



April 16, 2024

SENT VIA EMAIL

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Re: Complaint Against the City University of New York School of Law Concerning Anti-Palestinian Discrimination

Assistant Secretary Lhamon, Deputy Assistant Attorney General Smith, et al.:

Muslim Advocates writes to make a complaint against the City University of New York School of Law (“CUNY Law” or “the law school”) concerning anti-Palestinian discrimination that CUNY Law students have been experiencing from the campus over the course of this academic year. The allegations in this complaint reflect instances of direct and indirect discrimination by CUNY Law that amount to an ongoing pattern and practice of discrimination against students who hold, are perceived to hold, or are affiliated or associated with Palestinian identity—including student members of the law school’s chapter of Students for Justice in Palestine (“SJP”) and other students who have been involved in activism supporting Palestinian lives and liberation this academic year. Based on the allegations in this complaint of anti-Palestinian discrimination by CUNY Law School, we urge systemic investigation and remediation under Title VI of the Civil

Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.* (“Title VI”), its implementing regulations, and related OCR policies and guidance.

I. OCR’s Jurisdiction to Review This Complaint

CUNY Law is a public university that receives federal funding from the U.S. Department of Education and is therefore subject to Title VI. 34 C.F.R. §§ 101.1–101.2. The allegations in this complaint reflect national-origin discrimination under Title VI against students who hold Palestinian identity or who are perceived to hold it or are affiliated or associated with it by virtue of their skin color, dress, the ancestry of their name(s), their religious practice(s), and/or their speech and activism in support of Palestinian lives. This complaint is timely because it alleges an ongoing pattern and practice of anti-Palestinian discrimination and a related hostile environment at CUNY Law reflected in various incidents on and around the campus, the most recent of which have occurred within 180 days. *Id.* § 100.7(b). Muslim Advocates has not raised the Title VI claims in this complaint against CUNY Law to another agency or forum.

II. Factual Allegations

A. *The law school terminated its custom of having a student speaker at commencement, in order to prevent speech in support of Palestinian lives and liberation.*

As a matter of course, for years, CUNY Law has had the custom of having a student-elected speaker speak at graduation.¹ This year, that custom was terminated as a reaction (1) against the references to the struggle for Palestinian freedom made by the student-elected speakers of the two prior years and (2) against the persevering and ongoing activism on campus this year in support of Palestinian lives.² The termination of the custom has contributed to an ongoing pattern and practice of anti-Palestinian discrimination by the law school.

¹ See, e.g., CUNY School of Law, [*#1 Public Interest Law School Delivers the Next Generation of Social Justice Advocates to the Legal Profession*](#), May 13, 2021 (referencing 2021 student speaker); CUNY School of Law, [*Facebook post, May 15, 2020*](#) (referencing 2020 student speaker); CUNY School of Law, [*Twitter post, May 17, 2019*](#) (referencing 2019 student speaker); CUNY School of Law, [*Facebook post, May 11, 2018*](#) (referencing 2018 student speaker); CUNY School of Law, [*CUNY Law Celebrates the Class of 2017*](#), May 18, 2017 (referencing 2017 student speaker); CUNY School of Law, [*CUNY Law Celebrates the Class of 2016*](#), May 11, 2016 (referencing 2016 student speaker).

² In addition to the public-source material hyperlinked throughout Section II(A) of this complaint, redacted evidence corroborating some of the allegations in Section II(A) is available at Exhibit A of this complaint.

1. Discriminatory reaction to the two prior student commencement speakers

The student-elected speakers for the law school's graduation ceremonies in 2022 and 2023 are both brown-skinned, ethnically Arab, visibly Muslim women who each wore a hijab during their respective commencement speeches. Both of their speeches included support for Palestinian lives and praised the support from CUNY Law students and faculty of a student-sponsored resolution calling for boycott, divestment, and sanctions ("BDS") against the Israeli government because of its policies and practices harming Palestinian lives. The speech of the 2022 student speaker drew widespread public attention. The speech of the 2023 student speaker drew even more widespread public attention, including controversial comments from the CUNY Chancellor and Board of Trustees that wrongly characterized her remarks as including putative "hate speech."

The controversial remarks of the Chancellor and Board of Trustees, in turn, generated public support and defense of the 2023 student speaker, including from Jewish Voice for Peace, the Civil Rights Committee of the New York City Bar Association, thirteen civil rights and social justice organizations, the CUNY Professional Staff Congress, and faculty of CUNY Law and assorted other campuses. The joint letter from civil rights and social justice organizations noted, in pertinent part, that:

Not only does the May 30th [2023] Statement [of the Chancellor and Board of Trustees] violate CUNY's First Amendment obligations as a public university, it also raises concerns under Title VI . . . [and] is evidence that CUNY not only failed to address the anti-Arab, anti-Palestinian and Islamophobic harassment [the student speaker] was experiencing, but actively contributed to it by suggesting that it is unlawful or prohibited to say that Palestinians exist as a people in equality with other people.

(emphases added).

On September 12, 2023, a rally occurred outside the office of the CUNY Chancellor, organized by people who adamantly believe that rejection and even criticism of the political ideology of Zionism necessarily constitute anti-Jewish hate. Many of their demands focused on CUNY Law, including the demand that the law

school do away with its custom of allowing student speakers at its graduation ceremonies.

One day later, on September 13, 2023, the decision to terminate the custom of having a student speaker at the law school's commencement was announced within a faculty meeting at CUNY Law, with little explanation.³ Many at the law school were unaware of the decision, until news of it leaked to the press in October 2023.

2. Discriminatory reaction to current student activism and the related fear that, if given the chance, students again would select a peer to speak at commencement in support of Palestinian lives and freedom

From October 2023 to date, students of the law school have made repeated and ongoing attempts to engage with the law school administration to voice their concerns about the revocation of the student-speaker custom. Among the most recent examples of the students' efforts is a sign-on letter emailed on March 22, 2024, to the CUNY Law Dean and the CUNY Chancellor and signed by 81 of approximately 110 graduating full-time students of the law school, 19 graduating part-time students, 73 second-year students, and 57 first-year students.

Notwithstanding students' repeated and ongoing efforts to flag their concerns about the revocation of the student-speaker custom, law school administration has remained unresponsive and deliberately indifferent to those concerns. Many students understand that indifference to reflect the administration's awareness of and hostility to on-campus student activism in support of Palestinian life and liberation over the course of this academic year.

Student activism this year in support of Palestinian freedom has been persevering in the face of responsive hostility and repression from the law school (elaborated throughout this complaint). Such student activism has spanned efforts including: a solidarity statement dated October 12, 2023, and signed by over 16 student groups of the law school; a variety of political actions held on and around the law school on/around October 19, 2023; a political action on campus in the form of a "die-in" on October 25, 2023, to bring attention to the over 6,000 civilians at the time whom the Israeli military had killed in Gaza; a variety of on-campus political actions held on November 29, 2023; and a political action in the form of a walk-out

³ The notes of a representative of CUNY Law student government who was present at the September 13, 2023, faculty meeting are publicly available here.

on February 8, 2024. Understandably, many students believe that their activism this year for Palestinian lives and liberation has led the CUNY Law administration to stand firm in its revocation of the student-speaker custom, for fear that, if given the chance, graduating students of the law school would, again, elect a student speaker to decry the devastating impacts of Israeli state violence on Palestinian lives.

3. Harms to students' education and learning

The anti-Palestinian discrimination reflected in the revocation of the student-speaker custom has been harming many students' learning and educational experiences and contributing to an ongoing pattern and practice of anti-Palestinian discrimination on campus. The ongoing nature of the revocation of the student-speaker custom and of the law school's refusal to engage about it transparently have been placing the burden on students to persist in their related advocacy, including but not limited to aiding in the preparation of this complaint, and notwithstanding many other burdens on the students' time and energy, arising from their classes, jobs, family obligations, and community obligations. All of these burdens combine with students' grief for the devastation that Palestinians are trying to survive, a grief that is especially acute for Palestinian and Arab students who are desperately afraid for and preoccupied about loved ones who live in and around Palestine.

For example, (b)(6); (b)(7)(A); (b)(7)(C) has been vocal and visible on campus this year in support of Palestinian life and freedom, through both his on-campus activism and (b)(6); (b)(7)(A); (b)(7)(C). He reports that the termination of the student-speaker custom and the law school's resistance to subsequent student advocacy seeking the custom's reinstatement have been hindering his educational experience. As one of many (b)(6); (b)(7)(A); (b)(7)(C) students who attend the law school, (b)(6); (b)(7)(A) has felt distressed by the law school's policing of student political speech, which is depriving him and his classmates the opportunity to uplift and celebrate a peer by nominating them to be student commencement speaker. (b)(6); (b)(7)(A) reports that his "studies have been impacted during this school year because I keep having to engage in endless conversations and meetings with classmates, faculty, and administrators about the racism behind the termination of the student-speaker custom and why the custom should be reinstated."

(b)(6); (b)(7)(A) experience is not exceptional. CUNY Law is the most diverse law school in the United States, including many first-generation law students, and its

motto is “law in the service of human needs.” In the view of many CUNY Law students like (b)(6); (b)(7)(A) the human needs of the Palestinian people—who are currently facing famine, genocide, and countless other erasures through overwhelming state violence—are among the most pressing human needs imaginable. To be denied the chance to nominate or even hear from a peer at graduation deprives students like (b)(6); (b)(7)(A) the chance to experience a core element of the educational program of the law school, in which a peer can offer a climactic perspective on what the law school’s motto means to them and why—including and especially in reference to the most pressing human needs of the time, like the Palestinian struggle for life and freedom. For that core custom to be terminated based on anti-Palestinian racism against the student speakers from the prior two law school commencements and against the many student activists this year who have been visible and vocal on campus in supporting Palestinian lives is deeply upsetting for many students of the law school in ways that have distracted them from their studies and compromised their experience of the campus.

As stated in a 2016 report about the learning environment on CUNY campuses, “the First Amendment does not permit a public university to take action” against protected speech, even if some find the speech offensive.⁴ The Supreme Court has stated that free speech may “best serve its high purpose even when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.”⁵ Political speech is especially crucial in the context of a school like CUNY Law, which aims to train its students to think and communicate critically and unflinchingly about starkly opposing viewpoints that, in many respects, abound in both legal and policy advocacy. For the CUNY system to restrict such expression by law students in training is outrageous, particularly when such restrictions reflect anti-Palestinian discrimination.

B. On and around campus, the law school has permitted police surveillance targeted at activism supporting Palestinian life and freedom.

⁴ Bracewell LLP, *Report to Chancellor Milliken on Allegations of Anti-Semitism*, Sep. 6, 2016, at 20 <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/news/newswire/assets/CUNYReport.pdf>

⁵ *Terminiello v. Chicago*, 337 U.S. 1, 4 (1949).

Over the course of this academic year, CUNY Law students supporting Palestinian lives and liberation have faced targeted police surveillance and scrutiny on and around campus that their fellow CUNY Law students have not faced, contributing to an ongoing pattern and practice of anti-Palestinian discrimination by the law school. They have reason to believe that the law school and/or CUNY Central invited or otherwise enabled the police presence targeting activism in support of Palestinian lives.⁶

1. October 2023 police surveillance

On October 11, 2023, the CUNY chancellor sent a university-wide email expressing support, sympathy, and grief for people impacted by the attacks of Hamas within Israel on October 7, 2023—making no mention whatsoever of the Palestinian people or their struggle through decades of Israeli state violence. The Chancellor’s statement led CUNY Law faculty to issue a responsive statement on October 13, 2023, expressing concern and dismay about his erasure of Palestinians and his unwillingness to remark on the collective punishment of Palestinians that the Israeli government had begun in recent days. Many CUNY Law students responded similarly to the Chancellor’s statement and began to plan a related protest to occur on and around the law school campus on October 19, 2023. The protest expressed overwhelming student support for Palestinian lives and liberation and also brought attention to the revocation of the student-speaker custom from commencement.

During the protest, students witnessed officers of the New York Police Department (“NYPD”) enter through the main entrance of the building and remain inside the first floor of the building. Students saw at least two undercover officers inside the CUNY Law building. The students who joined the protest, most of whom hold, are perceived to hold, or are associated or affiliated with Palestinian identity felt threatened and silenced by the presence of NYPD officers at their school.

(b)(6); (b)(7)(A); (b)(7)(C) student who witnessed the officers inside the school, reports:

“I was walking through the law school. As I passed through the second floor hallway near the auditorium, I observed a plainclothes police

⁶ In addition to the public-source material hyperlinked in Section II(B) of this complaint, redacted evidence corroborating some of the allegations in Section II(B) is available at Exhibit B of this complaint.

woman stationed there, surveilling the peaceful protest in Rafferty Triangle through the windows. I was able to identify her as a police officer based on her plain windbreaker, the weapon visible on her hip, and her walkie talkie. I had also never seen her in the law school before. The second undercover officer I saw was after I had made my way down to the CUNY Law Lobby. I observed a (b)(6); (b)(7)(A); (b)(7)(C) man in street clothes, not a student or a teacher, walk into the school, past the security who waved him through, through the opened ID gate checkpoint and into the halls of the school. The protocol for every visitor of the school is that they present ID and are escorted through the building. Instead, this unidentified man was allowed to roam the halls unattended without identifying himself to security.”

The next day, on October 20, 2023, NYPD officers continued their surveillance of the CUNY Law building. Throughout the day, there was an NYPD vehicle parked outside of the Law School with officers posted inside the lobby surveilling anyone who entered or exited the building.

2. November 2023 police surveillance

On Wednesday November 1, 2023, many SJP students attended the monthly faculty meeting to raise concerns about the police presence on campus, including inside the law school building.⁷

On Thursday November 9, 2023, SJP students held a peaceful student walk-out in support of Palestinian life and freedom and faced heavy police presence during it. The entire length of Crescent Street from the intersection with 44th Drive and the intersection with 44th Road was lined with undercover police cars with uniformed police inside of them.

On Tuesday, November 14, 2023, the CUNY Law administration issued a last-minute cancellation of an event organized by the CUNY Law Muslim Law Student Association executive board, titled “Fighting Complicity Against Genocide.” It was to be a panel discussion about U.S. complicity in the ongoing genocide of Palestinians in Gaza, moderated by a CUNY Law alumna of Palestinian ethnicity who is currently a clinical fellow at the law school, and involving the alumni who had been the student speakers at the law school’s commencement, respectively, in

⁷ The notes of representatives from CUNY Law Student Government who were present at the November 1, 2023, faculty meeting are publicly available [here](#).

2022 and 2023. On Wednesday, November 15, 2023—the day the event was meant to take place—students and other event registrants protested its abrupt cancellation outside of CUNY Law’s main entrance. In response, at least forty armed police officers surrounded the protestors. There were also a handful of police officers inside the lobby of CUNY Law, watching the protestors from inside the main entrance. More details about this incident can be found at Section II(D) of this complaint.

3. December 2023 police surveillance

On Wednesday, December 13, 2023, in front of the law school’s main entrance, CUNY Law students held a candlelight vigil at Rafferty Triangle for the many thousands of Palestinians killed by the Israeli military since October. At 5 p.m., approximately 20 students gathered in front of the law school building with candles, music, flowers, and poetry. However, even before 5 p.m., there were uniformed police officers seated in at least six undercover, NYPD cars stopped or parked along Crescent Street and 44th Drive. During the vigil, two NYPD vans arrived and parked across the street, and officers got out of their cars and stood to watch the students who had gathered for the vigil. One officer’s jacket identified the officer as “NYPD Legal.”

4. Absence of police surveillance for any other CUNY Law activities or events

At no other time this academic year have the police been invited to or present at CUNY Law, as far as many students are aware. In fact, in the November 1, 2023, faculty meeting, a tenured professor of the law school highlighted that, contrary to the recent and heavy police presence on and around campus, there had been a custom of keeping the NYPD out of and away from CUNY Law events, activities, etc.⁸

Indeed, student-organized events are routinely held at CUNY Law without any presence of or collaboration with the NYPD. For example, as far as many students are aware, no police presence accompanied or resulted from any of the events that were unaffiliated with support for Palestinian freedom and that occurred on campus from November 2023 – December 2023, including: (1) the “Welcome Reception – AAPI, MENA, Women in Legal Academia” event, which was

⁸ The notes of representatives from CUNY Law Student Government who were present at the November 1, 2023, faculty meeting are publicly available [here](#).

open to students, staff, faculty, and the public; and (2) the DIY Legal Name Change event hosted by CUNY OUTLaws (CUNY Law's LGBTQ2IA+ student affinity group) and intended to prepare trans and gender non-conforming students, staff, and faculty of the law school for the pro-se legal name change process.

5. Harms resulting from police scrutiny targeted to activism on and around campus in support of Palestinian lives and liberation

The heavy police presence at and around the law school this academic year, solely in connection with events reflecting support of Palestinian life and freedom, has contributed to an ongoing pattern and practice of anti-Palestinian discrimination by the law school that has caused students to experience anxiety and fear that has distracted them from their studies and discouraged them from attending their classes. These impacts have been felt predominantly and acutely by CUNY Law students who hold, are perceived to hold, or are associated or affiliated with Palestinian identity. Many such students have come to feel and conclude that they do not enjoy the same rights and privileges as their peers on campus who have no association or affiliation with Palestinian identity.

[redacted] student, expressed that they felt threatened and unsafe in their educational environment because of the heavy police presence at school. Discussing the fact that this police presence occurred in direct response to campus advocacy in support of Palestinian freedom, they stated, "I felt that [redacted] [redacted]"

[redacted] student who supports Palestinian life and freedom and [redacted] stated "I am one of the students that [redacted] the December 13, 2023, vigil. Walking outside and being greeted with dozens of police cars and surveilled by police throughout the entirety of the vigil was infuriating and terrifying. We had candles, flowers, poetry and songs, and our administration felt it was necessary to enable the NYPD to surveil us. I am supposed to be able to approach members of the administration for support when I need it. I am [redacted] student and [redacted] [redacted] at the related on-campus event this academic year because I feel I cannot trust the administrators at this school, given how, since October, they have mistreated me and my classmates supporting Palestinian freedom."

C. Campus administration willfully ignored doxxing and harassment occurring directly in front of the law school building and that was targeted at students supporting Palestinian life and liberation.

During this academic year, the CUNY Law administration contributed to a hostile, anti-Palestinian environment on campus by (1) having actual knowledge of third-party doxxing and harassment of students who hold, are perceived to hold, or who are associated or affiliated with Palestinian identity and (2) acting with deliberate indifference to those students' concerns.⁹

On the morning of November 2, 2023, a doxxing truck funded by the right-wing media group, Accuracy in Media ("AIM"), and its chief executive officer ("CEO"), Adam Guillette, appeared at CUNY Law. Guillette, as well as the (b)(6); (b)(7)(D) accompanying him, verbally harassed, filmed, and assaulted CUNY Law students. Despite having been notified of the truck's appearance in advance and having been asked to protect students, the CUNY Law administration failed to act, showing deliberate indifference and contributing to a hostile, anti-Palestinian environment at the law school.

1. Context about what doxxing is

Accuracy in Media ("AIM") is a right-wing media group dedicated to the intimidation and doxxing of people, usually students, who advocate for Palestinian rights. AIM's practice is to plaster students' faces, full names, and sometimes other personal information, on the side of billboard trucks ("doxxing trucks") that are then deployed to the students' campuses, homes, parents' homes, and other locations. Adam Guillette, the CEO of AIM, often accompanies the doxxing trucks with a cameraman and posts about reactions on his social media. AIM's doxxing trucks have been wielded against student advocates for Palestinian rights on many campuses, including those of Harvard, Berkeley, George Washington, Yale, and Brown universities. Guillette and the truck have also shown up elsewhere within the CUNY system, at Hunter College.

⁹ In addition to the public-source material hyperlinked in Section II(C) of this complaint, redacted evidence corroborating some of the allegations in Section II(C) is available at Exhibit C of this complaint.

Doxxing is an intimidation and harassment strategy that has been used for years as “a major tactic of Israel advocacy groups to suppress pro-Palestine political expression.” Its purpose is intimidation, mass online harassment, and the marking of targets for online and real-life trolls that often lead to threats of death, sexual violence, anonymous threatening messages, and more. Its use against student advocates for Palestinian rights has significantly escalated since the beginning of the Israeli government’s genocide against Palestinians in Gaza. The tactic has also been used previously to target CUNY Law students advocating for Palestinian rights, similarly with no support or condemnation from the CUNY Law administration.

2. The administration’s deliberate indifference and resulting harms to students

Late on November 1, 2023, CUNY Law students learned that an AIM doxxing truck was expected to appear at CUNY Law, accompanied by CEO Adam Guillette, the following day. At 12:34 a.m. on November 2, 2023, CUNY Law student organizations, led by the Jewish Law Student Association, notified the CUNY Law Dean and the CUNY Law Public Safety and Facilities Chief about the doxxing truck. The students explicitly outlined the harms to CUNY Law students’ privacy, personal safety, and learning environment presented by the doxxing truck. The students asked the Dean and the Facilities Chief to support student privacy and personal safety, to “learn from [the CUNY Law administration’s] past mistakes” and passivity when students previously faced similar threats, and to, at minimum, condemn AIM’s actions and “all other efforts to harass and intimidate students.”

The reasonableness of these requests is underscored by the lack of hesitation on the part of other university and law school administrations to condemn AIM doxxing trucks and provide public support to doxxed students. For instance, a full year prior, on October 22, 2022, the dean of Berkeley Law issued a full-throated condemnation of the appearance of AIM doxxing trucks on his campus. In stark contrast, CUNY Law students received no response from the CUNY Law administration and no action was taken in support or protection of students.

After seeing no response or intent to protect students from administration, students organized quickly to protect any peers whose identities AIM projected on the truck. When the doxxing truck arrived and parked illegally and directly outside the CUNY Law doors, students brought umbrellas, balloons, posters, and banners to block the screens; rearranged plans; and missed class to protect one another.

When the truck illegally parked in front of the school, students calmly and silently surrounded it while holding up various signs and materials to block the screens.

AIM CEO Guillette arrived with (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) Together, they verbally harassed and filmed the students who were peacefully, visually blocking the doxxing truck. Guillette jeered at students, hurling at them both insults about their intelligence and baseless, inflammatory accusations of antisemitism and supporting putative terrorism. The (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

When students would not respond to Guillette's questions, he became increasingly more aggressive and his questions more provocative, even rising to full-blown yelling at students to provoke a reaction. At several points, students stood in front of the (b)(6); (b)(7)(A); (b)(7)(C) with an umbrella to protect everyone's identities. In one of these moments, an (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

At

one point, Guillette's (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

Throughout the several hours that this took place, the (b)(6); (b)(7)(A); (b)(7)(C) and members of the (b)(6); (b)(7)(A); (b)(7)(C) could be seen standing in the lobby and watching the events take place. Despite actual and prior knowledge of the doxxing truck's appearance, (b)(6); (b)(7)(A); (b)(7)(C) and her administration offered no support to students and took no action to mitigate a wildly hostile environment. In contrast, their presence as silent spectators in the CUNY Law lobby sent the clear message that CUNY Law students who hold, are perceived to hold, or are associated or affiliated with Palestinian identity cannot expect their school's administration to support or protect their rights or safety—not even through simple verbal condemnation of the harassment and endangerment facing students.

Consequently, such students are fearful on campus, experiencing the law school to be hostile and anti-Palestinian. For example, (b)(6); (b)(7)(A); (b)(7)(C) student who (b)(6); (b)(7)(A); (b)(7)(C) and on campus is visibly and vocally supportive of Palestinian lives and liberation, stated: "This experience was traumatizing. In our attempts to block the images on the truck from view, our personal space was violated by Guillette, as he forced himself in between our bodies to stick a camera and a microphone in our faces and say horrifying things to us. In these moments, I could see (b)(6); (b)(7)(A); (b)(7)(C) passive face through the windows of the school's front entrance. To think she (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

When I see her around

campus now, I am always met with the same passive stare. I had to go to class directly after the doxxing truck left. I was unable to calm myself down enough to actually fully participate in the class discussion, I was distracted and at one point

(b)(6); (b)(7)(A); (b)(7)(C)

D. The law school abruptly canceled an event it had approved, organized by the Muslim Law Students Association, and intended to address the ongoing genocide of Palestinians.

In November 2023, the Muslim Law Students Association (“MLSA”) of CUNY Law had looked forward to hosting an approved, on-campus event that was to feature conversation between three alumni of the law school: (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

The discussion was to address U.S. complicity in the ongoing genocide of Palestinians in Gaza. Its abrupt cancellation one day before it was scheduled to take place because of unspecified and putative “security” concerns contributed to an ongoing pattern and practice of anti-Palestinian discrimination by the campus.¹⁰

1. MLSA compliance with applicable protocols at the time

CUNY MLSA began planning the event in question at the end of October 2023. The MLSA board submitted a timely room request to (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

for use of the CUNY Law auditorium as the event space, with an adjacent room for prayer. The event was scheduled to take place on November 10, 2023. On October 30, 2023, two MLSA board members met with (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

to complete a training with her, during which they introduced the event idea to her. They proposed an event featuring three alumni of CUNY Law, including one who is (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

agreed to the event premise, saying that the three alumni would not be considered “outside speakers” and thus no contract was necessary. However, she stated that the event would require an RSVP list because it was open to members of the public. On November 2, 2023, an MLSA board member followed up with her to confirm the event, in order to begin public promotion and set up the RSVP form.

¹⁰ In addition to the public-source material hyperlinked in Section II(D) of this complaint, redacted evidence corroborating some of the allegations in Section II(D) is available at Exhibit D of this complaint.

(b)(6); (b)(7)(A); (b)(7)(C) confirmed the event would take place on November 10, 2023, and gave deadlines of November 6, 2023, for the MLSA to put in the food request and November 8, 2023, for the MLSA to turn over the RSVP list. Promotion began on November 3, 2023. On the evening of November 7, 2023, the MLSA requested to reschedule the event due to a scheduling conflict for two of the speakers. Both (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) confirmed that the event could be rescheduled to November 15, 2023. The MLSA board redid the RSVP list (109 RSVPs as of November 13), agreed to ID checks for non-CUNY Law students, and provided the updated food request. On the morning of November 13, 2023, the MLSA board provided the (b)(6); (b)(7)(A); (b)(7)(C) the RSVP list and requested check-in tables, at which time (b)(6); (b)(7)(A); (b)(7)(C) again confirmed the event.

2. The abrupt cancellation of the event and the national pattern of anti-Palestinian discrimination into which it fits

On November 14, 2023, at 7:37 pm, the Director of Student Affairs emailed just one MLSA board member to state that the pre-approved event was canceled because it required “a heightened public safety presence” and that the college “has not had sufficient time to implement an appropriate safety plan for this event.” The entire MLSA board replied at 8:50 pm, asking for an explanation given the previous approval. The (b)(6); (b)(7)(A); (b)(7)(C) followed up at 9:28 pm, reiterating the ask for approval and specifically asking for an explanation of the “security” concerns. At 11:59 am the following day, on November 15, 2023, the Director of Student Affairs offered no explanation but said that the MLSA could meet with her and the Director of Public Safety at 3:00 pm that day. The Director of Public Safety inadvertently replied to MLSA board members only, stating “[T]ae can’t make that,” referring to the CUNY Law General Counsel. At 12:12 pm, the MLSA responded and said that a 3:00 pm meeting was too close to the scheduled event time, asking for a 1:00 pm meeting instead. At 1:12 pm, the MLSA re-upped their request for a quicker meeting. At 1:19 pm, the Director of Student Affairs said they could meet at 2:00 pm, in-person only. Given the logistical difficulty for an in-person meeting on forty-one-minutes notice, the MLSA board asked for the meeting to be held on Zoom. At 1:29 pm, the Director of Student Affairs refused the remote accommodation request and reiterated that the meeting could only be held in-person at 2:00 pm. The MLSA attempted to compromise with 2:30 pm and reiterated the Zoom request, including to accommodate (b)(6); (b)(7)(A); (b)(7)(C) At 1:51 pm, the Director of Student Affairs refused and offered 5:30 pm or the following day, “because the event is canceled.” The MLSA chose not to attend a meeting without

counsel, and, in lieu of the scheduled panel event, a protest against the abrupt cancellation of the event was held outside CUNY Law and met with a heavy police presence. Ironically, CUNY Law was able to secure numerous police officers very quickly on the day of the event, all the while claiming “security concerns” as the reason the event had to be canceled in the first place.

On November 16, 2023, a faculty member of the [REDACTED] [REDACTED] reached out to the MLSA board to schedule a meeting between the MLSA board and the Dean of CUNY Law. The meeting took place on November 20, 2023, between the Dean, the Chief Diversity Officer, two faculty members [REDACTED] [REDACTED] the Director of Public Safety, and the MLSA board. At the meeting, the faculty members flagged that the Task Force had been created in 2021 in order to enable CUNY Law administration to consult with faculty of color to avoid decisions that could harm students and that Task Force members hoped to be utilized by administration in the future, in hopes of preventing issues like the recent, abrupt MLSA event cancellation. The faculty received no response to their offer from the Dean or other administrators.¹¹

In contrast to the abrupt cancellation of the MSLA event, the CUNY Law Entertainment and Sports Law Society hosted an event on campus with an outside speaker (the in-house counsel for The New Yorker magazine), without issue, on October 26, 2023. Likewise, on November 21, 2023, the CUNY Black Law Students Association hosted an event on campus, without issue, involving outside speakers for a Movement Lawyering Speed Networking event, held in collaboration with NEBLSA (North East Black Law Student Association) and BALA (Black Attorneys of Legal Aid).

The arbitrary cancellation of the MLSA event under so-called “security” concerns fits into a longstanding but escalating pattern of university cancellations of events supporting Palestinian life and freedom. As documented by the legal advocacy group Palestine Legal, institutional actors, including institutions of higher education, use “recognizable patterns” of deploying bureaucratic barriers to “silence advocacy for Palestinian rights,” including through the cancellation of events.¹²

¹¹ A January 23, 2024, memorandum from the Task Force that describes this and other matters is publicly available [here](#).

¹² PALESTINE LEGAL, *The Palestine Exception to Free Speech: A Movement Under Attack in the U.S.* (September 2015) at 16, 28. (As detailed throughout the report, university administrations across campuses have canceled programs, sanctioned students, fired professors, and scrutinized departments in response to external pressure. In so doing, universities treat speech about Palestine differently from other political speech, indicating that the viewpoint of the speech, and not the

Since the beginning of the Israeli government’s ongoing genocide of Palestinians in Gaza—which, as of this submission, has killed over 33,000 Palestinian civilians—the following is a non-exhaustive list of cancellations of Palestine-related events at U.S. universities. On October 21, 2023, the University of Vermont canceled a talk scheduled for October 23 by acclaimed Palestinian poet Mohammed El-Kurd. The University of Vermont cited “safety and security” concerns. On November 2, 2023, Barnard College also canceled an event with El-Kurd that its administration had otherwise confirmed and approved on October 30, 2023. On November 16, 2023, Arizona State University canceled a talk by U.S. Representative Rashida Tlaib, citing “procedural issues.” On November 20, 2023, Columbia University canceled for the second time a talk by the Israel and Palestine Director of Human Rights Watch, Omar Shakir, 30 minutes before it was set to begin, citing “security concerns.” In December 2023, the University of Birmingham canceled a staff-student listening session about the current events in Palestine, and in the same month, the University of Pennsylvania canceled a screening of a film critical of the Israeli government, citing “student safety” concerns.

As a result of the CUNY Law administration’s cancellation of the MLSA event, students who hold, are perceived to hold, or are associated or affiliated with Palestinian identity, including through Islamic religious practice, have experienced an ongoing pattern and practice of anti-Palestinian discrimination on campus. For example, (b)(6); (b)(7)(A); (b)(7)(C) student, reports: “As (b)(6); (b)(7)(A); (b)(7)(C) student who (b)(6); (b)(7)(A); (b)(7)(C) and, as such, (b)(6); (b)(7)(A); (b)(7)(C) the administration’s actions have made me anxious, worried, and fearful. Their cancellation of a Muslim Law Student Association event about the genocide in Palestine because of ‘safety and security’ concerns on campus made me feel like the public safety director and school administration think that (b)(6); (b)(7)(A); (b)(7)(C) who support Palestinian life and freedom are considered dangerous and has made it so that I do not trust them to protect me or deliver on their duty to help me become a lawyer. This distrust has had educational impacts on me because I feel like no one in the administration has my back and that they will not be able to help me, or worse, (b)(6); (b)(7)(A); (b)(7)(C) Even worse, the persistence of CUNY Law in calling the NYPD on our protected First Amendment activity has made me (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) It feels like the administration has betrayed its duty to me and has made me feel isolated and mistrustful. Handling a (b)(6); (b)(7)(A); (b)(7)(C)

facially neutral explanations often put forward, drives the censorship, rooted in anti-Palestinian discrimination.)

on top of being worried that [REDACTED] and supporting Palestinian lives means that the administration views me as a suspect and not as a student in need of assistance has made me exhausted and wary. The disrespect and hostility with which the administration treats students like me, has made what was otherwise a very positive and interesting educational experience, one of stress, anxiety, fear, and betrayal. [REDACTED] and support of Palestinian life but to have it happen at this law school has been very distressing.”

E. The law school has consistently been repressing on-campus speech that decries state violence against Palestinians and supports their lives and liberation.

Over the course of this academic year, CUNY Law administration has selectively repressed the speech of students on campus who support Palestinian life and freedom, contributing to an ongoing pattern and practice of anti-Palestinian discrimination by the law school.¹³

1. Administrators’ removal of flyers on October 17–18, 2023

On October 17, 2023, a group of students posted flyers around the law school to raise awareness of the ongoing genocide in Palestine. This group included Palestinian, Arab, and/or Muslim students, as well as students who were perceived to have these identities based on their donning of keffiyehs, advocacy for Palestine, skin tone, and/or facial features often associated with these identities. The flyers expressed opposition to the one-sided message that the CUNY Chancellor emailed to all CUNY students on October 11, 2023. The flyers demanded that the CUNY Law administration and the Dean of CUNY Law take a stand against the ongoing genocide. The flyers were placed in the same manner and areas in which students and student groups had otherwise been posting flyers, without issue.

On October 18, 2023, [REDACTED] a student of the law school, arrived at school at or around [REDACTED] and noticed most of the flyers depicting messages supporting Palestinian life had been removed. Flyers for a Halloween event by LALSA (the Latin American Law Student Association), for the “New York Liberation School Book Talk” of the LPE (Law and Political Economy) Collective, and for the “DIY

¹³ In addition to the public-source material hyperlinked in Section II(E) of this complaint, redacted evidence corroborating some of the allegations in Section II(E) is available at Exhibit E of this complaint.

NYC Name Change” event of CUNY OUTLaws (CUNY Law’s LGBTQ2IA+ student affinity group) all remained undisturbed. At around 1:00 pm on the same day, multiple students noticed the Director of Student Affairs and (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) both removing flyers expressing support for Palestinian life and subsequently discarding them. Several students have come forward and corroborated this. For example:

Student 1: “[On Wednesday October 18, 2023, at around 1:02 pm], I noticed [the Director of Student Affairs] and another administrator unfamiliar to me removing flyers from a distance on the third floor. When I asked [the Director of Student Affairs] what she was doing, she said she was removing old flyers. However, she stopped removing flyers afterwards . . . At around 1:15pm, I noticed another student confront her and the second person [about the flyer removal]. The second person stated that they were removing old flyers and the student pointed at the flyer in her hand [which contained a message supporting Palestinian life]. The second person began to ask questions about the student club. From what I could hear, the student stated that the flyers were meant to educate people about the genocide . . .”

Student 2 (b)(6); (b)(7)(A): “At approximately 1:15pm EST, I (b)(6); (b)(7)(A); (b)(7)(C) two people from the CUNY law administration, Student Affairs, who were engaging in the removal of flyers condemning the genocide in Gaza. (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Only one of the administrators engaged me. She said I was (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) I then pulled in a fellow student, [Student 3], to observe the interaction so that the administrator would not be able to make any false claims about my actions. After I pulled in another student, the administrator asked which student group was putting up the flyers and asked why there was no logo on the flyers. I responded that it was students who were raising awareness about the genocide in Gaza. She responded that the genocide was happening outside of the school and that we could “not have a relationship” if I was (b)(6); (b)(7)(A): I told her that we did not have a relationship and that I did not want to have a relationship with a genocide denier. I then informed a Professor of the interaction as well as multiple other students.”

Student 3: “I was sitting on the third floor heading to the fridge area and saw [two administrators from Student Affairs] picking up the Palestine flyers. I immediately thought that they were removing them, so, as I was walking towards the fridge, I told another student that they were taking away the flyers. That

student went to speak with the two administrators. When I walked back from the fridge, the student asked me to stop and stay there while they continued to speak with the administrators (it got a little contentious, but the student was not being disrespectful, they were expressing legitimate concerns about the signs) ... that student left, and I stayed and spoke with the administrators. Basically, I asked if they were going to remove the signs, and one of them said they needed to remove “outdated flyers.” I said that I’m at CUNY Law every day and that I only saw those flyers today, so they are definitely not outdated. I also mentioned that it was important to speak out because there is a literal genocide going on, we’re having a student speaker removed because of prior support for Palestine, and that it was important to leave the posters. They started making excuses about how, because the flyers had no dates or events on them, what was the point of leaving them, that peaceful dialogue is needed but not sowing discord...”

All the flyers that the two administrators from Student Affairs removed on October 18, 2023, had messages supporting Palestinian life and freedom. They were meant to inform the student body of the ongoing genocide in Gaza and create legitimate dialogue. Additionally, the removed flyers were not “old,” as they were put up on October 17, 2023, by several students. As far as we are aware, no students have observed the administration’s removing any other flyers conveying any other messages.

2. The Dean’s removal of flyers on October 24, 2023

On October 24, 2023, students observed the CUNY Law Dean remove and discard flyers. The flyers removed by the Dean stated a list of demands for which CUNY Law students have been advocating.

Student 4 (b)(6);
(b)(7)(A) “Ok, so I’m on the 5th-floor, and around 9:30 am, I stopped in the 5th floor lounge to fill up my water bottle and noticed the flyer on the table. I went to put my stuff down in the room that I’m going to do a Zoom class in this morning, and then went back toward the lounge to use the bathroom when I saw Dean Setty putting a piece of paper in the recycling. I used the bathroom, dug the paper out of the recycling, and put it back. There were no other papers in the recycling.”

Student 5 (b)(6);
(b)(7)(A) “I was going up the escalators at approximately 7:40 am this morning and saw the Dean removing flyers on the tables on the second floor by the escalator. She was with another person, I don’t know if they work for the school

or a maintenance company. I didn't see which flyers she was removing, but I saw her, and she saw me, as well. She then promptly left."

3. Administrators' removal of flyers on November 29, 2023

Around or about 8:00 a.m. on November 29, 2023, [REDACTED] and another [REDACTED] student, [REDACTED] posted flyers entitled "New York Crimes" around CUNY Law, on the pillars (columns) used by students, faculty, and administrators for flyers meant to disseminate information to the law school community, on tables around the faculty offices on the fourth and fifth floors, and on tables throughout the library on the sixth floor. All of these flyering locations were common places for posting at CUNY Law. Many of the tables on which [REDACTED] and [REDACTED] placed copies of the "New York Crimes" flyers already had flyers from other student groups about upcoming or past events. "New York Crimes" is a flyer intended to resemble a print copy of the New York Times. "New York Times" is replaced at the top with "New York Crimes," and the subheading is, "In USA, Support for Genocide Still Strong." In place of news articles, the flyer lists the names and ages of Palestinians killed by Israeli forces in Gaza since October 7, 2023. After putting up these flyers throughout the school, [REDACTED] went to a study room in the library.

Around or about 9:30 a.m. the same day, [REDACTED] saw an administrator from Student Affairs and a [REDACTED] man whom [REDACTED] believed was the CUNY Law Chief Diversity Officer come into the CUNY Law library. The man picked up a copy of the New York Crimes flyer and folded it up. [REDACTED] was alarmed that the administrator and the man were collecting the flyers that he and [REDACTED] had posted, so [REDACTED] left the study room to see if they were picking up other copies located elsewhere. He saw them walking through the library and realized that all the copies of the flyers that he and [REDACTED] had placed had been removed. The administrator and the man had not removed any other flyers that other students had posted—only the "New York Crimes" flyers.

[REDACTED] continued to follow the administrator and the man to different floors of the CUNY Law building and saw that many other copies of the "New York Crimes" flyers had been taken down on those floors, too, in spaces where students usually sit. These are high-traffic areas that had many other flyers posted from different student groups, such as information about a Halloween event of LALSA (the Latin American Law Students Association). None of the LALSA flyers were removed by the administrator or the man, even though the LALSA event had already occurred.

The focus of the administrator and the man seemed to be only the removal of the “New York Crimes” flyers.

On the third floor of the CUNY Law building, [REDACTED] heard the sound of paper ripping and, immediately after, saw the same man as before, standing by the recycling bin. When [REDACTED] went to see what was in the bin, it was a ripped-up copy of the “New York Crimes” flyer that [REDACTED] and [REDACTED] had put on the table where the man had been standing. A photo of this flyer in the recycling bin is at Exhibit E of this complaint. [REDACTED] noticed that the administrator and the man did not pick up “New York Crimes” flyers that were placed in areas where other students were sitting on the third floor.

4. The resultant harms to students

The targeted removal of flyers supporting Palestinian lives and liberation has contributed to an ongoing pattern and practice of discrimination by CUNY Law against students who hold, are perceived to hold, or are associated or affiliated with Palestinian identity. The CUNY Law administration’s hostility to these students’ commitment to supporting Palestinian identity, life, and freedom leaves the students bewildered and anxious, driven to continue pressing their rights to free expression, and exhausted from being continually made to overcome repressive responses from the law school—all in ways that leave these students feeling taxed, distracted, and hypervigilant on campus, in ways that detract from their focus on their studies and their classes.

[REDACTED] a member of SJP, expressed, “So many of us at CUNY Law are deeply disturbed by the genocide that we are witnessing in Gaza. Expressing our solidarity and educating our community by posting flyers is one of the bare minimum actions we can take, but it is distracting and anxiety-inducing to be on the lookout for whether our flyers are being removed. Instead of focusing on my schoolwork when I am at school, I find myself constantly worrying about why these flyers are being taken down and worried that I will be penalized if I am seen posting them.”

[REDACTED] a [REDACTED] student, believes that the CUNY Law administration has been emboldened by anti-Palestinian, Islamophobic rhetoric in order to frighten students into silence: “I continuously watched them rip up and throw out flyers calling for an end to the genocide of Palestinian people. It is impossible for me to believe that these people have anyone’s interest but their own in mind. The nature

