

October 20, 2025

Professor Jelani Nelson, Chair
Department of Electrical Engineering and Computer Sciences
University of California, Berkeley

Professor John Wawrzynek, Division Chair
Division of Computer Sciences
Department of Electrical Engineering and Computer Sciences
University of California, Berkeley

Re: Finding with regard to alleged violation of Regents Policy 2301 by Peyrin Kao

Dear Chairs Nelson and Wawrzynek,

I have been asked, consistent with current campus policy and practice, to make a determination as to whether Peyrin Kao, a Unit 18 Lecturer in your department, violated Regents Policy 2301 during the spring 2024 semester and the fall 2025 semester. My review of this matter was informed by your letter of September 23, 2025 sent to Assistant Vice Chancellor Kellie Brennan, my watching the relevant portion (time stamp 49:11 to end) of a recording of Mr. Kao's April 26, 2024 CS 61B lecture, media coverage of Mr. Kao's recent actions that was shared with me, and a letter of complaint sent to me by [REDACTED] on behalf of [REDACTED].

Spring 2024 Allegation

It is alleged that Mr. Kao violated Regents Policy 2301 at the end of the April 26, 2024 CS 61B lecture by using the classroom to share and advocate for political views concerning topics that not germane to CS 61B.

In your September 23rd letter to Brennan, you summarize Mr. Kao's remarks as "off-topics [that] included the conflict in Israel and Gaza, an expression of solidarity with a protest happening outside the classroom, Google's business dealings with Israel, UC's investment in companies that themselves invest in companies that 'supply bombs,' and calls for solidarity with those in Gaza and to 'Free Palestine.'" That summary agrees with my own review of the audio of a video of that portion of the lecture. I also heard Mr. Kao indicate that he believed actions in Gaza constituted genocide; reference the destruction of schools and universities in Gaza, calling for solidarity with educators in Gaza; share his views about the consequences of an earlier Regents Policy 2301 violation, for which he was censured; and question University policies that preclude discussion of non-course-germane topics in class.

Based on the above, it is my finding that Mr. Kao misused the classroom by distorting the instructional process in a manner which deviates from the responsibilities inherent in academic freedom, an action that constitutes a violation of Regents Policy 2301.

An issue raised in your September 23rd letter to Brennan is that Mr. Kao gave those remarks after the official end time of the lecture and he prefaced his remarks by saying that students were free to leave (i.e., he was not insisting they listen to what he was about to say); as transcribed by you, he said, "But again, if you want to go then I don't take any offense. It's all good. And I will try not to waste too much of your time because it's after 2 [pm]." As you observe in your September 23rd letter, those facts do not absolve Mr. Kao. First, as you noted, students did not know what he might say and, so, even if excused, they might reasonably have expected to hear material germane to the course. Second, even if students wished to leave, they could not teleport themselves out—it takes time for a large lecture hall to clear, even more time if some students remain seated to listen to the instructor. Third, it is not uncommon for classes to run over their scheduled time; indeed, as his co-instructor, Justin Yokota, turned the lecture over to Mr. Kao with less than 30 seconds remaining in the scheduled class time, the lecture in question was on pace to run over. Nothing in Regents Policy 2301 can be read to indicate it doesn't apply when a course goes into "overtime"; indeed, it would be at odds with the clear intent of that policy to imagine it ceased to apply in overtime. It is my conclusion and finding that the fact that Mr. Kao gave his

remarks after the official end time for the lecture is irrelevant to whether the remarks themselves represent a violation of Regents Policy 2301. To reiterate, it is my finding that Mr. Kao misused his authority over his students in the classroom, in violation of Regents Policy 2301.

Finding regarding the spring 2024 allegation: I find that Peyrin Kao violated Regents Policy 2301 by distorting the instructional process in a manner which deviates from the responsibilities inherent in academic freedom.

Fall 2025 Allegation

It is alleged that Mr. Kao violated Regents Policy 2301 in his fall 2025 CS 61B course by informing his students in class that he was in the midst of a hunger strike ("starvation diet") in support of Palestinians in Gaza.

In your September 23rd letter to Brennan, you cite an interview that Mr. Kao had with *The New Arab*, a news and current affairs website, in which Mr. Kao wrote in an email interview, "With this hunger strike, I hope to bring the starvation here, to Berkeley, *in front of my students*, to remind them that the Palestinians being starved by Israel are just as human as we are" (emphasis added). He also wrote in the same interview that "But in my view, it's crucial that students studying computer science or other tech-related subjects think critically about their roles in industry after graduating to make sure they are contributing to solutions to the world's problems, and not becoming cogs in the war machine." It is evident from these quotes that Mr. Kao intended to influence his students' thinking on political matters.

At issue is whether this action of political advocacy aimed at his students is being conducted in the classroom or outside of it. No one can deny that, *outside the classroom*, Mr. Kao's First Amendment rights allow him to advocate for causes he supports, provided he does not use University resources or suggest his views are the University's. This is true even if those to whom he seeks to advocate are students who may be enrolled in classes he is teaching. The question at hand, then, is to what extent is a hunger strike an in-class advocacy activity precluded by Regents Policy 2301?

In your September 23rd letter to Brennan, you note that Mr. Kao has not explicitly stated in class that his hunger strike is in opposition to actions in Gaza. It must, though, be understood that advocacy does not require such an explicit in-class statement to be a Regents Policy 2301 violation. In this case, Mr. Kao drew attention to his hunger strike in class and informed the students how they could find out why he was engaging in it. In addition, the visible physical toll it presumably was taking and the adverse consequences it may have had on the quality of his instruction all represent a form of advocacy, albeit nonverbal. In that sense, his actions are no different from those of an instructor who repeatedly wore a t-shirt when teaching that had on it a very visible political symbol or a picture of a political candidate.

Two issues are whether the meaning of the action is known to the students and whether the instructor's intent is to advocate. That the meaning of the action is known to the students is not in doubt: Mr. Kao directed the students to a website to learn why he was engaged in a hunger strike (as you quote him, he said in his August 27, 2025 lecture, "I'm currently undergoing a starvation diet for a cause that I believe in. If that sounds interesting, there's a link"); Mr. Kao has been very public about the reason for his hunger strike (the previously referenced interview with *The New Arab*; additionally, a September 24, 2025 article in the *Daily Californian*, the student newspaper); and student complaints indicate that they understood the intent of the action (the September 17, 2025 email from [REDACTED] sent on behalf of [REDACTED], which you reference in your September 23rd letter and which was also sent me directly). That Mr. Kao's intention is to advocate politically before CS 61B students in his fall 2025 course is also not in doubt: Mr. Kao stated as much in his interview with *The New Arab*, cited above; his hunger strike commenced at roughly the time the fall 2025 term began; and Mr. Kao has at least twice referenced his hunger strike in class (the aforementioned incident on August 27, 2025 and again during the third class session, as noted in your September 23rd letter to Brennan).

For the reasons just given, I find Mr. Kao to have misused the classroom for the purpose of political advocacy, an action that constitutes a violation of Regents Policy 2301.

Findings regarding the fall 2025 allegation: I find that Peyrin Kao violated Regents Policy 2301 by utilizing his class by



distorting the instructional process in a manner which deviates from the responsibilities inherent in academic freedom.

Additional Factors

The two incidents that I have reviewed are not Mr. Kao's only violations of Regents Policy 2301. He was found to have violated Regents Policy 2301 in fall 2023, an incident for which he received a letter of censure from then EECS Chair Claire Tomlin, dated February 21, 2024. The two incidents that I have reviewed thus constitute a longer pattern of behavior.

It is noteworthy that Mr. Kao engaged in the two activities discussed above despite receiving a letter of censure. It is evident that Mr. Kao is aware of Regents Policy 2301, both because of his receipt of the letter of censure and because he makes reference to it in connection with the activities discussed above: "But, basically right after I did it I got into some trouble" (his referencing discipline for the fall 2023 incident during the spring 2024 incident); "I was told that it was inappropriate" (spring 2024 incident); "I spoke out against the genocide in Gaza after a class in 2023, and that got me reprimanded by the UC Berkeley administration" (interview with *The New Arab* concerning his hunger strike).

Moreover, it is evident that, in the spring 2024 incident and the fall 2025 hunger strike, Mr. Kao pursued his actions with an intent to evade the strictures of Regents Policy 2301, with a clear intent to disregard the policy's spirit and purpose. In the 2024 incident, there is the following exchange with his co-instructor (copied from the transcript provided in your September 23rd letter to Brennan):

Peyrin Kao: Yeah, I'd like to give a reflection but it's 1:59 and I tried this last semester, and I was contractually told that I couldn't say anything until 2pm. So, that's what I'll do.

Justin Yokota: Do not redo that.

Peyrin Kao: Well, I'm not going to redo it because that wouldn't be interesting, but I can tell you a little bit about what happened in case anyone is curious. But, it is 2pm so class is officially over.

In his interview with *The New Arab*, Mr. Kao writes, "a hunger strike cannot be penalised by my employer because it is a personal initiative that is happening outside the classroom." There is no doubt that Mr. Kao's intent is to engage in political advocacy with his students regardless of Regents Policy 2301.

While the fall 2023 incident has already been sanctioned via the letter of censure, it is clear in that letter that further violations of Regents Policy 2301 should, as a consequence, result in further disciplinary action: "Failure to show immediate and sustained compliance during the spring 2024 semester and any subsequent terms could result in further disciplinary action up to and including termination" (then Chair Tomlin's letter of censure sent to Mr. Kao on February 21, 2024).

An additional factor is that, by undertaking a hunger strike, Mr. Kao, by his own admission ("Just a heads up that the lectures that I give might be a little bit wobbly and poor quality," quoted in your September 23rd letter to Brennan), jeopardized the quality of his instruction. While that might not *per se* be a violation of Regents Policy 2301, it is clearly at odds with the spirit of Regents Policy 2301, which seeks "to ensure the rights of all to teaching and learning." In other words, taking actions that diminish the quality of the education being provided for the purpose of political advocacy is clearly at odds with the spirit and intent of Regents Policy 2301.

Consequences

After you consult with Heather Archer in the campus's Academic Personnel Office, the next steps are, according to campus practice and policy, up to you. That being noted, it is my understanding that I am allowed to make recommendations as to next steps, which I do:

- Mr. Kao should be suspended without pay for no less than one full semester. It would likely minimize disruption if such a suspension began with the spring 2026 semester.



Until a suspension can be effected, as an interim measure:

- Mr. Kao's teaching in CS 61B and any other course he might currently be teaching should be monitored.

I would have no objection if you wished to impose a more severe disciplinary action than the one I proposed, including permanently terminating Mr. Kao's employment as a lecturer at UC Berkeley.

If you have any questions about my findings, reasoning, or recommendations concerning discipline, I would be happy to meet with you at a time of mutual convenience.

Regards,



Benjamin E. Hermalin
Executive Vice Chancellor and Provost

cc: David M. Robinson, Vice Chancellor for Legal Affairs & Chief Campus Counsel
Victoria C. Plaut, Vice Provost for the Faculty
Heather Archer, Assistant Vice Provost, Academic Personnel Office
Mark Asta, interim Dean, College of Engineering
Jennifer Chayes, Dean, College of Computing, Data Science, and Society
Kellie Brennan, Assistant Vice Chancellor of Civil Rights

