

Academic Freedom, Palestinian Rights and the “Zoomification” of University Education

San Francisco State University and Academic Freedom

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“You cannot pretend nothing has happened!” That was the rallying cry at the San Francisco State University faculty grievance hearing, addressed to President Lynn Mahoney and Provost Jennifer Summit.

On Sept. 30, 2021, from ten in the morning until 4 pm, Rabab Ibrahim Abdulhadi, Director/Senior scholar of Arab and Muslim Ethnicities and Diasporas Studies Program (AMED) at San Francisco State University (SFSU), presented her case against the university administration in a public grievance hearing during which she alleged that SFSU failed to protect her academic freedom when Zoom cancelled an open classroom she had co-organized with Tomomi Kinukawa (Lecturer Faculty, Department of Women and Gender Studies) almost exactly a year ago, a webinar described in one of their announcements as “a historic round-table conversation with Palestinian feminist, militant, and leader Leila Khaled.”

For background information on the cancellation last year of the webinar on Palestinian rights called “Whose Narratives? Gender, Justice and Resistance: A Conversation with Leila Khaled,” see my blog post: [Learning the Palestinian Revolution & The Zoomification Of Higher Education](#).



Capture on the left is from a Zoom public grievance hearing at SFSU on Sept 30, 2021 over the university administration’s mishandling of Zoom’s cancellation a year ago of an open classroom webinar that included Palestinian feminist icon Leila Khaled on the guest panel.

The hearing (ironically conducted on Zoom) was accessible to the public in accordance with university regulations, although accessibility issues came up on more than one occasion as the hearing proceeded, with Professor Abdulhadi saying at one point: “Many of my family members in Palestine and elsewhere have tried to come in and they are also being interrogated [as to] who they are and people in Palestine do not like invasive questions, so they should be able to attend without actually being asked who they are and [told] they shouldn’t be there to support me.” And at another point: “I’m just asking about people who might be in the waiting room. I know that one of my nieces said to me, can you let me in? I said I’m not the one who can let you in.”

Addressing Professor Abdulhadi’s concerns, her representative at the hearing, Sang Hea Kil, Department of Justice Studies, San Jose State University, said: “This brings up some problems about process, because if this hearing was happening on campus, then San Francisco State University is a public campus, so basically anybody can walk on campus and if they think that the faculty hearing is interesting, they can walk in, without having to have their name be required or their affiliation to the university [questioned]. So, I just want to

mark for the record that there seems to be some problems here with maybe San Francisco State’s interpretation of the faculty hearing manual because I definitely interpret it very differently.”

I sat through the entire proceeding (which was recorded with live transcription) and was startled by the pro forma and halfhearted nature of the administration’s response to the passionate outpourings of the principals and witnesses at this grievance hearing. They had one expert witness, Carleen Mandolfo, SF State’s associate vice president of Faculty Affairs and Development, who prompted the remark by Professor Abdulhadi’s representative: “It’s unclear to me why you were chosen for the expert witness for the ... administration if you kind of repeatedly said that you weren’t involved in the event or what happened.” The response from the witness: “I don’t know.”

Quoting the grievance hearing manual, the university representative’s opening statement highlighted the standards by which the allegations must be weighed and stated that the faculty member bringing forward the grievance must connect the alleged wrong done to them by the university “with the rights accruing to his or her job classification. And I want to stress the fact that as stated by the [hearing manual](#)... Dr. Abdulhadi bears the burden of proof today. She must present enough evidence that convinces the panel by a preponderance of the evidence that she was wronged by the University in connection with her rights as a faculty member... And just to make it very clear, there are no tie-breakers and the preponderance of the evidence standard [applies]. She must show that it is more likely than not that her claims are valid.”

Professor Abdulhadi’s representative, Professor Sang Hea Kil, then presented compelling evidence in the form of exhibits of emails, other documents and poignant testimonies by four individuals, two of whom were directly involved in the preparation and coordination of the cancelled webinar. At the end of this presentation, she listed four proposed remedies, denying the University’s claim that “the remedy requested for the university to create its own video platform is unreasonable, unduly burdensome and outside of the scope of the university’s responsibility and purpose.”



Capture from a US [Campaign](#) for the Academic and Cultural Boycott of Israel [webinar](#) streamed on Sept

28, 2021 that explored SFSU's "consistent undermining of the AMED studies program, its sabotaging of the incorporation of Palestine into critical ethnic studies, its consistent flouting of academic freedom, its privileging of Zionist Jewish voices, feelings and perspectives over the lived experiences and struggles of anti-Zionist Jewish students and activists as well as Arab, Muslim and/or Palestinian students."

The evidence was compelling. It was presented with only cursory cross-examination of the witnesses by the administration and a final statement riddled with "technical difficulties" that simply reiterated the administration's opening statement and failed to engage with the specific allegations presented by Professor Abdulhadi's team.

The evidence directly challenged the university administration's claims that the cancellation of the webinar "was not by any act of the University at all. In fact, the University actually asked Zoom not to cancel the event, and they on numerous occasions, offered Dr. Abdulhadi ... university resources and support to host the event on different platforms... [and that] Dr. Abdulhadi has not suffered any harm in connection with her rights as a professor, not by means of a contract violation ... or any other right or benefits associated with her position. The person censored here was Leila Khalid, and as unfortunate as that is, she's not an employee at this university and we do not owe her any duties, or responsibilities."

Professor Sang Hea Kil provided evidence that Professor Abdulhadi's right of academic freedom was violated by San Francisco State Administration "by their words and actions that the administration attempted to chill her free speech by erroneously threatening her and her co-organizers with possible criminal liability and imprisonment for classroom speech, and that the administration did nothing to alleviate Zoom censoring of her and her co-organizers' open classroom [and facilitated] the shutdown of their Zoom open classroom on other venues ... We have three parts to the presentation roadmap: first we're going to review the tenets of academic freedom that permeate the campus and academic programs, we're going to review what happened. We're going to review what happened before the classroom [event], what happened the day of the classroom, and what happened after with the open classroom webinar."

I will now quote excerpts from testimonies by two professors who acted as witnesses at the hearing. The first is Dr. Tomomi Kinukawa, who disputed the University's claim that "Dr. Abdulhadi cannot show harm or any infringement on the rights related to her employment and [that therefore] it essentially means that she has no standing for this grievance."

The second is Dr. Blanca Missé, Assistant Professor of French in the Modern Languages and Literatures Department and is a member of the board of California Faculty Association as well as the California State University Employees Union, who explained why one of the remedies requested (for the university to create its own video platform) is neither "unreasonable" nor "unduly burdensome and outside of the scope of the University's responsibility and purpose," as the University representative claimed.



A call by [Palestine Legal](#) inviting the public to attend the second grievance hearing against SFSU on 10/19 from 10–4pm PST to addresses 14 years of attacks on Professor Abdulhadi and the Arab and Muslim Ethnicities and Diasporas (AMED) program she directs. Attend this grievance [here](#).

From Professor Dr. Tomomi Kinukawa’s testimony in response to the question: “Please explain if there were any negative outcomes for you and how the San Francisco State University administration handled the situation with your collaborative classroom event?”

The silencing of the webinar has multiple negative outcomes. First of all, the burden of [extra work] carried out by Dr. Abdulhadi and myself. We had to work for months to address all the issues created by the censorship, I mean the silencing, and we had to explain to our students what took place, and we had to write additional lectures, then assign readings to turn silencing into a teachable moment. We had to readjust our syllabi and assignments and so forth, and while doing that we also had to seek legal help.

... What we had to go through before and after the cancellation of the open classroom also needs to be understood as a form of violence.... This administration’s validation [of accusations of criminality on the part of Zionist groups pressuring Zoom] exposed us to [attacks] by the media and right-wing tabloids. For example, a New York Post journalist emailed me and informed me that the US Department of Education is asking other federal agencies, the Treasury Department and the Justice Department to review the

September 23 events, and also it was reported that right-wing, far-right [individuals] were urging the Attorney General and FBI director to investigate whether our classroom [teaching] violated the material support for terrorism act, and it was then under the Trump administration and in that political climate.

[All that] took a huge toll on our emotional and physical health and wellbeing. And also ... all of us who are engaged in knowledge production and teaching know how violent it is when our meticulously planned courses get publicly demeaned, and our anti-colonial narratives for justice, our life's work, gets silenced by the leaders of our own institution.

And finally, I must say that it angers me that our administration denied our students and the rest of this once in a lifetime opportunity to directly learn from the panelists and the prominent feminist scholar and global revered public intellectual Dr. Rabab Abdulhadi. Anyone who teaches can understand it doesn't happen very often, it's a very rare moment and very privileged moment for all of us, and that includes the older community members who registered for the webinar.

It's as if the administration completely failed to see the value of our open classroom, and that hurts especially, because both the provost and president are feminist scholars, and I must say this is intellectually irresponsible, that they didn't support a classroom in a meaningful way so that our students and also wider community were able to actually listen to all these great thinkers of our time. I'm actually very much embarrassed, as a community member of their efforts to silence us.

Professor Blanca Missé began by pointing out that she too teaches about armed struggle [in her case, in the French colonial and WWII contexts] and the liberation of people from colonial and foreign domination, and then she went on to focus her remarks on the question of academic freedom and how the administration is accountable.

... I'm here today, of course, because I want to support my two colleagues ... [against an administration that "was carrying forward" the libelous accusations [by Zoom] that they were engaging in criminal activity, that they were associated with terrorist groups].

But also, because I feel like these actions have a chilling effect on everybody. Just imagine a lecturer faculty member or non-tenured faculty member like myself getting an email like that sent by the provost [addressed to the organizers and accepting at face value that they might be engaged in criminal activity at the say-so of Zoom and Jewish Zionist groups], the impact it has, in what I think I can do and teach in this institution is very restrictive and censoring. If I had to ever receive an email like that, it will be really traumatizing.

We all teach difficult and controversial topics. [For example] I teach in the French program right now the history of the resistance in France and how the Nazi army criminalized the French resistance, the acts of sabotage and armed resistance against the Nazi occupation. Next week, I will be teaching the anti-colonial struggle in Algeria and we will be watching the Battle of Algiers.

... one of the moments when I decided to proactively start organizing and discussing this matter with my colleagues, is after receiving [the email](#) that was sent by President Mahoney [on September 23, 2020] explaining the cancellation of the event. It was an

interesting email, because we were told that although the university disagreed with the action carried forward by Zoom, [the corporation] had the right to this action to censor the class, because [the class] violated Zoom's terms of service. And that was the end of the story. And many of us were waiting for: and what are you going to do about it?

And then, and what are you going to do about it never happened. So, we were told that in this period when most of the instruction was being conducted on Zoom, that there is now a conflict between academic freedom, which is what should govern and rule educational institutions in this country, and the terms of service of Zoom. And when this conflict emerges, our administration goes AWOL.

[Our academic] freedom is governed by the terms of service of Zoom, which is a private company, because of course they can do what they want as a private company, but our administration has failed to reestablish the framework of academic freedom in education and say that all education on campus is decided by the faculty, and all the classes should be allowed. And it is our role as the administration to provide the material infrastructure for litigation and scholarly debates, to move forward.

So, when we were presented with this as a matter of fact, and then no action was required by the administration, I decided as an active member of my union who is engaged in questions of academic freedom (I belong to several organizations) to discuss this thoroughly with specialist colleagues outside of the institution, such as Professor [Judith] Butler, who couldn't be here today, with whom I consulted, and we decided we need to push back against this new normal.

Which is that we don't have academic freedom, we're governed by the terms of service of a private corporation. We wrote a petition with our demands, and two days ago got more than 100 faculty members at San Francisco State to say okay what's going on here.

If the terms of service of Zoom violate academic freedom, you need to take action. You can either review these terms of service or provide an alternative platform and drop the contract with Zoom, but you must do something as a State University because it is your responsibility to ensure that academic freedom is upheld in our campus. And that is regulated by the Academic Senate, that is a preamble of our contract in the CFA [California Faculty Association]. We come to work in this institution, under the understanding that it is the duty of our administration to materially protect our academic freedom. That is a contract we have, and that contract was broken.

It was broken and it has not been repaired. And we have seen zero actions to attempt to repair this contract—that is to say to restore academic freedom and to restore the dignity, the reputation and the academic freedom of the two colleagues, whose academic freedom was violated.

So this is something that, in my opinion, we crossed the line, and we need to change, and to seek structural change in our campus in terms of academic freedom to demand that we do something about Zoom. We would like our own university to provide a way to stream classes so we don't rely on an outside company. During the pandemic, our administration outsourced part of learning to a private company. They outsourced it, and then we lost control of it ... to a corporation. We should have the material resources to provide online instruction regulated by a public institution where the faculty remains

the sole power to define what is allowed or not allowed.

It's very clear that outside groups off campus start pressuring and bullying our administration, and then bullying private companies like Zoom to then interfere in the business of our administration, and that completely changes what is going on on campus, and what can be said what cannot be said, what can be taught, what cannot be taught and that affects all of us, because you know, many faculty who signed that petition are faculty teaching in the field of science. Why? Because they're struggling, every day with the encroachment of private interest groups and private corporations who seek to limit, regulate and censor some of the research happening in the science field. So, they are very familiar with this problem, right.

It is very important for us as a faculty that we send a clear message to our administration about the new normal that has been established. It is a violation of our academic freedom and it needs to be redressed and changed. We cannot pretend nothing has happened. And the most shocking thing in this case is that for the administration, nothing has happened; there is no evidence provided to us that they've been really thinking hard about this matter.

The remedies proposed at the grievance hearing were as follows:

1. Dropping Zoom as a corporate partner to the university.
2. Creating alternative streaming platforms that protect academic freedom.
3. Ensuring the timely rehosting of the same webinar, this time with no interference.
4. Issuing a public apology to Drs. Abdulhadi and Kinukawa, their invited guests, and the 1,500 SFSU students and other participants who registered for the open classroom.

The faculty panel will announce its decision in two weeks. Their recommendation then goes to the university president who can uphold or reject it. Next step is arbitration by an arbitrator agreed upon by SFSU administration and the union, whose decision is binding.

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