

Senate Council submits the following for consideration by Representative Assembly:

Motion for an Electronic Ballot to the Division - Questions on Chancellor Khosla’s actions on May 6, 2024 to remove encampment of protesters

On May 6, an encampment of protesters on the UC San Diego campus was removed and protesters were arrested by an outside police force. The questions below concern Chancellor Khosla’s actions related to this event.

Be it moved that a vote of the entire membership of the San Diego Division of the Academic Senate will be conducted on the following four questions. The vote will be sent out using an electronic ballot that must be posted within five (5) calendar days of this meeting with a deadline for voting of seven (7) calendar days. At the conclusion of the voting period, the Division shall announce the voting results in an email to the members of the San Diego Division.

<p>1. Should Chancellor Khosla have authorized the use of an outside police force to remove the encampment?</p>	<p>Yes</p>	<p>No</p>	<p>Abstain</p>
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<p>2. Do the actions of Chancellor Khosla merit confidence in his ability to continue as the UC San Diego Chancellor?</p>	<p>Yes</p>	<p>No</p>	<p>Abstain</p>
<p>If a majority of votes cast are yes, the San Diego Division of the Academic Senate will submit the following statement:</p> <p><i>The San Diego Division of the Academic Senate has confidence in Chancellor Pradeep K. Khosla’s leadership due to his actions to remove the encampment of protesters on the UC San Diego campus and the use of an outside police force on May 6, 2024. Therefore, Chancellor Khosla should continue as Chancellor of UC San Diego.</i></p>			
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<p>3. Do the actions of Chancellor Khosla merit no confidence which means he should be removed as the UC San Diego Chancellor?</p>	<p>Yes</p>	<p>No</p>	<p>Abstain</p>
<p>If a majority of votes cast are yes, the San Diego Division of the Academic Senate will submit the following statement:</p> <p><i>The San Diego Division of the Academic Senate has no confidence in Chancellor Pradeep K. Khosla’s leadership due to his actions to remove the encampment of protesters on the UC San Diego campus and the use of an outside police force on May 6, 2024. These actions justify removal as the Chancellor of UC San Diego.</i></p>			
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<p>4. Do the actions of Chancellor Khosla merit censure?</p>	<p>Yes</p>	<p>No</p>	<p>Abstain</p>
<p>If a majority of votes cast are yes, the San Diego Division of the Academic Senate will submit the following statement:</p> <p><i>The San Diego Division of the Academic Senate hereby censures Chancellor Pradeep K. Khosla for his actions to remove the encampment of protesters on the UC San Diego campus and the use of an outside police force on May 6, 2024.</i></p>			

Resolution for Vote of Confidence

- **Top priority:**

Balance Free Speech, Title VI, Public Safety

- **Full faculty ballot:**

Give each faculty member a confidential voice through a vote of the full faculty

- **Timeline:**

May 1 – Encampment and campus agreed on terms.

May 4 – Encampment grew 3-fold. No safety plan.

May 6 – Authorization to remove encampment.
Too big for campus police, so they engaged additional outside resources.

3pm – Chair briefed Council for 1st time

- **Title VI Violation:**

Exclusionary environment, hostile and chilling toward our Jewish community

- **Communications:**

- Chancellor and EPG team were in contact with the Academic Senate Chair multiple times by phone and in person
- Campus and camp organizers had agreed on camp size, restroom use, need for safety plan
- Protesters were given several opportunities and time to disband
- Most dispersed peacefully

- **Outcome:**

- Violence as happened at UCLA was avoided
- Protests continue but safely, without camps
- UCSD set a national and international example
- Support from Drake and UCSD Foundation
- UCSD returned to its core mission – education and the pursuit of knowledge

Resolution for Vote of Confidence

Summary:

In clearing the encampment, the Chancellor responded to a need to balance First Amendment rights, Title VI compliance, and address public safety risk.

- Unauthorized encampment
- Violated policy
- Posted a public safety risk
- Created a hostile environment for our Jewish faculty and students due to its antisemitic activities and exclusionary tactics
- Clearly a Title VI violation

A possible sanction for a Title VI violation could be loss of Federal funding for the campus.

Motion:

We ask for a vote of the full faculty on our Resolution for a Vote of Confidence:

Be it resolved that Chancellor Khosla has earned the support and positive acknowledgment of the UC San Diego community in his decision to remove the unauthorized encampment, and for his timely response to the crisis.

Be it further resolved that Chancellor Khosla's actions place UC San Diego as an example of a positive and measured response to unreasonable demands of a group that is not representative of the full UC San Diego community.

Campus Healing and Improved Responses to Future Civil Disobedience

Resolved: In order to help **heal the fabric of trust binding our Community** we call upon the Chancellor to:

- 1) take all actions within his power to **drop or minimize all disciplinary actions and criminal charges** against the protestors; and
- 2) **engage in sincere discussions** with the protestors in an attempt to find concrete actions by UCSD that would address the concerns that motivated their protest.

Further Resolved: In order to **make future police actions on campus in response to peaceful civil disobedience less likely** we call upon the Chancellor to create with the Academic Senate:

- 1) **a specific classification of civil disobedience actions and the appropriate threshold of police action** that will be followed based on that classification;
- 2) **mechanisms for sustained communication with protestors** regarding their concerns;
- 3) **platforms facilitating dialogue between protesters and those who feel unsafe** due to their protest; and
- 4) **a permanent administration-faculty-student committee coordinating the campus response.**

Finally Resolved: This resolution will be sent out for a vote to the entire membership of the San Diego Division of the Academic Senate using an electronic ballot that must be posted within 5 calendar days of this meeting with a deadline for voting of 7 calendar days. At the conclusion of the voting period, the Division shall announce the voting results in an email to the members of the San Diego Division.

Make future police actions on campus in response to peaceful civil disobedience less likely

- 1) classification of civil disobedience and threshold of police action
- 2) communication with protestors
- 3) dialogue between protesters and those who feel unsafe
- 4) administration-faculty-student committee coordinating the campus response

Based on the UC **Civil Disobedience Initiative**.
 2011 Protests at multiple campuses
 2012 **Robinson-Edley Report** for UC Pres. Yudof
 2014 Chancellors certify implementation

<https://campusprotestreport.universityofcalifornia.edu/>

UCSD's implementation:

Formation of **Emergency Management Team**

- Provides **leadership during Civil Disobedience events**
- Develops principles to **determine whether particular acts of Civil Disobedience merit a response, and what that response might entail**
- Makes every reasonable attempt to establish a **communication link with identified leaders or sponsors of the event**

"We have and continue to embrace a philosophy that police intervention is utilized only when absolutely necessary..."

Certified by Ch. Khosla, 10/30/2013

		Severity (low – high)	Examples
Police Appropriate	No	1. Civil disobedience breaks the rules, but is not disruptive	Encampments are orderly, but require extra physical plant, grounds, and security to monitor.
	No	2. Civil disobedience is inconvenient, but tolerable	Encampments are orderly and peaceful, but require minor relocation of classes, exams, or office work, extra security and grounds-keeping.
	Maybe	3. Civil disobedience disrupts important university business (not tolerable)	Protest is so loud that interrupts teaching or studying. Protests block many students, faculty, or staff from going to class or offices. Graduation cannot occur.
	Yes	4. Civil disobedience creates imminent threat to safety, especially life	Melee between counter-protesters and protesters at UCLA. Staff, students, or faculty trapped in a building taken over by protesters.

Adapted from <https://ash.harvard.edu/articles/campus-protests-and-police-force-an-ethical-framework/>

Political and Social Action at UC San Diego

Agenda Item 14c: Resolution

Signatories: Marc Muendler, Ramesh Rao; Lihini Aluwihare, Andrea Chiba, Arshad Desai, Linda Hill, Lei Liang, Kwai Ng, Steve Parish, Ramamohan Paturi, John Serences, Shahrokh Yadegari

Political and Social Action

- Kalven Report 1967:
 - “The university is the home and sponsor of critics; it is not itself the critic.”
- Toward consensus among dialogue participants in campus community
- Six observations:
 1. Protestors on all sides have home at UC San Diego;
 2. Some policy violations tend to precede political change;
 3. University communication to ensure fair portrayal of facts;
 4. Faculty expertise to be used to support prudent judgement calls under shared governance;
 5. More than one justifiable course of action;
 6. Balance between enforcement and some tolerance of temporary rule infringement.

Resolution

- Whereas, recent events have created fissures in the campus community;
- Whereas, principles of academic community such as those referenced in the signatories' motivating document "Political and Social Action at UC San Diego" are informing this motion;
- Whereas, temporary infringements of rules or conventions may be part of statements of discontent;
- Whereas, shared governance in times of crisis requires rapid faculty engagement;

- Resolve that, campus remain open to dialogue and free speech;
- Resolve that, the Senate establish a new standing Faculty Crisis Response Committee to engage faculty with relevant domain expertise and interest.
 - In accordance with Regents Standing Order 105 and UC Senate bylaw 40.1, pertaining to the conduct and welfare of the University, the Faculty Crisis Response Committee will be tasked to provide timely advice to both the Regents and the Administration on matters referred to it by the Senate Council, including the timing, severity, manner and strictness of rule enforcement, keeping in mind academia's societal role as a crucible for critical thinking and learning.
 - Appointment to the Faculty Crisis Response Committee will be administered by the Senate Committee on Committees.

Resolution to Censure the Chancellor

presentation to the UCSD RA meeting
June 4th(-6th), 2024

overview: resolution to censure the Chancellor

1. **text:** *'The UC San Diego Senate Representative Assembly hereby resolves to censure UC San Diego Chancellor Pradeep Khosla for his decisions and actions concerning the use of non-campus police to remove UC San Diego student protesters from campus by force on May 6th, 2024.'*
2. **'censure':** 'censure' is independent of, and compatible with, approving, rejecting, or abstaining from a vote on 'confidence' or 'no confidence'
3. **object** of censure: censuring the Chancellor for these specific decisions and actions is compatible with having an on-balance positive, negative, or neutral judgment about Pradeep Khosla's performance during his tenure as Chancellor
4. **judgment:** censure is not a judgment about the rightfulness of either (i) the student protest itself or (ii) the cause which the student protest was meant to support; it is a judgment about the Chancellor's actions and decisions.
5. **reasons:** see next slide

key reasons given for why the Chancellor's decisions and actions merit censure

some of the main reasons for disapproval and condemnation of the Chancellor's decisions and actions which were highlighted in the various UCSD faculty statements (cf. the 'supporting material' in §III in the Presentation of the Resolution; also below):

- (i) the Chancellor's failure to protect the **free speech** of the protesting students
- (ii) the Chancellor's failure to pursue **de-escalative options** (including via campus police) to address any concerns regarding **safety** in and around the protest, despite UC-systemwide policy calling for this (compare the 2012 Robinson-Edley report)
- (iii) the Chancellor's failure to pursue (let alone exhaust) meaningful **dialogue** with the UCSD **student** protesters, during the week of the protest's existence, even when given concrete opportunities by faculty senate leadership,
- (iv) the Chancellor's failure to engage in **deliberation** with and seek counsel from UCSD **senate faculty** leadership itself, during the week of the protest's existence, as to potential decisions and actions (failure to respect shared faculty governance),
- (v) the Chancellor's failure to protect the protesting **students** from **disproportionately punitive actions** associated with arrest and interim suspension (including being barred from campus and from their dormitories)
- (vi) the importance of the Senate's forcefully and **officially marking these failures**, so as to **deter** similar decisions and actions from the present Chancellor and those to come

supplementary material: UCSD faculty statements expressing condemnation of the Chancellor's actions

Anthropology [\[link\]](#)

Black Studies Project / Black Diaspora [\[link\]](#)

Communication [\[link\]](#)

Ethnic Studies [\[link\]](#)

Latin American Studies [\[link\]](#)

Literature [\[link\]](#)

Music [\[link\]](#)

Philosophy [\[link\]](#)

Sociology [\[link\]](#)

Visual Arts [\[link\]](#)

SD Faculty Association [\[link\]](#)

collective UCSD Faculty statement and testimony from first-hand visits to the student protests [\[link\]](#)

supplementary material: 'censure' in the context of the US senate



About Censure



Article I, section 5 of the United States Constitution provides that "Each House [of Congress] may determine the Rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." Among the ways in which the Senate has disciplined its members is censure, sometimes referred to as condemnation or denouncement. Censure is a formal statement of disapproval in the form of a resolution that is adopted by majority vote. The term "censure" is not found in the Constitution, and the word does not have to appear in the resolution. A censure does not remove a senator from office nor does it deny to a senator his or her rights or privileges. Since 1789 the Senate has censured nine of its members for conduct that senators determined to be inappropriate or detrimental to the Senate.