



Via Email

May 11, 2016

Robert A. Brown
Office of the President
1 Silber Way, 8th Floor
Boston, MA 02215

Re: Discriminatory Removal of Students from Boston University Hillel Event

Dear President Brown:

We write on behalf of Boston University (BU) students Marlene Kalb, Ibraheem Samirah and Negin Taleb to express our serious concerns with BU's decision to remove these students and their friends from a public BU Hillel event. These actions appear to have been taken based on the students' national origins, religious backgrounds and/or their perceived viewpoints supporting Palestinian rights. 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 ask that BU apologize to these students, issue a public clarification that all BU students are welcome at open campus events, including Palestinian-American students, Muslim students, students supporting Palestinian rights and students active with Students for Justice in Palestine (SJP).

Our understanding of the relevant facts is as follows:

On January 28, 2016, Ms. Kalb invited several friends to a Boston University Hillel event called "All Students, All Israel Think Tank." The event, which included a discussion on "how to engage more students" and "combatting BDS" was advertised as a public event and had an optional advance registration. Ms. Kalb, a Jewish student who supports Palestinian rights and boycotts, divestment and sanctions (BDS), was interested in hearing viewpoints differing from her own. She entered the BU Hillel building with Negin Taleb and five other BU friends, which included two students of Palestinian origin, a Nepalese student, an Egyptian-American and a student of Saudi origin. Ms. Taleb, who is Iranian-American, also brought a friend. Five of these eight students were Muslim, and one wore a headscarf. Ms. Kalb, Ms. Taleb and four of their

friends are also active members of Boston University Students for Justice in Palestine (SJP), a human rights group that promotes Palestinian self-determination.

The eight students checked in with the organizers, and quietly went to the event room as directed. The students arrived approximately ten minutes before the event was scheduled to start, went to the buffet table to get food, and sat together at one of several circular tables in the event room. It appeared to Ms. Kalb and Ms. Taleb that the only people of color present in the room were those seated at their table.

Shortly after sitting down, a BU police officer approached Ms. Kalb, Ms. Taleb and their friends and told them that BU Hillel organizers of the event had asked that they leave. They were told by the police officer that they were not considered to be part of “the inner circle.”

Ms. Kalb and Ms. Taleb were very confused, and asked why they could not attend the event. The police officer refused to clarify. Another officer soon arrived, again instructing the students to leave. For several minutes, Ms. Kalb, Ms. Taleb and their friends, in a calm conversation with the police officer, attempted to understand why they were singled out for removal, stating that “we’ve just been sitting here and eating.” The police officer told these students that “[Hillel organizers] don’t want you at [the event],” “they don’t have to allow you at [the event],” “they don’t want you here,” and “the organizers don’t want you here and they have the right to ask you to leave.” One of Ms. Kalb’s friends told the police officers that she felt that the group was being profiled because they were the only students being asked to leave.

Ms. Kalb, Ms. Taleb and their friends were then approached by a man they believed to be one of the organizers of the event. One of their friends asked the organizer if he believed the group was doing anything disruptive, to which the organizer replied, “No. But when the event would start, how are we supposed to know?” Ms. Kalb was also approached by a BU student and told that Students for Justice in Palestine had a reputation for disruption.

Shortly after 7:00 pm, Ibraheem Samirah, a Palestinian-American BU dental student arrived separately to BU Hillel. Mr. Samirah followed signs directing him to the event, which had shifted to a new room. Mr. Samirah sat down at a bench by himself on the second floor lobby, where students had gathered. He noticed that he appeared to be the only student of color present, and was soon approached by a white female student, who asked Mr. Samirah where he was from. Mr. Samirah said he was born in Chicago, but that he was of Palestinian origin. A second student then approached, and told Mr. Samirah that his family was “oppressed by Arabs” and that Arabs would harm his family if they still lived in Lebanon. Mr. Samirah expressed sympathy and explained that he didn’t feel like he was individually responsible.

Mr. Samirah then saw the Boston University Students for Israel former president approach a police officer and point at Mr. Samirah. Mr. Samirah felt like he might be asked to leave because he told students he was Palestinian, and began to record as the police officer approached him. The officer instructed Mr. Samirah to follow him to another room. There, he

saw Ms. Kalb, Ms. Taleb and their friends being questioned in an otherwise empty room by police. Mr. Samirah asked why he was not permitted to attend the BU Hillel event, stating that he had even RSVP'd. The police officer responded: "I'm letting you know what they're letting me know. You're not welcome."

For several minutes, Mr. Samirah continued to ask why he, Ms. Kalb, Ms. Taleb and their friends were being singled out for differential treatment, "based on the way we look." The police officer responded by stating that should Mr. Samirah, Ms. Kalb and Ms. Taleb remain, they and their friends would be subject to arrest for trespassing and that "you're not welcome here." At this point, one of Ms. Taleb's friends left the room.

The Assistant Dean of Students and Director of Student Activities, John Battaglino, then approached. The students asked why BU Hillel was demanding they leave, to which Dean Battaglino responded, "they have the right to do that." Scared about the possibility of arrest, three of the students left the room. Mr. Samirah continued to ask why he and his friends were being treated differently. Dean Battaglino stated that "if the host of the event has said that you're disruptive to their program, they have the right to ask you to leave."

Fearful of being arrested, Ms. Kalb, Mr. Samirah, Ms. Taleb and their two remaining friends exited the room, under police escort. The experience left Ms. Kalb, Mr. Samirah and Ms. Taleb feeling humiliated, scared and like outsiders on their own campus. Ms. Samirah felt like he didn't belong on BU's campus, and that he wasn't allowed to be part of a discussion because he was Palestinian, that his identity was viewed by BU and BU Hillel "as a negative" and that BU and BU Hillel "made me feel bad as a Palestinian."

The following day, Marlene Kalb met with the Associate Provost and Dean of Students, Kenneth Elmore, and expressed concerns that her friends had been racially profiled, and that though she was a white Jewish student, because of her views supporting Palestinian rights, and her association with students of color and Students for Justice in Palestine, that she too was asked to leave. Ms. Kalb asked if BU and BU Hillel would apologize and clarify its policies with respect to educational events on campus.

For over three months, Ms. Kalb, Mr. Samirah and Ms. Taleb have patiently waited for a clarification from Boston University as to why they were ordered to leave the BU Hillel event that was advertised as open to all students and threatened with criminal trespass. Six weeks after the incident, Ms. Kalb was told, in an email from Dean Elmore, that "BU does not have specific policies about BU students accessing BU Hillel" and that "[t]he [BU Hillel] leadership has declined to apologize."¹ He also stated that he had given BU Hillel a training "on the use of social media platforms for invitations."² Ms. Kalb responded by asking whether the training included issues of discrimination. Dean Elmore responded that he "did not perceive [her]

¹ Email from Dean Elmore to Marlene Kalb, March 16, 2016, on file with Palestine Legal.

² *Id.*

discrimination complaint” and stated that he would “pursue an investigation through the University’s procedures for alleged unlawful discrimination or harassment.”³ He also stated that “As long as Hillel is holding or sponsoring a program that is open to the campus community or the public, you may enter Hillel and participate in such programs.”⁴

It is clear, as reflected by comments from the police officer, that these students were removed from the event because Boston University Hillel complained about their presence, based on assumptions relating to the students’ national origins and religions and possibly because they disagree with their viewpoints supporting Palestinian rights.

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.⁵ 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 and opportunities. Moreover, BU’s Equal Opportunity policy states that “BU is committed to maintaining an environment that is welcoming and respectful to all.”⁶ It also states that BU prohibits discrimination against any individual on the basis of race, color, religion and national origin and that “[t]his policy extends to all rights, privileges, programs, and activities, including ... the providing of, or access to, University services or facilities.”

Since this incident, Mr. Samirah, a second year dental student, has found it difficult to concentrate on his studies and exams and has had difficulty sleeping. When he enters a BU building, he wonders if he is going to be in trouble if he identifies himself as a Palestinian or expresses support for Palestinian rights. His parents, fearful that his graduation might be hindered, have told him that he should not mention his Palestinian identity at BU or attend BU events on Israel/Palestine. BU’s refusal to apologize has further exacerbated the situation. Ms. Kalb, a Martin Luther King Jr. Scholar, honors student and double major who works part-time as a research assistant for the BU School of Social Work, has also had trouble focusing and still feels humiliated when she recalls the incident. Ms. Taleb feels disconnected and undervalued by BU. She still feels embarrassed and reluctant to walk by BU Hillel, and no longer feels comfortable going into the building.

At a time when Islamophobic and anti-Palestinian sentiment is on the rise in the United States, BU’s removal from BU Hillel of Mr. Samirah, Ms. Kalb, Ms. Taleb and their friends is particularly concerning. Whether BU and BU Hillel removed these students because of their

³ Email from Dean Elmore to Marline Kalb, March 17, 2016, on file with Palestine Legal.

⁴ Email from Dean Elmore to Marline Kalb, March 16, 2016, on file with Palestine Legal.

⁵ 42 U.S.C. §2000d (1964).

⁶ Boston University Equal Opportunity/Affirmative Action Policy, <http://www.bu.edu/policies/studentlife/non-handbook-version-equal-opp-affirm-action/> (last accessed May 5, 2016).

apparent race, religion or national origins, or also because of their political views and associations, there is no justification for BU and BU Hillel's treatment of these students. As a university committed to justice and equality, we expect that Boston University will live up to its ideals of free expression and its obligations under Title VI.⁷

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

1. Apologize, in writing, to Ms. Kalb, Mr. Samirah, Ms. Taleb and the other students who were removed from the BU Hillel event.
2. Issue a statement to the campus community affirming that all students are welcome at open campus events, including Palestinian-American students, Muslim students, students supporting Palestinian rights and students active with Students for Justice in Palestine.
3. Require that the BU Hillel event organizers attend an anti-bias training on Islamophobia and anti-Palestinian racism.

We are committed to ensuring that the rights of Boston University students are upheld. We request a prompt response to this by Friday, May 13, 2016.

Sincerely,

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⁷ Boston University, <http://www.bu.edu/info/about/dna/> (last accessed April 28, 2016).