

March 21, 2025

Via email to chancellor@pitt.edu

Joan T. A. Gabel
Chancellor of the University of Pittsburgh
4200 Fifth Avenue
Pittsburgh, PA 15260

Re: University of Pittsburgh's Unconstitutional Censorship of SJP

Dear Chancellor Gabel:

The American Civil Liberties Union of Pennsylvania (“ACLU-PA”) represents the University of Pittsburgh’s Students for Justice in Palestine (“SJP”) chapter. Beginning in December 2024, the University of Pittsburgh (“University”) has singled out SJP for disciplinary proceedings related to peaceful, non-disruptive conduct exhibited by other student organizations without any University sanctions, retaliated against SJP for engaging in constitutionally-protected political speech, and threatened to impose further sanctions against group members for political advocacy that is independent of University sponsorship.

We write to respectfully request that the University immediately rescind both its March 18 decision to suspend SJP’s student group registration and its March 19 threat of additional disciplinary sanctions for continuing to engage in constitutionally protected political speech unrelated to formal organizational recognition. We ask you to please advise us by noon on Monday, March 24, that you will take necessary measures to stop the ongoing irreparable harm caused by the University’s treatment of our clients.

I. Background

The University first sought to discipline SJP after members of the student organization participated in an overnight “study in” at the Hillman Library, beginning on December 9, 2024. The students gathered with keffiyehs and flags to express solidarity with the Palestinian people while studying for finals. Other university-sponsored student organizations, notably sororities and fraternities, conduct similar study sessions, including one overlapping with SJP’s, in which they display organizational messages. SJP students did not chant, picket, block passage, or disrupt library operations. The students came to study, and while doing so quietly and respectfully displayed clothing and other symbols reflecting their deeply held political beliefs about an important and high-profile foreign conflict.



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At no time did SJP students disrupt library operations or interfere with fellow students' access to the library or study environment.¹

On January 16, 2025, SJP received a letter from the University advising it to attend a disciplinary conference related to the “study in.” The notice did not specify any student conduct rule allegedly violated by the students. SJP’s co-presidents participated in two disciplinary conferences on January 22, 2025, and January 23, 2025, during which the University recommended placing SJP on probation through the end of the calendar year, restricting SJP’s privileges to host, co-host, or otherwise participate in any events until May 5, 2025, and requiring SJP leadership to complete educational conversations with University staff. SJP instead opted to attend a Level II Conduct Hearing on February 4, 2025, to contest the alleged misconduct and proposed sanctions. To date, the University has not released the Conduct Board’s findings and recommendation.

On the evening of the conduct hearing, SJP published an Open Letter criticizing the University’s actions during the preceding months to suppress the group’s political speech and advocacy, and the University’s lack of transparency throughout the disciplinary process.² SJP—joined by 27 other University-affiliated organizations and 46 other community groups—sent that Open Letter to University leadership, including officials sufficiently involved in student conduct matters to exercise the power necessary to meet the organizations’ requests. The letter requested dismissal of the disciplinary proceedings, improved transparency in University conduct policies, equitable application of the policies, and an “[e]nd to the University’s suppression of Palestinian advocacy on campus.”

On March 18, 2025, the University sent SJP a second letter advising that it was immediately placing SJP on interim suspension of registration for “improperly engag[ing] in communications to members of the Conduct Hearing Board during their deliberations.” The notice did not identify the communications at issue, but presumably it refers to the Open Letter. The University’s letter directed a “cessation” of SJP’s “organizational operations or use of university resources to advance the mission of the organization. This includes but is not limited to, requesting event space, requesting funds, facilitating any events or hosting anything that [sic] be construed as an event, including co-sponsorship.” The letter gave SJP ten days to appeal the decision.

Meanwhile, on March 19, 2025, SJP leadership continued to further the organization’s mission outside of its affiliation with the University by promoting an off-campus community event scheduled to take place on March 22, 2025.³ That same day, the University sent a third letter to SJP stating that its social media posts were a “violation of the interim suspension of registration in which [SJP was] instructed to cease operations including co-sponsorships,” and threatening that the conduct “may result in additional charges.” The offending conduct identified by the letter was that SJP had “actively posted, advertised and promoted specific gatherings or

¹ A University professor subsequently testified to the lack of disruption during the conduct hearing on February 4, 2025. The professor also noted that SJP members were repeatedly harassed by library staff and Student Affairs staff but uncomplainingly complied with their requests.

² The Open Letter is attached as Exhibit 1.

³ Screenshots of these promotional social media posts are attached as Exhibit 2.

protests on their social media.” The March 22 event is sponsored by numerous non-University organizations and scheduled to occur in a traditional public forum, Schenley Plaza, located near the University but not on University property.

II. Legal Analysis

Public colleges and universities are bound by the First Amendment.⁴ Supreme Court precedent “leave[s] no room for the view 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. Quite to the contrary, the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.”⁵ The University has violated SJP’s, and its members’, First Amendment rights in at least three ways: (1) selectively initiating disciplinary proceedings over SJP’s silent, non-disruptive expression of political views during a final-exam-period library study session; (2) retaliating against SJP for criticizing the University by imposing an interim suspension that directs a “cessation of organizational operations”; and (3) impermissibly directing SJP to cease expressive, off-campus activities, even though unrelated to formal university club sponsorship, by threatening further unspecified disciplinary action.

A. Selective Prosecution of Non-disruptive Expressive Activity

The University has treated SJP differently than other student organizations solely because of its viewpoint by seeking to discipline SJP for hosting a non-disruptive group study session in the Hillman Library. Other student groups, such as fraternity and sorority organizations, also conduct similar group study sessions in the library during finals periods and identify themselves by displaying Greek letters on whiteboards or other property. Such non-disruptive, symbolic political expression has long been accorded First Amendment protection, even in secondary schools where students enjoy less protection than in universities.⁶ But only SJP has faced disciplinary charges as a result of such conduct.⁷

As a public institution, the University “may not discriminate against speech based on the ideas or opinions it conveys.”⁸ Speech protections under the First Amendment extend to expressive conduct—such as a display of keffiyehs and flags—that intends to convey a message that is likely to be understood by those who view it.⁹ That other students might object to that message is not a legitimate reason to ban, discipline, or discriminate against those who non-

⁴ *Healy v. James*, 408 U.S. 169, 192–93 (1972); *DeJohn v. Temple Univ.*, 537 F.3d 301, 314 (3d Cir.2008) (accord); see also *Krynicky v. Univ. of Pittsburgh*, 742 F.2d 94, 103 (3d Cir. 1984) (specifically holding that the University of Pittsburgh is subject to First Amendment claims brought under 42 U.S.C. § 1983).

⁵ *Healy*, 408 U.S. at 180 (internal quotations omitted).

⁶ See, e.g., *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

⁷ At the February 2025 conduct hearing, a University professor testified that she has witnessed such gatherings by other student groups, but had never before witnessed them be harassed by staff, let alone armed police officers, as SJP was in December 2024.

⁸ *Iancu v. Brunetti*, 588 U.S. 388, 393 (2019) (citing *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829–830 (1995)) (explaining that viewpoint discrimination is an “egregious form of content discrimination” and is “presumptively unconstitutional”).

⁹ *Spence v. Wash.*, 418 U.S. 405, 405 (1974); see also *Tinker*, 393 U.S. at 505-06 (extending First Amendment protections to students’ wearing of armbands to protest the Vietnam War).

disruptively convey the message. Selective enforcement of University policies based on hostility to a student group’s speech constitutes viewpoint discrimination,¹⁰ which is “impermissible in any forum.”¹¹ Therefore, the University’s decision to selectively initiate disciplinary proceedings against SJP for non-disruptive expressive conduct engaged in by other student groups violates SJP’s First Amendment rights.¹²

B. Retaliation Against SJP for Engaging in Protected Political Speech

The Open Letter signed by 74 organizations, which SJP publicized and sent to University officials, constitutes core political speech protected by the First Amendment.¹³ The University’s decision to place SJP on interim suspension in response to the Open Letter amounts to unconstitutional retaliation because (1) SJP’s message constitutes protected criticism of government action,¹⁴ (2) the disciplinary action would deter other student groups “of ordinary firmness” from engaging in similar advocacy, and (3) the University imposed the interim suspension based on SJP’s speech.¹⁵ The fact that the Open Letter discussed an ongoing quasi-judicial proceeding does not insulate the University’s response from First Amendment scrutiny.¹⁶ The deterrent effect of this action is not hypothetical: SJP board members belong to other student organizations that are reconsidering the risks of promoting their missions through University-affiliated events. And the University’s letter expressly admitted that SJP’s speech caused the disciplinary action by stating that “[b]ased on” information that SJP “improperly engaged in communications to members of the Conduct Hearing Board during their deliberations,” it was being placed on interim suspension. There is no allegation in the letter that the communications were coercive, threatening, or in any other way exceeded the bounds of legitimate First Amendment expression about a matter of public concern.

¹⁰ *Bus. Leaders In Christ v. Univ. of Iowa*, 991 F.3d 969, 985–86 (8th Cir. 2021) (selective enforcement of facially neutral non-discrimination policy against student group based on its religious views violated its free speech rights); *Christian Legal Soc’y v. Walker*, 453 F.3d 853, 866 (7th Cir. 2006) (same); *Frederick Douglass Found., Inc. v. District of Columbia*, 82 F.4th 1122, 1142 (D.C. Cir. 2023) (“Neutral regulations may reasonably limit the time, place, and manner of speech, but . . . cannot be enforced based on the content or viewpoint of speech.”).

¹¹ *Ne. Pa. Freethought Soc’y v. Cnty. of Lackawanna Transit Sys.*, 938 F.3d 424, 436 (3d Cir. 2019); *see also Rosenberger*, 515 U.S. at 830; *Mazo v. New Jersey Sec’y of State*, 54 F.4th 124, 149 (3d Cir. 2022) (“Because regulation of particular views is especially offensive to the First Amendment, viewpoint discrimination is generally not permitted under any circumstances.”).

¹² *See Smith v. Tarrant County College Dist.*, 694 F. Supp. 2d 610, 629 (N.D. Tex. 2010) (explaining that school officials cannot restrict speech on mere speculation that students’ expressive activities will cause disruption).

¹³ *See Pickering v. Bd. of Educ.*, 391 U.S. 563, 573 (1968) (“The public interest in having free and unhindered debate on matters of public importance—the core value of the Free Speech Clause of the First Amendment—is [] great”); *McCutcheon v. Fed. Elec. Comm’n*, 572 U.S. 185, 203 (2014) (“The First Amendment safeguards an individual’s right to participate in the public debate through political expression and political association.”).

¹⁴ *See Munroe v. Cent. Bucks Sch. Dist.*, 805 F.3d 454, 473 (3d Cir. 2015) (“[S]peech involving government impropriety occupies the highest rung of First Amendment protection”).

¹⁵ *Palardy v. Twp. of Millburn*, 906 F.3d 76, 80–81 (3d Cir. 2018) (describing retaliation test).

¹⁶ *See Bridges v. California*, 314 U.S. 252, 270 (1941) (explaining that “shielding judges from published criticism” cannot justify “an enforced silence, however limited”); *Landmark Communications v. Va.*, 435 U.S. 829, 841 (1978) (noting that speech about ongoing judicial proceedings cannot be restricted without proof of “a clear and present danger to the administration of justice”); *In re Kendall*, 712 F.3d 814, 825 (3d Cir. 2013) (same).

As discussed below, the suspension is causing SJP irreparable harm by preventing the group and its members from engaging in constitutionally protected, on-campus political expression.

C. Impermissible Regulation of SJP's Off-Campus Speech

The University's March 19 letter threatened to sanction SJP for off-campus speech beyond the scope of the University's regulatory authority, in patent violation of the First Amendment. In *Mahanoy Area Sch. Dist. v. B.L.*, a case handled by our organization, the Supreme Court held that schools have little leeway to regulate off-campus speech, noting that "courts must be more skeptical of a school's efforts to regulate off-campus speech, for doing so may mean the student cannot engage in that kind of speech at all."¹⁷ The Court noted that, in cases involving "political or religious speech that occurs outside school . . . , the school will have a heavy burden to justify intervention."¹⁸ Moreover, "[p]ublic universities have significantly less leeway in regulating student speech than public elementary or high schools."¹⁹

SJP's expression of support for an off-campus event on Saturday, March 22, is well beyond the University's regulatory authority. Regardless of whether SJP is under interim suspension or can benefit from formal organizational recognition, both the organization and its members still maintain free speech rights on campus and, even more so, off campus. Their ongoing political advocacy enjoys maximal First Amendment protection and is completely separate from any benefits conferred by University student club registration. The University's attempt to stifle SJP's core political speech by threatening further disciplinary conduct has already had a profound chilling effect.²⁰ For example, SJP has silenced its social media presence and is refraining from sharing information about upcoming community events promoting cultural awareness and solidarity with the Palestinian people. The University's threatened disciplinary action, intended to censor SJP's free-speech rights, is an egregious violation of the First Amendment.

III. Conclusion

The University's actions, as outlined above, are causing ongoing irreparable harm to SJP and its members' First Amendment right to engage in core political expression.²¹ **As SJP's lawyers, we are advising our clients that they may immediately resume their political advocacy, on social media and in off-campus events, such as the March 22 demonstration in Schenley Plaza.** Formal university recognition simply gives student organizations access to

¹⁷ 594 U.S. 180, 189 (2021).

¹⁸ *Id.* The University cannot even assert an interest in prohibiting students from using vulgar language to criticize members of the school community, as the school district did in *B.L.*, since SJP merely promoted an event unrelated to the University using respectful language.

¹⁹ *McCauley v. Univ. of the Virgin Islands*, 618 F.3d 232, 47 (3d Cir. 2010).

²⁰ *See Speech First, Inc. v. Sands*, 144 S. Ct. 675, 676 (2024) (recognizing that constitutional violations "arise from the deterrent, or 'chilling,' effect of governmental regulations" because "'the threat of invoking legal sanctions and other means of coercion, persuasion, and intimidation' may cause self-censorship in violation of the First Amendment just as acutely as a direct bar on speech.").

²¹ *Elrod v. Burns*, 427 U.S. 347, 373-74 (1976) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.").

University programs and benefits; it does not empower the University to curtail the organization's or its members' constitutional rights, especially off campus. Any further retaliatory action, or threatened action, by the University against SJP or its student members for such constitutionally protected expressive activities will be met with immediate litigation.

Beyond the threatened disciplinary action in the March 19 letter, the University's interim suspension of group status is causing additional irreparable harm. SJP is scheduled to host a long-planned artistic demonstration on April 3-4 on the Student Union lawn, which the University had previously authorized and funded. On April 5, it is scheduled to co-host a panel discussion. Absent reversal of the interim suspension, both constitutionally protected events are in jeopardy.

Please notify us by noon on Monday, March 24, 2025, that the University has lifted SJP's interim suspension and withdrawn the March 19 threat of further disciplinary action for engaging in constitutionally protected expression. If we do not hear from you by the appointed time, we will construe your silence as a refusal of this request. Failure to rescind the interim suspension and threat of additional disciplinary action will result in an application for emergency relief to the U.S. District Court. If you have any questions or would like to discuss our request, please contact Witold Walczak at [REDACTED] or [REDACTED]. We look forward to hearing from you.

Respectfully,



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Exhibit 1

Open Letter Condemning the University of Pittsburgh's Suppression of Pro-Palestinian Voices

We, the undersigned organizations, condemn **the selective repression of Students for Justice in Palestine (SJP)** at the University of Pittsburgh. As the **only Palestinian cultural and advocacy organization on campus**—led by **Palestinian, Arab, and Muslim students**—SJP is being unfairly targeted with **heightened scrutiny and politically driven disciplinary actions**.

In a **blatant act of political suppression**, the University has targeted SJP with proposed sanctions that include **effective suspension** through May 2025, as well as probation through December 2025. Meanwhile, multiple registered pro-Israel advocacy organizations continue to operate without interference, **despite consistent harassment of SJP and its members**. One of these organizations, Students Supporting Israel, has repeatedly collaborated with **Betar USA**—an organization unaffiliated with the university that **issued bomb threats against SJP's general body** in November 2024. By **failing to take action in response to these threats**, the university has **effectively emboldened Betar**; the group has since provided the Trump administration with a list of international students, **targeting them for deportation due to their alleged pro-Palestine stance**.

From the time SJP leadership first met with Student Conduct staff on January 22, they were given **just six days to submit their evidence and witnesses**, despite the university having built its case against them **for a month and a half**. Student Conduct staff also demanded that SJP leadership **submit in advance all questions they planned to ask during the hearing**, a directive that was later **retracted** upon questioning by SJP representatives—raising serious concerns about the fairness and transparency of the disciplinary process.

This latest act of repression is only the latest in a wave of disciplinary measures taken by University of Pittsburgh administration, including **surveilling, defunding, and relocating SJP events**—all justified by vague and inconsistently applied policies. These actions not only **disproportionately penalize students of color** for speaking out against apartheid and state violence but also set a dangerous precedent that will **erode the free speech and organizational rights of all Pitt affiliates**.

In light of the university administration's blatant attempt to silence pro-Palestine voices, we demand:

1. **The complete dismissal of all disciplinary proceedings against SJP.**
2. **Transparency in university conduct policies and equitable application of these policies.**
3. **An end to the University's suppression of Palestinian advocacy on campus.**

We refuse to allow this university to **silence marginalized voices**. Advocacy for the rights of the Palestinian people is **not** a crime.

Signed,

University of Pittsburgh Affiliated Organizations	Community Organizations
<ol style="list-style-type: none"> 1. Students for Justice in Palestine 2. Faculty and Staff for Justice in Palestine 3. University of Pittsburgh School of Law 4. Muslim Student Association (MSA) 5. Jewish Students' Bund 6. Middle Eastern and North African Student Association (MENASA) at Pitt 7. Asian Student Alliance (ASA) 8. Rainbow Alliance 9. Women of Color Collective (WOCC) 10. Latinx Student Association (LSA) 11. Kya Baat Hai 12. The Fann Club 13. Luso-Brazilian Student Association 14. Alliance of Queer Underrepresented Asians in Recognition of Intersectionality to Uphold Solidarity (AQUARIUS) 15. Japanese Student Association (JSA) 16. PRISM at Pitt 17. Trans Action Building 18. Progressive Students for Change at Pitt 19. Student Disability Coalition 20. Autistic Students Union at Pitt 21. Humanity First at Pitt 22. ACLU Club at Pitt 23. Direct Action Coalition (DAC) 24. Pittsburgh Policy Initiative 25. Behavioral Economics Club 26. The Letter Project at Pitt 27. COVID Safe Panthers 28. Pitt Divest From Apartheid 	<ol style="list-style-type: none"> 29. Council on American Islamic Relations - Philadelphia 30. Pittsburgh Palestine Coalition 31. Harrisburg Palestine Coalition 32. Islamic Center of Pittsburgh 33. Jewish Voice for Peace - Pittsburgh 34. Ratzon: Center for Healing & Resistance 35. BDS Pittsburgh 36. Black Socialist Formation 37. New Afrikan Independence Party (NAIP) 38. Asian Pacific Islander Political Alliance 39. Alliance of South Asian Progressives in Pittsburgh (ASAPP) 40. Rangoli Pittsburgh 41. Pittsburgh Arab Music Ensemble 42. Karavansarai 43. Carnegie Mellon College Progressives 44. Middle Eastern and North African Student Association at CMU 45. Rojava Solidarity Committee 46. Veterans For Peace, Pittsburgh Chapter 047 47. UE Local 667 48. UE Local 690 49. Healthcare Workers for Palestine - Pittsburgh Chapter 50. Western PA Coalition for Single Payer Healthcare 51. Tri-state Abortion Action 52. Sunrise Movement Pittsburgh 53. Steel City Anti-Fascist League 54. Our Streets Collective 55. Against Carceral Tech 56. Mask Up Pittsburgh 57. Howmet Accountability Project 58. Pittsburgh Palestine Solidarity Committee 59. Friends of Sabeel North America (FOSNA) - Pittsburgh 60. Southwestern PA Women's Coalition 61. Take Action Mon Valley 62. Stay Gold Books

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| | <ol style="list-style-type: none">63. Valley View Church64. Green Party of Allegheny County65. Pittsburgh Green New Deal66. Project for Responsive Democracy67. Pittsburgh Branch of Communist Party USA68. Pittsburgh Branch of Democratic Socialists of America69. Pittsburgh Branch of the Party for Socialism & Liberation70. ANSWER Coalition Pittsburgh71. West Virginia University Muslim Students' Association72. River Valley for Gaza Healthcare73. Wayne State University Faculty and Staff for Justice in Palestine74. SCAD Students for Justice in Palestine |
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Exhibit 2

← Posts

LIKED by pittapartheiddivest and others

sjp_pitt Shiver me timbers 🤔🤔🍷

December 10, 2024

safieddinekarim and 4 others
Pittsburgh, Pennsylvania

PGH - EMERGENCY PROTEST 1/2

400+ MARTYRS
IN 24 HOURS
NO MORE
ALL OUT FOR
GAZA

SCHENLEY PLAZA
SATURDAY MARCH 22 | 2 PM
4100 FORBES AVENUE PITTSBURGH, PA

👍 463 💬 8 📍 184 📌

Liked by pittapartheiddivest and others

safieddinekarim 🍉

Arm embargo now! Down with the genocidal US-Israel... more

2 days ago

sjp_pitt and 5 others

← Posts

Liked by pittapartheiddivest and others

sjp_pitt Shiver me timbers 🤡🤡🍷

December 10, 2024

safieddinekarim and 4 others
Pittsburgh, Pennsylvania



👍 463 💬 8 📍 184 📌

Liked by pittapartheiddivest and others

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Arm embargo now! Down with the genocidal US-Israel... more

2 days ago

sjp_pitt and 5 others