



September 21, 2018

VIA EMAIL

President Mark S. Schlissel
University of Michigan
2074 Fleming Administration Building
503 Thompson Street
Ann Arbor, MI 48109-1340

University of Michigan Board of Regents
500 S. State Street
Ann Arbor, MI 48109

Dear President Schlissel and Honorable Members of the Board of Regents:

We write pursuant to Sections 201.89 and 201.96 of the University of Michigan's Standard Practice Guide Policies (SPG), to request that the University effectively address and respond to the discriminatory and unprofessional conduct of Professor John Cheney-Lippold, by (1) forcefully and publicly condemning the conduct; and (2) strongly sanctioning and disciplining him. SPG 201.89 provides for "persons external to the University community" to report alleged discriminatory conduct by University employees.

Earlier this month, Professor Cheney-Lippold rescinded an offer to write a letter of recommendation for a student – not because the student was undeserving of the recommendation, but simply because she was seeking to study at a university in Israel. In short, Professor Cheney-Lippold used his power and position to impose his hateful and hostile anti-Israel views on a student, to violate the student's academic freedom, and to stand in the way of the educational opportunities she was seeking to pursue.

Professor John Cheney-Lippold's Numerous Policy Violations

Professor Cheney-Lippold's actions violate the University's policies. SPG Section 201.89 prohibits discrimination and harassment, including discriminatory conduct that, among other things: (1) "is used as the basis for or a factor in decisions affecting" an individual's education; or (2) "has the purpose or effect of . . . creating an intimidating, hostile, offensive, or abusive environment" for an individual's education.

In addition to violating the University's policy against discrimination and harassment, Professor Cheney-Lippold violated the policy of professional standards for faculty, set forth in SPG Section 201.96. The policy emphasizes the special responsibilities of faculty to "model

informed, rational discourse not only to students, but also to the university community and the general public.” Faculty have the “ethical imperative not to bring the university into disrepute and to conduct themselves consistent with [the university’s] obligations and responsibilities.” These include protecting academic freedom and prohibiting “conduct which hinders other members of the community in the exercise of their . . . academic freedoms.” SPG 201.96 makes it clear that “[t]he University is prepared to act to prevent or remedy behaviors that interfere with, or adversely affect, a community member’s ability to learn”

Professor Cheney-Lippold also violated the repeatedly-expressed University policy opposing boycott, divestment and sanction activities against Israel. In 2013, the president and the provost issued a statement that “[t]he University of Michigan strongly opposes the boycott of academic institutions in Israel,” and is “committed to global engagement at all levels.” They affirmed the University’s belief in “the free exchange of ideas” which “is essential to advancing knowledge and strengthening mutual understanding.”

President Schlissel reiterated that position yesterday. In 2017, the members of the university’s governing Board of Regents likewise expressed that “we strongly oppose any action involving the boycott, divestment or sanction of Israel.”

The University Should Remedy Professor Cheney-Lippold’s Wrongs

For all these reasons, Professor Cheney-Lippold must be held accountable for his actions. As Regent Denise Ilitch [so eloquently put it](#) yesterday, “This type of profoundly exclusionary conduct by a University of Michigan professor flies completely against our mission. Let’s call this what it really is: anti-Semitic. It impairs and interferes with our students’ ability to reach [their] educational aspirations.”

And, as Regent Andrea Fischer Newman so concisely [stated](#), “This is not a First Amendment issue. This is an educational issue . . . It is inappropriate to use a student as a platform for your politics.”

Despite the understandable outcry over his discriminatory and unprofessional actions, Professor Cheney-Lippold is unremorseful about using a student to promote his personal agenda, at the expense of the student’s academic freedom and educational aspirations. He sanctimoniously defends his decision as an expression of “support of Palestinians living in Palestine.”

Yet Professor Cheney-Lippold [acknowledges](#) that he wrote letters of recommendation for two other students who were planning to study in Israel, because writing the recommendations suited his selfish purposes: “I wrote for them because I did not have tenure. I know how people are treated without tenure.” In short, Professor Cheney-Lippold’s purported concerns about “Palestinians living in Palestine” went out the window when he thought that standing behind those concerns might jeopardize his egotistical professional aspirations and goals.

We respectfully urge you to enforce the University’s policies and “act to prevent or remedy behaviors that interfere with, or adversely affect a community member’s ability to

learn.” SPG 201.96. It is not enough to express disappointment in Professor Cheney-Lippold’s actions. You should forcefully and publicly condemn his discriminatory and unprofessional conduct. In addition, Professor Cheney-Lippold should be sanctioned and disciplined, in accordance with University policies.

Failing to take these steps will only encourage him and other faculty members to continue to engage in such wrongdoing. You will also be sending the message to faculty, staff and students that the University will tolerate a professor using his power to promote his personal political agenda at the expense of students, their academic freedom, and their right to pursue the educational opportunities of their choice.

We respectfully remind you of your legal obligations under Title VI of the Civil Rights Act, which requires you to remedy national origin discrimination, including discrimination based on Jewish ancestry/ethnicity. As you may know, the Department of Education’s Office for Civil Rights (OCR) recently reopened the Zionist Organization of America’s Title VI action against Rutgers University, and committed to using the State Department’s definition of anti-Semitism to assess whether the wrongful conduct we alleged in our complaint was motivated by anti-Semitic bias. That definition recognizes that some anti-Zionism and anti-Israelism cross the line into anti-Semitism. It would surely be useful in assessing Professor Cheney-Lippold’s conduct should this matter be brought to OCR’s attention.

Thank you for considering our concerns. We look forward to hearing from you.

Very truly yours,

Morton A. Klein, National President
Susan B. Tuchman, Esq., Director, Center for Law and Justice
Leore Ben-David, Managing Director, ZOA Campus