

UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



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October 12, 2011

Dear Professor Beckwith and Ms. Rossman-Benjamin:

Thank you for forwarding the September 19th letter signed by over 5000 individuals expressing serious concerns about the safety and well being of Jewish students at the University of California. I had hoped to respond personally to all those who signed the letter, but unfortunately no addresses were included with it. Since the attached response is meant for them, I respectfully ask that you provide it to all those who signed the letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark G. Yudof".

Mark G. Yudof
President
University of California

Attachment

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To Those Signing the Amcha Initiative Letter

Dear Friends:

Over the last several months, I have received correspondence from various concerned individuals who saw the letter you signed that has been sent to me. In response to the grave concerns expressed to me and in order to reach a greater audience, I asked that a letter be posted on Ravnet, a discussion group of the Conservative Rabbinical Assembly, regarding the University's efforts under my direction to make our campus communities safer and more inclusive of our diverse students, faculty, and staff. I also posted the letter on the University's website at

<http://www.universityofcalifornia.edu/news/article/26327>. In it, I said the following (I have added links to various sites where appropriate for your convenience):

"I have said this before, but let me be clear. UC will not leave unanswered acts of violence, hatred, or intimidation by any member of the community. Our ten Chancellors continue to do their utmost to ensure that our students, regardless of their faith, encounter an atmosphere at the University of California that is conducive to their intellectual and personal growth.

While the impetus of our increased diversity and inclusion initiatives over the last year may have followed highly publicized acts of racism occurring on the UC San Diego campus, our actions continue to focus broadly on all members of our community who may feel marginalized or unwelcomed. I am extremely sympathetic to the concerns of Jewish students, as I am for any students subjected to acts of intolerance. I have stated and restated that concern publicly. Sadly, the cancer of bigotry and anti-Semitism runs deep and long through human history. As Berkeley Law Dean Chris Edley, who is acting as a special advisor to me on these issues, told the University's Board of Regents, this is not rocket science--it's more difficult than rocket science.

Such difficulties, of course, do not lessen our obligation to do everything in our power to eradicate this cancer whenever and wherever it flares anew. With the Board of Regents, campus leadership and affected students, I have worked hard to ensure that all such incidents have been met with swift and appropriate action. We have condemned these despicable incidents, published statements outlining the unacceptable nature of such behavior, and students have been disciplined to the full extent possible. All incidents of

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hate speech have been promptly investigated. In such matters, I have sought guidance from the Anti-Defamation League, the American Jewish Committee, and other Jewish groups. We are doing everything in our power to protect Jewish and all other students from threats and actions, but there is no silver bullet when campus climate change is the overriding issue. I understand that some within the Jewish community may feel that we are not doing enough. And while I have deliberately tried to maintain a broad focus to our current efforts, I realize that other groups may also feel ignored.

I would like to outline, however, several deliberate steps the University has taken over the last year to make our campus communities safer and more inclusive of diverse students, faculty, and staff.

In specific response to some of the concerns related to two bills put forward for a vote before student organizations within UC over the last year that call on the University to divest from companies doing business with Israel, UC leadership has responded assertively. Together with Board of Regents Chairman Russell Gould and Vice Chair Sherry Lansing, I issued a statement in May 2010 indicating that UC will not bring a recommendation before the Board to divest from companies doing business with the State of Israel.

[\[http://www.ucop.edu/newsroom/newswire/img/15/15382853384e7a6d1bcce55.pdf\]](http://www.ucop.edu/newsroom/newswire/img/15/15382853384e7a6d1bcce55.pdf)

In September 2010, UC launched the Universitywide campus climate reporting system.
[\[https://ucsystems.ethicspointvp.com/custom/ucs_ccc/default.asp\]](https://ucsystems.ethicspointvp.com/custom/ucs_ccc/default.asp)

The system allows any member of the campus communities to report incidents of intolerance or bias that they witness or experience, anonymously if they choose. Reports are able to specify the type of bias or target community, including faith or religious affiliation. The system has allowed us to better track incidents throughout our campuses and has encouraged increased response measures by local campus bias response teams. This past March, a report on these reported incidents was delivered to the Regents Ad Hoc Committee on Campus Climate.

In addition, immediately following the unfortunate incidents of spring 2010, I formed an Advisory Council on Campus Climate, Culture and Inclusion to review current efforts and identify ongoing challenges to creating healthy and welcoming campus environments. I also asked each of the Chancellors to form and chair local climate councils with broad representation from student groups and community affiliates.
[\[http://www.universityofcalifornia.edu/news/article/23577\]](http://www.universityofcalifornia.edu/news/article/23577)

My advisory council comprises members from each of the campuses, as well as six members from outside the University who are closely affiliated with diverse communities. At the formation of the Council, Rabbi Uri Herscher of the Skirball Center was invited to participate. Unfortunately, due to personal reasons he was unable to continue on the Council...Rick Barton was appointed as his replacement. Mr. Barton is a

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distinguished lawyer in the San Diego area and serves as National Education Chair of the Anti-Defamation League.

The Council has now met four times. In October 2010, it met at the Museum of Tolerance in Los Angeles and attended a private tour hosted by Museum Director Liebe Geft. Most recently, this past June, the Council's agenda included an in-depth discussion item led by Mr. Barton on issues related to the Jewish community. During the course of the meeting, Mr. Barton and Council member Alice Huffman, President of the California NAACP, were asked and agreed to visit several UC campuses this fall to speak with Jewish students in an effort to better understand both their challenges and positive experiences on our campuses.

In response to the February 2010 incident at UC Irvine involving the disruption of a speech by Israeli Ambassador to the United States, Michael Oren, by members of the campus Muslim Student Union (MSU), the students involved in the disruption were arrested and the matter was referred to the Orange County District Attorney's Office and to the Student Judiciary Office. The latter initiated its Student Judiciary Review process to address the issues under their jurisdiction. On May 27, 2010, a letter of sanction was issued to the MSU, which included a one-year suspension followed by one year of probation. According to the Chancellor's Office, these sanctions "were based on a thorough evaluation of the facts and were proportionate to the severity of violations of UC Irvine's Student Code of Conduct." In addition, earlier this year, the Orange County District Attorney's Office filed misdemeanor charges of conspiring to disrupt a meeting and a speech against 11 UC students in connection with the disruption.

Following these incidents, UC began working with the campuses and various groups, including students, to amend our systemwide policies on student conduct. The new provisions strengthen prohibitions on threatening conduct and conduct motivated by bias, including religious bias. The systemwide code of conduct can be found at: <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>. The policy prohibits conduct that threatens the health and safety of anyone; destruction or damage to University property; disruption of University activities; failure to comply with the directions of a University official; and sexual, racial, and other forms of harassment, which is defined as follows:

"Harassment is defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities, that the person is effectively denied equal access to the University's resources and opportunities on the basis of his race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veteran status, physical or mental disability, or perceived membership in any of these classifications."

I believe UC's code of conduct goes as far as it can within the constraints of First Amendment case law. Regardless of legal limitations that may exist in sanctioning some student conduct, however, behaviors that may have an adverse impact on our Jewish students or any member of our community may likely be considered a violation of our University's Statement of Ethical Values and Principles of Community, which call for civility and respect in our personal interactions.

When I first became President of the University of California, I spoke at the annual Hadassah National Convention in Los Angeles on the issue of freedom of speech on our college campuses and my perspective as a university administrator, a constitutional law scholar, and as a Jewish individual. In my Hadassah speech and on other occasions I have said that on a personal level, I find much of what has been said by some individuals who have been invited to speak on some of our campuses distasteful and repugnant. However infuriating and abhorrent their speech may be, the First Amendment bars the University from using the content of speech as the basis for censoring or impeding such public events on campus. The alternative, which I believe is viable as a constitutional matter but also wholly unacceptable as a policy matter, would be to prohibit all outside speakers to be invited by student groups. Such an action would necessarily cause real damage to the University by impeding the intellectual vibrancy of UC and the marketplace of ideas in which all of our students participate.

[\[http://www.ucop.edu/newsroom/newswire/img/14/14852899954e7a3601dd578.pdf\]](http://www.ucop.edu/newsroom/newswire/img/14/14852899954e7a3601dd578.pdf)

While there are some student groups at the University that invite controversial outside speakers who say things that may be infuriating and even anti-Semitic, I have confidence that UC students' exposure to good speech will enable them to distinguish truth from sheer prejudice. I have and will continue to emphasize that university leaders have a moral obligation to speak out forcefully in favor of tolerance and against hate speech. I assure you that the Chancellors and I are committed to the principle that we must strike a balance by both protecting freedom of speech through content neutral campus policies and promoting strategies to foster civil, mutually respectful discourse on campus.

As UC continues to make strides in creating more welcoming campus climates and responding with steadfastness to ongoing challenges we face, I know we must engage in more thoughtful and conscientious discussion. We will continue to aim for a campus climate that is both inclusive of all students, and respectful of the unique characteristics of specific groups within our campus communities.

Most recently, I announced that UC would launch a systemwide campus climate study. This will be the first attempt to collect consistent and comprehensive campus climate data for all ten campuses. While we face tremendous financial challenges, now is a time when many of our most marginalized and vulnerable populations are most at risk. It is,

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therefore, even more important that we move forward with this project to better understand our campus environments and the experiences of all of our community members, including students from religiously diverse backgrounds.

[<http://www.ucop.edu/newsroom/newswire/img/16/16489629294e7b6333135a8.pdf>]

As I have said on many occasions, I have and will continue to be among the first to speak out against abusive behavior. I have and will continue to respond to hateful incidents with appropriate action. And I have and will continue to do everything in my power to protect Jewish and all other students from threats or actions of intolerance.”

Let me now take a moment to comment further.

Creating a climate of inclusion, respect and tolerance for all members of the University of California community – students, faculty and staff – is a top priority for the Chancellors of our ten campuses and me. Our foremost concern is for the safety of all members of the UC community. Acts of violence, hatred, or intimidation from any member of our community are unacceptable and will not be allowed. The University of California’s ten Chancellors are doing their utmost to ensure that our students, regardless of their faith, encounter an atmosphere at the University of California that is conducive to their intellectual and personal growth, and a statement we made last year to that effect can be found at

<http://www.ucop.edu/newsroom/newswire/img/13/13420840924e94889d59aab.pdf>.

You may find of some interest the attached list of programs to reduce religious intolerance and promote the welfare and inclusion of Jewish students that can be found throughout the University of California. As you can see, our campuses have many varied and useful programs and activities dedicated to the Jewish experience. Also attached is a list of various Jewish Studies programs on our campuses.

I cannot say often enough that religious harassment of any kind will not be tolerated at the University. UC has a straightforward means of reporting and resolving harassment complaints, and I encourage any member of the University of California community who feels that they have been harassed or intimidated or who has even observed someone else being harassed or intimidated to make a report on our confidential website at: https://ucsystems.ethicspointvp.com/custom/ucs_ccc/default.asp.

There they will find not only hotline numbers where reports can be called in, but also a means by which to file a complaint online. The individual making the report can choose to remain anonymous. If they do, they can continue to communicate with the University regarding their report through a unique report key and password. Once the report has been submitted, a designated campus official will review it and post updates on the status of the investigation.

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The letter you signed also mentions that our Advisory Councils have not issued any statements or policies since their inception a year ago. I can assure that is not due to disinterest or neglect. We are dealing with very difficult issues that require great care and thought as we work through them. Earlier this month, Rick Barton and Alice Huffman began their aforementioned campus visits, and I am expecting them to report back to my climate council later next week, and I will have their report posted online.

I would also like to take a moment to address comments regarding the Olive Tree Initiative (OTI). I attach for your information a copy of a letter that was sent to the editor of the *Jerusalem Post* by representatives of the UC Irvine Olive Tree Initiative's Board of Directors. As you can see, the meeting that was the cause of so much controversy was not a part of the students' planned itinerary. The Board of Directors is in agreement that it should not have taken place. When the Board learned of it, action was taken to ensure that such an occurrence would not happen on future visits to the Middle East. I believe the Board acted swiftly and appropriately in response to this troubling event. I remain a strong supporter of the Olive Tree Initiative. I am deeply impressed with its efforts to promote understanding and dialog among groups focused on the Israel-Palestine conflict. Those efforts are in the very best tradition of activism, public service, and open discussion that have always been the hallmarks of the University of California and its students. In fact, I presented the OTI with the President's Award for Outstanding Student Leadership, and I attach a copy of the guidelines for the Award that you may find of interest.

With respect to the lawsuit filed by a student at Berkeley and the complaint filed with the Department of Education's Office for Civil Rights, as I hope you will understand, I am precluded from commenting on pending litigation or on complaints under active investigation, but please know that I am following both very closely. I will say, however, that I am concerned that the gravamen of the complaints is an effort to impose unconstitutional limits on speech on campus.

Finally, mention was also made in the letter you signed of correspondence that was sent to me last year by the leaders of twelve Jewish organizations. Many of you may not have seen my response to that letter; a copy of that response is posted online at <http://www.ucop.edu/newsroom/newswire/img/11/11890025804e9488b094e51.pdf>. In addition, you may be interested in a speech I gave last fall to the Rose Project in Orange County, California and I attach a copy for your information.

As I told the press recently, throughout my life, I have been strongly committed to tolerance and respect for all. I have been and always will be among the first to speak out against any kind of abusive behavior. I have and will continue to respond to hateful incidents with appropriate action. And I have and will continue to do

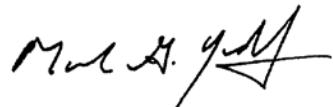
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everything in my power to protect Jewish and all other students from threats or actions of intolerance.

With best wishes, I am,

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark G. Yudof".

Mark G. Yudof
President
University of California

Attachments:

1. UC programs to reduce religious intolerance and promote the welfare and inclusion of Jewish students;
2. UC Jewish Studies programs;
3. OTI Board of Directors letter to the *Jerusalem Post*;
4. President's Award for Outstanding Student Leadership Guidelines;
5. Rose Project Remarks