



March 16, 2023

[REDACTED]  
Interim Dean of Students  
1200 West Harrison St.  
3030 SSB  
Chicago, IL 60607

Via email to [REDACTED]

Dear Mr. [REDACTED]

We write on behalf of University of Illinois Students for Justice in Palestine (UIC SJP) to urge the university to stop engaging in discriminatory suppression of student free speech rights on the campus. The university's actions unfortunately demonstrate a pattern of discriminatory behavior against Palestinian and Arab students and their allies, as demonstrated in the attached letter of September 27, 2021 regarding a strikingly similar incident that the university failed to remedy at the time.

**Factual Background:**

On January 23, 2023, nine members and allies of UIC SJP attempted to attend an informational session hosted by the UIC Study Abroad Office regarding the Summer 2023 Elements in Motion study abroad program in Israel. Though SJP members and allies had pre-registered for the Zoom event, when they attempted to join the Zoom link, individuals with names that were recognizably Palestinian or Arab [REDACTED]—were left in the waiting room. Three individuals whose names could be perceived to be European or ethnically ambiguous—[REDACTED]—were admitted to the event. Attendees who were admitted notified the UIC faculty and staff hosting the meeting that their friends were still in the waiting room, but no action was taken to admit them. Instead attendees were informed that due to technical difficulties, they would need to switch to a different Zoom link. There was no notification provided to individuals in the waiting room or via email to registrants of the switch in the Zoom link. The SJP members and allies in the waiting room learned of the change from friends who had been admitted into the event and attempted to join the new Zoom session via the same link that was shared with attendees of the original Zoom session.

In the new Zoom session, SJP members and allies with Palestinian or Arab-sounding names were once again left in the waiting room while others were admitted. Once again, those who were admitted notified the hosts that their friends were still in the waiting room. Individuals with Palestinian or Arab-sounding names were still not admitted. Several SJP members in the waiting room renamed themselves or rejoined the meeting with European-sounding names: [REDACTED] [REDACTED] Other attendees once again mentioned to the hosts of the

event that there were people in waiting room, this time referring to them by their European pseudonyms. They were then promptly admitted to the event, while other members with Palestinian or Arab-sounding names were left in the waiting room for the entirety of the program.

Once the presentation was completed, and the hosts invited questions from the audience, SJP members and allies asked whether Palestinian students and their friends would be able to go on the trip.<sup>1</sup> Rather than taking time to consider students' concerns and address them, the UIC faculty member leading the trip, [REDACTED], provided dismissive and condescending responses to their inquiries, saying that the program is about bringing cultures together, that the Israeli consulate had been notified of the trip, that she brings people together and does not look into political issues, and that all students are welcome to apply to the program. After a Jewish student expressed concerns grounded in her Jewish identity, a representative of the study abroad office eventually chimed in to offer personalized support to students who have specific safety concerns about the trip in order to address those concerns or to help them determine whether it would be unsafe for them to participate. After asking a few questions about the trip, SJP members and allies were told that their questions about the program constituted a protest, that they would not be responded to, and that they would be ejected from the meeting if they continued to ask critical questions about the purpose, content, and safety of the program.

After the information session, a non-Arab student who had not asked many questions during the session received emails from both the professor leading the trip and the Study Abroad Office inviting her to apply to the program. Students with Palestinian or Arab-sounding names did not receive a similar email regardless of whether they asked questions or stayed silent. Two of the students who were not admitted into the session also emailed the Study Abroad Office to find out why. They were falsely told that the information session had not proceeded as planned. The email also stated that “individuals with no genuine intention of participating in the program were joining to interfere with our ability to deliver the presentation we had prepared.”

On February 8, SJP members met with [REDACTED] the head of the Study Abroad Office, at the Summer Faculty-Directed Programs Expo to question him about the treatment they experienced at the Zoom information session. He told them that their experience of being excluded from the session was a lie and that the faculty director had only admitted students whose names she

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<sup>1</sup> As the U.S. State Department recognizes, “Some U.S. citizens of Arab or Muslim heritage (including Palestinian-Americans) have experienced significant difficulties and unequal and occasionally hostile treatment at Israel’s borders and checkpoints. U.S. citizens who have traveled to Muslim countries or who are of Arab, Middle Eastern, or Muslim origin may face additional questioning by immigration and border authorities.” U.S. Department of State — Bureau of Consular Affairs, Israel, the West Bank and Gaza, <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/IsraeltheWestBankandGaza.html>. This includes students, see, e.g., Molly Minta, Israel Detained This Palestinian-American Student—Now She’s Challenging the State in Court, *The Nation*, Oct. 17, 2018, <https://www.thenation.com/article/archive/israel-detained-this-palestinian-american-student-now-shes-challenging-the-state-in-court/>, authors, see, e.g., Susan Abulhawa, Abulhawa: For 36 hours I was detained on a dirty bed in my homeland, then deported, *Mondoweiss*, Nov. 4, 2018, <https://mondoweiss.net/2018/11/abulhawa-detained-homeland/>, and even members of U.S. Congress, see, e.g., Reuters, Israel will not let U.S. Congresswomen visit: deputy foreign minister, Aug. 15, 2019, <https://www.reuters.com/article/us-israel-palestinians-usa-ban/israel-will-not-let-u-s-congresswomen-visit-deputy-foreign-minister-idUSKCN1V51OX?il=0>.

recognized (though she admitted students with made-up pseudonyms and did not admit a Palestinian student who had previously taken one of her courses).

Despite the fact that SJP members and allies only asked questions during the Q&A portion of the session and did so only with permission, either verbally or through the hand raising feature, the professor leading the trip informed another student that SJP members and allies would be reported to the Dean of Students to be punished asking their questions.

When they attempted to speak directly with the Study Abroad Office about their concerns with the program, students were told that it was out of the Study Abroad Office's hands and that they should take their concerns elsewhere. Students then shared their concerns on social media, at a town hall event, and by flyer on campus.

On February 13, when SJP members were flyer in the Physical Education Building, two professors who work with Professor ██████ took down flyers students had posted and threatened to call police if they did not leave the building. As students were leaving UICPD officers showed up and demanded that students produce their UIC IDs. The officers specifically focused on student who wore a traditional Palestinian scarf called a kuffiyeh. One officer grabbed a Palestinian student who was leaving the building and dragged her back, demanding that she produced her ID. When the student reported this incident to UICPD, she was informed that the officer's actions complied with department policies.

On February 17, ██████ threatened students with legal action if SJP did not remove social media posts about him.

On February 28, SJP representatives were informed that they would face disciplinary charges because of a complaint by UICPD.

On March 10, SJP members and allies submitted reports with the Office for Access and Equity (OAE), requesting that the university look into the discriminatory treatment they experienced.

On March 15, SJP representatives received notification that ██████ had retaliated against them by filing her own complaint with OAE alleging that the students engaged in religious and national origin discrimination. Students do not know what religion ██████ identifies with.

### **Legal Analysis:**

UIC violated students' constitutional rights by denying them access to the January 23 info session

The January 23 information session—and the Summer 2023 Elements in Motion study abroad program itself—were advertised as being open to all students. The Study Abroad Office, which allegedly heard reports that there was a protest planned against the event, engaged in a prior restraint of student speech by refusing to admit some students into the Zoom meeting, and it did so in a blatantly discriminatory manner.

As the Supreme Court has long recognized, “state colleges and universities are not enclaves immune from the sweep of the First Amendment. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Healy v. James*, 408 U.S. 169, 180 (1972). In a situation like this where the university places a restriction on speech before it is uttered, there is a “‘heavy presumption’ against its constitutional validity.” *Org. for a Better Austin v. Keefe*, 402 U.S. 415, 419 (1971). That is because “a free society prefers to punish the few who abuse rights of speech *after* they break the law than to throttle them and all others beforehand. It is always difficult to know in advance what an individual will say, and the line between legitimate and illegitimate speech is often so finely drawn that the risks of freewheeling censorship are formidable.” *Se. Promotions, Ltd. v. Conrad*, 420 U.S. 546, 559 (1975).

Courts have permitted prior restraint in situations where speech could pose an inevitable, direct, and immediate danger, such as publication of the location of troops during wartime. *Near v. Minnesota*, 283 U.S. 697, 716 (1931). Here the university had no justification for excluding anyone from the Zoom meeting. If the rumors of a disruptive protest had come to fruition, UIC could have used Zoom features, such as the ability to mute or remove attendees, to keep the meeting on course without a need to engage in prior restraint.

#### UIC violated students’ civil rights by denying them access to the January 23 info session on the basis of their perceived ethnicity or national origin

Even if the university had the authority to restrict access to the event for fear of disruption, the manner in which the university did so was not permissible. The university singled out students with Palestinian or Arab-sounding names for exclusion from the information session. This shocking stereotyping, which students clearly demonstrated by changing their display names and gaining access to the session, cannot form a reasonable justification for censoring student speech. As the Supreme Court has noted, “Speech restrictions based on the identity of the speaker are all too often simply a means to control content.” *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 340 (2010).

The university’s differential treatment and limitation on student access to university resources and events based on their ethnicity or national origin is also a violation of the university’s antidiscrimination policy, state law, and Title VI of the Civil Rights Act of 1964.

#### UIC has repeatedly engaged in unlawful retaliation against students for protesting the violation of their rights, including through student conduct and discrimination complaints

During the January 23 information session, students whose questions drew attention to concerns that conflicted with the rosy picture UIC faculty and staff wanted to paint of the Israel study abroad trip were muted and threatened with ejection from the session. Since that time, UIC has stonewalled students who have sought an explanation of this discriminatory treatment and used legal threats to intimidate them into self-censorship.

Professor [REDACTED] threatened to report students to the Office of the Dean of Students for their participation in the information session, and [REDACTED] threatened legal action if they did not remove a post criticizing his actions.

In buildings across the UIC campus, students regularly post flyers without prior approval from administrators. However, in this case, colleagues of the professor whose discriminatory treatment toward Palestinian and Arab students was being criticized contacted law enforcement to single them out for suppression of their expression. Even when the posters were removed, UICPD filed a complaint against the students. The Office of the Dean of Students is now pursuing student conduct charges against students for activity that routinely takes place across campus without sanction. Singling out students for investigation and potential punishment without any policy violation is clearly a pretext for censorship.

### **Remedies:**

UIC must immediately drop the student conduct charges and discrimination investigations against SJP members. These complaints do not allege conduct that violates school policies. As such, the chilling investigations, coupled with other efforts to silence SJP members and allies, are a violation of students' First Amendment rights.

UIC should also take the following actions to remedy the harm that has been done to SJP members and their allies and to prevent incidents like this from happening again:

- Issue a public statement apologizing for the discrimination and censorship of Palestinian students and their allies and affirming its commitment to providing equal access to all students regardless of ethnicity, national origin, or political viewpoint.
- Provide mandatory training for Professor [REDACTED], the Study Abroad Office, and the UICPD officers who targeted students on anti-Palestinian racism and on the First Amendment rights of students.

Because of the urgency of this matter, we request a reply to this letter no later than **Friday, March 24.**

Sincerely,

Zoha Khalili  
Senior Staff Attorney  
Palestine Legal

cc: Michael Persoon, Despres, Schwartz & Geoghegan, Ltd.; [REDACTED] Director, UIC Office for Access and Equity; [REDACTED] UIC Campus Legal Counsel.