

June 25, 2009

San Francisco Office  
Office for Civil Rights  
U.S. Department of Education  
Old Federal Building  
50 United Nations Plaza, Room 239  
San Francisco, CA 94102-4102

Dear Sir or Madam:

I am a lecturer in Hebrew at the University of California, Santa Cruz (UCSC) and am writing to complain about a long-standing and pervasive pattern of discrimination against Jewish students at my university, which I believe violates Title VI of the Civil Rights Act of 1964 (Title VI). This discrimination is emanating from faculty and administrators at UCSC.

Professors, academic departments and residential colleges at UCSC promote and encourage anti-Israel, anti-Zionist and anti-Jewish views and behavior, much of which is based on either misleading information or outright falsehoods. In addition, rhetoric heard in UCSC classrooms and at numerous events sponsored and funded by academic and administrative units on campus goes beyond legitimate criticism of Israel. The rhetoric – which demonizes Israel, compares contemporary Israeli policy to that of the Nazis, calls for the dismantling of the Jewish State, and holds Israel to an impossible double standard – crosses the line into anti-Semitism according to the standards employed by our own government.

Sometimes Israel-bashing occurs in classes that have nothing to do with Israel, Zionism or the conflict in the Middle East, or it is sponsored by academic departments that have no relation to this subject matter. Making the problem worse, professors, academic departments and colleges actively discourage students from learning about other legitimate scholarly perspectives that are not anti-Israel, by refusing to sponsor speakers and events that are not anti-Israel or to even let their students know that such speakers and events are scheduled to occur. One professor went so far as to tear down flyers announcing an event about Palestinian children being trained as suicide bombers. This professor's vandalism was an infraction of university rules, but the UCSC administration saw nothing wrong with her conduct.

The impact of the academic and university-sponsored Israel-bashing on students has been enormous. There are students who have felt emotionally and intellectually harassed and intimidated, to the point that they are reluctant or afraid to express a view that is not anti-Israel. Some students have stayed away from courses that they would otherwise be interested in taking, because they know that the courses will be biased against Israel and intolerant of another legitimate point of view. One student described feeling "personally assaulted" by her professor when she tried to defend Israel from her professor's attacks. Another student left a class in tears; after she had shared her research paper on the topic

of Zionism, her fellow classmates chastised her and accused her of being a Nazi – and her professor stayed silent throughout the entire attack she endured.

Jewish students have been particularly pained when the viciously anti-Israel events have been sponsored by their College. At UCSC, every undergraduate is affiliated with one of ten residential colleges. In addition to it being where a student lives, a College is supposed to provide academic support, organize student activities, and sponsor events to enhance students' intellectual and social life. Students view their College as the core of their university experience and see its participation in the demonization of the Jewish State as a betrayal of a fundamental trust. For one Jewish student, her College's sponsorship of a virulently anti-Israel event was "more than hurtful, it's absolutely unsettling."

The harassing and intimidating environment for Jewish students has been worsened by the fact that no other racial or national origin group on campus has been subjected by faculty or administrators to such hostile and demonizing criticism. Only Israel and "Zionists" have been singled out. For a significant number of Jewish students, this flagrant double standard is a kind of institutional discrimination that is anti-Semitic in effect if not in intent.

Since at least 2001, faculty members and students have brought these and similar problems to the attention of numerous UCSC administrators and faculty. To date, the administration and faculty have largely ignored the problems. In some cases, administrators and faculty have publicly denied that there are problems and even repudiated those who have had the courage to raise them. This, too, has contributed to the hostile environment for Jewish students, who are reticent to complain about the discrimination they are facing for fear of public humiliation or retribution from faculty or administrators.

Described below are several examples of the pattern of harassment and intimidation that Jewish students have been facing in their classrooms and at university-sponsored events; the harmful and hurtful effects this has had on them; and the many unsuccessful efforts to get the university to address and rectify the problems. I begin with two recent examples, one regarding a College-sponsored program that took place at UCSC in January 2009, and the second relating to a College-sponsored event that was scheduled to occur in March 2009. Even though this second event ultimately was cancelled, the university's handling of the event contributed to the hostile environment for Jewish students.

After I describe these two events, I will describe a few of the many examples of the anti-Semitic hostility being sponsored and promoted by professors, academic departments and colleges, about which both the UCSC administration and Academic Senate are well aware but have refused to do anything about. Because UCSC has failed to ensure that Jewish students are able to obtain their education in an environment that is free from harassment, intimidation and discrimination, I believe that the university has violated Title VI and must be required to live up to its obligations under the law.

## Cowell College's Sponsorship of the Anti-Semitic "Pulse on Palestine"

On January 28, 2009, Cowell College sponsored "Pulse on Palestine." The event was promoted in the College's January Calendar of Events, and a hard copy of the advertisement was delivered to faculty mailboxes.

The advertisement in the College's calendar invited the community to "[j]oin us to watch the riveting documentary *Occupation 101* which covers the current and historical root causes of the Israeli-Palestinian conflict, presenting a comprehensive analysis of the facts and hidden truths surrounding the role of the United States in the conflict, and some of the major obstacles that stand in the way of a lasting and viable peace." The movie was to be followed by a panel discussion with journalist Nora Barrows-Friedman and community activist Scott Kennedy, and moderated by UCSC professor of History, Terry Burke.

Within a few days, flyers advertising "Pulse on Palestine" were posted all around campus. The flyers reflected that the event was co-sponsored by the UCSC student groups Peace at the Crossroads and the Committee for Justice in Palestine (CJP), as well as by the community organization Santa Cruz Resource Center for Non-Violence (RCNV). In addition, the flyers said that donations to support MECA (Middle East Children's Alliance) would be collected at the event.

### 1. My Efforts to Get the College to Withdraw its Sponsorship of the Event

I was deeply concerned about Cowell College sponsoring this event. Based on the content of the program, the panelists and moderator that were going to be featured, and the two organizations that were co-sponsoring it, I knew that the event was going to be a hateful and one-sided attack on Zionism and Israel, filled with false political propaganda. I knew that the film *Occupation 101* was not going to present "a comprehensive analysis of the facts and hidden truths." The movie had a reputation for inciting hatred of Israel and its supporters.

In addition, the two panelists and moderator were all well-known for their anti-Israel sentiments and their condemnation of Israel's American Jewish supporters. Two of the co-sponsoring organizations, the student group CJP and the community organization RCNV, were both well-known on campus for sponsoring many virulently anti-Israel, anti-Semitic events. MECA, the organization for which funds would be solicited at the event, was well-known for its anti-Israel activities, including boycotts and divestment campaigns, as well as for its affiliation with groups such as the International Solidarity Movement, an organization that has aided and abetted Palestinian terror against Israel.

I understood that this event was not going to educate students about the complicated situation in the Middle East. It was a platform for anti-Israel propaganda. But because Cowell College was sponsoring it, the event would be perceived by students and other members of the University community as giving legitimacy to the demonization of the Jewish State and those who defend it.

I shared these concerns with the following College administrators, through face-to-face meetings and a series of email exchanges: Debra Ellis, the Cowell College Coordinator for Residential Education; Adrienne Waite, the Associate Cowell College Administrative Assistant; and Jim Carter, Cowell College Administrative Officer. I emphasized that many Jewish students would be deeply offended by the College's sponsorship of an event so clearly intended to demonize the Jewish State, and by the College's partnership with organizations who had a history of anti-Semitic activity.

I also pointed out that Cowell College had never, and most likely would never, sponsor an event that was homophobic or racist, out of deference to the feelings of students who would be rightfully offended by such an event. Jewish students, however, were not being afforded the same respect and sensitivity, which was discriminatory. In addition, I reminded the Cowell administrators that the University had several rules and policies to protect students from exactly the kind of institutionally sponsored political advocacy and indoctrination that "Pulse on Palestine" would apparently engage in, and I suggested that on that basis, too, the College's sponsorship of "Pulse on Palestine" should be rescinded.

In order to ensure that University administrators at all levels were aware of this Cowell College event and my concerns about it, I copied all correspondence to Cowell College's co-Provosts Professors Tyrus Miller and Deanna Shemek, and several other college and campus administrators, including Chancellor George Blumenthal, Executive Vice Chancellor David Kliger and Counsel Carole Rossi.

None of the three administrators with whom I communicated acknowledged that the event was problematic in any way, nor did they address my specific concerns. Cowell College Administrative Officer Jim Carter justified the event, explaining that a "free speech area" would be set up outside where dissenting views could be expressed, that organizations could display their literature on tables inside, and that audience members could submit written questions to the panelists.

The administration did not see that these steps were wholly inadequate to address the fundamental problem with the event: Cowell College was sponsoring and endorsing a program that was purporting to be conveying "facts" and "truths" about the Israeli-Palestinian conflict when in fact, the program was unfairly biased against Israel and would be filled with false and misleading information. Even if pro-Israel viewpoints were presented, they would not be coming from anyone on behalf of the College. No one in the administration expressed any concern about the harmful impact that this event would have on Jewish students.

## 2. Jewish Students' Efforts to Have Cowell College Rescind its Sponsorship of the Anti-Semitic Program

On January 27, 2009, a Jewish student affiliated with Cowell College wrote to administrators of Cowell College, expressing her concern about how "Pulse on Palestine" would contribute to a hostile campus environment. In relevant part, her e-mail said:

While I respect the right of student groups to host politically controversial events, I believe that Cowell College has made a grave mistake in sponsoring A Pulse On Palestine.

The Palestinian-Israeli conflict is so deeply misunderstood by so many. I do believe that the only route to peace is through education and compassion. Tomorrow's event is neither educational nor compassionate.

. . . [T]he film Occupation 101 is hateful propaganda that excuses, if not encourages, violence, terror, and hatred towards Israelis and Zionists. After researching Nora Barrows-Friedman, Scott Kennedy, and Ted Burke [the prospective panelists], it is clear that the panel discussion will be far from objective, educational, or compassionate.

I am what you would call "pro-Israel", but this does not make me "anti-Palestinian." These dualistic terms only perpetuate the conflict. I support the existence of Israel, but I also have utmost sympathy for the Palestinian struggle, and I am critical of Israel's actions that disturb the lives of Palestinian civilians.

That said, where is the discussion about Hamas? Why does the blame go directly to Israel without any disdain for Hamas? Or for the various other terrorist groups that invest in violence and hatred rather than the welfare of the Palestinians?

I am so perplexed and distressed when intelligent academics fail to recognize Israel's legitimate right to exist as a Jewish state in the Middle East. This anti-Zionism is tossed around without any compassion to the Jewish people. As a Jew, Israel is central to my identity--to my culture, to my religion, to my ethnicity. To claim so misguidedly that Israel is illegitimate, and furthermore, should be revoked--is so hurtful and so offensive beyond words.

Cowell's sponsorship of this event is more than hurtful, it's absolutely unsettling. My trust in UCSC as a non-discriminatory academic environment has been damaged.

On the same day, this student presented Cowell College administrator Adrienne Waite with a petition signed by 90 UCSC students. The petitioners requested that Cowell College not "sponsor the event A Pulse on Palestine because it is politically biased and discriminates against the Jewish student population."

After her meeting with Ms. Waite, the student reported to me that Ms. Waite seemed sensitive to the issues she had raised and was even considering canceling the event. However, the student received no further communication from Ms. Waite or any other member of the UCSC administration, and the event proceeded as advertised on January 28, 2009.

### 3. Cowell College's "Pulse on Palestine" Was, In Fact, Anti-Semitic

I attended "Pulse on Palestine," and the event was, as anticipated, demonizing and delegitimizing of the Jewish State, and deeply offensive and hurtful to many Jewish students.

In his brief introductory remarks, Professor Edmund (Terry) Burke called the film *Occupation 101* “educational.” But the film was plainly shown to indoctrinate rather than educate the students in the audience. I watched the film, and it is filled with falsehoods, distortions and anti-Semitic canards intended to gain sympathy for the Palestinians and demonize and delegitimize the Jewish State and its supporters. Among others, the film promoted the following falsehoods:

- Israel is entirely responsible for the plight of the Palestinians and their violence against Israel;
- Israel is guilty of ethnic cleansing;
- Israel’s security barrier is called a “hate wall” and an “apartheid wall” rather than acknowledged as a protective measure that Israel has been forced to undertake to protect innocent civilians from suicide bombings and other terror attacks;
- Israel’s actions against the Palestinians is a form of colonialist aggression;
- Israel has perpetrated religious persecution against the Christian Arabs; and
- Jews in America wield excessive power over American foreign policy.

Almost half of the individuals interviewed in the film were Jewish, including several rabbis and Israelis. Undoubtedly this was a deliberate ploy to give legitimacy to the movie’s demonization of Israel, as well as to deflect claims of anti-Semitism.

Like the film, the panel was clearly pro-Palestinian and anti-Israel, a point which panelist Scott Kennedy openly articulated: “The purpose of tonight is to hear from the Palestinian narrative or the Palestinian perspective.” During their respective talks and in response to questions from the audience, Mr. Kennedy and Ms. Barrows-Friedman portrayed the Palestinians with great sympathy and the Israelis with great animus, often making baseless and demonizing charges against Israel. For example, Scott Kennedy said: “If you just barely scratch the surface, virtually every Palestinian family has immediate members of the family who have been imprisoned and tortured. It’s a normal course of affairs.” Ms. Barrows-Friedman called Israel’s blockade of Gaza “a crime against humanity” and a “wretched sadistic policy,” she said that the Israelis were keeping the Palestinians “in this massive concentration camp that is the Gaza Strip,” and she accused Israel of ethnic cleansing. She also said that her trips to Israel-occupied Palestine allowed her to see with her own eyes “how savage human beings [referring to Israelis] can be.”

Particularly offensive were the panelists’ statements encouraging students in the audience to engage in anti-Israel political activity. For example, Ms. Barrows-Friedman called on students to demand that the University divest from Israel and to get involved with academic boycotts and economic sanctions against the Israeli government, “because of the war crimes that are being committed in Gaza, in the West Bank, in East Jerusalem, inside Israel itself against the Palestinian population.” Mr. Kennedy encouraged students to join or donate money to organizations offering “material and political support for Gaza.” All of these organizations have engaged in anti-Israel political activity, and some have links to terrorist organizations such as Hamas, whose charter calls for genocide against Jews and for Israel’s destruction.

Two Cowell College administrators, Mr. Carter and Ms. Waite, attended the event. When I asked them if, after having seen the film and heard the panel discussion, they still felt that it was appropriate for Cowell College to have sponsored such an event, they both said that it was. Neither of them expressed any regrets about the College's sponsorship of an anti-Israel propaganda event posing as an educational event, which caused Jewish students to feel harassed and intimidated.

### **Colleges Nine and Ten's Sponsorship of the Anti-Semitic "Understanding Gaza"**

At the end of February 2009, copies of a flyer advertising an event presented by College Nine and College Ten entitled "Understanding Gaza" were posted on campus. The event was also promoted on the official UCSC website, as follows:

This informational teach-in will provide some historical background on Gaza and its political/social/economic struggle to survive, as well as providing narratives from both Palestinian American and Jewish American perspectives. Hatem Bazian, Lecturer at UC Berkeley, will discuss the history of Gaza and the current conflict as well as providing his narrative as a Palestinian American. Nora Barrows-Freedman, independent investigative journalist and news correspondent, will talk about her many trips and experience in Gaza, the West Bank, and Israel, and offer her narrative as a Jewish American.

#### **1. Faculty Member Objects to Colleges Nine And Ten's Sponsorship of the Anti-Semitic Event**

After seeing an announcement for "Understanding Gaza," my husband Ilan Benjamin, a Chemistry professor at UCSC, was concerned about the impact that this College-sponsored event would have on Jewish students. He was afraid that coming on the heels of Cowell College's "Pulse on Palestine," as well as many other hateful anti-Israel events that have taken place at UCSC over the last few years, "Understanding Gaza" would cause Jewish students on our campus to feel even more emotionally and intellectually threatened.

On March 1, 2009, Professor Benjamin sent an e-mail outlining his concerns to Rachel Ogata, the Co-curricular Programs Assistant for Colleges Nine and Ten, which he copied to several other College and University administrators. In calling for the two Colleges to withdraw their sponsorship of the event, Professor Benjamin raised the following issues:

- It was clear that the event was intended to demonize and delegitimize the Jewish State: The two featured speakers had both spoken at UCSC previously and were well-known by Jewish students for their extreme anti-Israel bias and the demonizing rhetoric they used when speaking about the Jewish State. In addition, the Jewish Voice for Peace and the International Solidarity Movement, whose representatives would be participating in the event, were organizations well-known for their anti-Israel activities.

- It was misleading and offensive for the Colleges to promote that the event would provide a “Jewish American” perspective, when the vast majority of American Jews consider Ms. Barrows-Friedman and the Jewish Voice for Peace as part of an extreme and disreputable fringe of American Jewry, and not at all representative of it.
- “Understanding Gaza” would be the latest in a long list of events about the Palestinian-Israeli conflict which Colleges Nine and Ten have sponsored over the last several years, and all of them have been egregiously biased against Israel. Moreover, Jewish students are well aware that during the same time period neither College has ever sponsored a homophobic, sexist or racist event, a fact which makes them feel that Colleges Nine and Ten administrators are singularly insensitive to their feelings as Jews.

Wendy Baxter, Associate College Administrative Officer of Co-curricular and College Programs at College Nine and College Ten, responded to Professor Benjamin’s e-mail. She did not address any of his concerns, and made it quite clear that the Colleges had no intention of rescinding their sponsorship of this event.

## 2. Jewish Students Call on the Colleges to Rescind Their Sponsorship of the Anti-Semitic Program

On March 3, 2009, more than a dozen Jewish students sent emails to Colleges Nine and Ten administrator Rachel Ogata, calling on the Colleges to rescind their sponsorship of “Understanding Gaza.” Here is a sample e-mail:

My name is XXXX and I am a Jewish student at UCSC.

I would like to express how College Nine and Ten’s sponsorship of the upcoming event “Understanding Gaza” is hurtful and offensive to myself and the others belonging to the Jewish student population at UCSC.

I absolutely agree that the university has the right and responsibility to foster education and dialogue about the Palestinian-Israeli conflict. There is a difference, however, between academia that is accurate, compassionate, and balanced and politically-motivated propaganda that incites hatred and violence. The event “Understanding Gaza” is the latter.

While Nora Barrows Friedman may be ethnically Jewish, her perspective on the Palestinian-Israeli conflict is absolutely inconsistent with mainstream Jewish American opinion. She does not present a fair alternative to the Palestinian American perspective as advertised in the event description. Despite the complexity of this issue, there are viable ways for the university to host balanced, accurate, and most importantly respectful dialogues about the conflict. “Understanding Gaza” will be no such event.

It is outrageous for Colleges Nine and Ten to create a precedent for UCSC to sponsor politically-motivated, imbalanced, and implicitly racist events such as “Understanding Gaza.” Please reconsider College Nine and Ten’s sponsorship of this event as it violates UCSC’s supposed standards of academia and community.

Here is another student’s email:

Hello my name is XXXX and I am a Jewish student at Cowell College. I am writing to you because I am outraged in your sponsorship of a completely anti-Zionist and anti-Jewish event with the belief that it will be a good educational program for those who have no background on the subject. If you truly believe this event will do nothing more than to give students a neutral view from one perspective of this issue than you are clearly ignorant. You are going to spark more hatred than already exists and in viewing the e-mails you have sent to other people who feel as I do, you obviously don't care. You refuse to ever sponsor any anti-homosexual or anti-Al Qaeda programs, yet this you do not see as wrong? You are sponsoring a speaker who said to millions that "creating a massive concentration camp in Gaza for ethnic cleansing" would be a great solution to this issue. You are sponsoring pure hatred from radicals who will go no further than to portray their extreme disapproval for the Jewish people and the conflict in the Middle East. For the first time ever, I am utterly appalled to say that I attend the University of California at Santa Cruz. I am blown away that your administration has the nerve to promote hatred on a subject that they are clearly misinformed and biased about if they are willing to bring forth speakers who wish for the killing and destruction of all Jews in their homeland. You, as an administration, are wrong, and I truly hope you regret this decision.

As far as I am aware, each student received the same email from Ms. Baxter that Professor Benjamin had received. Students were reportedly frustrated and upset by the response, and did not feel that Ms. Baxter addressed their concerns.

Colleges Nine and Ten ultimately cancelled the event “due to the schedule of our primary speaker.” But the Colleges sponsored a similar event entitled “Humanitarian Crisis in Gaza” on May 12, 2009. This event featured Hatem Bazian (the anti-Israel speaker who was going to be featured at “Understanding Gaza”) and included representatives from the Jewish Voice for Peace (JVP) and the International Solidarity Movement (ISM). According to a Jewish student who attended, representatives of the JVP and ISM repeatedly characterized the situation in Gaza as a “genocide” and a “holocaust.” These hateful and false accusations upset her deeply because they incited hatred against Jews and Israel.

**The Anti-Semitic Hostility at UCSC has been a Longstanding Problem**

“Pulse on Palestine” and “Understanding Gaza” are two recent examples of University-sponsored Israel bashing, which has had the effect of creating an emotionally and intellectually hostile environment for Jewish students at UCSC. These examples are part of a larger, protracted and pervasive pattern of discrimination against Jewish students perpetrated by University faculty and administrators. Below is a summary of the problem and the many efforts to rectify it, all of which I have been documenting since 2001.

### 1. Israel is Demonized in the Classroom, Harming Jewish Students

Under the mantle of academic freedom, faculty members have been promoting anti-Israel and anti-Zionist falsehoods in their courses and departmentally-sponsored events. For example, in the summer of 2007, UCSC sponsored a Community Studies class that was designed to train social activists. The instructor appeared to have a singular focus on demonizing Israel. She described herself in her on-line syllabus as an activist with “the campaign against the Apartheid Wall being built in Palestine.” The readings she recommended for the course included numerous unreferenced, grossly distorted and egregiously false statements designed to provoke hatred for the Jewish State and encourage political actions against it, such as the following:

- “Israeli massacres are often accompanied by sexual assault, particularly of pregnant women as a symbolic way of uprooting the children from the mother, or the Palestinian from the land.”
- “We define Zionism as a settler-colonial political movement that seeks to ethnically cleanse historical Palestine of the indigenous population and populate it as a Jewish-only state.”
- “Not only does the Zionist project use the experience of the Holocaust to legitimate the creation of an exclusionary state at the expense of the displaced indigenous Arab population, it also attempts to foreclose the possibility of other peoples...from calling attention to genocidal practices which in many ways mirror the atrocities that took place in World War II.”

This was not the first time that this instructor used her classroom to promote her anti-Israel agenda. The previous summer, the instructor taught a Community Studies course at UCSC on the Israeli-Palestinian conflict, which was described in the following way by a Jewish Israeli student in the class:

What I thought would be an interesting and informative course exploring the two sides of a very complex conflict, turned out to be so outrageously one-sided and anti-Israel as to make a mockery of the educational system. The professor used her lectures, classroom discussions and course readings as a vehicle for her own personal vendetta against the state of Israel, against Zionism, against Israelis and against Jews. She even used the class website to distribute information about anti-Israel protests occurring in the Bay Area and to invite her students to attend. Many times when I would confront the professor in class or on WebCT, she would argue with me so harshly that I felt personally assaulted by her.

Efforts to prevent this professor from inappropriately using her classroom to indoctrinate students to hate Israel and to promote her anti-Israel agenda were unsuccessful. Indeed, these efforts were for the most part ignored. In June 2007, one week before the professor's Community Studies summer course (entitled "Violence and Non-Violence in Social Change") was scheduled to begin, Professor Ilan Benjamin and I wrote to the Chair of the Community Studies department, and sent a copy of our letter to the Chair of the Academic Senate Committee on Educational Policy.

In our letter, we explained that based on the class syllabus and the instructor's past behavior in the classroom, it was likely that the instructor would again be using her classroom as a platform for political advocacy against Israel. In particular we noted the following:

Rather than stress her academic credentials in her biography, the instructor emphasized her credentials as an activist against Israel. We were concerned that an anti-Israel bias might be substituted for truth and accuracy and responsible scholarship, and might impede the dissemination of knowledge to students. We were also concerned that students who did not share or who were offended by the instructor's anti-Israel bias might feel no recourse but to exclude themselves from the class. In addition:

- Almost half of the books on the instructor's syllabus included chapters on the Israeli-Palestinian conflict, and all of them took an anti-Israel perspective.
- The course syllabus reflected that the goal of the class was to implement an activist intervention. Given the anti-Israel bias of the instructor and the readings, this could only mean that students would be encouraged or even required to engage in activism to hurt the State of Israel.
- A student in the instructor's class the previous summer had reported that the instructor had used her classroom as a platform for egregiously politically biased and unscholarly instruction, trying to indoctrinate students to her anti-Israel perspective, stifling dissenting views, and inappropriately encouraging students to engage in anti-Israel activism.

The department chair is responsible for ensuring that all courses in the department meet standards of academic integrity and competence. But the chair never responded to our concerns, nor did the Chair of the Academic Senate Committee on Educational Policy.

Professor Benjamin and I wrote to the chair again, again copying the chair of the Academic Senate Committee on Educational Policy, as well as the Dean of Social Sciences. Again, there was no response to that letter or to the third letter that Professor Benjamin and I sent.

In September 2007, Professor Benjamin and I sent a letter about this course to the Dean of Social Sciences, Sheldon Kamieniecki, with copies to Chancellor Blumenthal, Campus

Counsel Rossi, Executive Vice Chancellor Kliger and Professor Pudup. In addition to the concerns that we had previously raised, we emphasized that by promoting an anti-Israel political agenda and encouraging students to engage in political activity, the course, its instructor and the department chair who approved it were all in violation of legal and educational directives of the State of California and the University of California, including:

- 1) **Article IX, Section 9, of the California Constitution**, which provides that the University "shall be entirely independent of all political and sectarian influence."
- 2) **Directive issued by Clark Kerr, President of the University of California, September, 1961**: "University facilities and the name of the University must not be used in ways which will **involve the University as an institution in the political, religious, and other controversial issues of the day.**"
- 3) **The Policy on Course Content of The Regents of the University of California, approved June 19, 1970 and amended September 22, 2005**, which provides that "misuse of the classroom by, for example, allowing it to be used for **political indoctrination... constitutes misuse of the University as an institution.**"
- 4) **Academic Personnel Policy (APM) 015 - Faculty Code of Conduct**: Types of unacceptable conduct: "Unauthorized use of University resources or facilities on a significant scale for personal, commercial, **political**, or religious purposes."

A few weeks later, Dean Kamieniecki responded. He said that after reviewing the course he could not conclude "that the course materials were entirely one sided and that opposite points of view were completely ignored." In addition, since students were not coerced into taking the course, and since no student in the 2007 course had reported that the instructor had pressured students into thinking or behaving in a particular way, there was "no evidence that an attempt was made to indoctrinate the students who took the class (or punish those who did not.)" Furthermore, the Community Studies department had recently undergone an external review, and the final report of the review committee "never mentions any problem in how courses are reviewed and evaluated by the department or how students are treated by their instructors."

Dean Kamieniecki also said that he had consulted with UCSC Counsel Rossi about whether any legal or educational directives of the State of California or the University of California had been violated. According to Rossi:

[R]egardless of how one defines 'political,' it is the University itself which is precluded from taking official positions on partisan political and religious matters. Nothing in policy either prohibits faculty members from taking position on controversial issues or requires the University to prevent robust and rigorous debate on controversial issues on campus.

According to Dean Kamieniecki, the instructor had done nothing more than legitimately

exercise her academic freedom.

We responded to Dean Kamieniecki, refuting each of the points he had made. Since almost half the reading on the course syllabus dealt with the Israeli-Palestinian conflict, and all of these take an anti-Israel perspective, there was little doubt that the course materials were egregiously one-sided.

We pointed out to the Dean that he had not addressed the fact that three of the articles in the recommended texts were not only unambiguously one-sided and anti-Israel, but contained material defined as anti-Semitic by the US State Department. In addition, because the instructor had clearly indicated her bias in the on-line syllabus, she was discriminating against students who did not agree with her anti-Israel bias, and creating a classroom environment that would be completely supportive of her bias. A student who had innocently taken a course with the instructor the summer before had reported that considerable indoctrination had taken place.

We told the Dean that the external review committee's report was irrelevant because the review had been completed well before the course in question was offered. In addition, the committee may not even have considered the question of course review and evaluation as part of its charge.

We also explained that it is not just "the University itself that is precluded from taking official positions on partisan political and religious matters," as Counsel Rossi had contended. The UC Regents Policy on Course Content is crystal clear: "*Misuse of the classroom by, for example, allowing it to be used for political indoctrination...constitutes misuse of the University as an institution.*" The instructor had misused her classroom for political indoctrination, in clear violation of university policy.

Finally, we appealed to the Dean as follows:

Academic freedom does not exist in a vacuum, but is rather bounded on one side by the constraints of professional norms and standards, and on the other side by the constraints of law and university policy; any exercise of academic freedom which does not abide by these constraints is considered an abuse of academic freedom, and is subject to sanction by the academic senate and/or the university administration. We have already approached Chair Pudup with our concern that this course did not meet professional norms and standards for academic integrity, although she has not responded to the three letters we sent her. We turned to you, as Chair Pudup's administrative superior, with our concern that this course went beyond the constraints of law and university policy. Despite what you have written, we still believe this to be the case.

Dean Kamieniecki did not respond.

Professors at UCSC include anti-Israel or anti-Zionist materials in class lectures, even when Israel and Zionism are unrelated to the subject matter of the course. For example,

in the fall of 2006, in a course on women's health activism, a full class period was devoted to a lecture on the ruthless treatment of Palestinians at the hands of Israeli soldiers. A Jewish student in that class reported: "By the end of the lecture I was feeling uncomfortable, outraged, and upset."

Likewise, in the spring of 2007, another Jewish student complained that in his Introduction to Sociology class, a guest lecturer from the Palestine Children's Relief Fund spoke about "how Israel's policies killed millions of Palestinians and was forcing them to resort to violence," and showed video clips of Israeli soldiers "turning away seemingly sick children from border crossings." The student complained that the presentation was unrelated to the topics covered in the course syllabus, and that his Sociology professor was using the guest lecturer's presentation "to push a Palestinian agenda," which he said "upsets me very much."

Besides the harmful impact from the false and hateful anti-Israel rhetoric coming from UCSC faculty and the lecturers they invite into the classroom to push their anti-Israel political agenda, Jewish students have also reported that they feel intellectually and emotionally threatened by the anti-Israel animus of their classmates, which is often ignored or even supported by their professors. This, too, contributes to the hostile classroom environment, making it difficult or impossible for some Jewish students to express themselves openly and without fear.

For example, one Jewish student described the following incident in her senior seminar course in Politics:

My final topic and presentation involved a discussion of Zionism, and was followed by a question and answer session. This session didn't actually involve any questions, but was rather a blunt attack on me by my fellow students. Several students kept asking hurtful and very personal questions, while the professor sat quietly in his seat. I felt as if I was under attack and in fact, I really was. I responded to as many comments as I could without showing my true emotions. Then, after I did a quick description of Zionism- the belief that Jews deserve a state of their own- one student contemptuously responded that Zionism was Nazism and that I as a Zionist am nothing less than a Nazi. I was numb. It was silent in the class; the professor said nothing. Can you even begin to imagine how painful it is to hear such a thing? I, as the granddaughter of holocaust survivors, am now being called the name of the very same people responsible for the murder of my granduncles and aunts. I still cannot believe the events of that day. I cannot believe I was called a Nazi. And above all, I cannot believe my professor didn't even react. I must admit that I spent the ten-minute break in the bathroom stall crying my eyes out. I was heart-broken.

While students are certainly free to debate the topic of Zionism, they are not permitted to personally attack and vilify a student for her views. In the example above, the professor's silence sent the message to the class that their attack on Zionism, and on a student with whom they disagreed, was acceptable.

## 2. Israel is Demonized at Departmentally-Sponsored Events, Harming Jewish Students

Since at least 2001, more than a dozen events dealing with the Israeli-Palestinian conflict have been sponsored by a number of UCSC departments and research centers. All of them have been biased against Israel, often using highly tendentious and unscholarly rhetoric which demonizes Israel and encourages members of the audience to engage in actions to harm Israel.

For example, in March 2007, eight university departments and research centers – the Institute for Humanities Research, Feminist Studies, Anthropology, The Center for Global, International and Regional Studies (CGIRS), Community Studies, Sociology, Politics, and History – sponsored a conference entitled “Alternative Histories Within and Beyond Zionism.” It featured a panel of four professors and one graduate student, none of them scholars of Israel or Zionism though all of them self-proclaimed anti-Zionists, who delivered papers demonizing the Jewish state, denigrating its founding ideology and encouraging anti-Israel activism.

All five talks were replete with gross misrepresentations of the facts, selected half-truths and numerous unsubstantiated claims, including the following:

- Zionism is racism;
- Israel is an apartheid state;
- Israel commits heinous crimes against humanity, including genocide and ethnic cleansing;
- Israel’s behavior is comparable to Nazi Germany;
- Jews exaggerate the Holocaust as a tool of Zionist propaganda;
- Israel should be dismantled as a Jewish state; and
- Morally responsible people should actively engage in mounting an opposition to the Jewish state, by, for instance, joining in the divestment campaign.

Approximately 100 people attended the conference, about 70 of whom were students. Most of them enthusiastically applauded the speakers’ statements that demonized Israel, and laughed and jeered at anyone from the audience who challenged the speakers or evinced support for Israel.

At the conclusion of the conference, a hostile student approached one of the members of the audience who had, during the question and answer period, challenged the use of the term ‘Arab Jews’ by one of the speakers, and she yelled at him several times, “You are a racist.” Another student approached two men engaged in a private conversation about how egregiously biased the conference was, and she said to them accusingly, “You have blood on your hands.”

A few of the Jewish students who attended the conference reported that they felt traumatized by the event. One student said she was in shock that her own department,

History, had been one of the event's co-sponsors. Another expressed outrage that her university tuition was supporting what she felt was a demonization of the Jewish State.

Anticipating these very problems, Professor Ilan Benjamin and I sent a letter to UCSC Chancellor George Blumenthal in advance of the conference, in which we outlined our concerns and urged his immediate attention. In summary, we said:

- 1) Given that all of the advertised speakers were self-identified anti-Zionists and had spoken out publicly against the Jewish State on numerous occasions, we believed that their presentations at the upcoming conference would be entirely politically motivated and directed, in violation of the following University of California policies:
  - **The Policy on Course Content of The Regents of the University of California, approved June 19, 1970 and amended September 22, 2005:** “[The Regents] are responsible to see that the University remain aloof from politics and never function as an instrument for the advance of partisan interest. Misuse of the classroom by, for example, allowing it to be used for **political** indoctrination... constitutes misuse of the University as an institution.”
  - **Directive issued by Charles J. Hitch, President of the University of California, September 18, 1970, "Restrictions on the Use of University Resources and Facilities for Political Activities":** “The name, insignia, seal, or address of the University or any of its offices or units... equipment, supplies, and services... shall not be used for or in connection with **political** purposes or activities.”
  - **Academic Personnel Policy (APM) 015 - Faculty Code of Conduct:** Types of unacceptable conduct: “Unauthorized use of University resources or facilities on a significant scale for personal, commercial, **political**, or religious purposes.”
- 2) The conference's egregious political bias and its lack of a diversity of legitimate scholarly perspectives on such a complex and controversial topic would constitute a serious breach of academic integrity and a corruption of the ideals of scholarship embodied in the University's mission and articulated in the UC Academic Personnel Policy:
  - **Preamble to APM-015:** “The University seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom.”
  - **APM-010:** “The University also seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless

students and faculty are free within the classroom to express the widest range of viewpoints in accord with the standards of scholarly inquiry and professional ethics.”

- 3) The rhetoric of the speakers would go beyond the bounds of scholarly criticism of the policies and practices of the State of Israel, and would cross the line into anti-Semitism, according to the standards of the U.S. State Department and the U.S. Commission on Civil Rights.
- 4) In light of our campus’ history of departmentally-sponsored anti-Israel events, the upcoming conference would exacerbate the intellectually and emotionally hostile climate for Jewish students, and would potentially violate Title VI of the 1964 Civil Rights Act.

We sent copies of our letter to the Executive Vice Chancellor, the Dean of Social Sciences, the Dean of Humanities, the heads of the eight academic units sponsoring the conference, and the conference organizer. None of the recipients of the letter responded to it.

After the conference, which Professor Benjamin and I attended, we sent another letter to Chancellor Blumenthal including a three-page summary of the conference. We told the Chancellor that “our fears as to its nature were confirmed in every detail. ... This event, which was politically motivated and directed, had an egregiously anti-Israel bias and lacked even a modicum of academic integrity and scholarship. In addition, the event left a number of students, faculty and community members in shock.” We described how the conference violated the educational and legal directives of both the University of California and the State of California.

The Chancellor never responded to our second letter either. But at the end of April we received a letter from the UCSC Counsel, Carole Rossi, in which she contended that the conference did not violate any University policy because it was not “political” according to her interpretation of that term, nor could University departments be said to act in the name of the University. She concluded that the conference was a perfectly legitimate exercise of the faculty’s academic freedom, and should not be censured in any way.

Another example of the problem occurred in October 2006, when two UCSC research centers – Cultural Studies and the Center for Global, International and Regional Studies (CGIRS) – and the Politics department announced that they were co-sponsoring an event called “Breaking the Silence.” CGIRS sent the announcement by e-mail to members of the university and local communities, describing the event as follows:

With over 300 testimonies, personal photos and audio pieces, ex-Israeli soldiers expose their crimes against Palestinians in the Occupied Territories. Their stories challenge Israel’s claim that such abuses are an exception and shatters Israel’s myth that the occupation is self-defense. Breaking the Silence offers us a unique vision of the accountability necessary for justice and transformation. Join

Breaking the Silence founder Yehuda Shaul as he shares his testimony and that of other Israeli soldiers through a slide and video presentation.

Once again, academic units at UCSC were sponsoring an event that was purporting to be educational, but was actually promoting unfair and one-sided political propaganda against the State of Israel.

Professor Ilan Benjamin sent a letter of complaint to the co-directors of Cultural Studies and CGIRS and to the chair of the Politics department, with copies to the University Chancellor, Executive Vice Chancellor and the Deans of Social Sciences and Humanities. Professor Benjamin emphasized that “[a]lthough presented as an educational event, this event is not educational at all, but is rather unmitigated propaganda which presents a single anti-Israel perspective in the absence of any context or counterpoint.”

Professor Benjamin also pointed out that while CGIRS had previously refused to co-sponsor a Boston University professor’s presentation on radical Islam on the ground that the professor purportedly lacked the credentials to speak about this topic, CGIRS was sponsoring “Breaking the Silence,” even though the featured speaker had no academic credentials at all. In addition, Professor Benjamin noted that over the last few years there had been an increase in anti-Semitic incidents at UCSC; “the one-sided anti-Israel bias of the event...can only serve to worsen the already hostile environment that many Jewish students experience at UCSC.”

Professor Benjamin pointed to the recommendation of the U.S. Commission on Civil Rights – that “University leadership should ensure that students are protected from actions that could engender a hostile environment in violation of federal law...[and] that all academic departments maintain academic standards, respect intellectual diversity and ensure that the rights of all students are fully protected.” In light of this recommendation, Professor Benjamin asked the heads of the three academic units to answer the following question: “How will you ensure that there is a diversity of legitimate scholarly opinion regarding Israel and Zionism in your presentation of these subjects in the classroom and at events which your academic unit co-sponsors?”

Professor Benjamin received two responses to his letter, neither of which answered his question. In the first response, from the co-Directors of the Cultural Studies Center, there was no acknowledgement of the harmful impact that “Breaking the Silence” would have on Jewish students:

Your letter raises concerns about the possibility of this event contributing to anti-Semitism on our campus. We write to reassure you that sponsorship of anti-Semitic events is not part of the mission of the Center for Cultural Studies. We are baffled by your conclusion that an Israeli veteran, speaking of his own army experience, is anti-Israel. Criticism of Israeli government policy, including criticism made by Israeli citizens, is not anti-Semitism. We stand by our co-sponsorship commitment.

The second response was from Professor Ronnie Lipschutz, Director of CGIRS, who wrote: “This is an event about Israel’s foreign policy...it is certainly not ‘propaganda,’ since it is being presented as one group’s views, and not as ‘Truth’.” Professor Lipschutz did not answer Professor Benjamin’s question about how the CGIRS would ensure a diversity of legitimate scholarly opinion on Israel and Zionism. Indeed, Professor Lipschutz chastised Professor Benjamin for raising this concern in the first place, contending that even asking the question was “infringing on academic freedom.”

Professor Lipschutz also disavowed any responsibility as the director of a UCSC academic unit for ensuring that the Civil Rights Commission’s recommendation was met. He dismissively wrote: “If you are concerned that the event will create a ‘hostile environment,’ you have a responsibility to attend and prevent this.”

After attending “Breaking the Silence,” Professor Benjamin reiterated his concerns in an e-mail to the same faculty and administrators. He reported that the presentation was indeed one-sided and extremely anti-Israel as anticipated, and that the many students who attended the event were deprived of crucial information “necessary for a critical understanding of Israeli foreign policy.” The political motivation for the event was twice made explicit, first by the speaker himself, an ex-Israeli soldier, who said, “The Israelis must answer to the American government and the American taxpayer. This is why I am here, this is my goal,” and a second time by the event organizer, who, at the conclusion of the event, encouraged the audience to think what they could do to “continue the resistance to ‘The Occupation’ and bring the Israeli army to the international court of justice.”

At the end of his e-mail, Professor Benjamin reiterated his original question and posed a new one to the heads of the academic units that had sponsored the event:

In light of this blatantly un-balanced presentation, in which events, pictures and opinions were carefully selected to present only one point of view, I believe my original question is an extremely valid one: In the name of academic integrity, how does your unit plan to bring balance to the discussion about this complex conflict? Will you bring scholars who will discuss Israel’s legitimate security needs, or who will, for example, testify to the number of lives saved by Israel’s security checkpoints? If not, why not?

But this event raises another important question: The comments by the speaker and the person who brought him clearly show that the main goal of this event was political advocacy. In what way does this kind of political advocacy constitute a legitimate scholarly endeavor of your department? How do you reconcile your sponsorship of this event with university policy (see, for example, APM 015), which proscribes the use of university resources for political purposes?

Not one member of the faculty or administration to whom he raised his concerns ever responded.

Another example of the anti-Israelism of UCSC's academic units that has crossed the line into anti-Semitism occurred in May 2003. Five academic units in the division of Social Sciences, together with four Colleges, co-sponsored a presentation by Richard Falk entitled "Palestine and Iraq: A New Century of Imperialism in the Middle East."

These academic units advertised the presentation with a flyer that was blatantly anti-Semitic: The flyer depicted a cartoon of two Middle Eastern populations, presumably Palestinians and Iraqis looking fearfully into the sky as three fighter jets, with Jewish stars on their wings, dropped bombs and leaflets bearing the words, "We apologize in advance for the killing of children and innocent bystanders."

The characterization of Israeli Jews as brutal murderers of innocent children was false and deliberately intended to incite hatred of Jews and Israel. I e-mailed the heads of each of the co-sponsoring academic units, the College provosts, and the Dean of Social Sciences, and said, "As an Israeli-American and a Jew, I find this cartoon extraordinarily offensive. It is unabashedly anti-Israel, and, I believe, it is covertly anti-Semitic as well. For it to be part of a flyer advertising an event taking place on our campus, and sponsored by so many academic organizations, including your own, is indeed distressing to me, as well as to other Jewish faculty, students and community members with whom I have spoken."

I received only one response to my e-mail, and the response was not even directed to me. The Dean of Social Sciences e-mailed the nine other recipients of my e-mail, with a single sentence seeking clarification from them about the flyer and presentation that I had complained about. Not one UCSC faculty member or administrator even responded to or acknowledged my concerns.

### 3. Israel is Demonized at College-sponsored Events, Harming Jewish Students

"Alternative Histories Within and Beyond Zionism" (which took place at UCSC in March 2007), "Pulse on Palestine" (which took place at UCSC in January 2009), and "Understanding Gaza" (which was scheduled to occur in March 2009), were not the only College-sponsored events that demonized Israel and caused Jewish students to feel under siege. Since at least 2001, one or more of UCSC's ten residential Colleges have sponsored numerous events that hatefully attack Israel with falsehoods.

For example, three academic departments, together with four Colleges, co-sponsored an extremely biased anti-Israel panel in May 2002. In addition, with almost no exceptions, the many events regarding the Israeli-Palestinian conflict that the ten UCSC Colleges have collectively sponsored, have been unambiguously pro-Palestinian and anti-Israel. Given the centrality of the Colleges to the experience of every UCSC undergraduate, the Colleges' sponsorship of numerous events demonizing Israel has had the effect of creating an emotionally and intellectually threatening environment for many Jewish students.

### 4. The Co-sponsorship of Anti-Israel Events by Student and Community Groups

### Exacerbates the Harmful Effect on Jewish Students

Another factor contributing to the hostile campus environment for Jewish students engendered by departmental- and College-sponsored anti-Israel events is the fact that some of the events have been co-sponsored by a student organization called Committee for Justice in Palestine (CJP) and a community organization called the Resource Center for Non-Violence (RCNV).

The CJP was founded as a UCSC student organization in 2003, “in order to educate students and the local community about the Palestinian struggle for independence in light of the on-going Israeli occupation.” This group has organized and co-sponsored many events on and off campus that have demonized Israel and even called for the destruction of the Jewish State.

In May 2006 and May 2008, the CJP brought the radical black Muslim cleric Abdul Malik-Ali to campus, who is well-known for his virulently anti-Israel and anti-Jewish rhetoric. On both occasions, hundreds of Jewish students signed letters to the UCSC Chancellor indicating their outrage that such a speaker would be brought to the campus after two previous inflammatory visits, which many Jewish students reported to be emotionally and physically threatening.

The RCNV, too, has sponsored several dozen events about the Israeli-Palestinian conflict, both on the UCSC campus and in the community, and all of these have been overtly anti-Israel. In addition, the RCNV actively fundraises for several organizations that promote boycott, divestment and sanctions against Israel, and some that even aid and abet terrorist organizations in Gaza and the West Bank, such as the International Solidarity Movement and Free Gaza. Scott Kennedy, the founder and director of the RCNV, makes no secret of his pro-Palestinian sympathies: He flies a Palestinian flag outside of his Santa Cruz home and has often voiced support for the terrorist organization Hamas, whose leader, Ismail Haniyeh, he met with in Gaza in November 2006, on one of the many trips he has made to that region in support of the Palestinians.

For many Jewish students, it is hurtful when UCSC departments and Colleges join forces with these two groups that hate Israel, by co-sponsoring campus events with them. The university’s willingness to partner with these groups adds legitimacy to the groups and their anti-Semitic activities and messages, and greatly increases the degree of emotional distress that Jewish students feel about the quality of their campus life.

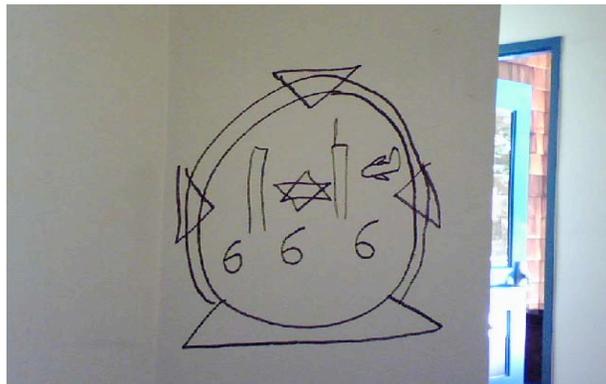
#### 5. The Institutional Double Standard at UCSC Contributes to the Hostile Environment for Jewish Students

From 2001 to 2008, numerous classes and university-sponsored events at UCSC have demonized Israel and called for the destruction of the Jewish State. This is unacceptable in and of itself, but the problem is made worse by the fact that, according to my research, there has not been a single class or departmentally- or administratively-sponsored event in which the homeland of any other racial or national origin group on campus was

demonized, or its very right to exist questioned.

Jewish students are well aware of UCSC's Principles of Community stating that the university "is committed to promoting and protecting an environment that values and supports every person in an atmosphere of civility, honesty, cooperation, professionalism and fairness" ([http://www.ucsc.edu/about/principles\\_community.asp](http://www.ucsc.edu/about/principles_community.asp)). They have rightly felt that there is an egregious double standard at play at UCSC: While every racial, ethnic and national origin group is valued and treated with respect by faculty and administrators in accordance with these principles, that is not the case for Jews.

The double standard that UCSC applies to the detriment of Jewish students recently played out in April 2008, when anti-Semitic graffiti defaced the hallway outside of a Community Studies classroom at Oakes College. A picture was drawn on the wall with black permanent marker, depicting a plane flying into what appeared to be the Twin Towers, with a large Jewish star between them. Underneath the towers was the number "666." A photo of the graffiti is below:



I e-mailed the photo to Chancellor Blumenthal, with copies to other UCSC administrators, together with a message expressing my belief that the anti-Semitic graffiti was a hate crime, and requesting that University officials inform the campus community that a morally reprehensible act had been committed and that such behavior was totally unacceptable according to campus codes of conduct and state law.

The next day, I received an email from one of the administrators to whom I had sent the photo. Oakes College Provost Pedro Castillo wrote that College staff had seen the graffiti and contacted the university police and physical plant. He thanked me for my concern and agreed that "this is totally unacceptable."

I responded to Provost Castillo, informing him that while I was pleased that he had contacted the police and agreed that the anti-Semitic graffiti was unacceptable, it was essential that he and other UCSC administrators "take a firm and clear stand on this morally repugnant behavior directed squarely at Jews, and publicize it to the entire campus community." A few hours later, Provost Castillo wrote: "As of this morning the graffiti had been painted over by painters from physical plant and the police are looking

into the matter.”

I again e-mailed the Provost, repeating my request for a public statement from him and other UCSC administrators decrying the anti-Semitic graffiti and labeling it a morally reprehensible act. Provost Castillo did not respond, nor did he or any other administrator issue a public statement condemning the anti-Semitic graffiti.

One week later, I wrote to Chancellor Blumenthal, reminding him of UCSC’s immediate and unequivocal condemnation of anti-African American graffiti that had defaced the campus the previous year. I called on the Chancellor to respond in kind to the anti-Semitic graffiti that had recently been discovered:

Last year, when anti-African American messages were found on a bathroom wall at the Baskin School of Engineering, you issued the strongly worded statement below, in which you said: "I want to communicate in the strongest terms possible that this type of hateful vandalism deeply disturbs many in our community and we will not tolerate such behavior...As a campus, we must reject and denounce these offensive activities." This was an extremely important and effective message to transmit to the campus community. I believe a similar statement, which condemns the anti-Semitic graffiti discovered at Oakes College last week and reaffirms that our campus community will not tolerate such behavior, would be equally important and effective.

My husband and I have previously communicated to you our concerns about the egregious anti-Israel bias and political advocacy of some UCSC faculty in classrooms and at departmentally sponsored events, and our fears that these could lead to anti-Semitic discourse and behavior. I'm sure that as a founding member of Oakes College and a champion of diversity and multi-culturalism, you understand how destructive anti-Semitism is to our University and its core values of community. Please do not remain silent about this morally reprehensible and deeply offensive behavior.

The Chancellor never responded to my email, and he remained silent about the anti-Semitic graffiti defacing Oakes College. Several Jewish students expressed to me their distress at the Chancellor’s double standard, given that he had publicly decried the anti-African American graffiti, but refused to do the same for the anti-Semitic graffiti. These students reported feeling discriminated against as Jews.

**Numerous Efforts to Compel UCSC to Address the Campus Anti-Semitism  
Have Been Made, Without Success**

From 2001 to the present, I and others have made considerable effort to apprise the UCSC faculty and administration of the pervasive problem of rhetoric demonizing Israel in the classroom and at numerous events sponsored by UCSC departments, research groups and Colleges, which has created a hostile environment for many Jewish students on this campus. Members of a small faculty group, including myself and my husband

Professor Ilan Benjamin, have communicated with many members of the UCSC administration, including three Chancellors, the Executive Vice Chancellor, several deans and provosts, and the heads of more than 10 departments and research groups.

Professor Benjamin and I have also communicated with dozens of faculty members, including two heads of the UCSC Academic Senate, members of two successive Senate Executive Committees and several members of a variety of Academic Senate committees. In each case, administrators and faculty were requested to address the problem with the means available to them: Administrators were asked to acknowledge the problem and publicly condemn it, as well as to determine if faculty behavior was in violation of any UC rules prohibiting the use of the classroom and the University's name or resources to promote a partisan or political agenda. Faculty were asked to determine whether the injection of faculty members' personal and political agendas into the classroom and at departmentally-sponsored events met with academic norms and standards, as well as to consider the impact of such faculty behavior on the campus climate. They were also encouraged to address any deficiencies through academically-sanctioned channels.

A significant number of students have also communicated with the UCSC administration, complaining about the anti-Israel rhetoric in classes and at departmental- or College-sponsored events that are supposed to educate but instead seek to indoctrinate students to hate Israel. For these students, the anti-Israelism has created a hostile environment that has interfered with their ability to obtain their education in an environment that is conducive to learning.

1. Efforts to Ensure that Other Legitimate Scholarly Perspectives are Presented have been Squelched

In the fall of 2003, two faculty members, some students, the executive director of the Santa Cruz Hillel and the rabbi of the Chabad Student Center, met with then-Chancellor M.C. Greenwood in order to get the Chancellor to rectify the problem of the rising incidence of anti-Semitism on campus, which the group believed was directly linked to the anti-Israeli bias of the university-sponsored talks on the Middle East. The Chancellor acknowledged the problem but said that nothing could be done about the anti-Israel bias of the university-sponsored talks. She suggested that interested faculty and student groups initiate their own efforts at promoting a greater diversity of views about Israel.

In response to the Chancellor's suggestion, a few faculty members, including myself and Professor Benjamin, formed a group affiliated with an organization called Scholars for Peace in the Middle East (SPME). We instituted a privately-funded speaker series in January 2004, with the goal of bringing scholars to the campus who would present legitimate scholarly alternatives to what students were being exposed to, and, in particular, who would educate the campus community about the threats facing Israel and world Jewry from the alarming rise in global anti-Semitism.

Initially, we had hoped that we could solicit the co-sponsorship of the academic departments and Colleges that had consistently co-sponsored anti-Israel events on

campus. We contacted the heads of ten academic units and Colleges, explained our desire to bring balance to campus discussions about Israel and the Middle East, and invited them, in the name of academic integrity and the pursuit of a diversity of ideas, to join in sponsoring these speakers.

Not one academic unit or College agreed to do so. One College even went so far as to co-sponsor a competing anti-Israel event during our first lecture. We had asked this College to co-sponsor a talk on Israel and the Middle East by Dennis Prager, one of the most respected radio talk show hosts in this country, a best-selling author, and a highly regarded journalist and syndicated columnist who has lectured around the world. Wendy Baxter, the College Nine staff member in charge of programming, declined to co-sponsor Mr. Prager's talk, saying that it would not be in keeping with the College's goals of "fostering an environment of respectful dialogue on this multi-faceted issue." On the same evening and at the same time as the Prager lecture, College Nine sponsored a screening of the virulently anti-Israel film *Gaza Strip*.

In October 2004, the Women's Studies department was co-sponsoring a talk by Hedy Epstein entitled "The Question of Israel/Palestine." The Santa Cruz Hillel director and I met with the head of the department, Professor Bettina Aptheker, to share our concerns about the talk, and to suggest that it was inappropriate for a university department to sponsor it. Hedy Epstein identifies herself as a Jewish survivor of the Holocaust. She is a well-known anti-Israel speaker for the International Solidarity Movement, an organization linked to terrorist groups such as Hamas and Islamic Jihad which openly seek Israel's destruction. Ms. Epstein had demonized the Jewish State and compared the Jews of Israel to Nazis in many previous talks on other university campuses, and we were concerned about the inciting effects her hateful speech would have on the UCSC campus.

Professor Aptheker refused to withdraw her department's sponsorship of the event, which turned out to be as virulently anti-Israel as we had anticipated. Ms. Epstein compared Israel to a Nazi state and excused suicide bombings.

A few days later, when I asked Professor Aptheker if Women's Studies would join our faculty group in sponsoring an upcoming presentation by an Arab journalist who would be giving her personal perspective on the Arab-Israeli conflict, Professor Aptheker refused. In an email justifying her refusal, she wrote: "None of us in the department feel that [co-sponsoring the Hedy Epstein event] 'obligates' us to sponsor other programs on Israel, Palestine or the situation in the Middle East."

The Women's Studies department's refusal to co-sponsor an event that would not demonize Israel is particularly troubling in light of the fact that from 2000 until 2004, the department had sponsored several events very critical of Israel's treatment of the Palestinians. But during the same time period, the department did not sponsor any events that condemned Arab violence against Israeli citizens or focused on human rights abuses in the Arab world, particularly of women.

In March 2005, one professor was so committed to stifling the presentation of any view of the Middle East conflict that was critical of the Palestinians, that she tore down flyers on the campus that advertised a talk about Palestinian children being trained as suicide bombers. The professor's actions were witnessed by a UCSC student. She admitted to the student that she was removing the flyers because they were offensive to her. But as the professor well knew or should have known, ripping down the flyers was an act of vandalism that violated university rules.

The student who witnessed the professor's deliberate misconduct was offended by it, writing, "I believe that such behavior should not be tolerated from any member of the academic community, but especially not from a well-known professor who is an educator and role model for hundreds, even thousands, of students at this university."

Letters to the UC Board of Regents, the Chancellor of UCSC, the Chair of the Department of Community Studies, and the Vice-Provost for Research overseeing the Center for Justice, Tolerance, and the Community, seeking a public apology from the professor to the organizations sponsoring the event as well as to the students of UCSC, went unanswered. In addition, a member of our faculty group and three students filed formal grievances against the professor with the University in March 2005.

In August 2005, the faculty group member was notified by UCSC Executive Vice Chancellor (EVC) David Kliger that the charges against the professor had been dismissed, "as probable cause was not found to establish that the respondent's conduct was inconsistent with the Faculty Code of Conduct." The students received no response to their formal complaint.

According to the EVC, the students' complaint had apparently not been properly submitted and therefore never reached the Charges Committee. The students believe that the Director of Judicial Affairs, Douglas Zuidema, who had acknowledged receipt of their complaint in writing, had willfully neglected to forward it to the appropriate administrative office for it to be considered by the Charges Committee. The students were extremely distressed by the lack of follow-through by the administration in response to deliberate misconduct by a university professor.

## 2. Those who have Tried to Rectify the Problems have Themselves Been Vilified

Complaints about the anti-Israel hostility at UCSC have not only been ignored or insufficiently addressed. At times, our complaints were repudiated and we came under attack from our colleagues for having raised them.

For example, in March 2001, Professor Ilan Benjamin sent a letter to the Dean of Social Sciences, Martin Chemers, complaining about a panel discussion on the Israeli-Palestinian conflict presented by College Nine and sponsored by CGIRS, which he had recently attended. According to Professor Benjamin, the event "turned out to be nothing more than a forum for virulent anti-Israel, antisemitic and anti-American propaganda, and

it was outrageously offensive to me as an Israeli-American, a Jew and a professor on this campus.”

Professor Benjamin noted that he had tried to get the director of CGIRS to rectify the problem:

I have been on several discussion panels before, and in each case the academic integrity of the panel was preserved by ensuring that differing opinions could be expressed, especially when the subject matter being discussed was controversial. This was not at all the case at the CGIRS event. Not only did all of the panelists express extremely anti-Israel views, most of the so-called facts presented were half-truths or outright lies. When I pointed this out to the director of CGIRS, Prof. Paul Lubeck, who was also one of the panelists, he stated that he was not responsible for the composition of the panel and that he was only an invited participant. It seems odd that the director of the research center which sponsored this event would not feel responsible for ensuring its academic integrity and would let an event of such low academic quality take place.

When Dean Chemers responded to Professor Benjamin, he said that he had spoken with Professor Lubeck, as well as with Professor of Psychology Cambell Leaper, Provost of College Nine. According to Dean Chemers, Professor Lubeck “did his best to try to encourage the planning committee to have a fair representation [of views],” and expressed his belief that the group at College Nine bore responsibility for the make-up of the panel.

In February 2003, almost two years after his correspondence with Dean Chemers, Professor Benjamin received a letter from Professor Barbara Epstein, Chair of the Academic Senate Committee on Academic Freedom (CAF). Professor Epstein informed him that Professor Lubeck had filed a complaint against him for having written to the Dean regarding the anti-Israel panel. Professor Epstein called on Professor Benjamin to send the CAF a letter “explaining why you felt it necessary to take your concerns to the university administration rather than addressing them directly to Professor Lubeck.”

Professor Benjamin responded:

I did talk to Prof. Lubeck after the event. Unfortunately, I felt that his answer was not satisfactory...Please keep in mind that academic freedom also extends to people like me, who have concerns about the quality of academic programs at UCSC. Thus, I believe I have the right to express my concerns – first to the director of the institution sponsoring the program, and if unsatisfied, to the immediate supervisor of that director.

In her response, Professor Epstein wrote that while Professor Benjamin was within his rights to send a letter to the Dean, and that “we do not intend to take any action on this issue...we are concerned that handling complaints in this way may undermine discussion

by discouraging those who hold controversial positions from expressing their views in public.”

Significantly, the CAF has no authority to handle complaints against faculty members, or to reprimand or sanction them. The CAF is simply authorized to study and report on conditions that might affect academic freedom at UCSC. Yet the CAF was willing to overstep the limits of its own authority by threatening and trying to intimidate a faculty member, simply because he had raised legitimate questions about academic freedom and the quality of academic programs at UCSC.

These bullying tactics were used again when Professor Benjamin and I tried to get the UCSC Academic Senate to address our concerns in May 2007. We met with the chair of the UCSC Academic Senate, Professor Faye Crosby, and the chair of the Academic Senate Committee on Educational Policy, Professor Jaye Padgett, to discuss the political bias of the academic programs in the Humanities and Social Sciences, which we believed was corrupting the academic mission of the University. We documented the problem in a 15-page letter.

The problem we identified was referred to the UCSC Senate Executive Committee (SEC) for further action. The SEC decided that the issues we had raised should be investigated, and the case was referred to the incoming Academic Senate Chair, Professor Quentin Williams. In September 2007, Professor Williams sent our inquiry “representing UCSC Scholars for Peace in the Middle East on the matter of perceived political bias and advocacy in the classroom” to CAF Chair Bettina Aptheker for her committee’s review.

When we finally received the CAF’s report in May 2008, it did not address the issue we had raised about political bias and advocacy in the classroom. Rather, much of the report was devoted to vilifying the organization Scholars for Peace in the Middle East (SPME), as well as vilifying Professor Benjamin and me. While the report ultimately recognized the right of SPME to express its opinions and views, the report also insinuated that our faculty group was a threat to academic freedom. In short, our effort to remedy the problem of an anti-Israel bias in UCSC classrooms and at departmentally-sponsored events, which we believed was corrupting the academic mission of the University, was met with hostility and an effort to discredit us in order to discourage us from speaking up about the problem in the future.

Unfortunately, UCSC’s Chancellor has also failed to take any steps to address the problem. In August 2008, I sent Chancellor Blumenthal a copy of a paper that I had presented at a workshop on contemporary anti-Semitism. My paper, entitled "The Academic Legitimization of Anti-Israelism, Anti-Zionism and Anti-Semitism: A Case Study," focused on UCSC.

When I sent my paper, I requested that the Chancellor meet with me and Professor Benjamin; the meeting with the Chancellor took place on October 3, 2008. The Chancellor acknowledged that the issues I had raised in the paper were important. Professor Benjamin and I suggested that the problem could largely be addressed by

clarifying for faculty the UC rules and policies which prohibited the use of the University's name and/or resources for the promotion of political or partisan agendas, and by encouraging faculty within the framework of the Academic Senate to articulate their own guidelines for determining when faculty behavior constituted political indoctrination and was therefore not protected by academic freedom.

The Chancellor admitted that our suggestions could help address the problem. But he himself would not take any steps to effect this solution. Rather, he suggested that we refer the matter to the Academic Senate, which we had already done and which had already proven completely ineffective and in fact, counterproductive.

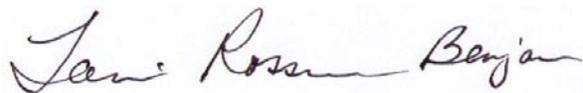
### **Conclusion**

The anti-Israel discourse and behavior in classrooms and at departmentally and College-sponsored events at UCSC is tantamount to institutional discrimination against Jewish students, which has resulted in their intellectual and emotional harassment and intimidation, and has adversely affected their educational experience at the University. Since 2001, I and other faculty members, as well as several Jewish students, have encouraged faculty and administrators to acknowledge and address this problem. Overall these efforts have failed. The institutional discrimination against Jewish students has shown no signs of abating, and has in some ways worsened with time. It is therefore up to the Office for Civil Rights to ensure that UCSC, as a recipient of federal funding, lives up to its obligations under the law.

The United States Commission on Civil Rights recommended that “[t]he Office for Civil Rights should protect Jewish students from anti-Semitism by vigorously enforcing Title VI against colleges and universities. University leadership must ensure that students are not subjected to a hostile environment engendered by anti-Semitism.” I believe that UCSC has violated Title VI, and I urge you to ensure that UCSC takes all of the necessary steps to comply with the law, so that Jewish students no longer suffer harassment or intimidation on our campus.

Thank you for considering this complaint. Should you have questions or need additional information, I would be happy to provide it.

Sincerely,

A handwritten signature in cursive script that reads "Tammi Rossman Benjamin". The signature is written in black ink on a white background.

Tammi Rossman-Benjamin