

FROM: Professor Scott Barrett (chair and Vice Dean), Professor Richard Betts, Senior Lecturer Eugenia McGill, and Professor Sharyn O'Halloran

TO: Dean Merit Janow

RE: Summary Statement from Our Examination of Allegations Against Adjunct Professor Mitchell Silber

DATE: 24 July 2020

Our ad hoc committee was formed to examine allegations made by a group of seven SIPA students and one SIPA alumna against SIPA Adjunct Professor Mitchell Silber. These allegations concern: (1) the suitability of Mr. Silber to serve as an adjunct faculty member of SIPA, and (2) the appropriateness of his course, Modern Urban Terrorism.

The allegations are of an extreme nature. To our knowledge, they are unprecedented at SIPA. They say that Mr. Silber's course "is aligned with the NYPD and it is extremely and violently **Islamophobic, racist, unconstitutional, and imperialist** [bold in the original]." They say that, to Mr. Silber, "Islamophobia, racism, and imperialism are acceptable principles." The students demand that "Silber be fired, his course cancelled forever...."

We took these allegations seriously, as they were made by a group of SIPA student leaders. They were also made as part of a package of demands for addressing alleged racism and injustice within SIPA and for developing a curriculum that could assist students in addressing racism and injustice in society—goals that are shared by all SIPA staff and faculty, including us.

We note also that the allegations were made at a time when acts of racism and injustice, especially by the police, have stimulated widescale and deeply felt social and political responses. Our committee feels revulsion about particular acts by police officers against people they are meant to protect. We know that racism is deeply rooted, systemic, and insidious in American society and elsewhere. We wish to do our part, particularly as members of the SIPA community, to fight against racism in all its forms.

The allegations made by this group of students are serious and far-ranging, and we have reviewed them carefully. For the reasons stated below, we have found that they are neither substantiated nor made with reference to the principles and guidelines that affirm faculty freedoms and responsibilities at Columbia University. Our inquiry into the allegations has been framed by these principles and guidelines, and informed by SIPA's and the University's processes for exposing faculty misconduct.

Our committee finds as follows:

First, the allegations fault Mr. Silber for a report he co-authored. This report, *Radicalization in the West: The Homegrown Threat*, coauthored with Arvin Bhatt, was one of seven readings assigned for one session out of a total of 13 sessions in his fall 2019 syllabus. More importantly, and as stated clearly in the University's Code of Academic Freedom, "*all officers of instruction are entitled to freedom in the classroom in discussing their subjects.... [and] to freedom in research and in the publication of its results....*" The students note that Mr. Silber's report has been criticized by two organizations. In this circumstance, we feel it would be appropriate to acknowledge such criticism. However, this is not a reason for necessarily excluding the report from Mr. Silber's course. Nor is it a reason he should be disqualified from teaching at SIPA.

Second, the allegations fault Mr. Silber for his associations—for his previous employment in the New York Police Department and for his business partners, Raymond Kelly and David Cohen. Again, the University's Code of Academic Freedom is clear: officers of instruction "*may not be penalized by the University for expressions of opinion or associations in their private or civic capacity....*" Members of the SIPA community may have different views about Mr. Silber's past employment, but a faculty member cannot be penalized because of their private associations.

Third, we turn to the allegations regarding Mr. Silber's course. The last part of the University's Code of Academic Freedom says that faculty granted the freedoms noted above bear "*special obligations arising from their position in the academic community.*" As elaborated upon in the University's Faculty Handbook, these obligations say that, "*In conducting their classes, faculty should promote an atmosphere of mutual tolerance, respect, and civility. They should allow the free expression of opinions within the classroom that may be different from their own and should not permit any such differences to influence their evaluation of their students' performance. They should confine their classes to the subject matter covered by their courses and not use them to advocate any political or social cause.*" To know whether faculty adhere to these obligations, we rely on our grievance procedure and teaching evaluations.

We have reviewed Mr. Silber's record over the last decade, and found that no student has made a grievance of any kind concerning Mr. Silber or his course, including the specific allegations that he and his course promotes Islamophobia and racism. We also reviewed Mr. Silber's teaching evaluations over this ten-year period, and found no evidence that he had promoted racist or Islamophobic views or suppressed discussion in the classroom. Not a single student with experience in the course and in dealing with Mr. Silber has come forth to support the allegations that were made but not substantiated by student leaders. The students making the allegations say that they "looked at past reviews of Silber's course." However, they present no evidence of misconduct. The one review comment mentioned in the allegations says that Mr. Silber's course was "definitely biased towards Islamic extremism—this was mentioned in the syllabus, but it was still slightly disheartening." This comment concerns the content of the course. Even if members of the community do not agree with a professor's views, the Faculty Handbook makes it clear that the obligations outlined above "*do not limit the authority of the faculty to determine the actual content of their courses nor do they interfere with the right of faculty to express personal political views outside of the classroom in the manner of their choosing.*" The comment cited by

the students in no way supports their allegation that, to Mr. Silber, “Islamophobia, racism, and imperialism are acceptable principles.”

Although the focus of our examination has been on the allegations made against Mr. Silber, the students who made these allegations also expressed concern about “other professors who have clear and lasting ties with NYPD,” and go on to name another adjunct faculty member. The allegations also demand “that SIPA thoroughly investigate all courses and professors at SIPA to determine who has engaged in racist actions, perpetual (sic) racism in their courses, and are aligned with the NYPD.” SIPA considers a person’s qualifications very seriously before being hired as a faculty member. Reviewing such qualifications is one of the roles of the Committee on Instruction (COI). After a faculty member has been hired, however, we rely on teaching evaluations, SIPA’s procedures for student grievances, and the University’s procedures for assuring Equal Opportunity and Affirmative Action to identify concerns related to faculty conduct. Our examination of the allegations against Mr. Silber gives us no reason to recommend a change in this approach.

Our recommendation is that no change be made to Mr. Silber’s engagement with SIPA as Adjunct Professor and that no action be taken against him in response to the allegations made by this group of students.

Post script

The allegations reviewed by us were first made in a Zoom call with the Dean and Vice Dean on June 30th and transmitted in writing on July 2nd. On the afternoon of July 13th, this committee learned that an article had been published in the *Morningside Post* detailing the allegations made by this group of students against Mr. Silber. This sudden change in circumstance forced us to speed up our examination of the allegations. Additionally, the original plan had been for our report to be transmitted to the Committee on Instruction for discussion and thence to the Dean. However, since the author of the *Morningside Post* article is one of the two student representatives on the COI, there was now potentially a conflict of interest. Accordingly, after the allegations had become public in this manner, the Dean, in consultation with University officials, decided that it would be advisable for our report and recommendations to be sent directly to her. We agreed with this judgment.

Another consequence of the public disclosure is that it initiated responses by students and alumni who had actually taken Mr. Silber’s course. We have received 39 letters and reviewed all of them. Each communication was unique, reflecting the individual experience and perceptions of its author. But all of the communications without exception were consistent in rejecting the allegations made against Mr. Silber and his course. A significant number of letters noted Mr. Silber’s openness to diverse perspectives, including through inviting diverse guest speakers. Several letters also noted that he expressly condemned racism and Islamophobia in class discussions, and that he emphasized the importance of balancing counterterrorism goals with preserving civil liberties and working constructively with communities. Three of the letter writers

indicated that they had expressed dissenting views to some of the students who made the allegations, and yet these dissenting views were not communicated to SIPA leadership.

Helpful though these letters are, our conclusions regarding the allegations, framed around the University's Code of Academic Freedom and Faculty Guidelines, rest on the information available from the processes established by SIPA and the University for uncovering concerns about faculty conduct: (1) a record of no complaints being made by a student against the instructor over a period of ten years, and (2) a record of teaching evaluations over this same period showing no support for the allegations made against the instructor.

Like all of SIPA, we condemn racism, and are committed to do all we can to remove this stain from our societies and institutions. We value diversity and inclusion—in terms of race, ethnicity, religion, gender, sexual orientation, disability, and socio-economic status. We also value diversity of thought, and the right to express different views, including in the classroom.