

**BINGHAMTPOUN UNIVERSITY'S REPOSE 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