



New York Civil Liberties Union
125 Broad Street, 19th Floor
New York, NY 10004
(212) 607-3300
www.nyclu.org

February 22, 2024

Dr. Minouche Shafik
President
Columbia University
202 Low Library 535 W. 116th St,
Mail Code 4309
New York, NY 10027
officeofthepresident@columbia.edu

Gerald M. Rosberg
Senior Executive Vice President
Columbia University
311 Low Library,
Mail Code 4342
New York, NY 10027
gerry.rosberg@columbia.edu

Felice B. Rosan, General Counsel
Office Of General Counsel, Columbia University
412 Low Memorial Library, 535 W. 116th St,
New York, NY 10027
fbr@gc.columbia.edu

Re: Columbia University's Unlawful Suspension of Students for Justice in Palestine and Jewish Voice for Peace

Dear Dr. Shafik, Mr. Rosberg, and Ms. Rosan:

The New York Civil Liberties Union represents the Columbia University chapters of Students for Justice in Palestine and Jewish Voice for Peace, two student groups that were singled out and unlawfully suspended on November 10, 2023, following a peaceful student demonstration and temporary art installation in support of Palestinian rights on November 9, 2023. We write to demand reversal of the university's suspension decision and immediate reinstatement of the student groups. If the university is unwilling to reverse its suspension decision and reinstate the groups, the NYCLU is prepared to file a lawsuit to vindicate their rights.

Students for Justice in Palestine ("SJP") is a pro-Palestine student activist organization, and Jewish Voice for Peace ("JVP") is the Columbia University chapter of the largest Jewish anti-Zionist organization in the world. As political student groups, SJP and JVP are recognized by and fall under the direct supervision of the Student Governing Board ("SGB"). Established in 1969 in the aftermath of intense student protest activity, the SGB is responsible for hearing complaints regarding its member groups that "relate to violations of University rules," including complaints that a student group has advertised, or held, an event that is not confirmed. According to the SGB, only "in the most severe cases, the Student Group Adjudication Board ("SGAB") will preside over formal proceedings relating to student group violations of Undergraduate Student Life policy and University policy."¹ Both the SGB and SGAB's review of complaints and discipline against a student group involve rigorous multi-step procedures, including an opportunity to appeal a sanction.

¹*The Student Governing Board's historic vote on noncooperation to protect student speech*, Columbia Spectator (Dec. 8, 2023) <https://www.columbiaspectator.com/opinion/2023/12/08/the-student-governing-boards-historic-vote-on-noncooperation-to-protect-student-speech/>

On November 10, 2023, Columbia University bypassed these governing procedures and unilaterally suspended Students for Justice in Palestine and Jewish Voice for Peace. The decision was made by President Minouche Shafik, Vice President Gerald Rosberg, and other members of senior university leadership—specifically, members of the newly formed “Special Committee on Campus Safety.”² In an email to the student groups, as well as in a subsequent public announcement, the university asserted the suspension came “after the two groups repeatedly violated University policies related to holding campus events, culminating in an unauthorized event Thursday afternoon [November 9, 2023] that proceeded despite warnings and included threatening rhetoric and intimidation.”³ The university maintains that the student groups violated event policies by proceeding with the November 9 demonstration “without complying with the requirements for advance notice and consultation.” According to the university’s announcement, the “suspension means the two groups will not be eligible to hold events on campus or receive University funding.”

The referenced “unauthorized event” was a peaceful demonstration and temporary art installation advocating for the end of Israel’s current military campaign in the Gaza Strip, which at that point had claimed over 10,000 Palestinian lives and by today has claimed over 29,000 Palestinian lives.⁴ The demonstration had been organized by a broad coalition of student groups. Columbia University administrators were aware of the stated purpose of the demonstration and that SJP and JVP were not alone in advertising, organizing, and participating in it. Still, the university issued a non-appealable suspension decision to the two groups less than 24 hours after the event.

As established by New York’s highest court, the disciplinary actions of any university in New York against its students or student organizations must proceed in accordance with the university’s own rules and guidelines (*Matter of Harris v Trustees of Columbia Univ.*, 62 NY2d 956 [1984]). Here, the decision by members of senior university leadership to immediately suspend SJP and JVP for allegedly violating a procedural rule was a substantial departure from the university’s established procedures for engaging with and sanctioning student groups. A review of the relevant facts, the university’s longstanding policies, and administrators’ prior communications with the student groups makes clear that, prior to imposing any sanction, the university was required—at a minimum—to refer the student groups to the SGB or SGAB. Had the university followed its existing processes, as it was required to do, the student groups would have been afforded several protections, including an opportunity to appeal the final decision. Because it failed to follow its own rules, Columbia University must reverse the suspensions and reinstitute the student groups. As the New York Court of Appeals held in *Tedeschi v Wagner College*, “To suggest...that [a] college can avoid its own rules whenever its administrative officials in their wisdom see fit to offer what they consider as a suitable substitute is to reduce the guidelines to a meaningless mouthing of words” (49 NY2d 652, 662 [1980]).

² The actions of this new ad-hoc committee—including its unilateral amendment of event policies that SJP and JVP were then found to have violated—as well as its hasty formation, have been strongly criticized by many within Columbia University for failing to comply with existing procedures.

³ Despite the suspension notice’s invocation of the Rules of University Conduct—which explicitly prohibit the university from restricting student speech based on its content unless the speech constitutes a “genuine threat of harassment”—the university has subsequently clarified that the student groups did not violate the Rules of University Conduct and were not suspended for any violation of the same.


⁴ The demonstration itself was not unlike many other protests that have taken place on Columbia’s campus, historically and in the present-day. *See, e.g., CU Walks Out, Speaks Out in a Day of Protest Hundreds Gather for Two Rallies On Campus*, Columbia Spectator (March 27, 2003) <https://spectatorarchive.library.columbia.edu/?a=d&d=cs20030327-01.2.2&dliv=none&e=-----en-20--1--txt-txIN----->

Columbia University’s imposition of a sanction of this magnitude for an alleged procedural violation also independently demands reversal because of its disproportionality and because it contravenes both the public interest and the policies reflected by the university’s own mission (*see Bolt v New York City Dept. of Educ.*, 30 NY3d 1065, 1071 [2018]). Columbia University’s abrupt suspension of SJP and JVP—a severe sanction that falls just short of de-recognition—for advertising and participating in the November 9 demonstration “without complying with the requirements for advance notice and consultation” far exceeds the university’s typical dealings with its student groups for their participation in on-campus activism, both historically and in the present day. For example, between October 7 and November 9, 2023, several student groups apparently engaged in similar conduct regarding advertising and/or holding events, yet no other student group was sanctioned, let alone suspended.

Finally, Columbia University’s public accusation—with no basis in fact—that the student groups engaged in “threatening rhetoric and intimidation” raises serious concerns that the university’s unprecedented actions were improperly motivated by the student groups’ political stance in support of Palestinian rights. By publicly pronouncing the students’ November 9 conduct as “threatening” and “intimidating,” the university perpetuated already pervasive and dangerous stereotypes about Palestinians, Arabs, Muslims, and individuals—particularly other people of color—who advocate for Palestinian rights in general. Columbia’s actions suggest impermissible and pretextual motives for sanctioning the student groups and would factor into a court’s examination of the university’s failure to substantially comply with its policies, as well as the ultimate sanction it imposed on the student groups.

We ask that you inform us promptly of your response to this letter. You may reach us by telephone at (212) 607-3300, ext. 377, or by email at vsalama@nyclu.org. If we have not heard from your office by March 1, 2024, we intend to move forward with a lawsuit.

Sincerely,



Veronica R. Salama
Staff Attorney

Guadalupe V. Aguirre
Senior Staff Attorney

Christopher Dunn
Legal Director

Camara S. Hudson
Education Counsel