




Council of UC Faculty Associations Files Its First-Ever Unfair Labor Practice Charge Against University of California

UCSB Not Joining Other Chapters in Complaint over UC's Crackdown on Pro-Palestinian Protests This Spring

By **Caitlin Scialla**

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Law enforcement cleared the "Liberated Zone" encampment on UCSB's campus early Sunday morning, June 24. | Credit: @UCSBLiberatedZone

For the first time in its history, the Council of University of California Faculty Associations on Thursday filed an Unfair Labor Practice (ULP) charge against the University of California, accusing the UC of violating the law and UC policy through its far-reaching efforts to suppress pro-Palestine speech on campuses this spring. The UC-wide council was joined by seven faculty associations from individual UC campuses. Not among them is UC Santa Barbara's chapter, which decided it did not have enough violations to justify the high cost of being a party to the complaint.

The council's ULP charge against the UC is for violating certain rights guaranteed to faculty under the Higher Education Employer-Relations Act (HEERA), a California state law that guarantees California State University and UC faculty the right to protected concerted activity, such as speaking on campus and organizing to change university policy. It also cites countless instances of discrimination by the UC against faculty exercising protected rights. Faculty representatives from various UC campuses gathered at UCLA's Westwood Plaza at noon on September 19, mere steps from where the UC Regents have been convening for the past few days, to publicly announce the charge. This is a historic move, as UC faculty associations have never taken legal action against UC.

This UC-wide ULP charge has evolved from an [original filing](#) by the UCLA Faculty Association (UCLA-FA), which was made on June 3 in direct response to the brutal attacks and mass arrests faced by students and faculty participating in

the UCLA Gaza solidarity encampment. On the night of April 30 and into the early morning of May 1, a mob of more than 100 counter-protestors, many armed with bear spray, metal poles, wooden planks, and other makeshift weapons, assailed the encampment's barricade. UCLA's on-campus security failed to intervene as student and faculty protesters were violently assaulted, and LAPD took three hours to arrive at the scene. Early the following morning, UCPD and LAPD swept the encampment using rubber bullets, batons, and tear gas. More than 200 protesters were arrested in the process.

UCLA-FA's ULP charges the UC for UCLA's unlawful repression and discrimination. According to the ULP, UCLA has interfered with faculty rights to protest, organize, and exercise academic freedom. The ULP continues that UCLA has also engaged in discrimination, most flagrantly by adopting an unfair double standard that criminalizes faculty demonstrating and speaking in support of Palestine while, at the same time, allowing counter-protesters to violently attack UCLA-FA members and other faculty.

While UCLA represents perhaps the most extreme example, administration at other UC campuses have similarly cracked down harshly on pro-Palestine activism. On the early morning of May 31, UC Santa Cruz administration ordered more than 500 riot police from 17 jurisdictions to clear the encampment that had been organized on campus. The encampment was bulldozed, and more than 120 students and faculty were forcefully apprehended. Images posted to social media depict unarmed protesters being tackled to the ground and roughly handcuffed by police officers. On the early morning of May 6, the encampment at UC San Diego was swept by more than 100 law enforcement officers in riot gear, leading to the arrest of 64 protesters. On the early morning of June 23, administration at UC Santa Barbara ordered more than 80 police officers in riot gear to dismantle the UCSB Liberated Zone. Five were arrested in the process.

In response to this systemwide clampdown, the decision was made by the Council of UC Faculty Associations to revise the original UCLA-FA ULP charge and make it a broader filing that represents all UC faculty. Several individual faculty associations – including the faculty associations for UCLA, UC San Diego, UC Irvine, UC Berkeley, UC Santa Cruz, UC Davis, and UC San Francisco – have joined the council in filing this ULP charge against the UC.

This is a landmark decision for UC faculty associations. While related ULPs have previously been filed by the UAW academic workers union, UC-AFT librarians union, and AFSCME public employees union, UC faculty associations have never taken legal action against the UC.

Constance Penley, UCSB professor and president of the UC-wide Council of Faculty Associations, explained that while the faculty associations for UCSB, UC Merced, and UC Riverside are not explicitly involved in the complaint, faculty from these universities are nonetheless represented under the UC-wide council's umbrella.

"It's interesting, those three campuses decided that they did not have 'enough' violations to make it worthwhile because, well, [the process] is expensive," Penley said. "The Santa Barbara chapter looked into it and talked to the attorneys, but it is very expensive to do this. [UCSB's] campus did not have the [same] kind of violent crackdown, at least not until the very end."

A press release from the council summarizes the various ways that the UC has illegally violated faculty rights. According to the press release this "systematic campaign of retaliation" has included "arrest for exercising rights to free speech and assembly; university investigatory and disciplinary proceedings based on these arrests; university investigation or sanctions for social media posts in solidarity with Palestinians in Gaza; bans from campus, despite the ongoing necessity of teaching classes; surveillance by university agents while conducting protected, concerted activity; gag orders restricting faculty from speaking with graduate students from UAW 4811 who were on strike, or even other faculty about the strike, both protected activities; orders to not use their classrooms for 'political indoctrination,' a vague charge that is highly susceptible to political interpretation."

"The filing itself is 581 pages long, with 100 exhibits to back up the charges we are making," said Penley. The ULP with exhibits is available as a PDF here.

The ULP charge rejects claims by the UC that these actions have been taken in order to promote campus safety, instead arguing that the UC has targeted activity and speech that express solidarity with Palestine.

"From the brutal predawn arrests ordered by university leaders to the vague and threatening notices of investigation, the university's goal is clear: to end Palestine solidarity activism on campus," said Anna Markowitz, associate professor of education at UCLA. "In this ULP charge, we are saying that this illegal suppression of speech cannot stand, whether

about Palestine or about other issues that students and faculty may raise in the future.”

“At a time when politicians are urging universities to embrace ‘neutrality,’ the hypocrisy of those demands becomes clear when universities like UC so clearly privilege the rights of sometimes violent counter-protesters over those of peaceful dissenters, most obviously because those universities are in no way really ‘neutral,’ but instead favor one side over the other,” says Henry Reichman, past vice president of the American Association of University Professors (AAUP) and former chair of AAUP’s Committee A on Academic Freedom.

During a conversation with the *Independent*, Penley disclosed that filing an updated ULP charge, one that incorporates the voices of faculty from across the UC, has been in the works for months. However, she noted that it has become increasingly important to file the ULP as soon as possible given the recent restrictive policies that have been rolled out by the UC, specifically [UC President Michael Drake’s ban on encampments and face masks that “conceal identity.”](#)

“Every Californian should be worried about this threat to the stature of the University of California,” Penley said. “You can look to Florida and Texas to see what happens when a state university system surrenders on protecting tenure, academic freedom, and free expression. The ramifications go far beyond those targeted.”

In response to Thursday’s filing, the University of California Office of the President stated that the “UC has previously filed a response to the initial charge in this matter filed by the UCLA Faculty Association; our position on the similar issues raised in this amended filing remains the same.” The UC’s July 16 response with exhibits to the initial filing by the UCLA Faculty Association can be read in the 31-page PDF [here](#).

UC Santa Barbara Office of Public Affairs & Communications did not respond to the *Independent’s* request for comment.

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Santa Barbara



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