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Dear Chairman Yang, President Saller, Provost Martinez, and General Counsel Zumwalt:

As a Stanford student, I write to express my dismay regarding an increasingly hostile environment on campus. The University has repeatedly expressed its commitment to public safety and equal treatment of all University communities. But the events of the past week raise questions about the depth of Stanford's actual commitment to these fundamental rights.

Since the October 7 terror attacks in Israel, White Plaza has been a focal point for on-campus expression by various groups, including Palestinian supporters who have staged a prolonged sit-in, and Israeli supporters who erected the Blue and White Tent in an area specifically designated by the University for this purpose.

Stanford takes the position that "[s]tudents are expected to respect university policies" and that failure to do so can violate the Fundamental Standard.<sup>1</sup> Recent events at White Plaza suggest large scale violations of the Fundamental Standard. These violations are known to the University but have not led to any enforcement action. The result is differential enforcement of University policy in a discriminatory manner. The concern is that the University has become a hostile environment to certain students, faculty and staff precisely because of the University's selective failure to enforce its own directives in a manner that privileges one group of students over others.

**The February 4 Encroachment.** Beginning on the evening of February 4, 2024, students representing the "Stop Islamophobia" Sit-In established facilities on an area of the White Plaza lawn reserved for Blue and White Tent operations. On February 7, 2024, Stanford's Division of Student Affairs directed a letter to these students stating, in no uncertain terms, "you need to vacate the space immediately that was designated for use by the Blue and White tent." That space was re-occupied by the same students each subsequent morning. This is a clear violation of the University's instructions. There is no indication to date that the University is taking any disciplinary action in response to this violation of the Fundamental Standard. Indeed, representatives of this group publicly state that "they intend to return... especially if the Blue and White Tent also returns."<sup>2</sup> These students promise a continuing violation of the University's order to vacate and of the Fundamental Standard.

Several assurances from University officials were given to the Blue and White Tent stating that this encroaching group would be removed so that the Blue and White Tent could resume its normal operations. We originally perceived this as a fair enforcement of the rules, and we appreciated the University's support in the matter. In reliance on these representations, members

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<sup>1</sup> Stanford University, Understanding the Fundamental Standard, available at <https://communitystandards.stanford.edu/policies-guidance/fundamental-standard> (viewed February 9, 2024)

<sup>2</sup> Stanford Daily, "Hundreds defend pro-Palestine sit-in in White Plaza protest," available at <https://stanforddaily.com/2024/02/09/hundreds-defend-pro-palestine-sit-in/> (viewed February 9, 2024).

of our team swiftly purchased materials to reestablish our presence in White Plaza, with the intended rebuild date of February 8 being communicated openly to University officials.

Nevertheless, the University failed to enforce its initial commitment to return the relevant space to the Blue and White Tent.

**The February 8 Statement.** On the afternoon of February 8, 2024, the University issued a statement that its “concern for safety of students has risen to a level where ongoing overnight activities are no longer something the university can support.”<sup>3</sup> Therefore, “any tents, tables, chairs, or other similar items will need to be removed from White Plaza between the hours of 8 p.m. and 8 a.m. . . . Students who violate the no camping policy will be subject to a disciplinary referral to the Office of Community Standards and may also be cited for trespass for failing to comply with a university directive.”

The Blue and White Tent, despite the continued presence of the encroaching group complied with the University’s statement and removed all signage and other materials by 8 p.m. on the evening of February 8.

The Pro-Palestinian camp did not comply. The camp was not disassembled and remained occupied overnight in clear and conspicuous violation of the University’s directive. This failure to disassemble, and continued overnight occupancy, are two independent violations of the University’s directive. As of the date of this letter, the overnight occupation of the camp has continued for two additional evenings with no University intervention. The attached videos substantiate this claim.

There is no indication that the University intends to take any action against anyone for failure to comply with the University’s directive, which was, and is, rightly based on neutral concerns about public safety. There is no indication that the University had any administrators on site on the evening of February 8, or thereafter. There is also no indication that the University has taken any action to identify any of the Stanford students violating the University’s directive by camping overnight. If the University takes no steps to identify persons violating its directives, then the University cannot effectively enforce its directives. The absence of any apparent effort to identify violators calls into question whether the University ever even intends to enforce the policy articulated in its February 8 statement.

The pattern is clear and concerning. The University issues statements but takes no action to enforce those statements. This inaction is untenable for at least two independent reasons.

First, failure to enforce the policy through disciplinary proceedings reinforces concerns over disparate treatment. The Blue and White tent team took the university at its word. They complied with its request in order to avoid disciplinary sanctions. In contrast, the Pro-Palestinian encampment willfully violated the University’s directive, and in a call-to action publicized earlier that afternoon, acknowledged that they intended and expected to be arrested the evening of February 8 (see the attached image). Those violations were compounded by efforts to attract

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<sup>3</sup> Stanford University, “Preserving Free Speech and Safety on White Plaza,” available at <https://news.stanford.edu/report/2024/02/08/preserving-free-speech-safety-white-plaza/> (viewed February 9, 2024).

persons unaffiliated with the University to come to campus to help prevent enforcement of the University's policy. The violators were rewarded. They were allowed to remain active overnight without further consequence. They also avoided the burden of disassembling their materials. That burden was borne exclusively by the Blue and White Tent whose members do not camp overnight, and therefore never violate the camping prohibition. Nor are they at risk of the safety concerns cited by the February 8th directive.

Second, failure to enforce the policy through disciplinary proceedings suggests that the University's approach to safety, and to fundamental fairness, is here toothless. The University will issue statements condemning antisemitism. It will form committees to study antisemitism. But the University will back down when asked to act in a manner consistent with a balanced commitment to address current controversies in a fair and equitable manner. The failure to act swiftly and unambiguously in response to multiple and substantial clear violations of a University directive severely diminishes the University's credibility. Why would anyone in the future comply with an equivalent University directive, or comply with the February 8 directive, if there is no consequence?

To address these concerns, the University should, at a minimum, clearly and publicly initiate appropriate disciplinary proceedings to enforce both its February 7 letter and its February 8 statement. If the University will not promptly do so, simple fairness requires that the University grant permission to the Blue and White Tent to remain in place overnight, with a binding assurance by the University that there will be no adverse consequence or disciplinary action against anyone affiliated with the Tent's operation. Any other course of conduct suggests content-based discrimination and raises multiple additional forms of legal exposure.

**Apex Security.** Concern over the University's commitment to act in an even-handed manner is amplified by the presence of a security guard employed by Apex Security, a contractor to the University, wearing a keffiyeh while on duty at White Plaza on the evening of February 8, at the very time the Pro-Palestinian camp should have been dismantled in compliance with the University's directive. The attached photograph substantiates this claim. I am further informed that the same guard has been assigned to shifts patrolling Stanford's Hillel facility, a particularly vulnerable campus location.

Wearing a keffiyeh is commonly recognized as an expression of support for the Palestinian cause. Its implications are as clear as wearing a MAGA hat or a Black Lives Matter shirt. I assume this officer has the right to wear a keffiyeh while off-duty, and to support the Palestinian cause in many different ways. But it is inappropriate in the extreme for a public safety officer in the University's employ to express a point of view that so blatantly supports the cause of a group of students who are actively violating a policy he is employed to enforce. This is unconscionable.

Jewish and Israeli students, staff, and faculty have cause for profound concern when personnel hired to protect their personal safety can so comfortably express strong pro-Palestinian views while on duty. The resulting lack of trust in public safety personnel can only contribute to concern over a hostile environment. Every member of our community has the right to expect that Stanford's public safety officers will, in fact and appearance, protect everyone's rights in an equal manner. This promise has been breached and trust must be rebuilt.

Indeed, imagine the campus reaction if security guards wore Stars of David scarves while on duty. The reaction would be swift and unambiguous. An equivalent response is required here.

**Remedies.** Simply reassigning one public security officer, or insisting on greater sensitivity training for Apex employees, is not the answer. The deeper concern is that Apex has failed in its compliance function in a manner that permanently erodes the community's ability to trust employees of this critical contractor. The University should therefore immediately institute a search for a replacement public safety contractor and should terminate its arrangement with Apex as soon as that replacement contractor can begin operations on campus.

The University should also enforce its Fundamental Standard and the directives issued on February 7 and February 8 in a fair and consistent manner. Appropriate disciplinary procedures against those who have violated the Fundamental Standard should be immediately initiated. If the University continues to allow the operation of the Pro-Palestine encampment notwithstanding the February 8 directive, with no consequence to any of its organizers, it should immediately grant identical rights and privileges to the Blue and White Tent, including assurances against disciplinary action. The University should also enforce its letter of February 7 to prevent encroachment on areas reserved for the Blue and White Tent. Any other result is discriminatory.

Given the time urgency of several matters addressed in this letter, including public safety concerns and the risk of continued discriminatory treatment, I would be grateful for the courtesy of a prompt response.

Sincerely,

Kevin Feigelis