



Via Email

December 7, 2015

Steven Knapp
Rice Hall
2121 I Street, NW
Suite 801
Washington, DC 20052

Re: 'Warning Letter' Re Palestinian Flag

Dear President Knapp:

I am writing on behalf of Ramie Abounaja to express Palestine Legal's serious concerns with respect to George Washington University's (GW) decision to issue a police report and warning letter to Mr. Abounaja after he hung a Palestinian flag out of his dorm room window. These actions appear to have been taken based on the viewpoint of Mr. Abounaja's message and/or his national origin. They threaten to chill student speech on campus and could give rise to a violation of Title VI of the Civil Rights Act. Accordingly, we demand that the warning letter be immediately removed from Mr. Abounaja's file, that GW apologize and that Mr. Abounaja be allowed to hang his flag on an equal basis with other GW students.

Our understanding of the relevant facts is as follows:

In early October, Mr. Abounaja, a pre-medical student majoring in biomedical engineering, hung a Palestinian flag out of his bedroom window in Shenkman Hall. Mr. Abounaja, an American of Palestinian descent, was inspired to hang his flag after seeing over a dozen banners and flags hung out of windows in a similar fashion during his three years at GW.

On the evening of Monday, October 26, a campus police officer came to Mr. Abounaja's dorm room, stated that the department had received several complaints regarding the flag and that the officer would leave only after the flag was removed. Mr. Abounaja immediately removed the flag, as instructed.

Several minutes later, the officer returned, stating that his supervisor required that he make a report, and that in his forty years as a police officer he had never had to do anything like this. For the next several minutes, the officer questioned Mr. Abounaja in front of his roommates, while other students looked in from the hall.



The experience left Mr. Abounaja feeling criminalized and humiliated, especially because he could not discern what rule or law, if any, he had broken.

On Thursday, October 29, Mr. Abounaja spoke to Rhonna Bollig, the area coordinator at the Center for Student Engagement, explained how he was treated, and mentioned that he could find no applicable rule. In fact, Mr Abounaja had seen five banners or flags hanging from GW residential buildings on that day alone. Ms. Bollig could not refer Mr. Abounaja to any written rule and suggested it would be “no problem” if he hung his flag up *inside* his room.

On Tuesday, November 3, Sarah Dahnke, from the Office of Student Rights and Responsibilities issued a “Warning Letter” (Attachment A), stating that GW “received a report from the GW University Police Department regarding [Abounaja’s] behavior,” specifically that he was “found to have had a flag out of [his] window,” and that the document “serves as a warning that this behavior is a violation of the ‘Code of Student Conduct and/or the Residential Community Conduct Guidelines.’” The letter also rebukes Mr. Abounaja:

As a member of the larger residential community we hope that you will be respectful of your peers and aware of your behavior. The act of an individual has a profound effect on the community. . . . Subsequent reports naming you as a subject may result in disciplinary action taken by the university.

The letter does not specify which rule or regulation GW claims Mr. Abounaja broke and there is no language in either document referencing the hanging of flags, banners or other similar items outside windows of residence halls.

On November 4, Mr. Abounaja wrote Peter Konwerski, Vice Provost and Dean of Student Affairs, Ms. Dahnke, Seth Weinshel, Executive Director of GW Housing & Financial Services, Terri Harris Reed, former Vice Provost For Diversity and Inclusion and Title IX Coordinator, and the Office of Student Rights and Responsibilities (Attachment B), requesting GW identify what rule he broke, and explaining how he felt like he was being disciplined and censored based on his national origin and the viewpoint of his speech. In his letter, Abounaja explained:

I felt like I was being singled-out, because of my heritage and the viewpoint of my speech, for something I’ve seen dozens of students, fraternities and other student groups do in my three years at GW. But to be criminalized in front of my roommate and have others around the hall open their doors to see what was happening was uncalled for and unexpected.

Abounaja also wrote that:



When I came to GW, I was excited to pursue my dream of becoming a doctor, to spend my time in developing countries where there are many disadvantages and a great demand for medical attention. I am a great student; involved in many different on campus activities, currently holding two e-board positions, and a research position. The events of the last week have left me feeling humiliated, upset and like I can't even feel safe in my own dorm room. I've had finals this week and have found it very hard to study or to think about anything else.

Mr Abounaja received a response from Dean Konwerski, who thanked Mr. Abounaja for bringing this incident to his attention, told him that GW is "committed to every student feeling comfortable in our community," and that "a member of our Student Rights & Responsibilities staff likely will be in touch to talk about this matter."

For over a month, Mr. Abounaja has patiently attempted to meet with someone at the Office of Student Rights and Responsibilities. A November 19 meeting with Nikki Hedren, the Assistant Director, Office of Student Rights and Responsibilities, was cancelled by Ms. Hedren due to a scheduling conflict. For the past two weeks multiple calls and emails from Mr. Abounaja to the Office of Student Rights and Responsibilities have gone unanswered. Since then, flags continue to be hung outside residential hall windows, including, most recently, what appears to be an Argentinian flag outside a window on Townhouse Row, approximately 100 feet from Shenkman Hall.

GW's warning letter, censorship, questioning and refusal to respond to Mr. Abounaja's complaints not only violate the free speech principles to which GW claims to adhere. If left unaddressed, they could also give rise to a violation of Title VI of the Civil Rights Act of 1964.

It is clear, as reflected by comments from the police officer, that Mr. Abounaja was questioned, censored and sanctioned because some people complained about his flag, presumably because they do not like Palestinians or because they disagree with the viewpoint expressed. However, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin by institutions that receive federal funding.¹ A university may lose its federal funding if it acts with deliberate indifference to known acts of harassment or intimidation, or treats a student differently because of his/her national origin, resulting in a denial of a student's educational activities. Since this incident, Mr. Abounaja, who works part-time as a research assistant at GW's microbiology, immunology and tropical medicine department and holds executive board positions at two organizations, has found it difficult to concentrate on his studies and exams. GW's refusal to return his calls and emails has further exacerbated the situation.

¹ 42 U.S.C. §2000d (1964).



Finally, while a Palestinian flag may spark complaints because of longstanding issues regarding Israel's decades-long occupation of Palestinians and denial of Palestinian self-determination, complaints by some who are opposed to the message a flag conveys cannot justify its removal when other flags hang freely. Different messages cannot be treated in a disparate manner based on how much controversy they may provoke. Other students' flags and banners are routinely hung on GW residential buildings. To our knowledge, this is the first time GW has forced a student to remove a flag, issued a police report, a warning letter and threatened future sanctions. At a time when Islamophobic and anti-Arab sentiment is on rise in the United States, GW's censorship and harassment of Mr. Abounaja is particularly concerning.

There is no justification for Mr. Abounaja's treatment. As a university committed to providing [a diverse educational environment](#), we expect that GW will live up to its ideals of free expression and its obligations under Title VI.

To ameliorate the harm done, we request that GW take the following immediate steps:

1. Withdraw the 'Warning Letter'
2. Apologize, in writing, to Mr. Abounaja
3. Issue a written clarification of GW's policy of hanging flags and banners and ensure the policy is applied equally, regardless of the viewpoint or the message or a student's national origin.

We are committed to using all of the resources at our disposal to ensure the rights of GW students. We request a prompt response to this by December 14, 2015.

Sincerely,

Radhika Sainath
Staff Attorney
Palestine Legal
Cooperating Counsel
Center for Constitutional Rights

cc: Peter Konwerski, Vice Provost and Dean of Student Affairs, Vanessa Perry, Interim Vice Provost for Diversity and Inclusion