



**Middle
East
Studies
Association**
of North America, Inc

Headquarters & Secretariat

Georgetown University
Center for Contemporary Arab
Studies

3700 O St. NW, ICC STE 241
Washington DC 20057

Phone 520-333-2577
Fax 520-207-3166
secretariat@mesana.org
mesana.org



28 January 2025

Senator Greg Fryer
Co-Chair, Faculty Affairs, Academic Freedom and Tenure Committee
Columbia University Senate
gaf1@cumc.columbia.edu

Senator Letty Moss-Salentijn
Co-Chair, Faculty Affairs, Academic Freedom and Tenure Committee
Columbia University Senate
lm23@cumc.columbia.edu

Dear Senators Fryer and Moss-Salentijn:

We write on behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom to express our concern about the flawed disciplinary proceedings involving James L. Dohr Professor of Law Katherine Franke and the circumstances surrounding her “retirement.” Professor Franke has held a tenured appointment at Columbia Law School for almost twenty-five years. It appears that the investigation of Professor Franke by the university’s Office of Institutional Equity (OIE) was conducted in a manner that is inconsistent with Columbia University’s own policies. As a consequence of former Columbia University President Minouche Shafik’s public remarks about Professor Franke during a congressional hearing, she was subjected to harassment and threats that left her unable to regularly attend events and meetings on campus. The OIE’s investigation ultimately resulted in Professor Franke’s constructive termination as she was effectively induced to retire under conditions of duress, requiring her to waive previously agreed-upon retirement terms. The treatment of Professor Franke has also had a chilling effect, undermining Columbia faculty’s ability to exercise their academic freedom and their right to free speech. Finally, the university’s treatment of Professor Franke reinforces a climate of anti-Palestinian racism on campus in which pro-Palestine speech and expressive conduct are subject to disproportionate sanctions and repression.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the prestigious *International Journal of Middle East Studies* and has nearly 2,800 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression both within the region and in connection with the study of the region in North America and outside of North America.

Professor Franke has for many years faced a hostile climate at Columbia University, undergirded by anti-Palestinian racism which the university has failed to address. She reports that, on multiple occasions, she has been accosted

by people on campus who called for her rape and made other violent threats; she has also received rape and death threats over email and phone, and photographs of her office door have been circulated on social media. People posing as students have recorded her in private meetings and posted her remarks on social media, accompanied by insults. Professor Franke reported these incidents to the university but was told that they did not violate university policy.

On 25 January 2024 Professor Franke was interviewed on the independent television and radio news show *DemocracyNow!* During the interview, she raised concerns about an incident on the Columbia campus involving the spraying of a foul-smelling chemical on pro-Palestinian protesters by students who opposed the protest; several students sought medical attention due to their physical symptoms after being sprayed. In that interview Professor Franke stated the following:

The students were able to...examine video from that protest and identify, I think, three older students. We have a – Columbia has a program. It's a graduate relationship with older students from other countries, including Israel. And it's something that many of us were concerned about, because so many of those Israeli students, who then come to the Columbia campus, are coming right out of their military service. And they've been known to harass Palestinian and other students on our campus. And it's something the university has not taken seriously in the past.

The students who deployed the noxious chemical were later disciplined by the university. However, on 14 February 2024 Professor Franke was notified that two colleagues at the Law School had filed complaints against her with Columbia's office of Equal Opportunity and Affirmative Action, alleging that her comments on *DemocracyNow!* constituted harassment based on national origin of other members of the university community. On 26 November 2024 Professor Franke was found to have committed one count of discriminatory harassment on the basis of national origin and two counts of retaliation for publicly sharing information about her investigation, including the names of the complainants.

We note that at the time she shared those names, Professor Franke was under the impression that they were already public knowledge. Moreover, Professor Franke's *DemocracyNow!* comments reflected the facts as they were known to her at the time, including a pattern of anti-Palestinian harassment by former Israeli soldiers that both she and the university had evidence of as early as 2017. Her comments were also based on reputable academic research about the effects of recent military service on individuals and communities. They thus constituted protected extramural speech, and as the American Association of University Professors has [confirmed](#), "extramural speech, which often occurs in highly charged political moments, must not be subject to institutional sanction." We



Re: Professor Katherine Franke

28 January 2025

Page 3

also note that Columbia's own Office of Equal Opportunity and Affirmative Action Policies and Procedures [states](#) that "Nothing in EOAA Policies & Procedures shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission."

When Professor Franke learned that a formal investigation had been opened based on the complaint submitted by her colleagues, she told Columbia University that she preferred to remain unnamed, consistent with university policy which provides, inter alia, that the subject of an investigation has the right to expect privacy. Yet under questioning during a televised congressional hearing, then-president Shafik confirmed that Professor Franke was under investigation and also appeared to affirm a mischaracterization of her comments during the *DemocracyNow!* interview. Within days of former president Shafik's comments, Professor Franke began to receive threats at her office and home telephone numbers and by email. The climate of intimidation and harassment to which Professor Franke was subjected due to the publicizing of the investigation produced a hostile environment for her on Columbia's campus. No steps were taken by the university to protect Professor Franke from the consequences of former president Shafik's violation of her right to privacy during the investigation.

The investigators assigned to Professor Franke's case failed to request information about patterns of discriminatory action against Palestinian or pro-Palestinian students that could confirm the veracity of Professor Franke's *DemocracyNow!* comments. The investigators similarly failed to acknowledge that the complainants' decision not to file their complaint anonymously – despite the availability of this option – might have been reasonably construed by Professor Franke as an indication that their identities were a matter of public record. Only by taking her comments out of context could investigators draw the conclusion that her description of a pattern of anti-Palestinian harassment itself constitutes discrimination or that her confirming names she believed to be in the public record constitutes intentional retaliation. The result is that extramural comments that should be protected as a matter of free speech were the basis of adverse disciplinary action against Professor Franke. This outcome not only infringes on her academic freedom, it also produces a chilling effect on the protected speech of other faculty and students on Columbia's campus.

We also note that sanctioning Professor Franke for her speech activities, including the termination of her previously agreed-upon retirement benefits, may violate New York State law, which prohibits employers from discriminating "in compensation, promotion or terms, conditions or privileges of employment because of...an individual's political activities outside of working hours, off of the employer's premises and without use of the employer's equipment or other property." (N.Y. Lab. Law § 201-d.)



Re: Professor Katherine Franke

28 January 2025

Page 4

We call your attention to the [statement](#) issued by the American Association of University Professors on 24 October 2023:

It is in tumultuous times that colleges' and universities' stated commitments to protect academic freedom are most put to the test. As the Israel-Hamas war rages and campus protests proliferate, institutional authorities must refrain from sanctioning faculty members for expressing politically controversial views and should instead defend their right, under principles of academic freedom, to do so.

We therefore call on the Columbia University Senate to conduct a thorough and transparent review of the Office of Institutional Equity's investigation of Professor Franke as well as former president Shafik's divulging of the investigation in her congressional testimony. We also call on Columbia University to act in conformity with all applicable laws, as well as its own policies, by reinstating Professor Franke's prior retirement agreement. Finally, we call on university leaders to publicly and forcefully reiterate their commitment to upholding the principles of academic freedom and free speech for all members of the university community.

We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Asli Ü. Bâli'.

Aslı Ü. Bâli
MESA President
Professor, Yale Law School

A handwritten signature in black ink, appearing to read 'Laurie Brand'.

Laurie Brand
Chair, Committee on Academic Freedom
Professor Emerita, University of Southern California

cc:

Jeanine D'Armiento
President, Columbia University Senate
jmd12@cumc.columbia.edu