

## REPORT #4

THE CLASSROOM EXPERIENCE AT  
COLUMBIA: PROTECTING  
THE ACADEMIC FREEDOM OF  
FACULTY AND STUDENTS

TASK FORCE ON  
ANTISEMITISM

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# **The Classroom Experience at Columbia: Protecting the Academic Freedom of Faculty and Students**

**By the Task Force on Antisemitism<sup>1</sup>**

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## Introduction

Academic freedom is the cornerstone of a great university. Members of our community must be free to explore ideas, including ones that are provocative or even offensive. This foundational freedom is essential to our academic mission.

Academic freedom must be guaranteed to everyone at Columbia, including members of protected classes (i.e., groups protected under antidiscrimination law). In listening sessions, the antisemitism task force heard of disturbing incidents in which the academic freedom of Jewish and Israeli Columbia students was not protected in the University's classrooms. We alluded to these incidents in our second report, published in August 2024 as part of our discussion of the listening sessions, and we promised to consider them more fully in a subsequent report. That is our purpose here.

We begin with our central point: We urge the University to protect freedom of expression to the maximum extent possible while also complying with antidiscrimination laws. Censorship has no place at Columbia. Neither does discrimination. We will describe a range of policies that can protect free expression while averting discrimination. In balancing these goals, we would err in the direction of protecting free expression, even when it makes members of our community uncomfortable. Importantly, however the University decides to strike this balance, it must do so consistently for all protected classes.

After discussing the history and core principles of academic freedom, we offer a number of recommendations, which focus mainly on the classroom but also touch on faculty research and outside activities, including the following:

- **Protecting Free Expression:** All members of our community must be free to explore ideas, including ones that are controversial or even offensive. Faculty and students must not be penalized for their views or pressured to conform to the views of others. There should be no ideological litmus tests for assigned readings in class syllabi.
- **Protecting the Academic Freedom of Students:** Academic freedom protects students as well as faculty.
  - **No Discrimination:** Students must not be singled out or unfairly treated in academic settings because of their identity or views. Academic freedom is not—and must never be—a license to discriminate. We must protect academic freedom for everyone, not just for a subset of our community.

- **Proactive Responses:** We want the University to address issues proactively because we think solutions that originate inside Columbia are more likely to be effective than solutions imposed from outside, since responses developed internally are crafted with a deeper and more nuanced understanding of our institution.
- **Striking the Right Balance:** We favor protecting speech as much as possible, subject to the imperative to comply with antidiscrimination laws. To strike this balance, the University should seek advice from expert counsel about where and how to draw the relevant lines, as well as guidance from the government and the courts. When there are different options for complying with the law, the University should seek faculty input about these alternatives.
- **Consistency:** In adhering to antidiscrimination laws while promoting free expression, the University must establish and enforce policies that are clear and consistent. Protections afforded to Black, Latino, Asian, Arab, female, LGBTQ+ and disabled members of our community must apply equally to other protected classes, including Jewish and Israeli students.
- **Scenarios:** To clarify how the University's antidiscrimination policies apply in the classroom, the University should update its antidiscrimination policy for faculty and staff (as it has done in updating its antidiscrimination policy for students). Clear classroom-specific antidiscrimination policies with illustrative scenarios should be shared and made easily accessible to all teaching faculty, graduate, and undergraduate students, just as the University has provided scenarios illustrating rules for Title IX and other forms of discrimination.<sup>2</sup> In addition, best teaching practices, including ones that are not legally required, should be shared and made easily accessible to all teaching faculty and graduate students.
- **Safeguards for Protected Classes in the Classroom:** We encourage the University to clarify safeguards for protected classes in the classroom, which are exemplified by recent incidents involving Jewish and Israeli students, and which we believe should apply to all protected classes:

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<sup>2</sup> See, e.g., Office of Institution Equity, Title IX and Related Misconduct: Policy and Procedures for Students 76 Appendix E (2025) (offering scenarios).

- **Classroom Disruptions:** Disrupting classes is a serious violation of our rules. Disruptions interfere with the rights of instructors to teach and of students to learn.
- **Disruptions Targeting Protected Classes:** If classes are targeted for disruption because they explore topics or permit the expression of views that are connected to students' or instructors' membership in a protected class, such as the disruption in January 2025 of a class on modern Israel taught by an Israeli visiting professor, these disruptions raise issues under the University's antidiscrimination policies.
- **Harassment:** Students must never be subjected to "one-to-one" harassment, for instance, when an instructor targets them with hostile questions or comments because of their real or perceived membership in a protected class.
- **Pressure to Participate in Protests:** An instructor should not require (or offer extra credit or other opportunities that affect grades) or otherwise pressure students to participate in a protest, demonstration, teach-in, or other form of political or civic expression that they consider inconsistent with their identities as members of a protected class. Instructors also should not convey, even inadvertently, that they assume students are going to such protests or that this is what a "good" student would do. The academic freedom of students entitles them to decide for themselves whether to participate in these activities.
- **Stereotypes:** An instructor should not use stereotypes and tropes about protected classes.
- **Religious Accommodations:** Reasonable religious accommodations must be offered.
- **Fraught Subjects Unrelated to Topic of Course:** Students should not have to navigate fraught discussions of issues relating to their membership in a protected class in courses that are unrelated to those topics, such as discussions of abortion in calculus or of correlations between race and incarceration in astronomy.



- **Freedom of Students to Disagree With Faculty:** Although students must be prepared to encounter views that challenge and even offend them—this a valuable feature of a learning environment with diverse perspectives—students should have the right to express their views, including views that are connected to their membership in a protected class, without worrying that their instructor will penalize them for doing so.
- **Consistency:** In these various situations, the same principles must apply to all protected classes.
- **Protected Expression in the Classroom:** In addition, we encourage the University to offer examples of situations in the classroom that clearly do not create issues under antidiscrimination laws, including:
  - **Defenses and Criticisms of Government Policy Relevant to the Course are Protected Expression in the Classroom:** Defenses and criticisms of the policies of any government or non-governmental actor are permitted when relevant to the subject matter of the class. To protect the academic freedom of students, instructors should strive to ensure students feel free to disagree with them and express other views. As a best practice, instructors should strive to acknowledge competing scholarly perspectives and to assign readings with multiple perspectives.
    - According to the Department of Education’s Office for Civil Rights, expressing such views is constitutionally protected speech under the First Amendment (at a public university) and would not violate Title VI, unless it is “targeted at or infused with discriminatory comments about persons from or associated with a particular country.”<sup>3</sup>
    - This freedom to defend or criticize government policy applies to the policies of the Israeli government, like any other government; the policies of Hamas, like any other group; the

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<sup>3</sup> U.S. Dep’t of Educ., Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics at 17 (May 7, 2024) [hereinafter “Dear Colleague Letter of May 7, 2024”]. The First Amendment generally does not apply to private universities.



United Nations (UN), like any other international organization; and so on.

- The same freedom applies to any policy that is relevant to the subject matter of the class, including subject matters that are especially important or potentially sensitive for members of a protected class (e.g., sexual assault, policing, immigration, criminal justice, affirmative action, transgender surgery, racial violence, Hamas's attack on Israel on October 7, 2023, Israel's military response in Gaza, etc.).
- **Defenses and Criticisms of Scholarly Ideas Relevant to Course are Protected Expression in the Classroom:** Defenses and criticisms of scholarly ideas and perspectives must be protected (and, indeed, should be encouraged) when relevant to the subject matter of the class. There should be no impediment to assigning academically valuable controversial texts. Instructors should strive to ensure students feel free to express other views and, as a best practice, instructors should strive to acknowledge competing scholarly perspectives and to assign readings with multiple perspectives.
  - This is true of defenses and criticisms even of scholarly ideas and perspectives that are especially important or potentially sensitive to members of a protected class (e.g., Zionism, Palestinian nationalism, anti-racism, feminism, queer theory, etc.).
- **Consistency:** Again, in these various situations, the same principles must apply to policies and ideas that are especially important or potentially sensitive to all protected classes.
  - **Best Practices:** In addition to focusing on policies, we recommend the University should encourage committees on instruction to discuss and establish consistent standards for best practices in the classroom, which draw on the expertise and insights of our faculty.
- **Teaching How to Think, Not What to Think:** In the classroom, our mission should be to teach students *how* to think, not *what* to think. Columbia's Faculty Handbook strongly endorses the foundational need to maintain an atmosphere of respect for all students and to avoid a politicized classroom. It says: "Faculty should confine

their classes to the subject matter covered by their courses and not use them to advocate any political or social cause. ... Faculty should allow the free expression of opinions within the classroom that may be different from their own and should not permit any such differences to influence their evaluations of their students.”<sup>4</sup> The handbook is clear that instructors should stick to the subject matter of the course and avoid political advocacy in the classroom. Unfortunately, we heard from many Jewish and Israeli students that their instructors offered critical comments about Israel in classes with subjects far removed from Israel and the Middle East. When faculty members fall short of the standard stated in the Faculty Handbook, the University should reaffirm its importance, while also addressing any student concerns and pedagogical issues that arise.

- **Disclosure:** When a class is meant to explore a particular perspective (e.g., a critique or defense of a particular theory, idea, or view), this perspective ought to be clearly disclosed in advance to students selecting their courses, especially when it has the potential to cause students to feel unwelcome, excluded, or silenced.
- **Balance:** Especially in required, introductory, and survey courses, it is a best practice for instructors to strive to present a full range of academic debate on the topics covered by the course.
- **Intellectual Diversity on the Middle East:** We heard from many students that an academic perspective that treats Zionism as legitimate is underrepresented in Columbia’s course offerings, compared to a perspective that treats it as illegitimate. The University should work quickly to add more intellectual diversity to these offerings. Columbia would benefit from full-time tenure line faculty expertise in Middle East history, politics, political economy and policy that is not explicitly anti-Zionist. We recommend the University address this imbalance through the establishment of new chairs at a senior level in Middle East history, politics, political economy and policy.
- **No Boycotts:** Academic freedom entails openness to scholars and students from other countries. As such, boycotts of faculty, students, researchers, or scholars from other countries are not consistent with academic freedom.
- **Protections For Research:** A core function of academic freedom is to protect research, enabling tenured and tenure-track faculty members to explore ideas that

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<sup>4</sup> <https://facultyhandbook.columbia.edu/>.

are unconventional, controversial, or even offensive. When faculty members publish books, studies, articles, or other academic work, drawing on their expertise and using the methodologies of their disciplines, this work generally should be protected, even if it offends other members of our community, so long as it does not violate antidiscrimination laws.

- **Institutional Risks:** There are formidable institutional risks in relying on administrators, however well intentioned, to decide which views faculty members can and cannot express in their research.
- **Compliance With Antidiscrimination Laws Without Restricting Speech:** We recommend seeking ways to comply with antidiscrimination laws that do not limit offensive speech. In some cases, for example, the University may be able to respond to offensive speech by condemning it, instead of limiting it. Admittedly, condemning speech might at times be in tension with a commitment to institutional neutrality. Yet when a university is faced with a choice between limiting speech, on the one hand, or condemning it, on the other, the latter strikes us as a less restrictive response.
- **Outside Activities:** In our view, a similar analysis should apply when faculty write or speak in the media, post on social media, or engage in other outside activities. We are wary of empowering administrators to decide what is in and out of bounds.
- **Consistency:** As with policies about the classroom, whatever position the University decides to adopt on controversial or offensive faculty research and outside activities, it must apply a consistent standard. There must not be one policy for work that may offend one group, and a different policy for work that may offend another.

As an appendix, we include a list of our recommendations from all of our reports. We appreciate that the University has implemented some of these proposals already and hope it will implement the rest as well.

## **I. Academic Freedom: A Proud Tradition at Columbia**

We begin with a brief survey of the history of academic freedom, including Columbia's important role in advancing it over the years. Academic freedom is foundational. Defending it is critical to the success of a great university. At the same time, it is a specific concept that is not the same as free speech and involves responsibilities as well as rights.

Academic freedom is central to our discussion of Jewish and Israeli students' experiences of antisemitism in the classroom and to the recommendations we make in this report.

### ***A. The Emergence of Academic Freedom at Modern Universities***

The emergence of academic freedom in America began in the late nineteenth century, when leading universities embraced the idea of the research university. By then, higher education in this country was already hundreds of years old, but colleges and universities generally understood teaching—usually by rote—as almost their sole purpose. They focused heavily on religion, Classics, character-building, and, especially at public universities, the transmission of “useful knowledge” in subjects like agriculture.

A generation of American academic leaders imported the research ideal from Germany, where many of them had studied. The ideals of the research university aligned with the Progressive Era's broader enthusiasm for expertise and professionalism. The Modern Language Association, the American Economic Association, and the American Historical Association were among the many professional associations founded in the 1880s. At the same time, the first American universities dedicated primarily to research (Johns Hopkins, Clark, and the University of Chicago) opened their doors to students.

Within just a few decades, many other universities had adopted the research model, and the system we live in today—entailing academic tenure, university presses, scholarly journals, and robust disciplinary communities that transcend the boundaries of individual universities—had taken form. Redefining the professor as a scholar-teacher was meant not only to increase the production of knowledge, but also to enhance the quality of teaching, by putting it into the hands of people at the intellectual forefront of their fields, who could communicate the rigor and the excitement of scholarly work.

In the face of frequent challenges and relatively little formal legal protection, the broad project of establishing and protecting academic freedom in the United States has been impressively successful. Unlike Germany, where academic freedom is protected in the nation's Basic Law,<sup>5</sup> as well as the United Kingdom, where it is protected in legislation,<sup>6</sup> U.S. law does not offer comparably specific definitions and protections for academic freedom.

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<sup>5</sup> Notably, even in Germany, academic freedom is subject to a significant limitation: researchers must still maintain “allegiance to the constitution.” Article 5, Section 3 (“Arts and sciences, research and teaching shall be free. The freedom of teaching shall not release any person from allegiance to the constitution.”).

<sup>6</sup> Academic freedom is formally recognized in the Education Reform Act of 1988. More generally, free expression is protected by Article 10 of the [European Convention on Human Rights](#), as applied in British law through the [Human Rights Act 1998](#). Nevertheless, some claim that academic freedom

American universities have long dreamed of a court decision that would find academic freedom to be a Constitutional right.<sup>7</sup> Probably the closest thing is the Supreme Court’s decision in the 1957 case of *Sweezy v. New Hampshire*, in which Justice Felix Frankfurter, a former law professor, declared in a concurring opinion:

For society’s good—if understanding be an essential need of society—inquiries into [scientific and social] problems, speculations about them, stimulation in others of reflection upon them, must be left as unfettered as possible. Political power must abstain from intrusion into this activity of freedom, pursued in the interest of wise government and the people’s wellbeing, except for reasons that are exigent and obviously compelling.<sup>8</sup>

Likewise, Judge Gerard Lynch, who served on the Columbia Law School faculty for many years, suggested in *Heim v. Daniel*, a 2023 opinion for the Second Circuit, that the First Amendment must be applied with particular care to state universities: “professors at public universities are paid—if perhaps not exclusively, then predominantly—to speak, and to speak freely, guided by their own professional expertise, on subjects within their academic disciplines.”<sup>9</sup> Judge Lynch emphasized that free speech rights apply not only to individual academics, but also to the universities themselves, entitling administrators to make content-based judgments about the curriculum and scholarship, including judgments with which individual faculty members disagree. “In the ‘special niche’ that academia occupies,” he wrote, “such judgments are ‘both necessary and appropriate.’”<sup>10</sup>

In any event, courts generally have shied away from affording separate protection for academic freedom under the First Amendment. For example, in the 2000 case of *Urofsky v. Gilmore*, the Fourth Circuit Court of Appeals ruled that professors have no greater Constitutional protection under the First Amendment than what is available to every citizen:

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protections in the U.K. are weakened by the absence of tenure and the ability of universities to shutter departments.

<sup>7</sup> For an argument that academic freedom should be constitutionally protected, see David M. Rabban, *Academic Freedom: From Professional Norm to First Amendment Right* (2024).

<sup>8</sup> 354 U.S. 234 (1957).

<sup>9</sup> *Heim v. Daniel*, 81 F. 4th 212, 226-27 (2d Cir. 2023). The court did not afford academic freedom special protection. Rather, it held that a professor’s speech is eligible for general First Amendment protection, and not ineligible as so-called “employee speech” (i.e., “speech pursuant to a public employee’s official duties”), *id.* at 224, as is the case with some other government employees.

<sup>10</sup> *Id.* at 233.

Appellees' insistence that the Act violates their rights of academic freedom amounts to a claim that the academic freedom of professors is not only a professional norm, but also a constitutional right. We disagree... Appellees ask us to recognize a First Amendment right of academic freedom that belongs to the professor as an individual. The Supreme Court, to the extent it has constitutionalized a right of academic freedom at all, appears to have recognized only an institutional right of self-governance in academic affairs.<sup>11</sup>

Both the Supreme Court and Virginia's state legislature declined the opportunity to change this judgment.

This lack of clear constitutional or legislative protection leaves academic freedom in the United States as a perpetually controversial set of arrangements, not a formally guaranteed right. (Free speech, by contrast, is constitutionally protected at public universities.) As the Harvard scholar Louis Menand has put it, "Since freedoms are socially constructed and socially maintained, their borders are constantly patrolled, and on both sides."<sup>12</sup>

A strong defense of academic freedom is essential. To be effective, the defense should not merely assert that academic freedom is an inviolable blanket protection, because universities don't have that. Rather, to make the case for academic freedom in a society made up of many contending stakeholders and elements, we need a precise, persuasively stated, defensible definition of academic freedom. Over the years, academics have offered eloquent testimonials to academic freedom, pointing out that university research has conferred many tangible and intangible benefits on American society and that our higher education system is esteemed worldwide, as shown in the eagerness of millions of people to study here. All of that is justified and worthwhile. From the beginning, though, the leading defenders of academic freedom have also emphasized—as contemporary experts Matthew Finkin and Robert C. Post put it in their 2009 book *For the Common Good*—that "Academic freedom is not the freedom to speak or to teach just as one wishes."

### ***B. Columbia's Tradition of Academic Freedom***

Columbia has played a prominent and proud role in the history of academic freedom in the United States. The first president of the American Association of University

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<sup>11</sup> 215 F.3d 401, 411-12 (2000). The facts of *Urofsky* may have affected the court's willingness to acknowledge a special right for professors. In this case, they were challenging a ban on viewing sexually explicit material on state-owned computers, and the court upheld the ban.

<sup>12</sup> Louis Menand, editor, *The Future of Academic Freedom*. University of Chicago Press, 1996. Page 3.

Professors (AAUP) was a Columbia professor, the philosopher John Dewey. On taking office, Dewey immediately appointed a committee to create a “Declaration of Principles” on academic freedom, published in 1915, which is still the foundational document on the subject.

The chair of the committee and principal drafter of the report was another Columbia professor, the economist Edwin R. A. Seligman. Seligman drew this assignment partly because, in 1900, as president of the American Economic Association, he had involved himself in the country’s most notorious case (of many) of a violation of academic freedom, when David Starr Jordan, the president of Stanford University, declined to renew the economist Edward A. Ross to his faculty position at the urging of Stanford’s sole trustee, Jane Stanford, the widow of the railroad magnate Leland Stanford. Seligman organized a group of economists to oppose Ross’s dismissal.

In the 1950s, two Columbia historians, Richard Hofstadter and Walter Metzger, undertook what is still the standard history of academic freedom in the United States. Hofstadter ended the initial volume of this two-part project by proposing a Columbia controversy from 1854 as a crucial harbinger of future struggles over academic freedom. The Columbia trustees had vetoed the appointment to the faculty of a prominent chemist named Wolcott Gibbs because he was a Unitarian; only Episcopalians were permitted to teach at Columbia. A dissident trustee, Samuel Ruggles, wrote an essay called “The Duty of Columbia College to the Community,” arguing that Columbia, which was then 100 years old but had only 140 students, was a laggard in American higher education because of its preference for religious conformity over academic accomplishment. Gibbs wound up spending most of his career at Harvard, but, as Hofstadter put it, the controversy over his hiring at Columbia “anticipated, despite its unfavorable outcome, the future victory of the university idea over sectarian limitations.”

At Columbia, the continuing struggles over academic freedom have produced proud moments, like the University’s close association with the founding of the, and also not-so-proud ones. A number of Columbia’s leading scholars resigned in protest over the University’s failure to protect professors deemed to harbor pro-German sentiments during the First World War. During the Cold War, Columbia, while backing Hofstadter and Metzger’s project on academic freedom, also forced out a radical professor at Teachers College.

We understand this report as standing squarely within Columbia’s tradition as a leading defender of academic freedom. The Task Force on Antisemitism is aware that Columbia is in a particularly difficult moment. The mission we were appointed to take on means our primary concern is the condition of Columbia’s Jewish and Israeli students, staff,



and faculty members. In our view, this responsibility is fully consistent with protecting academic freedom—indeed, it is essential to it. To be clear, our goal is to ensure Jewish and Israeli students have the same academic freedom and free speech rights as other members of our community—nothing more and nothing less. We adopt this perspective as committed and long-serving members of the University community who are working to preserve its core values.

When issues arise, we prefer for the University to address them proactively on its own, instead of having to adopt policies structured by the government. In our view, solutions that originate inside Columbia are more likely to be effective, since responses developed internally are crafted with a deeper and more nuanced understanding of our institution.

Toward that end, we have offered numerous recommendations in several reports over the past two years. In this spirit, the rest of this report offers guidance about how to address problems that Jewish and Israeli students have encountered in the classroom, while remaining true to our tradition of academic freedom. We also refer to some issues that can arise in research and in a faculty member’s outside activities, although we do not offer a comprehensive analysis of these issues.

We begin with three general principles that should guide practices in the classroom: academic freedom rights; academic freedom responsibilities; and antidiscrimination. These are analogous to principles we proposed in our first report, issued in March 2024, which was about free speech rights and protests on campus (free speech rights, free speech responsibilities, and antidiscrimination).<sup>13</sup>

## **II. Academic Freedom Rights**

### ***A. No Orthodoxies***

Like free speech, but in a more structured way, academic freedom seeks to uncover the truth by promoting debate. The right response to a flawed idea is not to suppress it, but to discredit it. As Justice Oliver Wendell Holmes famously observed about free speech in his dissent in *Abrams v. United States* (1919):

Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power, and want a certain result with all your heart, you naturally express your wishes in law, and sweep away all opposition. To

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<sup>13</sup> <https://www.columbia.edu/content/report-1-task-force-antisemitism>.

allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out.

In this spirit, a fundamental aspect of academic research and teaching is that the state of knowledge is constantly changing. Open disputation within the boundaries of serious academic inquiry, rather than certainty, is central to the production of knowledge. The ongoing academic project is inconsistent with rigid, permanent orthodoxies.

Although there may be a temptation to hire only faculty who share views that are common within the faculty and to reward students who also share those views—if only because their ideas and approaches may seem more persuasive to those who hold them—this impulse must be resisted. To promote vibrant debates that advance the frontiers of knowledge, universities should ensure that hiring, admissions, and grading decisions do not breed intellectual homogeneity. In class syllabi, there should be no ideological litmus tests for assigned readings, though the spirit of curation for academic quality that applies to all academic matters at Columbia should apply to these choices.

As many critics have observed in recent years, universities have failed to achieve intellectual diversity on various dimensions. Some departments (including at Columbia) do not include faculty members who would offer a different and academically valuable perspective on important issues. Some classes have a moralizing tone, often understood by students as demanding they agree with the professor's view, which closes down discussion and discourages students from thinking for themselves.

### ***B. Insulation From Outside Influence***

To ensure robust debate, universities must avoid conformity imposed not only from within, but also from outside. Government can present challenges to academic freedom. In Europe, research universities are mainly under the official control of their national governments (although faculty arguably have de facto control in many ways). That academic freedom has mainly—though certainly not always—flourished in this circumstance demonstrates that government involvement is not automatically threatening, if there is a degree of mutual respect and trust.

Historically, the challenges in the United States have been different. Many of the leading universities here are private—and thus under the formal supervision of their boards of trustees—while the leading public universities operate under the direct purview of boards appointed by governors and state legislatures, rather than the national government.

Beginning in the mid-twentieth century, the emergence of the federal government as a major funder of higher education, through research grants, student grants and loans and other programs, has meant it has joined the state governments as a constant presence—and at times a source of pressure—in both public and private research universities. This pressure has intensified in 2025.

Private universities (and many public universities) also are heavily reliant on private philanthropy. This is nothing new; five of the eight Ivy League universities are named after donors. A key lesson from the early twentieth century dispute at Stanford (which is also named after a donor), noted above, is universities should not allow private funders to impose orthodoxies, just as they should not allow the government to do so.

It is not persuasive, though, automatically to consider every example of influence on the university by donors, trustees, or government to be *prima facie* malign. Many of us are proud to occupy chairs endowed by donors. Our treasured undergraduate core curriculum began during the First World War as a course called War Aims, launched at the behest of the U.S. Army. University Extension became the School of General Studies in 1947 as a direct consequence of Congress's passage of the G.I. Bill. Government efforts to promote civil rights have helped transform universities, pressing institutions that once engaged in blatant discrimination to welcome students, faculty, and staff from a wide variety of backgrounds, without discrimination. The high-profile research grant programs of the National Science Foundation and the National Institutes of Health have immensely strengthened the university, while generating innovations that have transformed health care, enhanced the U.S. economy and improved the lives of the American people in countless ways. Government initiatives like Pell Grants, Fulbright-Hays grants, and National Defense Education fellowships and grants have also been important, funding language education and the development of area studies institutes at universities.

### ***C. Academic Freedom and the Rights of Students***

Since a fundamental mission of a university is to educate students, their rights must be protected. From the beginning, academic freedom has been understood as pertaining to students as well as faculty members; in the terminology of the German inventors of the concept as we know it, its two key components are *lehrfreiheit* and *lernfreiheit*, the freedom to teach and the freedom to learn. These freedoms are equally important.

The power imbalance between instructors and students makes it imperative that a great university guard against singling out or unfairly treating students in academic settings because of their identity or their views. Classes should not stray from openminded intellectual exploration into indoctrination—even, or especially, in service of what the professor believes to be a morally urgent cause. Part V will offer examples of what we have heard about students’ classroom experiences, and Part VI will also offer recommendations about how best to protect academic freedom in the current environment.

## **III. Academic Freedom Responsibilities**

### ***A. Professionalism and Methodological Rigor***

Academic freedom and free speech are related but distinct domains. Each is essential to university life in a different way. The difference between them is crucial. (Our task force offered its views on protecting free speech in its first report.)

Academic freedom pertains to a highly curated professional activity; universities, as Matthew Finkin and Robert C. Post put it, “hire, promote, grant tenure to, and support faculty on the basis of criteria of academic merit that purport to apply professional standards.”<sup>14</sup> All of us in the academic community spend a great deal of time judging and reviewing student applications, scholarly work, student papers and exams, grant applications, and so on, in a spirit of applying rigorous judgments informed by years of training. In other words, free speech by definition is not curated, while academic freedom “requires precisely that ideas be treated unequally,” Finkin and Post write—“that they be assessed and weighted, accepted and rejected.”<sup>15</sup>

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<sup>14</sup> Matthew W. Finkin and Robert C. Post, *For The Common Good: Principles of Academic Freedom*, Yale University Press, 2009. Page 59.

<sup>15</sup> Matthew W. Finkin and Robert C. Post, *For The Common Good: Principles of Academic Freedom*, Yale University Press, 2009. Page 43.

John Dewey put it well in 1902, in what may have been the first full-dress defense of academic freedom by a leading American scholar: “To investigate truth; critically to verify fact; to reach conclusions by means of the best methods at command, untrammelled by external fear or favor, to communicate this truth to the student; to interpret to him its bearing on the questions he will have to face in life—this is precisely the aim and object of the university.”<sup>16</sup>

As a result, the freedoms that apply to speakers at the Sundial—the landmark at the center of Columbia’s Morningside campus that traditionally has been a prime location for political speech—are not identical to the freedoms that apply in the classroom, where discussions should be more measured and considered. To maintain their legitimacy and independence, universities should demonstrate that they maintain and enforce professional standards for teaching and research.

In this spirit, the AAUP’s original Declaration of Principles, eager to persuade other university stakeholders to restrain themselves where purely academic matters are concerned, offered assurances about what professors would do with their freedom. They would engage in “competent and patient and sincere inquiry,” present their findings “with dignity, courtesy, and temperateness of language” and avoid “sensational modes of expression.”<sup>17</sup>

### ***B. Stewardship of Open Inquiry in the Classroom***

Even as scholars deploy their expertise, they must be open to opposing viewpoints, and willing to consider the possibility that the prevailing opinion of the moment may well wind up being superseded. As Max Weber put it in his essay “Science as a Vocation,” which set out to identify the moral and ethical core of the academic profession: “In the realm of scholarship... we all know that everything we’ve done and are doing will be obsolete in ten or twenty years. That is the destiny of such work—what’s more, that is the *point* of such work.”<sup>18</sup>

That academic life is professionalized doesn’t mean it is devoted to generating immutable truths, or in any specific moment academics should be seen as undeserving of challenge. We should remember the incident that led Jane Stanford to demand Edward Ross

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<sup>16</sup> John Dewey, “Academic Freedom,” *Educational Review*, January-May 1902.

<sup>17</sup> American Association of University Professors. “Report of the Committee on Academic Freedom and Academic Tenure.” 1915. Page 19 and 23.

<sup>18</sup> Max Weber. “The Scholar’s Work.” In *Charisma and Disenchantment: The Vocation Lectures*. Chad Wellmon and Paul Reitter, Editors. Translated by Damion Searls. New York Review Books, 2020. Page 16.

be fired was a speech Ross gave calling for a ban on immigration from Asia, on the grounds that Asians were an inferior race. (Jane Stanford's opposing position, that railroads needed "coolies" to provide cheap labor, is just as offensive.) Some of Columbia's most prominent senior professors also had views we'd now find abhorrent. John W. Burgess, founder and longtime head of our graduate program in political science, was a leading eugenicist; the historian William Archibald Dunning relentlessly promoted the view that the government's granting of civil rights and voting rights to the formerly enslaved had been a terrible mistake.

Ongoing disputation within professional norms is at the heart of academic life. That standard views within academe have been continually revised demonstrates that at no moment should the standard academic view be regarded as unchallengeable.

This spirit of openness must animate not only our faculty workshops and laboratories, but also our classrooms. The AAUP's original Declaration of Principles took pains to address professors' teaching. It said: "The teacher ought to be especially on his guard against taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matter in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definite opinion of his own."<sup>19</sup>

A few years later Max Weber put it more pointedly: "politics does not belong in the lecture hall...a prophet or demagogue does not belong in a lecture hall. To the prophet, to the demagogue, I say: Go out into the streets and speak there, in public."<sup>20</sup>

In a historically important statement in 1940, the AAUP called on teachers to "be careful not to introduce into their teaching controversial subject matter which has no relation to their subject," and urged them, when speaking on political subjects outside the classroom, to endeavor to "show respect for the opinions of others."<sup>21</sup>

As faculty members at Columbia, we have been entrusted with the solemn responsibility to teach a remarkably gifted student body. We should impart knowledge and

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<sup>19</sup> American Association of University Professors. "Report of the Committee on Academic Freedom and Academic Tenure." 1915. Page 21.

<sup>20</sup> Max Weber. "The Scholar's Work." In *Charisma and Disenchantment: The Vocation Lectures*. Chad Wellmon and Paul Reitter, Editors. Translated by Damion Searls. New York Review Books, 2020. Page 28.

<sup>21</sup> "The 1940 Statement of Principles on Academic Freedom and Tenure." *Policy Documents and Reports*, AAUP 2015. Page 23 and 14.

skills, so they learn to think critically and deeply about the great issues of our time. Our mission should be to teach them *how* to think, not *what* to think. Some faculty may prefer not to share their opinions at all. When others choose to do so, they should ensure students are comfortable exploring and embracing other perspectives. As a best practice, faculty should introduce other legitimate, academically debated points of view as well. This should be done in the same spirit as the literature reviews that begin most academic publications: acquainting students with the major intellectual disputes in the field, so they can learn to evaluate them independently. To do otherwise is to abridge the academic freedom of our students.

Columbia's current Faculty Handbook<sup>22</sup> strongly endorses the foundational need to maintain an atmosphere of respect for all students and to avoid a politicized classroom. It says: "Faculty should confine their classes to the subject matter covered by their courses and not use them to advocate any political or social cause. ... Faculty should allow the free expression of opinions within the classroom that may be different from their own and should not permit any such differences to influence their evaluations of their students."<sup>23</sup>

### ***C. No Boycotts***

In addition to promoting openness in research and in the classroom, academic freedom entails openness to scholars and students from other countries. Boycotts are not consistent with academic freedom.

They inevitably entail restricting, in the name of a larger cause, the ability of scholars and students who come from countries deemed unacceptable to participate freely in the activities of academic life: enrolling in universities outside their own countries, taking up full time academic appointments or visiting professorships, publishing in scholarly journals, participating in conferences, delivering lectures or participating in panel discussions.

This issue is especially concerning to the antisemitism task force because the only significant academic boycott movement of the twenty-first century has been aimed at the only Jewish state, proposing to restrict the research, teaching, and studying opportunities available to a cohort whose members are overwhelmingly Jewish.

Here at Columbia, a consistent demand of the boycott movement is the University end its partnership with Tel Aviv University. To deny the students who come to Columbia

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<sup>22</sup> <https://facultyhandbook.columbia.edu/>.

<sup>23</sup> <https://facultyhandbook.columbia.edu/>.



under this program the opportunity to study here would be a clear violation of the spirit of academic freedom.

Columbia would also lose the opportunity to engage intellectually with an exceedingly impressive cohort of students. The same is true of Israeli students, postdoctoral researchers, and faculty who participate in Columbia's other programs. They add immeasurably to the vibrancy of our intellectual community.

Until last year, the AAUP consistently and categorically opposed academic boycotts. In August 2024, the AAUP changed its position, declaring "academic boycotts are not in themselves violations of academic freedom; rather, they can be considered legitimate tactical responses to conditions that are fundamentally incompatible with the mission of higher education."<sup>24</sup> Although it wasn't mentioned by name, Israel and its universities were clearly the object of this new policy.

The AAUP insisted its new stance should be thought of as an option available to faculty members, not a broad ban: "... individual faculty members and students should be free to weigh, assess, and debate the specific circumstances giving rise to calls for systematic academic boycotts and to make their own choices regarding their participation in them."<sup>25</sup> But in practical terms, the people whose options will be restricted under this policy (and, in fact, have already been restricted) will be Israeli scholars and students, along with other scholars and students who want to work with them. We don't see how this is not a limitation on the academic freedom of Israelis and anyone interested in interacting with them. It entails permitting political views to enter what was conceived of as a separate, politically protected realm—something the AAUP has long steadfastly opposed in other circumstances.

#### **IV. Antidiscrimination**

##### ***A. No Discriminatory Harassment or Hostile Environment: Compliance with Antidiscrimination Law***

Just as universities must be open to different ideas, they also must be open to people of different backgrounds. We cannot succeed in our research or teaching missions if we exclude or discriminate against people based on their race, gender, religion, national origin,

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<sup>24</sup> <https://www.aaup.org/reports-publications/aaup-policies-reports/policy-statements/statement-academic-boycotts>.

<sup>25</sup> <https://www.aaup.org/reports-publications/aaup-policies-reports/policy-statements/statement-academic-boycotts>.

sexual orientation, disability, status as a military veteran, or membership in any other protected class. Antidiscrimination is an imperative grounded in our mission and values, as well as in the law.

Academic freedom is not—and must never be—a license to discriminate. For example, academic freedom does not entitle faculty members to tell sexist jokes or to disparage or harass female students or colleagues (even though, unfortunately, this behavior was once common at Columbia and other universities). The same is true of the many other instances of discrimination at universities over the years, including Columbia’s exclusion of Wolcott Gibbs because of his Unitarian faith, Columbia’s exclusion of Black students for over a century, and the quotas used to limit the enrollment of Jewish students.

In short, we cannot protect academic freedom for only a subset of our community. This right is guaranteed to people of all backgrounds.

At the same time, everyone must also be free to speak their minds and to explore ideas, including ones that are provocative or even offensive. We must have a free and open exchange of ideas, even as we seek to avoid discriminatory harassment and a hostile environment. The University’s recently updated antidiscrimination policy for students specifically says, “Nothing in this Policy may be construed to abridge academic freedom, principles of free speech, or the University’s educational mission,” and rightly so.<sup>26</sup>

As we have said in prior reports, we favor protecting free expression as much as possible, subject to the imperative to comply with antidiscrimination laws. If the University follows this approach, it should strike the relevant balance by drawing on advice from expert counsel about where and how to draw the relevant lines, as well as on guidance from the government and the courts, to ensure it fulfills its obligations under antidiscrimination laws. When there are different options for complying with the law, the University should seek faculty input about these alternatives.

### ***B. No Double Standards***

Needless to say, Jews and Israelis are not the only groups at risk of experiencing discriminatory harassment. The rights of all protected classes must be defended, and they must be defended equally.

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<sup>26</sup> <https://universitypolicies.columbia.edu/content/anti-discrimination-and-discriminatory-harassment-policy-and-procedures-students>.

This consistency is mandated not only by our values, but also by Title VI of the Civil Rights Act of 1964<sup>27</sup> and other applicable laws.<sup>28</sup> In general, all protected classes must receive the same level of protection. Otherwise, if it offered vigorous protection to some but not others, the University would violate Title VI.<sup>29</sup>

As we said in our first report, “speech or conduct that would constitute harassment if directed against one protected class must also be treated as harassment if directed against another protected class. This must be true not only in the way policies are written, but also in the way they are enforced.” When policies regulate classrooms (or other university activities) to protect Black, Latino, Asian, Arab, female, LGBTQ+, and disabled student members of our community, the same policies must apply equally to protect other protected classes, including Jewish and Israeli students. We are concerned this has not always been the case in recent years.

## **V. Classroom Incidents**

During the listening sessions we held all across the University in the Spring of 2024, we regularly heard about disturbing incidents in classrooms. Investigating and adjudicating such incidents isn’t part of our charge from the Office of the President, but hearing about them helps us to understand, and to bring to the attention of the Columbia community,

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<sup>27</sup> Title VI of the Civil Rights Act of 1964 bans discrimination based on “race, color, and national origin.” This includes discrimination against Israelis, which is based on national origin. Although discrimination based on religion is not explicitly mentioned, the statute has been interpreted for decades to cover religion-based discrimination to the extent that it reflects shared ancestry or ethnic characteristics, whether real or perceived. “These protections extend to students and school community members who are or are perceived because of their shared ancestry or ethnic characteristics,” the Department of Education recently observed, “to be Jewish, Israeli, Muslim, Arab, Sikh, South Asian, Hindu, Palestinian, or any other faith or ancestry.” Dear Colleague Letter of May 7, 2024, at 1; see also Executive Order 13899 (noting that “[d]iscrimination against Jews may give rise to a Title VI violation when the discrimination is based on an individual’s race, color, or national origin” and giving guidance about how to detect such discrimination.)

<sup>28</sup> State and local antidiscrimination laws explicitly ban discrimination based on religion and national origin. The NYSHRL prohibits “an educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student...by reason of...religion.” N.Y. Exec. L. § 296(4). Similarly, the NYCHRL prohibits a provider of public accommodation, including a privately operated educational institution, to “withhold from or deny to [any] person the full and equal enjoyment, on equal terms and conditions,” of any service or program, “[b]ecause of...creed.” N.Y.C. Admin. Code § 8-107(4)(a)(1)(a).

<sup>29</sup> Specifically, it would create what the Department of Education calls a “different treatment” problem. See Dear Colleague Letter of May 7, 2024, Example 9 (finding a problem under different treatment analysis where a high school history teacher, in “ask[ing] the class to discuss the Israel-Hamas conflict... asks the only Jewish student in the class, who he assumes is Jewish based on her last name, to explain her position on the conflict.”).

persistent problems that Jewish and Israeli students are experiencing in their academic lives. Some incidents we heard about have been verified and publicized; even in those cases, here we will relate what we heard, but won't identify the students and instructors involved. What's most important to us is identifying and raising the community's awareness about inappropriate behavior so it can be avoided in the future.

Columbia has more than 200 enrolled Israeli students, which is thought to be a greater number than any other Ivy League university. It has many other Jewish students who come from the U.S. and other countries, and many of these students have close ties to Israel. Some have Israeli relatives; some have parents or grandparents who are Israeli immigrants; some have spent significant time in Israel and continue to visit regularly. Israel is an essential part of their Jewish identity. This is not true of all Jewish students (and faculty and staff) at Columbia, but it is true of a great many of them. Anyone who is teaching a class at Columbia should be aware that comments about Israel can be highly impactful to students, including Jewish students who are not Israeli.

This is especially important because the classroom is unavoidably a place where the balance of power between instructor and student is not equal. Students are often not aware of categorical distinctions among faculty members, such as between full-time professors, graduate student instructors, and adjuncts. Whatever their rank, instructors are in charge of the classroom and responsible for grading students' work and therefore affecting their futures; graduate assistants may not see themselves as powerful, but their students often do. For all instructors, keeping in mind and respecting the way students experience instructors' behavior is an aspect of the true spirit of academic freedom, as stated in the foundational documents we quoted above.

### ***A. Disrupting a "Zionist" Class***

The most flagrant recent violation of academic freedom at Columbia came when a group of student protesters entered an in-progress class taught by a visiting Israeli professor—one of a limited number available to students who did not want to study the Middle East only from an anti-Zionist perspective—and attempted to prevent it from proceeding.<sup>30</sup> Students in the class reported the student protesters appeared to have targeted the class precisely because it was designed to study Zionism, rather than merely to condemn it—and because of the national origin of the teacher. As the instructor observed, "for my Jewish students—and not all students in the class, it bears noting, are Jewish—that intrusion, and the wave of campus protests it symbolized, appeared to undermine their

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<sup>30</sup> Isabel Vincent & Rikki Schlott, Masked Students Disrupt Columbia Classes, Distribute Antisemitic Leaflets as College Named 'National Model' for Anti-Israel Protest, N.Y. Post, Jan. 22, 2025.

sense of home in the United States. The very fact that someone would dare to threaten or harass a Jewish student solely because of what Israel does struck them as a fundamental imperiling of their future existence in their country, an antisemitic act with implications for all Jews.”<sup>31</sup> The University recognized the seriousness of this incident and responded with both public statements and discipline.

Not long afterward, students protesting the University’s response to this classroom disruption occupied Barnard’s Milbank Hall, which led to classes in that building being disrupted or cancelled, and then occupied the Barnard Milstein library.<sup>32</sup> In at least one instance elsewhere in the University, a teacher cancelled a class so the students could support students who participated in the Milbank occupation. Those are further flagrant violations of academic freedom because they deprived other students of their freedom to study and learn without significant disruption. (The subsequent protest in the main reading room of Butler Library interfered with students’ freedom to study, which is an essential aspect of their academic freedom, but it did not disrupt classes that were in session.)<sup>33</sup>

### ***B. Scapegoating Jewish and Israeli Students for Their Ties to Israel***

Unfortunately, we have heard of disturbing situations in which an instructor has singled out Jewish and Israeli students for personal scapegoating because of their real or perceived ties to Israel, a practice that violates guidance from the Department of Education.<sup>34</sup> It is impossible to think of any instance when it would be appropriate for a teacher to “call a student to account” during a class for the supposed misdeeds of a group the teacher imagines that the student belongs to.

Yet we heard one Israeli student was told, “You must know a lot about settler colonialism. How do you feel about that?” Another, a veteran of the Israel Defense Forces (IDF), like the vast majority of Columbia’s Israeli students (Israel requires most of its citizens to serve in the military), told us she was called an occupier. Such events occurred even prior to Oct. 7. An Israeli student who served in the IDF attended a class, which included discussions about the conflict. The student said when the IDF was discussed it was

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<sup>31</sup> Avi Shilon, Students Were Expelled For Protesting My Columbia Class on Israel. Here’s What They Taught Me, Forward, Feb. 24, 2025.

<sup>32</sup> <https://www.sundial-cu.org/p/are-pro-palestinian-protesters-capable>.

<sup>33</sup> Sharon Otterman, A Year Ago, Columbia Security Was Hands-Off at a Protest. Not This Time, May 8, 2025.

<sup>34</sup> See Dear Colleague Letter of May 7, 2024, Example 9 (finding a problem under different treatment analysis where a high school history teacher, in “ask[ing] the class to discuss the Israel-Hamas conflict ... asks the only Jewish student in the class, who he assumes is Jewish based on her last name, to explain her position on the conflict.”).

presented as an army of murderers. The instructor pointed at the student (in front of the class) and said since she had a combat role in the IDF, she should be considered as one of the murderers.

Another—Jewish, not Israeli—student reported being told: “It’s such a shame that your people survived in order to commit mass genocide.” Another student, who had emailed a teacher objecting to the way she was framing the conflict in the Middle East, came to a subsequent class and heard his email, which he’d considered private, read aloud (without his permission) to the class by the teacher, who offered a line-by-line response in front of the other students. We also heard from students who felt they had to avoid identifying themselves as Jewish or Israeli in classes, in order to avoid the possibility of being scapegoated.

These are fundamentally not teaching behaviors that arise from scholarly values. True academic freedom would prevent them, not protect them.

### ***C. Connecting Classes to Protests***

Students and faculty should be free to attend protests, as we emphasized in our first report. Yet an instructor should not pressure students to do so or make aspects of grading depend on attending protests—for example, by offering extra credit. Instructors also should not convey, even inadvertently, that they assume students are going to such protests or this is what a “good” student would do. Given the power imbalance, students who disagree with the protest, particularly because of their identity or membership in a protected class, may feel intimidated or alienated.

Unfortunately, several instructors encouraged their students, during class, to participate in the 2023-24 academic year’s protests; cancelled class sessions in the hope their students would join the protests; or moved their classes off campus so they could be used as political organizing sessions. Some held their classes or office hours in a protester encampment (where in several cases it was indicated Zionists were not welcome).

One professor told *The New York Times* he did this even though he believed some students in his class were Israeli—and those students did not come to class in the encampment. He said, “I was planning on making it as comfortable as I could, but I think the feeling in the class was not running in their favor, and that may be why they didn’t show up.”<sup>35</sup> Needless to say, a student’s right to attend class cannot—and must not—depend on

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<sup>35</sup> Anemona Hartocollis, [Taking Cues From Students, U.C.L.A. Faculty Members Join The Protests](#). *New York Times*, May 2, 2024.

his willingness to attend a protest directed at his own country or, for that matter, on what his professor and fellow students think of his home country. Title VI expressly bars discrimination based on national origin.

We also heard about a teacher who told a student that if in-class discussions of walkouts to protest Israel made him uncomfortable, he shouldn't come to class. Such behavior is fundamentally inconsistent with students' academic freedom.

#### ***D. Stereotypes and Tropes***

Needless to say, instructors also should not use ethnic stereotypes and tropes. We heard about an especially egregious incident in a required introductory course at the Mailman School of Public Health, which more than 400 entering students were required to take. The teacher told the students three of the school's major donors, who were Jewish, had made their gifts with the aim of "laundering blood money." He referred to Israel as "so-called Israel." In one exercise, students were asked to consider the possibility that a hypothetical "development team is concerned that working in Palestine could turn off wealthy U.S. donors that support Israel."

Interviewed by *The Wall Street Journal*, the lead teacher dismissed those who had complained as "a handful of privileged, white students, who have probably never been confronted by a framework that challenges them to think critically about the benefits they derived from the system of white supremacy, patriarchy, and capitalism," adding, "I get that it's uncomfortable in the context of a required class."<sup>36</sup> The Mailman School did not renew the teacher's contract—he was not a tenured faculty member—but did not officially say anything about his conduct of the class or arrange for this instructor's students to be exposed to other views in their other classes.

#### ***E. Accommodations For Religious Observance***

Instructors also should offer reasonable accommodations for religious observance, a practice the University already requires. We heard about a student with an exam scheduled on Yom Kippur, which is the holiest day of the year for religiously observant Jewish students. When the student asked the director of the program for an accommodation, the student reportedly was encouraged to take a leave of absence instead of missing exams and classes because of holidays—even though University policy requires instructors to

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<sup>36</sup> Douglas Belkin, Some Columbia Professors Accused of Pro-Palestinian Indoctrination, Wall St. J., Mar. 8, 2024.



accommodate religious observance in this situation.<sup>37</sup> The response the student reportedly received is not consistent with creating a welcoming environment for students of faith.

### ***F. Critiques of Israel in Classes Unrelated to Israel***

We imagine the problems are obvious in the incidents we have reported so far: classes should not be disrupted, students should not be targeted or pressured, stereotypes should not be used, and religious accommodations should be offered.

We also heard about other issues that are more nuanced. One is that a number of instructors offered harsh condemnations of Israel in classes whose subject matter is far removed from Zionism, Israel, and the Middle East.

Obviously, these faculty members are entitled to their views. In addition, as a general matter, instructors should have considerable discretion in the pedagogical choices they make. Yet as we discuss further below, University policy directs faculty members to stick to their subjects in class, and for good reason. Not only is this the faculty member's area of expertise, but it also is the subject students were expecting to learn about when they enrolled in the class. In our view, instructors should take particular care not to digress in ways that might cause members of a protected class—and, indeed, any students—to feel unwelcome. For example, it is not appropriate for an instructor to offer a full-throated critique (or defense) of abortion in a class on calculus, or to discuss correlations between race and incarceration in a class on astronomy.

The faculty handbook does not permit these digressions, as noted above, and rightly so.<sup>38</sup> Similarly, Columbia's AAUP chapter recently emphasized that when faculty members choose materials for classes, they have the right to include "controversial material germane to the subject at hand" and "controversial material relevant to topics being studied."<sup>39</sup>

Unfortunately, many Jewish and Israeli students told us about teachers who introduced a harsh moral condemnation of the state of Israel into a class where that is not obviously pertinent to the topic being taught and wasn't presented to students when they were selecting their classes as something that would come up. An introductory class on astronomy began with a unit on "Astronomy in Palestine," in which, as the class's syllabus put it, "as we watch genocide unfold in Gaza, it is also important to tell the story of

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<sup>37</sup> See Jewish Holidays Fall 2024 Information Sheet (listing Jewish holidays as "excused religious absences").

<sup>38</sup> See *supra* Part III.C; see also <https://facultyhandbook.columbia.edu/>.

<sup>39</sup> Columbia University Chapter of the American Association of University Professors, Academic Freedom in the Classroom, Aug. 18, 2025.

Palestinians outside of being the subjects of a military occupation.” A student reported that during a vocabulary exercise in an introductory Arabic class, the teacher proposed this sentence: “The Zionist lobby is the most supportive of Joe Biden.” A student told us in a class on feminism, the professor opened the first session by announcing it had been 100 days since Israel began waging war on Gaza. We heard similar reports, where harsh condemnations of Israel were made a central element of classes in ways that blindsided Jewish and Israeli students, in a class on photography, a class on architecture, a class on nonprofit management, a class on film, a music humanities class, and a Spanish class. We have heard some graduate students urged each other to “teach for Palestine” in their classes on a wide variety of subjects.

### ***G. Balance in Classrooms and in the Curriculum***

In contrast, in classes where discussions of Israel are directly relevant to the subject of the course, instructors should be free to criticize or defend Israeli policy, just as they should be free to criticize or defend the policies of other countries in our classrooms. It would violate academic freedom to ban criticism of Israel or Hamas—or, for that matter, to ban criticism of the United States. As we have emphasized, there should be no orthodoxies at Columbia—not just about Israel—but about race, gender, criminal justice, affirmative action, climate policy, international law, income inequality, and any other subjects where the expression of some views may offend members of our community.

Yet as a best practice, we urge instructors to approach these issues with care and sensitivity, keeping in mind the problems this report has identified, the principles articulated in the University’s antidiscrimination-policies and faculty handbook, and the special responsibility faculty members have for what happens in their classroom. With any controversial subject, they should focus on facts and rigorous analysis, expose students to competing perspectives, and ensure that students feel free to disagree with them and with each other, modeling the kind of open debate and thoughtful disagreement that are hallmarks of a great university.

Unfortunately, this has not been the experience of many Jewish and Israeli students. One reported that a teacher told her students, in a class on advocacy, that accounts of sexual violence by Hamas were exaggerated or fabricated, notwithstanding the fact that this

violence has been repeatedly confirmed by mainstream media outlets,<sup>40</sup> as well as by the UN.<sup>41</sup>

In some classes about the Middle East, harsh condemnation of Israel is common, sometimes accompanied by ill-informed statements. For example, one student told us the instructor in such a class told students that Theodor Herzl, the founder of modern Zionism, was an antisemite, and Jews of Eastern European origin are not really Jewish. These are, at best, tendentious statements that are highly contested in the academic literature, but were not presented to students that way. The readings in the class generally did not reflect the full range of academic writing on Zionism, only material that was harshly anti-Zionist. Many Jewish and Israeli students reported that if they want to study the Middle East at Columbia, there currently are not enough options that don't treat Zionism and Israel as fundamentally illegitimate.

The paucity of such course offerings should be corrected. At the same time, as a best practice, we urge instructors to apply the same sensitivity to discussions of Israel that they would to topics that are of high personal sensitivity to students who have other strong primary identities.

## VI. Recommendations

We end this report with some recommendations, which, if followed, would enhance academic freedom and would make the University stronger for everyone. They also would meaningfully improve the intellectual and collegial environment for many Jewish and Israeli students and, in our view, the entire Columbia community.

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<sup>40</sup> See, e.g., Jeffrey Gettleman, Anat Schwartz & Adam Sella, 'Screams Without Words': How Hamas Weaponized Sexual Violence on Oct. 7, N.Y. Times, May 25, 2024 ("A two-month investigation by The Times uncovered painful new details, establishing that the attacks against women were not isolated events but part of a broader pattern of gender-based violence on Oct. 7.").

<sup>41</sup> United Nations, 'Clear and Convincing Information' That Hostages Held in Gaza Subjected to Sexual Violence, Says UN Special Representative, UN News, March 4, 2024 ("In the context of the coordinated attack by Hamas and others of 7 October, the UN mission team found that there are **reasonable grounds to believe that conflict-related sexual violence occurred in multiple locations**, including rape and gang rape in at least three locations in southern Israel. The team also found a pattern of victims—mostly women—found fully or partially naked, bound and shot across multiple locations which 'may be indicative of some forms of sexual violence.'") (emphasis in original).

## ***A. Rules and Best Practices in the Classroom***

### ***1. No Discriminatory Harassment in the Classroom***

Obviously, instructors must not subject their students to harassment or discrimination on the basis of their identity. The classroom must not be a hostile environment for any protected class of students, including Jewish and Israeli students.

This is not negotiable. The University's antidiscrimination policies—and the legal mandates these policies implement—exist to ensure a welcoming environment for all students. The University must stay true to these principles and the values underpinning them. In doing so, the University must enforce these policies effectively, consistently, and evenhandedly.

Unfortunately, many of the experiences of Jewish and Israeli students, described above, raise issues because they not only represent departures from best practice, but also raise issues under antidiscrimination law. A core purpose of these laws is to ensure students are not excluded from educational opportunities or subject to a hostile environment because of their membership in a protected class. For many years, the Department of Education has interpreted Title VI to protect Jews, and the statute clearly also protects Israelis in barring discrimination based on national origin.<sup>42</sup> Columbia is also subject to state and local laws that explicitly ban discrimination based on religion and national origin.<sup>43</sup>

Zionism—that is, support for a national homeland for the Jewish people in Israel—is not a protected class under Columbia's antidiscrimination policies. Nevertheless, merely using the term “Zionist,” instead of “Jew” or “Israeli,” does not necessarily insulate particular speech or conduct from the ambit of federal and state antidiscrimination law or the University's legal obligations to investigate and respond to complaints of discrimination and discriminatory harassment.<sup>44</sup> As we discussed in our second report, there are

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<sup>42</sup> Dear Colleague Letter of May 7, 2024, at 1; see also Executive Order 13899.

<sup>43</sup> See N.Y. Exec. L. § 296(4); N.Y.C. Admin. Code § 8-107(4)(a)(1)(a).

<sup>44</sup> See Benjamin Eidelson & Deborah Hellman, *Antisemitism, Anti-Zionism, and Title VI: A Guide for the Perplexed*, 139 Harv. L. Rev. 1, 10-11 (2025) (noting that Title VI covers situations when “Zionist” is a pretext for “Jew,” while expressing skepticism that Title VI covers discrimination against Zionists more broadly, invoking recent reluctance of courts in other contexts to hold that racial discrimination can manifest as idea-based discrimination). Another way that discrimination against Zionists might implicate Title VI is as discrimination against Israelis, since the vast majority of Israelis across the political spectrum believe their country has the right to exist as a Jewish state. Professor Eidelson & Hellman do not discuss this issue. *Id.* at 2 (not discussing national origin discrimination due to space limitations).

situations in which discrimination against Zionists can qualify as discrimination against Jews and Israelis, including when “Zionist” is used as a pretext for Jew or Israeli.<sup>45</sup>

Speech or conduct need not be overtly discriminatory to implicate federal, state, and local antidiscrimination law. The relevant analysis is nearly always highly fact-specific, and “even facially neutral words and phrases can be highly probative of discriminatory intent depending on the circumstances and social context in which they are communicated.”<sup>46</sup> Therefore, courts have explained that while Title VI does not impose “liability based on speech that is reasonably designed or intended to contribute to debate on matters of public concern, and that is expressed through generally accepted methods of communication,” speech or conduct that “goes beyond mere criticism of Israeli government policy or of Zionist ideology, and instead sends a message that Jews as a class do not belong in Israel while justifying and encouraging violence against those Jews who do live there” may impact students based on protected status.<sup>47</sup> Moreover, guidance from the Department of Education in May 2024 likewise indicates targeting Zionists implicates Title VI.<sup>48</sup> Indeed, the Department of Education explained in a 2023 enforcement action that a university likely violated Title VI by failing to thoroughly investigate complaints that a teaching assistant made posts on social media such as “‘its [sic] good and funny’ ‘for me, a TA, to not give zionists credit for participation’” and “‘i get the indelible [sic] surge [sic] to cyber bully’ when receiving ‘posts from UVM Zionist Instagram accounts.’”<sup>49</sup> Accordingly, Columbia’s

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<sup>45</sup> See Columbia Task Force on Antisemitism, Report #2: Columbia University Student Experiences of Antisemitism and Recommendations For Proposing Shared Values and Inclusion, Aug. 2024, at 66-71.

<sup>46</sup> *Gartenberg v. Cooper Union for the Advancement of Sci. & Art*, 765 F. Supp. 3d 245, 269 (S.D.N.Y. 2025). In dismissing claims against MIT, the U.S. Court of Appeals for the First Circuit stated that anti-Zionism is not inherently antisemitic and concluded that most criticisms of Israel and Zionism that plaintiffs had invoked in the case were not actionable under Title VI, but the court cites *Gartenberg* in stating that, “This is not to say that anti-Zionism is never wielded as a tool of the antisemite.” *Stand with the United States Ctr. For Legal Just. V. Mass. Inst. Of Tech*, 2025 U.S. App. LEXIS 27390, at 30 (Oct. 21, 2025).

<sup>47</sup> *Gartenberg*, *supra*, at 266, 268.

<sup>48</sup> In a scenario where “[s]everal Jewish students are prevented from attending class because protesters state that ‘no Zionists can pass through,’” the Department of Education’s analysis provides: “Blocking students from attending classes and accusing them of supporting genocide solely on the basis that the students are perceived to be Jewish are offensive actions grounded in the perceived national origin and shared ancestry of these students.” Dear Colleague Letter of May 7, 2024.

<sup>49</sup> Letter from Mia Karvonides, Senior Legal Advisor, Off. for C.R., U.S. Dep’t of Educ., to Suresh V. Garimella, President, Univ. of Vt. (Apr. 3, 2023), <https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/01222002-a.pdf>.

antidiscrimination policy provides examples of discriminatory harassment including, among other things, the use of the term “Zionists” as a code-word for Israelis or Jews.<sup>50</sup>

In addition, policies and practices targeting “Zionists” can potentially be discriminatory against Israelis and Jews.<sup>51</sup> After all, even though Israelis disagree about many things, there is a broad consensus that the country is legitimate and is entitled to defend itself. And while not all Jews are Zionists, the vast majority are. In a September 2025 *Washington Post* poll, when asked “Do you think that Israel’s existence is vital for the long-term future of the Jewish people?” 76% said “yes,” which is nearly five times as many as said “no” (16%, with 7% having no opinion). In the same poll, 76% of American Jews answered “saying Israel doesn’t have a right to exist as a Jewish state” is antisemitic, which is more than five times as many who said it was not (14%, while 10% did not answer).<sup>52</sup> In short, targeting Zionists disproportionately affects Jews. By analogy, discriminating against “feminists” could disproportionately affect women—and, thus, could create issues under Title IX’s ban on discrimination “on the basis of sex”—even though some women are not feminists.<sup>53</sup>

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<sup>50</sup> Columbia University Antidiscrimination and Discriminatory Harassment Policies and Procedures for Students, at 65 (2025), [https://institutionalequity.columbia.edu/sites/institutionalequity.columbia.edu/files/content/Documents/Policies/2025\\_Anti-D & DH Policy & Procedures for Students 04.01.25.pdf](https://institutionalequity.columbia.edu/sites/institutionalequity.columbia.edu/files/content/Documents/Policies/2025_Anti-D_%20DH_Policy_%20Procedures_for_Students_04.01.25.pdf) (“Even though the students used the word “Zionists” and other phrases, the alleged incidents of harassing conduct appear to be based on the Jewish student’s perceived membership in one or more Protected Classes (e.g., religion and national origin, including shared ancestry or ethnic characteristics).”).

<sup>51</sup> Under Department of Education regulations, federal funding recipients are prohibited under Title VI from “utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin.” 34 CFR § 100.3(b)(2). These regulations remain in effect, although a recent Executive Order declared that it “is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible.” Exec. Order 14,281 § 2. Regardless of these developments in federal law, however, both New York State and New York City antidiscrimination laws prohibit disparate impact discrimination. *See, e.g., IntegrateNYC, Inc. v. State*, 228 A.D.3d 152, 174 (1st Dep’t 2024) (explaining that the New York State Human Rights Law “prohibit[ion] [on] an education institution . . . denying the use of its facilities ‘by reason of’ the individual’s race” encompasses “disparate impact cases”); N.Y.C. Admin. Code § 8-107(17) (defining “a policy or practice of a covered entity or a group of policies or practices of a covered entity [that] results in a disparate impact to the detriment of any group protected by the provisions of this chapter” as an unlawful discriminatory practice).

<sup>52</sup> [https://www.washingtonpost.com/documents/289d34b1-d676-434d-bfcc-90200d7a1626.pdf?itid=lk\\_inline\\_manual\\_2](https://www.washingtonpost.com/documents/289d34b1-d676-434d-bfcc-90200d7a1626.pdf?itid=lk_inline_manual_2) (describing poll taken on Sept. 2-9, 2025).

<sup>53</sup> Justice Ruth Bader Ginsburg warned about the problem of “cloak[ing] prohibited status exclusion in belief-based garb.” *Christian Legal Soc. Chapter v. Martinez*, 561 U.S. 661, 688 (2010) (“If a hypothetical Male-Superiority Club barred a female student from running for its presidency, for example, how could the Law School tell whether the group rejected her bid because of her sex or because, by seeking to lead the club, she manifested a lack of belief in its fundamental philosophy?”).

While targeting Zionists can have legal implications, as we have explained, it also does not square with the University's values and, in particular, its efforts to promote mutual respect and empathy. We ask our colleagues to bear in mind that Zionism is a strongly held principle for the great majority of Jews worldwide, including but not limited to those who live in Israel. Anti-Zionism is hardly a forbidden sentiment at Columbia, and that's as it should be. But it's an illusion to believe that anti-Zionism expressed as a moral absolute will not make many or even most Jewish and Israeli students here feel unwelcome. They deserve the same degree of sensitivity as anyone else at Columbia. As teachers we are all accustomed to maintaining a commitment to intellectual honesty while also being empathetically aware of our students' emotional well-being. Often, when Israel or Zionism is the topic being discussed, this awareness and care is dropped.

We appreciate that the University has worked in recent months to clarify its antidiscrimination policies and to revise the process for enforcing them. An important improvement in these policies has been the introduction of scenarios in the recently updated student policy, which can help members of our community to understand how the policies apply.<sup>54</sup> We recommend the University update the policy for faculty and staff and add scenarios about the classroom in order to ensure that students and faculty members better understand how the rules apply in the classroom setting.

These scenarios should use examples involving a range of protected classes, not just Jews and Israelis. This is essential because, as we have emphasized, the policies must be consistent. Situations that contribute to a hostile environment for other protected classes should do the same for Jews and Israelis, and vice versa. The policies must afford equal treatment for all protected classes.

- **Safeguards For Protected Classes in the Classroom:** In this spirit, we encourage the University to clarify safeguards for protected classes in the classroom, which are exemplified by recent incidents involving Jewish and Israeli students, and which we believe should apply to all protected classes:
  - **Classroom Disruptions:** Disrupting classes is a serious violation of our rules. Disruptions interfere with the rights of instructors to teach and of students to learn.
  - **Disruptions Targeting Protected Classes:** If classes are targeted for disruption because they explore topics or permit the expression of

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<sup>54</sup> Id. at 63-67.



views that are connected to students' or instructors' membership in a protected class, such as the disruption in January 2025 of a class on modern Israel taught by an Israeli visiting professor, these disruptions raise issues under the University's antidiscrimination policies.

- **Harassment:** Students must never be subjected to “one-to-one” harassment, for instance, when an instructor targets them with hostile questions or comments because of their real or perceived membership in a protected class.
- **Pressure to Participate in Protests:** An instructor should not require (or offer extra credit or other opportunities that impact grades) or otherwise pressure students to participate in a protest, demonstration, teach-in or other form of political or civic expression that they consider inconsistent with their identities as members of a protected class. Instructors also should not convey, even inadvertently, that they assume students are going to such protests or that this is what a “good” student would do. The academic freedom of students entitles them to decide for themselves whether to participate in these activities.
- **Stereotypes:** An instructor should not use stereotypes and tropes about protected classes.
- **Religious Accommodations:** Reasonable religious accommodations must be offered.
- **Fraught Subjects Unrelated to Topic of Course:** Students should not have to navigate fraught discussions of issues relating to their membership in a protected class in courses that are unrelated to those topics, such as discussions of abortion in calculus or of correlations between race and incarceration in astronomy.
- **Freedom of Students to Disagree with Faculty:** Although students must be prepared to encounter views that challenge and even offend them—this a valuable feature of a learning environment with diverse perspectives—students should have the right to express their views, including views that are connected to their membership in a protected class, without worrying their instructor will penalize them for doing so.

- **Consistency:** In these various situations, the same principles must apply to all protected classes.
- **Protected Expression in the Classroom:** In addition, we encourage the University to offer examples of situations in the classroom that clearly do not create issues under antidiscrimination laws, including:
  - **Defenses and Criticisms of Government Policy Relevant to the Course are Protected Expression in the Classroom:** Defenses and criticisms of the policies of any government or non-governmental actor are permitted when relevant to the subject matter of the class.<sup>55</sup> To protect the academic freedom of students, instructors should strive to ensure that students feel free to disagree with them and express other views. As a best practice, instructors should strive to acknowledge competing scholarly perspectives and to assign readings with multiple perspectives.
    - According to the Department of Education’s Office for Civil Rights, expressing such views is constitutionally protected speech under the First Amendment (at a public university) and would not violate Title VI, unless it is “targeted at or infused with discriminatory comments about persons from or associated with a particular country.”<sup>56</sup>
    - This freedom to defend or criticize government policy applies to the policies of the Israeli government, like any other government; the policies of Hamas, like any other group; the UN, like any other international organization; and so on.
    - The same freedom applies to any policy that is relevant to the subject matter of the class, including subject matters that are

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<sup>55</sup> See *Stand with the United States Ctr. For Legal Just. V. Mass. Inst. Of Tech*, 2025 U.S. App. LEXIS 27390, at 34-35 (Oct. 21, 2025) (“our Constitution bars the government from forcing a private university to prohibit students from voicing vehement support for, or opposition to, the policies and conduct of the United States and its allies”).

<sup>56</sup> U.S. Dep’t of Educ., Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics at 17 (May 7, 2024) [hereinafter “Dear Colleague Letter of May 7, 2024”]. The First Amendment generally does not apply to private universities.

especially important or potentially sensitive for members of a protected class (e.g., sexual assault, policing, immigration, Hamas's attack on Israel on October 7, 2023, Israel's military response in Gaza, etc.).

- **Defenses and Criticisms of Scholarly Ideas Relevant to the Course are Protected Expression in the Classroom:** Defenses and criticisms of scholarly ideas and perspectives must be protected (and, indeed, should be encouraged) when relevant to the subject matter of the class. There should be no impediment to assigning academically valuable controversial texts. Instructors should strive to ensure students feel free to express other views and, as a best practice, instructors should strive to acknowledge competing scholarly perspectives and to assign readings with multiple perspectives.
  - This is true of defenses and criticisms even of scholarly ideas and perspectives that are especially important or potentially sensitive to members of a protected class (e.g., Zionism, Palestinian nationalism, anti-racism, feminism, queer theory, etc.).
- **Consistency:** Again, in these various situations, the same principles must apply to policies and ideas that are especially important or potentially sensitive to all protected classes.

## ***2. Promoting Best Practices in the Classroom***

While policies are important, so obviously are values. The fact that a practice in the classroom is allowed does not mean it is desirable. As noted above, in addition to focusing on rules, we recommend the University should encourage committees on instruction to develop and establish consistent standards for best practices in the classroom, which draw on expertise from across Columbia's schools.

The University is fortunate to have a remarkable faculty, which includes gifted instructors in every discipline. We can all learn from each other as we strive to ensure a Columbia education is both rigorous and welcoming.

### ***3. Power Dynamics and Respectful Disagreement in the Classroom***

Instructors should be mindful of the power imbalance between themselves and their students. To ensure students feel free to explore a variety of views and perspectives, including those not shared (or, indeed, actively opposed) by their instructors, instructors should take care not to express their personal political views in class in ways that would make students who don't share these views feel excluded or targeted. This is already University policy, clearly stated in the Faculty Handbook.

Again, the larger purpose of an academic class should be to open minds and to promote critical thinking, not to impose, implicitly or explicitly, a particular set of views. It is a best practice to introduce students to a wide range of scholarly views on the topic under discussion; this is more intellectually fruitful than presenting a limited range.

### ***4. Required Versus Elective Classes***

The categorical distinction between required courses and elective courses is important. Ensuring balance and remaining focused on the topic are especially important in classes that students are required to take. In electives, we think there is more room for professors to teach or critique a specific theory, idea, or view, but it is a best practice to disclose this feature of the course in advance, especially when it has the potential to cause students to feel excluded or silenced. For example, if a strong point of view about the conflict in the Middle East (or, for that matter, about affirmative action or abortion) will be a major element of the class, students should know this before they enroll. But if they are not aware in advance or have no choice, and if the Middle East (or affirmative action or abortion) is not the stated topic, it's not appropriate to make it a central part of the course.

The University should ensure that undergraduate Core courses, as well as graduate and professional schools' required courses, do not turn into exercises in anti-Israel advocacy and activism. We should be as sensitive to the special concerns of Israeli and Jewish students in this regard as we would be to those of students of other identities.

## ***B. Promoting Intellectual Diversity in the Curriculum and Research on Israel***

### ***1. More Expertise on Judaism and Greater Diversity of Views About Israel***

The academic resources available for teaching and research on Jewish and Israeli topics at Columbia are insufficient, especially in comparison to the resources available for teaching and research on other parts of the Middle East. The University should work quickly and energetically to build up its capabilities here, through academically first-rate full time tenure line additions to the faculty and the curriculum. In particular, an academic perspective that treats Zionism as legitimate is underrepresented in Columbia's course offerings, compared to a perspective that treats it as illegitimate. Columbia lacks full-time tenure line faculty expertise in Middle East history, politics, political economy, and policy that is not explicitly anti-Zionist. This is an important gap in the University's academic capacity, which should be addressed through the establishment of new chairs at a senior level in Middle East history, politics, political economy and policy. Columbia is missing an opportunity for leadership here; correcting that should be an urgent priority.

### ***2. Balance and Rigor in Course Syllabi***

Columbia, like other universities, gives extraordinary autonomy to classroom instructors in decisions about what to teach and how to teach it, and as a general matter this is appropriate. Administrators and others must not impede innovations in the classroom or suppress points of view. Faculty members should have the freedom to experiment, to tailor classes to their own expertise, and to keep striving for better ways to engage and educate students.

Each school and department should promote this process of innovation. At the same time, they also have a pedagogical responsibility to craft and supervise their curriculum. In this spirit, a school or department's committee on instruction approves proposals for new courses. In some parts of the University, like Arts and Sciences, there are mechanisms for review above the departmental level, but in general the University's senior academic leadership's system for keeping track of what is taught in courses is far more informal than, for example, the system it uses for evaluating research in tenure cases. That is partly because, as critics have noted for years, universities give research primary attention and teaching secondary attention.

While we agree faculty need autonomy in the development of courses, the interests and needs of students must be protected as well. As a best practice, for example, instructors

should disclose their intention to adopt or critique a particular perspective in an elective, as noted above.

In addition, especially in required, introductory, and survey courses, it is a best practice for instructors to strive to present a full range of the curated academic debate on the topic of the course, as noted above. In emphasizing this goal, we do not seek to silence a particular perspective, but to ensure that other perspectives are represented as well, so the University protects the academic freedom of both faculty and students.

This is why the Faculty Handbook does not permit political advocacy in the classroom, as noted above.<sup>57</sup> Advocacy can make students who don't share their instructor's views feel unwelcome, even targeted, and also can discourage, even implicitly, a student's developing a different view than the instructor. Constraining the intellectual development of students in this way is inconsistent with the principle of *lernfreiheit*.

To protect the academic freedom of students, reviews conducted by committees on instruction should be mindful of the importance of balance on controversial issues in syllabi and of the need for instructors to be open to competing viewpoints, while also affording instructors discretion to make pedagogical judgments and express their views. Schools and departments also should create mechanisms for students to give feedback on these issues, including through questions in course evaluations.

### ***3. No Boycott or Severing of Ties with Israeli Universities***

As noted above, academic boycotts are fundamentally inconsistent with academic freedom because they inevitably restrict the ability of individual scholars and academic institutions to do their work—especially, in the current moment, if they are Israeli or “Zionist.” We strongly oppose the recent efforts by several disciplinary associations to move in the direction of endorsing academic boycotts, and also the AAUP's recent reversal of its longstanding stance against academic boycotts.

We urge Columbia to continue to resist calls to boycott Israeli academic institutions. For the same reason, the University should maintain its existing programmatic ties with Israel, including the dual degree program with Tel Aviv University and the various centers and faculty exchanges with Israeli academic institutions throughout the University. Adding, not eliminating, high-quality academic ties to Israel should be Columbia's goal.

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<sup>57</sup> <https://facultyhandbook.columbia.edu/>.

Likewise, the University has announced a plan to open a Global Center in Tel Aviv, as an addition to its well-established network of such centers around the world. The University should proceed as quickly as possible with opening the Center.

### ***C. Faculty Research***

A core function of academic freedom is to protect research, enabling tenured and tenure-track faculty members to explore ideas that are unconventional, controversial, or even offensive. When faculty members publish books, studies, articles, or other academic work, drawing on their expertise and using the methodologies of their disciplines, this work should be protected, even if it offends other members of our community, as long as it does not violate antidiscrimination laws.

To command this protection, work should comply with scholarly norms, such as reliance on evidence and reasoned argument. As a best practice, it also should strive to acknowledge and rebut other scholarly positions (although we realize that academic work does not always do this and cannot be expected to respond to every conceivable objection). In any event, unlike free speech, academic freedom presumes that academic work is curated and that standards of quality apply.

In urging that research should be protected, we acknowledge a potential limit on the University's discretion to do so: The University is required to comply with antidiscrimination law. This line is not drawn by the University, but by the legal system. As a result, the University needs to rely on guidance from its legal team as well as from the government and the courts.

To be clear, the University's academic leadership should not take on the role of deciding which ideas are—and which ideas are not—acceptable in faculty research. This would be antithetical to our values. Rather, we urge the University to protect free speech and academic freedom to the maximum extent possible, while also complying with its legal obligations. The University's legal team should be tasked with operationalizing this principle.

In an extreme case, a bigoted screed that disparages a protected class—for instance, by claiming that its members are inherently predisposed to particular dysfunctions—can potentially contribute to a hostile environment under antidiscrimination law. Students belonging to the group that is the object of this screed might feel less comfortable in the professor's class, knowing about this work, even if the professor otherwise assures a welcoming environment in the classroom. This may be especially true if the professor

makes arguments or observations about students at Columbia, for instance, by attributing negative qualities to those from a protected class.

But again, to the extent the University has discretion in the matter, we recommend it generally should avoid deciding which views faculty can and cannot express in research. There are formidable institutional risks in relying on administrators, however well intentioned, to play this role. A standard meant to apply only to extreme behavior might at times be applied more broadly, and its application might prove subjective or uneven, so that what seems extreme to some might not seem extreme (and might even be persuasive) to others.

Therefore, we recommend seeking ways to comply with antidiscrimination laws that shy away from viewpoint-based limits on research. Indeed, the Department of Education's Office for Civil Rights has regularly emphasized the importance of protecting speech, even as universities comply with antidiscrimination laws. Again, as we noted above, the Office for Civil Rights has affirmed that "Speech expressing views regarding a particular country's policies or practices is protected by the First Amendment and does not necessarily implicate federal civil rights laws," unless it "is targeted at or infused with discriminatory comments about persons from or associated with a particular country."<sup>58</sup>

In some cases, the University may be able to respond to offensive speech by condemning it as inconsistent with our values and mission, instead of limiting it. Admittedly, condemning speech might at times be in tension with a commitment to institutional neutrality, under which universities do not express a view about issues that do not implicate their mission and operations. This report does not analyze or take a position on institutional neutrality. We observe, though, that when a university is faced with a choice between limiting speech, on the one hand, or condemning it, on the other, the latter strikes us as a less restrictive response, even as it puts administrators in the challenging position of deciding what to condemn. It's important, though, to keep in mind that compliance with antidiscrimination laws (including Title VI) does not necessarily have to take the form of restricting or punishing speech.

Whatever position the University decides to adopt on controversial or offensive faculty research, it must apply a consistent standard. For example, if the University's position is research is protected to the fullest extent the law allows, as we recommend, it must apply that view to work that is potentially offensive to *all* protected classes. There must not be one policy for work that offends some groups, and a different policy for work that offends other groups.

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<sup>58</sup> Dear Colleague Letter of May 7, 2024, at 16-17.



#### ***D. Faculty Media and Outside Activities***

In our view, a similar analysis should apply when tenured and tenure-track faculty write or speak in the media, post on social media, or engage in other outside activities. Often these activities are better thought of as being under the protection of free speech than of academic freedom, because they don't fall within the strict confines of the peer-reviewed academic domain. In some cases, these activities entail faculty members' expressing views on which they are not academic experts.

Even so, there are two reasons to afford a similar level of protection. First, free speech rights are vitally important. Second, to apply different rules inside and outside a research faculty member's expertise requires a definition of the boundaries of their expertise, which in some cases will be contested. Relying on administrators to draw these lines poses a range of risks, which are analogous to the concerns expressed above about empowering them to define the views faculty members can express.

Again, we are mindful this activity might contribute to a hostile environment on campus. Indeed, when a faculty member takes shocking or offensive positions in op-eds or interviews, students often become aware of these comments and feel less welcome on campus. Unfortunately, this is not a hypothetical issue. We heard a great deal about this concern from Jewish and Israeli students in our listening sessions and in other conversations in recent months.

We share their outrage. We are angry and heartbroken that members of the Columbia community (including some members of the faculty) would condone (or even celebrate) terrorist atrocities, deploy antisemitic tropes, and peddle bigoted stereotypes. These statements have been appalling and we condemn them. We have no desire to defend the indefensible.

But as noted above, we are concerned about relying on administrators to be the arbiters of what tenured and tenure-track faculty members can and cannot say. So again, we favor protecting faculty speech and extramural activities as much as possible, subject to the University's obligations under antidiscrimination laws and guidance. While compliance with federal, state, and local antidiscrimination law is essential, these obligations can sometimes be satisfied through condemnations, instead of through limits on speech, as noted above.

Again, however the University decides to address this issue, it must take a consistent approach. Limiting or penalizing statements that offend some protected classes, but not

doing so when statements offend other protected classes, is inconsistent with our values and violates the law.

The AAUP's 1940 Statement on Academic Freedom articulates best practices which faculty should aspire to honor: "College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution."<sup>59</sup>

### ***E. Values and Best Practices***

Although we believe policies and discipline should be used with restraint in regulating faculty activities outside the classroom, as noted above, our values as an institution should still guide us and shape best practices. In that spirit, we ask our colleagues to be more aware of the impact these activities can have on students, especially when they take place close at hand, on campus.

Imagine how it feels to be a student from Israel and to see one of your instructors, whom you also see in classes and who grades your work, call for the program that brought you to Columbia to be ended. That's an issue of sensitivity to students' concerns related to their identity.

We usually strive to show this sensitivity to students and colleagues from other protected classes, and Jewish and Israeli members of our community deserve the same consideration. To do otherwise is a disservice not only to them, but to all of us and to the University we love.

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<sup>59</sup> "The 1940 Statement of Principles on Academic Freedom and Tenure." *Policy Documents and Reports*, AAUP 2015. Page 14.

## **Appendix**

### **The Recommendations from all Four Task Force Reports**

## Report 1: Rules on Demonstrations, March 2024<sup>60</sup>

- **Three Principles for Protecting Free Expression and Civil Rights on Campus**

- **Free Speech Rights:** The University must safeguard the academic freedom and free speech rights of all Columbia affiliates, regardless of their viewpoint. There must be no orthodoxies at Columbia. The right to free expression must be protected. This bedrock principle of academic freedom must never be compromised.
- **Free Speech Responsibilities:** Just as we all have the right to speak our minds in pursuit of truth, we also have the responsibility to respect—indeed, to protect—this right for other Columbia affiliates. The University must ensure that one affiliate’s right to free expression does not interfere with the rights of other affiliates to speak, teach, research, and learn.
- **Antidiscrimination:** Just as we cherish and nurture the pursuit of truth, we also are committed to treating all members of our community with respect. The University must ensure a welcoming environment for all Columbia affiliates, regardless of their backgrounds, by combating discrimination and harassment against all protected classes, including Jews and Israelis.

- **Time, Place, and Manner Rules**

- **Content- and Viewpoint-Neutral Rules:** In regulating the timing and location of protests, the University should apply the rules consistently and evenhandedly. These rules must not be invoked selectively to silence particular voices. Rather, the rules must be content- and viewpoint-neutral.
- **Timing and Location of Protests:** To protect every Columbia affiliate’s right to protest, while also ensuring that protests do not interfere with the free speech rights and academic freedom of others, the University must regulate the timing and location of protests.

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<sup>60</sup> <https://www.columbia.edu/content/report-1-task-force-antisemitism>.

- **Impermissible Locations:** The rules should specify locations where protests are not permitted, including academic buildings, libraries, dining halls, or dormitories, as well as areas near entrances to these buildings.
- **Registration for Permissible Locations:** The rules can also specify locations where protests are permitted, such as the South Lawn, Sundial, and Futter Field, and can specify permissible time periods and a process for reserving space.
- **Buffers Between Protests:** A minimum distance should be specified between competing protests, and this rule should be rigorously enforced.
- **Sound:** More specific guidance should be offered about what sound enhancement (if any) is permitted at demonstrations.
- **Banners:** Hanging a banner on any interior or exterior surface of a building should be prohibited unless the administration of the relevant school has approved it.
- **Clarifying the “Disruptive” Test:** The test in Section 443(14) of the Rules of University Conduct, which asks whether a demonstration is “disruptive,” should be clarified. The imprecision of this test creates the risk of uneven or biased implementation, while also not providing sufficiently clear notice of what is (and is not) permitted.
- **Campus Access:** The University generally should limit on-campus demonstrations to affiliates.
- **Antidiscrimination Rules**
  - **Protecting Free Expression While Preventing Discrimination:** In general, the University should protect free expression as much as possible, consistent with the University’s obligations under antidiscrimination law.
  - **Guidance on What Constitutes Discriminatory Harassment:** The University should provide more guidance on the meaning of “discriminatory harassment.” What kind of speech “creates an intimidating, hostile, or abusive working, learning or campus living environment” under Title VI?

- **Scenarios:** Mirroring Title IX misconduct rules, the University should clarify rules on discrimination and harassment as required under Title VI and related laws, using scenarios that include clear cases illustrating what violates our rules and what does not, so adjudicators can consider whether a particular incident, which may be harder to classify, is more like the “good” or “bad” scenarios. These scenarios should be about all protected classes, not just Israelis and Jews.
  - **Training:** The University should require periodic, scenario-based trainings, similar to trainings on gender-based misconduct, for other types of discrimination, including discrimination against Jews and Israelis.
- **Consistency in Treatment of Protected Classes:** The University must provide the same level of protection to all protected classes.
  - **Consistent Rules:** Speech or conduct that would constitute harassment if directed against one protected class must also be treated as harassment if directed against another protected class.
  - **Consistent Enforcement:** This must be true not only in the way rules are written, but also in the way they are enforced.
  - **Subjective Versus Objective Tests:** The University needs to use the same methodology when deciding whether speech constitutes harassment. For example, should the focus be on the impact on the audience or on the intent of the speaker? Regardless of how this issue is resolved, the University needs to be consistent in its approach.
- **Similar Effort as Title IX Enforcement**
  - **Staffing and Training:** The office that enforces antidiscrimination rules implementing Title VI should have comparable expertise and training to the office that enforces Title IX.
  - **Merging Offices:** The University should consider merging these functions.

- **Enforcement, Complaints, and Reporting**

- **Better Enforcement:** While we have suggested changes to the rules, another critically important goal is to be more effective in enforcing the rules we already have. Whatever mechanisms for enforcement the University develops, it should be made crystal-clear to the entire community what they are, and they should be applied in a consistent manner in all instances. That is a necessary precondition for persuading all members of the University that they are being treated fairly.
- **Education:** A concerted effort is required to ensure that Columbia affiliates know the rules, as well as the rationale for them.
- **Proactive Responses:** The University should do more to stop rule violations (including unauthorized protests) as they occur, using approaches that are effective but not confrontational.
  - **Real Time Intervention:** When an unauthorized demonstration is taking place, representatives of the University should intervene more proactively “in real time” to prevent disruption of classes, and more generally, to protect academic freedom and free speech rights of the whole Columbia community.
  - **Better Nonconfrontational Approaches:** A nonconfrontational, gradually escalating approach to rule breaking should be adopted. For example, demonstrators should be told that they are violating the rules and asked to disperse within a specified period of time. After this time has passed, public safety officers should identify any remaining protesters and create a record for disciplinary processes.
  - **Rules Delegates:** The pool of rules delegates should be expanded. The University should commit more resources to the rules delegate program.
- **Enforcement After Demonstrations:** The University must more rigorously and consistently investigate incidents, initiate disciplinary processes, and impose sanctions when warranted.

- **Masks:** A more proactive effort should be made to identify masked protesters, including, for example, having public safety officers take photos of protestors that do not follow the rules and who refuse to provide identification, a step that can help identify them even if they are masked.
- **Deadlines:** The deadlines in the Rules of University Conduct have not allowed sufficient time for the Rules Administrator to investigate facts and to make an informed judgement. The rules should be changed to allow more time.
- **Informal processes:** The Rules should do more to encourage informal disciplinary processes, in which students come to an understanding with the Rules Administrator without the need for adjudication.
- **Training:** Rigorous training for officials involved in disciplinary processes is essential. Clear delineation of institutional roles is also important.
- **Simplify Process for Complaints:** We recommend a simpler process for filing complaints, more flexible deadlines for adjudicating them, more effective use of informal processes, and aggregate reporting on the results.
- **Consolidation of Forms:** The University should consolidate the various links and forms for reporting to a single one. After affiliates fill out the form, an administrator should review it and route it to the appropriate department. This administrator will know—far more readily than a student—which rules and policies are implicated, as well as who should investigate and adjudicate the complaint.
- **Clarity on Process:** The University also should help Columbia affiliates understand what happens after they file a report, including what else may be expected of them.
- **Aggregate Reporting on Discipline:** On a regular basis, the University should share information about the number of disciplinary investigations underway, the number of adjudications, and the range of consequences administered, while also ensuring that this reporting is done in a way that respects the privacy of the individuals involved.



- **Values:** The question of what the rules allow is not the same as the question of what members of our community actually should say and do. Even as we express competing views, the University is at its best when we all strive to state our position with civility and collegially. Making the case in this way shows not only skill as an advocate, but also human decency and respect for shared values.

## Report 2: Experiences of Antisemitism and Promoting Shared Values and Inclusion, August 2024<sup>61</sup>

- **Anti-Bias and Antisemitism Trainings, Workshops, and Informational Websites:** All students, teaching assistants, residence assistants, faculty, senior administrators, and student-facing staff should receive required training to bolster shared values.
  - **Committee:** The Provost should establish a Cross-School Committee that includes Barnard College and Teachers College in order to standardize basic aspects of training, workshops, and website information for all schools. This committee should consider how trainings should be received and how frequently they should be administered, drawing on the latest research on training effectiveness.
  - **Vetting of Training:** A working group within the Cross-School Committee should be set up immediately with responsibility for vetting trainings and ensuring consistency in values and procedures for these trainings across the University.
  - **Scope of Training:** Training should focus on all parts of University life where students experience bias and feel excluded. These include:
    - Classrooms
    - Dorms
    - Student organizations and groups (clubs)
    - Day-to-day encounters
    - Protests
    - Social media
  - **Sharing Information on Training:** The central administration should set up a repository for training-related best practices so that offices responsible for different University constituencies can share information and coordinate procedures.
    - This repository should include basic material that all schools use for student orientation, new faculty orientation, training for teaching assistants, and training for resident advisers and resident assistants, as well as material for new staff.

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<sup>61</sup> <https://www.columbia.edu/content/report-2-task-force-antisemitism>.

- **Location, Content and Evaluation of Training:** Training should be delivered in person wherever possible, especially for incoming students and new faculty. The University should evaluate all current training and workshops to determine whether they are achieving their intended purpose. The University should also conduct regular assessments of the campus climate to identify and address emerging issues related to antisemitism and other forms of exclusion, discrimination, and bias, and how trainings might be realigned to address these issues.
- **Defining Antisemitism:** The Task Force recommends the following definition of antisemitism:
  - **Working Definition:** Antisemitism is prejudice, discrimination, hate, or violence directed at Jews, including Jewish Israelis. Antisemitism can manifest in a range of ways, including as ethnic slurs, epithets, and caricatures; stereotypes; antisemitic tropes and symbols; Holocaust denial; targeting Jews or Israelis for violence or celebrating violence against them; exclusion or discrimination based on Jewish identity or ancestry or real or perceived ties to Israel; and certain double standards applied to Israel.
  - **Methodology of Working Definition:** Instead of starting our work by adopting an existing definition of antisemitism, we followed the “inductive approach” in the academic literature, formulating guidance based on the reported experiences of Jews and Israelis at Columbia. We call this definition a “working” definition because it is likely to evolve based on further research and changing circumstances.
  - **Examples:** Our report offers examples experienced by many Jewish and Israeli students as antisemitism.
  - **Scope of Working Definition: Education, Not Discipline:** The Task Force recommends using this definition for education and training, but not for discipline. The purpose of this definition is to educate, not to ban. A statement should not be impermissible just because it qualifies as antisemitic under this definition.
    - **Consistent Definitions:** For discipline, any limits on speech must be general, applying the same way to all protected classes, including all religious minorities, as well as Black, Latino, Asian, Arab, female, and

LGBTQ+ members of our community. To afford the same treatment to all protected classes, the University generally should define terms such as “discriminatory harassment” and “hostile environment” consistently for all protected classes.

- **IHRA:** The University also needs to follow Executive Order 13899, which provides: “In enforcing Title VI, and identifying evidence of discrimination based on race, color, or national origin, all executive departments and agencies charged with enforcing Title VI shall consider” the IHRA’s “non-legally binding working definition of anti-Semitism,” as well as the IHRA’s “Contemporary Examples of Anti-Semitism” ... to the extent that any examples might be useful as evidence of discriminatory intent.” The Executive Order also provides that in considering the IHRA definition and examples, “agencies shall not diminish or infringe upon any right protected under Federal law or under the First Amendment” and that “the inquiry into whether a particular act constitutes discrimination prohibited by Title VI will require a detailed analysis of the allegations.”
- **Recommended Types of Trainings and Workshops:** We recommend the following required and elective trainings and workshops for all members of the community:
  - **How to Have Difficult Conversations on Divisive Topics Training,** potentially based on “[How to Have Constructive Conversations on Divisive Topics](#),” a document produced by Peter Coleman and his lab.
  - **Implicit Bias and Stereotype Training**
  - **Bystander Intervention Training**
  - **Leadership and Allyship Training**
- **Customizing Trainings, Workshops, and Resources for Different University Constituencies and Schools**
  - **University-Wide Baseline:** The Cross-School Committee should ensure that when schools or administrative offices create their own trainings and resources, they should build on a baseline training that is consistent with existing University-wide policies and procedures.

- **Sharing Information:** When schools or administrative offices customize trainings or resources their work should be made available to others in the University involved in these activities through the resource bank.
- **Customized Faculty Training:** If customized faculty training is offered, we recommend the approaches taken by the School of Engineering and Barnard, which conduct the training in person at faculty orientation.
- **Teaching Assistant Guide:** We recommend that the Teaching Assistant guide be immediately reassessed by the Cross-School Committee to ensure that it includes scenarios and guidance on racial, ethnic, and religious discrimination in the classroom.
- **Resident Assistants:** RAs should be provided mandatory comprehensive training, so they can understand and identify antisemitism and Islamophobia. RAs should also be required to participate in How to Have Difficult Conversations on Divisive Topics trainings. RA training must be customized so RAs develop the skills to lead constructive and healing conversations with their residents.
- **Student Orientations:** Orientations are a unique opportunity to introduce students to University values and norms and to set expectations about behavior. We recommend that:
  - Both first year students and their orientation leaders across the University follow the same anti-bias, diversity, and inclusion training.
  - The University should ensure that orientation leaders are both trained and accompanied by professionals, whether from within or outside of the University.
  - The University should promote pluralism by inviting orientation speakers who specialize in topics related to anti-bias and inclusion.
  - Some of these programs should focus on antisemitism, Islamophobia, anti-Arab, and anti-Asian prejudice, from learning how to identify these forms of discrimination to learning how to address them.
- **Proposals for Speakers, Convenings, and Panel Discussions on Antisemitism**
  - **Events:** The Task Force endorses the University's ongoing efforts to schedule talks, workshops, and retreats aimed at improving campus climate.

- **Informational Resources:** We endorse University Life's efforts to update its informational resources and services for students experiencing antisemitism and all forms of hate and expand its lectures and convenings.
- **Dialogue Across Difference:** We endorse the Dialogue Across Difference initiative, and recommend the Cross-School Committee reboot the program, encouraging schools and departments to identify speakers and promote related events.
- **Reporting Experiences of Exclusion, Harassment, Bias, and Discrimination and Mediation Procedures for Resolving Incident Reports that Don't Involve Title VI**
  - **Recommendations for a Streamlined, Transparent, Consistent, Accountable, and Supportive Reporting System:** University Life should develop, in collaboration with EOAA, Deans of Students and DEI Offices, and the Ombuds Office, one set of guidelines and standard information together with a universal tool for reporting. This information and tool should be made available to students through the Deans of Students Offices and DEI offices in every school. The reporting tool should offer two options: one for those seeking legal reporting, and one for those seeking informal dispute resolution/impartial conversation.
  - **New Reporting Tool:** The new system should address the following questions:
    - How does a student decide whether they should report through University Life or their Dean of Students office or seek the assistance of the Ombuds?
    - How soon should students report to the bias response team and will waiting make a difference?
    - Will different offices respond differently to reporting?
    - Are the reporting forms the same, regardless of where you report?
    - Is the process of dispute resolution the same, regardless of where you report?
    - Does the type of experience affect where a student should report?
    - Should a student file more than one report for the same incident if they are not sure where to report?
    - When will students receive a response to their report?

- **Training:** All student-facing staff and faculty must be trained in the new reporting procedures through an online workshop.
- **Recommendations for Informal Dispute Resolution:** Ensure that at least one member of all Deans of Students offices is skilled in dispute resolution and can advise on other resources that are available. The University office designated to review and address discrimination concerns should also be fully staffed. It should be the designated resource to conduct mediations and facilitated dialogue with students about issues that may not warrant an investigation but still need (or would benefit from) discussion.
- **Consistency and Coordination between Diversity Equity and Inclusion (DEI) and Deans of Students Offices**
  - **Addressing All Forms of Diversity:** DEI offices should include all forms of diversity in their programming, including antisemitism and other forms of discrimination against faith-based identity groups (e.g., Jews, Muslims, Evangelical Christians, Hindus, Sikhs), as well as gender, sexual orientation, disability and age discrimination. This should also be explicit in their mission statements as a strong signal of their commitment to a truly inclusive campus. Some standardization of these newly expanded DEI parameters should be developed in the Provost's Cross-School Committee in consultation with DEI officers and supported by central administration.
  - **Pluralism, Not a Binary Typology of Marginalized and Privileged:** In an institution as diverse and as complex as Columbia, it is neither empirically accurate nor desirable to divide identity groups into two master categories, marginalized and privileged, and to restrict the University's multicultural embrace to members of the former category. In this typology, Jews are considered privileged, no matter what circumstances they come from or what their experiences have been. This kind of thinking, often supported by DEI offices, makes it difficult to acknowledge our students' experience of antisemitism, even when it's happening on our own campus. DEI at Columbia should be committed to pluralism, an ethos of ongoing, peaceful, respectful interactions among a wide variety of groups, identities, and viewpoints, carried out according to an agreed-upon set of rules. As Harvard political philosopher Danielle Allen has observed: "Pluralism is important because it can avoid the binaries of anti-racism and achieve a broader vision of understanding that considers the heterogeneity of our culture and the emergence of excellence within it."

- **Trainings and Workshops:** DEI staff have a role to play in developing trainings and workshops and should be part of the Cross-School Committee that standardizes trainings and workshops for all schools. They should also be part of the University's overall effort to improve procedures and processes for reporting and mediating student experiences of bias and exclusion.
- **Reporting:** DEI staff should have the knowledge and capacity to assist students in reporting harassment and discrimination, and the new reporting tool should be available on DEI Office websites.
- **Recommendations for Student Groups and Clubs**
  - **No Exclusion of Zionists and anti-Zionist Students:** In our listening sessions and in other conversations with Jewish and Israeli students, we heard that many of them have been excluded from student groups because of their ties to Israel. They have been shocked and offended that "Zionist" has become a disparaging term in some student groups, even though these students consider Zionism—the idea that Israel has a right to exist—to be a core part of their Jewish identity. We also heard from anti-Zionist Jewish students who reported that they no longer feel comfortable in some Jewish groups and communal activities. In addition, we heard from non-Jewish students who have been criticized or even ostracized for defending Jewish and Israeli students or for being insufficiently supportive of pro-Palestinian positions. Not only is this exclusion fundamentally at odds with the University's pluralist values, but in some circumstances, it also can violate federal, state, and local antidiscrimination laws.
  - **Need for University-Wide Response:** The University has reason not to micromanage student groups. One of the functions of student groups is to offer students opportunities to hone leadership skills. But deference cannot be unlimited. There are three important reasons for the University to give guidance to student groups: first, to protect students from being associated with statements they oppose or were not involved in issuing; second, to prevent practices that infringe on the University's pluralist values; and third, to ensure that groups comply with anti-discrimination laws.
    - **Consultation Requirements:** When a group decides to make a statement, there generally should be some combination of broad



consultation, a clear decision rule (e.g., unanimity, a supermajority, etc.), and a mechanism for dissenters to be publicly identified.

- **Staying True to Columbia's Pluralist Values:** Over the years, one of Columbia's greatest strengths has been to bring together remarkable students from very different backgrounds. They should engage with each other, learn from each other, and befriend each other, even when they disagree—however passionately—on particular issues. To advance this mission-critical goal, student groups should be as inclusive as possible, consistent with their individual mission.
  - **Compliance With Antidiscrimination Law:** Although there generally is no legal bar on discrimination based on political viewpoint—so, for instance, Republicans and Democrats are not “protected classes”—federal, state, and local law ban discrimination based on race, color, national origin, religion, and membership in other protected classes. This means that groups generally cannot exclude students who are Israelis, Jews, Palestinians, or Muslims, just as they cannot exclude students who are Black, Asian, or Latino. Just as a “no Jews allowed” or a “no Israelis allowed” policy violates anti-discrimination laws, the same can also be true of a “no Zionists allowed” policy. Guidance from the Department of Education has emphasized that targeting a characteristic that closely correlates with a protected class can be an indirect way of targeting the protected class. Consistent with this concern, our understanding is that Jews and Israelis are much more likely than other groups to be challenged as Zionists. Even when this is a product of unconscious bias, our community must take the issue seriously, just as unconscious bias is taken seriously for other groups.<sup>62</sup>
- **Membership Criteria:** Student groups generally should be open to all students. Eligibility can be based on criteria closely connected to the mission (e.g., College Democrats can be open only to Democrats), but otherwise no one should be excluded based on their viewpoint. In addition, obviously no one should be excluded based on actual or perceived membership in, or association with, a protected class, including based on race, national origin, religion, gender, sexual orientation, or any other protected status under Columbia University's Non-Discrimination Statement and Policy.

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<sup>62</sup> <https://cser.columbia.edu/cser-events/identity-inclusion-series-unconscious-bias>.

- **Statements and Coalitions:** The University should encourage groups not to issue statements or join coalitions outside their mission, and should consider limits on the ability of groups to do so. For these purposes, we recommend defining the mission precisely, not expansively. In general, this guidance could take the form of best practices or requirements. Yet mandatory rules are needed, at a minimum, to prevent actions that would violate the University's obligations under antidiscrimination law.
  - **Free Speech Rights of Individual Members:** There should not be any limits on the free speech rights of a group's members. They must be free to speak about any issue as long as they are speaking for themselves, not for the group.
- **Consequences for Rule Violations:** The consequences, penalties, and punishments for infractions of these respective rules, guidelines, and policies must be made clear and transparent by the University, and administrative responsibility for enforcement of these rules and guidelines must be clearly assigned and transparent to students.
- **Decisionmakers and Mechanisms for Providing Guidance:** Enforcement of the relevant policies should not be left to student boards. These boards can offer advisory opinions or have concurrent jurisdiction, but the University needs its own enforcement mechanism to ensure an inclusive and welcoming environment in all student groups. University-level guidance is needed to ensure consistency in compliance. This guidance should be developed in a collaborative process.

### Report 3: Student Belonging and Exclusion Survey Report, June 2025<sup>63</sup>

- **Recommendations for Continuing to Assess Belonging and Exclusion**
  - **Campus Climate:** The Task Force recommends that the University support ongoing research efforts to assess belonging and exclusion and the state of the campus climate.
  - **Readminister HEALS:** The University Office of Planning and Institutional Research should re-administer the Harmful Exclusion Alleviation Survey (HEALS) periodically to assess the campus climate and determine if changes in policy and procedures are working. Findings should be shared broadly with the University community.
  - **Underlying Dynamics:** The University should support continuing research to identify dynamics that undermine belonging in the campus community and develop new policy and programming to increase feelings of belonging among students, faculty, and staff.
- **Applying the Findings:** The University should use the specific information provided in the survey to improve our campus climate and make students, especially Jewish and Muslim students, feel they can study and learn without fear that they will be singled out, excluded, or sanctioned for who they are.

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<sup>63</sup> <https://president.columbia.edu/news/our-release-summer-2024-campus-climate-survey-task-force-antisemitism>.

## Report 4: The Classroom, December 2025

- **Protecting Free Expression:** All members of our community must be free to explore ideas, including ones that are controversial or even offensive. Faculty and students must not be penalized for their views or pressured to conform to the views of others. There should be no ideological litmus tests for assigned readings in class syllabi.
- **Protecting the Academic Freedom of Students:** Academic freedom protects students as well as faculty.
  - **No Discrimination:** Students must not be singled out or unfairly treated in academic settings because of their identity or views. Academic freedom is not—and must never be—a license to discriminate. We must protect academic freedom for everyone, not just for a subset of our community.
  - **Proactive Responses:** We want the University to address issues proactively because we think solutions that originate inside Columbia are more likely to be effective than solutions imposed from outside, since responses developed internally are crafted with a deeper and more nuanced understanding of our institution.
  - **Striking the Right Balance:** We favor protecting speech as much as possible, subject to the imperative to comply with antidiscrimination laws. To strike this balance, the University should depend on advice from expert counsel about where and how to draw the relevant lines, as well as on guidance from the government and the courts. When there are different options for complying with the law, the University should seek faculty input about these alternatives.
  - **Consistency:** In adhering to antidiscrimination laws while promoting free expression, the University must establish and enforce policies that are clear and consistent. Protections afforded to Black, Latino, Asian, Arab, female, LGBTQ+ and disabled members of our community must apply equally to other protected classes, including Jewish and Israeli students.
  - **Scenarios:** To clarify how the University's antidiscrimination policies apply in the classroom, the University should update its antidiscrimination policy for faculty and staff (as the University has done in updating its

antidiscrimination policy for students). Clear classroom-specific anti-discrimination policies with illustrative scenarios should be shared and made easily accessible to all teaching faculty, graduate and undergraduate students, just as the University has provided scenarios illustrating rules for Title IX and other forms of discrimination.<sup>64</sup> In addition, best teaching practices—including ones that are not legally required—should be shared and made easily accessible to all teaching faculty and graduate students.

- **Safeguards for Protected Classes in the Classroom:** We encourage the University to clarify safeguards for protected classes in the classroom, which are exemplified by recent incidents involving Jewish and Israeli students, and which we believe should apply to all protected classes:
  - **Classroom Disruptions:** Disrupting classes is a serious violation of our rules. Disruptions interfere with the rights of instructors to teach and of students to learn.
  - **Disruptions Targeting Protected Classes:** If classes are targeted for disruption because they explore topics or permit the expression of views that are connected to students’ or instructors’ membership in a protected class, such as the disruption in January 2025 of a class on modern Israel taught by an Israeli visiting professor, these disruptions raise issues under the University’s antidiscrimination policies.
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  - **Harassment:** Students must never be subjected to “one-to-one” harassment, for instance, when an instructor targets them with hostile questions or comments because of their real or perceived membership in a protected class.
  - **Pressure to Participate in Protests:** An instructor should not require (or offer extra credit or other opportunities that impact grades) or otherwise pressure students to participate in a protest, demonstration, teach-in or other form of political or civic expression that they consider inconsistent with their identities as members of a protected class. Instructors also should not convey, even inadvertently, that they assume students are going to such protests or that this is what a “good” student would do. The academic freedom of students

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<sup>64</sup> See, e.g., Office of Institution Equity, Title IX and Related Misconduct: Policy and Procedures for Students 76 Appendix E (2025) (offering scenarios).

entitles them to decide for themselves whether to participate in these activities.

- **Stereotypes:** An instructor should not use stereotypes and tropes about protected classes.
  - **Religious Accommodations:** Reasonable religious accommodations must be offered.
  - **Fraught Subjects Unrelated to Topic of Course:** Students should not have to navigate fraught discussions of issues relating to their membership in a protected class in courses that are unrelated to those topics, such as discussions of abortion in calculus or of correlations between race and crime in astronomy.
  - **Freedom of Students to Disagree With Faculty:** Although students must be prepared to encounter views that challenge and even offend them—this a valuable feature of a learning environment with diverse perspectives—students should have the right to express their views, including views that are connected to their membership in a protected class, without worrying that their instructor will penalize them for doing so.
  - **Consistency:** In these various situations, the same principles must apply to all protected classes.
- **Protected Expression in the Classroom:** In addition, we encourage the University to offer examples of situations in the classroom that clearly do not create issues under antidiscrimination laws, including:
- **Defenses and Criticisms of Government Policy Relevant to Course are Protected Expression in the Classroom:** Defenses and criticisms of the policies of any government or non-governmental actor are permitted when relevant to the subject matter of the class. To protect the academic freedom of students, instructors should strive to ensure that students feel free to disagree with them and express other views. As a best practice, instructors should strive to acknowledge competing scholarly perspectives and to assign readings with multiple perspectives.

- According to the Department of Education’s Office for Civil Rights, expressing such views is constitutionally protected speech under the First Amendment (at a public university) and would not violate Title VI, unless it is “targeted at or infused with discriminatory comments about persons from or associated with a particular country.”<sup>65</sup>
  - This freedom to defend or criticize government policy applies to the policies of the Israeli government, like any other government; the policies of Hamas, like any other group; the UN, like any other international organization; and so on.
  - The same freedom applies to any policy that is relevant to the subject matter of the class, including subject matters that are especially important or potentially sensitive for members of a protected class (e.g., sexual assault, policing, immigration, criminal justice, affirmative action, transgender surgery, racial violence, Hamas’s attack on Israel on October 7, 2023, Israel’s military response in Gaza, etc.).
- **Defenses and Criticisms of Scholarly Ideas Relevant to Course are Protected Expression in the Classroom:** Defenses and criticisms of scholarly ideas and perspectives must be protected (and, indeed, should be encouraged) when relevant to the subject matter of the class. There should be no impediment to assigning academically valuable controversial texts. Instructors should strive to ensure that students feel free to express other views and, as a best practice, instructors should strive to acknowledge competing scholarly perspectives and to assign readings with multiple perspectives.
- This is true of defenses and criticisms even of scholarly ideas and perspectives that are especially important or potentially sensitive to members of a protected class (e.g., Zionism, Palestinian nationalism, anti-racism, feminism, queer theory, etc.).

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<sup>65</sup> U.S. Dep’t of Educ., Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics at 17 (May 7, 2024) [hereinafter “Dear Colleague Letter of May 7, 2024”]. The First Amendment generally does not apply to private universities.

- **Consistency:** Again, in these various situations, the same principles must apply to policies and ideas that are especially important or potentially sensitive to all protected classes.
- **Teaching How to Think, Not What to Think:** In the classroom, our mission should be to teach students *how* to think, not *what* to think. Columbia’s Faculty Handbook strongly endorses the foundational need to maintain an atmosphere of respect for all students and to avoid a politicized classroom. It says: “Faculty should confine their classes to the subject matter covered by their courses and not use them to advocate any political or social cause.... Faculty should allow the free expression of opinions within the classroom that may be different from their own and should not permit any such differences to influence their evaluations of their students.”<sup>66</sup> The handbook is clear that instructors should stick to the subject matter of the course and avoid political advocacy in the classroom. Unfortunately, we heard from many Jewish and Israeli students that their instructors offered critical comments about Israel in classes with subjects far removed from Israel and the Middle East. When faculty members fall short of the standard stated in the Faculty Handbook, the University should reaffirm its importance, while also addressing any student concerns and pedagogical issues that arise.
  - **Disclosure:** When a class is meant to explore a particular perspective (e.g., a critique or defense of a particular theory, idea, or view), this perspective ought to be clearly disclosed in advance to students selecting their courses, especially when it has the potential to cause students to feel unwelcome, excluded, or silenced.
  - **Balance:** Especially in required, introductory, and survey courses, it is a best practice for instructors to strive to present a full range of academic debate on the topics covered by the course.
  - **Intellectual Diversity on Middle East:** We heard from many students that an academic perspective that treats Zionism as legitimate is underrepresented in Columbia’s course offerings, compared to a perspective that treats it as illegitimate. The University should work quickly to add more intellectual diversity to these offerings. Columbia lacks full-time tenure line faculty expertise in Middle East history, politics, political economy, and policy that is not explicitly anti-Zionist. We recommend the University

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<sup>66</sup> <https://facultyhandbook.columbia.edu/>.



address this imbalance through the establishment of new chairs at a senior level in Middle East history, politics, political economy, and policy.

- **No Boycotts:** Academic freedom entails openness to scholars and students from other countries. As such, boycotts of faculty, students, researchers or scholars from other countries are not consistent with academic freedom.
- **Protections For Research:** A core function of academic freedom is to protect research, enabling tenured and tenure-track faculty members to explore ideas that are unconventional, controversial, or even offensive. When faculty members publish books, studies, articles or other academic work, drawing on their expertise and using the methodologies of their disciplines, this work generally should be protected, even if it offends other members of our community, so long as it does not violate antidiscrimination laws.
  - **Institutional Risks:** There are formidable institutional risks in relying on administrators, however well intentioned, to decide which views faculty members can and cannot express in their research.
  - **Compliance With Antidiscrimination Laws Without Restricting Speech:** We recommend seeking ways to comply with antidiscrimination laws that do not limit offensive speech. In some cases, for example, the University may be able to respond to offensive speech by condemning it, instead of limiting it. Admittedly, condemning speech might at times be in tension with a commitment to institutional neutrality. Yet when a university is faced with a choice between limiting speech, on the one hand, or condemning it, on the other, the latter strikes us as a less restrictive response.
  - **Outside Activities:** In our view, a similar analysis should apply when faculty write or speak in the media, post on social media, or engage in other outside activities. We are wary of empowering administrators to decide what is in and out of bounds.
  - **Consistency:** As with policies about the classroom, whatever position the University decides to adopt on controversial or offensive faculty research and outside activities, it must apply a consistent standard. There must not be one policy for work that may offend one group, and a different policy for work that may offend another.

- **Best Practices:** In addition to focusing on policies, we recommend that the University should encourage committees on instruction to discuss and establish consistent standards for best practices in the classroom, which draw on the expertise and insights of our outstanding faculty.