



## Associated Students, SJSU, Board of Directors' Resolution 21/22-01

### Kirpan Rights

**Whereas,** The Associated Students (A.S) of San José State University (SJSU) is the official voice for over 33,000 students in the California State University (CSU); and

**Whereas,** It is the mission of Associated Students to support and represent the students of San José State University by continuing the organization's legacy of student advocacy and leadership; to enhance SJSU students' education through high quality programs and services; and to prepare students as they move towards a thoughtful and purposeful life after graduation<sup>1</sup>; and

**Whereas,** As of Fall 2020, San José State University is home to 11,346 Asian identified Spartans (34.4%)<sup>2</sup>; and

**Whereas,** This Resolution document seeks to build upon prior Associated Students Resolutions related to the Asian, Pacific Islander, Desi, South/East Asian / American (APIDS/EA/A) community and to further amplify APIDS/EA/A Spartan voices<sup>3</sup>; and

**Whereas,** Many Sikh students at San José State University seek a sense of belonging within the institution and a policy to improve religious competence contributes to the sense of belonging they seek; and

**Whereas,** The First Amendment to the United States Constitution, Free Exercise Clause, "protects citizens' right to practice their religion"<sup>4,5</sup>; and

**Whereas,** University Policy S01-13 states SJSU is committed to, "maintaining a climate where individuals feel welcome" and "ensuring that federal and state laws pertaining to affirmative

<sup>1</sup> Associated Students- Division of Student Affairs <https://www.sjsu.edu/as/>

<sup>2</sup> SJSU, Institutional Research - Student Quick Facts  
<http://www.iea.sjsu.edu/Students/QuickFacts/>

<sup>3</sup> Associated Students- Resolution in Support of the Asian, Pacific Islander, Desi/South/East Asian /American (APIDS/EA/A) Community, 2020-2021  
<https://docs.google.com/document/d/1JYHj6JelKZvWUkEcQatQsNu4O57DzqQo/edit>

<sup>4</sup> United States Courts - First Amendment and Religion <https://www.uscourts.gov/educational-resources/educational-activities/first-amendment-and-religion>

<sup>5</sup> American Civil Liberties Union - Your Right to Religious Freedom <https://www.aclu.org/other/your-right-religious-freedom>





action, non-discrimination, equal opportunity and prohibition of harassment are fully enforced”<sup>6</sup>; and

**Whereas,** One of the desired outcomes of SJSU’s Transformation 2030 plan under Goal 3: Grow and Thrive is to “foster an inclusive environment and infrastructure where diverse populations can flourish”<sup>7</sup>; and

**Whereas,** The Office of Diversity, Equity, and Inclusion (ODEI) states, “San José State’s mission of academic excellence as inseparable from [SJSU’s] commitment to diversity, equity, and inclusion” demonstrating a commitment to social justice and a campus free from discrimination and free from systemic and cultural barriers to academic and professional success for all of its students, faculty, staff, and administrators<sup>8,9,10,11</sup>; and

**Whereas,** It is the responsibility of Associated Students to protect student rights including religious freedoms, while ensuring public safety; and

**Whereas,** Sikhi is the world’s fifth largest religion in the world with 25 million Sikhs worldwide and over 500,000 Sikhs in the United States<sup>12,13,14,15,16</sup>; and

<sup>6</sup> SJSU, Academic Senate- San José State University’s Policy of Commitment to a Campus Climate that Values Diversity and Equal Opportunity <https://www.sjsu.edu/senate/docs/S01-13.pdf>

<sup>7</sup> Transformation 2030, Goals and Outcomes- Goal 3: Grow and Thrive <https://www.sjsu.edu/strategicplan/goals-and-outcomes/grow-and-thrive.php>

<sup>8</sup> Presidential Blog- “Updating on efforts to address systemic racism on campus” <http://blogs.sjsu.edu/president/2020/12/16/update-on-efforts-to-address-systemic-racism-on-campus/>

<sup>9</sup> The Chronicle of Higher Education- “Bringing Stability to a Campus Weary of Turnover” <https://www.chronicle.com/article/bringing-stability-to-a-campus-weary-of-turnover/>

<sup>10</sup> SJSU, Diversity- Commitment to Diversity <https://www.sjsu.edu/diversity/>

<sup>11</sup> SJSU- Diversity @ SJSU

<https://www.sjsu.edu/diversity/campus/index.php#:~:text=Chief%20Diversity%20Officer%3A%https://www.santacruzsentinel.com/2016/08/25/san-jose-state-meets-its-new-president-mary-papazian/20During%20July,campus%20climate%20for%20inclusion%20assessment>

<sup>12</sup> Sikh American Legal Defense and Education Fund- Who are Sikh Americans? <https://saldef.org/who-are-sikh-americans/>

<sup>13</sup> Columbia University Sikh Student Association - About Sikhism <http://www.columbia.edu/cu/sikh/about.html>

<sup>14</sup> Sikh Coalition- Sikhism: A Reporter’s Guide <https://www.sikhcoalition.org/wp-content/uploads/2018/01/Sikhism-Reporters-Guide-Electronic.pdf>

<sup>15</sup> Washington Post- SIDEBAR: Sikhism 101 [https://www.washingtonpost.com/national/religion/sidebar-sikhism-101/2014/01/30/160e38cc-89fe-11e3-a760-a86415d0944d\\_story.html](https://www.washingtonpost.com/national/religion/sidebar-sikhism-101/2014/01/30/160e38cc-89fe-11e3-a760-a86415d0944d_story.html)

<sup>16</sup> World Religions- Information on Sikhism <http://www.primaryhomeworkhelp.co.uk/religion/sikhism.html>





**Whereas,** Part of the Sikh identity is founded on the idea of oneness and equity for all<sup>17</sup>; and

**Whereas,** That includes carrying five articles of faith: kesh, kanga, kara, kirpan, and kachera distinguishing someone who has formally committed to the values of the Sikh faith<sup>18,19</sup>; and

**Whereas,** Another practice Sikhs (both men, women and nonbinary individuals) observe is wearing the Dastar which has continued for centuries and it remains as one of the most visible, distinctive features of Sikhi as a symbol of sovereignty; and

**Whereas,** The Kirpan, “obligates a Sikh to the ideals of generosity, compassion and service to humanity. It acts as a reminder to its bearer of a Sikh’s solemn duty to protect the weak and promote justice for all”<sup>20</sup> ; and

**Whereas,** It is Associated Students’ goal to promote education and awareness of Sikhi and the practice of carrying a Kirpan when its possession is in accordance with an integral part of Sikhi and there is benign intent in carrying it; and

**Whereas,** A standalone, weapons exception policy creates broader public awareness of Sikhi, acknowledges the Sikh community, and encourages religious competence; and

**Resolved,** That a weapons exception policy be created to acknowledge those Sikhs that observe the practice of wearing a Kirpan to ensure a sense of safety and belonging at San José State University by the Office of the President<sup>21</sup>; and further be it

**Resolved,** That intentional and diverse religious training be compiled and procedurally incorporated for all University Police and Security Officers periodically and be complied with the appropriate subject matter experts<sup>22,23</sup>; and further be it

<sup>17</sup> CNN- Who are Sikhs and what do they believe? <https://www.cnn.com/2012/08/05/us/religion-what-is-a-sikh/index.html>

<sup>18</sup> The Sikh Coalition - Identity <https://www.sikhcoalition.org/about-sikhs/identity/>

<sup>19</sup> Huffpost- Sikhism: 5 Things To Know About The Sikh Religion [https://www.huffpost.com/entry/5-things-you-should-know-about-sikhism\\_n\\_1744657](https://www.huffpost.com/entry/5-things-you-should-know-about-sikhism_n_1744657)

<sup>20</sup> The Sikh Coalition - The Kirpan <https://www.sikhcoalition.org/wp-content/uploads/2018/12/kirpan-wallet-factsheet.pdf>

<sup>21</sup> Hofstra University, Weapons and Firearms Policy <https://www.hofstra.edu/pdf/faculty/senate/firearmsresolution.pdf>

<sup>22</sup> Commission on a Peace Officer Standards and Trainings, Sikhism: Protocol and Other Considerations for Law Enforcement [https://post.ca.gov/Portals/0/post\\_docs/bulletin/2010-06.pdf](https://post.ca.gov/Portals/0/post_docs/bulletin/2010-06.pdf)

<sup>23</sup> The United States, Department of Justice - On Common Ground: Law Enforcement Training on Sikhism <https://www.justice.gov/crs/video/common-ground-law-enforcement-training-video-sikhism>





**Resolved,** That the training content includes information on how to recognize and interact with persons carrying a Kirpan, instruction on how arrests of Sikhs carrying a Kirpan have historically been treated and the alternatives to those arrests and detentions that have successfully been used, and define a Kirpan as a integral part of the practice of Sikhi<sup>24</sup>; and further be it

**Resolved,** The training also include a community panel to help engage, connect and foster relationships; and further be it

**Resolved,** That San José State University faculty, staff, administrators and students receive training content as well on the same subject matter; and further be it

**Resolved,** That all San José State University entities acknowledge the Sikh community by engaging Sikh student organizations to create a sense of belonging and safety; and further be it

**Resolved,** That San José State University maintain ongoing conversations with the Sikh community in order to create efforts and initiatives that aim to improve the experience for Sikh students on campus; and further be it

**Resolved,** Sikh history must be taught and included in ethnic studies courses at San José State University in order to “will help to solidify the progress that has been made for diversity and inclusion over the last decade”<sup>3,25</sup>; and

**Resolved,** That Associated Students will make this document public and will forward this resolution to the following parties, including: President Perez, members of the President’s Cabinet, The University Police Department, the Dr. Martin Luther King Jr. Library Dean, The Solidarity Network at SJSU, SJSU APID/A Task Force, The Sikh Coalition, The Sikh American Legal Defense and Education Fund, United Sikh Movement, Sikh Student Associations in California, Jakara Movement and respective chapters, Mayor Sam Liccardo, Senator Dave Cortese, Assemblymember Ash Kalra, Assemblymember Alex Lee, Mercury News, and The Spartan Daily.

Respectfully submitted by:  
Anoop Kaur, A.S. President & Chief Executive Officer

Supported by:  
United Sikh Movement

<sup>24</sup> Assembly Bill 504- Introduced by Assembly Member Furutani [http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_0501-0550/ab\\_504\\_bill\\_20090825\\_amended\\_sen\\_v97.html](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0501-0550/ab_504_bill_20090825_amended_sen_v97.html)

<sup>25</sup> Kaur, P. (2020, September 29). *Meaningful representation of Sikh Americans in ethnic studies would show inclusion*. CalMatters. <https://calmatters.org/commentary/my-turn/2020/10/meaningful-representation-of-sikh-americans-in-ethnic-studies-would-show-progress-for-inclusion/>





Sikh American Legal Defense and Education Fund  
 Sikh Gurdwara San José  
 Gurdwara Sahib Fremont  
 Gurdwara Sahib Singh Sabha Bay Area  
 Sikh Alliance  
 Sikhs For Humanity  
 Jakara Movement  
 SJSU APID/A (Asian Pacific Islander Desi/American) Task Force  
 Sikh Coalition  
 Sikh Student Association, SJSU  
 Sikh Student Association, SFSU  
 Sikh Student Association, Santa Clara University  
 Jakara Movement Chapter, Santa Clara University  
 Jakara Movement Chapter, SJSU  
 Jakara Movement Chapter, CSU Monterey Bay  
 Jakara Movement Chapter, SFSU  
 Jakara Movement Chapter, Fresno State University  
 Jakara Movement Chapter, California Northstate University  
 Jakara Movement Chapter, Stanislaus State University  
 Jakara Movement Chapter, CSU Bakersfield  
 Jakara Movement Chapter, UC Irvine  
 Jakara Movement Chapter, UCLA  
 Jakara Movement Chapter, UC Santa Barbara  
 Jakara Movement Chapter, UC Davis

**Passed and Adopted by the Associated Students of San José State University  
 Board of Directors at a regular meeting held 08 December 2021 by a vote of  
 11-Yea 00-Nay 00-Abstention 01-Absent**

DocuSigned by:

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 Nina Chuang, Vice President and Chair  
 Associated Students, SJSU

3/4/2022

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 Date

