



# RUTGERS

THE STATE UNIVERSITY  
OF NEW JERSEY

Richard L. McCormick, President

April 26, 2011

Zionist Organization of America  
Jacob and Libby Goodman ZOA House  
4 East 34<sup>th</sup> Street  
New York, NY 10016

Dear Mr. Klein and Ms. Tuchman:

I have received your letter dated April 6, 2011, in which you raise concerns about the campus climate at Rutgers University and its impact on Jewish students. Specifically, you have outlined incidents that you consider examples of anti-Semitic harassment in violation of Title VI. The university is well-aware of each of these incidents and has worked diligently to address them throughout the course of this academic year.

The First Amendment limits the ability of Rutgers, as a public university, to discipline its students for intolerant statements. In light of this, our purpose is to respect Constitutional principles while encouraging civil discourse and educating members of the Rutgers community about the potentially harmful effects of the intentional or misguided expression of insensitive and destructive prejudices.

Rutgers addresses allegations of anti-Semitic statements, or offensive expressions that do not constitute violations of the Code of Student Conduct or rise to the level of criminal harassment, with education about how such statements affect other members of the university community. This approach is consistent with our obligations under Title VI. However, where conduct motivated by anti-Semitism violates federal anti-discrimination law, that conduct would be addressed through the appropriate disciplinary process and/or by referral to the police.

Concerns of members of the Jewish community on campus have been addressed in many ways. During this academic year, the Student Affairs office facilitated numerous meetings with members of the Jewish community who had expressed concern about programming sponsored or promoted by the student group Belief Awareness Knowledge Activism (BAKA). These community members included students, faculty, and leadership from Rutgers Hillel and Chabad House. Dr. Gregory Blimling, Vice President for Student Affairs, has personally reached out to leaders in both Hillel and Chabad House in response to some concerns expressed by members of the Jewish community, and he has been actively involved in mediating conflicts between Jewish students and students in the Muslim and Arab community since those conflicts first arose earlier

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this academic year. This effort is reflected in his formal correspondence to Jewish community leaders dated March 17, 2011, a copy of which is attached for your information.

Dr. Blimling's letter explains how the university appropriately addressed the issues arising from the "Never Again for Anyone" event about which you have expressed concern. As noted in his letter, two non-University organizations, the American Muslims for Palestine and the International Jewish Anti-Zionist Network, held the event, and several Rutgers student groups supported the event. Apart from BAKA, two of the other student organizations who supported the event included a multicultural fraternity and a human rights activist group. The event featured several speakers, two of whom were Holocaust survivors. Rutgers students did not impose the five dollar admission fee as you allege. The fee was imposed as a crowd control measure by one of the non-university event hosts against the advice of the Rutgers personnel who attended the event. Event volunteers were allowed to attend for free; this is a customary practice at Rutgers. There is no evidence that anyone was denied access to the event, and Rutgers Hillel acknowledges this. Rutgers University Police officers worked at the event and they assisted the university in its investigation. It is my understanding that, based on the results of the investigation, the International Jewish Anti-Zionist Network may not apply for use of the University's student centers until January 2013.

Dr. Blimling and Kerri Willson, Director of Student Involvement, met with students from BAKA and Hillel on February 4, 2011. However, contrary to your assumption, the purpose of the meeting was not to address the "Never Again for Anyone" event. That event had already been investigated and addressed appropriately. Instead, the meeting was held in order to help the students understand one another's perspectives. Meetings with faculty advisors to the two organizations, individual meetings with student members of BAKA and Hillel, and meetings with Jewish Community leaders followed. By March 23, the faculty advisor for Hillel reported that the relationships between the two student groups had improved and she asked the university not to hold a second meeting. The advisor to BAKA agreed. After consulting with a professional mediator in conflict resolution, the university agreed that scheduling a second meeting between the two groups of students could be counter-productive. This, of course, does not preclude the university from facilitating further meetings if we find it necessary in the future.

You have also raised concern about the US to Gaza event, which took place last November. Dr. Blimling addressed this issue in his letter of March 17, 2011. My review of his letter assures me that the university has handled that matter appropriately as well.

Several incidents identified in your letter concern specific events reported by individual students. While student privacy rights preclude me from discussing details of the university's investigations of complaints filed by individual students, I can tell you that the university is aware of each incident and has conducted appropriate investigations. Any reports of physical intimidation and threats of harm are regularly referred to the Rutgers University Police Department.

The First Amendment also requires Rutgers to provide access to university facilities on a viewpoint-neutral and content-neutral basis. To encourage the free exchange of ideas, it is the policy of Rutgers to make maximum use of its facilities and provide access to such facilities for

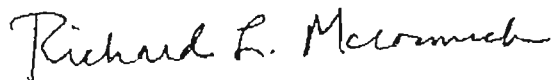
use by members of the university community as well as the citizens of the State of New Jersey. It is a primary goal of public higher education that students be exposed to a marketplace of ideas, and the use of university facilities by groups and organizations with competing viewpoints plays an integral role in the furtherance of that goal. The use of university facilities by a student organization or a group not affiliated with the university should not be viewed as support for or an endorsement of the opinions expressed by people using those university facilities.

Rutgers is a dynamic environment in which students from divergent backgrounds are encouraged to engage in meaningful dialogue about controversial issues. The programs that you have identified highlight only a very small portion of that dialogue. Indeed, programs sponsored by other organizations have created similar controversy. For example, in just the past three years university student groups have sponsored events on topics such as race and diversity, religion and homosexuality, sexual health, and stem cell research, as well as Israel advocacy events. The university cannot and will not endorse a particular point of view introduced by any of its over 400 registered student organizations.

With respect to academic programs on campus, the First Amendment protections extend to university faculty and programs sponsored by university departments. There is no evidence that any of the events you have identified have caused or threatened to cause a material disruption which would justify interference with University faculty members' or departments' exercise of First Amendment rights.

The university has already addressed each of the incidents that you have identified. Student members of BAKA and student members of Rutgers Hillel have both expressed concern about one another's programming on different occasions. In response to the resulting tension between the two student groups, the university has gone to extraordinary lengths to facilitate meaningful dialogue and promote civility. Thus, based on the results of our investigation, we are confident that we have satisfied our obligations under both Title VI and the First Amendment.

Sincerely yours,

A handwritten signature in black ink that reads "Richard L. McCormick". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Richard L. McCormick

Enclosure

March 17, 2011

Chabad House – Lubavitch  
170 College Avenue  
New Brunswick, NJ 08901

Rutgers Hillel  
93 College Avenue  
New Brunswick, NJ 08901

Dear Rabbi Carlebach and Mr. Getraer:

It was a pleasure talking with you, Rabbi Goodman, Rabbi Shagalow, and Rabbi Reed, on Wednesday, March 9. We share a commitment to providing Rutgers students with a high quality educational experience in a supportive community that contributes to their intellectual and personal growth and development. Chabad and Hillel add significantly to building and sustaining this supportive and engaging community life for our Jewish students and are an important part of the distinctive character of Rutgers University.

Among the issues that we discussed at our meeting was an event that occurred on January 29<sup>th</sup> of this year. The ensuing controversy raised concerns about public discourse over emotionally charged political issues at Rutgers. Below, I will try to clarify the events of that date, update you on steps we have taken to address some of the controversy and affirm the University's commitment to free and respectful dialogue on this and other matters that face the University community.

On January 29, 2011, two non-university organizations, American Muslims for Palestine and the International Jewish Anti-Zionist Network, held an event entitled "Never Again for Anyone" on the Douglass Campus. Rutgers University did not sponsor the event, but leased space at the Douglass Campus Center to the organizations and they hired off-duty Rutgers University Police Department (RUPD) personnel for security. Rutgers routinely leases space to outside organizations and charges them for the use of that space and for security when needed. No taxpayer funds or student fees were used to support this program. Many Rutgers student groups supported the event, including student groups and individuals dedicated to human rights, and political issues in the Middle East. The controversial nature of the content of this event drew vigorous protest from Jewish groups and individuals both inside and outside the University.

At that event, one of the organizations that rented space from the University made a decision to charge a nominal admission fee to the event instead of the advertised voluntary donation.

Everyone who paid the admission fee was admitted to the event. A small group of students who helped organize the event was admitted without charge, which is common practice.

A second issue of concern was a fundraising event in the fall semester in support of Palestinian relief in Gaza. Students in a student organization dedicated to human rights in the Middle East collected funds for the U.S. to Gaza Flotilla. A number of legal questions were raised by members of the Jewish community about financial contributions for the U.S. to Gaza Flotilla.

These events coupled with some less than civil discourse involving students and non-student adults who hold opposing opinions about issues of concern in the Middle East, have contributed to tensions between some of our Jewish students and student members of a group dedicated to political and human rights issues in the Middle East. To address these issues the University engaged students and other members of the University community in discussions about the rights and responsibilities of civil discourse. In addition, we have:

- Consulted an out of State law firm with expertise in international law to assist us in deciding the appropriate response to legal questions regarding student financial support for the U.S to Gaza Flotilla;
- Encouraged the Editorial Board of the Daily Targum to discontinue the practice of publishing anonymous comments on the electronic edition of the newspaper, and to print only those letters that are newsworthy rather than merely provocative, which they have done;
- Met with student groups and their advisors to discuss issues of concern by Jewish students and student members of a group dedicated to political and human rights issues in the Middle East;
- Restricted access to University facilities by a non-university group for conduct that was inconsistent with our principles of open access to programs and activities; and,
- Engaged members of the Jewish community and Middle Eastern community in discussions about how we can move forward with civil discussions on important issues when people of goodwill disagree.

The University welcomes healthy discourse, discussion, and dialogue among students, both as individuals and within student organizations. The pursuit of higher education requires the development of each person's voice and perspective so he or she may fully engage the intellectual experience of college. Limiting free speech and free expression would not only violate the principles of our University, it would stifle the very intellectual growth we are hoping to foster in each member of our community.

However, membership in the university community carries with it a duty we owe each other to respect the rights of those whose views may differ from our own. Dialogue and disagreement about any issue, but especially hotly contested political issues, mandates that special attention must be paid to civility and decency. Part of one's right to free speech is the responsibility to hear other perspectives with respect and openness. It is not necessary that such dialogues result in agreement, but they must not result in contempt, open hostility, or personal attacks.

Intolerance and bigotry are antithetical to the values of the University and the expectations that students bring to their experience here.

Rutgers' community is composed of individuals from virtually all racial, ethnic, cultural, religious, and linguistic backgrounds. This diversity of our student body and faculty is a source of pride for our University and a reflection of our commitment to the free and open exchange of perspectives and ideas. When contending with each other over areas of disagreement, we must remember that each of us, no matter where we hail from or what we have experienced, desires the same positive outcome for our community and ourselves. We all hope for the advancement of human rights. We all are invested in the proliferation of justice and freedom. We all yearn for a community where we can be heard and can speak, where we can agree to disagree as a manifestation of our courage and mutual respect.

Too often, it is easy to lose sight of this universality of our core beliefs and aspirations. We can get so impassioned by our convictions that we fail to see the humanity of those who view an issue differently. We can become so convinced of the rightness of our cause that we forget the larger purpose of discourse itself. We can be influenced by outside groups or larger political elements who may prioritize their own publicity-seeking aims over the best interests of the Rutgers community. It is vital that we redouble our efforts to avoid these distractions and commit ourselves, individually and within our various affiliations and communities, to the cause of mutual respect which is, itself, the foundation of the human rights we seek to promote.

Rutgers University will continue to strive to foster a community where disagreement and discourse are not a threat to our mutual understanding. Diversity of both background and opinion are some of our most prized resources as an institution and we will sacrifice neither for the sake of avoiding controversy. However, we must all join together to demand civility, tolerance, and humanity in the conduct of such disagreements so that such dialogues can enrich the student body and the individual student experience of each person who attends Rutgers.

I know I can count on you and the other members of Chabad and Hillel to work with me and other members of the University community to achieve this aim.

Warm personal regards,

Gregory S. Blimling  
Vice President for Student Affairs