



October 6, 2022

Dear Professor Katz and Members of the Committee,

I want to thank you for your valued advice and input in the wake of recent divisive developments at Berkeley Law. Before anything else, I want to assure you that I have an unwavering commitment to doing all that we can to provide every student, every member of our campus community with a true sense of belonging, safety and welcome, regardless of their identities, origins, or perspective. Equally strong is my commitment to confronting with both word and deed antisemitism, and other forms of bias and discrimination. I know that the events of recent days have been especially difficult for some of our Jewish students.

As Professor Katz suggested, I ask that you share this message with members of the Jewish community.

I wish to start by explaining my decision not to send, at this point in time, a message to the entire campus about the unfortunate decision made by a handful of student groups at the law school to adopt an anti-Zionist and anti-Israel bylaw. I appreciate the way Professor Katz analyzed the options, and I am grateful that he offered his understanding for the path I have chosen.

To be clear, I support and agree with Dean Chemerinsky's positions, actions, messaging, and perspectives regarding what both the law and campus policies require, allow, and prohibit. His views are also in alignment with those of our Campus Counsel. Like Dean Chemerinsky, I have concluded that there is no legal basis for sanctioning, defunding, or deregistering legally independent student organizations based on their constitutionally protected freedom of expression and perspective.

Given our alignment, I see no point to, or benefit from a message that would be entirely duplicative of those already sent by Dean Chemerinsky. I see no reason to believe that repeating what has already been clearly stated by the Dean will somehow assuage those who have criticized our response. I also share the concern described in Professor Katz's note regarding the unintended consequences of a Chancellor's message given that to date these regrettable developments have been confined to Berkeley Law. Having said that, I strongly reaffirm my firm stance against boycotts and antisemitism.

You should also be aware that last year we adopted a new protocol for campus communications in response to incidents and developments that most directly impact a particular part of the student community. I have an obligation to treat every portion of our student community in an equal and equitable manner. As per that protocol, the Vice Chancellor, Equity and Inclusion has the responsibility to engage in direct, targeted communications with students who may have been adversely impacted, whose sense of belonging, inclusion, and safety may have been undermined, by events on or off the campus. The Vice Chancellor also leads efforts to address the root cause of student concerns and fears. For that reason, Vice Chancellor Dania Matos is copied here, and below I will share with you the specific efforts I am asking her to undertake. What is needed most now is action.

Having said that, as Professor Katz suggested, we will continue to monitor the situation and we will continue to pay close attention to the committee's input and ideas. I understand that there are possible scenarios that might demand a message to the entire campus, and I will remain open to that

possibility. For now, however, I want to focus, as you suggest, on the concrete actions we can take, actions that could, hopefully, foster dialogue and mutual understanding, and actions that will offer assurance to our Jewish students that they have been heard, and that they, like every member of our campus community, need and deserve to feel safe, respected, and included.

I want the committee members, and every member of the community to know that we will not hesitate to respond and impose appropriate consequences on any student, or any student organization that violates our Student Code of Conduct and/or engages in discriminatory or exclusionary actions targeting any member of our community based on their religious identity. As always, we urge anyone who experiences or is made aware of actions that violate the conduct code or campus regulations to report those actions immediately to [Center for Student Conduct](#) and/or the [Office for the Prevention of Harassment and Discrimination](#).

One reason I am focused on substantive action is that I do understand that there is among committee members, and members of the broader Jewish community, strong disagreement with the legal basis for our approach. Regardless of any differences regarding what the law and campus policies allow or prohibit, I understand that for many members of the campus's Jewish community, Zionism is an integral and inseparable part of their identity. As a result, I also understand and acknowledge that some Jewish students are likely to feel deeply uncomfortable about participating in any events held by these groups, and that some students have been deeply upset, even frightened, by the exclusionary statements.

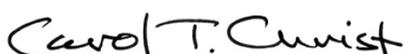
I also wish to convey something I've said often in the past: Just because something is legally permissible, just because you can say something, doesn't mean you should. In that regard I also share Dean Chemerinsky's concern and criticism of any student organization bylaw that stands in direct opposition to our essential Principles of Community, principles that seek to support and protect diversity of perspective, and the importance of dialogue across ideological divides.

With the above in mind, I accept all of your recommendations without reservation or hesitation. Dean Chemerinsky and I would welcome the opportunity to meet with Jewish students. I have asked Dania Matos, our Vice Chancellor, Equity and Inclusion—who is copied here—to send a message of support and information about resources to Jewish members of our community. I am also asking her to help convene, along with other campus partners and leaders, our meeting with Jewish students, as well as meetings that would seek to bring together students on opposite sides of this unfortunate divide as part of an effort to foster dialogue and mutual understanding. Finally, as you recommended, I am also asking Vice Chancellors Matos and Sutton to work with you in order to explore options for expanding the availability and reach of our anti-bias and sensitivity training.

Fortunately, Berkeley now has in place a tremendous supportive infrastructure for members of our Jewish community that did not exist 10 years ago. This includes very strong Jewish student life hubs and organizations, large and excellent programs in Jewish and Israel Studies, your committee, and an antisemitism education initiative that carries out regular trainings, responds to incidents, and is about to hire a full-time Program Director. This means that there are people on the ground prepared and ready to help us respond.

This is a complex and vexing challenge, and I am grateful for your partnership, input and support.

Sincerely,



Carol T. Christ