REDACTED

October 20, 2021

VIA EMAIL: chancellor@ucsc.edu; sfujioka@ucsc.edu

Cynthia K. Larive, Ph.D.
Chancellor, University of California, Santa Cruz

Sayo Fujioka
Director, SOAR/Student Media/Cultural Arts and Diversity

RE: UCSC Muslim Student Association Discriminatory Conduct and Violations of Policy

Dear Chancellor Larive and Ms. Fujioka,

We write to you as a concerned student at UC Santa Cruz (“UCSC”) and as concerned community members representing the StandWithUs Saidoff Legal Department and the StandWithUs Center for Combating Antisemitism, divisions of StandWithUs, an international, non-profit education organization supporting Israel and combating antisemitism.

We thank you for your statement of May 27, 2021, affirming that “Language and expression that denigrates and dehumanizes Jewish people” has no place at UCSC. We therefore are compelled to bring to your attention an incident at UCSC involving free speech, student-led campus bigotry, and antisemitic conduct—allegations as to which we request your investigation. We refer to a May 21, 2021, UCSC Muslim Student Association (“MSA”) public meeting held on Zoom. In this meeting, MSA leadership and attendees deliberately, capriciously, and discriminatorily are on record discussing whether to exclude a UCSC Jewish student, [REDACTED], from attending the public meeting for no other reason than [REDACTED]’s Jewish-Zionist identity. While they debated this issue, [REDACTED] was purposefully prevented from participating in the meeting by being held in the Zoom waiting room.

As detailed below, the MSA’s actions likely violated UCSC policies, UC Policies Applying to Campus Activities, Organizations and Students (“PACAOS”), and UCSC’s SOAR/Student Media/Cultural Arts and Diversity (“SOMeCA”) rules. They also likely violated [REDACTED]’s constitutional rights to freedom of assembly and speech. MSA sought to prevent a Jewish student’s presence and substantive participation in a campus public meeting based on a blatantly discriminatory motive—the Zionist component of the student’s Jewish identity. As such, we respectfully ask that you investigate this matter fully. We are happy to work with you and provide resources as you navigate how to address such overt antisemitism on campus.
I. Facts Surrounding the MSA’s Discrimination Against a Jewish Student

On May 21, 2021, the UCSC MSA posted an invitation on its official public Instagram account to join a “General Body Meeting: Call to Action for Palestine,” attached below as Exhibit A. The MSA post included a publicly available Zoom link, indicating that the event was open to anyone who wished to attend.

MSA President [REDACTED], MSA Vice President [REDACTED], and MSA Events Coordinator [REDACTED] hosted the meeting. [REDACTED], in addition to [REDACTED]’s involvement with the MSA, served as a student media and communications intern with the Student Organization Advising & Resources (“SOAR”) Division of Student Success as recently as the spring 2020 semester. At the beginning of the meeting, [REDACTED] informed the group that there was a person—later identified as Jewish student [REDACTED]—in the Zoom waiting room.1 The following are key components of the video recording:

- MSA President [REDACTED] states, “…they have been in the waiting room this entire time, so in my head, I’m like, ok, what if we let them in and what if like you know we change [REDACTED], but I just wanted your thoughts on it. They’ve like been in the waiting room this entire…I’ve considered removing [REDACTED] but…I don’t know. Any thoughts?” indicating that [REDACTED] was considering removing [REDACTED] from the waiting room and preventing [REDACTED] from attending the meeting altogether.

- [REDACTED], MSA Events Coordinator (2019-2020), asked [REDACTED] to repeat [REDACTED]. [REDACTED] states, “So I just wanted to be completely transparent with you all. I wanted to make sure this was a safe space for everyone to express their frustrations and talk about what’s going on…so I’ve been monitoring the waiting room and letting people in…and so right now there’s been a person in the waiting room since the beginning of the meeting and then they’re still there. And they’re someone I know they have posted on their Instagram like propaganda…basically they are pro Israeli government. And so I’ve kept them in the waiting room…”

What follows is a conspiratorial discussion between the MSA leadership and attendees on whether to let [REDACTED] into the public meeting, and, if they do let [REDACTED] into the meeting, how they should behave.

- MSA Vice President [REDACTED] states, “It’s not going to be like a roast…if we all agree that we do want to admit them then it would have to just be a discussion…if their side starts getting all fiery and we remain calm and we remain collected and it would look better on us.”

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1 A UCSC student, who wishes to remain anonymous and who was already in attendance at the meeting, began recording when the discussion began about whether to admit [REDACTED]. The student later made the video available to [REDACTED]. Due to size constraints, we will send the videos via a separate email. It is our understanding that UCSC’s administration is aware of this incident and has previously reviewed the videos addressed in this letter.
• Attendee [REDACTED] adds, “I agree. If everyone’s done sharing in this safe space and then everyone agrees to let that person in just be careful of what you say.”
• [REDACTED] adds, “And don’t link anything.”
• An attendee asks, “If they’re here just to troll and try to get a reaction out of us…would it be ok to keep them out?”
• [REDACTED] responds, “If we do want to let [REDACTED] in, we just talk, but not reveal any strategies.”

[REDACTED] then suggests a vote on whether to let [REDACTED] into the meeting.

• [REDACTED] states, “Let’s get a consensus. I’m going to go down the order of the participant list. If you’re not ok with it, there’s no shame in that, there’s no problem with that, let us know so that we can act accordingly and make sure everyone’s still comfortable.” [REDACTED] then starts with polling the co-hosts.
• Attendee identified as [REDACTED] states, “This is controversial. I have no interest in dialoging with Zionists, but [REDACTED] laughs it’s up to you all.”
• Attendee identified as [REDACTED] states that [REDACTED] is “not going to engage in this conversation” and that [REDACTED] does not “have the energy to engage with Zionists.”

Note that the stated context is whether students would still be “comfortable” at the meeting with [REDACTED] attending because of [REDACTED]’s Zionist-Jewish identity. Imagine if the same question and discussion were asked of any other identity group, e.g., if UCSC students were voting on whether they were “comfortable” admitting a Black/Latino/Muslim student into a public meeting because of how that Black/Latino/Muslim identity will make other students feel. And the moderator responded to this inquiry, “if you’re not ok with [that student joining the meeting because of [REDACTED]’s Zionist identity], there’s no shame in that, there’s no problem with that.” It is simply shocking that students feel emboldened to have this type of discriminatory discussion in 2021 at a renowned university.

Finally, after this lengthy discussion and a vote, the moderator admitted [REDACTED] into the meeting.

II. Why a Jewish Student’s Zionism is Integral to Their Jewish Identity

MSA meeting participants identified [REDACTED]’s Zionism as the reason they did not want to allow [REDACTED] to attend the meeting or engage in dialogue with [REDACTED]. Consequently, it is important to understand why MSA’s anti-Zionism here is not protected political speech but instead constitutes anti-Jewish discrimination.

For most Jews around the world, Zionism and Israel form an integral part of Jewish identity. Israel is the birthplace of Jewish ethnic identity, language, culture, and religion, and Jews have maintained a constant presence there for over 3,000 years. Zionism represents the Jewish people’s unbreakable bond and age-old desire to be free in their ancestral home. On a political level, Zionism is a liberation movement supporting Jewish self-determination in the land of Israel. Jews endured over 1,900 years of oppression and violence across Europe and the Middle
East and still live in a world plagued by antisemitism. In this context, Israel’s existence and wellbeing is vital to the Jewish people’s safety, survival, and human rights. Here in the U.S., numerous polls show that for the overwhelming majority of Jews, their connection to Israel is central to their Jewish identity. Arbitrarily discriminating against Jewish and Israeli students because they identify as Zionists is exactly the type of conduct that could lead to a hostile campus environment for those students, potentially triggering violations of Title VI of the 1964 Civil Rights Act.

As Chancellor Guskiewicz of University of North Carolina at Chapel Hill recently acknowledged:

“For a long time, academics have discussed the relationship and differences between anti-Zionism and antisemitism. … I [recognize] the complexities surrounding these discussions and the ways that Zionism is an integral part of many of our Jewish students’ identity. As an academic community, we have an obligation to support rigorous, informed debate, and this extends to the difficult and sensitive set of topics relating to the history and future of Israel and Palestine. I believe we must recognize the line between some expressions of anti-Zionism and actual antisemitism. I have heard from students and alumni who’ve felt unwelcome and marginalized by discourse crossing that line, and their experience is troubling to me.”

III. MSA Failed to Follow UCSC and PACAOS Policies on Non-Discrimination and Procedural Event Rules

UCSC’s Policy on Nondiscrimination is located in Section 20.00 of UCSC’s Student Handbook and University Policies, which applies to all UCSC campus activities, organizations, and students. UCSC’s policy is identical to PACAOS Section 20.00, and states (emphasis added):

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. The intent of the University’s policy on nondiscrimination is to reflect fully the spirit of the law. In carrying out this Policy, the University also shall be sensitive to the existence of past and continuing societal discrimination.

When MSA attendees and leadership debated whether to let [REDACTED] into a public meeting because of an aspect of [REDACTED]’s Jewish identity, they violated both campus and PACAOS policy on nondiscrimination.

Furthermore, UCSC’s Policy on Registered Campus Organizations is in Section 70.00 of UCSC’s Student Handbook and University Policies. Provisions relevant to this matter include:

70.12(e): A student organization seeking recognition as a registered campus organization…shall furnish a document that includes an affirmation that its policies
and practices are not legally impermissible, arbitrary, or unreasonably discriminatory (see Section 20.00).

70.12(j): A student organization seeking recognition as a registered campus organization… shall furnish a document that includes acceptance of responsibility for compliance with University policies and campus regulations.

70.31: Registered campus organizations are responsible for the conduct of members and guests at sponsored activities. The Registered Campus Organization's officers or authorized representatives are responsible for planning and event implementation in accordance with all University policies and campus regulations.

MSA violated several university requirements for registered student organizations. As a registered student organization at UCSC, MSA is required to affirm that its practices are not discriminatory and that its representatives accept responsibility for compliance with UCSC regulations. Because the actions taken against [REDACTED] were overtly discriminatory, MSA failed in its responsibility to comply with UCSC regulations.

Furthermore, MSA’s May 21st meeting potentially was unauthorized based on SOMeCA’s requirement that all meetings have an event proposal form approved prior to holding an event. SOMeCA defines small-scale events as “general body meetings and low risk activities.” This includes virtual events such as MSA’s Zoom meeting on May 21st, which constituted a type of small-scale event. It is our understanding that MSA did not fill out an event proposal form for its May 21st meeting, in violation of SOMeCA policy.

IV. MSA Violated [REDACTED]’s Constitutional Rights to Freedom of Assembly and Speech

UCSC’s Policy on Speech and Advocacy can be found in Section 30.00 of UCSC’s Student Handbook and University Policies. Section 30.01 provides UCSC’s Free Speech Statement:

Freedom of thought, inquiry, speech and lawful assembly are fundamental rights of all persons. These rights include:

- The freedom to express opinions;
- To hear, express and debate various views, no matter how unpopular;
- To voice criticism.

Free speech is uniquely important to the University as it brings about a free interchange of ideas integral to the University’s fundamental mission of teaching, research and public service. All UC Police and other sworn personnel are bound by law to protect the Constitutional rights of all persons including the rights of free speech and assembly.

When MSA members and meeting participants initially prevented [REDACTED] from attending and participating in a public meeting, MSA violated [REDACTED]’s constitutional rights to freedom of speech and public assembly under both the First Amendment and applicable UCSC
policy. The discriminatory basis for their decision was also very likely a violation of [REDACTED]’s constitutional rights under the Equal Protection Clause. As the Supreme Court of the United States has long recognized, the deprivation of constitutional rights, “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). While the injury to [REDACTED] cannot be undone, it is incumbent upon your administration to take the necessary steps, including imposing any appropriate punitive measures against those who participated in this discriminatory conduct, to ensure it does not recur.

V. Suggested Remedies for MSA’s Multiple Violations of University Policies and the Law

Antisemitism is continuing to rise in California and throughout the country. In August 2021, the FBI released its 2020 hate crimes data report, revealing that hate crimes targeting Jews in America accounted for 57.5% of all reported religious-based hate crimes, even though Jewish-Americans make up less than 2% of the total U.S. population. Just this past month, hundreds of Jews were threatened with a car ramming attack in California while celebrating a Jewish holiday. Addressing this matter quickly and swiftly presents a critical opportunity and teachable moment for your administration to show leadership, provide moral clarity, and convey to your entire campus that discrimination has no place at UCSC.

Furthermore, Section 70.30 of PACAOS and UCSC’s Policy on Registered Campus Organizations require that all registered campus organizations comply with UCSC policies and campus regulations or face possible “revocation of registration, loss of privileges, or other sanctions” (emphasis added). Accordingly, we ask that you fulfill your obligations under federal law and university rules to address those activities that contribute to a hostile campus environment and marginalization of Jewish, in possible violation of Title VI of the 1964 Civil Rights Act.

Specifically, we request that your administration:

1) Investigate this matter fully, including a review of the policies and laws identified in this letter that we believe MSA has violated. If your investigation confirms violations of university policies, values or provisions of law, we urge you to impose immediate consequences against MSA, including possible sanctions against or suspension of MSA;

2) Use your voice as campus leaders to condemn publicly MSA’s actions against [REDACTED] as contrary to UCSC values of nondiscrimination; and

To mitigate further incitement of antisemitic discrimination at UCSC, we urge the University to:

3) Issue an official statement recognizing that, for many individuals, Zionism is an integral component of Jewish identity. This statement has been adopted at other campuses faced with hateful antisemitic activity, including San Francisco State University, the University of Illinois Champaign-Urbana, University of North Carolina at Chapel Hill, and New York
University. Such a statement will go a long way toward making Jewish students feel protected and valued by UCSC.

We thank you for your time and consideration of this critical matter. We are available to provide resources and guidance on addressing antisemitism. We would appreciate a response to this letter by November 3, 2021.

Sincerely,

Roz Rothstein  
CEO and Co-Founder  
StandWithUs

[REDACTED]  
[REDACTED]  
University of California, Santa Cruz

Yael Lerman  
Director  
StandWithUs Saidoff Legal Department

Carly Gammill  
Director  
StandWithUs Center for Combating Antisemitism
Exhibit A

General Body Meeting: Call to Action for Palestine

Friday 5/21/21 5:00 PM

bit.ly/ucscmsapalestine

Join MSA members for a restorative circle to talk about the genocide in Palestine and participate in a list of action items together.

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ucsc.msa As-salamualaikum, please join our MSA this Friday InshaAllah to learn and hear from each other about the ongoing... more

May 19

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