

ADDRESSED TO:
President Richard Wellen, Ph.D.
York University Faculty Association
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SUBMITTED BY:
President and CEO Avi Benlolo
Friends of Simon Wiesenthal Center

February 11, 2016: Under Concern of YUFA's Consideration of BDS

WHEREAS: It has become known to Friends of Simon Wiesenthal Center for Holocaust Studies (FSWC) that the York University Faculty Association (YUFA) is considering a motion that will support the Boycott, Divestment Sanction Campaign, also known as #YUDivest, FSWC submits the following concerns to YUFA in order to discourage the union from carrying forward such plans.

WHEREAS: The campaign to boycott, divest and sanction Israel (BDS) and by extension the Jewish people is antisemitic. The BDS movement, despite identifying itself as a human rights movement, does not promote peaceful co-existence between Palestinians and Israelis. It seeks to delegitimize the democratic State of Israel and to promote the belief that Jewish people are not entitled to self determination. The BDS Movement does not foster an inclusive or respectful dialogue on Israeli-Palestinian relations but instead incites hatred and antisemitism and sentences the Palestinian people to a lifetime of poverty by disallowing economic integration

WHEREAS: The reality of the nature of the BDS campaign is that it targets and singles out the Jewish community as a collective; it demonizes Israel and Israelis; it applies unfair double standards to Israel at the exclusion of other nations in the Middle East; and it rejects the legitimacy of Israel as the only Jewish State in the world – and therefore incites discrimination.

By its nature, the BDS Movement rejects any form of meaningful dialogue or debate with Israelis or pro-Israel students. Views on the Israel-Palestine conflict are not binary, but because BDS arbitrarily groups all Israel supporters together, it rejects the fundamental legitimacy of their beliefs. The BDS Movement frequently shuns any form of contact and communication with Israelis, regardless of their political views and beliefs. Instead, BDS has employed tactics of intimidation and violence against Jewish and pro-Israel students, and has attempted to ban Israeli academics from lecturing on university campuses - challenging the basic Canadian values of academic freedom and open debate. Jewish students have reported increased levels of antisemitic activity after BDS movements have been introduced onto higher education campuses. Pro-Israel students of non-Jewish backgrounds have endured similar victimization. Students have expressed frustration that their academic performance is being negatively affected due to the mental stresses of the hostility on their campuses.

Evidently, the main objective of BDS is neither to solve the Israeli-Palestinian conflict, nor to help the Palestinian people. The BDS campaign does not focus on creating peace between Israelis and Palestinians. It exists to delegitimize, and ultimately eliminate, the State of Israel. BDS is a hate-fuelled, legally-ambiguous, antisemitic movement that should not be allowed to flourish in our public institutions.

WHEREAS: The Objectives of the York University Faculty as stated in its Constitution are to promote the association itself and support the welfare of its members and include the “civil rights and liberties of academic staff.” The stated Objectives of YUFA are not to support boycotts, divestment and sanction campaigns against a foreign nation and a national and religious group. Support for boycotts contravenes YUFA’s Objects.

WHEREAS: By endorsing BDS (or likewise) YUFA would be contravening its own Equity Statement in its Constitution upholding the principles of “non-discrimination...and nurturing a culture of acceptance, diversity and inclusion where every member of YUFA and the broader York community is treated with dignity and respect...not limited to race, ancestry, place of origin (birth place), colour, ethnic origin, sex, gender...”

WHEREAS: YUFA would be motivating staff exclusion contrary to its statement on Equity. FSWC has noted two York University staff/fellow resignations (to our current knowledge) attributed to the hostile environment at York University concerning the spread of BDS, the overwhelming feeling of antisemitism and the Mural Controversy. NOTE: references can be provided upon request – with permission.

WHEREAS: YUFA has pledged to uphold its principles of equity in the “broader York community” but has disregarded Jewish student complainants to York University about the toxic environment at York University resulting from BDS and antisemitism. NOTE: student testimonies and background can be provided upon request.

WHEREAS: YUFA must protect the students it serves by abiding by the Ontario Human Rights Code which states, “Students are entitled to be free from a poisoned educational environment created either by inappropriate behaviour of an education provider or by other students.” By endorsing a boycott, YUFA would be perpetuating the feeling of a poisoned educational environment at York.

WHEREAS: YUFA has an obligation under the Ontario Human Rights Code to act when it becomes aware of the potential existence of discrimination and harassment, it cannot “ignore or fail to act to address human rights matters, whether or not a complaint has been made.” In other words, YUFA must conduct an independent study of Jewish students to determine if they are feeling discriminated against and if they would be further discriminated against by the actions of YUFA.

WHEREAS: YUFA would be contravening the Ontario Discriminatory Business Practices Act. The legislation was introduced in response to the Arab League boycott of Israel, for not dissimilar reasons from the BDS movement. Under these statutes, a person engaged in business may not discriminate on the basis of the nationality of another person. The legislation prohibits entering into any contract not to do business with Israel or Israelis. YUFA would be violating this law by endorsing and fomenting such behaviour.

CONCLUSION: It is sufficient for YUFA members to conclude that Jewish students, faculty and the community at large believe they are discriminated against by the proposition of divestment from the State of Israel. If YUFA was to endorse a boycott against Israel (economic, academic, cultural, etc), it would be violating its own constitutional objectives and equity principles. The very notion that Jewish and non Jewish students feel violated by a toxic environment created by the BDS and #YUDivest, and including the Mural and including anti-Israel rallies and speakers, should give YUFA cause for concern. A university and its organs are obligated to prevent a “poisoned” educational environment and to provide educational services without discrimination – even when perceived.

We hope that YUFA will give careful consideration to its action and hold true to its core Objectives as stated in its Constitution – and not align with a movement of exclusion and censorship.

Thank you.



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The Canadian Jewish human rights foundation, Friends of Simon Wiesenthal Center for Holocaust Studies (FSWC) is a leading non-profit human rights foundation directly representing over 30,000 members. FSWC is committed to countering racism and antisemitism and to promoting the principles of tolerance, social justice and Canadian democratic values through advocacy and educational programs including workshops, Freedom Day, Spirit of Hope Benefit, Tools for Tolerance and its widely acclaimed new Tour for Humanity. FSWC is affiliated with the Simon Wiesenthal Center, an international Jewish human rights organization headquartered in Los Angeles, which has won two Academy Awards, has built two Museums of Tolerance (with a third being built in Jerusalem) and is an NGO at the United Nations, UNESCO, OAS, OSCE, the Council of Europe and the Latin American Parliament. Visit us at www.fswc.ca