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*Attorneys for Plaintiffs*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ**

HANNAH (ELIO) ELLUTZI; LAAILA  
IRSHAD; CHRISTINE HONG,

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA; CYNTHIA LARIVE, in her  
official capacity as Chancellor of the  
University of California, Santa Cruz  
("UCSC"); LORI KLETZER, in her official  
capacity as UCSC Campus Provost and  
Executive Vice Chancellor; EDWARD D.  
REISKIN, in his official capacity as UCSC  
Vice Chancellor for Finance, Operations and  
Administration; AKIRAH J. BRADLEY-  
ARMSTRONG, in her official capacity as  
UCSC Vice Chancellor of Student Affairs;  
ALEX DOUGLAS MCCAFFERTY, in his  
official capacity as UCSC Campus Budget  
Director; SONYA KIERNAN, in her official  
capacity as Executive Assistant to the UCSC  
Chancellor; HERBERT LEE, in his official  
capacity as UCSC Vice Provost of Academic

Case No. 24CV02532

*Assigned for all purpose to the  
Hon. Syda Kosofsky Cogliati*

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION**

Date: November 19, 2024

Time: 8:30 a.m.

Dept.: 5

Action Filed: September 9, 2024

*[Filed concurrently with Memorandum of  
Points and Authorities in Support of  
Plaintiffs' Motion for Preliminary Injunction  
and Declarations of Hannah (Elio) Ellutzi,  
Laaila Irshad, Christine Hong, William  
Parrish, and Shaila Nathu]*

1 Affairs; JESSICA RASHID, in her official  
2 capacity as UCSC Assistant Dean of Students,  
3 Student Conduct & Community Standards;  
4 ADRIENNE RATNER, in her official capacity  
5 as UCSC Director of Academic Employee  
6 Relations; KEVIN DOMBY, in his official  
7 capacity as UCSC Chief of Police and  
8 Executive Director of Public Safety; and  
9 DOES 1-10,

Defendants.

1 **NOTICE OF MOTION AND MOTION**

2 TO DEFENDANTS AND THEIR COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that on November 19, 2024, at 8:30 a.m., or as soon thereafter as the  
4 matter may be heard, in Department 5 of the Santa Cruz Superior Court, located at 701 Ocean  
5 Street, Santa Cruz, CA 95060, Plaintiffs Hannah (Elio) Ellutzi, Laaila Irshad, and Christine Hong  
6 (collectively “Plaintiffs”) will, and hereby do, move this Court, to enter a Preliminary Injunction  
7 against Defendant The Regents of the University of California and the following Individual  
8 Defendants at the University of California, Santa Cruz (“UCSC”): Cynthia Larive, in her official  
9 capacity as Chancellor of UCSC; Lori Kletzer, in her official capacity as UCSC Campus Provost  
10 and Executive Vice Chancellor; Edward D. Reiskin, in his official capacity as UCSC Vice  
11 Chancellor for Finance, Operations and Administration; Akirah J. Bradley-Armstrong, in her  
12 official capacity as UCSC Vice Chancellor of Student Affairs; Alex Douglas McCafferty, in his  
13 official capacity as UCSC Campus Budget Director; Sonya Kiernan, in her official capacity as  
14 Executive Assistant to the UCSC Chancellor; Herbert Lee, in his official capacity as UCSC Vice  
15 Provost of Academic Affairs; Jessica Rashid, in her official capacity as UCSC Assistant Dean of  
16 Students, Student Conduct & Community Standards; Adrienne Ratner, in her official capacity as  
17 UCSC Director of Academic Employee Relations; and Kevin Domby, in his official capacity as  
18 UCSC Chief of Police and Executive Director of Public Safety (together, “Defendants”).

19 Plaintiffs specifically request that this Court enter a preliminary order prohibiting  
20 Defendants from summarily banishing people from campus under California Penal Code section  
21 626.4 prior to a hearing without any individualized determination that such person’s continued  
22 presence constitutes a substantial and material threat of significant injury to persons or property.  
23 The Motion will be made on the grounds that Defendants’ conduct violated Plaintiffs’  
24 constitutional rights, contravened the California Supreme Court’s longstanding decision in  
25 *Braxton v. Municipal Court* (1973) 10 Cal.3d 138, and failed to follow the statutory framework of  
26 Section 626.4 itself.

27 Plaintiffs’ Motion is based upon this Notice of Motion and Motion; the accompanying  
28 Memorandum of Points of Authorities; the supporting declarations and exhibits filed concurrently

1 herewith; the Complaint for Injunctive and Declaratory Relief; any subsequent briefing or  
2 argument; and any evidence or further argument that may be requested or permitted by the Court.

3  
4 Dated: September 26, 2024

Respectfully submitted,

5 ACLU FOUNDATION OF NORTHERN  
6 CALIFORNIA, INC.

/s/ *Shaila Nathu*

Chessie Thacher (SBN 296767)

Shaila Nathu (SBN 314203)

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12 FUND, and its project, THE CENTER FOR  
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/s/ *Rachel Lederman*

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*Attorneys for Plaintiffs*



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7 capacity as UCSC Chief of Police and  
8 Executive Director of Public Safety; and  
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Defendants.

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## INTRODUCTION

This action challenges the unconstitutional manner in which Defendants—the Regents of the University of California (“Regents”) and named officials at the University of California Santa Cruz (“UCSC”)—summarily banned protesting students and faculty from campus. On the night of May 30, 2024 and into the early morning hours of the next day, Defendants oversaw the arrests of more than 110 students and faculty at a pro-Palestine protest near the UCSC entrance. Plaintiffs Hannah (Elio) Ellutzi, Laaila Irshad, and Christine Hong (together, “Plaintiffs”) were among those arrested. Defendants invoked California Penal Code section 626.4 to exclude them from campus for up to two weeks. Defendants did not first provide notice or an opportunity to be heard as required by law. Nor did Defendants make individualized findings to justify this extreme punishment. The impact of being instantaneously banished from campus was devastating. Plaintiffs lost access to housing, jobs, classes, school resources, healthcare, and other services.

Defendants’ conduct was cruel and unjust. It also contravened the California Supreme Court’s longstanding decision in *Braxton v. Municipal Court* (1973) 10 Cal.3d 138, 152, which set a high bar for when a university may exercise the “extraordinary remedy of summary banishment.” In *Braxton*, the Court held that, to avoid the “constitutional infirmities” of “First Amendment overbreadth, unconstitutional vagueness, and the lack of procedural due process,” Section 626.4 authorized exclusion from campus prior to a hearing only when “the situation is such an exigent one that the *continued presence* on the campus of the person from whom consent to remain is withdrawn constitutes a *substantial and material threat of significant injury* to persons or property.” (*Id.* at pp. 143–145, emphasis added.)

Defendants flouted this binding precedent when they indiscriminately and instantaneously banned Plaintiffs and more than 110 other people from campus *en masse* prior to any hearing. Defendants made no specific findings about how, post-arrest, “the continued presence” of each summarily banned person presented a substantial and material threat. Nor did Defendants follow the clear statutory steps prescribed under Section 626.4 and UCSC’s own policies.

The 2024-2025 academic year starts today—September 26. As Defendants amplify messages about protest restrictions on campus, Plaintiffs fear that they could again be subject to

1 Defendants’ unlawful application of Section 626.4. This action therefore seeks narrow and  
2 particular relief: compel Defendants to comply with the limits set by *Braxton* and cease banishing  
3 people from campus prior to a hearing or without any determination that such person’s continued  
4 presence constitutes a substantial and material threat of significant injury to persons or property.  
5 Absent a court order directing Defendants to stop summarily banishing students and faculty  
6 allegedly engaged in conduct that is disruptive—but below *Braxton*’s substantial and material  
7 threat threshold—Defendants are expected to continue their unconstitutional practice.

### 8 **FACTUAL BACKGROUND**

9 On the night of May 30, 2024 and continuing into the early morning hours of May 31, law  
10 enforcement officers entered UCSC at Defendants’ behest to disband a Gaza solidarity  
11 encampment. (Irshad Decl. in Supp. of Mot. for Prelim. Inj. ¶¶ 11-12; Ellutzi Decl. in Supp. of  
12 Mot. for Prelim. Inj. ¶ 5; Hong Decl. in Supp. of Mot. for Prelim. Inj. ¶ 12; Decl. of William  
13 Parrish in Supp. of Mot. for Prelim. Inj., ¶ 4.) Plaintiffs were each present that evening and swept  
14 up in the law enforcement activity. (*Ibid.*)

15 Plaintiff Laaila Irshad, a UCSC student majoring in Environmental Studies and Critical  
16 Race and Ethnic Studies, was at the encampment to “uplift demands for freedom, justice, and  
17 equality for the Palestinian people—and all those suffering against state violence.” (Irshad Decl.,  
18 ¶¶ 2, 8.) She was motivated to be there by her own faith and her experiences growing up as the  
19 child of immigrants from Pakistan. (*Id.*, ¶¶ 6–7.)

20 Plaintiff Christine Hong, a UCSC professor of Literature and Critical Race and Ethnic  
21 Studies, was present because a frantic and distraught student had called to report that police were  
22 on campus. (Hong Decl., ¶¶ 2, 12.) Having made regular visits to the encampment to speak with  
23 students and teach on issues within her academic expertise, Hong believed that she had a  
24 responsibility to support the students and keep them safe as best she could. (*Id.*, ¶ 13.) She also  
25 wanted to be present so that she could observe the police as they sought to disband the  
26 encampment and report on the officers’ conduct as needed. (*Ibid.*)

27 Plaintiff Hannah (Elio) Ellutzi, a UCSC Community Studies major with a minor in  
28 History, was present for similar reasons. (Ellutzi Decl., ¶¶ 2–4.) Ellutzi was playing guitar with



1 friends in a field on campus when they learned of the police activity near the encampment. (*Id.*, ¶  
2 5.) Ellutzi went to the area to bear witness to the actions taken by law enforcement and show  
3 support for the encampment. (*Id.*, ¶ 6.) When Ellutzi reached the protest, officers were funneling  
4 students into a tight circle, at the intersection of Bay Drive and High Street. (*Id.*, ¶ 7.) Ellutzi stood  
5 in a grassy area across from that intersection with a large group of people who appeared to be a  
6 mix of protesting students and faculty, as well as curious onlookers and passersby. (*Ibid.*; Irshad  
7 Decl., ¶ 12; Parrish Decl., ¶ 5.) An officer informed Ellutzi that, regardless of where Ellutzi stood,  
8 the police would be arresting them. (Ellutzi Decl., ¶ 7.) Witnesses recount that officers arrested  
9 people unconnected to the encampment and that some of the first arrests were on the “outskirts” of  
10 the crowd away from the encampment. (Parrish Decl., ¶ 6.)

11 As the police raid continued into dawn the next day, each Plaintiff was swept into the same  
12 tight circle, which officers seemed to be steering into the street. (Ellutzi Decl., ¶ 8; Irshad Decl.,  
13 ¶ 14; Hong Decl., ¶ 15; Parrish Decl., ¶ 7.) Officers crushed people together using their batons,  
14 frequently delivering sharp jabs to peoples’ stomachs. (*Ibid.*) Many people were bruised or injured  
15 over the course of the evening, some so severely that they required medical treatment. (Ellutzi  
16 Decl., ¶ 8; Hong Decl., ¶ 16.) The police orders were hard to hear, and it was unclear what officers  
17 wanted people to do. (Ellutzi Decl., ¶ 9; Irshad Decl., ¶ 13; Parrish Decl., ¶ 7.) Those who tried to  
18 leave were arrested, and those who stayed were also arrested. (Ellutzi Decl., ¶ 9.)

19 Early in the morning, UCSC officers arrested Plaintiffs, and more than 110 other people  
20 near the entrance to campus. (Hong Decl., ¶ 20; Parrish Decl., ¶ 13.) Each Plaintiff was  
21 handcuffed with plastic zip-ties, held on a bus for hours without access to a bathroom, and finally  
22 transported to a UCSC Police Department station on a satellite property. (Ellutzi Decl., ¶¶ 10–11;  
23 Irshad Decl., ¶¶ 15–16; Hong Decl., ¶¶ 17–18.) Plaintiffs and the other arrestees waited there for  
24 hours before being cited for misdemeanor “failure to disperse” under Penal Code section 409 and  
25 released. (Ellutzi Decl., ¶ 12; Irshad Decl., ¶ 17; Hong Decl., ¶ 19; Parrish Decl., ¶¶ 10–11.)

26 It is Plaintiffs’ understanding that, while issuing the criminal citation paperwork, UCSC  
27 officers also banned each arrestee from campus under Section 626.4. (Ellutzi Decl., ¶ 13; Irshad  
28 Decl., ¶ 18; Hong Decl., ¶ 20; Parrish Decl., ¶ 13.) Some arrestees received a form advising them

1 of the instantaneous ban. (Parrish Decl., ¶¶ 10, 12–13, Ex. N.) But others, like Ellutzi and Irshad,  
2 were told verbally that they had been banned, effective immediately. (Ellutzi Decl., ¶ 13; Irshad  
3 Decl., ¶ 18.) Hong was also purportedly banned, but she received neither a verbal nor a written  
4 notice. (Hong Decl., ¶ 22–23.) No Plaintiff has been criminally charged in connection with the  
5 events of May 30–31, and news reports indicate that no criminal charges have been filed against of  
6 those arrested. (*Id.*, ¶¶ 19, 21; Ellutzi Decl., ¶¶ 12, 14; Irshad Decl., ¶¶ 17, 19.) At no time did any  
7 Plaintiff engage in threats, intimidation, physical violence, or property destruction. (*Ibid.*)

8         On June 4, four days after being verbally banished from campus, Ellutzi and Irshad finally  
9 received written notice that they had been banned from campus under Section 626.4. (Ellutzi  
10 Decl., ¶ 19; Irshad Decl., ¶ 26.) The letter notices, which were sent by the UCSC Office of Student  
11 Conduct and Conflict Education, bore the subject line “Notice of Incident Review Meeting” and  
12 were identical, but for the addresses. (Ellutzi Decl., Ex. A; Irshad Decl., Ex. F.) The letters did not  
13 contain any information about either individual’s specific conduct. Instead, they purported to  
14 summarize the actions of “approximately 200 individuals” and included a laundry list of potential  
15 student conduct policy violations. (*Ibid.*) The letters advised that a person could schedule a 30-  
16 minute Zoom hearing to simultaneously contest their ban and the alleged policy violations. (*Ibid.*)  
17 UCSC did not provide written notice to Hong until June 5, and that communication included even  
18 less information. (Hong Decl., ¶¶ 23–24, Ex. K.) Ellutzi and Hong had their Zoom hearings on  
19 June 10, while Irshad did not have hers until June 11. (Ellutzi Decl., ¶¶ 13, 20–23; Irshad Decl., ¶¶  
20 18, 27–28; Hong Decl., ¶¶ 23, 29–31.) Within 24 hours of each hearing, UCSC officials concluded  
21 that each Plaintiff presented no threat and permitted them to return. (*Ibid.*) In total, Ellutzi and  
22 Hong were each banned for 10 days, and Irshad for 11 days. (*Ibid.*)

23         The impact of these bans during the last two weeks of the school year proved devastating.  
24 The ban rendered Ellutzi and Irshad, who lived and worked on campus, homeless. (Ellutzi Decl.,  
25 ¶ 15; Irshad Decl., ¶ 20.) Unable to return under threat of arrest, they—along with dozens of  
26 others—were instantly cut off from critical school resources, as well as their jobs and belongings,  
27 computers and phones, medications and toiletries. (Ellutzi Decl., ¶¶ 15–17; Irshad Decl., ¶¶ 20, 21,  
28 24.) Both Ellutzi and Irshad found themselves unable to participate remotely in their classes and

1 struggled to complete their courses. (Ellutzi Decl., ¶ 17; Irshad Decl., ¶¶ 22–24.) Ellutzi also  
2 missed an important on-campus medical appointment for gender-affirming care for which they had  
3 waited months. (Ellutzi Decl., ¶ 18.) The ban adversely impacted Hong’s ability to teach, her  
4 preparation of a course for the coming term, and her personal health. (Hong Decl., ¶¶ 25–28.)<sup>1</sup>

5 With the new academic year starting, UCSC officials and other representatives of the  
6 Regents have issued statements and circulated communications advising about restrictions on  
7 protests and expressing little tolerance for disruptions. (Ellutzi Decl., ¶¶ 24–25, Exs. D, E; Irshad  
8 Decl., ¶¶ 29–31, Exs. I–J; Hong Decl., ¶ 32, Ex. M; Parrish Decl., ¶¶ 10–11.) Plaintiffs now fear  
9 that, in exercising their rights to free speech and free assembly in the future, they may again be  
10 swept up in Defendants’ overbroad and unlawful implementation of Section 626.4 without any  
11 semblance of due process. (Ellutzi Decl., ¶¶ 26–28; Irshad Decl., ¶¶ 32–33; Hong Decl., ¶ 34.)

## 12 ARGUMENT

13 In determining whether to order a preliminary injunction, courts balance (1) the likelihood  
14 that a plaintiff will prevail on the merits at trial; and (2) the “interim harm that the plaintiff is  
15 likely to sustain if the injunction were denied as compared to the harm that the defendant is likely  
16 to suffer if the preliminary injunction were issued.” (*IT Corp. v. County of Imperial* (1983) 35  
17 Cal.3d 63, 69–70; *see also* Code Civ. Proc., § 525.) These factors are weighed on a sliding scale,  
18 such that “the greater the plaintiff’s showing on one, the less must be shown on the other to  
19 support an injunction.” (*O’Connell v. Superior Court* (2006) 141 Cal.App.4th 1452, 1463 [citation  
20 omitted].) Here, both factors balance in Plaintiffs’ favor.

### 21 **I. Plaintiffs Are Likely to Prevail on the Merits of Their Claims**

22 Plaintiffs are likely to prevail on their claims that Defendants, by contravening *Braxton*’s  
23 requirements and flouting Section 626.4’s framework, violated Plaintiffs’ constitutional rights.  
24 (Cal. Const., art. I, §§ 2, 3, 7; U.S. Const., 1st & 14th Amends.; Code Civ. Proc., §§ 526, 526a.)

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26 <sup>1</sup> See FAQ for Students Who Have Received a 626.4 Notice, UC Santa Cruz Newscenter (June 1,  
27 2024) <<https://tinyurl.com/2p4sdwh8>> [during the exclusion period, UCSC prohibits: “Attending  
28 classes in-person (remote attendance is up to each professor)[;] Participating in university  
activities, including clubs and organizations on university property[;] Accessing university  
facilities, such as dining, athletic facilities, libraries, labs, etc.[;] Residing in university housing[.]”]

1           **A. Defendants exceeded the constitutional limits established by *Braxton*.**

2           Section 626.4, despite Defendants’ actions, does not provide unbounded authority to  
3 exclude a group of individuals in one fell swoop. Students and faculty must be afforded due  
4 process before officials can restrict their ability to pursue studies and employment on campus. (*See*  
5 *Braxton*, 10 Cal.3d at p. 154, fn. 16; *Zumwalt v. Trs. of Cal. State Colls.* (1973) 33 Cal.App.3d  
6 665, 678 [“A constitutional right to procedural due process exists when the state accompanies its  
7 action with charges which might seriously damage the individual’s reputation or career.”].)

8           **1. The California Supreme Court rejected a literal construction of Section 626.4.**

9           On its face, California Penal Code section 626.4 authorizes the chief administrative officer  
10 of a school, or that person’s designee, to exclude a person from campus for up to 14 days upon  
11 “reasonable cause to believe that such person has willfully disrupted the orderly operation of such  
12 campus . . . .” (Pen. Code, § 626.4, subs. (a), (c).) More than fifty years ago, however, the  
13 California Supreme Court in *Braxton* circumscribed Section 626.4’s reach. The Court held that  
14 “the statute, if literally applied, would succumb to constitutional attack,” and it therefore narrowly  
15 construed 626.4 to avoid “the defects of First Amendment overbreadth, unconstitutional  
16 vagueness, and the lack of procedural due process . . . .” (*Braxton*, 10 Cal.3d at pp. 143–44.)

17           With respect to the First Amendment, *Braxton* ruled that a “literal construction” of Section  
18 626.4 would “violate constitutional mandates in that such vague language would include many  
19 forms of constitutionally protected expression and risk a chilling of free speech.” (*Id.* at p. 144.)  
20 The Court recognized: “the very sound of a voice can ‘disrupt’ the silence, and the content of a  
21 speech can ‘disrupt’ the equanimity of an audience.” (*Ibid.*) Thus, to avoid penalizing or deterring  
22 protected activity, *Braxton* interpreted the words “willfully disrupted” to apply only to “physically  
23 disruptive conduct, otherwise proscribed by statute, which in an emergency situation constitutes a  
24 substantial and material threat to the orderly operation of the campus.” (*Ibid.*, citation omitted.)

25           The *Braxton* court likewise recognized that Section 626.4, if literally construed, would  
26 violate “the precepts of procedural due process . . . .” (10 Cal.3d at pp. 144–45.) The Court thus  
27 interpreted Section 626.4 to “require notice and a hearing on alleged misconduct before the  
28 issuance of any exclusion order” with one narrow exception: it decreed that a campus

1 administrator could ban a person from campus if the administrator “reasonably finds that the  
2 situation is such an exigent one that the *continued presence* on the campus of the person from  
3 whom consent to remain is withdrawn constitutes a *substantial and material threat of significant*  
4 *injury* to persons or property.” (*Id.* at p. 145, emphasis added.)

5 *Braxton* has not been superseded by the Court or abrogated by the Legislature. It remains  
6 good law. Thus, where Section 626.4 is invoked on a university campus, compliance with *Braxton*  
7 remains mandatory. (*See National Movement for Student Vote v. Regents of Univ. of California*  
8 (1975) 50 Cal.App.3d 131, 140 [emphasizing that Section 626.4 applies to “the removal of  
9 persons from areas of the campus open to the general public”].)

10  
11 **2. Defendants’ indiscriminate, and instantaneous, banning of Plaintiffs and other  
arrestees contravened *Braxton*’s due process requirements.**

12 Under *Braxton*, a student whose presence is disruptive, but who does not constitute “a  
13 substantial and material threat of significant injury to persons or property,” must be afforded  
14 procedural due process before they can be excluded from campus under Section 626.4. (10 Cal.3d  
15 at p. 145.) This process “normally requires a pre-exclusion hearing to allow the accused  
16 wrongdoer an opportunity to contest the charges or explain his actions.” (*Id.*, at p. 154.) Indeed,  
17 “[w]ith respect to student discipline,” courts have ruled that a “student’s interest is to avoid unfair  
18 or mistaken exclusion from the educational process, with all of its unfortunate consequences . . . .”  
19 (*Doe v. Univ. of Southern California* (2016) 246 Cal.App.4th 221, 240 [citing *Goss v. Lopez*  
20 (1975) 419 U.S. 565, 579]; *see also Knight v. Southern Orange Community College District*  
21 (2021) 60 Cal.App.5th 854, 870 [ruling that, in context of disciplinary suspension, an opportunity  
22 to explain or contest an accusation is required before a suspension may be imposed].)

23 The Ninth Circuit’s opinion in *Wong v. Hayakawa* (9th Cir. 1972) 464 F.2d 1282 is  
24 instructive as to the defects in UCSC’s process. *Wong* arose out of “a series of violent rallies and  
25 lawless protests” at San Francisco State College. (*Id.*, at p. 1282.) The plaintiffs were, like those  
26 here, students caught up in a “police dragnet which swept the central campus[.]” (*Ibid.*). Police  
27 arrested the students and “numerous other persons,” then “formally charged [them] with several  
28 criminal offenses,” including refusing to disperse. (*Ibid.*) The college initiated disciplinary

1 proceedings against those arrested based on the “sole evidence” of a police report “concerning the  
2 occurrence which occasioned their arrest.” (*Id.* at p. 1283.) The report consisted only of “a general  
3 account of the incident” and “12 pages list[ing] the names of 454 persons who were arrested at the  
4 time.” (*Id.* at p. 1284.) The report also omitted “any mention” of the students or “any statement as  
5 to their particular conduct.” (*Ibid.*) On appeal, the Ninth Circuit affirmed the district court’s  
6 preliminary injunction prohibiting the school from imposing disciplinary sanctions “unless and  
7 until” the school could produce evidence as to each individual. (*Id.* at p. 1283.) The Ninth Circuit  
8 reasoned that the police report fell “short of substantial proof of misconduct” because it “shed no  
9 light on any activity of” a particular individual and only “suppl[ied] background material  
10 concerning the demonstration.” (*Id.* at p. 1284.)

11 Here, Defendants pursued the same unlawful actions condemned in *Wong*. They evidently  
12 made a coordinated decision to banish all individuals arrested for failing to disperse from the Gaza  
13 solidarity encampment protest. But each person’s arrest alone was insufficient to justify what  
14 *Braxton* termed the “extraordinary remedy of summary banishment.” (10 Cal.3d at p. 152.)  
15 Plaintiffs’ arrests in no way established that each one’s *continued* presence constituted a  
16 *substantial* and material threat of *significant* injury. A manifest difference exists between conduct  
17 that allegedly constitutes failure to comply with a dispersal order and conduct that constitutes a  
18 substantial threat of significant injury. The former does not necessarily include the latter. As in  
19 *Wong*, the *en masse* arrests of Plaintiffs did not “shed any light” on the individual conduct at issue.  
20 Defendants thus did not provide the substantial evidence and due process that *Braxton* compels.

21 **3. Defendants’ procedural failures resulted in the chilling effect foretold by *Braxton*.**

22 Defendants’ due process violations and indiscriminate practice of summarily banning  
23 every person arrested at the May 30–31 protest has led to the “chilling of free speech” warned  
24 about by *Braxton*. (10 Cal.3d at p. 144.) Plaintiffs and others now reasonably fear that, while  
25 pursuing protected activities like the right to free speech and assembly, they might be  
26 instantaneously banned from campus for conduct that is arguably “disruptive,” but still not the  
27 type of “‘disruption’ [that] falls outside the boundaries of the First Amendment.” (*Id.*, at p. 146;  
28 *see also* Ellutzi Decl., ¶¶ 26–28; Irshad Decl., ¶¶ 32–33; Hong Decl., ¶ 34.) The inevitable result

1 of such overbroad enforcement is self-censorship and chilled speech—a result that is, itself,  
2 constitutionally suspect. For, as the U.S. Supreme Court long ago articulated: “The loss of First  
3 Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable  
4 injury.” (*Elrod v. Burns* (1976) 427 U.S. 347, 373; *see also F.C.C. v. Fox Television Stations, Inc.*  
5 (2012) 567 U.S. 239, 253–54 [“Where speech is involved, rigorous adherence to [due process]  
6 requirements is necessary to ensure that ambiguity does not chill protected speech.”].)

7         On the night of May 30, Plaintiffs and others were present near the campus entrance for a  
8 variety of reasons, including to observe police conduct, protest the deployment of militarized law  
9 enforcement officers, and show solidarity with the encampment’s expressive message. For many  
10 witnesses, observing throughout the night was particularly warranted given the outsized police  
11 response: more than 100 officers in riot gear from multiple agencies had been deployed with  
12 UCSC police to respond to 30 or 40 members of the encampment. (Irshad Decl., ¶¶ 11-12; Hong  
13 Decl., ¶ 12.) At least some of this activity was protected by the First Amendment. Indeed, courts  
14 have ruled that “[a]ccess to information regarding public police activity is particularly important  
15 because it leads to citizen discourse on public issues, ‘the highest rung of the hierarchy of First  
16 Amendment values, and is entitled to special protection.’” (*Fields v. City of Philadelphia* (3d Cir.  
17 2017) 862 F.3d 353, 359 [quoting *Snyder v. Phelps* (2011) 562 U.S. 443, 452]); *see also Chestnut*  
18 *v. Wallace* (8th Cir. 2020) 947 F.3d 1085, 1092 [acknowledging the right “to monitor police  
19 activities to ensure that their duties are carried out responsibly”]; *Askins v. U.S. Dept. of Homeland*  
20 *Sec.* (9th Cir. 2018) 899 F.3d 1035, 1044; *Animal Legal Def. Fund v. Wasden* (9th Cir. 2018) 878  
21 F.3d 1184, 1203–1204; *Fordyce v. City of Seattle* (9th Cir. 1995) 55 F.3d 436, 439.)

22         Defendants, by treating every person who allegedly failed to disperse from the protest on  
23 May 30–31 as an equally substantial “threat” and subject to an instantaneous ban, disregarded the  
24 constitutionally distinct nature of these different activities. Defendants cannot do so. Where First  
25 Amendment freedoms are a stake, the school “‘may not employ means that broadly stifle  
26 fundamental personal liberties when the end can be more narrowly achieved.’” (*NAACP v.*  
27 *Claiborne Hardware Co.* (1982) 458 U.S. 886, 920 [quoting *Carroll v. Princess Anne* (1968) 393  
28 U.S. 175, 183–184].) First Amendment protections are not lost “merely because some members of

1 the group may have participated in conduct or advocated doctrine that itself is not protected.”  
2 (*Claiborne Hardware, supra*, 458 at p. 908; *see also Santopietro v. Howell* (9th Cir. 2023) 73  
3 F.4th 1016, 1026 [emphasizing same].)

4 Additionally, even if there had been “potential” or “actual violence” at the protest, “the  
5 proper response” by UCSC would have been ““to ensure an adequate police presence . . . and to  
6 arrest those who actually engage[d] in such conduct, rather than to suppress legitimate First  
7 Amendment conduct as a prophylactic measure.”” (*Index Newspapers LLC v. United States*  
8 *Marshals Serv.* (9th Cir. 2020) 977 F.3d 817, 834 [quoting *Collins v. Jordan* (9th Cir. 1996) 110  
9 F.3d 1363, 1372]; *see also Dubner v. City & Cnty. of San Francisco* (9th Cir. 2001) 266 F.3d 959,  
10 967–68 [observing that Penal Code section 409 “require[s] a clear and present danger of imminent  
11 violence before bystanders can be arrested along with participants in an unlawful assembly”]; *In re*  
12 *Brown* (1973) 9 Cal.3d 612, 623.) Here, there was no indication that the protest itself was about to  
13 turn violent; nor was there actual violence. (Irshad Decl., ¶ 12.) Still, law enforcement embarked  
14 on the mass detainment, arrest, and banishment of all individuals present.<sup>2</sup>

15  
16 **B. Defendants further violated due process by failing to follow Section 626.4’s  
mandatory procedures and UCSC Policies.**

17 In addition to failing to comply with the constitutional limits articulated by *Braxton*,  
18 Defendants also violated Plaintiffs’ due process rights by failing to follow Section 626.4’s specific  
19 mandatory provisions and UCSC’s Student Policies and UCSC Regulations Handbook. Section  
20 626.4, which is highly prescriptive, establishes a series of steps that must be followed whenever  
21 explicitly designated officials seek to withdraw consent for a person to remain on campus.

22 **First**, Defendants’ failure to make specific findings as to each Plaintiff is inconsistent with  
23 Section 626.4’s text, which plainly applies to individuals—not groups. Subsections (a) and (c), for  
24

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25 <sup>2</sup> Given the reports of excessive force during the arrests, it bears emphasizing that officers also  
26 violate constitutional protections if—while arresting a passively objecting person suspected of a  
27 nonviolent offense (such as failure to disperse)—they deliver excessive baton blows or throw a  
28 person to the ground and twist their arms to handcuff them. (*See, e.g., Sanderlin v. Dwyer*, No. 23-  
15487 (N.D. Cal. Sept. 4, 2004), 2024 WL 4039752, at \*2 [citing *Meredith v. Erath* (9th Cir.  
2003) 342 F.3d 1057, 1061]; *see also NAACP of San Jose/Silicon Valley v. City of San Jose*, No.  
21-CV-01705-PJH, 2023 WL 4983161, at \*9 [collecting cases].)



1 example, demand that an exclusion be based on a finding about the “willful” disruption of the  
2 individual sought to be banned and the level of relative threat posed by “such person.” (See Pen.  
3 Code, § 626.4, subds. (a), (c).) Subsection (b), in turn, calls for a written “description of the person  
4 from whom consent was withdrawn, including, if available, the person’s name, address, and phone  
5 number” and a “statement of the facts giving rise to the withdrawal of consent” should a designee  
6 of the school’s chief administrative officer be the one who withdraws consent, as was the case  
7 here. (*Id.*, § 626.4, subd. (b).) Defendants never made such individualized determinations for  
8 Plaintiffs. Nor could they have done so. There is simply no evidence that the continued presence  
9 of Ellutzi, Irshad, or Hong on campus following their release from custody and the dismantling of  
10 the encampment rose to the level of a substantial threat that would have justified a pre-hearing  
11 exclusion. (Ellutzi Decl., ¶ 14; Irshad Decl., ¶ 19; Hong Decl., ¶ 21.)

12       **Second**, Defendants’ inability to provide evidence of written reports pursuant to subsection  
13 (b) indicates that they did not comply with Section 626.4’s mandatory reporting requirements.  
14 Because UCSC Chancellor Cynthia Larive, as the “chief administrative officer” of UCSC, was not  
15 the person notifying Plaintiffs that they were banned from campus, subsection (b) imposed certain  
16 timely duties on Defendants. They had a duty to ensure that properly delegated officials not only  
17 submitted, but also reviewed and confirmed, descriptive factual reports substantiating the  
18 withdrawal of consent from every banned person. (Pen. Code, § 626.4, subd. (b).) Chancellor  
19 Larive (or her designee) then had 24 hours from the time when consent was withdrawn to provide  
20 written confirmation of the exclusion. (*Ibid.*) Absent such written confirmation, an exclusion order  
21 by an “officer or employee **shall** be deemed void and of no force or effect . . . .” (*Ibid.*, emphasis  
22 added.) But here, in response to a public records request seeking, among other things, copies of all  
23 written reports submitted by the chief administrative officer’s designee describing withdrawals of  
24 consent and all written confirmation of these reports, UCSC stated that it had conducted “a  
25 reasonable search,” but determined that “no records exist” responsive to these requests. (Decl. of  
26 Shaila Nathu in Supp. of Mot. for Prelim. Inj., ¶ 3.) It is therefore questionable if the bans that  
27 caused Plaintiffs and other arrestees so much harm were even valid after June 1.

1       **Third**, Defendants provided Plaintiffs with deficient notices about the Section 626.4 bans  
2 and their right to appeal under subsection (c). Both Ellutzi and Irshad received only a verbal  
3 advisal about being banned from campus. (Ellutzi Decl., ¶ 13; Irshad Decl., ¶ 18.) It then took four  
4 days before Defendants provided these students with a generic notice of their banned status, which  
5 advised them of their right to simultaneously appeal the 626.4 ban *and* respond to the student  
6 conduct charges (though the students had no knowledge of the specific accusations against them).  
7 (Ellutzi Decl., ¶ 19; Irshad Decl., ¶ 26.) Hong was purportedly banned without receiving any  
8 notice at all, which placed her at risk of further arrest and criminal proceedings. (Hong Decl.,  
9 ¶¶ 22–24; *see also* Pen. Code, § 626.4, subds. (d), (f) [imposing misdemeanor sanctions and  
10 financial penalties for violation of Section 626.4].) Defendants’ lackadaisical efforts to  
11 communicate about the Section 626.4 bans—both the consequences of a violation and the right to  
12 appeal—stand in marked contrast to the language of subsection (c) mandating a timely hearing and  
13 commanding that consent “shall be reinstated” whenever there is “reason to believe that the  
14 presence of the person from whom consent was withdrawn will not constitute a substantial and  
15 material threat to the orderly operation of the campus . . . .” (Pen. Code, § 626.4, subd. (c).)

16       **Fourth**, these statutory failures also amount to a violation of UCSC’s student policies and  
17 regulations, which explicitly incorporate *Braxton* and Section 626.4. (*See* Dean of Students Office,  
18 *Student Policies and Regulations Handbook 2021-2022*, at Section 53.10 (December 17, 2021),  
19 [hereinafter, “Handbook”]. The Handbook states that designated individuals “are empowered to  
20 impose Emergency Suspension . . . where such suspension would be authorized under California  
21 Penal Code Sections 626.4 and 626.6, as interpreted by *Braxton*.” (Handbook at p. 18.) But  
22 Defendants neglected to follow the steps prescribed by Section 626.4 and *Braxton*’s narrowing  
23 construction. In so doing, Defendants violated a bedrock principle of due process in higher  
24 education: “[w]here student discipline is at issue, the university must comply with its own policies  
25 and procedures.” (*Doe v. Regents of Univ. of California* (2018) 28 Cal.App.5th 44, 56 [citing *Doe*  
26 *v. Regents of Univ. of California* (2016) 5 Cal.App.5th 1055, 1073].)

27       **Finally**, it bears noting that guidance crafted by University of California, Berkeley  
28 (“UCB”) demonstrates how UCSC might have acted differently to provide Plaintiffs with the due

1 process to which they were entitled.<sup>3</sup> UCB makes clear that—where, as here, an individual does  
2 not pose a risk of significant injury to persons or property—“a senior officer in the Campus Police  
3 Department . . . may recommend that [the] individual be excluded from campus” by submitting “a  
4 written report describing the basis of the recommendation” to the Vice Chancellor-Business and  
5 Administrative Services. The Vice Chancellor must then “conduct a hearing on the  
6 recommendation at the earliest opportunity” and inform the individual of the proposed exclusion  
7 and date, time, and place of the hearing. An exclusion order cannot be made until after the hearing  
8 is held and the exclusion has been sustained by the hearing officer. These steps, as described by  
9 UCB, ensure “notice and an opportunity to be heard,” which is “[t]he minimum amount of due  
10 process . . . .” (*Knight, supra*, 60 Cal.App.5th at p. 865 [citing *Goss, supra*, 419 U.S. at p. 579].)

### 11 **C. Taxpayer Claim**

12 State common law and the Code of Civil Procedure Section 526a authorize taxpayers to  
13 sue to enjoin the State from carrying on any unlawful actions. (*See, e.g., Weatherford v. City of*  
14 *San Rafael* (2017) 2 Cal.5th 1241, 1249.) Defendants’ use of taxpayer money to ban students from  
15 campus without a hearing and without making any determination as to the substantial risk of  
16 significant harm posed by the continuing presence of each banned person constitutes wasteful and  
17 *ultra vires* expenditures. Defendants’ failure to discharge their mandatory duty of enforcing  
18 Section 626.4 in compliance with the statute’s prescribed steps, including by failing to document  
19 and confirm the banishment orders of students and faculty, are additional material violations of  
20 state law. Plaintiffs are therefore likely also to prevail on this claim at trial.

## 21 **II. Balance of Harms Weighs in Plaintiffs’ Favor**

### 22 **A. Plaintiffs will face irreparable harm absent a Court Order.**

23 As discussed above, Defendants’ application of Section 626.4 has deterred, and continues  
24 to deter, Plaintiffs and other UCSC community members from engaging in constitutionally  
25 protected expressive activity. This interference with free speech rights “unquestionably constitutes  
26 irreparable injury.” (*Elrod, supra*, 427 U.S. at p. 373.)

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27  
28 <sup>3</sup> See UC Berkeley Division of Student Affairs, *Berkeley Campus Procedures for Implementing*  
*Section 626 of the State Penal Code* <<https://tinyurl.com/35s4y2u4>> (as of Sept. 22, 2024).

1 Plaintiffs are committed to expressing support for Palestine and are active members in  
2 other social justice movements on campus. (Ellutzi Decl., ¶¶ 26–28; Irshad Decl., ¶¶ 32–33;  
3 Hong Decl., ¶ 34.) Plaintiffs are, however, understandably concerned that their expression,  
4 especially on issues involving Israel and Gaza, could lead to further summary banishment and the  
5 instant loss of access to their homes, education, healthcare, jobs, and income. (*Ibid.*) This worry is  
6 not theoretical. Defendants also used Section 626.4 to ban additional students at two other pro-  
7 Palestine protests in June, and they have made it clear that they will wield Section 626.4 in  
8 response to campus protest activity in the 2024-25 school year. (Ellutzi Decl., ¶¶ 24–25, Exs. D,  
9 E; Irshad Decl., ¶ 29–31, Exs. I–J; Hong Decl., ¶ 32, Ex. M; Parrish Decl., ¶¶ 10–12.)

10 Plaintiffs’ harm is ongoing and imminent. A very real threat exists that Defendants will  
11 issue additional overbroad and indiscriminate Section 626.4 bans as the 2024-25 school year  
12 begins. Plaintiffs are therefore likely to suffer absent a Court order enjoining Defendants from  
13 continuing their practice of banishing students from campus without due process.

14 **B. Defendants are not likely to be harmed if a preliminary injunction is granted.**

15 Defendants should not be harmed by an order requiring them to apply Section 626.4 in a  
16 constitutionally permissible manner and to provide constitutionally compliant procedural due  
17 process. (*Goss, supra*, 419 U.S. at p. 574 [“The authority possessed by the State to prescribe and  
18 enforce standards of conduct in its schools, although concededly very broad, must be exercised  
19 consistently with constitutional safeguards.”]; *see also Goldberg v. Regents of Univ. of California*  
20 (1967) 248 Cal.App.2d 867, 875 [“[T]he University’s rule-making powers and its relationship  
21 with its students are subject to federal constitutional guarantees.”].)

22 **C. Preliminary relief is warranted because the balance of harms favors Plaintiffs.**

23 Where, as here, Plaintiffs are likely to succeed on the merits of their constitutional claims,  
24 the status quo constitutes a significant interim harm. (*Robbins v. Superior Court* (1985) 38 Cal.3d  
25 199, 207.) Absent injunctive relief, Plaintiffs are at risk of being summarily excluded from campus  
26 before having an opportunity to be heard, despite not posing a substantial risk of significant injury  
27 to persons or property on campus. Given how destabilizing the instantaneous bans were on every  
28 level—personal, academic, and professional, the imminent threat of such punishment is tangible.

If Defendants continue to use Section 626.4 as broadly as they did in the Spring 2024 Quarter, Plaintiffs are susceptible to losing their sources of housing, food, income, and education. The potential of improper banishment has understandably caused Plaintiffs to question whether they should engage in protest activity, including expression and conduct protected by the First Amendment, on campus at all. This unacceptable “pervasive chilling effect . . . on the exercise of free speech” constitutes “irreparable harm which mandates the issuance of the preliminary injunction.” (*American Booksellers Assn., Inc. v. Superior Court* (1982) 129 Cal.App.3d 197, 206.) “The harm is particularly irreparable where, as here, a plaintiff seeks to engage in political speech, as ‘timing is of the essence in politics’ and ‘[a] delay of even a day or two may be intolerable . . . .’” (*Klein v. City of San Clemente* (9th Cir. 2009) 584 F.3d 1196, 1208 [citing *Long Beach Area Peace Network v. City of Long Beach* (9th Cir. 2008) 522 F.3d 1010, 1020].)

Defendants will not suffer any harm if the preliminary injunction is granted. They would maintain the ability to use Section 626.4 to exclude an individual whose presence on campus represents a substantial threat of significant injury to persons or property before providing a hearing. And Defendants are not harmed by providing an individual who poses no substantial threat with notice and an opportunity to be heard. Moreover, “it is always in the public interest to prevent the violation of a party’s constitutional rights.” (*Melendres v. Arpaio* (9th Cir. 2012) 695 F.3d 990, 1002, citation omitted; *see also Legend Night Club v. Miller* (4th Cir. 2011) 637 F.3d 291, 302–303 [holding that government was “in no way harmed by the issuance of an injunction that prevents [it] from enforcing unconstitutional restrictions”].)

## CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant their preliminary injunction motion.

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1 Dated: September 26, 2024

Respectfully submitted,

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ**

HANNAH (ELIO) ELLUTZI; LAAILA  
IRSHAD; CHRISTINE HONG,

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA; CYNTHIA LARIVE, in her  
official capacity as Chancellor of the  
University of California, Santa Cruz  
("UCSC"); LORI KLETZER, in her official  
capacity as UCSC Campus Provost and  
Executive Vice Chancellor; EDWARD D.  
REISKIN, in his official capacity as UCSC  
Vice Chancellor for Finance, Operations and  
Administration; AKIRAH J. BRADLEY-  
ARMSTRONG, in her official capacity as  
UCSC Vice Chancellor of Student Affairs;  
ALEX DOUGLAS MCCAFFERTY, in his  
official capacity as UCSC Campus Budget  
Director; SONYA KIERNAN, in her official  
capacity as Executive Assistant to the UCSC  
Chancellor; HERBERT LEE, in his official  
capacity as UCSC Vice Provost of Academic

Case No. 24CV02532

*Assigned for all purpose to the  
Hon. Syda Kosofsky Cogliati*

**DECLARATION OF HANNAH (ELIO)  
ELLUTZI IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION;  
EXHIBITS A THROUGH E**

Date: November 19, 2024

Time: 8:30 a.m.

Dept.: 5

Action Filed: September 9, 2024

*[Filed concurrently with Notice of Motion and  
Motion, and Memorandum of Points and  
Authorities in Support of Plaintiffs' Motion for  
Preliminary Injunction]*

1 Affairs; JESSICA RASHID, in her official  
2 capacity as UCSC Assistant Dean of Students,  
3 Student Conduct & Community Standards;  
4 ADRIENNE RATNER, in her official capacity  
5 as UCSC Director of Academic Employee  
6 Relations; KEVIN DOMBY, in his official  
7 capacity as UCSC Chief of Police and  
8 Executive Director of Public Safety; and  
9 DOES 1-10,

Defendants.



1 I, HANNAH (ELIO) ELLUTZI, declare as follows:

2 1. I am an individual over 18 years of age and a plaintiff in this action. I make this  
3 declaration in support of Plaintiffs' Motion for Preliminary Injunction. I can testify as to the  
4 following matters from personal knowledge, except as those matters stated on information and  
5 belief, and as to those I believe them to be true.

6 **My Background & Advocacy**

7 2. I am a third-year undergraduate at UC Santa Cruz, majoring in Community Studies  
8 with a minor in History. I chose to attend UCSC because of its rich history and culture of social  
9 engagement. And I chose my major because I wanted to learn about organizing for social justice  
10 and to build a career in that space.

11 3. Through my classes at UCSC, I have learned about the ways in which governments  
12 have controlled, suppressed, and limited the rights and freedoms of the public in the past and  
13 present. I have also learned about the important role of protest in bringing about social change,  
14 including the use of demonstrations, civil disobedience, and labor strikes. This coursework has  
15 motivated me to become more vocal as a member of the university community. I consider my  
16 participation in campus activity as part of, not separate from, my university education.

17 4. I have been horrified by all the accumulating evidence of the genocide in Gaza. I  
18 am appalled by the role of weapons, money, and political support from the United States in  
19 facilitating the genocide. This war is the most shocking world event I have experienced while  
20 attending UCSC and I feel compelled to speak up for the Palestinian struggle. Whenever UCSC's  
21 chapter of Students for Justice in Palestine or the UCSC Divest Coalition calls for a protest, I try  
22 my best to show up to express my support.

23 **The Events of May 30-31, 2024**

24 5. Late in the evening on May 30, 2024, I was playing guitar with a few friends in a  
25 field on campus. Other friends approached us to share that there was police activity at the Gaza  
26 Solidarity Encampment, which was located near the entrance to campus.

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1           6.           I knew that many of my friends were present at the Gaza Solidarity Encampment  
2 and felt that I needed to be there to support them and witness actions taken by law enforcement.

3           7.           When I reached the protest at the encampment, police were already there and were  
4 funneling students into a tight circle near the intersection of Bay Drive and High Street, near the  
5 entrance to campus. I was standing in a grassy area near the entrance of campus with a large group  
6 of other people observing what was going on. One cop told me that I was going to be arrested  
7 regardless of whether I observed from outside the circle or within the circle. I felt that it was  
8 critical to observe police conduct in this tense situation. I was not blocking the road to campus, nor  
9 did I intentionally attempt to prevent cars or people from entering or exiting campus.

10          8.           As the police raid continued into dawn the next day, I got swept up into the circle  
11 of students. It was getting more and more packed. The police were crushing us together by  
12 sticking their batons out towards us at the perimeter. I had recently recovered from having a severe  
13 case of mononucleosis. Given that intense, traumatic health experience, I was especially terrified  
14 of getting hit in the stomach or spleen, which I saw the cops doing to others. By the end of the  
15 night, I had many bruises from being tightly crushed together with others.

16          9.           Recalling the officer's statement that I would be arrested regardless of whether I  
17 observed police conduct from outside the circle or within the circle, I believed that I would be  
18 arrested if I left the circle. I could also see that people who did try to leave were being arrested. It  
19 was a very chaotic scene and I had trouble hearing and understanding what the officers wanted us  
20 to do.

21          10.          In the early morning hours on May 31, I was arrested, put into plastic zip-tie  
22 handcuffs, and placed on a bus. Officers left us sitting on the bus for hours. The handcuffs were so  
23 painful. We had no access to bathrooms, which was also terrible. I was so exhausted that I kept  
24 involuntarily falling asleep and then would be jostled awake

25          11.          We were eventually transported on the bus to a UCSC Police Department station at  
26 a satellite campus property. We waited in a hallway in this station for hours. It was disorienting  
27 and all I wanted to do was go home to my bed.

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1           12.       Finally, I was released. I was cited for misdemeanor “failure to disperse” under  
2 Penal Code section 409. No charges have been filed against me. I maintain my factual innocence  
3 of that charge.

4           13.       At the time of my release, an officer told me verbally that I was banned from  
5 campus effective immediately. I did not receive written notice of this ban. I understand from  
6 talking with others who were arrested that all of them were also banned from campus.

7           14.       During the events of May 30 and 31, 2024, my conduct was consistent with  
8 expressive protest and the principles of civil disobedience that I had learned in my university  
9 classes. At no time whatsoever did I engage in any threats, intimidation, physical violence, or  
10 destruction of property. I was never a substantial threat of significant injury to any person or  
11 property on campus.

12       **The Consequences I Had to Face as a Result of the Ban**

13           15.       During Spring Quarter 2024, I lived in an on-campus apartment and was a barista at  
14 a campus café. As I lived and worked on campus, the ban rendered me instantly homeless and  
15 unable to report to my job. Losing access to my home was very difficult and triggering for me, as I  
16 had experienced displacement before, both when I was a teenager and also when there was a fire  
17 in my building during Fall Quarter 2023.

18           16.       I normally rely on the government’s Supplemental Nutrition Assistance Program  
19 (“SNAP”) and free food pantries on campus for food. Because I was banned from campus,  
20 however, I did not have access to the food that I had just purchased with my SNAP benefits which  
21 was in the refrigerator in my campus apartment. I was also unable to get my clothing, computer,  
22 and phone from my apartment. I had to ask friends to search my room to find these items and  
23 bring them to me. I didn’t have any toiletries either and I relied on the donations of others to get a  
24 toothbrush. I missed several work shifts due to the campus ban and was concerned that the  
25 absences might force me to find new employment for Fall Quarter 2024.

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1           17.       In Spring Quarter 2023 and Winter Quarter 2024, I had qualified for the Dean's  
2 List. But I did very badly in my Spring Quarter 2024 classes due to being banned at the end of the  
3 school year. My grades suffered because I could not attend my final classes remotely and I did not  
4 have access to the library or my notes to study for finals. I also could not access office hours to get  
5 help from teaching assistants and I could not access the school supplies in my dormitory.  
6 Although I was allowed to take one final remotely, I did poorly because I did not have a calm or  
7 safe environment, and I was hungry, devastated, homeless, and exhausted.

8           18.       I was also denied access to healthcare on campus. This was very difficult for me  
9 because I had been waiting for months for an important gender-affirming care appointment  
10 scheduled with the Student Health Center. In fact, I had chosen to sign up and pay a premium for  
11 university healthcare so that I could access such care on campus. My long-awaited appointment  
12 was scheduled for June 6, 2024, but my banned status prohibited me from going onto campus for  
13 that appointment. As there are only two gender affirming care providers on campus, I was unable  
14 to get another appointment before the school year ended and had to defer my medical  
15 appointments to the fall.

16 **My Incident Review Meeting and The Recission of My Ban from Campus**

17           19.       On June 4, 2024, I received correspondence from UCSC's Office of Student  
18 Conduct and Conflict Education ("OSCCE"). The message was titled "Notice of Incident Review  
19 Meeting," and I understand that many other students got the exact same letter. The message  
20 advised each recipient that OSCCE had received a report about "a large group of students  
21 numbering approximately 200 individuals [who had] obstructed public access to [UCSC] and  
22 failed to comply with a lawful order to disperse." The message claimed that I had been one of the  
23 people in the group of approximately 200 individuals. The message also contained an invitation to  
24 "respond" by signing up for a "626.4 Hearing & Incident Review Meeting." But it didn't explain  
25 any specific allegations about what I personally was accused of doing and it didn't explain the  
26 specific charges against me—as distinct from the other 200 plus people referenced in the letter. A  
27 true and correct copy of OSCCE's June 4 message is attached hereto as **Exhibit A**.

1           20.       In response, I coordinated with two representatives from the Academic Student  
2 Employees union to request an in-person hearing on my behalf and attend the hearing with me as  
3 my support person and notetaker. My hearing was eventually scheduled for June 7, 2024 at 1:00  
4 p.m.

5           21.       While I had concerns about a meeting to discuss my ban from campus under Penal  
6 Code section 626.4 and potential student conduct charges, I did not want to forfeit my right to a  
7 formal hearing. A few minutes before my hearing, I clicked on the link for the Zoom meeting  
8 provided by OSCCE but received a response stating that the link was invalid. I e-mailed a member  
9 of OSCCE staff at 1:04 p.m. to alert them of the issue with the meeting link. He responded at 1:32  
10 p.m., stating that all of the time slots were full for the day, and I would need to reschedule. At 1:38  
11 p.m., he reached out again to say that the student scheduled for 1:30 p.m. did not show up and  
12 asked if I could meet then. Because I had planned for 1:00 p.m. with the union representatives and  
13 did not have a dedicated quiet space to take the meeting due to the ban, I had to decline the offer.  
14 True and correct copies of the correspondence constituting this exchange are attached hereto as  
15 **Exhibit B.**

16           22.       My “626.4 Hearing and Incident Review Meeting” was eventually held on June 10,  
17 2024. I expressed my concerns about not receiving separate hearings for my campus ban and  
18 potential student conduct charges and specified that I was participating in this meeting under  
19 protest. I stated that I did not pose a threat to campus operations. I also described how the ban had  
20 made me homeless, unable to access gender affirming healthcare, lose wages, and even more food  
21 insecure than I already was before the ban.

22           23.       Later in the day on June 10, 2024, I received correspondence from Dani Barker of  
23 UCSC’s Division of Student Affairs and Success titled “Timely: Respond to withdrawal of  
24 consent 626.4 Hearing.” In this correspondence, Ms. Barker stated: “Based on my review of the  
25 information that is available to me regarding the 626.4 Exclusion issued on May 31, 2024, I have  
26 decided to lift the 626.4 Exclusion and allow you to return to campus property.” A true and correct  
27 copy of Ms. Barker’s June 10 correspondence is attached hereto as **Exhibit C.**

28

1 **My Fear of Retaliation for Participation of Activity Protected by the First Amendment**

2 24. Classes begin at UCSC this week—specifically on September 26, 2024. Leading up  
3 to the start of school, I received a notice on September 11, 2024 from UCSC which states  
4 “Individuals can be excluded from campus pursuant to the process described in Penal Code section  
5 626. Violation of campus policies and regulations may result in the partial or total exclusion of  
6 individuals from campus facilities.” It is unclear to me what conduct would subject me to being  
7 banned from campus again. A true and correct copy of this notice is attached hereto as **Exhibit D**.

8 25. On July 2, 2024, while I was on summer break, I received a notice from OSCCE  
9 requiring me to sign a Reminder of Campus Community Agreement for my potential involvement  
10 in campus protests and “encourag[ing] me to think about the impact [of] blocking access to the  
11 campus” regardless of whether I was “involved specifically with that blocking or not.” A true and  
12 correct copy of this July 2 notice is attached hereto as **Exhibit E**.

13 26. Because I believe that activism is intersectional, I have participated in several free  
14 speech activities on campus and plan to do so again. This school year, for example, I plan to attend  
15 and participate in protest events for the Worker Student Solidarity Coalition in support of the  
16 empowerment, dignity, and livelihoods of workers and students on campus, including myself.

17 27. I also intend to continue to advocate for divestment and in support of the people of  
18 Palestine in this school year. I want to show solidarity with my friends who seek to raise  
19 awareness about these issues as well. But I am afraid that UCSC could again summarily ban me  
20 from campus for expressing my political beliefs during a protest or event on campus. It’s being  
21 banned instantly and the unfair, disproportionate punishment that I worry about.

22 28. Because the impacts of being banned on the spot are so devastating, I understand  
23 that the law says UCSC should hold a hearing before it bans any student from campus. I should be  
24 allowed to exercise my rights to protest. But due to the severe effects of having been banned at the  
25 end of the Spring 2024 Quarter, I am now very worried that if I continue protesting, I could be  
26 banned on the spot without first having a hearing to defend myself even though I wouldn’t be  
27 posing a substantial threat of significant injury to person or property. If that happens, I could do  
28

1 poorly in my classes again and lose my campus job, which I need to help with school costs. I  
2 might then be unable to continue at UCSC.

3 I declare under penalty of perjury that the foregoing is true and corrected. Executed this 25th  
4 day of September 2024, at Santa Cruz, California.

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6 HANNAH (ELIO) ELLUTZI  
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### **Exhibit Index**

Declaration of Hannah (Elio) Ellutzi in Support of Plaintiffs' Motion for Preliminary Injunction

<b>Exhibit Letter</b>	<b>Exhibit Description</b>
A	"Notice of Incident Review Meeting" from UCSC to Hannah (Elio) Ellutzi, dated June 4, 2024
B	Correspondence regarding invalid Zoom link for hearing between UCSC and Hannah (Elio) Ellutzi, dated June 7, 2024
C	"Timely: Respond to withdrawal of consent 626.4 Hearing" from UCSC to Hannah (Elio) Ellutzi, dated June 10, 2024
D	"Senate Bill 108 Rights and responsibilities of free expression"
E	"Reminder of Campus Community Agreement (104.8 Admonishment) for Possible Policy Violations" from UCSC to Hannah (Elio) Ellutzi, dated July 2, 2024



# EXHIBIT A



SENT VIA UCSC EMAIL ACCOUNT

**CONFIDENTIAL**

June 04, 2024

Hannah Ellutzi

██████████@ucsc.edu

**SUBJECT:** Notice of Incident Review Meeting

**INCIDENT NUMBER:** 00969-2024

Dear Hannah:

We hope this email finds you doing well. We received a report that you may have been involved in an incident on or about May 31, 2024 near the entrance to campus.

**Summary of incident**

For your reference, the report is summarized below:

*The Office of Student Conduct and Conflict Education received a report that you and a large group of students numbering approximately 200 individuals obstructed public access to UC Santa Cruz and failed to comply with a lawful order to disperse in violation of University policy and/or several California penal code sections including PC 409. Multiple campus messages had previously been sent requesting demonstrators remove all barricades and allow public access to the campus.*

*Around midnight on Friday May 31st a contingent of law enforcement personnel from multiple agencies arrived in an attempt to restore public access to campus by having individuals disperse, leave the area and remove the barricades. Demonstrators had established a large camp at the main entrance and had previously proceeded to block the entrance with various debris and wooden pallets over several days, creating unsafe conditions, blocking public access to the campus, and disrupting university operations.*

*Over the course of the police action, an estimated 15 dispersal orders were given by a megaphone which was reported to be audible 350-400 feet away. Approximately 30-40 students left the large group of demonstrators during this time.*

*Individuals who failed to comply with the dispersal order were reported to lock arms or grab the individual in front of them to make themselves difficult to individually arrest. Police reported that as part of dispersing the crowd and restoring public access to the campus approximately 117 protest participants were arrested and you are one of the arrestees.*

**Alleged Policy Violations**

Your behavior may represent violation(s) of the [Code of Student Conduct](#) as published in the [Student Policies and Regulations Handbook](#), specifically section(s):

102.08 (c) Conduct which constitutes, conduct that threatens the health or safety of any person.

102.13 Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

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

102.16 Failure to identify oneself to, or comply with directions of, a University official or other public official acting in the performance of their 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.

102.29 Blocking or impeding ingress to or egress from the campus, buildings, or official University functions, including activities on non-University property.

102.31 Violation of any other University policy or campus regulation: Time, Place and Manner restrictions

102.32 Commission of a public offense under any federal, state, or local law or ordinance on or in University properties or at official University functions may subject students to campus disciplinary procedures.

102.33 Commission of a public offense under any federal, state, or local laws or ordinances occurring off campus may subject violators to campus disciplinary procedures as well as any civil or criminal action that may be taken.

#### **Hearing for Trespass notice under California Penal Code 626.4**

University Police notified our Office that you were issued a trespass notice under California Penal Code 626.4. The trespass notice issued to you by University police is valid for 14 days from when it was issued unless lifted by appeal. If you would like to appeal the 626 notice you may do so by signing up for a hearing time below.

#### **Next Steps**

To respond to this letter sign up for a hearing at the following link: [626.4 Hearing & Incident Review Meeting](#). Hearings will be held over Zoom, be for 30 minutes and involve two University staff. One University staff member will be reviewing your request to appeal the 626 trespass notice. The second University Staff member will be reviewing the alleged policy violations listed above and make a decision regarding any violation of University policy. The two University Staff will issue independent decisions.

In order to promptly meet with all student requests, the meeting will not go longer than 30 minutes however a follow up meeting can be requested if not all information was presented. You have the right to not respond to the 626 notice and/or the above charges in which case a determination of responsibility will be made without your input. As an alternative to participating in a hearing you may submit a written statement via email to [conduct@ucsc.edu](mailto:conduct@ucsc.edu).

Because our time together will be limited we encourage you to review the following materials prior to the hearing to ensure we cover all topics in the hearing.

- [Code of Student Conduct](#)
- [FAQ for Students Who Have Received a 626.4 Notice](#)

#### **Meeting Agenda**

If you choose to attend a hearing, here is what will be covered:

- Introductions
- 626 Hearing discussion
- Student Code of Conduct discussion
- Resources and Closing

#### **Support Person**

The Code of Student Conduct affords all students the option to have one non-participatory support person of their choosing accompany them to any meeting or hearing with a signed [Support Person Agreement](#). Please submit the Support Person Agreement at least an hour in advance of a hearing. Without a signed agreement waiving your right to privacy with the support person, they will not be able to attend the meeting. The support person may not also serve as a witness. If you are in need of support or assistance, but you do not have an identifiable support person, please contact Respondent Support Services at [rss@ucsc.edu](mailto:rss@ucsc.edu).

#### **Accommodations**

Should you require any accommodations to be able to fully participate in this incident review meeting, please reply to this email with your accommodations request.

#### **Campus Resources**

We understand this information may be difficult. Should you wish to speak to someone in [Counseling and Psychological Services \(CAPS\)](#), [Slug Support](#) or [Basic Needs](#) we encourage you to reach out. CAPS can provide support and assistance via telemental counseling zoom appointments [Counseling Services \(ucsc.edu\)](#) CAPS also provides drop-in brief consults [Let's Talk Drop-in Program \(ucsc.edu\)](#) with a CAPS counselor.

Sincerely,



The Office of Student Conduct and Conflict Education

# EXHIBIT B







**Hannah Ellutzi** <[REDACTED]@ucsc.edu>  
to Hashim ▾

Fri, Jun 7, 1:04 PM  

Hi. I am supposed to be having a meeting right now but the zoom link is invalid. Please send over a valid link at your earliest convenience. Best, Hannah Ellutzi



**Hashim Jibri** <hjibri@ucsc.edu>  
to me ▾

Fri, Jun 7, 1:32 PM  

Hello Hannah,

Sorry, I just received your email. Sorry for the technical difficulties. Unfortunately, all of our time slots are filled for the day, and you will need to reschedule. I have notified members of our team that the link was invalid. You should be able to go into the Notice of Incident Review letter and reschedule the meeting. Again sorry for the inconvenience.

Thanks,  
Hashim

On Fri, Jun 7, 2024 at 1:04 PM Hannah Ellutzi <[REDACTED]@ucsc.edu> wrote:

Hi, I am supposed to be having a meeting right now but the zoom link is invalid. Please send over a valid link at your earliest convenience. Best, Hannah Ellutzi

**\*Note: I respond to emails during business hours of operation (Monday-Friday, 9a-5p) within 24-48 hours.**

**Below are additional student support resources:**

[SHOP \(Student Health Outreach & Promotions\)](#)

[The Cove \(UCSC Harm Reduction & Recovering Community\)](#)

[CAPS \(Counseling & Psychological Services\)](#)

[UCSC Resource Centers](#)

[OPERS \(The Office of Physical Education, Recreation & Sports\)](#)



[CARE \(Center for Advocacy, Resources, & Empowerment\)](#)

[RSS \(Respondent Support Services\)](#)

**Hashim Jibri, M.A.**  
**Pronouns: He/Him/His**  
**Senior Conduct & Equity Specialist**  
**University of California, Santa Cruz**  
**\*e-mail: [hjibri@ucsc.edu](mailto:hjibri@ucsc.edu)**



**Hashim Jibri** <hjibri@ucsc.edu>  
to me ▾

Fri, Jun 7, 1:38 PM  

Hello Hannah,



We might have a no show for 1:30. I will confirm in a few minutes. If so, are you able to meet at 1:40?

Thanks,  
Hashim

...



**Hashim Jibri** <hjibri@ucsc.edu>  
to me ▾

Fri, Jun 7, 1:45 PM  

Hello Hannah,

Here is the link to the meeting room. Please join if you can.

<https://ucsc.zoom.us/j/2542713893?pwd=QzhhVkFua2tJb2xjUWwQwMkxvaFhkQT09>

...



**Hashim Jibri** <hjibri@ucsc.edu>

to me ▾

Fri, Jun 7, 1:38 PM



Hello Hannah,

We might have a no show for 1:30. I will confirm in a few minutes. If so, are you able to meet at 1:40?

Thanks,

Hashim

...



**Hashim Jibri** <hjibri@ucsc.edu>

to me ▾

Fri, Jun 7, 1:45 PM



Hello Hannah,

Here is the link to the meeting room. Please join if you can.

<https://ucsc.zoom.us/j/2542713893?pwd=QzhhVkFua2tJb2xjUWQwMkxvaFhkQT09>

...



**Hannah Ellutzi** <[REDACTED]@ucsc.edu>

to Hashim, bcc: Rebecca, bcc: Summer ▾

Fri, Jun 7, 1:48 PM



Hi.

Unfortunately, I am unable to meet outside of our scheduled time. I planned for 1pm with my support person and notetaker. I also needed to coordinate taking the meeting in a quiet location as I am sleeping on my friends couch, and a quiet space is no longer available to me.

Best

Hannah

...



**Hashim Jibri** <hjibri@ucsc.edu>

to me ▾

Fri, Jun 7, 1:57 PM



Hello Hannah,

That's understandable, you can reschedule for a time that's more convenient for you. Again, I have noted that you were not able to open the link to the access the meeting. Again sorry for the technical difficulties and inconvenience.

Hashim

...

# EXHIBIT C



## UNIVERSITY OF CALIFORNIA, SANTA CRUZ

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

Hannah Ellutzi



@ucsc.edu

SUBJECT: Timely: Response to withdrawal of consent 626.4 Hearing

INCIDENT NUMBER: 00969-031-2024

Dear Hannah,

This letter serves as a follow-up to the findings of the 626.4 Withdrawal of Consent to Remain on Campus (626.4 Exclusion) hearing on June 10, 2024 regarding willful disruption of the orderly operation of campus in an incident reported to have occurred on or about May 31, 2024.

**Decision**

Based on my review of the information that is available to me regarding the 626.4 Exclusion issued on May 31, 2024, I have decided to lift the 626.4 Exclusion and allow you to fully return to campus property.

**Rationale for Decision**

In responding to my questions, you stated that going forward you would abide by all university policy and comply with any future directions given by University officials. Based on your responses to my questions, I do not believe that your return will disrupt campus activities or compromise the safety and well-being of the university community. Your presence is expected to support a positive and orderly environment, facilitating your academic and personal growth.

The expectation is that you will follow all legal notices and University directives while the incident is investigated. Involvement in additional policy violations may result in compounded outcomes.

**Campus Resources**

We understand this information may be difficult. Should you wish to speak to someone in [Counseling and Psychological Services \(CAPS\)](#) [Slug Support](#) or [Basic Needs](#) we encourage you to reach out. CAPS can provide support and assistance via [telemental counseling](#) [zoom appointments](#) [Counseling Services \(ucsc.edu\)](#) CAPS also provides drop-in brief consults [Let's Talk Drop-in Program \(ucsc.edu\)](#) with a CAPS counselor.

Sincerely,

Dani Barker

# EXHIBIT D

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# California State Senate Bill 108

## SB 108, SEC. 219, 34

[En Español](#)

Per the requirements of [California State Senate Bill 108](#) § 219, 34, the University provides the following information:

**1. The campus's time, place, and manner and policy, which identifies the allowable parameters of free speech activities and the campus, as well as other policies that could relate to expressive activities.**

- [Interim Conduct Regulations \(Time, Place and Manner\)](#)
- [UCSC Student Handbook](#) Section 30.00 Policy on Speech and Advocacy
- [UCSC Student Handbook](#) Section 40.00 Policy on Use of University Property
- [UCSC Student Handbook](#) Section 100.00 Policy on Student Conduct and Community Agreements
- [UC Santa Cruz Free Speech Laws and Policies](#)
- [Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California \(UCSC Student Handbook Appendix R\)](#)
- [Policies Applying to Campus Activities, Organizations and Students \(PACAOS\) 30.00 POLICY ON SPEECH AND ADVOCACY](#)
- [Policies Applying to Campus Activities, Organizations and Students \(PACAOS\) 40.00 POLICY ON USE OF UNIVERSITY PROPERTIES](#)

- [Regents Policy 1111: Policy on Statement of Ethical Values and Standards of Ethical Conduct](#)
- [University of California Faculty Code of Conduct](#)

**2. The Student Code of Conduct, which identifies acceptable student behavior, and relevant state and federal laws, which delineate legal and illegal activities.**

- [UCSC Student Handbook](#)
- Potentially relevant state and federal laws include the following: [California Penal Code](#).
- Federal law regarding the University's responsibility to address discrimination, including expressive conduct, based upon certain characteristics: [Title VI](#), [Title IX](#).

**3. The systemwide Anti-discrimination Policy, which ensures compliance with Title VI and Title VII of the Civil Rights Act of 1964**

- [University of California Anti Discrimination Policy](#).

**4. The process by which the campus will resolve any complaint of a violation of relevant institutional policies, state law, or federal law, including complaints against individuals not affiliated with the campus.**

The process by which the campus resolves a complaint of a policy violation may be described in the policy that addresses the specific type of violation that is alleged.

For example, the campus [Equity and Equal Opportunity Office](#) enforces the UC Anti-Discrimination Policy, as well as other applicable university, state, and federal guidelines for creating an inclusive and equitable environment.

Suspected criminal activity on campus is reported to the relevant law enforcement agency.

This imposition of disciplinary consequences upon a student for a violation of policy is addressed through the process described in the UCSC Student Handbook, linked above.

Employees are disciplined for policy violations pursuant to the published [employment policies](#) that pertain to their category of employment.

People who are not affiliated with campus are subject to criminal prosecution for crimes committed on campus. Individuals can be excluded from campus pursuant to the process described in Penal Code section 626. Violation of campus policies and regulations may result in the partial or total exclusion of individuals from campus facilities.

**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**

Please see the below response listed under No. 6.

**6. How the campus may respond to activities that threaten the safety of students, faculty, or staff, and disrupt their ability to access the campus or 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.**

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]

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:

- 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. Specifically, if violation of policy or law poses an immediate threat to life safety – in other words, where there is an 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) – the University will act accordingly and mobilize UCPD, Campus Fire Marshal and/or other police resources to respond. This is consistent with the University's established tiered response approach, where a serious escalation of threat to life safety demands a rapidly escalated response. The tiered response approach outlined above is rooted in the best practices and recommendations of the Robinson-Edley report [3] and the Community Safety Plan [4] to encourage free expression while safeguarding the rights of all members to teach, study, and exchange ideas freely.

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 taken only after disciplinary proceedings are completed with appropriate procedural safeguards. 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.

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*[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 \(PACAOS 40\)](#)*

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

*[3] [Robinson Edley Report and Implementation Plans](#)*

*[4] [UC Community Safety Plan](#)*

## **7. How the campus intends to foster healthy discourse and bring together campus community members, and viewpoints that are ideologically different, in order to best promote the educational mission of the institution and the exchange of ideas in a safe and peaceful manner.**

Following extensive outreach to gather ideas and input from the campus community, UC Santa Cruz has expanded mental health resources and will develop educational programming, and leadership development opportunities for students, staff, and faculty. As part of that effort, it will develop new synchronous and asynchronous educational programming and leadership training for staff and faculty to foster greater awareness of, and provide tools to combat, Islamophobia, anti Arab bias, antisemitism, and other forms of hate and bias based on actual or perceived ancestry.

### **More resources**

- [Addressing Critical Current Events and Holding Difficult Conversations](#)
- [Trauma Aware Teaching](#)



**8. Identify educational programs and activities for faculty, staff, and students to support the balance between free speech activities, educational mission, and student safety.**

- [UC Santa Cruz Free Speech website](#)
- [Office for Diversity, Equity, and Inclusion](#)
- [UC National Center for Free Speech and Civic Engagement](#)

**9. A list of the resources available on campus for faculty, staff, and students to receive mental health and trauma support.**

- [Resources for our campus community](#)
- For students: [Counseling and Psychological Services](#)
- For employees: [Employee Assistance Program](#)

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**Propuesta de Ley del Senado de California 108, SCS 210, 24**

**OUR VOICES WILL DEFINE THE CENTURY**

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**normativas que pudieran aplicarse a las actividades de expresión.**

- [Reglamentos de Conducta Interinos \(Tiempo, Lugar y Manera\)](#)
- [Manual del Estudiante de la UCSC Sección 30.00 Normativa sobre Expresión y Defensa](#)
- [Manual del Estudiante de la UCSC Sección 40.00 Normativa sobre el Uso de la Propiedad de la Universidad](#)
- [Manual del Estudiante de la UCSC Sección 100.00 Normativa sobre la Conducta del Estudiante y Acuerdos de la Comunidad](#)
- [Leyes y Normativas de la UC Santa Cruz sobre la Expresión](#)
- [Reglamentos que Rigen la Conducta de los No-Afiliados en los Edificios y Predios de la Universidad de California \(Manual del Estudiante de la UCSC Apéndice R\)](#)
- [Normativas que Aplican a las Actividades, Organizaciones y Estudiantes en el Campus \(PACAOS, por sus siglas en inglés\) NORMATIVA 30.00 SOBRE EXPRESIÓN y DEFENSA](#)



- [Normativas que Aplican a las Actividades, Organizaciones y Estudiantes en el Campus \(PACAOS\) Normativa 40.00 SOBRE EL USO DE PROPIEDADES DE LA UNIVERSIDAD;](#)
- [Normativa de los Regentes 1111: Normativa sobre la Declaración de Valores y Estándares Éticos de la Conducta](#)
- [Código de Conducta de la Facultad de la Universidad de California](#)

**2. El Código de Conducta Estudiantil identifica el comportamiento aceptable del estudiante, y aquellas leyes estatales y federales aplicables que delinean las actividades legales e ilegales.**

- [Manual del Estudiante de la UCSC](#)
- Las leyes estatales y federales potencialmente aplicables incluyen las siguientes: [Código Penal de California](#).
- Leyes federales respecto a la responsabilidad de la Universidad en cuanto a la discriminación, inclusive la conducta en la expresión, basadas en ciertas características: [Título VI](#), [Título IX](#).

**3. La Normativa Anti-discriminación Normativa aplicable a todo el sistema, que asegura el cumplimiento de Título VI y el Título VII de la Ley de Derechos Civiles de 1964**

- [Normativa Anti Discriminación de la Universidad de California](#)

**4. El proceso mediante el cual el campus ha de resolver cualquier queja de violación de normativas institucionales, leyes estatales o federales aplicables, inclusive quejas contra individuos no afiliados al campus.**

El proceso mediante el cual el campus ha de resolver una queja de violación de la normativa puede describirse en la normativa que rige el tipo específico de violación que se alegue.

Por ejemplo, la [Oficina de Equidad e Igualdad de Oportunidades aplica la Normativa Anti Discriminación de la UC, así como otros lineamientos aplicables de la universidad, estatales y federales a efectos de crear un ámbito inclusive y equitativo](#) en el campus.

Las presuntas actividades criminosas en el campus deben reportarse a la entidad policial correspondiente.

Esta imposición de consecuencias disciplinarias a un estudiante debido a la violación de normativas se atiende mediante el proceso descrito en el Manual del Estudiante de la UCSC, cuyo enlace de describe arriba.

A los empleados se les disciplina por violaciones de normativa conforme a las [normativas de empleo](#) que correspondan a su categoría de empleo.

A las personas no afiliadas al campus se les somete a un proceso penal por delitos cometidos en el campus. A un individuo se le puede excluir del campus conforme al proceso descrito en la Sección 626 del Código Penal. La violación de normativas y reglamentos del campus pudieran conllevar la exclusión parcial o total de un individuo a los predios del campus.

**5. La gama de posibles consecuencias para estudiantes, miembros de la facultad, o del personal que violasen las normativas institucionales, leyes estatales o federales pertinentes, incluidas pero no limitadas a lo dispuesto, en base a los antecedentes compartidos de acuerdo con el Título VI de la Ley de Derechos Civiles de 1964**

Por favor, véase a continuación la respuesta listada en el acápite No. 6.

**6. Cómo puede responder el campus a las actividades que atenten contra la seguridad de estudiantes, miembros de la facultad, o del personal, y perturben su capacidad de acceso al campus o edificios, el proceso docente, o actividades en el campus. La notificación incluirá estrategias concurrentes con las leyes actuales respecto a cómo la universidad considera lograr que los estudiantes tengan seguridad en su acceso a los edificios y actividades en el campus.**

Las normativas, reglas y reglamentos de la Universidad han sido dispuestos con la intención de apoyar la misión de la Universidad respecto a la enseñanza, las investigaciones y los servicios al público.

La Universidad mantiene normativas explícitas para proteger y alentar oportunidades de extender la libertad de expresión, uso de la palabra y derecho a reunirse. Además, la libertad académica protege los derechos a investigar, enseñar, expresarse y publicar. La Universidad también tiene normativas que acatan las leyes estatales y federales, protegen el acceso lícito a los programas y predios de la Universidad, abordan el comportamiento que atente contra la seguridad y conlleva la finalidad de prevenir cualquier destrucción de

la propiedad. Estas normativas son aplicables sea cual fuere la causa o contenido en particular de una protesta, alocución u otra forma de expresión, o si tal conducta involucrase cualquier tipo de expresión.

Si bien las normativas vigentes en todo el sistema afirman los derechos constitucionalmente protegidos de todos los miembros de la comunidad universitaria respecto a la libertad de expresión, uso de la palabra y derecho a reunirse, estas actividades no deberán perturbar las funciones de la Universidad, impedir operaciones en curso, ni instilar temores razonables a los miembros de la comunidad por su seguridad personal. [1]

De ocurrir violaciones de leyes, locales, estatales, federales o de las normativas de la Universidad, estas violaciones serán remitidas a las abajo listadas respuestas correspondientes de cada centro de la UC – con el debido énfasis en proporcionar a los miembros de la comunidad múltiples oportunidades de hacer ajustes a su comportamiento:

- Inicialmente, a las personas que incurran en la comisión de una violación de normativas se les deberá informar acerca de la violación y se les instará a modificar su comportamiento. Es posible que esto se haga varias veces y el acatar con lo solicitado significa que no se acrecentará la respuesta
- Si las personas involucradas no cumplieren con las solicitudes de alterar su conducta, serán advertidas de las consecuencias potenciales y se les indicará que cumplan. De continuar su comportamiento, el Departamento de Policía de la UC (UCPD, por sus siglas en inglés) y/o la Jefatura de Bomberos del Campus evaluará la situación, y de acuerdo con lo evaluado, pudiera emitirse una notificación/advertencia de asamblea ilegal, órdenes de dispersión, órdenes de identificación u otras órdenes pertinentes.
- En la fase final de la respuesta escalonada, aquellas personas que rehúsen cambiar su comportamiento conforme a las direcciones impartidas pudieran ser citadas por la violación de una normativa pertinente de la Universidad. De estar infringiendo la ley pudieran ser citados, detenidos y arrestados por conducta ilícita, o quedar sujetos a otras acciones policiales. Pudieran emitirse órdenes de alejamiento en casos de violaciones más serias y/o infracciones reincidentes. La Universidad pudiera utilizar a los Departamentos de Policía de la Universidad de California u otras agencias policiales locales o estatales a fin de mantener la salud y seguridad de la comunidad universitaria.
- El comportamiento de los miembros de la comunidad universitaria que sean arrestados por conducta ilícita pudiera ser sometidos a una evaluación respecto a violaciones potenciales de las normativas de la Universidad. A los miembros de la

comunidad universitaria que sean citados por una violación de las normativas de la Universidad se les someterá al proceso aplicable de revisión del campus. [2]

Si la respuesta escalonada corresponde al esquema de expectativas en muchas situaciones, no es un procedimiento que cubre todas las situaciones, todas las violaciones de normativas o leyes específicas, ni todas las acciones de respuesta. Específicamente, si una violación de normativas o leyes presentara una amenaza inmediata a la vida o seguridad de alguien – en otras palabras, donde haya una amenaza inminente de daños o peligro a personas y/o sistemas establecidos para la protección personal de daños o peligros inmediatos (i.e., detección de incendios y sistemas de extinción) – la Universidad procederá de forma correspondiente y movilizará al UCPD, la Jefatura de Bomberos del Campus y/o otros recursos policiales para que estos respondan. Esto corresponde al procedimiento de respuesta escalonada establecido por la Universidad, según el cual un aumento en el nivel de amenaza de vida o seguridad exige una respuesta escalonada. El enfoque de respuesta escalonada arriba descrito está basado en las mejores prácticas y recomendaciones del informe Robinson-Edley [3] y el Plan de Seguridad Comunitaria [4] para alentar la libertad de expresión y a la vez salvaguardar los derechos de todos los miembros a la enseñanza, el estudio y el libre intercambio de ideas.

A fin de crear espacios inclusivos en los que se escuchen todas las voces y los miembros de nuestra comunidad puedan involucrarse en sus actividades docentes, académicas, de investigación y de atención a los pacientes, la Universidad también debe tomar medidas justas y correspondientes contra aquellos individuos cuya conducta viole las normativas de la Universidad. Estas medidas de rendición de cuentas solo se toman tras completarse los procedimientos disciplinarios con las apropiadas garantías procesales. Las medidas de rendición de cuentas por violaciones a las normativas de la Universidad pudieran incluir pero sin limitarse a las siguientes:

- **Estudiantes:** Sanciones educativas, advertencias por escrito, probatoria disciplinaria, exclusión de áreas del campus o de funciones oficiales de la Universidad, restitución, suspensión, y expulsión.
- **Personal:** Memorandos de asesoramiento, reprimendas por escrito, suspensión sin paga, reducción de paga, y terminación o despido.
- **Senado de la Facultad:** Memorandos informales de asesoramiento, reprobación por escrito, reducción de salario, degradación, suspensión sin paga, no-renombramiento, negación o reducción de estatus emérito, y despido.
- **Designados Académicos No-pertenecientes al Senado Académico:** Memorandos informales de asesoramiento, advertencia por escrito, reprobación por escrito, degradación, suspensión sin paga, reducción de salario, no renombramiento, y despido.

- **Visitantes y No-Afiliados a la UC:** Exclusión del campus, restitución, y sanciones penales por violación de las reglas de la Universidad de acuerdo con el Código Docente de California.

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*[1] [Normativa de los Regentes 3303: Normativa sobre Protecciones de Empleados y Estudiantes en Relación con la Prensa Estudiantil y Derechos de Libre Expresión del Estudiante; Normativa de Expresión y Defensa \(PACAOS 30\); Normativa sobre el Uso de Propiedades de la Universidad \(PACAOS 40\)](#)*

*[2] [Declaración de la Junta de Regentes de la UC sobre lineamientos de conducta emitidos por el Presidente de la UC Michael V. Drake, M.D. | Universidad de California](#)*

*[3] [Informe Robinson-Edley y Planes de Implementación](#)*

*[4] [Plan de Seguridad Comunitaria de la UC](#)*

## **7. Cómo el campus plantea amparar el discurso saludable y agrupar a los miembros de la comunidad, y puntos de vista que difieran ideológicamente, a fin de promover mejor la misión de la institución y el intercambio de ideas de manera segura y pacífica.**

Tras una amplia iniciativa para recabar ideas y aportes de la comunidad del campus, la UC Santa Cruz ampliará los recursos de salud mental, programas educativos, y oportunidades para el desarrollo de liderazgo para estudiantes, personal, y facultad. Como parte de esa iniciativa, se desarrollará una programación educativa sincrónica y asincrónica para el personal y la facultad a fin de alentar una mayor conciencia y proporcionar instrumentos para combatir, la islamofobia, prejuicios anti-árabes, antisemitismo, así como otras formas de odio y prejuicios basados en la percepción real o percibida de la ascendencia. Siga leyendo.

Más recursos

- [Dirigirse a Eventos de Actualidad Críticos y Efectuar Conversaciones Difíciles](#)
- [Enseñar Conciencia de Trauma](#)

## **8. Identificar programas y actividades educativos para la facultad, el personal y los estudiantes a fin de afianzar el equilibrio entre las actividades de libre expresión, la misión docente y la seguridad del estudiantado.**

- Sitio Web de Libertad de Expresión de la UC Santa Cruz
- [Oficina para la Diversidad, Equidad e Inclusión](#)
- [Centro Nacional de la UC para la Libertad de Expresión e Involucramiento Cívico](#)

**10. Una lista de recursos disponibles en el campus para que la facultad, el personal y los estudiantes reciban apoyo para la salud mental y casos de trauma.**

- [Recursos para nuestra comunidad](#) del campus
- Para estudiantes: [Servicios de Asesoramiento y Psicológicos](#)
- Para empleados: [Programa de Asistencia al Empleado](#)



[Feedback](#)

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Accreditation

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Last modified: Sep 11, 2024

# EXHIBIT E



## UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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SANTA BARBARA • SANTA CRUZ

SENT VIA UCSC EMAIL ACCOUNT

**CONFIDENTIAL**

July 02, 2024

Hannah Ellutzi

[REDACTED]@ucsc.edu

**SUBJECT:** Reminder of Campus Community Agreement (104.8 Admonishment) for Possible Policy Violations**INCIDENT NUMBER:** 00969-031-2024

Dear Hannah:

It was brought to our attention that you were potentially involved in an incident on or about May 31, 2024.

**Initial Allegations**

As initially stated in your letter on June 4, 2024, I have summarized the initial information received regarding this incident below:

The Office of Student Conduct and Conflict Education received a report that you and a large group of students, numbering approximately 200 individuals, obstructed public access to UC Santa Cruz and failed to comply with a lawf order to disperse in violation of University policy and/or several California penal code sections including PC 409. Multiple campus messages had previously been sent requesting demonstrators remove all barricades and allow publi access to the campus.

Around midnight on Friday, May 31, 2024 a contingent of law enforcement personnel from multiple agencies arrived in an attempt to restore public access to campus by having individuals disperse, leave the area and remove the barricades. Demonstrators had established a large camp at the main entrance and had previously proceeded to block the entrance with debris and wooden pallets over several days, creating unsafe conditions, blocking public access to t campus, and disrupting university operations.

Over the course of the police action, an estimated 15 dispersal orders were given by a megaphone which was reporte to be audible 350-400 feet away. Approximately 30-40 students left the large group of demonstrators during this time.

Individuals who failed to comply with the dispersal order were reported to lock arms or grab the individual in front of them to make themselves difficult to individually arrest. Police reported that as part of dispersing the crowd and restoring public access to the campus approximately 117 protest participants were arrested and you are one of the arrestees.

**Alleged Policy Violations**

Based on the information available, your decisions and actions may represent violation(s) of the Code of Student Conduct, specifically Section(s):

102.32 Commission of a public offense under any federal, state, or local law or ordinance on or in University propertie or at official University functions may subject students to campus discipline procedures;

102.33 Commission of a public offense under any federal, state, and local laws occurring off campus may subject violators to campus discipline procedures as well as any civil or criminal action that may be taken;

102.08 (c): Conduct which constitutes a threat to the health or safety of any person;

102.13: Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university activities;

102.15: Participation in a disturbance of the peace or unlawful assembly;

102.16: Failure to identify oneself to, or comply with directions of, a university official or other public official acting in the performance of their 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. For the purposes of this policy, "University official" also includes student employees when performing in the course of their assigned duties.

102.29: Blocking or impeding ingress to or egress from the campus, buildings or official university functions, including activity on non-university property;

### **Decision and Rationale**

In reviewing all of the information that has been provided regarding your role in the incident, I have determined that the most appropriate outcome in your case is a Reminder of Campus Community Agreement (RCCA). The purpose of the RCCA is to remind community members of community expectations and University policy. This letter serves as a reminder of the relevant community standards designed to maintain an environment that values and supports every person in an atmosphere of civility, honesty, cooperation, professionalism and fairness. As a valued UCSC community member, I would like to remind you of the expectations of all community members outlined in the [Code of Student Conduct](#), [Housing Contract](#), and [Principles of Community](#).

This letter also serves as your notice that similar future actions may result in additional disciplinary or housing contract action being taken. For more information on this *Reminder of Campus Community Agreement*, please see the [Code of Student Conduct](#) section 104.8 (Admonishment). If you have any questions about community expectations or your student rights, please do not hesitate to contact me. You are a valued community member and I hope to see you thrive at UCSC.

I am resolving this matter with a Reminder of Campus Community Agreement (104.8 Admonishment) for the following reason(s):

Throughout the information-gathering process, staff from the Office of Student Conduct and Conflict Education (OSCCE) met with approximately 110 students who were alleged to have been involved in the incident at the base of campus on Friday, May 31, 2024. Through those conversations, students offered their perspectives about what led up to and occurred over the course of several hours.

During our meeting, you answered questions and shared information about your role in the incident. It was evident from our conversation that the incident had a significant impact on you. I appreciate your honesty and openness in sharing what you were comfortable sharing with me. Additionally, it was clear from your responses that you have been contemplating how to catalyze meaningful and purposeful change at UCSC and within the UC System.

With the ideal of community in mind, I encourage you to think about the impact blocking access to the campus had, whether you were involved specifically with that blocking or not. In addition to speaking with those present on May 31st, our team also heard from many people impacted by the loss of access to the campus starting on May 28th. In giving those perspectives a voice as well, we would like to ask that you consider those in our community; particularly people with disabilities, parents with young children, and those needing to access the health center from off campus.

### **University Resources**

Please know that there are a number of university resources available to you including SHOP ([Student Health Outreach & Promotion](#)), CAPS ([Counseling and Psychological Services](#)), [Slug Support](#), [Basics Needs On-Campus Food](#), the [Resource Centers](#), and the [DRC \(Disability Resource Center\)](#). I encourage you to check them out and take advantage of services that can support your holistic well-being.

### **A Couple Thoughts on Next Steps**

Throughout this process we frequently heard requests from students for institutional change and a sense that there was not enough dialogue with students about the change they wanted to see. We hope this conversation does not stop here.

We have two readings suggested by UCSC faculty which include scholarly thoughts on direct action and some areas of reflection. If you are interested in receiving these readings and reflection prompts, please let us know.

*We also invite you to meet with Student Conduct and Conflict Education to continue to dialogue about these matters and together learn from one another as we work to move forward as the UCSC community begins the healing process. If you are interested in a conversation, please contact Adam C. Adams, Associate Director of Conflict Education and Healing ([adcadams@ucsc.edu](mailto:adcadams@ucsc.edu)), or Katherine (Kati) Silva Urena, Senior Specialist of Conflict Education and Healing ([kshivaur@ucsc.edu](mailto:kshivaur@ucsc.edu)).*

**Anonymous Feedback**

If you have feedback you would like to share about the Student Conduct process, please consider completing the following Feedback form. The information will be used as part of a review of the conduct process as we aim to build trust and increase transparency. Furthermore, your responses will be anonymous and will not include individual personally identifiable information. You can access the survey using this link: <https://bit.ly/ucscconductsurvey20>.

Sincerely,

Stephanie Welin

Senior Specialist, Student Rights and Responsibilities

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF SANTA CRUZ**

17 HANNAH (ELIO) ELLUTZI; LAAILA  
18 IRSHAD; CHRISTINE HONG,

Plaintiffs,

19 vs.

20 THE REGENTS OF THE UNIVERSITY OF  
21 CALIFORNIA; CYNTHIA LARIVE, in her  
official capacity as Chancellor of the  
University of California, Santa Cruz  
22 ("UCSC"); LORI KLETZER, in her official  
capacity as UCSC Campus Provost and  
23 Executive Vice Chancellor; EDWARD D.  
REISKIN, in his official capacity as UCSC  
24 Vice Chancellor for Finance, Operations and  
Administration; AKIRAH J. BRADLEY-  
25 ARMSTRONG, in her official capacity as  
UCSC Vice Chancellor of Student Affairs;  
26 ALEX DOUGLAS MCCAFFERTY, in his  
official capacity as UCSC Campus Budget  
27 Director; SONYA KIERNAN, in her official  
capacity as Executive Assistant to the UCSC  
28 Chancellor; HERBERT LEE, in his official  
capacity as UCSC Vice Provost of Academic

ELECTRONICALLY FILED  
Superior Court of California  
County of Santa Cruz  
9/26/2024 8:05 PM  
Clerk of the Court by Deputy,  
Karen Broughton



Case No. 24CV02532

*Assigned for all purpose to the  
Hon. Syda Kosofsky Cogliati*

**DECLARATION OF LAAILA IRSHAD IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION;  
EXHIBITS F THROUGH J**

Date: November 19, 2024

Time: 8:30 a.m.

Dept.: 5

Action Filed: September 9, 2024

*[Filed concurrently with Notice of Motion and  
Motion, and Memorandum of Points and  
Authorities in Support of Plaintiffs' Motion for  
Preliminary Injunction]*

**DECLARATION OF LAAILA IRSHAD IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

1 Affairs; JESSICA RASHID, in her official  
2 capacity as UCSC Assistant Dean of Students,  
3 ADRIENNE RATNER, in her official capacity  
4 as UCSC Director of Academic Employee  
5 Relations; KEVIN DOMBY, in his official  
6 capacity as UCSC Chief of Police and  
7 Executive Director of Public Safety; and  
8 DOES 1-10,

Defendants.

1 I, LAAILA IRSHAD, declare as follows:

2 1. I am an individual over 18 years of age and a plaintiff in this action. I make this  
3 declaration in support of Plaintiffs' Motion for Preliminary Injunction. I can testify as to the  
4 following matters from personal knowledge, except as those matters stated on information and  
5 belief, and as to those I believe them to be true.

6 **My Background & Advocacy**

7 2. I am a third-year undergraduate student at UC Santa Cruz ("UCSC"), majoring in  
8 Environmental Studies and Critical Race and Ethnic Studies.

9 3. I have always recognized the value of education, and I worked incredibly hard to  
10 get into college. Now, as an undergraduate, I'm committed to making the most of this opportunity.  
11 I'm a dedicated student. I attend my classes. I actively participate in class discussions. I do my  
12 best to complete my coursework. And I even study on my own to deepen my understanding.

13 4. To support myself while I attend UCSC, I have three jobs. First, I work as a  
14 Resident Advisor ("RA") in a dormitory building on campus. As compensation, I receive campus  
15 housing and meal points that I can use to purchase food at school dining halls and campus stores.  
16 Second, I am an intern in the UCSC Chancellor's Undergraduate Internship Program and earn a  
17 scholarship for this commitment. As part of this program, I attend a leadership seminar during the  
18 school year. Lastly, I work at a hotel in downtown Santa Cruz.

19 5. Without these positions, I would not have the financial means to pay tuition to  
20 attend UCSC or access housing and food. I receive very little to no financial support from my  
21 parents as my father's employment is precarious and he recently lost his job.

22 6. I am the child of immigrants from near Peshawar, Pakistan, a city that is frequently  
23 associated with Al Qaeda and the site of several terrorist attacks, including one at a school in  
24 which 150 people were killed. My heritage and faith motivated me to get involved in community  
25 building, organizing, and protest activity at a young age. My participation in such activities has  
26 blossomed now that I live on my own and am a member of a university community.

27 7. I learned about the Palestinian struggle when I was in elementary school from one  
28 of my siblings. More recently, through my studies at UCSC, I have come to understand how wars

1 devastate the planet. I believe the huge amount of bombing in Gaza is deliberately intended to  
2 eliminate the Palestinian people and their society from Gaza. I also believe this bombing is  
3 causing catastrophic environmental destruction.

4 8. As part of my activism, I am affiliated with UCSC's chapter of Students for Justice  
5 in Palestine ("UCSC SJP"). UCSC SJP organizes protests on campus, as well as facilitating town  
6 halls and other actions to uplift demands for freedom, justice, and equality for the Palestinian  
7 people—and all those suffering against state violence. UCSC SJP also hosts educational and  
8 cultural programming to facilitate learning on other struggles across the world and within the  
9 United States.

10 9. I was involved with the Gaza Solidarity Encampment on UCSC's campus, together  
11 with many fellow students, because of my deep concern for these issues. The encampment's  
12 purpose was to demand that UCSC withdraw investments in companies profiting from the war and  
13 weapons manufacturing, comply with the call for boycott, divestment, and sanctions against Israel,  
14 and stop repressing speech that advocated in favor of Palestine or advocated for an end to the  
15 occupation in Palestine. At the encampment, students, faculty, and other members served meals  
16 and held educational workshops.

17 10. Based on what I understand is happening in Gaza, I believe it would be morally  
18 wrong for me to stand on the sidelines. I feel that it is urgent to act to demand that UCSC divest  
19 from weapons manufacturers and other companies that are supplying Israel's genocidal war.  
20 Stopping the genocide immediately is a matter of life and death, and I am determined to do my  
21 part.

22 **The Events of May 30-31, 2024**

23 11. On May 30, 2024, I was among the 30 or so individuals present at the Gaza  
24 Solidarity Encampment near the entrance to campus. We learned at some point that UCSC had  
25 called in a large law enforcement presence from multiple agencies and I grew quite fearful about  
26 what the police were intending to do.

27 12. Apparently, others on campus heard about the police coming to campus too. More  
28 and more people came to the area to observe the police and, as I understand it, to protest the



1 deployment of militarized police intent on dismantling the encampment. I saw all sorts of people  
2 that night—protesting students and faculty, random passersby on bicycles, and curious onlookers.  
3 Some UCSC faculty, in particular, came to serve as a buffer between the police and student  
4 protesters and try to ensure student safety. At no point did I sense that the protest itself was about  
5 to turn violent or witness violence among the crowd.

6 13. As the police raid continued, I found myself in a line in front of the encampment. I  
7 was not attempting to block the ingress or egress to campus. I felt frightened because all I could  
8 see were police everywhere. The police orders were so muffled and confusing that I could not  
9 make them out or understand where I was supposed to go.

10 14. The police surrounded us and forced everyone into a circle in the street. They used  
11 their batons to keep crushing us closer and closer together. We were packed into a tight circle. I,  
12 myself, was subjected to repeated baton strikes. The police conduct was really scary and violent.  
13 We were trapped like this for hours. As this was going on, the police confiscated supplies at the  
14 encampment, but they wouldn't even give us water.

15 15. In the early morning hours, I was arrested, put into plastic, zip-tie handcuffs, and  
16 placed on a bus. We were left sitting on that bus for approximately two and a half hours. It was  
17 incredibly painful to be handcuffed like that. We didn't have any access to bathrooms and that was  
18 awful too. The police had this static sound blaring from the bus radio. The noise was turned up so  
19 loud that my ears and head were aching. It felt like we were being purposely tortured.

20 16. Eventually, I was transported on the bus to a UCSC Police Department station at a  
21 satellite campus property. We waited in a hallway in this station for hours. After being up all  
22 night, I was delirious, dehydrated, and exhausted. I just wanted to go home to sleep.

23 17. I was finally released with a misdemeanor citation for "failure to disperse" under  
24 Penal Code section 409. No charges have been filed against me. I maintain my factual innocence  
25 of that charge.

26 18. When I was released, an officer also told me, verbally, that I was banned from  
27 campus, effective immediately, for two weeks. I did not receive written notice of this ban or know  
28



1 what my options were to challenge the ban. I understand from talking with others who were  
2 arrested that all of them were also banned from campus.

3 19. Throughout my time at the encampment, including on May 30 and 31, 2024, my  
4 conduct was consistent with expressive protest and the principles of civil disobedience that I  
5 learned in my university classes. At no time whatsoever did I engage in any threats, intimidation,  
6 physical violence, or the intentional destruction of property. I was never a substantial threat of  
7 significant injury to any person or property on campus.

### 8 **The Consequences I Had to Face as a Result of the Ban**

9 20. When UCSC banned me from campus on the spot, I was rendered instantly  
10 homeless. I could not go to my dormitory to get my clothing, medications (including my inhaler),  
11 toiletries, or computer. I had very little money and struggled to even purchase food.

12 21. I also could not complete key tasks for my RA job, although I continued to receive  
13 messages from my student-residents asking questions and seeking help. I tried to do what I could  
14 from off campus. I did not know what to do or where to turn. This was all incredibly stressful. I  
15 had no guidance and support, other than from other students who had also been arrested and  
16 members of Faculty for Justice in Palestine.

17 22. The ban occurred during the last two weeks of the quarter. In its “FAQ for Students  
18 Who Have Received a 626.4 Notice” posted online,<sup>1</sup> UCSC stated that I could communicate with  
19 my professors via email or other online platforms to inquire about whether and how I would be  
20 able to participate in classes starting on June 3, which was three days after I had received the  
21 verbal 626.4 notice. The way this guide was worded made me very fearful that professors would  
22 retaliate against me or judge my class performance differently if they learned that I had been  
23 banned from campus. This fear colored my decisions on whether I should even reach out to my  
24 professors.

25  
26  
27  
28 <sup>1</sup> FAQ for Students Who Have Received a 626.4 Notice (ucsc.edu) [is available at https://tinyurl.com/2fnxvreb](https://tinyurl.com/2fnxvreb).

1        23.        As a result of the stress and because I was not able to remotely attend or participate  
2 fully in my classes and labs, I failed most of my classes for the quarter. This result was crushing  
3 given my commitment to my studies.

4        24.        Not being able to properly study for and take my exams and then failing my classes  
5 was also devastating to my course of study. Before being banned from campus, I was pursuing a  
6 double major in Biology and Environmental Studies, but due to the impact of being banned from  
7 campus, I was unable to complete a key prerequisite for the Biology major by the end of my  
8 second year. This has made it impossible for me to graduate as a Biology major within four years.  
9 I do not have the financial resources to spend an extra year in college, so I have had to drop the  
10 Biology major and have replaced it with Critical Race and Ethnic Studies.

11        25.        In addition, I am worried that my failure to pass my courses as a result of being  
12 banned from campus may result in academic probation or the loss of financial aid I had received  
13 for the Spring 2024 quarter. I have no way of paying back the fees for that quarter, particularly  
14 with my father being out of work. I cannot explain enough how stressful and unfairly punitive the  
15 banishment felt. I'm still suffering the ramifications of being instantly banned from campus today.

16 **My Incident Review Meeting and The Recission of My Ban from Campus**

17        26.        On June 4, 2024, I received a message from UCSC's Office of Student Conduct  
18 and Conflict Education ("OSCCE"). The message was titled "Notice of Incident Review  
19 Meeting," and I understand that many other students got the exact same letter. The message  
20 advised each recipient that OSCCE had received a report about "a large group of students  
21 numbering approximately 200 individuals [who had] obstructed public access to [UCSC] and  
22 failed to comply with a lawful order to disperse." The message claimed that I had been one of the  
23 people in the group of approximately 200 individuals. The message also contained an invitation to  
24 "respond" by signing up for a "626.4 Hearing & Incident Review Meeting." But it didn't explain  
25 any specific allegations about what I personally was accused of doing and it didn't explain the  
26 specific charges against me—as opposed to the other 200 plus people referenced in the letter. A  
27 true and correct copy of OSCCE's June 4 message is attached hereto as **Exhibit F**.

28

1           27.       While I had concerns about a meeting to discuss my ban from campus under Penal  
2 Code section 626.4 and potential student conduct charges, I did not want to forfeit my right to a  
3 formal hearing. My “626.4 Hearing and Incident Review Meeting” was eventually held on June  
4 11, 2024. I expressed my concerns about not receiving separate hearings for my campus ban and  
5 potential student conduct charges and specified that I was participating in this meeting under  
6 protest. I stated that I did not pose a threat to campus operations. I also described how the ban had  
7 made me homeless and made me unable to return to my job.

8           28.       Later in the day on June 11, 2024, I received correspondence titled “Timely:  
9 Respond to withdrawal of consent 626.4 Hearing.” This correspondence stated: “Based on my  
10 review of the information that is available to me regarding the 626.4 Exclusion issued on May 31,  
11 2024, I have decided to lift the 626.4 Exclusion and allow you to return to campus property.” A  
12 true and correct copy of this June 11 correspondence is attached hereto as **Exhibit G**.

13 **My Fear of Retaliation for Participation of Activity Protected by the First Amendment**

14           29.       Classes begin at UCSC this week—specifically on September 26, 2024. Leading  
15 up to today, I believe I received a letter in the mail at an address different from my residential  
16 address from UCSC’s Police Department asserting, among other things, that I engaged in actions  
17 to delay and obstruct officers in their duties. I know that others received this letter as well. A true  
18 and correct copy of the letter received by a fellow student is attached hereto as **Exhibit H**.

19           30.       On July 2, 2024, while I was on summer break, I received a notice from OSCCE  
20 requiring me to sign a Reminder of Campus Community Agreement for my potential involvement  
21 in campus protests and “encourag[ing] me to think about the impact [of] blocking access to the  
22 campus” regardless of whether I was “involved specifically with that blocking or not.” A true and  
23 correct copy of this July 2 notice is attached hereto as **Exhibit I**.


24           31.       I also received a notice on September 11, 2024 from UCSC which links to a site  
25 stating: “Individuals can be excluded from campus pursuant to the process described in Penal  
26 Code section 626. Violation of campus policies and regulations may result in the partial or total  
27 exclusion of individuals from campus facilities.” It is unclear to me what conduct would subject  
28

1 me to being banned from campus again. A true and correct copy of this notice is attached hereto as  
2 **Exhibit J.**

3 32. Because I believe that activism is intersectional, I participate in several free speech  
4 activities on campus. This school year, I intend to attend and participate in protest events,  
5 including on May Day and for the Worker Student Solidarity Coalition in support of the  
6 empowerment, dignity, and livelihoods of workers and students on campus. I also intend to  
7 continue to attend educational sessions, organize, and protest for divestment and in support of the  
8 people of Palestine in this school year.

9 33. Because the impacts of being banned on the spot are so devastating, I understand  
10 that the law says UCSC should hold a hearing before it bans any student from campus. But I'm  
11 now afraid that I could be banned on the spot just for expressing myself in a way that the school  
12 thinks is disruptive or because it disagrees with my speech or viewpoint. I should be allowed to  
13 exercise my rights to protest, but due to the severe effects of having been banned at the end of the  
14 Spring 2024 Quarter, I am very worried that if I continue protesting, I could be banned on the spot  
15 without first having a hearing to defend myself, even though I wouldn't be presenting a substantial  
16 threat of significant injury to person or property. If that happens, I could do poorly in my classes  
17 again and lose my RA position, which I depend on for housing and food, or could lose my  
18 internship with the UCSC's Chancellor's Undergraduate Internship Program, which I need to help  
19 with school costs. I might then be unable to continue at UCSC.

20 I declare under penalty of perjury that the foregoing is true and corrected. Executed this 25<sup>th</sup>  
21 day of September 2024, at Santa Cruz, California.

22   
23

24 LAAILA IRSHAD  
25  
26  
27  
28

### **Exhibit Index**

#### Declaration of Laaila Irshad in Support of Plaintiffs' Motion for Preliminary Injunction

<b>Exhibit Letter</b>	<b>Exhibit Description</b>
F	"Notice of Incident Review Meeting" from UCSC to Laaila Irshad, dated June 4, 2024
G	"Timely: Respond to withdrawal of consent 626.4 Hearing" from UCSC to Laaila Irshad, dated June 11, 2024
H	Letter Concerning May 31, 2024 from UCSC Police Department
I	"Reminder of Campus Community Agreement (104.8 Admonishment) for Possible Policy Violations" from UCSC to Laaila Irshad, dated July 2, 2024
J	Email titled "Senate Bill 108 Rights and responsibilities of free expression" from UCSC, dated September 11, 2024

# EXHIBIT F

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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SENT VIA UCSC EMAIL ACCOUNT

**CONFIDENTIAL**

June 04, 2024

Laaila Irshad

██████████@ucsc.edu

**SUBJECT:** Notice of Incident Review Meeting

**INCIDENT NUMBER:** 00969-2024

Dear Laaila:

We hope this email finds you doing well. We received a report that you may have been involved in an incident on or about May 31, 2024 near the entrance to campus.

### **Summary of incident**

For your reference, the report is summarized below:

*The Office of Student Conduct and Conflict Education received a report that you and a large group of students numbering approximately 200 individuals obstructed public access to UC Santa Cruz and failed to comply with a lawful order to disperse in violation of University policy and/or several California penal code sections including PC 409. Multiple campus messages had previously been sent requesting demonstrators remove all barricades and allow public access to the campus.*

*Around midnight on Friday May 31st a contingent of law enforcement personnel from multiple agencies arrived in an attempt to restore public access to campus by having individuals disperse, leave the area and remove the barricades. Demonstrators had established a large camp at the main entrance and had previously proceeded to block the entrance with various debris and wooden pallets over several days, creating unsafe conditions, blocking public access to the campus, and disrupting university operations.*

*Over the course of the police action, an estimated 15 dispersal orders were given by a megaphone which was reported to be audible 350-400 feet away. Approximately 30-40 students left the large group of demonstrators during this time.*

*Individuals who failed to comply with the dispersal order were reported to lock arms or grab the individual in front of them to make themselves difficult to individually arrest. Police reported that as part of dispersing the crowd and restoring public access to the campus approximately 117 protest participants were arrested and you are one of the arrestees.*



### **Alleged Policy Violations**

Your behavior **may** represent violation(s) of the Code of Student Conduct as published in the *Student Policies and Regulations Handbook*, specifically section(s):

102.08 (c) Conduct which constitutes, conduct that threatens the health or safety of any person.

102.13 Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

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

102.16 Failure to identify oneself to, or comply with directions of, a University official or other public official acting in the performance of their 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.

102.29 Blocking or impeding ingress to or egress from the campus, buildings, or official University functions, including activities on non-University property.

102.31 Violation of any other University policy or campus regulation: Time, Place and Manner restrictions

102.32 Commission of a public offense under any federal, state, or local law or ordinance on or in University properties or at official University functions may subject students to campus disciplinary procedures.

102.33 Commission of a public offense under any federal, state, or local laws or ordinances occurring off campus may subject violators to campus disciplinary procedures as well as any civil or criminal action that may be taken.

### **Hearing for Trespass notice under California Penal Code 626.4**

University Police notified our Office that you were issued a trespass notice under California Penal Code 626.4. The trespass notice issued to you by University police is valid for 14 days from when it was issued unless lifted by appeal. If you would like to appeal the 626 notice you may do so by signing up for a hearing time below.

### **Next Steps**

To respond to this letter sign up for a hearing at the following link: [626.4 Hearing & Incident Review Meeting](#). Hearings will be held over Zoom, be for 30 minutes and involve two University staff. One University staff member will be reviewing your request to appeal the 626 trespass notice. The second University Staff member will be reviewing the alleged policy violations listed above and make a decision regarding any violation of University policy. The two University Staff will issue independent decisions.

In order to promptly meet with all student requests, the meeting will not go longer than 30 minutes however a follow up meeting can be requested if not all information was presented. You have the right to not respond to the 626 notice and/or the above charges in which case a determination of responsibility will be made without your input. As an alternative to participating in a hearing you may submit a written statement via email to [conduct@ucsc.edu](mailto:conduct@ucsc.edu).

Because our time together will be limited we encourage you to review the following materials prior to the hearing to ensure we cover all topics in the hearing.

- [Code of Student Conduct](#)
- [FAQ for Students Who Have Received a 626.4 Notice](#)

### Meeting Agenda

If you choose to attend a hearing, here is what will be covered:

- Introductions
- 626 Hearing discussion
- Student Code of Conduct discussion
- Resources and Closing

### Support Person

The Code of Student Conduct affords all students the option to have one non-participatory support person of their choosing accompany them to any meeting or hearing with a signed Support Person Agreement. Please submit the Support Person Agreement at least an hour in advance of a hearing. Without a signed agreement waiving your right to privacy with the support person, they will not be able to attend the meeting. The support person may not also serve as a witness. If you are in need of support or assistance, but you do not have an identifiable support person, please contact Respondent Support Services at [rss@ucsc.edu](mailto:rss@ucsc.edu).

### Accommodations

Should you require any accommodations to be able to fully participate in this incident review meeting, please reply to this email with your accommodations request.

### Campus Resources

We understand this information may be difficult. Should you wish to speak to someone in Counseling and Psychological Services (CAPS), Slug Support or Basic Needs we encourage you to reach out. CAPS can provide support and assistance via telemental counseling zoom appointments Counseling Services ([ucsc.edu](http://ucsc.edu)) CAPS also provides drop-in brief consults Let's Talk Drop-in Program ([ucsc.edu](http://ucsc.edu)) with a CAPS counselor.

Sincerely,

The Office of Student Conduct and Conflict Education

# EXHIBIT G



██████@ucsc.edu

SUBJECT: Timely: Response to withdrawal of consent 626.4 Hearing

INCIDENT NUMBER: 00969-081-2024

Dear Laaila,

This letter serves as a follow-up to the findings of the 626.4 Withdrawal of Consent to Remain on Campus (626.4 Exclusion) hearing on June 11, 2024 regarding willful disruption of the orderly operation of campus in an incident reported to have occurred on or about May 31, 2024.

### **Decision**

Based on my review of the information that is available to me regarding the 626.4 Exclusion issued on May 31, 2024, I have decided to lift the 626.4 Exclusion and allow you to fully return to campus property.

### **Rationale for Decision**

During our meeting, you agreed to abide by campus policies including but not limited to "Time, Place, and Manner" as well as to comply with directions by a university official. Based on your statements, including your interest in returning to your on-campus employment, you assured me that you would not be a continued threat to the orderly operation of the campus or facility.

The expectation is that you will follow all legal notices and University directives while the incident is investigated. Involvement in additional policy violations may result in compounded outcomes.

### **Campus Resources**

We understand this information may be difficult. Should you wish to speak to someone in Counseling and Psychological Services (CAPS), Slug Support or Basic Needs we encourage you to reach out. CAPS can provide support and assistance via telemental counseling zoom appointments Counseling Services (ucsc.edu) CAPS also provides drop-in brief consults Let's Talk Drop-in Program (ucsc.edu) with a CAPS counselor.

Sincerely,

Alex Belisario

# EXHIBIT H

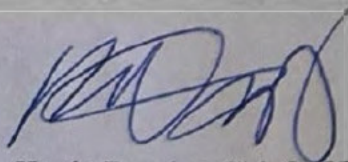
August 8, 2024

[REDACTED]  
[REDACTED]  
Dear [REDACTED]

The University of California, Santa Cruz Police Department (UCSC PD) is dedicated to upholding First Amendment rights. The exercise of these rights must adhere to the University's regulations regarding time, place, and manner. Blocking access to the campus for students, faculty, staff or visitors is not protected speech, is against the law, and poses a threat to the safety of the campus community.

On May 31, 2024, UCSC PD, along with state and local law enforcement agencies, issued multiple dispersal orders to a group obstructing access to the campus who were creating a hazardous condition. While many individuals complied with these orders and left the area, you chose to remain and were subsequently arrested for violating California Penal Code section 409. You also engaged in actions to delay and obstruct officers in their duties, constituting a violation of California Penal Code section 148, subdivision (a)(1).

I encourage you to take this opportunity to reflect on your actions and the implications of endangering yourself and motorists, and not following lawful directives. Please be aware that the statute of limitations for submitting charges related to your arrest to the Santa Cruz County District Attorney's Office extends up to one year from the date of your arrest. The decision to pursue charges against you will rest with UCSC PD and will be influenced by any future unlawful conduct.

  
Kevin Domby, Chief of Police

# EXHIBIT I



UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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SENT VIA UCSC EMAIL ACCOUNT

**CONFIDENTIAL**

July 02, 2024

Laaila Irshad

██████████@ucsc.edu

**SUBJECT:** Reminder of Campus Community Agreement (104.8 Admonishment) for Possible Policy Violations

**INCIDENT NUMBER:** 00969-081-2024

Dear Laaila:

It was brought to our attention that you were potentially involved in an incident on or about May 31, 2024.

**Initial Allegations**

As initially stated in your letter on June 4, 2024, I have summarized the initial information received regarding this incident below:

### **Initial Allegations**

As initially stated in your letter on June 4, 2024, I have summarized the initial information received regarding this incident below:

The Office of Student Conduct and Conflict Education received a report that you and a large group of students, numbering approximately 200 individuals, obstructed public access to UC Santa Cruz and failed to comply with a lawful order to disperse in violation of University policy and/or several California penal code sections including PC 409. Multiple campus messages had previously been sent requesting demonstrators remove all barricades and allow public access to the campus.

Around midnight on Friday, May 31, 2024 a contingent of law enforcement personnel from multiple agencies arrived in an attempt to restore public access to campus by having individuals disperse, leave the area and remove the barricades. Demonstrators had established a large camp at the main entrance and had previously proceeded to block the entrance with debris and wooden pallets over several days, creating unsafe conditions, blocking public access to the campus, and disrupting university operations.

Over the course of the police action, an estimated 15 dispersal orders were given by a megaphone which was reported to be audible 350-400 feet away. Approximately 30-40 students left the large group of demonstrators during this time.

Individuals who failed to comply with the dispersal order were reported to lock arms or grab the individual in front of them to make themselves difficult to individually arrest. Police reported that as part of dispersing the crowd and restoring public access to the campus approximately 117 protest participants were arrested and you are one of the arrestees.

### **Alleged Policy Violations**

Based on the information available, your decisions and actions may represent violation(s) of the Code of Student Conduct, specifically Section(s):

102.32 Commission of a public offense under any federal, state, or local law or ordinance on or in University properties or at official University functions may subject students to campus discipline procedures;

102.33 Commission of a public offense under any federal, state, and local laws occurring off campus may subject violators to campus discipline procedures as well as any civil or criminal action that may be taken;

102.08 (c): Conduct which constitutes a threat to the health or safety of any person;

102.13: Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university activities;

102.15: Participation in a disturbance of the peace or unlawful assembly;

102.16: Failure to identify oneself to, or comply with directions of, a university official or other public official acting in the performance of their 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. For the purposes of this policy, "University official" also includes student employees when performing in the course of their assigned duties.

102.29: Blocking or impeding ingress to or egress from the campus, buildings or official university functions, including activity on non-university property;

### **Decision and Rationale**

In reviewing all of the information that has been provided regarding your role in the incident, I have determined that the most appropriate outcome in your case is a Reminder of Campus Community Agreement (RCCA). The purpose of the RCCA is to remind community members of community expectations and University policy. This letter serves as a reminder of the relevant community standards designed to maintain an environment that values and supports every person in an atmosphere of civility, honesty, cooperation, professionalism and fairness. As a valued UCSC community member, I would like to remind you of the expectations of all community members outlined in the [Code of Student Conduct](#), [Housing Contract](#), and [Principles of Community](#).

This letter also serves as your notice that similar future actions may result in additional disciplinary or housing contract action being taken. For more information on this *Reminder of Campus Community Agreement*, please see the [Code of Student Conduct](#) section 104.8 (Admonishment). If you have any questions about community expectations or your student rights, please do not hesitate to contact me. You are a valued community member and I hope to see you thrive at UCSC.

I am resolving this matter with a Reminder of Campus Community Agreement (104.8 Admonishment) for the following reason(s):



Throughout the information-gathering process, staff from the Office of Student Conduct and Conflict Education (OSCCE) met with approximately 110 students who were alleged to have been involved in the incident at the base of campus on Friday, May 31, 2024. Through those conversations, students offered their perspectives about what led up to and occurred over the course of several hours.

During our meeting, you answered questions and shared information about your role in the incident. It was evident from our conversation that the incident had a significant impact on you. I appreciate your honesty and openness in sharing what you were comfortable sharing with me. Additionally, it was clear from your responses that you have been contemplating how to catalyze meaningful and purposeful change at UCSC and within the UC System.

With the ideal of community in mind, I encourage you to think about the impact blocking access to the campus had, whether you were involved specifically with that blocking or not. In addition to speaking with those present on May 31st, our team also heard from many people impacted by the loss of access to the campus starting on May 28th. In giving those perspectives a voice as well, we would like to ask that you consider those in our community; particularly people with disabilities, parents with young children, and those needing to access the health center from off campus.

### **University Resources**

Please know that there are a number of university resources available to you including SHOP (Student Health Outreach & Promotion), CAPS (Counseling and Psychological Services), Slug Support, Basics Needs On-Campus Food, the Resource Centers, and the DRC (Disability Resource Center). I encourage you to check them out and take advantage of services that can support your holistic well-being.

### **A Couple Thoughts on Next Steps**

Throughout this process we frequently heard requests from students for institutional change and a sense that there was not enough dialogue with students about the change they wanted to see. We hope this conversation does not stop here. We have two readings suggested by UCSC faculty which include scholarly thoughts on direct action and some areas of reflection. If you are interested in receiving these readings and reflection prompts, please let us know.

*We also invite you to meet with Student Conduct and Conflict Education to continue to dialogue about these matters and together learn from one another as we work to move forward as the UCSC community begins the healing process. If you are interested in a conversation, please contact Adam C. Adams, Associate Director of Conflict Education and Healing ([adcadams@ucsc.edu](mailto:adcadams@ucsc.edu)), or Katherine (Kati) Silva Urena, Senior Specialist of Conflict Education and Healing ([kslivaur@ucsc.edu](mailto:kslivaur@ucsc.edu)).*

### **Anonymous Feedback**

If you have feedback you would like to share about the Student Conduct process, please consider completing the following Feedback form. The information will be used as part of a review of the conduct process as we aim to build trust and increase transparency. Furthermore, your responses will be anonymous and will not include individual personally identifiable information. You can access the survey using this link: <https://bit.ly/ucscconductsurvey20>.

Sincerely,

Hashim Jibri

Senior Conduct & Equity Specialist

# EXHIBIT J



Laaila Irshad [REDACTED]@ucsc.edu>

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## Senate Bill 108: Rights and responsibilities of free expression

1 message

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**Public Affairs** <publicaffairs@ucsc.edu>  
Bcc: undergrad@ucsc.edu

Wed, Sep 11, 2024 at 2:02 PM



September 11, 2024

*This message is being sent pursuant to guidance from the University of California Office of the President.*

Dear Campus Community,

As we begin the new academic year, we seek to reaffirm our [Principles of Community](#) and share important information with our campus community about the rights and the responsibilities of free expression in the context of living, working, and studying at UC Santa Cruz.

This year, we expect very active discourse on various issues impacting our communities, nation, and world. Freedom of speech and the right to engage in nonviolent expressions are bedrock principles on our campus and throughout the University of California. There are many, many avenues for students, faculty, and staff to advocate for their views, from organizing or joining peaceful demonstrations to participating in on-campus forums and debates to engaging with student, faculty, and staff organizations and committees, to name a few. We encourage members of the UC Santa Cruz community to make their voices heard on issues that matter to them.

To safeguard everyone's right to expression and right to engage fully in their learning, teaching, work, and research, UC Santa Cruz, under the umbrella of the University of California system, must also take action to protect our community from harassment or threats, impediments to access to campus, classrooms and university facilities, and from violence of any kind. UC Santa Cruz and the system as a whole must also comply with system, state, and federal policies that protect the rights of expressive activity, provide safeguards for state and federally protected identities, and ensure safe and timely and full access to our campuses for all.

Aligning with Senate Bill 108, the University of California has developed a systemwide framework for consistency of implementation and enforcement of these policies.

It is important that you understand the rules, regulations, and resources that exist to achieve these goals. We urge you to [review this website](#), which may be updated from time to time, for detailed information on policies, procedures, and resources related to freedom of expression and supporting a safe and inclusive environment for all members of the campus community.

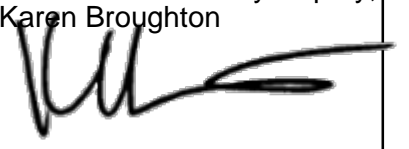
We look forward to a productive, vibrant, and welcoming year on campus.

*This message was sent to all campus faculty, staff, and students. If you are a manager who supervises UC Santa Cruz employees without email access, please circulate this information to all.*

[Campus Messages](#) | [NewsCenter](#)

[UC Santa Cruz](#)

1156 High Street, Santa Cruz, CA, 95064, USA



THOMAS C. SEABAUGH (SBN 272458)  
tseabaugh@seabaughfirm.com  
LAW OFFICE OF THOMAS C. SEABAUGH  
355 S. Grand Ave., Suite 2450, Los Angeles, CA 90071  
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RACHEL LEDERMAN (SBN 130192)  
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PARTNERSHIP FOR CIVIL JUSTICE FUND, & its project  
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Telephone: (415) 621-2493

*Attorneys for Plaintiffs*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ**

HANNAH (ELIO) ELLUTZI; LAAILA  
IRSHAD; CHRISTINE HONG,

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA; CYNTHIA LARIVE, in her  
official capacity as Chancellor of the  
University of California, Santa Cruz  
("UCSC"); LORI KLETZER, in her official  
capacity as UCSC Campus Provost and  
Executive Vice Chancellor; EDWARD D.  
REISKIN, in his official capacity as UCSC  
Vice Chancellor for Finance, Operations and  
Administration; AKIRAH J. BRADLEY-  
ARMSTRONG, in her official capacity as  
UCSC Vice Chancellor of Student Affairs;  
ALEX DOUGLAS MCCAFFERTY, in his  
official capacity as UCSC Campus Budget  
Director; SONYA KIERNAN, in her official  
capacity as Executive Assistant to the UCSC  
Chancellor; HERBERT LEE, in his official  
capacity as UCSC Vice Provost of Academic

Case No. 24CV02532

*Assigned for all purpose to the  
Hon. Syda Kosofsky Cogliati*

**DECLARATION OF CHRISTINE HONG  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION;  
EXHIBITS K THROUGH M**

Date: November 19, 2024

Time: 8:30 a.m.

Dept.: 5

Action Filed: September 9, 2024

*[Filed concurrently with Notice of Motion and  
Motion, and Memorandum of Points and  
Authorities in Support of Plaintiffs' Motion for  
Preliminary Injunction]*

1 Affairs; JESSICA RASHID, in her official  
2 capacity as UCSC Assistant Dean of Students,  
3 ADRIENNE RATNER, in her official capacity  
4 as UCSC Director of Academic Employee  
5 Relations; KEVIN DOMBY, in his official  
6 capacity as UCSC Chief of Police and  
7 Executive Director of Public Safety; and  
8 DOES 1-10,

Defendants.

1 I, CHRISTINE HONG, declare as follows:

2 1. I am an individual over 18 years of age and a plaintiff in this action. I make this  
3 declaration in support of Plaintiffs' Motion for Preliminary Injunction. I can testify as to the  
4 following matters from personal knowledge, except as those matters stated on information and  
5 belief, and as to those I believe them to be true.

6 **My Background & Advocacy**

7 2. I am a full professor of Literature and also of Critical Race and Ethnic Studies  
8 ("CRES"), a department that I helped to build from the ground up and for which I served as  
9 inaugural chair, at the University of California Santa Cruz ("UCSC"). I direct the Center for  
10 Racial Justice, which I cofounded, at UCSC; serve on the board of directors of the Korea Policy  
11 Institute, an independent research and educational institute; co-chair the UC Ethnic Studies  
12 Faculty Council; and co-edit the *Critical Ethnic Studies* journal.

13 3. Over the course of my academic career, I have published a book; guest-edited five  
14 special journal issues; co-created a community-based oral history archive; co-created a landmark  
15 open-access syllabus on the Korean War; authored thirteen journal articles, eight book  
16 contributions, and eighteen public-facing writings; taken part in or conducted eleven interviews  
17 for the purpose of academic or popular publication; and taken part in nearly 200 media interviews.  
18 Published by Stanford University Press in 2020, my book, *A Violent Peace: Race, Militarism, and*  
19 *Cultures of Democratization in Cold War Asia and the Pacific*, was awarded the 2022 Outstanding  
20 Achievement in Literary Studies Award by the Association for Asian American Studies.

21 4. I am also a recipient of UCSC's Excellence in Teaching Award and the  
22 Chancellor's Achievement Award for Diversity as well as the American Studies Association's  
23 Mary C. Turpie Prize for outstanding achievement in teaching, advising, and program-building,  
24 among other honors. In addition, I serve as a member of the Ending the Korean War Teaching  
25 Collective, the founding collective of the Institute for the Critical Study of Zionism, and the  
26 steering committee of the UCSC chapter of Faculty for Justice in Palestine.

27 5. As with students at many university campuses across the nation, students at UCSC  
28 established the Gaza Solidarity Encampment to protest the ongoing genocide in Palestine and to

1 demand that the university divest from companies profiting from war and weapons manufacturing.  
2 The encampment also called for a boycott, divestment, and sanctions against Israel.

3         6.         But the encampment was far more than a protest. As a collective space dedicated to  
4 organizing, community care, and critical stud, it was grounded in a commitment to justice and  
5 accountable to the world in which we live. Students from a broad range of majors, including  
6 STEM, the arts, social sciences, and the humanities, came together in solidarity. Some were  
7 housing- and food-insecure. The encampment offered meals to anyone, as well as a place to rest  
8 and learn. Faculty and local community organizations were a steady and active presence  
9 throughout. I personally saw students, who were longing for a space to critically study and discuss  
10 the genocide in Gaza, create an arena for workshops and education that they were hungering for in  
11 their classes. The encampment, initially established to express an important message, became a  
12 powerful symbol of students' commitment to mutual aid, community safety, and socially  
13 responsive education.

14         7.         When the Gaza Solidarity Encampment launched at the start of May, I had been  
15 teaching a course, "Demilitarizing the University." This course directly related to the issues  
16 around which the encampment was organized, and it offered a historical perspective on attempts  
17 by the administration to suppress student speech and anti-imperialist organizing.

18         8.         From May 1, 2024 onward, I was present at the Gaza Solidarity Encampment on a  
19 near-daily basis. I attended to protest Israel's war on Gaza and the complicity of the University of  
20 California in imperialist war violence. I also attended to show my support for the students who  
21 were protesting the genocide in Gaza. And I attended in support of academic freedom during a  
22 time of world-historical crisis and to oppose the heavy-handed efforts by UCSC officials to  
23 suppress the students' cause.

24         9.         When I visited the encampment, I, along with other faculty, would wear pink  
25 armbands to indicate that we were faculty and there to support the students. At rallies and  
26 marches, we would also carry a banner identifying ourselves as faculty.

27         10.        Given my background and academic interests, and in response to the interests  
28 expressed by students participating in the solidarity encampment, I taught classes at the "People's

1 University” at the encampment on four occasions. These classes were directly related to my  
2 academic focus as well as deeply rewarding on a personal level.

3 11. For the duration of the encampment, I—along with other members of UCSC’s  
4 chapter of Faculty for Justice in Palestine—frequently spoke with students and offered support.

5 **The Events of May 30-31, 2024**

6 12. Around 11:00 p.m. on May 30, 2024, I received a frantic call from a student who  
7 conveyed that the police had been deployed by the UCSC administration to dismantle the Gaza  
8 Solidarity Encampment. Over 100 police officers came.

9 13. I knew many of the students present at the encampment and felt strongly that I  
10 needed to be there to support the encamped students, and where possible, to keep them safe as best  
11 I could in the face of armed repression. Having frequently been at the encampment and taught  
12 classes there, I felt a sense of solidarity and responsibility towards the encamped students who had  
13 undertaken great risk to speak out against an ongoing genocide and UCSC’s complicity in that  
14 violence. Like other faculty, I wanted to be present to observe the actions of the police as they  
15 sought to disband the encampment and to report on their conduct as needed. Given my academic  
16 research into the repressive use of militarized police power in educational settings, I was  
17 especially worried about what force the police had been authorized to use. I therefore personally  
18 felt compelled to observe and protest the deployment of militarized police in this context.

19 14. When I arrived at the protest, I stood with a large group of others in a little-used  
20 dirt parking lot at the base of campus where the encampment was located. I was not blocking the  
21 road to campus, nor did I intentionally attempt to prevent cars or people from entering or exiting  
22 campus. From this vantage, I saw a line of officers advancing in militarized formation, moving  
23 forward, then stopping, and waiting before continuing their slow march down to the base of  
24 campus until they were just two to three feet in front of the line of students. From that point  
25 forward, they repeatedly attacked us in waves of violence.

26 15. The police “kettled” us tightly together using their batons. Some protesters were  
27 dry heaving from the batons being thrust violently into their organs. I had identified myself as  
28 faculty to law enforcement and personally negotiated with the police to allow the exit of students

1 who were sick from being brutalized during the kettling. At one point, I tried to reach my phone in  
2 my pocket to text for help. I could barely move my arm to get my hand into my pocket.

3 16. Even though no one appeared to be actively resisting arrest, officers in full riot gear  
4 seemed unrestrained in their violence, including grabbing people by the neck. The person next to  
5 me was later hospitalized for their injuries. I am aware of one person who sustained injuries so  
6 severe that they suffered neurological damage, and I understand that they now walk using a cane. I  
7 also experienced significant bruising.

8 17. Early the next morning, I was arrested, put into plastic, zip-tie handcuffs, and  
9 placed on a bus. We were left sitting on the bus for approximately three hours. My wrists ached  
10 from the handcuffs. We were denied access to a bathroom despite students' pleas to the police that  
11 they be allowed to use a nearby porta-potty. One person repeatedly requested permission to be  
12 allowed to change their tampon, but the supervising officers would not even let them use the  
13 bathroom. Some arrestees were so desperate that they were forced to urinate in the back stairwell  
14 of the bus. As the day grew hotter, the stench inside the bus intensified.

15 18. I was transported on the bus with the other arrestees to a UCSC Police Department  
16 station located at a satellite campus property. We all waited in the hallway of this station for  
17 varying lengths of time.

18 19. Finally, I was released and cited for misdemeanor "failure to disperse" under Penal  
19 Code section 409. No charges have been filed against me. I maintain my factual innocence of that  
20 charge.

21 20. I am aware from news reports that more than 110 other students and faculty were  
22 arrested at the protest near the encampment on May 30 and 31. From news reporting and other  
23 discussions, I also understand that most, if not all the people arrested, were purportedly banned  
24 from campus under Section 626.4.

25 21. Throughout my time at the encampment, including on May 30 and 31, 2024, my  
26 conduct was consistent with expressive protest and the principles of civil disobedience that I teach  
27 in my university classes and understand from my academic research. At no time whatsoever did I  
28 engage in any threats, intimidation, physical violence, or destruction of property. I was never a

1 substantial threat of significant injury to any person or property on campus. When I was released  
2 after my arrest, I was simply depleted and exhausted.

3 **No Notification of Ban**

4 22. Unlike what I understand happened to others upon their arrest and release, I was  
5 never told—either verbally or in writing—that I was banned from campus under Penal Code  
6 section 626.4.

7 23. On June 5, 2024, however, I received a boilerplate message from Adrienne Ratner,  
8 UCSC’s Director of Academic Employee Relations, which stated, “This memorandum follows the  
9 University’s issuance on May 31, 2024 of a withdrawal of your consent to remain on campus,  
10 pursuant to California Penal Code 626 et seq. That citation excludes you from campus for a period  
11 of 14 days from its issuance,” and informed me of my right to a hearing. This message came as a  
12 surprise, because no such “citation” had been issued to me on May 31, 2024. A true and correct  
13 copy of Ms. Ratner’s June 5, 2024 correspondence is attached hereto as **Exhibit K**.

14 24. I interpreted Ms. Ratner’s June 5, 2024 email to mean that I was subject to a  
15 campus ban under Section 626.4, despite never having received a written or verbal notification. I  
16 understood that I would be subject to arrest for an additional misdemeanor charge if I entered  
17 campus. I therefore stayed away from campus until my ban was lifted at the end of the day on June  
18 10.

19 **The Consequences I Faced as a Result of the Apparent Ban**

20 25. This ban had a significant impact on my teaching. In mid-Spring 2024, I was  
21 awarded a UC online grant to develop a new online course, “A Radical History of the Korean  
22 War.” This course is one of only a small number of courses that fill key graduation requirements  
23 for CRES majors.

24 26. Because the class format is online and asynchronous, it was necessary for me to  
25 have recorded all the lectures prior to the start of the summer session. The recording process is  
26 time-consuming. It entails close collaboration with a team of online educational specialists,  
27 including an instructional designer and a videographer in the recording studio on campus. The  
28 dates when I had booked the recording studio for several sessions were concentrated largely



1 during the time period that I was banned from campus. The instructional specialist with whom I  
2 was working also had a planned summer vacation that meant there was no flexibility to adjust the  
3 studio time. The ban thus deprived me of an opportunity to have direct and continuous  
4 professional help in the recording and course development process.

5 27. As a result of the ban, I was reduced to recording my lectures on my own on Zoom  
6 and crafting my presentation slides as best I could without the aid of the original instructional  
7 designer who was supposed to help produce the lecture recordings. Having to improvise in this  
8 way greatly impacted the quality of the course. It further means that I will have to redo all my  
9 lectures in the future, thus duplicating preparatory work for this course. Additionally, the ban  
10 prevented me from accessing key books and resources in my office or checking out relevant titles  
11 from the university library, thus hampering my course content development.

12 28. The enormous stress and augmented workload created by the ban has had  
13 deleterious health consequences for me, triggering a severe autoimmune flare-up. I had to cancel  
14 planned recuperative time to focus on student support related to the mass arrests and bans, and to  
15 salvage my summer class.

16 **My Incident Review Meeting and The Recission of My Ban from Campus**

17 29. My “626.4 Hearing” was eventually held on June 10, 2024 with Herbie Lee, Vice  
18 Provost of Academic Affairs and Adrienne Ratner, Director of Academic Employee Relations. I  
19 was supported during the hearing by my union representative and fellow UCSC Professor Deborah  
20 Gould. In this hearing, I stated that I had not received any real notice of my ban from campus, and  
21 I asserted that I had never represented a threat to persons or property, let alone a *significant* threat  
22 of injury to persons or property. I remember Mr. Lee commenting that he understood that law  
23 enforcement was passing out paper 626.4 notices, but then ran out of pieces of paper and so was  
24 issuing the 626.4 notices verbally. I reiterated that I hadn’t received either a written or a verbal  
25 notice and stated that this had placed me at great risk of further arrest and criminal proceedings.

26 30. During the hearing, I also questioned UCSC’s failure to provide me with due  
27 process and called out its failure to proffer any evidence against me before summarily banning me  
28 from campus. On this point, I recall citing and reading from the *Braxton* decision by the California

1 Supreme Court and arguing that UCSC had clearly not followed that case or its own school  
2 procedures. In addition, I cited the UC Berkeley Student Affairs guidance relating to “Berkeley  
3 Campus Procedures for Implementing Section 626 of the State Penal Code,” which, to me,  
4 comported with the law and emphasized the importance of a hearing and due process before a ban  
5 might take effect.<sup>1</sup> My memory is that Mr. Lee responded that he had not been involved in “that  
6 process,” and that I had “looked into more legal background” than he had..

7 31. Later in the day on June 10, 2024, I received correspondence from Mr. Lee. In this  
8 correspondence, Mr. Lee stated: “Based on my review of the information that is available to me  
9 regarding the 626.4 Exclusion issued on May 31, 2024, including the information you provided  
10 during the June 10 hearing, I have determined that you do not presently present a substantial and  
11 material threat to the orderly operation of the campus and/or UCSC facilities and, therefore, I have  
12 decided to lift the 626.4 Exclusion and allow you to fully return to campus property.” A true and  
13 correct copy of Ms. Lee’s June 10 correspondence is attached hereto as **Exhibit L**.

14 **My Fear of Retaliation for Participation of Activity Protected by the First Amendment**

15 32. Classes begin at UCSC this week—specifically on September 26, 2024. Leading up  
16 to the start of school, I received a notice on September 11, 2024 from UCSC which links to a site  
17 stating: “Individuals can be excluded from campus pursuant to the process described in Penal  
18 Code section 626. Violation of campus policies and regulations may result in the partial or total  
19 exclusion of individuals from campus facilities.” It is unclear to me what conduct would subject  
20 me to being banned from campus again. A true and correct copy of this notice is attached hereto as

21 **Exhibit M.**

22 33. When I arrived at UCSC, I found a strong tradition of student activism already in  
23 place. I have witnessed how this rich history lives on in today’s students who are still striving for a  
24 university that is ethically responsive to the world in which we live.

25 34. I intend to continue to support students protesting and to protest myself for  
26 divestment and in support of the people of Palestine in this school year, but I am concerned that

27 \_\_\_\_\_  
28 <sup>1</sup> See UC Berkeley, Division of Student Affairs, *PC 626: Berkeley Campus Procedures for  
Implementing Section 626 of the State Penal Code*, available at <https://tinyurl.com/35s4y2u4>.

1 UCSC could again summarily ban me from campus for doing so. I should be allowed to exercise  
2 my rights to protest, but due to the severe effects of having been banned at the end of the Spring  
3 2024 Quarter, I am very worried that my work, health, and professional standing may suffer.

4 I declare under penalty of perjury that the foregoing is true and corrected. Executed this  
5 24<sup>th</sup> day of September 2024, at Soquel, California.

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8 \_\_\_\_\_  
9 Christine Hong

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### **Exhibit Index**

Declaration of Christine Hong in Support of Plaintiffs' Motion for Preliminary Injunction

<b>Exhibit Letter</b>	<b>Exhibit Description</b>
K	"Right to Hearing Regarding PC 626 et seq." from UCSC to Christine Hong, dated June 5, 2024
L	Letter Re 626.4 Withdrawal of Consent to Remain on Campus (626.4 Exclusion) hearing, from UCSC to Christine Hong, dated June 10, 2024
M	Email titled "Senate Bill 108 Rights and responsibilities of free expression" from UCSC, dated September 11, 2024

# EXHIBIT K



ACADEMIC PERSONNEL OFFICE

499 Clark Kerr Hall, Santa Cruz, CA 95064-1078  
Phone (831) 459-4300 | [apo@ucsc.edu](mailto:apo@ucsc.edu)

June 5, 2024

To: Christine Hong, Professor

Copy: Herbert Lee, Vice Provost of Academic Affairs

From: Adrienne Ratner, Director of Academic Employee Relations

RE: Right to Hearing Regarding PC 626 et seq.

Dear Prof. Hong:

This memorandum follows the University's issuance on May 31, 2024 of a withdrawal of your consent to remain on campus, pursuant to California Penal Code 626 et seq. That citation excludes you from campus for a period of 14 days from its issuance. Pursuant to that statute, you have a right to submit a written request for a hearing on the withdrawal within the two-week period. You may request a hearing by emailing Vice Provost of Academic Affairs Herbert Lee at: [Herbie@ucsc.edu](mailto:Herbie@ucsc.edu).

VPAA Lee will serve as the hearing officer for your request. The hearing would be solely to consider reinstatement of consent to enter campus. The hearing would take place over Zoom.

Sincerely,

Adrienne Ratner  
Director of Academic Employee Relations

# EXHIBIT L



OFFICE OF THE VICE PROVOST FOR ACADEMIC AFFAIRS

1156 High Street, Santa Cruz, CA 95064  
Phone (831) 459-1349 • FAX (831) 459-2760

June 10, 2024

To: Professor Christine Hong

**RE: 626.4 Hearing**

Dear Christine:

This letter serves as a follow-up to the 626.4 Withdrawal of Consent to Remain on Campus (626.4 Exclusion) hearing on June 10, 2024, regarding willful disruption of the orderly operation of campus on or about May 31, 2024.

Based on my review of the information that is available to me regarding the 626.4 Exclusion issued on May 31, 2024, including the information you provided during the June 10<sup>th</sup> hearing, I have determined that you do not presently present a substantial and material threat to the orderly operation of the campus and/or UCSC facilities and, therefore, I have decided to lift the 626.4 Exclusion and allow you to fully return to campus property.

Upon your return to campus, the expectation is that you will follow all legal notices and University directives. Involvement in additional policy violations may result in compounded outcomes.

Sincerely,

A handwritten signature in black ink, appearing to read "Herbert Lee".

Herbert Lee  
Vice Provost for Academic Affairs

CC: Director of Academic Employee Relations Ratner



# EXHIBIT M

**Shaila Nathu**

---

**Subject:** FW: Senate Bill 108: Rights and responsibilities of free expression

----- Forwarded message -----

**From:** Christine Hong <[cjhong@ucsc.edu](mailto:cjhong@ucsc.edu)>

**Date:** Fri, Sep 13, 2024 at 8:18 PM

**Subject:** Fwd: Senate Bill 108: Rights and responsibilities of free expression

**To:** Christine J. Hong [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>

----- Forwarded message -----

**From:** Public Affairs <[publicaffairs@ucsc.edu](mailto:publicaffairs@ucsc.edu)>

**Date:** Wed, Sep 11, 2024 at 2:05 PM

**Subject:** Senate Bill 108: Rights and responsibilities of free expression

**To:**



September 11, 2024

*This message is being sent pursuant to guidance from the University of California Office of the President.*

Dear Campus Community,

As we begin the new academic year, we seek to reaffirm our [Principles of Community](#) and share important information with our campus community about the rights and the responsibilities of free expression in the context of living, working, and studying at UC Santa Cruz.

This year, we expect very active discourse on various issues impacting our communities, nation, and world. Freedom of speech and the right to engage in nonviolent expressions are bedrock principles on our campus and throughout the University of California. There are many, many avenues for students, faculty, and staff to advocate for their views, from organizing or joining peaceful demonstrations to participating in on-campus forums and debates to engaging with student, faculty, and staff organizations and committees, to name a few. We encourage members

of the UC Santa Cruz community to make their voices heard on issues that matter to them.

To safeguard everyone's right to expression and right to engage fully in their learning, teaching, work, and research, UC Santa Cruz, under the umbrella of the University of California system, must also take action to protect our community from harassment or threats, impediments to access to campus, classrooms and university facilities, and from violence of any kind. UC Santa Cruz and the system as a whole must also comply with system, state, and federal policies that protect the rights of expressive activity, provide safeguards for state and federally protected identities, and ensure safe and timely and full access to our campuses for all.

Aligning with Senate Bill 108, the University of California has developed a systemwide framework for consistency of implementation and enforcement of these policies.

It is important that you understand the rules, regulations, and resources that exist to achieve these goals. We urge you to [review this website](#), which may be updated from time to time, for detailed information on policies, procedures, and resources related to freedom of expression and supporting a safe and inclusive environment for all members of the campus community.

We look forward to a productive, vibrant, and welcoming year on campus.

*This message was sent to all campus faculty, staff, and students. If you are a manager who supervises UC Santa Cruz employees without email access, please circulate this information to all.*

[Campus Messages](#) | [NewsCenter](#)

[UC Santa Cruz](#)

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14 *Attorneys for Plaintiffs*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF SANTA CRUZ**

17 HANNAH (ELIO) ELLUTZI; LAAILA  
18 IRSHAD; CHRISTINE HONG,

19 Plaintiffs,

20 vs.

21 THE REGENTS OF THE UNIVERSITY OF  
22 CALIFORNIA; CYNTHIA LARIVE, in her  
23 official capacity as Chancellor of the  
24 University of California, Santa Cruz  
25 ("UCSC"); LORI KLETZER, in her official  
26 capacity as UCSC Campus Provost and  
27 Executive Vice Chancellor; EDWARD D.  
28 REISKIN, in his official capacity as UCSC  
Vice Chancellor for Finance, Operations and  
Administration; AKIRAH J. BRADLEY-  
ARMSTRONG, in her official capacity as  
UCSC Vice Chancellor of Student Affairs;  
ALEX DOUGLAS MCCAFFERTY, in his  
official capacity as UCSC Campus Budget  
Director; SONYA KIERNAN, in her official  
capacity as Executive Assistant to the UCSC  
Chancellor; HERBERT LEE, in his official  
capacity as UCSC Vice Provost of Academic

Case No. 24CV02532

*Assigned for all purpose to the  
Hon. Syda Kosofsky Cogliati*

**DECLARATION OF WILLIAM PARRISH  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION;  
EXHIBITS N THROUGH P**

Date: November 19, 2024

Time: 8:30 a.m.

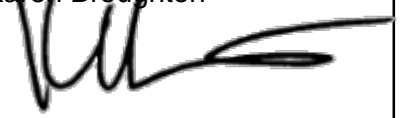
Dept.: 5

Action Filed: September 9, 2024

*[Filed concurrently with Notice of Motion and  
Motion, and Memorandum of Points and  
Authorities in Support of Plaintiffs' Motion for  
Preliminary Injunction]*

**DECLARATION OF WILLIAM PARRISH IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

ELECTRONICALLY FILED  
Superior Court of California  
County of Santa Cruz  
9/26/2024 8:05 PM  
Clerk of the Court by Deputy,  
Karen Broughton



1 Affairs; JESSICA RASHID, in her official  
2 capacity as UCSC Assistant Dean of Students,  
3 Student Conduct & Community Standards;  
4 ADRIENNE RATNER, in her official capacity  
5 as UCSC Director of Academic Employee  
6 Relations; KEVIN DOMBY, in his official  
7 capacity as UCSC Chief of Police and  
8 Executive Director of Public Safety; and  
9 DOES 1-10,

Defendants.

1 I, WILLIAM PARRISH, declare as follows:

2 1. I am an individual over 18 years of age. I make this declaration in support of  
3 Plaintiffs' Motion for Preliminary Injunction. I can testify as to the following matters from  
4 personal knowledge, except as those matters stated on information and belief, and as to those I  
5 believe them to be true.

6 **My Background & Advocacy**

7 2. I am a sixth year PhD candidate in the History of Consciousness Department at the  
8 University of California Santa Cruz ("UCSC"). My dissertation concerns theories of political  
9 freedom in relation to the Great Sioux Nation's 150-year struggle for the return of the Black Hills.  
10 As part of my PhD program, I teach undergraduate courses on political theory and environmental  
11 studies.

12 3. I believe a genocide is currently taking place in Gaza. Throughout the 2023-24  
13 school year, I showed support for the Gaza Solidarity Encampment that was established at UCSC.  
14 I did so to stand in support of Palestine and to uplift the messages of the students at the  
15 encampment, some of whom I teach. I also participated as a way of protesting the repression of  
16 academic freedom, a cause that I have felt passionate about since becoming a member of the  
17 UCSC community.

18 **The Events of May 30-31, 2024**

19 4. Around 11:30 p.m. on May 30, 2024, I learned that police officers had been  
20 deployed by UCSC to dismantle the Gaza Solidarity Encampment. I headed towards the area  
21 because I knew many of the students present at the encampment and felt a sense of solidarity and  
22 responsibility towards them. I had no intention, or desire, to get into an altercation with the police  
23 that night. I just wanted to be present to observe and bear witness as law enforcement dismantled  
24 the encampment and, if possible, I wanted to help keep the students safe.

25 5. When I arrived, I stood with a group of individuals on the sidewalk. We were all  
26 observing the law enforcement activity and protestors. Some people were protesting or yelling  
27 about the dismantling of the encampment. Others seemed to be curious onlookers.  
28

1           6.           I observed police arresting people on the outskirts of the protest. The people who I  
2 saw arrested at that time were not near to the encampment and some did not appear to be  
3 connected to the encampment.

4           7.           As the night progressed, officers encircled us and it seemed like they were pushing  
5 us into the street. I was not attempting to block the ingress or egress to campus. But the police  
6 pointed their batons at us and crushed everyone tightly together. I could hear officers speaking  
7 from a sound amplification system, but I could not make out what they were saying because the  
8 sound coming out of the system was muffled and it was loud all around me.

9           8.           I found myself in a line with other protestors. Multiple officers came up to me in  
10 the early morning hours and picked me off for arrest. While making the arrest, the officer shoved a  
11 baton into my stomach. The action felt gratuitous and unnecessary.

12          9.           I was put into plastic, zip-tie handcuffs, and placed in a van. We were initially  
13 driven to the County Jail on Water Street, where we were left sitting in the van for approximately  
14 two and a half hours. My wrists ached from the handcuffs. I am 6'5" tall, so the prolonged time in  
15 the van was painful. In the days that followed, my lower back hurt a great deal from being forced  
16 to sit inside the van for those hours.

17          10.          The police eventually transported us in the van to a UCSC Police Department  
18 station on a satellite campus property. I waited in the station hallway for one to two more hours  
19 until a UCSC officer called my name. I went up to the officer who had called me. He provided me  
20 with two documents.

21          11.          The first document was a citation for misdemeanor "failure to disperse" under  
22 Penal Code section 409. No charges have been filed against me on this citation. I maintain my  
23 factual innocence of that charge.

24          12.          The second document was a piece of paper on UCSC University Police letterhead,  
25 entitled "Violation of Section 626.4 of the Penal Code of the State of California." The violation  
26 notice stated that, if I should remain on campus or return to campus within 14 days of the warning,  
27 I might be found guilty of a violation of Section 626.4. It did not include any facts about why I  
28 was being banned effective immediately. It also did not explain that I had a right to challenge the

1 ban or how I might go about doing so. A true and correct copy of the written notice I received is  
2 attached hereto as **Exhibit N**.

3 13. I am aware from news reports that more than 110 other students and faculty were  
4 arrested at the protest near the encampment on May 30 and 31. I had the sense that the UCSC  
5 police were handing out the exact same misdemeanor citations and 626.4 form notices when  
6 processing and releasing the other arrestees. But I later learned that the officers ran out of paper  
7 forms, so I believe some arrestees may have received verbal notice of the bans. News reporting  
8 later confirmed my understanding that most, if not all, of the people arrested, were purportedly  
9 banned from campus under Section 626.4.

10 14. Throughout my time at the encampment, including on May 30 and 31, 2024, my  
11 conduct was consistent with expressive protest and the principles of civil disobedience. At no time  
12 whatsoever did I engage in any threats, intimidation, physical violence, or destruction of property.  
13 I was never a substantial threat of significant injury to any person or property on campus.

14 **My Incident Review Meeting and The Recission of My Ban from Campus**

15 15. On June 4, 2024, I received a message from UCSC's Office of Student Conduct  
16 and Conflict Education ("OSCCE"). The message was titled "Notice of Incident Review  
17 Meeting." I understand that many other students got the exact same letter. The message advised  
18 that OSCCE had received a report about "a large group of students numbering approximately 200  
19 individuals [who had] obstructed public access to [UCSC] and failed to comply with a lawful  
20 order to disperse." The message claimed that I had been one of the people in the group of  
21 approximately 200 individuals. The message also contained an invitation to "respond" by signing  
22 up for a "626.4 Hearing & Incident Review Meeting." But it didn't explain any specific  
23 allegations about what I personally was accused of doing and it didn't explain the specific charges  
24 against me—as distinct from the other 200 plus people referenced in the letter. A true and correct  
25 copy of OSCCE's June 4 message is attached hereto as **Exhibit O**.

26 16. My hearing was held on June 11, 2024. Later that same day, I received  
27 correspondence titled "Timely: Respond to withdrawal of consent 626.4 Hearing." This  
28 correspondence stated: "Based on my review of the information that is available to me regarding



1 the 626.4 Exclusion issued on May 31, 2024, I have decided to lift the 626.4 Exclusion and allow  
2 you to return to campus property.” A true and correct copy of this June 11 correspondence is  
3 attached hereto as **Exhibit P**.

4 **My Fear of Retaliation for Participation of Activity Protected by the First Amendment**

5 17. The events of May 30-31 have made me think twice about participating in protest  
6 events. Being banned from campus on the spot adversely impacted my academic studies and  
7 interrupted work on my dissertation by, among other things, cutting me off from my office and the  
8 UCSC library.

9 18. Based on conversations with several students and UCSC faculty members who  
10 provided support to students, I am informed and believe that approximately ten students were  
11 banned from campus under Section 626.4 in connection with protests in support of Palestine in  
12 June.

13 19. Classes begin at UCSC this week—specifically on September 26, 2024. In the  
14 coming school year, I intend to continue participating in actions expressing solidarity with Gaza,  
15 including by attending educational sessions, organizing events, and advocating for divestment and  
16 in support of the people of Palestine. I also plan to join actions held by the graduate workers’  
17 union, with which I have been actively involved in since 2019. I am additionally committed to  
18 working with Kanaka Maoli (Indigenous Hawaiian) cultural practitioners who are engaged in  
19 public advocacy against the University of California’s Thirty Meter Telescope project at the  
20 summit of sacred Mauna Kea on the Big Island of Hawaii.

21 20. But I am worried about being unfairly punished and summarily banned from  
22 campus and this concern has a chilling effect on what I believe to be my protected speech and  
23 activism.

24 I declare under penalty of perjury that the foregoing is true and corrected. Executed this  
25 25<sup>th</sup> day of September 2024, at Santa Cruz, California.

26 

27 WILLIAM PARRISH

**Exhibit Index**

Declaration of Will Parrish in Support of Plaintiffs' Motion for Preliminary Injunction

<b>Exhibit Letter</b>	<b>Exhibit Description</b>
N	5/31/24 Notice titled "Violation of Section 626.4 of the Penal Code of the State of California" from UCSC Police Department to Will Parrish
O	"Notice of Incident Review Meeting" from UCSC to Will Parrish, dated June 4, 2024
P	"Timely: Respond to withdrawal of consent 626.4 Hearing" from UCSC to Will Parrish, dated June 11, 2024

# EXHIBIT N

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

CASE NO. 24-525

BERKELEY DAVIS IRVINE LOS ANGELES MERCED RIVERSIDE SAN DIEGO SAN FRANCISCO



SANTA BARBARA SANTA CRUZ

UNIVERSITY POLICE

VIOLATION OF SECTION 626.4 OF THE PENAL CODE OF THE STATE OF CALIFORNIA

To: WILLIAM EDWARD PARRISH

Address: [REDACTED]  
SANTA CRUZ CA 95060

Telephone: \_\_\_\_\_

You are hereby notified by the undersigned, a person designated by the Chancellor of the Santa Cruz campus of the University of California to maintain order on such campus, that your consent to remain on the Santa Cruz campus has been withdrawn.

You are further notified that, if you should remain on the campus or should you return to the campus within 14 days of this warning without specific consent to do so, you may be found guilty of a violation of Section 626.4 of the Penal Code of the State of California.

Order given by:

Name: SANCHEZ Badge: 805

Date: 5/31/24 Time: 1046

Acknowledgement of receipt of copy of order:

Signature of Person Advised \_\_\_\_\_

The above action is confirmed.

Signed: SANCHEZ 805 Date: 5/31/24

Title: SGT.

Copies to: Person Advised  
Police Report

# EXHIBIT O



SENT VIA UCSC EMAIL ACCOUNT

**CONFIDENTIAL**

June 04, 2024

Will Parrish



@ucsc.edu

**SUBJECT:** Notice of Incident Review Meeting

**INCIDENT NUMBER:** 00969-2024

Dear Will:

We hope this email finds you doing well. We received a report that you may have been involved in an incident on or about May 31, 2024 near the entrance to campus.

**Summary of incident**

For your reference, the report is summarized below:

*The Office of Student Conduct and Conflict Education received a report that you and a large group of students numbering approximately 200 individuals obstructed public access to UC Santa Cruz and failed to comply with a lawful order to disperse in violation of University policy and/or several California penal code sections including PC 409. Multiple campus messages had previously been sent requesting demonstrators remove all barricades and allow public access to the campus.*

*Around midnight on Friday May 31st a contingent of law enforcement personnel from multiple agencies arrived in an attempt to restore public access to campus by having individuals disperse, leave the area and remove the barricades. Demonstrators had established a large camp at the main entrance and had previously proceeded to block the entrance with various debris and wooden pallets over several days, creating unsafe conditions, blocking public access to the campus, and disrupting university operations.*

*Over the course of the police action, an estimated 15 dispersal orders were given by a megaphone which was reported to be audible 350-400 feet away. Approximately 30-40 students left the large group of demonstrators during this time.*

*Individuals who failed to comply with the dispersal order were reported to lock arms or grab the individual in front of them to make themselves difficult to individually arrest. Police reported that as part of dispersing the crowd and restoring public access to the campus approximately 117 protest participants were arrested and you are one of the arrestees.*

### **Alleged Policy Violations**

Your behavior **may** represent violation(s) of the [Code of Student Conduct](#) as published in the *Student Policies and Regulations Handbook*, specifically section(s):

102.08 (c) Conduct which constitutes, conduct that threatens the health or safety of any person.

102.13 Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

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

102.16 Failure to identify oneself to, or comply with directions of, a University official or other public official acting in the performance of their 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.

102.29 Blocking or impeding ingress to or egress from the campus, buildings, or official University functions, including activities on non-University property.

102.31 Violation of any other University policy or campus regulation: Time, Place and Manner restrictions

102.32 Commission of a public offense under any federal, state, or local law or ordinance on or in University properties or at official University functions may subject students to campus disciplinary procedures.

102.33 Commission of a public offense under any federal, state, or local laws or ordinances occurring off campus may subject violators to campus disciplinary procedures as well as any civil or criminal action that may be taken.

### **Hearing for Trespass notice under California Penal Code 626.4**

University Police notified our Office that you were issued a trespass notice under California Penal Code 626.4. The trespass notice issued to you by University police is valid for 14 days from when it was issued unless lifted by appeal. If you would like to appeal the 626 notice you may do so by signing up for a hearing time below.

### **Next Steps**

To respond to this letter sign up for a hearing at the following link: [626.4 Hearing & Incident Review Meeting](#). Hearings will be held [over Zoom](#), be for 30 minutes and involve two University staff. One University staff member will be reviewing your request to appeal the 626 trespass notice. The second University Staff member will be reviewing the alleged policy violations listed above and make a decision regarding any violation of University policy. The two University Staff will issue independent decisions.

In order to promptly meet with all student requests, the meeting will not go longer than 30 minutes however a follow up meeting can be requested if not all information was presented. You have the right to not respond to the 626 notice and/or the above charges in which case a determination of responsibility will be made without your input. As an alternative to participating in a hearing you may submit a written statement via email to [conduct@ucsc.edu](mailto:conduct@ucsc.edu).



Because our time together will be limited we encourage you to review the following materials prior to the hearing to ensure we cover all topics in the hearing.

- [Code of Student Conduct](#)
- [FAQ for Students Who Have Received a 626.4 Notice](#)

### **Meeting Agenda**

If you choose to attend a hearing, here is what will be covered:

- Introductions
- 626 Hearing discussion
- Student Code of Conduct discussion
- Resources and Closing

### **Support Person**

The Code of Student Conduct affords all students the option to have one [non-participatory support person](#) of their choosing accompany them to any meeting or hearing with a signed [Support Person Agreement](#). Please submit the Support Person Agreement at least an hour in advance of a hearing. Without a signed agreement waiving your right to privacy with the support person, they will not be able to attend the meeting. The support person may not also serve as a witness. If you are in need of support or assistance, but you do not have an identifiable support person, please contact Respondent Support Services at [rss@ucsc.edu](mailto:rss@ucsc.edu).

### **Accommodations**

Should you require any accommodations to be able to fully participate in this incident review meeting, please reply to this email with your accommodations request.

### **Campus Resources**

We understand this information may be difficult. Should you wish to speak to someone in [Counseling and Psychological Services \(CAPS\)](#), [Slug Support or Basic Needs](#) we encourage you to reach out. CAPS can provide support and assistance via telemental counseling zoom appointments [Counseling Services \(ucsc.edu\)](#) CAPS also provides drop-in brief consults [Let's Talk Drop-in Program \(ucsc.edu\)](#) with a CAPS counselor.

Sincerely,

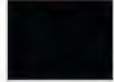
The Office of Student Conduct and Conflict Education



# EXHIBIT P



Will Parrish



@ucsc.edu

SUBJECT: Timely: Response to withdrawal of consent 626.4 Hearing

INCIDENT NUMBER: 00969-088-2024

Dear Will,

This letter serves as a follow-up to the findings of the 626.4 Withdrawal of Consent to Remain on Campus (626.4 Exclusion) hearing on June 11, 2024 regarding willful disruption of the orderly operation of campus in an incident reported to have occurred on or about May 31, 2024.

### **Decision**

Based on my review of the information that is available to me regarding the 626.4 Exclusion issued on May 31, 2024.

- I have decided to lift the 626.4 Exclusion and allow you to fully return to campus property.

### **Rationale for Decision**

During our meeting you shared the following information:

1. As it relates to your understanding of Time, Place, and Manner, you shared that you understood the University policy of Time, Place, and Manner (as a general concept) as it relates to freedom of speech.
2. You were asked that if allowed back on campus, would you agree not to violate campus policies related to blocking ingress / egress or other Time, Place and Manner restrictions now and in the future. In response, you shared that you would commit to not violating these campus policies.
3. During our meeting you were asked if you understood campus policies regarding following directions given to you by staff or public officials. You were also asked if you agree to comply with future directions by staff or public officials acting in the performance of their duties. You shared that you did understand campus policies regarding following directions given to you by staff or public officials, and that you would comply with future directions by staff or public officials acting in performance of their duties.

**Based on the information that you shared in our meeting, I have determined that you *will not constitute a substantial and material threat to the orderly operation of the campus or facility. Therefore, I am reinstating consent, and lifting the 626.4 ban.***

The expectation is that you will follow all legal notices and University directives while the incident is investigated. Involvement in additional policy violations may result in compounded outcomes.

**Campus Resources**

We understand this information may be difficult. Should you wish to speak to someone in [Counseling and Psychological Services \(CAPS\)](#), [Slug Support or Basic Needs](#) we encourage you to reach out. CAPS can provide support and assistance via telemental counseling zoom appointments [Counseling Services \(ucsc.edu\)](#) CAPS also provides drop-in brief consults [Let's Talk Drop-in Program \(ucsc.edu\)](#) with a CAPS counselor.

Sincerely,

Hashim Jibri

Senior Conduct & Equity Specialist

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14 *Attorneys for Plaintiffs*

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Chancellor; HERBERT LEE, in his official  
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ELECTRONICALLY FILED  
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9/26/2024 8:05 PM  
Clerk of the Court by Deputy,  
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Case No. 24CV02532

*Assigned for all purpose to the  
Hon. Syda Kosofsky Cogliati*

**DECLARATION OF SHAILA NATHU IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION;  
EXHIBITS Q THROUGH R**

Date: November 19, 2024

Time: 8:30 a.m.

Dept.: 5

Action Filed: September 9, 2024

*[Filed concurrently with Notice of Motion and  
Motion, and Memorandum of Points and  
Authorities in Support of Plaintiffs' Motion for  
Preliminary Injunction]*

**DECLARATION OF SHAILA NATHU IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

1 Affairs; JESSICA RASHID, in her official  
2 capacity as UCSC Assistant Dean of Students,  
3 Student Conduct & Community Standards;  
4 ADRIENNE RATNER, in her official capacity  
5 as UCSC Director of Academic Employee  
6 Relations; KEVIN DOMBY, in his official  
7 capacity as UCSC Chief of Police and  
8 Executive Director of Public Safety; and  
9 DOES 1-10,

Defendants.

1 I, SHAILA NATHU, declare as follows:

2 1. I am an attorney licensed to practice in the State of California and am employed as  
3 a Staff Attorney at the American Civil Liberties Union Foundation of Northern California. I can  
4 testify as to the following matters from personal knowledge, except as those matters stated on  
5 information and belief, and as to those I believe them to be true.

6 2. On July 22, 2024, the American Civil Liberties Union of Northern California  
7 (“ACLU NorCal”) submitted a California Public Records Act (“CPRA”) request to the University  
8 of California, Santa Cruz (“UCSC”). The Request sought, among other things, all records and  
9 communications concerning campus protests on May 30 and 31, 2024 and UCSC’s response to  
10 that activity (including the decisions by campus administrators to order the dispersal of protesters,  
11 request assistance from law enforcement, and carry out the issuance of Penal Code section 626.4  
12 notices). A true and correct copy of the Request is attached hereto as **Exhibit Q**.

13 3. On August 15, 2024, UCSC responded to the Request. In this correspondence,  
14 UCSC stated that, “after a reasonable search,” it had determined that “no records exist” responsive to  
15 the portion of the Request seeking copies of or information concerning (1) all written reports submitted  
16 by the chief administrative officer’s designee describing withdrawals of consent or (2) all written  
17 confirmation of these reports by the chief administrative officer or their designee. A true and correct  
18 copy of UCSC’s August 15, 2024 correspondence is attached hereto as **Exhibit R**.

19 I declare under penalty of perjury that the foregoing is true and corrected. Executed this  
20 26th day of September 2024, at San Francisco, California.

21   
22 SHAILA NATHU  
23  
24  
25  
26  
27  
28

**Exhibit Index**

Declaration of Shaila Nathu in Support of Plaintiffs' Motion for Preliminary Injunction

<b>Exhibit Letter</b>	<b>Exhibit Description</b>
Q	7/22/24 CPRA Request, from American Civil Liberties Union of Northern California to UCSC, dated July 22, 2024
R	Email titled "Requests for Information under the California Public Records Act" from UCSC to American Civil Liberties Union of Northern California, dated August 15, 2024

# EXHIBIT Q





Northern  
California

July 22, 2024

**VIA ELECTRONIC MAIL ONLY**

Campus Information Practices Director  
Chancellor's Office  
UC Santa Cruz  
1156 High Street  
Santa Cruz, CA 95064-1077  
Email: pra@ucsc.edu

**RE: California Public Records Act Request**

To Campus Information Practices Director:

Pursuant to the California Public Records Act ("CPRA")<sup>1</sup> and the California Constitution,<sup>2</sup> we are writing on behalf of the American Civil Liberties Union of Northern California ("ACLU") to request the following records in the possession or control of the University of California, Santa Cruz ("UCSC"):

**Records Requested:**

1. All policies, procedures, practices, guidance documents, memoranda, instructions, forms, and/or training material(s) in effect from April 1, 2024 to present concerning student or faculty speech, including but not limited to protest activity, encampments, or demonstrations on campus.
2. All policies, procedures, practices, guidance documents, memoranda, instructions, forms, and/or training material(s) in effect from April 1, 2024 to present concerning Penal Code section 626.4 ("Section 626.4"), including but not limited to:
  - a) the circumstances under and the manner in which the UCSC chief administrative officer or their designee(s) may notify a person that their consent to remain on campus has been withdrawn (hereafter a "Section 626.4 Notification");
  - b) the process (if any) for the UCSC chief administrative officer to designate an employee or officer to issue Section 626.4 Notifications;
  - c) the process (if any) for a designee of the UCSC chief administrative officer to prepare and submit a written report concerning the issuance of any Section 626.4 Notification;
  - d) the process (if any) for the UCSC chief administrative officer to review and confirm such

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<sup>1</sup> Gov't Code §§ 7920 *et seq.*

<sup>2</sup> Cal. Const., art. I, § 3(b)(2).

**American Civil Liberties Union Foundation of Northern California**

EXECUTIVE DIRECTOR Abdi Soltani • BOARD CHAIR Magan Pritam Ray

SAN FRANCISCO OFFICE: 39 Drumm St. San Francisco, CA 94111 • FRESNO OFFICE: PO Box 188 Fresno, CA 93707  
TEL (415) 621-2493 • FAX (415) 255-1478 • TTY (415) 863-7832 • WWW.ACLUNC.ORG

- written report submitted by a designee; and
- e) the process (if any) for a person whose consent has been withdrawn to seek a hearing or otherwise appeal the withdrawal of their consent to remain on campus.
3. All records or communications about encampments, demonstrations, or other protest activity and the response to such activity that took place on or near UCSC's campus between May 30 and June 1, 2024, concerning:
- a) the decision by UCSC officials to order the dispersal of individuals gathered on or near campus;
  - b) the involvement of campus police and/or law enforcement officers to assist in the dispersal of individuals gathered on or near campus;
  - c) all designations by the UCSC chief administrative officer authorizing an employee or officer to issue a Section 626.4 Notification;
  - d) the number of Section 626.4 Notifications that were issued;
  - e) the method of delivery for each of the issued Section 626.4 Notifications;
  - f) all Section 626.4 Notifications that were issued, or other evidence that such notifications were issued;
  - g) the number of written reports submitted by designee(s) of the UCSC chief administrative officer to substantiate any of the Section 626.4 Notifications that were issued;
  - h) all written reports submitted by designee(s) of the UCSC chief administrative officer to substantiate any Section 626.4 Notification that was issued;
  - i) the number of written reports for which the UCSC chief administrative officer (or their designee) entered "written confirmation upon the report of the action taken by the [designated] officer or employee" pursuant to Section 626.4;
  - j) all written confirmation(s) entered by the UCSC chief administrative officer (or their designee) upon the report of the action taken by the designated officer or employee pursuant to Section 626.4;
  - k) any information provided to any recipient of a Section 626.4 Notification on how to seek a hearing or otherwise appeal the withdrawal of that person's consent to remain on campus;
  - l) any evidence that any recipient of a Section 626.4 Notification had their consent to remain on campus reinstated; and
  - m) any other communications sent to a recipient of a Section 626.4 Notification.

In responding to this Request, please note that the CPRA broadly defines the term "record." Specifically, the term includes "any writing containing information relating to the conduct of the people's business prepared, owned, used, or retained by any state or local agency

regardless of physical form or characteristics.”<sup>3</sup> The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”<sup>4</sup> This Request therefore applies to *all* paper documents, as well as to *all* emails, videos, audio recordings, text messages, or other electronic records within the possession or control of UCSC. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by UCSC.<sup>5</sup>

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asks for documents by name.<sup>6</sup> It is your obligation to conduct record searches based on the criteria identified herein.<sup>7</sup> But should you come to believe that the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.<sup>8</sup>

The CPRA requires that you respond to this Request in ten days.<sup>9</sup> If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely and must identify both the name and title of the person(s) responsible for the determination not to disclose.<sup>10</sup> Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.<sup>11</sup> Please note that the CPRA “endows” UCSC with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”<sup>12</sup>

Because this Request pertains to a matter of public concern and is made for the public interest (and not for any commercial benefit), ACLU requests a fee waiver. None of the information obtained will be sold or distributed for profit. ACLU also requests that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy

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<sup>3</sup> Gov’t Code § 7920.530(a).

<sup>4</sup> *Id.* § 7920.545.

<sup>5</sup> *Id.* § 7920.530(a); *see California State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (“[W]hile section 6254.9 recognizes the availability of copyright protection for software in a proper case, it provides no statutory authority for asserting any other copyright interest.”).

<sup>6</sup> Gov’t Code § 7922.530(a).

<sup>7</sup> *See id.* § 7922.535; *see also Cty. of San Jose v. Superior Ct.*, 2 Cal. 5th 608, 627 (2017).

<sup>8</sup> Gov’t Code § 7922.600(a).

<sup>9</sup> *Id.* § 7922.535(a).

<sup>10</sup> *Id.* § 7922; *see also id.* § 7922.540.

<sup>11</sup> *Id.* § 7922.525(b); *id.* § 7922.535(a).

<sup>12</sup> *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *see also Nat’l Conf. of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

the materials and provides another basis for the requested fee-waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact me so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records as soon as possible, and—if necessary—on a rolling basis, to [bcalagui@aclunc.org](mailto:bcalagui@aclunc.org) or to Brandee Calagui - PRA Responses, ACLU of Northern California, 39 Drumm Street, San Francisco, CA 94111.

Thank you in advance for your assistance with this Request. We look forward to receiving your response within ten days. And once again, if you require any clarification of this Request, please let me know.

Sincerely,



Chessie Thacher  
Senior Staff Attorney  
Democracy and Civic Engagement Program  
ACLU Foundation of Northern California  
Email: [cthacher@aclunc.org](mailto:cthacher@aclunc.org)



Shaila Nathu  
Staff Attorney, Democracy and Civic  
Engagement Program  
ACLU Foundation of Northern California  
Email: [snathu@aclunc.org](mailto:snathu@aclunc.org)

# EXHIBIT R

## Shaila Nathu

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**From:** UCSC Records Request <pra@ucsc.edu>  
**Sent:** Thursday, August 15, 2024 11:30 AM  
**To:** Shaila Nathu  
**Cc:** pra@ucsc.edu  
**Subject:** Requests for Information under the California Public Records Act

### **VIA ELECTRONIC MAIL**

August 15, 2024

Shaila Nathu  
ACLU Foundation of Northern California  
[snathu@aclunc.org](mailto:snathu@aclunc.org)

Re: Requests for Information under the California Public Records Act

Dear Shaila Nathu:

I write following our August 2, 2024 acknowledgement regarding your July 22, 2024 California Public Records Act (CPRA) request.

### **RECORDS EXIST**

University of California, Santa Cruz (UCSC) has determined that it possesses disclosable public records responding to your requests for:

*"1. All policies, procedures, practices, guidance documents, memoranda, instructions, forms, and/or training material(s) in effect from April 1, 2024 to present concerning student or faculty speech, including but not limited to protest activity, encampments, or demonstrations on campus.*

*2. All policies, procedures, practices, guidance documents, memoranda, instructions, forms, and/or training material(s) in effect from April 1, 2024 to present concerning Penal Code section 626.4 ("Section 626.4"), including but not limited to:*

*a) the circumstances under and the manner in which the UCSC chief administrative officer or their designee(s) may notify a person that their consent to remain on campus has been withdrawn (hereafter a "Section 626.4 Notification");*

*b) the process (if any) for the UCSC chief administrative officer to designate an employee or officer to issue Section 626.4 Notifications;*

*c) the process (if any) for a designee of the UCSC chief administrative officer to prepare and submit a written report concerning the issuance of any Section 626.4 Notification;*

*d) the process (if any) for the UCSC chief administrative officer to review and confirm such written report submitted by a designee; and*

*e) the process (if any) for a person whose consent has been withdrawn to seek a hearing or otherwise appeal the withdrawal of their consent to remain on campus.*

*3. All records or communications about encampments, demonstrations, or other protest activity and the response to such activity that took place on or near UCSC's campus between May 30 and June 1, 2024, concerning:*

*[...]*

*c) all designations by the UCSC chief administrative officer authorizing an employee or officer to issue a Section 626.4 Notification;*

*d) the number of Section 626.4 Notifications that were issued;*

*e) the method of delivery for each of the issued Section 626.4 Notifications;*

*f) all Section 626.4 Notifications that were issued, or other evidence that such notifications were issued;*

*g) the number of written reports submitted by designee(s) of the UCSC chief administrative officer to substantiate any of the Section 626.4 Notifications that were issued;*

*[...]*

*k) any information provided to any recipient of a Section 626.4 Notification on how to seek a hearing or otherwise appeal the withdrawal of that person's consent to remain on campus;*

*l) any evidence that any recipient of a Section 626.4 Notification had their consent to remain on campus reinstated; and*

*m) any other communications sent to a recipient of a Section 626.4 Notification."*

A search for the information is underway. All records identified as responsive to your requests will be reviewed, and made available for your access, in accordance with relevant law and University policy.

Although the requested records have not yet been fully gathered and reviewed, it is possible the requested material may contain information exempt from disclosure pursuant to the California Public Records Act (CPRA). However, this is not a determination that the information is necessarily exempt from disclosure.

We anticipate records will be available for inspection within twelve weeks. Our office will contact you as soon as the records are assembled. While you may inspect the records free of charge during a mutually convenient appointment time, please note that the University is entitled to charge for the cost of document duplication for any copies you may wish to retain.

## **CLARIFICATION REQUIRED**

For the reasons set forth below, the University requires clarification before it can search for records responding to your requests for:

*"3. All records or communications about encampments, demonstrations, or other protest activity and the response to such activity that took place on or near UCSC's campus between May 30 and June 1, 2024, concerning:*

*a) the decision by UCSC officials to order the dispersal of individuals gathered on or near campus;*

*b) the involvement of campus police and/or law enforcement officers to assist in the dispersal of individuals gathered on or near campus;”*

It is possible there are documents on campus that you may be interested in inspecting. UCSC is willing to undertake a search for responsive records; however, it is important for you to clarify or focus the scope of your request.

As written, these requests are overly broad and would not lead to an effective search based on the limited information provided. Generally, the University cannot conduct a good faith search for broad requests for “any and all” records or similar language. The campus has approximately 5,000 employees, the majority of which would not likely have any documents related to your requests. The time and resources to undertake a search for such overbroad requests would be unduly burdensome and unproductive. Furthermore, the University does not have the ability to conduct a search of all employee communications. For example, the University’s email services are provided by Google. As such, all staff, students, and faculty have individual UCSC Google email accounts. Accordingly, requests Nos. 3a & 3b do not reasonably describe identifiable records that can be searched.

Having a clear understanding of the scope of your request will enable UCSC to undertake a search to determine whether disclosable public records are within its possession. For example, to request email communications, please identify the email address you would like us to search, provide a time period to search within, and identify keywords to search for.

Finally, if we do not receive any communication from you within 30 days from the date of this notice regarding requests Nos. 3a & 3b, UCSC will consider requests Nos. 3a & 3b fulfilled.

## **NO RECORDS EXIST**

After a reasonable search, University of California, Santa Cruz (UCSC) has determined that no records exist responding to your requests for:

*3. All records or communications about encampments, demonstrations, or other protest activity and the response to such activity that took place on or near UCSC’s campus between May 30 and June 1, 2024, concerning:*

*[...]*

*h) all written reports submitted by designee(s) of the UCSC chief administrative officer to substantiate any Section 626.4 Notification that was issued;*

*i) the number of written reports for which the UCSC chief administrative officer (or their designee) entered “written confirmation upon the report of the action taken by the [designated] officer or employee” pursuant to Section 626.4;*

*j) all written confirmation(s) entered by the UCSC chief administrative officer (or their designee) upon the report of the action taken by the designated officer or employee pursuant to Section 626.4;*

*k) any information provided to any recipient of a Section 626.4 Notification on how to seek a hearing or otherwise appeal the withdrawal of that person’s consent to remain on campus;*

*[...]”*



Thus, UCSC now considers these requests fulfilled.

If you have questions concerning UCSC's implementation of the CPRA please feel free to contact Information Practices via email at [pra@ucsc.edu](mailto:pra@ucsc.edu).

Sincerely,

Tyler Burke  
Director  
Privacy & Information Practices

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Information Practices

Office of Campus Counsel

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