

# WHAT TO DO IF YOU ARE TARGETED AT SCHOOL FOR ADVOCACY ON PALESTINE

CAIR's legal team offers the following core tips to students asserting their free speech rights in educational settings

Note: This does not constitute legal advice.  
Please contact an attorney for assistance.



1. Students in all levels of education are afforded free speech within the public school setting, with two caveats:
  - offensive speech is afforded less protection in the public school system (outside the school setting this would be fully protected);
  - hate speech is not protected in public schools despite having at least partial protection in most other settings.
  
2. You have the right to speak out, hand out flyers and petitions, and wear expressive clothing in school – as long as you don't cause a disruption or violate the school's content-neutral policies. Speech cannot incite people to violence (ever- not in or out of school)

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3. Schools can only limit students' expression if they can reasonably predict that it will create a substantial disruption or material interference in school activities or invade the rights of others. The school disagreeing with your position or believing that your position is controversial does not necessarily mean that the speech is disruptive. Whether the speech is disruptive will depend on the circumstances.
  
4. The Supreme Court has held that school authorities must respect students' rights to express themselves outside of school, including their right to express dissenting or unpopular views. Schools do not have the same authority to punish students for speech outside of school as they do in school contexts.

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5. The First Amendment also prohibits “viewpoint discrimination” – government action (which includes action by public university officials) that burdens or suppresses speech based on viewpoint. This means that if a student or a group is punished because administrators don’t like their message, the university may be held accountable for violating students’ constitutional rights.
6. Free speech protections do not extend to defamation, obscenity, “true threats” or speech that incites imminent violence or law-breaking.
7. Students cannot be punished for publishing content on social media in most circumstances, unless it is threatening to the school, or members of the school- threats are never protected speech.

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**IF SCHOOL ADMINISTRATORS HAVE  
TARGETED YOU OR SOMEONE YOU  
KNOW FOR FOR ADVOCATING ON  
BEHALF OF PALESTINIAN RIGHTS  
OR BECAUSE OF THEIR MUSLIM  
FAITH**

**Contact CAIR-NY  
File a report at  
[cairny.org/incident-report](https://cairny.org/incident-report)  
or call (646) 665-7599**