



*Via e-mail*

Nancy K. Lynch  
Vice Chancellor for Legal Affairs  
University of Wisconsin - Madison  
[nancy.lynch@wisc.edu](mailto:nancy.lynch@wisc.edu)

September 10, 2024

**Re: Illegal and Discriminatory Student Disciplinary Proceedings**

Dear Ms. Lynch,

We write on behalf of UW-Madison students Dahlia Saba and Vignesh Ramachandran, to bring to your attention their ongoing student disciplinary proceedings, where the sole evidence against them is their protected free speech activity. We are requesting that the University immediately terminate the ongoing student disciplinary proceedings against these students, with prejudice.

**1) Students Dahlia Saba and Vignesh Ramachandran are being disciplined for conduct protected under the First Amendment.**

After initial disciplinary conferences, students Dahlia Saba and Vignesh Ramachandran both received letters on August 16, 2024, recommending sanctions for “planning and carrying out an encampment on university lands.”<sup>1</sup> Under the “basis for findings,” the letters state that the findings are based on “the Cap Time Op-Ed you co-authored” and no other evidence supporting that these students engaged in the conduct alleged.<sup>2</sup> The second page of the letter includes 10 separate quotes from the op-ed, taking up nearly an entire page.<sup>3</sup> Based on this evidence alone, Associate Director of the Office of Student Conduct and Community Standards Ryan Podolak concludes that there is a “preponderance of the evidence’ that you are responsible for violating 17.09(11) False

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<sup>1</sup> Attachment A: August 16, 2024 Finding Letter Sent to Dahlia Saba; Attachment B: August 16, 2024 Finding Letter Sent to Vignesh Ramachandran.

<sup>2</sup> The letter states that another basis for findings was the “SJPMadison Instagram posts”, but there is no evidence to suggest that Ms. Saba or Mr. Ramachandran have any access to or control over the content of this account.

<sup>3</sup> Attachment A: August 16, 2024 Finding Letter Sent to Dahlia Saba; Attachment B: August 16, 2024 Finding Letter Sent to Vignesh Ramachandran.

Statement/Refusal to Comply With Reasonable Request, 17.09(14) Violation of Ch. UWS 18 and 18.07(04) Picnicking and Camping.”<sup>4</sup>

Rather than being based on a “preponderance of the evidence,” the discipline proposed against Ms. Saba and Mr. Ramachandran clearly appears to be retribution for their public criticism of the University. Their op-ed, published on May 10, 2024, is entitled, “UW-Madison not acting in good faith with student protesters.”<sup>5</sup> The op-ed explains the intent and purpose of the encampment that had already been in place on Library Mall for 12 days and goes into detail about the students’ campaign for divestment, as well as the history of similar campaigns at UW-Madison. A University may not punish students for exercising their First Amendment rights to speak about such matters of public concern.

As a public university, UW-Madison is bound by the First Amendment.<sup>6</sup> This fact is acknowledged in the University’s Values Statement, which reads that “...UW-Madison is, as a matter of both law and institutional values, dedicated to the First Amendment of the United States Constitution.”<sup>7</sup> The policy continues that, “...permitting the expression of challenging, and even potentially offensive, beliefs is the cost of the freedoms that allow UW–Madison to generate knowledge at the forefront of academic disciplines and holistically assess the implications of change on our world.”<sup>8</sup>

The Supreme Court has long held that speech on issues of public concern, like an ongoing student protest movement, “occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.”<sup>9</sup> The Court has also recognized that universities are “peculiarly the ‘marketplace of ideas,’” which must encourage critical thought and questioning of social and political orthodoxy, and are charged with producing future leaders acculturated in the norms of a pluralistic, democratic country.<sup>10</sup> One-sided scrutiny and censorship of speech related to student activism or Palestinian rights threatens to shut down robust debate on the most urgent political issues of our time, and undermines the pivotal role universities play in our society. It constitutes viewpoint discrimination, prohibited by the First Amendment.

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<sup>4</sup> *Id.*

<sup>5</sup> “Opinion: UW-Madison not acting in good faith with student protesters”, [https://captimes.com/opinion/guest-columns/opinion-uw-madison-not-acting-in-good-faith-with-student-protesters/article\\_e4867ce6-0e19-11ef-95e1-bba73476bbef.html](https://captimes.com/opinion/guest-columns/opinion-uw-madison-not-acting-in-good-faith-with-student-protesters/article_e4867ce6-0e19-11ef-95e1-bba73476bbef.html)

<sup>6</sup> See *Widmar v. Vincent*, 454 U.S. 263, 268–69 (1981) (“With respect to persons entitled to be there, our cases leave no doubt that the First Amendment rights of speech and association extend to the campuses of state universities.”); *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large.”)

<sup>7</sup> Free Expression at UW-Madison, “Values Statement: University’s Mission”, <https://free-expression.wisc.edu/#:~:text=UW%E2%80%93Madison%20cannot%20prohibit%2C%20restrict,many%20find%20hurtful%20or%20offensive.>

<sup>8</sup> *Id.*

<sup>9</sup> *Connick v. Myers*, 461 U.S. 138 (1983).

<sup>10</sup> *Keyishian v. Board of Regents of Univ. of N.Y.*, 385 U.S. 589, 603 (1967); *Grutter v. Bollinger*, 539 U.S. 306, 324325 (2003).

Courts have overturned disciplinary action taken against students for speech in nearly the exact same form as the op-ed at issue here, where it concerned criticism of school officials, explaining that students “may not be confined to the expression of those sentiments that are officially approved.”<sup>11</sup> Put another way, “school officials cannot ignore expressions of feelings with which they do not wish to contend.”<sup>12</sup>

Diverse voices that challenge viewpoints and offer critical perspectives on important political and social issues of the day – including critiques of University and Israeli government policies – should be celebrated and encouraged, particularly in the university context where free speech and open, vigorous debate are a crucial element to any learning environment. Instead, by punishing these students for expressing their viewpoints in a manner entirely consistent with First Amendment protection, UW-Madison has sent a message that certain political viewpoints are not welcome on campus and that free speech principles do not apply equally to all students.

While the conduct that Ms. Saba and Mr. Ramachandran are purportedly being punished for is failing to follow requests and camping, with the University’s only evidence of their conduct being their op-ed, this calls into question whether that is truly the conduct being punished. While UW-Madison is not explicitly stating that these students are being punished for public criticism of the University, with that being the only conduct confirmed by the evidence presented, it certainly appears as though that is what they are truly being punished for. Claiming, without evidence, that students participated in other behaviors prohibited by the code of conduct cannot provide cover for the University to violate a student’s First Amendment rights.

Punishing students – or even subjecting them to disciplinary proceedings – simply because they expressed their opinions on matters of public concern creates a chilling effect. University leaders must guarantee the conditions necessary for free debate on campus and must assure students that expression on matters of public concern is not only tolerated but invited. Debate, disagreement, and free expression, including protests, demonstrations, and other expressive activities, embody the highest values of a free university and a democratic society.

Publishing one’s opinion in an op-ed article is one of the purest forms of First Amendment activity, and for a University student, an ongoing student protest movement is one of the clearest matters of public concern. However, UW-Madison has pending disciplinary charges against two students supported only by their protected expression, which happens to be critical of the University. Punishing these students for this activity does not hold up to even the most cursory scrutiny under the First Amendment. The University must terminate the disciplinary proceedings against these students immediately.

**2) The discipline proceedings against these students raises concerns about discrimination and UW-Madison’s violation of Title VI.**

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<sup>11</sup> *Sullivan v. Hous. Indep. Sch. Dist.*, 307 F. Supp. 1328 (S.D. Tex. 1969).

<sup>12</sup> *Burnside v. Byars*, 363 F.2d 744, 749 (5th Cir. 1966).

While hundreds and perhaps thousands of students were present at the encampment at UW-Madison at some point between April 29 and May 10, 2024, only certain students have faced disciplinary action. In this case, Ms. Saba, who is Palestinian, and Mr. Ramachandran, who is South Asian, have been targeted.

In violating the free speech commitments the University has made to its students, the University is not only morally failing live up to the standards it has set for itself and legally failing to provide students the educational experience they were promised in exchange for their enrollment and tuition dollars, it is also violating their right to equal access to education regardless of race, color or national origin under Title VI of the Civil Rights Act of 1964. As the Department of Education reminded educational institutions in a Dear Colleague letter this spring, there has been “a nationwide rise in complaints of discrimination against students, including against Muslim, Arab, Sikh, South Asian, Hindu, and Palestinian students in schools” and schools like UW-Madison that receive federal funding have a legal obligation to “provide all students a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.”<sup>13</sup>

As educators of the global leaders of tomorrow, we expect you will protect the University as a center of critical and unfettered inquiry – even and especially on controversial matters of public concern. Please be advised that administrators at public colleges who violate clearly established rights may be held personally liable for monetary damages under 42 U.S.C. § 1983.<sup>14</sup> Once again, we are requesting that the University immediately terminate the ongoing student disciplinary proceedings against Dahlia Saba and Vignesh Ramachandran, with prejudice.

Sincerely,

*Tori Porell*

Tori Porell  
Staff Attorney, Palestine Legal  
[tporell@palestinelegal.org](mailto:tporell@palestinelegal.org)

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<sup>13</sup> <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202403-massahp.pdf>

<sup>14</sup> *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).

# Attachment A



August 16, 2024

Dahlia Saba

Sent electronically to dsaba@wisc.edu

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: 2023456103

Dear Dahlia,

Per UWS 17.11(4), this letter confirms the results of our disciplinary conference on July 25, 2024 at which we discussed the allegations/information from Other, that on or around April 29, 2024 through May 10, 2024 you assisted in the planning and carrying out of an encampment on university lands. My findings are as follows:

1. 17.09(11) False Statement/Refusal to Comply: Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter. -- Responsible
2. 17.09(14) Violation of Ch. UWS 18: Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons. -- Responsible
3. 17.09(14) Violation of Ch. UWS 18: Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons. Specifically: 18.07(4) Picnicking and Camping: No person may picnic or camp on university lands, except in those areas specifically designated as picnic or camping grounds, or as authorized by the chief administrative officer. No person may violate any rules or regulations for picnicking or camping established and posted by the chief administrative officer. For purposes of this subsection, camping shall include the pitching of tents or the overnight use of sleeping bags, blankets, makeshift shelters, motor homes, campers or camp trailers. -- Responsible

Information about these charges can be found online at <http://conduct.students.wisc.edu/> (under the nonacademic misconduct tab).

Basis for Findings: My findings are based on my investigation of the incident, including information from: Cap Times Op-Ed you co-authored, SJPMadison Instagram posts, and my disciplinary conference with you on July 25, 2024.

In our disciplinary conference, you During our meeting on July 25, 2024, when asked if you set up a tent on Library Mall during the spring of 2024, you stated you do not remember. When asked if you slept in a tent on Library Mall during the spring of 2024, you stated you do not remember.

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You stated you wrote the article as supporters of the broader justice for Palestine movement and the goals of the movement. When asked about the usage of “we” and “our” in the article, you stated you meant those words to indicate you were speaking as people who are supportive of a movement. You stated the article was not an admission you were specifically doing those things. You stated you used it as rhetorical license as writers. You stated, as an example, if a person was on a baseball team. If the team earned three runs during a game and a member of the team said, “We got three runs” even if they did not have a direct role in getting three runs.

The Op-Ed you co-authored states the following things:

“We have been camping on Library Mall for 12 days in solidarity with the people of Gaza. In that time, we’ve faced both physical attacks from police and attempts to mischaracterize our movement.”

“We began our encampment on the 205th day of genocidal warfare in Gaza...”

“...our encampment reflects the urgency of this moment...”

“...our solidarity encampment...”

“Our demand is for the university to align its investments with its principles.”

“Our current proposal outlines the basic principles of investment governance”

“...our proposal includes accountability and enforcement mechanisms...”

“We painstakingly constructed a proposal, in consultation with our community, amid finals season, all the while bearing witness to the rising daily death toll in Gaza.”

“...our demands carry the popular support of faculty, students, staff, alumni and community members.”

“We have made clear that the university is so much more than just the university administration.”

The article makes no attempts to communicate what you expressed to me in our meeting – that you wrote it as a supporter of a broader moment. The word choice denotes belonging and communicates you were playing a role in creating the encampment and the resolution to end the encampment. Given how little time has passed, I do not find it credible that you do not remember whether you set up or slept in a tent on Library Mall. Moreover, as the encampment was unlawful, it is immaterial whether you participated at night or only during the day.

Immediately below the article, it states you are a member of Student for Justice in Palestine (SJP). SJP had numerous postings, on their Instagram account (@sjpmadison) about the encampment on Library Mall during late April and early May 2024. They included postings about the daily activities scheduled at the encampment, calls to join SJP at Library Mall, reference “our negotiators”, a reference by another group they had joined SJP’s encampment, and reference an agreement between SJP and UW Administration to end the encampment. It is clear from information shared in SJP’s social media posts that SJP was the primary driver and organizer of the encampment.

Based on the foregoing, there is a preponderance of the evidence that you participated in the encampment in violation of

17.09(14) and 18.07(4).

On April 26, 2024, Dean Olstad and UWPD Interim Chief Plisch sent an email to all UW-Madison students, faculty, and staff. It detailed information about what behavior was prohibited and allowed. It specifically noted the campus prohibition on camping on university land. An April 29, 2024 news release from Chancellor Mnookin reiterated the prohibition on camping on UW lands. It further requests compliance with this policy (as tents had been erected by this time).

Therefore, you participated in the encampment after being directed not to do so by university staff in violation of 17.09(11).

Due to the positive involvement of Students for Justice in Palestine in the negotiations to reach an agreement dated May 10, 2024, specifically, ". . . the Office of Student Conduct and Community Standards to consider the ending of the encampment and commitment to future compliance with our rules on protests as a favorable mitigating factor in the resolution of student disciplinary processes," the sanction for this incident has been lessened..

On the basis of the information obtained in my investigation, I find a "preponderance of the evidence" that you are responsible for violating 17.09(11) False Statement/Refusal to Comply With Reasonable Request, 17.09(14) Violation of Ch. UWS 18 and 18.07(04) Picnicking and Camping.

Recommended Sanction(s):

I am recommending a sanction of University Disciplinary Reprimand. Although the Reprimand will not affect your student status and is not reflected on your external transcript, it is a disciplinary action that will remain on file. You should also understand that future misconduct by you may result in a more serious disciplinary response from the University. If your behavior rises to the level of probation, suspension, or expulsion, a sanction would be noted on your transcripts, which may affect your admission into a specific school or college, professional school, or graduate program.

Failure to complete or comply with these sanctions, including involvement in additional misconduct, could lead to a violation of UWS 17.09(16) Noncompliance with Disciplinary Sanctions, which may result in additional disciplinary action.

Right to a Hearing:

You have the right to request a formal hearing on my decision before a Nonacademic Misconduct Hearing Committee or Examiner. If you wish to request a hearing, you must complete and submit the following online form within ten (10) calendar days (by 4:30 p.m. on August 26, 2024) of the date of this letter:  
[https://cm.maxient.com/reportingform.php?UnivofWisconsinMadison&layout\\_id=6](https://cm.maxient.com/reportingform.php?UnivofWisconsinMadison&layout_id=6). If you do not request a hearing within this time, my decision will become final and the recommended sanctions will be enforced. In making this decision, you may wish to consult Chapter UWS 17.

If you have any questions about this letter or the disciplinary and hearing process, or if I can be of any further assistance, please contact me via email at [ryan.podolak@wisc.edu](mailto:ryan.podolak@wisc.edu). If you live in University Housing, staff will have access to a copy of this letter. Finally, you are encouraged to print or save a copy of this letter for your records.

Sincerely,



Ryan Podolak

Associate Director - Office of Student Conduct and Community Standards

# Attachment B



August 16, 2024

Vignesh Ramachandran  
Sent electronically to vramachandr9@wisc.edu

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: 2023456114

Dear Vignesh,

Per UWS 17.11(4), this letter confirms the results of our disciplinary conference on July 22, 2024 at which we discussed the allegations/information from Other, that on or around April 29, 2024 through May 10, 2024 you assisted in the planning and carrying out of an encampment on university lands. My findings are as follows:

1. 17.09(11) False Statement/Refusal to Comply: Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter. -- Responsible
2. 17.09(14) Violation of Ch. UWS 18: Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons. -- Responsible
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Information about these charges can be found online at <http://conduct.students.wisc.edu/> (under the nonacademic misconduct tab).

Basis for Findings: My findings are based on my investigation of the incident, including information from: the Cap Time Op-Ed you co-authored, the SJPMadison Instagram account, and my disciplinary conference with you on July 22, 2024.

In our disciplinary conference, you During our meeting on July 22, 2024, you stated you did not have an official role in the encampment on Library Mall during late April and early May of 2024. When asked, you stated you were at Library Mall throughout certain points [of the encampment]. When asked, you stated you “cannot say” you were part of creating a

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proposal for the university to consider. You stated you were not camping.

You stated you wrote the article “as part of a movement”. When asked about the usage of “we” and “our” in the article, you stated you meant those words to indicate you were speaking as people who are supportive of a movement. You stated the article was not an admission you were specifically doing those things. You stated you used it as rhetorical license as writers.

The Op-Ed you co-authored states the following things:

“We have been camping on Library Mall for 12 days in solidarity with the people of Gaza. In that time, we’ve faced both physical attacks from police and attempts to mischaracterize our movement.”

“We began our encampment on the 205th day of genocidal warfare in Gaza...”

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“...our demands carry the popular support of faculty, students, staff, alumni and community members.”

“We have made clear that the university is so much more than just the university administration.”

The article makes no attempts to communicate what you expressed to me in our meeting – that you wrote it as a supporter of a broader moment. The word choice denotes belonging and communicates you were playing a role in creating the encampment and the resolution to end the encampment.

Immediately below the article, it states you are a member of Student for Justice in Palestine (SJP). SJP had numerous postings, on their Instagram account (@sjpmadison) about the encampment on Library Mall during late April and early May 2024. They included postings about the daily activities scheduled at the encampment, calls to join SJP at Library Mall, reference “our negotiators”, a reference by another group they had joined SJP’s encampment, and reference an agreement between SJP and UW Administration to end the encampment. It is clear from information shared in SJP’s social media posts that SJP was the primary driver and organizer of the encampment.

You admitted to attending the encampment during the day, however, as the encampment was unlawful, it is immaterial whether you participated at night or only during the day.

Based on the foregoing, there is a preponderance of the evidence that you participated in the encampment in violation of

17.09(14) and 18.07(4).

On April 26, 2024, Dean Olstad and UWPD Interim Chief Plisch sent an email to all UW-Madison students, faculty, and staff. It detailed information about what behavior was prohibited and allowed. It specifically noted the campus prohibition on camping on university land. An April 29, 2024 news release from Chancellor Mnookin reiterated the prohibition on camping on UW lands. It further requests compliance with this policy (as tents had been erected by this time). Therefore, you participated in the encampment after being directed not to do so by university staff in violation of 17.09(11).

Due to the positive involvement of Students for Justice in Palestine in the negotiations to reach an agreement dated May 10, 2024, specifically, ". . . the Office of Student Conduct and Community Standards to consider the ending of the encampment and commitment to future compliance with our rules on protests as a favorable mitigating factor in the resolution of student disciplinary processes," the sanction for this incident has been lessened.

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Ryan Podolak

Associate Director - Office of Student Conduct and Community Standards