



**Middle
East
Studies
Association**
of North America, Inc

Headquarters & Secretariat

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30 August 2024

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Dear President Mills and Colleagues:

We write on behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom to express our grave concern about the updated [Guidance and Expectations for Student Conduct](#) which the administration of New York University (NYU) circulated to the university community on 22 August 2024. Some of the provisions of this new policy statement impose unacceptable limits on the right of students and faculty to freedom of speech and assembly, and the guidelines also threaten academic freedom. They thereby infringe on the values of open inquiry and freedom of expression that are foundational to higher education and to citizenship in a democracy.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the prestigious *International Journal of Middle East Studies* and has nearly 2,800 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and outside of North America.

The new policy purports to clarify the meanings of discrimination and harassment as stipulated in Title VI of the Civil Rights Act of 1964, which defines discrimination as adverse treatment based on protected characteristics such as race, color or national origin. We find it disturbing that the policy's explanation of what constitutes



discriminatory or harassing behavior asserts, among other things, that “Using code words, like ‘Zionist,’ does not eliminate the possibility that your speech violates the NDAH [Non-discrimination and anti-harassment] Policy” because “For many Jewish people, Zionism is a part of their Jewish identity.” 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. It is rooted in the improper conflation of criticism of Israel and of Zionism – a political ideology – with antisemitism, which we have [criticized](#) on many occasions.

We call your attention to alternative perspectives on the relationship of Judaism and Zionism, for example, the [Jerusalem Declaration on Antisemitism](#), which has been endorsed by hundreds of eminent scholars of Jewish studies and Holocaust history. This statement rejects the conflation of Zionism with Judaism, clearly distinguishes between the two and establishes that criticism of the former (and of the actions and policies of the State of Israel) must be regarded as legitimate. We also note that equating Zionism with Judaism, as the NYU policy statement does, effaces the many Jewish students for whom Zionism is not part of their religious nor ethnic identity.

We are further concerned that the new policy gives administrators power over what goes on in NYU’s classrooms. Offering the hypothetical example of a professor teaching a class on international politics, it states that while discussing a particular country’s policies does not violate university rules, “if conduct that otherwise appears to be based on views about a country’s policies or practices is targeted at or infused with discriminatory comments...then it would implicate the NDAH.” We find this language vague and obfuscatory, and we are concerned that its intention or effect may be to shield Israeli government policies from open discussion in the classroom. The policy also undermines a bedrock principle of academic freedom: the right of faculty to determine what and how to teach their students, without interference from university administrators or external pressure groups.

We note as well 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. It asserts that student protestors have latitude to express themselves in public spaces, only to turn around and warn them that “protesting at an off-campus location does not immunize your conduct from University policies.” The new policy threatens consequences if protests have “continuing adverse



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effects on campus or in any NYU activity,” a dangerously vague formulation.

In short, in its explicit provisions but also in its elisions, contradictions and ambiguities, the new policy is likely to undermine the ability of students to exercise their First Amendment right to freedom of speech and assembly, while also threatening the academic freedom of NYU faculty by subjecting them to monitoring and sanctions by administrators. Regrettably, this is exactly the kind of revised policy designed to suppress student and faculty activism against which the American Association of University Professors warned in its 14 August 2024 [statement](#).

In an earlier [version](#) of its NDAH policy, issued in 2021, NYU declared that “The University also recognizes that a critically engaged, activist student body contributes to NYU’s academic mission. Free inquiry, expression, and free association enhances academic freedom and intellectual engagement.” We find it distressing that NYU seems to have forgotten the principles to which it once claimed to adhere. We therefore call on NYU to rescind the new NDAH policy guidelines and to invite all members of the university community to engage in a transparent, collective and democratic process to develop a policy that will truly foster non-discrimination and combat all forms of racism, including antisemitism, while safeguarding academic freedom, freedom of speech and freedom of assembly on campus.

We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Asli U. Bali'.

Aslı Ü. Bâli
MESA President
Professor, Yale Law School

A handwritten signature in black ink, appearing to read 'Laurie Brand'.

Laurie Brand
Chair, Committee on Academic Freedom
Professor Emerita, University of Southern California