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## Policing your student's free speech

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Zoha Khalili <zkhalili@palestinelegal.org>  
To: studentaffairs@duke.edu

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Mary Pat McMahon  
Vice Provost/Vice President for Student Affairs  
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125 Science Drive  
Box 90937  
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Via email to [studentaffairs@duke.edu](mailto:studentaffairs@duke.edu)

Dear Vice Provost/Vice President McMahon:

I am writing to express alarm over a pattern of monitoring and policing of student speech at Duke in the past few months, and to urge you to rectify this matter. Specifically, senior Hadeel Abdelhy has been questioned multiple times over humorous social media postings in a context that suggests that Duke is sacrificing the free exchange of ideas—which the university itself recognizes as essential for the fulfillment of its mission—to avoid external controversy.

On December 2, 2019, just a day before Duke University entered into a resolution agreement to resolve a civil rights complaint filed by the Zionist Organization of America, Hadeel was called in for a meeting with Office of Student Conduct. She was told only after agreeing to meet that this was a “non-disciplinary matter,” a term that is never defined or even used in the university’s guide to the Duke Community Standard.

As Hadeel explained in an email to Associate Dean of Students Jeanna McCullers, the complaint against Hadeel, though surprising given her lack of wrongdoing, was in line with a long history of efforts by pro-Israel groups to use disciplinary mechanisms to censor criticism of Israel and to punish people like Hadeel, who are Palestinian and/or support freedom and equality for Palestinians. My organization, Palestine Legal, has responded to over 1,500 such incidents of suppression since 2014. In 2015, the Center for Constitutional Rights and Palestine Legal issued a report detailing this pattern: [The Palestine Exception to Free Speech: A Movement Under Attack in the US](#).

On December 3, Duke submitted a resolution agreement to the Department of Education Office for Civil Rights to resolve a complaint filed by the right-wing Israel front group Zionist Organization of America (ZOA). The ZOA complaint argued that a March 2019 academic conference called “Conflict Over Gaza: People, Politics, and Possibilities” was one-sided and hostile to Israel. Willfully disregarding context and satirical intent, the complaint also argued that a satirical song by Palestinian rapper Tamer Nafar, which Nafar prefaced by mocking the accusations of antisemitism Palestinians often face, was blatantly antisemitic. The complaint did not make any claim that the conference or the performance caused any harm to Jewish students or others at Duke, but focused primarily on second guessing academic decisionmaking about a scholarly conference.

As part of the agreement resolving the complaint, the university made several commitments regarding its efforts to fight antisemitic harassment and discrimination. While these commitments are laudable, the university’s decision to enter into a resolution agreement rather than allowing an investigation to proceed to

its inevitable dismissal on First Amendment grounds lent unnecessary credence to the ZOA's anti-intellectual complaint.

Hadeel's experience shows that the resolution agreement may also have encouraged a chilling level of overzealousness within the Office of Student Conduct. When Hadeel met with the office on December 4, she learned that the office had gone through her Twitter and Facebook postings and had a file full of screenshots of political statements she had made online. She learned that the Duke Israel Public Affairs Committee (DIPAC) had filed a complaint detailing protests Hadeel had supported and pro-Palestinian events she had helped organize and that the ultimate complaint that had triggered the office to request a meeting with Hadeel was an image she had posted of the group with clown emojis. The emojis were Hadeel's response to a recent statement the group had made celebrating the fact that Israel had killed dozens of Palestinians, including a seven-year-old boy. They also protected the identities of individual DIPAC members while allowing Hadeel to criticize the group's message.

Though Hadeel was not subjected to formal discipline, it was deeply disturbing to be called in to explain herself to administrators and to learn that they were monitoring her social media. For a few days, she felt strangely and was uncomfortable walking around campus. She experienced anxiety and felt like she was being watched by someone or that she had a target on her back. She felt incredibly paranoid and avoidant, even when it came to going to class.

On December 18, the office confirmed that the surveillance of Hadeel's social media posts was still under way, calling her in for a meeting the next day. Though winter break had already begun, Hadeel attended this meeting, explaining to administrators that the post they were questioning her about—in which Hadeel had superimposed a drawing of a gun next to her face—reflected a popular meme. As the *New York* magazine culture and entertainment site *Vulture* explained in a September 2018 [article](#) about the meme, “The falseness of the picture is obvious, as the source image is often recognizable as an album cover or a music-video screenshot; no one sees these memes and thinks they're looking at a photo of a woman holding an actual gun.” Nonetheless, Hadeel was made to explain her post.

Having to explain herself and her intentions, particularly in light of the serious accusation that she was making a violent threat caused Hadeel a great deal of emotional distress. It was even more stressful to learn that the report was perceived to reflect a high threat level such that higher ranked administrators had to be involved. It was terrifying for her to be vilified for a meme.

Last month, as Hadeel and the rest of the university community were adjusting to the new reality of life under COVID-19, Hadeel was once again asked by the Office of Student Conduct to explain her social media postings. This time Hadeel was questioned about a social media campaign in early February protesting Professor Peter Feaver's invitation to noted warmonger John Bolton to speak on campus. In the middle of a cluster of memes, Hadeel had posted on February 11 that “Today is bully Peter Feaver day.” The Office of Student Conduct's email to Hadeel came six weeks later, apparently instigated by a complaint from a student, not the professor. Given the campus restrictions, this time Hadeel was not required to visit the Office of Student Conduct to make her explanation in person.

As the campus shut down continues, social media is one of the primary ways students are able to stay connected with each other and cope with the rapidly shifting and deeply isolating reality of our current circumstances. Though her final weeks at Duke are, like other graduating seniors, not proceeding in a manner Hadeel could ever have imagined, she faces the added burden of knowing that she is being monitored online not only by students who disagree with her politics but also by administrators who seem to view her as an acceptable sacrifice to avoid scrutiny of their own actions by the federal government.

Hadeel has felt pressured to police herself on social media to avoid the time and the emotional energy she has had to spend going to the student conduct office, distracting her focus away from her schoolwork and preparations for graduation. Hadeel feels like she cannot speak freely without being policed by the university.

She feels like she constantly has to watch herself and what she is saying so that Zionists do not feel offended. She feels like she is being singled out and personally targeted and that her speech is especially threatened.

Hadeel should not be made to explain every post she makes online. Administrators could see that there was no danger, no discrimination, and no harassment if not by the face of Hadeel's postings then by a simple Google search or an inquiry to a faculty member to ask if he had in fact been bullied by students. Instead of taking these simple steps and avoiding the time consuming and emotionally exhausting process of having Hadeel come into the office as both the accused and as an ambassador or modern youth culture, the Office of Student Conduct told Hadeel that they were monitoring her accounts and showed her a file full of screenshots of her postings. If this was not intentionally meant to intimidate Hadeel and pressure her into self-censorship, it should have been easily foreseeable to student conduct professionals that this would be the likely result.

I urge you to issue guidance to the Office of Student Conduct clarifying that the December 3 resolution agreement is not a directive to censor the speech of Palestinian students and their allies, to provide guidance to that office on the appropriate handling of complaints about social media postings, and to issue an apology to Hadeel for what she has been through.

Thank you in advance for your time and attention.

Sincerely,  
Zoha Khalili

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