official University functions, or poses a current threat to the orderly operation of the campus.”

REVISED with Track Changes: Proposed Policy Changes to Address Hate Crimes

1. Terrorizing Conduct

The following new language would be added to the *Policy on Student Conduct and Discipline* (section 102.00 Grounds for Discipline):

“[The following is prohibited:] Conduct—~~Such as hanging a noose, burning a cross, or displaying a swastika~~—engaged in for the purposes of terrorizing, where the actor means to communicate a serious expression of intent to terrorize, or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff. ‘Terrorize’ means to cause a reasonable person of ordinary emotions and sensibilities to fear bodily harm or death, perpetrated by the actor or his/her confederates. ‘Reckless disregard’ means consciously disregarding a substantial and unjustifiable risk. ~~This section applies without regard to whether the conduct is motivated by race, ethnicity, personal animosity, or other reasons. This section does not apply to conduct that constitutes the lawful defense of one’s self, of another, or of property.~~”

Comment [e1]: See comment 5.

Comment [e2]: In response to comments from the Berkeley campus, the proposal has been revised to use language that more closely tracks the Supreme Court in *Virginia v. Black*.

Comment [e3]: In response to comments from the Berkeley campus, the proposal has been revised to use language that is less legalistic.

Comment [e4]: Comments from the Los Angeles campus noted that the original proposed policy was focused on “threats” only. The original proposed policy was overly broad, in that it would have prohibited warnings (e.g., “If you smoke, you’re much more likely to get cancer”).

Comment [e5]: In response to comments from several campuses that the examples provided (hanging a noose, burning a cross, or displaying a swastika) were too narrow and might imply viewpoint discrimination, the examples have been removed and new language inserted to clarify that the prohibited conduct is not limited to conduct motivated by racism or anti-Semitism.

Comment [e6]: In response to comments from the Los Angeles campus, the proposal has been revised to provide an exception for defensive threats. For example, a woman who threatens bodily harm to ward off an attacker (“get away from me or I’ll pepper-spray you”).

Comment [e7]: In response to comments from the Los Angeles campus, the proposal has been revised from violations “motivated by hostility or hatred” to a focus on whether the actor chose his/her victim based on certain characteristics. This more closely tracks court-approved language. The shift focuses the discipline on an act of discrimination, as opposed to a belief or attitude.

The classifications have been expanded to reflect those listed in the [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#).

Comment [e8]: In response to comments from the Los Angeles campus, the proposal has been revised to clarify the intent of the policy.

2. Sanction Enhancement for Violations Motivated by Hate

The following new language would be added to the *Policy on Student Conduct and Discipline* (section 104.00 Administration of Student Discipline):

“Sanctions [for any violations of the Grounds for Discipline] may be enhanced where the violation was motivated by hostility or hatred on the basis of victim was selected because of the victim’s race, color, national or ethnic origin, ~~alienage~~ citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, veterans status, service in the uniformed services, physical or mental disability, medical condition (cancer related or genetic characteristics), or perceived membership in any of these classifications.”

3. Discipline for criminal convictions

The following new language would be added to the *Policy on Student Conduct and Discipline* (section 102.00 Grounds for Discipline):

“[Students may be subject to discipline, i.e., discipline is possible, not mandatory, on the basis of] A conviction under any California state or federal criminal law, when the conviction constitutes reasonable cause to believe that the student poses a current threat to the health or safety of any person, or to the security of any property, on University premises or at official University functions, or poses a current threat to the orderly operation of the campus.”