ACLU / AIUSA
RESEARCH REPORT

Student Speech Under Attack

Suppression of Pro-Palestine Speech and Dissent on Campus

ACLU

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Executive Summary

Photo: Mostafa Bassim/Anadolu via Getty Images

Pro-Palestinian protesters outside the Columbia University campus on March 4, 2025.

Over the last three years, there have been widespread attacks on free speech and association on college campuses, particularly against students, faculty, and staff protesting Israel's war on Gaza and the U.S. government's political, economic, and military support of the war.

This report is based on a two-year investigation that covered events at 46 public and 34 private university and college campuses nationwide, located in 28 states and the District of Columbia. Based on our research of the policies and practices of dozens of U.S. universities and colleges and the impact of those responses on student protesters and the broader academic community, this report documents the heavy-handed and excessive responses by some university and college administrators and police to campus protests concerning Israel's assault on Gaza following the Hamas-led attacks in southern Israel on October 7, 2023. It also documents suppression and retaliation against pro-Palestine speech and expression on campus that began in late 2023 and continues today.

Colleges and universities violated basic free speech, association, and assembly rights and caused serious harm when they summoned campus police and local law enforcement, resulting in arrests and unlawful and unnecessary use of force. Universities' responses to campus-related Palestine advocacy and pro-Palestinian demonstrations have been more punitive in comparison with their historical responses to other comparable demonstrations over decades. Colleges and universities have imposed sweeping restrictions on student speech, initiated disciplinary actions against students, and imposed severe punishments including expulsions and suspensions. By doing so these universities directly or indirectly have made it easier for the Trump administration to crack down on student activism, causing long-term damage to higher education.

This report also documents the Trump administration's widespread, McCarthyite censorship and retaliation campaign deployed against pro-Palestine advocates on university and college campuses, and against universities that were sites of pro-Palestine student activism. The administration has abused civil rights laws to suppress criticism of Israel, withhold federal research grants from universities due to their refusal to conform to the government's preferred ideological approach, and coerce universities into accepting broad-ranging agreements to restore federal funding in exchange for making institutional changes in programs, curricula, admissions, and hiring, curtailing the free speech rights of students and faculty.

The Trump administration has also targeted noncitizen students and scholars for arrest, detention, and deportation based on their political views and in direct retaliation for their advocacy for Palestinian rights. The Trump administration has attempted to pressure university officials to target non-U.S. citizen students, faculty, and staff for their political speech and protest activity, in violation of the First Amendment. The administration's actions violate foundational academic freedom principles, First Amendment rights, and the rights to freedom of peaceful assembly, expression, and association enshrined in international law.

This report also details how these actions have profoundly chilled student speech and advocacy, resulting in a steep decline in protests and a less visible protest movement on campuses across the country. Fears of punishment, retribution, or deportation have deterred students and faculty from criticizing Israel or advocating for Palestinian rights.

Findings are based on desk research, analysis of college and university policies and records, reports and other documents and statements by U.S. government agencies and executive officials, court records, caselaw, published investigative journalism, survey questionnaire responses from students who participated in multiple protests at 41 college campuses around the country, interviews, and fact-finding conducted during a two-year investigation. This report also contains detailed case studies of six universities: Columbia University, City College of New York, Tulane University, the University of California Los Angeles (UCLA), the University of Michigan, and the University of Texas at Austin.

University and Law Enforcement Responses to Student Protests and Encampments

Since the Hamas-led attacks in southern Israel on October 7, 2023, including the attacks on civilians and taking of hostages which Amnesty International and a United Nations Independent Commission of Inquiry have concluded amounted to war crimes and crimes against humanity,[1] colleges and universities across the United States have been sites of mass demonstrations, encampments, and other types of protest actions as students, faculty, and campus staff have protested mass atrocities committed in the context of Israel's war on the occupied Gaza strip,[2] which Amnesty International,[3] Human Rights Watch,[4] Doctors Without Borders,[5] Physicians for Human Rights,[6] the leading Israeli human rights group B'Tselem,[7] and international bodies, including a United Nations Independent Commission of Inquiry,[8] have concluded amounted to war crimes and a genocide against Palestinians in Gaza.[9]

Campus protesters often called attention to the complicity of the U.S. government in these atrocities.[10] Their demands included calls for a ceasefire, a halt to U.S. military funding for Israel, and calling for their academic institutions to divest from weapons manufacturing companies and other companies that have profited from violations of human rights and humanitarian law in Gaza.[11] In response, opponents of these students' messages — including President Donald Trump — frequently characterized peaceful protest and any speech in favor of Palestinian rights as inherently supportive of Hamas and antisemitic.

The 2023-2024 academic year saw an expansive series of protests, demonstrations, and encampments on university and college campuses — both large

and small — across the country. According to the organization Armed Conflict Location & Event Data (ACLED), more than 1,360 student demonstrations took place in the United States between October 7, 2023, and May 3, 2024, protesting the Israeli government's ongoing military campaign against Palestinians in Gaza and calling for university divestment from Israel and in support of Palestinian rights. ACLED determined that 97 percent, an overwhelming majority of those protests, remained peaceful.[12] More than 170 encampments were established in the first semester of 2024. In some cases, students, faculty, and staff engaged in acts of civil disobedience, such as occupying campus buildings, graffitiing, and disrupting classes, as a form of protest.

Faced with intense pressure from donors, trustees, alumni, and figures outside of university or college leadership, including members of Congress, to reign in these demonstrations, many universities and colleges moved swiftly to suppress pro-Palestinian protests and dismantle encampments.[13] In many cases, peaceful student protests were met with campus police or local law enforcement summoned by university officials.

Police in full riot gear and campus police used physical force and less-lethal weapons including batons, kinetic impact projectiles such as rubber bullets and foam-tipped rounds, chemical irritants such as pepper spray and tear gas, and electronic conduction devices such as tasers.[14] Amnesty International's Digital Verification Corps conducted analysis of verified photos, videos, and social media posts of 20 schools they monitored.[15] Of these, 17 schools had claims posted online describing or showing chemical irritants being used against students[16] and 10 schools where officers appear to have responded to protests armed with kinetic impact projectiles.[17] The research further documented photos or videos from at least 10 schools showing injuries to students; about half appearing to be related to chemical irritants.

Media reported witness accounts of injuries such as bleeding puncture wounds, head injuries, broken teeth, and suspected broken bones, most notably at UCLA,[18] Columbia University,[19] and the City College of New York,[20] among others. Despite the documented unnecessary or excessive use of force leading to serious injuries inflicted by less-lethal weapons on student protesters, several public universities in California, including UCLA, where the media and a UCLA Task Force reported a number of injuries, restocked their less-lethal weapons and increased budgets allocated for campus policing in preparation for the following academic year.[21]

Thousands of these protesters were arrested, and many were also disciplined by their schools. In 2024, protesters were detained at more than 70 schools in at least 30 states, according to data collected by The New York Times.[22] According to media reports, more than 3,200 people were arrested by police on university campuses, including students, teachers, human rights observers, and journalists, in many instances for trespassing.[23] In some instances, prosecutors charged students with serious felonies, including assault of police officers, wearing disguises, mob violence, and attempted ethnic intimidation.[24] Students and faculty who participated in Palestine solidarity actions were also subject to doxxing, profiling, and retaliatory attacks by third parties, with little to no protection from their universities and colleges.[25]

Recent University Actions to Restrict and Punish Protest and Pro-Palestinian Speech

Since the initial encampment movement, from late 2024 through to publication of this report in fall 2026, universities across the country have continued to take action to restrict protest and association by students expressing Palestinian solidarity. Colleges and universities have censored pro-Palestinian expression; punitively enforced campus policies through internal disciplinary or code of conduct processes against students; punished them with suspensions, expulsions, and other sanctions; conducted ongoing surveillance of their activities; and made restrictive changes to school policies governing peaceful assemblies and free speech on campus.

Universities have punitively enforced campus policies through internal disciplinary or code of conduct processes against students, faculty, and staff for campus-related Palestine advocacy. Hundreds of students have faced sanctions such as campus bans, suspensions, and expulsions for alleged code of conduct violations or disciplinary charges related to their participation in pro-Palestinian demonstrations. These punishments can impose severe and life-long consequences and profoundly disrupt students' lives and academic careers.[26] Universities have swiftly imposed interim suspensions and campus bans on students who have been merely arrested or charged with violating campus codes of conduct, before they have been convicted of any crime, the disciplinary process has concluded, or, in some cases, internal investigations have even begun.

Hundreds, if not thousands, of students at universities nationwide have faced campus disciplinary proceedings for alleged code of conduct violations carrying potential sanctions.[27] (Due to lack of transparency concerning internal campus disciplinary processes it is not possible to determine the precise number.) Palestine Legal reported that in 2025, it received 663 requests for legal assistance in cases in which university administrations had launched investigations or imposed sanctions for campus-related Palestine advocacy.[28] According to Palestine Legal, the most common punishments students faced in 2025 were interim suspensions and campus bans.[29] In 2024, the group received reports of more than 580 cases related to university administration investigations and sanctions.[30]

Photo: Josiah True

Law enforcement officers march through the UCLA campus before dismantling the pro-Palestine encampment on May 2, 2024.

In some cases, public universities have expelled students for engaging in protected political speech. In other cases, some of the demonstrations, off-campus protests, and graduation speeches that led to disciplinary actions included violations of student conduct rules and/or laws, or were not protected speech. In some instances where students were disciplined for student conduct rule violations, the discipline imposed was disproportionate to the misconduct or amounted to unusual punishment, suggesting viewpoint discrimination.

Universities' selective enforcement of campus policies in response to Palestine solidarity protests raises serious concerns about viewpoint discrimination. In numerous instances reviewed during our investigation, the exceptionally harsh penalties applied to protesters and faculty, such as banishment, expulsion, and termination, were disproportionate and appear to be targeting students and faculty on the basis of their beliefs. Moreover, the severe punishments such as suspensions and expulsions imposed on students for their conduct during demonstrations are far beyond what universities have historically imposed for similar acts of civil disobedience.

In some cases, students were treated more harshly than others who have engaged in similar conduct, ostensibly on the basis of their political views. According to analysis of reported incidents and complaints, students who support Palestinian rights tend to face harsher disciplinary action, including disciplinary action for violating policies that

students report have not typically been enforced against other students or punished in ways that such actions have not been punished in the past.[31]

Colleges should not punish protesters or student groups more harshly than other groups in similar circumstances because administrators found their message upsetting, offensive, or divisive, or because it demanded extra security or prompted counter-protest. Even in cases where punishment is warranted, students remain entitled to meaningful due process rights.

In some instances, universities explicitly changed their policies in ways that seemed to deliberately target pro-Palestine demonstrations. Many universities that had never objected when students camped out on campus to buy sports tickets or napped in libraries created policies prohibiting tents and sleeping on campus after pro-Palestine encampments were established on campuses across the country in the spring of 2024. Many colleges and universities adopted new restrictions on campus speech and protest, especially at the outset of the 2024–2025 academic year, including rules that banned the installation of tents, prohibited protests in certain public parts of campus, restricted the use of amplified sound, banned chalking on campus sidewalks, mandated the university's prior approval for demonstrations, and prohibited students from hanging banners or flags outside dorm windows.[32] If institutions allow certain activities and items at other campus events, such as voice amplification, tents, lawn chairs, or blankets, they should not impose such restrictions on pro-Palestinian protesters simply because of the content of their protest.

There have been multiple instances of colleges and universities banning pro-Palestinian student organizations, retaliating against students who participate in student protests, and censoring pro-Palestinian expression. Examples of these instances are wide-ranging. Student chapters of Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP) have faced bans on college campuses. Students have reported their universities' efforts to prohibit hanging Palestinian flags, carrying or displaying banners, and displaying keffiyehs to symbolically express Palestinian solidarity and protest the war in Gaza.[33] Universities canceled film screenings, banned students from delivering commencement speeches that highlight their solidarity with Palestine or punished them when they did so, and forbade certain regalia such as keffiyehs from being worn during graduation ceremonies.[34]

Universities have reprimanded or formally sanctioned scores of professors and staff who have supported or participated in campus-related Palestine advocacy and demonstrations. Some faculty members who took part in demonstrations or were otherwise involved in Palestine activism have been terminated, suspended, denied tenure, had job offers revoked, or not had their contracts renewed by their universities.[35]

Universities' internal disciplinary actions, including expulsion or termination of students' enrollment status, and their request or authorization of law enforcement intervention to disperse demonstrations that resulted in arrests of students and faculty, have had downstream immigration consequences, placing noncitizen students' and faculty's immigration status at risk. In some cases, universities have failed to protect their noncitizen students and faculty from U.S. Immigration and Customs Enforcement (ICE) enforcement activity — or at least could have done more to protect them.

Instead of targeting students and faculty who are expressing their right to protest and association, higher education institutions have a responsibility to protect these rights. The First Amendment compels public universities and colleges to respect free speech rights,[36] and some have failed these obligations. While the Constitution does not bind private institutions, they should similarly be guided by their commitments to academic freedom and free inquiry. Moreover, under international law, which enshrines the rights to freedom of peaceful assembly, expression, and association, and which warrants a higher protection for civil disobedience

than U.S. law, all universities and colleges have human rights responsibilities to protect students' right to express themselves and peaceably protest on campus.[37]

Adoption of Campus Policies that Suppress Protected Political Speech Broadly Defined as Antisemitism

A number of universities have adopted the International Holocaust Remembrance Alliance (IHRA)'s overly broad definition of antisemitism. The IHRA's working definition of antisemitism says that examples of antisemitism include "denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor," "drawing comparisons of contemporary Israeli policy to that of the Nazis," and "applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation."[38]

The IHRA framework — including both its definition of antisemitism and the accompanying contemporary examples — has been interpreted by some to equate criticism of Israel and its policies or opposition to Zionism with antisemitism. The IHRA definition of antisemitism includes protected political speech and is not limited to harassing speech or conduct that creates a hostile educational environment. Speech that is critical of Israel cannot, alone, constitute harassment.[39] Moreover, the IHRA framework equates protected political speech with unprotected discrimination in a manner that could chill the exercise of First Amendment rights. Campus policies relying on the IHRA definition would likely chill free speech of students, faculty, and staff on college campuses by incorrectly equating criticism of the Israeli government with antisemitism.[40]

In practice, the IHRA framework has been used to silence criticism of Israeli government policies and to suppress the speech and activism of university students, professors, and organizers in support of Palestinian rights. At colleges and universities across the country, numerous complaints and lawsuits based on the IHRA definition have been filed in an attempt to stop speech and to target faculty for what they said, materials they included in their courses, and speakers they invited to campus.[41] The IHRA definition has been deployed to try to cancel campus events, including at the University of Massachusetts at Amherst,[42] Indiana University,[43] Columbia University,[44] the University of California at Berkeley,[45] Arizona State University,[46] the University of New Mexico,[47] and elsewhere.[48] Adoption of the IHRA definition has also led to reviews of course syllabi and reading lists, impacting university curricula.[49]

Campus policies incorporating the IHRA definition of antisemitism misconstrue anti-discrimination law to censor and stifle campus speech. Title VI of the Civil Rights Act already offers strong protections for students who are subject to discrimination and harassment. These policies go far beyond what Title VI requires and could chill protected student and faculty speech that does not violate Title VI. The expansion of what constitutes discrimination is too broad and will inevitably infringe on lawful, important academic discussions and debates on campus about Palestine and Israel, putting academic freedom principles at risk. As written, these campus policies will likely chill speech critical of the Israeli government or of Zionism that does not rise to the level of a Title VI violation and impede important academic discussions and debates on campus about Palestine and Israel.

In recent rulings in cases examining the intersection of Title VI hostile educational environment claims and the First Amendment in the context of pro-Palestine protests on college campuses, federal courts have held that Title VI does not require a university to squash speech protected by the First Amendment.[50] Evaluating speech in the form of rallies, flyers, speeches, sit-ins, and protests, courts have found that the speech at issue is protected by the First Amendment, including phrases such as "from the river to the sea, Palestine will be free" and "globalize the intifada."[51] Finding that speech on matters of public concern directed to the

community at large is very different from targeted, personal harassment aimed at a particular person, federal courts ruled that political speech will generally not meet the high standard for proving hostility or offensiveness required under Title VI.

The Trump Administration's Abuse of Title VI and Attempted Hostile Ideological Takeovers of Universities

Since the first months of President Trump's second term, his administration has leveraged several federal agencies and departments in its campaign against pro-Palestine speech and activism on campus. With the stated goal of combating antisemitism, the administration has deployed the Department of Justice, the Department of Education, the Equal Employment Opportunity Commission, the Department of Health and Human Services, and the General Services Administration to suppress free speech on campus.

The Trump administration created a three-agency task force aimed at ending antisemitism on college campuses. Armed with an executive order that redefines antisemitism to include critiques of the state of Israel, the task force has targeted at least 60 colleges and universities, cutting or threatening funding at these institutions.[52]

The Trump administration has weaponized Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the grounds of race, color or national origin in any activity or program receiving federal financial assistance, using the civil rights law as a tool to undermine free speech, suppress criticism of Israel, and defund higher education. The administration has encouraged the Department of Education to consider protected speech in determining whether any actionable harassment under Title VI, including allegations that the school is responsible for a "hostile environment," was motivated by antisemitism.[53]

The Department of Education Office for Civil Rights (OCR) enforces Title VI by investigating and resolving complaints that students or others are being subjected to hostile environments or otherwise being discriminated against on campus because of their race, national origin, or other traits protected under civil rights laws. In total, OCR has opened more than 100 investigations into allegations of a hostile educational environment based on antisemitism at colleges and universities since October 7, 2023 (24 such investigations were opened in all previous years combined).[54] There were incidents that likely merited Title VI investigations. Jewish students expressed fear and concern for their safety and well-being related to antisemitism, including antisemitic harassment on their campuses.[55] Likewise, Arab, Muslim, and Palestinian students reported fears for their personal safety and concerns related to anti-Muslim and anti-Arab bias and harassment on their campuses.[56] However, it is the Trump administration's use of Title VI investigations and enforcement actions to suppress protected speech and chill or encroach on the exercise of free expression by students or other members of educational communities, and the use or threat of Title VI investigations to coerce universities into over-censoring, that is problematic.

Wrongly equating protected political speech with unprotected discrimination, the administration has alleged violations of Title VI to cut funding or threaten to cut funding at universities that were sites of student protests, because the administration deemed these universities to be failing in their obligation to protect Jewish students from harassment. While combating antisemitism is a worthy goal, the administration's overbroad reading of what constitutes actionable harassment under Title VI instead violates the First Amendment, by forcing universities to censor political speech the administration cannot constitutionally restrict.

The schools subject to the cancellation of federal grants and contracts include Columbia University, Harvard University, Brown University, the University of Pennsylvania, Cornell University, Northwestern University, Princeton University, and UCLA.[57] The federal government threatened

to withhold billions of dollars in research funding from Columbia and Harvard if they did not adopt the government's preferred ideological approach to who they admit to study, who they employ to teach, and what classes and other programs they offer.[58] When Harvard refused, the federal government decided to withhold billions of dollars in research funding.[59] The president of Princeton University called the targeting of Columbia "the greatest threat to American universities since the Red Scare of the 1950s."[60]

At Columbia University, the Trump administration preemptively cut $400 million of federal funding. In response, the university agreed to the administration's demands rather than fighting back, even though those orders were likely to have been blocked by the courts. Columbia's capitulation only emboldened the administration to keep up these kinds of attacks. A few weeks later, the administration sent a similar demand letter to Harvard University. The demands were so extreme that they would have effectively put the university's governance in the hands of the federal government. Harvard sued, and in retaliation, the administration threatened their tax-exempt status and froze $2.2 billion in grants and a $60 million contract to Harvard for its refusal to comply.[61] At other targeted universities, the task force made specific requests targeting professors, students, and speech, relying on Title VI to press for agreements far beyond the statute's scope.

The Trump administration's decision to withhold federal research grants from universities due to their refusal to conform to the government's preferred ideological approach is a direct violation of the First Amendment. Because it is taking adverse action that is substantially motivated by the universities' disfavored speech, it constitutes retaliation in violation of the First Amendment, and constitutes impermissible government action by coercing a private party to censor its own speech and that of others. The government cannot condition federal funding on ideological conformity in ways that are unrelated to the purpose of the federal funding program, or to coerce ideological conformity outside the confines of the federally funded activities.

The Trump administration has violated broader First Amendment principles as well. The First Amendment protects all private speakers and institutions from viewpoint-based discrimination, coercion, and retaliation, even as it specifically protects colleges, universities, and their professors from infringements on academic freedom.[62] It prohibits the government from forcing any private actor to express the government's preferred views,[63] from leveraging federal funds in a viewpoint-based way, and from seeking to control speech outside of the scope of a government-funded program.[64] The administration's conduct has crossed each of those lines.

The administration's actions leverage huge sums of money to push the targeted universities into restricting speech by curtailing the independence of professors to fashion their own courses, and they seek to regulate speech far outside of the scope of the federal research grants that have been revoked. More than 600 college and university presidents signed a letter denouncing the Trump administration's "unprecedented government overreach and political interference" with higher education, noting "we must reject the coercive use of public research funding."[65]

The threat of funding cuts could — and already has — resulted in colleges and universities suppressing a wide variety of speech critical of the Israeli government or in support of Palestinian rights in an effort to avoid Title VI investigations by the Department of Education and the potential loss of funding, even where such speech is protected and does not qualify as harassment. Fears of legal action against the school under Title VI and misinterpretations of Title VI standards have led some universities to suppress political speech that the First Amendment plainly protects. There have been numerous instances of university censorship of pro-Palestinian expression, examples of which are detailed in this report.

On August 18, 2026, Democrats on the House Judiciary Committee launched an investigation into explosive whistleblower allegations from a former career Department of Justice Civil Rights Division lawyer of nearly a decade and several other experienced career Department of Justice civil rights attorneys temporarily assigned to the Department of Health and Human Services (HHS) Office for Civil Rights (OCR) to work on Title VI investigations undertaken by the Trump administration's Task Force to Combat Anti-Semitism.[66] Democrats on the House Judiciary Committee released the whistleblowers' complaint, which detailed their allegations that Trump administration political appointees manipulated federal antisemitism investigations to target certain American universities, punish protected speech, and coerce schools into settlements despite government investigators' finding insufficient evidence to establish any Title VI violations.[67] The whistleblowers said that "the investigations were not grounded in law or fact" and described political appointees overruling career investigators, pursuing investigations with "predetermined" outcomes and findings unsupported by the evidence, and targeting Muslim professors based on religion and ethnicity without allegations of wrongdoing.[68] They also allege that senior Trump administration officials intended to use hundreds of millions of dollars in federal funding as leverage against universities regardless of investigative findings.

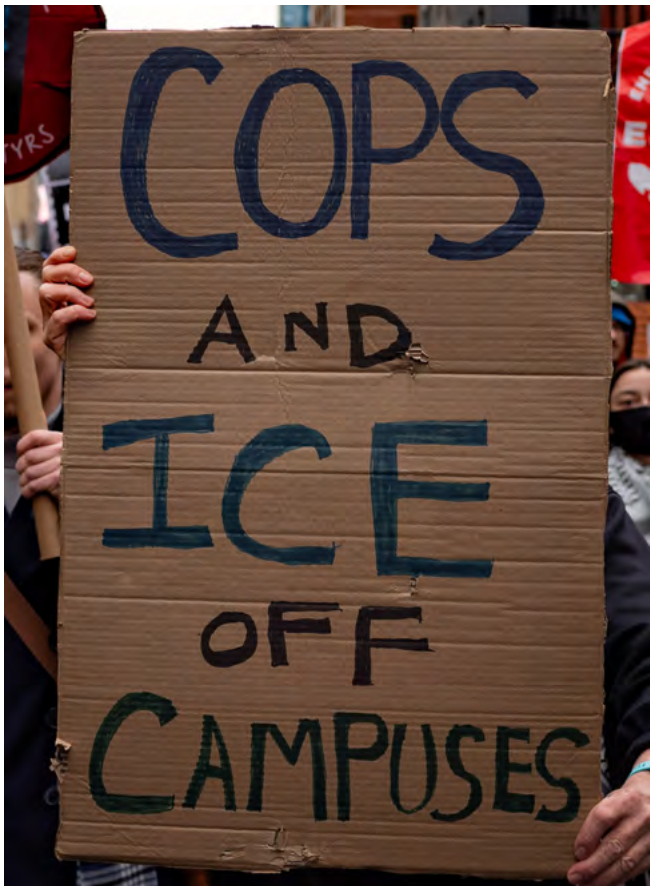

Photo: Scout Tufankjian

Protesters marched in New York on March 15, 2025, to demand the release of Mahmoud Khalil.

The Trump Administration's Campaign to Detain and Deport Students and Scholars Involved in Palestinian Rights Advocacy

The Trump administration has crafted and carried out a policy of revoking the visas and green cards of noncitizen students and scholars who engaged in pro-Palestinian advocacy, and of arresting, detaining, and deporting them. In March and April 2025, the Trump administration moved swiftly to detain and initiate deportation cases against noncitizen students and scholars who had advocated for Palestinian rights or criticized Israel. The administration has targeted these students and scholars solely because of their political viewpoints and constitutionally protected expression. Mahmoud Khalil, a green card holder and prominent advocate for Palestinian rights at Columbia University, was the first to be targeted. Other students and scholars, including Rümeysa Öztürk, Mohsen Mahdawi, and Dr. Badar Khan Suri, were arrested and detained, despite having valid immigration status and not being accused of breaking any law. The administration has attempted to detain and deport other students, including Yunseo Chung, Ranjani Srinivasan, and Momodou Taal, for their constitutionally protected pro-Palestinian advocacy. The administration is trying to use immigration laws to silence speech it disagrees with, while also claiming that no federal district court has authority to judge the constitutionality of its actions.

In a closed-door meeting with donors during his re-election campaign, President Trump explicitly stated his intent to deport students who protested the military campaign in Gaza. Referring to Palestine-related protests, President Trump told donors: "Any student that protests, I throw them out of the country. You know, there are a lot of foreign students. As soon as they hear that, they're going to have to behave."[69] As a candidate, President Trump additionally pledged to "terminate the visas of all those Hamas sympathizers, and we'll get them off our college campuses, out of our cities, and get them the hell out of our country."[70]

Shortly after assuming office, President Trump signed two executive orders intended to fulfill his campaign promises to deport protesters.[71] Executive Order 14161 articulates the administration's desire to target individuals who "advocate for, aid, or support designated foreign terrorists and other threats to our national security," those who hold "hateful" views, and those who "bear hostile attitudes toward [America's] citizens, culture, government, institutions, or founding principles."[72] The order does not define "hostile attitudes," leaving the term open to encompass any form of political dissent or criticism of government policies.

Executive Order 14188 and its accompanying fact sheet state the government's intent to target post-October 7, 2023, campus antisemitism, particularly on "leftist, anti-American colleges and universities."[73] The order's definition of antisemitism encompasses constitutionally protected criticism of the Israeli government and its policies. The accompanying fact sheet frames the order as a promise to "deport Hamas sympathizers and revoke student visas," to send a message to all "resident aliens who participated in pro-jihadist protests" that the federal government "will find you… and deport you."[74]

In combination, these orders, the accompanying fact sheet, and other communications from the Trump administration were intended to enlist university officials in censoring and punishing noncitizen scholars and students for their speech and scholarship. The message is clear: Immigrant students, faculty, and staff on college and university campuses should think twice before they criticize the United States or the Trump administration, express support for Palestinians, or condemn Israeli government policies — or indeed anything else President Trump and other federal officials might possibly find objectionable — and colleges and universities that allow such speech, debate, and protest should think twice, too.

While it is important to address antisemitism, these executive orders failed to do so.[75] Instead, they seem to target pro-Palestinian scholars and students who are exercising their rights to free expression and peaceful assembly, and set in motion the Trump administration's subsequent targeting of international students and scholars for arrest, detention, and deportation based on their political views.[76]

In March 2025, ICE's Department of Homeland Security Investigations launched an operation to identify pro-Palestinian protesters on college campuses.[77] This operation involved scouring lists of suspected protesters and producing reports based on unverified allegations by third parties that the protesters are antisemitic or pro-Hamas.[78] Under a new expedited process, ICE forwarded these reports to the State Department for deportation without any further vetting. The State Department then revoked protesters' visas or rendered them removable, also without conducting any meaningful vetting.[79] The State Department's review process proceeded with astonishing speed: Khalil was arrested only one day after ICE issued a referral letter to the State Department, while Secretary of State Marco Rubio approved the action memo on Mohsen Mahdawi's deportation only one day after ICE issued the referral letter.[80]

The first individual to be arrested and detained by ICE under this policy was lawful permanent resident Mahmoud Khalil, a Palestinian born in Syria. On March 8, 2025, Khalil was returning home with his U.S.-citizen wife when he was detained by ICE agents.[81] On March 10, 2025, President Trump

issued a statement on Truth Social touting Khalil's arrest as a blueprint for future government actions. He warned that Khalil's arrest was "the first of many to come," and stated that his administration would not tolerate "students at Columbia and other universities across the country who have engaged in pro-terrorist, anti-Semitic, anti-American activity."[82] The president promised to "find, apprehend, and deport these terrorist sympathizers from our country."[83]

While the precise number of students and scholars targeted for deportation because of their pro-Palestinian speech and advocacy is unknown, potentially hundreds have been targeted. On March 27, 2025, Secretary Rubio announced that he had revoked the F-1 student visas of more than 300 noncitizen students who participated in pro-Palestinian activism, stating "Every time I find one of these lunatics I take away their visa...we do it every day."[84] Though he appears to have walked back this statement following public scrutiny, according to New York Times reporting, nearly 300 international students had their visas revoked in retaliation for their political expression.[85] On March 28, 2025, Secretary Rubio was asked whether all of the Trump administration's first 300 visa revocations were "related to pro-Palestinian protests," and he responded that most were, explaining, "If you are in this country on a student visa and are a participant in those movements, we have a right to deny your visa."[86]

The Trump administration's arrests and threats to deport students and faculty solely because of their participation in pro-Palestine political protest is blatantly unconstitutional and is chilling student speech and advocacy across campuses, in violation of bedrock principles of international human rights law.

Immigration Enforcement Based on Lawful Pro-Palestinian Advocacy and Protected Speech

The Trump administration has carried out these detentions and deportations pursuant to a viewpoint-discriminatory policy of retaliation against noncitizens with pro-Palestinian views. The policy is effectuated by abusing immigration law to punish and silence noncitizen students and scholars engaged in pro-Palestinian expression. The government's policy has characterized pro-Palestinian advocacy and speech critical of the Israeli government as antisemitic and "pro-Hamas," without acknowledging that the speech it is targeting is lawful and constitutionally protected.

The Trump administration has claimed it has multiple pathways it believes it can take to deport pro-Palestinian protesters, including (1) revoking the visas or Student and Exchange Visitor Information System (SEVIS) status of students who engage in activities it claims are inconsistent with holding a student visa; (2) revoking the visas of students who endorse or espouse terrorist activity or terrorist organizations; and (3) revoking the visas or green cards of students whose presence or activities in the United States have serious foreign policy consequences. The administration has also attempted to rely on unfounded, pretextual, post-hoc allegations of immigration fraud or misrepresentation.[87]

Based on public statements by Secretary Rubio and trial testimony by State Department and Department of Homeland Security (DHS) officials, the agencies deem a broad spectrum of pro-Palestinian and anti-war statements, including constitutionally protected speech, to be "pro-Hamas" or antisemitic and therefore grounds for visa or green card revocation. In trial testimony, several ICE and State Department officials involved in executing the Trump administration's ideological deportation policy admitted that essentially any criticism of Israel could merit immigration consequences. For instance, senior State Department official John Armstrong testified that statements critical of Israel or U.S. foreign policy with respect to Israel could subject a visa or green card holder to deportation, including statements such as the phrase "From the river to the sea, Palestine will be free," as well as statements calling for an arms embargo on Israel or calling for limiting military aid to Israel.[88]

The Trump administration has explicitly argued that peaceful pro-Palestine advocacy is grounds for detention and deportation. For example, Khalil was never accused of breaking any laws, and the only evidence the government has cited in support of its foreign policy claims is lawful speech about Israel and Palestine. According to a memorandum from Secretary Rubio to then-DHS Secretary Kristi Noem later disclosed via litigation, Secretary Rubio's determination that Khalil is deportable under the foreign policy ground was based on Khalil's participation in "antisemitic protests and disruptive activities" that "undermine U.S. policy to combat anti-Semitism around the world and in the United States."[89]

Similarly, Rümeysa Öztürk, a Turkish national, saw her student visa revoked in retaliation for co-authoring an op-ed in the Tufts University student newspaper addressing the university's response to a student government resolution regarding Gaza. Secretary Rubio said this kind of advocacy was "creating a ruckus" that justified her removal from the country. Unsealed documents and testimony at a trial in an unrelated case revealed that her visa revocation was based on her op-ed, and that the State Department recommended her deportation despite concluding that ICE "has not…provided any evidence showing that Öztürk has engaged in any antisemitic activity or made any public statements indicating support for a terrorist organization or antisemitism generally."[90]

Abuse of the "Foreign Policy Ground" of the Immigration and Nationality Act

In some cases, including the cases of Mahmoud Khalil, Mohsen Mahdawi, Dr. Badar Khan Suri, and Yunseo Chung, the Trump administration has been trying to deport individuals based on the Secretary of State's claim that their presence or activities could have "adverse foreign policy consequences" and would "compromise a compelling foreign policy interest," citing a rarely used provision of the Immigration and Nationality Act (INA).[91] Under the foreign policy provision, a noncitizen is inadmissible, and therefore deportable, if the secretary of state "has reasonable ground to believe" that their "presence or activities" in the United States would have "potentially serious adverse foreign policy consequences for the United States."[92] The provision also states that individuals may not be excluded based on "past, current, or expected beliefs, statements, or associations [that] would be lawful in the United States unless the Secretary of State personally determines that the [noncitizen]'s admission would compromise a compelling United States foreign policy interest."[93]

Until March 2025, the foreign policy provision had never been used to target a lawful permanent resident for their constitutionally protected political speech in the United States. The law's legislative history makes clear that Congress expected this authority to be used sparingly and not merely because an individual might make critical remarks about the United States or its policies.[94] Congress did not intend this obscure INA provision, which authorizes the government to exclude or remove noncitizens on extraordinary foreign policy grounds, to be used to deport noncitizens for exercising their First Amendment rights.[95] In fact, the foreign policy ground is almost never invoked. In its court filings, the federal government has identified only four previous instances in which it has been used to remove noncitizens over the past three decades, none of which concerned domestic speech.[96] In all that time, the law has never been cited to detain or deport any lawful permanent resident for their political beliefs — until it was used against Khalil.

Since then, the Trump administration has used it to argue that it has unlimited discretion to detain and deport any noncitizen whom the federal government considers a foreign policy risk for any reason — and that the federal courts are powerless to undertake timely review its decisions, even if they violate the First Amendment. Under this policy, Secretary Rubio would make determinations that the protesters' presence or activities in the United States would compromise a compelling U.S. foreign policy interest. The Department of Homeland

Security would effectuate these determinations by seeking to deport the protesters and would also further the policy of punishing and censoring the protesters by detaining them. This weaponization of immigration law is part of the Trump administration's clear policy to retaliate against and punish noncitizens for their participation in protests and expression of views concerning Israel's military campaign in Gaza, and to deter future such protests and expression.

Social Media Vetting of Student Visa Holders and Applicants

The Trump administration also significantly expanded its use of social media monitoring as a tool for vetting student visa holders and applicants, raising concern that students may be deported or barred from entering the country for their political speech or views, potentially chilling or punishing protected speech.[97] As part of the State Department's restart of foreign student visa interviews and processing, applicants are now required to make their social media accounts public for government scrutiny or face potential visa denial.[98] This surveillance begins when individuals file their visa applications and continues even after applications are granted, throughout a person's time in the United States. If DHS uncovers information it deems suspicious, it may initiate an investigation and take further steps such as in-person questioning, border searches, watchlisting, or visa revocation.

In a cable sent to diplomatic missions on March 25, 2025, Secretary Rubio ordered diplomats overseas to conduct a "mandatory social media check" of student and exchange visitor visa applicants (F, M, and J visas) for "any indications of hostility towards the citizens, culture, government, institutions or founding principles of the United States."[99] According to the cable, diplomats were to evaluate social media posts created between October 7, 2023 and August 31, 2024, suggesting that the objective was to reject visa applications of students who have criticized the war in Gaza or U.S. military aid to Israel.[100] In July 2025, a senior State Department official whose office is tasked with vetting students' social media posts and revoking student visas, testified that the State Department regularly took into account speech or actions that it saw as critical of Israel, and that statements criticizing Israel's actions in Gaza, calls for limiting military aid to Israel, or "denouncing Zionism" all could factor into the agency's decisions.[101] While the State Department maintains it is targeting those "who pose a threat to U.S. national security," its criteria are in no way limited to national security threats, resulting in scrutiny and potential punishment of constitutionally protected political speech.

Intimidation and Chilling Effect on Free Speech and Association Rights

University students, student organizations, faculty, and university staff have been deterred from speaking and organizing on these issues. Activists are understandably hesitant to engage in political expression criticizing Israel or advocating for Palestinian rights because they have reason to believe the federal government will actively investigate such expression in connection with harassment complaints and investigations.

Following the violent suppression of student protests, demonstrations, and encampments during the 2023–2024 academic year, the fear of similar repression directly led to some protesters' decisions to not reengage in public demonstrations on campus during the ensuing academic year.[102] In the fall 2024 semester, the total number of protest actions dropped by more than 64 percent from the previous semester.[103] Protest activity continued to decline into spring 2025 and into the following 2025–2026 academic year.[104] This decline was not due to a lack of support for Palestinians: a March 2025 Gallup poll found that sympathy for Palestinians had reached a record high and support for Israel had reached its lowest level in at least 25 years in the United States.[105]

The decline in protests was the direct result of crackdowns on protesters, university policies restricting protests, and the Trump administration's attacks on universities. Summer and fall 2024 saw a series of changes to university policies regarding protests; the disciplining of students and faculty, including expulsion and terminations; and the summoning of university presidents before congressional hearings on antisemitism on campus. The Trump administration took more direct action by rescinding federal funding and research grants and threatening and opening civil rights investigations, among other attempts to coerce university administrators to capitulate to the government's demands. These actions led universities to suppress students' and faculties' rights to protest and free speech. The result has been a less visible protest movement on campuses across the country.[106]

According to one survey of Middle Eastern studies scholars conducted in early 2025, even before much of the Trump administration's full-scale assault on academia materialized, the University of Maryland's Critical Issues Poll found the overall environment on campus remains "oppressive and uncertain" as political pressure has increased, leading to rampant self-censorship and an increase in actual censorship. According to the poll, 57 percent say they felt a greater need to self-censor when discussing issues related to Israel and Palestine since President Trump took office, and 84 percent expected campus leadership to be more severe in responding to campus demonstrations. Furthermore, 78 percent of respondents claimed that this has been the worst period, or among the worst periods, of their professional careers when it came to facing pressure over issues related to Israel and Palestine.[107]

The Trump administration's targeted attacks on international students and faculty has had a notable chilling effect on student protests and impact on academic freedom.[108] International students and faculty from across the country say they continue to feel afraid to voice opinions or stand out on campus for fear of getting kicked out of the country. Many students stopped attending classes or events on campus.[109] Some noncitizen students and faculty

Photo: Ben Von Klemperer

Pro-Palestinian demonstrators rally outside the Columbia University campus on April 30, 2024.

stopped attending public protests or withdrew from campus groups that engage in political advocacy. Others declined opportunities to publish commentary and scholarship, stopped contributing to classroom discussions, or deleted past work from online databases and websites. Many now hesitate to address political issues on social media, or even in private texts, out of fear that they might be arrested and deported for lawful expression and association.[110]

The Path Forward

The Supreme Court has forcefully rejected the premise that, "because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large."[111] "Quite to the contrary," the court stated, "the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools."[112]

Colleges and universities are supposed to encourage robust debate and difficult discussions — not threaten, punish, or arrest students for engaging in political advocacy. Instead of crushing speech and advocacy, schools should be exploring ways to help campus communities navigate conflict, foster dialogue and inquiry, and support — not suppress — students who engage in political expression and controversial debates. As colleges contend with the challenge of managing rising campus tensions while keeping students safe, it is essential that university leaders remain steadfast in their commitment to free speech, open debate, and peaceful dissent on campus.

Universities and colleges must take all possible measures to ensure that their campuses are spaces where students may exercise their rights without fear or intimidation. Universities and colleges must enforce university rules in a neutral and nondiscriminatory manner. They should ensure students are not punished for simply exercising their right to peacefully protest. University policies and procedures should also be applied fairly and neutrally to all students, faculty, and staff, with no viewpoint discrimination or political influence, and punishments must be necessary and proportionate to the violation.

We urge universities and colleges not to resort to police action to suppress student expression. Bringing more law enforcement onto campuses would limit student speech, increase campus tensions, and put students closer to police and into dangerous situations that could impact the rest of their lives. Instead, universities and colleges should fulfill their human rights responsibilities by facilitating protests and ensuring that all students' rights to freedom of expression and peaceful assembly, regardless of viewpoint, are respected.

Adopting overly broad Title VI and other antidiscrimination policies that suppress protected political speech broadly defined as antisemitism will stifle campus speech and threaten academic freedom. All students deserve equal access to education — free from harassment and discrimination on campus. Schools have a responsibility to address discrimination and harassment wherever it occurs. But the experience of our country's universities during the McCarthy era demonstrates that ideologically motivated efforts to police speech on campus destroy the foundation on which academic communities are built. A college or university, whether public or private, cannot fulfill its mission as a forum for vigorous debate if its leaders initiate baseless investigations into those who express disfavored or even loathsome views. Such investigations chill speech, foster an atmosphere of mutual suspicion, and betray the spirit of free inquiry, which is based on the power to persuade rather than the power to punish.

The Trump administration must cease its relentless attacks on universities and their students, faculty, and staff. The federal government cannot mandate expulsion of students or use its regulatory power to threaten funding cuts to coerce universities to prohibit or punish speech they could lawfully allow (in the case of private universities) or must allow (in the case of constitutionally protected speech

at public universities). While the administration can enforce Title VI to ensure a learning environment is free from harassment, it cannot force universities to adopt restrictive speech codes that silence the viewpoints the government disfavors.

Schools should resist the pressures placed on them by politicians seeking to exploit campus tensions to advance partisan agendas. Universities must stand up to such intimidation and defend the principles of academic freedom so essential to their integrity and mission. We urge universities and college administrators to resist the temptation to silence students or faculty members because powerful voices deem their views offensive. Instead, we urge them to defend the university's core mission of encouraging debate, fostering free-flowing inquiry, and preparing the future leaders of our pluralistic society to tolerate even profound differences of opinion.

Key Recommendations

To Universities and Colleges

- Ensure that campus policies on political speech and protest are viewpoint-neutral
- Uphold free speech protections for all students and scholars, regardless of nationality, ethnicity, and race.
- Enforce university rules in a neutral and nondiscriminatory manner and ensure students are not punished for engaging in lawful speech or expressive conduct.
    - University policies and procedures must be applied fairly and neutrally to all students, faculty, and staff, with no viewpoint discrimination or political influence.
    - Punishments must be proportionate to the violation.
    - Recognize the importance of giving breathing space to the importance of free expression when interpreting any alleged rule violations, to ensure no student is disciplined or threatened with discipline on the basis of engaging in lawful protest activity.
    - Universities should not use their policies to deprive students of their due process rights or to punish them for engaging in lawful speech or expressive conduct. Public universities may not punish students for engaging in constitutionally protected speech.
- Ensure that students have ample channels for expression on campus.
    - Universities and colleges should allow students to demonstrate in many areas of campus, especially in outdoor, high-traffic locations.
    - If a school continues to impose some time restrictions on demonstrations, it should narrowly limit these restrictions such that demonstrations are allowed during a broad range of time that spans morning, afternoon, and evening hours.
    - Universities and colleges should not unduly restrict the modes of expression available to students.
    - Protect students' ability to spontaneously protest in response to unanticipated events, when speech is often the most essential.
- Ensure that law enforcement is used only as a measure of last resort.
- Refrain from adopting policies against discrimination and harassment that rely on overly broad and vague definitions, including definitions of antisemitism, and have the effect of prohibiting protected political speech or silencing lawful political speech.
- Craft and implement anti-discrimination policies that prevent student discrimination and harassment and that appropriately balance principles of academic freedom, free speech, and educational equality.

- Protect the privacy of all students, including immigrant and international students, and resist unlawful government requests for personal information.
- Reject any federal pressure to surveil or punish noncitizen students and faculty for their lawful speech.
- Resist White House and federal agency demands that undermine academic freedom and students' and faculty's civil and human rights.

To the Trump Administration

- The Secretary of State and Department of Homeland Security must cease targeting noncitizens for exercising their constitutional right to free speech through arbitrary and discriminatory revocations of F-1 student visas and J-1 exchange visitor visas and by removal proceedings invoking Section 237(a)(3)(C)(i), known as the foreign policy ground, of the Immigration and Nationality Act (INA). End all pending removal proceedings against students and faculty targeted in retaliation for their lawful advocacy in support of Palestinian rights.
- Stop weaponizing Title VI to threaten funding cuts to punish lawful speech on campus; to coerce universities into allowing expression only of the federal government's preferred views; and to impose ideological requirements on universities and colleges, and their professors and students.
- Rescind executive orders, including Executive Orders 14188 and 13899, and federal agency rules or policies codifying the use of the overly broad and vague International Holocaust Remembrance Alliance (IHRA) definition of antisemitism and similar definitions. Federal agencies, including the Department of Education, the Department of Justice, and the Equal Employment Opportunity Commission, should cease using this definition for enforcing civil rights laws and should not rely on or refer to IHRA in their rulemaking, policy guidance, or enforcement decisions.
- The Department of Education Office for Civil Rights (OCR) should take steps to ensure that investigations and enforcement actions do not chill or encroach on the exercise of free expression by students or other members of educational communities.

To Congress

- Pass the Land of the Free Act (H.R. 4959), which would repeal Section 237(a)(4)(C) of the Immigration and Nationality Act (INA).[113] This existing provision grants the Secretary of State the authority to designate for deportation visa-holders and lawful permanent residents whose presence in the United States would have "potentially serious adverse foreign policy consequences for the United States" and has been abused to arbitrarily target noncitizens for exercising their constitutional rights to free speech.
- Vote no on the misleadingly titled "Protect Economic and Academic Freedom Act of 2026," if it is introduced in the Senate or re-introduced in the House next Congress. This legislation would prevent colleges and universities from receiving federal student aid if these institutions boycott Israel.
- Oppose the Antisemitism Awareness Act (S. 558/H.R. 1007) or any legislation that directs the government to adopt an overly broad definition of antisemitism that includes political speech critical of the Israeli government, including the International Holocaust Remembrance Alliance (IHRA)'s definition of antisemitism.

Research Methodology

This report is a joint initiative between the American Civil Liberties Union (ACLU) and Amnesty International USA (AIUSA). The International Network of Civil Liberties Organizations (INCLO) provided research support. The report is primarily based upon extensive desk research examining university and college administration responses to protests in support of Palestinian rights that took place on campuses across the United States from 2024 to 2026.

Incident Reviews and Media, Legal, and Policy Analysis

Our two-year investigation covered events at 46 public and 34 private university and college campuses nationwide, located in 28 states and the District of Columbia. The research included review and analysis of media articles, reports, university policies, court rulings and legal filings in lawsuits brought against universities, as well as expert statements and analysis. Researchers also reviewed actions undertaken by the U.S. Congress and actors within both the Biden and Trump administrations that have impacted students' rights to protest on campuses across the United States. The report additionally includes analysis of photos, videos, and social media posts collected by Amnesty International's Digital Verification Corps, which document law enforcement's use of force and injuries sustained on campuses during spring 2024. In addition, the report is supplemented by questionnaires and interviews with those directly involved in campus protest actions.

In advance of the publication of this report, the ACLU and AIUSA wrote to each of the 21 private universities and colleges for which there are detailed findings included in the report, to seek their responses to the findings of this research.[114] The responses received from universities and colleges by the time of publication are included in Appendix III of this report.

Questionnaire

An online questionnaire was distributed to campus protesters known to our organizations, including students, faculty, staff or local community members, from October 2024–February 2025. The questionnaire was administered via Qualtrics survey software to student protest organizers and leaders of student organizations involved in campus protests, including Students for Justice in Palestine and Jewish Voice for Peace, as well as to Amnesty International university student chapters. The questionnaire included 83 closed- and open-ended questioned divided into seven sections: about participants' experiences at protests and encampments on campus, including excessive use of force by law enforcement and campus security, use of crowd control weapons, and arrests, among other issues.

Ninety-six individuals completed the survey and consented to our privacy policy. These individuals included students who participated in multiple solidarity protests at 41 college campuses across 18 states: California, Georgia, Idaho, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Texas, Utah, Vermont, Virginia, and Wisconsin.[115] All individuals who responded to the questionnaire provided written informed consent to participate. While the response rate was too small to draw definitive conclusions, researchers used these survey responses to help identify trends and universities for further in-depth research. In addition, some responses were included in this report as supplementary information.

Interviews

Furthermore, researchers conducted a limited number of interviews with students and faculty from campuses featured in six case studies in this report; interviewees had completed the questionnaire and agreed to be interviewed. All individuals interviewed provided verbal informed consent to participate and did not receive any compensation for participating in interviews. Individuals interviewed were offered the option to use their real name in the report or remain anonymous. The authors developed a protocol for these interviews. The number of interviews was limited in part because questionnaire respondents expressed reluctance to speak with researchers due to various concerns, including ongoing litigation or disciplinary proceedings related to their protest activities. While the interviews were too few to draw definitive trends and conclusions, quotes and other anecdotal information were incorporated into the report where appropriate.

Case Studies

This report also contains detailed case studies of six universities: Columbia University, City College of New York, Tulane University, the University of California Los Angeles (UCLA), the University of Michigan, and the University of Texas at Austin. These universities were selected because their responses to student speech and protest were particularly problematic. These universities exemplified the heavy-handed and excessive responses by universities and colleges to campus protests, as well as the ongoing suppression and retaliation against pro-Palestine speech and expression on campus. Case studies were also selected to feature a mix of public and private universities in different geographic areas of the United States. The case studies are based on all the available information from our research, including media, legal, and policy analysis; incident reviews; questionnaire responses; and interviews.

University and Law Enforcement Responses to Student Protests and Encampments

Photo: Ringo Chiu

Thousands of pro-Palestinian protesters gather at an encampment at UCLA on April 29, 2024.

Background

Since the Hamas-led attacks in southern Israel on October 7, 2023, colleges and universities across the United States have been sites of mass demonstrations, encampments, and other types of peaceful protest actions as students, faculty, and campus staff have protested mass atrocities committed in the context of Israel's war on the occupied Gaza Strip[116] — atrocities which Amnesty International,[117] other human rights organizations,[118] and international bodies, including a United Nations Independent Commission of Inquiry,[119] have concluded amounted to war crimes and a genocide against Palestinians in Gaza.[120] Amnesty International and a United Nations Independent Commission of Inquiry have concluded that Hamas's military wing, the Al-Qassam Brigades, and other Palestinian armed groups committed war crimes and crimes against humanity during their assault on southern Israel on October 7, 2023, and against hostages held in Gaza thereafter.[121]

The 2023–2024 academic year saw an expansive series of protests, demonstrations, and encampments on university and college campuses — both large and small — across the country. The protesters' demands include calls for a ceasefire and for their academic institutions to divest from weapons manufacturers and other companies that have profited from violations of human rights and humanitarian law in Gaza.[122]

In the United States, students across more than 100 universities organized, calling for educational institutions to end their financial ties to corporations linked to the war in Gaza.[123] According to Armed Conflict Location & Event Data (ACLED), more than 1,360 student demonstrations took place in the United States between October 7, 2023, and May 3, 2024, calling for university divestment from Israel and in support of Palestinian rights. ACLED determined that the overwhelming majority of those protests — 97 percent — remained peaceful.[124]

While these actions have been primarily led by students, they have been a part of a broader social movement of solidarity that garnered support from other members of the academic community, such as professor and staff associations, unions, parent groups, local community members, and civil society organizations. Before the end of 2024, over 60 countries had also witnessed these types of actions.[125]

Several regional and international human rights bodies expressed concerns over the violent crackdown on students' protests in support of Palestinian rights and called on universities to protect the rights to freedom of peaceful assembly, expression, and association of all within their campuses, and "to stop misusing hate speech imposing undue restrictions on legitimate protests."[126]

In April 2024, Columbia University President Minouche Shafik was asked to testify before the House Committee on Education and the Workforce to respond to concerns regarding university leadership's response to Palestine solidarity activism and reports of antisemitism on campus.[127] A few months prior, Harvard University President Claudine Gay and University of Pennsylvania President Elizabeth Magill had faced similar interrogations from the House Committee on Education and the Workforce, ending with them both stepping down from their positions.[128] While the Columbia hearing took place, students took advantage of the heightened attention on their campus and established the Gaza Solidarity Encampment on the main quad, which lasted 14 days. Within 24 hours of its establishment, President Shafik requested that the New York City Police Department (NYPD) clear the encampment. NYPD officers arrested more than 100 students, despite statements by NYPD Chief of Patrol John Chell recognizing that students had been peaceful, did not resist arrest, and did not present a security threat.[129] Even after the immediate crackdown, students reestablished the solidarity encampment and continued to organize protests, political education events, and walkouts.[130]

This incident became a watershed moment, after which more than 170 encampments were established in the first semester of 2024, and it set into motion a pattern of university leaders' swift and punitive responses to pro-Palestine protests and encampments. Universities and colleges faced pressure from wealthy donors, trustees, and figures outside of university or college leadership, including members of Congress, to suppress pro-Palestinian protests and dismantle encampments.[131] By restricting or banning protests outright, involving campus police and external law enforcement in the surveillance, intimidation, and repression of participants, and pursuing students with legal and administrative consequences, university and college administrators escalated tensions.

Universities and colleges suspended, expelled, and sometimes evicted student protesters from campus housing with very little notice; fired faculty; and suspended student chapters of organizations like Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP).[132] Institutions authorized and requested law enforcement intervention, which led to a combination of campus security and local, state, and federal law enforcement dispersing demonstrations, dismantling encampments, and arresting protesters — many times through disproportionate force and intimidating tactics. In 2024, protesters were detained at more than 70 schools in at least 30 states, according to data collected by The New York Times.[133] According to media reports, more than 3,200 people were

arrested by police on university campuses, including students, teachers, human rights observers, and journalists, in many instances for trespassing.[134] In some instances, prosecutors charged students with serious felonies, including assault of police officers, wearing disguises, mob violence, and attempted ethnic intimidation.[135] Students and faculty who participated in Palestine solidarity actions were also subject to doxxing, profiling, and retaliatory attacks by third parties, with little to no protection from their universities and colleges.[136]

Since summer 2024, the number of protests and encampments has diminished, an indication of the chilling effect created by law enforcement's dispersals of protests, universities' and colleges' suppression of Palestine solidarity protest and association, and the Trump administration's actions to punish noncitizen student activists. Students who participated in or helped organize protests and encampments reported that they had been subject to other, less visible, punitive consequences: lengthy legal and administrative disciplinary processes, heightened surveillance, and restrictive school policies governing peaceful assemblies and free speech on campus. A subsequent section of this report, "Recent University Actions to Restrict Protest and Censor Pro-Palestinian Speech," addresses restrictions on Palestine solidarity protest and association since late 2024 through to publication of this report in fall 2026.

Photo: Patrick T. Fallon / AFP

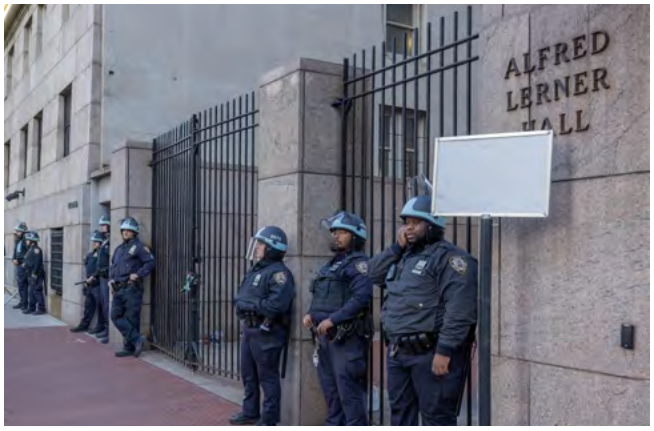

Photo: Ben Von Klemperer

Top: Law enforcement officers confront pro-Palestinian demonstrators after students occupied the Physical Sciences Lecture Hall at the University of California, Irvine, on May 15, 2025.

Bottom: New York City police officers guard a locked gate at an entrance to the Columbia University campus during pro-Palestinian demonstrations on April 22, 2024.

Law Enforcement Response and Deployment of Less-Lethal Weapons

Repression of Palestine solidarity activism has existed in the United States since long before the October 2023 Hamas attacks in Israel.[137] Academic events, student actions, and protests regarding Palestinian rights issues have often been subject to censorship and disciplinary action. However, the severity and scale of the violent and repressive response to the largely peaceful protest movement from fall 2023 to spring 2024 was remarkable. University and college leaders failed to adequately communicate with protest organizers and take deescalating actions before involving law enforcement. In many cases, law enforcement met protesters with heavy-handed and sometimes militarized police repression characterized by unnecessary or disproportionate use of force, including the deployment of less-lethal weapons. These actions caused unwarranted physical and mental harm to students, faculty, staff, and community members.[138] Campus police, local police, state troopers,[139] police in riot gear,[140] SWAT officers,[141] mounted police[142] and tactical vehicles[143] have been part of law enforcement interventions in response to student protests and encampments.

According to media reports, students reported witnessing "snipers" — law enforcement armed with weapons that appeared to be long-range firearms — positioned on campus rooftops, as in Indiana University and Ohio University.[144]

Several international institutions, including the Inter-American Commission for Human Rights (IACHR), criticized these abuses and noted that journalists and press workers were also reportedly subjected to violence and detentions while carrying out their work.[145]

Despite the documented unnecessary or excessive use of force leading to serious injuries inflicted by less-lethal weapons on student protesters, several public universities in California — including the University of California, Los Angeles (UCLA), where the media and a UCLA Task Force reported a number of injuries — restocked their less-lethal weapons and increased budgets allocated for campus policing in preparation for the following academic year.[146] The less-lethal weapons approved for purchase included kinetic energy and impact launchers and munitions, as well as chemical agents such as pepper spray and tear gas delivered either as sprays or through impact munitions.[147]

In general, less-lethal weapons and equipment, such as chemical irritants, kinetic impact projectiles, batons, and tasers, are intended to allow law enforcement officials to use intermediate force according to circumstances and avoid using lethal force. Some less-lethal weapons and equipment can have a legitimate use in law enforcement if employed correctly and in line with domestic and international standards for law enforcement. Yet such equipment can have unintended dangerous and even lethal effects if not used in compliance with domestic and international human rights standards, and is also open to abuse.

Less-lethal weapons can inflict serious injuries and even death, particularly when used in violation of international standards on the use of force, including the principles of legality, precaution, necessity, and proportionality.[148] Less-lethal weapons also can escalate tensions between law enforcement and protesters, and using these weapons to chill or punish peaceful protest violates protesters' freedom of expression.

Given the inherent risks surrounding their use, less-lethal weapons should only be used in protests as an absolute last resort, only when dealing with genuine and imminent threats to safety, and with extreme caution to contain or prevent violence.[149] They may be used only if there is no less harmful alternative available to address a given situation and must only be deployed after appropriate de-escalation techniques have been exhausted and, where possible, clear warnings have been issued. Medical care must be promptly made available to anyone injured by less-lethal weapons.

Chemical Irritants

Chemical irritants, a type of less-lethal weapon intended to produce temporary sensory irritation and pain, including launched tear gas and hand-held pepper spray, were the law enforcement weapons most prevalently used when dispersing student protests and breaking up student encampments. Amnesty International's Digital Verification Corps analyzed verified photos, videos, and social media posts from 20 schools it monitored, 17 of which were the subject of online posts describing or showing chemical irritants being used against students.[150] These universities were George Washington University, the University of Michigan, the University of California San Diego, the University of Arizona, the University of Texas at Austin, the University of California Los Angeles, the University of New Mexico, Portland State University, Emory University, the University of North Carolina at Chapel Hill, Columbia University, Virginia Commonwealth University, New York University, the University of Chicago, City College of New York, the University of South Florida, and the University of Virginia.

For instance, at the University of Texas at Austin, over 100 law enforcement officials, which included

campus police, city police, and state troopers in riot gear, came together to disband an encampment and arrest participants in April 2024. Although there had been initial efforts to deescalate and communicate between demonstrators and law enforcement officers, these efforts reportedly broke down when police deployed pepper spray and flash-bangs against students.[151] A volunteer medic organization, Austin Street Medic, reported treating more than 100 people with injuries that included at least one asthma attack triggered by the pepper spray.[152] In April 2024, while forcibly dispersing an encampment at New York University (NYU)'s Gould Plaza, NYPD Strategic Response Group officers sprayed pepper spray at close range on student protesters and a photographer for Washington Square News, NYU's student newspaper.[153]

Injuries to students from chemical irritants were identified at five of the 17 schools where the Digital Verification Corps documented their use by law enforcement. Chemical irritants pose serious risks due to their potentially harmful impact to health, which may be exacerbated depending on the deployment methods used and other tools used in conjunction with them. Tear gas, mace, and pepper spray are not only dangerous if used in confined spaces or in large concentrations; they can also pose serious health risks to individuals with respiratory issues or when medical treatment is absent or delayed. In April 2025, at City College of New York (CUNY), CUNY public safety officers indiscriminately sprayed students with pepper spray. A medic reported that a student suffered an asthma attack triggered by the pepper spray but he was blocked from providing medical assistance.[154] At the University of Michigan, students reported that police used Deep Freeze, a mix of tear gas and pepper spray, while clearing an encampment in May 2024, which caused injuries including "excruciating burning."[155]

The serious health impacts of chemical irritants are exacerbated when large quantities are used but individuals are not allowed to move away quickly or are restrained by police. During the disbandment of an encampment at the University of Virginia,[156] a student reported that state police in riot gear "slammed into us with their shields and then doused us with so much pepper spray that it felt like taking a shower in the pepper spray. Once they had disabled us with pepper spray, the police grabbed me, slammed me to the ground, tied my arms behind my back and took me and others off to a processing location nearby where there were no medical personnel... I could not sleep for about a week because of injuries to my ribs and ongoing burning from the pepper spray."[157]

Photo: Mario Tama via Getty Images

California Highway Patrol (CHP) officers violently shut down a pro-Palestinian encampment at the UCLA campus on May 2, 2024.

Chemical irritants, when deployed using canisters or grenades, are inherently indiscriminate by nature, cause severe pain and injuries, and frequently escalate tensions. Law enforcement should not deploy such chemical irritants against protests and peaceful assemblies. When chemical irritants are deployed, extreme caution must be used, including the consideration of the presence of bystanders and the existence of areas of egress and airflow to minimize any risk of overexposure or serious injury.

Human rights standards require that the use of such agents be restricted to what is necessary and proportionate to achieve a legitimate law enforcement objective. Hand-held pepper sprays are defensive weapons; they may be used against individuals only in self-defense or in the defense of others against physical violence. Tear gas may only be used for the purpose of dispersing a crowd in situations of generalized violence against persons; when people are able to safely disperse; and not when people are in a confined space or where roads or other routes of escape are blocked. Tear gas grenades, projectiles and canisters should never be fired directly at individuals. When fired, these canisters become dangerous projectiles and direct impact can result in penetrating trauma or blindness, especially when fired at close range or targeted at specific parts of the body. Nor should they be deployed skip-fire towards the ground as a rebound from the ground will pose the same risks as direct fire, but with greater unpredictability. People must be warned in advance that chemical irritants will be used, and they must be allowed sufficient time to disperse before their use. When deploying tear gas, police must always consider its indiscriminate nature and that it may affect bystanders who are not engaged in the violence or the surrounding community in dense urban areas.

Photo: Elijah Nouvelage / AFP

Atlanta Police Department officers armed with less-lethal weapons at a pro-Palestinian demonstration at Emory University in Atlanta, Georgia, on April 25, 2024.

Kinetic Impact Projectiles

Kinetic impact projectiles are a wide-ranging category of solid projectiles of variable size and shape fired as single shots or in groups of multiple projectiles.[158] Shot from shotguns or specialized launchers, these weapons have an abundance of common and trade names for what are often referred to as "baton rounds" or "rubber bullets" regardless of their composition. Kinetic impact projectiles are most commonly made of plastic ("foam-tipped plastic bullets," "plastic baton rounds," "sponge grenades," "Flashball rounds") or metal ("pellets," "flexible baton rounds," "bean bag rounds," "Super-sock").[159] Some are designed to be fired as a single projectile, while others are fired as a group of small projectiles. The latter are sometimes known as "pellets," "scattershot," or "multiple projectile rounds," wherein many small- to medium-sized spheres are fired at a broad target. "Bean bag rounds" also consist of small metal pellets that are stitched into a synthetic cloth bag designed to expand on impact and therefore behave as a single projectile. Newer weapons include projectiles with a hard outer shell encasing chemical irritants that explode upon impact, such as pepper balls.[160]

Kinetic impact projectiles are used in various law enforcement contexts to deter through the pain of impact. At short range, they can be lethal, compromise vital organs, and cause permanent injuries such as loss of eyesight. At long range, they become more imprecise, which can lead to injuries to unintended targets such as passersby.[161] Multiple forms of kinetic impact projectiles are inherently inhumane due to their intrinsic inaccuracy and high risk of serious injury, including blinding.

Kinetic impact projectiles must be expressly prohibited for the sole purpose of crowd dispersal; they cannot be used effectively and safely in groups of people. Kinetic impact projectiles must never be fired at close range and should never be targeted at the head or other vital areas of the body, where impact typically causes serious injury and, in some instances, death. Any kinetic impact projectile that fires multiple projectiles is inherently indiscriminate and must be prohibited in the context of protests. It is not possible to deploy these weapons safely against crowds or individuals.

The use of kinetic impact projectiles must be strictly limited to situations of violent disorder posing a risk of harm to persons, where the projectiles are used in order to contain and stop the violence and only when less extreme means are insufficient to achieve this objective. They must not be fired randomly at the crowd and must be aimed exclusively at persons who are engaged in violence. They should never be skip fired (rebounding off the ground). They should only be fired at the lower extremities so as to minimize the risk of serious injury and, when possible, a warning should be issued before use. Kinetic impact projectiles should not be launched at or near groups of higher-risk individuals, such as older people, pregnant people, and children.

Amnesty International's Digital Verification Corps documented 10 schools where officers appeared to have responded to protests armed with kinetic impact projectiles: Emory University, the University of California Los Angeles (UCLA), the University of California San Diego, the University of Arizona, Portland State University, the University of Virginia, the University of New Mexico, the University of North Carolina at Chapel Hill, the University of South Florida, and the University of Texas at Austin.[162]

The U.N. Human Rights Guidance on Less Lethal Weapons in Law Enforcement explicitly states that kinetic impact projectiles should not be targeted at sensitive areas such as the head, face, or neck.[163] However, documented injuries from kinetic impact projectiles used at several universities involved the head, face, and groin.[164]

Law enforcement deployed various forms of kinetic impact projectiles at universities. For instance, at Emory University, pepper balls were used in conjunction with tasers to disperse crowds gathered on the quad.[165] Law enforcement also deployed flash-bang grenades at multiple universities. Flash-bang grenades are a form of disorientation device that uses a combination of light, sound, and solid projectiles to distract or confuse individuals. Their disorienting impact can be both risky to individuals trying to run away from other crowd-control weapons and to the officers deploying them. If thrown at close range, they can lead to serious burns and shrapnel can produce blunt and penetrating impact injuries.[166] During the dispersal of an encampment at the University of Texas at Austin in April 2024, law enforcement deployed flash-bang grenades as well as pepper spray into a crowd of hundreds of demonstrators.[167] Law enforcement should prohibit the use of stun grenades in protest settings. The U.N. Special Rapporteur on Freedom of Peaceful Assembly stated, "It is important that States not deploy overly harmful weapons in response to assemblies. Stun grenades, for instance, should never be used in the context of assemblies."[168]

During the May 2, 2024, dismantling of the student encampment at UCLA, UCLA Police Department (UCPD) officers, in cooperation with officers from the Los Angeles Police Department (LAPD), California Highway Patrol, and Los Angeles Sheriff's Department fired dozens of concussive flash-

bang bombs into the encampment and launched flares. California Highway Patrol reported that its officers shot protesters with nearly 60 less-lethal rounds, including 33 beanbag rounds fired from 12-gauge shotguns and two dozen 40mm "direct impact" rounds (typically sponge rounds fired from 40mm launchers), which the manufacturer calls "pain compliance devices."[169] Officers injured 25 protesters — some so severely that they required hospitalization.[170] Ten people sustained head injuries. The projectiles shattered bones in one student's hand, requiring surgery and extensive rehabilitation. Another person, who was shot in the head by police, was diagnosed with internal bleeding. A UCLA Task Force later reported, "We have documented multiple injuries from rubber bullets and police batons.... We have seen the injuries to the face, head, legs, and chest. Some students were shot at close range. The police shot regular volleys of stun grenades."[171]

Photo: Paul Bersebach via Getty Images

Law enforcement officers violently cleared a pro-Palestinian encampment at the University of California, Irvine, on May 15, 2024.

Also at UCLA, on June 10, 2024, California Highway Patrol and UCPD officers deployed 40mm launchers with rubber or plastic projectiles and pepper balls on corralled protesters after issuing a dispersal order.[172] According to a UCLA Task Force, a UCPD officer shot a student in the chest with a rubber bullet from a distance of about five feet, knocking them down and causing serious injuries: "The student suffered a contusion to the heart and a bruised lung and was taken by car to the ER at Ronald Reagan Hospital. They remained there for two days given the severity of the injury, which caused elevated cardiac enzymes."[173] Other students suffered injuries as well.

Students have filed several lawsuits over the injuries inflicted by kinetic impact projectiles used during campus protests and encampments. UCLA students and community members who were struck with rubber bullets, including several who were struck in the head, filed suit against California Highway Patrol and LAPD in May 2025 for their alleged use of excessive force during the encampment clearing.[174] A University of Southern California student filed suit against the city of Los Angeles after being hit by a rubber bullet while filming police officers firing into a crowd of student protests.[175]

Batons

Police batons are a ubiquitous tool of policing and are often found in crowd-control settings, where their misuse can lead to serious health consequences. They are striking devices that operate on the principle of pain compliance by delivering focused impacts to an individual or to push or restrain them. They should never be used against the head, neck, or torso, due to the risk of severe injuries, such as traumatic brain injury, or even death.[176]

Batons were used in many law enforcement responses to student protests and encampments, including at Columbia University, City College of New York (CUNY), the State University of New York

(SUNY) at New Paltz, the University of Chicago, the University of Michigan, the University of Texas at Austin, the University of Texas at Dallas, the University of Utah, the University of California Los Angeles (UCLA), the University of California Santa Cruz (UCSC), and the University of Virginia, among others.[177] There were several injuries from batons documented during law enforcement responses to protests and encampments. For instance, a paramedic who was present during the shutdown of a CUNY encampment reported that one of the students who had been struck in the head with a baton was assessed to have a decreased score on the Glasgow Coma Scale, a neurological tool used to assess level of consciousness.[178]

Human rights standards require that any use of force may be used only when there are no other less harmful means available that are likely to achieve the legitimate objective.[179] If use of force is unavoidable, it must be no more than is necessary and proportionate to achieve the objective and used in a manner designed to minimize damage or injury.[180]

Batons are often misused by law enforcement officials to inflict unnecessary or excessive force through, for example, beating, pushing, or jabbing, which may cause internal injuries or bleeding. Overarm strikes and strikes to the head or other sensitive areas of the body increase the risk of serious injury or death. Batons can be used to lever, apply force to, or crush body parts. Batons are also known to have been misused as a tool to apply dangerous restraint techniques, particularly neck holds that may restrict breathing.

Baton injuries can range from characteristic abrasions, bleeding, and bruising to more severe injuries including bone fractures, nerve/muscle damage, and internal injuries that may result in permanent disability or death. Injury patterns and severity are dependent on the location of the strike, the amount force used, and the type of baton. Therefore, where baton use is unavoidable, law enforcement officers must have clear orders to avoid causing serious injury and exclude vital parts of the body as target zones.

As a rule, batons should be used in ways that do not cause considerable injury and, if used, should be aimed at parts of the body with larger muscles, such as the thighs. Anything more than a single baton strike may amount to excessive use of force. Law enforcement officials must assess (and be able to justify) the need for each single baton strike. Repeated baton strikes are likely to be punitive and amount to excessive use of force or even torture or other ill-treatment under international law. The use of batons in ways that are likely to cause considerable injury and excessive pain, such as strikes to the knees, elbows, wrists, and groin areas, must be avoided, unless the threat the person presents is at least equally serious and cannot be countered by less harmful use of the baton (or other means). Batons should not be used in a way that bears the inherent risk of serious, potentially life-threatening injury, such as strikes to the head or neck, or by resorting to a neck hold. Such use should, as a rule, be prohibited. Only situations in which another life is at risk may justify an exception to this rule, provided there is no less dangerous way of stopping the threat. As with other uses of force, batons may never be used for the purpose of punishment.

Tasers

Electronic conduction devices, such as tasers and electric shields, are less common in protest settings as they are used primarily in arrest and carceral settings. The risks of cardiac arrhythmia, muscle damage, and electric burns (both on the skin and internally) are heightened if they are deployed when a person is restrained or unable to put distance between themselves and the device.[181] Atlanta police deployed tasers while clearing a Gaza solidarity encampment at Emory University in April 2024.[182] Video footage and photographs captured a Georgia State Patrol trooper deploying a taser via direct contact use on a restrained protester at Emory, an excessive use of force that amounts to cruel, inhuman or degrading treatment, and torture.[183] Tasers or other electronic conduction devices were reportedly used at protests on other

campuses, including City College of New York (CUNY) and Brooklyn College.[184]

Tasers should never be used routinely in protest settings and should only be used as an alternative to firearms when officers are faced with an imminent threat of death or serious (i.e. potentially life-threatening) injury which cannot be contained by less extreme options. They must never be used on a person who is already restrained, which would amount to torture, and must also never be used in direct contact, also known as drive-stun mode, due to the inherent risk of abuse.

Unnecessary or Excessive Use of Force

Even when less-lethal weapons were not deployed, there were many instances in which law enforcement used unnecessary or excessive force in unlawful acts leading to unwarranted and avoidable pain and injuries. In some instances, this force may have amounted to torture or other ill-treatment.

During the disbandment of encampments, law enforcement forcefully pushed and arrested demonstrators, leading to concussions, cuts, dislocations, and other severe injuries. In many instances, demonstrators posed no threat, did not resist arrest, and were sometimes attempting to deescalate or document the protest. A student from Columbia University reported, "I was sitting on the ground when a riot cop threw my friend on the ground. I touched her shoulder to ask her if she was ok and another cop threw me on the ground. I was unarmed and not resisting arrest. While on the ground, I was kicked in the head, unsure if it was purposeful or not. I watched another student be kicked in the head, intentionally."[185] Also at Columbia University, an undergraduate student reported that NYPD officers pulled on her so hard while arresting her that her shoulder was dislocated.[186] A graduate theological student reported he suffered a fractured orbital bone and concussion when an NYPD law enforcement officer kicked him in the eye and slammed the left side of his forehead into the floor of Hamilton Hall.[187] At NYU, when NYPD officers in riot gear disbanded an encampment on April 22, 2024, reports indicate at least two protesters were pepper sprayed, one student was pulled by her hair, and another was violently pushed to the ground.[188]

In several instances, the impact of being thrown into the ground or cement also led to documented head injuries. For instance, a student at Tulane University who believes they were targeted for filming police reported they suffered a concussion after being pushed to the ground by law enforcement.[189] In the process of clearing protesters from Hamilton Hall in Columbia University, NYPD pushed multiple protesters down a flight of stairs, leaving one student apparently unconscious.[190] Other reported injuries included a fractured eye socket, concussions, and an ankle sprain.[191]

The manner in which students or faculty were arrested and detained also led to avoidable and unnecessary injuries. Flex or plastic cuffs and zip

Photo: Josiah True

Law enforcement officers raided and violently cleared the Palestine solidarity encampment at UCLA on May 2, 2024.

ties used on those detained were excessively tight and left on for many hours, leading to hands turning purple, cuts, wrist injuries, and extreme pain. For instance, protesters at University of Wisconsin-Madison reported bleeding cuts caused by tight flex cuffs used when they were arrested.[192] A faculty member from NYU recalled that he witnessed an older faculty member, whom he estimated to be in his 70s, "had his zip ties on so tight his hands went numb" after being arrested by NYPD's Strategic Response Group at Gould Plaza, adding, "others were bruised from the restraints."[193]

Particularly concerning is the targeting of student journalists and other media members, human right defenders, legal observers, or individuals using their phones to document law enforcement actions. At the University of Utah, nine journalists reported experiencing excessive use of force by police despite identifying themselves as journalists from local papers and stations. Four of them reported being hit by projectiles and one of them suffered a resulting knee injury that could require surgery. Two others had their work equipment broken when it was shoved to the ground.[194] A Washington University student stated, "I was simply there taking photos when I was assaulted by the police and later beaten, causing nine fractured ribs and a broken finger. I was eventually hospitalized."[195] The same student recalled that although police might not have used regular crowd-control weapons, they used bicycles as battering rams and used enough force to cause multiple injuries.

Faculty were also targets of disproportionate uses of force by law enforcement. At Dartmouth College, the police reportedly body-slammed a professor and former chair of Jewish Studies while she tried to mediate between students and law enforcement. She was charged with criminal trespass and temporarily banned from portions of Dartmouth's campus.[196] A 65-year-old professor at Southern Illinois University at Edwardsville sustained multiple broken ribs and a broken hand when he tried to intercede when police responded to a pro-Palestinian protest at Washington University in St. Louis.[197] In April 2024, a University of Emory economics professor was aggressively pushed to the ground, cuffed with zip ties, and arrested by multiple Atlanta police officers when she asked why students were being arrested.[198] She said she had not been participating in a protest but had emerged from her office due to her concern about the treatment of students on the quad.[199] In a video of the incident captured by CNN, officers can be seen pushing the professor down after she did not immediately comply with an officer's command to "get your ass…on the ground" and she can be heard telling officers, "You just hit my head on the concrete."[200] The professor was detained for 11 hours and charged with disorderly conduct and simple battery of a police officer.[201] In April 2026, the economics professor and two other tenured professors also arrested during the protest who had defended themselves against misdemeanor charges that were later dismissed filed a lawsuit against Emory, alleging the university had failed to protect its staff after it called in Atlanta police and Georgia state troopers.[202]

Recent University Actions to Restrict Protest and Silence Pro-Palestinian Speech

Photo: Brandon Bell via Getty Images

Pro-Palestine student protesters demonstrate on campus at the University of Texas at Austin on April 24, 2024.

Since the initial encampment movement, from late 2024 through to the publication of this report in fall 2026, universities across the country have continued to take action to restrict protest and association by students expressing Palestinian solidarity. Universities have initiated disciplinary actions against students; punished them with suspensions, expulsions, and other sanctions; conducted ongoing surveillance of their activities; and made changes to campus policies that chill speech. Universities' internal disciplinary actions, including expulsion or termination of students' enrollment status, and their requests for or authorization of law enforcement intervention to disperse demonstrations that resulted in arrests of students and faculty, have had downstream immigration consequences, placing noncitizen students' immigration status at risk. In some cases, universities could have done more to protect their noncitizen students and faculty from U.S. Immigration and Customs Enforcement (ICE) enforcement activity.

Instead of targeting students who are exercising their rights to protest and association, higher education institutions have a responsibility to protect those rights. The First Amendment compels public universities and colleges to respect free speech rights,[203] and some have failed to meet these obligations. While the Constitution does not bind private institutions, they should similarly be guided by their commitments to academic freedom and free inquiry. Moreover, adherence to constitutional standards and the body of caselaw interpreting the First Amendment mitigates the vagueness and lack of specificity inherent in campus codes

of conduct and provides guidance to school administrators called upon to enforce their terms. This section of the report details the implications that First Amendment rights have, as a matter of law, at public universities, and the lessons that private institutions should also follow if they are committed to the enterprises of free thought and open discourse.

First, university administrators must not single out particular viewpoints — however offensive they may be to some members of the community — for censorship, discipline, or disproportionate punishment. Harassment directed at individuals because of their race, ethnicity, or religion is not permissible. But general calls for a Palestinian state "from the river to the sea," or defenses of Israel's assault on Gaza, even if many listeners find these messages deeply offensive, cannot be prohibited or punished by a university that respects free speech principles.

Second, while colleges and universities can enforce reasonable time, place, and manner restrictions on protest activity to ensure that essential college functions can continue, these rules should be content neutral on their face — and applied in a viewpoint- and content-neutral manner.[204] If a university has routinely tolerated violations of its rules, and suddenly enforces them harshly in a specific context, singling out particular views for punishment, the fact that the policy is formally neutral on its face should not make viewpoint-based enforcement permissible. For instance, if institutions allow certain activities and items at other campus events, such as voice amplification, tents, or blankets, they should not restrict those same activities or items for pro-Palestinian protesters simply because of the content of their protest.

Under U.S. constitutional law, universities must distinguish between (1) protected speech and expressive conduct and (2) unprotected conduct. There is generally no First Amendment right, for example, to spray graffiti on a public building or to destroy someone else's property, even if the act is done to communicate a message. Similarly, prohibitions on sound amplification and trespass can be applied without violating the First Amendment, even if the encampment or occupation of a building that violates those rules is meant to convey a political position. Civil disobedience is the active refusal to comply with certain laws as a form of protest, and the First Amendment generally does not protect such acts when they involve illegal conduct. However, even when protest veers into unlawful civil disobedience, universities and colleges should not single out specific viewpoints for disproportionate punishment.[205]

International human rights law warrants a higher level of protection for civil disobedience. Under international law, "peaceful" assemblies are protected.[206] A protest is considered peaceful as long as there is no violence against people or property. The term "peaceful" should be interpreted very broadly: minimal damage that can be quickly rectified does not mean that a protest is no longer peaceful. Acts of civil disobedience remain "peaceful" under international law if they do not result in serious damage to property or in physical violence likely to cause injuries.[207] Graffiti and disruption of classes are thus protected by the right to peaceful assembly under international law. Violation of a law or regulation does not in itself determine whether a protest is peaceful, and blockades and other disruptive actions may also fall within the scope of the right to freedom of peaceful assembly.[208]

Moreover, civil disobedience never justifies the excessive use of force by police. Under U.S. law, police must use, at most, proportional and reasonable force to specifically address any unlawful conduct at a protest; under international human rights law, dispersal may be permissible only in specific instances such as serious and sustained disruption. The use and threat of force against peaceful protesters, including the use of less-lethal weapons, is wholly inappropriate and dangerous. Bringing in local or state law enforcement in response to peaceful protest threatens student and community safety and has a chilling effect on expression.

Photo: Leonard Ortiz via Getty Images

Police restrain and arrest a pro-Palestinian protester at the University of California, Irvine, on May 14, 2024.

Public universities' punitive responses to students' pro-Palestine protests raise serious concerns about unconstitutional viewpoint discrimination. Furthermore, applying exceptionally harsh penalties for pro-Palestine protesters, such as banishment and expulsion, is disproportionate and appears to be targeting students and faculty on the basis of their beliefs. Colleges should not punish protesters or student groups more harshly than other groups in similar circumstances because administrators found their message upsetting, offensive, or divisive, or because it demanded extra security or prompted counter-protest. Even in cases where punishment is warranted, students remain entitled to meaningful due process rights.

Disciplinary Actions Against Students and Faculty Resulting In Suspensions and Other Sanctions

Universities have punitively enforced campus policies through internal disciplinary or code of conduct processes against students, faculty, and staff for campus-related Palestine advocacy. Hundreds of students have faced sanctions such as campus bans, suspensions, and expulsions for alleged code of conduct violations or disciplinary charges related to their participation in pro-Palestinian demonstrations. These punishments can impose severe and life-long consequences and profoundly disrupt students' lives and academic careers.[209] Suspension and expulsion can prevent students from completing their coursework and affect admission to graduate programs, scholarship eligibility, or employment. Students who were suspended or banned from campus lost access to their campus housing, campus meal plans, campus jobs, and school-provided healthcare.[210] Banning students or faculty from campus or designating them "persona non grata" can amount to a de facto partial suspension. For example, banning a faculty member from the building their office is in, or banning faculty or students from classroom buildings, amounts to suspension with respect to their core activities even if they maintain active status. Universities have swiftly imposed interim suspensions and campus bans on students who

have been merely arrested or charged with violating campus codes of conduct — before they have been convicted of any crime, the disciplinary process has concluded, or, in some cases, internal investigations have even begun. Some schools withheld or revoked degrees until their disciplinary proceedings were resolved.[211] Students whose diplomas were withheld report having to delay graduate school and loss of scholarships or fellowships.[212]

Hundreds, if not thousands, of students at universities nationwide have faced campus disciplinary proceedings for alleged code of conduct violations carrying potential sanctions.[213] (Due to lack of transparency concerning internal campus disciplinary processes it is not possible to determine the precise number.) Palestine Legal reported that, in 2025, it received 663 requests for legal assistance in cases in which university administrations had launched investigations or imposed sanctions for campus-related Palestine advocacy.[214] According to Palestine Legal, the most common punishments students faced in 2025 were interim suspensions and campus bans.[215] In 2024, the organization received reports of over 580 cases related to university administration investigations and sanctions.[216]

In some cases, public universities have expelled students for engaging in protected political speech. For instance, in May 2025, Ohio State University officials summarily disenrolled an undergraduate student without a hearing, following controversy surrounding a series of videos the student posted on his personal social media pages expressing opinions related to the Israel-Palestine conflict.[217] The videos and speech do not incite or threaten unlawful violence. The videos and speech also do not amount to advocacy of national, racial, or religious hatred that constitutes incitement to discrimination nor incitement to violence under international law.[218] In the posts, which reached millions of followers, the student also coarsely denounced U.S. Congressman Ritchie Torres for his support of Zionism. Senior Trump administration officials threatened to investigate the student, and the student's critics urged the university to take disciplinary action. The action taken by the university to single out a particular viewpoint for censorship and punishment is unconstitutional, and the ACLU of Ohio has filed a federal lawsuit challenging the expulsion for violating the student's free speech and due process rights.[219] In January 2026, the federal district court judge presiding over the student's case found that the school's decision to expel him likely violated his rights to free speech and due process protected by the First and Fourteenth Amendments.[220] As a remedy, the court ordered Ohio State University to ensure that the student's records no longer reflect that he was expelled.[221]

In other cases, some of the demonstrations, off-campus protests, and graduation speeches that led to disciplinary actions included violations of student conduct rules and/or laws or were not protected speech. In some instances where students were disciplined for student conduct rule violations, the discipline imposed was disproportionate to the misconduct or amounted to unusual punishment, suggesting viewpoint discrimination. Universities' selective enforcement of campus policies in response to Palestine solidarity protests raises serious concerns about viewpoint discrimination. In numerous instances reviewed in the course of our investigation, the exceptionally harsh penalties applied to protesters and faculty, such as banishment and termination, were disproportionate and appeared to be targeting students and faculty on the basis of their beliefs. Moreover, the severe punishments, such as suspensions and expulsions, imposed on students for their conduct during demonstrations were far beyond what universities have historically imposed for similar acts of civil disobedience.

In some cases, students were treated more harshly than others who have engaged in similar conduct, ostensibly on the basis of their political views. According to an analysis by the Council on American-Islamic Relations (CAIR) of reported incidents and complaints received by CAIR, students who support Palestinian rights tend to face harsher disciplinary action, including disciplinary

action for violating policies that students report have not typically been enforced against other students or punished in ways that such actions have not been punished in the past.[222]

In some instances, universities explicitly changed their policies in ways that seemed to deliberately target pro-Palestine demonstrations. Many universities that had never objected when students camped out on campus to buy sports tickets or napped in libraries created policies prohibiting tents and sleeping on campus after pro-Palestine encampments were established at colleges and universities across the country in spring 2024. Many colleges and universities adopted new restrictions on campus speech and protest, especially at the outset of the 2024–2025 academic year, including rules that banned the installation of tents, prohibited protests in certain public parts of campus, restricted the use of amplified sound, banned chalking on campus sidewalks, mandated the university's prior approval for demonstrations, and prohibited students from hanging banners or flags outside dorm windows.[223] If institutions allow certain activities and items, such as voice amplification, tents, lawn chairs, or blankets, at other campus events, they should not impose restrictions these actions and items for pro-Palestinian protesters simply because of the content of their protest.

For example, in an incident described in more detail later in this section of this report, on the second day of pro-Palestinian demonstrations on campus in April 2024, the University of Florida distributed flyers to student and faculty protesters detailing new restrictions on protests that included a list of prohibited activities and items prohibited at protests under threat of termination, suspension, and banishment from campus for three years (which appears tantamount to expulsion[224]).[225] The prohibited activities were vague, such as "no disruption," and appeared to be targeted only at the pro-Palestinian encampment.[226] Banned items included chairs, despite students' frequent use of chairs and hammocks at previous demonstrations.[227] The rules stated on the flyers were substantially

Photo: Ringo Chiu

Pro-Palestinian protesters gathered at an encampment at UCLA on April 26, 2024.

more restrictive than official University of Florida policy at the time. For instance, while existing policy required pre-approval for amplified sound and unmanned signs, the new protest rules banned amplified sound and unmanned signs altogether. Likewise, existing policy and practice did not restrict the use of chairs in outdoor spaces on campus at all, while the flyers banned "building structures," including the mere use of chairs and tables, at protests. Four days after distributing the flyers, University of Florida police broke up a peaceful demonstration and arrested three individuals who were sitting in folding lawn chairs and playing a card game, apparently enforcing the flyers' ban on chairs.[228] Six students participating in the demonstration were suspended and banned from campus for three to four years for violating the student code of conduct, including a set of provisions restricting protest-related activities and items.[229]

In other cases, universities selectively enforced their policies against students for their conduct during pro-Palestinian demonstrations, taking disciplinary action against students for violating policies regarding using amplified sound, not leaving when directed to, and gathering after allotted hours.[230] In some cases, universities applied existing rules differently to students engaged in

pro-Palestinian advocacy. For example, Stanford University has a policy forbidding students from hanging flags, banners, or flyers in common areas or shared spaces in dorms outside their dorm windows; the university enforced this policy against students hanging Palestinian flags, despite long tolerating the display of other flags.[231] The selective enforcement of university policies, apparently based on hostility to the content or viewpoint of the student's speech or expressive conduct, raises serious concerns.

Numerous higher education institutions have continued to sanction and suspend students for participating in Palestinian solidarity protests from late 2024 through spring 2026, after the conclusion of the initial encampment movement. For example, at George Mason University, in November 2024, after more than 12 police officers conducted "a pre-dawn raid on the residence" of two Palestinian-American students who were leaders of the campus chapter of Students for Justice in Palestine (SJP),[232] the university suspended the chapter and punished the involved students with a four-year campus ban.[233] In December 2024, the University of Minnesota imposed suspensions of up to two-and-a-half years on seven students who had been arrested at an on-campus protest during which students occupied a campus building.[234] The students were not charged with a crime but the university had imposed indefinite interim suspensions following their arrests in October 2024.[235] In March 2025, Tulane University's administration charged seven students with violating the university's student code of conduct for participating in an off-campus protest of Mahmoud Khalil's unlawful detention and demanding that Tulane become a sanctuary campus.[236]

More Punitive Punishments Compared to Past Demonstrations

In some cases, universities' responses to campus-related Palestine advocacy and pro-Palestinian demonstrations have been more punitive in comparison with universities' historical responses to other comparable demonstrations over decades.

Columbia University has imposed severe punishments, including expulsion, suspension from courses, and revocation of academic degrees, on more than 100 students who participated in Palestine solidarity protests. Students have been expelled or suspended for up to three years for their involvement in these protests.[237] These

Photo: Lokman Vural Elibol/Anadolu via Getty Images

New York City Police Department (NYPD) officers disperse pro-Palestinian demonstrators from Barnard College after a group of student protesters occupied Milstein Library.

extreme punishments are more punitive than those that historically have been meted out by the university, despite its history of student protest and civil disobedience. The expulsions of two Barnard College students in February 2025 for their participation in a protest disrupting a History of Modern Israel class[238] mark the first official expulsions for nonviolent political protest on a Columbia University campus since 1936.[239] "Nothing in Columbia's earlier history of discipline" compares "to the extraordinary harshness of the penalties given to the students who participated in the 2024 takeover of Hamilton Hall or the protest in Butler Library in May 2025," professor of history Kim Phillips-Fein wrote in a statement to the Columbia Daily Spectator.[240]

A week after the initial expulsions of these two students in February 2025, Barnard College reportedly expelled a third student for their involvement in the occupation of Hamilton Hall in April 2024 at which 109 protesters were arrested (in June 2024, the misdemeanor trespass charges brought against the arrested protesters were dismissed by the court on the motion of by the Manhattan District Attorney's Office).[241] Weeks later, in March 2025, Columbia University announced that its University Judicial Board had issued sanctions to students "ranging from multi-year suspensions, temporary degree revocations, and expulsions" due to their alleged involvement in the occupation of Hamilton Hall.[242] The internal hearing panel conducting the disciplinary proceedings held that 22 Columbia students had each committed eight of the 11 charged violations of the Rules of University Conduct.[243] Based on those violation determinations, the panel imposed disciplinary sanctions that ranged from suspensions and expulsions to retroactive degree revocations.[244] In February 2026, a New York state judge vacated the punishments imposed by Columbia University against these 22 current and former students, including expulsions, suspensions, and the revocation of their degrees.[245] The judge ruled that Columbia University's determinations regarding the alleged violations was "arbitrary and capricious," in violation of university rules and state law.[246]

In May 2025, Columbia University announced it had placed 65 students on interim suspension and barred an additional 33 individuals from campus due to their alleged participation in a pro-Palestinian demonstration at the school's Butler Library in May 2025 at which more than 80 protesters were arrested.[247] In July 2025, Columbia University announced that its University Judicial Board had determined findings and issued sanctions against an unspecified number of students for their participation in the demonstration at Butler Library, including "probation, suspensions (ranging from one year to three years), degree revocations, and expulsions."[248] According to the student group Columbia University Apartheid Divest, nearly 80 students reported they had been suspended for one to three years or expelled for participating in the Butler Library demonstration.[249]

In December 2025, Columbia University's Office of Rules Administration reported that formal charges had been filed with the University Judicial Board against 78 students in total for participating in demonstrations during the 2024–25 academic year, resulting in sanctions ranging from probation to suspension, expulsion, degree revocation, and campus access restrictions. Five of the 108 demonstrations that took place in the 2024–25 academic year resulted in formal charges being filed, while charges were not pursued for 13 demonstrations "because other disciplinary processes were deemed more appropriate."[250] Most of the 108 demonstrations were in protest of the war in Gaza, including the April 2024 Gaza Solidarity Encampment and the subsequent Hamilton Hall occupation.[251]

Analysis of historical records documenting Columbia University sanctions against student protesters involved in sit-ins, encampments, and blockades and occupations of university buildings shows that Columbia's expulsions and suspensions of students over the Palestine solidarity protests were more severe than past disciplinary actions for similar protests and acts of civil disobedience. Columbia's history of such

protests includes protests of U.S. involvement in the Vietnam War in 1968, antiwar demonstrations in 1972, protests demanding that Columbia University divest from companies in apartheid-era South Africa in 1985, protests of the university's response to racial tensions on campus in 1987, protests demanding the creation of an Ethnic Studies department in 1996, and protests calling for fossil fuel divestment in 2019. For instance, in 1968, following a sit-in of Hamilton Hall and occupation of four other Columbia buildings by more than 700 students protesting the Vietnam War, which included holding the acting dean of Columbia College hostage for over 24 hours, a total of 73 students were initially suspended, 43 of whom were reinstated.[252] At the time, the acting president of Columbia asked the criminal court in New York for "maximum leniency" in the cases of students arrested on a charge of criminal trespass during the occupation, and through his "right of executive clemency," the acting president reduced the disciplinary penalty of suspension to censure for the students who were arrested for criminal trespass.[253]

New York University (NYU) has imposed punishments including suspensions and campus bans on dozens of students who have participated in protest actions, despite campus policies that allow students to hold sit-ins, teach-ins, and vigils, provided they do not disrupt university activities.[254] In May 2024, NYU suspended nine students who participated in a pro-Palestinian demonstration in the university's Bobst Library's atrium.[255] In January 2025, NYU suspended at least 13 students who participated in a pro-Palestinian sit-in during the December 2024 finals week.[256] Sanctioned students were suspended for the spring, summer, and fall semesters.[257] An additional 20 students were placed on probation for at least a year. In March 2025, 28 law students alleged to have participated in a sit-in in Bobst Library were designated personae non gratae (PNG) on campus and banned from entering most NYU buildings except to attend their classes or return to their dorms.[258] After a separate group of law students participated in a quiet sit-in in front of the law school dean's office in April 2025, another three law students were designated PNG.[259] All 31 students who had been declared PNG were then notified by NYU School of Law that their interim

Photo: Alex Kent via Getty Images

New York City Police Department (NYPD) officers confront protesters after detaining demonstrators and clearing a Palestine solidarity encampment on NYU's campus on April 22, 2024.

access restrictions would continue and they could not access the academic buildings where their final exams were held unless they signed a "use of space agreement" pledging not to participate in protests at the law school.[260] NYU School of Law reportedly barred the students from campus while they were under investigation for failing to comply with public safety directives, including directives to leave the areas of their sit-ins, and for engaging in disruptive conduct.[261] Days later, following criticism, NYU School of Law reversed course, permitting the 31 students with interim PNG designation to enter academic buildings to sit their exams even if they had not signed the pledge not to protest on law school property.[262] However, the law school did not lift the students' PNG designation. One student described how successive disciplinary proceedings at NYU "have been sham investigations — none of them have been professionally conducted."[263] By September 2025, NYU Law Students for Justice in Palestine announced that with pro bono legal assistance, the law students facing suspension and expulsion for the Bobst Library sit-in had ultimately avoided these punishments.[264]

NYU's treatment of pro-Palestinian protesters stands in contrast with the university's historical treatment of students engaged in sit-ins and similar protest actions. In 2015, for instance, a group of students staged a die-in inside Bobst Library as part of the Black Lives Matter protests but reportedly did not face disciplinary consequences.[265] That same year, students staged a sit-in inside Bobst Library calling for the university to divest from fossil fuels. Instead of being punished, the students were granted a meeting with Board of Trustee members after the sit-in.[266] In 1970, LGBTQ student activists who carried out a five-day occupation of a dormitory building reportedly were not punished.[267]

Harvard University placed students on probation[268] and involuntary leave for their participation in the November 2023 pro-Palestine occupation of University Hall and the April–May 2024 pro-Palestine encampment.[269] Nearly all of the 58 students placed on probation at the university that academic year were connected to these two events[270] — marking the highest reported number of students placed on probation in a single academic year since at least 2017–18.[271] Without providing any additional data, Harvard University clarified for the purposes of this report that "not all of the 58 students" identified in the College Administrative Board Report were specifically involved in these protests and that all discipline is administered on a content- viewpoint-neutral basis (see Appendix III). The Administrative Board also initially suspended five students for participating in the encampment, though these suspensions were later downgraded to probations, and 20 students were placed on involuntary leave during the encampment itself.[272] The university also withheld the diplomas of 13 graduating seniors who were disciplined just days before Commencement.[273] It was not until later that summer that the Harvard Corporation released diplomas to 11 of those students.[274] The remaining students received their diplomas at a later date due to off-cycle status or prior disciplinary matters that extended their probationary periods and thus impacted the time required prior to diploma issuance.[275] Students were charged with violating rules regarding the use of campus spaces and disrupting normal campus activity.[276]

Harvard's response stood in stark contrast to its handling of prior activist campaigns. In a letter signed by over 350 university faculty, faculty members described the penalties as "unprecedented, disproportionate, and arbitrary." [277] The letter called on Harvard to reverse the Administrative Board's decision to sanction graduating seniors. In a series of op-eds published by the Harvard Crimson, 11 former student activists said that Harvard's response to pro-Palestinian protesters had been more punitive than the treatment they had experienced for protesting against South African apartheid,[278] in favor of fossil fuel divestment,[279] and for university workers to be paid fair wages,[280] despite having engaged in similar actions such as sit-ins, encampments, and building occupations.[281] Over the past 50 years, student protesters at Harvard have employed the same methods as pro-Palestine protesters, including loud chants, controversial signs, and tents, and in the same

places, but according to public reporting, only the pro-Palestine protesters have faced mass suspensions.[282]

For instance, while students who participated in the pro-Palestine encampment in Harvard Yard were placed on involuntary leave, participants in a 1985 anti-apartheid occupation of the Harvard Corporation's headquarters reportedly faced no meaningful discipline.[283] Harvard students who occupied Massachusetts Hall in 2001 for three weeks[284] demanding a living wage, and who partook in "demonstrations... strikingly similar to the pro-Palestinian protests today"[285] were officially reprimanded but reportedly faced either no disciplinary consequences or nothing more than a few weeks of disciplinary probation, and later received recognition for their efforts from the Harvard Kennedy School.[286] In 2015, organizers of fossil fuel divestment protests who repeatedly engaged in unauthorized and disruptive activities on campus reportedly were never placed on probation, suspended, or subjected to involuntary leave. The university instead entered negotiations with the students and arranged a meeting with the Harvard Corporation.[287] More recently, in 2016, Harvard Law students occupied the Caspersen Student Center for weeks demanding improvement in diversity at the law school. Apparently, no disciplinary action was taken, and activists were ultimately granted their core demand: the retirement of Harvard Law School's official seal, which honored a slaveholder who was an early donor to the school.[288] In contrast, Harvard Law administrators reacted harshly to pro-Palestine students who set up a phone bank and silent vigil in the same Caspersen Student Center space, reportedly referring students to disciplinary hearings and calling in security and police officers to shut down the events.[289]

Interim Suspensions and Campus Bans

Numerous universities, including Columbia; Harvard; the University of Southern California; the University of California, Irvine (UC Irvine); Illinois State University; Massachusetts Institute of Technology; the University of Michigan; and the University of Florida, have swiftly imposed interim suspensions or banned students from campus after they have been arrested or charged with code of conduct violations or crimes, but before the disciplinary process has concluded or the students have been convicted of a crime. By definition, interim suspensions are imposed before university administrators have completed full investigations into alleged student misconduct — or in some cases, before internal investigations have even begun.

These punishments can have severe consequences for students, including being removed from classes and temporarily denied the ability to continue to pursue their education. Interim suspensions or campus bans often include restrictions barring students from their own homes in university housing, preventing them from completing their coursework, and prohibiting them from attending their own graduations. Interim suspensions and campus bans also often carry restrictions that limit access to campus meal plans, campus jobs, and school-provided healthcare.[290]

But because of the speed at which interim suspensions and campus bans can be imposed, they can be based on erroneous early assessments made before all the evidence has been obtained and reviewed. In some cases, students ultimately were deemed innocent of violating university codes of conduct or were found responsible for only minor violations not meriting the harsh consequences resulting from these interim punishments imposed during the months-long disciplinary process.

Moreover, the sweeping nature of these suspensions and their lengthy or indefinite duration threaten to chill the First Amendment rights not only of the suspended students at public universities but also of their peers. In the absence of due process, many of these interim suspensions and campus bans appear arbitrary and can give rise to credible accusations that the university is targeting speech it disfavors.

Five students UC Irvine filed a lawsuit alleging that their indefinite interim suspensions, which stemmed from their participation in a Gaza solidarity encampment in May 2024, violated the university's own internal policies requiring due process, as well as state and federal due process protections.[291] UC Irvine allegedly issued the indefinite interim suspensions for alleged violations of campus policies — including obstruction of university operations, failure to comply with administrative orders, and disruption of campus activities — before any evidence against the students was presented.[292] The students were also not given an opportunity to have a hearing or present evidence in their defense before the suspensions went into effect.[293] The students alleged they were told they could not attend classes in person or online, access student housing, or be on campus, effective immediately.[294]

The students alleged that the university targeted them with interim suspensions that were not applied consistently with university rules, imposed without prior notice or an opportunity to respond, and imposed without demonstrating that the students' presence posed a safety risk.[295] UC policy states that interim suspensions should be used minimally and when there is reasonable cause to believe a student's presence on campus "will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property… or other disruptive activity incompatible with the orderly operation of the campus."[296] The students argued that the administration did not follow its own procedures before issuing these suspensions, singling students out in a way that violated due process.[297] The ACLU filed an amicus brief arguing that the suspensions are likely to chill students' ability to exercise their free speech rights and engage in protected speech because the lack of due process means that students can never know when a university administrator will decide that their protest activity has crossed an imperceptible line into serious misconduct, or whether or when they will have any real opportunity to defend themselves against false allegations.[298] The lawsuit remains ongoing as of publication of this report, with trial set for early 2027.

The University of Florida suspended and banned six students from campus for three to four years following their arrests by University of Florida police at a peaceful pro-Palestinian demonstration. The students were banned before their criminal charges had been adjudicated.[299] The students faced misdemeanor criminal charges of resisting arrest without violence, and one student was additionally charged with felony battery on a police officer.[300] Immediately after these arrests, the University of Florida issued interim suspensions to all six students, claiming that the students had violated a set of restrictions prohibiting protest-related activities and items. At the protest, which took place at and around the Plaza of the Americas on campus, some students sat in lawn chairs playing card games. Lawn chairs were allowed and common in outdoor campus spaces at the University of Florida, but on the second day of the pro-Palestinian demonstrations, University of Florida police officers distributed flyers overnight threatening a three-year banishment from campus for a list of vaguely defined prohibited activities and items, including chair-sitting.[301] The students were charged with four violations of the student code of conduct for "disruptive conduct," "violation of law," "failure to comply with directive," and "violation of university policy."[302]

The university's Student Conduct Committee (SCC) held disciplinary hearings to review the evidence against the students and recommended sanctions that included academic probation and suspensions ranging in length from one to four years. The Dean of Students Office rejected the SCC's recommendations, instead issuing a minimum suspension of three years for all six of the students.[303] In one case, the Dean of Students found a student responsible for disruptive conduct and violation of law simply because she had been arrested, despite the fact that she had not been found guilty, concluding, "As you were arrested during this incident, it is clear your behavior was a substantial, sustained, and continuous disruption to UFPD's administrative functions. Also, as charges were made through legal action, an alleged violation of law occurred."[304]

The University of Michigan has banished many protesters from its main Ann Arbor campus — and some protesters from all three of its Michigan campuses — for an entire year based on unproven suspicions and undisclosed evidence that student protesters violated university policies or criminal laws during on-campus protests.[305] Some protesters were banned from all University of Michigan campuses statewide even when those protesters had never even visited those other campuses.[306]

Under University of Michigan policy, a campus police officer can issue a person a trespass ban — which they call a "warning" — without ever having to produce evidence that the recipient violated the law or university policies.[307] In general, campus police officers issued trespass bans to pro-Palestine protesters like they were traffic tickets, based on a mere allegation by a single officer that an individual engaged in misconduct, without the need to seek approval from anyone else. These bans immediately prohibited protesters from stepping foot on the university's campus for an entire year under threat of criminal prosecution for trespassing, solely because a police officer accused them of engaging in minor misconduct during the protest, such as using a megaphone or jaywalking. Students were never given any explanation or evidence supporting their full-campus ban, and they never had a meaningful chance to participate in a fair and impartial hearing to contest the ban. Students did participate in a hearing, but it was (1) only weeks after the ban went into effect, and (2) not fair or impartial because there was no evidence or explanation for the ban provided, and the adjudicator was the police chief (i.e., the issuing officer's supervisor).

University of Michigan Police Department (UMPD) officers issued trespass bans to protesters during and after many pro-Palestine protests held on campus during the 2023–2024 and 2024–2025 academic years.[308] It appears that UMPD officers initially issued broad trespass bans exclusively to pro-Palestine protesters; they are not believed to have issued trespass bans of a similarly broad scope to any other protesters in approximately the first 18 months following the beginning of the fall 2023 on-campus protest movement in support of Palestinian human rights.[309] Despite a long history of protest activity regarding countless issues at the University of Michigan, sometimes including acts of civil disobedience, it appears that past groups of protesters were not subjected to similarly broad trespass bans for the same or similar alleged activity under earlier university administrations.[310]

In February 2025, five University of Michigan students and alumni who had been banned from the university's Ann Arbor campus after they participated in pro-Palestine protests on campus sued the University of Michigan, alleging it violated their constitutional rights by banning them from campus.[311] The lawsuit, filed by the ACLU of Michigan and the Sugar Law Center for Economic and Social Justice, alleges that the bans unconstitutionally punish protesters and quell their First Amendment right to free speech and Fourteenth Amendment right to due process, which includes the rights to travel through and remain in public spaces.[312] The lawsuit remains ongoing as of publication of this report.

A University of Chicago student said they were banned from campus for two years, evicted from their dorm, and placed on indefinite involuntary leave from the university immediately following their release from jail after they were charged but before they were convicted of a crime.[313] According to the student, they were arrested at their dorm in December 2024, during which four University of Chicago Police Department (UCPD) and Chicago Police Department (CPD) officers showed them a printed photo of themself at a pro-Palestinian campus protest in October at which UCPD and CPD officers had struck students with batons and sprayed them with pepper spray.[314] The student was jailed for hours and charged with aggravated battery of a peace officer and causing an injury while resisting or obstructing a peace officer at the protest, which had taken place two months earlier.[315] The student said that at the October protest, they had deflected a baton from hitting a fellow student and again when the officer attempted to strike them. One photo from the protest appears to show the

Photo: Ringo Chiu

Pro-Palestinian students, faculty, and staff demonstrate at an encampment at UCLA on April 29, 2024.

student holding back the hand of a police officer who is swinging a baton, while another photo shows the student pulling away from an officer who grabs their wrist.[316]

The student said they were effectively evicted from their dorm, where they had served as a resident advisor for university housing, and lost access to their campus meal plans and their main source of income as a result of the campus ban imposed immediately after their release from jail.[317] They were also placed on involuntary leave — effectively an indefinite suspension — and as a result they said they were unable to complete their exams, graduate school applications, and the remainder of the academic year.[318] The student said they later pleaded guilty to criminal charges to have the charges expunged from their record in one year.[319] Another University of Chicago student who was arrested at their dormitory and charged with aggravated battery of a peace officer in connection with the same protest was also placed on involuntary leave, banned from campus, and evicted from on-campus student housing.[320] The student filed a civil rights lawsuit against the university in January 2025.[321]

At Towson University (TU), a public university in Maryland, students were penalized with deferred suspension after a small, 90-minute die-in demonstration in support of Palestinians killed by Israel in Gaza.[322] Fewer than 10 TU students initially gathered on Tiger Plaza, a large grass quad on the campus, and laid in the grass, surrounded by baby dolls wrapped in white shrouds that symbolized the death toll of children in Gaza.[323] The protest grew to 16 students and one of the student protesters held a megaphone, recited a poem, and read the names of people killed in Gaza. The five students disciplined were charged and found guilty in the months following the die-in protest for violations of TU policy and the student code of conduct. All five students received deferred suspensions that will remain on their academic records for seven years. Under the terms of the deferred suspension, the students were required to abide by the code of conduct

and complete a research paper about how to form a student organization; otherwise, they would face immediate suspension.[324] TU's purported justifications for the punishments were that the students had not provided advance notice or not protested in TU-designated "free speech zones" located on the outskirts of campus, in violation of the university's "time, place, and manner" rules for protests, which ban spontaneous protests on open public spaces such as the quad and only allow pre-registered protests from groups that are recognized by the university.[325] The students who organized the protest were unable to reserve the open public space in advance for their demonstration because they were part of an informal group not recognized as a formal university club.[326] In August 2024, the ACLU of Maryland sent a letter to TU demanding that it expunge the disciplinary records of these five students.[327] The letter argued that TU's effort to silence these students violates their free speech rights guaranteed to them by the First Amendment and has chilled their ability to hold other demonstrations out of fear of retaliation from the university.[328]

Columbia University abruptly revoked funding for summer internships at the New York Civil Liberties Union (NYCLU) for students who had allegedly participated in campus protests.[329] The revocation of stipends was done on the basis of interim suspensions and without notice or an opportunity to be heard, and the students were alerted one day before they were to begin their internships.[330]

Photo: Here Now

Faculty and students protest outside of the Columbia University campus on November 15, 2023.

Terminations and Suspensions of Faculty

Universities have reprimanded or formally sanctioned scores of professors and staff who have supported or participated in campus-related Palestine advocacy and demonstrations. Some faculty members who took part in demonstrations or were otherwise involved in Palestine activism have been terminated, suspended, denied tenure, or not had their contracts renewed by their universities.[331] According to reporting by The Guardian, Palestine Legal has seen a marked increase in requests for legal assistance from U.S. faculty members seeking help after being disciplined for speech related to Palestine, from 37 requests in 2022 to 150 in 2025.[332]

At Indiana University, a tenured associate professor of political science and faculty advisor to the Palestine Solidarity Committee student group was sanctioned for making a room reservation and other activities related to organizing an event featuring an Israeli-American, pro-Palestinian invited speaker.[333] The professor was punished with removal from their teaching position for two semesters and removal from student advising responsibilities for one year. The professor was accused of violating university policies regarding the responsibilities and conduct of academic appointees, specifically for allegedly misrepresenting an event organized by the Palestine Solidarity Committee as an academic event on a room reservation form.[334]

Texas Tech University investigated and suspended an assistant professor in March 2024 after a media outlet published an article documenting his social media activity, including posts critical of Israel's treatment of Palestinians.[335] The university announced it was investigating whether any of the "antisemitic sentiments" expressed by the professor

had "found their way into the classroom." The professor was reinstated after FIRE, a nonpartisan nonprofit that defends free speech, wrote a letter to the university outlining how the suspension violated the professor's First Amendment rights.[336]

In July 2024, Northwestern University suspended a journalism professor and canceled his fall 2024 courses. He was first investigated and suspended for his social media use and views on journalistic integrity.[337] In January 2025, an ad-hoc committee of three professors found no cause for his suspension, and he was cleared for reinstatement in April 2025. Although the professor had been cleared of university policy violations, he was later investigated for his conduct at a pro-Palestine encampment on campus, even after misdemeanor criminal charges against him for obstructing a police officer were dropped, to determine whether his alleged actions violated the faculty handbook.[338] During an April 2024 encampment, the professor says he formed a line between police and protesters to protect student protesters from physical attack.[339] In March 2025, Northwestern denied the professor tenure and said his position would not be renewed in August 2026.[340]

In December 2024, NYU declared at least four faculty members — as well as dozens of students — personae non gratae (PNG) due to their presence at student-led protests inside and outside the university's Bobst Library.[341] According to Washington Square News, NYU's student newspaper, eight faculty members and graduate student teachers ultimately were designated PNG following the Bobst Library sit-in.[342] The NYU chapter of the American Association of University Professors (AAUP) condemned the PNG designation as "tantamount to a summary suspension" for which faculty were denied due process.[343] Individuals assigned PNG status by NYU's Office of the Provost had their ID cards deactivated, effectively preventing them from entering multiple campus buildings, including their offices, laboratories, and classrooms.[344] NYU removed the faculty members' PNG designations by January 2026.[345]

In March 2025, Yale Law School suspended an international law scholar after a news site published an AI-powered story linking her to Samidoun, an organization focused on supporting Palestinian rights.[346] The U.S. Treasury Department placed the scholar on the U.S. sanctions list last year after labeling the organization a "sham charity."[347] Within three days of the story's publication, Yale Law School placed the scholar on administrative leave and revoked her access to campus.[348] Yale terminated her contract three weeks later, citing her "refusal to cooperate."[349] However, she has argued that she made "repeated offers to answer Yale's questions in writing."[350]

In July 2025, City College of New York (CUNY) suspended a student activist leader for one year and fired four adjunct faculty members who were all engaged in Palestinian solidarity activism on campus. Other CUNY student activists have also faced disciplinary charges for speech and conduct connected to pro-Palestine demonstrations.[351] The student activist, a leader of City College of New York (CCNY)'s SJP chapter, reported that she was suspended and barred from all 25 CUNY campuses for one year for allegedly violating two of CUNY's Henderson Rules for the maintenance of public order and two of CCNY's demonstration policies.[352] According to the president of the Professional Staff Congress, the union that represents faculty and staff at CUNY, the adjunct professors were terminated without explanation, all at the same time, and what they "have in common is their public protest against Israel and advocacy for Palestinian rights," suggesting that their suspensions were in "retaliation against CUNY faculty members for constitutionally protected speech."[353] One of the fired faculty members stated that "organizations like Camera, Betar, and Canary Mission" have targeted her and other CUNY workers and students for their on-campus pro-Palestine organizing.[354] In January 2026, the Professional Staff Congress union representing faculty and professional staff at CUNY announced that three of the four adjunct faculty members who had been fired from their jobs were eligible again for employment at CUNY and had been reinstated in positions at CUNY colleges.[355]

In February 2026, an environmental physics and complex systems professor at the University of California, San Diego (UCSD), said they were notified that they had been charged with a single charge of violating the faculty code of conduct for allegedly participating in an encampment that disturbed university operations, an offense carrying a potential two-year suspension without pay.[356] The alleged infraction occurred during a six-day student encampment in May 2024, where the professor and other faculty said they spent "the night shift" protecting students from potential violence.[357] The professor was among two professors and 59 UCSD students arrested at the encampment, but following a months-long review all criminal charges were dropped. According to the professor, they became aware of the internal university investigation in June 2024, when they exchanged emails with UCSD officials and an outside law firm working for the university. However, they received no further information about the investigation until 20 months later, in February 2026.[358] A disciplinary hearing before the Committee on Privilege and Tenure was scheduled for May 2026, after which the committee is expected to send a report to the chancellor, who would decide on the punishment to impose.[359] A second professor faces possible suspension for one quarter without pay.[360]

In April 2026, a tenure-track philosophy professor filed a lawsuit against Texas State University in federal court, alleging the university terminated his contract because of his speech on Palestine, in violation of his First Amendment rights.[361] The professor had delivered a talk entitled "Strategic Lessons of the Palestinian Resistance" in his personal capacity almost two years earlier, in June 2024, at a book fair in North Carolina unaffiliated with the university. That talk ended prematurely when a fight broke out between four audience members and three pro-Israel attendees who were livestreaming the event; the professor said he was swiftly escorted from the room, and he was never identified as a witness or suspect in the 44-page police report on the incident.[362] According to the professor, the university was made aware of his talk a year later, following targeted social media postings against him and what his supervisor described as "strange calls" to the university in June 2025.[363] A day after the first social media post appeared on Instagram, containing video from the talk and calling on the university to fire the professor, the university informed him he was being put on administrative leave, and the following month he was informed his contract would be terminated in May 2026. Prior to filing the lawsuit, the professor tried to appeal his termination internally, but his appeal was denied.[364] In May 2026, the U.S. District Court for the Western District of Texas ordered Texas State University to reinstate the professor for one year or until the case is resolved, noting that the university had put the professor's "career in grave danger by violating his First Amendment rights."[365] In ruling from the bench, the federal district court judge stated, "Given that the state really hasn't made an effort to argue that the speech that the plaintiff gave [wasn't] in some role or another a motivating factor [in the plaintiff's firing] — I don't know that they could, given the fact that he was suspended immediately after the speech and told that it was because he exercised his right to First Amendment."[366]

In April 2026, a former professor of medicine filed a wrongful termination complaint with the California Labor Commissioner's Office against Stanford Medical School, alleging that the university had retaliated against her for protected expression.[367] In January 2025, the professor participated in a healthcare worker event titled "Sick from Genocide" to raise awareness of genocide-related illness and trauma in global conflict zones and to express concerns about violence against healthcare workers and the destruction of healthcare facilities in Gaza.[368] She said that the event, which took place at Stanford Medical School and outside her work hours, was described in a formal complaint alleging that she had engaged in activities Stanford deemed "political" or "controversial" because of its connection to pro-Palestine advocacy.[369]

In June 2026, an arbitrator ruled that a tenured San Jose State University professor who had been fired for her involvement in three on-campus

pro-Palestine demonstrations in early 2024 should be reinstated, ruling that the termination was "excessive and disproportionate" and should be reduced to a one-month unpaid suspension.[370] The arbitrator imposed the brief suspension to punish the professor's "interference with another faculty member's delivery of a lecture" and her "misadvising students about a rule she could or should have known about," and ruled that these actions did not merit firing.[371] "The propriety of imposing the ultimate sanction of employment termination for free-speech activity, even if its exercise clashed with institutional restrictions, is questionable," the arbitrator ruled.[372] The full-time tenured professor of justice studies had been fired for allegedly "directing and encouraging" students to join encampments and violate university policies, which the professor and the California Faculty Association teacher's union representing her disputes, and had served as faculty advisor for the school's SJP chapter.[373] In November 2025, a faculty hearing committee had previously determined that no disciplinary action was warranted. In June 2026, one week after she was ordered reinstated, the professor filed a civil rights lawsuit against California State University, alleging it had violated Title VII of the Civil Rights Act and the First Amendment.[374]

In August 2026, the University of Minnesota reached a settlement with Holocaust scholar Dr. Raz Segal, agreeing to pay $250,000 as compensation for rescinding its offer for him to direct the university's Center for Holocaust and Genocide Studies and hold a tenured faculty position in the history department.[375] The University of Minnesota had extended the job offer in June 2024, based on the near-unanimous recommendation of a committee of academics, but withdrew the offer five days later, citing "perspective" it had received from the community.[376] The university rescinded its offer following backlash over Segal's criticism of Israel's war in Gaza, which he called "a textbook case of genocide" in an op-ed published in Jewish Currents in October 2023.[377] Segal, who is Jewish, a dual Israeli-U.S. citizen, the grandchild of four Holocaust survivors, and a scholar of Jewish history and the Holocaust, directs a master's program in Holocaust and Genocide Studies at Stockton University.[378] The Center for Constitutional Rights represented Segal, arguing that the university's actions were unconstitutional because they retaliated against him for constitutionally protected speech.[379] Internal documents obtained through a public records request filed by the Center for Constitutional Rights revealed that the university's revocation of the job offer was based on Segal's constitutionally protected speech and pressure from donors who objected to his criticism of Israel's war in Gaza.[380] Segal told The Guardian that he hoped the university would restore the original job offer rather than agree to pay a settlement, but he was told that was "off the table," and the position remains unfilled.[381]

Banning of Student Organizations and Censorship of Pro-Palestinian Speech

There have been multiple instances of universities banning pro-Palestinian student organizations, retaliating against students who participate in student protests, and censoring pro-Palestinian expression. Examples of these instances are wide-ranging. Student chapters of Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP) have faced backlash, increased scrutiny, and bans on college campuses nationwide. Students from Stanford University, Columbia University, Scripps College, the University of Missouri, and Ohio State University have reported their universities' efforts to prohibit hanging Palestinian flags, carrying or displaying banners, and displaying keffiyehs to symbolically express Palestinian solidarity and protest the war in Gaza.[382]

Campus student groups such as SJP and JVP chapters have been singled out for their activism by universities. In November 2024, Brandeis University became the first private university to ban its SJP chapter from campus.[383] Brandeis stated it had banned SJP from campus because university administrators interpreted SJP national's

Photo: Brandon Bell via Getty Images

Pro-Palestinian protesters demonstrate on the UCLA campus on May 1, 2024.

comments on the October 7 attacks as supporting Hamas, "which the United States has designated as a Foreign Terrorist Organization."[384] That same month, Columbia University also banned its campus SJP and JVP chapters.[385] The day before the ban was instituted, students had organized a peaceful Palestinian solidarity demonstration and a temporary art installation.[386] While the demonstration and art installation had been organized by a broader coalition of student organizations, administrators singled out SJP and JVP to be banned.[387]

On March 6, 2024, Harvard University placed the Palestine Solidarity Committee (PSC), the only recognized pro-Palestinian student organization at Harvard College, on probation (the University made this probation retroactive to March 1, 2024).[388] The PSC was later suspended on April 22, 2024, for co-sponsoring a demonstration with unrecognized student organizations, failing to register the demonstration with the Office of Student Engagement, and violating the Responsible Use of Space Policy outlined in the Student Organization Resource Guide.[389] Harvard's cited grounds for the PSC's probation did not include any assertions that the PSC had engaged in harassing or disruptive conduct toward other students or staff. The asserted grounds instead included hyper-technical allegations about the specific wording of social media postings relating to pro-Palestinian demonstrations on campus, based on a co-sponsorship policy that was not clearly applicable and reportedly was not enforced against other student organizations that openly co-sponsored events with unrecognized student organizations without reprimand.[390] For instance, the student organization Harvard Dems had openly co-sponsored events with the unrecognized organization Harvard for Harris and was not put on probation or suspended.[391]

The PSC was eventually reinstated in September 2024. In April 2025, Harvard again placed the PSC on probation and banned the organization from hosting public events, reportedly for actions at a protest hosted by Harvard Out of Occupied Palestine, which the PSC had publicized on its

Instagram account but did not officially host or sponsor.[392] The protest allegedly violated Harvard's Campus Use Rules, which states that recognized student organizations are not permitted to co-host events with unrecognized groups (such as Harvard Out of Occupied Palestine), amplified sound at protests is not "permitted without prior approval," and protests "must not impede or block ingress or egress to or movement within and around campus buildings."[393] The PSC was placed on probation before Palestine Solidarity Month, and Harvard College canceled all eight events that the PSC had scheduled for April 2025, including programming on Palestinian history and culture and an art installation.[394] Harvard University clarified for the purposes of this report that the university suspended the PSC based on multiple rule violations and after the PSC violated both the terms of its probation letter and the rules set forth in the Student Organization Resource Manual, and stated that the university administered discipline in a content- and viewpoint-neutral manner (see Appendix III).

In March 2025, the University of Pittsburgh placed SJP-Pitt, a registered student organization since 2009, on an indefinite, interim suspension.[395] The club had organized, co-sponsored, promoted, and advertised numerous demonstrations and educational events on and off campus. Since there was no obvious violation of university policies, the university's action appeared to be in retaliation for a letter that SJP-Pitt had organized with more than 70 other university-affiliated clubs and community organizations protesting the school's repeated harassment of the club. The university also initiated disciplinary proceedings against the club in response to a silent study-in that club members had attended in the university library in December 2024. Other university-sponsored student organizations, notably sororities and fraternities, conduct similar study sessions, including one that overlapped with SJP's, in which they display organizational messages. SJP students did not chant, picket, block passage, or disrupt library operations. The students quietly displayed keffiyehs and flags to express solidarity with the Palestinian people while studying for finals. At no time did SJP students disrupt library operations or interfere with fellow students' access to the library or study environment.[396] The ACLU of Pennsylvania brought a lawsuit against the University of Pittsburgh, arguing that by suspending the club in retaliation for its speech, university officials violated the students' right to free speech. The lawsuit accuses the university of violating the First and Fourteenth Amendments to the U.S. Constitution.[397] In August 2025, the U.S. District Court for the Western District of Pennsylvania ruled that the University of Pittsburgh must lift the suspension of SJP-Pitt and reinstate the organization's full privileges on campus. The court affirmed that the open advocacy letter sent by SJP-Pitt is protected free speech under the U.S. Constitution.[398]

In May 2025, DePaul University President Robert Manuel testified at a congressional hearing of the House Committee on Education and the Workforce, titled "Beyond the Ivy League: Stopping the Spread of Antisemitism on American Campuses," stating that the university had suspended its SJP chapter.[399] However, students involved with SJP were not informed that their group had been suspended; they were only told that their organization had been temporarily placed on probation.[400] The group had been placed on probation for its Instagram post focused on the Israeli government's theft of Palestinian skin and organs for research.[401] Palestine Legal argues that this post should not have spurred an investigation into the student group, as it does not target anyone on the basis of protected identity, but instead critiques Israel's policies.[402] Instead, Palestine Legal argues that DePaul's harsh disciplinary action is indicative of the university "creating a hostile environment for Palestinian, Arab, and Muslim students and students associated with them."[403]

In February 2026, the SJP chapter at American University was placed on a nearly two-year suspension through November 2027.[404] According to media reports, the SJP chapter was found have violated the school's discrimination policy for a February 2025 event entitled "Debunking

Zionist Lies" that administrators had cancelled, following claims that no safety assessment had been conducted and club advertisements for the event had not undergone review.[405] In response to the cancellation of the February 2025 event, the AAUP chapter at American University wrote a letter criticizing the administration for its censorship of students and viewpoint discrimination.[406] The American University administration had previously placed the SJP chapter on probation for a silent march it held in February 2024, which administrators found to be in violation of the school's newly minted ban on protests inside university buildings,[407] and issued a cease and desist against the organization in March 2025.[408]

There have been multiple instances of universities censoring students' and faculty's pro-Palestinian speech and expressive conduct. Students from Stanford, Columbia, and Scripps College have reported to Palestine Legal their universities' discriminatory efforts to prohibit hanging Palestinian flags in dorms and coffee shops.[409] For instance, at Stanford University, the Stanford Muslim, Arab, and Palestinian Communities Committee noted that the university's policies forbidding banners and flags in common areas or shared spaces of dorms were "routinely ignored, and then invoked and enforced for the first time in response to pro-Palestine expression."[410] The University of Pennsylvania denied a screening of a documentary by Jewish filmmakers exploring concerns some young Jewish Americans have about Israel's treatment of Palestinians.[411]

In September 2024, after Harvard students wearing keffiyehs silently studied at a campus library with signs on their laptops promoting divestment, the university banned them from the library for two weeks.[412] In emails notifying student participants that they had lost their library access, the stated explanation was that they were banned because "participants assembled with the stated purpose of making their presence known by occupying the Loker Reading Room and displaying flyers provided by the event organizers. Demonstrations and protests are not permitted in libraries."[413]

Photo: Here Now

Sign posted at Harvard Yard in Cambridge, Massachusetts, on May 12, 2024.

When Harvard faculty protested the punishments by silently reading in the same library with small signs promoting diversity of thought, the university suspended their library access as well.[414] The university provided similar reasoning for the faculty members' suspensions.[415]

At Harvard Law School, in February 2024, a week after the Women's Law Association hosted a Valentine's Day card-making event in the Belinda Hall lounge of Wasserstein Hall, the Harvard Law Justice for Palestine group hosted a similar event in the same space the following week, calling it "Valentines for Palestine." Law school deans arrived and called for an end to the latter event and ordered participants to disperse.[416] The event announcement, which looked nearly identical to the Women's Law Association event in format and design, invited participants to create Valentine's Day cards and "write a message of love + solidarity by calling on Harvard to disclose + divest from Israeli apartheid and protect pro-Palestinian activism on campus."[417] According to reporting by the Harvard Law Record citing eyewitness accounts, the deans asserted that while both the

Justice for Palestine and Women's Law Association's events had been unauthorized, they had received complaints about the Justice for Palestine event, which mandated their intervention.[418] Following this intervention, law school administrators emailed other student groups telling them not to host "formal or informal" events in Belinda Hall.[419]

The SJP chapter at the University of Missouri and CAIR brought a lawsuit against the University of Missouri for preventing the chapter's participation in the university's 2024 homecoming parade and attempting to prevent its participation in the 2025 parade, alleging that the school was engaged in viewpoint discrimination in violation of the First Amendment.[420] In 2024, the chapter went through the application process to participate in the parade, hoping to march and display two banners, dance Dabke, and distribute Palestinian treats. Despite approval from the Alumni Association, university administrators stepped in and subjected the group to a separate approval process, during which administrators asked that the group not carry their "stop the genocide" banner.[421] Ultimately, University of Missouri President Mun Y. Choi, who also serves as chancellor, prohibited the chapter from marching in the parade, pointing to actions of SJP chapters at other universities as his rationale.[422] The SJP chapter's complaint highlighted how other student groups, such as fraternities and sororities, had been permitted to carry banners with political slogans during the 2024 parade in contrast to the school's treatment of SJP and its targeting of the club's viewpoint.[423] While litigation concerning the 2024 parade is ongoing, SJP secured a preliminary injunction requiring the university to permit SJP to march in the 2025 parade.[424]

In October 2025, during a study-in convened by Palestinian students and allies at a library on the Ohio State University campus, administrators approached the students and told a Palestinian student that she had to remove her keffiyeh from the back of her chair, citing the library's Bulletin Board Policy.[425] The administrators claimed that, while she would be able to wear her keffiyeh over her shoulders, the Bulletin Board Policy, which stipulates that "designated public bulletin boards are the only places in or around University Libraries locations on which materials may be posted," precluded her from draping the keffiyeh over her seat.[426] The administrators, however, did not ask students to remove coats or other clothing from the backs of their seats.[427]

In November 2025, a University of Arkansas professor was investigated by the university's Equal Opportunity and Title IX Office and in December 2025 was found to be in violation of the school's anti-discrimination and harassment policy for displaying two posters on her office door.[428] One of the posters that prompted the investigation and finding simply read "from the river to sea" in English and Arabic, while the other, which had been displayed on the professor's office door for more than a decade, was a political satire cartoon.[429] The professor said she has since been directed to take the posters down.[430]

In April 2026, Northwestern University removed a banner criticizing Israel and Hillel two hours after it was installed by the school's JVP chapter, even though JVP had reserved the banner space.[431] The banner read "Israel is committing Scholasticide" and "Hillel and Birthright lie," referring to Birthright Israel trips.[432] In response to JVP's email inquiring why the banner had been removed, an official with Northwestern's Division of Student Affairs reportedly wrote that the banner did not meet the "posted requirements" for the arch's banner spaces, explaining that the banner did not identify the sponsoring student organization and that the banner spaces in that location are intended for student organizations to promote activities "as described in their reservation."[433] In a statement to the campus newspaper, a university spokesperson wrote that the university had removed the banner because it "did not identify the sponsoring organization on its face and did not align with the specific event or activity described in the reservation."[434] Student members of the campus JVP chapter reported that other banners in that space that did not comply with the rules and regulations for banners had not been removed or otherwise disrupted.[435]

Photo: Kent Nishimura via Getty Images

Students hold up banners in protest as George Washington University President Ellen Granberg speaks at the commencement ceremony on the National Mall on May 19, 2024, in Washington, DC.

University Retaliation and Censorship of Graduating Students

University administrators have penalized students during their own graduation ceremonies, in some cases denying students the opportunity to participate in an important ceremony marking the accomplishments they have worked hard for several years to achieve. This has included withholding[436] or rescinding[437] diplomas from graduates, forbidding certain regalia from being worn,[438] removing students from ceremonies,[439] and more. For students who used their platforms during commencement ceremonies to speak in favor of Palestinian rights, university administrators have banned these graduates from campus,[440] denying them the ability to participate in graduation festivities[441] and be in community with their peers.

In the past year, students have been banned from delivering speeches that highlight their solidarity with Palestine and condemn their universities for their complicity and silence.[442] In May 2025, at George Washington University, a graduating senior was banned after delivering a graduation speech in which she highlighted and criticized the university's connections to Israel and urged the audience to withhold their future donations.[443] In June 2025, at the Massachusetts Institute of Technology (MIT), the class president was banned from her graduation commencement after she gave a speech at another event where she criticized MIT's research ties with the Israeli army and condemned the university for "aiding and abetting… the assault on the Palestinian people."[444] For the purposes of this report, MIT clarified, "The student attended and spoke at MIT's Commencement ceremony, though she submitted a different script than the speech she delivered. As a result of her actions, she was not permitted to attend the following day's undergraduate degree-

conferral ceremony" (see Appendix III). In some cases, students have been banned from speaking. In 2024, the University of Southern California barred the valedictorian from speaking at her graduation ceremony due to "safety concerns," although the university did not make clear how a graduation speech would pose a safety risk.[445]

Other universities have withheld degrees from students for taking part in pro-Palestinian student protests. In May 2025, NYU withheld the diploma of a graduating student who used his platform during his graduation speech to speak about ongoing atrocities in Gaza.[446] In response to NYU's actions, the Academic Council of Jewish Voice for Peace (JVP) sent a letter on May 21, 2025 to the president and Board of Trustees of NYU, defending the student for his graduation speech and asserting that the punishment for his breaking a university rule by speaking words that had not been pre-approved by the administration is unjust and harsh, "harming his capacity to seek employment and/or further educational opportunities."[447] During that same graduation cycle, Virginia Commonwealth University withheld two students' diplomas after they had participated in an April 2025 gathering commemorating police arrests at the 2024 student encampment.[448] During the gathering, students informally sat and chatted on the lawn to commemorate the one-year anniversary of when riot police attacked pro-Palestinian student protesters.[449] There were no speeches, chants, or tents. One of the disciplined students described the university's actions as "bureaucratic methods to scare other students."[450]

During NYU's May 2026 graduation ceremonies, administrators enforced a newly introduced ban on nonacademic regalia.[451] Graduating students were prohibited from bringing items including "banners, signs, posters, flyers and flags" to the ceremony, but were allowed to wear "official university academic regalia," religious attire, and compliantly decorated graduation caps.[452] Although NYU characterized the policy as "content-neutral" and applicable across NYU ceremonies, graduating students at four of NYU's schools reported that administrators had ordered students wearing keffiyehs to remove them in order to participate in commencement festivities, but had not sought to remove other non-academic items.[453]

At NYU's Tisch School of the Arts, banner bearers wearing keffiyehs were pulled aside before crossing the stage and forced to remove their keffiyehs.[454] Graduates reported they had previously been told they could wear unsanctioned clothing "so long as it's not hate symbols or hate speech."[455] Yet, on the morning of the ceremony, a Tisch representative informed graduates that their keffiyehs violated the school's "updated policy."[456] Students wearing other items around their necks, such as leis, stoles, and custom cords, were not asked to remove these items.[457] One graduate reported that when a university administrator pulled him aside, the administrator sought only to remove his keffiyeh, leaving his other non-sanctioned accessories in place, stating that "it was just the keffiyeh that was the problem."[458]

At NYU's Gallatin School of Individualized Study, graduating students reported that security asked students to leave pro-Palestinian attire outside before the ceremony, then began physically checking students' collars mid-ceremony after several graduates revealed keffiyehs hidden under their robes while they walked to receive their diplomas.[459] A graduate reported that many students wore other non-university-regulated items without consequence, saying it was "very clear that anything related to Palestine was what was being targeted."[460]

NYU Law School sent multiple emails to graduating students before the commencement ceremony, outlining security and attire policies that explicitly permitted attire "provided by official student groups" and "worn for religious practices."[461] Despite this, NYU Law School administrators and event security reportedly told some graduates to remove their keffiyehs and throw them in a trash can.[462] This included students who informed security that their keffiyeh had been provided by Law Students for Justice in Palestine, an official student organization. Additionally, at least one

student who said their keffiyeh was worn for religious practice was told to remove it.[463] At NYU's Tandon School of Engineering, a pro-Palestinian student group reported that one graduate's keffiyeh was forcibly ripped off as she crossed the stage.[464]

Increased Surveillance on Campus

Universities and colleges have heightened on- and off-campus surveillance of students and other community members to investigate their involvement in protests. Universities and colleges have been using surveillance videos; data from campus Wi-Fi; and search warrants for call records, phones, and entry to students' apartments, to investigate students who have participated in protests. In November 2024, the president of Pomona College even invoked her "extraordinary authority" to use Wi-Fi signals to trace student participation in an October 7, 2024, campus demonstration and suspend 10 students for the academic year.[465] Although there was no evidence linking specific students to alleged violations, the university claimed the Wi-Fi signals proved the students' participation in the demonstration.[466]

After a pro-Palestine group claimed responsibility online for splattering red paint on a statue of Benjamin Franklin at the University of Pennsylvania in October 2024, campus police identified a student's cellphone number using data from campus Wi-Fi.[467] Shortly thereafter, campus police obtained a search warrant for the phone company's call records and then obtained a warrant to seize the student's phone.[468] Next, armed campus and city police showed up at the student's off-campus home. Still, that student has not been charged with any crimes.[469] While a University of Pennsylvania committee review found that police had acted professionally, the Foundation for Individual Rights and Expression (FIRE) criticized these actions, noting that using surveillance and force against student protesters can chill free expression.[470]

Campuses often pursue warrants that do not result in any charges of wrongdoing. For instance, at the University of North Carolina at Chapel Hill, officers obtained a search warrant for the cell phone of a student who regularly participated in pro-Palestine protests.[471] While the university said the search warrant was prompted by campus graffiti vandalism, no charges were brought against the student after the search.[472]

Other universities are also teaming up with police forces to surveil and crack down on student protest activity. At George Mason University, a dozen police officers searched the family home of two students who were involved in a campus graffiti incident in March 2025.[473] While the two students were barred from campus, no charges were brought against them.[474] After a coalition of over 100 faculty, students, politicians, and policy groups published an open letter decrying the treatment of the two students, George Mason University's president wrote an email to faculty stating that he believed the students were involved with "something potentially more nefarious" and the university was collaborating with "a number of three-letter agencies aimed at keeping our campus and quite frankly our country safe."[475]

Reports indicate that some universities are also using undercover investigators to surveil student protesters. At the University of Michigan, undercover investigators surveilled pro-Palestinian groups and followed them both on and off campus.[476] In June 2025, students reported to The Guardian that their conversations had been eavesdropped on and recorded throughout the 2024–2025 year.[477] In May 2026, a University of Michigan student sued the university, accusing it of hiring a private security contractor to conduct prolonged and intrusive undercover surveillance of him in 2024 and 2025.[478] The student participated in campus advocacy in support of Palestinian rights at the university and was a board member of the student organization Students Allied for Freedom and Equality (SAFE), a campus group affiliated with Students for Justice in Palestine. According to the student's lawsuit, private investigators contracted by the university recorded and tracked his participation in protests and demonstrations,

followed and photographed him, recorded videos of him, tracked him as he traveled to and from class, and monitored his attendance at Muslim prayer services and religious gatherings.[479] The lawsuit also alleges that the university and campus police allegedly sought and obtained multiple search warrants to conduct searches of his private digital communications and stored data.[480]

Problematic Adoption of Campus Policies That Suppress Protected Political Speech Broadly Defined as Antisemitism

A number of universities have adopted the International Holocaust Remembrance Alliance (IHRA)'s overly broad working definition of antisemitism, which declares that "denying the Jewish people their right to self- determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor," "drawing comparisons of contemporary Israeli policy to that of the Nazis," and "applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation" are all examples of antisemitism.[481]

The IHRA framework — including both its definition of antisemitism and the accompanying contemporary examples — has been interpreted by some to equate criticism of Israel and its policies or opposition to Zionism with antisemitism. The IHRA definition of antisemitism encompasses protected political speech and is not limited to harassing speech or conduct that creates a hostile educational environment. Speech that is critical of Israel cannot, alone, constitute harassment.[482] Moreover, the IHRA framework equates protected political speech with unprotected discrimination in a manner that could chill the exercise of First Amendment rights. Campus policies relying on the IHRA definition would likely chill free speech of students, faculty, and staff on college campuses by incorrectly equating criticism of the Israeli government with antisemitism.[483]

For instance, Texas Governor Greg Abbott's Executive Order GA-44, issued in March 2024, directed all Texas higher education institutions to update and enforce campus free speech policies to address antisemitic speech and use the IHRA definition of antisemitism. After several student groups at the University of Houston, the University of Texas (UT) Dallas, and UT-Austin filed a lawsuit, the U.S. District Court for the Western District of Texas ruled that the executive order likely violates the First Amendment. The judge ruled, "the incorporation of this specific definition of antisemitism [the IHRA definition] is viewpoint discrimination" because it makes the utterance of specific views punishable.[484]

Several universities have enacted campus policies adopting the IHRA definition of antisemitism. In August 2024, George Mason University incorporated the IHRA's working definition of antisemitism into its campus nondiscrimination policy.[485] In January 2025, Harvard University adopted the IHRA's working definition of antisemitism as part of a settlement of two Title VI lawsuits.[486] In July 2025, Columbia University also incorporated the IHRA definition into its campus policies as part of a settlement agreement with the Trump administration to restore $400 million in federal government grants.[487] In January 2026, as part of a settlement agreement with 10 student plaintiffs who had filed a lawsuit alleging violations of Title VI,[488] Cooper Union said it would "implement all applicable guidance from the Department of Education's Office of Civil Rights, including the OCR's 2021 and 2024 guidance regarding the consideration of the International Holocaust Remembrance Alliance ("IHRA") working definition of antisemitism and its accompanying examples" and recognize that, for Jewish students, Zionism is often a "core part of their Jewish identity" and "discriminatory or harassing conduct directed toward Jews or Zionists" violates the college's nondiscrimination policies.[489] Cooper Union's statement clarifying this policy is included in Appendix III of this report.

In August 2024, New York University (NYU) amended its anti-discrimination and anti-harassment guidance, adopting a new position prohibiting speech that criticizes Zionism and relying on the IHRA definition of antisemitism.[490] While a majority of NYU's revised anti-harassment guidance (NDAH) appropriately tracks language in Title VI and other applicable federal laws, one provision of the policy is excessively vague.[491] The policy states that "[s]peech and conduct that would violate the NDAH if targeting Jewish or Israeli people can also violate the NDAH if directed towards Zionists."[492] Whether a statement can be regarded as antisemitic under the policy depends on the context of the statement, including the nature of the criticism and/or the setting in which the statement is conveyed. The impact of proscribing potentially all "speech and conduct… directed toward Zionists" goes far beyond what is required and what a university is obligated to address under Title VI of the Civil Rights Act. The guidance also vaguely suggests that the term "Zionist" may be interpreted by the university as a "code word."[493] While context matters in any anti-discrimination analysis, this particular provision of the policy is so vague that it is hard to see how any student or faculty member could understand when use of the term "Zionism" or "Zionist" would be understood by the university as a code word or not.

In practice, the IHRA framework has been used to silence criticism of Israeli government policies and to suppress the speech and activism of university students, professors, and organizers in support of Palestinian rights. At colleges and universities across the country, numerous complaints and lawsuits based on the IHRA definition have been filed in an attempt to stop speech and to target faculty for what they have said, materials they have included in their courses, and speakers they have invited to campus.[494] The IHRA definition has been deployed to try to cancel campus events, including at the University of Massachusetts at Amherst,[495] Indiana University,[496] Columbia University,[497] the University of California at Berkeley,[498] Arizona State University,[499] the University of New Mexico,[500] and elsewhere.[501]

Photo: Bryan R. Smith / AFP via Getty Images

Demonstrators rally at an "All Out for Gaza" protest at Columbia University in New York City on November 15, 2023.

Former Harvard President Larry Summers cited the IHRA definition of antisemitism to criticize a Harvard academic panel on the "past and present" of "Israel's war in Lebanon," arguing that the panel was "very likely" antisemitic under the IHRA definition.[502] Since Harvard adopted the IHRA definition in January 2025, the school has cancelled a medical school panel featuring Gazans treated by local Boston doctors;[503] forced out the directors of its Center for Middle Eastern Studies;[504] suspended its Religion, Conflict, and Peace Program;[505] cancelled a research partnership with Birzeit University (West Bank, Palestine); and cancelled an anti-Zionist Passover Seder organized by Jewish students.[506] Regarding the Adams House Passover Seder, Harvard University clarified for the purposes of this report that the event was organized by an unrecognized student group, Harvard Jews for Palestine, in violation of Harvard College's student handbook, and administered its policy in a content- and viewpoint-neutral manner (see appendix III).

Adoption of the IHRA definition has also led to reviews of course syllabi and reading lists, impacting university curricula. For instance, in August 2024, six weeks after the state of Florida had adopted the IHRA definition by law,[507] the chancellor of the Board of Governors of the State University System of Florida required a review

of courses for "Antisemitism or Anti-Israel bias," instructing universities to "conduct a keyword search on course descriptions and course syllabi" and flag for review any course that contains the keywords "Israel, Israeli, Palestine, Palestinian, Middle East, Zionism, Zionist, Judaism, Jewish, or Jews."[508]

Campus policies incorporating the IHRA definition of antisemitism misconstrue anti-discrimination law to censor and stifle campus speech. Title VI already offers strong protections for students who are subject to discrimination and harassment. These campus policies go far beyond what Title VI requires and could chill protected student and faculty speech that does not violate Title VI. The expansion of what constitutes discrimination is too broad and will inevitably infringe on lawful, important academic discussions and debates on campus about Palestine and Israel, putting academic freedom principles at risk. As written, these campus policies will likely chill speech critical of the Israeli government or of Zionism that does not rise to the level of a Title VI violation and impede important academic discussions and debates on campus about Palestine and Israel.

Under Title VI, universities are obligated to and should investigate allegations of "subjectively and objectively offensive" discrimination and harassment that is "so severe or pervasive that it limits or denies a person's ability to participate in or benefit from" an educational opportunity.[509] Speech alone — particularly when it is political and non-targeted — very rarely meets that standard.

Title VI must be interpreted and applied in a manner that comports with constitutional standards. The federal Office of Civil Rights (OCR), which enforces Title VI, has therefore long recognized that Title VI must be applied in conformance with the constitutional standards enshrined in the First Amendment.[510] Accordingly, federal courts considering Title VI and university anti-discrimination policies have recognized that when schools attempt to restrict or punish speech made in the educational community on matters of public concern, including Palestinian rights and criticism of the Israeli or U.S. governments, they risk violating free speech guarantees.[511]

While private universities may have greater flexibility to craft discrimination policies absent strict constitutional constraints under U.S. law, they should not misrepresent what Title VI requires and give it a broader reading than that which would be compatible with the free speech principles of the First Amendment. Public and private universities that receive federal funding alike are obligated to interpret and apply Title VI in a manner that comports with the constitutional standards embodied in the First Amendment, which requires strict scrutiny of any provisions attempting to limit speech.[512] Moreover, under international human rights law and standards, private universities have the responsibility to protect the right to freedom of expression and the right to nondiscrimination.[513]

In recent rulings in cases examining the intersection of Title VI hostile educational environment claims and the First Amendment in the context of pro-Palestine protests on college campuses, federal courts have held that Title VI does not require a university to squash speech protected by the First Amendment.[514] Evaluating speech in the form of rallies, flyers, speeches, sit-ins, and protests, courts have found that the speech at issue is protected by the First Amendment, including phrases such as "from the river to the sea, Palestine will be free" and "globalize the intifada."[515] Federal courts have found that speech on matters of public concern directed to the community at large is very different from targeted, personal harassment aimed at a particular person. In these cases, federal courts ruled that political speech will generally not meet the high standard for proving hostility or offensiveness required under Title VI. These cases are described in detail in the legal analysis section of this report, in the subsection titled "Title VI Must Be Read Consistently with Principles of Free Speech and Academic Freedom on University Campuses."

The IHRA's working definition of antisemitism also is not consistent with international human rights law. Its vague and overbroad definition violates the International Covenant on Civil and Political Rights (ICCPR), to which the United States is a party, as it fails to meet the threshold for restrictions of language under Article 20(2) nor the permissible restrictions to freedom of expression under Article 19(3).[516] This risks creating a chilling effect and suppressing freedom of expression and peaceful assembly.

Universities' Responsibility to Protect Noncitizen Students and Faculty From ICE Enforcement Activity

Since the Trump administration began targeting international students and scholars for arrest, detention, and deportation based on their political views, in some instances universities could have done more to protect their noncitizen students and faculty from U.S. Immigration and Customs Enforcement (ICE) enforcement activity. Some students fearing detention and deportation have also described a lack of moral and institutional support from their universities.

Universities' internal disciplinary actions, including expulsion or termination of students' enrollment status, and requests for or authorization of law enforcement intervention to disperse demonstrations, which have resulted in arrests of students and faculty, can have downstream immigration consequences that universities should be aware of when making such decisions. Punishing noncitizen students for engaging in protest actions can place them at risk of overbroad immigration enforcement activity. Suspending or expelling noncitizen students places their immigration status at risk, heightening their risk of ICE detention and deportation.

There are numerous protective actions that universities can and should take to protect noncitizen students.[517] Universities should not take unwarranted internal disciplinary actions that would place students' immigration status at risk. They should establish procedures for responding to immigration enforcement activity. Universities should institute and implement university policies preventing ICE from entering nonpublic campus areas without a judicial warrant, and they should not release student and faculty records to ICE without a judicial warrant or court order. Universities and colleges must do everything they can to protect their students from intimidation or targeting by ICE, and they have the legal right to do so.

The right of universities and colleges to limit their collaboration with federal immigration enforcement is further explained in the legal analysis section of this report.[518]

Responding to and Preparing for ICE Attempts to Enter Campus

In some cases, ICE has entered or attempted to enter private university-owned premises, such as off-campus university housing without a judicial warrant. Federal immigration enforcement officers can enter public areas without a warrant, but only a judicial warrant signed by a judge permits entry into nonpublic campus spaces, such as residence halls, offices, or other limited access spaces, without authorization from an appropriate campus official. Nonpublic campus spaces where ICE access is restricted include:

- university residence halls and dormitories
- spaces requiring university issued identification cards, including locked doors or monitored entryways
- faculty and administrator offices
- classrooms
- locker rooms and other operational facilities

In contrast to judicial warrants, administrative warrants, such as Forms I200 and I205, are signed by an immigration official rather than a judge and do not grant authority to enter nonpublic campus spaces without consent. Absent a judicial warrant — even if ICE presents an order of removal or deportation for a campus community member — an institution is not legally required to grant ICE access to nonpublic campus spaces or assist in apprehending a person.[519]

Universities should institute and implement university policies denying ICE access or assistance to enter nonpublic campus areas without a judicial warrant. They should establish clear protocols and policies restricting ICE agents or other law enforcement agents from accessing nonpublic areas of the college campus, such as residential halls, campus libraries, classrooms, faculty and administrator offices, and academic and student resource centers, without a judicial warrant. Colleges and universities should ensure that their campus has appropriate signage indicating which spaces are not open to the public. They should train all staff to immediately inform a designated, trained contact person if immigration agents arrive and to not answer questions or otherwise assist the agents unless required by state or federal law. Campus police should also create a policy prohibiting the use of time, money, space, or personnel for immigration enforcement activity, except where required by state or federal law.

Amid the Trump administration's retaliatory crackdown against noncitizen students for their First Amendment-protected speech and advocacy, the federal government appears to be advancing extreme claims that innocent conduct by colleges and

Photo: Stephen Maturen via Getty Images

University of Minnesota Police cut down a sign reading "ICE OFF CAMPUS" after detaining students who chained themselves to the door of Morrill Hall on February 6, 2026, in Minneapolis, Minnesota.

universities may violate 8 U.S.C. § 1324. That statute prohibits concealing, harboring, or shielding from detection a noncitizen who is unlawfully present, when done with knowledge or reckless disregard of that person's immigration status.[520] In at least one documented case, ICE officials entered and searched Columbia University residence halls in March 2025 pursuant to a warrant issued by a magistrate judge to search for evidence of violations of Section 1324.[521]

However, under the case law, a college or university's normal conduct in providing housing and services to students does not constitute a violation of Section 1324. Courts of appeals agree that merely providing housing or other services does not violate Section 1324.[522] Colleges and universities therefore are not violating the law by providing housing or services to noncitizen students. A university that merely houses an undocumented student in campus housing on the same terms offered to other students also does not satisfy the elements of harboring.[523]Additionally, even noncitizens who the government seeks to deport often retain lawful status during the pendency of efforts to deport them, meaning Section 1324 cannot be triggered because that statute requires that the noncitizen be present "in violation of the law." For example, lawful permanent residents remain lawfully present in the country until a judge issues a final order of removal.[524] And for students whose student visas have been revoked by the government, visa revocation does not terminate lawful status as long as the student remains in compliance with the terms of their status (such as maintaining sufficient credit hours).[525]

Denial of consent for warrantless entry of ICE agents into campus residence halls or other areas closed to the public cannot constitute evidence of harboring, because withholding of consent is a right guaranteed by the Fourth Amendment.[526]

Responding to ICE Requests for Information

University officials are responsible for ensuring the confidentiality of student records. The Family Educational Rights and Privacy Act (FERPA) requires universities to protect the confidentiality of personally identifiable student information, including information about all noncitizen students (whether on immigrant or non-immigrant visas or otherwise), against unwarranted disclosure to the government or private parties.[527]

When a federally funded college or university collects information from students, FERPA requires the school to define what it designates as "directory information" — meaning information that can be subject to release without a student's prior written consent[528] — and inform students of their right to object to such designation.[529] Only information that "would not generally be considered harmful or an invasion of privacy if disclosed" may be deemed "directory information."[530] Releasing such information to outside sources, including to government officials and agencies in connection with immigration enforcement, will violate FERPA if public notice and other conditions are not met.[531] Similarly, information that would "generally be considered harmful" if disclosed, such as a student's sex, ethnicity, or race, may not be released as "directory information."[532]

That includes disclosures to law enforcement. Unless a law enforcement officer has a valid court order or a lawfully issued subpoena, universities cannot release personally identifiable information without the student's permission, absent another lawful exception to FERPA.[533]

ICE commonly relies on administrative subpoenas to request information, including from colleges and universities.[534] Administrative subpoenas are signed by an ICE officer, not a judge, and the kinds of records sought may implicate serious privacy interests of students or faculty. For instance, while attempting to locate Yunseo Chung, a lawful permanent resident whom ICE was seeking to arrest and deport based on Secretary of State

Marco Rubio's determination that she was deportable under the foreign policy ground of the Immigration and Nationality Act (INA) (detailed later in this report), ICE issued two administrative subpoenas to Columbia, seeking "any and all video footage" from her residence hall over a three-and-a-half day period and "any and all Student Identification Swipe Card Access Data" for Chung over an eight-day period.[535]

Entities in receipt of ICE administrative subpoenas often respond reflexively, out of fear of repercussions. However, there are no consequences for an initial failure to respond to an administrative subpoena. For an ICE subpoena to become mandatory, the government must seek enforcement in court,[536] where institutions can raise a number of possible legal objections, including objections related to overbreadth, relevance, burdensomeness, and privacy interests.[537] Penalties can only be imposed if a court ultimately orders compliance and educational institutions then fail to comply.[538] In consultation with legal counsel, in appropriate circumstances, universities should exercise their right to not respond to administrative subpoenas unless and until ICE obtains an enforcement order from a judge. Institutions should carefully scrutinize each administrative subpoena to assess whether it complies with the relevant subpoena statute, and whether it suffers other defects. Whether or not institutions believe the subpoena is defective, they do not need to respond unless and until a court orders compliance.

Additionally, ICE subpoenas often include requests that the recipient not notify anybody of the existence or details of the subpoena. However, such requests have no legal effect; the recipient of the subpoena is free to disclose the subpoena, including to the target of ICE's investigation.[539] The recipient of a subpoena can only be prohibited from disclosing it pursuant to a properly issued court order signed by a judge. In the absence of such a court order, universities have the right to publicize the subpoenas or alert students if their information has been targeted by an ICE subpoena. Colleges and universities should adopt clear policies under which they will disclose the subpoenas to the parties whose records have been requested unless they are barred from doing so by a court order. They also should announce their policy of disclosure on the college or university webpage, law enforcement contact page, or other publicly accessible place to dissuade casual or frivolous subpoenas.

Absent a court order, universities should decline to voluntarily provide ICE with data or records that implicate serious privacy interests of students or faculty or that could aid in the targeting of activists, including immigration status information or student disciplinary records related to protests and political activism. To prepare in advance, universities and colleges should institute the following best practices:

- Have a policy for responding to ICE subpoenas and connected communications. Institutions can safely decline to respond to administrative subpoenas absent a court order, but may prefer to provide a written response that explains their grounds for objecting to the subpoena, and that they will notify the person whose records are sought.
- Prepare to oppose any court motion to compel compliance. Whether institutions wait for a court order enforcing the subpoena, or actively contest the motion to compel, this may deter ICE from sending frivolous subpoenas.
- Ensure that an attorney reviews any requests from immigration authorities, including any warrant or subpoena, before complying.
- Limit the information colleges and universities collect and keep only what is necessary. Data minimization is the best way to protect members of a school's community. If an institution does not have it, a subpoena cannot compel disclosure of it.

287(g) Agreements Deputizing Campus Police to Act as Immigration Agents

As of June 2026, at least 17 Florida public college and university police agencies have signed 287(g) agreements with ICE since 2025, effectively transforming campus police from community safety officers into federal immigration enforcement agents.[540] 287(g) agreements, named for a section of the Immigration and Nationality Act (INA), delegate federal authority to local police officers and sheriffs' deputies for certain immigration enforcement activities. In doing so, 287(g) agreements deputize local law enforcement officers, such as university police, to act as federal immigration agents.[541] When campus police enter into 287(g) agreements, they are vested with the "power and authority to interrogate any alien or person believed to be an alien" and to make warrantless arrests of any such individuals. Although we are not aware of reports of campus police conducting immigration enforcement work to date, these agreements are sowing distrust and a sense of betrayal among many students.[542] Students and faculty have protested the 287(g) agreements, including multiple Florida faculty senates that have voted in favor of canceling the partnerships.[543]

Case Studies

Photo: Frederic J. Brown / AFP

Student demonstrators set up a Palestine solidarity encampment at the University of California, Los Angeles (UCLA) on April 25, 2024.

University of California, Los Angeles (UCLA)

In spring 2024, when students at the University of California, Los Angeles (UCLA) launched the Palestine Solidarity Encampment in protest of Israel's war in Gaza and their university's financial entanglements with those actions, they did so in the tradition of many thousands of UCLA students before them who campaigned in the same space against the Red Scare, Vietnam War, and apartheid in South Africa.[544]

On April 25, 2024, student activists set up an encampment on Dickson Court, deeming it the "Liberated Zone," to protest Israeli military actions and UCLA's financial connections to those activities. The students made a series of demands of the university, and, in furtherance of those demands, hosted a wide range of political, social, cultural, and religious programming at the encampment.

The student protesters, with the support of some members of the faculty and staff, comprised a multiracial and multi-ethnic group of Muslims, Jews, Christians, atheists, agnostics, and members of other faiths.[545] Just as UCLA administrators have supported informal student encampments to queue overnight for tickets to UCLA basketball games, university leadership initially supported students' right to establish the Palestine Solidarity Encampment, expending university resources to ensure that school facilities remained accessible while the encampment and its programming continued.

Despite being peaceful, the encampment drew harassment and violence from outsiders almost as soon as students created it. The first significant escalation occurred on April 28, 2024, when counter-protesters attacked the pro-Palestinian encampment, throwing traffic cones, deploying pepper spray and mace, tearing down barriers,

threatening to slit protesters' throats, and releasing vermin into the encampment.[546]

The situation escalated overnight from April 30 to May 1, 2024, when a mob of more than 100 masked assailants armed with toxic spray, fireworks, pipes, bottles, and other weapons attacked nonviolent protesters in the encampment. Individuals attempted to break encampment walls forcibly, reportedly threatened to slit protesters' throats, and released vermin near the encampment.[547] The mob attack continued unimpeded from approximately 10:00 p.m. on April 30 until 2:45 a.m. on May 1, during which time campus officials are reported to have hindered the arrival of emergency medical services by shutting down access roads nearby the encampment. Later reports confirmed that 25 pro-Palestine protesters were hospitalized because of injuries inflicted by mob violence.[548]

At around 1:00 a.m. on May 1, Mayor Karen Bass's Deputy Mayor of Communication noted that "LAPD is responding immediately to Chancellor Gene Block's request for support on campus," indicating that campus administrators had contacted the Los Angeles Police Department (LAPD) for assistance.[549] While LAPD and California Highway Patrol officers assembled near the encampment following the support request, they did not intervene to stop the violence until three-and-a-half hours after a neighboring business owner's first 911 call. The police response ultimately took over four hours, during which time counter-protesters continued their assault on protesters. When law enforcement and campus security eventually moved in after more than four hours, they made no arrests. The tepid response by campus authorities drew sharp criticism from Governor Gavin Newsom, UCLA alumni, and organizers, with UCLA officials subsequently pledging to conduct an independent investigation into the events.[550]

The next day, May 1, UCLA administration began notifying students and faculty of its plan to forcibly clear students from the encampment and to shut down their expressive activities.[551] That afternoon, in a meeting with student demonstrators at the encampment, then-Executive Vice Chancellor and Provost Darnell Hunt informed demonstrators that the university had decided to clear the encampment in the evening. Hunt told students that the reason for the decision was to protect student safety in the wake of the mob violence: "These police officers to my understanding were given the mandate to clear out the encampment because of security risks." In Congressional testimony given to the House Committee on Education and the Workforce on May 23, 2024, then-Chancellor Block confirmed that UC administrators made the decision to end the encampment, justifying the decision by claiming a need to protect student safety. Even though members of the encampment had only engaged in nonviolent protest, Chancellor Block testified, "On April 28th, I decided to remove the encampment after violence broke out between opposing rallies and I asked for a security plan to safely do so."

At 6:00 p.m. on May 1, 2024, the UCLA Police Department (UCPD) declared the encampment to be an unlawful assembly and issued a dispersal order, purportedly under the authority of California Penal Code sections 407 and 409. This dispersal order came at the direction of UCLA leadership and the University of California Office of the President. Although the university administration declared the encampment unlawful, the encampment remained nonviolent throughout its existence. At the time UCPD issued the declaration of an unlawful assembly, reports indicate there was no discernible criminal activity in the encampment, nor did any university administrators cite criminal activity within the encampment as a reason for the dispersal order. There was also no discernible threat of immediate or imminent violence at the time of the declaration and dispersal order.

In the early morning hours of May 2, 2024, law enforcement in full riot gear massed on the UCLA campus and ordered the large group of pro-Palestinian demonstrators inside the encampment to leave the area or face arrest.[552] UCPD officers, in cooperation with officers from the LAPD,

California Highway Patrol, and the Los Angeles Sheriff's Department, forcibly tore apart the encampment.[553] The officers destroyed people's sleeping tents and ripped down placards with pro-Palestine sentiments. They fired dozens of concussive flash-bang bombs into the encampment, launched flares, and shot protesters with less-lethal rounds. California Highway Patrol reported that its officers shot protesters with nearly 60 less-lethal rounds, including 33 beanbag rounds fired from 12-gauge shotguns and two dozen 40mm "direct impact" rounds (typically sponge rounds fired from 40mm launchers), which the manufacturer calls "pain compliance devices."[554] Officers injured 25 protesters — some so severely that they required hospitalization.[555] Ten people sustained head injuries. The projectiles shattered bones in one student's hand, requiring surgery and extensive rehabilitation. Another person, who was shot in the head by police, was diagnosed with internal bleeding. A UCLA Task Force later reported, "We have documented multiple injuries from rubber bullets and police batons.... We have seen the injuries to the face, head, legs, and chest. Some students were shot at close range. The police shot regular volleys of stun grenades, beat protesters with batons."[556] The Task Force added, "Perhaps most shocking was the police command's decision to block EMS from entering the encampment to aid the injured."[557]

A graduate student who later filed suit against UCLA said, "I can still hear the relentless sound of the stun grenades. Trepidation still courses through my body when I think about police in riot gear shooting rubber bullets at and beating students and friends."[558] An associate professor of political science who is a plaintiff in the same lawsuit recalled, "Along with faculty and staff colleagues, I was arrested at the encampment while facing down state police officers in riot gear wielding weapons loaded with rubber-coated bullets, pointed at our students, while police flash bangs exploded over our heads. It is a scene I hope to never see again. The brutal chaos that ensued when students tossed through the air and were shot by rubber bullets at close range — was terrifying."[559]

During the operation, officers arrested more than 200 students, faculty, and staff members. As UCPD and other officers entered the encampment and made these arrests, they apparently made no attempt to distinguish between individuals they suspected of committing violations of university policy and those who had been merely present inside the encampment engaged in protected expressive and associational activity. The president of the University of California issued a new policy one week later, on May 9, mandating that disciplinary proceedings be opened for anyone arrested for any reason, and the UCLA administration stated that this new policy would be retroactively applied to the May 2 arrestees. UCLA administrators subsequently opened disciplinary proceedings against every individual arrested during the encampment clearing, permanently marring their academic records. The May 9 policy also mandated disciplinary proceedings if an individual is "cited for a violation of university policy," regardless of which policy it is, where the violation occurred, or the circumstances surrounding the violation.[560]

UCLA's own advisory Task Force on Anti-Palestinian, Anti-Muslim and Anti-Arab Racism — created by UCLA to report to the Executive Vice Chancellor and Provost Darnell Hunt and investigate discrimination and racism targeting Muslims, Arabs, and pro-Palestinian voices on campus — issued a scathing report on May 13, 2024, accusing the university of "failed leadership," "utter failure to protect students [in the Palestine Solidarity Encampment] under attack," and "consistent anti-Palestinian, anti-Muslim, and Arab racism and pro-Zionist bias."[561] The Task Force reported that, following the encampment clearance, UCLA became "akin to a police state, with a marked increase in police around the campus, many of whom carried rubber bullet guns, and some of whom carried assault rifles."[562] The Task Force noted that "[w]ith such a heavy police presence, students and faculty reported feeling unsafe and on high alert," making UCLA "a militarized space, where peaceful protest and the right to free speech have become pervasively criminalized."[563]

From May 2 to May 10, the UCLA administration closed in-person classes, moved coursework online, and shut down speech activity throughout campus. It positioned security personnel across sites that have historically been the homes of student expressive activity, including Royce Quad.

On May 6, 2024, UCPD officers arrested 44 people, including two journalists covering the events, who were inside a UCLA parking structure.[564] The UC Divest Coalition and the UCLA chapter of Students for Justice in Palestine had called for a pro-Palestine sit-in at Moore Hall at 7:00 a.m. that day.[565] UCPD officers stated they were checking individuals for potentially violating a typically unenforced curfew of midnight to 6:00 a.m. that only applies to non-affiliates of the university.[566] However, 35 of those arrested were UCLA students, and the detentions occurred after 6:00 a.m.[567] Of those arrested, 41 were booked for misdemeanor conspiracy to commit a crime, one was booked for obstructing a police officer, and the two journalists arrested were later released without charges after being taken to a LAPD jail.[568] According to a statement from UCPD, an unspecified number of individuals in the group were discovered to have several metal pipes, a pair of bolt cutters, super glue, padlocks, and a long chain.[569] Around 50 students gathered at Moore Hall to stage a sit-in that morning. UCPD announced that Moore Hall was closed as of 8:00 a.m. and the students then moved to Dodd Hall shortly before 8:30 a.m.[570] Police and security personnel gathered outside Dodd Hall and students reported that police cleared the building.[571] By later that morning, the protesters had moved outdoors to Bruin Plaza near the center of campus.[572] Ultimately, charges were not filed against the arrested students, but UCPD held their cellphones as evidence for nearly a year, until April 2025, when the Los Angeles City Attorney announced that she was not filing charges.[573]

The administration continued to forcibly shut down pro-Palestine protests in subsequent weeks by issuing unlawful assembly declarations and dispersal orders. On the morning of May 23, student protesters launched another encampment,

Photo: Ringo Chiu

Pro-Palestinian protesters demonstrate at UCLA on April 29, 2024.

this time in the patio of Kerckhoff Hall. The administration and UCPD moved quickly to shut it down, encircling students with a police line and raising weapons towards supporters of the encampment who had gathered outside of it. At around 1:00 p.m., UCPD issued an unlawful assembly declaration and a dispersal order, again based on purported violations of university policy. Just as with the encampment on May 1, students at the May 23 encampment had not committed any crimes and were nonviolently gathering in the Kerckhoff Hall patio when UCPD declared the unlawful assembly. UCPD eventually cleared that encampment the same day.[574]

On June 10, another student-led, pro-Palestine demonstration marched through campus. Students held a memorial to read aloud some of the names of the tens of thousands of Palestinians killed by Israeli forces and to hold a symbolic funeral procession. According to a UCLA Task Force report, "private security, backed by UCPD, surrounded the students and forced them to move to different parts of campus, declaring every location off-limits to protesters."[575] When the rally reached Royce Quad, the students set up an encampment. UCPD and

the UCLA administration issued a declaration that the encampment was an unlawful assembly and announced a dispersal order. This dispersal order was again based on alleged violations of university policy, not any suspicion of criminal activity or presence of violence. Once the on-site police began clearing the June 10 encampment shortly after the initial dispersal order was issued, the protesters continued to march on and arrived at Kerckhoff Hall, setting up a second encampment. Another unlawful dispersal order was issued, again without suspicion of criminal activity or indication of violence. The protesters then ended their march at Shapiro Courtyard (adjacent to the law school). At that point, UCPD and other police officers "kettled" protesters within the courtyard, blocking ingress and egress for those inside even though the officers commanded protesters to leave the premises. The police declared another unlawful assembly, again without any apparent suspicion of criminal violations or indication of violence.[576]

The UCLA Task Force on Anti-Palestinian, Anti-Muslim and Anti-Arab Racism investigated these events and documented the use of less-lethal weapons and the injuries students sustained:

> [T]he procession ended up near the law school, now confronted by the California Highway Patrol and more UCPD officers armed with batons, 40mm guns for rubber or plastic projectiles, pepper bullets, and various so-called 'less lethal' weapons. The police corralled the students and faculty allies into an area between the Law School and Dodd Hall surrounded by thick bushes, and then quickly issued a dispersal order – impossible to comply with -- as they moved in. Police wielding batons kettled the students, beating them as they tried to push through the bushes and past carts holding supplies. Video footage shows students begging cops to retreat since they had nowhere to go, crowds squeezed tightly trying to avoid trampling one another, and officers literally pulled students out of the crowd by their legs, arms, backpack straps, just to beat them mercilessly with their batons. Then at one point a UCPD officer shot a student in the chest with a rubber bullet from a distance of about five feet away.... The force of the bullet knocked them down and two fellow students assisted them to safety through the bushes. The student suffered a contusion to the heart and a bruised lung and was taken by car to the ER at Ronald Reagan Hospital. They remained there for two days given the severity of the injury, which caused elevated cardiac enzymes. This situation could have ended with a permanent disability or death and is a stark reminder of why it is so dangerous to simply transfer control of campus to a militarized police force. Other students were injured as well, one suffering from a concussion, others from bruises and lacerations.[577]

Volunteer medics reported that they treated dozens of injuries to the head and face caused by rubber bullets shot by California Highway Patrol and UCPD officers that day. "[The projectiles] would pierce through skin and gouge deep into people's bodies," recalled a medical student who worked in the medic's tent. "All of them were profusely bleeding... I couldn't believe that this was allowed to be [done to] civilians — students — without protective gear."[578]

The police eventually arrested 25 students, faculty, and community members; some of these individuals had been arrested before the unlawful assembly declaration was issued.[579] Police alleged that the group had damaged a fountain, spray-painted brick walkways, tampered with fire safety equipment, damaged patio furniture, stripped wire from electrical fixtures, and vandalized vehicles.[580] However, the protesters and some members of the faculty disputed these allegations.[581] While holding the arrestees in adjacent Dodd Hall, police fired pepper-ball munitions at the crowds outside of the courtyard.

The UCLA Task Force on Anti-Palestinian, Anti-Muslim and Anti-Arab Racism issued a second report on June 28, stating that since its May 13 report, "the situation at UCLA has actually worsened" with the university "now overrun with police and private security...making it far less safe for students and faculty exercising their constitutionally protected right to protest and criminalizing protest across the board."[582]

The Task Force stated, "We have concluded that the militarization of our campus, the persistent attacks on students, faculty, and staff for supporting ceasefire, divestment and disclosure, the punitive measures deployed by the administration toward anyone even mildly critical of Israeli policies, have made UCLA less safe than ever for Palestinian, Arab, Muslim students and faculty, and for those in solidarity with Palestinians."[583]

On August 19, University of California President Michael Drake issued a letter directing UC campuses to "clarify" and "reinforc[e] policing impacting expressive activities, including policies that prohibit camping or encampments." In response, UCLA formally outlawed encampments in an "interim policy" effective September 4, 2024. The new policy states that individuals "on UCLA Property may not . . . erect any Temporary Structure or encampment on UCLA Property" without approval from the Events Office.[584] Thus, while encampments may have been prohibited on campus after September 4, university officials permitted encampments prior to August 19, making the dismantling and clearing of the Palestine Solidarity Encampment inconsistent with this practice, suggesting that it may have been a content-based policy targeting pro-Palestine speech.

An independent investigation commissioned by UCLA identified institutional failures that contributed to the events of spring 2024.[585] The report, released in November 2024, recognized civil disobedience as part of a "long and proud history of student protest in the United States."[586] It acknowledged UC-wide efforts to protect this tradition. However, it noted that UCLA fell short in implementing and operationalizing policies that promote positive relationships between the university community and law enforcement, finding that "University leaders [were] ill-equipped to guide and gauge the level of police intervention, including by influencing the techniques used, timing the intervention to reduce the need for force and arrest," and unable "to effectively respond and protect students from violence."[587] The report included a set of recommendations "to ensure that UCLA's response to acts of civil disobedience aligns with its commitments to freedom of expression and the protection of the health, safety and well-being of the UCLA community."[588]

In response to the events of spring 2024, two UCLA students and two UCLA faculty members filed a lawsuit against the UC Regents in October 2024 for violating their rights to free speech and expression and for unlawfully arresting students and faculty engaged in nonviolent demonstrations.[589] The ACLU Foundation of Southern California and Walkup, Melodia, Kelly, and Schoenberger represent the plaintiffs.[590] UCLA students and community members who suffered injuries from rubber bullets filed a second major lawsuit against California Highway Patrol and the LAPD in May 2025 for their alleged use of excessive force during the encampment clearing.[591]

In April 2025, Los Angeles City Attorney Hydee Feldstein Soto announced that, after reviewing more than 300 arrests from UCLA campus protests in April and May 2024, she had declined to file criminal charges against all but two individuals "for evidentiary reasons or due to a university's failure or inability to assist in identification or other information needed for prosecution.[592] Two individuals were charged with misdemeanor crimes: one was charged with simple battery and brandishing a deadly weapon other than a firearm, and the other was charged with simple battery, false imprisonment, and resisting or obstructing a peace officer. Three other people were referred to City Attorney Hearings, diversion proceedings that serve as an alternative to prosecution.[593]

On April 30, 2025, UCLA students gathered on campus at Wilson Plaza for a screening of the documentary film "The Encampments," hosted by the school's suspended Students for Justice in Palestine chapter. After a UCLA representative told the students that visuals were not allowed in the area, they moved to another campus location, Bruin Plaza, which is designated an "Area for Public Expression" where events do not have to be registered in advance with the university. There,

a UCPD officer informed the students that they could not hold the screening.[594] According to faculty who attended the screening and witnessed the subsequent attack, about 200 people, most seated on the ground, watched the film quietly. Videos posted on social media showed around 30 UCPD officers wearing full riot gear running into the crowd of students a half-hour into the film, at around 9:00 p.m., detaining two individuals, and confiscating the screening equipment (a sheet strung between two poles).[595] One of the arrestees was taken to the emergency room to be examined for injuries.[596] Four UCLA faculty who witnessed the attack at the film screening later wrote in an op-ed, "[T]he constant and extreme police and security presence on campus since last April has made our campus nearly unrecognizable as a university. It has become a fortress."[597]

University of Michigan

At the University of Michigan, campus police arrested pro-Palestine protesters, forcibly cleared a student encampment using batons and pepper spray, aggressively pursued criminal charges and disciplinary sanctions against protesters, and banned some protesters from the entire campus.

Since October 2023, the University of Michigan has seen a surge in on-campus protest activity related to Israel's war in Gaza. Hundreds, if not thousands, of students and non-student community members have participated in on-campus protests organized to support Palestinians in Gaza, to denounce Israeli policy and military conduct, and to call for the University of Michigan to divest from companies and institutions with ties to Israel.

The university's response to these protests has been harsh. Many of the larger protests have resulted in the university deploying its police

Photo: Adam J. Dewey/Anadolu via Getty Images

Student protesters at the pro-Palestine encampment at the University of Michigan in Ann Arbor, Michigan, on May 13, 2024.

to arrest, detain, physically harm, and use chemical sprays against protesters; initiating a variety of disciplinary proceedings against protesters; ordering protesters not to appear on campus under threat of criminal trespass sanctions; permanently banning some protesters from working at university-affiliated institutions; and adopting a new, ill-defined policy broadly prohibiting "disruptions" anywhere on campus.

In late October 2023, medical students reported that the University of Michigan Medical School's administration imposed strict moderation policies on the official student body listserv after students sent two pro-Palestine statements to their peers.[598] Once those moderation policies were in place, school officials prevented further emails related to Palestine and Israel from being sent to the listserv. Further, in mid-November, law students reported that the Law School's administration announced that it would shut down its school-wide listserv at the end of the year. The administration made this announcement during a time when students were exchanging impassioned emails about Palestine and Israel.[599]

Students faced an unnecessarily outsized police response to a pro-Palestine protest and sit-in organized on November 17, 2023.[600] Based on video footage and news reports, over 50 police cars from over 10 police departments appear to have been dispatched to respond to the protest. Multiple individuals reported being physically harmed by police officers on the scene, with one student reporting that a police officer ripped off her hijab.[601]

By the end of the November 17 protest, over 40 student protesters were notified that they were barred from entering the Ruthven administrative building for one year.[602] When some of those students requested an exemption for the sole purpose of attending the December 5 public meeting of the University Regents in Ruthven, the University of Michigan Division of Public Safety and Security (DPSS) confirmed that they would not be allowed to attend — arguably a violation of the Open Meetings Act, M.C.L. § 15.263(6) ("A person must not be excluded from a meeting otherwise open to the public except for a breach of the peace committed at the meeting.")[603]

Graduate students at the Biological Sciences Building reported that, in late November, the university directed custodial staff to remove signs that students had posted in their office windows. The signs included pro-labor messages and images of Che Guevara as well as statements such as "Stop the Genocide, Free Palestine" and "Killing People Is Bad."[604] Students reported that they had hung signs in these windows since well before October 7, and the university had not sought to remove them.[605]

The protests continued in 2024, but against a newly proposed university policy designed to regulate campus demonstrations.[606] On April 3, 2024, the University of Michigan published its proposed Disruptive Activity Policy, whose stated purpose is "to address disruption to University Operations so that all members of the University Community and guests may exercise their rights, including their right to hear from speakers; attend classes, activities, and open meetings; and participate as guests at University ceremonies."[607] The proposed policy stated that no person may "disrupt" university operations "by obstructing lines of sight, making loud or amplified noises, projecting light or images, or otherwise creating substantive distractions."[608]

In failing to define the key terms "disrupt" and "substantive distractions," the proposed policy threatened to chill an unspecified but substantial amount of expressive activity that had long been accepted and even embraced in the campus environment but could be regarded by some as "disruptive" or "distracting." After widespread backlash from the university community, the university abandoned its efforts to adopt the policy. However, during the 2024 summer break, the university quietly adopted the same restrictions on "disruptive activity" in a new policy purporting to regulate on-campus facilities.[609]

On April 22, 2024, a coalition of University of Michigan students established an encampment on campus in connection with their ongoing protests demanding that the university divest its endowment from companies supporting Israel's military operations in Gaza.[610] The encampment persisted without significant police interference for nearly one month. But the university's response to the encampment escalated significantly on May 21, 2024, when law enforcement and security personnel moved to clear the protest site. University officials provided written notices and issued three warnings over 15 minutes, instructing participants to leave voluntarily or face arrest. This included multiple warnings stating that the students were blocking pedestrian traffic. Students reported that they were in the middle of a religious service when they noticed police in full riot gear charging at them with batons, pepper spray, and other less-lethal weapons.[611]

On May 21, 2024, DPSS officers employed pepper spray during arrest operations, detaining four protesters.[612] At least three protesters required hospitalization due to injuries sustained during the confrontation,[613] including one student who was seriously injured when their head was slammed against concrete by police, and two students who were sent to the emergency room.[614]

Following these arrests, the Michigan attorney general's office brought charges against 11 pro-Palestine protesters, nine of whom were arrested when police cleared the encampment.[615] Some participants faced felony counts, including destruction of property and resisting or obstructing a police officer, with potential sentences ranging from one to four years in prison, and some were charged with misdemeanor trespassing for "failing to vacate the encampment."[616] Among those charged were undergraduate students, graduate researchers, and faculty members who had participated in what organizers characterized as a peaceful civil disobedience action involving the establishment of protest encampments on university property. In May 2025, the Michigan attorney general's office dropped felony charges against seven of the encampment protesters.[617]

The aggressive response to the protests continued after the encampment was cleared. Police made arrests at multiple peaceful pro-Palestine protests throughout 2024, including an August 28, 2024, "die-in" demonstration near a student activity fair and an October 7, 2024, march through campus.[618] In contrast, during the same academic year, no arrests were made and no criminal charges were filed against students who staged demonstrations related to different political issues, some of which disrupted campus events, including protests of university climate policies, demonstrations in support of university workers' unions, and protests demanding that the university fund diversity, equity, and inclusion initiatives.[619]

Throughout this span of protests, the University of Michigan also contracted with a private security firm to deploy undercover security guards and investigators across campus in an apparent attempt to conduct surveillance of pro-Palestinian campus groups. Tactics used by this private security force included following students both on and off campus, recording their activities, and monitoring their conversations.[620] According to reported accounts from students, investigators cursed at students, made threats, and, in one documented incident, drove a vehicle toward a student who was forced to jump away to avoid injury.[621] Public outcry over the private security force's actions eventually caused the university to end its contract with the firm.[622] In May 2026, a University of Michigan student sued the university, accusing it of hiring a private security contractor to conduct prolonged and intrusive undercover surveillance of him in 2024 and 2025.[623]

The university rules adopted in summer 2024 allow for campus surveillance and overreach by law enforcement, with policies that ban encampments while restricting the time, place, and shape of protests.[624] Students and staff participating in peaceful demonstrations face surveillance and disciplinary action, including suspension and expulsion. In December 2024, students and alumni filed a lawsuit against the University of Michigan, alleging it had violated the free speech and other

constitutional rights of students protesting the Gaza war.[625] They allege the school has specifically targeted pro-Palestinian demonstrators, subjecting them to disciplinary processes and suspensions.

In January 2025, University of Michigan administrators suspended Students Allied for Freedom and Equality (SAFE), a pro-Palestinian student organization, for two years. Administrators revoked the organization's institutional funding due to members' participation in divestment protests.[626]

The University of Michigan has banished many protesters from its main Ann Arbor campus — and some protesters from all three of its Michigan campuses — for an entire year based on unproven suspicions and undisclosed evidence that student protesters violated university policies or criminal laws during on-campus protests.[627] The University of Michigan DPSS authorizes University of Michigan Police Department (UMPD) officers to prohibit individuals from entering or remaining at locations on campus, including the entire Ann Arbor campus or even all three of the university's campuses across Michigan, via a process it calls "trespass warnings."[628]

An undergraduate student who was banned from all three campuses after participating in a pro-Palestine march on campus said, "For the simple act of using a megaphone to direct participants in a recent on-campus protest, campus police issued me a trespass ban that barred me from attending classes and stepping foot on any property within the entire UM system. While my ban has recently been amended to allow me to return to class finally, I'm still forbidden from participating in protests and student organizing meetings, attending lectures and events, and meeting professors, classmates, and friends in person."[629] In February 2025, five students and alumni who had been banned from the university's Ann Arbor campus after they participated in pro-Palestine protests on campus sued the University of Michigan, alleging it had violated their constitutional rights by banning them from campus. The lawsuit, filed by the ACLU of Michigan and the Sugar Law Center for Economic and Social Justice, alleges that the bans, which prohibit the plaintiffs and others from stepping foot virtually anywhere on campus under threat of criminal prosecution for trespassing, unconstitutionally punish protesters and quell their First Amendment right to free speech and their Fourteenth Amendment right to due process, which includes the right to travel through and remain in public spaces.[630]

University of Michigan administrators have also punished student and staff who have participated in pro-Palestinian activism with other consequences, such as termination of campus employment. For instance, four student workers were terminated from campus employment in April 2025 due to their participation in the Gaza solidarity encampment, eliminating their primary source of income and, for those in work-study programs or scholarship-related employment, jeopardizing their ability to continue their education.[631] In May 2025, eight University of Michigan employees filed suit against the university, alleging they had been fired and barred from ever working on campus in the future because of their participation in protests in November 2023 and May 2024.[632]

On April 23, 2025, the Federal Bureau of Investigation (FBI) and other law enforcement agencies conducted raids on several student organizers who were connected to the Gaza protests at the University of Michigan.[633] In August 2025, the Michigan attorney general's office began to subpoena students for grand jury testimony in new investigations into unspecific criminal activity by protesters — a move that student organizers and some faculty members called a politically motivated intimidation tactic.[634]

In August 2025, 11 students and alumni who participated in the encampment and other protests, including four against whom criminal charges were later dismissed, reported that they had been charged with violations of the university's statement of student rights and responsibilities and were facing disciplinary probation, suspension, and reenrollment bans.[635] The students and alumni,

who include leaders from Students Allied for Freedom and Equality, the Muslim Student Association, the Arab Students Association, Jewish Voice for Peace, and the Graduate Employees Organization, are facing disciplinary proceedings through the Office of Student Conflict Resolution.[636] In September 2025, seven more students and alumni reported they had been charged with disciplinary violations by the Office of Student Conflict Resolution and the new Office of Student Accountability.[637]

Faculty members have raised the alarm over these events, saying they threaten academic freedom and free speech, with some faculty facing potential discipline for their speech despite traditional academic freedom protections.[638]

Columbia University

Columbia University is deemed "the activist Ivy" due to its historical identity as an Ivy League university with a highly politically active student culture known for engaging in protests in favor of racial justice, often at odds with its own institution.[639] Since the mid-20th century, Columbia students and student organizations across disciplines have engaged in large-scale protests demanding the university sever its institutional contributions to human rights violations and systemic oppression both within New York City and internationally. In keeping with this tradition, student activism in support of Palestinian rights began in October 2023 at Columbia University, sparking a multi-year, nationwide movement of campus anti-war demonstrations calling for academic institutions to divest from what organizers and Amnesty International characterize as Israeli apartheid.[640]

Photo: Spencer Platt via Getty Images

Pro-Palestinian protesters face police as they gather outside of Columbia University on April 18, 2024.

History: 1968 Student Protests

Columbia students led large-scale protests throughout the late 20th century. In April 1968, over 300 Columbia students barricaded themselves inside five university buildings as part of two separate eight-day protests led by the student groups Society of Afro-American Students (SAS) and Students for a Democratic Society (SDS).[641] SDS's occupation was in protest of Columbia's ties to war strategy research and military recruitment for the Vietnam War while SAS's occupation was in protest of Columbia's continued gentrification of Harlem.[642] After a week of occupation, Columbia President Grayson Kirk infamously called 1,000 New York City Police Department (NYPD) officers to remove protesters by force.[643] NYPD officers brutalized student protesters through violent actions such as punching, trampling, kicking, and dragging them down the stairs.[644] NYPD arrested 712 students during the protests; 148 students reported injuries sustained from the arrests.

In response to the 1968 protests and demands to protect student academic freedom, Columbia established the Student Governing Board (SGB) in January 1969,[645] through which elected students oversee student organizations' budgets and campus recognition, establish organization rules, and host and/or advertise on-campus events.[646]

Following the 1968 protests, Columbia students continued to demonstrate against what they claimed was the institution's complicity in global human rights violations. Unlike in 1968, however, NYPD remained off campus. Their protests included the 1972 occupation of Hamilton Hall, where 60 students demanded an end to the Vietnam War and an examination of U.S. government business interests with apartheid South Africa.[647] The 1972 protests ended with 48 students being charged with disciplinary suspension; only three were subjected to disciplinary hearings and were later pardoned by the university the following year.[648] Columbia's Hamilton Hall was once again the center of student protests in 1985, when more than 300 students blockaded the building for three weeks demanding that the university divest from companies doing business in apartheid South Africa and renaming the building "Mandela Hall."[649] The 1985 protests ended with 44 students receiving a one-semester disciplinary warning and Columbia fully divesting from South African companies.[650]

Another protest occurred at Hamilton Hall in 1987, when 40 students blockaded the building to protest the university's response to racial tensions on campus.[651] In 1996, Hamilton Hall was occupied for the last time in the 20th century, when 100 students occupied the building and Columbia's Low Library for four days, demanding the creation of the university's Ethnic Studies Department, which is now 26 years old.[652]

2023: Special Committee on Campus Safety, CUAD Statement, and Suspensions

According to a Columbia University Senate report,[653] following the Hamas-led attacks of October 7, 2023, in Israel and the beginning of Israel's airstrikes on the Gaza Strip,[654] Columbia senior leadership formed the Special Committee on Campus Safety, an ad-hoc committee consisting of departmental representatives from the offices of the president, provost, and general counsel.[655] Its membership was not made public until December 2023.

On October 9, 2023, Columbia University President Minouche Shafik issued a public statement addressing the "horrific attack on Israel this weekend and the ensuing violence that is affecting so many people." [656] In response, the Columbia University chapters of Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP) published an open letter to the university,[657] calling for President Shafik to "divest from companies profiting from Israeli apartheid," end partnerships with Israeli institutions, and "start verbally acknowledging Palestinian existence and suffering."[658]

Eight days later, a diverse coalition of Columbia student groups including SJP and JVP held

a peaceful demonstration and temporary art installation on campus advocating for an end to Israel's military campaign in Gaza.[659] President Shafik and members of the Special Committee on Campus Safety suspended the student groups SJP and JVP for the remainder of the fall term. University leadership issued a statement on the suspensions that same day,[660] citing that these groups "repeatedly violated University policies related to holding campus events, culminating in an unauthorized event [on November 9] that proceeded despite warnings and included threatening rhetoric and intimidation." Under the conditions of these suspensions, SJP and JVP could not receive university funding and were prohibited from holding on-campus events.

Vice President Gerald Rosberg confirmed on November 12, 2023, that senior administrators implemented these suspensions through revision of campus event policies without input from the University Student Senate.[661] The suspensions of these groups also were the result of university leadership bypassing the governing rules of the Student Governing Board (SGB), which require a rigorous multi-step procedure for discipline and includes the opportunity for groups to appeal against a sanction. Hundreds of students and faculty signed open letters in opposition to SJP and JVP's suspension.[662] The New York Civil Liberties Union (NYCLU) issued a letter to the Columbia administration in February 2024 calling on the university to reinstate both SJP and JVP chapters immediately.[663] In March 2024, NYCLU and Palestine Legal filed a lawsuit against Columbia University challenging the unlawful summary suspensions of its SJP and JVP chapters for engaging in peaceful protest.[664] The lawsuit argued that the university had violated its own policies and procedures to suppress student free speech, that its imposition of the serious penalty of suspension was plainly disproportionate to the minor violation of procedural rules the university invoked, and that SJP and JVP were targeted for punishment not because of the claimed rules infractions but because of the content of their advocacy.[665] In November 2024, the New York State Supreme Court dismissed the lawsuit.[666]

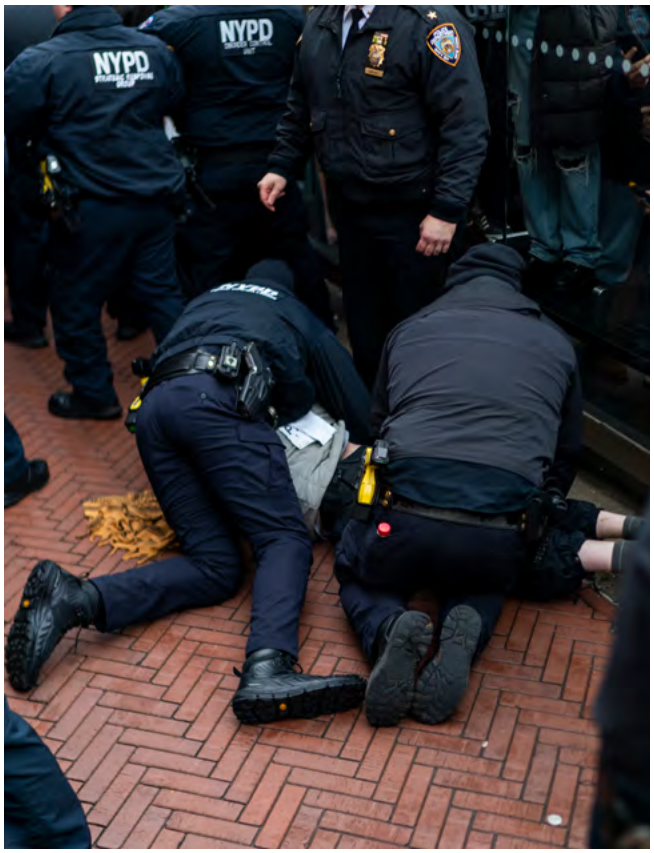

Photo: Eduardo Munoz Alvarez/VIEWpress

NYPD officers arrest a Pro-Palestinian demonstrator at a protest outside Columbia University on February 2, 2024.

On November 14, 2023, a coalition of student groups called Columbia University Apartheid Divest Coalition (CUAD) was reactivated. The coalition stated this reversal was due to the university's suppression of student demonstrations. CUAD noted in their statement, "The Columbia administration has set a dangerous precedent by erasing the Palestinian struggle through one-sided decisions and emails that threaten and suppress the voices of students who support justice for Palestine, enabling a violent, repressive environment that puts Palestinian students, as well as all their Arab, Muslim, Jewish, and BIPOC peers, at risk through surveillance and policing."[667]

In December 2023, the University Senate passed a resolution updating the university events policy to protect student protest and free speech;[668] President Shafik and interim Provost Dennis Mitchell announced their collaboration on implementing this resolution.[669]

2024: Chemical Substance and Task Force Report

In January 2024, 18 students attending a "divestment now" rally on campus reported a putrid-smelling substance that had permeated the crowd, which students described as "a really strong smell of poop mixed with decaying animal."[670] A 2024 Al-Jazeera documentary report noted that over half of the student protesters at the rally began experiencing physical symptoms such as nausea and headaches from the substance, requiring them to seek medical care.[671] Student protesters told some media outlets that they believed this substance was likely "Skunk,"[672] a chemical weapon used by the Israeli military to disperse crowds, often against Palestinians in Gaza and the West Bank.[673]An eight-month investigation by Columbia concluded that the substance was a non-toxic novelty item;[674] a former Israeli military soldier was charged with spraying the substance, for which he received a two-month interim suspension.[675]

In March 2024, the Columbia Task Force on Antisemitism published its first report.[676] The report concluded that the student protests prompted discomfort and harassment against Jewish and Israeli students. It also recommended greater enforcement of university protest policies to ensure Israeli and Jewish student safety.

2024: Student Encampments

On April 17, 2024, in response to President Shafik's testimony at a House of Representatives hearing on antisemitism at Columbia,[677] hundreds of students occupied Columbia's South Lawn, beginning what would become a 14-day campus encampment protest.[678] One student organizer noted in a recorded statement posted to the New York chapter of the Palestinian Youth Movement (PYM)'s Instagram, "We set up this encampment today because Columbia University has continually refused to listen to the student body when we demand that they divest from the ongoing genocide in Gaza."[679]

On day two of the protest, President Shafik called in NYPD officers to sweep the encampment, marking the first time the NYPD was called to disperse student protesters since 1968.[680] They did so in full riot gear, arresting over 100 students.[681] NYPD Chief John Chell stated in a press conference that day, "To put this in perspective, the students that were arrested were peaceful, offered no resistance whatsoever, and were saying what they wanted to say in a peaceful manner." [682] All protesters were released from police custody the same evening.[683]

Among the encampment spokespeople were Jewish students who affirmed their sense of interfaith solidarity within the encampment.[684] During the encampment, students engaged in peaceful demonstrations, such as student-led cultural dances,[685] guest speeches,[686] art installations,[687] and interfaith community spaces, including a large Kabbalat Shabbat service led by Jewish student protesters.[688] In a statement to The New York Times, one of the Jewish student protesters stated, "To say that it is unsafe for Jewish people, to me, indicates that you're only speaking about a certain portion of Jewish people…We are totally opposed to any sort of antisemitic speech…we are here to, you know, stand in solidarity with Palestine. And we refuse — our Jewish members refuse — to equate that with antisemitism."[689]

During the 14-day encampments, the Columbia and Barnard administrations began negotiating with the student protesters while also issuing disciplinary suspensions against them. Columbia allowed suspended protesters to stay in university housing[690] while Barnard College evicted 53 suspended protesters from on-campus housing, giving them only 15 minutes to gather their belongings.[691] Exactly one week into the protest, President Shafik suspended negotiations and announced a midnight deadline, threatening the protesters that if the deadline to come to an agreement with administration is not met, the university will consider "alternative options for clearing the West Lawn and restoring calm to campus so that students can complete the term and graduate."[692]

On day nine of the encampment, following visits from elected officials and students re-pitching their tents, hundreds of counter-protesters attended a "United for Israel" march on the sidewalk outside the Columbia campus gates. This counter-protest ended with reports of numerous pro-Israel protesters harassing pro-Palestine protesters, with Black and Jewish students reportedly especially being the target of this harassment. For example, in a report from the Columbia Daily Spectator, Jewish student protesters reported pro-Israel counter-protesters attempted to take off their masks while they were called "traitor[s]", "fake jew[s]", and "Nazi[s]" while NYPD stood by.[693] Thirty NYPD officers were called to line the pro-Israel march of hundreds of people, while even more officers lined up next to the pro-Palestine protesters.[694] NYPD did not confirm any arrests during this counter-protest.

During the last few days of the encampment Columbia denied claims of lockdowns or evictions despite reports of student protesters being forced to leave their housing. On day 13 of the encampment, President Shafik issued a statement that Columbia will not divest from Israel.[695] With the interim suspensions of students expiring that day, Columbia began to officially suspend student protesters as hundreds of students rallied against the suspensions on the South Lawn.[696]

On the final day of the encampment, Columbia locked down campus, threatening student protesters with expulsion if they did not cease their encampment.[697] Later that evening saw the most direct parallel of the protests to the 1968 occupation of Hamilton Hall. Demonstrators once again occupied Hamilton Hall, demanding university divestment from Israel and renaming the building "Hind's Hall" after Hind Rajab, a five-year-old Palestinian child killed by the Israeli military on January 29, 2024.[698] Demonstrators occupied the building for 24 hours, locking the doors and barricading themselves inside. Students outside the building locked arms and stood in solidarity. In response, President Shafik once again notified the NYPD to forcibly remove the students. NYPD officers arrived that evening with drones and in full riot gear[699] to surround the building along with members of its militarized unit, the Strategic Response Group, which has a documented history of using violence against protesters.[700]

Officers barricaded outside press from entering campus and threatened student journalists with arrest if they were to leave the journalism building to report on the events unfolding.[701] Once they gained access to the building, officers proceeded to use force against the demonstrators, hitting them with batons and denying student press access to the area. NYPD arrested 300 demonstrators on charges of trespassing, criminal mischief, and burglary. NYPD proceeded to arrest students on Columbia's campus and students who marched to other campuses such as City College, hitting, pushing, and shoving them away from Hamilton Hall and grabbing them by their arms and legs.[702] Afterwards, New York City Mayor Eric Adams praised the NYPD's work with the arrests.[703] President Shafik also published her letter to the NYPD requesting their presence through May 2024, claiming the Hamilton Hall occupation was "led by individuals who are not affiliated with the University."[704]

On August 14, 2024, President Shafik conceded to Speaker of the House of Representatives Mike Johnson's demands and issued a statement announcing her resignation as university president.[705]

2025

In March 2025, President Donald Trump presented an ultimatum to Columbia, threatening to pull $400 million in university funding due to what his administration claimed was the university's failure to protect Jewish students.[706] That same month, former Columbia graduate student and lawful permanent resident Mahmoud Khalil was detained by Immigration and Customs Enforcement (ICE) officers in plain clothes and transported from New York City to an ICE detention center in Louisiana. The Trump administration sought to deport Khalil,[707] stating he took part in "antisemitic

protests and disruptive activities," due to his alleged participation in the 2024 Columbia student protests. Khalil remained in ICE custody for 104 days, missing the birth of his first child.[708] With assistance from his legal team[709] and an order for release from a federal judge, Khalil was finally released from ICE custody on June 20, 2025.[710] Khalil's case is described in more detail in the section of this report on the Trump administration's campaign to deport students and scholars involved in Palestinian rights advocacy.

In a March 2025 letter to the Trump administration, Columbia University pledged to add 36 "special patrol officers" with arrest powers. Just weeks later, campus public safety officers cut or untangled students who had chained themselves to the campus' wrought-iron gates, physically picked them up, and removed them from campus.[711]

In July 2025, Columbia University confirmed that its University Judicial Board (UJB) had punished over 70 students with sanctions for participating in two student protests, including a protest at the school's Butler Library in May 2025 at which more than 80 protesters were detained.[712] Columbia announced that "sanctions from Butler Library include probation, suspensions (ranging from one year to three years), degree revocations, and expulsions."[713] One student subject to these sanctions said that the charging documents issued by Columbia's Office of Institutional Equity (OIE) against some of these students stated that "merely 'discussing' flyers regarding Hamas, armed resistance, or the intifadas constituted discriminatory harassment."[714] A Columbia student who was suspended for engaging in expressive activities in support of Palestinian rights said, "In the past two years, many of us have been suspended or expelled, with our futures hanging in the balance as a result of discriminatory disciplinary mechanisms across the University, such as the UJB, OIE, and [Center for Student Success and Intervention, CSSI], that exist only to police pro-Palestine behavior."[715]

Photo: Jonah Elkowitz

Pro-Palestine student protesters demonstrate outside the Fashion Institute of Technology (FIT) of the State University of New York (SUNY), in New York City on May 7, 2024.

Photo: Luigi W Morris

Student and faculty protesters set up a Palestine solidarity encampment at City College of New York (CCNY)'s North Campus Quad in Harlem, New York, on April 25, 2024.

City College of New York (CCNY)

Since October 2023, college students across New York State have engaged in large-scale protests in support of Palestinian rights and demanding their universities' divestment from Israel. Beginning with the student encampment at Columbia University, these protests quickly spread to other institutions, including City University of New York (CUNY) schools such as the City College of New York (CCNY).

Historically, CCNY has seen its fair share of student protests. On April 22, 1969, a Black- and Puerto Rican-led cohort of CCNY students effectively shut down campus for 17 days,[716] with five demands related to racial justice, representation, and access for students of color.[717] What began as a student strike escalated into a takeover of several campus buildings, effectively shutting down operations.

Then-President Buel Gallagher initially seemed open to negotiation,[718] but as tensions rose, the Board of Higher Education — under pressure from Governor Nelson Rockefeller — intervened, pressuring Gallagher to resign. His successor, Joseph Copeland, immediately halted negotiations and threatened to use police force to remove protesters, effectively ending the occupation after 17 days.[719] After the occupation ended, tensions remained high and led to clashes between white students who opposed the strike and the students who occupied Klapper Hall. The NYPD was deployed to campus, and while the occupation ended, the broader strike continued. Ultimately, students won several demands, including securing an open admissions policy and establishing ethnic studies departments across the CUNY system.[720]

CUNY campuses have also been home to decades of organizing in support of Palestinian rights. Students for Justice in Palestine (SJP) has been active at

CUNY schools since the 1990s. Faculty members have often stood alongside students as vocal supporters of the Boycott, Divestment, Sanctions (BDS) movement.[721]

As pro-Palestine protests gained momentum in spring 2024, students at CCNY held rallies and vigils on and off campus in support of Palestinian rights and demanding the university's divestment from Israel. Throughout late 2023 and early 2024, these demonstrations were largely tolerated by the administration, with no major incidents or crackdowns on protest activity on campus.

That changed on April 25, 2024, when approximately 120 CUNY students and faculty members established an encampment on the CCNY quad with five demands: "disclose and divest," "academic boycott," "solidarity with Palestine," "demilitarization of CUNY campuses," and "free tuition."[722] On the first day of the encampment, reports indicate that the mood was calm, with a sparse presence of CUNY public safety officers. Notably, CUNY Chancellor Félix V. Matos Rodriguez ordered CCNY security to leave the quad for the night.[723] In the early days, there was some level of communication between protesters and the administration, with CCNY representatives meeting with student organizers.[724]

By April 27, reports indicate that the atmosphere began to shift. CUNY Public Safety erected metal barricades and began closing certain entrances to campus. CCNY administrators told reporters that there were no plans to restrict access entirely,[725] but students reported otherwise. At around 9:00 p.m., several campus buildings were locked, including Marshak Hall, which encampment participants had been using for restroom access. By the end of the night, students' calls for a meeting with Chancellor Rodriguez had gone unanswered.[726]

On April 29, CCNY Vice President Vince Boudreau released a memo informing the campus community of ongoing discussions between CCNY leadership and encampment representatives.[727] In the memo, he stated that the administration was "working to minimize risks to people within the encampment" while also limiting disruption to college operations. This memo also claimed that protesters on campus were "falsely presenting themselves as City College Students."[728]

The next morning, in response to Chancellor Rodriguez's refusal to meet with representatives, student protesters attempted to bring their demands directly to an administrative building on campus.[729] In response, CUNY police forcibly cleared the building, pepper spraying students and journalists.[730] Later that day, CCNY administrators issued an email informing students that they had until 6:00 a.m. on May 1 to disperse. That night, the encampment held a public vote, unanimously deciding to remain.[731]

As night fell, dozens of community members arrived at the campus gates in anticipation of potential police action. According to a 1992 memorandum regarding CCNY collaboration with the NYPD,[732] only a few high-ranking administrative officials are able to authorize a campus raid. By 6:30 p.m., police vehicles and arrest buses had surrounded CCNY, and all campus entrances were barricaded. Late that night, CCNY President Boudreau signed off on allowing the NYPD to enter campus.[733]

While students braced for a police crackdown, news broke that the NYPD was raiding the encampment at Columbia University just 20 blocks south. By 8:00 p.m., convoys of NYPD vehicles and officers arrived uptown at CCNY on foot.[734] Among those officers were members of the Strategic Response Group, a militarized unit of the NYPD known for its abuse of protesters.[735]

Police began using force as hundreds of helmeted police officers descended on protesters who had linked arms outside the campus gates in support of protesters inside.[736] Over the next hour, police tackled, pepper sprayed, and tased demonstrators.[737] Many people were grabbed at random, as NYPD indiscriminately tackled and arrested protesters, trapping people on the

sidewalk. Protesters, legal observers, and faculty were pushed further from campus amid the chaos.

Despite the previously stated 6:00 a.m. dispersal deadline, NYPD officers breached the gates of CCNY around midnight. Students reportedly received no warning and were not given an opportunity to leave before the NYPD descended onto campus. NYPD officers barred press and legal observers from campus leading up to the raid, resulting in sparse documentation of the raid itself. According to a press release issued by CUNY for Palestine the following day, "Police broke the ankle of an undergraduate student, broke the teeth of two protesters, attacked and burned many students, faculty and at least one journalist with pepper spray at close range, and beat many more with batons."[738]

By the end of the NYPD's raid, 173 people were arrested.[739] Despite the scale and intensity of the crackdown, national media coverage largely focused on Columbia, where 109 people were arrested.[740] While the City College encampment and surrounding protests were smaller in scale than those at Columbia, they were met with an equal, if not more, aggressive police response.[741]

Photo: Alfonso Lozano del Rey

City College of New York, April 26, 2024.

City College students, already fewer in number, were vastly outnumbered by the NYPD's immense show of force.

This disparity extended beyond the media narrative. City College protesters faced harsher legal consequences than their Columbia counterparts. Columbia arrestees were largely released with low-level misdemeanors, with the most severe charge against Columbia University protesters being criminal trespass,[742] a Class B misdemeanor with a maximum sentence of 90 days. In contrast, 28 protesters at City College were charged with burglary in the third degree, a Class D felony with a potential seven-year prison sentence.[743] The vast majority of students arrested at Columbia were released within 24 hours, in compliance with caselaw. Some protesters were held for more than 48 hours.[744] The majority of those arrestees were from CUNY. The contrast in treatment was stark. CCNY's student body is predominantly working-class, Black, Brown, and immigrant. City College students faced significantly harsher legal consequences than their Columbia counterparts while simultaneously being largely excluded from the media narrative.

Over 500 CUNY faculty signed an open letter condemning the administration's handling of the situation.[745] They demanded that all charges against students be dropped and denounced the "disparate and exceedingly harsh use of force the NYPD unleashed upon the CCNY and other CUNY students."[746]

More recently, on April 24, 2025, CUNY public safety officers and the NYPD quashed an attempt by students to establish a "Liberated Zone" on the campus quad. A group of several dozen pro-Palestinian protesters on the campus announced they had set up this protest zone around 2:00 p.m., but CUNY public safety officers and NYPD officers swiftly confronted the protesters and forced them out of the area, dousing some in pepper spray.[747] At least one student was arrested. One video posted by a photojournalist showed a CUNY officer waving the pepper spray at the crowd.[748]

Photo: William A. Morgan

Pro-Palestine encampment on the Gibson Lawn at Tulane University in New Orleans, Louisiana, on April 30, 2024.

Tulane University

Shortly after the events of October 7, 2023, protests erupted on the campuses of Tulane University and Loyola University in New Orleans, Louisiana. Due to their close proximity to one another, students from both Tulane and Loyola would often collaborate and participate in demonstrations on each other's campuses. While the protests that occurred throughout the school year were predominantly peaceful, instances of violence and confrontations with counter-protesters sometimes occurred. For instance, dueling protests on October 26, 2023, led to injuries and arrests of several protesters.[749]

Leading up to the events on October 26, the initial protest began when Tulane's Students for Palestine group reportedly posted an open letter on its social media page calling out the Tulane administration's response to the war in Gaza; the group also published a separate post promoting a rally set to take place two days later, on October 26, 2023, in a public space on the 6800 block of Freret Street and McAlister Drive, just off the university's campus. According to media reports, more than 100 protesters responding to the call were met by 70–100 counter-protesters as several dozen Tulane University Police Department (TUPD) and New Orleans Police Department (NOPD) officers observed the protests. The protesters and counter protesters largely chanted while holding signs on public sidewalks across from each other on Freret Street. Violence erupted when a pick-up truck drove down the middle of the street between the two groups; individuals in the bed of the truck waved a Palestinian flag while trying to light an Israeli flag on fire.[750] Several members of TUPD, NOPD and Tulane faculty quickly intervened to break up a fight that began when at least one counter-protester tried to prevent the flag burning. According to Tulane University, several Tulane students suffered minor injuries and two members of the public who were not affiliated with the university were arrested.[751] The demonstrations continued after this action and dissipated several hours later without further incident.[752]

The Department of Education's Office of Civil Rights opened an investigation into Tulane University in December 2023 for possible civil rights violations related to the incident, allegedly for failing to protect Jewish students.[753] In response to that complaint, Tulane immediately implemented policies such as mandatory antisemitism training for all incoming students to ensure the protection of Jewish students.[754] A second investigation was initiated by the same office in 2025 for "relentless antisemitic eruptions" and not upholding protections for Jewish students.[755] Both investigations are ongoing at the time of publication of this report.

According to one Loyola University student who was active in organizing and attending protests on both campuses, and whom the ACLU and AIUSA spoke with, many protests and direct actions prior to October 7, 2023, took place without any issue or requiring prior university administration approval. However, he noted that this changed on both campuses following the events of October 2023. According to students, both university administrations reportedly required prior approval of any protests; rescinded authorization for previously approved protests or events, often on the day of the event and without notice; required payment for law enforcement overtime to police events; or sanctioned individuals for unapproved events.[756]

Students from both schools held a walkout from classes on April 26, 2024, closing down parts of St. Charles Avenue near the campuses, demanding both institutions cut ties with companies linked to Israel or any businesses making money from the war in Gaza.[757] This walkout took place several days prior to the erection of an encampment on Tulane's campus, which lasted from April 29 until the early morning hours of May 1, 2024.

On the evening of April 29, 2024, the Tulane and Loyola chapters of Students for a Democratic Society along with other students held a rally and march between the two campuses and then formed an encampment outside of Gibson Hall at Tulane University, calling for a ceasefire and divestment by the university, among other demands. According to a student involved in the encampment, there was a large NOPD police presence throughout the area, including some mounted police, along with campus police from both universities. An initial confrontation ensued when students attempted to create the encampment as several officers grabbed protesters and their tents, attempting to destroy them.[758] TUPD officers then used unnecessary and excessive force to arrest six individuals who intervened to prevent the confiscation of their property.[759] During the arrests of students and other protesters, the police allegedly threw individuals to the ground and one student was kicked in the head by a police horse.[760] After the initial scuffle with law enforcement, students were able to erect 10 tents, along with food and water stations, while 300 people, including students from both schools and community members, held a line by linking arms throughout the night in order to keep university police from breaking up the encampment. NOPD and TUPD officers stood down and maintained a perimeter around the encampment.[761] By the end of the night, everyone was released from police custody. The student who was kicked in the head by the horse was later charged with resisting arrest and banned from her dormitory as a result.[762]

The next morning, Tulane University President Michael Fitts characterized those arrested as people unaffiliated with the school and closed several buildings on campus near the encampment, moving classes online.[763] The university also suspended seven students along with the school's chapter of Students for a Democratic Society. According to a Loyola University student protester, a handful of students involved in the encampment started receiving emails saying they were suspended without any hearing. The students were subsequently banned from campus and removed from campus housing. This left them immediately unhoused and they had to move into short-term rental apartments once the encampment was destroyed.[764]

On April 30, the size of the crowd of protesters fluctuated throughout the day. The protesters reinforced the encampment with wooden pallets while TUPD officers maintained their perimeter around the encampment to prevent it from expanding; otherwise, TUPD did not engage with the protesters. Tulane University security set up an electronic billboard warning protesters that they were trespassing and had to leave immediately. A group of counter-protesters assembled on the sidewalk nearby. Encampment organizers claimed that several counter-protesters entered the crowd around the encampment, then called police claiming they were being "surrounded" and felt "unsafe." Police then entered the area to remove the counter-protesters, but otherwise took no action.[765] The protest continued throughout the day with protesters holding discussions and prayers, chanting, singing, playing instruments, and dancing in solidarity with Palestinians. That afternoon, Tulane University security began playing music on a loop, reportedly at 120 decibels in violation of the 60-decibel limit under city ordinance.[766] The music was played from speakers near the electronic billboard in an apparent attempt to drown out the protesters' chants.[767] The music was played all through the day and night. According to a Loyola student protester, "This was psychological torture. They were trying to get people to leave and keep them from resting or sleeping. I still hear it in my head to this day, almost a year later. This just shows steps they were willing to go [to end the protest]."[768]

The encampment continued peacefully for approximately 30 hours before local law enforcement violently dispersed it and arrested students and protesters in the early morning of May 1. Just after 3:00 a.m. that morning, while nearly 30–35 students remained in the encampment, law enforcement monitoring the protest seemed to pull back and disappear from the view of the encampment. Just a few minutes later, police from TUPD, NOPD and Louisiana State Police (LSP), including SWAT officers in full riot gear, re-emerged and surrounded the encampment.[769] Two armored vehicles drove on to the university lawn on either side of the encampment, shining spotlights on the area while officers with rifles stood in turrets on top of the vehicles and aimed their weapons at the students. As the heavily armed officers began to close the circle around the encampment, they informed protesters to move to a neutral area on public land and they would not be arrested.[770] Once the students realized a mass arrest was about to occur, most of the group moved to a median in front of the university along a streetcar line on St. Charles Avenue. Eleven protesters remained and sat down on the public sidewalk to await arrest.[771]

According to one witness, approximately 100 officers in full riot gear descended on the encampment and destroyed everything — the medical tent, library, barricades, and food and water supplies — and then cleared the encampment while shooting pepper balls and tear gas into tents to ensure no one was inside. LSP officers then formed a line and pushed towards the group on the median off campus. They proceeded to push students back while NOPD officers formed a line in front of the students seated on the sidewalk, blocking the view of the media who were posted in Ottoman Park across the street. TUPD officers then made arrests. According to one witness, some of the arrests involved excessive force, such as pinning people's arms back in uncomfortable positions, restraining them in overly tight zip ties, and holding people against fences. The protesters were arrested in small groups; some of the students on the sidewalk had rifles pointed in their faces by NOPD and LSP. Police then turned towards those on the median as the officers pushed and aimed their weapons at the protesters, firing non-lethal rounds towards the ground near their feet.[772] Several more people on the median were then violently arrested. One person was pushed on to the street, hitting their head on the streetcar line and reportedly suffering a concussion. Another student who was not involved in the encampment or protests was working on their final art project and went outside, not realizing they had walked into the violent breakup of a protest. While the student was watching what was happening from the sidewalk on St. Charles Avenue, police reportedly tackled them to the ground and threw them into the police van.[773]

The police made 14 arrests in total, including two students.[774] After the area around Gibson Hall was cleared, police erected fences around the area with signs warning of trespassing.[775] All of those arrested that morning were released later that same afternoon without bail or bond.[776] The 14 individuals were charged with misdemeanor trespassing and were later acquitted following a one-day trial on September 20, 2024.[777] Similarly, the six individuals who were arrested during the first night of the encampment faced charges, including trespassing; one individual was charged with resisting arrest and battery of an officer. All had their charges either dropped, dismissed, or resolved with an acquittal at trial after an extended period of time, in some cases as long as a year following the incident.[778] The week following the raid, several groups spoke out against Tulane University's actions to dismantle the encampment. For instance, on May 2, 2024, nearly 300 Tulane University faculty wrote a letter to the university president, opposing the summoning of law enforcement to dismantle the encampment, the suspensions and charges against student protesters, and the threats of retaliatory action against students who engage in peaceful protests.[779] Similarly, on May 10, 2024, approximately 250 Jewish community members signed a letter condemning the university's forceful response to the encampment.[780]

Seven Tulane students faced university disciplinary charges for their involvement in the encampment. Two students had their interim suspensions from school for the remainder of the semester upheld and appealed the decision in September 2024. They were ultimately suspended for a full semester. Of the remaining five students, one graduated, another transferred, two ultimately received lesser sanctions, and one deferred their case until the resolution of their criminal charge; their case was eventually dropped by Tulane University in July 2025. The Tulane student group Students for a Democratic Society was also suspended until mid-2025.[781]

Since the establishment of the encampment, there have been several protests, but the university has attempted to suppress them from happening or punish students afterward. For instance, the suspended Students for a Democratic Society, reformed as the off-campus group Together United Students for a Democratic Society, held a protest on a public street near the campus on March 11, 2025. Approximately 40 people attended to protest the Trump administration's executive orders against student protests, Tulane's recent renaming of the Office of Equity, Diversity and Inclusion, and the arrest of Mahmoud Kalil. On March 19, 2025, Tulane University charged seven students with misconduct for allegedly attending the off-campus protest because the off-campus student group is "not in good standing with the University and is prohibited from operating on campus."[782] On June 9, 2025, Tulane ultimately dismissed the disciplinary charges against the seven students.[783] Due to the actions of the university against protesters in support of Palestinians and against the war in Gaza, the Council on American-Islamic Relations (CAIR) designated Tulane University a "Hostile Campus" for Palestinian, Arab, Muslim, and allied students.[784]

The Louisiana state government moved to restrict the right to protest on campuses following the encampments of spring 2024. Shortly after the protests, in June 2024 the Louisiana legislature passed Senate Bill 294, and in October 2024 Governor Jeff Landry signed it into law as Act 584. The law specifically prevents any campus free speech policies from protecting any act that carries a criminal penalty, such as acts of civil disobedience.[785]

Lawsuits were filed against Tulane University by at least two groups since the protests took place. In May 2025, a Tulane graduate student sued the university and a former member of its police force, alleging that the police officer misrepresented the student's actions when he was arrested after the demolition of the encampment protest in May 2024. Although the student was found not guilty at trial, the university determined that he had violated its conduct standards, and he has not been able to complete his doctoral studies.[786] In July 2024, Tulane's Arabic Club and four members of the suspended chapter of Students for a Democratic

Photo: Brandon Bell via Getty Images

Mounted law enforcement officers on horseback forcibly dispersed student demonstrators protesting the war in Gaza at the University of Texas at Austin on April 24, 2024.

Society filed a federal civil-rights complaint saying they faced anti-Palestinian discrimination, including during the protests against Israel that took place in 2023 and 2024. The complaint alleges that Tulane violated Title VI of the Civil Rights Act and that the university responded to the demonstrations with "disproportionate aggression," adding that at least two Tulane students were injured when police cleared the encampment. It also says the university failed to protect Palestinian students from harassment as tensions on campus escalated during the Israel-Hamas war, and that school leaders have done little to combat or even acknowledge mistreatment of Palestinian students.[787] The case is still ongoing at the time of publication.

University of Texas at Austin

Following the events of October 7, 2023, University of Texas at Austin (UT-Austin) student groups, staff, and faculty, in conjunction with community members, engaged in a series of peaceful protests, walk outs, and teach-ins on campus throughout the remaining school year.[788] However, as multiple universities across the country began to crack down on these protests and actions and following the dismantling of Columbia University's encampment and its mass arrests on April 18, 2024, Texas Governor Greg Abbott and then UT-Austin President Jay Hartzell took action to prevent further demonstrations or occupations from occurring on UT campuses, suppressing the rights to free speech and peaceful protest of students, faculty, staff, and local community members.

On April 23, 2024, the Palestine Solidarity Committee, a student group at UT-Austin, called on students to walk out of class and occupy the South Lawn on campus in protest of the university and its investment in companies that support Israel's government.[789] The protest was scheduled for the next day. The university's Office of the Dean of Students emailed the student group's leaders that evening prohibiting them from holding the event and stating that the university "will not allow this campus to be 'taken' and protesters to derail our mission in ways that groups affiliated with your national organization have accomplished elsewhere."[790]

On the morning of April 24, 2024, the university provost sent an email to the Dean's Council preemptively stating the protest violated university policies and would not be allowed to occur. More than 500 students walked out of their classes that morning to protest and to demand that the university divest from manufacturers supplying Israel weapons for its strikes on Gaza. Law enforcement officers from the UT-Austin campus police, Austin Police Department (APD), and Texas Department of Public Safety (DPS) were already present and visible on campus. DPS officers were lined up along the campus' Speedway Mall on horseback and motorcycles while other DPS troopers in full riot gear, armed with batons and less-lethal crowd control weapons, separated crowds that formed. Students who arrived at the scene began protesting shortly before noon, chanting "Free, Free Palestine," banging drums, and waving Palestinian flags. After negotiations between the protest organizers and campus police stalled, DPS troopers began making individual arrests among the crowd of protesters.[791] Students were accused of moving into the roadways. The first to be arrested was one of the protest organizers. After that, police handcuffed more students using plastic zip ties. Officers armed with batons formed a line and proceeded to push protesters back, with many tumbling to the ground.[792] As more arrests were made, law enforcement officers were seen kneeling on individuals' backs and necks, pulling their hair and in one case punching a protester in the face.[793] Other protesters were violently pushed to the ground and detained.[794]

Shortly thereafter, DPS issued a dispersal order because the roadway was blocked. Protesters were surrounded and kettled before being given a chance to leave the area. As the protesters moved towards the South Mall for the latter part of the demonstration, set up tents with food, and began peacefully protesting, DPS, APD, and campus police continued to push the crowd further through the quad. They used their shields, deployed officers on horseback, and carried batons, violently detaining and arresting students along the way. Students were then cordoned off to one side of the South Mall. Individual arrests were made periodically until approximately 5:20 p.m. when the university issued a dispersal order, claiming that students were engaged in disorderly conduct, creating a "riot," and blocking a roadway. However, observers, including university professors, described the protest as a peaceful chanting of slogans. By 6:00 p.m., the protesters had largely dispersed and most of the law enforcement personnel left the campus. The protest resumed once law enforcement left the area and continued until approximately 7:00 p.m. without incident, according to observers.[795]

At least 57 people were arrested throughout the day on charges of criminal trespass, according to the Travis County Sheriff's Office, including a photojournalist who was covering the events.[796] DPS claimed the photojournalist struck an officer with his camera while covering the protest when he was caught between protesters and police.[797] He was originally charged with a felony for assaulting an officer; the charge was later dropped and reduced to two misdemeanor counts of assault and interference with public duties.[798] Charges against all of the protesters were dismissed by the Travis County District Attorney's Office within the next 48 hours.[799] Responding to the day's events, Governor Abbott claimed that the protesters "belong in jail" and that any students taking part in "hate-filled, antisemitic protests" at public colleges should be expelled.[800]

Similar protests occurred at the Main Building on the UT-Austin campus, known as the UT Tower, on April 25 and 26 with hundreds of students, faculty, and staff gathering, and concluded without incident or arrests.[801]

A protest similar to the one on April 24 was planned to take place on April 29, 2024. Again, the administration made it clear that the protest was not authorized and summoned law enforcement to break up the demonstration.[802] Shortly before 1:00 p.m. that afternoon, 50–60 protesters carrying tables, tents, and other materials attempted to set up an encampment in the center of the South Mall on campus, chanting "Free Palestine."[803] One person whom the ACLU and AIUSA spoke with described the scene as a "war zone" with all of the different law enforcement agencies and officers on campus.[804] Despite the protest being peaceful, UT-Austin campus police issued its first dispersal order, claiming that the protesters were violating the Texas Penal Code on disorderly conduct and that individuals would be arrested if they did not leave. DPS officers began to circle the encampment, while more DPS officers assembled near the Mall. State troopers wore face shields and carried batons and zip ties. They stood arm in arm to create a physical barrier between the UT Tower and the lawn. APD officers were also present on campus and were involved in controlling the crowds. As the encampment swelled to about 100 people, approximately an hour after the protest began, officers began arresting protesters, dragging some away by their arms and legs.[805] A community member who was involved in the protests said he never planned on being arrested that day, and would have left if he had heard an audible order to disperse, but claimed he never heard one, nor did he hear a warning that force would be used before arrests started:

> I would have decided to leave because I didn't prepare to be arrested. They didn't give us a choice, they just rushed in and grabbed people one after another and I was trying to help my colleagues and pull back the people getting arrested. Police saw me prevent arrests and they pointed at me and took me next. They were super violent. When they grabbed me, I grabbed the person next to me and an officer pried my fingers backwards and told me to 'let go or I am going to break your fingers.' I was not hurt at all, but they were super violent and I saw some of my comrades getting injured.[806]

Two hours after the protest began, law enforcement began to remove the last remaining protesters and tents following a third order to disperse. As the arrested protesters were led onto buses to be taken to Travis County Jail for processing, approximately two dozen protesters formed a chain across Inner Campus Drive in order to block the buses from leaving. Law enforcement gave a warning, telling protesters they had "two minutes" to clear the roadway before officers on motorcycles drove into the chain of people. Officers also deployed pepper spray and flash bangs to clear the roadway.[807] Authorities arrested 79 people in total: 78 were charged with criminal trespassing, including one who was additionally charged with obstructing a highway or passageway, and the 79th person was charged with interfering with public duties. People were released the following day, but some were held for as long as 40 hours after arrest.[808] All of the charges were dropped nearly two months later by the Travis County District Attorney's Office.[809] Despite the nonviolent nature of the protests, reviews through body cameras and litigation raise questions about the lawfulness of the arrests and the use of force that was deployed against protesters on those two days.[810]

The university stated that 60 students in total were arrested at the protests on April 24 and 29.[811] Those arrested were immediately banned from campus except for "academic reasons."[812] UT-Austin issued disciplinary punishments against the students who were arrested, including probations and suspensions. In July 2024, the university formally informed at least three students arrested during the protests that they would be placed on deferred suspension if they accepted responsibility for their actions and agreed to follow the school's policies in the future.[813] A fourth student was notified that they were suspended for two years for allegedly

damaging property by hanging up signs on UT property that reportedly "necessitate(d) further clean-up and restoration."[814] Several students filed lawsuits against the university and the governor, alleging violations of their rights to free speech and challenging their disciplinary punishments.[815] One of the students is a protest organizer who initially acted as a mediator between law enforcement and the protesters. He was one of the first people arrested at the April 24 protests — before he could even encourage the protesters to disperse, as there were no exit points for students to leave. He sued the school in August 2024, claiming that the university violated his First Amendment rights when he was arrested. He was suspended from the university for three semesters, barring him from entering the campus and completing any academic work.[816] In April 2025, four students sued the university and Governor Abbott, accusing UT-Austin President Jay Hartzell, the governor, and law enforcement officers of intentionally suppressing pro-Palestinian speech at the April 24, 2024, campus protest.[817]

The Committee of Counsel on Academic Freedom and Responsibility, a UT-Austin committee of professors of history, law, and education that provides advice to the university administration and investigates possible policy violations, issued a report in August 2024, finding that university leaders violated their own institutional rules when calling police to respond to the April 2024 protests.[818] The Committee found that the university failed to follow its own rules in response to the protests, specifically rules enshrining the right to free speech. The report states the university did not make enough of an effort to find a "cooperative resolution" before calling police to respond to demonstrations.[819]

The university alleged protesters violated approximately 10 institutional rules, including the use of unauthorized amplified sound, using masks to conceal their identities, and attempting to set up an encampment.[820] The university also cited additional rule violations, including disrupting learning, when disciplining students.[821]

The report analyzed each rule the university alleged had been broken, and ultimately determined that protesters had not violated them. The Committee called on the university administration "1) to uphold the Institutional Rules as they are written, and to apply them in a way that preserves the greatest latitude for the freedoms those rules, as well as state and federal law, are intended to provide; 2) to act in a way that de-escalates rather than escalates conflict; 3) to avoid criminalizing legal actions of students and UT community members, such as calling law enforcement against them and using restraining measures against them, and to use citation rather than arrest as a first response, if warranted."[822] The Committee also provided six specific recommendations for the university administration, including:

- no proactive prior restraint of free speech and active engagement with protest organizers;
- withdrawal of its rule on face coverings in light of COVID-19 and doxxing of protesters;
- clarification of its rules on "weapons" at protests in light of Texas' law on firearms;
- adoption of a policy of using criminal charges only as a last resort and only against persons who can be shown to have individually engaged in specific criminal acts, and to provide citations for failure to disperse, rather than criminal charges;
- establishment of a nonviolent conflict resolution process to address citations issued for nonviolent protest violations; and
- review of the university's disciplinary procedures, especially when freedom of speech and expression issues are involved.[823]

In summer 2024, UT-Austin updated several of its free speech policies on campus. Among several changes, UT-Austin adopted the working definition and examples of antisemitism by the International Holocaust Remembrance Alliance (IHRA) into its free speech policies, and expanded on policies around "disruption" on campus, such as allowing university staff to search containers to look for

prohibited items. If the owner refused the search, the new rules would allow the university to remove them from the vicinity. The university expanded the preexisting preclusion of "expressive activities" beyond 10 feet from any university building and added a paragraph mandating compliance with orders to disperse from university officials or law enforcement. Lastly, the university updated its "amplified sound" policies, prohibiting the use of amplified sound in common outdoor areas during the week of or before final exams and limiting its use from 8 a.m. to 10:30 p.m. daily, with exemptions for university-related activities.[824]

In 2025, in response to the protests, Texas state lawmakers passed, and Governor Abbott signed, bills that severely limit the right to protest on UT-system campuses. For instance, the legislature enacted Senate Bill 2972, which restricts anyone who participates in a protest on campus from using microphones or other amplification devices during class hours if those devices intimidate others or interfere with campus operations or police work.[825] The law strikes a key provision of a 2019 Texas bill, Senate Bill 18, that established all common outdoor spaces on public campuses as traditional public forums where anyone can engage in expressive activity — instead leaving it to individual college administrators to determine which areas are considered public forums. It also restricts language from Senate Bill 18 allowing all persons, including people not affiliated with the university, to engage in expressive activities on campus and instead covers only "students enrolled at and employees of an institution of higher education."[826] Under Senate Bill 2972, university administrators will determine whether members of the public are permitted to protest on campus.[827] Protesters will also be prohibited from wearing disguises and erecting tents and will have to identify themselves when asked by a university official or the police. Lastly, and most concerningly, the bill prohibits all "expressive activities" on public campuses from 10 p.m. to 8 a.m. "Expressive activity" is defined so broadly that it could include many non-protest activities, such as wearing a shirt with an expressive message or engaging in individual political discussions.[828] The ACLU of Texas commented on the bill's passage, stating:

> S.B. 2972 threatens the free expression of all Texans, regardless of political beliefs. This bill imposes broad restrictions that allow school officials to restrict how, when, and where Texans can speak on campus — undermining the First Amendment rights of students, faculty, staff, and the general public.[829]

The legislature also enacted Senate Bill 37, which weakens the opportunity for shared governance on UT campuses.[830] Under this law, faculty senates at public universities and colleges can exist only if permitted by the institutions' governing boards — the oversight bodies whose members are politically appointed by the state governor. Administrators can remove faculty for failing to conduct their duties within vague "senate parameters," limiting faculty members' roles in academia on campus. The law also installs a governor-appointed "ombudsman," with sweeping enforcement powers, charged with monitoring compliance with state laws and provided with the authority to recommend that a public university or college lose all state funding unless it comes into compliance.[831] Lastly, the legislature passed, and Governor Abbott signed, Senate Bill 326, which requires schools to use the working definition and examples of antisemitism by the IHRA when considering disciplinary actions for a student.[832] As discussed earlier in this report, the IHRA definition has come under intense scrutiny for conflating criticism of the state of Israel and Israeli government actions with antisemitism, stifling free speech.

The Trump Administration's Crackdowns on Pro-Palestine Speech and Universities That Were Sites of Student Activism

In fall 2023, students from diverse racial, ethnic, religious, and socioeconomic backgrounds began to mobilize on their campuses, many staging protests criticizing what they characterized as their universities' and the U.S. government's unwavering support for Israel's policies. Protesters included Jewish students who sought to convey the message that such policies were "not in our name." In response, opponents of these students' messages — including President Donald Trump — have frequently characterized peaceful protest and any speech in favor of Palestinian rights as inherently supportive of Hamas and antisemitic.

The Trump administration has leveraged several federal agencies and departments in its escalating campaign against pro-Palestine speech and activism on campus. With the stated goal of combating antisemitism, the administration has deployed the Department of Justice (DOJ), Department of Education, Equal Employment Opportunity Commission, Department of Health and Human Services, and General Services Administration to suppress free speech on campus.

The Trump administration created a three-agency task force aimed at ending antisemitism on college campuses. Armed with an executive order that redefines antisemitism to include critiques of the state of Israel, the task force has targeted at least 60 colleges and universities, cutting or threatening to cut funding at these institutions.[833]

The Trump administration has weaponized Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the grounds of race, color, or national origin in any activity or program receiving federal financial assistance, using the civil rights law as a tool to undermine free speech, suppress criticism of Israel, and defund higher education. The administration has encouraged the Department of Education to consider protected speech in determining whether any actionable harassment under Title VI, including allegations that the school is responsible for a "hostile environment," was motivated by antisemitism.[834]

Wrongly equating protected political speech with unprotected discrimination, the administration has alleged violations of Title VI to cut funding or threaten to cut funding from universities that have been sites of student protests, because the administration deemed these universities to have failed in their obligation to protect Jewish students from harassment. While combating antisemitism is a worthy goal, the administration's overbroad reading of what constitutes actionable harassment under Title VI instead violates the First Amendment by forcing universities to censor political speech the administration cannot constitutionally restrict.

At Columbia University, the Trump administration preemptively cut $400 million of federal funding. In response, the university agreed to the administration's demands rather than fighting back, even though those orders were likely to have been blocked by the courts. Columbia's capitulation only emboldened the administration to keep up these kinds of attacks. A few weeks later, the administration sent a similar demand letter to Harvard University. The demands were so extreme that they would have effectively put the university's

governance in the hands of the federal government. Harvard sued, and in retaliation, the administration threatened the university's tax-exempt status and froze $2.2 billion in grants as well as a $60 million contract to Harvard for its refusal to comply.[835] At other universities, the task force made specific requests targeting professors, students, and speech, detailed below, relying on Title VI to press for agreements far beyond the statute's scope.

The Trump administration's decision to withhold federal research grants from universities due to their refusal to conform to the government's preferred ideological approach is a direct violation of the First Amendment. Because the administration is taking adverse actions that are substantially motivated by the universities' disfavored speech, these actions constitute retaliation in violation of the First Amendment and impermissible government action by coercing private parties to censor their own speech and that of others. The government cannot condition federal funding on ideological conformity in ways that are unrelated to the purpose of the federal funding program, or to coerce ideological conformity outside the confines of the federally funded activities.

The government's use of federal funding to intrude upon a private university's academic governance and to dictate scholarly discourse directly conflicts with the basic understanding of academic freedom. Federal officials violate foundational academic freedom principles and First Amendment rights when, as here, they coerce a university to forfeit its institutional autonomy "to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study."[836] Equally, federal officials violate academic freedom principles and the First Amendment when they force scholars to "better manifest the government's favored worldview," whether the government regulates their research and teaching directly or instead bullies their university into doing its academic-freedom-infringing dirty work.[837]

The Trump administration has violated broader First Amendment principles as well. The First Amendment protects all private speakers and institutions from viewpoint-based discrimination, coercion, and retaliation, even as it specifically protects colleges, universities, and their professors from infringements on academic freedom.[838] It prohibits the government from forcing any private actor to express the government's preferred views,[839] from leveraging federal funds in a viewpoint-based way, and from seeking to control speech outside of the scope of a government-funded program.[840] The administration's conduct has crossed each of those lines.

The withdrawal or limitation of funds is governed by the First Amendment. The U.S. Supreme Court has held that "The Government may not deny a benefit to a person on a basis that infringes his constitutionally protected…freedom of speech even if he has no entitlement to that benefit," including by attempting to "regulate speech outside the contours of the federal program itself."[841] It follows that "ideologically driven attempts to suppress a particular point of view are presumptively unconstitutional in funding, as in other contexts."[842] Thus, "even in the provision of subsidies, the Government 'may not aim at the suppression of dangerous ideas'" or "disfavored viewpoints,"[843] much less "'manipulate[]' [a subsidy] to have a 'coercive effect."[844]

The administration's actions violate each of these rules: They leverage huge sums of money to push the targeted universities into restricting speech by curtailing the independence of professors to fashion their own courses; they deny a private university the benefit of federal research funding because the university does not align with the administration's vision of what "innovative research," "academic excellence," and "viewpoint diversity" should look like on a college campus; and they seek to regulate speech far outside of the scope of the federal research grants that have been revoked.

More than 600 college and university presidents signed a letter denouncing the Trump administration's "unprecedented government overreach and political interference" with higher education, noting "we must reject the coercive use of public research funding."[845] The American Association of University Professors (AAUP), a 50,000-member organization representing faculty across the United States, stated, "These escalating threats and actions are a concerted effort to shut down the ability of students and faculty to teach, research, and advocate for issues of grave concern. The cumulative effect is to coerce colleges and universities to censor themselves and to only advocate perspectives preferred by those with access to the levers of power.... This authoritarian strategy of weaponizing accusations of antisemitism is being used to silence campus speech and corrupt academic freedom."[846]

On August 18, 2026, Democrats on the House Judiciary Committee released explosive whistleblower allegations from a former career DOJ Civil Rights Division lawyer of nearly a decade and several other experienced career DOJ civil rights attorneys temporarily assigned to the Department of Health and Human Services (HHS) Office for Civil Rights (OCR) to work on Title VI investigations undertaken by the Trump administration's Task Force to Combat Anti-Semitism.[847] The whistleblowers' complaint detailed their allegations that Trump administration political appointees manipulated federal antisemitism investigations to target certain American universities, punish protected speech, and coerce schools into settlements despite government investigators' findings that there was insufficient evidence to establish any Title VI violations.[848] The whistleblowers described political appointees overruling career investigators and pursuing investigations with "predetermined" outcomes and findings unsupported by the evidence. They alleged that senior Trump administration officials intended to use hundreds of millions of dollars in federal funding as leverage against universities regardless of investigative findings, as detailed below in the section titled, "Withdrawal of Federal Funding and Attempted Hostile Ideological Takeovers of Universities."[849]

Photo: Phil Pasquini

Students and faculty demonstrate at George Washington University's University Yard in Washington, DC, on May 2, 2024.

Executive Orders Targeting Non-U.S. Citizen Scholars and Students for Exercising Their First Amendment Rights

Through executive orders issued on President Trump's first day in office and other communications from the White House, the Trump administration has attempted to pressure university officials to target non-U.S. citizen students, faculty, and staff for their political speech and protest activity, in violation of the First Amendment. These non-U.S. citizens include holders of non-immigrant visas as well as lawful permanent residents or others on a path to U.S. citizenship.

Executive Order 14161, titled "Protecting the United States from Foreign Terrorists and other National Security and Public Safety Threats," signed on January 20, 2025, states that it is the United States' policy to "protect its citizens" from noncitizens who "espouse hateful ideology," and to ensure that noncitizens "do not bear hostile attitudes toward [America's] citizens, culture, government, institutions, or founding principles, and do not advocate for, aid, or support designated foreign terrorists and other threats to our national security."[850] The order directs the Secretary of State to "[r]ecommend any actions necessary to protect the American people from" noncitizens who, among other things, "preach or call for…the overthrow or replacement of the culture on which our constitutional Republic stands."[851]

Executive Order 14188, titled "Additional Measures to Combat Anti-Semitism," signed on January 29, 2025, requests from the Attorney General "an inventory and analysis of all court cases…involving institutions of higher education alleging civil-rights violations related to or arising from post-October 7, 2023 campus anti-Semitism" and directs the Secretaries of State, Education, and Homeland Security to recommend ways to "familiariz[e] institutions of higher education with the grounds for inadmissibility under 8 U.S.C. 1182(a)(3) so that such institutions may monitor for and report activities" by noncitizen students and staff and ensure that such reports lead "to investigations and, if warranted, actions to remove such aliens."[852] In an accompanying fact sheet explaining Executive Order 14188, the White House described the order as "forceful and unprecedented," made clear its purpose of targeting "leftist, anti-American colleges and universities," and described it as a "promise" to "quickly cancel the student visas of all Hamas sympathizers on college campuses, which have been infested with radicalism like never before."[853]

In combination, these orders, the accompanying fact sheet, and other communications from the Trump administration were intended to enlist university officials in censoring and punishing noncitizen scholars and students for their speech and scholarship. The message is clear, regardless of whether the force of law will ultimately follow: Immigrant students, faculty, and staff on college and university campuses should think twice before they criticize the United States or the Trump administration, express support for Palestinians, or condemn Israeli government policies — or indeed anything else President Trump and other federal officials might possibly find objectionable — and colleges and universities that allow such speech, debate, and protest should think twice, too.

While it is important to address antisemitism, these executive orders have failed to do so.[854] Instead, they seem to target pro-Palestinian scholars and students who are exercising their rights to free expression and peaceful assembly, and set in motion the Trump administration's subsequent targeting of international students and scholars for arrest, detention, and deportation based on their political views, as detailed later in this report.[855]

Campus Visits by the Federal Task Force to Combat Anti-Semitism

On February 28, 2025, the Trump administration announced that the Federal Task Force to Combat Anti-Semitism would be making visits to 10 campuses that had experienced "antisemitic

incidents" since October 2023.[856] Created pursuant to President Trump's Executive Order 14188, "Additional Measures to Combat Anti-Semitism," the multi-agency Task Force set as its first priority "to eradicate antisemitic harassment in schools and on college campuses."[857] U.S. officials said the Task Force had notified leaders in New York, Los Angeles, Chicago, and Boston that it wanted to meet and discuss incidents in which colleges in their cities may have failed to protect Jewish students from discrimination.[858] The 10 universities identified by the Task Force were Columbia University; George Washington University; Harvard University; Johns Hopkins University; New York University; Northwestern University; the University of California, Los Angeles; the University of California, Berkeley; the University of Minnesota; and the University of Southern California.[859]

At the same time, Leo Terrell, Senior Counsel to the Assistant Attorney General for Civil Rights and the head of the Task Force, threatened to file federal hate crime indictments against pro-Palestinian campus activists for "supporting Hamas and trying to intimidate Jews."[860] In a statement to Israel's Channel 12 News, Terrell said, "You see all these disorderly demonstrations, supporting Hamas and trying to intimidate Jews? We are going to put these people in jail — not for 24 hours, but for years."[861]

Abuse of Title VI Investigations and Consideration of Constitutionally Protected Speech in Determining Whether Schools Have Violated Title VI

Wrongly equating constitutionally protected political speech with unprotected discrimination, the Trump administration has alleged violations of Title VI to cut funding or threaten to cut funding at universities that have been sites of student protests, because the administration deems these universities to be failing in their obligation to protect Jewish students from harassment.

The Department of Justice (DOJ) and the Department of Education have opened or threatened to open numerous Title VI investigations into universities for antisemitic discrimination and harassment.[862] Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance, including programs in elementary schools, secondary schools, and institutions of higher education. The Department of Education Office for Civil Rights (OCR) enforces Title VI by investigating and resolving complaints that students or others are being subjected to hostile environments or otherwise being discriminated against on campus because of their race, national origin, or other traits protected under civil rights laws. While Title VI does not apply to discrimination based solely on religion, OCR has interpreted it to extend to discrimination against individuals who are members of a "discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics."[863] The federal government has long interpreted and applied Title VI — through both Republican and Democratic administrations — to prohibit harassment or discrimination against Jews, Hindus, Muslims, and Sikhs, as well as others, when that discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics.[864]

Title VI plays an important role in protecting students from discrimination because of their race, color, national origin, or other traits protected under civil rights laws. OCR may hold an educational institution responsible for a "hostile environment" based on student-on-student harassment if such harassment "is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from" an educational opportunity and the institution received actual or constructive notice of the hostile environment and "failed to take prompt and effective steps" to combat it.[865] Whether student-on-student harassment amounts to a hostile environment depends on the totality of the circumstances, which includes the

age of the persons involved.[866] OCR and federal courts have long recognized that Title VI must be applied in conformance with the constitutional standards enshrined in the First Amendment.[867] These constitutional limitations apply to Title VI actions pertaining to both public and private educational institutions.

In total, OCR has opened more than 100 investigations into allegations of a hostile educational environment based on antisemitism at colleges and universities since October 7, 2023 (24 such investigations were opened in all previous years combined).[868] There were incidents that likely merited Title VI investigations. Jewish students expressed fear and concern for their safety and well-being related to antisemitism, including antisemitic harassment on their campuses.[869] Likewise, Arab, Muslim, and Palestinian students reported fears for their personal safety and concerns related to anti-Muslim and anti-Arab bias and harassment on their campuses.[870] Moreover, on its face, the executive order requiring a focus on actual Title VI violations with a priority for antisemitic incidents does not itself raise legal problems and simply reflects administration priorities. However, it is the Trump administration's use of Title VI investigations and enforcement actions to suppress protected speech and chill or encroach on the exercise of free expression by students or other members of educational communities, and the use or threat of Title VI investigations to coerce universities into over-censoring, that is problematic.

In February 2025, OCR announced it had directly initiated and opened investigations into "widespread antisemitic harassment" at five universities, pursuant to Title VI and "in furtherance of President Trump's Executive Order on Additional Measures to Combat Antisemitism."[871] The universities under Title VI investigations were Columbia University; Northwestern University; Portland State University; the University of California, Berkeley; and the University of Minnesota, Twin Cities.[872]

In March 2025, OCR warned 60 universities that if they did not fulfill their Title VI obligations to protect Jewish students on campus, they could face "potential legal enforcement actions."[873] Many universities said they did not know why they were on the list of universities under investigation.[874] Nearly one-third of the listed universities had never received complaints from the Trump administration or had resolved any earlier complaints.[875]

President Trump's January 2025 Executive Order 14188, "Additional Measures to Combat Anti-Semitism," [876] reaffirmed his 2019 Executive Order 13899, "Combating Anti-Semitism," which directed all federal agencies to address "discrimination rooted in anti-Semitism" as vigorously as other forms of discrimination under Title VI of the Civil Rights Act of 1964.[877] President Trump's 2019 executive order mandated that in enforcing Title VI, federal agencies must consider the International Holocaust Remembrance Alliance (IHRA)'s "non-legally binding" working definition of antisemitism.

The Trump administration adopted the use of the IHRA definition of antisemitism during Trump's first term. Executive Order 13899 requires federal agencies to consider the IHRA working definition of antisemitism when enforcing Title VI. Moreover, Congress is making efforts to codify the use of the IHRA working definition of antisemitism through the Antisemitism Awareness Act (S. 558/ HR 1007). If passed, this legislation would require the Department of Education to take the IHRA definition of antisemitism into account when determining whether Title VI has been violated.[878]

By considering protected speech in determining whether any actionable harassment under Title VI, including allegations that the school is responsible for a "hostile environment," was motivated by antisemitism, the Department of Education would be equating protected political speech with unprotected discrimination. As discussed in more detail earlier in this report, the IHRA working definition of antisemitism defines core political speech — namely, criticism of the state or government of Israel — as per se antisemitic.

A determination of a violation may ultimately lead to cuts to school funding. Yet until the Trump administration's recent actions in 2025 and 2026, it was highly unusual for the Department of Education to take such action as part of OCR's Title VI enforcement process: A 2019 Congressional Research Service analysis could not find any OCR orders to terminate federal funding under Title VI in the previous 25 years.[879]

The threat of funding cuts could — and already has — resulted in colleges and universities suppressing a wide variety of speech critical of Israel or in support of Palestinian rights in an effort to avoid Title VI investigations by the Department of Education and the potential loss of funding, even where such speech is protected and does not qualify as harassment.

Advocacy groups have already filed or threatened to file numerous Title VI complaints and lawsuits, alleging that colleges have violated Title VI merely by condoning Palestinian rights groups, events, and advocacy.[880] For example, in September 2023, the pro-Israel group Santa Fe Middle East Watch claimed that the University of New Mexico's Anthropology Department would violate the New Mexico governor's executive order using this same IHRA definition of antisemitism if they hosted Mohammed El-Kurd, a Palestinian poet and writer serving as the Nation's Palestine correspondent.[881] Moreover, in February 2020, the David Horowitz Freedom Center sent a letter to Pomona and Pitzer College officials citing the IHRA definition and alleging "the colleges' liability under Title VI" for, among other things, co-sponsoring a Students for Justice in Palestine event featuring a screening of the film "Gaza Fights for Freedom," and funding a panel on "Perspectives on Colleges and the Israeli-Palestinian Conflict."[882]

Of the 102 publicly available Title VI complaints filed with OCR against colleges and universities alleging a hostile educational environment based on antisemitism since October 7, 2023, at least 92 led to the opening of investigations.[883] Recent research by the American Association of University Professors (AAUP) and the Middle East Studies Association of North America (MESA) concluded that the vast majority of allegations in these complaints focused on speech and expression that was critical of Israel or Zionism. In at least 78 percent of the complaints analyzed by the AAUP and MESA, pro-Israel and right-wing advocacy groups either represented complainants or acted as complainants themselves.[884] At least 24 percent of investigations were opened based on complaints filed by individuals or organizations with no relation to the schools being investigated.[885] In addition to investigations by executive branch agencies, such as the Department of Education's OCR, Title VI can also be enforced through private lawsuits filed in federal court. Recent research by the AAUP and MESA also found that the number of private lawsuits alleging Title VI violations based on antisemitism increased dramatically after October 7, 2023; 25 were filed after October 7, 2023, and only two were filed before that date.[886]

Fears of legal action against schools under Title VI and misinterpretations of Title VI standards have led some universities to suppress political speech that the First Amendment plainly protects. There have been multiple instances of university censorship of pro-Palestinian expression after the October 7, 2024, Hamas attack on Israel. Some examples are detailed in the previous section of this report, which covers the banning of student organizations and silencing of pro-Palestinian speech. The section includes the University of Pennsylvania denial of a screening of a documentary that explores concerns some young Jewish Americans have about Israel's treatment of Palestinians,[887] as well as multiple universities, including Brandeis University, Columbia University, and George Washington University, banning student chapters of Students for Justice in Palestine.[888]

Equating First Amendment-protected criticism of Israel with unprotected antisemitism by law under a threat of investigation by the Department of Education will only create more fear in schools, prompting university and college administrators to silence this speech regardless of whether it is protected.

Withdrawal of Federal Funding and Attempted Hostile Ideological Takeovers of Universities

The Trump administration has withdrawn or taken steps to withdraw federal funding from universities that have been sites of pro-Palestine student activism, ostensibly because the administration perceives these universities as having failed to protect Jewish students from harassment.[889] The schools subject to the cancellation of federal grants and contracts include Columbia University, Harvard University, Brown University, the University of Pennsylvania, Cornell University, Northwestern University, Princeton University, and the University of California Los Angeles (UCLA).[890] The federal government threatened to withhold billions of dollars in research funding from Columbia and Harvard if they did not adopt the government's preferred ideological approach to whom they admit to study, whom they employ to teach, and what classes and other programs they offer.[891] When Harvard refused, the federal government decided to withhold billions of dollars in research funding.[892] The president of Princeton University called the targeting of Columbia "the greatest threat to American universities since the Red Scare of the 1950s."[893]

The administration may undertake legitimate Title VI investigations and there were incidents at universities that likely constituted unlawful harassment or discrimination and merited investigation. Even so, the remedy for such violations is limited. Any termination of funding must be limited to the specific program that has been found to have failed to comply with the statute. Therefore, even in cases where actual violations of Title VI have occurred, universities should not face such broad consequences.

Title VI regulations also impose specific procedural requirements that must be satisfied before funds can be withdrawn from a university for a failure to comply with the statute.[894] The termination of federal funds can only occur if (1) the U.S. Department of Education has advised the recipient of funding that the Department has concluded that "compliance cannot be secured by voluntary means"; (2) there is an "express finding" on the record, after the recipient has been given an opportunity for a hearing on the issue of the recipient's failure to comply with Title VI; (3) the requirements of a hearing and an "express finding" of noncompliance are followed by a report issued by the Secretary of Education which must be filed with the appropriate House and Senate committees and must set forth the "circumstances and grounds" for the termination of funding; and (4) the Department of Education waits 30 days after the filing of the secretary's report with Congress before terminating any funding.[895] Based on the public record, the Trump administration did not comply fully with these requirements prior to the termination of Columbia and Harvard's funding.[896]

What the Trump administration did instead was use extremely coercive threats to withhold massive amounts of federal funding that have no relationship to remedying Title VI violations, in order to force ideological conformity. The Trump administration's decision to withhold federal research grants from universities due to their refusal to conform to the government's preferred ideological approach is a violation of the First Amendment. An attempt by the administration to leverage federal funds to impose an ideological takeover of any private institution would violate the First Amendment, and its attempt to do so against private universities is all the more egregious because academic freedom protects a university's expressive decisions. Academic freedom is a cornerstone of a free society, and universities must remain independent spaces for inquiry, debate, and dissent — even when dissent runs counter to the government's views. Trump administration officials' use of funding as a weapon to silence institutions that refuse to shut down disfavored political expression sets a dangerous precedent.

On February 28, 2025, the Department of Education's Office for Civil Rights (OCR) warned more than 60 additional universities of potential penalties from pending Title VI investigations.[897] As explained above, Title VI of the 1964 Civil

Rights Act prohibits recipients of federal funds from engaging in racial or national origin discrimination. Its anti-discrimination provisions have been interpreted to proscribe antisemitic discrimination as well as other forms of religious discrimination, such as anti-Muslim and anti-Catholic bigotry. A failure to comply with the anti-discrimination provisions of the statute can result in a loss of federal funding. However, the obligations the Trump administration has dictated to universities, including Columbia University and Harvard University, exceed the authority endowed to the administration under Title VI and also violate principles of academic freedom under the First Amendment.[898]

On March 7, 2025, the Task Force to Combat Anti-Semitism canceled $400 million in federal grants and contracts to Columbia University, accusing the university of not doing enough to counter antisemitism on campus.[899] A press release announced that the funding "cancellation" had already been undertaken under Title VI, and it asserted that such a drastic measure was necessary because Columbia had been unresponsive "in the face of persistent harassment of Jewish students."[900] Trump administration officials from the General Services Administration, the Department of Education, and the Department of Health and Human Services (HHS) demanded in a letter that Columbia comply with its list of nine specific demands before it would consider reinstating the federal grants and contracts.[901] These demands included, among other things, (1) placing the Middle East, South Asian, and African Studies (MESAAS) department "under academic receivership for a minimum of five years," (2) ensuring that the university's governing definition of antisemitism includes "[a]nti-'Zionist' discrimination," and (3) "[i]mplement[ing] permanent, comprehensive" new rules regarding speech and protest on campus, including a ban on wearing masks to preserve anonymity.[902] One week after issuing this demand letter, the Trump administration gave Columbia University an ultimatum to either change its student and admissions policies or lose the opportunity to discuss lifting the federal grant and contract cancellations.[903]

The university gave in to the Trump administration's demands. It committed to banning masks, hired 36 campus police with broader powers, and appointed a senior vice provost with the authority to oversee regional area programs, starting with the Middle East.[904] In addition to the Middle Eastern, South Asian, and African Studies departments, the Center for Palestine Studies was also placed under review.[905] As part of its plan, Columbia also pledged to expand the "intellectual diversity among faculty" by appointing faculty members with joint positions "in both the Institute for Israel and Jewish Studies and the departments of Economics, Political Science, and School for International and Public Affairs (SIPA)."[906] The university also committed to advancing its Tel Aviv Center and developing and distributing free K-12 materials related to holding difficult conversations about antisemitism.[907]

Columbia University announced in July 2025 that, after months of negotiation, it had reached an agreement with the Trump administration to resolve investigations into alleged violations of Title VI.[908] The settlement provides that Columbia will pay fines of $221 million over three years. In exchange for these payments and other concessions — including formalizing earlier agreements to change Columbia's academic programming and code of conduct and discipline, which Columbia conceded to as a precondition to the negotiations — the Trump administration will reinstate $400 million in federal grants that the federal government paused or canceled in March 2025 and close pending Title VI and Title VII investigations or compliance reviews.[909] Under the agreement, Columbia also must adopt the IHRA definition of antisemitism and its accompanying examples; provide regular reports and extensive data on its obligations to an external monitor not from Columbia's academic community; decrease international student enrollment; and share disciplinary data concerning international students with the federal government.[910] Pursuant to the settlement, Columbia will review and restructure

programs and hiring in regional area studies "starting with the Middle East," and including the Center for Palestine Studies, the Institute for Israel and Jewish Studies, MESAAS, the Middle East Institute, its Middle East Policy major, "and other University programs focused on the Middle East" to "ensure the educational offerings are comprehensive and balanced."[911] Columbia will also appoint new faculty members in "the Institute for Israel and Jewish Studies" to "contribute to a robust and intellectually diverse academic environment." In addition, Columbia will prohibit "protest activities…inside academic buildings" and require "[a]ll individuals who engage in protests or demonstrations, including those who wear face masks…[to] present their University identification" when asked.[912]

At the core of the First Amendment lies the principle that the government cannot impose its preferred ideological vision on private actors or institutions.[913] Yet imposing its preferred ideological vision is precisely what the government has done in this case, for example by requiring that Columbia's course offerings regarding the Middle East be "comprehensive and balanced" — as verified by a government-selected monitor — and that the university appoint new faculty members specifically in the Institute for Israel and Jewish Studies. The intrusion by the federal government into the academic governance of Columbia is unlawful. The settlement is an agreement that Columbia was coerced into accepting, and one that bullies the university into curtailing the free speech rights of its students and faculty.

A group of Columbia law professors pointed out that the terms of the settlement "not only exceed the power of the agencies under Title VI; they also raise serious constitutional concerns," noting that any permissible remedy would have to be tailored to address the instance of unlawful discrimination, but "the agencies' demands exhibit no such tailoring and on the contrary, effectively tell Columbia to rewrite its policies on free speech, student discipline, public safety, undergraduate admissions, and more."[914]

The Trump administration used the same tactics against Harvard University. On March 31, 2025, the HHS, the Department of Education, and the General Services Administration announced they were reviewing around $9 billion in federal grants and contracts to Harvard, citing the school's failure to curb what they consider antisemitism on campus.[915] On April 3, 2025, the Trump administration sent a list of demands that, if not met, would lead to the withdrawal of $9 billion of federal funding.[916] On April 11, 2025, the federal government threatened to revoke federal research funding from Harvard unless the university agreed to fulfill further demands, including requirements that the school alter its admissions, hiring, and programmatic decisions to better reflect the Trump administration's preferred ideological approach.[917]

On April 14, 2025, the Trump administration announced it would freeze $2.2 billion in grants and a $60 million contract to Harvard for its refusal to comply with its demands.[918] Harvard had refused to vet its students, faculty, and course offerings for "ideological diversity" or place certain departments and centers that were at odds with the government's preferred viewpoint — such as the Department of Near Eastern Languages and Cultures — under a third-party audit. Harvard filed a lawsuit in federal district court in Massachusetts, arguing that the government's decision infringed upon its First Amendment rights and violated the Administrative Procedure Act.[919] In June 2025, the ACLU, the ACLU of Massachusetts, and six other legal advocacy organizations filed an amicus brief in support of Harvard's motion for summary judgment, asking the U.S. District Court for the District of Massachusetts to block the Trump administration's attempted hostile ideological takeover of Harvard University.[920]

In September 2025, a federal court blocked the government's attacks on Harvard, ruling that the Trump administration's termination of grant funding to Harvard in retaliation for political speech violated the First Amendment and Title VI, finding that "the government-initiated onslaught against Harvard was much more about promoting

Photo: Phil Pasquini

Students, professors, and staff at the University of California at Berkeley participating in the National Day of Action for Higher Education, protesting the Trump administration's federal funding cuts and anti-free speech policies on April 17, 2025.

a governmental orthodoxy in violation of the First Amendment than about anything else, including fighting antisemitism."[921] The court noted that the Trump administration tried to "force Harvard to better manifest the government's favored worldview," in direct violation of the university's right to free speech, and added it was "difficult to conclude anything other than that [the Trump administration] used antisemitism as a smokescreen for a targeted, ideologically-motivated assault on this country's premier universities."[922] The court also ruled that the administration had "taken Executive Orders targeted at antisemitism, which already incorporated a definition of antisemitism encompassing protected speech, and implemented them in a way that systematically centered that latent focus on protected speech."[923]

In December 2025, the Trump administration appealed the September 2025 federal court ruling to the U.S. Court of Appeals for the First Circuit.[924] Universities, alumni, former federal officials, state attorneys general, hospitals, national Jewish advocacy organizations, and civil liberties organizations filed numerous amicus briefs in support of Harvard in July 2026.[925] The ACLU, five ACLU state affiliates, and six other legal advocacy organizations filed an amicus brief asking the appellate court to affirm the lower court's ruling that the administration's actions are unconstitutional, arguing that the Trump administration violated Harvard's rights to free speech and academic freedom by unlawfully revoking federal funding.[926] A group of 35 universities filed an amicus brief arguing that the administration's extensive funding cuts are arbitrary and jeopardize national innovation

and economic growth.[927] The universities objected to the sweeping terminations of all funding "based on ideological objections" or "arbitrary judgments that are unrelated to either the goals of the funded research or legitimate government fiscal constraints."[928] More than 10,000 Harvard alumni from every graduating class since 1950 also filed an amicus brief, arguing that "universities like Harvard can only manifest their missions, values, and foundational principles if they can operate with academic freedom."[929] The Trump administration's appeal is pending as of publication of this report.

On March 20, 2026, the Civil Rights Division of the Department of Justice (DOJ) filed a lawsuit against Harvard University, alleging that Harvard tolerated and/or was deliberately indifferent to antisemitism following October 7, 2023.[930] The Trump administration requested a cancellation of all current grants and restitution for any grant given to the university after October 7, 2023. Specifically, the administration asked the court to declare that Harvard unlawfully discriminated against Jewish and Israeli students, allow the federal government to cease payment to Harvard as required by existing grants, and award the federal government restitution from Harvard for all grant payments given to Harvard during the period of the university's alleged noncompliance with Title VI.[931] This lawsuit is a new strategy after a court struck down the Trump administration's attempt to immediately freeze Harvard's grants outright.

In May 2026, Harvard filed a motion seeking to dismiss the lawsuit, alleging, among other things, that the government failed to allege any ongoing Title VI violation, and raising a First Amendment retaliation defense, arguing that the lawsuit is part of a broader campaign by the Trump administration to punish Harvard for refusing to accede to government demands.[932] On August 13, 2026, the U.S. District Court for the District of Massachusetts dismissed the lawsuit, ruling that the government failed to allege any ongoing Title VI violation.[933] Noting that the government's complaint focused almost entirely on incidents from the 2023–2024 school year and cited just three incidents from March 2025, the court held it "finds them, singly and collectively, to be too isolated and episodic to support a plausible inference that any institutionalized noncompliance with Title VI persists at Harvard to this day."[934] The court did not address Harvard's First Amendment retaliation claims.

The Trump administration canceled or paused federal grants and contracts to other elite private universities, which President Trump has criticized as housing left-wing thoughts and beliefs.[935] The administration announced a pause of $175 million in funding to the University of Pennsylvania and suspended over $200 million in federal research grants to Princeton University.[936] On March 20, 2025, Brown University's president published a letter stating that the university would defend academic freedom after the Trump administration threatened to withdraw federal funds from Columbia and the University of Pennsylvania.[937] On April 3, 2025, the Trump administration announced it would block $510 million in federal contracts and grants for Brown University.[938] On April 8, 2025, the Trump administration also announced it had frozen more than $1 billion in funding for Cornell University and $790 million for Northwestern University.[939] On May 9, 2025, the Civil Rights Division opened an investigation into the University of California system, and on July 29, 2025, issued preliminary findings that UCLA had violated Title VI.

Since Columbia University's July 2025 settlement, several universities, including Northwestern University,[940] Brown University,[941] Cornell University,[942] the University of Pennsylvania,[943] and the University of Virginia,[944] have reached settlements with the Trump administration to restore federal funding in exchange for university agreements to make institutional changes in programs, curricula, admissions, and hiring.[945] As with the Columbia University settlement agreement, these settlements include measures that could not have been ordered by a court as remedies for a Title VI violation; such remedies must be narrowly tailored to address the instance of unlawful discrimination.[946]

Announced on November 28, 2025, the Trump administration and Northwestern University reached an agreement,[947] which required Northwestern to, among other things, pay $75 million to the federal government over the next three years[948] and revoke the "Deering Meadow" agreement, signed in April 2024 to end the tent encampment of pro-Palestinian protesters on its campus.[949] The settlement ended a series of federal investigations into Northwestern,[950] and restored hundreds of millions of dollars in federal research funding.[951] Although Northwestern's interim president stated that he refused to cede control over hiring, admissions, or curriculum decisions in the negotiations,[952] the agreement mandated that Northwestern "socialize international students to the norms of a campus dedicated to free inquiry and open debate," and placed numerous requirements on what characteristics Northwestern may base its admission and hiring decisions on.[953] Further, Northwestern was required to commit to Title IX protections for women, "defined on the basis of sex,"[954] and, similar to the Brown settlement agreement, was banned from performing hormonal interventions and transgender surgeries.[955]

Under the terms of a settlement agreement reached between Brown University and the Trump administration on July 30, 2025,[956] the administration agreed to reinstate nearly $50 million[957] in research funding[958] and end all pending federal investigations into the institution.[959] In return, Brown University pledged compliance to nondiscrimination requirements, specifically abstaining from the promotion of "unlawful DEI goals" in its admissions and campus programs[960] and granted federal officials access to its admissions data.[961] Further, the deal prevents Brown from administering gender-affirming surgeries and prescribing puberty blockers, and mandates that Brown implement the Trump administration's gender definitions for various university sports and programs.[962] In contrast to the deal brokered between the federal government and Columbia University, Brown was not required to admit to any wrongdoing[963] or pay a financial penalty to the federal government.[964]

Under a $60 million settlement agreement announced on November 7, 2025,[965] Cornell University agreed to pay $30 million to the federal government and $30 million to fund agricultural research programs.[966] In exchange, the federal government agreed to reinstate all federal grants, totaling hundreds of millions of dollars, to Cornell and close all pending Title VI and Title IX investigations.[967] Cornell President Michael Kotlikoff released a statement summarizing the settlement, explicitly stating that "Cornell has not been found in violation of Title VI of the Civil Rights Act of 1964."[968]

Although the Trump administration and Princeton University have not reported reaching a settlement deal, roughly half of the university's $200 million in federal research grants that had been suspended in April 2025[969] were reinstated as of August 2025.[970] Princeton President Christopher L. Eisgruber stated that he did not know the rationale for the restoration, and that the reasons for the original suspension of funding had similarly not been communicated to the university.[971]

Pursuant to court order, UCLA released to the public the proposed settlement agreement[972] sent to the university by the DOJ on August 8, 2025.[973] The 27-page document would have required UCLA to pay the United States $1 billion and contribute $172 million to a claims fund that would compensate victims of civil rights violations,[974] revise hiring and admissions policies to remove any reference or consideration of diversity factors,[975] impose strict prohibitions on demonstrations, protests, and other expressive activities,[976] eliminate and/or discontinue any race- and ethnicity-based scholarships and faculty diversity hiring incentive programs,[977] and issue a public statement emphasizing the university's adherence to the Trump administration's views on gender in relation to athletic programs,[978] among other requirements. Had UCLA acceded to the proposed settlement, it would have represented the largest payout extracted from any university in the administration's campaign.[979] On November 14, 2025, however, the U.S. District Court for the

Northern District of California issued a preliminary injunction in response to a complaint brought by the American Association of University Professors (AAUP), barring all of the Trump administration's actual and threatened attacks on the University of California, including the nearly $1.2 billion total payment demand directed at UCLA.[980]

Almost three months after the injunction was issued, the Trump administration sued the University of California, alleging that UCLA's administration had "turned a blind eye to — and at times facilitated — grossly antisemitic acts and systematically ignored cries for help from its own terrified Jewish and Israeli employees."[981] Less than four months later, on May 26, 2026, the Trump administration filed a second antisemitism lawsuit against UCLA, accusing the university of taking "no serious action whatsoever" to prevent to harassment of Jewish and Israeli students.[982] Both lawsuits remain in early stages, although several DOJ lawyers notably left the department over the UCLA investigation, calling the case "fraudulent" and a "sham" driven by pressure to manufacture evidence against the university.[983]

Reporting by ProPublica and The Chronicle of Higher Education in December 2025 revealed that, early in President Trump's second term, the DOJ created a group to investigate the University of California system and gave the group one month to rapidly "find" evidence of antisemitism and bring charges of workplace discrimination in the 10-campus university system.[984] Ultimately, DOJ attorneys recommended a lawsuit against only UCLA, but in an internal memo obtained by ProPublica and The Chronicle of Higher Education, the DOJ career lawyers on the University of California team warned that the case was weak, stating, "We simply do not have strong evidence that the types of harassing acts that happened through spring 2024 are ongoing."[985] The memo detailed that some of the harassment complaints involved protected First Amendment speech and noted that, because the investigation had been "truncated," there had not been time to review some of the documents the University of California produced.[986] A veteran DOJ Civil Rights Division lawyer who was investigating the University of California later told The New York Times that he and his team had been instructed to open investigations into more than a dozen universities, and the group was "only told to investigate cases that were in blue states, and cases or investigations involving red states or that didn't involve perceived political enemies of the administration never moved forward."[987] He added, "There was no interest in antisemitism unless it involved protests of Israel or the war in Gaza."[988] Within months, he and 17 of his team's lawyers quit.[989]

In a broader legal challenge to the Trump administration's actions against the entire University of California system, the American Association of University Professors (AAUP), alongside a coalition of labor unions and faculty associations representing University of California employees, filed suit against the Trump administration on September 16, 2025, alleging that it had weaponized civil rights investigations and federal funding cuts in an effort to coerce the University of California into suppressing free speech and academic freedom.[990] On November 14, 2025, the U.S. District Court for the Northern District of California issued a preliminary injunction in response to the suit, finding that the plaintiffs had submitted "overwhelming evidence" that the Trump administration was "engaged in a concerted campaign to purge 'woke,' 'left,' and 'socialist' viewpoints from our country's leading universities."[991] The 76-page opinion barred the administration from withholding funds based on the University of California's compliance with the administration's ideological agenda, and specifically prohibited the use of civil rights investigations as a pretext for coercing policy changes unrelated to discrimination.[992] On February 11, 2026, the Trump administration dropped its appeal of the November 2025 preliminary injunction.[993]

On August 18, 2026, Democrats on the House Judiciary Committee launched an investigation into explosive whistleblower allegations from a former career DOJ Civil Rights Division lawyer of nearly

a decade and several other experienced career DOJ civil rights attorneys temporarily assigned to the HHS OCR to work on Title VI investigations undertaken by the Trump administration's Task Force to Combat Anti-Semitism.[994] Democrats on the House Judiciary Committee released the whistleblowers' complaint, which detailed their allegations that Trump administration political appointees had manipulated federal antisemitism investigations to target certain American universities, punish protected speech, and coerce schools into settlements, despite government investigators finding insufficient evidence to establish any Title VI violations.[995] The whistleblowers said that "the investigations were not grounded in law or fact" and described political appointees overruling career investigators, pursuing investigations with "predetermined" outcomes and findings unsupported by the evidence, and targeting Muslim professors based on religion and ethnicity without allegations of wrongdoing.[996] They also alleged that senior Trump administration officials intended to use hundreds of millions of dollars in federal funding as leverage against universities regardless of investigative findings.

The whistleblowers' complaint details how Trump administration officials had "a predetermined, outcomedriven approach to enforcement rather than a factbased investigative process" and when the whistleblowers "raised issues with the lack of a factual basis" to establish that the schools had broken the law, "their disagreements were sidelined or they faced reprimands."[997] According to the whistleblowers, "there was little to no factual predicate justifying opening" at least some of the investigations and "staff were encouraged to invert the standard sequence of investigation, compliance review, and legal analysis and instead work backward from desired settlement terms, including provisions not directly tied to substantiated Title VI antiharassment or antisemitism violations, to generate proposed findings that would support those terms."[998] They were asked to complete their investigations in just 45 days, a timeline they said was "wholly insufficient."[999]

The whistleblowers' complaint also contained detailed allegations concerning the Trump administration's investigations of Brown, Harvard, and Columbia Universities. The whistleblowers detailed how the Trump administration cut funding to Brown University before any investigation could even begin in earnest. A DOJ whistleblower "became increasingly concerned that HHS had a political motivation to manufacture facts in the Brown investigation and that the investigation was not based on complaints grounded in documented evidence of violations."[1000] When the investigation was completed, investigators found "that the evidence did not support a Title VI violation."[1001] A Trump administration official, HHS OCR Associate Deputy Director Daniel Shieh, admitted there was "not a Title VI violation" at Brown but said "there's no way we're going to get a letter of no violation cleared," indicating that the Trump administration was using antisemitism as a pretext to cut federal funding and punish the university.[1002] According to the whistleblowers' disclosure, administration leadership "instead sought some form of settlement or resolution despite acknowledging the absence of a legal basis for doing so."[1003]

Moreover, investigators were instructed to "systematically interview Middle East studies professors, particularly Muslim faculty," to see if they would say anything that could be labeled antisemitic, and an official explained that the interview was not to "get information" but to see "what he will say."[1004] In the whistleblower's view, the mandate to conduct these interviews "seemed like an attempt to intimidate those professors" and "was rooted in Islamophobic assumptions that Middle East Studies professors would harbor antisemitic viewpoints rather than any actual evidence of complaints about antisemitism."[1005]

Regarding the Harvard University investigation, according to the whistleblowers' complaint, Shieh "explained that the initial plan was for Harvard to be the first example, but when negotiations broke down, officials tried to make Columbia the example."[1006] A DOJ attorney warned that the proposed Harvard settlement demands were

unrelated to remedying antisemitism and likely violated the First Amendment. DOJ attorneys "raised concerns that extraordinary funding freezes and sweeping proposed settlement terms…were being pursued before any completed investigation had established Title VI violations and without a demonstrated connection between the proposed remedies and substantiated findings of unlawful discrimination."[1007]

With respect to the Columbia University investigation, the whistleblowers "observed findings of discrimination and related funding actions advancing on an accelerated timetable before adequate factual development and legal review were completed."[1008] Investigators identified false statements and protected First Amendment activity that were improperly cited as evidence of Title VI violations.[1009]

Using Claimed Civil Rights Enforcement Authority to Investigate and Seek Information About Students and Faculty

The Trump administration's political appointees have also taken steps to use the Department of Justice's Civil Rights Division to investigate student activists.[1010] After a protest at Barnard College's Milbank Hall in late February 2025, Emil Bove III, then Principal Associate Deputy Attorney General and a Trump political appointee, initiated an investigation into Columbia University, with a particular focus on the student group Columbia University Apartheid Divest, to determine if those involved in the campus protests violated civil rights and antiterrorism laws.[1011] According to reporting by The New York Times, prosecutors in the Civil Rights Division were ordered to obtain a group membership list so that the information could be shared with immigration agents and were directed to obtain a search warrant for the nonpublic data associated with the group's Instagram account.[1012] Dissenting lawyers in the Civil Rights Division told The New York Times that they saw the investigation as politically motivated and lacking legal merit.[1013] One magistrate judge believed some of the measures being sought were unjustified and might violate the First Amendment.[1014] Although the investigation largely tapered off by early April 2025, others could revive it.[1015]

The Trump administration has also deployed the U.S. Equal Employment Opportunity Commission (EEOC) to seek sensitive information from Barnard College faculty and staff.[1016] In 2024, the EEOC began investigating whether Barnard was discriminating against its Jewish employees.[1017] In April 2025, most professors at Barnard College received text messages to their personal cell phones requesting that they fill out a survey about the college's employment practices. The survey included questions asking whether the professor was Jewish or Israeli, had shared Jewish/Israeli ancestry, practiced Judaism, or identified as "other." Other questions focused on whether the professor had experienced antisemitism, been pressured to change their beliefs or practices, or been subjected to "unwelcome discussions."[1018] Professors have reported that students were receiving these messages as well. Barnard professors have reported that they worry the Trump administration was using federal civil rights agencies and civil rights laws, such as Title VII, to further target faculty and staff's freedom of expression.[1019] Barnard was not informed that employees would be receiving the text messages.

In July 2025, as part of the EEOC's investigation into allegations of a hostile, antisemitic work environment at the University of Pennsylvania (UPenn) potentially in violation of Title VII of the Civil Rights Act of 1964, the EEOC issued a subpoena to the Trustees of UPenn demanding that UPenn create and turn over membership rosters for the Jewish Studies Program as well as Jewish and Jewish-affiliated campus organizations, along with personal contact information and addresses of Jewish members.[1020] In November 2025, after UPenn refused to turn over the requested information, the EEOC sued the university, asking a judge to enforce the subpoena.[1021] In January 2026,

the ACLU of Pennsylvania, Democracy Defenders Fund, and Hangley Aronchick Segal Pudlin & Schiller filed a motion to intervene in the EEOC lawsuit on behalf of five organizations affiliated with UPenn.[1022] The groups petitioning the court to join the proceedings represent Jewish faculty and student employees who oppose the non-consensual release of organizational membership rosters and members' personal information based on the First Amendment right to associate confidentially, which directly impacts the freedoms of speech, association, privacy, and religious liberty. In March 2026, a federal judge ordered UPenn to comply with the federal government subpoena demanding information on Jewish faculty, including names and phone numbers of employees who were members of Jewish groups on campus.[1023] UPenn appealed the judge's order to the U.S. Court of Appeals for the Third Circuit in April 2026. In July 2026, the EEOC decided not to continue pursuing a subpoena and the parties stipulated to dismiss the case.[1024] The five intervenor organizations did not sign the settlement agreement between UPenn and the EEOC and filed a motion asking the Third Circuit Court of Appeals to vacate the lower court opinion.[1025] The intervenors' appeal is docketed separately and remains ongoing as of publication of this report.

In response to a request from the Department of Education's Office for Civil Rights (OCR)'s to produce comprehensive documents as part of OCR's Title VI investigation into "alleged antisemitic incidents" at the University of California at Berkeley (Berkeley), either the University of California or Berkeley gave the Trump administration the names and information of 160 faculty members, students, and staff. In September 2025, Berkeley sent a letter to those named, disclosing that university lawyers had named them in reports to OCR in August 2025, stating that OCR's investigation into "allegations of antisemitic harassment and discrimination… required production of comprehensive documents, including files and reports related to alleged antisemitic incidents."[1026] These documents included the personal identities of people and their "potential connection" to allegations of antisemitism, some of which had been dismissed or not yet investigated.[1027] One named scholar likened the disclosure to a "practice from the McCarthy era."[1028]

The Trump Administration's Campaign to Detain and Deport Students and Scholars Involved in Palestinian Rights Advocacy

Photo: Michael Nagle/Xinhua via Getty Images

New York City Police Department (NYPD) officers arrest demonstrators on March 11, 2025, during a protest of the Trump administration's arrest and detention of Columbia University graduate student Mahmoud Khalil.

The Trump administration has crafted and carried out a policy of revoking the visas and green cards of noncitizen students and scholars who engaged in pro-Palestinian advocacy, and of arresting, detaining, and deporting them. In March and April 2025, the Trump administration moved swiftly to detain and initiate deportation cases against noncitizen students and scholars who had advocated for Palestinian rights or criticized Israel. The administration has targeted these students and scholars solely because of their political viewpoints and constitutionally protected expression. Mahmoud Khalil, a green card holder and prominent advocate for Palestinian rights at Columbia University, was the first to be targeted. Other students and scholars, including Rümeysa Öztürk, Mohsen Mahdawi, and Dr. Badar Khan Suri, were arrested and detained, despite having valid immigration status and not being accused of breaking any law. The administration has attempted to detain and deport other students, including Yunseo Chung, Ranjani Srinivasan, and Momodou Taal, for their constitutionally protected pro-Palestinian advocacy. The administration is trying to use immigration laws to silence speech it disagrees with, while also claiming that no federal district court has authority to judge the constitutionality of its actions.

In a closed-door meeting with donors during his re-election campaign, President Trump explicitly stated his intent to deport students who protested the military campaign in Gaza. Speaking in reference to Palestine-related protests, President

Trump told donors: "Any student that protests, I throw them out of the country. You know, there are a lot of foreign students. As soon as they hear that, they're going to have to behave."[1029]

As a candidate, President Trump additionally pledged to "terminate the visas of all those Hamas sympathizers, and we'll get them off our college campuses, out of our cities, and get them the hell out of our country."[1030] In fall 2023, then-Senator Marco Rubio repeated these sentiments, stating on social media that "people marching at universities" were "supporters of Hamas" and that the U.S. should "cancel the visa of every foreign national out there supporting Hamas and get them out of America."[1031]

Shortly after assuming office, President Trump signed two executive orders intended to fulfill his campaign promises to deport protesters: Executive Order 14161, "Protecting the United States from Foreign Terrorists and other National Security and Public Safety Threats," signed on January 20, 2025, and Executive Order 14188, "Additional Measures to Combat Anti-Semitism," signed on January 29, 2025. Executive Order 14161 states that its purpose is to "protect [United States] citizens" from aliens who "espouse hateful ideology" and "bear hostile attitudes towards [United States] citizens, culture, government, institutions, or founding principles."[1032] The order does not define "hostile attitudes," leaving the term open to encompass any form of political dissent or criticism of government policies.

Executive Order 14188 and its accompanying fact sheet state the government's intent to target post-October 7, 2023, campus antisemitism, particularly at "leftist, anti-American colleges and universities."[1033] The order's definition of antisemitism encompasses constitutionally protected criticism of the Israeli government and its policies. The accompanying fact sheet frames the order as a promise to "deport Hamas sympathizers and revoke student visas" in order to send a message to all "resident aliens who participated in pro-jihadist protests" that the federal government "will find you… and deport you."[1034]

In March 2025, ICE's Department of Homeland Security Investigations launched an operation to identify pro-Palestinian protesters on college campuses.[1035] This operation involved scouring lists of suspected protesters and producing reports based on unvetted allegations by third parties that the protesters are antisemitic or pro-Hamas, as described in further detail later in this report.[1036] U.S. Immigration and Customs Enforcement (ICE)'s Homeland Security Investigations leadership provided its Office of Intelligence with lists of individuals to investigate, including over 5,000 people listed on the Canary Mission website and names listed on Betar USA's website, with instructions to focus only on those engaged in protests.[1037] To expedite the process and manage the volume of names, the Office of Intelligence formed a specialized "Tiger Team," which quickly produced reports on 100–200 protesters, documenting protest activity and including unverified allegations.[1038] Under a new expedited process, ICE forwarded these reports to the State Department for deportation without any further vetting, and the State Department then revoked protesters' visas or rendered them removable, also without conducting any meaningful vetting.[1039] Trial testimony from senior State Department and ICE officials has revealed that the State Department's review process proceeded with astonishing speed. For instance, Khalil was arrested only one day after ICE issued a referral letter to the State Department, while Secretary of State Marco Rubio approved the action memo on Mohsen Mahdawi's deportation only one day after ICE issued the referral letter.[1040]

The first individual to be arrested and detained by ICE under this policy was lawful permanent resident Mahmoud Khalil, a Palestinian born in Syria. On March 8, 2025, Khalil was returning home with his U.S.-citizen wife when he was detained by ICE agents. Although the agents initially stated that they were revoking Khalil's "visa," upon learning that Khalil was a green card holder, they stated that they would be revoking that, too.[1041]

On March 10, 2025, President Trump issued a statement on Truth Social touting Khalil's arrest

as a blueprint for future government actions. He warned that Khalil's arrest was "the first of many to come," and stated that his administration would not tolerate "students at Columbia and other universities across the country who have engaged in pro-terrorist, anti-Semitic, anti-American activity."[1042] The president promised to "find, apprehend, and deport these terrorist sympathizers from our country."[1043]

On the social media site X, Secretary Rubio wrote that the Trump administration "will be revoking the visas and/or green cards of Hamas supporters in America so they can be deported."[1044] Following these statements, the Department of Homeland Security confirmed that Khalil's arrest by ICE was carried out "in support of President Trump's executive orders prohibiting antisemitism, and in coordination with the Department of State."[1045]

In a statement to The Free Press on March 10, 2025, a White House official stated that the federal government would use its basis for targeting Khalil as a "blueprint" for investigations against other students.[1046] In a press conference on March 12, 2025, Secretary Rubio stated, "If you tell us that you are in favor of a group like this [Hamas], and if you tell us...I intend to come to your country as a student, and rile up all kind of anti-Jewish, anti-Semitic activities...we will revoke [your visa]. And if you end up having a green card...we're going to kick you out."[1047] On March 14, 2025, Secretary of Homeland Security Kristi Noem stated in a press release published to the Department of Homeland Security's website, "It is a privilege to be granted a visa to live and study in the United States of America. When you advocate for violence and terrorism that privilege should be revoked, and you should not be in this country."[1048]

While the precise number of students and scholars targeted for deportation because of their pro-Palestinian speech and advocacy is unknown, potentially hundreds have been targeted. On March 27, 2025, Secretary Rubio announced that he had revoked the F-1 student visas of more than 300 noncitizen students who participated in pro-

Photo: Michael M. Santiago via Getty Images

Protesters demonstrating against Immigration and Customs Enforcement (ICE) at Columbia University on February 5, 2026.

Palestinian activism, stating "Every time I find one of these lunatics I take away their visa... we do it every day."[1049] Though he appears to have walked back this statement following public scrutiny, according to New York Times reporting, nearly 300 international students had their visas revoked in retaliation for their political expression.[1050] On March 28, 2025, Secretary Rubio was asked whether all of the Trump administration's first 300 visa revocations were "related to pro-Palestinian protests," and he responded that most were, explaining, "What we have seen on campuses across the country where students literally cannot go to school, you cannot — buildings are being taken over, activities going on — this is clearly an organized movement. And if you are in this country on a student visa and are a participant in those movements, we have a right to deny your visa."[1051] He added, "We are not going to be importing activists into the United States. They're here to

study. They're here to go to class. They're not here to lead activist movements that are disruptive and undermine the — our universities."[1052]

Immigration Enforcement Based on Lawful Pro-Palestinian Advocacy and Protected Speech

The Trump administration has carried out these detentions and deportations pursuant to a viewpoint-discriminatory policy of retaliation against noncitizens with pro-Palestinian views. The policy is effectuated by abusing immigration law to punish and silence noncitizen students and scholars engaged in pro-Palestinian expression. The government's policy has characterized pro-Palestinian advocacy and speech critical of Israel as antisemitic and "pro-Hamas," without acknowledging that the speech it is targeting is lawful and constitutionally protected.

The Trump administration has claimed it has multiple pathways it believes it can take to deport pro-Palestinian protesters, including (1) revoking the visas or Student and Exchange Visitor Information System (SEVIS) status of students who engage in activities it claims are inconsistent with holding a student visa; (2) revoking the visas of students who endorse or espouse terrorist activity or terrorist organizations; and (3) revoking the visas or green cards of students whose presence or activities in the United States have serious foreign policy consequences (explained in detail in the next section of this report). The administration has also attempted to rely on unfounded, pretextual, post-hoc allegations of immigration fraud or misrepresentation.[1053]

Based on public statements by Secretary Rubio and trial testimony by State Department and Department of Homeland Security officials, the agencies deem a broad spectrum of pro-Palestinian and anti-war statements, including constitutionally protected speech, to be "pro-Hamas" or antisemitic and therefore grounds for visa or green card revocation. In trial testimony, several ICE and State Department officials involved in executing the Trump administration's ideological deportation policy admitted that essentially any criticism of Israel could merit immigration consequences. For instance, a senior State Department official, John Armstrong, testified that statements critical of Israel or U.S. foreign policy with respect to Israel could subject a visa or green card holder to deportation, including statements such as the phrase, "From the river to the sea, Palestine will be free," as well as statements calling for an arms embargo on Israel or calling for limiting military aid to Israel.[1054]

The Trump administration has explicitly argued that peaceful pro-Palestine advocacy is grounds for detention and deportation. For example, Mahmoud Khalil was never accused of breaking any laws, and the only evidence the government has cited in support of its foreign policy claims is lawful speech about Israel and Palestine. According to a memorandum from Secretary Rubio to Secretary of Homeland Security Kristi Noem later disclosed via litigation, Secretary Rubio's determination that Khalil is deportable under the foreign policy ground was based on Khalil's participation in "antisemitic protests and disruptive activities" that "undermine U.S. policy to combat anti-Semitism around the world and in the United States."[1055] According to remarks by Deputy Department of Homeland Security Secretary Troy Edgar on NPR's "Morning Edition" show, Khalil was targeted for "putting himself in the middle of the process of basically pro-Palestinian activity."[1056] When asked if "any criticism of the Israeli government," "any criticism of the United States," "any criticism of the government" or "protesting" are deportable offenses, Edgar did not provide a direct answer.[1057] Instead, he stated if Khalil admitted an intention to "go and protest" when he had initially applied for a student visa, "we would have never let him into the country."[1058]

Similarly, Rümeysa Öztürk, a Turkish national, saw her student visa revoked in retaliation for co-authoring an op-ed in the Tufts University student newspaper addressing the university's response to a student government resolution regarding

Gaza. Secretary Rubio said this kind of advocacy was "creating a ruckus" that justified Öztürk's removal from the country. Unsealed documents and testimony at a trial in an unrelated case challenging the Trump administration's policy of deportation to punish lawful political expression before the U.S. District Court for the District of Massachusetts revealed that Öztürk's visa revocation was based on her op-ed and its mention of a pro-Palestinian student group that was later banned from campus, and that the State Department recommended her deportation despite concluding that ICE "has not… provided any evidence showing that Öztürk has engaged in any antisemitic activity or made any public statements indicating support for a terrorist organization or antisemitism generally."[1059]

Abuse of the "Foreign Policy Ground" of the Immigration and Nationality Act

In some cases, including the cases of Mahmoud Khalil, Mohsen Mahdawi, Dr. Badar Khan Suri, and Yunseo Chung, the Trump administration has been trying to deport individuals based on the Secretary of State's claim that their presence or activities could have "adverse foreign policy consequences" and would "compromise a compelling foreign policy interest," citing a rarely used provision of the Immigration and Nationality Act (INA).[1060] Under the foreign policy provision, a noncitizen is inadmissible, and therefore deportable, if the Secretary of State "has reasonable ground to believe" that their "presence or activities" in the United States would have "potentially serious adverse foreign policy consequences for the United States."[1061] The provision also states that individuals may not be excluded based on "past, current, or expected beliefs, statements, or associations [that] would be lawful in the United States unless the Secretary of State personally determines that the [noncitizen]'s admission would compromise a compelling United States foreign policy interest."[1062]

Before March 2025, the foreign policy provision had never been used to target a lawful permanent resident for their constitutionally protected political speech in the United States. The law's legislative history makes clear that Congress expected this authority to be used sparingly and not merely because an individual might make critical remarks about the United States or its policies.[1063] Congress did not intend for this obscure INA provision, which authorizes the government to exclude or remove noncitizens on extraordinary foreign policy grounds, to be used to deport noncitizens for exercising their First Amendment rights. To the contrary, after the predecessor provision had been abused for years — including to stop foreign celebrated writers like Gabriel García Márquez, Graham Greene, Doris Lessing, and Pablo Neruda from entering the United States because of their political beliefs — Congress amended the statute. The amendment prohibits excluding or deporting noncitizens on the grounds of their constitutionally protected "beliefs, statements, or associations," except where "the Secretary of State personally determines that the alien's admission would compromise a compelling United States foreign policy interest."[1064]

The House Conference Report on the amendment conveyed Congress' expectation that "this authority would be used sparingly and not merely because there is a likelihood that an alien will make critical remarks about the United States or its policies."[1065] It suggested, for example, that exclusion or removal might be appropriate if the noncitizen is a former leader of a foreign state, such as the former Shah of Iran, or when their presence in the country "would violate a treaty or international agreement to which the United States is party."[1066]

In fact, the foreign policy ground is almost never invoked. In its court filings, the federal government has identified only four previous instances in which it has been used to remove noncitizens over the past three decades, none of which concerned domestic speech.[1067] In all that time, the law had never been cited to detain or deport any lawful permanent resident for their political beliefs — until it was used against Khalil.

Photo: Nathan Posner/Anadolu Agency via Getty Images

The State Department complex in Washington, DC.

Since then, the Trump administration has used the foreign policy ground to argue that it has unlimited discretion to detain and deport any noncitizen whom the federal government considers a foreign policy risk for any reason — and that the federal courts are powerless to undertake timely review of its decisions, even if those decisions violate the First Amendment. Under this policy, Secretary of State Marco Rubio would make determinations that the protesters' presence or activities in the United States would compromise a compelling United States foreign policy interest. The Department of Homeland Security would effectuate these determinations by seeking to deport the protesters and would also further the policy of punishing and censoring the protesters by detaining them. This weaponization of immigration law is part of the Trump administration's clear policy to retaliate against and punish noncitizens for their participation in protests and expression of views concerning Israel's military campaign in Gaza, and to deter future such protests and expression.

Government Reliance on Private Third Parties to Identify and Target Students and Scholars for Deportation

Following the passage of President Trump's executive orders, prominent private groups aiming to deter pro-Palestinian or anti-Israel advocacy began publicly sharing the names of outspoken individuals they believed to be noncitizens and wanted the government to deport. These groups explicitly singled out these individuals for their Palestine-related advocacy. These groups have submitted these individuals' names to U.S. Immigration and Customs Enforcement (ICE)'s tip line and ICE has admitted to relying on such lists to target students and scholars for its immigration actions.[1068] The government should not base its immigration enforcement on lists generated by advocacy groups on the basis of their distaste for certain political views.

ICE has used the pro-Israel blacklisting website Canary Mission to target students for investigation and deportation. Canary Mission posts photos and information about students engaged in pro-Palestinian activism on its website, essentially creating digital wanted posters.[1069] The group has said its objective is to document "hatred of the U.S.A., Israel and Jews."[1070]

In trial proceedings in a case challenging the Trump administration's policy of deportation to punish lawful political expression before the U.S. District Court for the District of Massachusetts, a senior ICE official testified that the agency had assembled a team — referred to internally as the "Tiger Team" — in early 2025 to investigate student protesters.[1071] The team had quickly compiled 100–200 reports based on a list of 5,000 people whose names and identities had been published on the Canary Mission website.[1072] The senior ICE official, Peter Hatch, is assistant director of the Homeland Security Investigations department within ICE that compiles background reports on targets of the agency's investigations. Hatch testified that the

agency formed the "Tiger Team" in response to orders he received to rush analysis of thousands of people identified on the Canary Mission website. He testified, "It was a list that made accusations or asserted a lot of information like, these protesters are involved in violent activities, or are condoning or supporting violence, possibly even terrorist organizations."[1073]

Canary Mission's website included profiles on Mahmoud Khalil, Mohsen Mahdawi, and Rümeysa Öztürk.[1074] Canary Mission published a profile on Öztürk in February 2025, including her photograph, claiming she "engaged in anti-Israel activism in March 2024."[1075] The profile described Öztürk as "a supporter of the Boycott, Divestment, Sanctions (BDS) movement." Canary Mission's contention that Öztürk "engaged in anti-Israel activism" was solely based on a link and screenshots of the March 2024 op-ed she coauthored for publication in the Tufts University student newspaper.[1076]

Betar USA — a 100-year-old organization revived in 2024, which describes itself as "loud, proud, aggressive, and unapologetically Zionist"[1077] — publicly stated that it had distributed a "deport list" of 3,000 noncitizens and "provided thousands of names of jihadis to the Trump administration."[1078] In March 2025, a Betar USA spokesperson told The Guardian that the organization submitted "thousands of names" of students and faculty they believe to be on visas from institutions including Columbia University; the University of Pennsylvania; the University of California, Los Angeles (UCLA); and Syracuse University, to representatives of the Trump administration.[1079] Earlier, in January 2025, Betar USA said it had "already submitted names of hundreds of terror supporters to the Trump administration."[1080] On its website, Betar USA advocates for "military preparedness" in supporting Israel and "demands that its members understand force and weapons."[1081] The group has been labeled "extremist" by the Anti-Defamation League.[1082] In January 2026, the New York attorney general announced a settlement agreement permanently barring Betar USA, a New York-based organization, from instigating or encouraging violence or harassing protesters, after an extensive investigation by the Office of the Attorney General found that Betar USA had repeatedly targeted individuals based on religion and national origin and used its public platform to threaten individuals with deportation in an attempt to suppress protected speech, in violation of New York's civil rights laws.[1083]

Among Betar USA's targets was lawful permanent resident Mahmoud Khalil. On January 29, 2025, the organization posted on social media that ICE is "aware of his home address and whereabouts" and confirmed that they "have provided his information to multiple contacts."[1084] The following day, on January 30, 2025, Betar USA posted on social media platform X that "visa holder Mohsen Mahdawi is on our deport list."[1085] On March 8, 2025, Khalil was detained by Department of Homeland Security agents. Following the arrest of Khalil, Betar USA revived its public calls for the deportation of Mahdawi. On March 14, 2025, Betar USA posted on X that "Mohsen Mahdawi is next and also on the deport list."[1086] A week later, on March 20, 2025, Betar USA again posted, "Mohsen Mahdawi is next and also on the deport list."[1087] Mahdawi was arrested by ICE agents at his citizenship interview on April 14, 2025. On March 13, 2025, Betar USA posted a "deport alert" targeting Momodou Taal, a graduate student at Cornell University. The State Department said it revoked his student visa on March 14, the day after the alert was posted.[1088]

The federal government's reliance on these private organizations to target noncitizens for deportation raises serious concerns about due process and free speech. The government did not conduct any independent review or investigation and essentially delegated consequential decisions to third parties who explicitly wanted to punish people for their lawful speech. Immigration consequences should not be based on lists generated by private groups targeting students whose political views they oppose. Instead of delegating governmental authority to private parties to identify people to subject to immigration consequences, the government should be applying politically neutral

criteria, as delineated in the Immigration and Nationality Act (INA), to guide their immigration actions and identify people to investigate. The Trump administration has also been directly asking universities to identify students involved in pro-Palestinian activism, putting pressure on educational institutions to become informants against their own students.[1089]

Attempts to Evade Federal Court Review of Constitutional Challenges to Detention and Deportation

Federal courts have ordered the release on bail of Mahmoud Khalil, Mohsen Mahdawi, Rümeysa Öztürk, and Dr. Badar Khan Suri while their cases proceed. While Öztürk has achieved a settlement in her case and returned to Turkey, Khalil, Mahdawi, and Suri are still fighting against deportation as of publication of this report. The government has appealed the decisions releasing each individual from detention, arguing that federal courts must let deportation proceedings play out in the immigration courts before they can get involved, even if it is just to order release from claimed unlawful detention.

In each of the cases, after federal habeas corpus lawsuits were filed by the students and scholars challenging the retaliatory immigration actions taken against them, the Trump administration has made extreme arguments about federal court jurisdiction, arguing that federal courts are powerless to review the students' and scholars' habeas claims and that the executive therefore has unreviewable power to detain noncitizens, even for purposes of chilling and censoring political speech protected by the First Amendment, until the executive's administrative immigration process is complete.

However, unlike federal courts, the immigration court system is housed under the executive branch and beholden to the Department of Justice. This lack of independence has become even more pronounced under the Trump administration: Since taking office, the Trump administration has dismissed more than 100 immigration judges out of 750, announced the appointments of 143 permanent and temporary immigration judges, and cut the Board of Immigration Appeals (BIA) nearly in half.[1090] It has transformed the immigration court system into a tool for accelerating deportations. Nearly all BIA decisions in recent months have resulted in a negative outcome for the noncitizens facing removal.[1091] Moreover, case law holds that immigration judges do not have the power to hear constitutional claims like those made by the students and scholars about being targeted for their First Amendment protected speech, and immigration courts can take months or even years to finally decide a deportation case.

The Ideological Deportation Policy Is Unconstitutional and Violates International Law

The Trump administration's arrests and threats to deport students and faculty solely because of their participation in pro-Palestine protests or expression of pro-Palestine or anti-Israel viewpoints are blatantly unconstitutional and are chilling student speech and advocacy across campuses and throughout the country at large. It is brazenly viewpoint discriminatory, in breach of international law obligations, resulting in the suppression of Palestinian voices and pro-Palestinian messages. Comparing Mohsen Mahdawi's case to cases from the previous eras of political repression, such as the Palmer Raids and the McCarthy era, the Vermont federal court recognized, when it ordered Mahdawi's release, that it is "extraordinary" that "[l]egal residents — not charged with crimes or misconduct — are being arrested and threatened with deportation for stating their views on the political issues of the day."[1092]

The Trump administration has tried to undermine the Constitution in these cases by arguing that the First Amendment does not apply to noncitizens,

but the Supreme Court recognized 80 years ago in *Bridges v. Wixon* — a case that involved the deportation of individuals suspected to be members of the Communist Party — that "freedom of speech and of press is accorded aliens residing in this country."[1093] That freedom protects citizens and noncitizens alike from government officials who would abuse their power to suppress criticism or disfavored messages.

Moreover, international law recognizes the right of everyone to freedom of expression, without discrimination. The only permissible limits to the exercise of this right must be provided by law, necessary and proportional to protect the rights of others, national security or public order, or public health or morals. Limitation to the exercise of the right to freedom of expression cannot jeopardize the right itself. Crucially, any limitation must respect the obligation of nondiscrimination. Under international law, revocation of visas for protesting or expressing support for Palestinians' rights is discriminatory and arbitrary. While states have some discretion to decide who can enter into their territory and to expel individuals, due process must always be guaranteed in any visa revocation — regardless of whether the individual is a lawful permanent resident or a student with a temporary visa. Under international law, visa revocation requires a procedure with minimal safeguards, should not be discriminatory, and should not be a reprisal for activities or expressions protected under international law.

In March 2025, the Knight First Amendment Institute at Columbia University and Sher Tremonte LLP filed a lawsuit on behalf of the American Association of University Professors (AAUP), AAUP's Harvard, NYU, and Rutgers campus chapters, and the Middle East Studies Association, challenging the Trump administration's policy of arresting, detaining, and deporting noncitizen students and faculty who participate in pro-Palestinian activism.[1094] After a two-week trial, the U.S. District Court for the District of Massachusetts ruled in September 2025 that the defendant Trump administration officials had pursued a policy of arresting, detaining, and deporting noncitizen students and faculty who engaged in pro-Palestinian protest, that the purpose of the policy was to chill pro-Palestinian speech and speech critical of Israel, and that the policy is unlawful viewpoint discrimination in violation of the First Amendment, and arbitrary and capricious in violation of the Administrative Procedure Act (APA).[1095] In the landmark ruling, U.S. District Judge William Young wrote, "This case — perhaps the most important ever to fall within the jurisdiction of this district court — squarely presents the issue whether non-citizens lawfully present here in [the] United States actually have the same free speech rights as the rest of us. The Court answers this Constitutional question unequivocally 'yes, they do.' 'No law' means 'no law.' The First Amendment does not draw President Trump's invidious distinction and it is not to be found in our history or jurisprudence."[1096] He also wrote, "If 'terrorist' is interpreted to mean 'pro-Palestine' or 'anti-Israel,' and 'support' encompasses pure political speech, then core free speech rights have been imperiled."[1097]

The court held that "The intent of the Secretaries [of State and the Department of Homeland Security] was…to target a few for speaking out and then use the full rigor of the Immigration and Nationality Act (in ways it had never been used before) to have them publicly deported with the goal of tamping down pro-Palestinian student protests and terrorizing similarly situated non-citizen (and other) pro-Palestinians into silence because their views were unwelcome." The court also ruled that "The Plaintiffs have shown that Secretaries Noem and Rubio are engaged in a mode of enforcement leading to detaining, deporting, and revoking noncitizens' visas solely on the basis of political speech, and with the intent of chilling such speech and that of others similarly situated. Such conduct is not only unconstitutional, but a thing virtually unknown to our constitutional tradition."[1098]

In January 2026, Judge Young issued an order formally declaring that the Trump administration's

policy of arresting, detaining, and threatening to deport noncitizen students and faculty for their political speech violates the First Amendment and the APA.[1099] The order also restricts the Trump administration's ability to deport noncitizen students and faculty members for their pro-Palestinian advocacy. The district court stopped short of granting the full injunctive relief plaintiffs sought, instead providing that any noncitizen who was an AAUP or MESA member during the litigation has the ability to challenge an adverse change to their immigration status in federal district court and in such litigation that adverse immigration action will be presumed to have been taken in retribution for that individual's constitutionally protected speech, unless the government demonstrates otherwise by clear and convincing evidence. As of publication of this report, cross-appeals filed by both parties remain pending.[1100]

Broader Revocations of Student Visas, Terminations of International Students' Status, and Social Media Vetting

The Trump administration also implemented the "Student Criminal Alien Initiative" beginning in March 2025, resulting in the abrupt termination of legal status for thousands of international students across the United States.[1101] Through automated cross-referencing of the Student and Exchange Visitor Information System (SEVIS) database that stores international student data with FBI criminal records, immigration officials terminated the status of thousands of student visa holders, with many terminations based on minor infractions, including years-old DUIs, misdemeanor charges, and traffic violations.[1102] SEVIS is an electronic system administered by U.S. Immigration and Customs Enforcement (ICE) and used to administer foreign students' status, including those with F-1 student status, and an active SEVIS record is necessary for international students studying in the United States to be able to fully participate in educational opportunities.[1103] By abruptly terminating university students' status records in the SEVIS database, ICE made it difficult or impossible for those students to continue their educational pursuits.[1104] The termination of a student's SEVIS record prevents students from being employed and has significant consequences for their ability to engage fully in academic life. Although this initiative is separate from the Trump administration's campaign to deport pro-Palestinian protesters, a senior Justice Department official explicitly stated that universities "not doing anything to stop these demonstrations in support of Hamas" would face consequences through student visa revocations, describing international students as "one of their biggest cash cows" and "a meaningful source of revenue."[1105]

In August 2025, the State Department announced it had revoked the visas of 6,000 international students, including about 4,000 for alleged violations of the law and between 200 and 300 for unspecified "support for terrorism."[1106] By January 2026, the State Department said that it had revoked 8,000 student visas in 2025 for "encounters with law enforcement for criminal activity."[1107] Many students had their SEVIS records terminated for minor infractions, including traffic offenses, or cases in which charges were later dropped or dismissed by police or courts.[1108] The Student Criminal Alien Initiative policy, which was implemented without a proper legal and administrative framework or due process, created widespread panic among affected students who faced potential immediate deportation. Following extensive legal challenges and judicial intervention, including a federal court injunction that blocked the terminations, the Trump administration was forced to reverse course in late April 2025, acknowledging that the policy was implemented improperly and agreeing to reactivate terminated SEVIS records while developing a proper policy framework for future cases.[1109]

The Trump administration also significantly expanded its use of social media monitoring as a tool for vetting student visa holders and applicants, raising concerns that students may be deported

or barred from entering the country for their political speech or views, potentially chilling or punishing protected speech.[1110] As part of the State Department's resumption of foreign student visa interviews and processing, applicants are now required to make their social media accounts public for government scrutiny or face potential visa denial.[1111] This surveillance begins when individuals file their visa applications and continues even after applications are granted, throughout a person's time in the United States. If the Department of Homeland Security uncovers information it deems suspicious, it may initiate an investigation and take further steps, such as in-person questioning, border searches, watchlisting, or visa revocation.

In a cable sent to diplomatic missions on March 25, 2025, Secretary of State Rubio ordered diplomats overseas to conduct a "mandatory social media check" of student and exchange visitor visa applicants (F, M, and J visas) for "any indications of hostility towards the citizens, culture, government, institutions or founding principles of the United States."[1112] According to the cable, diplomats were to evaluate social media posts created between October 7, 2023 and August 31, 2024, suggesting that the objective was to reject visa applications of students who have criticized the war in Gaza or U.S. military aid to Israel.[1113] In July 2025, a senior State Department official whose office is tasked with vetting students' social media posts and revoking student visas, testified that the State Department regularly took into account speech or actions that it saw as critical of Israel, and that statements criticizing Israel's actions in Gaza, calls for limiting military aid to Israel, or "denouncing Zionism" all could factor into the agency's decisions.[1114] While the State Department maintains it is targeting those "who pose a threat to U.S. national security," its criteria are in no way limited to national security threats, resulting in scrutiny and potential punishment of constitutionally protected political speech.

Photo: Michael Nagle/Xinhua via Getty Images

Mahmoud Khalil and Columbia University students and professors gather in front of the university's gates on March 9, 2026, at a rally marking the one-year anniversary of Khail's arrest and detention.

Case Studies: ICE Arrests, Detentions, and Attempts to Deport Students and Scholars

Mahmoud Khalil

On March 8, 2025, federal immigration enforcement agents arrested Mahmoud Khalil, a Palestinian recent graduate of Columbia University who was formerly one of the lead negotiators between pro-Palestine protesters on the Columbia University campus and the Columbia administration in spring 2024.[1115] A lawful permanent resident married to a U.S. citizen, Khalil was taken from his home, unlawfully detained far from his family for 104 days, and forced to miss the birth of his first child, solely because of his political beliefs.

The U.S. Immigration and Customs Enforcement (ICE) agents who arrested Khalil had no warrant and arrested him in the lobby of his Columbia University student housing apartment building

as he and his wife were returning home from an iftar dinner during Ramadan.[1116] When the arresting agents initially indicated that the federal government had revoked Khalil's student visa, his wife, Dr. Noor Abdalla, retrieved his green card to show he was a permanent resident.[1117] She said the agents appeared surprised and confused, with one saying, "He has a green card," before consulting someone by phone and then claiming they would revoke his permanent residency as well — even though permanent residents are entitled to due process before any revocation of their status.[1118]

For nearly 48 hours, Khalil was held incommunicado. On the night he was arrested, he was presented with a Notice to Appear for removal proceedings in Jena, Louisiana, stating he was charged as removable under the foreign policy ground of the Immigration and Nationality Act (INA) based on a determination by Secretary of State Marco Rubio that Khalil's expressive activity — which was "otherwise lawful" — would "compromise a compelling U.S. foreign policy interest."[1119] According to a two-page memorandum from Secretary Rubio to Secretary of Homeland Security Kristi Noem later disclosed via litigation, Secretary Rubio's determination that Khalil is deportable under the foreign policy ground was based on Khalil's participation in "antisemitic protests and disruptive activities" that "undermine U.S. policy to combat anti-Semitism around the world and in the United States."[1120] Khalil was never accused of breaking any laws, and the only evidence the government has cited in support of its foreign policy claims is constitutionally protected speech about Israel and Palestine.

In the early morning hours after Khalil's arrest, his attorney filed a petition for a writ of habeas corpus alleging that Khalil's arrest and detention on the basis of his speech and protest activity violates the Due Process Clause and the First Amendment.[1121] Hours after his habeas petition was filed, Khalil was transferred more than 1,000 miles away under ICE custody to a remote facility in Louisiana, separating him from his wife and legal counsel.[1122] A federal judge in the Southern District of New York issued an order the following day blocking Khalil's deportation in the absence of a court order and scheduled a hearing for March 12, 2025.

In his first public statement after his arrest, Khalil said from ICE detention in Louisiana, "My arrest was a direct consequence of exercising my right to free speech as I advocated for a free Palestine and an end to the genocide in Gaza,"[1123] He added, "The Trump administration is targeting me as part of a broader strategy to suppress dissent. Visa-holders, green-card carriers, and citizens alike will all be targeted for their political beliefs."[1124]

One week after Khalil's arrest, in the midst of nationwide criticism of the grounds for his arrest and after the filing of his habeas petition challenging the retaliatory use of the foreign policy ground charge, the government filed a second immigration charge, alleging supposed omissions and misrepresentations on Khalil's green card application.[1125] The government sought to transfer Khalil's habeas case to Louisiana, but a federal judge in the Southern District of New York transferred Khalil's habeas case to the District of New Jersey because Khalil had been physically detained in an ICE detention facility in New Jersey at the time his attorney filed the habeas petition.

Khalil has two different cases: his immigration case before an immigration judge in Louisiana that has been subject to appeal before the Board of Immigration Appeals and the Fifth Circuit Court of Appeals, and a federal case before a District Court judge in New Jersey that has been subject to appeal before the Third Circuit Court of Appeals. Despite the government's arguments to the contrary, the federal district court has held in multiple lengthy opinions in Khalil's case that it has jurisdiction over Khalil's case, that the government's use of the foreign policy ground charge to detain and deport Khalil likely violates the Constitution, and that he should be released on bail pending the litigation of his habeas petition.

In Khalil's federal case, on June 11, 2025, a federal judge in New Jersey, U.S. District Judge

Michael Farbiarz, granted a preliminary injunction against the government using the foreign policy ground to detain or seek to remove Khalil, after concluding that he would continue to suffer irreparable harm if he remained detained.[1126] This injunction came shortly after the court held that Khalil was likely to succeed on the merits of his constitutional challenge to his detention and attempted deportation on foreign policy grounds, concluding that the foreign policy ground, as applied to Khalil, was likely unconstitutionally vague.[1127] While the court did not rule on First Amendment grounds, the court found that "it is overwhelmingly likely that the Petitioner would not be detained based solely on the lawful-permanent-resident-application charge. Rather, the Court finds, the Petitioner's detention almost surely flows from the charge that is based on the Secretary of State's determination."[1128] The court ruled that it was likely unconstitutional to detain and seek to deport someone purely for their advocacy on behalf of Palestinian human rights.

The preliminary injunction blocked the Trump administration from using the Immigration and Nationality Act (INA) provision that Secretary Rubio had invoked to detain and attempt to deport Khalil, and other students and scholars, for their speech. This was the first federal court to enjoin the use of the INA's so-called foreign policy ground to deport Khalil and other noncitizens who expressed pro-Palestine views. The next day, the federal government then informed the court it would continue to detain Khalil in Louisiana over the after-the-fact allegations related to supposed omissions on his green card application.[1129] The government's new, post-hoc reliance on the "misrepresentation" allegations came after the judge ruled the government could not keep detaining Khalil on the grounds that his speech had adverse foreign policy consequences.[1130]

On June 20, 2025, the District Court judge in New Jersey, Judge Farbiarz, ordered Khalil's release on bail, determining that his habeas petition raised substantial constitutional claims.[1131] The court found his detention likely violated both the First

Photo: Christopher Penler

Rally outside a federal courthouse in Manhattan, New York, on March 12, 2025, calling for the release of student activist Mahmoud Khalil.

Amendment's protection against retaliation and the Fifth Amendment's prohibition on punitive detention. Judge Farbiarz emphasized that the uncontested evidence showed Khalil posed neither a flight risk nor a public danger, making his prolonged detention potentially punitive.[1132] The judge also noted, "it is overwhelmingly likely that the Petitioner would not be detained based solely on the lawful-permanent-resident-application charge. Rather, the Court finds, the Petitioner's detention almost surely flows from the charge that is based on the Secretary of State's determination."[1133]

After more than three months in detention, Khalil was finally released, allowing him to return to New York to be with his wife and newborn son while his case proceeds. During his detention, Khalil missed the birth of his first child and his graduation from Columbia. On July 10, 2025, Khalil filed an administrative claim detailing the irreparable harm

he suffered as a result of his politically motivated and retaliatory arrest and detention. The claim is a precursor to a federal lawsuit against the Trump administration, citing a range of abuses, including malicious prosecution and abuse of process, false arrest, false imprisonment, and negligent and intentional infliction of emotional distress.[1134]

On July 9, 2025, Khalil's legal team also filed a preliminary injunction motion in federal court in New Jersey challenging as unconstitutional the government's attempts to detain and deport him based on the second immigration charge regarding alleged misrepresentations on his green card application.[1135] The new motion argued that the government's post-hoc charge, which it levied one week after Khalil filed his habeas petition, was retaliatory and violated Khalil's First Amendment and Fifth Amendment due process rights.[1136] This preliminary injunction motion was denied.[1137]

An immigration judge in Louisiana issued a decision on September 12, 2025, denying Khalil a waiver of removability, bringing him one step closer to a final order of removal, based on the pretextual and baseless "misrepresentation" charges the government added after his detention.[1138] Khalil said afterwards, "It is no surprise that the Trump administration continues to retaliate against me for my exercise of free speech. Their latest attempt, through a kangaroo immigration court, exposes their true colors once again. When their first effort to deport me was set to fail, they resorted to fabricating baseless and ridiculous allegations in a bid to silence me for speaking out and standing firmly with Palestine, demanding an end to the ongoing genocide."[1139]

Khalil and his legal team appealed the immigration judge's decision to the Board of Immigration Appeals (BIA).[1140] They argued on appeal that the immigration judge rushed to a decision without considering relevant evidence, refused to consider Khalil's constitutional challenges to his removal, improperly sustained false, after-the-fact charges, and engaged in multiple procedural irregularities, including denying him a hearing on his waiver request.[1141] The brief also explained why the secondary charges are factually inaccurate and meritless, how rare it is for an immigration judge to deny a waiver of removability on a charge like Khalil's — particularly against a lawful permanent resident with no criminal record and a U.S. spouse and child — and ultimately how the immigration judge's decision is further evidence of retaliation.[1142]

On April 9, 2026, the BIA issued a final administrative removal order.[1143] The first part of the BIA's order relies on the so-called "Rubio determination" under the foreign policy ground of the INA, despite the fact that a federal district court in New Jersey had ruled it was likely an unconstitutional basis for Khalil's deportation and enjoined it from being used as a basis for a removal order.[1144] The BIA also upheld the meritless second charge, which was added only after Khalil challenged the foreign policy ground.[1145] A tranche of internal government documents from the *AAUP v. Rubio* trial in August 2025 showed the government itself had found no basis for the second charge before detaining him.[1146]

In August 2026, Khalil's legal team filed a brief in the Fifth Circuit Court of Appeals, asking the court to reverse the BIA's removal order and terminate the proceedings entirely.[1147] They argued that the government's purpose in bringing immigration charges against Khalil was to censor and suppress constitutionally protected speech in violation of the Constitution; they also raised numerous other legal issues, including procedural errors committed by the immigration judge and the BIA.[1148] This Fifth Circuit petition for review is proceeding as of publication of this report.

In addition, Khalil's legal team submitted new evidence of potential misconduct by the Trump administration to the BIA in May 2026, asking the BIA to re-open his immigration case and terminate proceedings.[1149] The new evidence suggests that the Trump administration secretly engineered the outcome of the immigration case to make an example of Khalil.[1150] Khalil's motion includes declarations from former immigration judges,

as well as former members of the BIA, testifying to the weaponization of the immigration court system to achieve the Trump administration's political goals and the apparent procedural abnormalities in Khalil's case.[1151] The filing argues that the BIA, which is controlled by the Trump administration's Department of Justice, improperly influenced the lower immigration court's decision, fast-tracked Khalil's proceedings, bypassed the normal channels through which immigration appeals are docketed and adjudicated, and ultimately reached a decision in an unheard-of nine days. The administration pressed this forward in open defiance of a federal district court order barring the government from using the foreign policy ground — the original pretext for Khalil's arrest — to detain or remove him. The new evidence also includes reports that at least three judges on the BIA recused themselves from voting on the decision in this case, a highly unusual move that suggests the judges may have played a role in the immigration judge's rulings from behind the scenes — despite the judge being legally obligated to exercise her own independent judgment.[1152]

In January 2026, a divided panel of the Third Circuit Court of Appeals vacated Judge Farbiarz's June 20, 2025, decision, holding that the district court did not have subject matter jurisdiction to hear Khalil's claims challenging the constitutionality of his detention pursuant to the INA.[1153] This decision from the Third Circuit did not address Khalil's substantive First Amendment claims.[1154] One member of the three-judge panel, Judge Arianna Freeman dissented, concluding that under Third Circuit and Supreme Court precedent, a federal court can hear Khalil's "now-or-never claims" because without immediate federal review, Khalil will suffer irreparable harm from detention that cannot be remedied after the executive branch's own administrative immigration process runs its course.[1155]

In response to the decision, Khalil said, "The door may have been opened for potential re-detainment down the line, but it has not closed our commitment to Palestine and to justice and accountability. I will continue to fight, through every legal avenue and with every ounce of determination, until my rights, and the rights of others like me, are fully protected."[1156] Crucially, the Third Circuit Court of Appeals opinion does not go into effect immediately and the Trump administration cannot lawfully re-detain Khalil until the order takes formal effect, which will not happen while he has the opportunity to seek immediate review.

In March 2026, Khalil's legal team[1157] petitioned the Third Circuit Court of Appeals for rehearing en banc, which would have allowed all judges from the Third Circuit to weigh in on the split panel's January 2026 decision,[1158] but the appellate court denied that request in May 2026, in a split 6-5 decision with five judges voting to rehear the case en banc.[1159] In their dissenting opinion, three judges jointly wrote that the majority "imperils the civil liberties of [Khalil] and similarly situated noncitizens," accused the majority of "abdicating [its] duty to meaningfully review Khalil's constitutional claims," and warned that the judiciary "cannot fulfill [its] role as a check on the other branches of government…if we write ourselves out of relevance and leave the Executive Branch to check itself."[1160]

On May 26, 2026, the Third Circuit granted Khalil's request for an immediate stay of the mandate that protects Khalil from detention until his deadline for filing a petition for certiorari with the Supreme Court.[1161]

Rümeysa Öztürk

On March 25, 2025, Rümeysa Öztürk, then a Tufts University Ph.D. student,[1162] former Fulbright scholar, and Turkish citizen with valid student status, was seized and arrested by six masked, plainclothes U.S. Immigration and Customs Enforcement (ICE) officers driving unmarked cars outside her off-campus residence while she was walking to an iftar meal during Ramadan. Öztürk described how she was "suddenly surrounded and grabbed by a swarm of masked individuals,"

Photo: Anonymous

Rally calling for the release of Rümeysa Öztürk.

handcuffed, and shoved into an unmarked car.[1163] The arrest was captured on surveillance video, and the disturbing images from the video footage quickly triggered a national and international outcry.[1164]

Öztürk was arrested and detained after her student visa had been secretly revoked in retaliation for co-authoring a single op-ed in the Tufts University student newspaper addressing the university's response to a student government resolution regarding Gaza. The op-ed, published in March 2024, criticized university leaders for their response to demands that Tufts "acknowledge the Palestinian genocide" and divest from companies with ties to Israel.[1165] One year after co-writing the op-ed, the Canary Mission website published a profile on Öztürk, citing her co-authored Tufts Daily op-ed. The U.S. government later admitted that ICE used Canary Mission's lists to gather information to identify students for potential deportation, including Öztürk. Hours after her arrest, ICE terminated her SEVIS record.[1166]

Documents disclosed in January 2026 as part of litigation in a separate case, *AAUP v. Rubio*, made clear that the government had targeted Öztürk for detention solely for her constitutionally protected speech. On March 17, 2025, the Office of Intelligence of ICE's Homeland Security Investigations created a report on Öztürk. It included in its "Analysis Findings" section the allegation that Öztürk co-authored "an Op-Ed calling for divestment from Israel" and that she "associates with Tufts Students for Justice in Palestine, which was suspended for calls for student intifada."[1167] Öztürk's op-ed and entire Canary Mission profile were appended to the report.[1168]

On March 21, the Assistant Director of the National Security Division of ICE sent a letter referring Öztürk to the State Department, relying only on the Office of Intelligence's report of analysis.[1169] That same day, an official with the State Department's Visa Office wrote an action memo for a senior State Department official, who reviewed the action memo and approved it the same day.[1170] Also that same day, the senior State Department official notified the National Security Division of ICE's Homeland Security Investigations that the Bureau of Consular Affairs had revoked Öztürk's student visa "effective immediately," based on her "associations…including co-authoring an op-ed that found common cause with an organization that was later temporarily banned from campus."[1171] The memo also stated that the revocation would be "silent" and that the State Department would not notify Öztürk that her visa had been revoked.

All this was done despite the fact that, in its action memo, the State Department explicitly stated it had determined that the Trump administration had not produced any evidence showing that Öztürk engaged in antisemitic activities or made public statements indicating support for a terrorist organization.[1172] The State Department action memo explicitly noted that "DHS/ICE/HSI has not, however, provided any evidence showing that OZTURK has engaged in any antisemitic activity or made any public statements indicating support for a terrorist organization or antisemitism

generally."[1173] As for Öztürk's claimed associations, the memo noted, "While the [DHS] report implies a connection between OZTURK and the now-banned Tufts Student for Justice in Palestine (TJSP), the report presents no evidence other than OZTURK's membership in Graduate Students for Palestine which supported proposals to Tufts which were also supported by TSJP. Nor has DHS/ICE/HSI shown any evidence that OZTURK was involved in any of the activities which resulted in TJSP being suspended from Tufts."[1174]

These internal government documents show that the government knew it had no evidence that Öztürk had engaged in antisemitic conduct or activities, and found no grounds to revoke her visa, detain her, or seek to deport her, other than the fact that she had co-authored an op-ed in a student newspaper. The government's case against Öztürk was baseless, with the Department of Homeland Security claiming she had "engaged in activities in support of Hamas" but never specifying what these activities were beyond the single op-ed.[1175] In removal proceedings against Öztürk, the Department of Homeland Security submitted the State Department action memo, which laid out the reasoning for targeting her, specifically due to her associations and co-authorship of the op-ed.[1176] During the August 2025 trial in the *AAUP v. Rubio* case, the assistant special agent in charge in Boston who oversaw Öztürk's arrest testified, "I didn't see anything in the op-ed that suggested she'd committed a crime."[1177]

In remarks to the press three days after Öztürk's arrest, Secretary of State Marco Rubio stated in response to a question about Öztürk, "The activities presented to me meet the standard of what I've just described to you: people that are supportive of movements that run counter to the foreign policy of the United States." Secretary Rubio further indicated that Öztürk's confinement was part of a larger effort of the government "basically asking them [protesters] to leave the country." He explicitly noted "that's why they've been detained."[1178]

Emergency filings immediately after Öztürk's arrest led to a court order that Öztürk must not be removed from Massachusetts without prior notice. Unbeknownst to the court and Öztürk's counsel, ICE had already driven Öztürk into Vermont at the time that order was issued. ICE did not notify the court that Öztürk was no longer in Massachusetts; to the contrary, ICE further transferred Öztürk to a for-profit ICE detention facility in Louisiana — over 1,300 miles from her home in Boston — without notifying the court or Öztürk's counsel, who did not learn about her whereabouts until nearly 24 hours after her arrest. Ultimately, Öztürk was held in that ICE detention facility for over six weeks.

On March 28, 2025, Öztürk's legal team filed an amended habeas petition and complaint, challenging her unconstitutional detention by ICE as a violation of her free speech and due process rights.[1179] In May 2025, a Vermont federal judge ordered Öztürk's immediate release on bail, more than six weeks after her arrest.[1180] At the three-hour bail hearing, the government presented no witnesses and, despite repeated invitations from the court, submitted no evidence justifying Öztürk's detention. The judge found that Öztürk had presented "very substantial claims of both due process and First Amendment violations," ruling that her detention constituted "an infringement on her First Amendment rights" and "potentially chills the speech of the millions and millions of individuals in this country who are not citizens."[1181] In the ruling from the bench, the judge explained, "There has been no evidence that has been introduced by the government other than the op-ed. I mean, that literally is the case."[1182]

In September 2025, Öztürk's habeas case challenging her detention was heard by the Second Circuit Court of Appeals, after the government had appealed the district court's initial order requiring Öztürk to be transferred to Vermont. During the proceedings, Öztürk contested the Trump administration's broad interpretation of the Immigration and Nationality Act (INA). That interpretation, if accepted by the court, would have the effect of depriving Öztürk and others

similarly situated of access to a federal district court to review the constitutionality of retaliatory immigration detention that is intended to censor speech, during the pendency of immigration proceedings.[1183]

On December 5, 2025, a federal judge in Massachusetts ruled that Öztürk's SEVIS record was wrongfully terminated and must be reinstated, allowing her to fully participate in her educational and training program once more.[1184] The court held that Öztürk was likely to succeed on her claim that the termination was arbitrary and capricious, and therefore violated the Administrative Procedure Act.[1185] On September 30, 2025, another federal judge in Massachusetts determined in *AAUP v. Rubio* that the government's policy of arresting and detaining scholars such as Öztürk violated the First Amendment, and documents released as part of the case confirmed that the government had targeted her solely on the basis of the op-ed.[1186] On January 22, 2026, the same federal judge issued a remedial order formally declaring the government's deportation policy to be unconstitutional.[1187] On January 29, 2026, an immigration judge held that the Department of Homeland Security had not met its burden of proving removability, and the immigration court thereby terminated removal proceedings against Öztürk.[1188] The government appealed that decision soon after to the Board of Immigration Appeals (BIA).

In April 2026, Öztürk returned to her home in Turkey following the successful completion of her Ph.D. program in child study and human development in February 2026, with a focus on young people's positive behaviors on social media.[1189] Over one year after ICE unlawfully detained Öztürk, the parties reached a settlement to resolve outstanding legal issues in federal court and to jointly move to dismiss her immigration proceedings. The BIA subsequently dismissed the government's appeal, ensuring there would be no final administrative order of removal against her. Under the settlement agreement, Öztürk was free to return to Turkey without further interference by the Department of Homeland Security.[1190] The government also expressly acknowledged that her SEVIS status has been reinstated and that she had been in lawful status at all times that she was in the United States.[1191]

Photo: Scout Tufankjian

Mohsen Mahdawi

Mohsen Mahdawi

Mohsen Mahdawi, a Palestinian Columbia University student and lawful permanent resident who has been a resident of Vermont for 10 years, was at his citizenship interview on April 14, 2025, when masked U.S. Immigration and Customs Enforcement (ICE) agents arrested and detained him for his advocacy in support of Palestinian rights.

Mahdawi was born and raised in the West Bank and has been a lawful permanent resident for more than 10 years. At the time of his arrest and detention, he was an undergraduate student at Columbia University majoring in philosophy and planning to start a master's degree program at Columbia's School of International and Public Affairs. Mahdawi said he dedicated himself "to understanding how to achieve a lasting peace for Palestinians and Israelis, particularly through the study of

conflict resolution."[1192] As a student at Columbia, Mahdawi was an outspoken critic of Israel's military campaign in Gaza and an activist and organizer in student protests on Columbia's campus until March 2024, after which he took a step back and was not involved in organizing.[1193] Mahdawi attended protests opposing military escalations in the region and gave speeches at several of these protests advocating for Palestinian human rights and a permanent ceasefire.[1194] Mahdawi appeared in numerous televised interviews and print news articles regarding the military campaign in Gaza and related protests.

Mahdawi was set to graduate from Columbia in May 2025 and had been scheduled to attend his naturalization interview at an immigration field office in Colchester, Vermont, as one of the final steps in his application to become a U.S. citizen. After completing his citizenship examination on April 14, 2025 — where he signed a document affirming his intent to take the oath to "defend the Constitution" — plainclothes ICE agents unlawfully arrested him and placed him in an unmarked vehicle.[1195]

After his arrest, ICE agents transported Mahdawi to another United States Citizenship and Immigration Services office and placed a Notice to Appear in his jacket. The Notice to Appear ordered Mahdawi to appear before an immigration judge in Louisiana and stated that he was removable based on a determination by the Secretary of State that his "presence and activities in the United States would have serious adverse foreign policy consequences and would compromise a compelling U.S. foreign policy interest."[1196]

Unbeknownst to Mahdawi, one month earlier, Secretary of State Marco Rubio had issued a memorandum declaring Mahdawi deportable for his lawful speech and associations. The process leading to Secretary Rubio's determination proceeded with astonishing speed. On March 12, 2025, the Office of Intelligence of ICE's Homeland Security Investigations issued a report on Mahdawi, attaching news articles and social media posts claiming that he was co-president of the Palestinian Student Union and "organizer of pro-Hamas rallies."[1197] On March 14, the State Department received a referral from Assistant Director of the National Security Division of ICE, recommending that Mahdawi be found removable under the foreign policy provision of the Immigration and Nationality Act (INA).[1198] The Department of Homeland Security referral letter states Mahdawi's "involvement in disruptive protests at Columbia University align with the executive orders' focus on deporting 'Hamas sympathizers,'" and mentions "his leadership and involvement in these disruptive protests."[1199]

Trial testimony in an unrelated case, *AAUP v. Rubio*, revealed that upon receipt, the Bureau of Consular Affairs reviewed the referral, compiled an action memo recommending that Mahdawi be found removable, collected approvals from nine offices or individuals, submitted the cleared action memo to Secretary Rubio, and obtained Secretary Rubio's signoff in approximately 24 hours.[1200]

On March 15, 2025, a senior State Department official sent an action memo to Secretary Rubio recommending that he determine Mahdawi to be removable under the foreign policy provision of the INA, because of his "participation and roles in anti-Semitic protests," admitting that "a court may consider his actions inextricably tied to speech protected under the First Amendment."[1201] The memo also noted that the Department of Homeland Security had not identified any alternative grounds to deport Mahdawi, as he had no link to terrorism.[1202] That same day, Secretary Rubio approved the recommendation and sent a memo to Secretary of Homeland Security Kristi Noem, in which Secretary Rubio asserted that he had reasonable grounds to believe that Mahdawi's continued presence "would have potentially serious adverse foreign policy consequences for the United States," and determined Mahdawi to be removable under the foreign policy ground of the INA.[1203] The State Department decision letter, which was later disclosed via unrelated litigation in the *AAUP v. Rubio* case, attributes

Secretary Rubio's determination to information that Mahdawi, "through his leadership and involvement in disruptive protests at Columbia University, has engaged in anti-Semitic conduct through leading pro-Palestinian protests."[1204]

Prior to his arrest by ICE, according to emails reviewed by The Intercept, Mahdawi had contacted university administrators asking for help in finding safe housing, stating that he feared abduction by ICE agents.[1205] According to Mahdawi, Columbia did nothing in response to his request.[1206]

After his arrest, the government attempted to put Mahdawi on a plane to transfer him thousands of miles away to an ICE detention center in Louisiana, but the ICE agents escorting him narrowly missed the flight.[1207] Immediately following his arrest, Mahdawi's attorneys[1208] filed a petition for a writ of habeas corpus, alleging that ICE's arrest and detention of Mahdawi on the basis of his speech and advocacy violated his constitutional rights, including free speech and due process.[1209]

That same day, a federal judge in the District of Vermont granted a temporary restraining order blocking Mahdawi's deportation or removal from Vermont in the absence of a further court order, and a week later the court extended the temporary restraining order for another ninety days.[1210] On April 30, 2025, the Vermont federal court ordered the Trump administration to release Mahdawi on bail pending resolution of his habeas petition, marking the first court order mandating the release of a noncitizen student arrested by the Trump administration in apparent retaliation for their speech.[1211] The court concluded that it could reach the question of the constitutionality of Mahdawi's detention because it was distinct from the institution of removal proceedings against him and that his detention amounted to retaliation against him for his protected speech and was a violation of his right to due process.[1212] When the government requested a seven-day stay of the release order, the judge denied it. Mahdawi was released after 16 days in ICE detention.[1213] The government appealed, and the Second Circuit Court of Appeals denied the government's motion to keep Mahdawi detained pending its appeal of the district court's release order.[1214]

In September 2025, the Second Circuit Court of Appeals heard the Trump administration's appeal of Mahdawi's April 2025 release from ICE detention.[1215] More specifically, Mahdawi and his legal team asked the court to reject the administration's argument, which is based on an expansive reading of the INA that would have the effect of precluding individuals like Mahdawi from challenging retaliatory immigration detention in federal courts until their immigration proceedings have finished.[1216] Mahdawi's legal team argued that the government's dangerous interpretation of the INA means it could punitively detain any noncitizen in retaliation for their speech for many months or years, so long as it simultaneously institutes removal proceedings, no matter how unmeritorious, all without any federal court review of the lawfulness of the detention.

On July 21, 2026, the Second Circuit Court of Appeals overturned a ruling that determined federal courts have jurisdiction when immigration authorities detain noncitizens in retaliation for their protected speech. The Second Circuit Court of Appeals held that the district court lacked the authority to release Mahdawi on bail in April 2025.[1217] The decision does not go into effect immediately and as of the publication of this report, the government has no lawful basis to re-detain or deport Mahdawi as the appeals process proceeds. On September 3, 2026, the Second Circuit Court of Appeals granted Mahdawi's petition for rehearing en banc, ordering that all of the judges on that court will reconsider the panel's decision in his case.[1218]

In February 2026, the immigration judge presiding over Mahdawi's case, Nina Froes, terminated removal proceedings against him, citing the Trump administration's failure to authenticate its sole piece of evidence purportedly proving removability: a memorandum attributed to Secretary Rubio claiming that Mahdawi's protected political speech constituted a threat to U.S. foreign policy.[1219] That

same month, the government appealed this decision to the Board of Immigration Appeals (BIA), asking the BIA to resume deportation proceedings.[1220] Mahdawi and his legal team filed a cross-appeal with the BIA.[1221] Immigration Judge Froes was subsequently fired from her position.[1222] In April 2026, the BIA held that Mahdawi was removable and remanded proceedings to a new immigration judge, who issued an order of removal in June 2026.[1223] Mahdawi appealed the BIA's remand and the immigration judge's removal order to the First Circuit Court of Appeals, where the appeal is pending as of publication of this report. In July 2026, the BIA called for supplemental briefing in Mahdawi's case regarding the scope of the BIA's authority to consider constitutional issues.

Following the cross-appeal, Mahdawi remarked, "This appeal is not about me. It is about whether the Trump administration can weaponize immigration law to silence dissent and punish those who dare to speak against Israel's genocide and aggression. I stand not only for the freedom of Palestinians or for my own constitutional rights, but for the sacred promise that in America no human being should fear losing their liberty for exercising their First Amendment rights, including speaking for human rights and against wars."[1224]

Dr. Badar Khan Suri

On March 17, 2025, Dr. Badar Khan Suri, a postdoctoral scholar of religion and peace at Georgetown University and an Indian national, was taken into custody by masked, plainclothes U.S. Immigration and Customs Enforcement (ICE) agents as he was returning to his Virginia home after breaking fast at a Georgetown campus iftar. Suri had moved from India to Northern Virginia with his wife and their three young children in 2022 on a valid J-1 research scholar and professor visa so that he could pursue his postdoctoral research at Georgetown University's Alwaleed Bin Talal Center for Muslim-Christian Understanding.[1225] On the basis of a determination by Secretary of State Marco Rubio that Suri posed a threat to U.S. foreign policy, the government canceled Suri's visa and arrested him.

After his arrest, Suri was taken to the Washington, D.C. ICE office, where an arresting officer told him that someone at a high level in the Secretary of State's office "does not want you here."[1226] Over the next four days, ICE transported Suri between five different detention facilities in Virginia, Louisiana, and, ultimately, Texas, over 1,000 miles away from his wife and children. While he was shuttled between detention facilities, he was shackled at the hands, waist, and ankles.[1227] His wife and lawyers frantically tried to locate him, while the agents refused to tell him where he was going.[1228]

Following Suri's arrest, and after a series of emergency filings by his counsel, including a petition for a writ of habeas corpus in Virginia,[1229] a federal judge ordered that he not be removed from the United States.[1230] Suri challenged his arrest, bringing constitutional claims under the First Amendment and the Due Process Clause of the Fifth Amendment.[1231] In early May 2025, a Virginia federal court rejected the Trump administration's request to dismiss Suri's habeas case or move it to Texas. On May 14, 2025, the court ordered Suri released from detention on bond after eight weeks in ICE custody, after finding that it could rule on the question of the lawfulness of his detention because the detention was "independent of, and collateral

Photo: Phuong Tran

Dr. Badar Khan Suri

to, [his] removal process," and finding that the government had detained Suri in violation of his First Amendment rights.[1232]

The administration argued that Suri's presence in the United States "compromise[d] a compelling foreign policy interest" and therefore it had the right to deport him. Suri's legal team argued that he was arrested in retaliation for his speech in support of Palestinian rights and was also targeted because of his U.S. citizen wife's similar speech, Palestinian origins, and father's former employment as a political advisor to the prime minister of Gaza in the early 2010s. Suri says he was not involved in campus activism; instead, he used social media to criticize U.S. support of Israel's military action in Gaza in October 2023, motivated by the time he spent in Gaza for his master's degree and by fear for his wife's family members who still lived in Gaza with no way to flee during the war. Weeks before Suri's detention, he and his wife were targeted by Canary Mission, a blacklisting website known to target people critical of Israel.[1233]

The federal government has explicitly cited Suri's political views and family associations as reasons to target him, despite the fact that he was not personally active in campus protests. According to court filings, Department of Homeland Security spokesperson Tricia McLaughlin alleged that Suri was "actively spreading Hamas propaganda and promoting antisemitism on social media" and had "close connections to a known or suspected terrorist, who is a senior advisor to Hamas."[1234] Suri denies these claims and argues that his detention is part of the Trump administration's broader effort to suppress Palestine-related speech.

In July 2025, the Fourth Circuit Court of Appeals denied the government's request for a stay of the lower court's decision to release Suri, pending the government's appeal of that decision.[1235] The Trump administration asked the court to permit it to re-detain Suri because, it said, the district court had no jurisdiction to consider his case in the first place. In its appeal, the administration took a narrow view of the courts' habeas jurisdiction, arguing that because ICE quickly swept Suri out of Virginia without notice to his family or lawyers, the Virginia court did not have jurisdiction to hear his habeas petition, and that his petition should be handled by a court in Texas. The administration also argued that no federal district court has authority to review the constitutionality of Suri's detention until the executive branch finishes its own administrative immigration process, which can take months or years.

In March 2026, Suri's habeas case was heard before the Fourth Circuit Court of Appeals, where Suri asked the court to affirm previous lower court rulings ordering the government to release him on bail and to refute the government's unfounded claims that the district court did not have jurisdiction to hear Suri's habeas petition prior to the conclusion of his immigration proceedings, an argument that the government has advanced in other cases discussed in this report.[1236] Suri's legal team[1237] argued that the federal court in Virginia has jurisdiction over Suri's habeas petition, and that he must remain free while his case is considered.[1238]

On July 23, 2026, the Fourth Circuit Court of Appeals rejected the Trump administration's attempt to re-detain Suri and affirmed a lower court order that required the government to release him on bail as his case proceeds.[1239] The court also rejected the government's request to move the case from Virginia to Texas. The court wrote, "In our view, denying judicial review of detention claims like Suri's misreads Congress' statutes and undermines the protections guaranteed all persons on American soil by the writ of habeas corpus."[1240] The court explained, an "unbroken line of caselaw also accords with common sense: if a noncitizen is challenging their detention pending removal, then waiting for their removal proceedings does them no good. They have already been detained, allegedly in violation of the Constitution. This 'absurd' reading of the INA would make such detention claims 'effectively unreviewable,' and the Supreme Court has repeatedly refused to embrace it."[1241]

Litigation remains ongoing as of publication of this report.[1242] In March 2026, Suri said, "When I came to America to study how governments descend into authoritarianism, I could never have expected to be living the very research I came here to do, and yet today marks exactly one year since I was brutally taken from my family and unjustly imprisoned by the U.S. government for voicing my opposition to Israel's atrocities in Gaza," adding "I'm grateful to be standing here a free man, but terrified it could be taken away from me at any moment."[1243]

Yunseo Chung

Yunseo Chung, an undergraduate student at Columbia University and lawful permanent resident from South Korea who has been in the United States since she was seven years old, became a target of the Trump administration in March 2025. A high school valedictorian, she was a 21-year-old junior majoring in English and gender studies at the time.

Chung had participated in some pro-Palestinian student protests and demonstrations on Columbia's campus but did not have a high-profile role in those protests.[1244] According to Chung's lawyers, she had visited the April 2024 encampment on numerous occasions and had faced a school disciplinary hearing in May 2024, during which she was accused of posting flyers around campus featuring photos of members of the Columbia University Board of Trustees with the text "Wanted for Complicity in Genocide."[1245] The university found that she had not violated any university policies.[1246]

Later, media reports identified Chung as one of the students arrested by New York City Police Department (NYPD) officers on March 5, 2025, at a protest outside a Barnard College academic building, the Milstein Center for Teaching and Learning.[1247] Students and other protesters had staged a sit-in inside the academic building to demand that Barnard reverse the expulsions of three students.[1248] Chung said she was protesting outside the building on that day and did not organize the protest, speak to the media about it, or otherwise play a leading role.[1249] Rather, she was one participant among many protesting the university's handling of student discipline over Palestine-related speech. Chung was given a desk appearance ticket on charges of disorderly conduct, trespass, and obstructing governmental administration in the second degree, and released.[1250] All charges were subsequently dismissed on April 14, 2025, and Chung remained in good standing at Columbia University.[1251]

The day after Chung's arrest at Barnard, on March 6, 2025, the Office of Intelligence of U.S. Immigration and Customs Enforcement (ICE)'s Homeland Security Investigations prepared a report on Chung, which included discussion of news articles referring to Chung as "being part of the protests."[1252] The report also included a list of the three charges that were later dismissed. Mere days later, the Trump administration sought to arrest, detain, and deport Chung from the country.

The following day, after the Office of Intelligence prepared its report on Chung, ICE's Homeland Security Investigations sent a letter referring Chung to the State Department. The day after, a senior State Department official sent an action memo to Secretary of State Marco Rubio recommending that he determine Chung and Mahmoud Khalil to be removable under the foreign policy ground of the Immigration and Nationality Act (INA). That same day, on March 8, 2025, Secretary Rubio approved the recommendations and sent a memo to Secretary of Homeland Security Kristi Noem, in which Secretary Rubio asserted that he had reasonable grounds to believe that Chung's continued presence "would have potentially serious adverse foreign policy consequences for the United States and would compromise a compelling U.S. foreign policy interest," determining Chung to be removable under the foreign policy ground of the INA.[1253] The State Department decision letter, which was later disclosed via unrelated litigation in the *AAUP v. Rubio* case, attributed Secretary Rubio's determination to her "participation and roles" in "antisemitic protests and disruptive activities, which foster[] a hostile environment

for Jewish students in the United States."[1254] The State Department decision letter for Chung added that her removability determination was based on her "citations for unlawful activity during these protests" but omitted that the charges for which she was cited could not independently support a removability determination under the crime-related grounds of deportability.[1255] The charges related to the demonstration at Barnard College that occurred on March 5, 2025 were later dismissed.

ICE sought to arrest and deport Chung based on Secretary Rubio's designation and on March 8, 2025, ICE issued an administrative immigration warrant for Chung's arrest.[1256] According to Chung's attorneys, on March 9, 2025, ICE showed up at her parents' residence looking for her and an ICE agent advised Chung's lawyer that "due to the situation with the protesting," the Department of State could revoke her lawful permanent resident status.[1257]

On March 10, a lawyer in the federal prosecutor's office for the Southern District of New York told Chung's lawyer that Secretary Rubio had revoked Chung's visa. Chung's lawyer said that when she stated that Chung was a lawful permanent resident with a green card and was not in the country on a visa, the federal prosecutor said that Secretary Rubio had "revoked that" as well.[1258]

On March 13, 2025, ICE obtained a judicial search warrant to enter Columbia University residence halls.[1259] That same day, federal law enforcement agents executed the search warrant at two Columbia student residences, Chung's dormitory and Ranjani Srinivasan's off-campus student housing, seeking documents, travel records, and immigration records (Srinivasan's case is described in more detail later in this section of this report).[1260]

On March 24, 2025, Chung's legal team filed an emergency habeas corpus petition to block ICE's attempts to unlawfully detain her.[1261] Her legal team argued that she was likely to prevail in showing that the government had unconstitutionally targeted her for her speech, and that she would suffer irreparable harm if she were forced to wait in detention to have a court hear her arguments. On March 25, 2025, a federal judge in the Southern District of New York issued a temporary restraining order barring her detention and deportation until after full briefing and argument on the legality of the government's actions.[1262] After Chung filed suit, the government submitted documentation in her case confirming that they were looking to detain and deport her because of her "past, current, or expected beliefs, statements, or associations."[1263] On June 5, 2025, the court issued a preliminary injunction barring the Trump administration from arresting and detaining Chung while the case is pending.[1264] The federal government has since appealed the preliminary injunction.[1265]

Leqaa Kordia

Leqaa Kordia, a Palestinian woman who participated in protests at Columbia University, was arrested by U.S. Immigration and Customs Enforcement (ICE) agents for allegedly overstaying her student visa.[1266] Kordia came to the United States on a visitor visa in 2016 to see her mother from whom she had been separated as a child. She then obtained a student visa in order to study English. Her mother also filed a family-based visa petition that was approved by immigration authorities in 2021. Based on incorrect advice, Kordia terminated her student visa, believing that the approval of her petition meant that she had lawful immigration status while she awaited her green card. Although Kordia was in the process of obtaining legal permanent residency in the United States, she was left without legal immigration status once the student visa was terminated in January 2022.[1267]

Kordia has lost approximately 175 family members during Israel's military campaign in Gaza. Since 2023, she attended multiple pro-Palestinian protests in New Jersey and the surrounding area where she lived. On April 30, 2024, she attended a protest on a public street outside the gates of Columbia University. New York City Police Department (NYPD) officers ordered the

demonstrators to disperse. Officers arrested Kordia and others, releasing her the following day. The charges, for failure to disperse, were later dismissed, and she has never been convicted of a crime.[1268]

According to Kordia's legal team, as a result of her association with this protest, the Department of Homeland Security (DHS) began surveilling and investigating Kordia in early March 2025 as part of its implementation of President Trump's executive orders intended to crack down on speech and expression supportive of Palestinian rights.[1269] On March 6, 2025, immigration agents visited Kordia's home to question her mother, who called Kordia in the agents' presence. They informed Kordia that there was an issue with her immigration status and that they needed to speak with her. On March 13, 2025, Kordia and her attorney voluntarily met with DHS agents at the Newark ICE Field Office in New Jersey. Kordia was immediately detained, despite being found by ICE to present a low risk to public safety and having no criminal history. She was transferred overnight to Prairieland Detention Facility in Texas, far from her attorney and family, a facility that has a history of documented human rights violations.

The day after Kordia's detention, Secretary of Homeland Security Kristi Noem publicly announced her arrest, accusing her, without evidence, of "support[ing] Hamas" and adding that she "was arrested for her involvement in pro-Hamas protests at Columbia University in New York City."[1270] In an April 2025 press release, DHS stated it had detained Kordia because she advocated for Palestinian rights on Columbia's campus, describing Kordia as "another Columbia Student who actively participated in anti-American, pro-terrorist activities on campus."[1271] Although Kordia was never a student at Columbia, the same day, in a post on social media site X, DHS again described Kordia as a "Columbia student who actively participated in anti-American, pro-terrorist activities on campus."[1272]

Kordia was detained at the ICE detention facility in Texas for more than one year, despite an immigration judge twice ordering her release at two bond hearings in immigration court.[1273] Both times, DHS had invoked an automatic stay — and later a discretionary stay — to keep her detained without providing evidence that justified her continued detention. At her third bond hearing, the immigration judge described the government's arguments against release on bond as "disingenuous" and ordered Ms. Kordia's release on $100,000 bond.[1274] Kordia was finally released on March 16, 2026.[1275]

While in detention, Kordia's health deteriorated and she was hospitalized.[1276] She also reported suffering repeated violations of her religious rights in detention, including being denied access to halal food, clean space to pray, and clothing that adequately covers the body for prayer.[1277]

In addition to her family-based petition for lawful permanent residency, Kordia filed claims for asylum, withholding of removal, and protection under the Convention Against Torture. In late 2025, an immigration judge granted her withholding of removal. As a Palestinian from the West Bank, there is no prospect for Kordia's lawful removal to Palestine, and Kordia could be deported to Israel if her removal proceeds. She has argued that this poses a severe risk to her life and that therefore her removal is unlawful under U.S. and international law. Kordia filed a habeas petition in April 2025,[1278] and on March 19, 2026, the district court dismissed her habeas petition as moot, holding that it could not grant her the relief she sought.[1279] Judgment was entered the following day, denying all pending motions and dismissing the action without prejudice.[1280]

Additional Cases

Ranjani Srinivasan, a Ph.D. student from India and F-1 student visa holder at Columbia University, was expected to graduate in May 2025 with a doctoral degree in urban planning from the Graduate School of Architecture, Planning and Preservation. Srinivasan had been arrested at an entrance

to Columbia's campus in April 2024, the night students took over Hamilton Hall. According to their lawyer, Srinivasan did not actually participate in that protest and was trying to return home after a departmental picnic when they were caught between protesters and the police barricades.[1281] Srinivasan was detained briefly and received two summonses; the charges were quickly dismissed.[1282] Srinivasan said they never faced disciplinary action from the university and they were in good academic standing. Srinivasan had signed several open letters related to Israel's military campaign in Gaza and said their activity on social media was limited to liking or sharing posts that highlighted human rights violations in the war in Gaza. Srinivasan also said they had attended only "a handful of low-level protests" and had not been in the country from August 2023 to April 2024, when a majority of pro-Palestinian campus protests took place.[1283]

On March 5, 2025, the U.S. Consulate in Chennai, India, informed Srinivasan that their F-1 student visa had been revoked because new information had "come to light," without further explanation.[1284] On March 7, 2025, while Srinivasan was on a Zoom call with an advisor from Columbia's International Students and Scholars Office, three U.S. Immigration and Customs Enforcement (ICE) agents knocked on the door of their off-campus apartment operated by Columbia.[1285] The ICE agents refused to identify themselves and did not present a warrant, and Srinivasan's roommate refused to open the door to let them in. The agents returned the following evening, but Srinivasan had left the apartment the night before.

On March 8, 2025, ICE issued an administrative warrant for Srinivasan's arrest.[1286] According to Srinivasan, on March 9, 2025, Columbia personnel informed Srinivasan via email that ICE had terminated their SEVIS record, effectively rendering it impossible for them to continue their education program, and Columbia had disenrolled them, requiring them to vacate student housing or face "appropriate proceedings."[1287] Fearing that ICE would target them for detention and deportation,[1288] Srinivasan left for Canada on March 11, 2025.[1289] On March 13, ICE agents returned to Srinivasan's apartment a third time and entered their apartment with a judicial warrant issued that day, but Srinivasan had already left the country.[1290] On March 14, Secretary of Homeland Security Kristi Noem issued a post on X, accompanied by a video of Srinivasan, stating "I'm glad to see one of the Columbia University terrorist sympathizers use the U.S. Customs and Border Protection (CBP) Home app to self deport."[1291] That same day, the Department of Homeland Security issued a press release describing Srinivasan as having "advocat[ed] for violence and terrorism" and "involved in activities supporting Hamas," without providing any description or information to support such claims.[1292]

In a statement later describing the sequence of events leading to their leaving the United States, Srinivasan wrote, "I never expected Columbia to let me down" after being erroneously labeled a "terrorist sympathizer." [1293] Srinivasan said that their ordeal "demonstrates not only the absolute power the Department of State has over F-1 visa holders and the few legal options before us, but also the extent to which Columbia has been cooperating with ICE, instead of protecting its students."[1294] Srinivasan said they were in contact with Columbia University from the moment they received word from the Department of State that their visa was revoked and that, although Columbia initially seemed supportive, once ICE became involved, the university ceased to provide assistance.[1295] Srinivasan added that they "spent five years at Columbia, working 100-hour weeks," and "never expected the institution to let me down. But it did."[1296]

Momodou Taal, a Ph.D. student in the Department of Africana Studies at Cornell University who is a dual citizen of the United Kingdom and The Gambia, came to the United States as an F-1 student visa holder to pursue his Ph.D. studies. As a graduate student, Taal was active in student protests of U.S. foreign policy, particularly its military and financial support for the Israeli government.[1297] Taal faced university disciplinary measures for his participation in student protests

and was temporarily suspended twice, in April and September 2024, for joining demonstrations calling on Cornell to divest from Israel.[1298] According to Taal, the university reversed his second suspension after two appeals but barred him from campus.[1299] An alternative resolution agreement finalized in January 2025 by the university contained no allegations of violence and allowed Taal to continue his studies remotely until regaining full campus access at the end of the spring 2025 semester.[1300]

As Taal became more prominent in his advocacy, private groups and organizations aiming to deter pro-Palestinian or anti-Israel advocacy began calling on ICE to arrest and deport Taal for his participation in protests.[1301] On March 13, 2025, for example, Betar USA posted on social media site X a "Deport Alert" that specifically named Taal as a target.[1302] Fearful of ICE arrest and deportation, on March 15, 2025, Taal and two U.S. citizens filed a lawsuit in the Northern District of New York, seeking an injunction against implementation of the Trump administration's two executive orders and against the application of the administration's ideological removal policy to Taal.[1303] The court issued an order setting a hearing on March 25, 2025, to address the merits of the legal claims, but it also denied Taal's emergency motion for a temporary restraining order preemptively blocking the government from detaining or deporting him until the court could fully review the legal merits of the case.[1304]

On March 19, 2025, two unidentified law enforcement officers appeared in the parking lot of Taal's residence; the same day, his attorneys filed an emergency motion, again seeking protection from the court via an injunction.[1305] Two days later, attorneys from the Department of Justice emailed Taal's lawyers, informing them that ICE intended to arrest and detain Taal and inviting Taal to surrender himself to ICE.[1306] Nearly 20 hours later, Taal received notice that his F-1 student visa had been revoked. In a legal filing, a State Department official said that Taal's visa had been revoked on March 14, 2025, the day before he filed his lawsuit.[1307] In other legal filings, government officials conceded that Department of Homeland Security agents had identified Taal by conducting a review of publicly available information.[1308]

Taal ultimately decided to leave the U.S. rather than face detention and deportation,[1309] stating, "Given what we have seen across the United States, I have lost faith that a favourable ruling from the courts would guarantee my personal safety and ability to express my beliefs," and "I have lost faith I could walk the streets without being abducted. Weighing up these options, I took the decision to leave on my own terms."[1310] Taal told Democracy Now that Cornell's disciplining of him facilitated the Trump administration's attempts to deport him, stating, "Cornell University has placed a target on my back."[1311]

Intimidation and Chilling Effect on Free Speech and Association Rights

Photo: Ringo Chiu

Pro-Palestinian student protesters gather at UCLA on April 29, 2024.

University students, student organizations, faculty, and university staff have been deterred from speaking and organizing in support of Palestinian rights. Activists are understandably hesitant to engage in political expression criticizing Israel or advocating for Palestinian rights because they have reason to believe the federal government will actively investigate such expression in connection with harassment complaints and investigations.

The 2023–2024 academic year saw an expansive series of protests, demonstrations and encampments on university and college campuses — both large and small — all across the country. According to the organization Armed Conflict Location & Event Data (ACLED), more than 1,360 student demonstrations took place in the United States between October 7, 2023, and May 3, 2024, calling for university divestment from Israel and in support of Palestinian rights. ACLED determined that the overwhelming majority of those protests — 97 percent — remained peaceful.[1312] Despite this, as discussed previously, these protests were violently suppressed by university administrations' summoning of law enforcement on campuses.

The fear of similar repression directly led to some protesters' decisions to not reengage in public demonstrations on campus during the ensuing academic year.[1313] In the fall 2024 semester, the total number of protest actions dropped by more than 64 percent from the previous semester.[1314] Protest activity continued to decline through spring 2025 and into the following 2025–2026 academic year.[1315] This decline was not due to a lack of support for Palestinians: a March 2025 Gallup poll found that sympathy for Palestinians had reached a record high and support for Israel had reached its lowest level in at least 25 years in the United States.[1316]

The decline in protests was the direct result of crackdowns on protesters, university policies restricting protests, and the Trump administration's attacks on universities. As outlined earlier in this report, summer and fall 2024 saw a series of changes to university policies regarding protests; the disciplining of students and faculty, including expulsion and terminations; and the summoning of university presidents before Congressional hearings on antisemitism on campus. The Trump administration took more direct action by rescinding federal funding and research grants and threatening and opening civil rights investigations by the U.S. Departments of Justice and Education, among other attempts to get university administrations to capitulate to the government's demands. These actions led universities to suppress students' and faculty members' rights to protest and free speech. The result has been a less visible protest movement on campuses across the country.[1317]

Individual protest actions continued to occur on a periodic basis. For instance, in New York City alone, students at Columbia, Barnard, and Brooklyn College engaged in protests and short-term occupations, sometimes leading to arrests and disciplinary actions against students during the spring 2025 term.[1318] However, the sustained and ongoing assemblies seen in 2024 notably subsided.

According to one survey of Middle Eastern studies scholars conducted in early 2025, even before much of the Trump administration's full-scale assault on academia materialized, the University of Maryland's Critical Issues Poll found the overall environment on campus remained "oppressive and uncertain" as political pressure had increased, leading to rampant self-censorship and an increase in actual censorship. According to the poll, 57 percent of Middle Eastern studies scholars said they felt a greater need to self-censor when discussing issues related to Israel and Palestine since President Trump took office, and 84 percent expected campus leadership to be more severe in responding to campus demonstrations. Furthermore, 78 percent of respondents claimed that this had been the worst period, or among the worst periods, of their professional careers when it came to facing pressure over issues related to Israel and Palestine.[1319]

The decrease in assemblies may have also occurred due to other reasons, such as yearly changes in the student body due to attrition and graduation of protest organizers, the suspension of certain student groups that had organized the previous protests, and protest fatigue, as well as a change of tactics by student groups and faculty.[1320]

However, possibly acting as a tipping point, the targeted attacks on international students and faculty by the Trump administration has had a notable chilling effect on student protests and impact on academic freedom. International students and faculty from across the country say they continue to feel afraid to voice opinions or stand out on campus for fear of getting kicked out of the country. Many students stopped attending classes or events on campus.[1321]

Shortly following the initial detentions under the U.S. government's program of targeting international students and faculty, a group of U.N. experts called on the U.S. government to cease the repression of international student protesters, claiming the "disproportionate, unnecessary, and discriminatory" actions "create a chilling effect on the rights to freedom of expression, assembly and of association."[1322] They went on to state that, "[t]he principle of academic freedom is fundamental for the maintenance of faculties and student bodies that can tackle critical issues for discussion without penalisation." The experts noted that "expulsion, deportation, and denial of the right to complete education courses/programmes and receive an academic degree are devastating for students, preventing them the right to a life's project and from pursuing their future academic or professional aspirations" and such actions are more attributable to "authoritarian institutions."[1323]

Several higher education groups sued the Trump administration in March 2025 in order to stop the deportation of college students and faculty

protesting Israel's war on Gaza, claiming such actions have chilled speech and impacted academic freedom on campus.[1324] The groups claimed in their complaint that the Trump administration's targeting of student protesters is "terrorizing" university students and faculty merely for exercising their First Amendment rights. The plaintiffs alleged in their complaint that some noncitizen students and faculty had stopped attending public protests or withdrew from campus groups that engage in political advocacy. Others declined opportunities to publish commentary and scholarship, stopped contributing to classroom discussions, or deleted past work from online databases and websites. Many now hesitate to address political issues on social media, or even in private texts, out of fear that they might be arrested and deported for lawful expression and association.[1325]

As the trial took place in July 2025, several college professors and researchers testified that the arrests of lawful permanent resident students like Mahmoud Khalil at Columbia and international students such as Tufts University's Rümeysa Öztürk have chilled free speech on campus. Nadje Al-Ali, a German anthropologist and former international studies professor at Brown University, testified that she canceled plans to travel abroad and stopped pursuing research related to Palestine out of fear of being arrested. She went on to testify how Khalil's arrest made her rethink attending a "No Kings Day" protest in Providence, Rhode Island, against the Trump administration and its policies. "I would have liked to participate…but I was worried that my identity would be captured as part of the protest and that I would be risking increasing my vulnerability in terms of being targeted," she said.[1326] Megan Hyska, a Canadian philosophy professor at Northwestern University, testified that she decided not to publish an op-ed she wrote about organizing resistance to the Trump administration's policies out of a similar fear of being targeted for arrest.[1327]

Students and faculty must worry not only about university administrations, law enforcement, and the federal government when engaging in protest-related activities regarding Israel and Palestine. One of the key revelations from the trial was how the federal government relied upon third-party actors to identify student and faculty protesters. These third-party actors included Canary Mission, a largely anonymous group dedicated to the support of Israel and Israeli policies and known for creating dossiers and doxing thousands of Palestine-supporting students, faculty, and activists; and the group Betar USA, which the Anti-Defamation League lists as an "extremist organization." It was well-known through self-publicity that Canary Mission and Betar USA compiled "deportation lists" and sent names to government officials. However, for the first time, testimony of senior U.S. immigration officials revealed the extensive reliance of the government on these lists to identify and target international and foreign students through the U.S. State Department's "catch and revoke" program.[1328] In January 2026, the court issued an order formally declaring that the Trump administration's policy of arresting, detaining, and threatening to deport noncitizen students and faculty for their political speech violates the First Amendment and the Administrative Procedure Act.[1329]

Legal Analysis

Photo: David Dee Delgado via Getty Images

Protesters demand the release of Mahmoud Khalil at Foley Square in New York City on March 10, 2025.

U.S. Constitutional Law

All Academic Institutions Must Ensure Freedom of Speech and Free Association

The ability to criticize governments and their policies is a critical component of democracy. In fact, the Supreme Court has held that political speech is "at the core of what the First Amendment is designed to protect."[1330] Promoting discussion and debate on issues of public interest is critical for "the bringing about of political and social changes desired by the people."[1331] Likewise the principles of academic freedom require higher education institutions to safeguard protected speech and political debate in order to help students pursue knowledge.

The United States has a "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open[.]"[1332] That commitment extends to college and university campuses, where the First Amendment safeguards free speech and free association.

Free speech and free association are central to all academic institutions, and students should not be penalized for their political speech or associations. In *Healy v. James*, the Supreme Court affirmed that the First Amendment protects the right of student groups to associate and speak out on matters of public concern, free from censorship by public university officials, even when the student groups may be aligned with political viewpoints considered radical and unpopular.[1333] The Court

forcefully rejected the premise that, "because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large."[1334] "Quite to the contrary," the Court stated, "the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools."[1335]

In that case, the president of a public college in Connecticut denied recognition to a local chapter of Students for a Democratic Society, based on its perceived association with the national organization and the national organization's radical philosophy and actions. Reiterating that "the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools,"[1336] the Court held that the college's refusal of recognition to the student group amounted to a prior restraint, imposing a "heavy burden" on the college to justify the propriety of its action under the First Amendment.[1337] The Court explained that a student group's mere affiliation with an "unpopular organization" like the national Students for a Democratic Society could not satisfy the college's "burden of establishing a knowing affiliation with an organization possessing unlawful aims and goals, and a specific intent to further those illegal aims."[1338]

The First Amendment compels public universities and colleges to respect free speech rights. While the Constitution does not apply directly to private institutions because it applies only to government entities and actors, principles of academic freedom and free inquiry nonetheless demand protection of free speech and association on private as well as public campuses.

Schools Must Not Single Out Particular Viewpoints for Censorship, Discipline, or Disproportionate Punishment

University administrators must not single out particular viewpoints — however offensive they may be to some members of the community — for censorship, discipline, or disproportionate punishment. Viewpoint neutrality is essential. Harassment directed at individuals because of their race, ethnicity, or religion is impermissible. General calls for a Palestinian state "from the river to the sea," or defenses of Israel's assault on Gaza, even if many listeners find these messages deeply offensive, cannot be prohibited or punished by a university that respects free speech principles.

These protections extend to both students and faculty, and to speech that supports either side of the conflict. Inside and outside the classroom, including on social media, students and professors must be free to express even the most controversial political opinions without fear of discipline or censure, provided it is not targeted, harassing speech. Preserving physical safety on campuses is necessary, but "safety" from ideas or views that one finds offensive is anathema to the very enterprise of the university.

Schools Must Protect Students From Discriminatory Harassment and Violence

Both public and private universities are bound by civil rights laws that guarantee all students equal access to education, including Title VI of the Civil Rights Act. This means that schools can, and indeed must, protect students from discriminatory harassment on the basis of race or national origin, which has been interpreted to include discrimination on the basis of "shared ancestry or ethnic characteristics," or "citizenship or residency in a country with a dominant religion or distinct religious identity."[1339]

So, while offensive and even racist speech is constitutionally protected, shouting an epithet at a particular student or pinning an offensive sign to their dorm room door can constitute impermissible harassment, not free speech. Antisemitic or anti-Palestinian speech targeted at individuals because of their ethnicity or national origin constitutes invidious discrimination, and cannot be tolerated. Physically intimidating students by blocking their movements or pursuing them aggressively

is unprotected conduct, not protected speech. It should go without saying that violence is never an acceptable protest tactic.

Speech that is not targeted at an individual or individuals because of their ethnicity or national origin but merely expresses impassioned views about Israel or Palestine is not discrimination and should be protected. The only exception for such untargeted speech is where it is so severe or pervasive that it denies students equal access to an education — an extremely demanding standard that has almost never been met by pure speech. One can criticize Israel's actions, even in vituperative terms, without being antisemitic. And by the same token, one can support Israel's actions in Gaza and condemn Hamas without being anti-Muslim. Administrators must resist the tendency to equate criticism with discrimination. Speech condoning violence can be condemned, to be sure. But it cannot be the basis for punishment, without more.

Schools Can Announce and Enforce Reasonable Content-Neutral Protest Policies, But They Must Leave Ample Room for Students to Express Themselves

Universities can announce and enforce reasonable time, place, or manner restrictions on protest activity to ensure that essential college functions can continue. Such restrictions must be content neutral, meaning that they do not depend on the substance of what is being communicated, but rather where, when, or how it is being communicated. Protests can be limited to certain areas of campus and certain times of the day, for example, where justified by the need for people to move about campus, use those areas for other activities, or have noise restrictions to enable sleep or studying. These policies must, however, leave ample room for students to speak to and to be heard by other members of the community. The rules must not only be content neutral on their face; they must also be applied in a content-neutral manner. If a university has routinely tolerated violations of its rules, and suddenly enforces those rules harshly in a specific context, singling out particular views for punishment, the fact that the policy is formally neutral on its face does not make viewpoint-based enforcement permissible.

Colleges and Universities Should Encourage Robust Discussion and Exploration of Ideas by Students, Faculty, and Staff, Regardless of Their Nationality or Immigration Status

Institutions of higher learning play a key role in democratic societies. As spaces committed to academic freedom and open discourse — and which are often home to a diverse group of people with a range of different backgrounds, bringing together scholars and students from throughout the United States and all over the world — college and university campuses have been central to political expression and the development of ideas throughout the history of the United States. American campuses also enable noncitizen students and faculty to more freely express themselves — including by expressing views that might be subject to heightened repression and censorship in their countries of origin — through political demonstrations,[1340] academic debate, or research and writing.[1341]

President Trump's Executive Orders 14161 and 14188, detailed earlier in this report, are at odds with the foundations of academic freedom. Ideologically motivated efforts to police speech on campus — including speech critical of America's "citizens, culture, government, institutions, or founding principles,"[1342] or of the acts of the U.S. government or foreign governments — undermine the foundation on which academic communities are built, regardless of the nationality or immigration status of speakers who are censored.

For public universities and colleges, the orders could require campus officials to violate the First Amendment, which obligates government entities to respect free speech rights, including those of its students, faculty, and staff who are not U.S. citizens. As detailed above, schools are also obligated under

federal law to protect students from discrimination, harassment, threats, and violence. But protected political speech and association alone — no matter how offensive to members of the campus community — cannot be the basis for discipline, nor should they lead to immigration consequences. Private universities, though not bound directly by the First Amendment, are also guided by similar commitments to academic freedom and free inquiry, and they have a responsibility to protect freedom of expression under international human rights law and standards. In addition, the First Amendment safeguards against government efforts to pressure private universities to stifle their community members' disfavored speech.[1343]

The IHRA Definition of Antisemitism Equates Protected Political Speech With Discrimination

The International Holocaust Remembrance Alliance (IHRA)'s working definition of antisemitism is overbroad.[1344] It equates constitutionally protected political speech with unprotected discrimination. Criticism of Israel and its policies is political speech, squarely protected by the First Amendment. The First Amendment prohibits the government from censoring or penalizing such core political speech. But the IHRA working definition declares that "denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor," "drawing comparisons of contemporary Israeli policy to that of the Nazis," and "applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation" are all examples of antisemitism.[1345]

The IHRA definition of antisemitism is not rooted in the legal protections against hostile environments and instead seeks to prohibit speech based on viewpoint alone. Harassment of Jewish students is wrong and illegal. But speech that is critical of Israel or any other government cannot, alone, constitute harassment. Speech that is not targeted at an individual or individuals because of their ethnicity or national origin but merely expresses impassioned views about Israel, Palestine, immigration policy, or any other subject the White House may find objectionable is not discrimination and should be protected. The only exception for such untargeted speech is where it is so severe or pervasive that it denies students equal access to an education — an extremely demanding standard that is rarely, if ever, met by pure speech. Federal government officials cannot coerce university officials into taking actions inconsistent with this settled First Amendment law.

The lead author of the original IHRA definition, Kenneth Stern, has himself opposed the application of this definition to campus speech, noting that codifying this definition would lead campus administrators to "fear lawsuits when outside groups complain about anti-Israel expression, and the University doesn't punish, stop or denounce it."[1346]

Speech that is censored today will set the stage for what is censored tomorrow. And as Justice Anthony Kennedy noted in a concurrence in the case *Matal v. Tam*, "a law that can be directed against speech found offensive to some portion of the public can be turned against minority and dissenting views to the detriment of all. The First Amendment does not entrust that power to the government's benevolence. Instead, our reliance must be on the substantial safeguards of free and open discussion in a democratic society."[1347]

As discussed earlier in this report, if the Department of Education continues to use the IHRA working definition of antisemitism in its investigations of Title VI complaints, protected speech will inevitably be chilled.[1348] This could result in colleges and universities suppressing a wide variety of speech critical of Israel or in support of Palestinian rights in an effort to avoid investigations by the department and the potential loss of funding, even where such speech is protected and does not qualify as harassment.

Equating criticism of Israel with antisemitism by law under a threat of investigation will only create more fear in schools, prompting administrators to silence this speech regardless of whether it is protected. It will inspire an increasing number of complaints focused on constitutionally protected criticism of Israel. These complaints will not only cause schools to limit speech out of fear, but will also force both the Department of Education and covered universities to devote time and resources to addressing complaints about constitutionally protected speech, instead of meritorious harassment complaints. Even if lawsuits and complaints are dismissed, merely bringing them would likely be sufficient motivation for schools to censor their communities, fearing recourse from donors, faculty, political leaders, and prospective students.

Even where administrators do not take formal action, students and their organizations, faculty, and university staff may be deterred from speaking and organizing on these issues. Activists would be understandably hesitant to engage in any expression criticizing Israel or advocating for Palestinian rights if they have reason to believe the federal government will actively investigate such expression in connection with harassment complaints and investigations.

While the ACLU and AIUSA wholly support efforts to fight discrimination and harassment through Title VI complaints and investigations, the organizations strongly oppose use of the IHRA definition, or any definition of discrimination that threatens to censor or penalize speech protected by the First Amendment.

Title VI Must Be Read Consistently With Principles of Free Speech and Academic Freedom on University Campuses

University and college policies interpreting and applying Title VI that have the effect of prohibiting speech related to the Palestinian-Israeli conflict, such as campus policies that rely on the IHRA's overly broad and vague definition of antisemitism, will infringe upon and chill campus speech and academic freedom. Universities should not conflate political criticism with hate or use isolated incidents as a pretext to silence political or other views they oppose.

In the university environment, the First Amendment guarantees the constitutional rights of free expression and association at public universities. Title VI of the 1964 Civil Rights Act[1349] prohibits discrimination on the basis of race, color, or national origin and promotes equal educational opportunity at both public and private universities that receive federal funding. In prohibiting discrimination on the basis of national origin, Title VI has been interpreted to forbid discrimination grounded in "actual or perceived national origin," including "shared ancestry." The statute, therefore, reaches forms of bigotry that include antisemitism, Islamophobia, and anti-Palestinian, anti-Arab, and anti-Israeli discrimination.

An educational institution may be responsible under Title VI for creating a "hostile environment" based on harassment if such harassment "is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from" an educational opportunity, and the institution received actual or constructive notice of the hostile environment and "failed to take prompt and effective steps" to combat it.[1350] Courts have held, for example, that epithets directed towards a particular student, racist or antisemitic slurs, offensive symbols being posted or graffitied on school grounds, bullying, and threats of violence could contribute to impermissible harassment.[1351] Universities must take seriously and vigorously investigate any such "subjectively and objectively offensive" harassment that is pervasive and gives rise to an antisemitic, anti-Israeli, anti-Muslim, anti-Palestinian, and/or anti-Arab hostile environment.[1352] The U.S. Department of Education's Office of Civil Rights (OCR), which enforces Title VI, is clear that "[t]he fact that harassment may involve conduct that includes speech in a public setting or speech that is also motivated by political or religious beliefs...

does not relieve a school of its obligation to respond under Title VI...if the harassment creates a hostile environment in school for a student or students."[1353]

At the same time, Title VI must be interpreted and applied in a manner that comports with constitutional standards. OCR has therefore long recognized that Title VI must be applied in conformance with the constitutional standards enshrined in the First Amendment.[1354] Under those standards, efforts made pursuant to Title VI to regulate expression or association on the basis of the content of speech can only be sustained if such efforts advance "compelling interests" and do so in a manner that is "narrowly tailored."[1355] Prohibiting "severe or pervasive" harassment that deprives a student of an educational opportunity clearly serves "compelling state interests," and the application of Title VI prohibitions on harassment must be applied in a "narrowly tailored" fashion.

OCR issued a Dear Colleague letter in 2021, with the goal of helping schools correctly interpret and apply President Trump's Executive Order requiring agencies to "consider" the IHRA working definition without running afoul of the First Amendment.[1356] In the letter, OCR stated:

> An anti-Semitic incident does not violate Title VI merely because it is anti-Semitic, or because it involves an example of anti-Semitism contemplated by the IHRA. Rather, the Executive Order states that a "detailed analysis" is required to determine if a particular act constitutes discrimination prohibited by Title VI, as is true "with all other Title VI complaints." Nor does the Executive Order "alter the evidentiary requirements" for agencies for determining whether a recipient's conduct amounts to actionable discrimination.[1357]

Photo: DMediaNews Group/Orange County Register via Getty Images

Law enforcement officers forcibly dismantled a Palestine solidarity encampment and arrested and dispersed demonstrators at University of California, Irvine, on May 15, 2024.

In other words, the determination of whether protected communications are legally sufficient to obligate a university to take action under Title VI must be based on careful consideration of numerous factors, on a case-by-case basis, to determine whether the hostile environment threshold has been satisfied.

Accordingly, federal courts considering Title VI and university anti-discrimination policies have recognized that when schools attempt to restrict or punish speech made in the educational community on matters of public concern, including Palestinian rights and criticism of the Israeli or U.S. government, they risk violating free speech guarantees. For instance, a California district court concluded that a Title VI claim alleging an antisemitic hostile environment at the University of California at Berkeley could not be applied to stifle student speech that was pro-Palestinian and opposed to the government of Israel because "a substantial portion of the conduct" at issue in the case "represent[ed] pure political speech and expressive conduct, in a public setting, on matters of public concern, which is entitled special protection under the First Amendment."[1358]

Although that case concerned a public university, this reasoning is no less true in a private university context because any school that receives public funding must interpret and apply Title VI in a manner consistent with the First Amendment. OCR is clear that it "enforces the laws within our jurisdiction consistent with the First Amendment," and "[n]othing in Title VI or regulations implementing it requires or authorizes a school to restrict any rights otherwise protected by the First Amendment to the U.S. Constitution."[1359]

While private universities may have greater flexibility to craft discrimination policies absent strict constitutional constraints, they should not misrepresent what Title VI requires and give it a broader reading than that which would be compatible with the free speech principles of the First Amendment. Public and private universities that receive federal funding alike are obligated to interpret and apply Title VI in a manner that comports with the constitutional standards embodied in the First Amendment, which would strictly scrutinize any provisions attempting to limit speech.[1360] Moreover, under international human rights law and standards, private universities have the responsibility to protect the right to freedom of expression as well as the right to nondiscrimination.[1361]

In recent rulings in cases examining the intersection of Title VI hostile educational environment claims and the First Amendment in the context of pro-Palestine protests on college campuses, federal courts have held that Title VI does not require a university to squash speech protected by the First Amendment.[1362] Evaluating speech in the form of rallies, flyers, speeches, sit-ins, and protests, courts have found that the speech at issue is protected by the First Amendment, including phrases such as "from the river to the sea, Palestine will be free" and "globalize the intifada."[1363] Finding that speech on matters of public concern directed to the community at large is very different from targeted, personal harassment aimed at a particular person, courts ruled that political speech will generally not meet the high standard for proving hostility or offensiveness required under Title VI.

For instance, in October 2025, the First Circuit Court of Appeals dismissed a Title VI case against Massachusetts Institute of Technology (MIT), holding that the First Amendment "erects safeguards that limit the ability of the government or private plaintiffs to punish MIT for not restricting more severely the student protesters' protected speech," noting that "speech made in public that is related to matters of public concern has been given 'special protection under the First Amendment' and thus 'cannot be restricted simply because it is upsetting or arouses contempt.'"[1364]

The court found that die-ins, disruptive walkouts during class, and other protests that violated campus rules were protected by the First Amendment and did not violate Jewish students' civil rights, stating, "By gathering together in groups

on campus, disrupting campus tranquility, and impeding travel for many students, the protesters did not render their speech antisemitic, much less unprotected." [1365] The court found as a threshold matter that "most of the conduct about which plaintiffs complain is speech protected by the First Amendment, and [the court does] not construe Title VI as requiring a university to quash protected speech."[1366]

Declining to hold MIT liable for violating Title VI in its handling of the protests, the court held that the pro-Palestinian, "anti-Zionist" protesters' chants and signs constituted political speech criticizing Israel and that there was no showing by the plaintiffs that this criticism was motivated by antisemitism. The court refused to characterize pro-Palestine protests at MIT as antisemitic, ruling, "We therefore reject plaintiffs' claimed right to stifle anti-Zionist speech by labeling it inherently antisemitic."[1367] The court declined to equate anti-Zionism with antisemitism and "interpret Title VI as arming either side of that debate with the powers of a censor," noting that "Plaintiffs are entitled to their own interpretive lens equating anti-Zionism (as they define it) and antisemitism. But it is another matter altogether to insist that others must be bound by plaintiffs' view."[1368]

Photo: Ringo Chiu

Pro-Palestine student encampment at the University of Pittsburgh, April 29 2024.

Federal district courts have similarly ruled that Title VI does not and cannot require that universities punish and silence protected political speech. For example, in June 2025, the Eastern District of Pennsylvania dismissed a lawsuit against the University of Pennsylvania, finding that the plaintiffs failed to plausibly allege intentional discrimination under Title VI.[1369] The lawsuit was filed by three Jewish students alleging that the University of Pennsylvania had tolerated antisemitic incidents on campus that had created a hostile educational environment for Jewish students in violation of Title VI. "I could find no allegations that Penn or its administration has itself taken any actions or positions which, even when read in the most favorable light, could be interpreted as antisemitic with the intention of causing harm to the plaintiffs," the judge wrote, adding, "At worst, plaintiffs accuse Penn of tolerating and permitting the expression of viewpoints which differ from their own."[1370] The alleged incidents described in the complaint include students chanting common pro-Palestinian slogans such as "from the river to the sea, Palestine will be free," chants with the word "intifada," a sit-in and study-in, and a Palestinian literature festival. The plaintiffs filed an appeal in August 2025 and as of publication of this report, the appeal is pending before the Third Circuit Court of Appeals following oral argument in May 2026.[1371]

In January and June 2025 rulings by the U.S. District Court for the Eastern District of Pennsylvania dismissing Title VI claims brought by a group of Jewish students against Haverford College, the court found that the evidence presented did not establish that the alleged antisemitic incidents were severe or pervasive enough to meet the legal standards for creating a hostile educational environment under Title VI.[1372] "However noble the objective of nondiscrimination, institutions cannot be threatened with civil liability for declining to censor First Amendment protected speech," the court noted in rejecting the Title VI claims, adding, "Title VI is not a portal for students… to advance their view of how contentious issues should be handled on campus."[1373] The court described pro-Palestinian student expression, such

as keffiyehs, as a "classic example of protected First Amendment expression," refuting allegation that keffiyehs, which it described as "attire that signified [] support for Palestinians," created a hostile antisemitic environment.[1374]

In a February 2025 ruling permitting some Title VI claims against Cooper Union to go forward, the U.S. District Court for the Southern District of New York ruled that Title VI must be applied consistently with First Amendment principles, even when the defendant college is a private institution.[1375] The court ruled, "A statute that burdens protected speech must comport with the First Amendment,"[1376] cautioning that "interpreting Title VI to impose liability for a hostile environment created in part by pure speech on matters of public concern would cast significant doubt on the statute's constitutionality."[1377] The court noted that "speech 'on a matter of public concern, directed to the college community,' will generally fail to 'constitute unlawful harassment.'"[1378]

The court concluded that speech that is reasonably designed or intended to contribute to debate on matters of public concern, and that is expressed through generally accepted methods of communication, does not constitute unlawful harassment under Title VI. As a result, the court explicitly refused to treat a sidewalk demonstration, chanting slogans, flyers, speeches, protest art, and student newspaper articles as actionable harassment merely because Jewish students experienced them as hostile or antisemitic. The court also noted the complaint "offers no factual support for its assertion that any of these messages were intended to target particular Jewish students, as opposed to efforts to communicate a political message to the [college] community at large."[1379] Lastly, the court ruled that "requiring schools to censor or punish political speech to avoid liability for a hostile environment would burden not only their students' freedom of expression, but the academic freedom of the institution itself to create an educational environment centered around the free exchange of ideas."[1380]

The lawsuit was filed by 10 Jewish students and alleged violations of Title VI, asserting that Cooper Union permitted a hostile educational environment based on the students' national origin and that the college was deliberately indifferent to antisemitic national-origin harassment under Title VI.[1381] The complaint described an incident that took place during a pro-Palestinian demonstration in December 2023, in which a group of Jewish students hid in a campus library while pro-Palestinian demonstrators gathered outside and chanted and banged on doors and windows of the library for 20 minutes.[1382] The court held that some of the speech and conduct described in the students' lawsuit, such as the library incident and other campus vandalism and harassment, created a plausible claim of "hostile or abusive…discriminatory intimidation, ridicule, and insult sufficiently severe or pervasive to alter the conditions of [the] educational environment" and thus was sufficient to survive a motion to dismiss. The court distinguished these from "many of the alleged instances of harassment detailed in" the complaint that are "examples of pure speech on matters of public concern."[1383] In January 2026, Cooper Union reached a settlement with the 10 student plaintiffs, agreeing to monetary compensation for the students and a set of changes to its anti-discrimination and protest policies.[1384]

The requisite "narrowly tailored" and restrictive reading of Title VI will undoubtedly leave some offensive speech unpunished by governmental entities. This is not to say that such offensive speech will remain unaddressed. The Supreme Court has observed that the answer to offensive speech in many, if not most, circumstances lies not in imposing punishment but in generating and uplifting "more speech" to correct the errors of the misstatement and to explain why the offensive speech is truly offensive. Justice Louis Brandeis eloquently conveyed this point, observing that "[i] f there be time to expose through discussion the falsehoods and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence…. Such must be the rule if authority is to be reconciled

with freedom. Such…is the command of the Constitution."[1385] This "more speech" approach is one that universities are particularly well-positioned to pursue.

Academic freedom is fundamental to any university's healthy functioning because the purpose of universities is to encourage critical thought, experimentation, and cultural and social evolution.[1386] As a vital "marketplace of ideas,"[1387] the university environment exposes students and faculty to new ideas and viewpoints. Students learn to question, formulate, and express their own views and to think for themselves. In this environment, students thus become better prepared to participate in a democratic society.[1388] To uphold academic freedom, universities must maintain a protected space for academic discourse free from state intrusion. It is in this protected space where the academic community can best exercise its established right to determine, monitor, and correct the content of lectures and academic discussion.[1389] This is particularly important when academic discourse involves political speech, dissenting views, or criticism of government action.[1390]

Nothing Obligates Universities to Act as Deputies in Immigration Law Enforcement

The federal government cannot force state or local institutions, including universities and colleges, to participate in certain types of immigration enforcement. Federal courts have consistently upheld the right of state and local authorities to limit their collaboration with federal immigration enforcement.[1391] The federal government additionally cannot coerce state and local authorities into enforcing federal immigration laws by improperly withholding funding.[1392] Public universities and colleges are thus not obligated to act as deputies in immigration enforcement.

If university officials acquiesced to such demands to participate in immigration enforcement, there would be harmful consequences for the primary mission of the university. Students and faculty from other countries are crucial members of university communities. If universities were to participate in viewpoint-based immigration enforcement against students and faculty, and the curtailment of their constitutional rights, it could lead to dire consequences for them personally. Such enforcement could also damage institutions of higher learning by sowing distrust, reducing the major contributions immigrants provide to universities,[1393] and undermining recruitment efforts. Engaging in such enforcement would represent a breakdown of the principles upon which our higher education systems are built.

Moreover, if universities were to fulfill immigration law enforcement requests that single out immigrant students or faculty for punishment for their exercise of free speech, they would run the risk of creating an environment that discriminates against students and faculty based on national origin or that substantially impairs their ability to participate equally in university programming — both of which are illegal under Title VI.

Schools Must Protect the Privacy of All Students, Including Immigrant and International Students

University officials are responsible for ensuring the integrity and the confidentiality of student records. The Family Educational Rights and Privacy Act (FERPA) requires universities to protect the confidentiality of personally identifiable student information, including that of all noncitizen students (whether on immigrant or non-immigrant visas or otherwise), against unwarranted disclosure to the government or private parties.[1394]

When federally funded colleges and universities collect information from students, FERPA requires the school to define what it designates as "directory information" — meaning it can be subject to release without a student's prior written consent[1395] — and inform students of their right to object to such designation.[1396] Only information that "would not generally be considered harmful or an invasion of

privacy if disclosed" may be deemed "directory information."[1397] Releasing such information to outside sources, including to government officials and agencies in connection with immigration enforcement, will violate FERPA if public notice and other conditions are not met.[1398] Similarly, information that would "generally be considered harmful" if disclosed, such as a student's sex, ethnicity, or race, may not be released as "directory information."[1399]

That includes disclosures to law enforcement. Unless a law enforcement officer has a valid court order or a lawfully issued subpoena, universities cannot release personally identifiable information without the student's permission, absent another lawful exception to FERPA.[1400] Mere requests do not qualify. Likewise, administrative warrants, which are commonly used by U.S. Immigration and Customs Enforcement (ICE), are not enforceable on their own, absent a separate judicial order or legal proceeding to enforce the subpoena.[1401] Any subpoena presented by immigration agents should be reviewed carefully by legal counsel before any information is produced. Further, a reasonable effort must generally be made to alert students to the subpoena before information is produced.[1402]

International Law and Standards

The rights to freedom of peaceful assembly, expression, and association are enshrined in international law. States are under an obligation to facilitate the right to freedom of peaceful assembly, actively encouraging people to engage in assemblies. States must respect, protect, and fulfill the right to peaceful assembly without discrimination of any kind. Peaceful assemblies should be protected, and they do not lose their peaceful character if there are isolated acts of violence or unlawful behavior by some individuals. The exercise of this right should not be dependent on the authorization of the state; states may request notice (although not for spontaneous assemblies) — but not authorization.

International human rights law protects the right to protest through a number of provisions enshrined in various international and regional treaties which, taken together, provide protesters with comprehensive protection. Even though the right to protest is not given as a separate right in human rights treaties, when people engage in protests, whether individually or collectively, they are exercising a variety of rights, which can include the rights to freedom of expression and peaceful assembly. Other rights are also essential in enabling people to protest peacefully, including the rights to life, privacy, freedom of association, freedom from torture and other ill-treatment or punishment, and freedom from arbitrary arrest and detention, for example. Other key enabling rights may also include the right to be free from discrimination, the respect of labor rights, and other economic, social, and cultural rights. In particular, protests are protected by the interaction of the rights to freedom of peaceful assembly and of expression. Protesting is one common way for people to express their views and opinions, and it can contribute to the protection of many other rights. Without the ability to freely express opinions, public assemblies are simply mass gatherings without a message. Without the ability to freely assemble, people's opinions may lack the force of numbers to have their message properly heard.

Based on the protections that international human rights law affords to protests, particularly the right to freedom of peaceful assembly, state authorities have a duty to respect, protect and facilitate peaceful protest. This means refraining from unduly interfering with the exercise of this right, protecting protesters from violence, providing services (such as traffic management or toilets, if necessary), and communicating with those organizing or participating in a protest to ensure its peaceful conduct. Generally, authorities should presume protests to be peaceful — in the sense that they are nonviolent — and the authorities' overall approach should be driven by communication, with the aim of preventing conflicts from occurring through dialogue and mediation, as well as de-escalating and peacefully settling any conflicts that may occur.

Human rights law allows states to impose restrictions on the right to freedom of peaceful assembly in limited circumstances. According to the International Covenant on Civil and Political Rights (ICCPR), any restrictions on this right are only permissible if they meet all elements of the "three-part test": legality, necessity and proportionality, and pursuance of a legitimate aim.[1403]

The right to freedom of peaceful assembly applies to peaceful (that is, nonviolent) protests. According to the U.N. Human Rights Committee, "a 'peaceful' assembly stands in contradistinction to one characterized by widespread and serious violence." As proposed by the Committee, the terms "peaceful" and "nonviolent" can thus be used interchangeably. The Committee also explains that "violence" in the context of the right to peaceful assembly typically entails "the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property." As clarified by the Committee, mere pushing and shoving or the disruption of vehicular or pedestrian movement or daily activities does not amount to violence.[1404] The U.N. Human Rights Committee and other human rights mechanisms have called on states to ensure that the definition of conduct that constitutes or causes violence in the context of demonstrations is narrowly construed, and they have set a high threshold for considering pursuing cases of damage to property only when these are "serious."[1405]

If a small group of participants engages in violent acts during a protest, those protesters who continue to behave peacefully still have a right to go about their protest.[1406] Sporadic acts of violence or crimes committed by some participants in a protest must not be attributed to others whose behavior is peaceful. This means that any person who is protesting peacefully does not cease to enjoy their right to protest when some other participant engages in violence. In this case, authorities should ensure that those who are protesting peacefully are able to continue to do so, and not use the violent acts of a few as a pretext to restrict or impede the rights of others. For a protest to be considered outside of the protection of the right to peaceful assembly under international law, there must be compelling and demonstrable evidence that a significant number of the participants resorted to violence or to incitement to violence, hostility, or discrimination.

The police have the primary responsibility to protect the right to freedom of peaceful assembly and also to ensure that public order is maintained in a reasonable manner during an assembly. The policing of public assemblies is a particular activity that requires different skills and abilities from routine policing. In particular, it requires the balancing of competing interests and rights, and it is, therefore, important that police officers are well trained in both human rights and crowd management principles and practices, and that they are appropriately equipped both to provide protection and maintain order. When a (lawful) decision has been taken to disperse an assembly, the order to disperse must be clearly communicated and explained to obtain, as far as possible, the understanding and compliance of the demonstrators. Sufficient time must be given to disperse. The enforced dispersal of a public assembly should only take place as a measure of last resort, when violence occurs or there is an imminent threat of violence. The police should not intervene aggressively in response to the actions of a small number of participants. Assemblies are always diverse gatherings, and participants do not lose their individual rights simply because a small number of people are behaving violently. Representatives of civil society organizations and other types of monitors have a right to be present at public assemblies and can have a positive role to play in observing compliance with human rights. Similarly, the media have a right to attend and report on peaceful assemblies, and law enforcement officials have a responsibility not to prevent or obstruct their work.

On the use of force during the policing of assemblies, Article 3 of the U.N. Code of Conduct for Law Enforcement Officials states, "[l]aw enforcement officials may use force only when strictly necessary and to the extent required for

the performance of their duty."[1407] If the use of force is unavoidable, law enforcement officials must exercise restraint in its use. In addition, the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that law enforcement officials shall "not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury."[1408] Force should not be used to punish (presumed or alleged) noncompliance with an order nor simply for participation in an assembly. Arrest and detention should be carried out only in accordance with procedures established by law. They should not be used as means to prevent peaceful participation in a public assembly nor as a means of punishment for participation. The type of equipment used to disperse an assembly must be carefully considered and used only when necessary, proportional, and lawful.

Any government action, such as a decision to restrict or disperse a demonstration, must not be carried out in a discriminatory manner. The International Convention on the Elimination of all forms of Racial Discrimination (CERD), to which the United States is a party, defines racial discrimination to cover not only direct discrimination but also instances of indirect racial discrimination, which also constitute manifestations of systemic racism. Policies and laws may not be aimed or intended to affect a certain group but may inadvertently do so: They may have an "unjustified disparate impact on a group" and thereby constitute discrimination.[1409] Indirect racial discrimination occurs when a seemingly neutral provision, criterion, or practice entails a particular disadvantage for persons belonging to a specific group based on a prohibited ground or puts them at a disadvantage, unless that provision, criterion, or practice has some legitimate objective or justification and is proportional under international law.[1410] The Committee on CERD clarifies that "the potential indirect discriminatory effects of certain domestic legislation, particularly legislation on terrorism, immigration, nationality, banning or deportation of non-citizens from a country, as well as legislation that has the effect of penalizing without legitimate grounds certain groups or membership of certain communities" are indicators of racial discrimination.[1411] The Committee on CERD further calls for states to ensure that the implementation of any legislation does not have discriminatory effects on noncitizens.[1412] This includes immigration and visa policies, laws and practices.[1413] In the case of visas, distinctions, restrictions, exclusions, or preferences based on nationality "must be construed so as to avoid undermining the basic prohibition of discrimination."[1414]

Criticism of summoning law enforcement to disperse peaceful protests has been widespread, including from the Inter-American Commission on Human Rights,[1415] the United Nations High Commissioner for Human Rights,[1416] and a number of U.N. human rights experts,[1417]such as the U.N. Special Rapporteur on the right to education, who said on an official visit to the United States in May 2024:

> I am deeply troubled by the violent crackdown on peaceful demonstrators, arrests, detentions, police violence, surveillance and disciplinary measures and sanctions against members of the educational community exercising their right to peaceful assembly and freedom of expression… These attacks signal a concerning erosion of intellectual freedom and democratic principles within educational settings.[1418]

The U.N. Special Rapporteur urged the U.S. government to reaffirm its fundamental commitment to freedom of speech and ensure that every student has unfettered access to a wide range of ideas and perspectives.[1419] On October 4, 2024, the U.N. Special Rapporteur on freedom of peaceful assembly and of association released her research findings and a set of concrete recommendations for universities worldwide on how to safeguard assembly and association rights on campus in the context of solidarity with the Palestinian people.[1420] She had previously condemned the conflation of criticism of the policies of Israel and Zionism more broadly with antisemitism.[1421]

Regarding the Trump administration's repressive tactics against international student protesters, in a statement in March 2025, several U.N. experts called on the U.S. government to "cease repression and retaliation, including in the form of arbitrary detention of U.S. lawful permanent residents, and removal of international students who have participated in university protests in solidarity with Palestine."[1422] They declared the government's actions unnecessary, disproportionate, and discriminatory, creating a chilling effect on the rights of freedom of expression, assembly, and association, and stated unequivocally that, "the principle of academic freedom is fundamental for the maintenance of faculties and student bodies that can tackle critical issues for discussion without penalisation."[1423] The experts called on universities to "refrain from surveillance against students for participating in peaceful assemblies, and from sharing personal data of students with external actors, including the police and other law enforcement officials, and should review their internal regulations to align them to international human rights law standards" and called for dialogue to "create sustainable, peaceful campuses for all students and faculty."[1424]

All universities and colleges have human rights responsibilities to protect students' right to express themselves and peaceably protest on campus. The U.N. Special Rapporteur on freedom of expression has stressed that universities play a key role in protecting and promoting the human rights of members of their communities.[1425] To this end, both the United Nations Educational, Scientific and Cultural Organization (UNESCO)[1426] and the U.N. Special Rapporteur on freedom of expression have outlined a range of human rights responsibilities that universities and higher education institutions should fulfill in accordance with international law and statements of intergovernmental bodies.[1427] Moreover, the Inter-American Principles on Academic Freedom and University Autonomy require states to foster an environment conducive to participation in higher education, as well as research, debate, and the dissemination of academic knowledge.[1428]

While public universities have the duty to protect the rights to freedom of expression and freedom of peaceful assembly, privately owned universities do not have the same obligations. However, all universities have a responsibility to respect human rights.[1429] Though not bound by the First Amendment, private universities are bound by their policy commitments to freedom of expression and academic freedom. Private universities have, at a minimum, the responsibility to respect the rights to freedom of expression and freedom of peaceful assembly, which means avoiding causing adverse impacts on those rights, mitigating adverse impacts associated with their operations, and providing remedies when adverse impact has occurred. Private universities also have a responsibility to respect human rights consistent with the U.N. Guiding Principles on Business and Human Rights.[1430] These principles emphasize that such entities should engage in ongoing due diligence efforts to "prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services... even if they have not contributed to those impacts."[1431] Within this context, universities should be periodically reviewing their policies and practices to ensure that they are in line with international human rights standards. This responsibility is independent of a state's own human rights obligations and exists "over and above compliance with national laws and regulations protecting human rights."[1432] In reality, the responsibility of private universities to respect the rights to freedom of expression and freedom of peaceful assembly overlaps with the state's duty, especially in the instances described in this report, where private universities have caused an adverse impact.

International law makes clear that "gatherings in private spaces fall within the scope of the right of peaceful assembly, [but] the interests of others with rights in the property must be given due weight."[1433] The restrictions that may be imposed on gatherings on private property depend on various factors, including "whether the space is routinely publicly accessible, the nature and extent of the potential interference... with the interests of others..., and

whether participants have other reasonable means to achieve the purpose of the assembly, in accordance with the sight and sound principle."[1434] The right to freedom of peaceful assembly thus extends to protests in private universities. In all cases, any restrictions on place must meet the tests of legality, necessity, and proportionality.

Moreover, according to the Inter-American Principles on Academic Freedom and University Autonomy, state interference in academic institutions' budgets — when intended to punish, discriminate against, or privilege them — as well as closing or refusing to renew accreditation in retaliation for disagreement with the government's "ideological vision" undermine academic freedom.[1435]

Recommendations

Universities and colleges must take all possible measures to ensure that their campuses are spaces where students may exercise their rights without fear or intimidation. We urge universities and colleges not to resort to police action to suppress student expression, especially through the use of force, including less-lethal weapons, which greatly heightens the risk of serious injuries. Instead, universities and colleges should fulfill their human rights responsibilities by facilitating protests and protecting students exercising their freedom of expression and right of peaceful assembly from violence and intimidation, and take a more active role in ensuring that all students' rights to freedom of expression and peaceful assembly, regardless of viewpoint, are respected.

Given their important role in respecting the rights of students to peacefully protest and counter-protest on their campuses, universities should not call upon law enforcement to disperse peaceful protests. Police presence on campus may increase tensions, endanger students, and seriously undermine the potential for any resolution grounded in respect for human rights. Inviting armed police into a campus protest environment, even a volatile one, can create unacceptable risks for all students and staff. Universities should only request law enforcement presence if protesters on campus engage in physical violence against others, and only as a last resort, after all other efforts have been exhausted. Moreover, arresting peaceful protesters is also likely to escalate, not calm, the tensions on campus — as the events documented in this report have made abundantly clear.

Universities and colleges must enforce university rules in a neutral and nondiscriminatory manner. They should ensure students are not punished for simply exercising their right to peacefully protest. University policies and procedures should also be applied fairly and neutrally to all students, faculty, and staff, with no viewpoint discrimination or political influence, and punishments must be necessary and proportionate to the violation.

The Trump administration must cease its relentless attacks on universities and their students, faculty, and staff in order to preserve academic freedom and ensure protection for the rights to free speech and peaceful assembly. The federal government cannot mandate expulsion of students or use its regulatory power to threaten funding cuts to coerce universities to prohibit or punish speech they could lawfully allow (in the case of private universities) or must allow (in the case of constitutionally protected speech at public universities). While the administration can enforce Title VI to ensure a learning environment is free from harassment, it cannot force universities to adopt restrictive speech codes that silence the viewpoints the government disfavors.

Schools should resist the pressures placed on them by politicians seeking to exploit campus tensions to advance partisan agendas. Congressional hearings have featured attacks by members of Congress on academic freedom and freedom of speech. Universities must stand up to such intimidation and defend the principles of academic freedom so essential to their integrity and mission. We urge universities and college administrators to resist the temptation to silence students or faculty members because powerful voices deem their views offensive. Instead, we urge them to defend the university's core mission of encouraging debate, fostering free-flowing inquiry, and preparing the future leaders of our pluralistic society to tolerate even profound differences of opinion.

To Universities and Colleges

- **Engage in negotiations and dialogue with protesters and deploy associated de-escalation techniques.**
  - Engage with protest leaders and open lines of communication to ensure that protests remain safe and peaceful.
  - Take de-escalating action against any individuals who engage in acts of violence.
- **Ensure that law enforcement is used only as a measure of last resort.**
  - Ensure that coercive police power is used only as a last resort, after all other efforts have been exhausted, or the perverse effect will be to suppress protest and exacerbate safety risks.
  - Universities should be even-handed and viewpoint-neutral in all their actions regarding campus protests, including in the deployment of police. Police should not be summoned simply to disperse peaceful protesters whose presence has become undesirable to university administrators.
- **Ensure that campus policies on political speech and protest are viewpoint-neutral.**
- **Uphold free speech protections for all students and scholars, regardless of nationality, ethnicity, and race.**
- **Enforce university rules in a neutral and nondiscriminatory manner. Ensure students are not punished for engaging in lawful speech or expressive conduct.**
  - Ensure that students are not forced into disciplinary proceedings for simply peacefully protesting.
  - University policies and procedures must also be applied fairly and neutrally to all students, faculty, and staff, with no viewpoint discrimination or political influence. Punishments must be proportionate to the violation.
  - Ensure that investigations and any disciplinary actions are based on individualized facts about each student, and recognize the importance of giving breathing space to the importance of free expression when interpreting any alleged rule violations, to ensure no student is disciplined or threatened with discipline on the basis of engaging in lawful protest activity.
  - Universities should not use their policies to deprive students of their due process rights or to punish them for engaging in lawful speech or expressive conduct. Public universities may not punish students for engaging in constitutionally protected speech.
- **Protect students' ability to spontaneously protest in response to unanticipated events, when speech is often the most essential.**
  - Universities and colleges should make advance registration optional for demonstrations. Under such policies, the school can encourage, but not require, students to notify the school of an upcoming demonstration so that the school can help coordinate and provide logistical support; or
  - If a school continues to impose a general rule of advance registration, it should make the advance registration window as short as possible and it should create an explicit exception to that general rule for demonstrations that arise in response to unanticipated or newsworthy events.
- **Ensure that students have ample channels for expression on campus.**
  - Universities and colleges should allow students to demonstrate in many areas of campus, especially in outdoor, high-traffic locations.
  - If a school continues to impose some time restrictions on demonstrations, it should narrowly limit those restrictions such that demonstrations are allowed during a broad range of times that spans morning, afternoon, and evening hours.

- Universities and colleges should not unduly restrict the modes of expression available to students.

- **Prohibit suspicionless identification checks of student demonstrators.**
  - Universities and colleges should narrowly limit the circumstances under which school officials are permitted to request that individuals present their IDs to situations in which an individual on campus is suspected of having violated a specific campus rule or state law.
  - Universities and colleges should clearly notify enforcing officials and students about the narrow circumstances under which school officials are permitted to request ID.
  - Universities and colleges should ensure that enforcing officials apply such policies in a nondiscriminatory manner that is viewpoint neutral.

- **Refrain from adopting policies against discrimination and harassment that rely on overly broad and vague definitions, including definitions of antisemitism, and have the effect of prohibiting protected political speech or silencing lawful political speech.**
  - Refrain from adopting policies against discrimination and harassment that have the effect of prohibiting lawful political speech, such as policies that rely on the International Holocaust Remembrance Alliance (IHRA)'s overly broad and vague definition of antisemitism (and similar definitions).
  - Revise such existing policies in a manner that respects the rights of students and faculty to speak up and speak out about important issues of the day.

- **Craft and implement anti-discrimination policies that prevent student discrimination and harassment and that appropriately balance principles of academic freedom, free speech, and educational equality.**
  - Protect against and respond equally to harassment of all students experiencing discrimination on the basis of a protected characteristic, whether they are Jewish, Israeli, Palestinian, Muslim, or Arab.
  - Craft and implement anti-discrimination policies in ways that comport with Title VI as well as principles of free speech and academic freedom, which permit a wide array of faculty and student speech and expression, including speech that some may find offensive.

- **Reject any federal pressure to surveil or punish noncitizen students and faculty for their lawful speech.**

- **Protect the privacy of all students, including immigrant and international students, and resist unlawful government requests for personal information.**
  - University and college presidents should employ their authority to prohibit employees of the university or college from voluntarily providing information or assistance in response to requests from federal authorities or out-of-state authorities that seek:
    (a) to identify or impose civil or criminal liability or other penalties, including termination or reduction of grant funding, upon a person or entity based on their participation in activities protected by the First Amendment of the U.S. Constitution, including assembly, petitioning, expression of viewpoints, and speech;
    (b) to identify or apprehend a person in order to subject them to immigration detention, removal, or deportation proceedings; or to prosecute a person or persons for offenses related to immigration status based on their participation in activities protected by the First Amendment of the U.S. Constitution, including assembly, petitioning, expression of viewpoints, and speech; and
    (c) to investigate the sex or gender of a student, faculty, or staff member.

- **Resist White House and federal agency demands that undermine academic freedom and students' and faculty's civil and human rights.**
  - University and college presidents and Boards of Trustees should resist White House and federal agency demands that undermine academic freedom and students' and faculty's civil and human rights in exchange for a promise of continued federal grantmaking.
  - Reject the Department of Education's proposed Compact for Higher Education.

To Campus Police and State and Local Law Enforcement

- **Impose strict limits on the use of less-lethal / crowd-control weapons in the context of protests.**
  - The use of less-lethal weapons in protests should be an absolute last resort when dealing with genuine and imminent threats to physical safety, and only after all other means have been exhausted.
  - Kinetic impact projectiles must be expressly prohibited for the sole purpose of crowd dispersal; they cannot be used effectively and safely in groups of people. Kinetic impact projectiles must never be fired at close range and should never be targeted at the head or other vital areas of the body, where impact typically causes serious injury and, in some instances, death.
  - Any kinetic impact projectile that fires multiple projectiles is inherently indiscriminate and must be prohibited in the context of protests. It is not possible to deploy these weapons safely against crowds or individuals.
  - Chemical irritants, when deployed using canisters or grenades, are inherently indiscriminate by nature, cause severe pain and injuries, and frequently escalate tensions. Law enforcement should not deploy such chemical irritants against protests and peaceful assemblies.
  - If chemical irritants are deployed, extreme caution must be used, including considerations of the presence of bystanders and the existence of areas of egress and airflow, to minimize any risk of overexposure and due to serious risk of injury.

To the Trump Administration

- Cease the campaign to deport students and faculty involved in Palestinian rights advocacy and end all pending removal proceedings against students and faculty targeted in retaliation for their lawful advocacy in support of Palestinian rights. The Secretary of State and Department of Homeland Security must cease targeting noncitizens for exercising their constitutional right to free speech through arbitrary and discriminatory revocations of F-1 student visas and J-1 exchange visitor visas and by removal proceedings invoking Section 237(a)(3)(C)(i), known as the foreign policy ground, of the Immigration and Nationality Act (INA).
- Stop weaponizing Title VI to threaten funding cuts to punish lawful speech on campus; to coerce universities into allowing expression only of the federal government's preferred views; and to impose ideological requirements on universities and colleges, and their professors and students.

- Rescind executive orders, including Executive Orders 14188 and 13899, and federal agency rules or policies codifying the use of the International Holocaust Remembrance Alliance (IHRA)'s overly broad and vague definition of antisemitism and similar definitions. Federal agencies, including the Department of Education, the Department of Justice, and the Equal Employment Opportunity Commission (EEOC), should cease using this definition for enforcing civil rights laws, and should not rely on or refer to IHRA in their rulemaking, policy guidance, or enforcement decisions.
- The Department of Education Office for Civil Rights (OCR) should take steps to ensure that investigations and enforcement actions do not chill or encroach on the exercise of free expression by students or other members of educational communities.
    - Make clear to the public and to the colleges and universities subject to Title VI investigations that these investigations are not intended to and will not be used to suppress political speech.
    - Do not take or encourage steps that lead to the suppression or chilling of core political speech.
    - Do not encourage or allow schools to deny or rescind recognition of student groups on the grounds that such groups organized lawful demonstrations, or on the basis of the political speech expressed.
    - Complete investigations as expeditiously as possible, lest the pendency of such investigations unduly chill speech.

To Congress

- Pass the Land of the Free Act (H.R. 4959), which would repeal Section 237(a)(4)(C) of the Immigration and Nationality Act (INA).[1436] This existing provision grants the Secretary of State the authority to designate for deportation visa-holders and lawful permanent residents whose presence in the United States would have "potentially serious adverse foreign policy consequences for the United States" and has been abused to arbitrarily target noncitizens for exercising their constitutional rights to free speech.
- Vote no on the misleadingly titled "Protect Economic and Academic Freedom Act of 2026," if it is introduced in the Senate or re-introduced in the House next Congress. This legislation would prevent colleges and universities from receiving federal student aid if these institutions boycott Israel. This legislation would enable the government to punish colleges and universities based on their First Amendment protected political expression.
- Oppose the Antisemitism Awareness Act (S. 558/H.R. 1007) or any bill that threatens free expression and academic freedom, including those proposed under the guise of combating antisemitism. Refrain from passing any legislation that directs the government to adopt an overly broad definition of antisemitism that includes political speech critical of the Israeli government — such as policies that rely on the International Holocaust Remembrance Alliance (IHRA)'s overly broad and vague definition of antisemitism (and similar definitions) — when enforcing federal civil rights law on college campuses. Such legislation would put pressure on schools to silence lawful political speech because the government disapproves of the message, violating the core promise of the First Amendment.
- Oppose any bill that would punish noncitizens for exercising their First Amendment rights. Condemn the Trump administration's attacks on the First Amendment, introduce legislation to protect students from arrests and detentions on the basis of their speech, and defend our constitutional right to dissent.

Appendix I: Your Rights on Campus

Your Right to Protest

Protest is a powerful way to speak truth to power. Throughout history, student-led protests have driven major change, exposing injustice, demanding accountability, and inspiring hope for a better future. You have the **right to peacefully protest**, and the government has a **duty to respect, protect, and facilitate that right** — not suppress it. Unless a protest violates content-neutral and reasonable time, place, and manner restrictions, obstructs traffic or access to buildings, or poses a threat to the safety or rights of others, interference by the government is not justified. If you attend a private school, keep in mind that, as a legal matter, the school is not a government actor and is not constrained by the First Amendment, so it may impose additional restrictions.

- Learn more about your rights to protest under U.S. law: Know Your Protest Rights (ACLU)[1437]
- Take Amnesty's Human Rights Course to learn why the right to protest is protected by human rights law and standards.[1438]
- If you're an Amnesty International student group, learn more about protesting as Amnesty: Protest Q&A[1439]
- Read and share the ACLU Open Letter to College and University Presidents on Student Protests[1440]

Your Right to Speech and Association

You have the right to freely express your beliefs — and not only can the government not infringe on that right, it has to ensure you are able to exercise that right. **The right to freedom of expression** is enshrined in Article 19 of the Universal Declaration of Human Rights and protected by a raft of international and regional treaties and the First Amendment of the U.S. Constitution. Indeed, the right to protest is part of this umbrella of rights.

Freedom of expression also underpins other human rights such as the right to freedom of thought, conscience and religion — and allows them to flourish.

- Take Amnesty's Human Rights Course to learn more about freedom of expression.[1441]
- Read and share the ACLU Open Letter to Colleges and University Leaders: Reject Efforts to Restrict Constitutionally Protected Speech on Campus[1442]
- Read and share the ACLU Open Letter to Colleges and Universities: Protect Campus Speech[1443]

Your Right to Protest as an Immigrant Under U.S. Law

(Source: National Immigration Law Center)[1444]

The First Amendment to the U.S. Constitution prohibits the government from restricting your right to free speech. This means that you have a right to participate in political protests, marches, and demonstrations. The First Amendment also protects freedom of the press (among other rights). **These rights apply to everyone in the United States, regardless of immigration status**. At the same time, your risks may vary depending on your individual circumstances, including immigration status, and you should take those into account. Individuals should consider their own level of safety, comfort and visibility in these situations.

For example:

- Consider leaving immediately if it appears that the situation is escalating.
- If you choose to take your mobile phone with you, use a passcode instead of facial recognition or Touch ID, and be aware that your phone can be seized by authorities.
- Know your rights and know your risks. If you are concerned about being identified or retaliated against for holding certain views, consider using a pseudonym when signing petitions, and review your digital hygiene practices and privacy settings

More Resources Around Safety and Your Rights:

- AIUSA Know Your Rights: How to Stay Safe Around ICE[1445]
- National Immigration Law Center's Know Your Rights: Immigrants' Participation in Protests[1446]
- ACLU Know Your Rights[1447]

ACLU Resources on Students' Rights:

- ACLU Know Your Rights: Students' Rights[1448]
- ACLU Know Your Rights: Students' Free Speech on Campus – Graphics[1449]

Your Right to Learn and Express Viewpoints

Freedom of expression protects our right to read, learn, and share ideas free from viewpoint-based censorship, including in curricular and extracurricular settings. No government actor should be able to suppress that right by banning books, restricting classroom learning, and prohibiting discussions, debates, and student activities and clubs solely because of viewpoints, including those related to diversity, equity, and inclusion. Moreover, on college and university campuses, the First Amendment's protection of academic freedom extends to protect professors' speech, research, and publications.

More Resources Around Your Right to Learn:

- ACLU Right to Learn Campaign[1450]

ACLU Letter to College and University General Counsels on ICE Investigations and Enforcement Actions

The ACLU shared an open letter to general counsels at colleges and universities across the nation outlining their responsibilities and rights when dealing with Immigration and Customs Enforcement (ICE) investigations and enforcement actions.

Amid the growing retaliatory crackdown against noncitizen students for their First Amendment-protected speech and advocacy, the open letter explains that colleges and universities are not violating the law by providing housing or services to noncitizen students, including students whose visas have been revoked by the government. It further advises institutions that they are legally able to refuse to comply with warrantless searches of nonpublic areas, like dorm rooms, by ICE agents.

The letter also outlines a legal framework for responding to administrative subpoenas from ICE. In consultation with legal counsel, universities generally maintain the right to not respond to administrative subpoenas unless and until ICE obtains an enforcement order from a judge. Universities also have the right to publicize the subpoenas or alert students if their information has been targeted by an ICE subpoena.

You can read and download the full letter here to share with your campus administration.[1451]

ACLU Guidance for States, Schools, and Universities on Privacy Obligations

The Trump administration has made various efforts focused on students, families, and educational institutions. Those efforts have included requests for student records by Immigration and Customs Enforcement (ICE), the U.S. Department of Education (USED), and Congressional committees; data sharing with ICE by campus law enforcement; and efforts by USED to use student privacy law to displace state and local policies protecting transgender students. Those efforts to obtain student records raise concerns that they conflict with schools' obligations under existing student privacy laws, especially the federal Family

Educational Rights and Privacy Act (FERPA).

The ACLU has drafted guidance outlining educational institutions' responsibilities under FERPA and how FERPA may apply to various administration and congressional efforts.

You can read and download the full guidance here.[1452]

ACLU Guidance for Colleges and Universities to Resist Federal Pressure to Surveil or Punish International Students and Faculty

The ACLU has drafted a letter to U.S. college and university presidents urging them to reject any federal pressure to surveil or punish international students and faculty based on constitutionally protected speech. The White House is attempting to pressure university officials to target immigrant and international students, faculty, and staff, including holders of non-immigrant visas and lawful permanent residents or others on a path to U.S. citizenship, for exercising their First Amendment rights.

This letter was prompted by two executive orders — Executive Order 14161, titled, "Protecting the United States from Foreign Terrorists and other National Security and Public Safety Threats," signed on January 20, 2025, and Executive Order 14188, titled, "Additional Measures to Combat Anti-Semitism," signed on January 29, 2025 — and related communications from the White House. The letter shares a legal framework for considering these executive orders and outlines four key principles universities should adhere to when addressing campus speech.

You can read and download the full letter here to share with your campus administration.[1453]

Appendix II: Campus Resolution Toolkit

Across the country, students are speaking out on urgent human rights issues, including war, refugee and migrant rights, trans rights, racial justice, and reproductive rights.

At the same time, the Trump administration is cutting or threatening to cut college and university funding if schools do not capitulate to the administration's demands about multiple facets of college and university life. The Trump administration has tried to dictate what colleges and universities can teach; undermined efforts to create inclusive environments for LGBTQ+ youth; attempted to ban programs to promote racial justice, equity, inclusion, and belonging; and sought to limit what speech colleges and universities allow from students.

As detailed in this report, some colleges have curtailed freedom of expression and peaceful protest, suspended or expelled students, censored speech, and canceled events. Others have ended programs focused on promoting diversity, equity, and inclusion; rescinded policies that support LGBTQ+ students; or limited student participation in extracurricular activities. Our rights are under attack. Our school leaders need to hear from us.

No one should be punished for peaceful protest; no one should be threatened for exercising free speech; and no one should be deported for speaking out for human rights. All students should feel like they belong on their campus and are free to be themselves without being harassed or singled out. Our schools must fight to protect our rights – and refuse to collaborate in the government's attacks on our campuses.

Your voice matters, and you matter.

The American Civil Liberties Union (ACLU) and Amnesty International USA (AIUSA) have teamed up to help students defend their campuses from the Trump administration. Together, we are working to create a "firewall" for students against these attacks on our rights. We are working with students across the country to introduce and pass campus resolutions that call on their campus administrations to defend the rights of students and refuse to voluntarily collaborate with the Trump administration's attacks on free speech, academic freedom, and inclusive learning environments.

Our campus resolutions toolkit includes a model resolution, organizing guidance, and resources to help students mobilize quickly to hit the ground running in the fall semester.[1454] The ACLU has also issued guidance to universities outlining what legal demands they do and don't have to comply with.[1455] This toolkit, combined with support from AIUSA and ACLU, provides you with tools and resources to advance a resolution on your campus.

Firewall for Freedom Resolutions

What Is a Firewall for Freedom Resolution?

A resolution is a motion adopted by an official body, such as a student council, and is a formal expression of an opinion. A Firewall for Freedom resolution is a declaration of support for students, faculty, and staff who are under attack by the Trump administration for exercising their rights to freedom of expression, association, and assembly, passed through your student council or student government.

Right now, the White House and federal agencies are engaged in a brazen attempt to intimidate schools into compromising on free speech and academic freedom and into abandoning their lawful efforts to create inclusive learning environments. But in higher education, academic freedom protects schools from government interference in decisions about what professors teach, including with regard to racial justice, equity, inclusion, and belonging. Schools should continue to support students by maintaining a safe and equitable learning environment for all students.

The resolution calls on schools to establish a firewall for freedom. Establishing a firewall means that schools will not voluntarily share their resources — including their staff's time or the data they collect on students and faculty — with federal law enforcement who are seeking to violate our human rights or target members of our school communities based on their exercise of human rights.

There is a draft resolution in this Appendix.

Why You Should Pass a Resolution on Campus

- To show support for students, faculty, and staff who are being targeted or punished for the lawful exercise of their right to freedom of expression, including the right to protest.
- To protect all of our rights to peaceful expression of our beliefs.
- To show that your student body supports the rights of all people regardless of immigration status, country of origin, refugee status, race, ethnicity, sex, gender identity, sexual orientation, disability, or religious affiliation to live with dignity, safety, and full enjoyment of their human rights without discrimination, including the rights to life, freedom, education, and security.
- To provide accurate information about civil liberties and human rights, including the rights to freedom of expression, association, and assembly.
- To pressure your campus officials to take concrete action to protect the rights of all students, including the rights to free speech and assembly, and to not proactively work with government agencies to infringe on these rights or to target students, no matter their immigration status.

Steps to Passing a Resolution

1. **Find out how your student government works.**
    - Who sits on the student government body? Are there both student and staff roles?
    - What is the process for submitting a resolution? Can you submit a resolution as a student? If not, what is the alternative?
    - Is there a certain time of the school year when resolutions can be submitted? What is the timeline for your student government ending business this year?
    - How long might the resolution process take? And can you speed that up?
2. **Identify allies and others who can help you pass this resolution.**
    - Think about any individual students or other student organizations who might care about this issue and want to help. Consider bringing in faculty who teach ethnic studies, law, international relations, or public policy, as well as representatives from local civil rights organizations, legal clinics, and alumni networks.
    - Reach out individually to those likely to support your goal and ask if they would be willing to join you.
    - Ask them to join the sign on letter or sign the petition (see below) and ask if they can help get other signatures.
    - When asking people for their support, consider what resources or relationships they or their group have that could help you publicize the resolution or gain more supporters.

- You might also consider how enthusiastic they seem. If they agree to support you but don't seem too excited, you might want to start by asking them to do something small, like post on social media or sign onto a joint letter announcing the resolution.
- In addition to allies, identify likely opposition to this resolution. Consider what your school leadership has said or done related to speech and protest (and other student rights) in the past year, as well as other groups that might oppose your efforts.

3. **Find a student government member who is likely to support the resolution.**
   - Approach them and be ready to make your case. Why is this resolution important to you? Why should they support it? Ask if they will support your resolution within student government.
   - Before your meeting, brainstorm answers to possible questions that they might ask before deciding whether or not to support.
   - Depending on how your school government works, you may ask them to introduce the resolution at an upcoming student government meeting.
   - Ask whether they know of other student leaders who would also be likely to support the resolution and approach them, too, to build as much support as possible.
4. **Rally your campus! Amplify your message and build support.**
   - Collect signatures from students to support the resolution (draft petition below). Set a goal and aim for a number that shows broad student backing — like 25% of the student body.
   - Consider producing a letter signed by various student organizations supporting the resolution (sample sign-on letter below). A broad coalition will show the power of the student body.
   - Use your networks: Ask your faculty advisor or other professors and staff for ways to speak in classrooms, make presentations, or lead discussions.
   - Make your case in campus media: Pitch a column or letter to the editor explaining why your resolution matters and should be adopted (sample letter to the editor below). Here are some tips for writing a letter to the editor.[1456]
   - Organize a teach-in, storytelling circle, or vigil to engage people emotionally and intellectually. You can also host a demonstration or protest about this issue to show support.
   - Build a strong social media presence, and ask partner groups and individuals to amplify your message.
5. **Attend any public student government meetings about the resolution.**
   - Mobilize large groups to attend in order to demonstrate broad support for the resolution.
   - Have spokespersons from your group ready to speak on behalf of the resolution.
   - Take pictures! Tweet and tag @amnestyusa @ACLU using #FirewallForFreedom and #HumanRightsCampus, and be sure to send pictures and updates to firewall@aiusa.org.
6. **Celebrate!**
   - Share your pictures! Use the Hashtag #FireWallForFreedom and #HumanRightsCampus and tag @amnestyusa @ACLU on all social media platforms. This helps other students see your victory!
   - Send "thank you" notes to everyone who supported the resolution.
   - Write a letter to the editor of your local paper or university newspaper.

How to Get Support

Staff at ACLU and AIUSA are available to support in planning and carrying out your resolution campaign, and can ensure you're familiar with your legal, constitutional rights along the way.

- Let us know what's happening on your campus, especially if you're seeing your campus leadership acting in cooperation with unlawful actions by the Trump administration. This helps us keep an eye on trends and actions nationwide, and we can follow up with you if you need specific support. Fill out the form here.[1457]
- When you kick off your resolution work, let us know by emailing firewall@aiusa.org and we'll add you to a WhatsApp group with other students working on resolutions. You can share ideas, ask for feedback, and collaborate.
- Review the Know Your Rights resources in this Appendix, including those for immigrants.

Draft Resolution

A resolution calling for a firewall for freedom to protect against the federal government's attacks on our constitutional, civil, and human rights.

The [University Student Senate] Enacts:

WHEREAS, [University/College Name] prides itself on being a campus that supports the civil and human rights of all members of our community, including students, staff, and faculty;

WHEREAS, the ability to criticize our government, its policies, and even its foundational philosophies is critical to the exercise of all our civil and human rights — and is protected against government interference by the First Amendment;

WHEREAS, the White House is pressuring university officials to assist it in targeting students, faculty, and staff who are not U.S. citizens, including holders of non-immigrant visas and lawful permanent residents, as punishment for the lawful exercise of their right to freedom of expression under the Constitution and international law;

WHEREAS, across the country, students are increasingly afraid of being accosted and taken from their communities by federal law enforcement agents, including those who conceal their identity and refuse to provide basic information, and who abuse immigration laws to target students for what they believe and who they are;

WHEREAS, protected political speech and association alone — no matter how offensive to members of the campus community — should never be the basis for discipline, nor should it lead to an individual's arrest, detention or deportation;

WHEREAS, the White House and federal agencies are threatening to deprive universities across the country of federal grant money and other sources of support, in order to gain their cooperation and capitulation in efforts to punish dissent; attack noncitizens, students of color, and LGBTQ+ youth; and dictate educational programs;

WHEREAS, this includes brazen attempts to intimidate schools into abandoning lawful efforts to create inclusive learning environments;

WHEREAS, schools are obligated under federal law to protect students from discrimination, harassment, threats, and violence;

WHEREAS, schools are also obligated under federal law to ensure the integrity and confidentiality of student records, including against unwarranted disclosure to the government or private parties;

BE IT RESOLVED, the student body of [university/college] declares its support for the protection of civil and human rights of all members of our campus community and calls upon the [university/college] president to take all possible measures to ensure that our campus is a safe space, where students may exercise their rights without fear or intimidation;

BE IT FURTHER RESOLVED, the student body encourages the [University/College] President and Board of Trustees to resist White House and federal agency demands that undermine academic freedom and our civil and human rights in exchange for an illusory promise of continued federal grantmaking;

BE IT RESOLVED, the student body of [university/college] calls on the [university/college] President to employ their authority to establish a firewall for freedom, prohibiting employees of the [university/college] from voluntarily providing information or assistance in response to a request from federal authorities or out-of-state authorities that seeks:

a. to identify or impose civil or criminal liability or other penalties, including termination or reduction of grant funding, upon a person or entity based on their participation in activities protected by the First Amendment of the U.S. Constitution, including assembly, petitioning, expression of viewpoints, and speech;

b. to identify or apprehend a person in order to subject them to immigration detention, removal, or deportation proceedings; or to prosecute a person or persons for offenses related to immigration status based on their participation in activities protected by the First Amendment of the U.S. Constitution, including assembly, petitioning, expression of viewpoints, and speech; and

c. to investigate the sex or gender of a student, faculty, or staff member.

Talking Points on Resolution

- Right now, the Trump administration is pressuring colleges and universities to crack down on students, faculty, and staff for speaking their minds about issues impacting people of color, religious minorities, LGBTQ+, and immigrant communities. But that's not how free speech works.
- We all have a right to read, teach, discuss, and learn. Period. Censoring academic work by and about people of color, religious minorities, and LGBTQ+ people because the government doesn't like the messages and viewpoints expressed is discriminatory and clearly violates our free speech rights.
- Students, faculty, and staff do not give up their rights by entering colleges or universities. Students also have rights under U.S. federal law to keep certain information private and not to have that information revealed without their consent.
- While new executive orders and statements from the White House are pushing schools to monitor and report noncitizen students for their political views, universities and colleges have a responsibility to defend their students, faculty, and staff who are under attack.
- Antisemitism, Islamophobia, and targeting individuals and communities for their religion, ethnicity, or nationality are all forms of hatred and must be condemned.
- Universities should be places where individuals can lean into their passions, share ideas, and discover themselves, not where students and faculty fear surveillance or punishment for being themselves. By passing a Firewall For Freedom resolution, university leaders can remain firm in their commitment to free speech, open debate, and peaceful dissent on campus.
- Amid the slew of attacks on LGBTQ +rights, universities and colleges should continue to support students by maintaining a safe and equitable learning environment for LGBTQ+ youth and other students.
- More than ever, it is imperative to create frameworks that can truly protect the civil rights of communities on campus, their personal data, and their overall safety.

Sample Petition / Sign-on Letter

All people have the right to say what they think, share information, and demand a better world. No one should be punished for peaceful protest; no one should be threatened for exercising free speech; and no one should be deported for speaking out for human rights. All students should feel like they belong on their campus, are free to be themselves without being harassed or singled out, and can participate in the extracurriculars of their choice. The leadership of [INSERT SCHOOL NAME] must fight to protect our rights — and refuse to collaborate in attacks on our human rights.

We, the undersigned, call on our leaders to establish a firewall for freedom. We support the resolution calling on school leadership to not voluntarily share their resources — including their personnel and our data — with federal law enforcement seeking to violate our human rights or target members of our school community based on their exercise of human rights.

Sample Letter to the Editor of Your Campus Paper

Note: Personalize your letter as much as possible. Here are some tips for writing a letter to the editor.[1458]

The Trump administration is attacking universities across the country, trying to dictate what they can teach, attempting to ban programs that promote equity, and trying to limit protest and free speech. Federal agencies are demanding access to student data, scrutinizing syllabi, and threatening to withhold money to campuses that don't cooperate <speak to example from your campus if applicable>.

What's worse, we've seen university leaders who have chosen compliance over courage: shutting down programs, limiting free speech and protest, not protecting students. This must not happen at <University Name>.

That's why our student government must pass the Firewall for Freedom Resolution, which urges <campus President NAME> and university leadership to protect our rights — and refuse to collaborate in attacks on our human rights.

We can either be a university that caves under political pressure and betrays its principles, or one that stands firm in protecting its students and defending academic freedom, free speech, and all our rights.

Sample Video Script for Social Media

The Trump administration is attacking our rights as students to speech, protest, and an inclusive education — and [university name] is not immune. One of the most important ways we can fight back is by passing a campus resolution demanding our school administrators refuse to coordinate with the federal government's crackdown on our rights.

As the [role] of [name of student organization], and as a student concerned with universities across the country capitulating to Trump's demands, I hope you join me in keeping [university name] a place where academic freedom thrives by signing our petition urging student government to pass this resolution.

Together, we have the power to pass a resolution and send a strong message to our school officials: We demand they protect their students.

Appendix III: University Responses

BARNARD
BARNARD COLLEGE • COLUMBIA UNIVERSITY

Office of Inclusion & Belonging

3009 BROADWAY
NEW YORK, NY 10027
barnard.edu/inclusion-belonging

September 18, 2026

Dear [redacted]

Thank you for providing Barnard College with an opportunity to respond to and clarify aspects of the ACLU and AIUSA's upcoming report.

By way of introduction, Barnard College is the premier women's college in the world, located in the heart of New York City. We are a proudly independent college with a unique partnership with Columbia University that allows members of our community to share certain resources, including classes, libraries, and dining halls. However, Barnard is a separate entity, with our own President, Board of Trustees, and campus. That distinction is particularly important because the encampments referenced in your letter took place on Columbia's campus, not Barnard's. Hamilton Hall, which your letter also references, is also on Columbia's campus, not Barnard's. Barnard was also not a party to Columbia's 2025 settlement with the federal government.

Academic excellence is at the core of Barnard's mission, and students come to Barnard from all over the world to take classes and conduct research alongside world-class faculty. As a place of learning, we have an obligation to protect that academic mission by making sure students are able to attend classes, faculty are able to teach, buildings remain accessible, and that our campus is safe and welcoming to every member of our community.

That commitment to academic excellence also guides how we approach expression on campus. In 2024, Barnard adopted institutional neutrality as a community expectation. The Barnard Board of Trustees reaffirmed this commitment and adopted a formal institutional neutrality policy at their most recent board meeting in June, 2026. The policy makes clear that the College does not take positions on issues that do not directly affect our educational mission, while individuals and groups of individuals remain free to speak for themselves. Our adherence to institutional neutrality is rooted in the principles set forth in the University of Chicago's Kalven Report and Barnard's long-standing commitments to free speech, open inquiry, and academic freedom. The policy does not restrict individuals or groups of individuals from making statements, as long as they are not speaking in the name of, or on behalf of, the College and cannot reasonably be perceived as doing so. In fact, the College encourages individuals to speak freely in accordance with our adoption of the Chicago Principles of Freedom of Expression.

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Additionally, Barnard allows for peaceful demonstrations on campus even as we factor in the realities of having just a four-acre campus in the middle of bustling Manhattan. On a campus of our size, with limited pathways and means of entry, it is critical that we are thoughtful about preserving access to all our buildings and making sure that classes and other activities that are part of the daily ecosystem and life of the College can proceed. Barnard's demonstration policy therefore allows community members to demonstrate on campus -- regardless of their point of view -- so long as they follow content-neutral time, place, and manner rules designed to ensure that demonstrations are conducted safely and do not interfere with the rights of others to speak, study, teach, learn, work, and live on our small campus.

As with all activity on our campus, Barnard's policies prohibiting discrimination and harassment continue to apply. Our commitment to learning and student growth is reflected in our conduct process, which is designed to make room for students to reflect, learn, and grow. Additionally, our commitment to freedom of expression and inquiry means we must protect the classroom and the importance of not shutting down a class because a small set of individuals want to impose their own views and will over a class in which they are not enrolled.

While federal law precludes us from sharing the details of individual student disciplinary matters, expulsion is a rare and extraordinary outcome reserved for the most serious circumstances. In considering all conduct matters, Barnard engages in an individualized analysis that factors in the nature and severity of the conduct at issue[1], a student's prior conduct history, whether there is a pattern of repeated violations, and whether the student is willing to take accountability and follow College policies going forward. Students who are found responsible for any violation may appeal the decision.

We have worked intentionally and deliberately to make our process clearer, more educational, and more responsive to our community. Following 15 months of consultation with students, faculty, and staff, the tripartite Student Conduct Committee helped develop a new, unified student conduct pilot that created a Peer Educator program and, for cases potentially involving separation from the College established a Student Conduct Board made up of students, faculty and staff, and requires a four-fifths majority for decisions that would result in permanent separation from Barnard.

That pilot program is still in effect. Conduct violations are a rarity at Barnard, but when issues do arise, we approach the process in a way that demonstrates care for our students. Since launching the pilot, there has not been a single conduct matter causing the Student Conduct Board to convene. In the rare event that students are temporarily restricted from campus or required to leave College housing, we will always work directly with them on arrangements to retrieve their belongings, including offering flexibility and providing additional time when needed.

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[1] Barnard's approach to conduct matters is careful and fact-specific. While your letter suggests that Barnard's response to the "History of Modern Israel" disruption was "more punitive" than its response to other (unspecified) incidents, we are not aware of any comparable incident in which Barnard students intentionally targeted and shut down an academic class. We invite Amnesty and/or the ACLU to share any such example with Barnard so we may have an opportunity to respond, if you are aware of any.

We strive to support all members of our community and share both of your organizations' concerns about doxxing and coordinated online attacks targeting individual students or faculty members. If community members report being doxxed, we provide support, including anti-doxxing resources and information for requesting the removal of personal information from websites. We also remove identifying personal information from the College's website as appropriate and continue to publicly condemn the doxxing trucks that have intermittently appeared around the perimeter of our campus.

We regularly meet with stakeholders across our community, and as our campus evolves, their feedback helps shape certain operational decisions. For example, while Barnard is legally required to comply with lawful information requests from government agencies, we understand the concerns about how the EEOC conducted its outreach to members of our community and have since updated our internal procedures to make sure employees are notified when the College receives requests that require us to provide employee information.

At Barnard, we teach our students to engage across differences, explore new ways of thinking, and embrace the nuance that is so fundamental to the Barnard experience.

We are proud of our commitment to supporting community members and making our campus welcoming to people across differences, and we appreciate the opportunity to respond to your letter prior to the publication of your report.

Please let us know if you have any further questions.

Best,

Dr. Akilah Rosado
Interim Dean of the College and
Vice President of Inclusion and Belonging

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Steven W. McLaughlin
PRESIDENT

The Cooper Union
for the Advancement
of Science and Art

7 East 7th Street
New York, NY 10003

T 212.353.4240
steven.mclaughlin@cooper.edu

September 11, 2026

Dear [redacted]

We appreciate the opportunity to provide both context and clarification regarding the forthcoming report from AIUSA and ACLU.

Most notably, The Cooper Union is committed to its work as an institution where all feel welcome, safe, and included; where free expression and academic freedom are indisputable; and where there is zero tolerance for any form of discrimination or harassment.

As part of the resolution of all claims in the case of *Gartenberg et al. v. The Cooper Union* (case filed in April 2024; settled in Dec. 2025), Cooper Union reaffirmed its commitment to academic freedom and open expression by maintaining that the college would **not adopt** a single definition of antisemitism. Therefore, we must correct your assertion: We **are not implementing** the IHRA definition of antisemitism. Rather, as we work in accordance with applicable guidance from the Department of Education's Office of Civil Rights, IHRA's working definition of antisemitism is a resource when evaluating complaints of antisemitic discrimination under Title VI of the Civil Rights Act of 1964.

Furthermore, as required by New York State law, we have installed a new Title VI Coordinator position; enhanced existing campus policies to further protect student safety, safeguard students' rights, and ensure that complaints of discrimination and harassment by all protected groups are addressed with equal care, consistency, and urgency; and will be conducting annual Title VI training for all community members.

In no way have we limited the ability for members of our community to engage in peaceful assembly on our campus. Rather, Cooper Union recognizes that peaceful protest and demonstration are longstanding and important forms of expression and civic engagement that contribute to the exchange of ideas that is central to the College's educational mission. We refined our policy on this matter to establish reasonable, content-neutral guidelines and expectations for protest and demonstration activity to support community members in expressing their views, engaging peacefully, and participating in robust dialogue while upholding the standards of the shared campus community.

Based on the above, I respectfully call upon you to reevaluate your assessment regarding our inclusion in your forthcoming report as Cooper Union is not an institution where "repression of freedom of speech/freedom of expression and peaceful assembly" is occurring, nor would it be tolerated.

Sincerely,

Steven W. McLaughlin
President

Cornell University

[redacted],

I apologize for the delay in responding. Here is our official statement in response to your request to include in your report.

Cornell University remains deeply committed to helping international students continue making academic progress when they encounter visa or travel-related challenges.

Cornell's approach to graduate student funding is longstanding, and there has been no change in, or deviation from, university policy. Doctoral students conducting required fieldwork abroad are routinely funded for the duration of that work, often through university or external fellowships. Students outside the United States for personal, legal, or visa-related reasons may also receive fellowship support when such funding is available. However, Cornell is not permitted to extend assistantship appointments to students residing outside the United States. Inclusion in your report implies this is a discretionary decision, which it is not.

Because of student privacy obligations, Cornell will not discuss the personal circumstances or educational records of individual students.

Please let me know if you have any questions.

Kyle

_____

Kyle Kimball
[redacted]

OFFICE OF THE PRESIDENT
1 EAST JACKSON BOULEVARD | CHICAGO, ILLINOIS 60604-2287 | 312/362-8890

DEPAUL UNIVERSITY

Sept. 11, 2026

Dear [redacted] and [redacted],

Thank you for the opportunity to weigh in ahead of your report. DePaul University is committed to freedom of speech by fostering an environment where knowledge flourishes through inquiry, open dialogue, and mutual respect. As a Catholic and Vincentian institution, we are also devoted to uplifting the dignity of every person. It is central to our mission and our daily work in teaching and learning together.

Regarding the suspension of the Students for Justice in Palestine chapter, I would like to provide additional context. As an academic and mission-based institution, DePaul is invested in the safety and wellbeing of our students. All students and student groups agree to abide by the standards instituted by the university. The Code of Student Responsibility is central to ensuring that all students at DePaul understand their rights and responsibilities.

SJP was found in violation of various policies in recent years. As a result, the student organization was restricted from engaging in any activities in May 2025 and currently remains suspended.

We are clear and open in our communications about our policies and practices.

In my recent welcome message to the university community, I reshared DePaul's Guiding Principles for Speech and Free Expression, which reaffirms free and open expression as essential to intellectual inquiry. I also shared our Demonstration Guidelines, which support the right of members of our community to engage in civil discourse on campus. I have also reaffirmed my commitment to uphold our faculty's rights to academic freedom, as has our new provost, Russ Ivy.

In a time of deep division, we must ensure every student can fully engage in the life of the university without fear for their wellbeing. As a community, we are dedicated to providing all our students with a safe learning environment, while also protecting individuals' rights to free speech and self-expression. At its core, the purpose of higher education is to prepare students to become thoughtful, engaged members of society who are ready to address the most pressing questions of our time.

To be sure, protest and dissent are alive and well in Chicago. There have been more than a dozen protests and demonstrations held on or near campus on public property since fall of 2024. Most peaceful protests by students, faculty, staff and community members have taken place on the ample city streets and sidewalks that weave through our campus.

Our goal is to elevate these conversations from chants in the street to dialogues in our classrooms and gathering spaces. We have launched a Dialogue Collaborative on campus, guiding hundreds of members of the community to listen generously and create space for perspectives and experiences that are different from their own. Faculty members are central to this work and have brought forward difficult discussions across politics, religion and more.

Thank you for your work in elevating these important issues. I hope this provides a more nuanced view of freedom of speech and demonstrations on our campus.

Sincerely,

Robert L. Manuel, Ph.D.
President
DePaul University

HARVARD UNIVERSITY

Office of the President
(617) 495-1502

Massachusetts Hall
Cambridge, Massachusetts 02138

September 16, 2026

Dear [redacted] and [redacted]:

We appreciate the opportunity to respond to AIUSA and the ACLU's forthcoming report, which we understand to be based on publicly available information.

Harvard is committed to fostering an environment that protects and promotes free speech, including the right to engage in protest and dissent. These commitments are set forth in the University-Wide Statement on Rights and Responsibilities. Harvard also condemns discrimination, bias, and hate and is committed to ensuring that all members of the Harvard community can learn and participate fully in campus life free from harassment. In the wake of October 7, 2023, Harvard—like many universities across the country—confronted significant challenges.

In the nearly three years since October 7, Harvard has engaged in sustained, institution-wide efforts to identify and address discrimination, bias, and hate on campus, including:

- In October 2023, Harvard issued comprehensive guidance on doxxing, online harassment, and personal online security, including resources available to community members experiencing these issues. The University also developed and distributed a guide—Protecting Against Online Abuse and Harassment—to help community members recognize and report online harassment. Harvard clarified a year later that doxxing, as defined and described in the clarifying guidance, violates the University-Wide Statement on Rights and Responsibilities' prohibition against "intense personal harassment" and constitutes "bullying" under the University's Non-Discrimination and Anti-Bullying policies.
- In January 2024, President Garber announced the creation of a Presidential Task Force devoted to combating Islamophobia, anti-Arab, and anti-Palestinian bias. The Task Force was charged with examining recent history and current manifestations of bias, identifying the root cause and contributing factors, evaluating evidence regarding the characteristics and frequency of these behaviors, and recommending approaches to combat bias and mitigate its impact on campus. The Task Force issued a more than 200-page report, including recommendations, which the University and its Schools have since been focused on implementing. We would encourage you to review the University's Task Force website, which contains a comprehensive description of the many efforts already implemented and is updated regularly.

- In January 2024, Harvard issued new "Guidance on Protest and Dissent," which set forth content-neutral time, place, and manner restrictions on demonstrations. The guidance made plain that demonstrations may not take place in locations where they would interfere with the normal activities of the University, including classrooms, libraries, dormitories, dining halls, and offices. It also stated that protesters may not prevent invited speakers from speaking or audience members from hearing them. The guidance identified outdoor spaces and properly reserved venues as locations where demonstrations may generally occur, subject to University policies and procedures.
- In July 2024, President Garber announced that Harvard would standardize fact-finding procedures for disciplinary cases following concerns about inconsistent processes across schools. The new framework established an 11-step investigation process, including the use of an independent investigator. In April 2025, President Garber announced that the Committee would also be empowered to impose discipline in cross-school cases.
- In August 2024, Harvard announced updates to the University's Campus Use Rules to clarify and reiterate content- and viewpoint-neutral expectations for appropriate use of campus space and community safety. The updated rules ban unapproved tents, overnight camping, and amplified sound without prior approval; require pre-approval of requests to use spaces; prohibit tampering with approved exhibits or displays; and authorize the removal of unapproved exhibits or displays. The Campus Use Rules also require that all Harvard affiliates present a valid HUID when requested by a University official.
- In November 2024, Harvard issued specific guidance on how protest rules apply in libraries, clarifying that even silent demonstrations violate policy because they interfere with a library's function as a place of study and research. The guidance document further describes potential consequences for policy violations, including two-week revocations of library access, and expressly states that identification checks are conducted based on participation in a demonstration rather than the viewpoints expressed.

The University has also taken significant actions to strengthen academic excellence and civil discourse, including:

- Many of Harvard's Schools have revised their admissions processes to ensure that appropriate value is placed on candidates' demonstrated abilities to engage constructively with different perspectives, show empathy, and participate in civil discourse.
- Schools have also added orientation programming related to values, inclusion, civil discourse, and constructive dialogue skills.
- Most Schools have adopted the Chatham House Rule, which provides that information shared during class cannot be attributed to any one person or organization outside the

classroom. The Rule seeks to encourage constructive dialogue and the airing of diverse views in the classroom, without pressure to conform to a particular stance.

- Many of the Schools have updated their course evaluation processes to ensure evaluations appropriately elicit feedback from students on an instructor's ability to encourage competing viewpoints and create a classroom environment broadly conducive to learning.
- The Derek Bok Center for Teaching and Learning launched a faculty lunch series on "Civil Discourse and Teaching," open to all Faculty of Arts and Sciences faculty in fall 2025. The series opened in November 2025, with a session on "Competing Viewpoints, Contested Facts." It continued in 2026 with a discussion on "Norm-Setting for Rich Classroom Conversations." Its most recent event, "Training TFs [Teaching Fellows] for Successful Sections," was held in February 2026. As part of its inaugural Fall Teaching Week, the Bok Center also launched Pedagogy-in-Practice, a mandatory training for new TFs/TAs, where, among other skills, new FAS instructors learned how to ensure the classroom is a place to explore different and competing views on complex questions. The Bok Center's Fall Teaching Week included a range of new sessions such as Teaching Controversial Topics, Navigating Teaching Team Dynamics, and Inclusive Teaching (with an emphasis on Non-Discrimination and Anti-Bullying), among others.

These efforts have been recognized by independent organizations. For example, in its 2026 College Free Speech Rankings, the Foundation for Individual Rights and Expression (FIRE) ranked Harvard significantly higher than in prior years based in large part on student surveys reflecting students' increased confidence that university leaders would protect their speech rights.[1] In fact, FIRE's chief researcher stated that "since [President Garber] has taken over the leadership, the stance and the climate, the way they've approached free speech has shifted in a positive direction." As described in a recent *Boston Globe* article, "Harvard leaders have told students to stiffen their spines and expect to encounter viewpoints that discomfort or even offend them. They have nudged teaching fellows and professors to keep their personal politics out of the classroom. And they have sought to foster campus events that help students bridge ideological and cultural divides." The result, according to Harvard community members, "is significantly less tension and fear over speech controversies as students regained the muscle memory to engage in difficult discussions and debate."

While we do not attempt to address every assertion in your letter, we write below to correct several significant factual inaccuracies that we believe warrant attention.

I. <u>Protests</u>

Turning first to your statements about discipline for students involved in the occupation of University Hall and the encampment, your letter indicates that "[n]early all of the 58 students

[1] https://www.bostonglobe.com/2026/09/13/metro/harvard-northeastern-different-approaches-speech-with-different-results

placed on probation at the university in the [2023-2024] academic year were connected to [the protests at University Hall and the encampment].” This is incorrect. Not all 58 of the students identified in the College Ad Board Report as having been put on probation during the 2023-2024 academic year received probation because of their involvement in the occupation of University Hall or the encampment. In all instances described in your letter where students were disciplined based on protest activity, Harvard applied its policies and rules in a content-neutral manner.

Your letter cites a number of “prior activist campaigns” and suggests that Harvard’s handling of the encampment differed significantly. However, the most recent of the comparator protests your letter cites occurred approximately eight years before the encampment, and others are from decades ago. Regardless of how those earlier events were handled, in this case, the University applied its content-neutral time, place, and manner policies to the encampment. We are not aware of a comparable protest in the same period that received different treatment. Moreover, Harvard made community members involved in the encampment aware of these rules and issued several warnings before imposing discipline.[2] Ultimately, the encampment ended peacefully after 20 days, avoiding escalation, violence, and arrests.

II. Library Demonstrations

Your letter also cites a September 2024 protest in the Loker Reading Room of the Widener Library and an October 2024 faculty protest, which featured materials on free speech and dissent, seemingly as examples of how Harvard punished pro-Palestine activity, including by suspending participants’ library access. As noted above, in January 2024, Harvard issued new “Guidance on Protest and Dissent,” which clarified that demonstrations may not take place in locations where they would interfere with the normal activities of the University, including in libraries. When the demonstrators at the September 2024 Widener event entered the library, staff provided them with a handout reminding them of this prohibition and that they must comply with instructions from staff as required by the Harvard Library Patron Agreement. The group organizing the protest also received a warning prior to the event that the planned activity, as described, “is a violation of Harvard’s policies and participants may be subject to follow-up as appropriate.”[3] The University’s decision to suspend library privileges following these demonstrations was a neutral application of time, place, and manner restrictions that were clearly and repeatedly communicated to community members in advance of their activity.

III. HLS Event

With respect to the “Valentines for Palestine” event at the law school, your letter does not indicate that any HLS administrators were aware of the Women’s Law Association event held a week prior, nor does it mention that Justice for Palestine was offered the option of holding “Valentines for Palestine” at a different venue, including at a table or in a classroom, even though

[2] https://www.thecrimson.com/article/2024/5/10/harvard-palestine-encampment-involuntary-leave/
[3] https://www.thecrimson.com/article/2024/9/23/widener-library-harvard-palestine-protest/

the deadline for registering the event had passed. As your letter acknowledges, following this event, HLS emailed other student organizations to reiterate expectations for events.

IV. Palestine Solidarity Committee

With respect to the portions of your letter relating to the Palestine Solidarity Committee (PSC) and the disciplinary sanctions it faced, it is important to note that PSC was disciplined on content- and viewpoint-neutral grounds, consistent with the same policies and procedures that apply to all Harvard student organizations.

In August 2023, Harvard issued an updated Student Organization Resource Manual. The manual provides clear rules and expectations for how all student organizations must operate. These expectations include requirements for reserving and using campus spaces, requirements for organizing events, and restrictions on event collaborations. When the Harvard College Dean of Students Office receives a report that a student organization has violated any of these requirements, it follows the process laid out in the Student Organization Resource Manual, which also specifies the range of potential consequences for student groups, including warning, probation, suspension, and disbandment.

The decision to place PSC on probation was not made on the basis of a single rule violation. Rather, it followed numerous complaints and discussions between the College and PSC, during which the College warned PSC multiple times about the potential consequences of continued rule violations. PSC was subsequently suspended after violating both the terms of its probation letter and the rules set forth in the Student Organization Resource Manual. In each instance, PSC was disciplined according to the same reasonable content- and viewpoint-neutral standards and procedures set forth in the manual, which apply to every recognized student organization. Unlike PSC, the Harvard Dems event mentioned on page four of your letter was not the subject of a complaint to the Dean of Students Office. Your letter does not otherwise provide any examples of student group activities that were the subject of a complaint to the College and were treated differently in terms of discipline or sanctions.

V. IHRA Definition

Your letter also suggests that Harvard has used the IHRA definition of antisemitism, which it incorporated into its Non-Discrimination policies and procedures in January 2025, as a tool to suppress pro-Palestinian speech and activism. This is not the case. To the contrary, publicly available information demonstrates that numerous such events have taken place since that time.[4] While the University does not agree with the framing of the issues in this section of your letter, we focus our attention on straightforward inaccuracies below.

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[4] *See, e.g.*, https://www.jns.org/u.s.-news/harvard-med-school-to-host-series-on-genocide-racism-and-health-in-sudan-and-palestine; https://www.hks.harvard.edu/centers/carr-ryan/our-work/news-announcements/announcing-spring-2026-israelpalestine-event-series; https://cmes.fas.harvard.edu/event/new-approaches-palestinian-history.

- The pray-in cited in your letter occurred nearly *two months before* the University incorporated the IHRA definition into its Non-Discrimination policies.[5] Additionally, while your letter states that the students at issue were "suspended," in fact these students were not suspended from the University; rather, their library privileges were suspended for two weeks. These suspensions of student library privileges were based on the same content- and viewpoint-neutral library use rules described earlier in this letter.
- Administrators withdrew funding and revoked a room reservation for the Adams House Passover Seder after it became clear that the event was being organized and co-sponsored by an unrecognized student group, Harvard Jews for Palestine, in violation of the College's student handbook, which prohibits unrecognized student groups from receiving "access, support, or benefits" from the College and from conducting "any activity at Harvard." The rationale for revoking University support and resources was a content- and viewpoint-neutral application of the University's policies. In any case, as the *Crimson* article notes, the event ultimately took place in a different room that night.[6]

VI. Conclusion

We appreciate the opportunity to correct the record on these points, and we trust that your final report will accurately reflect this response, consistent with your stated intention to do so. Harvard remains deeply committed to creating an environment where every member of our community can learn, teach, and engage in dialogue and dissent free from harassment or discrimination. We are happy to answer any further questions as you finalize your report.

Best regards,

Peggy Newell
Vice President and Deputy to the President

[5] https://www.thecrimson.com/article/2024/11/13/divinity-school-library-pray-ban-suspend/
[6] https://www.thecrimson.com/article/2025/4/14/adams-cancels-liberation-seder/

MIT

Dear [redacted],

I'm responding on President Kornbluth's behalf. Thank you for the opportunity to provide a comment.

The student attended and spoke at MIT's Commencement ceremony, though she submitted a different script than the speech she delivered. As a result of her actions, she was not permitted to attend the following day's undergraduate degree-conferral ceremony. MIT addressed the situation with a statement at the time. You may read the statement here: https://web.mit.edu/statement-events-commencement-2025/.

Regards,

Aaron Weinberger

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Aaron R Weinberger
Chief of Staff
Office of the President, MIT
[redacted]
~~~~

PATRICK DUNKLEY
Vice Provost for Institutional
Equity, Access, and Community

September 16, 2026

[redacted]
Amnesty International USA
311 W. 43rd St, 7th floor
New York, NY 10036
Email: [redacted]

[redacted]
American Civil Liberties Union
125 Broad Street, 18th floor
New York, NY 10004
Email: [redacted]

Dear [redacted] and [redacted]

Thank you so much for giving Stanford the opportunity to respond to the ACLU and Amnesty International report on the university's practices and policies surrounding speech and demonstrations. This response is on behalf of the Stanford University Administration.

I would like to begin by noting that our administration and faculty senate place the highest value on freedom of expression. Since President Levin and Provost Martinez assumed their positions, they spearheaded a new Freedom of Expression website (https://freespeech.stanford.edu) that launched late in the summer of 2024. This website simplified and outlined Stanford's policies and procedures related to speech around the university, and is regularly updated to incorporate any subsequent changes. The faculty has likewise been committed to protect speech. An Ad Hoc Committee on University Speech proposed a new "Statement on Freedom of Expression" (https://docs.google.com/document/d/1GBTIN1XzSbFHJAGlseo3lo7iECugAXpA/edit) that was unanimously adopted by the Faculty Senate in 2024, and also affirmed by the Board of Trustees.

In order to ensure that a focus on speech remained central to our administration, the position of Special Advisor to the Provost on University Speech was created in 2024. Among the tasks of the person in that position, currently occupied by Stanford Law Professor Bernadette Meyler, is to implement the Freedom of Expression Statement in more specific ways throughout all the schools on campus, to ensure that the manner in which policies are administered across campus are sufficiently speech protective, and to address concerns from students, faculty, and staff around campus about how their speech has been treated.

As a way to encourage student involvement in protecting and promulgating freedom of expression, we have recently sponsored a campus freedom of expression design contest to encourage students to come up with proposals for promoting speech on campus and making our guidelines more easily accessible (https://freespeech.stanford.edu/prize). The winner and runner up are designing a speech guide for

students on campus as well as organizing speech-related events and working on a larger project in White Plaza, which has traditionally been the area where even non-campus members can exercise speech rights under *Pruneyard Shopping Center v. Robins*.[1]

One of the guiding principles of our approach to speech is avoiding viewpoint discrimination. As the Statement on Freedom of Expression announces, "Freedom of expression is a fundamental value for the university's knowledge-bearing mission, alongside the inclusion of all viewpoints and the promotion of rigorous and reasoned academic debates." Whenever the implementation of policies on campus has seemed to fall particularly heavily on one group or another, we have examined the causes and acted on those examinations. For example, your letter cites a finding from "Rupture and Repair: A Report by the Stanford Muslim, Arab, and Palestinian Communities Committee." This report was produced by a committee tasked with understanding anti-Muslim bias at Stanford, and a similar committee was simultaneously established to understand antisemitism and anti-Israeli bias (https://news.stanford.edu/stories/2023/11/stanford-announces-next-steps-support-campus-communities). Incidents described in both of the resulting reports were examined and steps were taken to ensure equity going forward.

We have also been aware that confusion surrounding time, place, and manner restrictions could chill protest; as a result, we have outlined protest activities that are protected by California's Leonard Law as well as university policy as clearly as possible on the Freedom of Expression website (https://freespeech.stanford.edu/policies-and-guidance/events-and-spaces). To enhance the opportunities for peaceful assembly we have additionally established more outdoor venues for all kinds of speech-related activities and events (https://freespeech.stanford.edu/policies-and-guidance/events-and-spaces/white-plaza-and-other-designated-outdoor-event-spaces).

Since 2024, we have also simplified many of the guidelines that impact speech in order to minimize the likelihood of disparate enforcement. Hence, recognizing that policies related to banners and flags were not always historically enforced the same way throughout the residences, we changed the policy to allow for individual students to display materials in their own windows.[2] Similarly, we abandoned restrictions on sidewalk chalking that had proven difficult to enforce.[3]

We have focused on faculty and staff speech as well. In particular, we have made clear that faculty members enjoy the full range of academic freedom with respect to political expression if they are speaking in their individual capacities (https://freespeech.stanford.edu/policies-and-guidance/core-policies/political-activities). We also respect the California Labor Code's protection of employee political activity outside of the workplace.[4] That said, for reasons of employee privacy, we cannot comment regarding specific claims made by particular present or former employees.

Finally, student organizations are an important part of student life at Stanford. The university has a robust array of nearly 700 recognized student organizations that includes Stanford Students for Justice in

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[1] 447 U.S. 74 (1980).

[2] https://freespeech.stanford.edu/policies-and-guidance/events-and-spaces/posters-banners-and-chalking ("Residents may display signage, including political signage, inside a window of their unit or on their unit's door. Individual resident doors are the purview of the resident(s) of that room or apartment.").

[3] https://freespeech.stanford.edu/policies-and-guidance/events-and-spaces/posters-banners-and-chalking

[4] CA Labor Code § 1101 and 1102 (2025).

Palestine, Stanford Jewish Voice for Peace, Stanford Students Palestinian Association, and SLS Law Students for Justice in Palestine.

In conclusion, Stanford is proud to have devoted many resources to ensuring freedom of expression and peaceable assembly on campus over the past several years. The progress that has been made is partially reflected through the change in the campus's ranking in the FIRE College Free Speech Rankings from 207 in 2023 to 55 in 2027. While more work remains to be done, we are confident that we have the will and capacity to protect our community members' freedom of expression, and this will remain an ongoing priority.

If have any questions or are interested in any further information, please feel free to contact me at [redacted].

Regards,

Patrick Dunkley

Vice Provost for Institutional Equity,
Access, and Community

University of Southern California

Dear [redacted],

Thank you for your September 3 letter to USC President Beong-Soo Kim. I'm responding on his behalf.

As you may know, President Kim served as Interim President starting in July 2025 and was subsequently elected President this past February. Fostering a vibrant free expression culture on campus is one of his top priorities, and his leadership in this area has already resulted in significant institutional changes. These have included new mandatory free speech training that all students are required to complete, a faculty task force on academic freedom and free expression, a comprehensive review of university policies impacting free speech, and a signature presidential initiative — the Open Dialogue Project.

I'd appreciate it if we could discuss the specific references to USC that are slated for inclusion in your report. Would a call be the best way to start? I'm happy to walk you through how USC's expressive activity and student conduct processes work, as well as the progress described above. I'd also be grateful if you could share the specific references to USC that will be included in addition to the reporting about the 2024 commencement speaker and the reference to interim suspensions—I'll be glad to look into them in advance of our conversation so that I can speak knowledgeably about any concerns you have.

I am copying my assistant, Sean, who can help with scheduling a call ASAP, as I am sensitive to your September 16 deadline. I look forward to meeting you.

Regards,

Andreas

Andreas J. Meyer
Special Counsel
University of Southern California
3551 Trousdale Parkway, ADM 352
Los Angeles, California 90089-5013
[redacted]

Endnotes

1 United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, Human Rights Council, A/HRC/56/26 (Jun. 14, 2025), https://docs.un.org/en/A/HRC/56/26 (concluding that the attacks on civilians in southern Israel constituted war crimes); United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, Human Rights Council, A/79/232 (Sept. 11, 2024), https://documents.un.org/doc/undoc/gen/n24/262/79/pdf/n2426279.pdf (concluding "Hamas and other Palestinian armed groups committed the war crimes of torture, inhuman or cruel treatment, and the crimes against humanity of enforced disappearance and other inhumane acts causing great suffering or serious injury" against Israeli and foreign hostages); Amnesty International, *Targeting Civilians: Murder, Hostage-Taking and Other Violations by Palestinian Armed Groups in Israel and Gaza* (Dec. 10, 2025), https://www.amnesty.org/en/documents/mde15/0282/2025/en/. Amnesty International and the UN Commission have concluded that Hamas's military wing, the Al-Qassam Brigades, and other Palestinian armed groups committed war crimes and crimes against humanity during their assault on southern Israel on October 7, 2023, and against hostages held in Gaza thereafter. According to Amnesty's comparative analysis of several sources, "[a]round 1,200 people were killed — more than 800 of them civilians, including 36 children. The victims were primarily Jewish Israelis, but also included Bedouin citizens of Israel, and scores of foreign national migrant workers, students and asylum seekers. More than 4,000 people were injured, and hundreds of homes and civilian structures were destroyed or rendered uninhabitable."

2 *See, e.g.*, International Court of Justice, Advisory Opinion, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (July 19, 2024), https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf (classifying Gaza as an occupied territory); United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, Human Rights Council, A/80/337 (Aug. 14, 2025), https://docs.un.org/en/A/80/337 (classifying Gaza as an occupied territory).

3 Amnesty International, *'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza* (Dec. 5, 2024), https://www.amnesty.org/en/documents/mde15/8668/2024/en/ (concluding that Israel has committed genocide against Palestinians in the occupied Gaza Strip); Amnesty International, *Post-Ceasefire: Israel's Genocide in the Occupied Gaza Strip Continues* (Nov. 2025), https://www.amnesty.org/en/documents/mde15/0527/2025/en/.

4 Human Rights Watch, *Extermination and Acts of Genocide* (Dec. 2024), https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza (concluding that Israeli authorities intentionally inflicted on the Palestinian population in Gaza "conditions of life calculated to bring about its physical destruction in whole or in part" and that "this policy, inflicted as part of a mass killing of Palestinian civilians in Gaza means Israeli authorities have committed the crime against humanity of extermination…which amounts to an 'act of genocide' under the Genocide Convention of 1948"); Human Rights

Watch, *Israel's Crime of Extermination, Acts of Genocide in Gaza* (Dec. 19, 2024), https://www.hrw.org/news/2024/12/19/israels-crime-extermination-acts-genocide-gaza.

5 Doctors Without Borders, *Gaza Genocide*, https://msf.org.uk/issues/gaza-genocide.

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Amherst, the University of Michigan, the University of Minnesota, the University of North Carolina at Chapel Hill, the University of Notre Dame, the University of Southern California, the University of Texas at Arlington, the University of Texas at Austin, the University of Texas at Dallas, the University of Utah, the University of Virginia, the University of Wisconsin Madison, the University of Wisconsin Milwaukee, Virginia Commonwealth University, Wayne State University, and Washington University.

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523 By contrast, "[e]xamples of harboring include physical concealment, arranging sham marriage ceremonies, and assisting unlawfully present persons in obtaining employment, with knowledge or reckless disregard of their immigration status." *Kearns v. Cuomo*, 981 F.3d 200, 208 (2d Cir. 2020).

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525 8 C.F.R. § 214.2(f); U.S. Department of State Bureau of Educational and Cultural Affairs Private Sector Exchange, *Guidance Directive 2016-03, 9 FAM 403.11-3 – Visa Revocation* (Sept. 2, 2016), https://j1visa.state.gov/wp-content/uploads/2016/09/2016-03-GD-Visa-Revocation-FINAL-Sept-2016.pdf [https://perma.cc/EX7L-2JG7] ("[T]he revocation of their visa does not override the [student] status granted by Customs and Border Protection ('CBP') at the time of their entry or their ability to stay in the United States (except in extremely rare circumstances)."); U.S. Department of Homeland Security, U.S. Immigrations and Customs Enforcement (ICE), I*CE Policy Guidance 1004-04 –Visa Revocations* (June 7, 2010), https://www.nafsa.org/sites/default/files/ektron/uploadedFiles/visa_revocations_1004_04.pdf [https://perma.cc/HUN6-ST7X] ("Visa revocation is not, in itself, a cause for termination of the student's SEVIS record [recording student's maintenance of status].").

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Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Michael Fakhri, Special Rapporteur on the right to food; Gina Romero, Special Rapporteur on the rights to freedom of peaceful assembly and of association; Mary Lawlor, Special Rapporteur on the situation of human rights defenders; Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences; George Katrougalos, Independent Expert on the promotion of a democratic and equitable international order, Dorothy Estrada Tanck (Chair), Laura Nyirinkindi (Vice-Chair), Claudia Flores, Ivana Krstić and Haina Lu, Working group on discrimination against women and girls; Fernanda Hopenhaym (Chair), Elżbieta Karska, Pichamon Yeophantong, Damilola Olawuyi and Robert McCorquodale, Working Group on the issue of human rights and transnational corporations and other business enterprises; Ben Saul, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. United Nations Office of the High Commissioner for Human Rights*, USA: Free Speech on Campus Needs to Be Protected, Not Attacked, Say Experts* (Jul. 25, 2024), https://www.ohchr.org/en/press-releases/2024/07/usa-free-speech-campus-needs-be-protected-not-attacked-say-experts. *See also* Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls, *Special Procedures Communication to the U.S. Administration*, Ref: AL USA 12/2024 (May 10, 2024). https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=29009.

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