

A Response to the South African Jewish Report and Ms Klazinga on 'Jews unwelcome at Rhodes'

Introduction

On 1 January 2014, the *South African Jewish Report* and Ms Larissa Klazinga made a number of claims and allegations against Rhodes University. Stripped of the hysteria, lies and inaccuracies, the central claim is that Rhodes University is hostile to Jews and seeks to be rid of Jews.

The South African Jewish Report's rant

The *South African Jewish Report* article cannot be dignified as journalism, for there is no interest in truth and accuracy and its practices are a far cry from the tenets of high quality journalism. Bordering on the hysterical, the article trots out claims and allegations which are not backed up by facts or empirical evidence. But why let truth, facts and evidence get in the way of a self-serving narrative in service of a particular political agenda!

The University gives no credence to the allegations of anti-Jewish conduct on its part. However, we cannot ignore the lies, inaccuracies and misrepresentations and the deliberate and calculated action on the part of the *South African Jewish Report*, their associates and in some instances Klazinga to portray the University as hostile to Jews. Communication between supporters of the *South African Jewish Report* during the course of last year makes clear that there had to be concerted action against anyone daring to criticise Israel.

In due course we will address the vacuous allegations of the *South African Jewish Report* and Klazinga. Rather than begin by dignifying the allegations, it is necessary to paint the actual reality of Rhodes, which is a far cry from the one that *South African Jewish Report* and Klazinga portray.

The Rhodes reality

Rhodes University is committed to an institutional culture that respects and promotes equity, human dignity and human rights, embraces difference and diversity and is comfortable for all people irrespective of language, culture, nationality, sexual orientation and religion. In this regard, it takes as its point of departure the 1996 South African *Constitution* which proclaims the values of the values of "human dignity, the achievement of equality and the advancement of human rights and freedoms", and "non-racialism and non-sexism". It is mindful that the *Bill of Rights* states unambiguously that institutions and individuals a "may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth". T takes seriously that we are enjoined to "respect, protect, promote and fulfill the rights in the Bill of Rights".

Since 2006, under a new Vice-Chancellor, for these and good historical reasons much emphasis has been put on ensuring that Rhodes becomes a *Home for All*. As part of building a *Home for All* and for building an inclusive institutional culture, the Vice-Chancellor has consistently articulated certain messages. Regularly, at the induction of members of house committees and wardens he has drawn attention to the realities that Rhodes students possess different national and cultural traditions; have many different languages as their first or home languages; are apolitical or have strong political views, may have different political sympathies, may vote for different political parties, and may have different opinions about the state of our world and South Africa or other countries; and have different religious commitments or no religious

commitments. He has emphasised the rich diversity that exists at Rhodes and called for recognition of this diversity and called for unequivocal respect for this diversity, and for embracing, this rich diversity as part of ensuring that everyone is treated with dignity, and as an exciting fountain of great intellectual and institutional vitality and strength.

Annually at the welcome of new students the Vice-Chancellor has expressed:

You are the 'born frees' - a generation that has been spared the brutality and painful horrors of apartheid. You are the future: we look to you to help build a united, thriving, just and humane South Africa.

Yet, you will agree, that racism, sexism, base prejudice, intolerance and various kinds of unacceptable conduct continue in our society.

I wish to make absolutely clear that at Rhodes University there are no first class and second class students and people; and that at this University there is no accommodation, no tolerance of racist, sexist, homophobic, xenophobic or any other kind of chauvinistic behaviour.

Your so-called 'race,' sex, gender, nationality, religion, first language, previous school, the suburb you come from, the make and model of your car, the size of your monthly allowance, and the political position, status and wealth of your parents confer on you no special rights or privileges.

At Rhodes, everyone is treated equally and equitably.

Conduct, relationships and responsibilities at Rhodes are guided by the values of the South African *Constitution* and *Bill of Rights* – respect for human dignity, human rights, equality, non-sexism and non-racialism.

Everyone at Rhodes - other students, academics, technicians, secretaries, wardens, cooks, cleaners and garden staff – everyone deserves respect and must be accorded dignity.

Rhodes University belongs to all and is a home for all! We must work together with sensitivity, honesty and courage to be a model for our society; we must be what we want our beloved country to become.

As a way of building appreciation for difference and diversity and an inclusive culture, on significant religious and cultural occasions – Diwali, Eid, Christmas, Yom Kippur, Rosha Hashana and the like - a message is issued from the Office of the Vice-Chancellor extending good wishes to those who observe such events. The open email is sent to all staff as there are no lists at Rhodes of who is Muslim, Hindu, Jewish and the like. It is important to emphasise this point as rebuttal of the claim that Rhodes is hostile to Jews. The simple fact is that Rhodes does not know who is Jewish unless this is patently obvious in one or other way.

There are orientation programmes that seek to ensure that new staff and students are enlightened about the policies that protect them against harassment and racial and other kinds of abuse and the assistance that is available. On occasions, drama has been used during the orientation of new students to educate students on the various dimensions of harassment, discrimination and intolerance and to emphasise that such behaviour is neither acceptable nor tolerated at Rhodes University. A website dedicated to orientation was created to allow new student entrants to familiarise themselves with the institution and its policies with a handy booklet as guide also available online.

Rhodes University has adopted various several policies as part of the imperative to address the effects of the apartheid legacy, combat racism and other kinds of discrimination within the institution, and provide a platform and forum for recourse to those persons who may be affected by incidences of actual

or perceived racism and racial discrimination. The policies include an *Equity Policy, Policy on Eradicating Unfair Discrimination and Harassment*, which governs issues of different forms of harassment and unfair discrimination. The policies encompass both staff and students and have been approved by both the Senate and Council of Rhodes University. They are operational, with structures in place to ensure institutional implementation.

There exist two Council-approved University committees, Equity and Institutional Culture and Employment Equity and Institutional Culture, under the chairpersonships of the Vice Chancellor and Deputy Vice-Chancellor respectively, with the Office of Equity and Institutional Culture serving as secretariat. These committees are representative of all stakeholders of the University community and meet regularly.

There are specific mechanisms in place for students and staff to lay complaints of perceived racial or other kinds of discrimination. The university has a Harassment Officer and some 15 Reporting Officers that can be approached by a complainant. This is a diverse social group which also allows for different language preferences. Information about the Harassment Officer is publicized on a web-page dedicated to student affairs and student notices. Posters with names, photos and contact details of Reporting Officers are posted around campus. In a community of about 9 000 staff and students during 2011 there was one reported case of racism; in 2012 three reported cases of racism and two cases of xenophobia; and last year two cases of racism and one case of xenophobia. All complaints were investigated or at least referred to mediation by the university prosecutors; and all cases were finalized **except one which is still in process**.

While the self-serving narratives of the South African Jewish Report simply cannot be bothered with such inconvenient realities, Klazinga is well-aware of these realities. Until recently she was employed as Student Services Officer in the Office of the Dean of Students. Her job included helping to build a human rights culture at Rhodes and more generally, and to ensure that all students were treated equitably and with dignity.

In seeking to cast herself as a victim of anti-Jewish conspiracy at Rhodes, not only is Klazinga conveniently silent on these issues but she makes fanciful claims without providing any evidence. Yet she worked in the domain of protecting and promoting human rights; indeed, she can be considered to be a human rights activist (even though she tends to be selective about to whom such rights accord). She is well-versed with policies that seek to uphold human rights and dignity at Rhodes and with grievance and disciplinary policies and procedures, having helped to shape some of these policies.

It is extremely hard to imagine that she would countenance any violation of her rights or those of any Jewish people at Rhodes. Yet, inexplicably, at no time has she ever laid a grievance or instituted proceedings against anyone at Rhodes or against the institution for any alleged discrimination against her or any Jewish staff or students. This is quite telling. It should be noted that after the veritable April 2013 rant of the South African Jewish Report that there was a hostile environment for Jews at Rhodes one academic repeated the claims. To date he has yet to provide any evidence in support of his claims despite being invited to so do so.

Rehashing of the South African Jewish Report rant of April 2013

Klazinga simply repeats, and seeks to bolster through her alleged experiences, *South African Jewish Report* claims in a rant of April 2013 that there was a hostile environment for Jews at Rhodes.

In dramatic terms the *South African Jewish Report* announced that “a startling picture of anti-Israel bias and outright racism towards Jewish staff and students at Rhodes emerged in a report after a six-person Jewish leadership delegation went to Grahamstown in April to investigate complaints from the campus”.

On 14 May 2103, the South African Jewish Board of Deputies (SAJBD) wrote to the Vice-Chancellor. We were informed that in April 2013 there was a SAJBD “fact finding mission” to “investigate allegations of anti-Israel (sic) bias and intimidation at Rhodes that had come to our attention” and to “establish the relevant facts on the ground.” The SAJBD indicated that they wished to “discuss issues of concern to our community as well as to clear up a most unfortunate situation that has arisen recently on an independent website, which has made some disparaging remarks about Rhodes University without any agreement from our organisation, the representative body of SA Jewry.”

It should be noted that the SAJBD delegation that visited Rhodes curiously *did not meet* with the leadership of Rhodes – ‘fact finding’ was conducted without any opportunity for the University to engage with allegations. The rule of natural justice enshrines the maxim *audi alteram partem*, literally, ‘hear the other side’.

The University responded on 3 June 2013 as follows.

We are, of course, willing to meet with you. However, so that we are fully prepared for the meeting and to ensure a productive meeting we will appreciate the following in writing from you prior to the meeting:

1. A clear indication of the purposes of the meeting.
2. Your letter to us states that one purpose is "to discuss issues of concern to our community." Please can you set out precisely what these "issues of concern" are. Please also indicate whether these "issues of concern" have at any time been raised with the University authorities and, if so, with who and what the response has been.
3. Your letter also states that you wish "to discuss issues of concern to our community." Please can you clarify precisely who "our community" refers to.
4. In your letter you note that you wish to “discuss concerns by students and other stakeholders at the University so that we can ensure that they feel comfortable within the Rhodes environment.” Please can you indicate whether these “students and other stakeholders” are intended to be participants in our meeting with you, and whether the students or/and stakeholders have to date, individually or collectively, raised with the University authorities any concerns. If they have, what has been the response?
5. Your letter indicates that in April 2013 there was a South African Jewish Board of Deputies (SAJBD) “fact finding mission” to “investigate allegations of anti-Israel bias and intimidation at Rhodes that had come to our attention” and to "establish the relevant facts on the ground."

The fact-finding team has presumably prepared a report on their investigation and findings. We will appreciate a copy of the report of the fact-finding team. We trust that this report will provide factual evidence of the nature, forms and extent of "anti-Israel bias and intimidation at Rhodes", and indicate whether or not those who allege such “bias and intimidation” have raised this with the University authorities and with what outcomes. Of course, we are also most interested in what were “the relevant facts on the ground” that were established by the SAJBD team.

We trust that you will appreciate that the above requirements are necessary for any productive meeting between us.

Communication from the SAJBD on 13 June 2013 basically rejected the request of Rhodes; which were that the purposes of the meeting and the SAJBD's concerns be clarified in writing, and that the report of the "fact-finding mission" to Rhodes be tabled. On 18 June 2013, the University repeated its willingness to meet but insisted that for the meeting to be productive facts and evidence supporting the allegations had to be provided.

To date, no facts or evidence have been forthcoming from the SAJBD and thus no meeting could be held. The *South African Jewish Report* has by and large rehashed its April 2013 claims and Klazinga has sought to bolster these through her so-called experience.

The South African Human Rights Commission

Rhodes University has nothing to hide and is confident of its track record with respect to its promotion of human rights and human dignity.

The Vice-Chancellor will be proposing to the Senate and Council of the University that the South African Human Rights Commission should be invited to investigate the claims that Rhodes is hostile to Jews, that Jews are not welcome at Rhodes and that there is an institutional conspiracy to get rid of Jews. Jewish students and staff who claim that their human rights have been violated at Rhodes will be invited place their allegations before the Human Rights Commission.

The case of Klazinga

It is important to avoid simplistic and glib judgements (hagiographic and demonization) of people and institutions for the sake of expediency and self-serving political reasons – precisely the kind of politics that the South African Jewish Report manifests. In this regard, it should be noted that different claims are made by the South African Jewish Report and Klazinga – the former in typical bombastic fashion makes all kind of puerile claims, directly or through quoting of others, that Klazinga does not.

It is a matter of fact that Ms Larissa Klazinga departed Rhodes at the end of 2013 on the basis of a confidential settlement. That the departure had anything to do with Klazinga being Jewish or because of an anti-Jewish institutional ethos is i) utterly devoid of truth and ii) political grandstanding on her part in service of a particular political cause of which she is a well-known evangelist.

Klazinga is an enigmatic, paradoxical, even contradictory character. On the one hand at Rhodes she embraced certain progressive political and social causes and positions but was hostile to others – especially any that dared to challenge her forthright pro-Israeli stance. It should not be surprising that there have been strong responses to her stance and some of her provocations on the part of those academics and students at Rhodes who differ with her and either support or are sympathetic to the Palestinian cause.

She provided admirable support to victims/survivors of sexual assault but also sought to be judge, jury and executioner of the *alleged* perpetrator. A few years ago, she grossly violated the rights of a Rhodes student by publicising his photograph because he was *alleged* to have sexually assaulted another Rhodes student. She also sought to mobilise support beyond the University to demand that the Vice-

Chancellor suspend the alleged perpetrator. This only abated when the Vice-Chancellor responded by asking whether rights were to be accorded only to the victims/survivors of sexual assault, racism and the like and those accused were to be denied any rights to a fair hearing and trial. The Vice-Chancellor had been advised by a committee of women academics that given a certain context any charge of sexual assault would not pass muster. The **National Prosecution**?? came to the same conclusion.

She espoused constitutional and human rights but simultaneously gave short shrift to the rights of certain social groups and individuals. She mobilised awareness and protest against the assault of women but also unnecessarily alienated potential supporters because of her conduct and attitudes. In short, admirable qualities coexisted with others that were far from commendable.

There is great latitude at Rhodes, as befitting a university, for staff and student to hold views and opinions and express themselves freely on issues. The political affiliations of staff are considered to be a personal matter, and respected as such by Rhodes. Academics understand Max Weber's distinction between science as a vocation and politics as a vocation, and the responsibilities that are associated with being an academic. Being a support staff member did not spare Klazinga from maintaining a judicious boundary between her personal political affiliations and her work and conducting herself in a manner that inspired the confidence of a diverse student body and various constituencies and actors at Rhodes. In recent years, Klazinga's conduct became increasingly outlandish, especially after her political position came under challenge when a Palestinian Solidarity group was established at Rhodes (as just one example, see her celebration of her 'Zionator' stunt - myshtetl.co.za; 5 May 2012). It was quite not surprising that the Dean of Students, her line manager, sought to institute disciplinary proceedings against her for her inappropriate conduct and transgressions. The South African Jewish report and Klazinga seek to portray the move to institute disciplinary proceedings against her as having to do with her being Jewish or pro-Israeli; the simple *fact* is that it was her conduct in her work position that was the issue.

It is important to note that in the discourse of the *South African Jewish Report* and to some extent also Klazinga's, there is a consistent deliberate conflation of Zionist, Semitic, Israeli and Jewish. Thus, any criticism of Israel and its actions are ridiculously branded anti-Jewish. It is not dissimilar to those who were anti-apartheid or anti-South African state being labelled anti-white; or that if one was pro-black oppressed one was automatically anti-white, an issue that Steve Biko effectively addressed a long time ago.

Specific allegations

There is no value in responding to each and every allegation – many are simply ludicrous and do not deserve to be dignified with a response. It is, however, necessary to address certain allegations if only to exemplify their vacuity.

1. "Larissa Klazinga's story is about an almost two-year-long saga that speaks to the anti-Israeli culture that pervades the hallowed halls of Rhodes University".

The reference to a 'culture' is dramatic fiction.

Second, if life was made 'hell' for Klazinga and the University was out to get rid of her, some aspects of her last few months simply do not make sense. For one, she was a key organiser of a gender imbizo; she was invited by the Vice-Chancellor, as a way of extricating her from an unhappy work environment in the Dean of Student's Office to provide administrative support to special assistants that he had appointed, which she did; and she was always treated courteously and fairly by the Office of the Vice-Chancellor and the Director of Special Projects in the Vice-Chancellor's Office, with whom she amicably negotiated an exit settlement. This hardly sounds like the *University* making life intolerable for Klazinga. Bagraim's claim that he stood between Klazinga and a terrible fate at the hands of Rhodes is wishful thinking. It is always good to be reminded of Amilcar Cabral's dictum: tell no lies, claim no easy victories!

As indicated there is no purpose in dignifying every ludicrous claim of the South Africa Jewish Report a response to some of the claims will suffice to illustrate their dubious nature.

1. "Rhodes was quoted as being devastated that their plans to prosecute Larissa's partner for displaying pro-Israeli posters during IAW had failed".

Were they even pro-Israeli posters as opposed to posters that depicted ... and caused offence in some quarters and resulted in complaints

Rhodes has a recently revised student disciplinary policy. In terms of this policy the Prosecutors followed the same procedure as they would do in investigating any complaint. It became apparent to the Prosecutors that there were issues involving freedom of expression and thus as is provided for in the Harassment Policy, referred the matter to a Fairness Forum. This Policy, as co-authored by Ms Klazinga, is designed to deal with exactly this kind of issue. The ultimate decision of whether there is a *prima facie* case to be answered remains that of the Prosecutors. The Prosecutors and the Fairness Forum were satisfied that the posters did not extend beyond the parameters of robust academic discourse. It should be noted however, that not all the posters were made available to the Prosecutors and the Fairness Forum, and thus this decision was reached on what was before them.

2. "Rhodes threat to disband Fairness Forum.... Mabizela also said Rhodes was going to review "the role and purpose of (their own) Fairness Forum in due course".

Need bit more re what it is what concerns have been and then this text

The revised Rhodes Student Disciplinary Code came into effect on 1 January 2013. In terms of the policies and procedures of the University all new procedures are reviewed. There is nothing different about this policy and in line with this the policy shall be reviewed in 2014.

Ms Klazinga's Legal Team has been disingenuous in their portrayal of what transpired prior to Ms Klazinga's exit from Rhodes University.

3. "It's been a great victory, said Bags who represented Larissa together with advocate Izak Smuts SC. The University had raised a laundry list of disciplinary charges, but says Bags, all of them came to naught".... "The litigation was 100% successful".

Here one has to recall Amilcar Cabral's dictum: Tell no lies, claim no easy victories'.

The Dean of Students sought to sanction Ms Klazinga on good disciplinary grounds but certain of the charges were unacceptable. As Mr Bagraim has correctly stated "*a charge sheet must specify the details of the charge so the accused can prepare a defence*".

As soon as the Office of the Vice-Chancellor had sight of the charge sheet a meeting was held. The Vice-Chancellor, Deputy Vice-Chancellor and Director of Special Projects had strong in principle objections to the charge sheet that had been served on Ms Klazinga. The Vice-Chancellor immediately made the decision to withdraw the charges in their totality. Ms Klazinga was called in and this was communicated to her.

There was no litigation and the disciplinary charges were never tested. The sad reality was the breakdown of relations between Ms Klazinga, the Dean of Students and Deputy Dean of Students which unfortunately entered the realm of personal antagonism. Ms Klazinga of her own free volition chose to enter settlement negotiations as she recognised that the working relationship with the University had broken down.

Loss of donor funding

Following on the above, the allegation that "*shut up money*" was offered is a blatant fabrication as is the allegation that Ms Klazinga was "*forced out for being Jewish*".