



Statement on University Website Use

California State University, Northridge has received inquiries about the administrative review the institution conducted of the website of Professor David Klein, which expresses his personal opinions on Israel. This review was referenced in a statement released by Dr. Jolene Koester, President of California State University, Northridge, on December 5, 2011, about this matter. Below is a summary of the report that was submitted to the President and additional information that clarifies the University's position on this issue.

The administrative review was conducted by the Office of Faculty Affairs, which is designated to investigate reports of faculty misconduct. The office focused its review on whether Professor Klein's website violated the web use policies of either the California State University (CSU) or Cal State Northridge. These policies include the CSU's policies on "Use of the CSU Name" and the Cal State Northridge policies on "Legal Disclaimers for CSUN Internet Sites/Terms and Conditions of Use" (CSUN policy #500-05) and "Use of Computing Resources" (CSUN policy #500-10). The latter campus policies may be found at the University Policies and Procedures website at <http://www-admn.csun.edu/vp/policies/>.

1) Use of the CSU Name

This policy is available at <http://www.calstate.edu/gc/csul/>.

While the CSU monitors any misuse of its name, the review found no any statement or endorsement of the views at the website by the CSU or by CSUN and concluded, "it is unlikely that a reasonable person would interpret the 'Boycott Israel' web page as an endorsement by the CSU or CSUN of the material contained therein."

2) Legal Disclaimers for CSUN Internet Sites/Terms and Conditions of Use

Cal State Northridge's legal disclaimer for users notes that,

The majority of CSUN web sites do not represent the University itself in any way. Any content contained or accessible from these sites, regardless of access method (http, ftp, etc.), does not reflect the views of the Trustees of the California State University or the Executive Officers of California State University, Northridge. Neither the CSU Trustees nor the CSUN Executive Officers endorse, warrant, or otherwise take responsibility for the contents of any material accessible from these sites.

CSUN is not liable for any defamatory, offensive, infringing or illegal materials or conduct on the part of, or attributable to, any third party. CSUN reserves the right to remove such materials from its web site without liability.

While the policy does reserve the University's right to remove "defamatory, offensive, infringing or illegal materials," the review concluded,

The photos are disturbing and standing alone, extremely offensive. The position taken by Dr. Klein could be considered offensive. But reading the web page as a whole, it appears to be political analysis.... Considering the clear disclaimer under the Policy, I conclude that Dr. Klein's web site, as currently constituted, does not violate the legal disclaimers policy.

3) Use of Computing Resources

The review noted that the Use of Computing Resources policy states,

Use of computers, networks and computing facilities for activities other than academic purposes or University business is not permitted, except insofar as such use is of an incidental, personal nature and does not place a burdensome load on resources.

However, the policy also states,

The purpose of the University Computing Resources is to provide a setting and opportunity for members of the academic community to express and to explore ideas openly, respectfully and freely, to acquire and develop the skills of intellectual inquiry, and to critically examine the values of culture and society. Educational, scholarly and administrative programs have the highest priority, including the many aspects of faculty research.

This was found to be consistent with the CSU Policy on Academic Freedom and Free Speech Rights where the Academic Senate of the California State University (CSU) reaffirmed "its commitment to upholding and preserving the principles of academic freedom: the right of faculty to teach, conduct research or other scholarship, and publish free of external constraints other than those normally denoted by the scholarly standards of a discipline."

As such, the review concluded:

Based on the language in the policy in support of academic freedom and free speech, without clear evidence of violation of state and federal laws or violation of campus codes of conduct, I conclude there is currently no violation of the Policy.

Please note that the University received no written opinion from the CSU Office of General Counsel for the review, but worked closely with Faculty Affairs in the review and concurred with the report and conclusions.

Finally, we also asked our Office of Equity and Diversity, which is charged with investigating allegations of discrimination and harassment, to review the website and advise whether it considered the site anti-Semitic. In the review, the office acknowledged the website "provides a point of view about and advocates action toward a nation." However, the reviewing officer then states,

I did not see a single entry on the site that referred to Jewish people in a hostile manner, that expressed prejudice against Jewish people, or that encouraged unfair or discriminatory treatment of Jewish people.

The report concluded that,

Professor Klein has every right to express his opinions about the treatment of the Palestinian people at the hands of the government of Israel. Furthermore, based upon his thoughts and feelings about the issue, he has every right to call for a boycott of the country. Neither action is anti-Semitic.

Based on these administrative reviews, President Koester upheld Professor Klein's right to express his views based on the principles and tenets of academic freedom and the nation's guarantees of free speech.

The University believes that removing or censoring Professor Klein's comments because some in the campus community and/or others disagree with him and find them offensive would create a grave precedent for the University and encourage others to demand similar action on other views and comments with which they disagree. Taking action to suppress such views would also send the wrong signal to the students who we have been charged with educating about how a democracy should address issues involving differing views and be contrary to the University's goal to tolerate open dialogue on even the most difficult issues.