

THE CHRONICLE OF HIGHER EDUCATION

CAMPUS ACTIVISM

Colleges Face Growing Demands to Step Up Enforcement on Student Protesters Who Cross a Line

By *Amelia Benavides-Colón* and *Katherine Mangan*

AUGUST 19, 2024



MICHAEL M. SANTIAGO, GETTY IMAGES

Pro-Palestinian protesters occupying Columbia U.'s Hamilton Hall on April 30 lift a milk crate with supplies.

Pressure is building on colleges to stand firm on punishing students who run afoul of conduct codes during protests against the Israel-Hamas war.

Local prosecutors have dropped criminal charges against many of the protesters who were arrested last spring, but many students still face campus [disciplinary](#) proceedings. Some campuses will continue working through those hearings well into the fall, leaving students' status uncertain as the next academic year begins.

On Monday, Rep. Virginia Foxx, the North Carolina Republican who chairs the U.S. House's Committee on Education and the Workforce, released [a document](#) that appears to show how Columbia officials disciplined protesters who occupied Hamilton Hall on April 30. Foxx said the records show that the university failed to

follow through on a [promise](#) to expel the students involved. Police [arrested](#) more than 100 people after talks between demonstrators and Columbia leaders broke down and students stormed into the central academic building.

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“More than three months after the criminal takeover of Hamilton Hall, the vast majority of the student perpetrators remain in good standing,” Foxx’s [statement](#) reads. “By allowing its own disciplinary process to be thwarted by radical students and faculty, Columbia has waved the white flag in surrender while offering up a get-out-of-jail-free card to those who participated in these unlawful actions.”

Foxx alleged that the university also failed to adequately discipline the students who participated in pro-Palestinian encampments around the same time. “Breaking into campus buildings or creating antisemitic hostile environments like the encampment should never be given a single degree of latitude,” she said. “The university’s willingness to do just that is reprehensible.”

Foxx said that, according to the information the committee received from Columbia, 18 of the 22 students arrested inside Hamilton Hall are now in good standing, while three are on interim suspensions and one is on probation.

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Of the 40 students arrested by the New York Police Department on April 18 for participating in the first Columbia encampment, one is on disciplinary probation, 21 are in good standing pending a hearing, and 18 had their standings cleared through a form of alternate resolution.

Thirty-one of the 35 students who were originally placed on interim suspension for failing to leave the second Columbia encampment were restored to good standing after the university said it couldn't substantiate that they were participants. Two students are on interim suspension from previous incidents, while one is suspended and another is on disciplinary probation.

A Columbia spokesperson released a statement Monday saying the university is committed to combating antisemitism and all forms of discrimination. "Following the

disruptions of the last academic year, Columbia immediately began disciplinary processes, including with immediate suspensions,” the statement said. “The disciplinary process is ongoing for many students involved in these disruptions, including some of those who were arrested, and we have been working to expedite the process for this large volume of violations.”

Also on Monday, the University of California system’s president, Michael V. Drake, sent a strongly worded directive on enforcing protest rules this fall, a sign that some college leaders are poised to act more quickly if they think that student activists have crossed a line.

Letter from President Drake



UNIVERSITY OF CALIFORNIA

Michael V. Drake, MD
President

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DIVISION OF AGRICULTURE AND NATURAL RESOURCES

August 19, 2024

CHANCELLORS

Re: Directive on Policies Impacting Expressive Activities

Dear Colleagues:

As we prepare to begin a new academic year, it is important that we reaffirm our commitment to fostering an environment that encourages free expression and debate, while protecting the rights of all community members to teach, study, live, provide and receive clinical care, and work safely. To support this, we must work with our students, faculty, other academic appointees, and staff to facilitate free expression in a safe manner and to communicate the multitude of ways our community members can engage in free speech.

Our longstanding systemwide policies uphold the constitutionally protected rights of all members of the University community regarding free expression, speech, and assembly. In addition, academic freedom protects freedom of inquiry and research, teaching, and expression and publication.¹ These rights come with the expectation that these activities shall not disrupt the University’s functions, impede orderly operations, or place community members in reasonable fear for their personal safety or infringe on their civil rights.²

UC campuses also have well-established policies including time, place, and manner (TPM) policies relating to expression; more broadly applicable codes of conduct for students, faculty, other academic appointees, and staff; and policies on the use of university property. These policies have generally been in place in various forms for many years, and several, described below, warrant particular emphasis in light of recent campus protests.

Making our policies understandable and accessible is key to facilitating awareness and promoting an environment that balances free expression with safety and orderly campus operations. To that end, I am directing each campus to provide, in a single document or webpage, a compilation of existing policies that most commonly apply to protest and demonstration activity. This information must be made available prior to the Fall 2024 academic term and include the following policy requirements:

- **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.

¹ APM – [010](#), [011](#), and [015](#)

² [Policy on Speech and Advocacy \(PACAOS 30.30\)](#); [Policy on Use of University Properties \(PACAOS 40.40\)](#); [Anti-Discrimination Policy](#)

[Read the letter \(PDF\)](#)

Drake told the system's 10 campus chancellors to make sure that their policies ban any form of encampment, protests that block pathways, and masking that shields identities. He also reiterated potential consequences for students and employees who violate the protocols. Drake's statement comes a week after a [preliminary injunction](#) from a federal judge [criticized UCLA](#) for allowing protesters' pro-Palestinian encampments to block Jewish students from some areas of campus.

The UC system said in a statement to *The Chronicle* on Monday that its new protocols were necessary to protect public safety. During the spring term, a spokesperson said, some UC campuses "faced significant disruptions due to protests that resulted in violence, vandalism, class and research interruption, and restricted access to public spaces."

According to Drake's letter to the chancellors, consequences for students found responsible for violating protest policies include educational sanctions, written warnings, disciplinary probation, and exclusion from areas of campus or functions, as well as restitution, suspension, and dismissal. Employees could face written reprimands, suspension without pay, reduction in pay, termination, and dismissal.

"As we prepare to begin a new academic year, it is important that we reaffirm our commitment to fostering an environment that encourages free expression and debate, while protecting the rights of all community members to teach, study, live, provide and receive clinical care, and work safely," Drake said.

A number of other college leaders, including [Lee H. Roberts of the University of North Carolina at Chapel Hill](#) and [Ted Carter of Ohio State University](#), have recently issued statements to their campus communities emphasizing that free speech has limits.

While campuses are facing intense pressure from lawmakers who have the power to cut their funding, they're also feeling the heat from lawyers and First Amendment advocates who are reminding them of their obligations to protect free speech.

The American Civil Liberties Union of Pennsylvania is representing two Temple University students during their upcoming campus disciplinary hearings over their participation in an encampment on the nearby University of Pennsylvania campus in May.

“The ACLU of Pennsylvania is concerned that the university’s decision to investigate and, possibly, discipline [the two students] will chill not only our clients’ free speech rights, but all Temple students’ ability and willingness to express themselves,” the nonprofit wrote in a [letter](#) to Temple University leaders last week that redacted the names of the students.

Both students were initially [charged](#) with defiant trespass, but Philadelphia’s district attorney dropped the charges. Now, the ACLU wants Temple to abandon further disciplinary action. The students’ actions, which happened outside the Temple campus, didn’t have any impact on the university, the ACLU argues.

Meanwhile, the University of California at Irvine’s decision to impose harsh sanctions against five undergraduate student protesters involved in pro-Palestinian activities earlier this summer has resulted in a [lawsuit](#).

The students, who face [indefinite suspension](#), accuse University of California regents and the Irvine campus’s chancellor, Howard Gillman, of violating “the university’s own rules and the minimum standards of due process applicable to public institutions,” the lawsuit states.

The students said they’ve been banned from all campus activities, including classes, jobs, and housing. Three are graduating seniors who were forced to miss their graduation ceremonies, and several have been unable to register for classes for the upcoming academic year. The students said the university upheld their suspensions after hearings at which no evidence was presented that would justify the strict sanctions.

A UC Irvine spokesperson said the university couldn't comment on pending litigation, but that "from the onset and throughout the course of the unauthorized encampment, any students participating were repeatedly notified that their actions were violating university policy, and that they would face sanctions including disciplinary measures such as interim suspension." He added that the process aligns with the University of California's [campus guidelines on disciplinary action](#), which were reinforced by the president's message on Monday.

Read other items in this [How Gaza Encampments Upended Higher Ed](#) package.

We welcome your thoughts and questions about this article. Please [email the editors](#) or [submit a letter](#) for publication.

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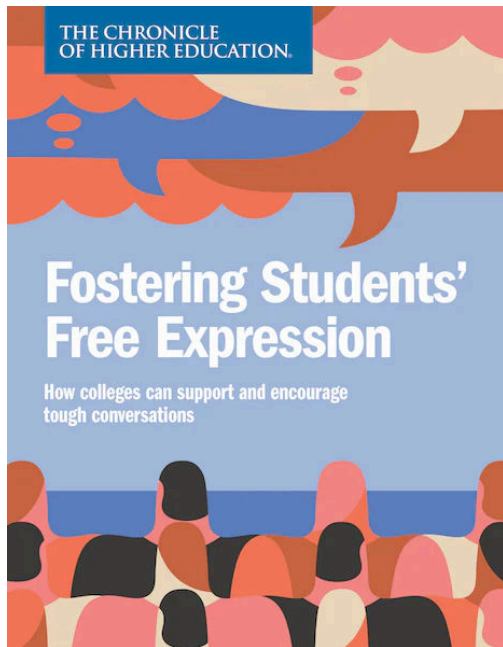


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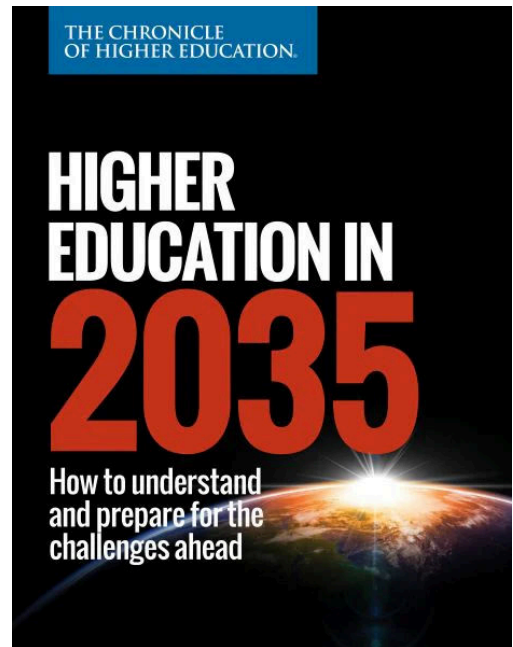


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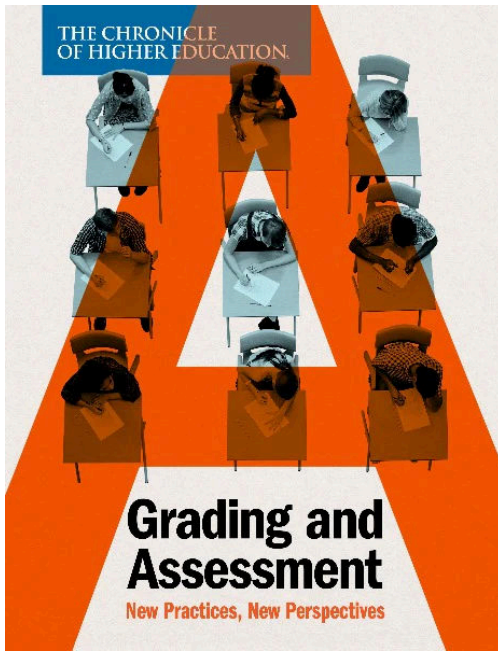
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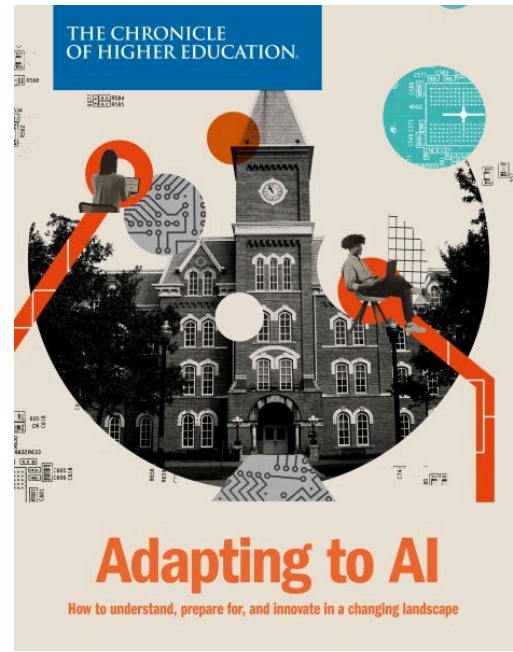
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