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Student Housing

G-458 Student Center Irvine, CA 92697-3250 (949) 824-6811 (949 824-4181 Fax Housing.uci.edu

May 27, 2010

Muslim Student Union

Dear

I am writing with respect to the allegations that the Muslim Student Union violated certain sections of the *University of California Policies Applying to Campus Activities, Organizations and Students* ("Policies") on or about February 8, 2010.

The Process

On February 10, 2010, Mr. Dormitorio sent you a letter detailing the charges against the Muslim Student Union. In that letter, Mr. Dormitorio described the charges against the MSU and offered the MSU an opportunity to meet to discuss them at an investigatory conference. On March 2, 2010, I sent you a letter explaining that I would be handling this conduct matter.

The charges pending against the Muslim Student Union are:

Section 102.02:	"Other forms of	`dishonestv	including but	not limited to	fabricating
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information, furnishing false information, or reporting a false

emergency to the University."

Section 102.13: "Obstruction or disruption of teaching, research, administration,

disciplinary procedures, or other University activities."

Section 102.14: "Disorderly or lewd conduct."

Section 102.15: "Participation in a disturbance of the peace or unlawful assembly."

Section 102.24: "Violation of local, state, or federal laws otherwise not covered

under these standards of conduct."

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On March 5, 2010, I met with
for MSU's investigatory conference (see Section 10310a(E) of the Policies). MSU's attorney
Reem Salahi, and Campus Counsel Kyhm Penfil also participated in that meeting.

At our conference, I explained the student conduct process to and to MSU's counsel. In particular, I noted that:

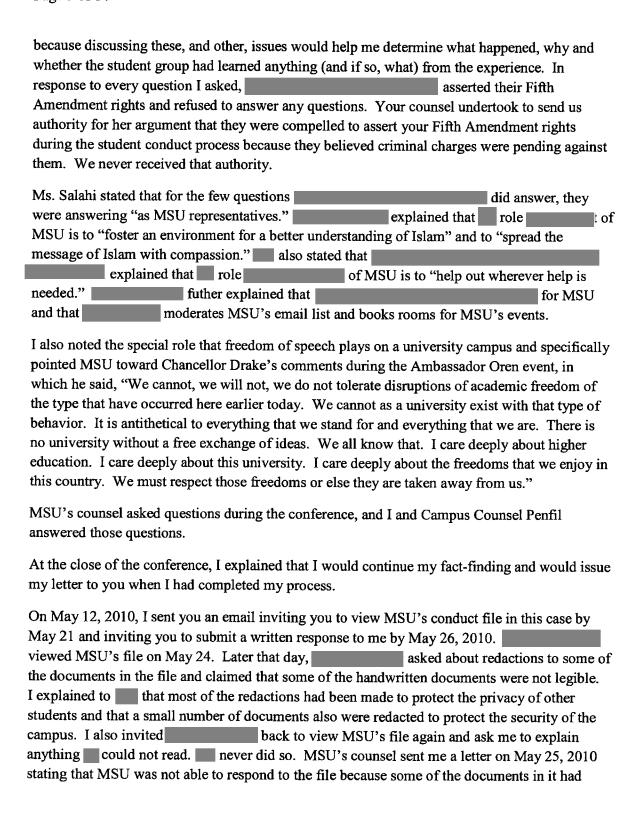
- We were meeting to conduct our investigatory conference under the Policies.
- It was my obligation, as the conduct officer for MSU's case, to make factual findings, to
 determine whether the MSU violated the Policies and to decide what, if any, discipline to
 impose.
- I hoped MSU would talk to me, honestly, about its participation, if any, in the events at Ambassador Oren's speech so that I could determine what MSU's intentions had been and whether MSU had learned anything from the experience.
- MSU had a right to access its student conduct file at any time by making an appointment with my office to do so.
- After our meeting, I would continue my fact-finding.
- When I completed my process, I would send MSU a letter setting forth my findings and any discipline I had imposed. This is that letter.
- If I imposed any discipline, MSU could appeal that decision to the Dean of Students, or his designee (Section 103.10a(F-H) of the Policies). The Dean's decision is final.
- If I imposed discipline that included revocation of recognition, MSU could either appeal that decision to the Dean of Students, or his designee, or could choose to have the case heard before the Student Discipline Review Board (Section 103.11a of the Policies). The Board makes its recommendation to the Dean of Students, or his designee, who issues a decision. That decision may be appealed to the Vice Chancellor of Student Affairs, or his designee.

I also shared with you the following materials:

- Mr. Dormitorio's letter to you dated February 10, 2010.
- The police report of the events at Ambassador Oren's speech on February 8, 2010 (redacted to protect the privacy of other students).
- A copy of the personal statements that wrote and posted on the website www.standwiththeeleven.wordpress.com.
- Video of Ambassador Oren's speech.

I attempted to engage in a dialogue with	about what happened
on or about February 8, 2010; MSU's involvement in the activities; and I	MSU's reaction to the
events. I invited MSU to respond to the charges against it and the materi	als I had shared with it

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been redacted. I explained, in my email later that day to MSU's counsel, that those documents had been redacted to protect the identity and privacy rights of other students under state and federal law and that a small number of documents also were redacted to protect the security of the campus.

MSU's file includes, inter alia:

- Correspondence, including:
 - o Mr. Dormitorio's letter to you dated February 10, 2010.
 - o My letter to you dated March 2, 2010.
 - o My email to you dated March 5, 2010.
 - o Ms. Salahi's email to me dated March 8, 2010.
 - o Ms. Salahi's email to me dated March 23, 2010.
 - o My email to you dated May 12, 2010.
- The police report of the events at Ambassador Oren's speech on February 8, 2010 (redacted to protect the privacy of other students).
- A copy of the personal statements that wrote and posted on the website www.standwiththeeleven.wordpress.com.
- Videos of Ambassador Oren's speech
 - Video 1: "U.S. Israel Relations from a Historical & Personal Perspective: An
 Evening w/Israel's Ambassador to the United States, His Excellency Michael B.
 Oren (Monday, Feb. 8, 2010, UC Irvine Student Center, Pacific Ballroom C &
 D)."
 - Video 2: "WMV Format Amb. Oren 2/8/2010 UCIPD 10-0152 OC Register YouTube."
 - o Video 3: "You Tube."
 - o Video 4: "Movie Format Amb. Oren 2/8/2010 UCIPD Video 10-0152."
 - Video 5: "Move Format Amb. Oren 2/8/2010 UCIPD 10-0152 -- Video."
 - Video 6: "Student Center."
- A document that includes "The Google Group Emails":
 - o approximately 31 pages of emails exchanged between <u>msu-uci-board@googlegroups.com</u> and other email addresses, including



 Detailed minutes from MSU's February 3, 2010 General Assembly meeting setting out MSU's "goals" to "send the speaker a message... our goal should be that he knows that he can't just go to a campus and say whatever he wants" and to "push the envelope."

- o A detailed "game plan" for disrupting Ambassador Oren's speech that included:
 - Creating "scripted statements we will be making at the event"
 - Identifying "disruptors those willing to disrupt (if people are just asked to leave)"
 - Identifying "MSU Reserves MSUers willing to disrupt regardless of what admin police choose to do"
 - Instructing that "it is incumbent [sic] that everyone else attend to support and cheer each time a disruption is made."
 - Planning that "we will try to break up into 4 groups Each group will have a group leader who will be in direct contact with and will communicate directions to their group. We will make sure they have phones with reception ahead of time."
 - Noting that MSU had spoken with lawyers. ("I will check with Reem [Salahi]/NLG [National Lawyers Guild.]")
 - An instruction to tell those who asked that "MSU did not organize the protest."
- My notes of my investigatory conference with
- My notes of my witness interviews, including interviews with UC Irvine Chief of Police Paul Henisey, Assistant Chief Jeff Hutchison, Director of Student Conduct Edgar Dormitorio and other students. (Those notes have been redacted to protect the identity of other students, under federal and state law, and the security of the campus.)
- Event Outline and Chronology of Feb. 8th Events.

Findings of Fact

On the basis of the evidence I have reviewed, I have made the following findings of fact:

- Michael Oren, Israel's Ambassador to the United States, delivered a speech titled "US Israel Relations from a Political and Personal Perspective" at the UC Irvine Student Center, Pacific Ballroom, on February 8, 2010.
 - a. Supporting evidence includes:
 - i. Videos 4 and 5.
 - ii. "Personal statements" on the <u>www.standwiththeeleven.wordpress.com</u> website.
- 2. At least 500 people (students, faculty, staff and community members) attended Ambassador Oren's speech.
 - a. Supporting evidence includes:

- i. Video 5 at 10:20 (Professor Petracca).
- ii. Police Report.
- 3. Ten students stood up and yelled, seriatim, during Ambassador Oren's speech.
 - a. Supporting evidence includes:
 - i. Police Report.
 - ii. Video 5 at 6:45, 8:18, 9:57, 13:04, 20:27, 22:22, 24:04, 26:25, 28:13 and 31:53.
 - iii. Interviews of Chief Henisey, Assistant Chief Hutchison and Director of Student Conduct Dormitorio.
 - iv. Interviews of students.
 - v. Material posted on www.standwiththeeleven.wordpress.com.
- 4. The standing up and loud yelling disrupted Ambassador Oren's speech; the Ambassador was forced to stop speaking.
 - a. Supporting evidence includes:
 - i. Police Report
 - ii. Video 5 at 6:45, 8:18, 9:57, 13:04, 20:27, 22:22, 24:04, 26:25, 28:13 and 31:53.
 - iii. Interviews of Chief Henisey, Assistant Chief Hutchison and Director of Student Conduct Dormitorio.
 - iv. Interviews of students.
- 5. The disruptions were planned, orchestrated and coordinated in advance by the Muslim Student Union.
 - a. The Muslim Student Union held a General Assembly Meeting on Wednesday, February 3, 2010, at which "Agenda Item 3" was "Israeli Ambassador Event," and during the discussion of that agenda item the "goals" to "send the speaker a message our goal should be that he knows that he can't just go to a campus and say whatever he wants" and to "push the envelope" were discussed.
 - b. The Muslim Student Union "discussed the different options in the GA [General Assembly] Meeting and we took a vote. So now that we have voted on one method of action, we all go through with this together insha' Allah ta'ala, together as **one MSU.**" (Emphases in original.)
 - c. The Muslim Student Union planned every detail of the disruptions, including:
 - i. "scripted statements we will be making at the event"
 - ii. "Disruptors Those willing to disrupt (if people are just asked to leave)"
 - iii. "MSU 'Reserves' MSU-ers willing to disrupt regardless of what admin police choose to do"
 - iv. "Non-Disruptors it is incumbent [sic] that everyone else attend to support and cheer each time a disruption is made"

- v. "Each disruptor will be given a statement on an index card on Monday [February 8, 2010]. There will be no on the fly statements. If you complete your statement without being escorted out, then simply sit back down inshaAllah."
- vi. "Be VERY LOUD, firm and strong... but remain composed and under control. Do not let your emotions get the best of you. Remember that this is a planned/calculated response and not a venting session."
- vii. "Communication: We will try to break up into 4 groups Each group will have a group leader who will be in direct contact with me and will communicate directions to their group. We will make sure they have phones with reception ahead of time."
- d. Supporting evidence includes:
 - i. The Google Group Emails
 - ii. Direct personal observations by Chief Henisey, Assistant Chief Hutchison and Director of Student Conduct Dormitorio.
 - iii. Direct personal observations of other students.
 - iv. The fact that all of the disruptors retained the same attorneys to represent them in the student conduct process.
 - v. The fact that all of the disruptors retained the same attorney to be present at Ambassador Oren's speech.
- 6. Some of the disruptors were reading from an index card while they were yelling.
 - a. Supporting evidence includes:
 - i. Direct personal observations by Chief Henisey, Assistant Chief Hutchison and Director of Student Conduct Dormitorio.
 - ii. Police Report
- 7. At the beginning of the event, before the first disruptor stood up and yelled, Professor Petracca, the Chair of the Political Science Department and the moderator of the event, issued this warning: "One of the great pleasures of being a faculty member at a university is the opportunity for open dialogue open dialogue on the great issues at home and abroad that impact our time. We expect and we relish spirited discussion during such occasions, but we also have the highest expectation for civility and respect."
 - a. Supporting evidence includes:
 - i. Video 5 at 0:42.
- 8. During the event, before the second disruptor stood up and yelled, Professor Petracca announced: "That violates a number of rules that we have at the university. Having one person do it is fine. Get it out of your system. But we're going to be polite and courteous to our guest. Not because of who our guest is, but because he's our guest. I hope you'll be able to proceed without being interrupted."

- a. Supporting evidence includes:
 - i. Video 5 at 7:10.
- 9. During the event, before the second disruptor stood up and yelled, Ambassador Oren stated, "We have an opportunity here to exchange ideas. You have an opportunity to hear a different perspective. This is why you have come to this campus as students. You haven't come to this campus to hear one idea. You've come to hear a multiplicity of ideas. It's a humble suggestion. It is one of the inestimable values of education in this country that you have that opportunity. Don't squander the opportunity."
 - a. Supporting evidence includes:
 - i. Video 5 at 9:05.
- 10. During the event, before the fourth disruptor stood up and yelled, Professor Petracca stated: "This is beyond embarrassing. I have been a faculty member here for 26 years. This is no way for our undergraduate students to behave. We have the opportunity to hear from a policy maker relevant to one of the most important issues facing this planet and you are preventing not only yourself from hearing him but hundreds of other people in this room and hundreds of other people in an overflow room. Shame on you. This is not an example of free speech. I strongly suggest that those of you who are intent on disrupting this event, now that you've made your point, stand up and leave. And let people into the room who want to hear the ambassador speak. There's no reason for that. If people want to embarrass themselves, they can do so elsewhere. We have worked, I have worked, very hard to put on this event. Out of respect for the process of what it means to be at a university, this is not Jerusalem (in addition to it not being the British Parliament or a street corner). This is Irvine, CA. You have a point of view. We would all appreciate it if you would ask good questions. And as the person who's going to call on people, I guarantee that if you raise your hand, I will allow you to ask a question when the Ambassador has finished speaking."
 - a. Supporting evidence includes:
 - i. Video 5 at 10:20.
- 11. During the event, before the fourth disruptor stood up and yelled, Ambassador Oren stated, "It's not London, it's not Jerusalem, but it's also not Tehran."
 - a. Supporting evidence includes:
 - i. Video 5 at 12:38.
- 12. During the event, before the fifth disruptor stood up and yelled, Ambassador Oren, accompanied by his security detail, left the room for approximately 10-20 minutes to determine whether he could continue his speech.
 - a. Supporting evidence includes:
 - i. Video 5 at 13:24.

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- 13. During the event, before the fifth disruptor stood up and yelled, Professor Petracca announced: "Shame on all of you. You did nothing to enhance the reputation of this campus. All you did today was embarrass yourself and the university."
 - a. Supporting evidence includes:
 - i. Video 5 at 13:31.
- 14. During the event, before the fifth disruptor stood up and yelled, Chancellor Drake announced: "So first let me thank everyone who's come and say how much we appreciate having you here on campus and how much I am looking forward to hearing from the ambassador, and I know that all of us were. I know the ambassador is also very concerned about being able to have a productive and positive discussion raising issues that are important to talk about. As the professor said, free speech is something that we value. We do not value heckling. We do not value those who do not share our values of respect and being able to listen to other people. I would say that the ambassador and those who are with him will make a decision about his ability to come back and I'll be able to let you know about that in a just a moment. We'll do what we can. But I just want to say how embarrassed I am on behalf of our entire university at the disruptions that you heard tonight. They're inappropriate. Let me say that what I would like to do is that I hope that we can proceed with the evening. It will not be our choice. It will be the choice of the others. We will go and see what we can do if you will just hang with us for a moment. And let me again thank you for your patience and for your interest in this. I was looking forward to a very interesting evening. I will see if we can proceed or not. Give me just a minute, OK? Thank you. . . . We were here for an academic presentation. We have a thousand of these a year, and we're proud that when we have academic presentations, we allow people to be heard. We cannot, we will not, we do not tolerate disruptions of academic freedom of the type that have occurred here earlier today. We cannot as a university exist with that type of behavior. It is antithetical to everything that we stand for and everything that we are. There is no university without a free exchange of ideas. We all know that. I care deeply about higher education. I care deeply about this university. I care deeply about the freedoms that we enjoy in this country. We must respect those freedoms or else they are taken away from us. My hope -- I understand that we have many disagreements and that the ability to come together and discuss those disagreements is one of those great freedoms that does not exist in many areas of the world. We know that very well. My hope is that we have the judgment and the class to welcome people who will come and share their ideas with us so that we can respond and learn from them. And we as a university will have to deal most directly and specifically with anyone in our midst who does not abide by the values and principles and policies which have made us a great university. This is an important time for us, and we are eager to be able to proceed. We would love very much to go forward. Professor Petracca is

going to make a comment. I want to join the audience and listen where I believe is my appropriate place this evening. I'm going to do that. And I would say that again the principles of this university and the values that support who we have become have been violated this evening. That is inappropriate and intolerable for us. Thank you."

- a. Supporting evidence includes:
 - i. Video 5 at 13:55.
- 15. During the event, before the fifth disruptor stood up and yelled, Professor Petracca announced: "The University is not an anarchy, certainly not the University of California. The University of California is a massive bureaucracy and in this large bureaucracy there are rules that are laid down and expectations articulated clearly in a variety of codes of conduct. There is a code of conduct that governs faculty. There is a code of conduct that governs students. Any student that has to be removed from this room because they are violating that code of conduct is going to be subject to disciplinary proceedings by the appropriate procedures on this campus. We're wasting time. We're wasting time. One of those procedures can result in suspension or dismissal from the university. We have wasted a half hour of a very busy individual's time. I hope that the consequences of disrupting this event will outweigh any drama that you may have in store as we hopefully have the ambassador finish his remarks and hopefully we'll be able to squeeze some time for some of your important questions."
 - a. Supporting evidence includes:
 - i. Video 5 at 17:16.
- 16. During the event, before the fifth disruptor stood up and yelled, Ambassador Oren announced: "I want to add one more thing. Yes, we all know about the right of free speech in America and especially on American campuses. But there's something else here. I've spent most of my life living in and studying the middle east and one of the great and eternal cultural facets of the middle east is hospitality. When you invite somebody into your house, even if you do not agree with them, even if they are ostensibly your enemy, once you have invited them into your house, you are their host and they are your guest. I'm your guest here, and I'm asking for the middle eastern hospitality to your guest. I've come into your house, you are my host, I'm asking for hospitality."
 - a. Supporting evidence includes:
 - i. Video 5 at 18:47.
- 17. During the event, before the ninth disruptor stood up and yelled, Professor Petracca announced: "The Chief of Police has informed us, Chief Henisey, if this is correct, that in addition to proceedings regarding violations of the academic code of conduct, because this behavior has now become disruptive, the individuals who are leaving the room, Chief Henisey, are also being arrested. I know that it is midterm week for students on the

campus and you might want to spend it in your dormitory room studying for obvious reasons. Ambassador?"

- a. Supporting evidence includes:
 - i. Video 5 at 26:45.
- 18. Ambassador Oren was scheduled to hold a "Question & Answer" period at the end of his presentation. Your disruption(s) caused the Ambassador to cancel the "Question & Answer" period.
 - a. Supporting evidence includes:
 - i. Video 5 at 10:20 and 17:16.
 - ii. Interviews of Chief Henisey, Assistant Chief Hutchison and Director of Student Conduct Dormitorio.
 - iii. Interviews of students.
- 19. The cost to Anteaters for Israel, one of the student groups who co-sponsored Ambassador Oren's speech, to host the event was \$3,500.
 - a. Supporting evidence includes:
 - i. Interviews of students.
- 20. On the day of Ambassador Oren's speech, Director of Student Conduct Edgar Dormitorio called and the two spoke for a few moments. Mr. Dormitorio told that he was concerned about disruptions at the event that night. told Mr. Dormitorio that the Muslim Student Union "was not participating as MSU."
 - a. Supporting evidence includes:
 - i. Interview of Director of Student Conduct Dormitorio.
- 21. The Muslim Student Union instructed its members to tell anyone who asked that "MSU did not officially put this on" (February 8 email from and "It was NOT an MSU event" (February 16 email from
 - a. Supporting evidence includes:
 - i. The Google Group Emails

Violations

I conclude, based on my review of the evidence, that the Muslim Student Union, and each of its authorized signers, violated the following University Policies:

Section 102.02: "Other forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false

emergency to the University."

Section 102.13: "Obstruction or disruption of teaching, research, administration,

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disciplinary procedures, or other University activities."

Section 102.14:

"Disorderly or lewd conduct."

Section 102.15:

"Participation in a disturbance of the peace or unlawful assembly."

Discipline

I have determined that it is appropriate to impose the following discipline:

- 1. Suspension Revocation of Recognition.
 - a. Effective September 1, 2010, the Muslim Student Union will be placed on a one year suspension.
 - i. For a student organization, suspension means that recognition of your organization has been revoked.
 - ii. The effective dates pertaining to the suspension are September 1, 2010 to August 31, 2011.
 - iii. No current executive officer listed on the Dean of Students registration application form will be allowed to act as an "authorized signer" for any other student organization at UC Irvine during the period of the suspension.
 - b. The Muslim Student Union will be permitted to re-register by completing the registration process in the Fall of 2011. Unless and until the Muslim Student Union completes each other item of discipline noted in this letter, it will not be permitted to re-register. The Muslim Student Union will be required to contact Edgar Dormitorio, Director of Student Conduct, prior to its re-registration and schedule a joint meeting with the Director of Campus Organizations and the Director of Student Conduct.
- 2. <u>Disciplinary Probation</u>. Upon its return to UC Irvine at the completion of the suspension period, the Muslim Student Union will be placed on Disciplinary Probation for the duration of one academic year. Any further misconduct during the specified probationary period will result in further disciplinary action.
- 3. <u>Community Service</u>. Your membership must collectively complete 50 hours of community service.
 - a. Please provide me by August 1, 2010, a list of five community service opportunities that provides enough information for me to assess each opportunity (where it will be, what work you will be doing, with whom you will be working, by whom you will be supervised and whom you will be serving). You may consult with the UC Irvine Center for Service in Action for ideas about community service opportunities.

b. I will select one of the community service opportunities from your list. If there are no acceptable resources on the list, you will need to submit another list by a date that I will give you. You will need to provide me with written notification that your members have collectively completed 50 hours of the community service that I select by December 3, 2010. That notification must include contact information so I will be able to verify with an authorized representative of the community service entity the accuracy of your notification.

Please note that failure to complete the discipline set forth above within the timeframes or guidelines provided constitutes a violation of Sections 102.16 and 102.21 of the Policies, which provide:

102.16 Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of his or her duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.

102.21 Violation of the conditions contained in the terms of a disciplinary action imposed under these *Policies* or campus regulations.

and may result in further sanctions, including an immediate administrative hold on your records.

Right to Appeal

If MSU wishes to accept this informal resolution, you must sign the enclosed "Waiver of Hearing Form." Please return it to me no later than seven (7) business days from the date of this letter.

Should MSU wish to appeal this informal resolution, you may appeal to Rameen Talesh, Dean of Students, Office of the Dean of Students, Irvine, California 92697-5125. Your appeal must be in writing and must be received within seven (7) business days from the date of this letter. Your appeal must be based on one of the following reasons: (1) you feel that your due process rights were violated; (2) you have new evidence that was not available at the time of out meeting; or (3) you feel that the sanction imposed is too harsh. For more information about the appeal process, refer to Section 103.10a(F-H) of the Policies

Moreover, because I am imposing a revocation of registration, MSU may have this case heard before a Judicial Review Board. The Judicial Review Board reviews evidence presented by the Claimant (the University) and by the Respondent (Student or Student Group). Based on this evidence, the board will determine whether you violated university policy and will recommend

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disciplinary sanctions, if appropriate. The Board makes its recommendations to the Dean of Students, who issues the decision. The Dean's decision may be appealed to the Vice Chancellor for Student Affairs. For more information about the Judicial Review Board procedures, please refer to Section 103.11a of the Policies.

If MSU wishes to appeal this informal resolution, please notify Dean Talesh in writing within seven (7) business days from the date of this letter of your decision to accept the sanctions imposed through the informal resolution process and appeal to the Dean of Students. If you choose to appeal this informal resolution directly to Dean Talesh, you must also sign the enclosed "Waiver of Hearing Form" and include it with your letter to Dean Talesh. If you wish to have your case heard before a Judicial Review Board, please notify Dean Talesh in writing within seven (7) business days from the date of this letter.

Please note that Section 102.13 of the Policies provides that discipline may be imposed for the "commission (including aiding or abetting in the commission or attempted commission)" of "Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities."

Yours Sincerely,

Lisa Cornish

Senior Executive Director

Lisa Cornist

Student Housing

Cc: Rameen Talesh, Dean of Students