

UC Berkeley's Culture of Anti-Palestinian Racism Puts Students at Risk

As Israel has waged its genocide in Gaza, ruthlessly murdering tens of thousands of Palestinians, cutting off civilian access to food and water, and bombing hospitals, mosques, and refugee camps,¹ students have refused to look away. Palestinian students in particular have taken on the leading role in a global student movement protesting Israel's actions. This role has allowed Palestinian students to assert their humanity and dignity, standing up to universities that invest in and profit from companies that facilitate the decimation of their people.

UC Berkeley is just one of many college campuses across the U.S. and the world in which Palestinian students and their allies have organized tirelessly for an end to Israel's genocide in Gaza. The university has experienced one of its most significant waves of student-led pro-Palestine protests, bringing national attention to the conflict.² Students have mobilized through diverse tactics—from mass protests³ to an extended encampment—and have demanded an end to the UC system's investment in arms manufacturers linked to the genocide.⁴

Mirroring the response to student protests around the country, UC Berkeley's administration has repressed pro-Palestinian speech and has punished Palestinian students and their allies for their activism. The university has failed to support or protect students as they were physically assaulted, harassed, and doxxed by their peers and professors. It has also aggressively restricted protests, surveilled students who joined pro-Palestine demonstrations, punished faculty and students who spoke in support of Palestinians, and put out official statements that dismiss the genocide.

The university's actions have not only been an affront to students' protected First Amendment rights, they are also steeped in anti-Palestinian racism⁵ and likely violate Title VI of the Civil Rights Act of 1964.⁶ Anti-Palestinian racism is a particular form of anti-Arab racism that attempts to erase the human rights of Palestinians and deny their status as an Indigenous people with deep ties to occupied and historic Palestine.⁷ This form of racism often manifests as the conflation of support for Palestinian equality with antisemitism or terrorism.⁸ Title VI prohibits federally assisted educational institutions from discriminating against any person based on race,

¹ Amnesty International, *'You Feel Like You Are Subhuman' Israel's Genocide Against Palestinians in Gaza* 1, 12, 14, 24, 33, 107 (Dec. 5, 2024), <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>.

² Blake Jones, *UC Berkeley's campus is in turmoil. It's unlike anything in recent memory.*, POLITICO (Apr. 21, 2024), <https://www.politico.com/news/2024/04/21/uc-berkeley-antisemitism-00153463>.

³ Maliya Ellis, *UC Berkeley students stage walkout to demand end to Gaza war*, SF CHRONICLE (Oct. 8, 2024), <https://www.sfchronicle.com/bayarea/article/uc-berkeley-students-stage-walkout-demand-end-19823859.php>.

⁴ Ethnic Media Services, *UC Berkeley Gaza Protest Encampment Echoes Past Movements*, <https://ethnicmediaservices.org/education/uc-berkeley-gaza-protest-encampment-echoes-past-movements/> (last visited Feb. 17, 2025).

⁵ Arab Canadian Lawyers Association, *Anti-Palestinian Racism: Naming, Framing and Manifestations* 1, 14 (Apr. 25, 2022), <https://static1.squarespace.com/static/61db30d12e169a5c45950345/t/627dcf83fa17ad41ff217964/1652412292220/Anti-Palestinian+Racism-+Naming%2C+Framing+and+Manifestations.pdf>

⁶ See 42 U.S.C., § 2000d.

⁷ See Arab Canadian Lawyers Association, *supra* note 5 at 14.

⁸ *Id.*

color, or national origin.⁹ An institution need not directly discriminate to violate Title VI. It may also violate Title VI if it demonstrates deliberate indifference to a “hostile environment” created by peer-to-peer harassment.¹⁰

In March 2025, the culture of anti-Palestinian racism at UC Berkeley took on new stakes when federal immigration authorities began attempting to deport green card and visa holders who had engaged in pro-Palestine activism under the theory that they present a threat to national security.¹¹

At UC Berkeley, the Trump administration terminated the visas of at least twenty-three students and alumni,¹² before restoring them about two weeks later.¹³ The reasoning behind these visa revocations was never made explicit, and there was no evidence that the visa revocations at UC Berkeley were connected to support for Palestine. Regardless, these revocations were part of a larger campaign by the federal government that is targeted, at least in part, at silencing pro-Palestine speech. On April 9, the U.S. Department of Homeland Security (DHS) announced via press release that it would consider “antisemitic activity” on social media as a ground to deny immigration benefits.¹⁴ The department highlighted that this policy would apply to lawful permanent residents and international students “affiliated with educational institutions linked to antisemitic activity.”¹⁵ According to federal court testimony, government officials also established a unit to identify and deport pro-Palestinian student protesters.¹⁶

In the wake of the visa revocations, UC Berkeley’s administration stated that it “supports, without reservation, the right and ability of immigrant and international students ... to participate fully in the campus experience” and that it is committed to doing all that it can to help international students exercise their rights under the law.¹⁷ Yet, the university’s administration itself has perpetuated a culture of anti-Palestinian racism that has paved the way for the federal government’s actions. Its failure to address doxxing of students and its surveillance of protesters

⁹ 42 U.S.C., § 2000d.

¹⁰ *Davis Next Friend LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 644-45 (1999) (holding that deliberate indifference can create Title VI liability).

¹¹ Akela Lacy, *Palestinian student leader was called in for citizenship interview—then arrested by ICE*, THE INTERCEPT (Apr. 14, 2025), <https://theintercept.com/2025/04/14/ice-columbia-student-mohsen-mahdawi-citizenship-interview/>; Mahmoud Khalil, *A Letter from Palestinian Activist Mahmoud Khalil*, ACLU (Mar. 20, 2025), <https://www.aclu.org/news/free-speech/a-letter-from-palestinian-activist-mahmoud-khalil>.

¹² Aarya Mukherjee & Ava Hu, *International students fight visa terminations, allege biometric tracking*, DAILY CALIFORNIAN (Apr. 15, 2025), https://www.dailycal.org/news/campus/international-students-fight-visa-terminations-allege-biometric-tracking/article_11e9b1ce-d815-46b0-92d1-da5f03b84fc6.html.

¹³ Aarya Mukherjee, *All 23 UC Berkeley students’ legal status restored as hundreds are reinstated nationwide*, DAILY CALIFORNIAN (Apr. 27, 2025), https://www.dailycal.org/news/campus/academics/all-23-uc-berkeley-students-legal-status-restored-as-hundreds-are-reinstated-nationwide/article_7c7f23af-09b2-4cd4-bdc5-406408dbd69f.html.

¹⁴ U.S. Citizenship and Immigration Services, *DHS to Begin Screening Aliens’ Social Media Activity for Antisemitism* (Apr. 9, 2025), <https://www.uscis.gov/newsroom/news-releases/dhs-to-begin-screening-aliens-social-media-activity-for-antisemitism>.

¹⁵ *Id.*

¹⁶ *AAUP v. Rubio: Detailed Case Summary*, AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, <https://www.aaup.org/aaup-v-rubio-detailed-case-summary> (last visited Oct. 17, 2025).

¹⁷ Richard K. Lyons & Benjamin Hermalin, *A message about recent federal visa program updates*, UC BERKELEY NEWS (Apr. 7, 2025), <https://news.berkeley.edu/2025/04/07/a-message-about-recent-federal-visa-program-updates/>.

has also materially made international students who have expressed support for Palestine more vulnerable to deportation or detention.

In September 2025, it was revealed that the university had further exposed the UC Berkeley community to government repression by turning over the names of 160 faculty members and students, many of whom were Palestinians or had been active in Palestine protests, to the federal government as part of an investigation into allegations of campus antisemitism.¹⁸

In this report, we document how UC Berkeley's administration contributed to a toxic culture of anti-Palestinian racism that harmed its students and community in violation of Title VI of the Civil Rights Act of 1964. First, UC Berkeley demonstrated deliberate indifference to a hostile anti-Palestinian environment on campus by failing to address the severe discrimination and harassment that Palestinian students and their supporters face at the hands of their professors and peers. Second, UC Berkeley reinforced this hostile environment by repeatedly treating Palestinian students and their allies worse than their peers. Ultimately, this hostile environment has left UC Berkeley students at risk for serious civil rights infringements, as the federal government has gone to new lengths to punish the speech and activism of Palestinian students and their supporters.

I. UC Berkeley has deliberately disregarded a hostile environment on campus by failing to address physical abuse and verbal harassment of Palestinian students and their allies.

At UC Berkeley, Palestinian students and their allies have faced physical violence, verbal and sexual harassment, stalking, threats, and doxxing at the hands of university employees, their peers, and third parties on campus. In each case, the university administration has failed to address safety threats, prevent further incidents, or remedy the effects of the harassment.

A. UC Berkeley failed to condemn professor's assault of a Palestinian-American Berkeley Law student.

In one extreme instance, the anti-Palestinian environment at UC Berkeley culminated in a professor physically assaulting a Palestinian-American law student.¹⁹

In April 2024, Berkeley Law Dean Erwin Chemerinsky and his wife, Berkeley Law professor Catherine Fisk, hosted an official campus event at their home, to which they invited every third-year student at the law school.²⁰ The event took place on the last day of Ramadan. In an act of protest against the UC's investments in corporations profiting from the genocide in Gaza, a Palestinian-American law student stood up in the middle of the event and began speaking to her fellow graduating classmates about Ramadan and its connection to suffering in Palestine. In

¹⁸ Sam Levin, *UC Berkeley shares 160 names with Trump administration in 'McCarthy era' move*, GUARDIAN (Sep. 12, 2025), www.theguardian.com/us-news/2025/sep/12/uc-berkeley-trump-administration-antisemitism.

¹⁹ Alicia Victoria Lozano, *UC Berkeley Opens Civil Rights Investigation into Backyard Confrontation Between a Law Professor and a Student*, NBC NEWS (May 3, 2024), <https://www.nbcnews.com/news/us-news/uc-berkeley-opens-civil-rights-investigation-backyard-confrontation-la-renal50667>.

²⁰ Vimal Patel, *At Berkeley, a Protest at a Dean's Home Tests the Limits of Free Speech*, N.Y. TIMES (Apr. 12, 2024), <https://www.nytimes.com/2024/04/12/us/uc-berkeley-palestinian-protest-free-speech.html>.

response, Fisk attempted to seize her microphone, making contact with the student's body and religious attire.²¹ As the law student later recounted: "She grasped at my hijab, grasped at my breast inappropriately, [and] kept trying to grope my shirt."²²

Rather than addressing Fisk's physical confrontation of a student, Chemerinsky quickly released a statement aimed to chill additional student protest. He wrote that any similar disruptions would be reported to student conduct and noted that student conduct violations are reported to bar associations, the licensing bodies that govern the legal profession—a clear threat to law student protesters' ability to practice law after they graduate.²³

While UC Berkeley eventually opened a Title IX civil rights investigation, then-UC Berkeley Chancellor Carol Christ immediately sided with Fisk and Chemerinsky, declaring she was "appalled and deeply disturbed" by the student's actions but not addressing the physical confrontation initiated by a faculty member.²⁴ This blatant erasure of the assault on a student is emblematic of the culture of anti-Palestinian racism at UC Berkeley.

"Fisk's assault was a symbol of the deeper Islamophobia, anti-Palestinian racism and religious discrimination that runs rampant within the UC administration," the law student said in a statement. "I was attacked not only for speaking about Palestine but also because I was a Muslim woman who dared to wear a hijab and a keffiyeh and speak in my native tongue of Arabic, equating my identity with something that should be feared and someone who deserved to be silenced."²⁵

Meanwhile, despite the seriousness of the allegations and discomfort expressed by students, both Fisk and Chemerinsky continue to teach courses.²⁶ In Fall 2024, Fisk was assigned to teach a civil procedure course at Berkeley Law that was compulsory for many incoming first-year students.²⁷

²¹ *Id.*

²² Melissa Koenig, *Anti-Israel Student Who Interrupted Law School Dinner Doubles Down After Outrage*, N.Y. POST (Apr. 12, 2024), <https://nypost.com/2024/04/12/us-news/anti-israel-student-who-interrupted-law-school-dinner-doubles-down-after-outrage/>.

²³ See Erwin Chemerinsky, *Statement from Dean Erwin Chemerinsky*, BERKELEY LAW (Apr. 10, 2024), <https://perma.cc/J3NP-KLJ5>.

²⁴ Patel, *supra* note 20.

²⁵ Council on American-Islamic Relations, *CAIR-SFBA Condemns UC Berkeley Professor's Alleged Assault on Palestinian Muslim Law Student* (Apr. 11, 2025), https://www.cair.com/press_releases/cair-sfba-condemns-uc-berkeley-professor-alleged-assault-on-palestinian-muslim-law-student/.

²⁶ *Schedule of Classes Fall 2025*, BERKELEY LAW, <https://www.law.berkeley.edu/php-programs/courses/courseSearchResults.php?termCode=D&termYear=2025&instructorSearch=22711> (filtering for Erwin Chemerinsky as Instructor) (last accessed Jun. 15, 2025); *Schedule of Classes Fall 2025*, BERKELEY LAW, <https://www.law.berkeley.edu/php-programs/courses/courseSearchResults.php?termCode=D&termYear=2025&instructorSearch=22712> (filtering for Catherine Fisk as Instructor) (last accessed Jun. 15, 2025).

²⁷ *Schedule of Classes Fall 2024*, BERKELEY LAW, <https://www.law.berkeley.edu/php-programs/courses/courseSearchResults.php?termCode=D&termYear=2024&instructorSearch=22712> (filtering for Catherine Fisk as Instructor) (last accessed Jun. 15, 2025).

B. UC Berkeley failed to protect student protesters from repeated physical violence and verbal harassment during Sather Gate demonstration.

From February to April 2024, protesters partially blocked Sather Gate, a historically significant protest site at UC Berkeley.²⁸ In PALA's interviews, students who participated in the demonstration reported that they faced daily harassment, and sometimes physical violence, at the gate, with little to no intervention from university administrators.²⁹

Demonstrators reported experiencing shoving, stalking, racist comments, and threats.³⁰ Frequently, members of Zionist organizations would also come to the gate to intimidate protesters by taking close-up pictures of their faces—presumably to put the students in fear of being doxxed.³¹

In one particularly disturbing incident, a man who initially seemed friendly to the Sather Gate demonstrators became physically aggressive, pushing an engineering graduate student, telling students he was going to put them “six feet under,” making Islamophobic comments, and later returning with a large knife tucked into his waistbelt.³² Observers from UC Berkeley's staff reported this incident to university police, who placed a week-long restraining order on the man with the knife.³³ But after the order lifted, the man was back again to continue harassing the protesters.³⁴ Demonstrators suspected that the man was experiencing a mental health crisis and thus did not want to press criminal charges, but felt that UC Berkeley failed to take other steps to protect its students from this threat.³⁵ For example, while the university typically sends out campus-wide alerts, called “WarnMe” notifications, to inform students of situations that threaten student safety, it did not issue an alert in this instance.³⁶ By contrast, when protesters demonstrated against a speaking event by a far-right Israeli political figure, the university sent out three separate WarnMe alerts.³⁷

The engineering graduate student commented that the administration's weak response to the violence and threats that Sather Gate protesters repeatedly encountered seemed to betray a hostility

²⁸ Aarya Mukherjee, *Campus Community Marches in Silent Protest Against Partial Sather Gate Blockade*, DAILY CALIFORNIAN (Mar. 12, 2024), https://www.dailycal.org/news/campus/student-life/campus-community-marches-in-silent-protest-against-partial-sather-gate-blockade/article_70430c1e-e033-11ee-8e1b-db655a5d9afa.html; Supriya Yelimeli, *'Free Palestine Camp' removes tents at Cal after reaching agreement*, BERKELEYSIDE (May 14, 2024), <https://www.berkeleyside.org/2024/05/14/uc-berkeley-free-palestine-camp-removes-tents-carol-christ-divestment>.

²⁹ Zoom interview with engineering graduate student (Mar. 28, 2024); Interview with graduate student in Berkeley, Cal. (Feb. 29, 2024).

³⁰ Zoom interview with engineering graduate student (Mar. 28, 2024).

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* UC Berkeley WarnMe is the campus' emergency notification system. Notifications are sent out to all UC Berkeley students if a situation occurs that immediately threatens the health or safety of students or employees. *UC Berkeley Warn Me*, UC BERKELEY, <https://warnme.berkeley.edu/> (last accessed Apr. 6, 2025).

³⁷ Email from UC Berkeley WarnMe to UC Berkeley students (Feb. 26, 2025, 9:55 p.m.); Email from UC Berkeley WarnMe to UC Berkeley students (Feb. 26, 2025, 10:02 p.m.); Email from UC Berkeley WarnMe to UC Berkeley students (Feb. 26, 2025, 10:35 p.m.).

toward their cause. “The admin was basically saying that you kind of deserve this treatment because you’re demonstrating out here,” he said.³⁸

C. UC Berkeley failed to adequately address a Berkeley Law professor’s mistreatment of a Palestinian-American student who donned symbols of Palestinian culture.

In another incident, a professor attempted to shame a Palestinian-American student in class for wearing clothing that featured symbols tied to Palestinian identity.³⁹

In March 2025, a Palestinian-American Berkeley Law student arrived to class wearing a crewneck that depicted a map of historical Palestine and a watermelon.⁴⁰ Upon seeing the student, one of the course’s co-professors, Jonathan Gould, opened class saying he wanted to speak about issues of free speech and classroom decorum, which were topics unrelated to the course and that day’s scheduled class discussion. When the law student told Gould that he was behaving inappropriately by chastising him in front of the entire class, Gould likened the student’s shirt to wearing clothing with the confederate flag on it.⁴¹

After the confrontation, Gould withdrew from teaching the course for the remainder of the semester, leaving his co-professor to teach it alone.⁴²

Weeks prior, Gould had sent his co-professor to tell the Palestinian-American law student to keep his phone out of sight during class because Gould felt a sticker on the phone, which featured a variant of the Palestinian flag, “marked Jews for death.”⁴³ After that incident, the law student noticed that Gould refused to look at him during class.⁴⁴

“There needs to be a different category that’s looked at, which is now specifically anti-Palestinian racism, in which a professor feels comfortable implying that a flag of national origin is a hate symbol,” the Palestinian-American law student told the *Daily Californian*. “I think this would be completely unacceptable if, for example, someone were to imply the Mexican flag or the Pakistani flag, or any flag besides Palestine is a hate symbol, that a student should be humiliated publicly for wearing it.”⁴⁵

After Gould publicly chastised him, the law student reported the incident to UC Berkeley’s Office for the Prevention of Harassment and Discrimination (OPHD), but felt unsupported by the staff during the investigation.⁴⁶ In his intake interview for the investigation, the OPHD interviewer engaged him in a strange line of questioning, asking him why he thought Gould was offended by

³⁸ Zoom interview with engineering graduate student (Mar. 28, 2024).

³⁹ Miles Kofman, *Professor quits course after dispute with student over pro-Palestine clothing*, DAILY CALIFORNIAN (Mar. 12, 2025), https://www.dailycal.org/news/campus/professor-quits-course-after-dispute-with-student-over-pro-palestine-clothing/article_adcf2d34-fefe-11ef-9d64-3f1aeffb672.html.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Telephone interview with Berkeley Law student (June 3, 2025).

⁴⁴ *Id.*

⁴⁵ Kofman, *supra* note 39.

⁴⁶ Telephone interview with Berkeley Law student (June 3, 2025).

the phone sticker and the design on the crewneck.⁴⁷ As of publishing, the expected end date for the investigation has been pushed out into December 2025. In Fall 2025, Gould transferred to New York University to begin a tenured position, potentially avoiding sanctions he could have faced for his violations of UC Berkeley policy.⁴⁸

D. UC Berkeley faculty published high-profile media articles demonizing their students for engaging in pro-Palestine advocacy.

Since October 2023, UC Berkeley professors and deans have published inflammatory articles in the media that put a target on the backs of Palestinian students and their allies who speak against genocide.

On October 15, 2023, UC Berkeley Law professor Stephen Davidoff Solomon published an op-ed in the *Wall Street Journal* explicitly calling for law firms to blacklist students affiliated with pro-Palestinian organizations.⁴⁹ The article titled “Don’t Hire My Antisemitic Law Students” urged legal employers: “If a student endorses hatred, it isn’t only your right but your duty not to hire him.”⁵⁰ This public call, demonizing student activism as hatred and attempting to destroy students’ careers, prompted widespread alarm among Palestinian students and their allies. Over 200 Berkeley Law alumni condemned Solomon’s piece as a threat to free speech principles and to the safety and livelihoods of students.⁵¹ Liz Jackson, a Jewish alumna and founding attorney with Palestine Legal, called the op-ed “shocking and racist,” noting how it conflated criticism of Israel with antisemitism.⁵² But rather than forcefully defending his students against this blacklisting attempt, Dean Chemerinsky equivocated, stating merely that “That isn’t the law school’s position, and we’ll help every student find a job.”⁵³ This tepid response contrasts sharply with Chemerinsky’s swift threats of disciplinary proceedings against students engaging in pro-Palestinian advocacy,⁵⁴ revealing a troubling pattern: aggressive enforcement against Palestinian student expression, but minimal protection when those same students face professional retaliation for their political views.

A year later, in October 2024, Chemerinsky published his own op-ed in the *New York Times* likening peaceful anti-genocide protesters that engaged in a campus walkout to the Ku Klux Klan.⁵⁵ In the article, he acknowledged that, “there is an important conversation to be had about Israel’s actions over the past year,” but otherwise focused solely on the university’s duty to

⁴⁷ *Id.*

⁴⁸ Telephone interview with Berkeley Law student (June 3, 2025); New York University School of Law, *Jonathan Gould to join NYU Law faculty* (Dec. 17, 2024), <https://www.law.nyu.edu/news/new-faculty-jonathan-gould>.

⁴⁹ Clifford D. Solomon, *Op-Ed: Don’t Hire My Anti-Semitic Law Students*, WALL ST. J. (Oct. 15, 2023), <https://www.wsj.com/articles/dont-hire-my-anti-semitic-law-students-protests-colleges-universities-jews-palestine-6ad86ad5>.

⁵⁰ *Id.*

⁵¹ berkeleylawalumni200plus, *Dear Dean Chemerinsky*, MEDIUM (Nov. 12, 2023), <https://medium.com/@berkeleylawalumni200plus/dear-dean-chemerinsky-1a9f8a7408b2>; Debbie Truong, *A Divide Over the Israel-Hamas War Flares at UC Berkeley Law*, LA TIMES (Nov. 3, 2023), <https://www.latimes.com/california/story/2023-11-03/a-divide-over-the-israel-hamas-war-flares-at-uc-berkeley-law>.

⁵² Truong, *supra* note 51.

⁵³ *Id.*

⁵⁴ See E-mail from Erwin Chemerinsky, Dean of Berkeley Law, to Berkeley Law students (Sept. 24, 2024).

⁵⁵ Erwin Chemerinsky, *College Officials Must Condemn On-Campus Support for Hamas Violence*, N.Y. TIMES (Oct. 20, 2024), <https://www.nytimes.com/2024/10/20/opinion/hamas-colleges-free-speech.html>.

ensure that pro-Palestine protests do not cause discomfort to students who disagree with them.⁵⁶ His comments did not acknowledge his Arab, Palestinian, and Muslim students, who have faced an alarming uptick in discrimination and harassment since October 2023.⁵⁷ His comments also implied that his Jewish students all held pro-Israel views, disregarding the active role of many Jewish students in protests against the genocide. As the *Berkeley Journal of Black Law and Policy* Executive Board wrote in a statement denouncing Chemerinsky's *New York Times* op-ed, the article "mischaracterize[es] campus rallies for justice in Palestine as celebrations of violence for the sake of violence, completely decoupled from the reality of the 75-year-long genocide of the Palestinian people."⁵⁸ In doing so, Chemerinsky vilified students on campus engaging in pro-Palestine protests, with no regard for how this public statement may create a hostile environment for Palestinian students.

Later, in February 2025, Solomon wrote yet another op-ed in the *Wall Street Journal*, this time calling upon the Trump administration to investigate UC Berkeley for antisemitism using "all civil and criminal authorities or actions" available.⁵⁹ This op-ed put a target on students at UC Berkeley as the Trump administration began its crackdown on student protesters, masking its repression of anti-genocide protests as concern for antisemitism. A month after Solomon published this article, the U.S. Department of Justice announced that it was launching an investigation into antisemitism in the UC system.⁶⁰ Less than two months later, the State Department began revoking the visas of UC Berkeley students.⁶¹

These op-eds materially created a hostile environment in which Palestinian students and their allies felt afraid to speak out against genocide on campus. In March 2025, the Students Association at Berkeley Law sent out a survey that asked students how they felt about Berkeley Law faculty publishing these articles. The survey revealed that only 25 percent of the law student respondents believed that they had the freedom to safely speak their mind on campus.⁶²

⁵⁶ *Id.*

⁵⁷ *Id.*; CAIR San Francisco Bay Area, *Islamophobia, harassment skyrocketing on California's college campuses, report reveals* (Nov. 21, 2024), <https://ca.cair.com/news/islamophobia-harassment-skyrocketing-on-californias-college-campuses-report-reveals/>.

⁵⁸ Berkeley Journal of Black Law and Policy, Berkeley Law Jews for Palestine, 'Hypocritical and insulting': Black and Jewish students at Berkeley Law say Dean Chemerinsky uses them as props to vilify Palestine Solidarity Movement, DAILY CALIFORNIAN (Oct. 25, 2024), https://www.dailycal.org/opinion/op-eds/hypocritical-and-insulting-black-and-jewish-students-at-berkeley-law-say-dean-chemerinsky-uses-them/article_9cbe4ccc-9299-11ef-bee1-83f03a661cc9.html.

⁵⁹ Steven Davidoff Solomon, *Mr. Trump, Investigate My Campus*, WALL ST. J. (Feb. 2, 2025), <https://www.wsj.com/opinion/mr-trump-investigate-my-campus-hamas-rape-denial-hostile-environment-for-jews-and-women-politics-77dec881>.

⁶⁰ U.S. Department of Justice Office of Public Affairs, *U.S. Justice Department Launches Investigation of University of California Under Title VII of the Civil Rights Act of 1964* (Mar. 5, 2025), <https://www.justice.gov/opa/pr/us-justice-department-launches-investigation-university-california-under-title-vii-civil>.

⁶¹ Mukherjee, *supra* note 12.

⁶² Ava Volman, *Berkeley Law student government steps down, condemns administration in wake of visa revocations*, DAILY CALIFORNIAN (Apr. 10, 2025), https://www.dailycal.org/news/city/law-and-justice/berkeley-law-student-government-steps-down-condemns-administration-in-wake-of-visa-revocations/article_a83248b8-1650-4675-8a7d-edd305525be0.html.

E. UC Berkeley did not meaningfully investigate reports of discrimination or harassment against Palestinian students and their allies.

In PALA's interviews with students who had experienced discrimination and harassment after expressing support for Palestinian equity and freedom, a common trend emerged: Nearly all the students who had reported incidents to UC Berkeley's Office for the Prevention of Harassment and Discrimination (OPHD) said that the office had either inappropriately dismissed or ignored their reports.

OPHD is charged with overseeing campus compliance with policies that prohibit discrimination and harassment for students, faculty, and staff, including those based on sex, gender, sexual orientation, race, disability, religion, and other protected categories.⁶³ OPHD processes are purportedly intended to ensure that reports of discrimination and harassment are addressed consistently.⁶⁴ Once the office receives a report, internal policy requires that OPHD reach out to the individual who experienced the harassment or discrimination to schedule an intake meeting.⁶⁵ After conducting an intake meeting, OPHD should document the complainant's concerns and educate them about their rights and resources to address the issue, including formal and informal resolution options and available supportive measures.⁶⁶ But Palestinian students and their allies have reported that they received little support from the university after reporting incidences of race or religion-based harassment.

In one instance, someone on campus told a graduate student who advocated for Palestine that she should be "raped by Hamas."⁶⁷ When the graduate student, who is of Arab descent, reported the incident as an act of racism to OPHD, administrators told her this was an instance of sexual harassment and she should better learn how reporting worked within the university.⁶⁸ Throughout Fall 2023, the same student reported at least six different instances of harassment including incidents where harassers stalked and followed her home and where one person told her she was "going to hell" because of her activism.⁶⁹ OPHD did not investigate any of the reports the student made, to her knowledge.⁷⁰ She eventually stopped receiving any communication about the complaints and gave up on reporting further instances of harassment.⁷¹ As a result of this harassment, she no longer feels comfortable putting information about herself online, which has negatively affected her personal and professional life. For example, she has had to remove her CV from the Internet.⁷²

⁶³ *Office for the Prevention of Harassment & Discrimination*, UC BERKELEY, <https://ophd.berkeley.edu/> (last accessed June 15, 2025).

⁶⁴ *Office for the Prevention of Harassment & Discrimination Complaint Resolution Process*, UC BERKELEY, <https://ophd.berkeley.edu/complaint-resolution-process> (last accessed June 15, 2025).

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ Interview with graduate student in Berkeley, Cal. (Feb. 29, 2024).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

OPHD's reputation of failure has ultimately led Palestinian students and their supporters to become mistrustful of the university and less likely to report incidents of discrimination and harassment. One doctoral candidate expressed that reporting to OPHD felt like "talking to a huge void."⁷³

In summing up the sentiment toward OPHD on campus, one law student said: "OPHD allows the University to pretend that it's 'addressing' anti-Palestinian racism and antisemitism on campus when (1) many students know these processes are a sham and (2) have little-to-no reason to trust them to begin with, even, I imagine, when individual staff members are trying their best. And even if that trust is there, OPHD is woefully insufficient to address the hostile and unsafe environment that the University has willfully turned a blind eye to at best and enabled at worst."⁷⁴

F. UC Berkeley failed to substantively support doxxed students or protect their safety.

UC Berkeley students and faculty have also experienced doxxing for their support of Palestinian freedom and equity, which has exposed them to severe threats and harassment. The university has repeatedly failed to address doxxing concerns or to take measures to materially protect the safety and welfare of the students targeted.

On multiple occasions, the conservative group Accuracy in Media drove a billboard truck near UC Berkeley's campus that doxxed students and accused them of antisemitism.⁷⁵ The truck featured names and images of students who had advocated for Palestine.⁷⁶ It also compared these students to Hitler.⁷⁷ Students and faculty who advocate for Palestine have also been doxxed on Canary Mission, a website that routinely publishes detailed information about pro-Palestine advocates and accuses them of antisemitism and supporting terrorism.⁷⁸ Federal testimony has revealed that the government agencies use Canary Mission as a source for identifying student protesters for deportation and visa revocation proceedings.⁷⁹

After each these instances of doxxing, targeted UC Berkeley students received a flood of hateful emails to their school accounts. Some of these messages included racist comments or threatened physical violence. Though administrators condemned the doxxing,⁸⁰ these condemnations came only after drawn out campaigns by targeted students. Students were repeatedly told by campus

⁷³ Interview with anthropology PhD candidate (Mar. 9, 2024).

⁷⁴ Interview with UC Berkeley Law Student (Mar. 10, 2024).

⁷⁵ Erwin Chemerinsky, *Dean's Statement*, UC BERKELEY LAW (Oct. 26, 2022), <https://www.law.berkeley.edu/article/deans-statement-10-26-2022/>; Maya Mirsky, *Truck that doxxes alleged antisemites returns to UC Berkeley*, J WEEKLY (Feb. 6, 2024), <https://jweekly.com/2024/02/06/truck-that-exposes-allegedly-antisemitic-students-returns-to-uc-berkeley/>.

⁷⁶ Mirsky, *supra* note 75.

⁷⁷ Vimal Patel, *At Berkeley Law, a Debate Over Zionism, Free Speech and Campus Ideals*, N.Y. TIMES (Dec. 21, 2022), <https://www.nytimes.com/2022/12/21/us/uc-berkeley-free-speech.html/>

⁷⁸ Erwin Chemerinsky, *Dean's Statement: Condemning Canary Mission*, UC BERKELEY LAW (Jun. 1, 2023), <https://www.law.berkeley.edu/article/deans-statement-canary-mission>.

⁷⁹ AAUP, *supra* note 16.

⁸⁰ *Id.*; Chemerinsky, *supra* note 78.

administrators that there was nothing administrators could do to address the harm caused by these incidents.⁸¹

“Unfortunately, so long as the truck stays on public streets, the campus cannot exclude it,” Chemerinsky wrote in a statement about the Accuracy in Media truck. “[W]e have no reason to believe that this poses a threat to physical safety in any way.”⁸²

Students said that they felt the administration was unprepared to support them after these doxxing incidents.⁸³ The administration pointed students toward mental health resources and documents on how to prevent online harassment, but did not materially help them seek accountability for the ongoing harassment or ensure their safety in response to the violent threats they faced.⁸⁴

In addition to threats of physical violence, the doxxing also resulted in emotional and professional consequences for targeted students.

After being doxxed by the Accuracy in Media truck, one graduate student worker became uncomfortable interacting with her students, fearing that they believed her to be antisemitic.⁸⁵ The graduate student worker also stopped attending educational seminars for fear of being judged by her professors and peers.⁸⁶

A third-year law student who was doxxed subsequently lost their summer job at a law firm, which would have paid them \$40,000.⁸⁷ The firm rescinded the law student’s offer after a Canary Mission profile of them was made, citing their tweets critical of Israel.⁸⁸ Upon returning to school, the student felt anxious and depressed.⁸⁹ They are a first-generation student and wanted to use the money from the summer law firm job to pay off debt and to help family.⁹⁰ They also did not know who had submitted their information to Canary Mission, causing them to feel unsafe around their peers at school.⁹¹

II. UC Berkeley reinforced the hostile anti-Palestinian environment on campus by applying increased scrutiny to pro-Palestine protests.

Not only has UC Berkeley failed to adequately address the harassment and discrimination that Palestinian students and their supporters face on campus, but the university has also actively reinforced the hostile environment on campus by repeatedly engaging in different treatment of Palestinian students and their allies. One area in which this has played out is protest response.

⁸¹ Interview with UC Berkeley Law student (Mar. 9, 2024), Interview with UC Berkeley Law student (Apr. 5, 2024), Interview with graduate student instructor (Mar. 9, 2024).

⁸² Email from Erwin Chemerinsky, Dean of Berkeley Law, to Berkeley Law Community (Jan. 30, 2024).

⁸³ Interview with UC Berkeley Law student (Mar. 9, 2024); Interview with graduate student instructor (Mar. 9, 2024).

⁸⁴ Interview with graduate student instructor (Mar. 9, 2024).

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Interview with UC Berkeley Law student (Mar. 9, 2024).

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

UC Berkeley has consistently applied increased scrutiny to protests in support of Palestinian freedom and equity. It has more aggressively policed these demonstrations and implemented programs to surveil student protesters. Further, in August 2024, the UC adopted a new set of system-wide free speech policies designed to chill pro-Palestine activism.⁹² By treating student protest by Palestinian students and their allies as inherently more dangerous than other student demonstrations, UC Berkeley has reinforced the campus culture of anti-Palestinian racism by playing into dehumanizing stereotypes that depict Palestinians as inherently hateful, violent, or antisemitic.⁹³

A. UC Berkeley has met pro-Palestine protests with increased police presence compared to other demonstrations.

UC Berkeley has reacted to some pro-Palestine campus protests with aggressive police response, whereas it generally has not deployed large numbers of police officers at other protests that used similar tactics.

On February 26, 2024, student protesters at UC Berkeley disrupted an event featuring Israeli attorney and former Israeli military combatant Ran Bar-Yoshafat at Zellerbach Playhouse.⁹⁴ The speaker had directly participated in Israel’s genocide in Gaza through his military role and had made deeply racist and genocidal statements.

“Every school, mosque, hospital, kindergarten (in Gaza) – all – without exception – is a terror camp. There is no exception. There is not even one exception,” Bar-Yoshafat wrote in one statement.⁹⁵

Organizers aimed to respond to the event using non-violent and non-confrontational tactics—protesters had properly registered to gain entry to the event and planned to conduct a sit-in.⁹⁶ In response to the planned protest, campus administrators moved the location of the event at the last minute. When the crowd of protesters arrived at the new location, staff denied the students entry into the building, and a group of students entered Zellerbach Hall through an open side door.⁹⁷

Aggressive police tactics soon riled the crowd and created chaos. One observer reported that UCPD officers threw a woman to the ground, grabbed a student by the neck, and grabbed and

⁹² Letter from Michael V. Drake, President of the University of California, to University of California Chancellors (Aug. 19, 2024), available at <https://calmatters.org/wp-content/uploads/2024/09/Letter-from-President-Drake-Chancellors-Policies-Impacting-Expressive-Activity-2.pdf>.

⁹³ Arab Canadian Lawyers Association, *supra* note 5 at 19.

⁹⁴ Aarya Mukherjee, *‘Without recent precedent’: Protesters, campus reflect on Zellerbach protest*, DAILY CALIFORNIAN (Mar. 4, 2024), https://www.dailycal.org/news/campus/student-life/without-recent-precedent-protesters-campus-reflect-on-zellerbach-protest/article_67e0b5d0-da0c-11ee-a7b7-cf2e95ea28b4.html.

⁹⁵ *Id.*

⁹⁶ Sam Grotenstein, *Protesting in context*, DAILY CALIFORNIAN (Mar. 1, 2024), https://www.dailycal.org/opinion/oped/protesting-in-context/article_d012b340-d81f-11ee-8cf7-3b4f4b849d0f.html.

⁹⁷ *Id.*

shoved protesters.⁹⁸ Campus administrators later used these incidents to characterize the protest as violent and “an attack on the fundamental values of the university.”⁹⁹

The situation escalated further when the university opened a hate crime investigation into the event over concerns of antisemitism,¹⁰⁰ despite Jewish attendees at the event reporting that they did not witness any antisemitic incidents at the protest.¹⁰¹ As part of its hate crime investigation, UC Berkeley circulated an email displaying the faces of individuals who had attended the protest, inviting doxxing and putting the safety of protesters at further risk.¹⁰²

This incident is emblematic of a pattern of aggressive police tactics and administrative overreach with respect to protests for Palestinian freedom. It is not unusual for student protesters at UC Berkeley to occupy buildings or conduct sit-ins.¹⁰³ But in demonstrations unrelated to Palestine, UCPD has been less likely to subject protesters to violence. For example, in December 2023, graduate student workers loudly disrupted a meeting at California Hall during an important administrative meeting for approximately six hours and were never ordered to disperse.¹⁰⁴ Similarly, when protesters occupied the UC Berkeley registrar’s office demanding more diversity in the campus’ enrollment, administrators came and met peacefully to discuss the issues with the protesters until they left about four hours later.¹⁰⁵

B. UC Berkeley surveilled protesters at Sather Gate and subjected them to increased scrutiny.

UC Berkeley has met pro-Palestine protests with increased scrutiny and surveillance, particularly student protester’s three-month-long demonstration at Sather Gate.

Campus administrators addressed the partial blockage of the gates through an email, which acknowledged that while political protest is protected, it remains subject to regulations that prohibit “attaching anything to the Gate, the use of amplified sound, completely blocking the path of travel, and/or harassing those who pass by.”¹⁰⁶ The email also announced that observers would

⁹⁸ *Id.*

⁹⁹ Carol Christ & Benjamin Hermalin, *Upholding our values*, UC BERKELEY NEWS (Feb. 27, 2024), <https://news.berkeley.edu/2024/02/27/upholding-our-values/>.

¹⁰⁰ Alex N. Gecan, *Cal opens hate crime investigation into protest against Israeli campus speaker*, BERKELEYSIDE, <https://www.berkeleyside.org/2024/03/07/uc-berkeley-ran-bar-yoshafat-protest>.

¹⁰¹ Aarya Mukherjee, *Ran Bar-Yoshafat returns to UC Berkeley for speaker event in spite of prior protests*, DAILY CALIFORNIAN (Mar. 20, 2024), https://www.dailycal.org/news/campus/student-life/ran-bar-yoshafat-returns-to-uc-berkeley-for-speaker-event-in-spite-of-prior-protests/article_1029e32c-e680-11ee-b5f1-e744a8d84ec3.html.

¹⁰² Email from UC Berkeley Police Department to UC Berkeley students (Mar. 25, 2024) (“Community Message — UCPD Request for Public Assistance, Zellerbach Playhouse Event on 2/26/24”).

¹⁰³ Charlie Smith, *Protesters hold sit-in at Berkeley registrar’s office in Sproul Hall*, DAILY CALIFORNIAN (Apr. 6, 2012), https://www.dailycal.org/archives/protesters-hold-sit-in-at-the-uc-berkeley-registrars-office-in-sproul-hall/article_ab58b01a-8fb1-58a0-86f9-038446cbe917.html; Jessica Lynn, *Student Labor Committee members occupy Haas Pavilion, protest alleged termination of contract worker*, DAILY CALIFORNIAN (Oct. 30, 2015), https://www.dailycal.org/archives/student-labor-committee-members-occupy-haas-pavilion-protest-alleged-termination-of-contract-worker/article_2282b581-db25-5855-a984-511b6dd626af.html/

¹⁰⁴ Text message with UC Berkeley Law student (May 17, 2025).

¹⁰⁵ Smith, *supra* note 103.

¹⁰⁶ Email from Carol T. Christ, former UC Berkeley Chancellor, to UC Berkeley students (Mar. 19, 2024) (“Sather Gate”).

be posted to monitor the situation, indicating increased scrutiny of the demonstration that had not been seen at previous protest actions.¹⁰⁷ These observers, who volunteered from UC Berkeley's staff, were instructed to surveil protesters from 10 a.m. to 4 p.m. each day,¹⁰⁸ documenting any violations of campus policy and providing reports to the Dean of Students Office. A Powerpoint used to train campus observers states that these reports could be passed onto the chief of police, the campus Center for Student Conduct, or other university administrators.¹⁰⁹

This response stands in stark contrast with how similar demonstrations were handled historically. For instance, student protesters faced minimal interference when they blocked Sather Gate to oppose People's Park development in 2021 and to advocate for the relocation of campus resource centers in 2016.¹¹⁰ While Sather Gate demonstrations have been a longstanding form of protest at Berkeley, the university's response to the 2024 Palestine solidarity demonstration there represents a departure from its typically more permissive stance toward similar tactics used for other causes.

C. The UC System changed its campuswide policies on protest in response to pro-Palestine demonstrations.

The University of California system also has developed a new policy on free speech that seems targeted to chill pro-Palestine speech.

Following the systemwide encampments in Spring 2024, the UC issued a new system-wide free speech policy in August 2024.¹¹¹ The new policy included bans on student encampments, a longstanding tradition of student movements with a rich history at Berkeley.¹¹² These changes were made under the color of "Time, Place, Manner" policies restricting how, when, and where students are afforded the right to exercise free speech on UC campuses.¹¹³ The new policy also included a prohibition on masking on campus for the purpose of concealing identity.¹¹⁴ This policy is particularly problematic at UC Berkeley, where there is a recent history of outside organizations doxxing students for expressing support for Palestinians.¹¹⁵

The new free speech policy created restrictions around protest practices that were considered acceptable for years—up until they were used in protests that support Palestinian freedom and

¹⁰⁷ *Id.*

¹⁰⁸ UC Berkeley, *Observer Sign-up Sheet* (last accessed June 17, 2025) (unpublished).

¹⁰⁹ Alfred Day, *Observer and Peace Ambassador Program Training*, UC Berkeley (last accessed June 17, 2025) (unpublished).

¹¹⁰ See Anishi Patel, *Protesters Blockade Sather Gate in Opposition to People's Park Development*, DAILY CALIFORNIAN (Aug. 26, 2021), https://www.dailycal.org/archives/protesters-blockade-sather-gate-in-opposition-to-peoples-park-development/article_8d052983-afe5-5549-a49e-b3a6116949c1.html; Alexander Barreira, *Student groups block Sather Gate in latest protest for relocation*, DAILY CALIFORNIAN (Oct. 24, 2016), https://www.dailycal.org/archives/student-groups-block-sather-gate-in-latest-protest-for-relocation/article_7ba8782e-1a34-59e9-a12b-8f7e4916e202.html.

¹¹¹ Letter from Michael V. Drake, President, University of California Regents, to University of California Chancellors (Aug. 19, 2024), <https://news.berkeley.edu/wp-content/uploads/2024/08/Letter-from-President-Drake-Chancellors-Policies-Impacting-Expressive-Activity.pdf>.

¹¹² *Id.*; *Managing Protest*, BERKELEY LIBRARY, <https://www.lib.berkeley.edu/visit/bancroft/oral-history-center/projects/managing-protest> (last accessed Apr. 13, 2025).

¹¹³ Drake, *supra* note 111; Kevin Francis O'Neil, *Time, Place and Manner Restrictions*, FREE SPEECH CENTER (last updated July 9, 2024), <https://firstamendment.mtsu.edu/article/time-place-and-manner-restrictions/>.

¹¹⁴ Drake, *supra* note 111.

¹¹⁵ See, e.g., Mirsky, *supra* note 75.

equity. In particular, at UC Berkeley, student encampments were a feature of protests by anti-Apartheid activists in the 1980s and Occupy Cal protesters in 2011.¹¹⁶ Neither of these movements were met with a change of policy explicitly banning encampments as a protest tactic, suggesting that the UC's policy change was targeted particularly at suppressing speech in support of Palestinians.

III. UC Berkeley reinforces the hostile environment on campus by selectively enforcing its academic policies to punish students and faculty who speak in support of Palestinians.

UC Berkeley has selectively enforced its policies—or created entirely new policies—to restrict students and faculty from publicly supporting Palestinian freedom. The administration has censured faculty who spoke in support of Palestine in classes, accusing them of using class time for “political indoctrination.” Berkeley Law’s dean also enacted a new policy to ensure that students could not receive academic credit for their work on student journals that refused to invite speakers who subscribed to the political ideology of Zionism.

A. UC Berkeley weaponizes its policies prohibiting “political indoctrination” in the classroom against faculty who speak in support of Palestinians.

UC Berkeley has weaponized Regents Policy 2301, which prohibits the use of class time for “political indoctrination,” to punish faculty who speak out in support of Palestine.¹¹⁷

A graduate student instructor (GSI) in a socio-cultural anthropology course received a letter of counseling stating that she violated UC Regents Policy 2301 after she shared a statement over Zoom, during a period when students were given time to complete course evaluations.¹¹⁸ In the statement, she explained the connection of Palestine to the course material and addressed the absurdity of Palestine never being mentioned throughout the course, which included lectures on settler colonialism, the power of language, kinship, religion, and AI and oppression.¹¹⁹

“For the genocide to not be mentioned in any of your classes indicates a much . . . deeper power structure that we have to unpack,” the graduate student said. “We learned about kinship [in this class]. What does it mean to think about kinship when entire families are being erased?”¹²⁰

That day, a faculty member sent out an email to all anthropology GSIs, warning that it was a “particularly inopportune time” to use class time for non-class related speech and asking instructors to consider how they would feel if a professor shared a differing political opinion from their “bully pulpit.”¹²¹

¹¹⁶ Christopher Alam, *UC Berkeley Gaza Protest Encampment Echoes Past Movements*, AMERICAN COMMUNITY MEDIA (Feb. 17, 2025), <https://americancommunitymedia.org/education/uc-berkeley-gaza-protest-encampment-echoes-past-movements/>.

¹¹⁷ University of California Board of Regents, *Regents Policy 2301: Policy on Course Content* (Sep. 22, 2005), <https://regents.universityofcalifornia.edu/governance/policies/2301.html>.

¹¹⁸ Interview with Anthropology PhD Candidate (Mar. 9, 2024).

¹¹⁹ Email from PhD Candidate to Anthropology Department (March 5, 2024).

¹²⁰ Anthropology PhD Candidate, *Anthro Lecture* (Video recording, Nov. 30, 2023).

¹²¹ Posting of Anthropology faculty member to <gsiandreader@lists.berkeley.edu> (Nov. 30, 2023) (“Do not use class time for non-class related speech”).

The graduate student who gave the in-class statement was soon called into a mandatory meeting with the chair of the department and the department's GSI advisor, where they told her that she was not to speak about the genocide in Palestine to any student in the course until after the semester had ended.¹²² In an email follow-up, the chair further warned her that non-compliance could result in discipline or dismissal.¹²³ About two and half weeks later, the chair sent the graduate student a letter of counseling, informing her that her statement on Palestine had violated UC Regents Policy 2301.¹²⁴

Shortly after the incident, the class that the graduate student was slated to teach for the next semester, "Psychological Anthropology," was cancelled, with the department citing low enrollment. The cancellation felt suspicious to the student as a course she had previously been slated to teach, "Anthropology of Islam and the Middle East," had also been cancelled under the justification of low enrollment, although the course had only been posted for about a week.¹²⁵ She has never been assigned to act as a GSI for a class since, despite continuing to apply for positions, even where there was a desperate need for GSIs to step in when instructors had to leave unexpectedly mid-semester.¹²⁶

This apparent retaliation from the department for her speech on Palestine created severe stress for the graduate student.¹²⁷ It also affected her future career prospects, preventing her from gaining the same teaching experience as her peers.¹²⁸

Further, UC Berkeley's administration has used the threat of a Policy 2301 violation to preemptively prevent faculty from engaging in actions to support Palestinian students and their allies. In October 2023, during a campus walkout in support of Palestine, the campus Office of the Executive Vice Chancellor and Provost sent out a campus-wide email reminding all faculty and staff that Policy 2301 prohibits cancelling a class session for the purpose of encouraging students to participate in a protest or rally, citing its invocation of "the right of students to have their classes held on the regularly scheduled basis."¹²⁹

The university has a history of unequal application of the prohibition on "political indoctrination" under Regents Policy 2301. In 2016, administrators sought to use the policy against political indoctrination to cancel a student-led class on Palestine before backlash caused them to reverse course.¹³⁰

Several courses offered at UC Berkeley have components of political advocacy and proceed without incident or censure. Berkeley Law, for example, offers a policy advocacy clinic in which

¹²² Telephone interview with Anthropology PhD Candidate (May 22, 2025).

¹²³ Email from Chair of Anthropology Department to PhD candidate (Dec. 1, 2023).

¹²⁴ Letter of Counseling from Anthropology Department Chair to Anthropology PhD Candidate (Dec. 19, 2023).

¹²⁵ Telephone interview with Anthropology PhD Candidate (May 22, 2025).

¹²⁶ *Id.*

¹²⁷ Telephone interview with PhD Candidate (Mar. 9, 2024).

¹²⁸ Telephone interview with Anthropology PhD Candidate (May 22, 2025).

¹²⁹ Email from the Office of the Executive Vice Chancellor & Provost to UC Berkeley students and Faculty. (Oct. 25, 2023).

¹³⁰ *UC Berkeley Suspended Course on Palestine*, PALESTINE LEGAL (Oct. 17, 2017), palestinelegal.org/case-studies/2017/10/13/uc-berkeley-suspended-course-on-palestine.

students receive course credit for tasks such as drafting legislation to reduce the harmful impacts of the criminal legal system.¹³¹

But when graduate student instructors or lecturers express heartbreak over the carnage in Gaza, they are threatened with discipline. These facts suggest that Regents Policy 2301 is not applied equally to all “political” content in the classroom. Rather, UC Berkeley’s administration enforces it more harshly against faculty who speak in support of Palestinians.

B. UC Berkeley censures student organizations that adopt bylaws aligned with the boycott, divest, sanction movement.

At Berkeley Law, the administration has also threatened to withhold academic credit from students who work on journals that adopted a bylaw aligned with the boycott, divest, and sanction (BDS) movement.

In August 2022, Berkeley Law Students for Justice in Palestine (LSJP) promulgated a bylaw that student organizations could voluntarily adopt, which committed organizations to “not invite speakers that have expressed and continued to hold views or host/sponsor/promote events in support of Zionism, the apartheid state of Israel, and the occupation of Palestine.”¹³² It also committed the organizations’ leadership to go through “Palestine 101” training.¹³³ Many organizations stood in solidarity and adopted the bylaw, prompting immense backlash at a national and individual level.¹³⁴

In response to the bylaw, the dean sent a message to the broader law school community in October 2022 stating he supports the existence of Israel, although he condemns many of its policies.¹³⁵ He went on to express agreement with then-UC Berkeley Chancellor Carol Christ in her opinion that the BDS movement “poses a direct and serious threat to the academic freedom of our students and faculty, as well as the unfettered exchange of ideas and perspectives on our campus, including debate and discourse regarding conflicts in the Middle East.”¹³⁶ Regardless he noted in the response that although he found the bylaw troubling, he would not strike it down, writing, “To require student groups to invite speakers of views they loathe would violate the First Amendment as a form of compelled speech.”¹³⁷ He added that as long as the bylaw focused on viewpoint and did not exclude speakers based on race, religion, sex, or sexual orientation, then the law school would not interfere.¹³⁸

But a year later, on October 23, 2023, Chemerinsky reversed his position. In a letter from Dean Chemerinsky to all editors of student-run law journals and their faculty advisors, Chemerinsky

¹³¹ Policy Advocacy Clinic, *About Us*, UC BERKELEY LAW (last accessed Jun. 17, 2025), <https://www.law.berkeley.edu/experiential/clinics/policy-advocacy-clinic/about-us/>.

¹³² Patel, *supra* note 77.

¹³³ Pat Joseph, *Discriminatory Bylaws and Free Speech*, CAL ALUMNI ASSOCIATION (Dec. 1, 2022), <https://alumni.berkeley.edu/california-magazine/2022-winter/discriminatory-bylaws-and-free-speech/>.

¹³⁴ Maryam Alhakim & Malak Afaneh, *Berkeley, BDS, and the Bylaw: A Students’ Right to Boycott*, AL-MAJDAL, <https://badil.org/publications/al-majdal/issues/items/3494.html> (last accessed Jun. 17, 2025).

¹³⁵ Erwin Chemerinsky, *Dean’s Message: Our Community*, UC BERKELEY LAW (Oct. 21, 2022), <https://www.law.berkeley.edu/article/deans-message-our-community-10-21-2022/>.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

stated that journals with the bylaw would no longer be eligible to offer academic credit to their editors.¹³⁹ Paradoxically, he started the email saying “student organizations cannot be penalized by the campus for adopting the Bylaw proposed by Law Students for Justice in Palestine,” yet he proceeded to outline academic consequences.¹⁴⁰ Student journals have been asked to submit a copy of their bylaws directly to the dean for review under this policy.¹⁴¹ While PALA cannot verify whether students have actually had academic credit withheld for the contents of their journal’s bylaws, editors of journals that are considering adopting similar bylaws in solidarity with the Palestinian cause express fear and uncertainty about the potential consequences to their academic and professional future.¹⁴²

Further, the timing of Chemerinsky’s announcement of the change in policy is concerning. For a full year, and amidst widespread media controversy, the law school held the position that students could receive academic credit for working on journals, regardless of whether they adopted viewpoint-based organizing principles.¹⁴³ Chemerinsky then revoked this position one year later, mid-semester, less than three weeks after October 7, 2023, during a historic increase in discrimination and harassment against Palestinians.¹⁴⁴

He cited no official policy that journals had violated by adopting the bylaw and suggested that he was acting unilaterally, stating “I do not come to this conclusion lightly.”¹⁴⁵ These facts suggest that the decision responded not to the journals adopting “viewpoint-based organizing principles” but rather their excluding speakers who have expressed anti-Palestinian views.¹⁴⁶

IV. UC Berkeley reinforces the hostile environment on campus by treating Palestinian students differently than non-Palestinian students in official statements.

UC Berkeley has further reinforced the hostile environment on campus in official statements, by downplaying the genocide in Gaza and failing to provide resources to support Palestinian students when speakers are invited to campus that advocate violence towards them.

A. UC Berkeley does not provide adequate resources to support students when speakers known for their anti-Palestinian racism visit campus.

UC Berkeley has repeatedly failed to support Palestinian students as speakers are invited to campus that have actively participated in and supported violence against Palestinians. By contrast, when speakers come that hold opinions that are harmful to other groups of students, the administration

¹³⁹ Email from Erwin Chemerinsky, Dean of Berkeley Law, to editors of UC Berkeley law journals, editorial boards, and their faculty advisors (Oct. 23, 2023) (“A message to law journals, editorial boards, and their faculty advisors”).

¹⁴⁰ *Id.*

¹⁴¹ Email from UC Berkeley Registrar’s Office to Berkeley Journal of Employment and Labor Law editors.

¹⁴² Text message from UC Berkeley Law student (May, 17, 2025).

¹⁴³ Patel, *supra* note 77; Chemerinsky, *supra* note 139.

¹⁴⁴ Chemerinsky, *supra* note 139; CAIR San Francisco Bay Area, *Islamophobia, harassment skyrocketing on California’s college campuses, report reveals* (Nov. 21, 2024), <https://ca.cair.com/news/islamophobia-harassment-skyrocketing-on-californias-college-campuses-report-reveals/>.

¹⁴⁵ Chemerinsky, *supra* note 139.

¹⁴⁶ *See id.*

has acknowledged the harm these speakers cause and provided resources to support impacted students.

In the past three years, several speakers that hold anti-Palestinian views have been invited to speak on campus. Ran Bar-Yoshafat, who spoke at UC Berkeley in March 2024, actively served in the Israeli military in October 2023, participating in the country's genocide in Gaza.¹⁴⁷ When he spoke on campus, after his initial speaking event was cancelled due to protests, he attempted to justify Israeli attacks on hospitals and mosques in Gaza.¹⁴⁸ Similarly, Simcha Rothman, who was invited to speak on campus in September 2024, is an Israeli far-right political figure. He helped architect a constitutional coup curbing the power of Israel's Supreme Court, in hopes of advancing the far right's goals, including annexing the West Bank.¹⁴⁹ He has also vocally supported the ethnic cleansing of Palestinians from Gaza, stating that Palestinians in Gaza should be forced to resettle in other areas.¹⁵⁰ Despite these speakers' active support of violence against Palestinians, UC Berkeley administrators failed to ever acknowledge how their presence may be harmful to Palestinian students or to provide resources to support Palestinian students in navigating these speakers' presence on campus. Instead, administrators simply commented that speakers have a right to free speech, even if students disagree with their views.¹⁵¹

By contrast, when a student group invited an anti-trans commentator to speak on campus, UC Berkeley's Division of Student Affairs sent an email to UC Berkeley students acknowledging that the speaker held harmful views and directing students to support services and resources for reporting harassment and discrimination.¹⁵² The email also highlighted trans and queer events that may create healing environments for LGBTQ+ students.¹⁵³ The email stated: "While we are legally obligated to protect free speech, we recognize that constitutionally protected speech can still be deeply harmful, and nothing will hinder our efforts to support impacted members of our community. We also recognize that there have been multiple anti-Trans and anti-LGBTQ+ speakers on our campus this semester, and we understand how disparaging this can feel."¹⁵⁴

Palestinian students are entitled to the same support and acknowledgement of harm from administrators as any other group of students. But UC Berkeley administrators have failed to provide the resources necessary to ensure their physical and mental well-being on campus. As demonstrated by the support offered to other marginalized groups, UC Berkeley can provide support to Palestinian students to deal with the presence of these harmful speakers, but chooses not to.

¹⁴⁷ Mukherjee, *supra* note 94.

¹⁴⁸ *Id.*

¹⁴⁹ Nate Orbach, *Welcome to Simcha Rothman's vengeful coup*, 972 MAGAZINE (Mar. 9, 2023), <https://www.972mag.com/simcha-rothman-coup-judicial-system/>.

¹⁵⁰ Middle East Monitor (@middleeastmonitor), INSTAGRAM, *Israeli member of Knesset calls for resettling Gaza's refugees to 'solve problem'* (Nov. 28, 2023) <https://www.instagram.com/middleeastmonitor/reel/C0Mc3leqqzr/>.

¹⁵¹ Christ & Hermalin, *supra* note 99.

¹⁵² Email from Student Affairs to UC Berkeley Students (Nov. 14, 2024) ("Support for Our Trans and Queer Communities").

¹⁵³ *Id.*

¹⁵⁴ *Id.*

B. UC Berkeley administrators' official statements treat the suffering of Palestinians with less gravity than they treat the suffering of other groups.

The UC Berkeley administration typically sends out detailed statements expressing sympathy with groups harmed by tragedy, war, and natural disasters.¹⁵⁵ By contrast, the administration's response to the genocide in Gaza has used vague, abstract, and tonally neutral language that dismisses and downplays the struggles of impacted Palestinian students.

Communications to students at Berkeley Law have been particularly skewed. For example, on October 10, 2023, Dean Chemerinsky wrote: "I have been horrified to watch the terrorist attack on Israel . . . I am heartbroken to see the carnage and to think of those taken as hostages . . . I hope I speak for our entire community in wishing them safety and in hoping for peace. I express my deepest sympathy for those who have lost loved ones."¹⁵⁶

In the next line, Chemerinsky stated that he expresses sympathy generally "for those who have loved ones in the Middle East and hopes for peace" with no specific mention of Palestinians.¹⁵⁷ In fact, in no subsequent correspondence did Berkeley Law administrators give a comparably detailed, comprehensive, and sensitive acknowledgment of the gravity of Palestinian loss of life, despite the conflict deeply affecting Palestinian students at Berkeley Law. At most, Berkeley Law administrators have acknowledged the genocide in Gaza abstractly as "the continued war in the Middle East" or as "loss of life" in both "Israel and Gaza."¹⁵⁸

This language sends the message that Palestinian loss of life is less important, more trivial, and less meriting of detailed sympathy or acknowledgement, despite the fact that Palestinians have borne over ninety-eight percent of the "conflict's" casualties by some estimates.¹⁵⁹ Not only does this send a clear message to Palestinian students about how the law school values their lives, but these words reinforce the culture of anti-Palestinian discrimination on campus.

V. Conclusion

UC Berkeley's hostile environment for Palestinians and their allies has had a negative impact on students' physical safety, education, careers, and personal mental health. Yet the administration has not only failed to address this toxic environment but has instead directly contributed to a culture of anti-Palestinian racism on campus. It has allowed its students and faculty to engage in harassment and discrimination against Palestinian students and their supporters without consequence. It has provided targeted students with little support or resources to mitigate the impact of this discrimination and harassment. It has enforced policies more harshly against

¹⁵⁵ See, e.g., Email from Erwin Chemerinsky, Dean of Berkeley Law, to Berkeley Law students (Jan. 8, 2024) ("Concern for those in Southern California"); Email from Erwin Chemerinsky, Dean of Berkeley Law, to Berkeley Law students (Mar. 31, 2024) ("Returning from spring break").

¹⁵⁶ Email from Erwin Chemerinsky, Dean of Berkeley Law, to Berkeley Law students (Oct. 10, 2023). ("At this very difficult time")

¹⁵⁷ *Id.*

¹⁵⁸ Email from Erwin Chemerinsky, Dean of Berkeley Law, to Berkeley Law students (Jan. 8, 2024) ("Welcome to the Spring 2024 semester"); Email from Erwin Chemerinsky, Dean of Berkeley Law, to Berkeley Law students (Oct. 17, 2023) ("Supporting our students").

¹⁵⁹ See AJLabs, *Israel-Gaza war in maps and charts: Live tracker*, AL JAZEERA (updated Apr. 17, 2025) <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live-tracker>.

Palestinian students and their allies. And it has treated Palestinian students differently than non-Palestinian students in its official statements.

Through lack of support and discriminatory enforcement of its policies, UC Berkeley has likely violated Title VI of the Civil Rights Act of 1964.¹⁶⁰ Outside of this legal framework, it also materially puts the safety of Palestinian students and their allies at risk. Its response and participation in the harassment and discrimination of Palestinian students and their allies reinforces racist stereotypes that link support for Palestinians to antisemitism and terrorism. Its surveillance of student protesters renders them more vulnerable to repressive federal policies that attempt to deport international students for criticism of U.S. involvement in Israel's genocide in Gaza.

UC Berkeley must do better if it wants to become a safe environment for all students, including Palestinian students and their allies. In order to comply with the law and with its own purported values around equality of students, UC Berkeley

- **Must pressure the UC Regents and UC Berkeley Foundation to divest from companies that further and profit from the genocide in Gaza:** Palestinian students cannot receive equal educational opportunities or feel safe within a university that invests in companies that contribute to the genocide of their people. UC Berkeley's administration must take all available steps to pressure both the UC Regents and UC Berkeley Foundation to divest funds from companies that profit from the colonization of Palestine. As part of these efforts, the university should release an official statement demanding that these entities divest.
- **Must better support international students who face risks of visa terminations:** The revocation of visas at UC Berkeley has been part of a larger federal campaign to silence speech in support of Palestine. UC Berkeley's culture of anti-Palestinian racism has put students at risk by facilitating the doxxing and surveillance of pro-Palestine protesters. Although revoked visas have now been restored, UC Berkeley must counteract the ways in which its behavior and the behavior of the federal government have chilled pro-Palestine speech by doing everything in its power to support students who may be at risk of future visa revocations. In accordance with demands from UC Berkeley's student union, this should include:
 - Establishing a legal defense fund for students who may face changes to immigration status;
 - Promising to provide financial support for students who face immigration-related loss of employment;
 - Promising to take all available legal measures to prevent future visa revocations or restore the immigration status of students who face visa revocations in the future;
 - Denying federal immigration agents access to university property without a judicial warrant; and
 - Publicly affirming and defending the right to academic freedom and free speech.¹⁶¹

¹⁶⁰ See 42 U.S.C., § 2000d; *Davis Next Friend LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 644-45 (1999) (holding that deliberate indifference can create Title VI liability).

¹⁶¹ See UAW 4811, *Support International Worker Rights at UC* (Jun. 17, 2025), https://docs.google.com/document/d/e/2PACX-1vQ6Y-N-yXhwOqYZNgMur7GBXOeQjUKsnph-cLHCvDf4LvSVkfYYsw9EfoRVLPhJ0yhXC4_5eVoKvMXj/pub.

- **Must remedy how it has failed to address the discrimination and harassment of Palestinian students and their allies:** UC Berkeley’s actions demonstrate a systemic failure to address the needs and concerns of Palestinian students. UC Berkeley must review how it has handled complaints of discrimination against Palestinian students and their allies and where necessary, reopen investigations that were not conducted properly. UC Berkeley should additionally implement mechanisms to protect students from future discriminatory harassment.
- **Must not treat the Palestinian community and their allies differently in responding to protected speech:** UC Berkeley has enforced its policies on protest and classroom speech more aggressively against Palestinian students and their allies. UC Berkeley should reverse its disciplinary action against faculty and graduate student instructors who it alleged violated school policy against “political indoctrination” in the classroom by speaking on the genocide in Gaza. UC Berkeley also must not enforce its policies more aggressively against students and faculty who engage in pro-Palestine protest. It must not surveil peaceful protesters or employ aggressive police response to pro-Palestine protest.
- **Must apologize for its actions and put out a statement condemning Israel’s genocide of Palestinians:** The university must apologize for its failure to offer services and help to Palestinians impacted by violence as it has other students. It must also apologize for its selective targeting of Palestinian students/groups and those who advocate for Palestinian rights. UC Berkeley must also put out a statement condemning Israel’s genocide of Palestinians.

The discrimination and harassment that UC Berkeley has enabled and reinforced has had a lasting impact on its students’ lives and futures. The university has a long way to go when it comes to rebuilding trust with its Palestinian students and remedying past harms. These recommended steps would merely be a first step in a long road to addressing a toxic culture of anti-Palestinian racism on campus.