



April 30, 2007

ILAN BENJAMIN
Professor of Chemistry
Head of UCSC Scholars for Peace in the Middle East

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Lecturer in Hebrew
Member of the UCSC Scholars for Peace in the Middle East

RE: Response to March 20, 2007 Letter to Acting Chancellor Blumenthal

Dear Professor Benjamin and Lecturer Rossman-Benjamin:

Acting Chancellor Blumenthal has asked me to review and respond to your letter dated March 20, 2007, regarding the conference that took place on the UCSC campus on March 15, 2007, entitled "Alternative Histories Within and Beyond Zionism." In your letter, you state your belief that the conference may have violated several University policies, most notably those regarding the use of University facilities for political activities as well as the Faculty Code of Conduct. I fully appreciate your concerns regarding the subject matter of the conference and I believe you raise important points about the need for informed public debate and dialog concerning Israel-Palestine issues. However, as discussed more fully below, I do not believe the conference constituted a misuse of University facilities in violation of policy.

As I recently discussed in a telephone conversation with Lecturer Rossman-Benjamin, the University of California, as a state instrumentality, must remain neutral on political matters. (See e.g., Policy on Use of University Properties, Section 41.10, "University Neutrality on Religious and Political Matters," found at www.ucop.edu/ucophome/coordrev/ucpolitics/aos/uc40.html). Thus, for example, in general the University may not take a position in support of or opposition to a ballot measure or political candidate. For a fuller discussion of this principle, see the UC Office of State Governmental Regulations website, "Institutional Advocacy – Legal Guidelines for UC Participating in Ballot Campaigns," located at www.ucop.edu/state/advocacy/ballotguidelines.html.

I understand you have struggled with the meaning of the phrase "political matters," and perhaps believe that University policy requires the University to remain neutral with respect to any and all controversial issues of the day. In support of this position, you cite in your letter communications issued by former President Charles J. Hitch in 1970 (as the

Fall campaign season approached), concerning restrictions on the use of University resources and facilities for political activities. I have reviewed those materials and note that in a statement issued to Members of the Committee on Educational Policy, dated September 11, 1970, President Hitch in fact acknowledged that there are "well-recognized difficulties in interpreting what is political," and that beyond "supporting or opposing candidates or propositions in elections," areas relating to political issues are "gray." Therefore, he noted, there must be an examination of all the facts and circumstances surrounding an activity and in the last analysis, the campus is responsible for determining its appropriateness.

Regardless of how "political activities" are defined in University policy, however, one principle remains abundantly clear: it is the University itself which is precluded from taking official positions on partisan political matters. Nothing in policy either prohibits faculty members from taking positions on controversial issues or requires the University to prevent the presentation or debate of those issues in campus events. On the contrary, the University is committed to upholding and preserving principles of academic freedom which protect faculty members' freedom of expression. That freedom includes the right to commit to a specific position or particular point of view. Moreover, although a University department is considered an administrative unit of the University, a department's sponsorship of an event (as was apparently the case on March 15) does not necessarily mean that the views expressed by the speakers at that event are those of the department, or that the department is speaking on behalf of the University of California.

The University of California is committed to providing a forum which encourages the presentation and debate of all points of view. However, in my opinion, this does not mean that every event held on campus must reflect all sides of an issue. In fact, as I understand it, there have been previous events held on campus regarding the same controversial issues which were the subject of the March 15 seminar. Those prior events were not "view point neutral," undeniably utilized University facilities, and presented views that were specifically at odds with those raised by the speakers at the March 15 seminar.

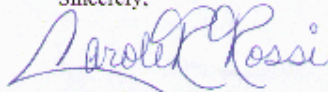
In your letter you state that you believe the speakers at the March 15 conference failed to present legitimate scholarly perspectives and that as such, their conduct constituted a serious breach of academic integrity and a corruption of the ideals of scholarship. To the extent you believe a faculty member's scholarship is inadequate or lacking in integrity, you are welcome to raise those concerns with either the appropriate divisional dean or with the Academic Senate.

Finally, you indicate that you believe the Faculty Code of Conduct may have been violated. If that is in fact your conclusion, there are clear channels for submitting a formal complaint. Please see www2.ucsc.edu/ahr/academic_policies_and_procedures/capprm/002015.htm for details on this procedure. While Israel-Palestine issues are always contentious, University and campus policies and procedures, including APM 010, must be upheld.

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Thank you for sharing your concerns regarding the March 15 event. I would be most happy to further discuss any aspect of this matter. I also believe Acting Chancellor Blumenthal would be interested in any ideas you may have for presenting future events on campus that encourage an informed debate and dialog concerning the Israeli-Palestinian conflict and related issues.

Sincerely,



Carole R. Rossi
University Counsel/UCSC Campus Counsel

cc: Acting Chancellor George Blumenthal
Executive Vice Chancellor David S. Kliger
Assistant Chancellor / Chief of Staff Ashish Sahni
Chair Faye Crosby – UCSC Academic Senate