

“Democratic Education at Cal” (DeCal): The University of California at Berkeley Bans a Course on Palestine Following “Political Pressure” from pro-Israel Organizations

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Suspending a course in the middle of a semester is one of the most serious actions a university can take. On Sept. 13, [Dean Carla Hesse of the University of California at Berkeley](#) did exactly that to a student-taught DeCal class about Palestine.

DeCal stands for Democratic Education at Cal, an old-fashioned tradition where undergraduate students teach 1 or 2 unit courses, pass/fail, to their peers. The instructors, called facilitators, plan their own courses, which must be approved by a faculty committee and the chair of a department.

In a statement, Paul Hadweh, the student facilitator, declared:

I complied with all policies and procedures required for creating the course. The course was vetted and fully supported by the faculty advisor, the department chair, and the Academic Senate’s Committee on Courses of Instruction (COCI).

The university suspended the course without consulting me, the faculty sponsor, the chair of the department, or the Academic Senate’s COCI, which is responsible for approving all UC Berkeley Courses. The university did not contact us to discuss concerns prior to suspending our course.

Universities should never suspend courses in the middle of a semester except under the most dire circumstances, where a course has been proven to violate university policies and cannot be fixed, or some kind of extraordinary fraud has occurred.

Nothing like that exists in this case. In fact, nothing like that has even been alleged by the administration, which relies upon bureaucratic snafus to justify suspending this course.

On Sept. 14, UC Berkeley Assistant Vice Chancellor Dan Mogulof wrote to me that “The administration was first made aware of this issue last week when students, faculty and staff noticed posters for the course and expressed concern about the syllabus and, among other things, its compliance with Regents policy.”

[InsideHigherEd](#) likewise reported:

However, the public clamor was not the tipping point for Hesse's decision, Mogulof said. She began her inquiries into the course last week, after a colleague raised concerns about the course to the dean internally. This occurred before public criticism began.

But it was two weeks ago, on Sept. 1, that [Mogulof was quoted](#) in a Jewish newspaper responding to concerns about the course from critics.

(UPDATE: Mogulof reports that his original timeline reported in the press was inaccurate, and that the administration first heard about the course on Aug. 26 from a faculty member. But this raises still more questions about a course that began on Sept. 6. If there were legitimate academic concerns about the syllabus, why not contact the instructor about them? Why wait 19 days and then suddenly ban the course? Hesse's whole complaint is that the failure to deposit a copy of syllabus with her office deprived her of the opportunity to examine it for problems. Now we find out that she had 11 days before the course started to examine the syllabus and she did nothing.)

The administration seems anxious to claim that their decision was made in reaction to the concerns of students, faculty, and staff on campus. But the truth is that Berkeley faced a global onslaught of organizations attacking them for allowing this course. In a [letter to Chancellor Dirks](#) on Sept. 13, 43 Jewish, civil rights and education advocacy organizations declared that the class was "intended to indoctrinate students to hate the Jewish state and take action to eliminate it:"

But interestingly, even these organizations did not call for suspending the course; they were solely focused on preventing a similar course from being approved in the future.

By this point, though, Hesse appeared to have a plan to save Berkeley from the bad publicity and put the blame on the student who proposed the course for failing to follow proper procedures. A few hours later on Sept. 13, she emailed the instructor and the faculty who approved the course, informing them that she had suspended the course. It was the first time she had contacted the student instructor.

Berkeley was quick to alert the press about the news, and to blame the student instructor.

[Chancellor Dirks' office emailed critics on Sept. 13:](#)

It has been determined that the facilitator for the course in question did not comply with policies and procedures that govern the normal academic review and approval of proposed courses for the Decal program.

[The San Francisco Chronicle on Sept. 13 reported:](#)

The campus letter says the student teaching the course "did not comply with policies and procedures that govern the normal academic review." A spokesman for Dirks said the student did not show his course proposal to the dean of the College of Letters and Sciences, Carla Hesse, as required.

Almost the same exact explanation was given to [InsideHigherEd](#) in its Sept. 14 story:

The university suspended the course because its proposal was never submitted to Dean Carla Hesse of the College of Letters and Sciences, said Dan Mogulof, executive director for communications and public affairs at Berkeley.

Although the dean is not required to approve the course, students must still send her a copy of the proposal. That way, she can review the course and speak to colleagues or the department chair — who is required to sign off on the course — before it is taught.

“When the dean was made aware of the course, she had serious concerns,” Mogulof said. “And she was surprised because she had not previously heard about it.”

But there was a big problem I uncovered. The [DeCal website](#) explicitly states that the Dean of Letters & Science does not need to get a copy: “Note that DeCals in the College of Letters & Science no longer need to submit a copy of their proposals to the Dean starting Fall 2014.” (UPDATE: Dean Hesse explained in an email that apparently the head of the Undergraduate Studies made this decision in 2014 without informing the other division heads in Letters & Science or the Dean of Letters & Science.)

When I contacted the Berkeley administration, Dan Mogulof got back to me with a new explanation:

The Executive Dean of Berkeley’s College of Letters and Science was never informed of any change in the review policy for Decal courses, and would not have approved of any change that would withhold information about course proposals from the Dean’s office. In addition, it has also been determined that a department chair with the authority to grant approval for courses in the fall did not review and approve this course. The existing policy of the Academic Senate’s Committee on Courses and Instruction explicitly states that the relevant department chair or the Dean must approve new courses, and that “a copy of the approved proposal form” must also be provided to the Dean. Neither of these steps were completed in this instance.

This is incorrect. What Mogulof calls a “policy” is actually a “Department Chair Checklist for Student-Facilitated 98 and 198 Courses.” It includes three sections: the first two involve verifying the substance of the course, while the “next steps” at the end are bureaucratic procedures. This [checklist](#) refers to providing copies of the “approved proposal” to various people, including the dean. This wording would indicate that the faculty, not the dean, make the decision to approve a course, which is how it should be. If the dean doesn’t have the power to approve courses, then she doesn’t have the power to suspend courses, even if she isn’t given a copy because that’s exactly what the DeCal program website says to do.

It’s notable that no Berkeley policy gives Dean Hesse the authority to suspend a course. According to Mogulof, “The course was suspended as per the Dean’s assessment of how best to handle a situation where rules and policies were not adhered to.” This is extremely alarming: the Dean asserts that if “rules and policies” are not followed, the Dean can arbitrarily suspend a class, without a hearing.

After trying to blame the suspension on the student facilitator’s failure to follow proper procedures, it is now clear that the student (and the faculty) followed the written procedures. It would be terrible to ban a class over an innocent bureaucratic error. It is far worse when there was no error at all, and the student and faculty (who are the ones

responsible for informing a dean) had no way of knowing that a dean had to be informed when the official university website for the DeCal courses said precisely the contrary.

Now the administration has quickly invented a new explanation to justify why the course must be suspended. According to Mogulof: “there was an acting chair over the summer who did not have the authority to approve courses for the fall.”

Since an acting chair is normally acting as the chair, it would be very strange to say that the acting chair lacks the power of a chair to approve DeCal courses. I asked Mogulof if there is any written policy that says acting chairs cannot approve DeCal courses, and how DeCal courses would get approved in a department if no one has the authority to do it, but he hasn’t responded to those questions yet.

All of these procedural excuses cannot possibly justify suspending the Palestine class. But is there a substantive reason for objecting to the course? No.

The [Regents Policy on Course Content](#) denounces “Misuse of the classroom by, for example, allowing it to be used for political indoctrination...” The Regents Policy on Course Content is a terrible policy because a ban on “political indoctrination” is so vague and ill-defined, and can be abused to punish controversial political opinions. But it has no relevance to this controversy because political indoctrination cannot be determined solely by looking at a syllabus.

There appear to have been no complaints about the course by students enrolled in it, and no one in the administration attended the class.

Although a syllabus can reveal some indications of bias, it is almost impossible to conclude that a course is “political indoctrination” without evidence from the way that it is taught. Even a syllabus with one-sided readings can be taught without political indoctrination, if the instructor is open to encouraging dissenting viewpoints.

Nor is the course a violation of the [Regents Policy against intolerance](#) “in which dissenting viewpoints are not only tolerated but encouraged.” Actually, this policy is being violated by the Berkeley Administration in its efforts to ban this class.

The policy goes on to declare: “Freedom of expression and freedom of inquiry are paramount in a public research university and form the bedrock on which our mission of discovery is founded. The University will vigorously defend the principles of the First Amendment and academic freedom against any efforts to subvert or abridge them.”

Yet the Berkeley administration is demanding changes to the content of the course already approved by faculty.

Hadweh reported that at a meeting on Sept. 13, Dean Hesse told him three things he needed to do to have her reconsider her decision and approve the course, although approval was not guaranteed even if he did them.

First, she said that he would need to “prove that it’s balanced” because she felt it was “unbalanced.” Second, he reported that she said it was “seeking to politically mobilize students” and that was not allowed. Third, he reported that he would need to justify having the class as Ethnic Studies rather than Near East Studies or Global Studies.

There is no requirement that classes at Berkeley (or anywhere else) are “balanced,” nor should there be such a requirement for such a vague goal. There is no requirement that classes at Berkeley cannot seek to politically mobilize students (although there’s no evidence this class did that). And it is bizarre to challenge the particular department approving the course, especially since that has nothing to do with the course.

According to Berkeley’s website, Hesse’s expertise is “Early Modern Europe; 16th-20th century France; European Intellectual History, 17th-20th century.” Her books are *The Other Enlightenment: How French Women Became Modern* and *Publishing and Cultural Politics in Revolutionary Paris, 1789-1810*. She appears to have no scholarly expertise at all about Israel and Palestine. So it is strange that Hesse would evaluate a syllabus and order changes without any input from the faculty involved, after suspending it without any input from the faculty involved.

The InsideHigherEd article reported:

The dean will now work with the Berkeley Academic Senate to review the course and examine whether it meets the university’s academic standards. The review process will also determine whether it complies with Berkeley’s intolerance policy, which was revised in March to condemn anti-Semitism and anti-Zionism.

But rather than consulting with faculty, Hesse is demanding changes to fit her personal beliefs. Yet none of these changes required reflect anything that would justify suspending the course. If Hesse wanted to encourage him to alter and improve the class, she was free to do that without suspending the class. If Hesse wanted to publicly denounce the class, she was free to do that. Instead, Hesse abused her authority to ban a class without due process and without any sound justification.

Once a course has been approved and is underway, a heavy burden must be on the administration to prove that there is something fundamentally wrong with it, so completely wrong that it must be immediately halted without further review. Berkeley has not met this high standard; in fact, it has not even attempted to try to meet this standard, and does not even allege that this standard has been violated.

It is absolutely shocking that a university would ban a course under political pressure, using the violation of bureaucratic procedures as an excuse for its censorship. It is even more shocking because there was no violation of bureaucratic procedures.

If there was a breakdown in bureaucratic procedures (and there is no evidence of it), then it is the obligation of the university to fix those procedures in the future, not to ban a course and punish a facilitator and his students who reasonably followed every written rule.

This decision sends a clear message to the campus: controversial speech will be punished, especially if it is critical of Israel.

This course suspension is absolutely indefensible, completely unacceptable, and purely motivated by politics and public relations. It is a violation of academic freedom, shared governance, UC-Berkeley’s guidelines, the Regents Policies, and the First Amendment of the US Constitution.

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