

LDB Responds to UC Irvine's SJP Decision and Calls for Stronger Action

Washington, D.C., August 19, 2016: On Friday, the UC Irvine Office of Student Conduct announced that it had concluded a three-month investigation into an aggressive and disruptive incident on the UCI campus last May. The [incident](#) involved an anti-Israel mob that disrupted a small event held by a Jewish student group on campus. The angry mob of about 50 students blocked the entrances and exits while loudly chanting angry, anti-Israel, anti-police, and pro-Palestinian sentiments that promoted violence, anti-Semitism, and hate. One Jewish student, Eliana Kopley, attempted to get away, but was chased and hounded by members of the angry mob, forcing her to hide in a kitchen while a UCI staff member protected her. The [Louis D. Brandeis Center](#) (“LDB”), a national civil rights legal advocacy organization best known for its work fighting anti-Semitism in higher education, represents Ms. Kopley.

According to yesterday's announcement, the student group Students for Justice in Palestine (“SJP”) is responsible for violation of the UCI Code of Conduct's provision prohibiting “Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.” As for sanctions, SJP was issued a written warning, effective immediately and continuing until March 29, 2017. SJP must also host an educational program by November 18, 2016.

[LDB President and General Counsel Kenneth L. Marcus](#) expressed his concerns about the university's announcement, stating, “I am disappointed in the outcome, which fails to hold SJP accountable for the harassment and physical intimidation of Eliana Kopley – or to even acknowledge that anything happened to her that night.” Indeed, the statement yesterday makes no reference to any student being chased, followed, or needing to hide from attendees of SJP's “protest” gone wrong.

Marcus further stated, “I do believe that it is a step forward for UC Irvine to finally acknowledge that SJP's disruptive behavior violates university policies. We are pleased that the university has implicitly rejected the spurious claims by the National Lawyers' Guild and Palestine Legal that such disruptive behavior is protected by the First Amendment, when it clearly is a violation of the freedom of speech. We are also glad that the Office of Student Affairs has — at a minimum — issued SJP a warning, and we hope that administrators will closely monitor SJP's activities over the coming year and respond quickly to any further crimes, infractions or violations that they commit.”

However, Marcus described the weak sanctions as “a slap on the wrist for SJP, and a slap in the face to the Jewish community.” Ms. Kopley agreed, stating, “I feel like their punishment is not enough to keep the pro-Israel and Jewish students on campus safe. It isn't guaranteeing our safety. What happened that night does not warrant just a ‘warning’. There should be a real, visible action by the school to ensure safety to all students on our campus.”

[Jennie Gross, Senior Staff Attorney at LDB](#), considered the effect that the weak sanctions might have on future incidents, “This will not be the last protest to occur at UCI. Nor should it be. Peaceful protest is an important element of public discourse, even when the topic is controversial – perhaps particularly when the topic is controversial. But the group that organized this protest and their advocates would have us believe that the First Amendment provides a free pass for any and all conduct by protesters. That message is not only false, as any first-year law student can tell you. That message is dangerous. The school acknowledged that the First Amendment does not protect this type of conduct, but by failing to appropriately punish the offenders, UCI failed to counter that dangerous message.”

Irvine officials have not disclosed whether university investigators have identified the persons who chased Ms. Kopley, although LDB attorneys believe it would have been relatively easy for them to do so using basic investigative techniques. The university would not even confirm that they attempted to identify the offenders, although Ms. Kopley can partially describe articles of clothing that they wore, and believes she would be able to recognize them in an unbiased line-up or photo array.

Marcus also stated, “Vice Chancellor Parham’s statement also fails to mention the obviously anti-Semitic nature of the violations here. One would never know from his statement that hate was at work in this angry mob.” Despite the claims of SJP, NLG, and Palestine Legal, political activism played no role in the decision of a few to harass Ms. Kopley. Eliana had gone to see a movie with other Jewish students. She was interested in a documentary about Israelis her own age, and what it their lives are like when they are required to serve in the IDF. The only thing the harassers knew about her was that she identified with the Jewish students on the other side of the door. That is anti-Semitism – not anti-Israel political action.

Marcus continued, “Indeed, it appears that Dr. Parham is either unaware of the gravity of the facts in this case or unwilling to publicly disclose them. The signal this sends to the Jewish community and to all minorities on campus is one of indifference. That signal will be heard by victims of intimidation, harassment, and bias for some time to come.”

Finally, LDB attorneys noted that the [Regents of the University of California](#) sent UC administrators a very strong signal just a few months ago that they need to respond more firmly to anti-Semitism and intolerance. Marcus commented, “It now seems clear that the Regents’ message still hasn’t been fully heard at UCI. The Regents should be appalled at how little their statements are being followed by Irvine’s Office of Student Affairs. Irvine needs to demonstrate that they have heard the Regents’ statement and that they are prepared to reform their process. At this point, it appears that Irvine’s Office of Student Affairs is still behaving in the same old way that got the Regents so incensed in the first place.”

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About The Louis D. Brandeis Center: The Louis D. Brandeis Center, Inc., or LDB, is an independent, nonprofit organization established to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center conducts research, education, and advocacy to combat the resurgence of anti-Semitism on college and university campuses. It is not affiliated with the Massachusetts university, the Kentucky law school, or any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice. For more information, contact Aviva Vogelstein at avogelst@brandeiscenter.com, or find us at [our website](#).