

AMCHA & COALITION EMAIL TO BINGHAMTON UNIVERSITY- 2nd LETTER

November 17, 2014

Dear Ms. Scarlett,

Thank you very much for your response to our letter regarding the document posted on-line by Binghamton University's Students for Justice in Palestine group, which describes its plans for illegally disrupting pro-Israel student events. We greatly appreciate your swift response to our concerns. And we strongly commend BU's commitment to consistently upholding the Rules of Student Conduct and remaining vigilant about the safety concerns and rights of all students, while at the same time supporting the freedom of inquiry and expression that is a cornerstone of any university.

In your analysis of the SJP Declaration, you have made an important distinction between a document which advocates behavior that violates university policy or law, which is protected expression, and engaging in the disruptive behavior itself, which is unprotected expression and a violation of university policy and the law. Like you, we are first and foremost concerned with behavior that could violate the rights of fellow students and even lead to a dangerous and threatening environment for those students. However, we also question whether a group whose foundational document calls for illegal behavior, as well as hateful and discriminatory actions directed at fellow BU students, should be afforded an official university charter. We know the BU SJP is a very new group on campus, which is why we wanted to bring to your attention the discovery of its "Declaration of Principles and Strategies" as a window into its plans on campus.

Our primary goal is the safety and well-being of Jewish students. We greatly appreciate you taking this matter seriously and look forward to working together on these important issues.

Sincerely,

Alpha Epsilon Pi Fraternity (AEPi)
AMCHA Initiative
American Association of Jewish Lawyers and Jurists
Americans for Peace and Tolerance
David Horowitz Freedom Center
Endowment for Middle East Truth (EMET)
Hasbara Fellowships
Institute for Black Solidarity with Israel
National Conference on Jewish Affairs
Proclaiming Justice to the Nations
Scholars for Peace in the Middle East
Simon Wiesenthal Center
StandWithUs
The Lawfare Project

Zionist Organization of America

Cc: Binghamton University President Harvey G. Stenger
SUNY Chancellor Nancy L. Zimpher
SUNY Board of Trustees
NY Board of Regents Chancellor Meryll H. Tisch
NY Board of Regents Vice Chancellor Anthony S. Bottar
NY State Senate Education Committee Chair John J. Flanagan
NY State Assembly Education Committee Chair Catherine Nolan
NY State Senator Tom Libous (District 52)
NY State Assemblywoman Donna Lupardo (District 123)
NY State Comptroller Thomas P DiNapoli
Governor Andrew M. Cuomo
U.S. Senator Kirsten E. Gillibrand
U.S. Senator Charles E. Schumer
U.S. Congressman Richard L. Hanna (NY District 22)
Executive Director Hillel at Binghamton Nataly Weiss

BINGHAMTPON UNIVERSITY'S REPOSENSE TO AMCHA & COALITION'S FIRST LETTER CONCERNING A SJP DOCUMENT CALLING FOR ILLEGAL ACTION:

On Nov 9, 2014, Barbara M Scarlett wrote:

Dear Ms. Benjamin;

Thank you for your email dated October 28, 2104 to President Stenger and for your interest in inclusivity on the Binghamton University campus. You raise a number of concerns relative to a document named Declaration of Principles and Strategies (Declaration) posted online by the Binghamton University Students for Justice in Palestine (SJP) and tie those concerns to University policies.

Binghamton University strives to maintain a community where our students uphold our Rules of Student Conduct. Those rules prohibit behavior that constitutes threatening or causing physical harm or reasonable apprehension of such harm, harassment, disorderly or disruptive conduct that interferes with normal operations and rights of others, failing to follow directives of university officials acting in performance of their duties and violations of federal, state or local law among other prohibited behavior. When any student or student organization engages in behavior that violates these or other rules of student conduct we respond to uphold those rules and do so consistently.

Binghamton University, as befitting its role and status, is also host to a wide range of speakers and programs that reflect the breadth of interests and viewpoints on our campus. We actively manage campus events through a committee that brings together event staff, police, risk management & compliance, legal staff and others as necessary. We have managed events and programs that have attracted protesters and have always strived to maintain the very difficult balance between permitting protest and preventing disruption that rises to the level of infringing on the rights of others to receive information.

Binghamton has also not shied away from expressing an institutional message that aspires to a university community that is inclusive, diverse and respectful. We do so mindful that we also have a strong commitment to free inquiry and expression and a responsibility to fully uphold the First Amendment. It is sometimes the case that these values and principles can come into conflict. Protected expression is not always respectful, but yet it must be protected. We might value engagement and open dialogue, but we also must recognize that the free association rights of student organizations do not allow us to proscribe conduct that may not uphold those values. To the extent that the Declaration can be characterized as advocating behavior that violates our rules, such advocacy is protected expression. What is not protected of course would be actual behavior. To the extent any organization declares its intent not to associate with certain other organizations, provided they do not infringe upon the associational rights of their individual members, that too is not proscribable.

We will remain vigilant in upholding our rules of conduct. We will continue to monitor and manage campus events mindful of safety concerns and the rights of all of our community members. We will express our own commitment to inclusivity and a respectful community and model those ideals in our own actions as university officials. We value the contributions so many of you have made to our community and look forward to our continued collaboration to strengthen the educational experience for all students at Binghamton. Thank you for YOUR continued vigilance.

Barbara W. Scarlett
Associate Counsel
Binghamton University