



**STATEMENT OF HILLEL INTERNATIONAL AND THE ACADEMIC ENGAGEMENT NETWORK**  
**REGARDING**  
**POLITICAL DECLARATIONS BY ACADEMIC DEPARTMENTS**

We write on behalf of Hillel International, the largest organization representing Jewish students and Jewish campus life in the world, and the Academic Engagement Network, a national network of active faculty members on more than 250 campuses across the country, including members on nearly all eleven University of California campuses.

Over the past several months we have seen numerous public university academic departments use their digital platforms to make political statements about the Middle East conflict. We express deep concern about these overtly partisan statements appearing on university departmental websites that advocate for only one side in the Middle East conflict and denigrate, marginalize, and erase the viewpoints of those who disagree, including Jewish students, faculty, and staff in those departments and more generally those who are enrolled, teach and work at these universities. These apparently official departmental declarations have had a seriously adverse impact on the campus climate experienced by Jewish students, faculty, and staff at California's public higher education institutions.<sup>1</sup>

These departmental pronouncements have been made just as incidents of antisemitism, anti-Zionism and associated hatred have dramatically spiked on US campuses and around the world. Antisemitic incidents in the United States

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<sup>1</sup> Some examples include:

UC Davis, Asian American Studies, "UPDATED UCD Faculty Statement of Solidarity with Palestinians," May 27, 2021.

<https://asa.ucdavis.edu/public-statements> (Signatories include other departments, such as American Studies, Gender, Sexuality, and Women's Studies, and African American and African Studies.)

University of California Press, UC Press Blog, "Solidarity and Support for Palestinians in their Fight for Liberation," May 21, 2021.

<https://www.ucpress.edu/blog/56253/solidarity-and-support-for-palestinians-in-their-fight-for-liberation/>

UCLA, Asian American Studies, "Asian American Studies Department's Statement of Solidarity with Palestine," May 21, 2021.

<https://asianam.ucla.edu/2021/05/21/asian-american-studies-departments-statement-of-solidarity-with-palestine/>

UC Santa Cruz, Critical Race and Ethnic Studies, "CRES Statement of Solidarity with the Palestinian People on Nakba Day," May 15, 2021.

<https://cres.ucsc.edu/news-events/news/palestinian-solidarity-statement.html>

University of Illinois, Urbana-Champaign, Department of Asian American Studies, "Statement on Palestine," May 18, 2021.

<https://asianam.illinois.edu/news/2021-05-18/statement-palestine>

Agitate Journal, "Statement In Solidarity With The People Of Palestine." (Signatories include the Department of Gender, Women & Sexuality Studies at the University of Minnesota-Twin Cities)

<https://agitatejournal.org/statement-in-solidarity-with-the-people-of-palestine/>

"Gender Studies Departments In Solidarity With Palestinian Feminist Collective." (Signatories include academic departments at more than 100 public and private institutions.)

<http://genderstudiespalestinesolidarity.weebly.com/>

have increased over 75 percent since early May according to the Anti-Defamation League, including hate-filled threats and physical beatings of Jews from Times Square to Los Angeles.

It is in this fraught moment that our organizations have heard from numerous concerned students, parents, faculty, and staff who seek reassurance that they will be safe on California public campuses, and that those institutions will take specific affirmative steps to assure that they will not use their university's vast public resources and reputational stature to disparage their ethnic and religious identification with Zionism and Israel.

Both our organizations fully support constitutionally protected expression, academic freedom and robust discussion of matters relating to Israel and the Palestinian people. Individual faculty and groups of faculty are free to engage in such robust discussion. Indeed, we exercise our own freedom of expression as private individuals and organizations by opposing antisemitism and anti-Zionism particularly when the campus climate for students, faculty and staff is adversely affected. But a false narrative has taken hold in some corners of the academy: some public university academic departments believe they are exercising their own legally protected freedom of expression and are not subject to constraint by university administrators, university policies, or state law. This narrative completely overlooks Supreme Court precedents on government speech and denies the authority and responsibility of public universities and state governments to control their own official messages. Government institutions have the inherent authority to communicate; that authority is not derived from the First Amendment but rather is derived from their lawful missions. The question is who speaks for a public institution, not whether the institution may speak at all.

There is no cognizable "right" of public employees to use public resources to speak for the department or office in which they work. The legislature and university have and should enforce rules for deciding if and when a university unit may speak on contested political matters and when approval from a higher authority is required. Despite this legal framework, numerous academic departments have misused their public resources to officially condemn Israel, and Israel alone, for recent hostilities between Hamas in Gaza and the State of Israel and for the tragic violence and loss of life.

California law and campus policy do not permit University of California departments to advance a one-sided position on the Israeli-Palestinian conflict, and similarly bar any group of self-appointed faculty from commandeering the digital resources of a UC department for such purpose. Section 92000 of the California Education Code prohibits the use of the University of California name for "the support, endorsement, advancement, opposition, or defeat" of any "political, religious, sociological, or economic movement, activity or program." UCLA Policy 110 adheres to Section 92000: "The campus policy prohibits UCLA staff, faculty, and individual student use of the University Assets or their affiliation with the University in any manner that suggests or implies University support, endorsement or advancement of, or opposition to, any issue, activity or program, whether political, religious, economic or otherwise."

California law and campus policy are bolstered by the Statement of Principles on Academic Freedom and Tenure of 1940, as amended, of the American Association of University Professors (AAUP Principles) which express the foundational understanding of academic freedom in American higher education:

**"As scholars and educational officers, [faculty] should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions**

**of others, and should make every effort to indicate that they are not speaking for the institution.”** (Emphasis added.)

The departmental statements referenced above violate each and every admonition of these core AAUP Principles.

Failure to address these violations of California laws and university policies may also constitute a violation of Title VI of the Civil Rights Act of 1964, which guarantees to Jewish students an equal opportunity to benefit from university programs without bias, harassment, discrimination, or intimidation. Leaders of other prominent state universities have recognized that this protection applies to Jewish students who specifically express their identity as Zionists.<sup>2</sup>

The repressive, chilling implications of the violation of these laws and principles for California students and faculty cannot be overstated. As Cary Nelson, former president of the AAUP and professor of English and liberal arts and sciences emeritus at the University of Illinois at Urbana-Champaign, has observed:

Once a department ... signs on to a set of political positions, the academic freedom of those who disagree is compromised. Students who hold other views face the bullying power of their professors. Dissenters -- whether faculty, staff or students -- who may remain in perfectly good standing as scholars and teachers become formally defined as outlaws, members neither of the department nor of a discipline collectively committed to anti-Zionism.... Will students or staff who express contrary positions be welcomed and treated with respect? It would be delusional wishful thinking to suppose the commitment to the statement has no implications for the decisions a department or department head has to make.<sup>3</sup>

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<sup>2</sup> See, e.g., Joint Statement on Anti-semitism by the Chancellor, University of Illinois Urbana-Champaign, et al. (Nov. 16, 2020), <https://blogs.illinois.edu/view/6231/1530347443>:

“For many Jewish students, Zionism is an integral part of their identity and their ethnic and ancestral heritage. These students have the right to openly express identification with Israel. The university will safeguard the abilities of these students, as well as all students, to participate in university-sponsored activities free from discrimination and harassment.”

<sup>3</sup> Cary Nelson, Inside Higher Ed, “Is Academic Freedom a Casualty of the Gaza War?”, June 3, 2021, <https://www.insidehighered.com/views/2021/06/03/statements-departments-about-gaza-war-have-implications-academic-freedom-opinion>. See also AEN Statement on Incendiary Communications Regarding the Israeli-Palestinian Conflict by Faculty and Academic Departments, June 2, 2021, <https://academicengagement.org/wp-content/uploads/2021/06/AEN-Statement-on-Anti-Israel-Communications-from-Academic-Departments-6.2.21.pdf>



We urge California’s public universities to take firm and decisive action to put an end to this unlawful and dangerous misuse of university resources. University departments and faculty members should be reminded that they may not use departmental websites, names or other official indicia, or their affiliation with the university, that in any manner suggests or implies university or departmental support, endorsement or advancement of an anti-Israel or anti-Zionist agenda. There is a long tradition in the academy of separating the mission of the university from the imposition of political viewpoints. The dismantling of that separation can only mar the reputation of California’s public universities which have served generations of Californians so well, for so long.