

University Unlawfully Condones Professor's Promotion of Antisemitic Violence

There is an ongoing antisemitism problem at the University of North Carolina at Chapel Hill. This semester UNC is having Ms. Kylie Broderick—a graduate student professor who has made multiple, public, definitionally antisemitic statements, thinly couched in anti-Zionistic terminology—teach a course about the Israeli-Palestinian conflict.

The administration permits this to occur despite the fact that the professor in question:

- Has said she does not want to teach both sides;
- Has made clear that she will not tolerate the free exchange of ideas or alternate viewpoints on the topic of her course; and
- Openly uses her anti-Zionism to spread vile antisemitism.

Among the public antisemitic statements that Broderick has made, she has denied Israel's right to exist, moderated an event that tried to legitimize violence against Israelis, and spread a vicious blood libel against the people of Israel. Per the International Holocaust Remembrance Alliance Definition of Antisemitism (the definition that the Department of Education uses when evaluating complaints of antisemitism) each of those statements are antisemitic.

The ACLJ was approached by a number of concerned stakeholders and community members regarding UNC's tolerance for

antisemitic activity and last month we filed a complaint with the U.S. Department of Education, asking them to investigate UNC for engaging in discrimination and/or permitting a hostile environment, along with other violations of Title VI of the Civil Rights Act of 1964, as amended, 41 . § 2000d et seq., and its implementing regulation at 34 . Part 100 (Title VI).

In our letter, we noted that:

By essentially allowing an individual with a racist agenda to teach a course on racism, UNC has given this professor a uniquely perfect platform from which to spread her hatred. Further, the University administration compounded their initial error by ignoring the heartfelt pleas of multiple Jewish groups who let the University know, well in advance, that Jewish students did not feel safe in such a hostile environment and were therefore being excluded from this educational opportunity. Indeed, at least one student had to actually drop the course when she discovered that the professor referred to people like her, i.e. Zionists, as "dirtbags."

Perhaps the most disturbing aspect of this episode is that UNC is well aware of their obligations under the law, and of the difference between academic freedom and discrimination. UNC made the choice to ignore the needs and pleas of its Jewish population only two years after the University co-sponsored and hosted an antisemitic "academic" conference, and was forced to settle the ensuing Title VI complaint with the Department of Education.

In their resolution agreement, the school agreed to "take all steps reasonably designed to ensure that students enrolled in the University are not subjected to a hostile environment." And yet, after early reports about the course prompted public pushback, instead of distancing itself from Broderick's statements, UNC defended its decision to allow the class to be taught by a hostile professor who intends to demonize,

delegitimize, and apply a double-standard to Israel by pretending that such an offering was somehow part of an "abiding respect for the First Amendment, academic freedom, and the open exchange of ideas." For the record, UNC is wrong on all of these fronts. No one is asking Broderick to retract her positions. All they are asking is that she not be given a uniquely perfect opportunity to spread her discriminatory hatred and demonstrable lies at the expense of innocent students who are paying for an actual education and deserve to be given all the facts.

As we explained in our letter:

As it relates to academic freedom, there is a difference between education and indoctrination. Per the American Association of University Professors 1915 Declaration of Principles on Academic Freedom and Academic Tenure, an instructor who address "controversial matters" should present "the divergent opinions of other investigators" and "above all" should "remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently." As former Assistant Secretary of Education for Civil Rights Kenneth Marcus has explained, there is a difference between a professor sharing their opinion versus disingenuously "presenting opinion as if it were truth." In the first Supreme Court case to expound upon the concept of academic freedom, *Sweezy v. New Hampshire*, the Court wrote that "[t]he essentiality of freedom in the community of American universities is almost and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die." In *Keyishian v. Board of Regents*, the Court again noted that "[t]he Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues, [rather] than

through any kind of authoritative selection.'"

Allowing professors to share biased lies cast as truth in the guise of academic freedom while shutting down an exploration of alternative viewpoints is to violate entirely all that academic freedom is meant to protect. What student in their right mind would feel comfortable challenging a professor's anti-Zionist perspective, when that professor has recently referred to Zionists as "dirtbags," and moderated an event that tried to legitimize violence against Israelis?

In fact, the only threat to academic freedom here at all is Broderick's violation of the students' academic freedom to be educated properly. In their messages to UNC, members of the Jewish community on campus have confirmed what should have already been obvious: They are fearful that students who support and have a connection with Israel will be unwelcome or unsafe in this classroom environment and they do not feel comfortable taking this class. Having this professor teach this class is not only an impingement on the academic freedom of the Jewish students, but also a violation of Title VI, as well as other state and university policies against discrimination.

About a week after we filed the complaint, UNC all but admitted that antisemitism remains a serious issue on their campus. In a statement from the Chancellor, the school acknowledged all the Jewish students and alumni who have been vocal about feeling marginalized and unwelcome and noted the concern from the broader community that the University has not done enough to recognize and combat antisemitism. UNC pledged to work harder at confronting antisemitism, but while actions speak louder than words even their words are unconvincing. The fact that the University is still allowing Broderick to teach her one-sided course has only emboldened her and her supporters, who have essentially now been given an affirmative pass.

We cannot expect more from people like Broderick, who are willing to spread dangerous lies. But we can and should expect a school like UNC to do more than pay lip service to fighting antisemitism. Until they do, the ACLJ will be there to protect and defend the rights of all students to feel safe in their classrooms. {eo}

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