

Davis Faculty for Israel letter to UC Davis campus counsel – July 2021

Dear Mr. Sweeney:

This letter from members of Davis Faculty for Israel (DFI) is replying to your July 12, 2021 written response to our original communication with Chancellor May. We wrote regarding our concerns about the troubling anti-Israel statements publicly issued by several UC Davis departments and programs using their official University of California platforms.

We appreciate the work that went into the preparation of your letter, including the extensive consultations with other UC and campus authorities. We thank you for reporting the discussions held with the offending academic units, and are pleased to see that you took some initial steps to correct the misrepresentation of personal political opinions as the position of the University.

Nevertheless, we are troubled by what we regard as significant limitations in how the campus administration has dealt with the problem. Your letter does not convey the degree of seriousness which the problem demands. The steps taken by the campus to resolve the issue are inadequate and the illegitimate practices at issue are free to continue.

Before elaborating on these points, we would like to explain again our basic position. We view the May 16 public statement by certain academic departments and programs as blatant political advocacy, and a misuse of state funded University of California resources. By no means can such public statements be considered the expression of First Amendment rights. That would be the case if faculty, individually, or in groups, express their personal opinions through their own outlets or through external outlets, independent of University-provided vehicles. Numerous methods of expression are available for such personal expression, including newspaper opinion pieces, speeches at public rallies, blogging, etc. It is quite a different matter to employ an official University platform, such as a departmental website, to convey positions of this type. Disclaimers notwithstanding, statements on departmental websites are putting forward the position of the university. Faculty posting such statements are not exercising speech on their own behalf, but rather speaking in the name of a public institution, a university that belongs not to them but to the State of California and to its people. They are abusing their academic status and violating state law.

Moving to the details of your letter, here are our specific criticisms:

1. Offending departments cannot resolve objections to the posting of personal views on an official departmental website by simply adding a “disclaimer”. Requiring a disclaimer will not prevent the posting of political statements. In fact it encourages continued action of this type by providing a protective cover. Departmental websites are University-provided resources that represent the University to the public. These websites present information on courses, programs, major requirements, faculty research and publications, scholarship opportunities, visiting speakers, employment, etc.—all important to the functioning of these academic units. It is incompatible with these legitimate purposes to use the

same platforms to publicize personal views. We repeat our request that these statements be removed from departmental websites.

2. It is puzzling that the UC Office of the President and General Counsel, as reported in your letter, narrowly define impermissible use of UC resources as covering only partisan and electoral endorsements. Whether or not there is a regulation against that, we want to bring your attention again to Section 92000 of the California Education Code which forbids the use of the UC name and identity to issue public political endorsements. Section 92000 explicitly prohibits using the University of California name for “the support, endorsement, advancement, opposition, or defeat” of any “political, religious, sociological, or economic movement, activity or program”. That is much broader than a restriction on partisan/electoral endorsement. It is not just a suggestion. According to the code, it is a misdemeanor to engage in such activity.
3. Not considered in your letter is the chilling effect on the faculty and students who disagree with the public statements. It would be reasonable for them to believe that there would be personal or professional consequences for being outside the political orthodoxy set by such statements. Students would reasonably expect to be unwelcome and to be judged unfairly if they hold views contrary to what appears on official department websites. There is a long tradition in academia of separating the mission of the university from the imposition of political views. This principle underlies academic freedom, and it is being violated here.
4. We note that some departments are also engaged in signing statements calling for the elimination of the state of Israel and worse. See for example the extremist statement at genderstudiespalestinesolidarity.weebly.com/ that is signed by “The Department of Gender, Sexuality, and Women’s Studies, University of California, Davis.” There is an implication of official university endorsement for these bigoted and ignorant positions, again violating Section 92000. We do not object to individual faculty signing such petitions. Indeed, we champion the free speech rights that allow this. What is not acceptable is to imply that the University of California as an institution holds these positions. It has long been the practice of academics making public statements on controversial issues and listing their academic affiliation to state that their views do not represent those of the university. Such acknowledgements are both useful and necessary. Individual faculty should not give the impression that they speak for an academic unit or for the university as a whole.
5. Beyond the legal and administrative dimensions of the problem, there is the broad and troubling underlying question of why departments get involved in contentious issues that are not encompassed by their academic

fields. What compels the African American and African Studies, Asian American Studies, American Studies, French and Italian, and Gender, Sexuality and Women's Studies Departments to make public and slanderous attacks on Israel? How is this germane to their educational missions? It has not escaped our notice that Israel is the only foreign nation to receive such negative treatment at UC Davis.

6. We regard the actual content of the anti-Israel statements as quite separate from the principle of who speaks for the university. This said, we do indeed believe that the statements are hateful and false, and that they create a hostile environment for Jewish and pro-Israeli students and employees. There is evidence that these actions have already led to harassment and intimidation of UC Davis Jewish students. Accordingly we will pursue your suggestion that a complaint to the [Harassment & Discrimination Assistance and Prevention Program](#) is warranted, and will proceed to make one.

Finally, we wish to note what appears to be the most positive portion of your letter—that Chancellor May and Provost Croughan “are consulting with campus stakeholders about whether there needs to be more regulation in this area and, if so, what that policy should look like.” Davis Faculty for Israel and its 59 members hope that this will be a credible and comprehensive effort. We ask that our concerns, as conveyed in this letter, be communicated to the parties leading the discussions and that we, as significant stakeholders, be included in this process.

Signed,

Steering Committee of Davis Faculty for Israel

Joel Hass,
Professor of Mathematics,
Chair, DFI

Raul Aranovich
Professor of Linguistics

Ralph Green
Professor, School of Medicine

Deanne Meyer
Extension Specialist, Animal Science

Matthew Shugart
Professor emeritus, Political Science

David Siegel

Professor emeritus, School of Medicine

Al Sokolow
Professor emeritus, Political Science

Tony J. Tanke
Instructor, OLLI Program, UC Davis Extension

Abigail Thompson
Professor, Mathematics

Stephen White
Professor, School of Veterinary Medicine