Para. 4

Whereas: According the AS Legal Code it is unclear whether this event will facilitate meaningful discussion and improve campus climate; and,

Para. 5

Whereas: The speaker in question has been banned from 2 college campuses, including CSU Los Angeles and DePaul University; and,

Para. 6

Whereas: The Office of Student Life released an email statement to all students on November 7th expressing their concern about how this event will affect campus climate, stating "Differences of opinion over these important issues should be expressed, but unfortunately a number of interactions on our campus have been uncivil, disrespectful, hurtful, and even purposely provocative. Some of these encounters have made students and staff members feel unsafe and unwelcome in our campus community;" and

Para. 7

Whereas: This statement was signed off by multiple administrators, including the Vice Chancellor and Assistant Vice Chancellor of Student Affairs, two Deans of Student Life, ,

Para. 8

Whereas: The mission statement of the 67th Senate that was unanimously approved by consent says "As elected representatives, we will work to enhance student life and improve campus climate, while remaining conscious of the welfare of the surrounding community"; and,

Para. 9

Therefore, let it be resolved by the Associated Students in the Senate assembled: that the passing of this resolution formally signifies that the 67th Senate recommends that the Office of Student Life does not permit the College Republican's event titled "Prejudice, Lies, and a Divided People: The Legacy of the #BlackLivesMatter Movement".

For clarity, we have included the version of the bill that we reviewed and numbered the paragraphs below.

ASSOCIATED STUDENTS
University of California, Santa Barbara
Senate Resolution

Subject: 110916 – 32 A Resolution Recommending that the Office Of Student Life does not approve the College Republicans Ben Shapiro speaking event
Author: Lesly Silva **Second:** Maria Hoang (proxy Williams Roman)
Number: **FPP:**
Bill Type: **Vote Required for Passage:**

COMMITTEE RECOMMENDATION

_____ recommends to the A.S. Senate that the following action be taken:
Pass As Written:_____Pass With Amendments:_____Do Not Pass:_____
Refer To Committee:_____
Recommended by a Vote Of: _____Chairperson's initials:_____

STUDENT -SPONSORED LEGISLATION

Student Sponsor: Ladijah Corder Student Co-Sponsor: Chadwick Moore

The Student-Sponsored Resolution Liaison _____ has insured that this Student-Sponsored Resolution is correct in its form and adherence to the *ASUCSB Legal Code.*
Pass As Written:_____Pass With Amendments:_____Do Not Pass:_____
Refer To Ad-Hoc Committee:_____

FISCAL IMPACT

Amount: $_____ Account:_____

A Resolution

To Recommend that the Office of Student Life does not approve the College Republicans' event featuring Ben Shapiro

Para. 1
Whereas: The Ben Shapiro Event titled "Prejudice, Lies, and a Divided People: The Legacy of the #BlackLivesMatter Movement" has caused controversy to multiple communities on campus; and

Para. 2
Whereas: Many students, including the Black Student Union, have expressed their concerns for campus climate in this event and mobilized and written a letter in concern signed by hundreds of constituents of the Senators; and,

Para. 3
Whereas: Many groups and students on campus do not feel comfortable that their student fees will be used to facilitate divisive and controversial rhetoric against them; and

We regularly seek legal counsel in the course of our work, and we will continue to do so to ensure that we are fulfilling our legal obligations, which includes broad support of free expression and *also* identification of legally unprotected speech (which courts have repeatedly defined as extremely narrow).

We respectfully submit the following points for you to consider as you review the proposed legislation. Please keep in mind that these issues are complex and *we offer challenges not to discount perspectives, but to ensure that your legislation and decisions can weather scrutiny.*

- We are genuinely concerned about the wellbeing of our students, particularly African American and Black students, given the way that conversations about this event—in person and online—have unfolded. Our experience (guided especially by our observations of other campuses) is that cancelling an event like this might actually that exacerbate the issues and that we would experience a greater number of controversial events and climate-deteriorating incidents as a campus. And, regardless of status of the event in question, we are committed to supporting students through resources and programming that address their concerns. (Para. 2)
- We recommend that A.S. remind students of and explain the refund of fees procedure available to students on a per-event basis. (Para. 3)
- Guest speakers and panels have generally been deemed meaningful as evidenced by decades of history of similarly formatted programs. (Para. 4)
- DePaul is a private university and does not have the same responsibility to uphold the Constitution. We will research the ban at CSULA and discuss it with our legal counsel. Thank you for bringing this to our attention. (Para. 5)
- The Campus Community Council—a committee including faculty, staff, and students—sent the 11/7 E-mail, not OSL (though OSL does stand by the CCC's statement and two OSL members are on the Council). The message also highlighted the tension between policies/law and principles. The CCC expressed values, but the campus can only enforce policies. (Paras. 6 & 7)
- The Senate and Internal Vice President have been careful not to invoke assumptions about the proposed event based upon its title; to expect OSL, which is subject to similar policies and laws, to do so seems unreasonable. (Para. 1)
- If Senate accepts the rationale presented in this resolution, then it should not have approved the Business & Finance Committee minutes *or* it should revoke its approval following established procedures. OSL cannot be used as a tool to modify Senate decisions, especially because it is beholden to the same legal obligations. (Nor should any Associated Students entity be used as a tool to modify OSL decisions.) (Paras. 8 & 9)

If we receive additional information regarding this event—including legal advice—that we believe is important for you to know, we will certainly share it.

Thank you for your service as Senators. We recognize the massive commitment of your time and concern that this role requires. Please do not hesitate to contact us personally if you have any questions or concerns.

Cc: Austin Hechler, A.S. President
Marisela Márquez, A.S. Executive Director

November 9, 2016

To: Members of the 67th Senate of the Associated Students of UCSB

Fr: Miles Ashlock, Assistant Dean & Director, Office of Student Life
Katya Armistead, Dean of Student Life

Re: Proposed legislation 110916 – 32 A Resolution Recommending that the Office Of Student Life does not approve the College Republicans Ben Shapiro speaking event

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We received a copy of the legislation referenced above this afternoon from President Hechler who asked that one of us join the Senate to speak this matter. Due to previous work engagements, neither one of us is able to attend the Senate this week; instead, we are writing to provide additional context for your discussion of this bill.

We want to begin by expressing our concern for the physical and emotional wellbeing of students, which we recognize as closely connected to their ability to learn and develop at UCSB. **We care deeply about student experiences and concerns, and welcome feedback and ideas** to further our values and goals of inclusivity and a campus climate conductive to all students' learning and success.

First, we would like to clarify what we know about the event in question:

1. As of this writing, the College Republicans have not submitted an Event 360 Planning Form or attended a Minor Events Committee meeting for this event. Both of these are required steps to event planning on campus by registered campus organizations.
2. We are not aware of any room reservations—requested, denied, or fulfilled—for this event.
3. Miles sent an E-mail reminding three of the organization officers of the event planning process on November 2, but has not received a response.

If this event were to be submitted for approval by our office (through the Event 360 Planning Form and Minor Events Committee), we would employ our standard guidelines and processes in a content-neutral manner as dictated by our policies and the law. Notably, we would employ those same guidelines and processes in working with any student groups planning "counter events" or seeking guidance regarding demonstrating or protesting.

Even barring legal barriers, our philosophical concern about considering content when making these decisions is that it will require us to deny several other events. For instance, there were calls to cancel the event "The 2106 Election: The Day After" due to perceived bias. We are very cognizant of the possible unintended, long-term consequences of decisions we make each day.