



November 6, 2017

Chancellor Rebecca M. Blank
University of Wisconsin – Madison
161 Bascom Hall
500 Lincoln Drive
Madison, WI 53796

Dear Chancellor Blank:

I write on behalf of University of Wisconsin – Madison student Carmen Goséy and members of Students for Justice in Palestine (“SJP”) to raise concerns over what appears to be a pattern of harassment and discrimination by on- and off-campus organizations and individuals, and to caution against relying on the account of events and several of the recommendations offered in a letter sent to you by the Louis D. Brandeis Center (“Brandeis Center”) over the summer.¹

The harassment and discrimination arise from a series of events last spring concerning human rights and racial and environmental justice resolutions (“divestment resolutions”) debated by the Associated Students of Madison (“ASM”). The resolutions, proposed by students interested in advancing social justice and transparency in university investments, addressed a wide range of issues, including anti-black racism, indigenous rights, immigrant rights, Palestinian rights, and climate change.

It appears the Brandeis Center was prompted to write you in June 2017 by several factors, including the inclusion of Palestinian rights as one of several topics addressed in the resolutions, the fact that one of the resolutions was considered at an ASM meeting held during Passover, allegations that disrespectful comments were directed at students who opposed the resolutions during and in the wake of these ASM meetings, and, oddly, students’ condemnations of white supremacy. While the events described in Brandeis Center’s letter involved numerous students, the letter peculiarly singles out only two black student leaders, Carmen Goséy and Katrina Morrison, as well as SJP, for alleged wrong-doing. By singling out these two students and SJP, Brandeis Center’s letter contributes to the pattern of discrimination, described below, that these students have faced.

¹ A copy of the Brandeis Center letter is available online at <http://brandeiscenter.com/ldeb-urges-further-action-from-uw-madison/> .

Brandeis Center's letter, which is riddled with inaccuracies and far-fetched assumptions,² urges you to take several steps to "remedy the current situation, and lower the likelihood that anti-Semitic discrimination will recur." While we take no issue with some of Brandeis Center's recommendations, we write to expand on some and to oppose others.

We hope that any university response to these incidents would make clear that discrimination and harassment of black students and other students of color will not be tolerated on campus. Indeed, it is your legal obligation under Title VI of the Civil Rights Act of 1964, state law,³ and university policies⁴ to protect students from harassment and discrimination based on race, color, and national origin. Further, we call on the university to take immediate steps necessary to ensure that SJP members' First Amendment rights to speak out in favor of Palestinian freedom is protected.

Pattern of discrimination targeting Ms. Goséy and members of SJP:

We are troubled by what appears to be a pattern of discrimination targeting Ms. Goséy and members of SJP by opponents of the divestment resolutions.

Below are the facts as we understand them:

- At an ASM meeting held on March 29, 2017, legislation calling on the University of Wisconsin to divest from corporations profiting from private prisons, the Dakota Access Pipeline, border walls, and arms manufacturers was introduced and indefinitely tabled.
- On April 12, during Passover, ASM held a regularly-scheduled meeting. At the request of its sponsors, Ms. Goséy placed new legislation, an ASM bylaw change proposing the creation of a committee tasked with promoting transparency in university investments, on the agenda. Although Ms. Goséy had received a request from ASM member [REDACTED] not to consider "business pertaining to human rights mechanism or transparency on investment strategy" during Passover, Ms. Goséy placed the legislation on the agenda in compliance with ASM bylaws, as the Chair's position requires her to set an agenda where any councilmember can submit legislation to be discussed.⁵ Ms. Goséy's decision violated no university or ASM policies. During the meeting, Katrina Morrison motioned to suspend the rules, a procedural move that had been employed previously, and allowed for a first vote on the bylaw change to ensure that a required second vote could be taken at the next (and final) ASM meeting of the semester. The motion to suspend the rules passed overwhelmingly, by a vote of 15-4-2. The legislation then passed its first vote, 15-0-1.

² For example, Brandeis Center portrays an organized student action involving Pepsi cans, intended to be a condemnation of white supremacy and racial injustice, as a lack of "respect for the voices of Jewish students and those who associate with them." Brandeis Center also fails to acknowledge Jewish members and supporters of SJP.

³ See Wis. Stats., Section 36.12.

⁴ See University of Wisconsin System, Regent Policy Document 14-6, Discrimination, Harassment, and Retaliation, <https://www.wisconsin.edu/regents/policies/discrimination-harassment-and-retaliation/>.

⁵ See ASM bylaws 3.03(5) and 3.04(3). There are currently no ASM policies regarding religious holidays.

- On April 14, in response to a UW Hillel statement condemning the April 12 votes,⁶ Ms. Goséy emailed [REDACTED], Hillel Director Greg Steinberger, and the resolution’s co-sponsors. In her email, Ms. Goséy stated, “It has come to my attention that the first vote on the Subcommittee bylaw change caused hurt feelings,” and proposed a meeting between the parties to clarify any confusion or miscommunication.
- Between April 17 and April 20, Mr. Steinberger left Ms. Goséy two voicemails on her personal phone. In his second voicemail, he suggested she might be intentionally ignoring him, and emphasized his role as “the representative of the Jewish community in Madison as it relates to the campus.”⁷
- On April 19, Devin Judge-Lorde, an ASM member and co-sponsor of the legislation, emailed [REDACTED] and Mr. Steinberger, stating “I can again take responsibility for arguing that taking an initial vote [at the April 12 ASM meeting] was better than holding a special meeting. I really did not foresee any problems with this as nothing was voted on last meeting that will not also be voted on with equal opportunity to discuss and amend next week. My understanding of the idea of voting twice is that it exactly addresses this issue where some students cannot make it to a meeting or would like to see council vote differently the second time.”⁸
- On April 20, a complaint was filed with the Student Judiciary of ASM by opponents of the bylaw change. The complaint singled out Ms. Goséy and Ms. Morrison for misconduct and called for their suspension from ASM.

Ms. Goséy was singled out for placing the investment transparency legislation on the agenda of an April 12 ASM meeting, despite the fact that Ms. Goséy placed the item on the agenda at the request of its sponsor, and despite the fact that her action complied with ASM policies.

Ms. Morrison was singled out for motioning to suspend the rules during the April 12 meeting to allow for a first vote on the bylaw change to ensure that a second vote could occur at the next (and final) ASM meeting of the year. Ms. Morrison was singled out despite the following: suspension of the rules to allow for a second vote to be taken by a deadline is not unusual and, in fact, had already happened on at least one other occasion that semester; the motion to suspend the rules passed overwhelmingly, by a vote of 15-4-2; and petitioners had already received the email from Mr. Judge-Lorde, a white male, taking “responsibility for arguing that taking an initial vote was better than holding a special meeting.”⁹

⁶ A copy of the statement is on file with Palestine Legal.

⁷ A recording of the voicemail is on file with Palestine Legal.

⁸ A copy of the e-mail is on file with Palestine Legal.

⁹ Judge-Lorde’s email also stated, “I really did not foresee any problems with this as nothing was voted on last meeting that will not also be voted on with equal opportunity to discuss and amend next week. My understanding of the idea of voting twice is that it exactly addresses this issue where some students cannot make it to a meeting or would like to see council vote differently the second time.”

- On April 25, Ms. Goséy placed a new divestment resolution on the ASM agenda, at the request of its sponsor, for the ASM meeting the following day – the final meeting of the year. Members of several student of color organizations, including SJP, Wunk Sheek, Black Student Union, and Movimiento Estudiantil Chicax de Aztlan, expressed concerns that the new divestment resolution did not adequately address the issues they had hoped it would address, cautioning that it was “watered down.” Members of these student organizations urged council members to amend the resolution to more fully address the human rights abuses and oppression of marginalized communities that were at the heart of the divestment initiative.
- During the April 26 ASM meeting, council members debated, amended, and unanimously passed the resolution, calling on the university and UW Foundation to divest from companies complicit in perpetuating human rights abuses and that “oppress marginalized communities.”¹⁰

Almost immediately, the university released a statement that ASM’s resolution “does not control UW–Madison policies or practices and its actions tonight will not result in a change in our approach... which is driven by its obligation to maximize the impact of a donor’s gift on the intended program in the university.” The statement also raised concerns that the Jewish community on campus felt targeted by the “actions of the last month,”¹¹ ignoring the voices of Jewish students who had been involved with or supported the divestment resolution, including at least one member of SJP.

- On April 27, Jewish Voice for Peace – Madison released a statement lauding ASM’s passage of the divestment resolution and stating that members of JVP-Madison participated in the ASM open forum the day before. The statement also countered the university’s April 26 statement, saying “[s]hame on the UW-Madison administration for immediately opposing it and condemning the student government for doing the right thing... This resolution calls for UW Madison to divest from corporations vested in private prisons, fossil fuels, border walls, and arms. Nothing could represent Jewish values and ethics better than that!”¹²
- On April 30, a UW student sent a message to SJP, which said, “you faggots are fucking gonna lose; Islam/Palestine is a terrorism communist faggot state.”¹³
- On May 1, SJP received a Facebook message which read, in part, “If I were you, I would watch my mouth,” and referred to SJP as a “weak group of extremists.”

¹⁰ See Maggie Chandler and Peter Coutu, UW-Madison’ student government passes controversial divestment legislation, The Daily Cardinal, April 27, 2017, <http://www.dailycardinal.com/article/2017/04/uw-madisons-student-government-passes-controversial-divestment-legislation>.

¹¹ UW-Madison, Statement in response to ASM action on divestment, April 26, 2017, <http://news.wisc.edu/statement-in-response-to-asm-action-on-divestment>.

¹² JVP-Madison’s statement is available online at <https://www.facebook.com/jvpmadison/posts/1887232434885801>.

¹³ A copy of the message is on file with Palestine Legal.

- On May 1, Ms. Goséy published a letter to the campus community, inspired in part by the events described above, condemning the university's actions toward students of color.¹⁴
- On May 5, Ms. Goséy received an unsolicited Facebook message which read, "Fuck you racist cunt...kill yourself." An e-mail sent to the ASM Chair e-mail address that day said, in part, "I think you two are racist retarded dishonest cunts. Basically that mentally and morally inferior bitch and you don't have the intellect or decency to be part of the Badgers... We need to completely eliminate all affirmative action for any group before our college goes down the drain due to your inferior quality types."
- On May 6, Ms. Goséy received an unsolicited Facebook message which read, "Are you really that ignorant? Those braids must be wound too tight.... Please shoot yourself as racist people like you need to be eliminated."
- On May 10, Ms. Goséy received an unsolicited Facebook message which read, "You're the racist bitch, and all of your kind will lose everything in the end."¹⁵
- On May 12, the Judiciary Committee found Ms. Goséy and Ms. Morrison responsible for misconduct during the April 12 ASM meeting. Among other things, the Judiciary Committee called on Ms. Goséy and Ms. Morrison to read public apologies for their actions.

That same day, Ms. Goséy received multiple unsolicited hateful Facebook messages. One read in part, "How can u say ALL white people are racist when blacks are more racist... You must be some type of special." Another read, "What a fucking dipshit !!!!!!!!!!"

- On May 13, Ms. Goséy received more unsolicited Facebook messages. One read, "Wow your [sic] an idiot, please stay in school racist." Another read, "LOL, you are an indoctrinated brain dead moron. LOL. Please go f\$\$k yourself." A third read, in part, "you're a disgrace to America." And yet another message read, "are you the stupid azz n---r who thinks all whites are racist...if so you are the perfect example of affirmative action ... no other way you could of made it to college...ghetto trash n----r."¹⁶
- On May 15, Ms. Goséy received an unsolicited Facebook message which read, "Monkey go back go Africa."
- On May 16, Ms. Goséy received an unsolicited Facebook message which read in part, "You hypocritical brainless piece of trash. You're the real racist."
- On June 21, the Brandeis Center sent a letter to you raising concern over Ms. Goséy, Ms. Morrison, and SJP's actions, singling them out for alleged antisemitic and anti-white

¹⁴ See Maija Inveiss, Outgoing ASM chair says UW doesn't 'care about people of color,' The Badger Herald, May 1, 2017, <https://badgerherald.com/news/2017/05/01/outgoing-asm-chair-says-uw-doesnt-care-about-people-of-color>.

¹⁵ A copy of all messages sent to Ms. Goséy are on file with Palestine Legal.

¹⁶ For the purposes of this letter, we have censored the "n" word. They were not censored in the original emails, which are on file with Palestine Legal.

misconduct, and urged, among other things, imposing disciplinary sanctions on them. The letter also called on the university to adopt the “State Department Definition” of antisemitism.

- On September 5, 2017, ASM debated and passed a resolution against antisemitism which reads, in part, “**Be it further** resolved, The Associated Students of Madison adopts the United States Department of State definition of Anti-Semitism.”¹⁷ Also at that meeting, Ms. Morrison abided by the May 12 Judiciary Committee order, as well as demands made by members of Hillel and the Brandeis Center, and read a public apology.

I. The university must protect students’ right to dissent and to advocate for Palestinian rights

Universities’ increased scrutiny of speech critical of Israel in response to political pressure harms all campus community members, especially those who are interested in exploring critical issues regarding Palestinian freedom. Such one-sided scrutiny constitutes viewpoint discrimination, in violation of the First Amendment, and emboldens those who oppose Palestinian rights to take increasingly aggressive positions to shut down and censor voices critical of Israeli government policies.¹⁸

The Supreme Court has long held that speech on issues of public concern, like Palestinian rights, “occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.”¹⁹ The Court has also recognized that universities are “peculiarly the ‘marketplace of ideas,’” which must encourage critical thought and questioning of social and political orthodoxy, and are charged with producing future leaders acculturated in the norms of a pluralistic, democratic country.²⁰ One-sided scrutiny and censorship of speech related to Palestinian rights threatens to shut down robust debate on one of the most urgent foreign policy, human rights and political issues of our time, and undermines the pivotal role universities play in our society. It constitutes viewpoint discrimination, prohibited by the First Amendment.

The way that students who promoted the racial and environmental justice resolution have been condemned and punished by the University, and their resolution nullified, is an alarming indication of UW’s response to significant pressure from outside groups that disfavor the content of their protected expression. Moreover, the ASM’s adoption of the so-called “State Department Definition” of antisemitism, as advocated by these same groups, portends further unlawful scrutiny and censorship of students advocating for Palestinian rights.

¹⁷ See Pat Schneider, UW-Madison Student Council adopts anti-Semitism resolution, code of conduct, The Cap Times, Sept. 8, 2017, http://host.madison.com/ct/news/local/education/university/uw-madison-student-council-adopts-anti-semitism-resolution-code-of/article_1dca4d79-f9b7-5d8f-bdd8-def837fc123e.html.

¹⁸ Palestine Legal and the Center for Constitutional Rights have documented the suppression of Palestine advocacy on college campuses and elsewhere, often at the behest of Israel advocacy groups. Our report, *The Palestine Exception to Free Speech* is available at <http://palestinelegal.org/the-palestine-exception>.

¹⁹ Connick v. Myers, 461 U.S. 138 (1983).

²⁰ *Keyishian v. Board of Regents of Univ. of N.Y.*, 385 U.S. 589, 603 (1967); *Grutter v. Bollinger*, 539 U.S. 306, 324325 (2003).

Indeed, the Brandeis Center, an organization that has been at the forefront of attacks on Palestine advocates on campuses around the country, has long advocated for universities and legislatures²¹ to adopt the widely criticized²² and discredited definition of anti-Semitism, which even its primary author has avowed would violate the First Amendment if enforced in the US.²³ The ASM's September 5 resolution endorsing that definition therefore threatens the First Amendment rights of students and faculty to criticize Israeli government policies and advocate for Palestinian rights. It would lend further legitimacy to a tool designed to suppress certain viewpoints on the Israel-Palestine issue.

Much of the State Department definition of anti-Semitism is uncontroversial and aligns with a traditional understanding of the term.²⁴ But the definition radically departs from that understanding with its listing of examples of "Anti-Semitism Related to Israel," known as the "three D's": "demonizing Israel," "applying a double standard to Israel" and "delegitimizing Israel."²⁵ This entrenches the false conflation of anti-Semitism with political speech critical of Israeli policies and practices. This approach is inappropriate especially for universities that value, and are obligated to protect, First Amendment-protected activities.

One need only consider the definition's vagueness and overbreadth to understand why. What is a "double standard" with regards to criticism of Israel and how will it be judged? How many additional countries are students and professors required to criticize when they criticize Israel, and what degree or depth of criticism are they required to make in order to avoid applying

²¹ See, e.g., Kenneth Marcus, Why Universities Need a Definition of Anti-Semitism, The Jerusalem Post, June 6, 2015, <http://www.jpost.com/Opinion/Why-universities-need-a-definition-of-anti-Semitism-408178>; Kenneth Marcus, Virginia should adopt anti-Semitism legislation, Richmond Times-Dispatch, Jan 26, 2017, http://www.richmond.com/opinion/their-opinion/guest-columnists/kenneth-l-marcus-column-virginia-should-adopt-anti-semitism-legislation/article_fca91ab6-d6ce-554d-97f1-d958d7e3bd3e.html; JV Staff, South Carolina Anti-Semitism Bill Gets Closer to Becoming Law, May 3, 2017, http://jewishvoicenyc.com/index.php?option=com_content&view=article&id=17827:south-carolina-anti-semitism-bill-gets-closer-to-becoming-law.

²² See, e.g., Editorial, Undermining Free Speech on Campus, LA Times, Dec. 6, 2016, <http://www.latimes.com/opinion/editorials/la-ed-senate-antisemitism-20161202-story.html>; Foundation for Individual Rights in Education: State Department's Anti-Semitism Definition Would Likely Violate First Amendment on Public Campuses (May 2015) <https://www.thefire.org/state-departments-anti-semitism-definition-would-likely-violate-first-amendment-on-public-campuses>; Saree Makdisis and Judith Butler, Suppressing criticism of Zionism on campus is catastrophic censorship, LA Times, March 23, 2016, <http://www.latimes.com/opinion/op-ed/la-oe-makdisibutler-uc-antisemitism-report-20160323-story.html>; Palestine Legal, FAQ: What to Know About Efforts to Re-Define Anti-Semitism to Silence Criticism of Israel, <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/56e6ff0cf85082699ae245b1/1457979151629/FAQ+onDefinition+of+Anti-Semitism-3-9-15+newlogo.pdf>.

²³ Kenneth S. Stern, Will Campus Criticism of Israel Violate Federal Law?, New York Times, Dec. 12, 2016, <https://www.nytimes.com/2016/12/12/opinion/will-campus-criticism-of-israel-violate-federal-law.html>.

²⁴ For example, the State Department's definition begins: "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." Merriam-Webster defines anti-Semitism as, "Hostility toward or discrimination against Jews as a religious, ethnic or racial group."

²⁵ U.S. State Department, Defining Anti-Semitism, January 20, 2017, <https://www.state.gov/s/rga/resources/267538.htm>.

a “double standard” to Israel? How would the university define “delegitimizing” or “demonizing” Israel? To enter such a morass of viewpoint-based distinctions is an invitation to restrict and chill protected speech

The State Department makes clear that the definition is not binding law in the United States and is used for the limited purpose of “monitoring and combatting acts of anti-Semitism and anti-Semitic incitement *that occur in foreign countries*.”²⁶ It is not used domestically by any other U.S. government agency or entity precisely because its domestic enforcement would violate the First Amendment. Indeed, similar attempts to censor Palestine advocacy by adopting the State Department definition have failed due to Constitutional concerns in the U.S. Congress,²⁷ Virginia,²⁸ South Carolina,²⁹ and California.³⁰

Any attempts by the university or ASM to apply or enforce the definition against university community members advocating for Palestinian rights or criticizing Israel ASM could put the university and its officers in the position of violating First Amendment rights. Even with ASM’s current adoption of the definition, the university will likely be called upon to restrict funding allocations for groups like SJP or condemn and censor programming that includes speech and advocacy critical of Israel that some would argue meets the criteria laid out in the State Department definition. Under the mistaken illusion that it is appropriate to penalize such speech and advocacy, university officials may end up violating First Amendment rights³¹ and possibly university policies, thus opening the university up to legal challenges.³²

²⁶ See 22 U.S.C. § 2731(b) (emphasis added).

²⁷ See Palestine Legal, Bill aimed at censoring Palestine advocacy on campuses fails to pass U.S. House, Dec. 12, 2016, <http://palestinelegal.org/news/2016/12/12/bill-aimed-at-censoring-palestine-advocacy-on-campus-fails-to-pass-us-house>.

²⁸ See Palestine Legal, Victory! Unconstitutional bill defeated in Virginia, Jan. 30, 2017, <http://palestinelegal.org/news/2017/1/30/virginia-lawmakers-considering-unconstitutional-bill-aimed-at-censoring-palestine-advocacy-1>.

²⁹ See Palestine Legal, Victory! Unconstitutional South Carolina bill aimed at censoring Palestine advocacy defeated, March 2, 2017, <http://palestinelegal.org/news/2017/3/2/south-carolina-lawmakers-considering-unconstitutional-bill-aimed-at-censoring-palestine-advocacy>.

³⁰ See Palestine Legal, UC Drops Consideration of State Department Anti-Semitism Definition, July 22, 2015, <http://palestinelegal.org/news/2015/7/22/uc-drops-consideration-of-state-department-anti-semitism-definition>.

³¹ Courts have held that speech addressing public issues – such as Palestine/Israel – rests on the highest rung of the hierarchy of First Amendment values. (*see NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 913 (1982)). Attempts by a government body or a public university to silence one side of the conversation – by claiming that opposition to the state of Israel is antisemitic, for example – violate the First Amendment. In fact, the DOE has dismissed four separate complaints alleging that expression criticizing the state of Israel or advocating for Palestinian rights constitutes “harassment” or “intimidation” that “targets” and “creates a hostile educational environment” for Jewish students. In dismissing the complaints, the DOE affirmed that such speech is protected by the First Amendment and does not constitute a civil rights violation. *See* Lawsuits and Legal Threats: Title VI Discrimination Complaints and Allegations, The Palestine Exception to Free Speech, <https://palestinelegal.org/the-palestine-exception#tactics7>.

³² In 2016, for example, UCLA found that the then-president of the Graduate Student Association violated university policies prohibiting discrimination on the basis of political viewpoint when he restricted funding for student groups with a connection to “Divest from Israel or any equivalent movement/organization.” See Palestine Legal, Setting the Facts Straight re UCLA GSA President, Sept. 7, 2016, <http://palestinelegal.org/news/2016/9/7/setting-the-facts-straight-re-ucla-gsa-president>.

Further, adoption of the definition, or its enforcement by ASM, will almost certainly have a chilling effect on constitutionally-protected speech and academic inquiry supportive of Palestinian human rights. Students will inevitably act in ways to avoid review of their activities and avoid the specter of being officially labeled as antisemitic. Such an ideological litmus test is antithetical to the very purpose and spirit of a university.

University leaders must guarantee the conditions necessary for free debate on campus, and must assure students and faculty alike that expression on matters of public concern is not only tolerated, but invited. Debate, disagreement, and free expression, including protests, demonstrations, and other expressive activities, embody the highest values of a free university and a democratic society. The university must reject the Brandeis Center's demand to further adopt the State Department Definition of antisemitism, and must ensure that ASM understands the legal implications of its adoption and any application or enforcement of the definition, in order to avoid First Amendment violations.

II. The university has a legal obligation to protect students from harassment and discrimination

Throughout the events described above, Ms. Goséy experienced racist attacks and harassment from on- and off-campus individuals and organizations due to her vocal support for racial justice and her principled position against all forms of oppression. The university is required under its own policies and under Title VI of the Civil Rights Act of 1964 to protect students from harassment, intimidation, and discrimination based on race, color, and national origin.

The unsolicited Facebook and e-mail messages and the letter from Brandeis Center condemning Ms. Goséy's anti-racist statements and actions contributed to a campus environment that made Ms. Goséy feel targeted and unsafe. This was compounded by the university's own actions: first, the public statement released by the university on April 26 "raising concern" over the divestment resolution and insinuating antisemitic intent; and second, the Student Judiciary Committee's singling out of black student leaders for alleged wrongdoing.

The university must recognize that when students, particularly students of color, organize for racial justice and against oppression, they do so at the risk of offending those who benefit from white supremacy and the status-quo, often leading to racist harassment and targeted discrimination. The university must be prepared to offer support to students of color who face this backlash. Yet the evidence suggests that the university has done the contrary, only further alienating and condemning Ms. Goséy for her activism.

III. Recommendations

The university must take immediate steps to protect the First Amendment rights of those who advocate for Palestinian rights, and to ensure a campus environment that is free of discrimination based on race, color, and national origin. At a minimum, the university must:

- 1) Issue a public statement which does the following: a) affirms the rights of all students and faculty to advocate for Palestinian rights and condemns the widespread campaign

- to undermine Palestinian rights advocacy on campuses;³³ b) informs the campus community that racist harassment and discrimination has no place at the university; and c) apologizes for the university's role in exposing students to such harassment and discrimination.
- 2) Provide students with affirmative steps to take if they are targeted by discriminatory harassment, including direct support from the administration.
 - 3) Meet with students who have been targeted by racist harassment and discrimination, including Ms. Goséy and members of SJP.
 - 4) Reject Brandeis Center's recommendation to adopt the State Department definition of antisemitism and ensure that the ASM understands that any application or enforcement of its recently-passed antisemitism resolution against advocacy for Palestinian rights or criticism of Israel would raise constitutional concerns. The university should release a statement advising ASM and the campus community that enforcement of the resolution to restrict, censor, or punish advocacy for Palestinian rights will violate the First Amendment.
 - 5) Reject Brandeis Center's demand to address Ms. Goséy's condemnation of white supremacy as "unacceptable." This includes Ms. Goséy's statement that "all white people are racist." Indeed, the university must take steps to ensure that Ms. Goséy and other students, particularly black students, feel safe and comfortable offering critiques of white supremacy and racial injustice without fear of retaliation by the university or harassment from individuals and organizations.
 - 6) Consider mandating anti-discrimination training for ASM members and other members of the campus community. We do not oppose Brandeis Center's recommendations regarding increased training regarding antisemitism. However, we urge the university to a) ensure that any such training covers all forms of oppression, including racism, sexism, homophobia, transphobia, and Islamophobia; b) ensure that such a training does not rely on the State Department definition of antisemitism; and c) ensure that organizations that actively oppose advocacy for Palestinian rights are not commissioned to or consulted about providing such trainings.

Sincerely,



Rahul Saksena
Staff Attorney
Palestine Legal

³³ See The Palestine Exception to Free Speech, supra note 17.