

Date of Hearing: August 22, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION  
Das Williams, Chair  
HR 35 (Halderman) – As Introduced: August 6, 2012

SUBJECT: Anti-Semitism

SUMMARY: Calls upon officials of California public postsecondary educational institutions to increase their efforts to condemn acts of anti-Semitism on their campuses. Specifically, this bill:

- 1) Includes numerous findings about the increase in anti-Semitism, including the United States Commission on Civil Rights' 2006 report that anti-Semitism exists on some college campuses and is often cloaked as criticism of Israel and recommended that colleges and universities ensure that students are protected from actions that could create a hostile anti-Semitic environment.
- 2) Notes that the United States Department of State, among others, endorses the European Union Agency for Fundamental Rights' working definition of anti-Semitism, which notes that in context certain language or behavior demonizes and delegitimizes Israel or attacks Israel with classic anti-Semitic stereotypes.
- 3) States that some Jewish students have experienced physical aggression, harassment, and intimidation by members of student or community groups in student-sponsored protests and rallies held on campus; speakers, films, and exhibits sponsored by student, faculty, and community groups that engage in anti-Semitic discourse or use anti-Semitic imagery and language to falsely describe Israel, Zionists, and Jews; swastikas and other anti-Semitic graffiti in residential halls, public areas on campus, and Hillel houses; student- and faculty-sponsored boycott, divestment, and sanction campaigns against Israel that are a means of demonizing Israel and seek to harm the Jewish state; student-led support for terrorist organizations such as Hamas and Hezbollah; and suppression and disruption of free speech that present Israel's point of view.
- 4) Commends the response by California postsecondary education institutions to incidents of hate and intimidation, including anti-Semitism, and the University of California's (UC) refusal to divest from companies doing business with Israel; strengthening of its systemwide policies prohibiting student conduct motivated by bias, including religious bias; implementation of a campus climate reporting system for reporting incidents of intolerance or bias and development of a comprehensive UC systemwide campus climate assessment; formation of an Advisory Council on Campus Climate, Culture and Inclusion; and immediate condemnation by UC leaders of specific acts of intolerance or bias when they occur.
- 5) Urges the UC leadership to continue to take action to address anti-Semitism on its campuses while staying within the constraints of the First Amendment to the United States Constitution, noting that strong leadership from the top remains an important priority so that no administrator, faculty, or student group can be in any doubt that anti-Semitic activity will not be tolerated in the classroom or on campus and that no public resources will be allowed to be used for anti-Semitic or intolerant agitation.

- 6) Resolves that the Legislature condemns all forms of intolerance on public postsecondary educational institutions and calls upon these institutions to increase their efforts to condemn acts of anti-Semitism and to utilize existing resources, such as the European Union Agency for Fundamental Rights' working definition of anti-Semitism, to help guide campus discussion about and promote educational programs for combating anti-Semitism on their campuses.

FISCAL EFFECT: None

COMMENTS: Purpose of this resolution. According to the author, "This resolution is not targeted at a specific deficiency in current law, but is intended to draw attention to on-campus anti-Semitism, a problem which requires additional serious attention on both a campus and system-wide basis."

Background. Freedom of speech is a fundamental American freedom, and many believe that nowhere should it be more valued and protected than at colleges and universities. Concerns have been raised that the intellectual vitality of campuses is threatened when students and faculty fear punishment for expressing unpopular views.

The Assembly Higher Education Committee has convened several oversight hearings on campus climate issues in recent years, including *Hate, Violence, and Bigotry on Public College and University Campuses* (June 2010) and two hearings on the appropriate use of force in response to unlawful student protest (December 2011 and May 2012). As witnesses at all hearings observed, the underlying challenge is determining when speech or action cross the line into violence or fear of violence or infringes upon others' Constitutional rights.

The segments have systemwide policies that prohibit discrimination, harassment and retaliation against students and govern campus organizations and sponsored activities on campus, as well as student and faculty codes of conduct.

UC campus climate report. In June 2010, President Yudof established his Advisory Council on Campus, Climate, Culture, and Inclusion to identify, evaluate and share "promising practices." Led by President Yudof and UC Berkeley School of Law Dean Christopher Edley, the Advisory Council commissioned a fact-finding mission about the challenges and campus experiences of Jewish students at UC and to identify steps needed to make campuses more inclusive and welcoming. Released on July 9, the report is under review by UC. Among its findings, the report notes that for many Jewish students, their cultural and religious identity cannot be separated from their identity with Israel but understand the constraints that exist in prohibiting discussion about a geopolitical conflict on a college campus. More than 2,200 students, faculty, and alumni have signed a petition asking President Yudof to set aside the report, protesting its findings and recommendations.

Is this more appropriately an ACR? This measure expresses the opinion of the Legislature in several instances. Staff suggests this measure be introduced as an ACR, which represents the views of both houses and is appropriate considering this subject matter, or amended to clarify that this resolution expresses the intent of the Assembly, not the Legislature.

Author's amendments. The author has proposed amendments to make clarifying changes and add the following:

WHEREAS, the Legislature urges both the University of California and the California State University system to take additional actions to confront anti-Semitism on its campuses, with due respect to the First Amendment of the United States Constitution.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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