



OFFICE OF THE PROVOST AND  
EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT  
1111 Franklin Street, 12th Floor  
Oakland, California 94607-5200

September 8, 2014

## CHANCELLORS

Dear Chancellors:

Attached is a letter from Tammi Benjamin, AMCHA Initiative, raising concerns about academic student employees (ASE) supporting the Boycott, Divestment and Sanctions (BDS) movement in classrooms. In the last several weeks, we have received over a hundred emails similar to Ms. Benjamin's. You may have received such inquiries as well.

Since we have had queries from your campuses about this issue, I am writing to clarify that the University's position as to the conduct of ASEs in the classroom is rooted in its academic policies, including the following:

### **Regents Policy 2301, Policy on Course Conduct**

<http://regents.universityofcalifornia.edu/governance/policies/2301.html>

The University should 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, for purposes other than those for which the course was constituted ...constitutes misuse of the University as an institution. It should be understood that the Board of Regents has always recognized the importance of an 'open forum policy' on the campuses, of a free exchange of ideas, and of pursuit of the truth wherever it may lead-popular or unpopular though that may be. There are many hours available during the daily activities of students and faculty for free discourse on matters of concern to them as citizens. It cannot be argued successfully that it is necessary to interrupt progress of an academic course or to modify grading procedures to provide such discussion. It is the Regents' responsibility to the very concept of a University to protect the institution from the misuse of the classroom and to ensure the rights of all to teaching and learning. Therefore, it is The Regent's policy that no campus, no academic college, no department, and no instructor distort the instructional process in a manner which deviates from the responsibilities inherent in academic freedom."

**ASE Unit Contract, Article 18, Management & Academic Rights**

[http://ucnet.universityofcalifornia.edu/labor/bargaining-units/bx/docs/bx\\_2010-2013\\_18\\_management-and-academic-rights.pdf](http://ucnet.universityofcalifornia.edu/labor/bargaining-units/bx/docs/bx_2010-2013_18_management-and-academic-rights.pdf)

Article 18 of the ASE contract requires ASEs to observe University rules and regulations. Specifically, the "University has the right to determine how and by whom instruction is delivered and exercises sole authority on all decisions involving academic matters. Decisions regarding who is taught, what is taught, how it is taught and who does the teaching involve academic judgment and shall be made at the sole discretion of the University."

**APM-010, Academic Freedom, Appendix B, Statement of Principles: Student Freedom of Scholarly Activity**

<http://www.ucop.edu/academic-personnel-programs/files/apm/apm-010.pdf>

APM-010, Appendix B affirms that students "...must be free in the classroom to express a wide range of viewpoints in accord with the standards of scholarly inquiry and relevance to the topic at hand. No student can abridge the rights of other students when exercising their right to differ. Students should be free to take reasoned and civil exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled. The faculty has authority for all aspects of the course, including content, structure, relevance of alternative points of view, and evaluations."

Further, APM - 010, Appendix B affirms that students may serve as instructors under the supervision of faculty. However, "...The faculty retains authority over all aspects of the course, including content, structure, evaluations, and delegation of authority for the course, and must base the guidance of student instructors on accepted scholarly and professional standards of competence in teaching. Subject to such authority, however, such student instructors share with faculty the freedom and responsibility to present concepts, to lead discussion in class, and to ensure the appropriate and civil treatment of other members of the academic community." Nevertheless, these rights "...may not be abridged by decisions contrary to accepted scholarly and professional standards."

**APM-015: The Faculty Code of Conduct**

<http://www.ucop.edu/academic-personnel-programs/files/apm/apm-015.pdf>

The Faculty Code of Conduct describes ethical principles upon which faculty conduct standards are based, including the following: "...The integrity of the faculty-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. ...The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University." Related types of unacceptable faculty conduct include: "significant intrusion of material unrelated to the course;" "significant failure to adhere, without legitimate reason, to the rules of the

faculty in the conduct of courses;" and "use of the position or powers of a faculty member to coerce the judgment or conscience of a student ... for arbitrary or personal reasons."

I encourage each campus to issue a letter reminding all ASEs of the policies and agreements that govern their employment.

If you have any questions regarding the above policies, please contact Vice Provost Susan

Page 3  
September 8,

Carlson, Academic Personnel and Programs, Susan.Carlson@ucop.edu.

Cordial!

A handwritten signature in blue ink, appearing to read "Aimee Dorr", is written over the word "Cordial!".

Aimee Dorr, Provost  
Executive Vice President for Academic Affairs

Attachment

cc: President Napolitano  
Executive Vice Chancellors/Provosts Vice  
Provost Carlson  
Vice President Duckett Vice  
President Sakaki  
Associate Vice President Juarez  
Deputy General Counsel Drown  
Council of Graduate Deans  
Vice Provosts for Academic Personnel  
Executive Director Tanaka  
Academic Personnel Directors  
Labor Relations Managers Director  
Jennings  
Director Lee Manager  
Lockwood

**From:** Tammi Benjamin [<mailto:tammi@amchainitiative.org>]

**Sent:** Tuesday, August 12, 2014 8:31 AM

**To:** President Napolitano

**Subject:** Promoting the boycott of Israel in UC classrooms

Dear President Napolitano,

We represent 12 organizations deeply concerned with the serious and growing problem of hate-filled rhetoric about Israel that sometimes rises to the level of antisemitism on campuses across the country, including at the University of California.

As you may be aware, the 83-member joint council of UAW 2865, representing all of the TA's, tutors and readers at the 9 teaching campuses of the University of California, [issued a statement](#) outlining the union's intent to support the anti-Israel and antisemitic Boycott, Divestment and Sanctions (BDS) movement, and to seek a full-membership vote on the statement this coming year.

While we support the right of every member of UAW 2865 to exercise his or her freedom of speech outside of the instructional setting, we are greatly concerned that these union members, who are responsible for instructing undergraduate students on 9 UC campuses, will bring their unscholarly, politically-motivated and antisemitic propaganda and advocacy into UC classrooms, where it certainly does not belong.

Alarming, the union leadership itself contends that as "educators", union members not only have the right to voice their antisemitic political opinions on the campus, but **the responsibility to "educate" others** about them:

**"We have a responsibility as educators to both learn about and teach the social issues of our time, including pressing global struggles such as the struggle of the Palestinian people for liberation from settler-colonialism and apartheid."**

Teaching undergraduate students one-sided propaganda which falsely alleges that Israel is a "settler colonial" and "apartheid" state worthy of elimination and promoting an antisemitic boycott of Israel do not constitute education but unabashed political indoctrination, which is expressly forbidden by the UC Regents in their [Policy on Course Content](#) (also known as the Regents Policy on Academic Freedom):

**"[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."**

Moreover, if TA's, tutors and readers feel free to "teach" anti-Israel propaganda and promote BDS to their undergraduates, it can't help but create a hostile, antisemitic environment for many Jewish students, who have already reported in the UC Jewish Student Campus Climate Report that campus-based BDS activities "project hostility, engender a feeling of isolation, and undermine Jewish students' sense of belonging and engagement." Other Jewish students on UC campuses have described feeling "continuously intimidated" and "repeatedly threatened," and that their personal and mental well-being, and even their physical safety, were jeopardized as a result of BDS campaigns on their campuses.

As UC President, you are responsible for ensuring that all University policies and rules are properly enforced, and that all students -- including Jewish students -- feel safe and supported on their UC campuses. We therefore urge you to do the following:

- **Publicly reaffirm the UC Regents Policy on Course Content and describe how you intend to enforce that policy in the coming academic year.**
- **Provide public assurances that you will not allow UAW 2865 members to promote hateful antisemitic propaganda or the boycott of Israel as part of their contractual teaching responsibilities at the University of California.**
- **Instruct the University's collective bargaining representatives to deny and resist any UAW Local 2865 proposals which seek to inject their biased and improper position on relations with Israel into the University's dealings with the UAW and the individuals whom the UAW claims to speak for.**
- **Vigorously oppose any effort or proposal from UAW Local 2865 that any pension fund provided by the University for its employees adhere to any policies of divestment or boycott of businesses that directly or indirectly have business, cultural or academic relations with Israel, and its citizens and institutions of both its Government and civil society.**

Thank you in advance for your attention to this serious and urgent matter. We look forward to hearing from you soon.

Sincerely,

AMCHA Initiative  
Americans for Peace and Tolerance  
Brandeis Center for Human Rights Under Law  
Committee for Accuracy in Middle East Reporting in America  
Hasbara Fellowships  
Institute for Black Solidarity with Israel  
Proclaiming Justice to the Nations  
Scholars for Peace in the Middle  
East  
Simon Wiesenthal Center  
StandWithUs  
The Lawfare Project  
Zionist Organization of America

Page 6  
September 8,

Cc: UC Regents  
UC Vice President for Human Resources Dwaine Duckett  
UC Chancellors  
California Superintendent of Public Instruction Tom Torlakson  
California Senator Carol Liu, Chair of the Senate Standing Committee on Education  
California Assembly Member Das Williams, Chair of the Assembly Committee on Higher  
Education  
California Assembly Member Shirley Weber, Chair of the Select Committee on Campus  
Climate  
California State Senator Marty Block, Chair of Legislative Jewish Caucus  
California Jewish Community Leaders