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16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 JACOB MANDEL, CHARLES VOLK, LIAM
KERN, MASHA MERKULOVA, AARON
19 PARKER, and STEPHANIE ROSEKIND,

Case No. 3:17-CV-03511-WHO

20 Plaintiffs,

**FIRST AMENDED COMPLAINT FOR
VIOLATIONS OF 42 U.S.C. § 1983, TITLE
VI OF THE CIVIL RIGHTS ACT OF 1964,
AND FOR DECLARATORY RELIEF**

21 v.

DEMAND FOR JURY TRIAL

22 BOARD OF TRUSTEES of the CALIFORNIA
STATE UNIVERSITY, SAN FRANCISCO
23 STATE UNIVERSITY, and, in their official
and individual capacities, LESLIE WONG,
24 MARY ANN BEGLEY, LUOLUO HONG,
LAWRENCE BIRELLO, REGINALD
25 PARSON, OSVALDO DEL VALLE,
KENNETH MONTEIRO, RABAB
26 ABDULHADI, BRIAN STUART, ROBERT
NAVA, MARK JARAMILLA, VERNON
27 PICCINOTTI, and SHIMINA HARRIS,

28 Defendants.

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1 **INTRODUCTION**

2 Jacob Mandel, Charles Volk, Liam Kern, Masha Merkulova, Aaron Parker, and Stephanie
3 Rosekind (Plaintiffs), by and through their attorneys, allege upon knowledge as to themselves and
4 their own conduct, and otherwise upon information and belief, including based on investigation of
5 counsel, the facts stated in the public record, press releases, media reports and articles, as follows:

6 **SUMMARY OF THE ACTION**

7 **Exponential Rise in Anti-Semitism**

8 1. From 2014 to the present, the frequency of anti-Semitic incidents at colleges and
9 universities has been rising at exponential rates, doubling from 2014 to 2015 and then increasing by
10 20 percent from 2015 to 2016 (as reflected in an Anti-Defamation League (“ADL”) audit of campus
11 incidents). U.S. college campuses continue to be a “hotbed for anti-Semitism,” where Jewish
12 students have faced a 45 percent increase in anti-Semitism of “all forms”, including harassment and
13 insults as well as a “sharp spike” in racist and anti-Semitic graffiti and vandalism. A July 2015
14 Brandeis University study found that nearly three-quarters of Jewish students had witnessed or
15 experienced anti-Semitism.

16 **San Francisco State University**

17 2. San Francisco State University (“SFSU” or “the University”) is among the worst of
18 the worst offenders and is largely recognized as being among the most anti-Semitic campuses in the
19 country. Plaintiffs bring this action against Defendants Leslie Wong, Mary Ann Begley, Luoluo
20 Hong, Lawrence Birello, Reginald Parson, Osvaldo del Valle, Kenneth Monteiro, Rabab Abdulhadi,
21 Brian Stuart, Robert Nava, Mark Jaramilla, Vernon Piccinotti, and Shimina Harris (collectively the
22 “Defendant Individuals”),¹ and Defendants Board of Trustees of the California State University
23 (“CSU”), and SFSU, to hold Defendants accountable for their violations of Plaintiffs’ civil rights and
24 bring about the necessary systemic changes to prevent these problems in the future.

25 3. Since SFSU established the College of Ethnic Studies (“COES”) in 1968, an
26 extremely disturbing and consistent pattern of anti-Jewish animus has emerged at SFSU which has
27 only gotten worse over time. SFSU and its administrators have knowingly fostered this

28 ¹ Each of the Defendant Individuals are named in their official and individual capacities.

1 discrimination and hostile environment, which has been marked by violent threats to the safety of
2 Jewish students on campus, in part through its support of COES, the Arab and Muslim Ethnicities
3 and Diasporas Initiative (“AMED”), and the General Union of Palestine Students (“GUPS”). SFSU
4 has not merely adopted and embraced an anti-Jewish position—it has systematically supported these
5 departments and this student group as they have doggedly organized their efforts to target, threaten,
6 and intimidate Jewish students on campus and deprive them of their civil rights and their ability to
7 feel safe and secure as they pursue their education at SFSU.

8 4. In 1997, then-SFSU President Robert Corrigan admitted that the school was
9 considered “the most anti-Semitic campus in the nation,” and things have only gotten worse for
10 Jewish students on campus since then.² As recently as December 2016, SFSU was ranked among
11 the top 10 worst campuses for Jewish students in North America.³ The history of anti-Jewish
12 animus at SFSU—and SFSU’s direct role in fostering this animus and in discriminating against
13 Jewish students and members of the San Francisco Jewish community (as detailed further below)—
14 is as abhorrent as it is long.

15 **Assault and Suppression of Free Speech During Mayor Nir Barkat’s Address**

16 5. On April 6, 2016, SF Hillel (“Hillel”) hosted Nir Barkat, the Mayor of Jerusalem,
17 Israel, to speak on SFSU’s campus to Jewish students, non-Jewish students, and members of the
18 community-at-large. SFSU only permitted the event to take place in an expensive event space far
19 from its central campus.

20 6. Notwithstanding the out-of-the-way location, at the event Plaintiffs were met with a
21 direct assault on their safety and civil rights. A group of individuals, including many members of
22 the General Union of Palestine Students (“GUPS”) commandeered the event and shut it down, using
23 amplified sound to disrupt Mayor Barkat’s speech with continuous menacing chants such as “Get the
24 fuck off our campus!” and “Intifada!”

25 7. As the group of shouting students moved closer to Mayor Barkat, Plaintiffs, and other

26 _____
27 ² Anthony Chu, “Jewish studies gets SF State’s first endowed chair,” *GoldenGater* (September 16,
1997).

28 ³ The rankings are available at <https://www.algemeiner.com/the-40-worst-colleges-for-jewish-students-2016/>.

1 SFSU students and members of the community who had come to hear Mayor Barkat speak, huddled
2 together in the chairs in the corner, hoping to somehow hear him despite the amplified shouting
3 (which was a direct violation of the Student Code of Conduct’s prohibition on the use of sound
4 amplifiers inside the event, even apart from the threatening content). This proved to be impossible,
5 as the incessant threats and amplified chants prevented anyone from hearing Mayor Barkat’s speech
6 or engaging in dialogue with him.

7 8. With their verbal assaults, angry gestures, and hostile actions, the disrupting students
8 physically threatened Plaintiffs and others in attendance, who feared for their safety. The group
9 encroached on those who came to hear the speech and purposefully intimidated them, adjusting their
10 head coverings in a threatening manner, thereby concealing their identities.

11 9. Students and community members, including Plaintiffs Jacob Mandel, Stephanie
12 Rosekind, Masha Merkulova, and Aaron Parker, sought the protection of campus police, who were
13 present at the event. But rather than putting a stop to the deliberate efforts to stifle a planned speech
14 and event by an approved student group, and to the physical intimidation of Jewish students and
15 community members, SFSU administrators—who were also present at the event—instead instructed
16 the police to “stand down” and allow the disruption to completely shut down the event.

17 **The Dangerous Abrogation of First Amendment Rights**

18 10. The incident at SFSU has become another example of the dangerous assault on First
19 Amendment rights on college campuses by administrators and officials who support the suppression
20 of free speech by elements within the academic community who refuse to allow anyone on campus
21 to hear perspectives with which they disagree. According to renowned First Amendment jurist
22 Floyd Abrams, college campuses pose the “greatest threat” to free speech in our nation today,
23 largely because of students who “disapprove of the views of speakers whose view of the world is
24 different than theirs and who seek to prevent those views from being heard.” However, according to
25 Mr. Abrams, “the amount of students who will not tolerate the expression of views with which they
26 differ is less important than the sad reality that repetitive acts of speech suppression within and by
27 our academic institutions persist and seem to grow in amount.”

28 11. Universities should be bastions of free expression and academic freedom, not hostile

1 environments where free speech and viewpoints are suppressed with the complicity or deliberate
2 indifference of the administrators and faculty. The First Amendment requires that government
3 entities, including state universities, not take actions that suppress students' and community
4 members' rights to hear from speakers, or suppress the right of protesters to express their views.
5 More specifically, there is no heckler's veto exception to the free speech rights guaranteed to
6 students at publicly-funded schools, especially state schools, which include the right to speak, the
7 right to hear an invited speaker, and the right to freely and peacefully assemble. Moreover, any
8 affirmative action by a state actor designed to shut down an individual's exercise of his/her free
9 speech rights, such as a "stand down" order, is a clear violation of the United States Constitution.

10 12. While often insulted and disgusted by certain speech emanating from GUPS and its
11 members and affiliates, Plaintiffs do not behave in disorderly or menacing ways; disrupt or silence
12 GUPS's speech; or interfere with the exercise of any GUPS-affiliated individuals' right to speak,
13 listen or assemble. Plaintiffs unequivocally acknowledge the right of any protester on any topic to
14 speak openly, as long as they do not cross a line and incite imminent violence, as long as they are not
15 impeding the rights of another, and as long as they are complying with appropriate time, place, and
16 manner policies. Contemptible speech and expression at SFSU often makes Plaintiffs feel
17 uncomfortable and vulnerable, and on some occasions, especially when combined with action, it
18 may, in part, contribute to an overall hostile environment at SFSU—particularly when Defendants
19 reveal their preference for anti-Jewish, anti-Israel speech even as it drowns out Plaintiffs' speech.
20 However, Plaintiffs have never believed, and do not now believe, that this vile speech is unprotected,
21 nor do they wish to suppress it. They simply wish to be guaranteed the same inherent rights to
22 speak, listen and assemble that all other members of the SFSU community—including students and
23 academics who perpetuate the most offensive denigrations of the Jewish people and the Jewish
24 state—are afforded at a university they all share and within which they must coexist.

25 **SFSU's Environment of Pervasive Racial Discrimination**

26 13. However, this action is not limited to the egregious civil rights violations Plaintiffs
27 suffered at the Mayor Barkat event. SFSU has fostered and sanctioned anti-Semitism from the
28 highest levels and affirmed the actions of hostile, aggressive, and disruptive students to regularly

1 violate the rights of Jewish students, including Plaintiffs Jacob Mandel, Charles Volk, and Liam
2 Kern, whom the University promised to provide a safe learning environment the moment it admitted
3 them. As this complaint details, SFSU has repeatedly denied Plaintiffs' student groups, including
4 Hillel and the Jewish fraternity Alpha Epsilon Pi ("AEPi") (both of which SFSU recognizes as
5 official student organizations), equal access to campus events that welcome other non-Jewish student
6 organizations at the University. For example, in February of 2017, Hillel was intentionally and
7 surreptitiously barred from a "Know Your Rights" Fair based on its members' religion and ethnicity,
8 with the full knowledge and involvement of SFSU administrators, in clear violation of Plaintiffs'
9 civil rights under the First and Fourteenth Amendments.

10 14. Plaintiffs Mandel and Volk have been repeatedly targeted and placed in threatening
11 situations on SFSU's campus, *because* they are Jewish, and specifically *because* of clear actions and
12 decisions executed by SFSU, and further permitted, if not endorsed, by its administrators and
13 faculty—who have fostered, fomented, and systematically instilled an anti-Jewish animus at SFSU.
14 Plaintiff Kern, in part because of his physical stature, has not felt physically threatened, but has
15 protected other Jewish students who have felt endangered, and is well aware of similarly situated
16 members of the SFSU Jewish community who have been both physically and verbally threatened
17 and feel unsafe on campus.

18 15. SFSU has created an environment of invidious discrimination in which Plaintiffs
19 Mandel, Volk, and Kern, as Jewish students who are open about their Jewish identities, feel
20 vulnerable, intimidated, and threatened on their own campus, and are not able to participate in their
21 education, or benefit from educational and other events planned for their campus community, the
22 way that other, non-Jewish students do.

23 16. Having been subjected to this pervasive, hostile, and administration-sanctioned and
24 facilitated anti-Jewish environment, Plaintiffs have determined that bringing this action is necessary
25 to compel SFSU to fulfill its statutory and Constitutional obligations. Defendants must ensure that
26 members of its Jewish community feel safe in openly revealing their identity and beliefs and that
27 they enjoy equal access to the educational and experiential privileges and opportunities afforded to
28 all other SFSU students. Defendants must also make the Plaintiffs whole for their violations of

1 Plaintiffs' fundamental civil rights and for the impact of Defendants' deliberate indifference to these
2 violations and to SFSU's hostile, discriminatory, anti-Jewish environment.

3 **JURISDICTION**

4 17. This Court has subject matter jurisdiction over the entire action pursuant to 28 U.S.C.
5 § 1331 and § 1343(a)(3) and (a)(4), as Plaintiffs bring claims under the First and Fourteenth
6 Amendments to the U.S. Constitution, 42 U.S.C. § 1983, and Title VI of the Civil Rights Act of
7 1964 (42 U.S.C. § 2000d *et seq.*).

8 18. The Court has personal jurisdiction over the Defendant Individuals because, upon
9 information and belief, each of the Defendant Individuals either resides in the Northern District of
10 California or has sufficient contacts with the Northern District of California due to their employment
11 or relation to SFSU to establish this Court's jurisdiction over them. The Court has personal
12 jurisdiction over Defendants CSU and SFSU because each is based in and operates in California.

13 19. This Court has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§ 2201
14 and 2202, and Rule 57 of the Federal Rules of Civil Procedure.

15 20. This Court has jurisdiction to grant injunctive relief pursuant to Rule 65 of the
16 Federal Rules of Civil Procedure.

17 **VENUE**

18 21. Venue is proper in this District under 28 U.S.C. § 1391(b) because the events giving
19 rise to the claims for relief stated in this Complaint occurred in this District, and because Defendants
20 are subject to personal jurisdiction in this District or may be found in this District.

21 **THE PARTIES**

22 22. Plaintiff Jacob Mandel is the former student President of Hillel at SFSU and was a
23 registered student at SFSU through December 2016. Mr. Mandel graduated in January 2017. While
24 he was a student at SFSU, he organized and attended the Mayor Barkat event on April 6, 2016, and
25 like the other attendees, was precluded from hearing Mayor Barkat speak or otherwise meaningfully
26 participating in the event and expressing his own views. Moreover, due to the intentional exclusion
27 of Hillel from the "Know Your Rights" Fair, Mr. Mandel was denied the opportunity to equally
28 participate in and benefit from that event. Mr. Mandel has faced repeated, unexplained or

1 inadequately explained denials by the University for requests to have tabling permits at campus
2 events when requested on behalf of Hillel and his fraternity, both of which are recognized as Jewish
3 student organizations, where other groups had their permits granted without issue. Mr. Mandel
4 routinely had to personally locate Defendant Lawrence Birello on campus to get any sort of an
5 explanation regarding these unjustified denials. Mr. Mandel has been verbally and physically
6 threatened and targeted on SFSU's campus based on his Jewish identity, and has personally
7 experienced the University's intentional discrimination and deliberate indifference to SFSU's
8 pervasively hostile anti-Jewish environment. These experiences have caused Mr. Mandel to miss
9 class at SFSU and have deprived Mr. Mandel of equal access to the educational opportunities or
10 benefits provided by SFSU and CSU to similarly situated students who are non-Jewish or who
11 choose to not be open about their Jewish identity.

12 23. Plaintiff Charles Volk is a Jewish student at SFSU and at all times material to this
13 action has been registered at SFSU. Mr. Volk was President of a group on campus working to create
14 a Jewish mural as part of the Cesar Chavez Student Center (to go along with the 15 murals
15 "commemorating the cultural and ethnic diversity of [the SFSU] community, including African-
16 American, Pacific Islander, Hispanic, Palestinian, and Native American murals)—but the group's
17 efforts were thwarted by SFSU. Like Mr. Mandel, Mr. Volk has faced repeated, unexplained and/or
18 insufficiently explained denials by the University for properly-requested table permits at campus
19 events for his Jewish fraternity (AEPi), where other groups had their permits granted without issue.
20 Mr. Volk attended the Mayor Barkat event on April 6, 2016, and like the other attendees, was unable
21 to hear the Mayor speak or otherwise meaningfully participate in the event and express his own
22 views. Due to the intentional exclusion of the Jewish student group from the "Know Your Rights"
23 Fair in February 2017, Mr. Volk was denied the opportunity to equally participate in and benefit
24 from that event. Mr. Volk has been verbally and physically threatened on SFSU campus based on
25 his Jewish identity, and has personally experienced the University's intentional discrimination and
26 deliberate indifference to SFSU's pervasively hostile and discriminatory environment. These
27 experiences have forced Mr. Volk to miss class at SFSU and have deprived Mr. Volk of equal access
28

1 to the educational opportunities or benefits provided by SFSU and CSU to similarly situated students
2 who are non-Jewish or who choose to not be open about their Jewish identity.

3 24. Plaintiff Liam Kern is a Jewish student at SFSU and at all times material to this action
4 has been registered at SFSU. Like Mr. Mandel and Mr. Volk, Mr. Kern faced repeated, unexplained
5 or insufficiently explained denials by the University for properly-requested table permits at campus
6 events for his Jewish fraternity (AEPi), where other groups had their permits granted without issue.
7 Mr. Kern attended the Mayor Barkat event on April 6, 2016, and like the other attendees, was unable
8 to hear the Mayor speak or otherwise meaningfully participate in the event and express his own
9 views. Due to the Jewish student group's intentional exclusion from the "Know Your Rights" Fair
10 in February 2017, Mr. Kern was denied the opportunity to equally participate in and benefit from
11 that event. Mr. Kern has been verbally assaulted on SFSU's campus based on his Jewish identity,
12 and has personally experienced the University's intentional discrimination and deliberate
13 indifference to SFSU's pervasively hostile anti-Jewish environment. These experiences have forced
14 Mr. Kern to avoid enrolling in classes at SFSU that otherwise interested him and/or filled
15 requirements toward the completion of his degree, where his Jewishness would make him a target of
16 harassment and subject him to personal attack and unfair and prejudicial treatment. For example,
17 when he wanted to take an International Relations class, he signed up for an online class instead of
18 one offered through COES for these reasons. As a result, he could not benefit from the many
19 advantages of a live class where students and faculty engage in debate and a free exchange of ideas.
20 Mr. Kern has been deprived of equal access to the educational opportunities or benefits provided by
21 SFSU and CSU to similarly situated students who are non-Jewish or who choose to not be open
22 about their Jewish identity.

23 25. Plaintiff Masha Merkulova is a Jewish member of the community who came to SFSU
24 with her son on April 6, 2016 to hear Mayor Barkat's speech. Like the other attendees, she was
25 deprived of the right to hear Mayor Barkat's speech or otherwise meaningfully participate in the
26 event and express her views. She was among the group of attendees verbally and physically
27 threatened by the disruptive individuals at the event.

28 26. Plaintiff Aaron Parker is a member of the Jewish community who came to SFSU on

1 April 6, 2016 to hear Mayor Barkat's speech. Like the other attendees, he was deprived of the right
2 to hear Mayor Barkat's speech or otherwise meaningfully participate in the event and express his
3 views. He was among the group of attendees verbally and physically threatened by the disruptive
4 individuals at the event.

5 27. Plaintiff Stephanie Rosekind is a member of the Jewish community who came to
6 SFSU on April 6, 2016 to hear Mayor Barkat's speech. Like the other attendees, she was deprived
7 of the right to hear the Mayor's speech or otherwise meaningfully participate in the event and
8 express her views. She was among the group of attendees verbally and physically threatened by the
9 disruptive individuals at the event.

10 28. Defendant Board of Trustees of the California State University adopts regulations and
11 policies governing the entire CSU system, including SFSU. Board committees control educational
12 policy, finance, campus planning, facilities, and other areas for the CSU system, including SFSU.

13 29. Defendant SFSU is a state university located in San Francisco, California. SFSU is
14 part of the CSU system.

15 30. Defendant Leslie Wong is the President of SFSU.

16 31. Defendant Mary Ann Begley is SFSU's Interim Associate Vice President and Dean of
17 Students.

18 32. Defendant Luoluo Hong is SFSU's Vice President for Student Affairs & Enrollment
19 Management, Title IX Coordinator & DHR Administrator.

20 33. Defendant Lawrence Birello is SFSU's Student Organization Coordinator.

21 34. Defendant Reginald Parson is currently SFSU's Deputy Chief of Police, but served as
22 Chief of Police during the Mayor Barkat event on April 6, 2016.

23 35. Defendant Osvaldo del Valle is SFSU's former Assistant Dean of Students &
24 Director of Student Conduct.

25 36. Defendant Kenneth Monteiro is SFSU's Dean of COES.

26 37. Defendant Rabab Abdulhadi is a professor within COES, GUPS's faculty advisor,
27 and AMED's Senior Scholar.

28 38. Defendant Brian Stuart is SFSU's Assistant Dean of Students & Director, New

1 Student Programs.

2 39. Defendant Robert Nava is SFSU’s Vice President of University Advancement.

3 40. Defendant Mark Jaramilla is SFSU’s Coordinator, Meeting & Events Services.

4 41. Defendant Vernon Piccinotti is SFSU’s Event & Technical Services Manager.

5 42. Defendant Shimina Harris is SFSU’s current Assistant Dean of Students & Director,

6 Student Conduct.

7 **FACTUAL BACKGROUND**

8 **Definition of Anti-Semitism**

9 43. The U.S. State Department has adopted the following working definition of anti-
10 Semitism by the European Monitoring Center on Racism and Xenophobia: “Anti-Semitism is a
11 certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical
12 manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their
13 property, toward Jewish community institutions and religious facilities.”⁴ Among the examples of
14 anti-Semitism listed by the State Department on its website are:

- 15 • Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a
16 radical ideology or an extremist view of religion);
- 17 • Making mendacious, dehumanizing, demonizing, or stereotypical allegations about
18 Jews as such or the power of Jews as a collective—especially but not exclusively, the
19 myth about a world Jewish conspiracy or of Jews controlling the media, economy,
20 government or other societal institutions;
- 21 • Accusing Jews as a people of being responsible for real or imagined wrongdoing
22 committed by a single Jewish person or group, the state of Israel, or even for acts
23 committed by non-Jews;
- 24 • Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the
25 Holocaust;
- 26 • Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of
27 Jews worldwide, than to the interest of their own nations;
- 28 • Using the symbols and images associated with classic anti-Semitism to characterize
Israel or Israelis;
- Drawing comparisons of contemporary Israeli policy to that of the Nazis;
- Denying the Jewish people their right to self-determination, and denying Israel the
right to exist.

⁴ See <https://www.state.gov/s/rga/resources/267538.htm>.

1 **SFSU’s Egregious History of Virulent Anti-Semitism and Civil Rights Violations**

2 44. In 1968, students at San Francisco State College (now SFSU) from the Third World
3 Liberation Front and Black Student Union initiated the longest campus strike in U.S. history. They
4 demanded that the College establish a separate College of Ethnic Studies, which the students hoped
5 would provide minority students with an education focused on identity politics, social justice, and
6 freedom from oppression. In the spring of 1969, the College’s acting president established COES.⁵

7 45. Unfortunately, part of the legacy that evolved from COES has been an extremely
8 disturbing pattern of blatant anti-Jewish animus at SFSU. Based on the State Department’s
9 definition or any other reasonable one, SFSU has a long and documented history of institutionalized
10 anti-Semitism. The summary that follows is only a partial list of the more significant anti-Semitic
11 incidents at SFSU that have contributed to its continued reputation as one of the most anti-Semitic
12 college campuses in the United States.

13 46. In 1973, the General Union of Palestine Students (GUPS) founded a chapter at SFSU.
14 GUPS’s official website has referred to the “so-called holocaust,” and has included links to articles
15 calling the Holocaust “the lie of the century” and asserting that stories of the Holocaust are created
16 to benefit Jews. On information and belief, GUPS’s history of ties to groups supporting terrorism,
17 including the Palestine Liberation Organization (PLO) and the Palestinian Authority (PA), is equally
18 disturbing. In addition to the PLO’s and the PA’s long history of complicity in the commission of
19 deadly terrorist attacks, as recently as 2015, both the PLO and the PA were held liable by the U.S.
20 federal court in the Southern District of New York for knowingly supporting six terrorist attacks
21 against American and Israeli civilians during a period known as the “Second Intifada,” and a jury
22 verdict awarded \$655 million to the victims.

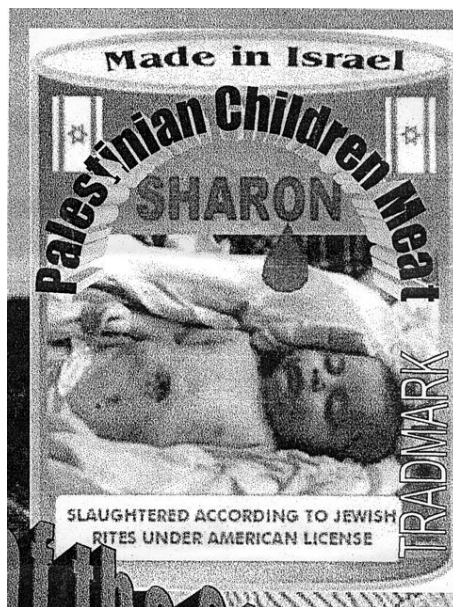
23 47. In 1994, a ten-foot mural was erected on SFSU’s student union building that
24 portrayed yellow Stars of David intertwined with dollar signs, skulls and crossbones, and the words
25 “African Blood.” Following complaints from members of the Jewish community who were deeply

26 _____
27 ⁵ For a more detailed study on the history of anti-Semitism at SFSU and many of the events
28 discussed in this complaint, see Chapter 18 of *Identity Politics, the Pursuit of Social Justice, and the Rise of Campus Antisemitism: A Case Study*, written by Tammi Rossman-Benjamin (Alvin H. Rosenfeld, Ed.), Indiana University Press (June 19, 2013).

1 offended by the anti-Semitic tropes in the mural, the mural was painted over, but the paint was
2 washed off by the mural's supporters, and the mural had to be sand-blasted, with sixty police officers
3 in riot gear positioned to protect the sandblasters from an angry mob who wanted the mural to be left
4 untouched.

5 48. In 1997, a banner depicting an Israeli flag with a swastika, next to an American flag
6 with a dollar sign, was hung over the same wall where the 1994 mural had been painted. During this
7 time period, Jews were regularly stereotyped and targeted on campus. Specifically, the national
8 spokesman for the Nation of Islam, Khalid Abdul Muhammad, who was invited to speak on SFSU's
9 campus, said that Jews are "rich power brokers" and "bloodsuckers" who preyed on African-
10 Americans and their community.

11 49. In April of 2002, posters appeared around campus advertising an event called
12 "Genocide in the 21st Century." The event was sponsored by GUPS, the Muslim Student
13 Association ("MSA"), and Associated Students, Inc. ("ASI") of SFSU, each of which was listed on
14 the posters. The posters featured a dead baby on the label of a soup can, surrounded on either side
15 by Israeli flags. Perpetuating age-old blood libels against the Jewish people like those described in
16 the notorious "Protocols of the Elders of Zion," which was often used by the Third Reich as a
17 justification for the Holocaust, the poster described this image as: "Made in Israel -- Palestinian
18 Children Meat, Slaughtered According to Jewish Rites Under American License."



1 Despite (or perhaps because of) the expected reaction by many on campus to these posters, the
2 GUPS/MSA/ASI event occurred as planned and drew a large audience.

3 50. Hillel is an SFSU recognized student group, and has been an SFSU-recognized
4 student group at all times relevant to this Complaint.⁶

5 51. In May of 2002, Hillel held a “Peace in the Middle East” Rally. When a group of
6 approximately 50 students stayed behind to clean up, conduct a prayer service, sing Hebrew songs,
7 and hear speeches, a group of GUPS members and other individuals surrounded the remaining
8 students. The group shouted at the Jewish students that “Hitler didn’t finish the job,” “Get out or
9 we’ll kill you,” and “Go back to Russia.” When Professor Laurie Zoloth, then-director of the Jewish
10 Studies program at SFSU, asked SFSU police and SFSU administrators to keep the group 100 feet
11 away from the Jewish students, the police told her that they had been directed to refrain from
12 arresting disruptive GUPS members. Professor Zoloth described the scene as follows:

13 As the counter-demonstrators poured into the plaza, screaming at the Jews
14 to “Get out or we will kill you” and “Hitler did not finish the job,” I turned
15 to the police and to every administrator I could find and asked them to
16 remove the counter-demonstrators from the plaza, to maintain the
separation of 100 feet that we had been promised. The police told me that
they had been told not to arrest anyone, and that if they did, “it would start
a riot.” I told them that it already was a riot

17 The police could do nothing more than surround the Jewish students and
18 community members who were now trapped in a corner of the plaza,
19 grouped under the flags of Israel, while an angry, out of control mob,
literally chanting for our deaths, surrounded us There was no safe
20 way out of the Plaza. We had to be marched back to the Hillel House
under armed S.F. police guard, and we had to have a police guard remain
outside Hillel.

21 As explained further below, this excuse that the police had been directed to stand down has
22 emerged as a pattern at SFSU when the rights of Jewish students and community members are at
23 stake—SFSU allows for mob rule at the expense of civil rights, where the loudest and most
24 aggressive group rules the day. Furthermore, SFSU continues to affirm its preference for those
25 targeting the Jewish community by claiming to handle such incidents successfully by *removing* the
26 Jewish students from their lawful assembly without allowing them the opportunity to exercise their

27 _____
28 ⁶ The SFSU Student Organization Directory is available at <http://www.sfsu.edu/~sicc/organizationdirectory.html>.

1 free speech rights. Actively choosing to allow the “free speech” of near-violent disruptors instead of
2 guaranteeing both the safety and free speech rights of the lawfully assembled group is contrary to the
3 letter and spirit of the United States and California Constitutions.

4 52. President Corrigan later described those GUPS members and others who had
5 surrounded the Jewish students as a “terribly destructive” group engaging in “intimidating behavior
6 and statements too hate-filled to repeat.”

7 53. In June of 2002, President Corrigan announced that, based on an investigation of
8 GUPS students’ conduct during the May 2002 incident, GUPS would be put on probation and would
9 lose funding for one year. GUPS and members of MSA were so outraged that they had been
10 disciplined for their violent and threatening conduct to the Jewish students that they lodged a federal
11 complaint against SFSU and demanded the establishment of an Arab and Islamic Studies program.

12 54. Shortly thereafter, President Corrigan established the President’s Task Force on Inter-
13 Group Relations, which recommended in December 2002 that an Arab and Islamic Studies
14 department be established (even though an initiative in Middle East and Islamic Studies had already
15 been launched at SFSU). The new program was the SFSU-funded Arab and Muslim Ethnicities and
16 Diasporas Initiative (AMED), and it was established in the spring of 2007 under the umbrella of
17 COES. GUPS is closely affiliated with AMED and COES, with all or nearly all its student members
18 studying in various COES programs. GUPS’s faculty advisor, Rabab Abdulhadi, is listed as an
19 AMED “Senior Scholar” and the Associate Professor of Ethnic Studies/Race and Resistance Studies.
20 The founding of AMED in 2007, notwithstanding the existence of the initiative in Middle East and
21 Islamic Studies, stands in stark contrast to repeated threats to abolish the Jewish Studies department
22 by the SFSU administration under President Wong. In 2014, President Wong, the Provost, and the
23 interim College Dean—three of the most powerful university administrators—called together every
24 member of the Jewish Studies faculty and, in an unprecedented show of administrative force,
25 threatened to revoke their status as a university department. These administrators claimed that the
26 Jewish Studies department was overstaffed and shamed the professors as a group, accusing them of
27 not pulling their weight in a cash-strapped institution. In reality, the Jewish Studies department was
28 and remains a shining example of a town-gown partnership, having nearly \$7 million in

1 departmental endowments and five-figure annual gifts from many generous donors. Jewish Studies
2 faculty members and Jewish leaders in the San Francisco community have repeatedly asked
3 Defendant Wong to disavow this threat and show his support for the small, but highly successful
4 department; even given the many opportunities to respond to direct requests for such a statement, he
5 has never done so.

6 55. After the events of the spring of 2002, GUPS—with the encouragement of COES,
7 AMED, GUPS’s faculty sponsorship, and ultimately the SFSU administration—began a campaign of
8 events on campus that continues to this day, that threatens Jews in the SFSU community and which
9 is largely responsible for the establishment of a pervasively hostile social and educational
10 environment for Jewish students at SFSU.

11 56. For example, in July 2006, GUPS held a convention on campus for Al-Awda, a
12 coalition that opposes Israel’s right to exist as a Jewish state and advocates for resistance “by any
13 means necessary.” Al-Awda’s co-founder, Dr. Jess Ghannam, was an adjunct faculty member in
14 COES and had been a member of the SFSU President’s Task Force on Inter-Group Relations. He
15 later co-founded the U.S. Campaign for the Academic and Cultural Boycott of Israel along with
16 GUPS’s faculty advisor and AMED’s Senior Scholar, Rabab Abdulhadi. Al-Awda is a leading
17 organization in the inherently anti-Semitic “BDS” movement which calls for the boycott,
18 divestment, and sanctions against Israel, and for targeted economic discrimination against Israeli
19 Jews, in an aim to isolate, delegitimize and ultimately bankrupt the Jewish state and economically
20 marginalize Jewish people. Many BDS activist individuals and entities receive support from
21 American Muslims for Palestine (AMP), itself an entity employing individuals who have known ties
22 to terrorist organizations such as the designated foreign terrorist group Hamas. On information and
23 belief, AMP is the most important financial sponsor and organizer for the BDS movement and for
24 Students for Justice in Palestine (SJP), a student organization with over 120 chapters in the United
25 States that grew out of GUPS as a separate, but closely related, student organization, primarily
26 responsible for organizing anti-Israel activity on campuses. The “anti-normalization” mandate of the
27 BDS movement requires that activists disrupt, isolate, and silence all opposing viewpoints, even
28 moderate opinions such as those acknowledging Israel’s actual existence, right to existence, or

1 advocating for a peaceful two-state solution to the Arab/Israeli conflict.

2 57. But the 2006 convention only marked the start of Al-Awda's deepening connections
3 with SFSU. Rabab Abdulhadi, a keynote speaker at the SFSU Al-Awda conference, became director
4 and Senior Scholar of AMED at SFSU shortly thereafter. Michel Shehadeh, who also spoke at the
5 Al-Awda conference while under investigation by the U.S. government for potential charges of
6 aiding terrorist groups and violating federal material support for terror laws, became a Research
7 Associate at AMED in 2007.

8 58. In 2006, GUPS commissioned a mural to be painted on the student union building
9 that included an image of a character named Handala, an established anti-Semitic symbol, holding a
10 key in one hand (with "return" written in Arabic) and a sword in the other. The key represents the
11 destruction of Israel as a Jewish state and the sword represents a violent means to target Jews. Dr.
12 Abdulhadi, AMED's Senior Scholar, drafted a brochure in honor of the inauguration of the mural's
13 unveiling, which coincided with several celebratory events sponsored by GUPS, AMED, and COES.
14 Ultimately, after significant condemnation from the Jewish community, the version of the mural that
15 was painted did not include that particular image.

16 59. GUPS, AMED, and COES continued to sponsor on-campus events, including a major
17 academic conference in October 2009 entitled "Ethnic Studies 40 Years Later: Race, Resistance,
18 Relevance," and in November 2009 entitled "BDS: A Quest for Justice, Human rights and Peace,"
19 that advocated for the elimination of the Jewish state of Israel and in support of the BDS movement.
20 AMED Director Rabab Abdulhadi and the Dean of COES, Dr. Kenneth Monteiro, were integrally
21 involved in these events. The open, direct, and substantial support and funding from SFSU's AMED
22 Program, SFSU's COES, and their leaders and faculty members has sent a clear message to SFSU
23 students and the SFSU community that the racist and discriminatory nature of these events should be
24 not only condoned, but celebrated. Especially given the threatening rhetoric and attack on the
25 legitimacy and very existence of the Jewish state of Israel, these events sponsored and celebrated by
26 SFSU are unequivocally anti-Semitic based on the working definition adopted by the U.S. State
27 Department.

28

ALLEGATIONS

1
2 60. The anti-Jewish animus pervading SFSU’s campus is as ubiquitous as it is hostile.
3 Jews are at best ignored, but more often ostracized in every corner of the university community.
4 While other groups are able to host events, obtain permits and participate in “tabling” at student
5 fairs, Jewish groups are customarily forced to fight for these basic rights as tuition-paying students,
6 no matter how hard they work to follow processes correctly and avoid controversy. For no
7 discernible reason other than their Jewishness, Jewish groups were not permitted to participate in the
8 “Know Your Rights” Fair or in the August 2016 student group recruitment fair. The permits they
9 seek, which are required for them to have tables at other on-campus and recruiting events are
10 routinely denied without explanation. Jewish students who publicly display their Jewish identities or
11 support the existence of a Jewish national homeland are made to feel unwelcome in a host of classes
12 offered under the umbrella of COES. While murals exist representing a wide and diverse array of
13 various university minority constituencies (including Pacific Islander students, Hispanic students,
14 Palestinian students, and Native American students), and despite repeated requests by Jewish
15 students for their own representative mural, permission was never granted, even after an official
16 “Jewish Mural Project” team, led by Plaintiff Charles Volk, worked with the university community
17 to try and install one. Jewish events—including those that have no Israel-related purpose or
18 messaging—are systematically shut down by raucous mobs, with the imprimatur of the university.
19 Jewish community members are faced with verbal assaults including genocidal chants and
20 expletives, and are forced to watch as the very state actors under whose protection they remain,
21 embolden the attacks in a number of ways, while ignoring the civil rights and the right to safety of
22 the Jewish members of the SFSU community. In a deliberate attempt to exclude Jews from the
23 SFSU community, one of the most significant events Jewish students organized, featuring Jerusalem
24 Mayor Nir Barkat, was consigned to the outskirts of campus while the Jewish students were forced
25 to pay for an expensive room to host him, and the SFSU Code of Student Conduct was ignored when
26 Jewish students most depended on it. Jews are often afraid to wear Stars of David or yarmulkes on
27 campus, and regularly text their friends to describe potential safety issues and suggest alternate,
28

1 often circuitous, routes to campus destinations. Jewish students are not treated or accepted as equals,
2 and their rights are not protected, in the hostile environment for them that is SFSU.

3 **The Silencing of Mayor Barkat’s Planned Speech Through Violent Threats and Intimidation**

4 61. Starting the morning of March 28, 2016, Hillel, a recognized Jewish student group on
5 campus arranged for Nir Barkat, the Mayor of Jerusalem, to speak at the University, clearing the
6 event with SFSU nine days beforehand. The event was titled: “Jerusalem Mayor Nir Barkat: How is
7 a Visionary From the High-Tech Sector Leading a Diverse and Scrutinized City?” It was scheduled
8 to run from 2:00 p.m. to 3:00 p.m. on April 6, 2016.

9 62. On March 29, 2016, Oliver Benn, SF Hillel Director, emailed Defendant Reginald
10 Parson, Defendant Luoluo Hong, Defendant Mary Ann Begley, and SF Hillel Assistant Director
11 Rachel Nilson, saying “I think the main thing is to make sure that the Dean of Students/campus
12 police have a really seriously thought out protocol in place for: 1) if people try to block access to
13 wherever the event will be held; 2) If people disrupt the event in an organized way either briefly or
14 to try to cancel it. I have no idea if #1 is likely, but #2 is quite likely based on past GUPS actions and
15 the atmosphere on similar issues on other campuses state-wide and nation-wide.” With more than a
16 full week to prepare, after this warning and based on experience, the university knew and should
17 have known that a protest—and likely an unlawful one—was a near-certain eventuality.

18 63. Mr. Mandel, as Campus Engagement Intern and Hillel Student President, organized
19 the permits to attempt to secure a room for Mayor Barkat’s speech. Mr. Mandel first sought to
20 secure Jack Adams Hall in the Cesar Chavez Student Center (CCSC) in the heart of the campus—but
21 it was unavailable. Then, Hillel received confirmation from Defendant Larry Birello, Coordinator of
22 Student Activities and Events, that the event had been assigned to a different room in CCSC, Rosa
23 Parks A-C. On information and belief, as Student Organization Coordinator, Defendant Birello’s
24 responsibilities include management of student organization events such as Mayor Barkat’s speech.
25 SFSU’s website directs questions regarding orientation sessions for student organizations, reserving
26 space on campus, completing event applications, or securing tabling permits to Mr. Birello. On
27 information and belief, Defendant Jaramilla, as Coordinator of Meeting & Event Services, and
28 Defendant Piccinotti, as Event & Technical Services Manager, Student Affairs and Enrollment

1 Management, are also responsible for properly coordinating and managing events at SFSU,
 2 including those sponsored by student organizations. SFSU's website lists both Defendants Birello
 3 and Jaramilla as members of the Campus Safety Committee Roster. SFSU's website directs
 4 questions regarding event reservations and event planning meetings to Piccinotti, and Piccinotti is
 5 listed on SFSU's website as a source of information on event requirements and best practices.

6 64. On information and belief, Defendants Begley, Hong, Stuart, Birello, Piccinotti, and
 7 Jaramilla collectively executed the University's effort to move the Barkat event away from CCSC
 8 and to require Hillel's payment to host the event. On information and belief, these Defendants were
 9 also responsible for SFSU's inadequate preparation before the event and the unacceptable way the
 10 University handled the event as it was being shut down. Each of these actions by Defendants
 11 violated Plaintiffs' rights under the First and Fourteenth Amendments.

12 65. The following documents reflect a mysterious change in the availability of a room for
 13 the event in CCSC:

- 14 • According to the timeline prepared by Defendant Begley, on March 29, 2016, "Begley
 15 expresses concern about the use of classroom space and suggests that they use Seven
 16 Hills instead. However, SF Hillel Assistant Director Rachel Nilson "stated...that she
 really wished to keep the event in CCSC."
- 17 • An email sent the morning of March 30, 2016 from Monolito Montego Twyman, Greek
 and Student Organization Advisor, to Defendants Begley, Stuart, Birello, and Piccinotti
 18 stated that "SF Hillel has acquired one of the Rosa Parks rooms for their event (per my
 19 suggestion). I will check with Mark to find out which room so we can further plan for
 possible protestors."
- 20 • Also according to Defendant Begley's timeline, Defendant Hong stated in an email that
 "her preference is that the event is not held in the CCSC." The following day, March 31,
 21 2016, Hong emailed Hillel Director Oliver Benn and said "she knows that Begley has
 been in touch and that we may ask for flexibility on the location."
- 22 • On April 1, 2016 at 1:47 p.m., SF Hillel received an email with booking number 19861,
 23 with the status "Tentative/Pending SICC (Student Involvement and Career Center)
 Review."
- 24 • At 2:06 p.m., ASI (Aimee Barnes) emailed Defendant Jaramilla saying "unfortunately
 25 your reservation has been put under conflict." Just a few minutes later, at 2:12 p.m.,
 Defendant Birello emailed SF Hillel saying "this is approved as an authorized
 26 organization/member event. Good luck and we hope there is a great turnout!"
- 27 • Defendant Mark Jaramilla, SFSU's Meeting & Events Coordinator, then emailed Mr.
 Mandel to inform him that there was a "scheduling conflict" and that the Rosa Parks A-C
 28 room was no longer available.

- 1
- 2 • SF Hillel Assistant Director Nilson responded at 4:07 p.m. to Defendant Birello saying
3 “We are confused, because one of our members (Sam Boikaner) who is an ASI rep,
4 received a voicemail from Mark from Associated Students/CCSC telling him to tell Hillel
5 that the room is unavailable to us.”
 - 6 • At 5:14 p.m. that afternoon, Defendant Jaramilla emailed Defendant Birello saying
7 “Unfortunately, I have a conflict event in our schedule and can no longer host this event.”
 - 8 • At 5:15 p.m., Aimee Barnes emailed Defendant Jaramilla, “here is the email, and I see no
9 indication of conflict. I just spoke with Dean Begley. I informed her RP is not available.
10 Email to be sent shortly.”
 - 11 • At 5:17 p.m., Defendant Begley emailed Defendant Birello and others saying, “I just got
12 off the phone with Aimee and have confirmed that Rosa Parks A-C is in fact NOT
13 available on April 6th and no other spaces are open in the CCSC that day. The only other
14 option under consideration right now is Seven Hills.”

15 66. Any room in CCSC would have been free of charge for Hillel to use, unlike any room
16 in the Seven Hills Conference Center (“Seven Hills”), a venue owned by an independent entity,
17 Sodexo Corporation, located in the housing district of campus and comparatively far from the center
18 of campus. Nilson later followed up with alternative options more central on campus than Seven
19 Hills, asking Defendant Begley, “Is it possible at all to host in the bottom of the STTC? We hosted
20 the Seder there a few years ago. Or, I know there is a room at the top floor of the humanities which
21 hosts speakers as well. Thanks!”

22 67. Defendants communicated that they did not want the Barkat event to occur on the
23 main campus, even after it was made abundantly clear by SF Hillel staff that they hoped to host the
24 event in CCSC to ensure that the maximum amount of students could attend the event and engage
25 with the Mayor. Defendant Luoluo Hong told the SFSU University Police Department (UPD) Chief,
26 Defendant Reginald Parson, and Defendant Mary Ann Begley, “my preference is that we defer until
27 later and if they can, wish them well in finding another location. However, if we are stuck, then I
28 would actually prefer anything away from CCSC. Student Life Annex if possible. If there is any
incident, we are going to so regret we agreed to do this...” Defendant Hong also emailed Defendant
Wong saying “Just for the record... think this is not a good time to be hosting an event like this. I
would personally rather ask that he defer the date to later in April, and if that is not possible wish
him well and along to another venue. I am very worried that everyone is on edge after the semester
we have been having, so we have powder kegs all over campus in search of a lit fuse.” Defendant

1 Mary Ann Begley emailed Defendant Luoluo Hong, Defendant Brian Stuart, and Defendant
2 Reginald Parson that “Lee, from Student Activities and Events, just made Brian Stuart and me aware
3 of a classroom request for a student org event that will likely feature a controversial speaker and may
4 draw protest activity. Hillel is the event sponsor. The proposed speaker is the Mayor of Jerusalem.
5 They are requesting classroom space...If this may draw protest activity, I’m concerned about
6 reserving classroom space during the middle of the day. We may direct them to Seven Hills or
7 another location that would have less impact on classes in the area.” Defendants’ communications
8 confirm that they would prefer to suppress speech by a visiting foreign dignitary prepared to engage
9 the campus community in productive dialogue, rather than confront the hostile forces operating to
10 silence debate and shut down dissent on SFSU’s campus. Further, Defendants chose to penalize a
11 registered student group, Hillel, by forcing it to pay for an out-of-the-way event space.

12 68. After conveying to SF Hillel that no rooms were available in CCSC, the
13 administrators required Mr. Mandel—on behalf of SF Hillel—to pay for a room in Seven Hills. Mr.
14 Mandel delivered a check for \$356.50 to the office manager of Seven Hills. Most SFSU students
15 Mr. Mandel spoke with had no idea where Seven Hills was located. It is beyond cavil that removing
16 an event to a location on the outskirts of the campus has the effect of decreasing the number of
17 individuals who attend, as compared to the same event taking place in the main, centrally located
18 student center building. On information and belief, fewer students and community members
19 attended the Barkat event due to its out-of-the-way location and because Hillel’s opportunity to
20 publicize the event was significantly impacted by the University’s delay in confirming the location.
21 Plaintiffs know of no other group that has had a similar event purposefully removed to a non-central
22 campus location and forced to pay a substantial fee when, on information and belief, there were open
23 CCSC rooms available at no charge. In the days prior to the event, SF Hillel Deputy Director Rachel
24 Nilson communicated with a representative of SFSU UPD, Dave Rodriguez, to discuss the event.
25 Mr. Rodriguez told them that they expected protesters, and they were planning to erect protest
26 barriers and a designated protest area (which the police called a “free speech zone”) outside Seven
27 Hills during the event.

28 69. Pursuant to their discussion with SFSU UPD, SF Hillel Assistant Director Rachel

1 Nilson emailed the Dean of Students confirming that conversation, and asking what types of
2 disruptions inside the facility would trigger a disruptor being ejected. SFSU's commissioned
3 investigative report confirmed that the Dean did not respond, claiming that the email was not seen
4 "until moments" before the Mayor Barkat event was set to begin, far too late for the police officers
5 and the event attendees to have a common understanding as to whether and how SFSU's policies
6 would be enforced and attendees' rights would be protected.

7 70. On April 4, 2016, SFSU UPD Chief Reginald Parson communicated via email to
8 Luoluo Hong and Mary Ann Begley that he planned to erect a protest area "so people who are
9 against the event can assemble." He stated that "if there's a disruption, we will need a Citizen's
10 Arrest form completed and signed by someone from SF Hillel to remove people from the event."
11 However, on information and belief, this information was never communicated to anyone officially
12 affiliated with SF Hillel, and during the event, when Plaintiff Aaron Parker told Chief Parson that he
13 agreed to complete and sign a Citizens' Arrest form in order to bring the event back to order, no
14 form was provided to him.

15 71. Plaintiffs each arrived at the event before it began. When the event started, there
16 were two plain-clothes officers present. There was also a plain-clothes police officer positioned
17 closer to Mayor Barkat. Approximately 30 individuals (mostly members of GUPS and their allies
18 from COES) began filing into Seven Hills a few minutes after the Mayor's arrival and sat together in
19 the same part of the room. Before Mayor Barkat began his speech, Rachel Nilson acknowledged the
20 GUPS students and welcomed them to the event along with the other attendees.

21 72. On information and belief, shortly after Mayor Barkat began his speech, Lubna
22 Morrar, the President of GUPS, and GUPS Vice President Linda Ereikat were sitting next to each
23 other and texting each other. At some point, Lubna gave a signal to Linda, and they began leading
24 the entire group in the loud shouting of antagonizing and threatening phrases such as "Get the fuck
25 off our campus," "We don't want you on our campus," "From the river to the sea, Palestine will be
26 free," "If we don't get no justice, then you don't get no peace," "1-2-3-4, we don't want your racist
27 war, 5-6-7-8, Israel is an apartheid state," "Long live the Intifada! Intifada, intifada!," and more,
28 directed at Mayor Barkat, Plaintiffs, and the other students and audience members who came to hear

1 Mayor Barkat speak.

2 73. SFSU's commissioned investigation of the Mayor Barkat event concluded that
3 campus administrators understood the violent and threatening nature of these chants. In particular, a
4 campus administrator explained that chanting "Intifada!" is synonymous with calling for an "armed
5 uprising" and that "From the river to the sea, Palestine will be free" meant that "there should be no
6 Israel and there is no place for Jews."

7 74. The Mayor stopped speaking as he could not be heard. Plaintiffs expected that the
8 disruptive students would be asked to quiet down, to leave, or if they would not agree to do either, to
9 be removed if necessary. Despite the presence of SFSU police, including Chief Reginald Parson, as
10 well as Dean of Students Mary Ann Begley, SFSU did not take the basic steps necessary to allow the
11 speech to continue.

12 75. The disruptive individuals were emboldened by the decisions of the administration to
13 allow the disruption to continue and escalate, despite the existence of the designated protest area and
14 the ramifications on the rights of audience members. The group began using a microphone and an
15 amplifier to completely drown out the Mayor's voice. The disruption began less raucously, but as
16 administrators and police were clearly sanctioning it in standing by and standing down, the
17 disruptors increasingly ramped up their verbal attacks and threatening gestures.

18 76. An investigation of the Mayor Barkat event commissioned by SFSU concluded that
19 the group's use of amplified sound violated school policy, and that it disrupted the event.

20 77. Mayor Barkat gestured to those who were trying to hear him, including Plaintiffs, to
21 form a huddle around him so he could try and speak to them above the amplified shouting of the
22 disruptive students. Plaintiffs still could not hear what he was saying, even though they were all in a
23 circle no more than a few feet away from him.

24 78. Plaintiffs were threatened and intimidated by the group's encroaching physical
25 presence and threats of "intifada," which refers to a violent uprising and the commission of terrorist
26 acts by Palestinians against Jews. The term "intifada" is a common genocidal slogan used by
27 Palestinians to refer to violent attacks against Jews. The conventional reaction by a Jewish
28 individual who is aware of the term's meaning is visceral and painful. The professed goal of those

1 engaged in an intifada is to kill or maim as many people as possible and to wage a psychological war
2 to instill deep fear in Israeli civilian population. Defendant Abdulhadi's "Academia.edu" profile
3 page features an image calling for a "Third Intifada," a terrorist mutiny by Palestinians against Jews
4 in Israel.

5 79. As the disruptive individuals were shouting, some covering their faces with keffiyehs
6 and advancing toward Plaintiffs, many of the audience members feared for their safety and for the
7 safety of the other individuals who had come together to hear from, and engage with, Mayor Barkat.
8 Mr. Mandel asked Defendant SFSU Police Chief Reginald Parson, who was present in the room,
9 how they were going to address this situation. Chief Parson told Mr. Mandel that he would try to get
10 the group to move to the designated protest area so that Mayor Barkat's speech could proceed.

11 80. The use of a sound amplifier to drown out and shut down a student group event in this
12 way was expressly against University policies (specifically Sections IV.C. and VI of SFSU's
13 University Executive Directive #89-13: Time, Place, and Manner: Use of Buildings and Grounds, in
14 addition to several broader policies the group violated from SFSU's Code of Student Conduct). This
15 indisputable violation of both the SFSU Code of Student Conduct and/or the Seven Hills Conference
16 Center rules has been acknowledged by Defendants Leslie Wong, Mary Ann Begley, Reginald
17 Parson, Brian Stuart, Lawrence Birello, and Osvaldo del Valle.

18 81. Defendants Wong, Begley, Stuart, Parson, Hong, Nava and del Valle have also
19 conceded several other apparent violations of SFSU's Code of Student Conduct, state civil and
20 criminal law, and federal law by the disruptors during the event:

- 21 • Defendant President Wong emailed the SFSU community on April 7, 2016, the
22 day after the event, that "the Mayor's talk, held at Seven Hills, was disrupted by a
23 small but loud group of protestors. Members of our community who attended the
24 event were deprived of an opportunity to hear from the mayor." He then sent a
25 personal email to concerned community members saying "I was troubled by
26 reports coming to me from my police and security team this morning. They are
27 completing their investigatory work especially with regard to the potential
28 violation of a number of student conduct codes which will inform the formal
conduct hearings. We do not condone their behavior and I am quite saddened by
it. But our conduct processes will now take over."
- On April 26, 2016, Defendant Begley emailed the two disruption leaders, also the
leaders of GUPS, pertaining to the student conduct process. She wrote "First, I
want you to know that we support your right as individuals and as an organization
to speak freely about issues that you feel are unjust; this message is not about the

1 content of your protest on April 6th. Rather, this message is about how to go about
 2 protesting without violating University policy or law. While no criminal laws
 3 were violated on April 6th, there were alleged university policy violations.” Later,
 4 she wrote to the same individuals that “Regarding the conduct review, [Redacted]
 5 will be receiving notice from the Office of Student Conduct to come in for a
 6 meeting to discuss the charges being filed against your student organization based
 7 on the alleged violations of the Code of Student Conduct. I anticipate that you
 8 will receive notice as early as this week. Additionally, I would welcome the
 9 opportunity to meet with you to review the Conduct and Time, Place, and Manner
 10 policies.” Furthermore, in her narrative of the event, Defendant Begley wrote,
 11 “based on my observation, members of GUPS participated in behavior that was in
 12 violation of campus policies. They are as follows”:

- 13 • Violation of the Time, Place, and Manner Policy: Employing unauthorized
 14 sound amplification
- 15 • Violations of the Code of Conduct (EO 1098):
 - 16 • Willful, material and substantial disruption or obstruction of a
 17 University-related activity, or any on-campus activity.
 - 18 • Participating in an activity that substantially and materially
 19 disrupts the normal operations of the University, or infringes on
 20 the rights of members of the University community.
 - 21 • Disorderly, lewd, indecent, or obscene behavior at a University
 22 related activity, or directed toward a member of the University
 23 community.
 - 24 • Violation of any published University policy, rule, regulation or
 25 presidential order.
 - 26 • Failure to comply with directions of, or interference with, any
 27 University official or any public safety officer while acting in the
 28 performance of his/her duties.
- In his narrative of the event, Defendant Brian Stuart lists code violations
 including:
 - Time, Place, Manner Policy (University Executive Directive #89-13):
 Employing unauthorized sound amplification
 - Student Code of Conduct (Executive Order #1098):
 - Willful, material and substantial disruption or obstruction of a
 University-related activity, or any on-campus activity.
 - Participating in an activity that substantially and materially
 disrupts the normal operations of the University, or infringes on
 the rights of members of the University community.
 - Disorderly, lewd, indecent, or obscene behavior at a University
 related activity, or directed toward a member of the University
 community.
 - Violation of any published University policy, rule, regulation or
 presidential order.
 - Failure to comply with directions of, or interference with, any
 University official or any public safety officer while acting in the
 performance of his/her duties.
- On May 3, 2016, University Counsel Daniel Ojeda emailed Luoluo Hong, Mary
 Ann Begley, and Osvaldo del Valle saying “I noticed the following conduct
 procedures SFSU has developed in cases involving student organizations:
<http://www.sfsu.edu/~sicc/socb.html>. These would seem to apply to GUPS. Are
 you *not* applying these in the case pending against GUPS? If not, why not? I’m
 asking because I’m anticipating more questions on these issues from the attorneys

1 who are representing the students and GUPS and I want to be sure I understand
2 the process SFSU is following, and the rationale for the campus approach.”

- 3 • Defendant Robert Nava wrote in an April 12, 2016 email that “The protest was
4 disruptive and the protestors did not follow campus policies and guidelines. The
5 office of Student Affairs is reviewing possible administrative sanctions” and in an
6 email on May 10, 2016 that “the Mayor’s talk held at Seven Hills was disrupted
7 by a small but loud group of protestors. The protestors used bull horns and
8 infringed on the right of the speaker to express his views and denied the audience
9 the right and opportunity to listen to the presentation.”
- 10 • Defendant Osvaldo del Valle told the primary orchestrators of the disruption
11 during the student conduct process that “what you did was not free speech, but in
12 fact free speech suppression. You impeded another group’s ability to engage in
13 free dialogue with your disruption.” One of the students then replied that the event
14 had continued, and del Valle said, “yes, by huddling together so that they could
15 here the mayor over the noise you were making (sic). That is not free speech or
16 civil dialogue. You in fact attempted to shut down the event or at minimum
17 disrupt the event.”
- 18 • While Defendant Reginald Parson states on multiple occasions that no criminal
19 law violations occurred at the event, his own behavior and the notes in his written
20 report establish the opposite conclusion.
 - 21 • California Penal Code § 403. [Disruption of lawful assembly] says that
22 “every person who, without authority of law, willfully disturbs or breaks
23 up any assembly or meeting that is not unlawful in its character, . . . is
24 guilty of a misdemeanor.” The cursory police report filed after the event
25 describes a clear violation of PC § 403. The California Supreme Court in
26 *In re Kay*, 1 Cal. 3d 930 (1970), said that § 403 requires that the defendant
27 substantially impair the conduct of the meeting by intentionally
28 committing acts in violation of implicit customs or usages or of explicit
rules for governance of the meeting of which he knew, or as a reasonable
man should have known. The internal campus police report describes a 15-
minute speech stoppage, although in fact the speech was stopped for
nearly an hour, the entire time allotted for the event. The report also
describes microphone and sound amplification devices being used *outside*
of the designated protest area.
 - According to California Penal Code § 407 [Unlawful assembly],
“Whenever two or more persons assemble together to do an unlawful act,
or do a lawful act in a violent, boisterous, or tumultuous manner, such
assembly is an unlawful assembly.” The UPD report’s description of the
conduct (specifically, the use of microphones and amplifiers) is an
unlawful assembly as defined in PC § 407. Furthermore, the police report
and the conduct of the officers during the event corroborate the fact that
the police themselves believed the protest to be unlawful. If the protest
had been a lawful assembly, the police would have lacked the authority to
ask the protestors to move to the designated area, and to twice attempt to
achieve ‘compliance,’ with ‘negative results,’ as the report describes.”
 - Defendant Parson, President Wong, and others stated repeatedly that
Parson requested several times that the disruptors cease the disruption and
allow the event to continue, but they refused to disperse or relocate to the
designated protest area. If this is true, it describes an unequivocal violation

1 of California Penal Code § 148. (a)(1): “Every person who willfully
2 resists, delays, or obstructs any public officer, peace officer . . . in the
3 discharge or attempt to discharge any duty of his or her office or
4 employment, when no other punishment is prescribed, shall be punished
5 by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment
6 in a county jail not to exceed one year, or by both that fine and
7 imprisonment.” The police report describes a clear violation of PC § 148,
8 which occurred when the officers were unable to “gain compliance” and
9 when the female protestor nodded side-to-side indicating her refusal to
10 comply.

11 Nevertheless, no actions were ever taken by SFSU against the disruptive students, no disciplinary
12 charges were ever filed, and no sanctions were ever imposed against GUPS, Lubna Morrar, Linda
13 Ereikat, or any other individuals responsible for committing these acknowledged violations. Instead,
14 they received an email saying “Dear [Redacted], This letter serves as notification that the Office of
15 Student Conduct will not be moving forward with the complaint received alleging your possible
16 involvement in a Conduct Code violation on April 6, 2016. We arrived at this decision following a
17 complete review of the complaint, including the informational interview we had with you on
18 Monday, May 9, 2016. However, let our conversation today serve as a verbal warning regarding
19 your behavior that may be alleged to have violated the Code of Student Conduct...We thank you for
20 meeting with us and cooperating in this review. We now consider this matter resolved.” The
21 determination not to pursue any disciplinary action was made the day before the resolution of the
22 COES hunger strike, which included 27 demands of the university in order to end—one of which
23 was protection of COES students facing any sanctions related to the disruption of the Barkat event.
24 On May 11, 2016, a Joint Agreement was announced between SFSU and COES to end the hunger
25 strike. Defendant Wong’s statement “affirm[ed] that [SF State] does not intend to take disciplinary
26 action against any students, staff, faculty or administrators who have taken part in protest and
27 advocacy efforts specifically for their participation in these activities.”

28 82. According to SFSU’s published “ADVISOR REQUIREMENTS,” faculty advisors to
student organizations must “[a]ssist SAE [Student Activities & Events] and the University in
upholding University policy.” SFSU specifically discusses the University’s Non-Discrimination
Policy and the Time, Place, and Manner Policy as policies faculty advisors must help to uphold. The
SFSU document that lists these requirements adds as to the Time, Place, and Manner Policy: “No

1 amplified sound unless registered with an event.” The SAE website also states that “[t]he advisor
2 should assist the student organization to adhere to all University policies, as well as federal and state
3 law.” On information and belief, Defendant Abdulhadi, as GUPS’s faculty advisor, chose to
4 disregard these advisor requirements as they applied to GUPS’s conduct surrounding the Barkat
5 event, in violation of Plaintiffs’ civil rights.

6 83. In an official University Statement dated June 20, 2017 and published on SFSU’s
7 website,⁷ the University acknowledged that the incident that occurred during the Barkat event was
8 fueled by anti-Semitism, saying: “*The disruption of the event featuring Jerusalem Mayor Nir
9 Barkat in spring 2016 and bias incidents that were reported this year were ugly reminders that
10 anti-Semitism, like all forms of discrimination, is real and our community has work to do.*”

11 (Emphasis added.)

12 **SFSU’s Complicity and its Order to the Police to “Stand Down”**

13 84. According to the SFSU commissioned report, as well as numerous statements from
14 Defendants, Chief Parson approached the shouting and threatening individuals a few minutes after
15 they produced the microphone and asked them to leave, but was ignored. There was no threat of
16 arrest or other action behind this purported request. Chief Parson approached Mr. Mandel and told
17 him that he would have liked to remove the disruptors, however, “the University” (including
18 Defendants Mary Ann Begley, Larry Birello, and the other administrators present) had instructed
19 him and the police to “stand down.” Chief Parson admitted to Mr. Mandel that the police were being
20 directed to ignore protocol, which was to remove the protesters and move them to the designated
21 protest area. Mr. Mandel spoke to other uniformed officers that had arrived, including Sergeant Lee,
22 and they also told him that, despite their protocol, the University had instructed them to stand down.

23 85. Plaintiff Jacob Mandel had been honored and excited for the Barkat event and proud
24 of the hard work he had put into organizing Mayor Barkat’s visit to SFSU. In the moments before
25 the event began, he had shared his excitement with Mayor Barkat that, after enduring so much
26 antagonism against Jews on campus, they had now brought a renowned Jewish speaker to campus.

27 _____
28 ⁷ This University Statement is available at <https://news.sfsu.edu/announcements/san-francisco-state-university-statement-disputing-lawsuit-affirming-commitment>.

1 Mr. Mandel felt that, among many other things, the Mayor's visit helped validate the SFSU Jewish
2 population, on a campus where Jewish students and community members were so often abandoned
3 by the administration. Unfortunately, as the event was shut down by the shouting group of GUPS
4 members and others, Mr. Mandel's excitement was replaced by fear and anger, as he was scared for
5 both himself and his fellow students, and frustrated with the administration's actions which led the
6 event to be shut down. He felt overcome by the devastating realization that the administration would
7 continue to deny the basic civil rights of the audience, just as they had always refused to treat Jews
8 equally on campus. He was upset that his hard work on the event had been ruined. He felt a sense
9 of responsibility to try and solve the problem for his fellow Jewish students and community
10 members, but also felt totally helpless, as things had moved so far beyond his control and into the
11 exclusive control of SFSU and its officials.

12 86. Plaintiff Charles Volk came to the event excited to hear Mayor Barkat's speech,
13 looking forward to learning from a foreign dignitary representing one of the world's most
14 consequential cities, right on his own university campus. He sat front and center. However, that
15 excitement turned to a sickening feeling as the shouting and threats continued. He felt distraught by
16 what he had seen, watching two of his friends cry from the trauma. It was clear to him that the
17 chanting individuals had every intention of making the Jews in the room feel intimidated and that
18 they reveled in threatening them. He sensed the clear hate in their words, voices, and actions. He
19 wanted to help his crying classmates but did not know how. When Mr. Volk saw one of the
20 individuals cover his face with a keffiyeh while continuing to shout anti-Semitic threats, he felt
21 particularly distressed, sensing that the disruptors wished to conceal their identities to avoid the
22 consequences of their unlawful activity.

23 87. Plaintiff Liam Kern spoke with one of the police officers, who told him (incorrectly)
24 that the individuals had not violated any rules so the police would not be doing anything to prevent
25 them from shutting down the event. A crying female student positioned herself behind him in fear.
26 He was frustrated and upset that his fellow students felt physically threatened and unsafe, and that
27 the University itself had put these students in such a vulnerable position. The distraught Jewish
28 students wanted to stay in a group even after the event, walking to Hillel together.

1 88. Plaintiff Aaron Parker asked a uniformed police officer (who had arrived after the
2 event started) what the police were going to do to allow the event to proceed. The officer told Mr.
3 Parker that he was waiting for approval from Chief Parson before taking action, and he identified
4 Chief Parson, who was not in uniform. Mr. Parker told Chief Parson he did not feel safe. Chief
5 Parson asked Mr. Parker if he would complete a Citizen’s Arrest form. Mr. Parker told Chief Parson
6 that he did not know what that involved but if it would lead the police to take necessary action to
7 allow the event to continue, then he would complete the form. Chief Parson never returned with the
8 form. Mr. Parker witnessed the administrators and Chief Parson speaking with each other at the
9 back of the room. He was soon after informed by SFSU University Corporation Director Jason
10 Porth, who had also spoken to the administrators in the back of the room, that the administrators did
11 not want to remove the disrupting individuals so as to protect *their* rights.

12 89. Plaintiff Masha Merkulova stepped into the hall to call 9-1-1. After her call was
13 transferred, she was informed that plain-clothes police officers were already present at the event. As
14 she was hanging up, uniformed police officers began to arrive. Back in the room, police officers
15 eventually told her that they had been directed not to intervene in order to protect the disruptors’
16 “free speech.”

17 90. Plaintiff Stephanie Rosekind told a uniformed officer that she did not feel safe. It was
18 so unrelentingly loud that it was difficult for them to converse. The officer seemed to acknowledge
19 her comment but he offered no other response—she did not understand the lack of intervention even
20 after she had told the police that she feared for her physical safety. When Mr. Parker tried to update
21 her about his conversation with police and Mr. Porth, she could barely hear him because of the
22 volume of the amplified chanting and shouting from the GUPS members and their supporters.

23 91. Plaintiffs could not understand why the administrators would instruct the police to
24 stand by and proactively further the erosion of their constitutionally protected rights. They felt
25 powerless, scared for their safety, and betrayed by Defendants for their decision to license the
26 explicit threats targeting Jewish students and community members. But for the express instruction
27 of Defendants to violate protocol and refrain from addressing the improper disruption, Mayor
28 Barkat’s speech would have been able to proceed, and Plaintiffs would have been spared the threats

1 to their safety and the interference with their civil rights.

2 92. After conversing with Chief Parson, Mr. Mandel approached Defendants Begley and
3 Birello asking what next steps would be taken to allow the event to proceed; they told him that the
4 situation was being dealt with internally and that he should “not worry about it.” The administrators
5 left shortly thereafter without taking any steps to remove the disruptive group, enable the event to
6 proceed, or protect the students, the audience members, or Mayor Barkat.

7 93. Plaintiffs were then forced to stand by, in fear of threatened violence by the
8 disruptors, while the entire event was completely shut down, along with Mayor Barkat’s right to
9 speak, and Plaintiffs’ and other audience members’ rights to listen, engage, and assemble. After
10 Mayor Barkat left the room, the disrupting individuals cheered proudly and continued to shout “Get
11 the fuck off our campus!” to the Plaintiffs and other Jewish students and Jewish members of the
12 community who remained in the room, clearly directing their vitriol at Plaintiffs and other attendees.
13 Again, no one employed by SFSU intervened, at the explicit instruction of SFSU and in violation of
14 established protocol.

15 94. The report summarizing SFSU’s commissioned investigation faulted Student Affairs,
16 run by Defendant Luoluo Hong, for failing to adequately prepare for the Mayor Barkat event.
17 Student Affairs did not contact GUPS, despite the likelihood that GUPS would protest at the Mayor
18 Barkat event. Nor did Student Affairs actively work with SF Hillel or any other groups to address
19 how protests could be accommodated without disrupting the event, even after repeated attempts by
20 SF Hillel Director Oliver Benn to work together to preempt the anticipated disorder.

21 95. The report also concluded that Student Affairs’ inaction at the Mayor Barkat event
22 impliedly sanctioned the protest. The report recognized that “It is undisputed that none of the
23 Student Affairs administrators who were present at the Event approached, engaged with, or
24 attempted to manage the protestors.” Chief Parson also faulted Student Affairs for failing to engage
25 the leaders of GUPS about civil discourse and time, place, and manner limitations, and leaving him
26 as “the only one saying stop.” The report concluded that “the protestors were taking their cue from
27 Student Affairs officials who were not approaching them”—thereby emboldening them.

28 96. By aiding, abetting, and condoning the disruptors’ actions within the event room,

1 Defendants violated SFSU's Time, Place, and Manner policy, knowingly giving the disruptors free
2 reign to ruin the Barkat event and condoning their prohibited use of sound amplifiers to increase the
3 volume of their threatening avowals and disruptive chants to the point where no one in the room
4 could hear Mayor Barkat speak. Like all of the aforementioned statements by Defendants
5 acknowledging wrongdoing by GUPS, Morrar, and Ereikat, SFSU's commissioned investigation of
6 the Mayor Barkat event confirmed that the presentation was in fact disrupted, and the GUPS students
7 interviewed for that report plainly stated that their intent was to disrupt Mayor Barkat's speech. The
8 report also noted that the Dean of Students recognized that the protest was louder than the Mayor,
9 even with his microphone, once the disrupting individuals began utilizing their own portable sound
10 amplifier.

11 97. Although SFSU UPD had designated a separate "free speech zone" for protesters in
12 order to allow them their own right to demonstrate without infringing upon the rights of the Plaintiffs
13 and other attendees to hear Mayor Barkat speak, SFSU officials instructed UPD to "stand down"
14 when the group refused to be confined to their designated area and used amplification equipment to
15 wholly drown out Mayor Barkat's efforts to speak in the pre-approved and paid-for event. The
16 determination by SFSU administrators to issue a "stand down" directive and allow the disruption to
17 continue in order to protect the disrupting students' "free speech rights" directly contravened the
18 purpose of the "free speech zone": In setting up a "free speech zone" *outside* the event room,
19 administrators and UPD acknowledged that a disruption *inside* the room—especially one in clear
20 violation of SFSU's time, place, and manner policies that continued the entire time allotted for the
21 event—did not constitute free speech.

22 98. The SFSU police officers acknowledged that these individuals were violating the law
23 and the SFSU Code of Student Conduct, but because of the "stand down" order, they acted contrary
24 to protocol, SFSU policy, and state and federal law. As such, Defendants ensured the suppression of
25 free speech, creating an environment of physical intimidation and fear in which this group—in clear
26 violation of University policies that were implemented to ensure the protection of free speech—
27 effectively shut down the event. The suppression of free speech at the Mayor Barkat event would
28 not have occurred had SFSU not proactively supported these individuals and discriminated against

1 members of the Jewish community.

2 99. Defendants' behavior surrounding the Barkat event is a continuation of their systemic
3 pattern of supporting the misconduct of students who regularly violate the rights of Jewish students,
4 and failing to adequately protect Jewish students' rights or their physical safety. By doing so,
5 Defendants have created a pervasively hostile environment in which Plaintiffs, as Jewish students,
6 feel fearful, intimidated, and threatened walking on campus, attending classes, and participating in
7 other SFSU events. For example, the day after the Mayor Barkat event, Plaintiff Charles Volk felt
8 sufficiently threatened by a member of GUPS in one of his classes that he felt forced to leave
9 midway through class—something he had never done before. He was unable to concentrate in class
10 while feeling the kind of stress brought on by the events of the day before and the glaring focus of
11 the GUPS member in his class. Realizing he could not focus or benefit from the class, he knew there
12 was no point in staying for the remainder of class when he felt so uncomfortable. Plaintiffs Mandel
13 and Volk routinely experienced a similar inability to focus, concentrate, and fully participate in class
14 when anti-Jewish events and sentiment, and the support from SFSU of these events and this
15 sentiment, became overwhelming.

16 100. After the Barkat event, a student whose name was redacted emailed President Wong
17 to express his feelings, saying that he found “the actions of the protestors to be very inappropriate
18 and threatening...As a Jewish student, I felt threatened and was legitimately worried that one of
19 them would eventually try to use a weapon on those of us who attended the event to hear the
20 Jerusalem Mayor speak. This fear was generated from the event a few years ago where the GUPS
21 president posted an image of him with a knife saying that he wanted to kill Israeli soldiers.
22 Furthermore, I heard that, until recently, the school was not going to allow Nir Barkat to speak
23 because the school was afraid of the social controversy that could come of this. If this is true, my
24 question is why is the school not allowing certain individuals to speak because they may cause some
25 students to become violent, instead of prevent violent students to have the opportunity to cause
26 harm. I have invested 6 years of my life into attending SFSU, and I wish that I didn't feel like there's
27 individuals at my college who may pose a danger to myself while I attend classes on campus.” On
28 information and belief, this student did not receive a response.

1 101. Defendants’ conduct intentionally encouraged and benefited the disruptive
2 individuals who were threatening the Jewish individuals with violence, as they shouted “Get the fuck
3 off our campus!” and “Intifada!” not only to Mayor Barkat, but also to Plaintiffs and other Jewish
4 students and community members who attended the event. Defendants’ conduct intimidated
5 Plaintiffs through Defendants’ complicity in the violent threats and the deliberate indifference to the
6 clear violations of Plaintiffs’ civil rights. The threat to Plaintiffs’ physical safety and their
7 constitutional rights was amplified by the fact that the attendees were under Defendants’ power and
8 protection. The University deliberately instructed its campus police to “stand down,” creating and
9 contributing to an unsafe and threatening environment for Plaintiffs and other Jewish students and
10 members of the community.

11 102. On information and belief, Defendant Parson had informed SFSU administrators
12 regarding the need for a separate protest area and his intention to establish one for the Barkat event.
13 These SFSU administrators were well aware of SFSU’s policies that prevented speakers at approved
14 events from being silenced, of the prohibition against protesters using amplified sound at a student
15 event, and of the various violations of both law and the Code of Student Conduct committed when
16 students and members of the community are verbally and physically threatened.

17 103. However, Defendant administrators nevertheless sanctioned the continuation of the
18 protest beyond the protest area, even after the group began frightening attendees by covering their
19 faces to conceal their identities while chanting genocidal slogans and expletives in close physical
20 proximity.

21 104. The conduct of SFSU and its administrators during this incident was especially
22 egregious and dangerous, since the administrators gave the order to have police “stand down” at the
23 same time that the disruptive group became increasingly threatening. This action by Defendants
24 exemplifies their utter indifference to direct true threats against Jewish individuals who attended the
25 event, including Plaintiffs.

26 105. Additionally, instead of providing support for its Jewish students following Mayor
27 Barkat’s speech, the environment on campus was so toxic for Jewish students that some Jewish
28 students did not feel comfortable going to their classes, or even walking on the campus with

1 anything on their clothing or person that could identify them as being Jewish.

2 106. On April 26, 2016, Mary Ann Begley, the Interim Associate Vice President & Dean
3 of Students, emailed GUPS and stated that despite the threatening statements and genocidal chants
4 hurled at both Mayor Barkat and Jewish students, the administration affirmed that it had no issue
5 with the “content of [GUPS’s] protest of the event.” Yet SFSU’s commissioned investigation
6 recognized that Dean Begley, in a timeline written on or about April 15, 2016, had concluded that
7 the disrupting students violated campus policies at the Mayor Barkat event. Nevertheless, she chose
8 not to take any action on the day of the protest. The report also noted that following the event, the
9 Assistant Director of SF Hillel was assured by Dean Begley that the disruptors’ identities were all
10 known to Student Affairs and that there would be follow-up. Yet not a single student was punished
11 or otherwise faced any discipline for their misconduct and acute violations of the Student Code of
12 Conduct.

13 107. When Osvaldo del Valle, then the Assistant Dean of Students and Director of Student
14 Conduct, met with the two primary instigators of the disruption to carry out the full student conduct
15 process, he asked them why Mayor Barkat would “travel half way around the world to come to SF
16 State? ... Why come to a second tier state school that has no significant Jewish population and has a
17 reputation for being anti-semitic (sic)?” Del Valle then told the students that “there response to his
18 visit was exactly what he was hoping to happen (sic). ‘You have been plaid, (sic)’” he said, “and
19 proceeded to inform them it was the mayor’s intention to come to campus to illicit (sic) such
20 behavior from students such as yourself to galvanize the Jewish American community for political
21 gain. To what end, we do not know.” According to the meeting minutes memorializing this
22 discussion, del Valle later “informed the students that they have to stop romanticizing uncivil styles
23 of protests because those are extreme measure that if they are employed should only be employed
24 after ALL other recourses have been exhausted.”

25 108. One of the student leaders of the disruption then claimed that she had a First
26 Amendment right to protest, to which del Valle responded, “what you did was not free speech, but in
27 fact free speech suppression. You impeded another group’s ability to engage in free dialogue with
28 your disruption.” The student replied that the event had continued, and del Valle said, “yes, by

1 huddling together so that they could here (sic) the mayor over the noise you were making. That is
2 not free speech or civil dialogue. You in fact attempted to shut down the event or at minimum
3 disrupt the event.”

4 109. Even after acknowledging the students’ clear violations of the Student Code of
5 Conduct, del Valle told them that the student conduct process was meant to be “educational” and
6 that “GUPS was used (in effect) by both the Golden Gate Xpress and Hillel and the Mayor of
7 Jerusalem. The Xpress who egged them on to protest and the Mayor for his own self interest.” After
8 intimating that the two instigators of the campus code-violative disruption were actually victims of a
9 Jewish conspiracy, Del Valle then issued a “No Action Letter with a verbal warning.” Del Valle
10 concluded that the “students have learned from their mistakes and are not likely to repeat the
11 behavior.” On information and belief, no oversight of del Valle’s determination was performed, and
12 neither the disruptors nor GUPS ever faced any consequences whatsoever for their behavior.

13 110. In July 2016, in the middle of the investigation into the Barkat disruption, SFSU
14 replaced Defendant del Valle with Defendant Shimina Harris as Assistant Dean of Students &
15 Director, Student Conduct. On information and belief, as Director of Student Conduct, Defendant
16 Harris had full responsibility for the Student Conduct office, including the imposition of
17 consequences for any SFSU students or student organizations that violate the Code of Student
18 Conduct. SFSU’s commissioned report finds that the students’ “disruptive conduct violated San
19 Francisco State University’s ‘Time, Place and Manner’ policy.” The same report stated that the
20 Chief of Police Parson “agreed” that the students had violated this policy. SFSU has not imposed
21 any consequences on the students or student organizations that violated this policy or other
22 provisions of the Code of Student Conduct at the Barkat event. Defendant Harris was Director of
23 Student Conduct when SFSU’s commissioned report was released. On information and belief, she
24 has done nothing to address these violations.

25 111. It took President Wong more than three weeks after the Mayor Barkat incident to
26 issue any formal response. On April 13, 2016, more than a week after the event, Dr. Marc Dollinger,
27 SFSU’s Goldman Chair in Jewish Studies, emailed President Wong saying that the San Francisco
28 Jewish community was concerned with his lack of attention to the matter. “Given that we are weeks

1 out of any substantial statement, they [the SF Jewish community] expressed concern about what they
2 should say to their constituents. Perhaps there might be some sort of intermediate statement issued
3 that would address ‘the elephant in the room’ i.e. the administration silence, and perceived
4 agreement, to either the protestors’ right to shut down the talk, or to the very content of their shouts .
5 . . . each day seems to increase the heat.” On April 14, 2016, Dr. Dollinger emailed President Wong
6 that “the Bay Area Jewish newspaper, *The J* ... includes three separate pieces related to last
7 Wednesday’s incident. They give a news article with an overview of what happened as well as a
8 reprint of [Plaintiff] Aaron Parker’s blog. Finally, the editorial board has devoted its space to a
9 critique of events. In terms of this having legs, I believe it will get even bigger in the next day or
10 two. For those who take the time to scroll through the comments, links to your AMED speech
11 [declaring that GUPS is the ‘very purpose of this great university’] are there, moving it from perhaps
12 the more marginal blogs into the mainstream Jewish press.”

13 112. It was not until April 25, nearly three weeks after the disruption occurred, that
14 President Wong began to draft a response. Alison Sanders, assistant to President Wong, reached out
15 to Dr. Dollinger and Dr. Fred Astren, Chairman of the Department of Jewish Studies, to say that she
16 was “working with President Wong on his piece for *The J*. He would really appreciate it if you’d be
17 willing to review the draft before we send this out to the community.” Dr. Astren and Dr. Dollinger
18 replied with extensive edits and comments. The fact that President Wong refused to address the
19 problem without repeated requests from the Jewish community, and the fact that, even while
20 acknowledging the existence of a problem, he refused to take action beyond an empty letter that was
21 largely drafted by someone else, demonstrates his deliberate indifference to the struggles that Jewish
22 individuals face at SFSU. In waiting three weeks to make a statement, Defendant Wong left Jewish
23 people vulnerable to active and continued hostility directed at them on account of their religion,
24 while energizing the constituency responsible for targeting, harassing and intimidating them.
25 President Wong’s op-ed was never distributed to the SFSU community-at-large. The conscious
26 decision not to publish a statement to the SFSU community regarding the rights of Jewish students
27 reaffirmed SFSU’s hostility towards them and the administration’s acute and deliberate failure to
28 cure the situation. The op-ed seems to have been submitted only after the Jewish community’s

1 immense distress was repeatedly brought to President Wong's attention, only for consumption by the
2 Jewish community, and only for the exclusive purpose of quieting the community, without any
3 intention of actually addressing the systemic problems the op-ed described.

4 113. The report summarizing SFSU's commissioned investigation of the Mayor Barkat
5 event confirms that three students affiliated with Hillel filed complaints regarding the misconduct of
6 the GUPS disruptors at the Mayor Barkat event shortly after the failed event took place. However,
7 not one of these complaints received any acknowledgment, let alone an adequate response, from
8 Student Affairs or Student Conduct. The investigator noted that these complaints were not provided
9 to her in her initial interviews with either the Dean of Student Conduct or the Dean of Students,
10 and she only received these complaints after several requests for copies, well over a month after the
11 initial interviews. The investigator believed that this delay "further exhibits the lack of attention
12 given to the three students and their concerns" by the SFSU administration.

13 114. On June 3, 2016 President Wong held a meeting with prominent members of the San
14 Francisco Jewish community, including Plaintiff Mandel in his capacity as Hillel's Student
15 President, as concern over the event continued to grow. The meeting attendees had several specific
16 requests for changes to campus culture and policies that would make SFSU's campus environment
17 more welcoming and safer for Jewish students. The requests included a commitment to First
18 Amendment and time/place/manner policy enforcement and training; a swift and strong response to
19 discrimination, harassment, or the interference with the free speech rights of anyone on campus;
20 physical safety and inclusion of Jews on campus; and a commitment to funding and staffing the
21 Department of Jewish Studies. Plaintiffs Mandel, Volk, and Kern have each taken classes in the
22 Jewish Studies program. President Wong expressed his displeasure with this list of "demands," and
23 Mr. Mandel, who was present at the meeting, explained that these requests should not be considered
24 "demands" but "recommendations" to make students like him feel safer and more accepted at SFSU.

25 115. On information and belief, during the same meeting, President Wong expressed that
26 he partially blamed Hillel for the outcome of the event because Hillel did not give him or the
27 University enough time to prepare for the Mayor Barkat event. But Hillel met all of its obligations
28 when it provided the SFSU administration with advanced notice that it was sponsoring a speaker that

1 would require heightened security. Hillel Director Oliver Benn responded to President Wong's
2 remarks by asking him why, if he did not feel that safety could be guaranteed, he did not say so at
3 the time that he was initially informed of Hillel's intention to bring the Mayor to campus. For
4 example, in a March 29, 2016 email from Benn to SFSU administrators, a week before the event was
5 scheduled to occur, Benn warned the administration that high security and a pre-arranged strategy
6 was needed to ensure the event's safe occurrence because of the extreme likelihood that a group of
7 individuals, specifically GUPS members, would try to disrupt or cancel the event. There is no doubt
8 that the University knew *and* should have known of the potential for a raucous and potentially
9 violent disruption, with plenty of time to prepare adequately to ensure the free speech and free
10 association rights, and the safety, of the attendees.

11 116. During the June 3, 2016 meeting, President Wong also attempted to distance himself
12 from Jewish students and their serious distress regarding SFSU's campus culture and environment.
13 Prior to the meeting, Wong had sent an email directing Hillel to send future concerns to either Dr.
14 Luoluo Hong, Dean Begley, and Police Chief Reginald Parsons. Wong explained that he was "not
15 divorcing [himself] from you or Hillel. But there are institutional processes that must not be
16 compromised if our service and awareness is to reflect 'best practices.'" In the meeting, he
17 complained that Jewish student concerns took up a disproportionate amount of his time. He also
18 expressed that Jewish students had too much access to the President of the University and reiterated
19 his request that they instead reach out to lower level officials, thereby invoking an anti-Semitic trope
20 of Jewish power. When confronted about this comment, he refused to acknowledge that this
21 reference to Jews' disproportional power was a well-established anti-Semitic stereotype, attributable
22 directly to the aforementioned "Protocols of the Elders of Zion," even after Jewish leaders present in
23 the meeting explained the history of such comments and described their personal offense at the
24 insinuation. On information and belief, one of the Jewish SFSU professors present in the meeting
25 asked President Wong if his sentiment had been adopted from the GUPS statement on the Barkat
26 disruption, which was posted on the GUPS Facebook page, but has since been taken down.
27 Defendant Wong nodded "yes." Concerned and confused as to why Wong was regurgitating
28 disturbing anti-Semitic tropes ascertained straight from GUPS itself, and why he was not walking

1 the statement back after such a revelation, a Jewish community leader reiterated that the “Zionist
2 power” and “Jewish power” allusion was categorically anti-Semitic. Wong again nodded “yes.”

3 117. In a follow up letter from all of the meeting’s attendees memorializing the
4 conversation, the Jewish leadership again mentioned the offensive nature of President Wong’s
5 “Jewish power” implication, to give Wong the opportunity to express regret for having perpetuated
6 it. He did not. When Goldman Chair in Jewish Studies, Marc Dollinger, again brought up the topic
7 in a December meeting with Defendant Wong and other Jewish community members, Wong replied:
8 “I am the president of all students, not just the Jews.”

9 118. In November 2016, President Wong requested that several Jewish faculty members
10 come to an on-campus meeting between SFSU and a major Jewish community philanthropic
11 organization, the Koret Foundation. Koret had pledged to give a \$1.7 million gift to SFSU, but had
12 held back because of concerns about anti-Jewish animus on campus, especially after the shut-down
13 of Mayor Barkat’s speech and the lack of a sufficient response from SFSU following the event. On
14 information and belief, the intent of the request was to have Jewish faculty members, simply by
15 virtue of their Jewish identity, reassure the donor so that the donor would not withhold its pledge.

16 119. On information and belief, the faculty members to whom this request was made felt
17 that they were put in an impossible position. They did not want SFSU to lose the gift, which would
18 hurt the students, but they were also not willing to whitewash the extent of the University’s “Jewish
19 problem” to protect the administration from the Koret Foundation’s entirely appropriate
20 examination. The faculty requested a separate meeting with President Wong in advance of the Koret
21 meeting, which took place on December 8, 2016. On information and belief, at this meeting,
22 President Wong remarked that in his entire career he had never had a donor invoke “political
23 reasons” to withhold a gift. One of the faculty members inquired whether political reasons referred
24 to the anti-Israel or anti-Zionist culture on campus. President Wong corrected the faculty member
25 and said that political reasons referred to the general campus climate for Jews. Given that the
26 climate for Jewish students is pervasively hostile, discriminatory, and threatening in every sense, the
27 faculty member explained to Wong: **“The physical safety of Jewish students is never a political**
28 **issue.”** President Wong responded: **“On this we will have to agree to disagree.”**

1 120. President Wong’s dismissal of the physical safety of Jewish students as only a
2 “political issue” was displayed throughout SFSU’s refusal to investigate physical threats to Plaintiff
3 Jacob Mandel when he was the Student President of Hillel. Shortly after the Mayor Barkat event,
4 Mr. Mandel was physically intimidated by a male student who separated himself from a group of
5 Ethnic Studies protesters as Mr. Mandel walked by. This student hastened himself towards, walked
6 directly at, and stopped immediately in front of Mr. Mandel, less than one foot away, scowling at
7 him threateningly. Because of his aggressive physical posture, Mr. Mandel thought that this student
8 was deliberately trying to initiate an altercation and was about to strike Mr. Mandel. Mr. Mandel
9 had been similarly “stared down” before by GUPS members at various times on campus in other
10 instances, and has felt unsafe on campus since his freshman year. Mr. Mandel has missed class due
11 to concerns about his physical safety. Mr. Mandel reported these and other concerns to SFSU
12 (including EO 1097 claims⁸ on April 6, 2016 and May 2, 2016) and SFSU refused to act upon them.
13 In fact, the report of SFSU’s commissioned investigation of the Mayor Barkat event confirms that
14 the University took no action on Mr. Mandel’s complaints relating to the Mayor Barkat event until
15 June 10, 2016, at which point Mr. Mandel was not even on campus, after having left Mr. Mandel
16 continuously vulnerable for more than two months.

17 121. On May 12, 2017, California State University Chancellor Timothy White weighed in
18 on the ubiquitous anti-Semitism at SFSU, in response to a letter-writing campaign pursued
19 principally by a San Francisco Jewish community organization, the Jewish Community Relations
20 Counsel (JCRC). Chancellor White declared his full support of President Wong, after saying that
21 “the CSU and SFSU are committed to inclusive academic excellence and the promotion of safe,
22 welcoming and academically rigorous learning environments for all students, as well as for faculty,
23 staff and guests ... As a public university – and consistent with our mission and requirements of both
24 the State and Federal Constitution – we also allow speech and protest of all persuasions on our
25 campuses, even if we strongly disagree with or find repugnant the perspective being offered, and as
26 long as the speech complies with our content-neutral campus time, place and manner policy. I

27 _____
28 ⁸ Executive Order 1097 is the CSU systemwide policy prohibiting discrimination, harassment, or retaliation.

1 strongly and unequivocally support President Wong’s on-going and new efforts to improve the
 2 climate at SFSU.” Despite Chancellor White’s awareness of these issues, they continue to remain
 3 unaddressed.

4 122. Eleven months after the shut-down of Mayor Barkat’s speech, SFSU held a meeting
 5 with Jewish leaders to discuss the University’s follow-up to the Barkat event. During that meeting,
 6 Ms. Begley admitted, as President Wong has also reluctantly admitted, that mistakes were made by
 7 the administration in handling the Mayor Barkat event. Unfortunately, despite these admissions,
 8 SFSU has done nothing to acknowledge the impact of those mistakes or take the crucially necessary
 9 steps to prevent them in the future, or to address SFSU’s active involvement in and tacit approval of
 10 the rampant and ubiquitous discriminatory actions targeting Jews on campus, thereby failing to cure
 11 the hostile environment.

12 **Defendants’ Selective Protection of Free Speech Discriminates Against Jews**

13 123. SFSU’s long-engrained history of fomenting anti-Jewish animus on campus, not
 14 surprisingly, includes an equally long list of anti-Semitic speakers at events sponsored, funded,
 15 promoted, and celebrated by the University and its administrators and faculty, coupled with special
 16 solicitude towards other groups on campus that support terrorism and/or radical anti-Jewish views.
 17 As stated in the introduction, Plaintiffs acknowledge the First Amendment rights of those with
 18 opposing viewpoints, even those they find vile and offensive, so long as the line is not crossed into
 19 inciting imminent violence. The following examples are noteworthy to demonstrate the rabidly anti-
 20 Semitic speech and conduct that is supported on campus, as compared with the assault on the free
 21 speech rights of Plaintiffs and other Jews:

- 22 ■ In 1994, well-known anti-Jewish activist Ralph Schoenman spoke on campus, in an event
 23 whose fly and flyers for the event advertised that students could “come and find out why
 24 the Zionists hide behind the term ‘anti-Semitic’ when they are condemned by the masses
 for their evil actions against helpless people.”
- 25 ■ In 1995, former student body president Troy Buckner-Nkrumah wrote an op-ed piece in
 26 SFSU’s student newspaper that accused Jews of controlling Congress and the media. His
 article also said “I support Palestinian groups like Hamas who have not sold out their
 land and continue to put bullets in settlers.”
- 27 ■ In 1997, Khalid Muhammad spoke on campus, in an event whose flyers listed tickets
 28 prices as \$7 for students and \$15 for “Zionists, Uncle Toms and other white
 supremacists,” and made the following statements:

1 “The practice of those freakish Rabbis [circumcision] is that they place their lips on the
2 penis of these young boys and after they have cut the foreskin back, suck the blood from
the head of the penis of their own young boys.”

3 “The Federal Reserve is privately owned and a so-called Jew controls the Federal
4 Reserve. . . . Talking about the National Debt, the Federal Debt, someone should ask,
well who the hell do we owe. . . . And who in the world has that much money that we
5 would get in debt with them. . . . Who are the rich power brokers behind the scenes? . . .
Why is the Federal Reserve controlled by the so-called Jew?”

6 “Our entertainers, our basketball players, our football players, our track stars, our
7 baseball players, our entertainers and athletes are in the palm of the white Zionist Jew’s
hand.”

- 8 ■ In 2000, Jewish students participating in a pro-Israel student rally on Malcolm X Plaza
9 were spat upon by GUPS demonstrators.
- 10 ■ In 2002, on Holocaust Memorial Day (Yom HaShoah), Malik Ali, the first Muslim
11 student body president at SFSU reportedly known for supporting Hamas and Hezbollah
and equating Jews and Nazis, praised suicide bombings against Israeli targets and said
that Israelis should return to Germany, Poland and Russia.
- 12 ■ That same day, Jewish students’ Yom HaShoah-commemoration on campus—an event
13 that commemorates the Holocaust and which is unrelated to Israel or Zionism—was
disrupted by scores of anti-Israel protesters, including some urging Palestinian suicide
14 bombers to “Go, honey, go!” and one speaker decrying “Zionist Power.”
- 15 ■ At the October 2009 COES conference, Malik Ali spoke on campus again and closed his
speech with the following words about SFSU:

16 “If you are a radical or revolutionary or progressive, San Francisco State is home court.
17 This is a Zionist-free zone! And that is why the Zionists have to hide behind the
Republican party. The Zionists cannot come out on this campus and say, “We’re
18 Zionists!” They can’t do it! It’s *a Zionist-free campus!* . . . We’ve had Muslim student
body presidents here. I was the first one! Do you know we had [Sharia compliant]
19 emergency loans, interest free? Interest-free emergency loans -- we took over the
student government -- you have to know this history! I was the first Muslim student body
20 president...and this troublemaker to my left [fellow panelist Hatem Bazian] was the third.
And we understood: This is San Francisco State! Bring ‘em out into the open, because
21 they’re like a night flower. There are certain flowers that blossom at night, but when the
sun comes out they go back in -- that’s the Zionist Jew. That’s the Zionist Jew! At the
22 nighttime they come out, but once the sunshine comes out, once the light is put on them,
they scatter. But bring ‘em out into the open! This is *a Zionist-free zone*, this is *our*
23 *home court*, and we’ll make sure we *keep* it our home court.”

- 24 ■ A November 2009 SFSU event featured Omar Barghouti, one of the founding members
of the BDS movement. Barghouti, a notorious anti-Semite, publicly and vehemently calls
25 for the destruction of the Jewish state and for “euthanasia” of Zionism – the right of the
Jewish people to safety, freedom and self-determination in their historic homeland.
These events both directly and indirectly advocate for harm to Jewish people.
- 26 ■ On September 30, 2015, SFSU hosted Palestinian “human rights activist” Bassem
27 Tamimi in an event sponsored by GUPS and AMED. Numerous members of the Tamimi
family have been imprisoned for the murder of Jews and Israelis, including his cousin
28 Ahlam Tamimi for participating in the infamous 2001 Sbarro bombing. While on his

1 nationwide speaking tour, Tamimi reposted on Facebook modern variants of the vile anti-
 2 Semitic “blood libel,” alleging that Israelis arrest Palestinian children to steal their
 3 organs, which is covered up by the “Zionist” controlled media. Tamimi secured his visa
 4 for his tour of nationwide speaking events by fraudulently concealing arrests and
 convictions for his efforts to start a “third intifada,” and the discovery of his criminal past
 resulted in the revocation of his visa.

5 124. The University’s direct action and complicity in preventing Mayor Barkat’s speech
 6 stands in direct contrast to these repeatedly sponsored and supported events focused on speech
 7 *against* Jews and/or the Jewish state of Israel, wherein the term Jew and Zionist is used
 8 interchangeably by the speakers during their bigoted presentations. Plaintiffs and other Jewish
 9 students are clearly not the beneficiaries of equal protection as it relates to free speech at SFSU.

10 125. In contrast, SFSU has bent over backwards to protect the most trivial concerns of
 11 students and faculty hostile to Jews, even seeking to punish clearly protected speech and responding
 12 rapidly and publicly in condemning such disfavored viewpoints. In 2006, after the defacing of the
 13 flags of [U.S. State Department designated foreign terrorist groups] Hamas and Hezbollah at an on-
 14 campus anti-terrorism rally by the SFSU College Republicans, SFSU sought to discipline the group
 15 and two of its officers for violating unconstitutionally vague provisions of the Student Code of
 16 Conduct. That the conduct that SFSU sought to punish was “core political expression in a classic
 17 public forum” did not dissuade SFSU from its efforts to protect the sensibilities of other student
 18 groups, including supporters of Hamas and Hezbollah. On October 17, 2016, posters branding
 19 SFSU associate professor of Ethnic Studies and GUPS faculty adviser Rabab Abdulhadi as a
 20 collaborator with terrorists were plastered throughout campus by a totally independent organization,
 21 the David Horowitz Freedom Center, with which SFSU’s Jewish community had (and continues to
 22 have) no relationship whatsoever. President Wong *immediately* issued a statement that very day
 23 declaring the posters to be “an attack on our whole campus community,” and stating that “a line has
 24 been crossed.”

25 126. When nearly identical speech or conduct is performed by both Hillel and any group or
 26 individual affiliated with COES, there is a clear and irreconcilable dichotomy in the responses issued
 27 by Defendant Wong, Defendant Monteiro, and other university administrators. For example:

- 28 • When Omar Barghouti, BDS movement founder and outrageous anti-Semite who

1 frequently calls for the genocidal annihilation of the Jewish state (including all of its
 2 inhabitants), was invited to speak at SFSU, Defendant Kenneth Monteiro defended the
 3 discussion, citing academic freedom. He wrote that “removing my association with our
 4 students because of whom they have chosen to listen to would produce a chilling effect
 5 for them on their expression of their right to expression and communication. I have
 6 spoken at a number of student events where one or more speakers were quite
 7 controversial, even where I vehemently disagreed with one or more of them ... The right
 8 to expression and congregation that I am supporting as an academic is that of our students
 9 who invited me.” However, ironically, while weighing in on the Barkat event and
 10 subsequent chaos, Defendant Monteiro equated Mayor Barkat with the “KKK or a Nazi”
 11 and expressed extreme disapproval with the suggestion that Barkat had been re-invited to
 12 SFSU. He wrote, without any factual basis for such allegations, “I understand why for
 13 Palestinian members of our community and allied members of the community, inviting
 14 the Mayor is akin to inviting a member of the KKK member or Nazi party. He is a known
 15 supporter of using live ammunition on protestors in Jerusalem and also a supporter of
 16 Israel’s policy allowing assassination of Palestinian dissidents. Specifically, this policy
 17 puts the lives of some of the members of our SFState community in danger when they are
 18 anywhere in the world...I wonder why the campus treated his visit with such little
 19 preparation. Typically, when we know a speaker associated with potentially volatile
 20 viewpoints will be on campus, we usually alert the campus, prepare both for his speech
 21 and also for protest, and consider the potential for teachable/learnable moments...**I am**
 22 **concerned that the university is on record as offering a university invitation to the**
 23 **Mayor to return, putting an institutional imprimatur on his presence, particularly**
 24 **as we are adjudicating a complaint that involves his presence...”**

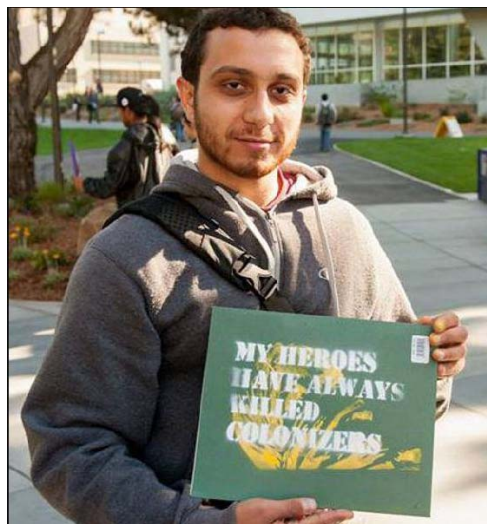
- 13 • In early May 2016, following the University’s declaration that COES and all other groups
 14 would face budget cuts, Defendant Abdulhadi effectively conscripted Ethnic Studies
 15 students—most of which are also members of GUPS—to demand increased funding for
 16 COES by staging a hunger strike in the middle of SFSU’s campus. Four students
 17 participated in the strike for a week, at nearly all times surrounded by a screaming mob of
 18 protestors carrying Palestinian flags and demanding \$8 million from the university, as
 19 well as a commitment from President Wong *not to investigate GUPS students for*
 20 *disruption of the Barkat incident*. Defendant Wong decided to engage in negotiations
 21 with these students and consider their 26 demands. In addition to agreeing not to
 22 investigate or punish those responsible for the Barkat disruption (or any other
 23 “advocacy”), Wong agreed to pay \$482,806 “in support of advancing the College [of
 24 Ethnic Studies] -- in addition to the \$250,000 commitment for AY 2016-17 earlier
 25 already made by the President.” In his statement addressing the Joint Agreement ending
 26 the hunger strike, Defendant Wong agreed that “the President and the students and
 27 faculty in the College of Ethnic Studies commit to meeting regularly to review, analyze
 28 and plan for the remaining demands not addressed directly in today’s negotiations.”
 Conversely, when Jewish community members, along with then-Hillel President, Plaintiff
 Jacob Mandel, communicated their reasonable desire to be treated as equals on campus;
 to see the enforcement of all students’ constitutionally protected rights; and to feel secure
 in the future existence of the Department of Jewish Studies, Defendant Wong
 communicated on various occasions that he was “upset” about the “list of demands,” that
 he “would not at this time respond to your demands,” and ultimately, that four out of six
 of the reasonable suggestions offered by the Jewish community should be addressed
 through other process and/or administrators, including the Dean, the Provost, and the
 ORSP (Office of Research and Sponsored Programs).
- On information and belief, during the hunger strike and at other times in the last several
 years, Defendant Wong closed down the fifth floor of the administration building, where
 his office is located, and sent administrators to work from home, out of fear of dangerous
 demonstrations outside his office by individuals affiliated with COES. Although

1 frightened for his own personal safety, and in sending staff away from the building,
2 acknowledging the potential that they could face threats or harm, Defendant Wong did
3 not acknowledge the reasonable fears of members of the SFSU Jewish community. While
4 protecting himself and his staff from the same people threatening the physical security of
5 Jewish students, several EO 1097 complaints (including those filed by Defendant Mandel
6 on April 6, 2016 and May 2, 2016) sat pending, but disregarded.

- 7 • When pro-Israel website “Canary Mission” posted pages identifying the two primary
8 orchestrators of the Barkat disruption, SF Hillel Director Oliver Benn alerted university
9 administrators that students had been exposed and that the university may want to offer
10 support. Defendant Begley emailed Defendant Stuart on the next business day, saying
11 “Could you please make it a priority today to contact these two students to...talk to them
12 about any safety concerns they have as a result. I would also loop Reggie in as well.”
13 Stuart wrote to them saying “If there is anything you feel the Office of the Dean of
14 Students can assist with, particularly in regards to your safety and security on campus,
15 please do not hesitate to contact me.” In contrast, on information and belief, and with full
16 knowledge of the subjective feelings of fear and physical vulnerability felt by the SFSU
17 Jewish community, not one Defendant unilaterally approached a single Plaintiff or other
18 Jewish community member to offer support or safety after the Barkat event, nor during or
19 after the COES hunger strike, nor during or after the time when Mohammad Hammad
20 social media threats were exposed, nor during or after campus events such as the one
21 involving the “My Heroes Have Always Killed Colonizers” stencils, nor before or during
22 the time that former GUPS Student President Mohammad Hammad was stealthily
23 “readmitted” to campus (after posting a picture of himself with a knife stating that he
24 wanted to murder Israeli soldiers). In fact, when Jewish students proactively filed
25 grievance reports alerting administrators that they felt physically unsafe on campus, those
26 reports were ignored.
- 27 • Although Defendant Wong wasted no time in condemning the Horowitz posters, it took
28 weeks for him to declare any opposition to a racist, anti-Semitic, on-campus postering
campaign recently undertaken by the Workers Union Party, an organization with a long
and proud history of anti-Jewish animus. Even after being informed via a letter from
students that the posters targeted them as Jews, President Wong refused to respond
publicly for several weeks, ultimately sending an email at 7:19 p.m. Pacific time on
Friday, June 16, 2017, just as the weekend began and while there were no students on
campus. While the Horowitz posters were immediately condemned as Islamophobic, anti-
Semitic speech is almost always protected or ignored by the SFSU administration.
- Similarly, when Defendant Abdulhadi faced harsh criticism after taking a publicly-
financed trip to Palestinian territories in order to meet with notorious members of U.S.-,
E.U-, U.K., and Canadian-designated foreign terrorist organizations, Defendant Wong
came out in full support of Abdulhadi’s “academic freedom.” SFSU’s official statement
declared that “San Francisco State University will continue to respect academic freedom,
and we will not censor our scholars nor condone censorship by others.” While
wholeheartedly endorsing Defendant Abdulhadi’s “academic freedom” to spend SFSU
money to travel and engage in pro-terror meetings, Defendant Wong is yet to take any
steps to actually address the assault on Jewish students’ civil rights at SFSU, or Jewish
students’ academic freedom on campus.

127. During a November 7, 2013 rally on campus, GUPS organizers handed out stencils so
people could paint placards saying “**My heroes have always killed colonizers,**” and stencils of a
picture of Leila Khaled, wearing a keffiyeh and carrying a machine gun, with the declaration

1 “Resistance is not Terrorism.” Khaled is an internationally-recognized PFLP terrorist, notorious as
2 the first female plane hijacker, who hijacked two planes and committed several other terror attacks,
3 including the assassination of a Jewish member of the Knesset (Israeli parliament).



13 128. GUPS was literally encouraging its fellow students to embrace the cold-blooded
14 murder of Jewish civilians, the President of GUPS at SFSU, Mohammad Hammad, posted the
15 following on Tumblr after the rally:



1 129. That same message, “My Heroes Have Always Killed Colonizers” was written in
2 chalk on the stage on Malcolm X Plaza in a “State of Emergency” rally held on December 5, 2013:



13 130. After the rally encouraging the stenciling and distribution of these pro-“killing” signs,
14 President Wong issued a statement that for the first time was critical of GUPS’s conduct in any
15 meaningful sense, although it did not even identify GUPS and still failed to promise any action to
16 protect Jews—the direct victims of these threats. President Wong merely stated that he was “deeply
17 disturbed” and “dismayed by the glorification of violence” in the message. He elaborated that
18 “[t]here is no place at SF State for celebrating violence or promoting intolerance, bigotry, anti-
19 Semitism or any other form of hate-mongering,” and noted that “[e]ngaging in expressions that
20 threaten and intimidate” are counter to the university goals of “maintain[ing] a safe environment”
21 “where dialog, debate, and the marketplace of ideas are cherished.”

22 131. On information and belief, GUPS and AMED were outraged to hear any criticism
23 from President Wong, even though it did not even mention them by name, but referred only to
24 “several student organizations.”

25 132. Wong responded by retracting his earlier condemnation and adopting a position of
26 wholesale indifference to Jewish students, and now embracing “free speech in all its forms” in a
27 letter to the campus in December 2013:

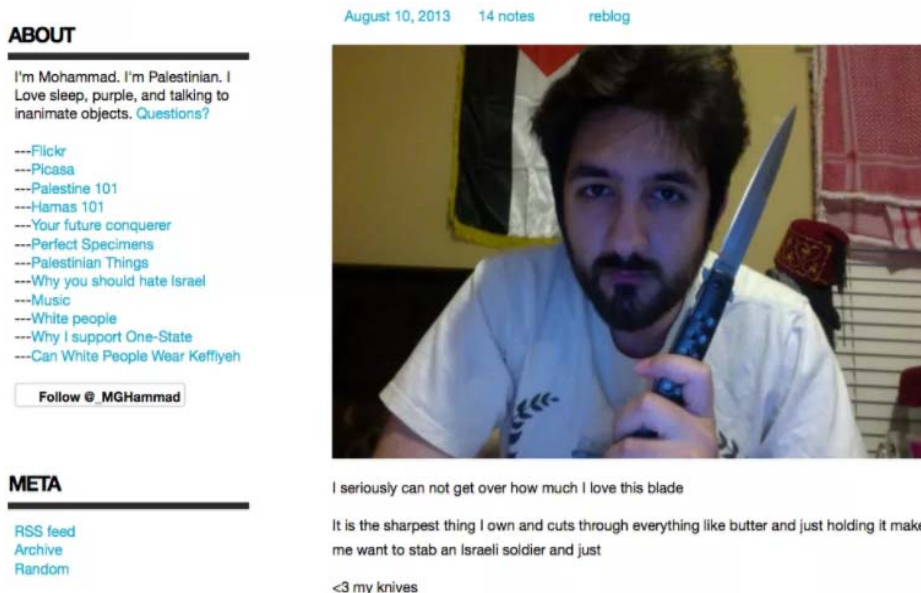
- 28 ▪ “Universities, especially public universities, play an essential role in fostering
debate. We treasure this role at our campus, where social justice is a strategic

priority and our commitment to free speech runs deep. We work hard to achieve a balance where both expression and safety are fostered.

- First and foremost, **I ask that you stay firmly committed to free speech.** Strong opinions—and strong disagreements—are essential to the life of our democracy, and the life of our university. **While one may want to step in and sanction a student or colleague for speech we find repugnant, our obligation is to allow the lawful airing of views.**
- Second, **trust that I will step in when speech or actions cross the line into violations of law or University policy. I am absolutely committed to maintaining a safe environment.** In both recent cases, for example, we have conducted thorough threat assessments with law enforcement, increased campus safety measures, facilitated dialogue with student groups, offered counseling resources and initiated the student conduct review process. **I am confident these actions protect both the safety and the rights of our campus community...**
- Third, **keep an open mind.** I have spoken before about the obligation to own your own mind. Issues being debated on campus can capture widespread attention. This can be a welcome contribution to the dialogue. It can also be a source of confusion, misinformation, and pressure to subvert our processes. **Each of us at this university is a scholar—whether student, faculty member or staff—and each of us has the obligation to form opinions and take action based on exploring, analyzing and carefully listening before drawing conclusions.**

133. Mohammad Hammad, the 2014 president of GUPS at SFSU, repeatedly posted his fantasies about stabbing and killing Israelis and Israel supporters on social media websites. Alarming, one of Hammad’s posts was a picture of himself brandishing a large knife with a caption that read:

I seriously can not get over how much I love this blade. It is the sharpest thing I own and cuts through everything like butter and just holding it makes me want to stab an Israeli soldier.



1 Other violent social media posts by Hammad include, but are not limited to:

- 2 ▪ Reposting another picture of a large sword and adding his own commentary: “I
- 3 WANT IT IMAGINE ME CUTTING OFF THE HEADS OF THOSE IN THE
- 4 IDF WITH THIS”
- 5 ▪ Posting, on a different Tumblr account, his fantasies of killing specific IDF
- 6 soldiers (some of whom were enrolled at SFSU at the time):

7 I’m sitting here looking through pictures of that f—ing scum [name

8 removed to protect the soldier] ... Anyone who thinks there can be

9 peace with animals like this is absolutely delusional, and the only

10 ‘peace’ I’m interested in is the head of this f—ing scum on a plate, as

11 well as the heads of all others like her, and all others who support the

12 IDF. The Liberation of Palestine can only come through the

13 destruction and decimation of this Israeli plague and it can’t possibly

14 come soon enough.

- 15 ▪ In response to a query “how can I help actively support palestine?” Hammad
- 16 responded that the person should join a designated terrorist group (PFLP) and
- 17 murder Israelis:



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- Posting a picture of himself brandishing a knife as his Facebook profile picture on December 8, 2012, commenting on it, "The IDF won't stand a chance heh"



- "Oh/And, tomorrow is (hopefully) the day I find out if I will be the President of the General Union of Palestine at my school . . . Hopefully I'll be able to radicalize half of our population and bring them back with me as fighters."



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- A post about “Kill[ing] most people,” including “colonizers” (i.e., Israelis):



- “There are children shouting outside and I want to set them on fire;”
- “I think about killing a lot/and some of you are usually the targets of my daydreams;”

134. One of Hammad’s political science classes was attended by an Israeli student who had served in the Israeli Defense forces (IDF), Shachar Ben-David, who had openly and repeatedly spoken about her military service and her support for Israel in class. After Ms. Ben-David realized that her classmate was the same person making these lurid threats against IDF soldiers such as herself, she became afraid for her safety. She was uncomfortable even being in the same room as Hammad, and sought and eventually received an accommodation to take her final exam in a separate room. Ms. Ben-David also went to the Dean of Student Life to discuss how to deal with these violent threats by Hammad, which Ms. Ben-David reasonably felt were directed at her. The Dean of Student Life suggested a psychological referral for her feelings and offering a campus security escort if she felt unsafe, but refused to do anything to actually address the problem itself—Hammad and his violent threats. Ms. Ben-David made sure that someone knew where she was at all times during finals week, and did not walk alone around campus. Ms. Ben-David had a Campus Police security escort walk her to her car at night that week, which she had not done at any other time previously at SFSU.

135. After hearing nothing from President Wong elucidating a plan to ensure the safety and well-being of Jewish students like Ms. Ben-David after Hammad’s multiple violent and threatening messages, including messages implying that he was actively recruiting students to

1 engage in terrorist acts, the AMCHA Initiative, a nonprofit Jewish civil rights organization that seeks
2 to combat anti-Semitism at institutions of higher education, sent all of the threatening social media
3 postings and multiple letters to President Wong documenting the ties between GUPS and its
4 president, Hammad, and faculty adviser Professor Rabab Abdulhadi, and the PFLP. Robert Nava,
5 SFSU's Vice President for University Advancement, reported to the *Jewish Press* in 2014 that
6 Hammad was "no longer a student on campus," and was no longer in student housing or enrolled at
7 SFSU. However, Hammad remained a registered student at the University and was *surreptitiously*
8 *permitted back on campus* to complete his degree and receive his diploma – without any warning to
9 the Jewish community and without the implementation of any measures of protection for those
10 students and professors who reasonably feared for their safety in Hammad's presence. Any comfort
11 or relief Jewish students had from being informed that Hammad was "no longer a student on
12 campus" was entirely artificial, and in fact they were in more danger than had no action been taken,
13 as SFSU gave them the impression that they could essentially let their guard down, even though in
14 reality, they unknowingly remained vulnerable to Hammad's chilling threats. It is not clear whether
15 SFSU actually ever formally suspended him.

16 136. Despite all of GUPS's intentionally threatening and hostile actions toward Jewish
17 students, and its student President's extremely disturbing, explicit, and frequent threats of violence,
18 President Wong has consistently gone out of his way to *praise* and *encourage* the group. As one
19 example, in April 2015, after GUPS President Mohammad Hammad's brandishing his knife in a post
20 that directly targeted Ms. Ben-David and others (and regarding which Ms. Ben-David formally
21 complained to the University), President Wong addressed AMED and GUPS in remarks that were
22 filmed. During this address, President Wong offered his "personal congratulations" to the student
23 leadership of the same group that would take credit for shutting down Mayor Barkat's event and
24 request that SFSU exclude Jewish students from the "Know Your Rights" Fair:

25 **I want to offer my personal congratulations to the student leadership of GUPS.**
26 **They have been an inspiration for me. And they have helped me when I have to**
27 **tell other community groups to mind their own business. GUPS is the very**
purpose of this great university.

28 The "help" President Wong had needed to "tell other community groups to mind their own business"

1 was a thinly-veiled reference to Jewish students and Hillel for daring to seek equal treatment and
2 protection of their civil rights and physical safety on SFSU's campus—an effort that because of
3 SFSU's open discrimination, antagonism, and deliberate indifference, has forced Plaintiffs to bring
4 this action.

5 **SFSU Sponsors Professor Abdulhadi's Meetings with Terrorists**

6 137. Moreover, in 2014, Dr. Rabab Abdulhadi, a professor in SFSU's College of Ethnic
7 Studies (in addition to her role as GUPS faculty adviser), was awarded \$7,000 of SFSU's taxpayer
8 funds to travel to the Middle East to conduct "research." On information and belief, a second SFSU
9 Professor, Joanne Barker, joined Abdulhadi on this trip. The real purpose of Abdulhadi's trip was to
10 meet with representatives of designated Islamist terror organizations, including the convicted
11 hijacker and Popular Front for the Liberation of Palestine terrorist, Leila Khaled, whom Abdulhadi
12 describes as a "Palestinian feminist icon," an "icon in liberations movements and...an icon for
13 women's liberation." Abdulhadi also met with, among others, Sheikh Raed Salah, who has been
14 repeatedly jailed on charges of incitement to terrorist violence.

15 138. A coalition of Jewish civil rights and Israel advocacy groups led by AMCHA sent a
16 letter to the California State Controller, John Chiang, making the state aware of Professor
17 Abdulhadi's use of state taxpayer dollars to fund her "political solidarity tour," as quoted by the
18 Professor herself, throughout the Middle East. In a brief statement released on or about June 19,
19 2014, President Wong stated that he knew of Abdulhadi's whereabouts in the Middle East, that the
20 allegations against Abdulhadi for misusing university funds "have no merit," and that SFSU "will
21 not censor our scholars nor condone censorship by others." SFSU went even further to admonish
22 AMCHA "for their continued ill intent and propaganda style tactics," even though there was ample
23 evidence of Professor Abdulhadi's meetings with terrorists on SFSU's dime.

24 139. Abdulhadi also spearheaded the establishment of a formal collaboration with a
25 written Memorandum of Understanding between SFSU and An-Najah National University in the
26 West Bank, a known recruitment facility for Hamas, a designated foreign terrorist group, including
27 Hamas's efforts to recruit suicide bombers. Hamas itself has called An-Najah a "greenhouse for
28 martyrs." Nevertheless, this Memorandum of Understanding explicitly included a student exchange

1 program through which students indoctrinated to hate Jews would be sent to San Francisco and
2 SFSU students would travel to An-Najah where they would likely be radicalized in ways that could
3 further endanger Jewish students on campus when they return, or at least exacerbate the already
4 hostile environment for Jews on campus at SFSU.

5 140. According to one of Mohammad Hammad’s social media posts, in which he bragged
6 about “taking down Hillel morons,” Hammad wrote that “there was an offer by my professor
7 [Abdulhadi] for me to join her and a delegation that she is taking to Palestine on a 10-Day trip...But
8 most of all [t]he thing that has me fangirling and going crazy is . . . I WILL GET TO MEET LEILA
9 KHALID I woke up this morning thinking it would be just another shitty Wednesday [b]ut just
10 LEILA KHALID . . . #i’m super excited.” It is unknown whether Defendant Abdulhadi invited
11 other current or former SFSU students on this trip that culminated in the Memorandum of
12 Understanding with An-Najah.

13 141. Furthermore, on information and belief, in order to succeed in Dr. Abdulhadi’s class,
14 or nearly any other class in the Ethnic Studies Department, students must pass a political litmus test,
15 a central feature of which is a commitment to anti-Zionism. For example, papers that do not espouse
16 anti-Zionism, or merely argue in favor of Israel’s right to exist, will not be respected or well-graded
17 by the professor, no matter their academic merit. On information and belief, there have been Ethnic
18 Studies classes that deny the existence of the Jewish state in class materials. Both faculty and many
19 Jewish students, including Plaintiffs, believe that Jewish students would be unfairly targeted if they
20 were to enroll in courses in COES, especially those taught by Dr. Abdulhadi.

21 **The Intentional and Discriminatory Exclusion of Hillel from the “Know Your Rights” Fair**

22 142. Mr. Mandel’s, Mr. Volk’s and Mr. Kern’s rights of free speech, association, and
23 religious expression were infringed upon by SFSU’s coercion and intentional exclusion of Hillel
24 from the “Know Your Rights” Fair held on Tuesday February 28, 2017 at Jack Adams Hall in the
25 Cesar Chavez Student Center, located in SFSU’s main campus center. This was the same venue that
26 Hillel had sought to secure for the Mayor Barkat event but was denied without legitimate
27 explanation.

28 143. On information and belief, Defendant Birello (as Student Organization Coordinator),

1 Defendant Jaramilla (as Coordinator of Meeting & Event Services), and Defendant Piccinotti (as
2 Event & Technical Services Manager) are each responsible for coordinating and managing student
3 organization events such as the “Know Your Rights” Fair, including ensuring that no registered
4 student organization is intentionally discriminated against, improperly excluded, or otherwise subject
5 to violations of established SFSU policies (including the Non-Discrimination Policy) or state or
6 federal law. On information and belief, despite these responsibilities, Defendants Birello, Jaramilla,
7 and Piccinotti (like the other Defendants named in the Third and Fourth Causes of Action) allowed
8 the admitted intentional discrimination and exclusion of Hillel to occur, choosing not to address
9 Hillel’s intentional exclusion in any way. Allowing this exclusion of Hillel violated Plaintiffs’ rights
10 under the First and Fourteenth Amendments.

11 144. The fair was an official SFSU event, sponsored by the SF State California Faculty
12 Association, the Cesar E. Chavez Institute, the College of Ethnic Studies, the Dream Resource
13 Center, the Ethnic Studies Student Organization, General Union of Palestine Students, Improving
14 Dreams, Equity, Access and Success (IDEAS), and the Muslim Student Association. This
15 intentional exclusion from the “Know Your Rights” Fair at Jack Adams Hall denied Plaintiffs their
16 First Amendment rights, their constitutional right to equal protection, and other rights under the laws
17 of the United States and California. Further, SFSU provided unequal and inferior accommodation to
18 Jewish students and community members because of their beliefs and their Jewish identities by
19 purposefully choosing to exclude Hillel from the “Know Your Rights” Fair.

20 145. According to the “Know Your Rights” Fair page on SFSU’s website
21 (<http://cci.sfsu.edu/resist>), the event was “an informational and training fair for vulnerable
22 populations who may be feeling targeted in the new political climate in the country since the
23 presidential election.”

24 146. Jewish members of the SFSU community are certainly a “vulnerable population who
25 may be feeling targeted in the new political climate in the country since the presidential election.” In
26 addition to the history of anti-Jewish events on campus environment discussed above, Plaintiffs
27 point to the following:
28

1 a. According to the Anti-Defamation League (ADL), American Jews faced a 34
2 percent increase in anti-Semitic incidents from 2015 to 2016, and an alarming 86 percent increase in
3 the first three months of 2017. The ADL further reported that “there were nearly as many incidents
4 of anti-Semitic bullying and vandalism at K-12 schools in [the first three months of 2017] as took
5 place in all of 2016.” Persecution of Jews skyrocketed on the Internet during the presidential
6 campaign; the ADL found that there were 2.6 million anti-Semitic tweets sent during a 12 month
7 period. ADL CEO Jonathan Greenblatt stated that “[t]here’s been a significant, sustained increase in
8 anti-Semitic activity since the start of 2016 and what’s most concerning is the fact that the numbers
9 have accelerated over the past five months,” i.e., since the 2016 presidential election. Nowhere is
10 this problem more prevalent than it is at SFSU.

11 b. The surge in anti-Semitic threats and incidents after the 2016 presidential
12 election was widely reported, and included bomb threats, desecration of Jewish cemeteries,
13 harassment, physical threats, vandalism and assault. In the first three months of 2017, there were 155
14 incidents of vandalism at Jewish homes or institutions; 380 incidents of anti-Semitic harassment; and
15 6 incidents of anti-Semitic assault nationwide. In California alone, there were 21 incidents of
16 vandalism and 66 incidents of harassment reported during that period. California, with its
17 comparatively large Jewish population, has consistently ranked as the second-highest state in the
18 union in terms of the number of anti-Semitic incidents.

19 c. Most relevant, anti-Semitic incidents at colleges and universities have been
20 rising at exponential rates, doubling from 2014 to 2015⁹ and increasing from 90 to 108—another 20
21 percent—from 2015 to 2016.¹⁰ Researchers have found that U.S. college campuses continue to be a
22 “hotbed for anti-Semitism,” finding a 45 percent increase of anti-Semitism of “all forms” including
23 harassment and insults as well as a “sharp spike” in racist and anti-Semitic graffiti and vandalism
24 following the election. These illustrations often portray swastikas and other Nazi imagery.

25 d. According to the FBI hate crimes statistics from 2015 (the most recent year
26

27 ⁹See <https://www.adl.org/news/press-releases/adl-audit-anti-semitic-assaults-rise-dramatically-across-the-country-in-2015>.

28 ¹⁰ *Id.*

1 calculated), anti-Jewish incidents accounted for 52.1 percent of all religiously motivated hate crimes.
2 Muslims were the victims 21.9 percent of the time, followed by Catholics, Protestants and
3 atheists/agnostics. As previously mentioned, for many years, Jews have been targeted nearly three
4 times as often as the next-most-targeted religious group.

5 147. For all these reasons, Plaintiffs are part of such a vulnerable population, especially as
6 students directly experiencing the anti-Jewish animus on campus and facing the hostile, pervasive,
7 and discriminatory environment which has been fostered by Defendants at SFSU and designed to
8 target Jews. Any suggestion that Jews are not marginalized and not entitled to engage in, or be
9 represented during, campus discussions of vulnerable populations, is itself a tragic but ironic
10 example of the classic anti-Semitic stereotype of Jews as a disproportionately powerful population.

11 148. The fair advertised (through the SFSU website) that it would include “student groups”
12 and that “[t]ogether, we will attempt to inform our students, faculty, staff and public about potential
13 threats to their rights given the new political reality.” The “goal is to inform the public about our
14 rights and how we can defend ourselves and become involved in the resistance movement.”
15 Plaintiffs, seeking to both share and receive information about their experience as a vulnerable,
16 targeted population, and engage in discussions addressing ways to handle potential threats to their
17 rights or their bodily integrity, sought to participate in, and benefit from the fair. They expected and
18 planned to participate as members of the student group that represents them: Hillel.

19 149. Plaintiffs had a right for their student group, Hillel, to be included in the fair, on the
20 same basis as and with equal opportunity to participate as any other group. Plaintiffs and other
21 similarly situated students had a right to participate, to be informed of their rights, and to engage in
22 constructive dialogue pertaining to the protection of those rights. However, on information and
23 belief, other groups—namely GUPS—threatened to pull out of the fair if Hillel were included.

24 150. On information and belief, Hillel was invited to the fair by accident, and once the
25 invitation had been extended, the event’s organizers (including COES, GUPS and MSA) worked to
26 find a way to rescind it. Jason Steckler, SF Hillel’s Israel engagement associate, received an email
27 addressed to his personal account, asking if he would like to table at the event. He responded in his
28 capacity as a Hillel staff member and on behalf of Hillel, indicating a desire to participate. He was

1 then subjected to a viewpoint-based test before being initially invited to participate in the fair: the
2 organizers asked his opinion about a postering campaign by an independent, off-campus group, the
3 David Horowitz Freedom Center, with which Plaintiffs and Hillel had no affiliation whatsoever (nor
4 do they today). After providing what was apparently a satisfactory response to the questions
5 regarding these posters, Jason received word that Hillel was welcome to participate. However, after
6 receiving this confirmation, on information and belief, SFSU consciously and intentionally decided
7 to exclude Hillel from the event, and did so by surreptitiously changing the cut-off date for
8 registration with the goal of excluding Hillel and Jewish students from the event. The organizing
9 committee for the fair, including COES and GUPS, with SFSU's knowledge and approval, cut off
10 registration to purposefully exclude this recognized Jewish student group, excluding other groups in
11 the process in an effort to cover up this active discrimination. Defendant Begley was made aware of
12 the fair organizers' intention to exclude Hillel thirteen days in advance of the event, having been
13 informed by the director of the Dream Center, an on-campus group dedicated to immigrants' rights.
14 Defendant Begley told the organizers, including several members of the SFSU faculty, that
15 excluding Hillel would be a problem. Two days before the event, Hillel Director Oliver Benn
16 contacted Defendant Begley to express his regret that SFSU was hosting a campus-wide event such
17 as this one without ensuring sufficient space for the recognized Jewish group to participate. With full
18 awareness of the premeditated nature of Hillel's segregation, and with full authority as the Dean of
19 Students to force inclusion, Begley decided to allow the organizers to proceed with impunity.
20 Defendant Monteiro became aware that a problem was unfolding and declared that he would be
21 reversing his previous acceptance of an invitation to deliver a keynote address at the event.
22 However, as the Dean of COES, with apparent awareness of a problem so substantial that he would
23 refuse to deliver his remarks, he was empowered to compel the event's organizers to include all
24 interested student groups—including those who were innocent bystanders, denied access only to
25 cover up a proactive undertaking meant to exclude one group and one group only—or else to shut
26 the event down.

27 151. Deliberately excluding Hillel resulted in the denial of SFSU's Jewish student
28 population of their right to engage in dialogue or receive information or preparation relevant to their

1 personal safety and academic equality on campus. This action had the effect of violating Plaintiffs’
2 (and other Jewish and non-Jewish SFSU community members’) First Amendment rights, their
3 constitutional right to equal protection, and other rights under federal and state law.

4 152. Excluding the campus Jewish community from equal participation in the “Know
5 Your Rights” Fair, the stated goal of which was to provide reassurance to “vulnerable populations”
6 in view of the 2016 presidential election—is as absurd as it is discriminatory. There is no
7 community that could be better served by such an “informational and training” event. America’s
8 Jewish communities have, before the 2016 election and even more so since then, been
9 disproportionately victimized by hate crimes and religious biases as compared to any other religious
10 group.

11 153. Defendants are responsible for these violations of Plaintiffs’ rights because of their
12 direct active involvement in the intentional and deceptive exclusion of Hillel from the “Know Your
13 Rights” Fair. Despite its guarantees to provide all students with a safe environment for the free
14 exchange of information and ideas, SFSU has a history of failing to protect its Jewish students and
15 encouragement of those who threaten them, and SFSU administrators have gone so far as to
16 acknowledge the University’s reputation for anti-Semitism in writing. In the context of a campus
17 event informing marginalized populations of their rights, Defendants chose to once again deny the
18 rights of SFSU’s most marginalized population. By their improper, deceptive, and coercive actions,
19 Defendants suppressed the free speech and other civil rights of the Plaintiffs and other Jewish
20 members of the SFSU community, including a denial of their entitlement to full and equal
21 accommodations, advantages, and privileges, based on animus deriving from their identity, religion,
22 and/or ethnicity.

23 154. This suppression of free speech and violation of Plaintiffs’ rights occurred as a direct
24 result of SFSU’s conscious and proactive support of the other student groups and organizations who
25 were knowingly and intentionally discriminating against members of the Jewish community by
26 excluding Hillel from the fair. SFSU has falsely represented, to Plaintiffs and others, that it is a
27 place that guarantees tolerance and diversity on campus. This incident reflects another clear example
28 of SFSU’s intentional discrimination against members of its Jewish community. SFSU has fomented

1 anti-Jewish animus from the highest levels, conspired with and affirmed the rights of hostile,
2 aggressive and disruptive students to regularly violate the rights of Jewish students (including
3 through threats of bodily harm), and failed to protect the rights or physical safety of the Jewish
4 campus community. By doing so, SFSU has created a racist environment in which Jewish students
5 feel fearful, intimidated, and threatened on campus, and are not able to participate in, or benefit from
6 their campus community the way that other, non-Jewish students do.

7 155. Intentional targeting and exclusion, such as that which occurred at the “Know Your
8 Rights” Fair, signals to Jewish individuals that they will be in danger if they openly reveal their
9 identity or beliefs. Indeed, SFSU’s Jewish students have deliberately taken circuitous routes to on-
10 campus destinations in order to avoid hostile, potentially dangerous situations; have communicated
11 regularly with friends to alert one another when and where to discard any AEPi fraternity clothes and
12 hide any outwardly identifiable signs of Jewish identity; and have informed the administration on
13 numerous occasions that the discriminatory and hostile campus culture has made them unable to
14 enjoy the benefits and privileges of enrollment at SFSU. In a meeting between Defendant Wong and
15 Hillel students, memorialized in an email from SF Hillel Director Oliver Benn, Jewish students had
16 “expressed their fears of wearing Stars of David or otherwise outwardly identifying as Jewish on
17 campus, because of the way Israel, Zionism and Judaism are treated in some quarters on campus,
18 including in the classrooms.” With full knowledge that the campus climate is impeding Jewish
19 students’ ability to fulfill their academic pursuits at SFSU, Wong remains indifferent to their plight.

20 156. The decision to exclude Hillel from the event was made and then sanctioned by high-
21 ranking university officials. SFSU’s exclusion of this recognized Jewish student group is part of the
22 University’s larger systemic pattern of discrimination against Jewish students. It is unsurprising that
23 the University fosters a campus culture that is not inclusive of Jewish students, as SFSU officials
24 frequently decline to take public stances in support of the equal rights of the Jewish community,
25 even when it is expressly targeted and refused equal access and opportunity on campus. Instead,
26 university officials dismiss any obligation to speak out against discrimination, hostility, or threats
27 against Jewish students—even when repeatedly carried out by SFSU itself—as a “political issue.”
28 University officials then accuse Jewish students and community members of requesting and

1 expecting disproportionate attention from the administration.

2 157. SFSU commissioned a separate report on Hillel's exclusion from the "Know Your
3 Rights" Fair, but to date, has not released that report to the public. On information and belief, a
4 summary of the report's findings was released to certain individuals on or about July 21, 2017. On
5 information and belief, the full report was released to certain individuals on or about August 18,
6 2017, both of which included findings that Hillel was in fact intentionally excluded from the "Know
7 Your Rights" Fair under false pretenses, and that the Fair's organizers were responsible for
8 retaliation and intentional discrimination against Hillel and Jewish students at SFSU.

9 158. According to an article in JWeekly, an SFSU communications officer stated in an
10 August 4, 2017 email to that newspaper that the investigation found "San Francisco Hillel was
11 improperly excluded from the Know Your Rights Fair by the self-organized and self-appointed
12 planning committee ... The unfortunate decision by this group to exclude Hillel from the Fair
13 represents an unacceptable breach of the University's values, policies, and standards for inclusion
14 and respect expected of all members of our University community."

15 159. As reported in JWeekly, in an August 7, 2017 email to that newspaper, SF Hillel
16 Executive Director Oliver Benn said of the report: "The university found discrimination and
17 retaliation against Hillel. Given this finding, the unanswered question is what the university will do
18 to address what [SFSU President Les] Wong has himself described as 'institutionalized anti-
19 Semitism,' rather than just the 'campus climate' generally."

20 160. Defendant Abdulhadi also acknowledged that Hillel was intentionally excluded from
21 the "Know Your Rights" Fair, publishing her thoughts regarding the Fair in the online publication
22 *Mondoweiss*: "[T]he organizers [of the 'Know Your Rights' Fair] refused to allow a member of a
23 privileged white group [referring to Hillel] whose members feel entitled to be represented
24 everywhere and anywhere they deem the event to be of interest irrespective of the event's goals."
25 Abdulhadi wrote that "[b]ecause the organizers dared challenge the status quo, student and faculty
26 organizers," including, on information and belief, herself, "have been subjected to systematic
27 interrogation, harassment and administrative retaliation by the university." Apparently based on
28 reading the unreleased SFSU report, Abdulhadi also wrote that "[t]he university frame[d] the fact

1 that Hillel did not have a table at the KYR Fair as anti-Semitic.”

2 161. In another article published in *Mondoweiss*, GUPS member and COES Graduate
3 Student Assistant Saliem Shehadah, one of the self-described organizers of the Fair, also admitted
4 that Hillel was intentionally excluded: “SF Hillel was not issued a table at the Fair by the organizers
5 after discussion of Hillel and its ill fit in the mission of the Fair.” Shehadah wrote that their intent in
6 organizing the fair “was to provide resources and information for vulnerable communities to protect
7 themselves,” and that providing a table to Hillel “is akin to giving a table to ICE at a gathering of
8 undocumented communities, or having the Ferguson Police Chief table at an event discussing police
9 brutality against black teenagers.” Based on this thinking, Shehadah explained, the “Know Your
10 Rights” Fair planning committee “acknowledged, by consensus, that there was no table for Hillel
11 given the strain on capacity and the clear problems with Hillel’s presence at a table based on Hillel’s
12 conduct.” He added that “GUPS and other Arab groups noted that they would pull out of the Fair if
13 Hillel was given a table.”

14 162. As GUPS’s faculty advisor, SFSU imposes a published requirement on Defendant
15 Abdulhadi to assist Student Activities & Events and the University “in upholding University policy,”
16 including SFSU’s Non-Discrimination Policy. SFSU’s website also states that faculty advisors
17 should assist their student organizations in adhering to federal and state law. On information and
18 belief, Defendant Abdulhadi chose to disregard these advisor requirements as they applied to
19 GUPS’s conduct surrounding the “Know Your Rights” Fair, in violation of Plaintiffs’ civil rights.

20 163. As the Dean of Student Conduct, Defendant Shimina Harris is obligated to ensure that
21 any students who “unacceptabl[y] breach[ed] the University’s values, policies and standards” face
22 consequences for their actions. This is especially crucial when students’ behavior contributes to a
23 pervasively hostile environment for certain students in the SFSU community who feel ostracized and
24 marginalized because of their religious identities, and when that behavior is explicitly sanctioned and
25 furthered by state actors who share the same anti-Jewish animus. On information and belief, with
26 full knowledge of the conduct that the University has itself called “improper[] exclu[sion],”
27 Defendant Harris chose not to reprimand or discipline in any way the students involved in the
28 intentional discrimination against Hillel vis-à-vis the “Know Your Rights” Fair that occurred nearly

1 six months ago. This intentional refusal to hold the perpetrators accountable for their actions violates
2 the inalienable free speech and equal protection rights of Plaintiffs.

3 **Despite Repeated Promises and Declarations,**
4 **SFSU Has Failed to Cure these Systemic Problems**

5 164. Recent actions by SFSU's administration to address these issues, including a sham re-
6 invitation of Mayor Barkat to return to SFSU, and recent emails sent from President Wong about
7 these issues are disingenuous responses. They fundamentally fail to acknowledge or address the
8 civil rights and physical safety of Plaintiffs and other Jewish students and members of the
9 community on SFSU's campus, and are designed simply to placate donors.

10 165. On May 12, 2017, Chancellor White emailed the entire SFSU community,
11 congratulating President Wong on the creation of "three new positions ... to bring professionals to
12 campus to focus on human relations, community inclusion and equity initiatives. Other efforts
13 currently underway at SFSU include investigations of past alleged violations of our policies, new
14 and/or refined policy and practice considerations, and formation of a broad, cross-university
15 community task force charged with goals and developing an action plan for SFSU." The
16 Chancellor's statement overlooked the fact that President Wong has been promising the same
17 systemic changes for many months, without any identifiable action having been taken, and while the
18 campus climate for Jews in fact deteriorated.

19 166. President Wong stated in an interview in early May 2017 that he was just "starting to
20 understand better . . . anti-Semitism throughout the United States and our campus." Wong admitted
21 that the campus was "tense in terms of anti-Semitism. . . . I wouldn't pick anti-Semitism as saying
22 it's our only problem, but I think it's a significant issue we are trying to confront."

23 167. When specifically asked whether Zionists are welcome at SFSU, President Wong
24 refused to provide the only proper answer: "Yes." Instead, President Wong demurred, stating
25 "That's one of those categorical statements I can't get close to. . . . Am I comfortable opening up the
26 gates to everyone? Gosh, of course not."

27 168. In a May 10, 2017 meeting with several Jewish students, President Wong clarified
28 that in answering that question, his understanding of the term "Zionism" was "the right of every

1 Jewish person to be Jewish.” While that definition is at best highly idiosyncratic, by President
2 Wong’s own words and definition, he had refused to state unequivocally that Jews who wanted to be
3 Jews were welcome at SFSU.

4 169. In a recent letter dated May 30, 2017, written in response to five Jewish students who
5 had emailed him about their concerns on campus, President Wong finally “acknowledge[d] that
6 institutionalized anti-Semitism is part of what we at SF State must confront and mitigate,” and that
7 “we cannot pretend to be immune from the realities of anti-Semitism.” President Wong further
8 promised to “lead a university-wide effort to seek solutions to the anti-Semitism on this campus.”
9 These empty and overly general statements, which amount to no real commitments beyond promises
10 to form committees to study the long-standing problem, fail to address the very real and immediate
11 concerns of Jewish students on campus regarding their rights and physical safety. These statements
12 are also nearly identical to the promises that President Wong has made repeatedly, including in the
13 wake of the Mayor Barkat event. Each time, there has been a total lack of any follow up from him
14 or other University officials.

15 **FIRST CAUSE OF ACTION**

16 **CLAIM UNDER 42 U.S.C. § 1983 BASED ON VIOLATIONS OF THE FIRST**
17 **AMENDMENT TO THE UNITED STATES CONSTITUTION**

18 **(Mayor Barkat Event -- April 6, 2016)**

19 **(Asserted by all Plaintiffs against Defendants Leslie Wong, Mary Ann Begley, Luoluo Hong,**
20 **Lawrence Birello, Reginald Parson, Osvaldo del Valle, Kenneth Monteiro, Rabab Abdulhadi,**
21 **Brian Stuart, Robert Nava, Mark Jaramilla, Vernon Piccinotti, and Shimina Harris**
22 **(“Defendant Individuals”))**

23 170. Plaintiffs reallege and incorporate by reference each and every allegation above as if
24 fully set forth herein.

25 171. Under the First Amendment to the United States Constitution, States “shall make no
26 law... abridging the freedom of speech... or the right of the people to peaceably assemble...” The
27 First Amendment applies to state university campuses.

28 172. SFSU is a state university, and part of the California State University system.

173. Defendant Individuals are state actors.

1 174. Defendant Individuals, have, in their individual and official capacities, deprived and
2 continue to deprive Plaintiffs of their First Amendment rights, including but not limited to the right
3 to assemble, the right to listen or the right to hear, as secured by the First Amendment to the United
4 States Constitution and made applicable to the States by the Fourteenth Amendment, by deviating
5 from normal protocols, state law, and the SFSU Code of Student Conduct, and by giving an
6 affirmative “stand down order” to campus police, during Jerusalem Mayor Nir Barkat’s planned
7 speaking event. Defendant Individuals’ conduct before and during this previously anticipated
8 disruption prevented Mayor Barkat from speaking in a way that Plaintiffs could hear him and/or
9 engage in dialogue with him.

10 175. Defendant Individuals, have, in their individual and official capacities, violated
11 Plaintiffs’ First Amendment rights (including but not limited to the right to assemble, the right to
12 listen or the right to hear) by preventing Plaintiffs from proceeding with and participating in the
13 planned and approved event hosting Mayor Barkat as a speaker duly invited by an SFSU student
14 group on April 6, 2016.

15 176. Defendant Individuals have, in their individual and official capacities, deprived and
16 continue to deprive Plaintiffs of their rights as secured by the First Amendment to the United States
17 Constitution, by improperly instructing faculty, administrators, SFSU police, and other student
18 organizations as to the appropriate way to handle disruption of campus speakers, even after
19 committing to a training program and the implementation of new and adequate university policies
20 following the culmination of the university-commissioned investigation into the Mayor Barkat
21 disruption.

22 177. This deprivation of Plaintiffs’ rights secured by the First Amendment was caused by
23 Defendant Individuals acting under color of state law.

24 178. As Defendant Individuals, acting under the color of state law, have deprived Plaintiffs
25 of rights or privileges secured by the Constitution, they are liable to Plaintiffs for damages in their
26 individual capacities.

27 179. Defendant Individuals are persons under 42 U.S.C. § 1983. Plaintiffs seek—and are
28 entitled to—injunctive relief based on Defendant Individuals’ conduct in their official capacities.

1 180. Defendant Individuals' failure to comply with the First Amendment to the United
2 States Constitution on April 6, 2016 has resulted in harm to Plaintiffs, and will continue to result in
3 harm to Plaintiffs, unless and until Defendant Individuals are ordered by this Court to appropriately
4 and permanently change their policies, practices, and procedures that affect the civil rights protected
5 by the First Amendment to the United States Constitution.

6 181. There exists no overriding or even legitimate governmental state interest, let alone a
7 compelling one, to justify these violations of Plaintiffs' rights under the First Amendment, or if such
8 an interest does exist, the state action undertaken by Defendant Individuals was not narrowly tailored
9 to serve such an interest.

10 **SECOND CAUSE OF ACTION**

11 **CLAIM UNDER 42 U.S.C. § 1983 BASED ON VIOLATIONS OF THE FOURTEENTH**
12 **AMENDMENT TO THE UNITED STATES CONSTITUTION**

13 **(Mayor Barkat Event -- April 6, 2016)**

14 **(Asserted by all Plaintiffs against Defendants Leslie Wong, Mary Ann Begley, Luoluo Hong,**
15 **Lawrence Birello, Reginald Parson, Osvaldo del Valle, Kenneth Monteiro, Rabab Abdulhadi,**
16 **Brian Stuart, Robert Nava, Mark Jaramilla, Vernon Piccinotti, and Shimina Harris**
17 **("Defendant Individuals"))**

18 182. Plaintiffs reallege and incorporate by reference each and every allegation above as if
19 fully set forth herein.

20 183. Under the Fourteenth Amendment to the United States Constitution, a State shall not
21 "deny to any person within its jurisdiction the equal protection of the laws."

22 184. SFSU is a state university, and part of the California State University system.

23 185. Plaintiffs are Jewish.

24 186. Defendant Individuals are state actors.

25 187. Defendant Individuals, have, in their individual and official capacities, deprived and
26 continue to deprive Plaintiffs of equal protection of the laws, as secured by the Fourteenth
27 Amendment to the United States Constitution by deviating from normal protocols, state law, and the
28 SFSU Code of Student Conduct during Jerusalem Mayor Nir Barkat's planned speaking event,
leaving Plaintiffs vulnerable to violations of their civil rights by a previously anticipated disruption

1 which successfully and intentionally prevented Mayor Barkat from speaking in a way that Plaintiffs
2 could hear him, engage in dialogue with him, or peaceably assemble.

3 188. Defendant Individuals, have, in their individual and official capacities, discriminated
4 against and continue to discriminate against Plaintiffs on the basis of their Jewish identities,
5 violating their Fourteenth Amendment rights to equal protection of the laws, by preventing Plaintiffs
6 from proceeding with and participating in the planned event hosting Mayor Barkat as a duly invited
7 speaker at an approved event hosted by an SFSU student group on April 6, 2016.

8 189. Defendant Individuals have, in their individual and official capacities, deprived and
9 continue to deprive Plaintiffs of their rights as secured by the Fourteenth Amendment to the United
10 States Constitution, by improperly instructing faculty, administrators, SFSU police, and other
11 student organizations as to the appropriate way to handle disruption of campus speakers, even after
12 committing to a training program and the implementation of new and adequate university policies
13 following the culmination of the university-commissioned investigation into the Mayor Barkat
14 disruption.

15 190. Defendant Individuals have either intentionally discriminated against Plaintiffs, as
16 Jewish students and community members or acted with deliberate indifference, including by
17 responding to known discrimination in a manner that is clearly unreasonable.

18 191. Despite multiple complaints in writing to SFSU, including to certain Defendant
19 Individuals, Defendant Individuals continue to fail to ensure that Plaintiffs, as Jewish individuals, are
20 treated equally and that their civil rights on campus are protected.

21 192. This deprivation of Plaintiffs' rights secured by the Fourteenth Amendment was
22 caused by Defendant Individuals acting under color of state law.

23 193. As Defendant Individuals, acting under the color of state law, have deprived Plaintiffs
24 of rights or privileges secured by the Constitution, they are liable to Plaintiffs for damages in their
25 individual capacities.

26 194. Defendant Individuals are persons under 42 U.S.C. § 1983. Plaintiffs seek—and are
27 entitled to—injunctive relief based on Defendant Individuals' conduct in their official capacities.

28 195. Defendant Individuals' failure to comply with the Fourteenth Amendment to the

1 United States Constitution on April 6, 2016 has resulted in harm to Plaintiffs, and will continue to
2 result in harm to Plaintiffs, unless and until Defendant Individuals are ordered by this Court to
3 appropriately and permanently change their policies, practices, and procedures that affect the civil
4 rights protected by the Fourteenth Amendment to the United States Constitution.

5 196. There exists no overriding or even legitimate governmental state interest, let alone a
6 compelling one, to justify these violations of Plaintiffs' rights under the Fourteenth Amendment, or
7 if such an interest does exist, the state action undertaken by Defendant Individuals was not narrowly
8 tailored to serve such an interest.

9 **THIRD CAUSE OF ACTION**

10 **CLAIM UNDER 42 U.S.C. § 1983 BASED ON VIOLATIONS OF THE FIRST**
11 **AMENDMENT TO THE UNITED STATES CONSTITUTION**

12 **(“Know Your Rights” Fair -- February 2017)**

13 **(Asserted by Plaintiffs Jacob Mandel, Charles Volk, and Liam Kern against Defendants Leslie**
14 **Wong, Mary Ann Begley, Luoluo Hong, Lawrence Birello, Kenneth Monteiro, Rabab**
15 **Abdulhadi, Brian Stuart, Robert Nava, Mark Jaramilla, Vernon Piccinotti, and Shimina**
16 **Harris (“KYR Defendant Individuals”))**

17 197. Plaintiffs reallege and incorporate by reference each and every allegation above as if
18 fully set forth herein.

19 198. Under the First Amendment to the United States Constitution, States “shall make no
20 law... abridging the freedom of speech... or the right of the people to peaceably assemble...” The
21 First Amendment applies to state university campuses.

22 199. SFSU is a state university, and part of the California State University system.

23 200. Plaintiffs are Jewish.

24 201. The KYR Defendant Individuals are state actors.

25 202. The February 2017 “Know Your Rights” Fair was sponsored and administered by
26 SFSU and the KYR Defendant Individuals, who intentionally excluded Hillel from the fair based on
27 the Jewish identity of Hillel's members, including Plaintiffs.

28 203. The KYR Defendant Individuals have, in their individual and official capacities,
deprived and continue to deprive Plaintiffs of their First Amendment rights, including but not limited

1 to the right to assemble, the right to listen or the right to hear, as made applicable to the States by the
2 Fourteenth Amendment, by denying the Jewish student organization to which Plaintiffs Jacob
3 Mandel, Charles Volk, and Liam Kern belong—and thereby denying Plaintiffs—the opportunity to
4 speak and hear about their rights at the February 2017 “Know Your Rights” Fair as members of a
5 “vulnerable population...feeling targeted” in the political climate at the time.

6 204. The KYR Defendant Individuals have, in their individual and official capacities,
7 deprived and continue to deprive Plaintiffs of their rights as secured by the First Amendment to the
8 United States Constitution, by inadequately training faculty, administrators, and other student
9 organizations as to the appropriate way to administer university events.

10 205. The KYR Defendant Individuals have either intentionally discriminated against
11 Plaintiffs, as Jewish students or acted with deliberate indifference, including by responding to known
12 discrimination in a manner that is clearly unreasonable.

13 206. Despite multiple complaints in writing to SFSU, including to certain KYR Defendant
14 Individuals, the KYR Defendant Individuals continue to fail to ensure that Plaintiffs, as Jewish
15 students, are treated equally and that their civil rights on campus are protected.

16 207. This deprivation of Plaintiffs’ rights secured by the First Amendment was caused by
17 KYR Defendant Individuals acting under color of state law.

18 208. As KYR Defendant Individuals, acting under the color of state law, have deprived
19 Plaintiffs of rights or privileges secured by the Constitution, they are liable to Plaintiffs for damages
20 in their individual capacities.

21 209. The KYR Defendant Individuals are persons under 42 U.S.C. § 1983. Plaintiffs
22 seek—and are entitled to—injunctive relief based on the KYR Defendant Individuals’ conduct in
23 their official capacities.

24 210. The KYR Defendant Individuals’ failure to comply with the First Amendment to the
25 United States Constitution in their conduct related to the “Know Your Rights” Fair in February 2017
26 has resulted in harm to Plaintiffs, and will continue to result in harm to Plaintiffs who remain on
27 campus, unless and until the KYR Defendant Individuals are ordered by this Court to appropriately
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1 and permanently change their policies, practices, and procedures that affect the civil rights protected
2 by the First Amendment to the United States Constitution.

3 211. There exists no overriding or even legitimate governmental state interest, let alone a
4 compelling one, to justify these violations of Plaintiffs' rights under the First Amendment, or if such
5 an interest does exist, the state action undertaken by KYR Defendant Individuals was not narrowly
6 tailored to serve such an interest.

7 **FOURTH CAUSE OF ACTION**

8 **CLAIM UNDER 42 U.S.C. § 1983 BASED ON VIOLATIONS OF THE FOURTEENTH**
9 **AMENDMENT TO THE UNITED STATES CONSTITUTION**

10 **(“Know Your Rights” Fair -- February 2017)**

11 **(Asserted by Plaintiffs Jacob Mandel, Charles Volk, and Liam Kern against**
12 **KYR Defendant Individuals)**

13 212. Plaintiffs reallege and incorporate by reference each and every allegation above as if
14 fully set forth herein.

15 213. Under the Fourteenth Amendment of the United States Constitution, a State shall not
16 “deny to any person within its jurisdiction the equal protection of the laws.”

17 214. SFSU is a state university, and part of the California State University system.

18 215. Plaintiffs are Jewish.

19 216. The KYR Defendant Individuals are state actors.

20 217. The February 2017 “Know Your Rights” Fair was sponsored and administered by
21 SFSU and the KYR Defendant Individuals, who intentionally excluded Hillel from the fair based on
22 the Jewish identity of Hillel's members, including Plaintiffs.

23 218. The KYR Defendant Individuals have, in their individual and official capacities,
24 deprived and continue to deprive Plaintiffs of equal protection under the laws, as secured by the
25 Fourteenth Amendment to the United States Constitution, by denying the Jewish student
26 organization to which Plaintiffs Jacob Mandel, Charles Volk, and Liam Kern belong—and thereby
27 denying Plaintiffs—the opportunity to speak and hear about their rights, and peaceably assemble, at
28 the February 2017 “Know Your Rights” Fair as members of a “vulnerable population...feeling
targeted” in the political climate at the time.

1 219. The KYR Defendant Individuals, have, in their individual and official capacities,
2 discriminated against and continue to discriminate against Plaintiffs on the basis of their Jewish
3 identities, violating their right to equal protection, as secured by the Fourteenth Amendment to the
4 United States Constitution, by denying the Jewish student organization to which Plaintiffs Jacob
5 Mandel, Charles Volk, and Liam Kern belong—and thereby denying Plaintiffs—the opportunity to
6 meaningfully participate in the “Know Your Rights” Fair.

7 220. The KYR Defendant Individuals have, in their individual and official capacities,
8 deprived and continue to deprive Plaintiffs of their rights as secured by the Fourteenth Amendment
9 to the United States Constitution, by inadequately training faculty, administrators, and other student
10 organizations as to the appropriate way to administer university events.

11 221. The KYR Defendant Individuals intentionally discriminated against Plaintiffs, as
12 Jewish students.

13 222. Despite multiple complaints in writing to SFSU, including to certain KYR Defendant
14 Individuals, the KYR Defendant Individuals continue to fail to ensure that Plaintiffs, as Jewish
15 students, are treated equally and that their civil rights on campus are protected.

16 223. This deprivation of Plaintiffs’ rights secured by the Fourteenth Amendment was
17 caused by KYR Defendant Individuals acting under color of state law.

18 224. As KYR Defendant Individuals, acting under the color of state law, have deprived
19 Plaintiffs of rights or privileges secured by the Constitution, they are liable to Plaintiffs for damages
20 in their individual capacities.

21 225. The KYR Defendant Individuals are persons under 42 U.S.C. § 1983. Plaintiffs
22 seek—and are entitled to—injunctive relief based on the KYR Defendant Individuals’ conduct in
23 their official capacities.

24 226. The KYR Defendant Individuals’ failure to comply with the Fourteenth Amendment
25 to the United States Constitution in their conduct related to the “Know Your Rights” Fair in
26 February 2017 has resulted in harm to Plaintiffs, and will continue to result in harm to Plaintiffs who
27 remain on campus, unless and until the KYR Defendant Individuals are ordered by this Court to
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1 appropriately and permanently change their policies, practices, and procedures that affect the civil
2 rights protected by the Fourteenth Amendment to the United States Constitution.

3 227. There exists no overriding or even legitimate governmental state interest, let alone a
4 compelling one, to justify these violations of Plaintiffs' rights under the Fourteenth Amendment, or
5 if such an interest does exist, the state action undertaken by KYR Defendant Individuals was not
6 narrowly tailored to serve such an interest.

7 **FIFTH CAUSE OF ACTION**

8 **CLAIM UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000d *et seq.***

9 **(Asserted by Plaintiffs Jacob Mandel, Charles Volk, and Liam Kern**
10 **against Defendants CSU and SFSU)**

11 228. Plaintiffs reallege and incorporate by reference each and every allegation above as if
12 fully set forth herein.

13 229. SFSU and CSU receive financial assistance from the United States Department of
14 Education and are therefore subject to suit under Title VI of the Civil Rights Act of 1964 ("Title
15 VI").

16 230. Discrimination against Jews is prohibited under Title VI, as reflected in the written
17 policies of the Department of Education's Office for Civil Rights.

18 231. Plaintiffs Mandel, Volk and Kern are Jewish, and their status and identification as
19 Jews brings them within the scope of Title VI's protections.

20 232. Plaintiffs Mandel, Volk and Kern have been excluded from participation in, and have
21 been denied the benefits of educational and other programs at SFSU.

22 233. Plaintiffs Mandel, Volk and Kern have been subjected to discrimination by SFSU and
23 CSU based on their Jewish ancestry and religion. SFSU's and CSU's actions and conduct had, and
24 continue to have, a differential or disparate impact upon Plaintiffs Mandel, Volk, and Kern as Jews.
25 SFSU's and CSU's actions and conduct were, and continue to be, intended to treat Plaintiffs Mandel,
26 Volk and Kern differently as Jews than similarly situated non-Jewish students.

27 234. SFSU and CSU have directly and intentionally discriminated against Plaintiffs
28 Mandel, Volk and Kern.

1 235. SFSU and CSU have also failed to prevent harassment and intimidation of, and
2 discrimination against, Plaintiffs Mandel, Volk and Kern by other SFSU students, faculty, and
3 administrators.

4 236. Plaintiffs Mandel, Volk and Kern are entitled to appropriate injunctive relief under
5 Title VI, as SFSU and CSU have had knowledge of, and have been and continue to be deliberately
6 indifferent to a racially hostile environment that is severe, persistent, and pervasive.

7 237. Plaintiffs Mandel, Volk and Kern are entitled to monetary damages under Title VI, as
8 SFSU and CSU have had knowledge of, and have been and continue to be deliberately indifferent to
9 a racially hostile environment that is so severe, persistent and pervasive.

10 238. The racially hostile environment at SFSU is sufficiently severe, persistent, and
11 pervasive that it can be said to deprive Jewish students, including Plaintiffs Mandel, Volk and Kern,
12 of equal access to the educational opportunities and benefits provided by SFSU and CSU.

13 239. SFSU and CSU are not only aware of the racially hostile environment towards Jewish
14 students, they themselves have actively and intentionally engaged in and condoned this pattern of
15 severe and/or pervasive discrimination.

16 240. SFSU and CSU acted with deliberate indifference towards the pervasively hostile,
17 anti-Jewish environment Plaintiffs Mandel, Volk and Kern, as Jewish students, face at SFSU.

18 241. SFSU also acted with deliberate indifference to the discrimination and other unlawful
19 acts against the Plaintiffs as stated herein which were objectively offensive, severe, and/or pervasive,
20 and in violation of Title VI.

21 242. SFSU and CSU have failed to cure or otherwise adequately address this
22 discrimination against Plaintiffs or the racially hostile environment suffered by Plaintiffs and other
23 Jewish students on SFSU's campus.

24 243. Plaintiffs have suffered damages as a result of the violations of Title VI by SFSU and
25 CSU as set forth above.

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SIXTH CAUSE OF ACTION

CLAIM UNDER THE DECLARATORY JUDGMENT ACT, 28 U.S.C. §§ 2201 and 2202

(Asserted by Plaintiffs Jacob Mandel, Charles Volk, and Liam Kern against all Defendants)

244. Plaintiffs reallege and incorporate by reference each and every allegation above as if fully set forth herein.

245. Plaintiffs are entitled to obtain declaratory relief pursuant to 28 U.S.C §§ 2201 and 2202.

246. Providing Plaintiffs with declaratory relief will clarify the rights of the Plaintiffs and similarly situated individuals, and settle the legal issues presented in an efficient matter. Plaintiffs seek declaratory relief based on the conduct of Defendant Individuals in their official capacities.

247. As set forth above, Defendants have violated Plaintiffs’ rights under the Title VI of the Civil Rights Act of 1964 42 U.S.C. §§ 2000d *et seq*, giving rise to an actual controversy such that the Court can accurately determine the facts, resolve the conflict, and grant specific and conclusive relief.

248. As set forth above, Defendants have violated Plaintiffs’ rights under the First Amendment and Fourteenth Amendments of the United States Constitution, giving rise to an actual controversy such that the Court can accurately determine the facts, resolve the conflict, and grant specific and conclusive relief.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs have suffered an irreparable injury for which remedies available at law are inadequate to compensate for, and considering the balance of hardships between Plaintiffs and Defendants a remedy in equity is warranted, and the public interest would not be disserved by permanent injunctive relief, Plaintiffs respectfully request that the Court enter judgment against Defendants alleged in this Complaint and award the following relief:

- a. An injunction preliminarily and permanently enjoining Defendants and their agents from establishing, maintaining, or executing policies, practices, or procedures that penalize, discriminate against, or violate the free speech or

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equal protection rights of Jewish students or visiting Jewish members of the community in any way;

- b. Declaratory judgment, adjudging and declaring that the actions of Defendants:
 - 1. Violated, and continue to violate, the First Amendment of the United States Constitution;
 - 2. Violated, and continue to violate, the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;
 - 3. Violated, and continue to violate, the requirements of Title VI of the 1964 Civil Rights Act, 42 U.S.C. §§ 2000d *et seq.*
- c. Monetary damages for intentional discrimination in an amount to be proven at trial;
- d. Compensatory damages for the emotional distress suffered by Plaintiffs caused by Defendants’ denial of equal protection of the laws and Defendants’ violation of Plaintiffs’ First Amendment rights, in an amount to be proven at trial;
- e. Damages for Defendants’ denial of equal protection of the laws pursuant to the Fourteenth Amendment and Defendants’ violation of Plaintiffs’ First Amendment rights;
- f. Punitive damages to sanction Defendants’ deliberate misconduct and to deter Defendants and others from engaging in similar racially discriminatory and retaliatory actions in the future; and
- g. Plaintiffs’ reasonable attorneys’ fees pursuant to 42 U.S.C. § 1988, costs of suit and reasonable expenses;
- h. Pre-and post-judgment interest at the maximum rate allowable by the law; and
- i. Any other relief which this Court may deem just and proper, including but not limited to any appropriate mechanism for the oversight and continued enforcement of injunctive relief against Defendants.

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Dated: August 31, 2017

WINSTON & STRAWN LLP

By: /s/ Robb C. Adkins

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DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all issues so triable.

Dated: August 31, 2017

WINSTON & STRAWN LLP

By: /s/ Robb C. Adkins

Robb C. Adkins
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