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13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
COUNTY OF LOS ANGELES

15 GRAEME BLAIR, SALIH CAN AÇIKSÖZ,
16 BENJAMIN KERSTEN, and CATHERINE
WASHINGTON,

17 Plaintiffs,

18 v.

19 REGENTS OF THE UNIVERSITY OF
20 CALIFORNIA, MICHAEL V. DRAKE, in his
official capacity as President of the University
21 of California, DARNELL HUNT, in his official
capacity as interim Chancellor of UCLA,
22 MICHAEL BECK, in his official capacity as
Administrative Vice Chancellor of UCLA,
23 MONROE GORDEN, JR., in his official
capacity as Vice Chancellor of UCLA, RICK
24 BRAZIEL, in his official capacity as Director
of UCLA's Office of Public Safety, and
25 GAWINI GIBSON, in his official capacity as
Acting Chief of the UCLA Police Department,

26 Defendants.
27
28

) Case No.

) **COMPLAINT**

) [California Constitution, Art. I, §§ 2, 7, 9, 13;
) Cal. Code Civ. Proc. § 526a]

INTRODUCTION

1
2 1. When students at the University of California, Los Angeles (“UCLA”) launched the Palestine
3 Solidarity Encampment this past year in front of its iconic Royce Hall, they did so in the tradition of
4 many thousands before them who campaigned in the same space against the Red Scare, the Vietnam
5 War, and apartheid in South Africa.

6 2. And just as those student campaigners of yesteryear did, the Palestine Solidarity
7 Encampment did so nonviolently, with strength and discipline. As described in a statement issued by
8 the university’s own historians in the Department of History—many of them scholars of popular
9 protest and social movements—the encampment was “a model of its kind,” an “orderly and self-
10 disciplined environment [that] seemed to have the support of the university administration, which
11 initially praised its decorum.”

12 3. Students had erected the encampment to protest the State of Israel’s war in Gaza, what they
13 view as the Israeli military’s genocidal violence against Palestinians, and their own university’s
14 financial entanglements with these actions. They made a series of demands of the university, and, in
15 furtherance of these demands, hosted a wide range of political, social, cultural, and religious
16 programming at the encampment.

17 4. The students themselves, with the support of university faculty, staff, and administration,
18 comprised a multi-racial and multi-ethnic group of Muslims, Jews, Christians, atheists, agnostics,
19 and members of other faith traditions.

20 5. Despite its nonviolent and educational mission, the encampment drew harassment and
21 violence from outsiders almost as soon as students created it. This intimidation campaign culminated
22 in a now-infamous mob attack in the late hours of April 30, when a group of more than one hundred
23 masked outsiders armed with toxic spray, fireworks, pipes, bottles, and other weapons attacked the
24 nonviolent protesters in the encampment to forcibly dismantle it.

25 6. This attack happened directly under the watch of university administrators who sat by while
26 the mob injured dozens of people inside the encampment—all of whom were forced to rely on each
27 other for emergency medical assistance and physical safety for hours.

1 7. Rather than protect students, faculty, and staff and their right to free expression and
2 association, the university decided to eradicate the encampment, purportedly to protect the
3 demonstrators themselves from future mob violence. Instead of committing to protecting the
4 university community’s rights to express themselves, university officials instead trampled on them.
5 The university allowed people who violently disagreed with the political message of the
6 encampment to dictate the terms of the protest, thereby succumbing to a “heckler’s veto” and
7 shutting down protected speech and expressive activity.

8 8. In the early morning of May 2, 2024, and at the direction of University of California (“UC”)
9 and UCLA leadership, the UCLA Police Department (“UCPD”) and partner agencies forcibly and
10 violently destroyed the encampment, causing the arrest of more than two hundred students, faculty,
11 staff members, and supporters.

12 9. To add insult to injury, the president of the University of California issued a new policy one
13 week later mandating that disciplinary proceedings be opened for anyone arrested for any reason,
14 then caused this new policy to be retroactively applied to the May 2 arrestees. UCLA administrators
15 subsequently opened disciplinary proceedings against these arrestees, permanently marring their
16 academic records with the stain of the unconstitutional arrests.

17 10. By targeting pro-Palestinian speech for suppression, violence, and criminalization, University
18 of California and UCLA leadership ignored the lessons of the protest movements that had mobilized
19 generations of UCLA students and faculty before them—that institutions of higher learning have and
20 should continue to serve as critical spaces to contest ideas, critique mainstream orthodoxies, and
21 encourage dissenting voices. One of the key functions of free speech is “to invite dispute,” a
22 characteristic of freedom that is perhaps best expressed at a university setting. *Terminiello v. City of*
23 *Chicago*, 337 U.S. 1, 4–5 (1949). It is a feature, not a failure, of free speech that “it induces a
24 condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.”
25 *Id.* This is especially true in a university setting, as “the vigilant protection of constitutional
26 freedoms is nowhere more vital than in the community of American schools.” *Healy v. James*, 408
27 U.S. 169, 180 (1972) (quoting *Shelton v. Tucker*, 364 U.S. 479, 487 (1960)).

1 11. In targeting pro-Palestine speech and expression, these university leaders violated core First
2 Amendment-protected freedoms, unlawfully caused the arrest of students and faculty engaged in
3 nonviolent protest, and demonstrated contempt for the very values of academic freedom, free
4 expression, and the exchange of ideas they profess to uphold.

5 **JURISDICTION AND VENUE**

6 12. Jurisdiction is proper under Article VI, section 10 of the California Constitution and under
7 Code of Civil Procedure sections 410, 526, 526a, and 1060.

8 13. Venue is proper in this Court pursuant to Code of Civil Procedure sections 393 and 395,
9 because the conduct complained of occurred in Los Angeles and this action proceeds against public
10 officers in Los Angeles for actions taken “in virtue of [their] office.” Code Civ. Proc. § 393(b). The
11 relief sought is within this Court’s power to grant.

12 **PARTIES**

13 14. Plaintiff Graeme Blair is Associate Professor of Political Science at UCLA. Professor Blair
14 resides in Los Angeles County, California. Mr. Blair is a taxpayer in Los Angeles County and the
15 State of California, has paid taxes in Los Angeles within the past year, and has been assessed and/or
16 paid taxes to the State of California within one year of filing this action.

17 15. Plaintiff Catherine Washington is a third-year law student at UCLA School of Law. Ms.
18 Washington resides in Los Angeles County, California. Ms. Washington is a taxpayer in Los
19 Angeles County and the State of California, has paid taxes in Los Angeles within the past year, and
20 has been assessed and/or paid taxes to the State of California within one year of filing this action.

21 16. Plaintiff Benjamin Kersten is a graduate student in art history at UCLA. Mr. Kersten resides
22 in Los Angeles County, California. Mr. Kersten is a taxpayer in Los Angeles County and the State of
23 California, has paid taxes in Los Angeles within the past year, and has been assessed and/or paid
24 taxes to the State of California within one year of filing this action.

25 17. Plaintiff Salih Can Açıksöz is Associate Professor of Anthropology at UCLA. Mr. Açıksöz
26 resides in Los Angeles County, California. Mr. Açıksöz is a taxpayer in Los Angeles County and the
27 State of California, has paid taxes in Los Angeles within the past year, and has been assessed and/or
28 paid taxes to the State of California within one year of filing this action.

1 18. Defendant Regents of the University of California is a public agency within the meaning of
2 Government Code section 7920.525(a) and a public entity under Government Code section 811.2. It
3 is empowered under the California Constitution, Article IX, section 9, to administer the University
4 of California, including UCLA. The Regents is the governing body for the University of California
5 system. Penal Code section 626(a)(1) defines “university” as “the University of California” and “any
6 affiliated institution thereof and any campus or facility owned, operated, or controlled by the
7 Regents of the University of California.”

8 19. Defendant Dr. Michael V. Drake is the President of the University of California. Mr. Drake
9 oversees and is responsible for the operations of the entire University of California system, which
10 includes UCLA. Mr. Drake is sued in his official capacity.

11 20. Defendant Darnell Hunt is the interim Chancellor of UCLA. As interim Chancellor, Mr. Hunt
12 is the highest-ranking university official at UCLA and oversees the operation of the entire university,
13 including the Office of Student Conduct and the UCPD. As Chancellor, Mr. Hunt has final decision-
14 making authority over the operation of UCPD. Mr. Hunt is responsible for the organization, internal
15 administration, financial management, disciplinary systems, and operation of the university. At the
16 time of the incidents giving rise to this Complaint, Mr. Hunt served as Executive Vice Chancellor
17 and Provost. Mr. Hunt is sued in his official capacity.

18 21. Defendant Michael Beck is Administrative Vice Chancellor of UCLA. He manages many
19 administrative, operational, and service units within UCLA’s administration, including events, health
20 and safety, and facilities. He took an active role in monitoring the Palestine Solidarity Encampment
21 and was instrumental in the decision to shut down and clear the encampment. Mr. Beck is sued in his
22 official capacity.

23 22. Defendant Monroe Gorden, Jr. is Vice Chancellor of Student Affairs of UCLA. Mr. Gorden
24 leads staff who provide campus-wide coordination and leadership for student affairs programs and
25 activities across departments, divisions, colleges, and administrative units. Mr. Gorden is sued in his
26 official capacity.

1 23. Defendant Rick Braziel is the Director of UCLA’s Office of Campus Safety. Mr. Braziel is
2 responsible for oversight and management of UCPD. Mr. Braziel reports directly to interim
3 Chancellor Hunt. Mr. Braziel is sued in his official capacity.

4 24. Defendant Gawini Gibson is the Acting Chief of UCPD, a police department that employs
5 approximately sixty-five sworn police officers with jurisdiction over the UCLA campus. The Chief
6 of Police oversees UCPD’s operations. Mr. Gibson reports directly to Mr. Braziel. Mr. Gibson is
7 sued in his official capacity.

8 **FACTUAL ALLEGATIONS**

9 **I. UCLA is a public university with a storied tradition of student activism and political**
10 **expression.**

11 25. The University of California is a public land-grant research university system in California. It
12 is headquartered in Oakland, California. It comprises ten campuses, one of which is UCLA.

13 26. The University of California Office of the President (“UCOP”) oversees the entire University
14 of California system. It supports campuses and students through systemwide funding and programs,
15 including managing the system’s operations and investments, overseeing its medical centers and
16 national labs, administering its workforce’s benefits and retirement programs, and providing
17 centralized legal and labor relations services.

18 27. Defendant Michael V. Drake is the President of the University of California system and leads
19 all UCOP’s functions.

20 28. UCLA is a public land-grant research university in Los Angeles, California first established
21 in 1919. It is part of the ten-campus University of California system.

22 29. UCLA enrolls more than 33,000 undergraduate students and 13,600 graduate students for
23 337 degree programs, and employs 5,464 faculty.

24 30. UCLA houses a police department, UCPD, which is responsible for policing the UCLA
25 campus. UCPD is directly under the control of its Acting Chief, Gawin Gibson. Mr. Gibson reports
26 to Mr. Braziel and, ultimately, to the Chancellor—both of whom have ultimate decision-making
27 authority over UCPD.

1 31. In addition to its academic accolades, UCLA is the site of decades of student and faculty
2 political activism and expression. The historical record of student activism on campus extends as far
3 back as 1934, when thousands of students protested at the quad in front of Royce Hall—UCLA’s
4 most well-known building—in support of students whom the administration had suspended for
5 alleged ties to a communist organization.

6 32. On May 5, 1970, one day after the murders of four students at Kent State University in Ohio,
7 Royce Quad became the site of a spontaneous mass protest of students outraged at the killings and in
8 opposition to the Vietnam War.

9 33. Students organized throughout the early 1980s against the apartheid government of South
10 Africa, contributing to a nationwide movement demanding that universities across the country divest
11 from funds tied to that government. At UCLA, these demonstrations took many forms, including the
12 creation of tent cities and mock South African shanties, also at Royce Quad.

13 34. With the university’s permission, students also organized an encampment in 1985 at Dickson
14 Court South in the run-up to a 1985 Regents meeting. This activism eventually led to a decision from
15 the Regents in July 1986 to divest \$3.1 billion from companies doing business with the apartheid
16 government in South Africa.

17 35. In the years since, students, faculty, and staff have organized, protested, and spoken out
18 about a myriad of social and political issues, including academic freedom, the establishment of
19 ethnic studies programs, affirmative action, opposition to war, and support for undocumented
20 students’ and immigrants’ rights.

21 **II. UCLA students and faculty demonstrated in solidarity with Palestinians and against the**
22 **actions of the State of Israel since October 7, 2023.**

23 36. Following the October 7, 2023 attacks by Hamas in Southern Israel and the Israeli
24 government’s subsequent military action in Gaza, a protest movement grew across the United States
25 in opposition to Israel’s actions and to the United States government’s political and economic
26 support of Israel.

1 37. This wave of protest activity took hold on university campuses, which became sites of daily
2 protest and various forms of speech and expressive activities opposing the Israeli government’s
3 military conduct in Gaza.

4 38. Students at colleges called for divestment from Israeli institutions and companies. They
5 launched protests that took different shapes, including marches, rallies, sit-ins, boycotts,
6 encampments, and sometimes forms of civil disobedience.

7 39. Of the many universities hosting protest activity, UCLA was among the most active.
8 Students at UCLA began holding rallies, events, and protests about the conflict shortly after October
9 7, 2023, and escalating in the new year.

10 40. On April 25, 2024, UCLA students, faculty, and staff launched a non-violent student protest
11 action in Royce Quad, in the tradition of students who had done the same decades earlier.

12 41. Dubbed the “Palestine Solidarity Encampment,” the protest mirrored encampments set up in
13 other universities (most notably Columbia University). The goal of the UCLA encampment was to
14 stop the Israeli state’s campaign of violence in Gaza and the West Bank, to make certain demands of
15 the university regarding its relationship to Israel, and to host political, social, and religious
16 programming for university community members on a range of topics related to Palestine.

17 42. In particular, encampment leaders and participants demanded UCLA divest from Israeli
18 entities and other entities profiting from conflict in the region, end discrimination against pro-
19 Palestinian individuals at UCLA, and oppose content-based treatment of pro-Palestinian speech on
20 campus.

21 43. Students’ and faculty’s calls to divest from Israel were met with particular rebuke from the
22 university. The University of California quickly issued a statement on April 26, 2024 declaring that
23 it has “consistently opposed calls for boycott against and divestment from Israel,” citing academic
24 freedom and its investment policies. This was in sharp contrast to prior University of California-
25 sanctioned divestments, including from South Africa in 1986 and from fossil fuels in 2020, which
26 the university eventually acquiesced to even though those decisions also had the same theoretical
27 potential to impact academic freedom and the same investment policies.

1 44. The University of California’s Chief Investment Officer later revealed that \$32 billion (one-
2 fifth of the system’s overall assets) are tied up in investments targeted by students in their divestment
3 campaign. Upon information and belief, the university’s reluctance to revisit its investments in part
4 motivated its content-based treatment of Plaintiffs’ pro-Palestine voices.

5 **III. Just as it had done with other informal encampments, UCLA initially supported the**
6 **Palestine Solidarity Encampment.**

7 45. UCLA’s campus is no stranger to informal encampments like this one. For instance, students
8 have a longstanding tradition of establishing informal encampments to queue overnight for in-
9 demand tickets to UCLA sporting events, most notably UCLA basketball games.

10 46. Two months before students pitched tents at the Palestine Solidary Encampment, other
11 students camped overnight in tents on February 23, 2024 for first-come, first-served tickets to the
12 student section of a game against the rival University of Southern California basketball team.

13 47. Just as UCLA administrators support encampments for basketball games, university
14 leadership initially supported students’ rights to establish the Palestine Solidarity Encampment,
15 expending university resources to ensure that school facilities remained accessible while the
16 encampment and its programming continued.

17 48. As soon as students established the Palestine Solidarity Encampment, UCLA sent multiple
18 messages to the campus community supporting students’ right to free expression. Referencing the
19 “history of peaceful protest” at UCLA, the administration issued a statement on April 26, 2024
20 saying: “UCLA’s approach to the encampment is guided by several equally important principles: the
21 need to support the safety and wellbeing of Bruins, the need to support the free expression rights of
22 our community, and the need to minimize disruption to our teaching and learning mission.”

23 49. The statement went on to say that, as a result of its commitment to this “history of peaceful
24 protest,” UCLA would be taking “several steps to help ensure people on campus know about the
25 demonstration so they can avoid the area if they wish,” including “having student affairs
26 representatives stationed near Royce Quad to let Bruins and visitors know about the encampment,
27 redirect them if desired and to serve as a resource for their needs.”

1 50. In addition to these messages, a UCLA fire marshal met with students repeatedly to discuss
2 ingress and egress at the encampment and other safety concerns. Students worked collaboratively to
3 address these concerns, and the marshal in turn permitted the encampment to stay up.

4 51. Several other administration officials visited the encampment and tacitly approved it. These
5 included Associate Vice Chancellor Mike Deluca, Administrative Vice Chancellor Michael Beck,
6 and several deans.

7 52. UCLA administration also communicated its support of the encampment to university deans.
8 Senior leadership informed deans that the university will manage student demonstrations differently
9 than did the University of Southern California, which cleared a similar student encampment on April
10 24 and caused the arrest of ninety-three people. Leadership also communicated to deans that as long
11 as the encampment stays peaceful, they would allow it to stay.

12 53. University leadership also initially took steps to preserve the physical integrity of the
13 encampment against outside harassment. University leadership ordered the installation of metal
14 barriers surrounding the encampment the night of April 25 to protect its occupants from external
15 attack. The administration did this again on April 27, adding more barriers to shield the encampment
16 from potential conflict in advance of a counter-demonstration on April 28.

17 **IV. The encampment hosted daily educational, political, and religious programming.**

18 54. In the period between the launch of the encampment and its violent dismantling in the early
19 hours of May 2, UCLA students, faculty, and staff organized near-daily programming in the
20 encampment, including academic teach-ins, rallies, and religious services.

21 55. On its first day, students organized a teach-in and hosted a Passover seder inside the
22 encampment. They also established a “People’s Library” and dedicated spaces for art making, which
23 visitors of the encampment used throughout the time it was erected.

24 56. On the second day, April 26, the encampment announced holding a reading group, three
25 teach-ins (one on the relationship between the conflicts in Palestine and Kashmir, one on “spatial
26 insurgency,” and the third on tenants’ rights and housing), Muslim prayers, a Shabbat service, art
27 making, a lecture, and a movie screening.

1 57. On April 27, organizers of the encampment announced a third day of programming,
2 including what they called a “popular assembly,” a lunchtime talk on student and labor movements,
3 a group clean-up session, a reading discussion group, an art making workshop, a film screening, a
4 reading group, and Muslim and Jewish prayers throughout the day.

5 58. The encampment also hosted protest activity. On April 29, for instance, the faculty group
6 Faculty for Justice in Palestine led a walkout that culminated in speeches and a rally at the site of the
7 encampment in front of Royce Hall.

8 59. While this programming continued, students at the encampment established community
9 guidelines to regulate themselves and their activities. These guidelines included requests for those in
10 the encampment to wear masks and take COVID-19 rapid tests (which they made available at a
11 medical tent), not to engage with any counter-protestors or agitators, not to bring animals except for
12 service dogs, not to smoke or vape, and to clean up the site every three hours.

13 60. Organizers of the encampment required that “residents” of the encampment agree to these
14 shared principles and behavior, and most participants at the encampment underwent de-escalation
15 training.

16 61. Aside from the formal programming, the encampment became a space for mutual association
17 and camaraderie where students of all faiths—including Muslims, Jews, Christians, atheists, and
18 others—spent time together, studied together, and prayed together.

19 62. Speech and associational activity at the encampment continued throughout its existence,
20 initially with the tacit support of the administration.

21 **V. Plaintiffs participated in the encampment’s activities and programming.**

22 63. Each of the four Plaintiffs supported the encampment after it was established and participated
23 in its programming and associational activities.

24 **A. Graeme Blair**

25 64. Plaintiff Graeme Blair visited the encampment every day that it was in place. He listened in
26 on numerous encampment teach-ins and speeches.

27 65. Mr. Blair also attended the faculty walkout and rally that took place on April 29, which
28 included faculty speeches in and around the encampment at the conclusion of the rally.

1 66. Mr. Blair also staffed a table set up within the encampment by faculty members who were
2 present to support the demands of the students and ensure a faculty presence at the site.

3 67. Mr. Blair also joined with students and faculty who were assigned to help de-escalate
4 interactions with counter-protestors, including on April 30 and May 1.

5 68. Mr. Blair at times stood with other faculty on the steps of Royce Hall next to the
6 encampment holding a sign that read “UCLA Faculty and Staff Support our Students,”
7 demonstrating to encampment residents and to the UCLA community the faculty’s support for
8 students’ right to protest.

9 69. Mr. Blair also helped organize a faculty march and press conference on May 1 protesting the
10 treatment of students the night before.

11 ***B. Catherine Washington***

12 70. The day after students established the encampment, Plaintiff Catherine Washington spent the
13 day there. She spoke with others inside, attended a teach-in on Kashmir, and was at the encampment
14 while students prayed in the afternoon.

15 71. Ms. Washington also went to the encampment on May 1, 2024 to support fellow student
16 protestors and to demonstrate solidarity with the encampment organizers.

17 ***C. Benjamin Kersten***

18 72. Plaintiff Benjamin Kersten joined the encampment every day it was active, other than
19 Sunday, April 28.

20 73. On the first day of the encampment, April 25, Mr. Kersten organized a Seder for protestors to
21 attend and participate in.

22 74. The next day, among other activities, he helped organize Shabbat services held that evening
23 within the site.

24 75. Mr. Kersten continued to visit the encampment site, participating in a faculty march and
25 rally, attending town halls, political education events, and other programming organized throughout
26 the time the encampment was active.

27 76. In addition to organizing religious services and attending various programs, Mr. Kersten
28 served as a liaison with members of the press covering the encampment protests. He spoke to

1 numerous reporters about the encampment, the goals of the protestors, and the social and political
2 messages the encampment was designed to communicate to the campus and broader community.

3 ***D. Salih Can Açıksöz***

4 77. Plaintiff Salih Can Açıksöz visited the encampment every day from April 25 to May 2.

5 78. He initially visited the encampment to support students (including some of his own) who had
6 set up the protest site.

7 79. He also went to the encampment to staff the faculty table, primarily to demonstrate faculty
8 support for the demonstration and to provide any assistance to student protestors as needed.

9 80. Mr. Açıksöz also joined with students and faculty who sought to de-escalate interactions with
10 counter-protestors on several days of the encampment, including on April 30 and May 1.

11 81. Mr. Açıksöz attended several events organized by the faculty in support of the students' right
12 to protest, including the faculty walkout on April 29.

13 82. Mr. Açıksöz also provided online educational resources to students from the encampment.

14 **VI. Violence and harassment targeting the nonviolent encampment began almost**
15 **immediately.**

16 83. The establishment of the Palestine Solidarity Encampment drew counter-protest, harassment,
17 and violence from anti-Palestinian protestors.

18 84. That first day, hecklers walked through the open encampment and harangued organizers with
19 comments like "You're a terrorist," "You're cool with rape?", and "You're a jihadist." Nevertheless,
20 the participants within the encampment remained nonviolent, and the encampment's programming
21 persisted.

22 85. On April 26, an outside organization named the Israeli American Council successfully
23 applied to the administration for a permit to hold a counter-protest opposite from the encampment, in
24 Dickson Plaza, on April 28. Their plan was to erect a large stage with amplified sound in the plaza,
25 approximately thirty feet from the encampment.

26 86. On April 28, the counter-protest drew large amounts of people to campus. During the
27 counter-demonstration, many incidents of harassment, name-calling, and physical attacks targeting
28 the encampment were reported and captured on social media.

1 87. When the permitted April 28 rally concluded, some counter-protestors remained on the
2 scene, and others joined them soon after. The counter-protesters became violent, targeting the
3 peaceful student encampment. One of them threw a backpack near the site of the encampment with
4 mice inside. After members of the encampment posted flyers cautioning against eating bananas due
5 to one of the student protestors' severe allergy, counter-protesters responded by waving bananas
6 outside the encampment and hurling them inside the encampment. A group of counter-protesters also
7 broke into the encampment and physically attacked students.

8 88. As the harassers turned violent on the evening of April 28, UCLA administrators did not
9 intervene and offered no support to the students inside the otherwise nonviolent encampment.

10 89. As a result, increasingly larger numbers of individuals harassed, attacked, and attempted to
11 dismantle the encampment at UCLA on the evenings of April 29 and April 30.

12 90. Rather than protecting the nonviolent student expression, UCLA leadership decided to
13 respond to the violence targeting the pro-Palestine protesters by ending the encampment with force.
14 This was in direct conflict with earlier assurances from UCLA administration that police would not
15 be used to clear the encampment, both in public statements made to the UCLA community and in
16 discussions between senior administrators and concerned faculty members.

17 91. The university decision was also in conflict with the University of California's own pre-
18 existing guiding principles for handling protest activity on campus, which require de-escalation and
19 disfavor police responses to campus protest activity. The principles state in part that "[t]he campus
20 Administration should make every reasonable effort to engage demonstrators in a dialogue that
21 addresses the substance of the demonstrators' concerns and aims, with the goal of de-escalating any
22 situation such that police involvement becomes unnecessary."

23 92. UC and UCLA administrators claimed that protecting the safety of the encampment
24 demonstrators from further violence motivated their decision to end the encampment.

25 93. UCLA leadership, UC President Michael Drake, and UC systemwide administration jointly
26 decided to end the encampment—all with the encouragement and advocacy of certain Regents.

27 94. Both the then-Chancellor of UCLA and UC President Michael Drake issued near
28 simultaneous statements on April 30 each declaring the encampment in violation of university

1 policy, indicating a joint and coordinated decision to end the student protest. The Chancellor's
2 statement announced the student encampment to be unauthorized, threatened to arrest non-UC
3 affiliated individuals caught on campus overnight, and threatened disciplinary proceedings against
4 students at the encampment.

5 **VII. Violent attacks on the encampment culminating on the night of April 30 motivated**
6 **Defendants' decision to forcibly dismantle it.**

7 95. The attacks on the encampment escalated from the morning of its erection, and culminated in
8 a violent mob assembling the evening of April 30 to forcibly dismantle it.

9 96. That night, a large, coordinated gathering of more than one hundred individuals descended
10 upon the campus to confront the encampment. Armed with fireworks, bear spray, and handmade
11 weapons, the mob attacked the encampment, caused significant injury to student protestors,
12 assaulted at least one journalist, and destroyed sections of the encampment.

13 97. This attack went on well into the early morning of May 1, all in the presence of private
14 security and without any intervention from any campus security personnel or UCPD. University
15 officials did not intervene despite repeated requests from students inside the encampment (including
16 numerous calls to UCPD via 911), despite being aware of the ongoing attacks, and despite being on
17 the scene.

18 98. The university allowed the mob attack to continue unimpeded from approximately 10:00
19 p.m. on April 30 until 2:45 a.m. on May 1, during which campus officials hindered the arrival of
20 emergency medical services by shutting down access roads nearby the encampment.

21 99. When law enforcement and campus security eventually moved in after more than four hours,
22 they made no arrests.

23 100. One demonstrator asked a UCLA-hired security guard why they were not assisting the
24 victims of the violence. The guard responded that what those in the encampment were facing was
25 their own fault.

26 101. Students in the encampment later recalled the horror of that night to the Daily Bruin,
27 UCLA's student-run newspaper. One student who was in the encampment that night "said they felt
28 Dickson Plaza had turned into a war zone as they watched the number of injured students increase. 'I

1 heard some screaming, and I turned around, and one of my really good friends was on the floor
2 rolling in agony,' they said. 'I've never heard any of my friends scream like that before. ... It's still
3 traumatizing until now, that I saw him go through that kind of pain.'”

4 102. The same report described another student who was hit in the head twice while trying to
5 protect both the encampment's barricade and their fellow students. This student “said they were
6 taken to the hospital by their classmates, where they ultimately received medical treatment,
7 including stitches and staples. 'I thought I was going to die. I thought I'd never see my family
8 again,' the student recalled.”

9 103. Later reports confirmed that twenty-five pro-Palestine protesters were hospitalized because
10 of injuries inflicted by mob violence.

11 104. To date, only three individuals have been arrested for their participation in the violent mob,
12 despite extensive reporting by traditional press and by independent investigators that have identified
13 many of the perpetrators of the violence.

14 105. The press extensively covered the violence on April 29 and 30 unleashed upon members of
15 the encampment. These accounts, including video footage analyzed by reporters at the New York
16 Times and others, showed that members of the encampment did not attack the counter-protestors and
17 employed self-defense only when necessary.

18 106. UC administrators and leadership failed to protect students and faculty within the
19 encampment from this one-sided mob violence.

20 107. The mob assault on the pro-Palestinian protesters drew international headlines and
21 widespread condemnation of the university's failure to protect nonviolent student expression. This
22 condemnation came from both within and without the university.

23 108. Faculty members across multiple departments circulated statements condemning the
24 university's failure to protect students during the mob violence.

25 109. The next day, UCLA administration began notifying students and faculty of its plan to
26 forcibly clear students from the encampment and to shut down their expressive activities. That
27 afternoon, in a meeting with student demonstrators at the encampment, then-Executive Vice
28

1 Chancellor and Provost Darnell Hunt informed demonstrators that the university had decided to clear
2 the encampment in the evening.

3 110. Hunt told students that the reason for the decision was to protect student safety in the wake of
4 the mob violence: “These police officers to my understanding were given the mandate to clear out
5 the encampment because of security risks.”

6 111. When pushed, he said it was because of “the people that attacked you last night,” saying
7 “[t]he point is to shut down an unsafe situation because we think the people [referring to the mob]
8 are going to come back and we don’t know how many may come back.”

9 112. Mr. Hunt conceded that the university initially supported students’ rights to be at and
10 maintain the encampment until the mob violence broke out, saying, “when this encampment set up,
11 we did not move to dismantle it. In fact, we were working with you to keep it going until what
12 happened last night.”

13 113. In his meeting with students at the encampment, Mr. Hunt articulated no suspicion or basis to
14 suspect criminal activity or intent within the encampment.

15 114. The reasoning he offered for the administration’s decision to shut down students’ speech—to
16 protect them from the mob—was consistent with other statements made by senior administration
17 officials. In Congressional testimony given to the House Committee on Education and the
18 Workforce on May 23, 2024, then-Chancellor Block confirmed that UC administrators made the
19 decision to end the encampment, and that the reason for the decision was to protect student safety:
20 “On April 28th, I decided to remove the encampment after violence broke out between opposing
21 rallies and I asked for a security plan to safely do so.”

22 115. UC and UCLA administrators did not need to shut down the encampment to protect
23 individuals inside from future mob activity. They enjoyed ample resources, time, and wherewithal to
24 develop a plan to discourage harassment and violent attacks against the encampment through a
25 combination of physical barriers, security, and de-escalation tactics. Instead, they resorted to forcible
26 destruction of the encampment and the mass arrest of nonviolent student and faculty demonstrators.

27 116. Although the administration had declared the encampment unlawful, the encampment
28 remained nonviolent throughout its existence.

1 117. Upon information and belief, there was no criminal activity at the encampment in the late
2 afternoon or early evening of May 1.

3 118. And in the late afternoon or early evening of May 1, there was no evidence of intent among
4 those inside the encampment, including Plaintiffs, to gather for any criminal purpose.

5 119. There is no reason to believe UC administration suspected any specific individual inside the
6 encampment, including Plaintiffs, of engaging in criminal activity at that time.

7 120. Nevertheless, at approximately 5:50 p.m. on the evening of May 1, UCPD declared the
8 encampment to be an unlawful assembly and issued a dispersal order, purportedly under the
9 authority of California Penal Code sections 407 and 409.

10 121. This dispersal order came at the direction of UCLA leadership and the UC Office of the
11 President.

12 122. At the time UCPD issued the declaration of an unlawful assembly, there was no discernable
13 criminal activity in the encampment, nor did any university administrators cite criminal activity
14 within the encampment as a reason for the dispersal order. None of the Plaintiffs were engaged in
15 any criminal activity or violating any provision of the California penal code.

16 123. Nor was there any discernible threat of immediate or imminent violence at the time of the
17 declaration and dispersal order.

18 124. None of the Plaintiffs were violating any university policy at the time UCPD made the
19 unlawful assembly declaration.

20 125. To the extent that the Plaintiffs' mere presence at the encampment might have been
21 considered a violation of university policy, the university had consented to any such violation until
22 issuing the unlawful assembly declaration.

23 126. UCPD's declaration of an unlawful assembly was premised on alleged violations of
24 university policy occurring at the encampment. There was no underlying criminal offense or
25 indication of imminent violence that could justify a declaration of unlawful assembly under Penal
26 Code section 407.

27 127. The dispersal order and declaration of an unlawful assembly forced scores of students,
28 faculty, and other demonstrators inside the encampment to leave for fear of being arrested. Both

1 Plaintiffs Mr. Kersten and Mr. Açıksöz left the encampment out of fear they would be arrested if
2 they remained.

3 **VIII. Police arrested Plaintiffs Mr. Blair and Ms. Washington after clearing the encampment.**

4 128. Early in the morning of May 2, 2024, UCPD officers, in cooperation with officers from the
5 Los Angeles Police Department, California Highway Patrol, and Los Angeles Sheriff’s Department,
6 forcibly tore apart the encampment.

7 129. The officers destroyed people’s sleeping tents and ripped down placards with pro-Palestine
8 sentiment. They fired dozens of concussive bombs into the encampment, launched flares, and shot
9 protestors with more than sixty “less lethal” rounds (typically shotguns with beanbag rounds or
10 40mm launchers with sponge rounds, which the manufacturer calls “pain compliance devices”).

11 130. During the operation, officers arrested more than two hundred people, mostly students, and
12 injured twenty-five protestors—some so severely that they required hospitalization.

13 131. As UCPD and other officers entered the encampment and made these arrests, they made no
14 attempt to distinguish between individuals they suspected of committing violations of university
15 policy and those who had been merely present inside the encampment engaged in protected
16 expressive and associational activity.

17 132. When UCPD declared the encampment an unlawful assembly, Plaintiff Catherine
18 Washington was engaged in nonviolent expressive and associative activity within the encampment.
19 Fearful that the administration would shut down the encampment, Ms. Washington went to the
20 encampment the evening of May 1 to continue to express opposition to what she understood as the
21 Israeli government’s ongoing genocide and the university’s complicity in it, support the other
22 student demonstrators, and demonstrate against the encampment’s clearance.

23 133. When Ms. Washington was at the encampment, she was unable to make out the contents of
24 messages from loudspeakers, which were garbled and unclear.

25 134. At the time police broke into the encampment in the early morning of May 2, Ms.
26 Washington was not engaged in any violence, criminal activity, or violation of any university policy.
27 She was only engaged in protest and associating with her fellow protestors. She was helping move
28 items within the encampment to ensure individuals inside would not fall over them. When police

1 entered the encampment, she was standing underneath Royce Hall’s awning. An officer approached
2 Ms. Washington and told her, “You need to get down.” She complied and was arrested.

3 135. Plaintiff Graeme Blair had been present inside the encampment since approximately 11 a.m.
4 on May 1. He arrived at the encampment that day to support students, help de-escalate encounters
5 with counter-protestors, and to be a faculty observer of the meeting with Mr. Hunt.

6 136. At the time the encampment was declared unlawful, Mr. Blair was holding a large sign
7 reading “UCLA Faculty and Staff Support our Students,” and was otherwise present to show
8 solidarity and support for students within the encampment.

9 137. Before his arrest, Mr. Blair was at various times holding the sign. In front of him was a line
10 of California Highway Patrol officers. Mr. Blair identified himself as faculty and asked the officers
11 not to harm the students. An officer was holding a “less than lethal” gun pointed toward the
12 encampment, with his finger on the trigger. Mr. Blair and other faculty members asked him to put
13 the weapon down. When asked by an officer to leave the encampment, Mr. Blair responded that he
14 was present to bear witness to the clearing of the encampment, and to demand that officers not harm
15 the students. At that point, one of the officers told him and the other faculty that they were under
16 arrest, asking them to walk toward them.

17 138. Both Mr. Blair and Ms. Washington’s arrest citations identified California Penal Code
18 section 409 as the basis for their arrest.

19 **IX. The UCLA community roundly condemned the clearing of the encampment, which**
20 **caused great fear and harm to Plaintiffs.**

21 139. The dismantling of the encampment and suppression of the UCLA community’s speech
22 activity was again roundly condemned from within and without the university.

23 140. UCLA’s own advisory Task Force on Anti-Palestinian, Anti-Muslim and Anti-Arab
24 Racism—created by UCLA to report to the Executive Vice Chancellor and Provost Darnell Hunt and
25 investigate discrimination and racism targeting Muslims, Arabs, and pro-Palestinian voices on
26 campus—issued a scathing report on May 13, 2024 accusing the university of “failed leadership,”
27 “utter failure to protect students [in the Palestine Solidarity Encampment] under attack,” and
28 “consistent anti-Palestinian, anti-Muslim, and Arab racism and pro-Zionist bias.” The report

1 documents the incidents leading up to the attack, and how the university both failed to protect
2 students within the nonviolent encampment and used the mob violence as cover to suppress
3 expressive activity by dismantling the encampment.

4 141. Faculty members and students from dozens of departments wrote open letters to the
5 university admonishing the administration for its suppression of the encampment’s speech activities
6 and its ham-fisted and violent clearing of the encampment.

7 142. A group of 86 UCLA School of Law faculty and staff members issued a statement “strongly
8 condemn[ing] the violent attack on UCLA students by a mob of outsiders unaffiliated with UCLA”
9 along with “the university’s failure to take the steps necessary to protect our students’ peaceful
10 protest, despite the administration’s being on notice well before April 30 of the imminent risk of
11 serious violence against the students in the encampment.” The faculty and staff issued a list of
12 requests of the administration, including a complete investigation into its handling of the events,
13 assistance to the victims of the mob violence, and to work with faculty “to develop strategies that
14 allow protests and counter-protests to occur safely in the future.”

15 143. Additionally, a cohort of 76 UCLA Jewish faculty and staff released a statement calling for,
16 among other things, “the university to ensure that all students, faculty, and staff who were arrested
17 for being part of or in solidarity with the encampment are provided with full amnesty and are assured
18 that they will not be targeted again by UCLA or any UC administrators for engaging in peaceful
19 protest.”

20 144. Faculty from the Department of Comparative Literature issued a statement stating that “[t]he
21 university has not only failed to protect those rights of free expression; it has actively hindered them,
22 rendered our students and colleagues vulnerable to assault and arrest, and breached the trust of the
23 campus community.”

24 145. A group of 46 UCLA library staff echoed these statements, describing how “[t]he
25 University’s inaction for hours while students in the encampment were attacked by a violent mob of
26 counter protesters is especially horrifying given the overwhelming police force that was summoned
27 the following day” to clear the encampment. They noted that “[r]egardless of your views on the
28 encampment, this response [to forcibly clear the encampment] is abhorrent and at odds with

1 principles—such as freedom of expression and student safety—that should be fundamental to any
2 university campus. It sends a message that future protests are vulnerable to campus-approved
3 suppression by either a mob or law enforcement.”

4 146. In another statement, members of the UCLA Mathematics Department wrote that they
5 “condemn the conduct of our university administration to the student-led demonstrations protesting
6 violence against Palestinians in Gaza,” noting that “[i]ndependent of our political views, we find the
7 administration’s response shameful in its failure to protect our students and their freedom of
8 expression.” The statement describes how “the administration used [the mob] violence against the
9 protestors to justify clearing the protestors by force,” and demanded that the administration release
10 an explanation for why it took its speech-suppressive actions.

11 147. A larger petition signed by 906 UCLA faculty members decried the “violent and aggressive
12 police sweep” of the encampment and the arrest of “more than 200 students, faculty, and staff
13 arrested while peacefully protesting.” The petition asked that then-Chancellor Block resign, that
14 UCLA recommend charges against those arrested be dropped, and that UCLA disclose and divest
15 from investments in “military weapons production companies and supporting systems, in dialogue
16 with the demands of the student protestors.”

17 148. After the destruction of the encampment, UCLA administrators took dramatic, punitive
18 actions to shut down the campus. From May 2 until May 10, the administration closed in-person
19 classes, moved coursework online, and shut down speech activity throughout campus. It positioned
20 security personnel across sites that have historically been the homes of student expressive activity,
21 including Royce Quad.

22 149. The UCLA Task Force on Anti-Palestinian, Anti-Muslim and Anti-Arab Racism reported
23 that following the encampment clearance, UCLA became “akin to a police state, with a marked
24 increase in police around the campus, many of whom carried rubber bullet guns, and some of whom
25 carried assault rifles.”

26 150. The Task Force noted that “[w]ith such a heavy police presence, students and faculty
27 reported feeling unsafe and on high alert,” making UCLA “a militarized space, where peaceful
28 protest and the right to free speech have become pervasively criminalized.”

1 151. On August 19, Mr. Drake issued a letter directing UC campuses to “clarify[] and reinforc[e]
2 policing impacting expressive activities, including policies that prohibit camping or encampments.”
3 In response, UCLA formally outlawed encampments in an “Interim Policy” effective September 4,
4 2024. The new policy states that individuals “on UCLA Property may not . . . erect any Temporary
5 Structure or encampment on UCLA Property” without approval from the Events Office.

6 152. Thus, while encampments may be prohibited on campus after September 4, university
7 officials permitted encampments prior to August 19, and the dismantling and clearing of the
8 Palestine Solidarity Encampment was inconsistent with this practice and was content-based.

9 **X. UCLA’s policy and practice of unlawfully issuing dispersal orders persisted after the**
10 **May 2 arrests.**

11 153. Despite the violent destruction of the encampment, protest activity at UCLA continued after
12 May 1. Nevertheless, the administration continued to forcibly shut pro-Palestine protest down by
13 issuing unlawful assembly declarations and dispersal orders in violation of the law.

14 154. On the morning of May 23, student protestors launched another encampment, this time in the
15 patio to Kerckhoff Hall. But the administration and UCPD moved quickly to shut down the
16 encampment, encircling students with a police line and raising weapons towards supporters of the
17 encampment who had gathered outside of it.

18 155. At around 1 p.m., UCPD issued an unlawful assembly declaration and a dispersal order,
19 again based on purported violations of university policy. Just as with the encampment on May 1, the
20 May 23 encampment students had not committed any crimes and were nonviolently gathering in the
21 Kerckhoff patio when UCPD declared the unlawful assembly. UCPD eventually cleared that
22 encampment the same day.

23 156. On June 10, another student-led, pro-Palestine demonstration marched through campus.
24 When the rally reached Royce Quad, they set up an encampment. UCPD and UCLA administration
25 issued a declaration that the encampment was an unlawful assembly and announced a dispersal
26 order. This dispersal order was again based on alleged violations of university policy, not any
27 suspicion of criminal activity or presence of violence.

1 157. Once the on-site police began clearing the June 10 encampment shortly after the initial
2 dispersal order was issued, the protestors continued to march on and arrived at Kerckhoff Hall,
3 setting up a second encampment. Another unlawful dispersal order was issued, again without
4 suspicion of criminal activity or indication of violence.

5 158. The protesters then ended at Shapiro Courtyard (adjacent to the law school). At that point
6 UCPD and other police officers “kettled” protestors within the courtyard, blocking ingress and
7 egress for those inside even though they commanded protestors to leave the premises. The police
8 declared another unlawful assembly, again without any suspicion of criminal violations or indication
9 of violence.

10 159. The police eventually arrested twenty-five students, faculty, and community members, even
11 though at least some of these individuals were arrested before the declaration was issued.

12 160. While holding the arrestees in adjacent Dodd Hall, police fired pepper ball munitions at the
13 crowds outside of the Courtyard.

14 161. Upon information and belief, UCLA and UC administrators’ policy of pretextually
15 threatening the use of university policy violations as the basis for declaring disfavored gatherings
16 unlawful assemblies has continued.

17 162. The head of security at UCLA, Defendant Rick Braziel, has explained that “the trigger to
18 declare an unlawful assembly” to shut down a protest is whether protestors are “significantly
19 disrupting campus operations.” This is contrary to the Supreme Court’s interpretation of Penal Code
20 section 407, which does not allow an unlawful assembly declaration unless there is criminal conduct,
21 violence, or a clear and present threat of imminent violence. *See In re Brown*, 9 Cal. 3d 612, 624
22 (1973).

23 **XI. After clearing the May 1 encampment, the University of California retroactively**
24 **imposed new mandatory discipline policy on arrestees.**

25 163. On May 9, 2024, in response to campus protests at UCLA and elsewhere, UC Chancellor
26 Michael Drake and UCOP announced a new systemwide guideline “on determining disciplinary
27 actions” against members of the UC community.

1 164. Whereas prior to May 9, local campus administrators enjoyed discretion whether to initiate
2 disciplinary proceedings for violations of university policies, and discretion whether to impose
3 sanctions for any such violations, the new May 9 guideline issued by Mr. Drake eradicated that
4 discretion.

5 165. The guideline states: “Any member of the university community who is arrested for unlawful
6 behavior or cited for a violation of university policy *must go through the applicable review process*,
7 such as student code of conduct or employee disciplinary process.” (Emphasis added.) The policy in
8 effect mandates disciplinary proceedings for students, staff, and faculty if they are “arrested for
9 unlawful behavior,” regardless of where, for what reason, and whether there was a conviction.

10 166. The May 9 policy also mandates disciplinary proceedings if an individual is “cited for a
11 violation of university policy,” regardless of which policy it is, where the violation occurred, or the
12 circumstances surrounding the violation. It further states that “UC community members found to
13 violate university policy or campus codes of conduct will be held accountable in a manner
14 appropriate to the situation and consistent with campus processes.” Again, the policy removes the
15 ability of local administrators to decline to initiate disciplinary proceedings or to offer amnesty for
16 violations of university policy, as had been the practice up until May 9.

17 167. On May 16, 2024, the Regents endorsed the May 9 policy. In their statement adopting the
18 new policy, the Regents declared that they “further affirmed that amnesty for students, faculty and
19 staff is inconsistent with this guideline.”

20 168. This new decree eliminated UCLA administrators’ ability to offer amnesty to the
21 encampment demonstrators, an offer that administrators were mulling prior to the May 9 policy.

22 169. For instance, Mr. Hunt informed the encampment protestors on May 1 that the university was
23 offering them amnesty for past violations of university policy arising out of the encampment in
24 exchange for dismantling the encampment voluntarily, explaining that the administration is “not here
25 to punish” the students.

26 170. The May 9 policy removed this possibility altogether.
27
28

1 171. On information and belief, UCLA administration, in conjunction with UC leadership, applied
2 this new systemwide policy retroactively to all those it understood to be arrested at the May 1
3 encampment clearing.

4 172. In so doing, UCLA leadership rejected the call of more than a dozen departments and nearly
5 one thousand members of the faculty who requested amnesty for individuals arrested in the violent
6 encampment clearing.

7 173. UCLA administration confirmed that it was applying the May 9, 2024 guidelines
8 retroactively. During the Kerckhoff Hall demonstration on May 23, the Vice Chancellor of Student
9 Affairs, Monroe Gorden, Jr., told faculty interlocutors of the student demonstrators that the campus
10 administration could not provide the students amnesty for their conduct on May 1 and May 2. The
11 faculty interlocutors had hoped that the administration would hold open and frank discussions with
12 the students, and believed that the students could only do so if the university provided them amnesty
13 for May 2 to allow the students the opportunity to speak freely. But Mr. Gorden confirmed to them
14 that only the Regents could make that offer, presumably because the Regents themselves—the
15 highest policymaking authority in the UC system—had adopted the May 9 policy.

16 174. Upon information and belief, senior UCLA leadership also communicated to deans of
17 various academic departments at UCLA that the May 9 policy requires the administration to mandate
18 disciplinary proceedings for what occurred on May 1 and May 2—despite deans' demands for
19 amnesty for the protestors.

20 175. Accordingly, and consistent with the May 9 policy mandate, UCLA initiated disciplinary
21 proceedings against every individual it determined was arrested the night of the clearing, including
22 Plaintiffs Graeme Blair and Catherine Washington. It did this by relying exclusively on UCPD
23 records identifying individuals arrested during the clearing—not any individualized assessment of
24 criminality or wrongdoing.

25 ***A. Plaintiff Catherine Washington's disciplinary proceedings***

26 176. On May 24, 2024, UCLA's Office of Student Conduct served on Plaintiff Catherine
27 Washington a notice initiating disciplinary proceedings against her.

1 177. The notice, authored by Bryan Murotake, Assistant Dean of Students, informed Ms.
2 Washington that the Office “has received information indicating that you may have engaged in
3 conduct that violated the UCLA Student Conduct Code.”

4 178. It went on to state that, according to UCPD, “[o]n May 2, 2024, you refused to leave an area
5 of Royce Quad between Powell Library and Royce Hall, despite multiple dispersal orders issued by
6 UCPD.” It alleged that this conduct violated three provisions of the UCLA Student Conduct Code,
7 including the provisions against disorderly behavior, disturbing the peace, and failure to comply.

8 179. The notice stated that Ms. Washington must schedule a meeting with Mr. Murotake “to
9 discuss the above allegations,” and that “no degree may be conferred until any pending allegations
10 and any assigned sanctions and conditions have been completed.”

11 180. It threatened an academic hold if a meeting with the Office is not scheduled, the
12 consequences of which are the inability to register in subsequent academic terms, graduate, obtain
13 transcripts, or access facilities like the library or the student gym.

14 181. Ms. Washington and Mr. Murotake eventually scheduled their meeting for June 25, 2024.

15 182. During the meeting, it was clear that Mr. Murotake and the Office did not have any specific
16 allegations against Ms. Washington supporting violations of the Student Code of Conduct. Upon
17 information and belief, this was true for the vast majority, if not all, of the students arrested during
18 the encampment clearing.

19 183. Mr. Murotake informed Ms. Washington that the Office does not have any individualized
20 suspicion of wrongdoing against her and maintains no information about her arrest.

21 184. He admitted that he was not empowered to decide on Ms. Washington’s case because there
22 was “lots going on behind the scenes with the administration.”

23 185. During the meeting, Ms. Washington did not admit wrongdoing, complained that the Office
24 had no facts to support any charges against her, and requested the proceeding be dropped.

25 186. Mr. Murotake ended the meeting stating that when a student denies the conduct, he must
26 continue the investigation. He conceded, however, that the Office “does not have much to go off of”
27 or any potential witnesses, and that he has to “wait to hear from the administration” about what it
28 wants to do.

1 187. The lack of individualized suspicion against Ms. Washington, Mr. Murotake’s statements
2 about “behind the scenes” machinations, and his evident surprise with having to pursue Ms.
3 Washington’s case without “much to go off of” strongly suggested that the administration opened
4 disciplinary proceedings against her because of the retroactively imposed May 9 policy.

5 188. The next day, Ms. Washington received an “Agreement of Resolution” for the disciplinary
6 charge. It again wrongly accused Ms. Washington of violating the Student Code of Conduct,
7 specifically the sections prohibiting disorderly conduct, disturbing the peace, and failure to comply.
8 It requested that, in exchange for Ms. Washington not to be subjected to any additional sanction
9 (other than the opening of the disciplinary file itself and its continued allegations of the misconduct),
10 that Ms. Washington agree for the remainder of her time as a student to:

- 11 a. Not engage in disorderly or lewd conduct;
- 12 b. Not participate in a disturbance of the peace or unlawful assembly;
- 13 c. Identify herself to, and comply with the directions of, a university official or other
14 public official acting in the performance of their duties while on university property
15 or at official university functions;
- 16 d. Not resist or obstruct such university officials or public officials in the performance
17 of or the attempt to perform their duties;
- 18 e. Not to engage in any violation of the Student Conduct Code.

19 189. The Agreement also stated that the university is continuing to investigate what occurred on
20 May 1 and May 2, and that Ms. Washington could still be subjected to further proceedings if it finds
21 any additional evidence of misconduct.

22 190. “Additional” evidence is, however, misleading, because the university never presented Ms.
23 Washington with *any* evidence of her alleged misconduct.

24 191. The Agreement also stated that any violation of the Agreement’s terms in the future would
25 entitle the university not only to discipline her for that future violation, but also to re-open the
26 original charges against Ms. Washington arising out of May 1 and May 2 and to further sanction her
27 for those past incidents.

1 192. Even though the Agreement was styled as a “Resolution” of discipline, the university’s
2 intentional decision to retain authority to revisit the matter at its discretion makes the “resolution”
3 illusory.

4 193. The Agreement is now part of Ms. Washington’s student record and will be maintained by
5 the Office of Student Conduct for five years from the date of the letter.

6 194. Ms. Washington now also faces the possibility that her disciplinary file could be reopened at
7 any time.

8 195. Ms. Washington signed the Agreement of Resolution on July 25, 2024. She did so without
9 admitting to any wrongdoing or violation of the Student Code of Conduct.

10 196. For students arrested during the May 2 encampment clearing, these proceedings eventually
11 ended with most students agreeing not to admit liability for any violations of university policy or the
12 Student Code of Conduct, in exchange for the disciplinary case to end, for a promise to abide by the
13 Student Code of Conduct in the future, and a threat that failure to do so would re-open the original
14 disciplinary file.

15 ***B. Plaintiff Graeme Blair’s disciplinary proceedings***

16 197. The process for instituting discipline against faculty members differs from that of students. It
17 involves a committee of the UCLA Academic Senate, a university body made up of faculty
18 representatives at UCLA that share in the governance and management of the university.

19 198. That committee, the Committee on Charges, conducts investigations regarding complaints
20 made against members of the faculty for violation of the Faculty Code of Conduct. It determines
21 whether there is probable cause to warrant a disciplinary proceeding before the Committee on
22 Privilege and Tenure, and it issues a recommendation to the university related to its finding.

23 199. When university administration decides to initiate disciplinary proceedings against a member
24 of the faculty, it does so by notifying the Committee on Charges.

25 200. Importantly, the Committee on Charges’ investigations do not bind the university’s decision
26 whether to discipline a member of the faculty. University leadership can still decide to pursue
27 discipline notwithstanding the Committee’s findings. The university retains ultimate authority over
28 faculty discipline notwithstanding the work of the Committee on Charges.

1 201. On June 21, 2024, the Committee on Charges issued a notice to Plaintiff Graeme Blair
2 notifying him that it had received a complaint from UCLA administration alleging that he engaged
3 in conduct the administration believed violates the Faculty Code of Conduct. It cited five specific
4 violations, including:

- 5 a. Intentional disruption of university functions or activities;
- 6 b. Incitement of others to disobey university rules;
- 7 c. Unauthorized use of university resources or facilities “on a significant scale” for
8 personal, commercial, political, or religious purposes;
- 9 d. Forcible detentions, threats of physical harm, or harassment of another university
10 community member that interferes with that person’s performance of university
11 activities; and
- 12 e. “Serious violation of University policies governing the professional conduct of
13 faculty.”

14 202. The Committee on Charges notified Mr. Blair that it would investigate the administration’s
15 allegations and would issue a determination to the Vice Chancellor “whether there is probable
16 cause” to support the allegations.

17 203. The notice invited Mr. Blair to respond to the charges by July 17, 2024, at which point the
18 Committee would begin to consider the matter at its July 22 meeting.

19 204. In response, Mr. Blair sought in writing additional time to respond to the disciplinary
20 allegations.

21 205. Before the Committee decided whether to grant Mr. Blair the additional time, and before Mr.
22 Blair offered a substantive response, the Committee determined that the university lacked probable
23 cause to support any of the allegations it brought against him.

24 206. Nevertheless, the university has not closed the disciplinary file against Mr. Blair. Instead, in
25 an August 1, 2024 letter to the Committee signed by Michael S. Levine, the Interim Executive Vice
26 Chancellor and Provost, the university stated it will “continue to investigate and record new
27 information and additional evidence” and it that “it may consider filing new and/or revised charges”
28 against Mr. Blair.

1 207. The ambiguous response from the university prompted the Committee on Charges to write
2 another letter on August 30 restating its finding of no probable cause, and indicating that it
3 “considers this matter closed.”

4 208. To date, the university has not responded to that letter. Just as with Ms. Washington, the
5 university has deliberately kept the matter in limbo, intentionally leaving open the possibility of
6 rejecting the Committee’s findings, and maintaining the possibility that Mr. Blair will be subject to
7 further proceedings in the future arising out of the same incident. These possibilities exist even
8 though the university has all but closed his case.

9 209. The university never provided Mr. Blair an additional opportunity to contest its allegations or
10 otherwise engage in any further process or appeal.

11 210. Nor did the university state it would delete or expunge any information contained in Mr.
12 Blair’s file at any point.

13 211. As a result, Mr. Blair’s current disciplinary record includes these unsubstantiated charges.
14 These files are accessible by UCLA’s Academic Affairs and Personnel Office, the office that
15 oversees both disciplinary matters and promotions at the university.

16 212. Given the sensitivity of the charges, Mr. Blair justifiably fears that the allegations contained
17 in the disciplinary file—and the university’s reluctance to conclude the case and clear his record—
18 have impacted and will negatively impact future personnel decisions made by the university.

19 213. The imposition of disciplinary proceedings and the maintenance of disciplinary files against
20 Mr. Blair and Ms. Washington injures them on a continuing and ongoing basis.

21 214. Findings of violations at the conclusion of disciplinary proceedings may be reflected on
22 UCLA transcripts, which often must be shared by students with colleagues, associations, businesses
23 who require them as part of the provision of services to individuals, and prospective employers.

24 215. Even when no formal finding has been issued, disciplinary records may nevertheless be
25 shared outside of the university, including with other institutions if a student transfers or a faculty
26 member is hired at another institution.

27 216. These records may also be accessed within an institution in circumstances that can be
28 harmful to the subject of the records. For instance, the same office responsible for instituting

1 discipline against Mr. Blair is the one responsible for handling his future promotions to full
2 professor. The existence of these records may therefore threaten future employment decisions.

3 217. Finally, in the case of Ms. Washington, the existence of disciplinary records can also become
4 injurious to her application for admission to a state bar, which may require affirmative disclosure of
5 disciplinary proceedings, disciplinary files, and information about arrests.

6 **XII. UCLA and UC's repressive actions have had dramatic and chilling consequences for**
7 **Plaintiffs.**

8 218. The encampment clearance, subsequent heavy-handed response to similar protests, and the
9 opening of disciplinary proceedings all traumatized Plaintiffs, chilled their protest activity, and
10 justifiably made them less willing to engage in any further Palestine-related protest activity on
11 campus.

12 219. This was the natural consequence of the dramatic and violent clearing perpetrated by UCLA
13 and UC leadership, which would certainly have chilled any ordinary person from engaging in
14 Palestine solidarity work in the future (whether or not at an encampment).

15 220. But for the encampment's clearing, Ms. Washington had intended to continue to attend
16 programming at the encampment and visit with her peers inside the encampment. After it was
17 declared unlawful and forcibly cleared, however, she stopped attending protests on campus in
18 solidarity with Palestinians for fear of arrest and academic discipline. She has felt scared walking
19 around the campus with any clothing marking her as sympathetic to the encampment or Palestinians,
20 and she suffered serious mental trauma from the night of the arrest.

21 221. Mr. Blair's arrest chilled his willingness to engage in Palestine-related activism as fervently
22 as he had prior to the encampment's clearing. While he continues to engage in this activism on
23 campus, his ordeal traumatized him, and he declines as a result to participate as actively as he might
24 have in speech activity on campus.

25 222. Even though they were not arrested, Mr. Kersten and Mr. Açıksöz justifiably felt intense fear
26 of arrest and suppression of their ability to protest, associate, and assemble in support of the
27 Palestinian people.

1 223. While Mr. Kersten’s social and political beliefs have not wavered, he is now less willing to
2 publicly speak out about Israel’s actions. Although he wanted to continue to organize events and
3 programming at the encampment, the university’s intimidating actions have made him fearful of
4 associating as visibly as he would like with any protest and speech movement on campus. He fears
5 that doing so openly may make him susceptible to arrest and academic discipline.

6 224. Mr. Açiksöz would have continued to visit the encampment, attend encampment
7 programming, and associate with other fellow faculty members and students but for its clearing. And
8 in the aftermath of the university’s brutal crackdown on it, he fears organizing or participating in
9 similar group gatherings and expressive activities given the university’s practice of repressing pro-
10 Palestine protest on campus.

11 225. Mr. Açiksöz avoided campus in the aftermath of the encampment destruction (especially
12 Royce Quad, which is adjacent to the building that houses his office), and felt serious alienation and
13 trauma because of the university’s suppression of his speech rights. He is not as active now in this
14 protest work, and fears retaliation were he to continue to speak more openly and publicly about the
15 political and social situation in Palestine and the university’s financial investments in the conflict.

16 **CLAIMS FOR RELIEF**

17 **First Claim for Declaratory and Injunctive Relief**
18 **Art. I, sec. 13 of the California Constitution - False Arrest**
19 **(Plaintiffs Mr. Blair and Ms. Washington Against All Defendants)**

20 226. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

21 227. Defendants unlawfully and without legal justification caused the arrest of Plaintiffs Graeme
22 Blair and Catherine Washington on May 2, 2024.

23 228. Defendants caused and effectuated the arrest of Plaintiffs without a warrant and without
24 probable cause.

25 229. Defendants lacked probable cause to arrest Plaintiffs because there was no underlying
26 criminal offense that could justify the unlawful assembly declaration, which was based solely on
27 violations of university policy, not on the existence of criminality, violence, or the clear and present
28 danger of imminent violence, as required under California law. *See In re Brown*, 9 Cal. 3d at 624

1 (“An unlawful act within the meaning of section 407 . . . means criminal conduct prohibited by state
2 law.”).

3 230. Because the unlawful assembly declaration was itself unlawful, there was no probable cause
4 to arrest for failure to disperse under California Penal Code section 409, which applies only when an
5 individual has been “lawfully warned to disperse.”

6 231. Moreover, when Defendants arrested Plaintiffs, they failed to make any effort to distinguish
7 between the participants in any unlawful activity and innocent bystanders, as required to carry out a
8 lawful arrest for failure to disperse under Penal Code section 409. *See Dubner v. City & Cnty. of San*
9 *Francisco*, 266 F.3d 959, 967 (9th Cir. 2001).

10 232. Defendants acted in the performance of their official duties when they directed, caused, and
11 effectuated the arrest of Plaintiffs.

12 233. As a direct and proximate cause of Defendants’ actions and omissions, Plaintiffs were
13 arrested without probable cause and in violation of Article 1, section 13 of the California
14 Constitution.

15 234. Defendants caused Plaintiffs serious and avoidable harm as a result of these arrests.

16 **Second Claim for Declaratory and Injunctive Relief**
17 **Art. I, sec. 2 of the California Constitution – Retaliation Against Protected Activity**
18 **(All Plaintiffs Against All Defendants)**

19 235. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

20 236. Plaintiffs were engaged in protected associational and expressive activity while inside the
21 Palestine Solidarity Encampment, including, but not limited to, attending social, political, and
22 religious programming, participating in art making, demonstrating nonviolently, and associating
23 with other likeminded students.

24 237. Defendants’ declaration of an unlawful assembly, forcible clearing of the encampment, and
25 arrests constituted adverse and injurious actions against Plaintiffs. These actions prevented Plaintiffs
26 from expressing themselves freely and associating with others in the encampment, which are
27 protected activities under the California Constitution.

1 238. Defendants’ declaration of an unlawful assembly and directive to clear the encampment was
2 substantially motivated by Plaintiffs’ engaging in protected expressive and associational activity
3 disfavored by Defendants, in violation of Article I, Section 2 of the California Constitution.

4 239. As a result of Defendants’ actions and omissions, Plaintiffs suffered and continue to suffer
5 irreparable injury and have been chilled from future fulsome exercise of their constitutionally
6 protected rights at UCLA.

7 **Third Claim for Declaratory and Injunctive Relief**
8 **Art. I, sec. 2 of the California Constitution – Unlawful Heckler’s Veto**
9 **(All Plaintiffs Against All Defendants)**

10 240. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

11 241. Defendants’ decision to declare an unlawful assembly and forcibly clear the Palestine
12 Solidarity Encampment was also motivated by the actions of the counter-protestors and members of
13 the mobs that attacked the encampment in the days preceding the encampment’s clearing.

14 242. Protected speech and expressive activity “may not be banned simply because prior similar
15 activity led to or involved instances of violence.” *Collins v. Jordan*, 110 F.3d 1363, 1372 (9th Cir.
16 1996).

17 243. Here, Defendants acted together to suppress lawful, constitutionally protected activity
18 because of the violent reaction it engendered in third parties, in violation of the prohibition against
19 government suppression of speech as a concession to a “heckler’s veto” under the liberty of speech
20 clause of the California Constitution, Art. I, sec. 2.

21 244. As a result of Defendants’ actions and omissions, Plaintiffs suffered and continue to suffer
22 irreparable injury, and have been chilled from future fulsome exercise of their associational and
23 expressive rights at UCLA.

24 **Fourth Claim for Declaratory and Injunctive Relief**
25 **Art. I, sec. 7 of the California Constitution - Impermissible Retroactively-Imposed Discipline**
26 **(Plaintiffs Mr. Blair and Ms. Washington Against All Defendants)**

27 245. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

28 246. The University’s May 9 policy, adopted by the Regents, mandates referral for discipline for
any arrest or violation of university policy, and explicitly eliminates the previously-existing option

1 for UCLA administrators to not institute disciplinary proceedings at all for these arrests or policy
2 violations.

3 247. Defendants imposed this new forced discipline policy retroactively on Plaintiffs Graeme
4 Blaire and Catherine Washington for conduct occurring prior to May 9, in contravention of due
5 process protections provided by Article I, section 7 of the California Constitution.

6 248. As a result of Defendants' actions and omissions, Plaintiffs suffered and continue to suffer
7 irreparable injury.

8 **Fifth Claim for Declaratory and Injunctive Relief**
9 **Art. I, sec. 9 of the California Constitution - Impermissible Ex Post Facto Law**
10 **(Plaintiffs Mr. Blair and Ms. Washington Against All Defendants)**

11 249. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

12 250. Student discipline operates as punishment under university rules and is analogous to criminal
13 punishment.

14 251. The University's May 9 policy, adopted by the Regents, mandates referral for discipline for
15 any arrest or violation of university policy, and explicitly eliminates the previously-existing option
16 for UCLA administrators to not institute disciplinary proceedings at all for these arrests or policy
17 violations.

18 252. Defendants imposed this new forced discipline policy retroactively on Plaintiffs Graeme
19 Blaire and Catherine Washington for conduct occurring prior to May 9, in contravention of Article I,
20 section 9 of the California Constitution's prohibition on ex post facto laws.

21 253. As a result of Defendants' actions and omissions, Plaintiffs suffered and continue to suffer
22 irreparable injury.

23 **Sixth Claim for Declaratory and Injunctive Relief for**
24 **Violation of Cal. Civ. Proc. § 526a – Illegal Expenditure of State Funds; Common Law**
25 **Taxpayer Standing**
26 **(All Plaintiffs Against All Individual Defendants)**

27 254. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

28 255. California Code of Civil Procedure section 526a, California's "taxpayer standing" statute,
provides California taxpayers with a private right of action to restrain and prevent any illegal
expenditure of, waste of, or injury to public funds.

1 256. Plaintiffs have all paid taxes in Los Angeles County within the past year and have been
2 assessed and/or paid taxes to the State of California within one year of filing this action.

3 257. With the exception of the Regents, Defendants are officers, agents, or persons acting in an
4 official capacity on behalf of UCLA and/or the University of California, and are subject to suit under
5 Code of Civil Procedure section 526a as well as pursuant to the common law theory of taxpayer
6 standing. *See California Assn. for Safety Educ. v. Brown*, 30 Cal. App. 4th 1264, 1281 (1994); *see*
7 *also Los Altos Prop. Owners Assoc. v. Hutcheon*, 69 Cal. App. 3d 22, 26 (1977).

8 258. Defendants have a clear, present, ministerial duty to perform and/or direct law enforcement
9 functions at UCLA consistent with the California Constitution, state law, and their own policies. In
10 particular, Defendants have a mandatory duty to ensure that UCPD respond to student protest
11 activity on campus consistent with this law and UC policy, and to ensure that any declarations of
12 unlawful assembly are done only for widespread, underlying criminal activity or because of ongoing
13 or imminent violence.

14 259. Defendants also have a clear, present, ministerial duty to protect the expressive and
15 associational activities of students, faculty, and staff on campus, and to ensure that they not suppress
16 that activity for impermissible reasons, including retaliatory reasons or in supposed defense of the
17 speakers' safety at the hands of hecklers' violence.

18 260. By failing this duty and unlawfully arresting, retaliating, and suppressing their protected
19 associational and expressive activity, Defendants caused an illegal expenditure, a waste of public
20 funds, an ultra vires action, and/or a failure to perform a mandatory duty.

21 261. Ensuring that Defendants discharge their duties under the California Constitutions and
22 California law is a matter of compelling public interest.

23 262. Plaintiffs have an interest in ensuring that Defendants oversee and manage UCLA in a
24 manner consistent with California law and the California Constitution. They also have an interest in
25 enjoining the waste of government resources and ultra vires activity, as well as in restraining
26 officials from enforcing an unlawful or unconstitutional practice.

1 263. Unless compelled by this Court to comply with their legal obligations, Defendants will
2 continue to shut down protest activities and/or declare unlawful assemblies in violation of California
3 law and the California Constitution.

4 264. Plaintiffs have no plain, speedy, and adequate alternative remedy at law to address the harm
5 they face.

6 **PRAYER FOR RELIEF**

7 265. Plaintiffs respectfully request the Court to grant the following relief:

- 8 a. Enter a judgment declaring Defendants' clearing of the May 1 encampment unlawful.
- 9 b. Issue an injunction requiring Defendants to expunge all information about Plaintiffs'
10 involvement in the Palestine Solidarity Encampment, including any arrest or
11 discipline records, maintained or possessed by Defendants, their subordinates, agents,
12 employees, and all others acting in concert with them.
- 13 c. Issue an injunction preventing Defendants, their subordinates, agents, employees, and
14 all others acting in concert with them from declaring an unlawful assembly based on
15 suspicion of violations of university policies, rather than probable cause for violations
16 of criminal law or the presence of violence or the clear and present threat of imminent
17 violence.
- 18 d. Issue an injunction preventing Defendants, their subordinates, agents, employees, and
19 all others acting in concert with them from engaging in content-based discrimination
20 against Plaintiffs.
- 21 e. Issue an injunction ordering that Defendants not subject Plaintiffs to any further form
22 of academic discipline arising out of the incidents giving rise to this lawsuit, or, at the
23 very least, to do so under criteria and policies in effect at the time of the encampment
24 clearing;
- 25 f. Issue an injunction returning Plaintiffs' position in relation to the University,
26 including their right to engage in nonviolent protest and association, to the status quo
27 prior to Defendants' challenged conduct;
- 28 g. Award Plaintiffs reasonable attorneys' fees and costs.

1 h. Grant any other relief that this Court may deem proper and just.

2
3 Respectfully submitted,

4 ACLU FOUNDATION OF
5 SOUTHERN CALIFORNIA

6 

7 Dated: October 22, 2024

8 MOHAMMAD TAJ SAR
9 *Counsel for Plaintiffs*

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