

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of

COLUMBIA STUDENTS FOR JUSTICE IN PALESTINE,
COLUMBIA-BARNARD JEWISH VOICE FOR PEACE,
MARYAM ALWAN, and CAMERON JONES,

Petitioners,

-against-

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, COLUMBIA UNIVERSITY IN THE
CITY OF NEW YORK, MINOUCHE SHAFIK, in her
official capacity as President of Columbia University in the
City of New York, and GERALD ROSBERG, in his official
capacity as Senior Executive Vice President of Columbia
University in the City of New York,

Respondents,

For a Judgment Pursuant to Article 78 of the Civil Practice
Law and Rules.

Index No.: _____

AFFIRMATION OF ELANA SHANTI SULAKSHANA

I, Elana Shanti Sulakshana, affirm on this 11th day of March 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

1. I am a graduate of Columbia College at Columbia University and attended the university from September 2013 through May 2017.
2. While I was an undergraduate student at Columbia University, I was a member of Columbia Divest for Climate Justice (CDCJ), formerly known as Barnard Columbia Divest. I joined CDCJ in 2013 and was involved throughout my time at the university. In 2016, I was a leader in the group and played a direct role organizing events and demonstrations on campus to raise awareness around climate justice and our campaign demands for fossil fuel divestment.
3. CDCJ was a student group founded in November 2012 and active through 2018. The group organized a diverse coalition of students, faculty, alumni, and Columbia community members in a campaign urging the university to divest its multibillion-dollar endowment

from fossil fuel companies. It was informally part of an international network of student activists holding their educational institutions accountable for fueling the climate crisis.

4. As a political student group, CDCJ was governed by Columbia University's Student Governing Board (SGB). In addition, CDCJ was also assigned an advisor from Undergraduate Student Life (USL). Just like other student organizations, CDCJ was responsible for complying with university policies—including the University Events Policy and The Student Group Events Policy and Procedure. I remember that there was a general understanding that if a complaint against a student group required adjudication beyond conversations between the group and its advisor, the investigation, and ultimate sanction would be handled through the SGB and its processes.
5. I have reviewed the versions of the University Events Policy and The Student Group Events Policy and Procedure that were in place before October 2023, and they appear to be substantially the same or similar to the versions of those policies when I was a student. To my knowledge, there was not a policy specific for holding vigils when I was a student.
6. I have also reviewed the current Rules of University Conduct¹ and my understanding is that they are the same as when I was a student. The University Judicial Board—which is a five-member, University-wide panel made up of students, faculty, and staff—oversees charges of violations under the Rules of University Conduct and provides sanctions.

General Experience of Booking Space on Columbia's Morningside Campus

7. While I was involved in CDCJ, we held a range of events on campus—all of which were subject to the university's event policies and—that required booking space through the university's Event Management System (EMS) portal, including lectures, panel discussions, open meetings, rallies, and more. As someone who held many of the logistical tasks for the organization, I would often be the point person to book space. For a straightforward case, such as booking a classroom for a meeting, I would peruse the EMS portal to identify an open room or space, request that we use it for the event duration, and then wait for an email with approval.
8. Sometimes our USL advisor would have additional questions about the event that I would have to answer before the request was approved. For larger events, particularly those that were slated to take place in outdoor bookable spaces, we would occasionally have to attend an event review meeting to ensure that the facilities staff were aware of the event and could provide additional capacity or resources as needed. However, these event review meetings were rare.
9. When we organized rallies, protests, or direct actions, we would not always request space. As I understand it, this was a commonplace practice for other student activist groups, who were, like us, engaged in campaigns targeting the university. Sometimes, there would be no issues with that, and the demonstration would proceed. Other times, our USL advisor would contact us in advance of a planned activity after hearing about it from flyers we

¹ https://secretary.columbia.edu/sites/default/files/content/University%20Statutes_January2022.pdf#page=150

posted around campus or social media posts we promoted. In those conversations, our advisor sought more information to ensure that the university knew what was happening and to minimize overlap with any other groups that had booked the space. Sometimes, it would take several attempts from our advisor to contact us before we were able to have a conversation or provide details as asked.

10. Although the event policies required 10 days' notice, they also allowed for special consideration, for event/space requests that fell within that period. And in practice, the majority of instances in which I tried to book space for an event within the 10 days' requirement were not rejected despite a violation of the policy.
11. CDCJ was never investigated, penalized, or threatened with sanctions for violating event policies—including the University Events policy that prohibits advertising an event before it is confirmed and the Student Group Events policy that prohibits holding an event on campus without reserving space for it.
12. For example, I recall that CDCJ specifically organized or co-sponsored the following demonstrations (that included holding up banners and posters, chanting, and speaking programs) without submitting an event request form:
 - a. Rally outside the Columbia Faculty Club (September 16, 2015)
 - b. Banner holding outside the University President's residence (October 6, 2015)
 - c. National Fossil Fuel Divestment Day of Action on the Low Library steps (October 14, 2015)
 - d. At least 4 'emergency' rallies during the 8-day sit-in between April 14 to 22nd 2016 (*described in more detail in the section below*):
 - i. Rally on Low Steps and march around Low Library (April 15, 2016)
 - ii. Rally in the Low Library public safety office (April 17, 2016)
 - iii. March around Low Library (April 19, 2016)
 - iv. Rally and sleep-out on Low Steps in support of the sit-in (April 21, 2016)

CDCJ's April 2016 Sit-In

13. In April 2016, CDCJ organized an 8-day sit-in of the Low Library demanding that then-University President Lee Bollinger publicly support our demand that the university divest from fossil fuels. This action received a lot of media attention, including support from Senator Bernie Sanders (attached as **Exhibit A** is a related news article). This action was planned among trusted students and allies, and it was not advertised publicly. We did not request any space or notify the administration of the action in advance. On April 14, this group, of which I was a part, quietly entered Low Library individually or in pairs, milled around inside the building, and then commenced the action at approximately 3:30 p.m., marching and chanting through the building's hallways. We entered President Bollinger's office briefly but then left after being asked to and took up space in the hallway outside and in the Rotunda. Meanwhile, a crowd of students rallied outside the Low Library.
14. At approximately 5:40P.M., CDCJ's advisor informed us that if we stayed in the building after its official closure, it would be considered trespassing and a serious violation of the

Rules of University Conduct. At approximately 6:45P.M., President Bollinger offered a meeting on Monday with six people in exchange for CDCJ to leave the building. We rejected the offer to meet with Bollinger, affirming our demand that we would not leave until he publicly supported fossil fuel divestment. Following the official closure of Low Library that evening, 16 students—myself included—remained and slept in the Rotunda.

15. The next morning (April 15), a group of us entered President Bollinger's office again, noticing that the office door was open. This video posted by Columbia Daily Spectator (<https://www.youtube.com/watch?v=7WFZU-uvQRY>) is a fair and accurate depiction of an interaction between delegates of the university and students involved in the sit-in that morning. In the video, the delegates calmly informed the students who remained in the President's office that they were potentially in violation of a new and different rule because they were impeding the functioning of the office. The delegates confirmed that the administration would not be forcing students to leave.
16. On the evening of April 15, Rules Administrator Suzanne Goldberg visited the nine students still taking part in the sit-in and warned them that they were engaged in serious rules violations. On April 17, Goldberg followed up via email with the students still inside Low (now seven), reiterating the rules violations and suggesting that suspension would be a likely sanction. The sit-in continued through April 21, when the six remaining students voluntarily left Low Library.
17. According to Rules Administrator Goldberg, CDCJ's 8-day occupation of the Low Library seriously interfered with the university's ability to use the events space normally. Specifically, our 8-day sit-in forced the relocation of 19 events out of Low Library from Thursday, April 14 through Friday, April 29. Goldberg cited Assistant Director of University Events Management Jeimy Batista saying that clients had asked for events to be moved during the sit-in because of concern that the students involved in the action would disrupt the events, despite assurances from the students that they would not. Some events were preemptively moved, which is why the list of disrupted events extends beyond April 22 (when students left Low) to April 29. Of those 19 events, it appears that some of them included invited guests and ranged from 10 to 450 expected attendees.
18. To my knowledge, at no time during the eight days of the CDCJ sit-in did the Columbia administration barricade the Low Steps or attempt to halt the emergency rallies (*infra* ¶ 12) that took place outside of the Low Library.
19. A video on CDCJ's Facebook page is a fair and accurate depiction of one of the 'emergency rallies' held by CDCJ on the Low Steps during that week. Below is a screenshot from that video. Several students held up banners at the bottom of the Low Steps while chanting about the international divestment movement and explaining the purpose of the ongoing sit-in. Several large banners and posters were displayed on the steps behind them.



1- Columbia's Divest for Climate Justice (CDCJ) holds an emergency rally at the Low Library on April 15, 2016, at 1:15p.m.²

20. To my knowledge, at no time was CDCJ as a student group ever investigated, sanctioned, or disciplined for alleged violations of the university event policy, the student group event policy, the Rules of University Conduct, or any other existing policies/procedures in relation to any on-campus actions, including this eight-day sit-in and its associated actions. In fact, President Bollinger invited CDCJ to meet after the sit-in ended to discuss our demands.
21. Seventeen members of CDCJ who had remained in Low Library beyond the closure of the building on April 14, including me, were individually investigated for violations of the Rules of University Conduct. The disciplinary process itself included several robust protections for the students, including: a comprehensive report outlining the university's rationale for bringing each specific charge and the evidence the administration had collected; an outline and explanation of the process, including a clear understanding that while the Rules Administrator could recommend sanctions, the University Judicial Board ("UJB") would be ultimately responsible for making that decision; the opportunity to request volunteer attorney-advisor and put together written materials for the UJB to consider in its investigation (including testimonials from professors, mentors, and peers and statements of purpose discussing why we engaged in the action); a robust hearing before the UJB, during which we were allowed to have our attorney-advisors present and to call witnesses; and finally a UJB Chairperson Sanction Form ("Sanction Form") which outlined the outcome regarding each rule violation, the sanctions being levied, provided a detailed rationale for each sanction, and the explained the process for appealing the decision.
22. The investigation ultimately resulted in minor and relatively fair penalties, including temporary bans from Low Library (ranging from 3 months to 1 year), as well as required apology notes, and a short essay assignment (attached as **Exhibit B** is a true and correct copy of the Sanction Form that I received). The sanction form explained why UJB did not opt for suspension:

² <https://www.facebook.com/ColumbiaDivestforClimateJustice/videos/997255830362922>

“The UJB Chair came to the conclusion that suspension or expulsion would not only be disproportionate sanctions for this class of protest, but wholly unsupported by prior Columbia precedent. Because of this she, in consultation with the full UJB, created the situation specific sanctions. These sanctions are tailored to the infractions undertaken by the students and NOT connected in any way to the content of their speech.”



Elana Shanti Sulakshana