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September 13, 2024

Professor Asli Ü. Bâli
Professor, Yale School of Law
President, Middle East Studies Association

Professor Laurie Brand
Professor *emerita*, University of Southern California
Chair, Committee on Academic Freedom, MESA

Dear Professors Bâli and Brand,

Thank you for your letter of August 30, 2024; this permits us to clear up a number of matters that seem to be a cause of confusion.

To begin with, we would like to clarify the purpose of the [Guidance and Expectations document](#) that was shared with the University community. It is not a *new policy*; there has been no change in our policies. Rather, the document's purpose is threefold: to remind community members of our policies; to provide examples and clarifications about our existing policies in response to calls for our doing so; and to hopefully set a more productive tone for the coming year.

The reference to Zionism was by way of an example. Your letter says that "*The implication that the term 'Zionist' is self-evidently or always a 'code word' whose use and interpretation can and should be policed by university administrators is dangerous.*" Neither in the text of the Guidance and Expectations document nor by implication is there an assumption that all uses of the term Zionist are a code word for Jew. What the example illustrates is that one may not skirt our rules by using a codeword—thus, if one uses Zionist in a way that would be reasonably understood as a codeword for "Jew," one is not shielded from the enforcement of NYU's non-discrimination and anti-harassment (NDAH) policy. The same would be the case for other codewords applied to any other group. The Jerusalem Declaration on Antisemitism, which you cite, notes that "*...hostility to Israel could be an expression of an antisemitic animus...*" and that antisemitism may be "*...explicit or coded.*"

We would like to think that we—you and we—could agree that there are clear instances when the word Zionist has been used as a codeword for Jew, and that those who engage in *any* sort of discrimination should not be permitted to act with impunity. Acknowledging that basic fact does not entail prohibiting the use of the term Zionist, nor does it apply any special rules to that term. Instead, it simply recognizes that impermissible discrimination and harassment can take a variety of forms and can be expressed through a variety of words.

It is not the case that “...*the new policy severely restricts how students may engage in protest activity on campus, but it also seems intended to apply well beyond the university campus.*” Our policies are not meant to restrict protest and dissent activities; the Guidelines and Expectations lay out the University’s long-standing time, place, and manner guidelines for protest (including their application to certain off-campus conduct), adding what were intended to be useful examples.

Your letter also expresses concerns that “...*the new policy gives administrators power over what goes on in NYU’s classrooms*” and that you “... *are concerned that its intention or effect may be to shield Israeli government policies from open discussion in the classroom.*” We believe these concerns stem from a misunderstanding. Academic freedom was, is, and shall remain a bedrock principle at NYU. There is no new policy, nor any new authority granted to administrators. Nothing in the Guidance and Expectations document inhibits scholarly or public debate and commentary on particular countries or their specific policies or actions, including Israel. Academic freedom has never been a valid basis for failing to abide by civil rights law or prohibitions against discrimination and harassment.

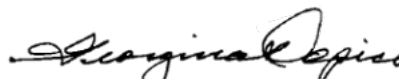
NYU’s aim is to foster a campus environment where academic freedom thrives and that is free from discrimination, harassment, violence, threats, and intimidation. And our longstanding rules are in place to eliminate discriminatory conduct and reinforce our academic mission, not to limit the free exchange of ideas.

We appreciate the opportunity to address these issues with you.

Sincerely,



Linda G. Mills
President



Georgina Dopico
Provost