



February 22, 2016

VIA EMAIL

Mr. James B. Milliken
Chancellor, The City University of New York
205 East 42nd Street
New York, NY 10017

Board of Trustees, The City University of New York
205 East 42nd Street, Room 716
New York, NY 10017

Dear Chancellor Milliken and Honorable Members of the Board of Trustees:

We write on behalf of the Zionist Organization of America (ZOA), the oldest and one of the largest pro-Israel organizations in the U.S., whose leaders have included U.S. Supreme Court Justice Louis Brandeis, Rabbi Stephen Wise, and Rabbi Dr. Abba Hillel Silver. Much of the ZOA's work is dedicated to fighting anti-Semitic harassment and intimidation in schools and on college campuses.

We were alerted to problems that Jewish students have been facing at the City University of New York (CUNY), largely caused by the hateful, divisive and anti-Semitic actions of a student group that calls itself "Students for Justice in Palestine" (SJP). The SJP has created a hostile campus environment for many Jewish students, causing them to feel harassed, threatened, and even physically unsafe, in violation of the law.

As you surely know, federally-funded educational institutions such as CUNY are required under Title VI of the Civil Rights Act to take prompt and effective steps to remedy a hostile anti-Semitic campus environment and prevent it from recurring. (We refer you to the "Dear Colleague" letter issued by the Assistant Secretary for Civil Rights on October 26, 2010, which clarifies that Jewish students are protected under Title VI: http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010_pg3.html.) Failure to comply with Title VI could mean a loss of federal funding.

In accordance with your obligations under Title VI, we urge you to take the following remedial steps, to ensure that Jewish students are afforded the kind of learning environment that every student deserves – one that is physically and psychologically safe and conducive to learning: (1) publicly condemn the SJP and its hateful, divisive and anti-Semitic actions; (2) hold this group accountable for violation of CUNY rules and policies; (3) mandate that the SJP and all other student groups complete training on anti-Semitism and other forms of bigotry; (4)

investigate the SJP's funding sources, to confirm that all funds are being lawfully obtained; and (5) publicly call for zero tolerance for anti-Semitism at CUNY and educate the CUNY community about the many forms that anti-Semitism takes today.

The problems reported to us are described in detail below. They are not isolated incidents; at least four CUNY campuses – Hunter College, Brooklyn College, the College of Staten Island, and John Jay College – have been seriously affected, which is why it is critical that you take action. Many of the problems are not news to you, and a few small steps have been taken in response to them. But much more needs to be done and you have the power and authority to take the actions necessary to ensure that Jewish students' legal rights are protected.

The Problems at Hunter College

On November 12, 2015, the SJP and its allies planned a rally at Hunter College as part of a nationwide campaign for free public college tuition and the cancellation of all student debt (the "Million Student March"). But instead of uniting the campus community behind the need to address the serious financial challenges that students are facing, the SJP turned the rally into a hateful and divisive demonstration that viciously attacked Israel, "Zionists," and Jews.

The SJP made its intentions clear when it advertised the rally on Facebook, criticizing "the Zionist [CUNY] administration" for, among other things, hosting Birthright programs and study-abroad programs in "occupied Palestine" [i.e., Israel], and for "reproduce[ing] settler-colonial ideology through Zionist content of education." The ad was endorsed by the SJP at Hunter and several other schools, including Brooklyn College, the College of Staten Island, and John Jay College.

A small number of Jewish students bravely attended the rally, to show that they too support lower college tuition – but oppose the SJP's anti-Israel and anti-Zionist agenda. (Other Jewish students and non-students were reportedly too frightened to attend.) These students were greeted with signs that bore messages such as "BOYCOTT ISRAEL," "ZIONISTS OUT OF CUNY," and "#FREEPALESTINE" – none of which had any relation to the tuition issue at the CUNY schools.

Dozens of demonstrators were screaming and chanting, "Long live the intifada!" and "There is only one solution: Intifada revolution!" "Intifada" is the term used for the violent and murderous Palestinian Arab terror war against Jews in Israel; from 2000-2006, almost 2000 people were murdered and 10,000 maimed. Certainly most Jews at the rally understood that the demonstrators were supporting and calling for violence against them, causing Jewish students to feel threatened and afraid for their physical safety.

The SJP's anti-Semitic attacks continued as the demonstrators shouted at the Jewish students, disparagingly calling them "racists," "white supremacists," "fascists," "Nazis" and "supporters of genocide." Sometimes the demonstrators tried to conceal their anti-Semitism, by

leveling their accusations against “Zionists.” At other times, the demonstrators showed their true colors, directing their hatred specifically at “Jews.”

Here are some of the hateful invectives that SJP members and supporters shouted at Jewish students (some of which was caught on videotape):

- “Zionists go home!”
- “Zionists out of CUNY!”
- “Jews out of CUNY!”
- “Jews are racist sons of bitches!”
- “I hope someone gets y’all!”
- “When we take control of CUNY, we are gonna kick you out and make sure you don’t graduate!”
- “Go home!”
- “Get out of the Middle East!”
- “Get out of America!”
- “From the river to the sea, Palestine will be free” (i.e., Israel will be destroyed and replaced by a Palestinian Arab state)

The chants were chilling. As one Hunter student wrote on Twitter, “Full-blown anti-Semitism allowed at my college. . . . I witnessed this and froze in fear.”

Another Jewish student reported being screamed at by SJP members to “get the fuck out of my country, our fucking nation” – even though this Jewish student is American and has lived in Manhattan his entire life. The student was disparagingly called a “settler” – as if he is an outsider, an interloper, and did not belong – and he was threatened by several demonstrators that when they took over CUNY, they would be removing “all of you” from the school. He and others heard demonstrators shouting that the Jews control CUNY, the government, the banks, and the economy.

As another Jewish student was leaving the rally, he heard someone yell, “We should drag the Zionists down the street!” He realized that he himself was a Zionist walking down the street, and was shaken by the realization that he was hated and could be physically attacked because of who he is and what he believes.

In addition to spewing hatred and lies about Jews and Israel, the SJP tried to shut down dissenting views at the rally. SJP members tried to block and destroy Jewish students’ signs, which supported lower tuition but rejected the SJP’s hateful messages about Zionism and Israel. One Jewish student’s sign was ripped from his hands and trampled on. Another Jewish student had paper thrown at her, and the Israeli flag she was wearing was pulled from her shoulders.

Jewish students were shocked by the anti-Semitic hatred they experienced; they felt bullied, marginalized and afraid. One student described walking around school after the rally “with a pit in my stomach.” Even CUNY staff at the rally was shocked by the extraordinary hatred and the threats of violence being expressed against Jews. One staff member reported hearing SJP chants of “dragging Jews into the streets” and “Revolution, intifada . . . repeated over and over again.” Describing the experience as “absolutely horrifying,” the staff member wrote in an account of the rally, “As a staff person at CUNY, and accustomed to working with a diverse group of students with a broad spectrum of beliefs, I have never witnessed anything like this before. A feeling of powerlessness came over me as there was nothing I could [do] to stop this hateful rhetoric.”

As a result of the SJP’s anti-Semitism and its promotion of lies about Jews and Israel, many Jewish students no longer feel welcome, accepted, or safe at Hunter College. There are students who are afraid for anyone to know they are Jewish and support Israel. They will not wear a Star of David or anything else that would expose who they are and what they believe out of fear of negative, possibly dangerous consequences.

Student efforts to bridge differences and conflicts with the SJP have been fruitless. The pro-Israel group at Hunter has approached the SJP numerous times to engage in dialogue, discussion, and/or debate, but the SJP has rebuffed all these advances.

The President of Hunter College, the President of Undergraduate Student Government, and the Chair of the Hunter College Senate issued a joint statement the day after the rally. It “strongly condemn[ed]” the anti-Semitic comments made at the rally and affirmed that “there is no place for hate speech and other acts of bigotry, harassment, intimidation, exclusion and intolerance based on an individual’s beliefs and backgrounds. Such behavior is unacceptable on our campus.” But the statement did not condemn or even mention the perpetrators of the anti-Semitic bigotry, nor was there any indication that the SJP would be investigated for possible violation of Hunter and CUNY rules and policies.

The Problems at Brooklyn College

The SJP has a long history of threatening, harassing and discriminating against Jewish students at Brooklyn College. As you surely know, in 2013, an SJP leader (who had attended Hunter College but continued to act for the group even when he was not registered as a student at Hunter) evicted four Jewish students from an anti-Israel BDS event, and lied about the eviction, falsely claiming that the four Jewish students were interrupting the event, when they were doing nothing of the sort. A CUNY investigation confirmed that the eviction was without any justification, and the President of Brooklyn College publicly acknowledged that the Jewish students were likely removed simply because they disagreed with the SJP’s views.

This incident was one of several problems at Brooklyn College that triggered a complaint filed by the ZOA against Brooklyn College under Title VI of the Civil Rights Act. The U.S.

Department of Education's Office for Civil Rights (OCR) agreed to investigate that part of the complaint relating to the SJP's BDS event. The parties resolved the case pursuant to OCR's Early Complaint Resolution process.

In 2014, the SJP repeatedly violated Brooklyn College policies relating to organizing student club events – policies that had been put in place specifically to avoid a repetition of the problems that occurred in connection with the SJP's BDS event in 2013. To our knowledge, the SJP suffered no consequences for these policy violations.

In 2015, the SJP's misconduct continued, when signs advertising the SJP's anti-Israel events were illegally posted in a bathroom at the college. To our knowledge, the SJP suffered no consequences for these violations either. In April 2015, hateful anti-Semitic graffiti was found on a men's restroom wall in the library, and a second graffiti message was seen on the third floor of Ingersoll Hall. Even if the SJP was not actually behind the anti-Semitic vandalism, the group surely played a key role in creating a campus environment where Jew-hatred would be expressed.

On October 6, 2015, the SJP sponsored a number of anti-Israel events, continuing the group's pattern of staging their events on a Jewish holiday – this time, Simchat Torah – in order to minimize the number of Jewish students who could be present to counter the SJP's hateful lies. SJP members chalked anti-Israel messages on the public sidewalks adjacent to the college, in violation of New York City Administrative Code §§ 10-117 and 19-138. One of the messages rationalized and promoted violence: RESISTANCE IS JUSTIFIED WHEN PEOPLE ARE OCCUPIED." "Resistance," of course, is code for terrorism and violence against innocent Jews. To our knowledge, the SJP was not punished for violating the law.

A Jewish student observed SJP members chalking. When she refused to take one of the SJP's anti-Israel flyers, the SJP member handing them out became harassing and confrontational, aggressively asking, "What's your problem?" and cursing at the Jewish student.

Later that night, another Jewish student was waiting for her parents to pick her up near the campus. She was deeply upset when she saw the hateful messages that the SJP had chalked on the sidewalks. She asked the Brooklyn College security guard whether the chalking was allowed. Another student (who, by her comments, was an SJP member or supporter) repeatedly interrupted the conversation, and then yelled at the Jewish student as she walked away. The security guard did not intervene, even to ask if he could help.

After the Jewish student's parents arrived, they began cleaning away the SJP's anti-Israel messages, with the security guard's permission. Members of the SJP harassed, threatened and tried to intimidate them. One young man menacingly said to the mother, "It's too bad you don't go to the school. We'd get you tomorrow." SJP members took photos and videos of the parents over their objections, and the SJP leader posted a video on Snapchat and disseminated lies on Facebook about the student's mother, to paint her as racist. Significantly, the student herself was

so afraid that she remained in the family car. After this incident, both the student and her mother were too afraid of retaliation to file a complaint with the college against the SJP.

As the SJP did later at Hunter College, Brooklyn College's SJP promoted violence against Jews. On its Facebook page in October, the SJP called for the "Third Intifada," with the threat to "Expect Resistance."

Dean of Students Ronald Jackson issued a message to the Brooklyn College community, probably in response to the many complaints we understand were made to the college about the SJP's call for a "Third Intifada." But the Dean did not condemn the SJP or its conduct. Instead, he issued a vague message that merely encouraged students "to exercise reasonable judgment when using social media."

The ZOA wrote twice to President Karen Gould, urging her to take several reasonable and doable steps in response to the SJP's actions, including publicly condemning the SJP and holding the SJP accountable under the college's rules and regulations. President Gould agreed to ensure that the SJP and other groups complied with New York City's defacement ordinances and to include mandatory diversity training for all student clubs. But to date, President Gould has not spoken out to condemn the SJP and its bigotry, and to our knowledge, no one from the SJP is under investigation for violating the anti-chalking law or for inciting violence against Jews and creating a hostile campus environment for Jewish students.

The SJP at Brooklyn College has made it crystal clear that it will not comply with campus rules that call for civility and respect for differences among students. On its Facebook page, the group posted this vulgar message: "Fuck your politics of civility." The SJP thumbs its nose at the administration and the rules that apply to every student and student group. This hateful and divisive group seems to believe that it is entitled to special treatment and is above the rules. By failing to hold the SJP accountable, the administration has not given the group any reason to think otherwise.

Just last week, on February 16, 2016, approximately 10 students interrupted a meeting of the Faculty Council (the group charged with making decisions about academic policy) and refused to follow the council chair's direction. The disruptors made a number of demands regarding tuition and campus diversity, among other topics. Outrageously, they called for "Zionists off campus." When the chair told the students they were "out of order," the students called him a "Zionist pig." These students could not know whether the chair, who is a computer science professor, is a Zionist. What they did know, because it was obvious – the chair wears a kippah – was that the chair is Jewish. "Zionist pig" was plainly code for "Jewish pig."

The behavior of these students was disgraceful and unacceptable, as President Gould recognized in a statement she issued. Given the nature of their behavior – anti-Semitic name-calling and disrupting a campus event – the students may well have been members or supporters of the SJP. Even if they were not SJP members, this hate group has done a good job of

fomenting Jew-hatred on campus without suffering any consequences, which no doubt encouraged the disruptors to do and say what they did.

The Problems at the College of Staten Island

The SJP has created a hostile campus environment for Jewish students at the College of Staten Island (CSI), too. Every student club is permitted to post a banner in the campus rotunda. The SJP's banner depicts a map of Israel, covered with a keffiyeh. The group's anti-Semitic message couldn't be clearer: The SJP is calling for the destruction of the Jewish state to be replaced with a Palestinian Arab state. The banner is unavoidable, hanging in the rotunda, which is in the center of the campus. Jewish students understand exactly what this banner symbolizes and feel threatened by it, yet the banner remains in the rotunda to this day. It is difficult to imagine that CSI would tolerate a student organization posting a Confederate flag in the rotunda, rightfully recognizing that it would make members of the community feel disrespected, marginalized and even unsafe.

On November 12th, the SJP held a demonstration at which they reportedly chanted "no two-state solution" and called for an intifada. Jewish students were particularly troubled to see members of the faculty participating in the SJP's demonstration and publicly supporting violence against Jews and the destruction of the Jewish State of Israel. As they did at Hunter College, the demonstrators targeted and falsely accused the "Zionists" (code for Jews), blaming them for controlling CUNY, for high tuition, and even for the lack of a contract for CUNY's union employees.

During the SJP demonstration, a Jewish student held a sign that said, "Keep calm and hug a Jew." Another student reportedly approached and said to the Jewish student, "I don't hug murderers," and walked away.

The SJP has fostered a campus environment that encourages divisiveness and cultivates an environment in which Jewish students feel marginalized and unwelcome. After the rally, a member of Hillel went to one of the restrooms at the college. A Muslim student wearing a hijab walked in and asked, "Are you involved with Hillel?" When the Muslim student heard that the answer was yes, she said, "I can't use this bathroom," and walked out without using the restroom.

Another Muslim student reportedly told a Jewish student leader that "I can't be seen with you. . . . Muslim students here aren't very accepting. It's not good for me to be seen with Jews." A Pakistani Muslim student leader who actually worked constructively with Jewish students reportedly confessed to a Jewish leader that he was told by the SJP that he was not a "good Muslim" if he associated with Jews and with Hillel. The SJP's conduct is the antithesis of the most fundamental values at CUNY, which call for civility and mutual respect for the diverse members of the CUNY community.

Swastikas have defaced the college's desks and walls. These incidents have reportedly never triggered a single public statement from the administration condemning the vandalism and explaining why it is hateful, hurtful and wrong. An important teaching opportunity was lost.

Not surprisingly, the hostile campus environment has caused some Jewish students to fear wearing a Star of David or anything else that would identify them as Jewish. Some students cover up their Star-of-David necklaces when they walk by members of the SJP, afraid they may be targeted.

In November, the president of CSI notified the campus community that the college would be undertaking a climate assessment, to better enable CSI to develop programs and policies that increase inclusivity. But to our knowledge the SJP has never been investigated to determine whether the group is violating the college's rules and regulations governing student behavior, or whether the group is violating the college's commitment to "a campus environment that reflects and respects our pluralistic and culturally diverse society." (See <http://www.csi.cuny.edu/currentstudents/studentlife/pdf/sohandbook.pdf> at p. 10.)

The Problems at John Jay College

The SJP has also created a hostile campus environment for Jewish students at John Jay College. As reported in *The Jewish Week*, the problems began with anti-Israel flyers, and moved to "dirty looks" and "murmured insults"; then tensions escalated to the point that some members of Hillel feared that they would be jumped as they left the school. One student remembered hearing "stupid Jew" murmured from the back of a classroom. Students also reported being called "terrorist" and "baby killer." (See <http://www.thejewishweek.com/news/new-york/hostile-environment-john-jay-jewish-students>.)

In October 2014, the SJP held a "die-in" at which the group called for an intifada – again, incitement to violence against Jews. When Hillel members held their own peaceful counter-protest, SJP members tried to force them to leave, threatening and shouting at them. As reported in the *Jewish Week*, one SJP member began "railing against 'Jews.'" A Jewish student described the incident as "scary" and another called it "intimidating" and "hostile," stating, "We felt like we would be jumped when we got out of there."

In March 2015, swastikas and anti-Jewish slurs were drawn on the campus. The first incident was reportedly handled internally by campus security and never reported to the administration or faculty. The administration did report the second anti-Semitic incident to the school community but did not specifically mention that the graffiti was a swastika. Like at CSI, the administration lost a useful opportunity to educate the community about why the graffiti was anti-Semitic, hurtful and against the values of the college.

As it has done at CSI, the SJP at John Jay has deliberately tried to marginalize Jewish students and student groups, by discouraging others from working with them, using threats and

intimidation. For example, the Muslim Students Association (MSA) was co-sponsoring an event with Hillel, at which a Muslim police officer and a Jewish police officer were scheduled to speak. For a school of criminal justice, this program was particularly relevant. But at the last minute, the MSA withdrew its sponsorship because it was so intimidated by the SJP, which warned and reportedly threatened the MSA not to work with Hillel. Threats were even coming from overseas, including on Facebook and Twitter. The event went forward successfully without the MSA, but the incident demonstrates how the SJP's conduct deliberately divides the community, marginalizes some of its members, and violates CUNY's values of civility and respect for differences.

The SJP at John Jay also participated in the so-called "Million Student March," blaming high tuition on the "Zionists," and using the same hateful rhetoric against "Zionists" and "Jews" that was used at Hunter College. When someone at the protest asked, "What's a Zionist?" the response reportedly was "a Jew." As at Hunter, Jews were plainly the targets.

The hostile anti-Semitic environment has had a detrimental impact on Jewish students at John Jay. Some are afraid to openly identify as Jewish; instead of wearing a kippah to cover their heads, some Jewish male students wear a baseball cap. There are Jewish students who are afraid to walk down "Club Row," where the Office of Student Life is located.

Some Jewish students report being afraid to come to campus at all. There are students who deliberately take classes in the morning and evening only, and will not take afternoon classes that they would otherwise be interested in, to avoid the SJP's hateful events that are typically held in the middle of the day at "Community Hour." (John Jay's website describes Community Hour as a time when "campus spaces – especially the Atrium and the Jay Walk – are buzzing with energy and vibrancy." But for Jewish students, this time and these spaces are often filled with tension, anxiety and dread.)

When the SJP holds its hateful events, it takes over the Atrium, which is right off the main entrance to the school, and connects the old and new buildings of the campus. Jewish students thus cannot avoid hearing and seeing the SJP's hateful rallies and demonstrations; they are forced to be an involuntary audience to the group's anti-Semitism and its ugly lies about Israel.

When there were reports that the SJP was planning another "die-in" at which they were going to throw fake blood at people, many Jewish students expressed fear and anxiety about coming to campus. At the end of May 2015 – after the "die-in," the swastikas, and all the campus tensions resulting from the SJP's actions – at least three Jewish students reportedly left John Jay College and transferred to other schools.

Administrators at John Jay are aware of the challenges that Jewish students are facing and for the most part, they respond with indifference and indeed, ignorance. Instead of showing empathy and concern when problems and issues are brought to their attention, administrators

have actually expressed their belief that Jewish students have a sense of entitlement, sending the unacceptable message that Jewish students' problems and issues are not legitimate or worth addressing. One administrator actually responded to Jewish students' concerns by saying, "What are these white kids complaining about?" – showing complete ignorance of the fact that not all Jews are white, and that according to the latest FBI hate crime statistics, more than half of the hate crimes motivated by religious bias that have been reported by law enforcement were anti-Jewish – a number that is more than three times the number of hate crimes committed against Muslims, the next largest targeted religious group.

The SJP's Actions are Anti-Semitic, Based on U.S. Government Standards

By threatening Jews with violence, harassing and intimidating Jewish students, engaging in name-calling, and marginalizing and excluding Jewish students, the SJP's conduct is anti-Semitic. Its recent behavior on the CUNY campuses -- calling for an intifada; accusing Jews of controlling CUNY, the government, the banks and the economy; blaming Jews and Jewish programs such as Birthright for the tuition problems; and demonizing Jews as racists, Nazis, fascists, terrorists and baby-killers – is also anti-Semitic, based on our government's definition of anti-Semitism.

The U.S. State Department has identified contemporary examples of anti-Semitism, including but not limited to: (1) calling for or justifying the killing or harming of Jews; (2) making mendacious and demonizing allegations about Jews or the power of Jews as a collective; and (3) accusing Jews as a people of being responsible for real or imagined wrongdoing committed by Jews, Israel, or even non-Jews. (See <http://www.state.gov/j/drl/rls/fs/2010/122352.htm>.) This is exactly the kind of conduct in which the SJP is engaging on the CUNY campuses, causing Jewish students to feel unwelcome, afraid and even unsafe.

In addition, the State Department has identified the ways in which anti-Semitism manifests itself with regard to Israel, including by (1) demonizing Israel; (2) holding Israel to an impossible double standard that no other country is held to; and (3) delegitimizing Israel, by denying the Jewish people their right to self-determination and denying Israel's right to exist. Again, this is exactly the kind of conduct that the SJP engages in, creating a hostile learning environment for Jewish students.

Such bigotry would never be tolerated by CUNY if it were being directed against another ethnic, racial or other targeted group. CUNY should not be tolerating it when the bigotry is directed against Jews.

There Can Be No Double Standard When It Comes To Anti-Semitic Bigotry

After the anti-Semitic SJP rally at Hunter College, where SJP members called for violence against Jews and for Jews to be thrown out of CUNY, one Jewish student wrote, "Does

anyone think for a second that such behavior would have been tolerated if these insults had been hurled at African-American students or other minorities?!” Indeed, it is virtually impossible to believe that CUNY would tolerate a student group’s hateful and harassing conduct if it were being directed against students who were African American, Latino, Muslim, women or LGBTQ.

Indeed, such conduct was not tolerated at the University of Oklahoma last spring, when members of a fraternity were caught on video chanting the “n” word and referring to lynching. The chanting, to our knowledge, did not include any threats or other harassing behavior aimed at individual students or other members of the campus community, as it has been at CUNY. Yet the president of the University of Oklahoma wasted no time in expelling two leaders of the fraternity, disciplining over 20 other students and shutting down the entire fraternity – even though the entire fraternity had not been involved in the incident – because the “racist and exclusionary chant . . . created a hostile learning environment for others.” The president said, “Our purpose is to learn lessons and be held accountable and then move forward with our lives.”

Likewise, Yale University did not wait until there were threats or other harassing behavior aimed at individual women on campus before taking action against a fraternity that chanted in a campus quad, “No means yes! Yes means anal!” and other revolting messages. Yale suspended the fraternity for five years and penalized individual students for violating university rules relating to “harassment, coercion or intimidation” and “imperiling the integrity and values of the University community.” As the Yale College Dean wrote in her message to students and faculty about the sanctions imposed, “Every member of our community has a legal and moral right to an educational environment free from harassment and intimidation.”

Moreover, UC San Diego did not wait until there were threats or other harassing behavior aimed at individual African Americans on campus before taking action against students who were creating a racially hostile environment. When a fraternity held an off-campus party and invited students to dress as stereotypes of African-Americans, the chancellor showed leadership by immediately publicly condemning the fraternity’s actions – even though the offending actions occurred off campus. Then, when a noose was found hanging in the library at UC San Diego, the university suspended the student responsible – even though she herself was a minority, she publicly apologized, she explained that the act was a mindless mistake and not racially motivated, and the act was not aimed at individual students or other members of the campus community. Significantly, those remedial actions were not enough for the government. Both the U.S. Departments of Justice and Education initiated an investigation into complaints of racial harassment at UC San Diego, which resulted in the university entering into a voluntary agreement to undertake systemic changes.

In the same way that the university leadership protected the rights of women at Yale, and the rights of African American students at the University of Oklahoma and UC San Diego, you must protect the rights of Jewish students on the CUNY campuses and ensure that they have a

learning environment free from anti-Semitic harassment and intimidation, as required by Title VI of the Civil Rights Act.

**The SJP is not Entitled to Special Treatment and Must be Held Accountable
Under CUNY Rules and Policies**

The SJP and its members must be held to the same rules and standards that apply to every other student and student group. The CUNY Bylaws relating to students (Article XV) make it clear that students' academic freedom – their freedom “to explore major social, political, and economic issues – comes with responsibility (Section 15.0). Students have the rights to free expression and association, but “respect for all members of the university’s diverse community is an essential attribute” of the university (Section 15.2[a]). (See http://policy.cuny.edu/bylaws/article_xv/text/#Navigation_Location.) Every student is required to obey the law, the board’s bylaws and resolutions (including the Rules and Regulations for the Maintenance of Public Order Pursuant to Article 129-A of the Education Law, i.e., the “Henderson Rules”), and the policies, regulations, and orders of the college. (Section 15.1.)

The Henderson Rules recognize that academic freedom and the right of students to learn and express their views “can flourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.” According to the Rules, CUNY has “the right, and indeed the obligation, to defend itself from those who “subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom” (emphasis added).

The Henderson Rules provide in relevant part as follows:

- That no member of the academic community shall “intentionally obstruct and /or forcibly prevent others from the exercise of their rights.” (Rule 1)
- That “[e]ach member of the academic community has the right to advocate his position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds, shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators. (Rule 5)
- That “[a]ny action or situation which recklessly or intentionally endangers mental or physical health . . . is prohibited.” (Rule 9)

As described in detail above, the SJP and its members have violated each of these rules. The penalties for violating them include suspension and expulsion.

Although disciplinary complaints against student organizations may be filed by any person or organization affiliated with the college if there is reason to believe that a student organization has violated any of the standards of conduct (Article XV, Section 15.2[c][1]), you yourselves have full authority and power to act (Article XV, 15.5). Given the scope and seriousness of the SJP's anti-Semitic conduct, and the harmful impact the SJP's actions have had on Jewish students on several CUNY campuses, in violation of CUNY's bylaws and policies, we urge you to exercise your power and authority and take the following steps:

1. Exercise your own First Amendment rights and publicly condemn the SJP by name for its hateful, anti-Semitic, violence-inciting and unlawful actions.
2. Open a full investigation into the SJP's conduct, and if the evidence shows, as we believe it will, that the SJP has violated CUNY rules and policies, then revoke the group's registered status. This group does not deserve a place on any CUNY campus until it can demonstrate that it will respect and abide by the rules and standards that apply to everyone else.
3. If the SJP's permission to operate on campus is rescinded, or if the group is admonished or sanctioned in any other way, then it should be required to complete an educational program on anti-Semitism, including its history and contemporary manifestations, which we urge you to include in the diversity training you already require. The CUNY Bylaws mandate that "[e]ach student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, must complete training on domestic violence, dating violence, stalking, and sexual assault prevention and on CUNY's Policy on Sexual Misconduct prior to the organization receiving recognition or registration." Conspicuously missing is mandatory training on anti-Semitism and other forms of bigotry, and it should be added as a requirement. The training on anti-Semitism should use the same definition of anti-Semitism that the U.S. government has been using for years. (See <http://www.state.gov/j/drl/rls/fs/2010/122352.htm>.) That definition is important because it makes it clear that while not all criticism of Israel is anti-Semitic, some anti-Israelism and anti-Zionism cross the line into anti-Semitism.
4. Investigate all sources of the SJP's funding, to confirm that all monies are being lawfully obtained, and that the SJP is not receiving funds or any other material support from groups and individuals with ties to terrorists or terrorist activities.
5. Publicly state that there will be zero tolerance for anti-Semitism at CUNY, and educate the CUNY community about the many forms that anti-Semitism takes today, referring specifically to the U.S. State Department's definition of anti-Semitism.

On December 31, 2015, the U.S. Department of Education issued a "Dear Colleague" letter urging educational leaders to ensure that their institutions of higher education "are learning

environments in which students are free from discrimination and harassment base on their race, religion, or national origin.” The Department noted that Jewish students are among those at risk. The Department urged that “classroom discussions and other school activities . . . be structured to help students grapple with current events and conflicting viewpoints in constructive ways, and not in ways that result in the targeting of particular students for harassment or blame.” (See <http://www2.ed.gov/policy/gen/guid/secletter/151231.html>.)

We urge you to heed this directive and protect Jewish students’ right to a safe, respectful and nondiscriminatory learning environment by taking the steps we proposed and responding immediately and forcefully to the SJP’s hateful, anti-Semitic and violence-inciting conduct. Please do not wait until the situation escalates further and someone gets hurt.

We will await your response and your plan of action before we proceed. Please know that we would be pleased to work with you in bringing meaningful and positive changes to the CUNY campuses, so that Jewish students at CUNY are afforded the kind of campus environment they are legally entitled to and that every student deserves – one that is physically and psychologically safe and conducive to learning.

Very truly yours,



Morton A. Klein
National President



Susan B. Tuchman, Esq.
Director, Center for Law and Justice

cc: U.S. Senator Chuck Schumer
U.S. Senator Kirsten Gillibrand
U.S. Congresswoman Yvette Clarke
U.S. Congressman Dan Donovan
U.S. Congressman Hakeem Jeffries
U.S. Congresswoman Carolyn Maloney
U.S. Congressman Jerrold Nadler
Mayor Bill de Blasio
Assemblyman Dov Hikind
Members, New York City Council
Dr. Karen L. Gould, President of Brooklyn College
Dr. William J. Fritz, President of the College of Staten Island
Ms. Jennifer J. Raab, President of Hunter College
Mr. Jeremy Travis, President of John Jay College