



**Statement of the AAUP-Penn Executive Committee on the Penn Administration's
Decision to Arrest Students and Faculty and the University's Imposition of Mandatory
Leaves of Absence on Six Students**

May 10, 2024

We condemn in the strongest possible terms the decision of the Penn administration to call in riot police early this morning to arrest students and faculty engaged in nonviolent antiwar protest on our campus. This repressive action was a violation of the University's Guidelines on Open Expression and a cowardly, shameful attempt to silence and punish speech that administrators simply do not want to hear. We further condemn the administration's abuse of the student disciplinary system in summoning numerous students to disciplinary meetings on specious grounds. And we condemn the decision of Penn's Provost, John Jackson, to impose mandatory leaves of absence on six students involved in the encampment on May 9. Provost Jackson abused the student disciplinary system, using it not to punish violations of university rules—there are none here that we know of—but simply to silence criticism of Israeli government policies and of the war on Gaza. Bowing to pressure from donors, politicians, and lobbying organizations that would like to control what can be taught and studied in the United States, and which have consistently misrepresented the character of a peaceful antiwar encampment, Penn's administration has violated a core principle of academic freedom: the right of students to freedom in learning, which includes their right to assemble and engage in political activity.

We demand that all charges be dropped, that the university reverse the mandatory leaves and other sanctions imposed on students, that the university dismiss all disciplinary cases against students targeted for their participation in the encampment, and that the university cease its pattern of threatening students with discipline and arrest for nonviolent antiwar protest.

Those of us who have spent time on College Green in recent weeks know that the encampment was an example of nonviolent protest. It complied with Penn's Guidelines on Open Expression, and it embodied a form of protest that is utterly familiar and ordinary on college campuses: students slept in tents, hung banners, hosted talks and teach-ins, created art, read, studied, and chanted. Heeding the advice of groundskeepers, student protesters even periodically repositioned their tents so as not to harm the grass. Classes, exams, meetings, research, and education on our campus have proceeded. In fact, with support from faculty and staff, the encampment hosted educational events that were in desperately short supply this year, as donor pressure and administrative repression undermined the ability of faculty, staff, and students to organize events on the history, culture, and politics of Israel and Palestine. While the university administration repeatedly mischaracterized the encampment as a threat to safety,

the only threats of violence that occurred here were threats against the students in the encampment, including one from a man armed with a hunting knife and the other from a man who sprayed tents and food with a chemical agent.

It was not the encampment but the university administration that created a crisis. Mimicking the response of university administrations across the country, administrators spent weeks whipping up fear by misrepresenting peaceful protest as a threat to safety, threatening the students with discipline, and accusing them of violating unnamed rules without any evidence, all in an apparent attempt to legitimate a crackdown or intimidate protesters into leaving. When protesters stayed, as was their right, the administration turned to flagrant violations of due process, summarily imposing mandatory leaves of absence on six students on May 9—silencing them by removing them from campus. These acts of escalation were in no one's interest. They have imperiled the futures of students who were exercising their rights to assemble and to engage in political activity—rights protected by the principle of academic freedom and by the university's own policies. They were forms of incitement and acts of intimidation. They were intolerable responses to a nonviolent student demonstration. This is not the kind of university our students deserve.

The administration's acts of escalation were also violations of the university's own policies. Penn's Guidelines on Open Expression are framed to protect the right to protest specifically in situations like this one, where there is disagreement. For that very reason, in case of conflict between university policies, the Guidelines on Open Expression explicitly take precedence over all other policies. The Guidelines prohibit the University from restricting assembly or demonstration on the basis of the substance or nature of the views expressed. Yet that is exactly what the administration has done for months. Since last fall, the university administration has established a pattern of silencing, threatening, and punishing speech critical of the war in Gaza and of Israeli government policies. In futile attempts to appease donors, lobbying organizations, and politicians who neither understand nor respect the principles of academic freedom and open expression, the administration has restricted a Jewish student group's ability to screen a film critical of the state of Israel; it has banned the student group Penn Against the Occupation; it has failed to show adequate concern for the harassment of Palestinian, Muslim, Iranian, and Arab students and faculty; it has issued public statements that have contributed to that harassment; and it has repeatedly abused the student disciplinary system to punish nonviolent antiwar activity. This pattern of discrimination, in every instance targeting speech critical of the war in Gaza, is itself a violation of Penn's Guidelines on Open Expression. And it raises serious questions about Penn's adherence to Title VI of the Civil Rights Act.

Compounding this violation of the Guidelines on Open Expression, the Provost appears to have abused his power and violated due process protections in imposing mandatory leaves on students. Under part III.D of the Charter of the Student Disciplinary System, the Provost may only impose such leaves when a student's presence on campus threatens "order, health, safety, or the conduct of the University's educational mission." These students' presence represented no such threat. It is indicative of the Orwellian nature of university governance, however, that the university administration holds the exclusive power to make this determination, which allowed

the Provost to characterize the protest as threatening by fiat. Meanwhile, the Provost appears to have violated another part of the charter: Part III.D. requires the Provost to consult the students' Dean or Associate Dean before imposing a mandatory leave. As far as we know, the Provost flouted that requirement.

In the immediate term, we reiterate that all charges must be dropped, and the administration must reverse the mandatory leaves and other sanctions imposed on students. It must end its abuse of the student disciplinary system to silence and punish anti-war protest, first by withdrawing all cases against students that are currently being processed by the Center for Community Standards and Accountability (CSA).

In the longer term, our university needs an entirely new system for enforcing its Guidelines on Open Expression—the university policy that defines and defends the right to participate in demonstrations. Currently, the Vice Provost for University Life, an arm of the central administration, has the exclusive power to interpret and enforce the Guidelines, and as a result, the university administration has repeatedly violated the Guidelines in its treatment of student protest, with no consequences whatsoever. The power to interpret and enforce the Guidelines on Open Expression must be taken away from the central administration and transferred to a new elected body consisting of faculty (tenure-track and non-tenure-track), staff, and students, all elected at large.

This should be the beginning of a thorough redesign of university governance to provide faculty of all ranks, staff, grad workers, and students with real democratic power to write and enforce university policies. Only then will we be able to defend our rights to academic freedom and open expression, including the right of students to assemble and engage in nonviolent protest.

Across the country, university administrations have called in armed police to clear encampments by force, but they have failed to silence peaceful protest against the war in Gaza. We stand with our students and colleagues who have displayed moral courage and discipline in the face of threats and police aggression. Peaceful protest is a necessary part of education and of democracy itself. We stand with all those working to defend the university as a democratic institution and as a space of free and critical research, teaching, learning, and expression.