

# **Directives on Policies Impacting Expressive Activities**

## **Frequently Asked Questions**

**Updated:** Nov. 27, 2024

### **1. How does the University balance community safety with protection of free speech?**

Freedom of expression is a bedrock principle of the University of California. In keeping with that tradition, there are many avenues for students, faculty, and staff to express 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, just to name a few. The University actively encourages members of the UC community to make their voices heard.

The University's commitment to free expression and constructive dialogue also requires that our community be free from harassment, discrimination and retaliation; impediments to access to classrooms and other buildings; and violence of any kind. Federal, state, and UC policies protect free expression and expressive activity while protecting campus safety and supporting inclusivity.

Violence, vandalism, and the disruption of University activities, as well as actions that interfere with learning, restrict access to shared spaces or prevent community members from safely accessing public facilities or leaving campus, can constitute violations of law and policy. Disruptions of this nature to the operations of our campuses and the mission of the University will not be tolerated.

### **2. What directives has the University issued around expressive activities policies?**

On August 19, 2024, the UC Office of the President issued a systemwide directive to all campuses on policies impacting expressive activities as part of its efforts to promote greater clarity of understanding and consistency of implementation.<sup>1</sup> Campuses were directed to compile and, where applicable, update policies to reflect the following policy requirements:

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<sup>1</sup> On November 27, 2024, an update was issued to the campuses to clarify a policy requirement related to masking to conceal identity, further clarifying that wearing a mask or face covering is permissible for all persons who are engaging in expressive activity and who are also complying with University policies and applicable laws while doing so.

- **Camping or encampments:** Policies must clarify that no person shall camp, set up or erect a campsite, or occupy a tent or other temporary housing structure on University property, unless specifically pre-approved.
- **Unauthorized structures:** Policies must clarify that no person shall erect, build, construct, set up, establish and/or maintain unauthorized structures on University property.
- **Restricting free movement:** Policies must clarify that no person shall restrict the movement of another person or persons by, among other means, blocking or obstructing their ingress or egress of roadways, walkways, buildings, parking structures, fire lanes, windows, doors or other passageways to university property, or otherwise denying a person access to a University facility or space.
- **Concealing identity when violating University policy or applicable laws:** Policies must clarify that wearing masks or face coverings is permissible for all persons who are complying with University policies and applicable laws. No person, while on University property, may conceal their identity or refuse to provide their identification for the purpose of evading or escaping discovery, recognition, or identification in the commission of violation of applicable University policy or local, state, or federal laws, including acts of unlawful intimidation or harassment of any person or group.
- **Refusal to reveal identity:** Policies must clarify that no person shall refuse to identify themselves while on University property to University officials who are acting in the performance of their duties in situations where assistance or intervention is needed.

### 3. How will these campus policies be enforced?

If violations of local, state, and federal law, or University policies occur, they will be addressed using a consistent tiered response model at all UC locations, with an emphasis on providing community members multiple opportunities to adjust their conduct, as appropriate.

Under this tiered response approach, individuals and/or groups engaging in prohibited conduct will first be informed of the violation(s); asked to take corrective

actions and modify their behavior; and then directed to do so, when appropriate. While compliance will generally end the engagement, the severity of the violation may warrant further action and accountability review.

As [endorsed by the UC Board of Regents](#), members of the University community who are arrested for unlawful behavior must have their conduct evaluated for potential violations of University policy. Any member of the University community who is cited for a violation of University policy must go through the applicable campus review process.

Consistent with the requirements of the 2024 Budget Act, [UCOP's response framework](#) provides further guidance on accountability measures for students, faculty, and staff who violate policies or laws.

#### **4. Does the concealing identity directive prohibit individuals on campus from wearing a mask or face covering during a policy-compliant protest?**

Those who choose to wear masks or face coverings while complying with University policies and applicable laws are permitted to do so.

Included in the range of permissible and important reasons that someone may elect to wear a mask include public health, disability, cultural, or religious reasons. [UC policy](#) allows people to wear a mask for health reasons such as COVID-19 and flu prevention.

#### **5. What are examples of unauthorized structures?**

Except when authorized by the University, examples of unauthorized structures include temporary or permanent structures such as tents, platforms, booths, benches, buildings, building materials (such as bricks, pallets, etc.), walls, barriers, barricades, fencings, sculptures, bicycle racks or furniture on University property.

#### **6. What is UC policy on masking for non-University affiliates?**

In addition to the directive on concealing identity when violating University policy or applicable laws, [California state regulation](#) states that non-affiliates on University property shall not wear a mask, personal disguise, or otherwise conceal their identity with the intent of intimidating any individual or group, or for the purpose of evading or escaping discovery, recognition, or identification in the commission of

violations of University policy, University regulations or municipal, state, or federal laws.

**7. How are unlawful intimidation and harassment defined in the context of the directive related to concealing identity when violating University policy or applicable laws?**

Intimidation in the context of the directive means “true threats,” incitement to violence, and actual violence. A true threat is a serious expression conveying that an individual means to commit an act of unlawful violence to a particular individual or group of individuals, causing them to reasonably fear bodily harm or death.

Harassment in this context is defined in UC’s [Anti-Discrimination Policy](#) as unwelcome conduct based on an individual’s actual or perceived Protected Category that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or adversely limits an individual’s participation in or benefit from the education, employment, or other programs or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

**8. Can a University official ask to see my identification?**

Yes. A University official acting in the performance of their duties is permitted to ask individuals on University property for their identification. Acceptable forms of identification may include but are not limited to campus IDs, employee or other campus credentials, and driver’s licenses.

**9. What if a community member believes they have been subjected to discrimination or harassment based on a protected category (e.g., national or ethnic origin, shared ancestry, gender, disability, etc.)?**

Discrimination based on Protected Categories is prohibited by the UC’s [Anti-Discrimination Policy](#) and the [Sexual Violence and Sexual Harassment Policy](#). Should you believe you have been subjected to such discrimination, you should contact your campus and/or location’s [Local Implementation Officer](#) to learn about resolution options and support resources available to you.

**10. What resources exist to assist campus professionals in managing major events, protests, or disruption?**

Additional resources are located on the [University of California Campus Climate Website](#).