November 17, 2023

President Minouche Shafik  
Columbia University  
202 Low Library  
535 West 116th Street  
New York, NY 10027

Dear President Shafik,

I am writing as Executive Director of the Knight First Amendment Institute to express my concerns, which are widely held by the Institute’s staff as well, over Columbia’s decision to suspend Students for Justice in Palestine and Jewish Voice for Peace following a “walk-out” last Thursday, during which hundreds of students gathered on the steps in front of Low Library to engage in what has been reported to be peaceful protest.

In announcing the suspension of SJP and JVP last Friday, Columbia stated that the two groups “repeatedly violated University policies related to holding campus events, culminating in an unauthorized event Thursday afternoon that proceeded despite warnings and included threatening rhetoric and intimidation.” Given the seriousness of the sanction, and the impact the University’s action could have on the speech environment at Columbia and on the relationship between the administration and students in the future, the University should clarify two important elements of this statement.

The first concerns the nature of the procedural violations and severity of the sanction imposed. The statement refers to multiple violations of University policy, but it does not describe those violations. Nor does it explain in what sense Thursday’s event was “unauthorized.” News reports suggest that Columbia deemed the Thursday event to be unauthorized because the student groups did not ask for permission to hold the event at least “ten working days” in advance, as required by Columbia’s policy on student events. But Columbia’s statement does not cite this requirement, indicate whether the requirement has been enforced consistently in the past, or explain why a violation of this procedural requirement warranted so severe a sanction. Columbia should provide a fuller public explanation of all of this.
A separate set of concerns surrounds the statement’s reference to “threatening rhetoric and intimidation.” As you know, Columbia’s Rules of University Conduct guarantee the broadest protection for peaceful political speech, even for speech that may be objectionable or offensive to some listeners. The Rules recognize the University’s “vital interest in fostering a climate in which nothing is immune from scrutiny,” and they celebrate the University’s “long tradition of valuing dissent and controversy.” Importantly, the Rules also recognize the University’s authority to restrict “expression that constitutes a genuine threat of harassment, that unjustifiably invades an individual’s privacy, or that falsely defames a specific individual.” It is not immediately apparent what relation the phrase “threatening rhetoric and intimidation” has to these Rules. The University should provide a fuller explanation of the basis for the suspensions to avoid any perception that it is conflating disfavored political speech with unprotected threats and harassment. Unless there is evidence that SJP and JVP engaged in speech that is unprotected by the Rules, the University should correct the record and reconsider the sanction.

Providing this additional transparency is important to ensuring that the Columbia community understands the basis for the University’s decision to suspend SJP and JVP. But it is important for other reasons as well. Events unfolding in Israel and Gaza are challenging people of conscience of all backgrounds, faiths, and cultural traditions. Columbia students, who embody this diversity and widely exemplify a deep commitment to conscience, will continue to feel called to gather, witness, and protest developments as they happen, and to make their views and voices heard in the moment, in the hope of shaping Columbia’s and the U.S. government’s actions. Failing to more fully explain the basis of the suspensions risks chilling the desire of Columbia students to make their voices heard, or worse, lays a trap for students and student groups whose protests are later judged, according to unclear processes and criteria, to have violated Columbia policy.

Thank you for your consideration of this request, which I make with deep respect for Columbia’s long history as an incubator and protector of free thought and free speech, and with a particular sense of the Knight Institute’s responsibility to that tradition.

Sincerely,

Jameel Jaffer

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1 Lee C. Bollinger, Gerald Rosberg, and Nicholas Lemann are members of the Knight Institute’s board but recused themselves from the board’s discussion of this matter.