

■ APARTHEID



IN ■ ISRAELI ■

■ ACADEMIA ■

■ PALESTINIAN ■

STUDENTS ■

■ AFTER ■

7 ■ OCTOBER ■

2023 ■

September 2026

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Introduction

On 8 October 2023, less than twenty-four hours after the deadly assaults carried out by Hamas and other militant groups in the communities surrounding Gaza and the opening of the war on the Gaza Strip, the University of Haifa issued its first decision to suspend Palestinian students. The decision was made by the university's rector, with no preliminary procedure and no hearing, based on social media posts by the students on their private social media accounts in the hours before the decision.¹ Within a few days, other academic institutions followed suit and by mid-October 2023, a pattern was already discernible: the immediate suspension of Palestinian students from their courses. The opening of disciplinary proceedings against them and the characterization of their posts as constituting support for terror or identification with the Hamas attack.

Adalah received 132 inquiries from students,² 131 of whom are Palestinian students against whom disciplinary proceedings were opened, by approximately

1 Prof. Gur Alroey, Rector of Haifa University, "Suspension from Studies," letter dated 9 October 2023. On the initial suspensions issued beyond the rector's authority, see: Academia for Equality, "Academia for Equality's Report on the State of War and Political Persecution in Academia," 13 November 2023.

2 Of the 132 inquiries, Adalah received one from a foreign student studying at the Technion, against whom disciplinary measures were taken following political posts that included criticism of settler violence and of the destruction in Gaza.

40 Israeli universities, regional colleges, and private colleges. The phenomenon also continued through 2024 and 2025.³ This report examines those disciplinary proceedings, focusing on the cases that Adalah handled, and continues to handle, on behalf of these students.⁴

The facts presented in this report reveal a wide-ranging suppression of the freedom of expression of Palestinian students in Israel. The affected students are mostly young Palestinian women (76.5% of the inquiries). The social media posts for which they were disciplined included verses from the Qur'an, prayers for the safety of the residents of Gaza, expressions of solidarity with Palestinians, shares of news reports, and expressions of national identity such as the Palestinian flag or the word "Palestine" in a profile. Many of the posts were published from private accounts with a limited audience, outside the academic space, and in some cases even in periods that preceded 7 October. The sanctions imposed in 20 cases included permanent expulsion or prolonged suspension from studies. This pattern, in its scope and its features, was unprecedented in the disciplinary mechanisms of academic institutions.

The Israeli institutions of higher education did not act in a vacuum. They operated within a wider policy of persecution pursued in workplaces, hospitals, the Israel Bar Association, and elsewhere. This policy treated Palestinian citizens of Israel (PCI) as an "enemy from within," one whose every identification with Palestinians in Gaza was perceived as an illegitimate expression that justified silencing. A clear illustration came on 18 October 2023, when the Police Commissioner, Yaakov Shabtai, announced a sweeping ban on Arab demonstrations in support of the residents of Gaza, alongside a policy of **"zero tolerance for any incident. Anyone**

3 This figure is based on Adalah files, to date. It does not exhaust the scope of the phenomenon. The organization "Academia for Equality" separately documented more than 120 disciplinary proceedings opened against students since the beginning of the war. See report by Academia for Equality, footnote 1.

4 To protect the students' privacy and anonymity and out of concern for causing them further harm, Adalah did not include identifying details such as names, file numbers, or additional personal data in the report. Accordingly, Adalah used general references, including the type of document, the name of the institution, and its date. All the primary documents are on file with Adalah. In cases where even the combination of partial details could lead to identification, Adalah omitted details not material to the analysis.

who wants to be a citizen of Israel, ahlan wa sahlan (welcome). Anyone who wishes to identify with Gaza, is welcome to – I will put him on the buses that are heading there now.”⁵ This rhetoric did not emerge on 7 October; it is part

of a long-standing perception of PCI as an internal threat to the state. After 7 October, however, with the ongoing genocide in Gaza and massive violence in the West Bank, it acquired an unprecedented official and public legitimacy, one that enabled the political persecution with which this report is concerned.

The same was true at institutions of higher education. On 12 October 2023, only five days after the war began, the Minister of Education, Yoav Kisch, sent a letter to the heads of higher education institutions titled “Handling Cases of Incitement to Terror by Students and Employees at Academic Institutions.”⁶ The letter demanded that the universities take immediate steps, including the immediate suspension of students, reporting every case to the Council for Higher Education and to the Israel Police, and conducting expedited disciplinary proceedings. A few days later, on 18 October, the Council for Higher Education approved a decision requiring the institutions to report on their treatment of complaints received. In response, the heads of the universities expressed collective and public opposition to these requirements, arguing that the decision “could create an atmosphere of McCarthyism and mutual informing on campuses.”⁷ This rhetorical opposition, however, did not translate into a refusal to conduct the proceedings.

Organized public pressure accompanied the political pressure. **Student unions, right-wing student cells, and extra-institutional organizations** worked to locate social media posts by Palestinian students, transfer them to the universities’ administrations, and apply public pressure for stricter measures. At several institutions, the complaints that reached the disciplinary committees did not originate with a faculty member or a student who had been directly harmed, but

5 Ran Shimoni, Diaa Hajj Yahya, and Adi Hashmonai, “Israel Police Commissioner: ‘Those Who Identify with Gaza can be Escorted There on Buses,’” Ha’aretz English Edition, 19 October 2023.

6 Letter of the Minister of Education, Yoav Kisch, to the heads of higher education institutions, dated 12 October 2023, “Handling Cases of Incitement to Terror by Students and Employees at Academic Institutions.”

7 Letter of response sent by the heads of higher education institutions to the Minister of Education, dated 18 October 2023.

with external organizations that monitored students' posts, or with students who followed the accounts of Palestinian students and forwarded screenshots.⁸

These developments drew international criticism from human rights organizations, groups that work to protect academic freedom, and human rights experts. The UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, determined that the violations in question constitute breaches of international human rights law, including the right to hold opinions, freedom of expression, and the right to education. The Commission further determined that the targeted harm to Palestinian women faculty members and students, through disciplinary proceedings and dismissals that deterred them from activity in the public sphere, constitutes a violation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁹ In a formal communication to the Government of Israel in 2024, eight UN special rapporteurs expressed concern over "increased criminalization, surveillance, harassment and attacks,"¹⁰ and also addressed the disciplinary proceedings taken against Palestinian students at academic institutions as part of what they described as "the suppression of freedom of expression since 7 October."¹¹

The practices described in this report began with the universities' expansion of their disciplinary powers. Article 17 of the Students' Rights Law, 2007 provides that an academic institution may set rules "relating to the conduct of candidates

8 These actions included demands on the part of student movements, national student unions, and extra-institutional organizations. See, for example, the actions of organizations such as Im Tirtzu and Btsalmo, which set up independent mechanisms for monitoring students' social media posts and transferred lists of names to the administrations of academic institutions. This pattern of action did not previously exist within Israeli academia, and it was documented for the first time after 7 October.

9 UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, report under the resolution of the Human Rights Council, UN document A/HRC/59/26 (June 2025), paras. 35-39 and 85.

10 Formal communication of special rapporteurs of the UN Human Rights Council to the Government of Israel, AL ARE 2/2024, 18 April 2024, p. 1. The communication was submitted on behalf of the Special Rapporteur on freedom of expression; the Special Rapporteur on freedom of assembly and association; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on minority issues; the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory; the Special Rapporteur on the right to privacy; the Special Rapporteur on human rights and counter-terrorism; and the Working Group on transnational corporations.

11 Ibid., pp. 2-4.

and students in connection with their studies at the institution.” The law circumscribes the universities’ disciplinary powers and limits them to a connection to the institution or to the student’s studies there. The law was never intended to serve as an institutionalized enforcement mechanism for speech offenses or for conduct off campus that has no direct connection with what takes place on it.¹²

Despite this, since October 2023, Israeli academic institutions have assumed new powers, beyond those granted to them under the law. They defined what constitutes an expression offense. They decided what evidence is required for a conviction. They developed, at their own initiative, new legal tests, such as the test of “the reasonable person entrusted with the foundational principles of the state,” the “reasonable listener” test, and the “reasonable reader” test. They decided, as they saw fit, which interpretations of Qur’anic verses, religious expressions, or national symbols would receive protection, and which would be defined as reflecting support for terror. In doing so, they significantly expanded the boundaries of what is proscribed by Israel’s penal laws.

These proceedings created a reality of apartheid in the disciplinary law of Israeli academia. The assumption of this power, and its expansion, was directed exclusively against Palestinian students and against expressions with pro-Palestinian content or affiliation. To the best of our knowledge, there is not a single case of a disciplinary prosecution of an Israeli Jewish student for having published a social media post, for example, showing support for genocide, for the “flattening” of Gaza, or a racist statement against the Arab public in Israel. On the contrary, disciplinary committees did not see these targeted sanctions as selective enforcement and justified the distinction between filing a disciplinary indictment against Palestinian students over an expression that, in their view, was tainted by “support for terror,” and the cases of calls for annihilation, genocide, and racist expressions against Palestinians.

12 On this subject, see: Barak Medina, Ilan Saban, Michal Saliternik, and Alexander (Sandy) Kedar, “The Powers of Institutions of Higher Education in Israel to Restrict Students’ Freedom of Expression,” ICON-S-IL Blog (7 November 2023) [Hebrew]. The authors take an explicitly critical position on the measures taken, according to which the connection to studies required under Article 17 of the Students’ Rights Law, 2007, must be significant and clear, while a loose or vague connection does not suffice.

The report points to numerous procedural failures in the way the institutions conducted the proceedings. Many of the proceedings, for example, took place without the presentation of any proper evidentiary basis or witnesses, afforded no right to cross-examine prosecution experts, and at times, did not even present the social media post of the accused student at issue. In a considerable number of cases, the universities imposed an immediate interim suspension before the student's account was even heard, and the burden of proof was reversed, so that the students themselves were required to prove their innocence rather than the institution being required to establish their guilt. Beyond the harm to freedom of expression, the universities violated the students' right to education, among other rights.¹³

As noted, the students against whom disciplinary proceedings were opened are overwhelmingly Palestinian citizens or residents of Israel. For the most part, the posts in question were written in Arabic, and many of them are routine, everyday posts with religious and cultural meanings and contained no direct call to terror or direct support for the 7 October attacks.¹⁴

By contrast, the people in whose name the universities exercised their disciplinary power, those whose feelings and sense of security were allegedly the basis for disciplinary committees' decisions, are Jewish Israeli students, Jewish Israeli faculty members, or "the Israeli public" as an abstract collective. The category of "the academic community" or "the student body" of which many decisions spoke did not include the Palestinian students themselves. They, in effect, became a threat to the community rather than part of it. The universities defined their expressions as harming "the fabric of shared life," a fabric defined by the comfort zone of the ethno-national majority and its sensibilities.

13 Notably, in several cases, the disciplinary proceedings took place in parallel with criminal investigations that the institutions themselves initiated or took an active position to advance. In addition, in cases where the police decided not to prosecute, some of the institutions continued with the disciplinary proceedings, while applying prohibitions on expressions that the state itself did not regard as a criminal offense.

14 As noted, most of the posts at issue were published by the students from their private social media accounts, outside the academic space. In some cases, these posts were meant for small groups, posts that had already been deleted, or posts that were not written by the student at all but only shared by them (a "story," a "like" mark, passive participation in a public group). Some posts were published long before the events of 7 October.

The report contains four chapters. Chapter 1 presents a quantitative overview of the 132 cases received by Adalah following measures taken against Palestinian students after 7 October,¹⁵ including 100 cases in which legal consultation or representation was provided. The chapter examines the timing of the inquiries, the institutional distribution, the gender breakdown, the interim suspensions imposed, arrests, general features of the posts, and the outcomes of the proceedings. Chapter 2 examines the structural failures in the disciplinary proceedings themselves: the initiation of proceedings without an evidentiary basis, reliance on automatic translations, the attribution of posts to students who did not publish them, the reversal of the burden of proof, the absence of reasoning, and the widespread use of interim suspensions. Chapter 3 addresses the question of authority, and the way in which academic institutions expanded the boundaries of their disciplinary powers to apply it to posts that were published with no connection to studies or to the institution. Chapter 4 examines the outcomes: the definition of expressions of concern, solidarity, identity, and religion as speech offenses warranting sanctions, and the new legal tests formulated in these proceedings.

The report is based on cases in which Adalah directly represented students, as well as on information from additional sources. The full scope of the phenomenon is broader than what appears in this report.¹⁶ The report does not address disciplinary proceedings taken against academic faculty members, which form part of the same broad dynamic of narrowing the institutional space for expression.¹⁷

The report illuminates the way in which Israeli academia created a system of enforcement and punishment that rests de facto on ethnic distinctions, advancing a policy with apartheid characteristics toward Palestinian students while using administrative tools drawn from the field of counter-terrorism. In so doing, it

15 See footnote 2.

16 For example, the website Arab48 reported on about 160 cases of persecution and silencing in academia in Israel since October 2023. See: Amir Ali Buirat, "Israeli universities summoned 160 Arab students during the war in Gaza," Arab48, 15 November 2023 [Arabic].

17 These phenomena are part of that broader pattern of narrowing the space of expression at institutions of higher education after 7 October. Academia for Equality details these proceedings in its report "Silencing, Censorship, and Free Speech Violations in Israeli Academia," 16 June 2025.

produced a reality in which Palestinian students at academic institutions in Israel are not categorically excluded but are conditionally included: they are admitted as students, yet they are subject to a Foucauldian disciplinary apparatus that polices their political subjectivity, monitors their activity and their expressions off campus, and punishes their political expressions and protests in ways that are not applied to Israeli Jewish students. The institutional form of the disciplinary proceeding is indeed universal, but its application is split along ethno-national lines. Further, it reinforces the ethno-national supremacy that lies at the foundation of the Israeli constitutional order, in that it devotes its full resources to policing the minority while systematically ignoring calls for the annihilation and genocide of the Palestinian people and racist posts directed against the Palestinian population in Israel in general, and Palestinian students in particular.

Chapter 1:

An Overview

This chapter presents an overview of the phenomenon covered by the report, drawing on data gathered by Adalah. The analyses presented in this chapter are mostly based on the 100 cases in which Adalah provided legal advice or representation.¹⁸

The timing of the academic institutions' initial actions against students: The first inquiries from students to Adalah came immediately after 7 October and from those at the University of Haifa, as early as 8 October 2023. In the weeks that followed, there was a rapid spread of disciplinary actions initiated by additional institutions. Even after the initial “peak,” academic institutions continued to target Palestinian students' expressions during November and December 2023, as well as in 2024 and 2025.

Institutional distribution: Inquiries from students to Adalah came from close to 40 different academic institutions, of a total of 61 operating in the

18 The other inquiries included cases in which Adalah gave only initial legal advice, cases in which the students were represented by other attorneys, and cases in which students discontinued their studies during the handling of the complaint or did not continue with the proceeding.

country.¹⁹ Adalah documented several institutions with a relatively high volume of disciplinary proceedings, including Bezalel Academy of Arts and Design in Jerusalem (nine cases),²⁰ the University of Haifa (nine cases), the Technion – Israel Institute of Technology in Haifa (six cases – although, according to the disciplinary committee’s database, there were seven), and the various branches of the College of Management Academic Studies (COLMAN) (eight cases). Adalah also documented several cases from institutions such as Shenkar College of Engineering, Design and Art in Ramat Gan and WIZO Haifa Academy of Design and Education.

Gender breakdown: Of the 132 students who turned to Adalah, 101 were women (76.5%) and 31 were men (23.5%).

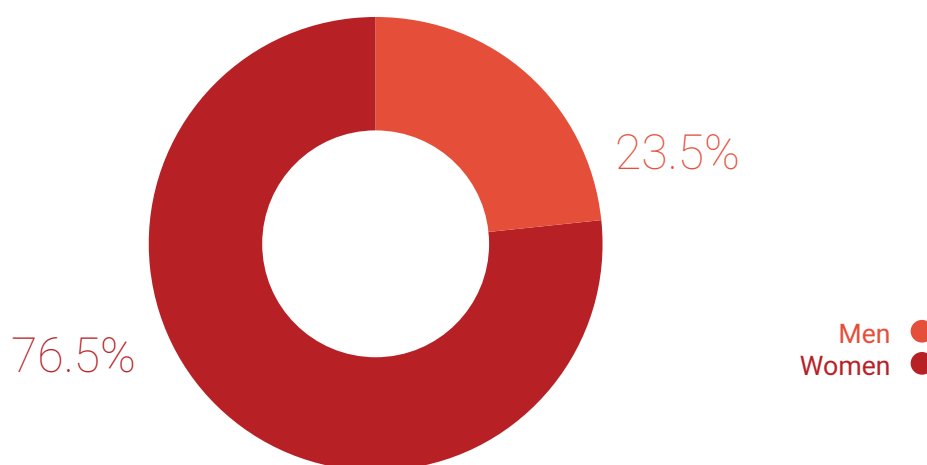


Chart 1: Gender distribution of students in the inquiries received by Adalah

19 According to the data of the Council for Higher Education. The list of institutions is available on the website of the Council for Higher Education.

20 Due to a confidentiality decision, it is not possible to detail beyond this in these cases. See reports in the press, e.g., Yishai Almakayis-Elram, “Minister of Education: Students who expressed support for Hamas will be expelled immediately,” Makor Rishon, 12 October 2023 [Hebrew]. Shahrar Ilan, “Bezalel takes disciplinary measures against 11 students who expressed support for the massacre in the Gaza envelope,” Calcalist, 12 October 2023 [Hebrew].

Initial inquiry and additional measures: In 30 cases, the institutions approached the students after receiving the complaint and conveyed its content to them, together with a demand for a response as part of an initial inquiry, before deciding whether to undertake additional measures. Of these 30 cases, the institutions decided in 22 to dismiss the complaint and take no further measures, and in eight decided to continue with disciplinary proceedings. In 70 cases, no distinct stage of initial inquiry was documented, and the handling of the complaint advanced directly to the disciplinary proceeding or to other formal measures, without the student being given an opportunity to present his/her account before the decision to proceed with disciplinary action was taken.

The use of interim suspension in handling the complaints: Most academic institutions took immediate measures at the early stages of considering a complaint. In 61.3% of the cases (involving the 132 students who approached Adalah), the institutions ordered an interim suspension, and therefore many students were suspended before any adjudication. The University of Haifa was the first institution at which Adalah documented cases of interim suspension, as early as 8 October 2023.

Arrests of students: Of the 132 students who approached Adalah, law enforcement authorities engaged with 20, including by arresting them over alleged offenses of “support for terror” or “identification with a “terrorist organization” as defined under Israeli law. At times, the criminal proceeding began at the initiative of the institutions themselves, through representatives, faculty members, or security officers filing complaints with the police.²¹

21 For example, in the case of the University of Haifa, investigative materials in criminal proceedings reveal that the university itself was the complainant, and that the then-rector of the university (today the university's president), Prof. Gur Alroey, himself testified at the police station. See an interview with Prof. Gur Alroey, president of the University of Haifa and former rector: Doron Solomon, “The tension on campus is volatile and a provocation could lead to an explosion” (mynet Haifa, 8 November 2024) [Hebrew]. In other cases, this involvement even appeared in formal institutional decisions. At Ruppin Academic Center, the disciplinary committee ordered the school's director to file a police complaint following the post that was the subject of the proceeding (decision of a disciplinary committee ordering the filing of a police complaint, in the framework of a disciplinary proceeding at Ruppin Academic Center, December 2023; on file with Adalah).

These data fit within the broader context in which the academic institutions operated during this period. In a letter sent by the Minister of Education, Yoav Kisch, as noted above, the institutions were called upon to take immediate steps, including the immediate suspension of students and the submission of reports on every such case both to the Council for Higher Education and to the Israel Police.²² Subsequently, in a further letter dated 26 October 2023, the Governmental Institute for Technological Education and Training at the Ministry of Labor instructed institutions that whenever college staff encountered posts that might prove to be unlawful, a complaint should be filed to the police in order to ensure that the matter was also examined through the criminal process.²³

Features of the posts on which complaints and disciplinary proceedings were based: The complaints filed against the students were based on various types of social media posts.²⁴ Approximately 24% of the posts criticized the State of Israel, the army, and the commission of alleged war crimes in Gaza, and included references to terms such as “decolonization,” “occupation,” “ethnic cleansing,” or “genocide.” About 23% of the posts concerned the events of 7 October and included photographs or videos from the events, direct references to the attack, or content contesting the prevailing interpretations or portrayals of them in Israel. Around 22% of the posts referred to events in Gaza and included the sharing of content documenting conditions on the ground, descriptions of destruction and harm to civilians, and expressions of solidarity with the people of Gaza. Approximately 21% of the posts were religious in nature and included prayers for Gaza, verses from the Qur’an, and other forms of religious expression. Around 16% involved the use of visual symbols, such as the Palestinian flag, maps of historic Palestine, the figure of Handala, and photographs of the separation wall. In several cases, the mere act of “liking” social media posts was itself cited as a basis for filing complaints and opening disciplinary proceedings.

22 See footnote 6.

23 Letter of the Governmental Institute of Technological Training at the Ministry of Labor dated 26 October 2023.

24 The analysis is based on 100 cases in which Adalah provided legal support or representation. In many cases, several different posts were documented with respect to the same student, so that the distribution below indicates the features of the posts themselves and not the number of students in each category.

Outcomes of the disciplinary proceedings: The analysis below relates to 78 cases in which proceedings were conducted before disciplinary committees and does not include cases in which complaints were closed after an initial inquiry. The proceedings resulted in a range of outcomes, from disciplinary convictions to acquittals.²⁵ In 52 cases, the proceeding ended in the student's disciplinary conviction. In 14 cases, the students were acquitted, most often on the basis of reasonable doubt. In these cases, the disciplinary committees found that the posts at issue were open to differing interpretations. The decisions generally reflected a divergence between the interpretation advanced by the student represented by Adalah and that of the prosecution. The committees determined that the interpretation presented by the defense was plausible and reasonable, and that, given the existence of differing interpretations, disciplinary responsibility had not been established to the required standard. In three cases, the proceedings were discontinued after the students' chose to end their studies. Six cases were resolved through mediation, according to agreements under which the students would perform community service, chosen by the defense and approved by the prosecution. Five of these agreements were given the force of a decision by the disciplinary committee. In the sixth case, at the University of Haifa, the committee declined to approve the agreement and instead acquitted the student on the basis of reasonable doubt (see Chapter 4, below). In three other cases, the prosecution withdrew the disciplinary indictment after it became apparent that the posts could not be attributed to the accused students.

Types of penalties imposed upon disciplinary conviction: The institutions imposed a range of penalties on the students. The most common penalty was suspension for varying periods: for one semester (five cases); for two semesters

25 The terminology used by academic institutions was not uniform. In some cases, terms such as "determination of disciplinary responsibility" or "absence of disciplinary responsibility" were used, and in other cases sanctions were imposed or proceedings were closed without explicit use of the terms "conviction" or "acquittal." For the purposes of this report, cases in which responsibility was determined or a sanction was imposed were classified as a conviction, and cases in which responsibility was not determined were classified as an acquittal.

or one academic year (15 cases);²⁶ for a period of between one and five years (nine cases); and permanent expulsion (11 cases).²⁷ Other penalties included an obligation to perform community service (two cases), educational sanctions, including reprimands, warnings, and obligatory educational courses (13 cases) and the revocation of academic credits (one case). In three cases, the disciplinary committees accepted the initial temporary suspension imposed by the institutions as sufficient.²⁸

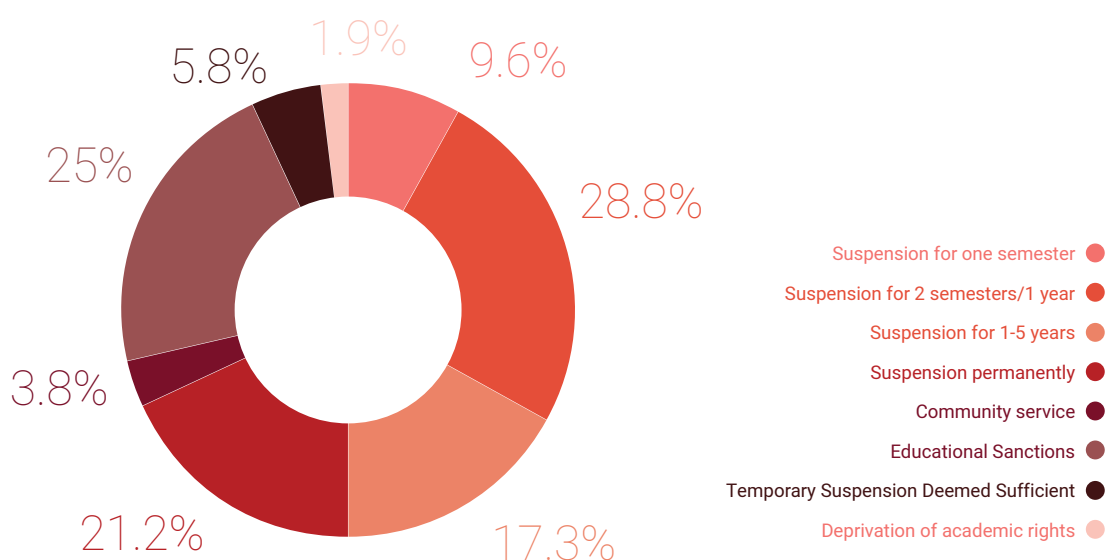


Chart 2: Distribution of disciplinary sanctions imposed

Appeals: Adalah filed 17 appeals, some of which resulted in a change in the

26 Of these 15 cases, two included students who were at the final stages of receiving their degrees, including one doctoral degree, and the suspension resulted in a delay in finalizing the technical requirements for the awarding of the degree certificate by at least a year.

27 In one of the cases, in addition to permanent expulsion, the student was denied recognition of the academic credit she had accumulated during her studies.

28 In a number of cases several sanctions were imposed cumulatively on the same student, such as reprimands accompanied by an additional penalty.

outcome. In one case, the appeal was accepted in full and the student was acquitted. This decision reversed a conviction and a sentence of a one-year suspension. In two cases, a penalty of permanent expulsion was commuted to a suspension for one year; in three cases, penalties of prolonged suspension were reduced, including one of suspension for five years and two cases of permanent expulsion, to shorter periods of suspension; and in a further case a permanent expulsion, combined with the revocation of their academic credit, was reduced to suspension for a period of ten years, while maintaining the penalty of revoked credit. In four cases, the appeals were rejected, and in four other cases, the students decided to withdraw the appeal. In one further case, the penalty was commuted to an educational penalty. In one case, a decision is still pending. The disciplinary prosecution filed three appeals against sentences it regarded as lenient. Two appeals submitted by the prosecution were accepted and led to a significant increase in the penalty, and in a further case, the student decided to discontinue his studies.

Chapter 2:

Due Process Rights Violations

The disciplinary committees' proceedings were marred by numerous procedural flaws that violated the students' due process rights and impaired their ability to defend themselves against the charges leveled at them.

Opening a proceeding without identifying the post at issue: At several institutions, students were summoned to inquiries or to disciplinary committee hearings without being informed about the social media post at issue. At the Jerusalem Multidisciplinary College (formerly Hadassah Academic College), for example, a student was required to submit a written response to the accusations without being informed about the specific post in question. On 18 October 2023, she received a letter from the college president ordering her immediate expulsion "in light of information that has reached us regarding an offensive post that constitutes support for terror and the murder of innocents." When Adalah requested information about the post, the institution replied that "the request to receive the 'evidentiary material' at this stage is somewhat puzzling, since your client should have information about posts that were published, or not [...]" and it

is unclear what the difficulty is in providing an initial response."²⁹

Failure to verify the identity of the publisher: A further procedural flaw that arose in several cases was the absence of any verification of the identity of the posts' publishers, in a way that led to the attribution of posts to students who had not published them. ORT College Jerusalem opened a disciplinary proceeding against a student over a profile picture showing a person holding a pistol. The profile, however, did not belong to the student.³⁰ Adalah documented similar patterns at other institutions.³¹ In some of the proceedings, institutions relied on the mere existence of a complaint or with an indirect and tenuous connection between a student and the content in question, without conducting even a minimal check before initiating a proceeding, imposing a suspension, or summoning the student before a disciplinary committee. In this way, the suspicion preceded the inquiry, and the accusation preceded the factual examination.

Failure to check the date of the social media post and retroactive attribution:

A further defect was the institutions' failure to check the date of the post and its context, in a way that led to the attribution of support for the 7 October attack on the basis of posts that preceded it. The Peres Academic Center in Rehovot initiated a proceeding against a student over a post from 2022, from the period of the World Cup in Qatar, that read "The World Cup is in Qatar, while the cup of manhood, resistance, and pride is being played here in Palestine." Despite the clear reference to the sporting event, the Center argued in the proceeding that this post constituted support for the attack. Only after Adalah's intervention did

29 Letter on behalf of the disciplinary prosecution in response to the request of the student's counsel to receive the post at issue, in the framework of a disciplinary proceeding at the Jerusalem Multidisciplinary College, October 2023 (on file with Adalah).

30 Adalah's letter demanding the closure of the case against the student owing to misidentification, in the framework of a disciplinary proceeding at ORT College Jerusalem, November 2023 (on file with Adalah).

31 In another case, Yezreel Valley Academic College opened a disciplinary proceeding against a student because she was one of the administrators of an open Telegram group in which other users posted content interpreted by the institution as supporting terror. The group was opened before 7 October for the purpose of sharing literary content in Arabic, and any user could post in it without the approval of the group administrator. The institution withdrew the charge (on file with Adalah).

the institution reverse course.³² Similarly, the Jerusalem Multidisciplinary College opened a proceeding over a post from January 2023; there, too, the institution amended the indictment after the fact and tried to link the post to a different security-related event.³³ Instead of examining posts in their original context, institutions ascribed new meanings to them in line with the post-7 October climate.

Attributing to students content from others' accounts: In certain cases, the mere existence of an indirect connection between a student and a social media page or account that the institution viewed as “problematic” was enough to arouse suspicion. At the ORT Braude College in Karmiel, for instance, a student posted a Qur’anic verse against a blue-sky background: “O you who have believed, persevere and endure and remain stationed and fear Allah that you may be successful.”³⁴ Although the post contained no mention of the war, the attack, or the Palestinian issue, the college required the student to explain its meaning and to prove that he did not support terror. The institution later argued that the student had not “met the burden of proof” because the page from which the verse was shared also contained other posts that allegedly supported terror, even though the page did not belong to him. In this way, the college required the student to defend himself with respect to posts made by others. Adalah documented a similar pattern at additional institutions, including the

32 Decision to accept the defense’s argument concerning the timing of the post, in the framework of a disciplinary proceeding at the Peres Academic Center, November 2023 (on file with Adalah).

33 Disciplinary proceeding against a student at the Jerusalem Multidisciplinary College, December 2023, over a post from January 2023 that included words of religious prayer, among them a request to God to bring sadness upon “people,” without the post specifying to whom the words were directed. Although the student presented evidence that the post was published months before 7 October and was unconnected to it, the disciplinary committee did not dismiss the disciplinary indictment. The institution amended the disciplinary indictment and argued, after the fact, that the post constituted support for another attack that took place in Jerusalem on that same day, without presenting any evidence of the connection. Only after the defense presented metadata and additional evidence that there was no connection between the post and the security event did the institution withdraw the charge (on file with Adalah).

34 Qur’an 3:200, Sahih International translation.

Achva Academic College in Be'er Tuvia.³⁵

Automatic translations and erroneous interpretation of Arabic posts: The question of translations from Arabic was key in many proceedings. In most cases, institutions relied on automatic translation software (such as Google Translate or built-in translation features on social media platforms), even when verses from the Qur'an, religious expressions, or texts with complex cultural meanings were involved. The Kaye Academic College of Education in Beer' Sheva, for example, opened a proceeding against a student who posted the Qur'anic verse *إذا جاء نصر الله والفتح* ("When the victory of Allah has come and the conquest").³⁶ The verse was translated using Google Translate as "if Nasrallah comes and conquers," reading the words *نصر الله* (Naṣr Allāh, "the victory of Allah") as the name of the former Hezbollah secretary-general, Hassan Nasrallah. In this way, the translation created the erroneous impression that the post referred to him. ORT College Tel Aviv initiated a proceeding following the sharing of a scene from a Turkish historical drama series tracing the reign of Ottoman Sultan Abdülhamid and the land purchases made by Herzl and the Zionist movement in Mandatory Palestine, and on the basis of the translation, it was argued that the scene contained a call "to conquer Israel."³⁷

Opening disciplinary proceedings without specifying the offense: Another flaw

35 Disciplinary proceeding at Achva Academic College, November 2023, following a religious post on the importance of prayer in Islam, without any connection to the war. After other students traced the source of the post, it emerged that it had been shared from an Instagram page that also included another post with the hashtag "death to Israel." Although the student was not the owner of the page and did not even follow it, he was required to apologize to his classmates and to undertake not to share posts from that page in the future, regardless of the content of the post itself. The student changed representation, and Adalah is not aware of the final outcome of the proceeding (on file with Adalah).

36 Disciplinary proceeding at Kaye College, response of Adalah, October 2023 (on file with Adalah). In the framework of the proceeding, the student was attributed to "liking" a post concerning Jerusalem. The College convicted the student over the "like" mark, and for this, the College imposed a penalty of preventing her from enrolling in a course.

37 Disciplinary proceeding against a student at ORT College Tel Aviv, January 2024 (on file with Adalah), following the sharing of a clip from a historical drama series in the Turkish language with subtitles in Arabic. According to a student's testimony, the scene was translated by an Israeli army officer in the West Bank, and according to this translation, ORT argued that one of the characters calls "to conquer Israel." The institution relied on a complaint by students and on an unprofessional translation in opening the disciplinary proceeding.

involved summoning students to inquiries and disciplinary committee hearings without specifying the offense with which they were charged. In some cases, the institutions did not even refer to the catch-all offenses set out in their regulations, and sufficed with general statements that there was a concern that the student “supports terror” or “identifies with the acts of 7 October.”³⁸ The absence of any reference to concrete disciplinary offenses undermined the students’ ability to understand the legal claims against them and to defend themselves. In these situations, the proceeding became a vague and general discussion of what is “fitting” and “unfitting,” rather than a disciplinary and legal inquiry grounded in objective standards.

In several proceedings, expert opinions were submitted after it emerged that the dispute turned on the interpretation of the post and its context. Yet, although these questions stood at the heart of the decision, they were often decided without professional inquiry. Sometimes committees relied on the prosecution’s expert opinion without giving the defense a real opportunity to cross-examine the expert, and at other times, the committees refused to hear from experts.

In one of the cases examined in this report, the translation and interpretation of an Arabic-language post lay at the heart of the disciplinary proceedings. Because the proceedings were conducted in Hebrew, the defense submitted an expert linguistic opinion addressing the translation of the publication, its linguistic and cultural meanings, and its interpretation in context. The prosecution submitted a competing expert opinion attributing a different meaning to the publication and relying on that interpretation to argue that it constituted support for the attack.³⁹ The disciplinary committee favored the prosecution expert’s opinion, and did not give the defense the opportunity to cross-examine the expert, to examine his expertise or the methodology on which he relied, or the interpretive assumptions underlying his opinion and conclusions. In this way, the committees decided

38 Adalah documented this pattern at the WIZO Academic Center and the College of Management Academic Studies, as well as at ORT College Jerusalem, ORT College Tel Aviv, Ono, Tel Hai, Sami Shamoon, Seminar HaKibbutzim, Achva, and the Kinneret Technological College. In some cases, the reference to the Counter-Terrorism Law was made only at an advanced stage of the proceeding.

39 Disciplinary proceeding at the Jerusalem Multidisciplinary College, decision of conviction and sentence, January 2024, appeal by Adalah against the decision, February 2024 (on file with Adalah).

professional questions central to the proceeding without the defense being given an effective opportunity to examine the key piece of evidence on which the conviction rested.

At Zefat Academic College, the disciplinary committee, and later the appeals committee, were called upon to decide the case of a student who posted a du'a (religious supplication) for the residents of Gaza.⁴⁰ The defense submitted an opinion by an expert in Arabic translation and literature, which explained the religious and cultural meaning of the text. However, the committee rejected the opinion, in favor of a translation produced by Google Translate, asserting that there was no need for a "convoluted interpretation,"⁴¹ and that the post should be examined under the "reasonable listener" test, drawn from defamation law, and not based on "a professional inquiry by experts in linguistics." In the words of the decision: "how an ordinary person would have received, interpreted, and understood the post in question. That is the only test."⁴²

At the College of Management Academic Studies, on the morning of 7 October, a student posted a du'a that, according to the defense expert's translation, asked that this day be "a day of salvation and victory" and "a day of empowerment and resolve." The du'a contained no symbol or image linking it to the attack. The only connection between the post and the events of 7 October was its timing.⁴³

The prosecution submitted an expert opinion arguing that the very use of the same du'a by figures associated, in his view, with support for terror demonstrated that any use of it constituted support for terror. The disciplinary committee rejected this position and argued that the opinion had tried to "impose a context on the du'a," and that the use of the prayer by certain figures does not turn the

40 Disciplinary proceeding at Zefat College, October 2023 (on file with Adalah).

41 Ibid., the judgment (on file with Adalah).

42 Ibid.

43 Disciplinary proceeding at the College of Management Academic Studies, January 2024, following the publication of the text: اللهم اجعل هذا اليوم يوم فتح ونصر وتمكين وثبات، صباحكم فرج قريب. In the prosecution's translation it was written: "May God make this day a day of victory, empowerment, and stability, may you have a morning of imminent relief," whereas the defense expert translated: "O God, make this day a day of salvation and victory [also possible: a day of conquest and victory], a day of empowerment and resolve, may your morning [be one of] imminent salvation" (on file with Adalah).

prayer itself into an expression of support for terror. The committee stressed that most of the examples presented by the expert included images or additional text connected to 7 October, which was not the case in the student's post. On this basis, the student was acquitted. However, the appeals committee reversed the decision and held that it was enough that one of the post's possible interpretations was support for terror, and that the student's mere awareness of the security events was sufficient grounds for a disciplinary conviction.

These cases illustrate how, rather than carefully examining the meaning and context of Arabic posts, disciplinary committees at times relied on intuitive and incriminating interpretations. Among the interpretative tools used was the aforementioned "reasonable listener" test, even when this listener neither spoke Arabic nor had familiarity with the cultural and religious contexts of the post, and even when experts contradicted these interpretations. As a result, disciplinary responsibility was repeatedly determined according to the institution's preferred reading of the post, rather than its actual meaning.

In many cases, institutions did not explain, let alone prove, how the post attributed to the student in fact constituted a disciplinary offense; they sufficed with populist rhetoric of "support for terror," "incitement," or "identification with the enemy." Within this framework, the students themselves were required to explain, and even to prove, that the post had a different meaning protected by the right to freedom of expression. Thus, in the case of a student at the College of Law and Business, Ramat Gan, content was posted describing the bombing of residential complexes and harm inflicted on civilians in Gaza during the war, alongside expressions of distress and fear.⁴⁴ Although the post was explicitly related to the civilian population, a disciplinary committee member argued that the post could nonetheless be interpreted as support for terrorists. When asked, "Where does it say that this is about terrorists?," he replied: "It also doesn't say that it isn't

44 Disciplinary proceeding at the College of Law and Business, Ramat Gan, December 2023; the first post: "The occupation exploits the right to burn whole residential compounds, without mercy it bombs from the air, without giving anyone the possibility of entering or leaving the area (the compound)"; the second post: "At night we die without anyone hearing or seeing us, we are wounded and bleed to death without anyone saving us" (on file with Adalah).

about terrorists.”⁴⁵ In this way, the committee required the student to explain an interpretation that did not even appear in the post.

A similar approach arose with respect to expressions of Palestinian national identity. The College of Management Academic Studies initiated a disciplinary proceeding against a student over the use of a Palestinian flag symbol in his Instagram bio.⁴⁶ Kaye College convicted another student because she “liked” a post that read: “Al-Quds [Jerusalem] is in our eyes, it has never lost its dignity and never will.”⁴⁷ Zefat College opened a proceeding against a student over the words “Palestine, Sakhnin” in her bio on a social media platform.⁴⁸ In its decision, the disciplinary committee added interpretations and slogans that did not appear in the post, including a reference to the slogan “from the river to the sea,” even though this matter had not been raised during the hearing.⁴⁹ The conviction thus rested on meanings that the committee itself assigned to the post.

The expansion of the boundaries of suspicion did not end with political, religious, or identity-related posts. The Technion initiated a disciplinary proceeding against a student because she was arrested for a social media post, and was later released from detention as part of a prisoner-and-hostage exchange deal with Hamas. The Technion argued that her very release offended the feelings of other students and constituted “unfitting conduct,” even though she had no control over the release deal and had been detained only for a social media post.⁵⁰ In another case, a student studying at Meir Hospital was summoned to a disciplinary conversation over the posting of a photograph of a cake on the evening of 7 October, on the grounds that the post offended her classmates.⁵¹

45 Ibid., hearing record (on file with Adalah).

46 Disciplinary proceeding at the College of Management Academic Studies, summons to a disciplinary committee and complaint, November 2023 (on file with Adalah).

47 See footnote 36, the committee’s decision (on file with Adalah).

48 Disciplinary proceeding at Zefat College, disciplinary indictment, May 2025 (on file with Adalah).

49 Ibid., the judgment (on file with Adalah).

50 Disciplinary proceeding against a student at the Technion, following her release from detention as part of a prisoner-and-detainee exchange deal, based on the argument that the very release as part of the deal offended the feelings of other students and constituted “unfitting conduct.” The student left the institution before the disciplinary committee in her case convened (on file with Adalah).

51 Inquiry proceeding at Meir Medical Center, summary of a conversation in the framework of complaints filed, October 2023 (on file with Adalah).

These cases illustrate how, in some of the proceedings, almost any post by a Palestinian student, whether routine, everyday, or naive, could become a basis for suspicion and accusation. Instead of limiting prohibited posts to those containing a direct call to violence, the posts were assumed suspect until proven otherwise.

In many cases, the disciplinary committees' decisions contained no factual or legal analysis of the elements of the offenses, nor did they set out the evidence on which the decisions rested, or explain how the post constituted a disciplinary offense. At some institutions, among them the College of Management Academic Studies and the Western Galilee College, the decisions consisted only of an acquittal or conviction, without any accompanying explanation.⁵²

At some institutions, disciplinary decisions were not made public. In most proceedings, no full and orderly record was kept, and in some cases, the records were not transferred to the students or to their legal representatives. At one institution, the entire proceeding was kept confidential, and students were barred from disclosing what had transpired during the disciplinary hearing. The absence of reasoning, documentation, and transparency is not merely a procedural defect; when a decision fails to explain what facts were established, how a post was interpreted, and on what basis the conviction was determined, students cannot understand the grounds for their conviction. They cannot challenge the proceeding or file an effective appeal, especially in cases involving vague, catch-all offenses and expression offenses based on interpretation and contextualization. In such cases, the disciplinary committees became an institutional "black hole" that shielded the reasoning behind their decisions from scrutiny.

One of the clearest structural flaws of the disciplinary proceedings after 7 October was the institutions' widespread and hasty use of interim suspensions, before any factual inquiry had taken place. In many cases, the institutions suspended the students immediately after initiating a disciplinary proceeding. As noted above, the University of Haifa was the first institution to make extensive use of

52 Disciplinary proceedings at the College of Management Academic Studies and the Western Galilee College, decisions (on file with Adalah).

this measure, immediately after 7 October. The university argued that without the suspensions, “the campus would have been on fire,” that “a post went out telling students not to publish anything on social media,” and that this “stopped a deterioration on campus.”⁵³ In some cases, suspension was an almost immediate punitive response. The university’s letters to the students were worded in firm language and attributed to them support for terror, incitement, or encouraging violence, before any hearing was held, any evidence was presented, or their arguments were heard.⁵⁴ This phenomenon continued into 2024 and 2025. Adalah documented similar cases of disciplinary proceedings, raising the same fundamental questions about the presumption of innocence and the burden of proof.⁵⁵ Temporary suspension without a preliminary inquiry violates the right to due process. The entire proceeding begins from a presumption of guilt, while the disciplinary hearings become an attempt by students to extricate themselves from these presumptions.

The severity of the harm is greater in light of the outcomes of some of the proceedings. In several cases in which the institutions imposed immediate temporary suspensions using the rhetoric of “support for terror” and “incitement to terror,” the proceedings ultimately ended with no conviction at all, or in mediation, or in educational measures. These outcomes illustrate the wide gap between the severity of the initial steps taken and the actual outcomes, and raise questions about the arbitrary application of temporary suspensions.

53 Disciplinary proceeding at the University of Haifa, hearing record, November 2023 (on file with Adalah).

54 For example, ORT College Jerusalem and the Ono Academic College sent letters asserting that the students “supported the terror attack” and “encouraged the killing of innocents” based on their social media posts, and that they were suspended pending the clarification of the matter. In one case at Ono, the proceeding was ultimately closed without disciplinary measures, even though the posts attributed to the student included a prayer for the residents of Gaza and a call to refrain from posting celebratory content during the war.

55 See footnote 48, decision on Adalah’s request to cancel an interim suspension; the student was suspended immediately on the basis of a “free translation” and an interpretation of her posts, without her position being heard and without a concrete factual basis being presented. When she argued that her presumption of innocence had been denied, the committee replied that “the fact that she made the post was not denied” (on file with Adalah).

Chapter 3:

Expanding the Boundaries of Surveillance and Enforcement

The authority of Israeli academic institutions to set and apply disciplinary regulations derives from their status as bodies recognized by the Council for Higher Education.⁵⁶ The Students' Rights Law, 2007 establishes the normative framework for the exercise of this authority. Article 17 of the Law empowers institutions of higher education to set and publish rules of conduct and a disciplinary code:

An institution shall set and publish, subject to the provisions of this Law, rules of conduct relating to the conduct of applicants and students in connection with their studies at the institution, including during the course of studies and within the institution's grounds, and including in the student dormitories, among them a disciplinary code and the penalties anticipated for breach of the rules established in it [emphasis added].

In all of the disciplinary proceedings, Adalah argued that the institutions had no authority to address the social media posts, as they had been made from

56 The Council for Higher Education Law, 1958.

private social media accounts, with no connection whatsoever to the students' studies, to other students, to faculty members, or to the institutions themselves.⁵⁷ Adalah further argued that the provisions of the regulations refer expressly to the relationships between students, faculty members, and employees, and to the relationship between the student and the institution, and not to expressions in the public sphere. This interpretation is also necessary given the significant violation of the right to freedom of expression entailed in the institutions' expansion of their own authority. The disciplinary committees rejected these arguments.

Thus, the academic institutions established a novel legal framework, within which they have disciplinary authority over the students even outside boundaries of the academic relationship. This step turned Israeli academia into an actor that redraws and limits the boundaries of freedom of expression for Palestinian students.

Creating a connection through “exposure” to the post: According to the institutions, it was enough for a post to have come to the knowledge of the academic community in order to establish a connection. A private post, made outside the academic framework and with no attribution to the institution, became a disciplinary matter from the moment it was viewed, forwarded, or reported within the academic community. The institutions thus replaced the test of academic connection with a test of “exposure” to the content. The disciplinary committee of the College of Management Academic Studies decided, for example, that “there is no need for the expression to be connected to the studies. It is enough that students were exposed to the expression.”⁵⁸ Similarly, the disciplinary committee at the Technion noted that a student was identified as a Technion student on his Instagram page; that some of the account's followers were Technion students; and that the person who contacted the disciplinary enforcement authorities was a student at the institution.⁵⁹ Under this logic, a student can be held accountable

57 In this context, Adalah pointed to a similar position expressed by several senior law lecturers shortly after the beginning of the war. In their view, the connection to studies must be significant and clear, while a loose or vague connection does not suffice. See footnote 12.

58 Disciplinary proceedings at the College of Management Academic Studies, decision of the disciplinary committee, January 2024 (on file with Adalah).

59 Disciplinary proceeding at the Technion, judgment, January 2024 (on file with Adalah).

for an expression based not only on the content of the post or on its academic context, but also from the conduct of others: whoever saw the post, whoever disseminated it, and whoever filed a complaint.

Establishing a connection through “harm to feelings”: The institutions also replaced the academic connection test with a test of “harm to the feelings” of the public associated with the institution. A disciplinary committee at Tel Aviv University decided as follows regarding a student who posted as an Instagram story a slide from a presentation titled “8 Things about What’s Happening in Palestine”:

The text has the potential to cause grave harm to students who, together with their families, were the target of the attack on 7 October. We saw that the text was brought to the attention of many students. There were those who argued that the text harmed them greatly. The university is entrusted not only with the instruction of its students but also with maintaining a protective academic environment and with the welfare of its students.⁶⁰

In other proceedings, the disciplinary committees emphasized a “sense of security” as the basis for the connection. The disciplinary committee of the Jerusalem Multidisciplinary College, for example, held that, “It is impossible to require a student, or faculty members, to be on or off campus in the company of a person who has expressed support for an indiscriminate, murderous act of terror against a group that includes faculty members and students.”⁶¹ Shenkar College adopted a similar approach, finding in one case that there was “certainty that the public interest was harmed in a real and substantial manner as a result of the posts [...] both in light of the complaints received regarding the posts, which included the expression of real apprehension about returning to the classroom

60 Disciplinary proceeding at Tel Aviv University, judgment, March 2024 (on file with Adalah).

61 Disciplinary proceeding at the Jerusalem Multidisciplinary College, decision, December 2023 (on file with Adalah).

together with you, and even the expression of objection and revulsion on the part of students at returning to shared studies.”⁶² At the College of Management Academic Studies, the “harm” referred to by the disciplinary committee was harm to a general national identity. A decision by the disciplinary committee emphasized that the student is an Israeli citizen studying at an Israeli academic institution, and that her fellow students and the faculty members are also Israelis. The committee further held that the events of 7 October were directed against “the State of Israel and its residents,” and that many members of the academic community were directly or indirectly affected by them. In this way, mere national affiliation, and not an academic connection to the campus or to academic activity, creates a disciplinary issue.⁶³ The connection to the institution was not examined via the relationship between the post and the students’ studies, nor via a direct connection to the college campus, but via the feelings of those who claim to have been harmed, in a manner that deviates from any established standard of safeguarding freedom of expression.

An expansive interpretation of Article 17 of the Students’ Rights Law: Prior to 7 October, academic institutions tended to apply disciplinary law only where there was a direct and clear academic connection between the conduct at issue and the studies or the academic community. Thus, for example, Tel Aviv University initiated disciplinary action against a Jewish Israeli student who had sent a private message to a classmate that read, “Ashkenazi behavior, I heard it’s like that at TAU, no talent, only elbows and connections. People like you shouldn’t be alive at all.” He was charged with violating a fellow student’s dignity. The disciplinary committee conducted the proceeding under Article 29.8 of the university’s disciplinary regulations, and relied on a direct academic connection: the exchange took place between students in the same class, and in response to an academic interaction. The university imposed a relatively mild penalty: a reprimand, community service, and a suspension. The institution did not argue “harm to the feelings of the public” or damage “to the name of the university.”⁶⁴

62 Disciplinary proceedings at Shenkar College, legal submission on behalf of the prosecution, November 2023 (on file with Adalah).

63 See footnote 43, decision of the appeals committee at the College of Management Academic Studies (on file with Adalah).

64 D-2023-35, judgment of Dr. Yofi Tirosh, the disciplinary officer at Tel Aviv University, 26 November 2023.

Beyond that, even when serious public incidents occurred off the campus of Tel Aviv University, including a violent demonstration staged outside the university dormitories in May 2022, during which chants of “death to Arabs” were directed at Palestinian students, the university emphasized that this event had taken place outside the walls of the campus and took no disciplinary action. The university’s response in that case was that, “The demonstration in question took place in an urban area outside the university’s grounds and was handled on site by a reinforced police team,” and that “no unusual incident was recorded within the university’s grounds.”⁶⁵

After 7 October, with respect to Palestinian students, the manner of the application of the law changed and the academic connection requirement was broadened. Most institutions that gave reasoned decisions, often by adjudicators with legal expertise, did not see the law as a limitation on their authority, but as a far broader starting point, relying on an interpretation of the term “including.” Instead of seeing “including” as a supplementary clarification of a defined framework, the institutions interpreted it as an invitation to expand the boundaries of their authority. Thus, for example, the Technion held that Article 17 of the Students’ Rights Law does not limit its authority solely to conduct connected to students’ academic studies, but also permits the application of disciplinary regulations to conduct and posts beyond the academic setting.⁶⁶ However, this approach was applied selectively. In 2025, Palestinian students filed a disciplinary complaint against the head of the Technion’s student union, following his public social media post showing that during his reserve service in Gaza, he drew the symbol of the Technion student union on the wall of a building destroyed by the Israeli military. The complaint argued that this post gravely offended the feelings of the Palestinian students, and that the very use of the student union’s symbols created a direct and clear connection to the academic institution. Nonetheless, the disciplinary prosecution at the Technion rejected the complaint, holding that, “It is not within our authority to enter the jurisdiction of the army,” and that their authority was limited to

65 Einav Halabi and Tamar Trabelsi Hadad, “Singing ‘death to Arabs’ outside the dormitories: racist calls near TAU | documentation,” Ynet, 18 May 2022 [Hebrew].

66 Disciplinary proceeding at the Technion, judgment, January 2024 (on file with Adalah).

disciplinary offenses or offenses under the Military Justice Law and the Penal Law.⁶⁷ This position shows that, even where there was a clear connection to the Technion, through the use of the student union's symbols and the public identity of the head of the student union, the institution chose to emphasize the limits of its authority and to refrain from taking disciplinary measures.

At the Hebrew University, too, two separate tracks of enforcement emerged: after 7 October, the university adopted an expansive interpretation of Article 17 against private posts made by Palestinian students without any relation to their academic studies, but did not apply this interpretation in other cases.⁶⁸ On 7 May 2026, the university sent a notice to all students following the conviction of a student for serious sex offenses committed against his former partner off campus and without relation to his studies.⁶⁹ In the notice, the university clarified unequivocally that since the offenses "were not committed at the university or in the framework of university activity, the university's regulations do not allow for barring the student from attending campus." The university did not consider the feelings of the female students on campus, as it had in cases of social media posts made by Palestinian students.

The significance of context; time alters the law: Academic institutions also relied on the exceptional context in which the proceedings were opened – the 7 October attack and the state of war – as a basis for exercising authority. Authority was presented in these cases as a necessity stemming from the time, the situation, and the exceptional state of affairs. In the case of the student who posted the "8 Things" slide, the disciplinary committee at Tel Aviv University presented the expansion of the boundaries of surveillance as a direct outcome of the events. The committee expressly distinguished between past and present: "In the past,

67 Disciplinary complaint against the chair of the Technion student union following a public post from Gaza in which the symbol of the student union appeared; response of the Technion disciplinary prosecution according to which "it is not within our authority to enter the boundaries of the army," 2025 (on file with Adalah).

68 Disciplinary proceeding at the Hebrew University of Jerusalem, decision of the special disciplinary committee for the period of the "Swords of Iron War," November 2023 (on file with Adalah).

69 Email notice on behalf of the president of the Hebrew University and the rector to all students, concerning the conviction of a student of serious sex offenses, 7 May 2026 (on file with Adalah).

the institution adhered to the position that what happens on social media is not connected to [the university], adhering to the formal reasoning that this is not a platform the institution established and supervises.” Further, in the words of the committee, “the intense feelings of the students as a result of the terror attack require a response,” and “the new situation requires a new interpretation and a different application [...] the attack of 7 October constituted an abrupt change.”⁷⁰

In response to the defense’s argument concerning the principle of legality, the committee held: “To argue that the law in general, and the disciplinary regulations of Tel Aviv University in particular, cannot respond to the new situation, and that if they do respond this will harm the principle of legality [...] is a very thin, conservative, and mistaken conception of the role of law in society.”⁷¹ The role of the principle of legality is to set a limit on the exercise of power by the authorities; yet, in this decision, the committee turned this principle on its head: instead of this principle dictating restraint, it was used to justify the broadened interpretation. The “new situation” was not examined in light of this principle, but rather served as a ground for departing from it. Similarly, a disciplinary committee at the College of Management Academic Studies held that “the character, severity, and dimensions of the event are such as to affect the definition of the expression ‘their status as a student.’”⁷²

The disciplinary committee at Tel Aviv University also used its authority in a highly selective manner. For instance, the committee held that “an expression by students on social media as to how Israel ought to act with respect to Gaza and its residents during the war and afterward is not, on its face, connected to the student community at Tel Aviv University, and the question whether it amounts to incitement to terror or to racism is a matter for the general criminal law.”⁷³ In this sense, according to the committee, posts that could rise to the level of incitement to genocide in Gaza, even though they constitute a criminal offense and a violation of international law, are not regarded as connected to the student community

70 See footnote 60, the Tel Aviv University judgment (on file with Adalah).

71 Ibid. (on file with Adalah).

72 See footnote 43 (on file with Adalah).

73 See footnote 60, the Tel Aviv University judgment (on file with Adalah).

at the university. Through this proceeding, the institution redefined “the student community” and those who form part of it, with its values, its boundaries, and its prohibitions, as limited to the definition of an “Israeli,” even where a large number of the students studying at the institution are Palestinian citizens of Israel.

From Militant Democracy to the Militant Academy

Several academic institutions argued that the authority to conduct disciplinary proceedings derived from an inherent power vested in the institution to **“protect its very existence”** against those who seek **“to undermine it.”**⁷⁴ The argument rested on the Israeli Supreme Court’s 1965 Yardor ruling, which barred the Arab al-Ard movement from running in the Knesset elections even though no law prevented it from running. According to this decision, a state institution may suspend the rule of law in order to safeguard the institution’s existence and the state’s existence against those who seek “to challenge its existence.” The Hebrew University of Jerusalem was the first institution to make this argument, after which it was adopted by other institutions. The Hebrew University’s decision opens with a determination intended to import the sovereign power established in Yardor into the academic institution: “The foundational principles of Israeli law recognize, in extreme and exceptional cases, the inherent authority of state institutions (and by implication every institution in the state) to protect their very existence and proper functioning against those who seek to undermine them.”⁷⁵

The decision continued by quoting the Yardor ruling: “no other authority of the state, either, should serve as an instrument in the hands of one who has set the elimination of the state as their goal,” and by drawing the conclusion that “in those extreme cases in which students’ expressions stand contrary to the foundational principles of the state and constitute an offense under the Counter-Terrorism Law, the university is not required to stand aside; rather, it is within its authority, and even duty, to use disciplinary mechanisms in order to prevent such expressions and to ensure the proper continuation of the life of the university and of studies within it.”⁷⁶

74 See footnote 68, the Hebrew University of Jerusalem (on file with Adalah).

75 Ibid. (on file with Adalah); for the source of the doctrine, see EA 1/65 Yardor v. Chairman of the Central Elections Committee for the Sixth Knesset, PD 19(3) 365 (1965).

76 Ibid. (on file with Adalah).

This move cast Palestinian students as “enemies.” A discourse of “militant democracy,” intended to justify the suspension of the rule of law in order to confront **“existential threats to the state,”** thus became a basis for exercising academic disciplinary authority against Palestinian students, who were characterized as those who challenge the existence of the institution itself, and as enemies to be confronted by means of an inherent “sovereign” authority that exists even beyond the law.

The interpretive moves and the reasoning described above did not appear in a vacuum. Reliance on the position of the Education Minister, who requested that academic institutions adopt a “zero tolerance” policy, served as a substitute for an independent and legal examination of the limits of their authority. For example, the disciplinary committee of the WIZO Academy noted that at all academic institutions in the State of Israel, discussions of expressions of a similar character had been held from 7 October onward, subject to and in accordance with the guidelines of the Ministry of Education, the Council for Higher Education, and the Minister of Education.⁷⁷ Similarly, the disciplinary committee of Yezreel Valley Academic College stated that “the college is subject to the Council for Higher Education, which issued clear guidelines in light of the very difficult hour in the country,” and that “the college bears the duty to address and handle these cases.”⁷⁸ The disciplinary committee of Ramat Gan Academic College applied similar reasoning: “it was clarified that, according to the directive of the chair of the Council for Higher Education, Education Minister Kisch, institutions of higher education are required to place students on disciplinary trial.”⁷⁹ In these cases, the very existence of external guidelines, or the fact that other institutions had acted in a similar manner, served as the source of authority itself.

77 Disciplinary proceeding at WIZO College, decision of the disciplinary committee, November 2023 (on file with Adalah).

78 Disciplinary proceeding at the Yezreel Valley Academic College, judgment, January 2024 (on file with Adalah).

79 Disciplinary proceeding at Ramat Gan Academic College, decision of the disciplinary committee, October 2023 (on file with Adalah).

Chapter 4:

Narrowing the Scope of Freedom of Expression

Israeli institutions of higher education redrew the boundaries of political discourse and defined new prohibitions and restrictions on the freedom of expression rights of Palestinian students specifically.

As detailed below, the tightening of control and the narrowing of the scope of freedom of expression took place on two interconnected levels. Firstly, and directly, the institutions classified a wide range of these social media expressions as “incitement to terror” and as “identification with an act of terror,” and as such, they were prohibited and required sanctions. Secondly, the institutions relied on vague disciplinary provisions, including “conduct that may breach public peace,” “conduct unbecoming of the status of a student,” and “harm to the dignity of the institution,” for the purpose of imposing a disciplinary conviction, while establishing new elements of these offenses that do not align with the criminal law. To this end, the institutions applied various legal tests, drawn from diverse legal frameworks, including the “reasonable person” test, the “reasonable listener” test, the “reasonable reader” test, and the test of offending the feelings of the public.⁸⁰

80 The disciplinary charges and their wording differed from institution to institution, in accordance with the internal regulations of each institution.

The use of terminology borrowed from the Counter-Terrorism Law allowed the institutions to file disciplinary charges and secure disciplinary convictions that were detached from the provisions governing expression-related offenses. By combining the language of “counter-terrorism” in the factual description of the alleged conduct with disciplinary offenses in the legal classification of the charge, the institutions effectively created a new disciplinary regime grounded in securitization and the exclusion of Palestinian students from the academic space.

First, by framing the charges and convictions through the rhetoric of terror, and particularly by using the language of supporting the enemy in wartime, the institutions framed the Palestinian students and their social media posts as threatening the security of other students and the institutions, and as offending students’ feelings and the institutions’ dignity. In doing so, the committees positioned the Palestinian students as “others” to be removed as far as possible from the academic community.

Second, the use of the rhetoric of “terror” reshaped the meaning of the disciplinary provisions by interpreting them as prohibiting certain expressions, particularly speech deemed threatening the security and feelings of other students. In this way, the academic institutions effectively assumed the role of enforcing expression-related offenses even in cases where law enforcement authorities had not opened criminal proceedings against the students. They did so not according to the definitions and standards established in the criminal law, but based on the institutions’ own interpretations and classifications.

In this chapter, we present examples of disciplinary proceedings that resulted in the prohibition of social media posts and punishment of students for their posts. These cases illustrate broader structural processes through which academic institutions examined the lawfulness of the students’ social media posts by relying on novel factual and legal tests. These tests narrow the boundaries of freedom of expression and expand the interpretation of disciplinary provisions written in the institutions’ internal regulations. As a result, they create a framework that enables

the institutions to subject students to disciplinary actions for a wide range of posts and other statements.

SOLIDARITY WITH THE POPULATION OF GAZA

With the onset of the war on Gaza, many students posted news reports, data, and testimony about the killing of civilians and whole families, among them children and women. They also posted documentation of the vast and wide-ranging destruction that struck every aspect of life in the Strip, accompanied by residents' calls for help and their grief over the loss of their loved ones.

In many cases, these social media posts led to the institutions initiating disciplinary proceedings against the students for "supporting the enemy," "anti-Israeli" content, "Gazan propaganda," and making a comparison between Israel, which "fights terror," and "dark regimes." During the proceedings, the disciplinary prosecutors questioned the students about their personal views: why they had posted content supporting the residents of Gaza and not Israelis, and why they posted content intended to harm Israel. In some cases, the committees decided to acquit the students, while in others, they decided to convict them of disciplinary offenses, and even to expel them. Below we present examples in which the disciplinary committees decided to convict the students over such posts.

The College of Law and Business, Ramat Gan initiated disciplinary action against a student over four social media posts that she shared as Instagram "stories" from other people's accounts.



Figure 1: First post. Screenshot of a video posted on 10 October 2023. In Arabic and English: “The occupation takes advantage of the night to burn entire residential blocks without mercy by bombing it with warplanes without allowing anyone to enter or leave the area.”



Figure 2: Second post. Screenshot of a video posted on 10 October 2023. In Arabic and English: “At night, we die without anyone hearing or seeing us. We get injured and bleed to death without anyone helping us.”



Figure 3: Third post. Screenshot of a post from 8 October 2023, containing a prayer in Arabic for the residents of Gaza: “O God, protect Gaza and its residents from every harm and evil / We place Gaza and its residents in Your hands / its land, its sky, its men, its women, and its children, O Lord of the worlds / O God, watch over them with Your eyes that never sleep / and make the circle of evil fall upon Your enemy and theirs / O God, cover their vulnerabilities and calm their fears.”

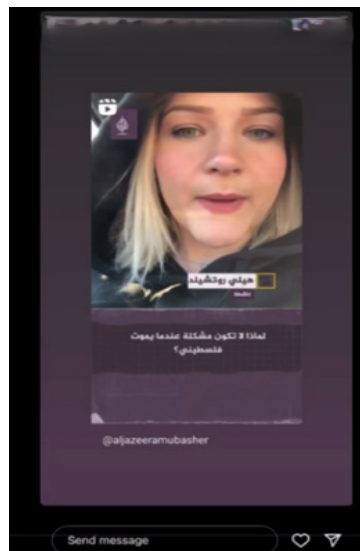


Figure 4: Fourth post. Screenshot of a video from 15 October 2023, sharing a video by an activist named Haley Rothschild on the gap in media coverage between Palestinians and Israelis: “Why is it a problem only when Israelis die? Why is it not a problem when Palestinians die too? Tell me why? In the media they only talk about the death of Israelis.”

The disciplinary charges alleged that the student posted “a call to violence and/ or support for a terror organization and/or incitement to terror and to violence

and/or posts whose publication constitute a criminal offense and/or conduct unbecoming of a student at an institution of higher education,” according to disciplinary offense in Article 13.16 of the Center’s internal regulations, “conduct unbecoming an institution of higher education,” and Article 13.17, “conduct that constitutes a criminal offense when committed in connection with the academic center.”⁸¹

During the hearings, the disciplinary prosecutor stated that the first post “attributes to the State of Israel harm caused to innocent people.” The second post constitutes, in his view, “false propaganda, attributing to Israel harm caused to innocent people, an absolute lie.” As for the third post, the disciplinary prosecutor noted that the student wishes “that the circle of evil fall upon the enemies of Gaza, at a time when a war is taking place in Gaza with Hamas, thereby expressing support for the enemy. In the post, there is not a single word about innocent people in Gaza.” The fourth post is “again enemy propaganda.” The prosecutor sought to convict the student and to suspend her for at least four years.

By contrast, the defense emphasized that there was nothing improper in the posts, and that they did not constitute a disciplinary offense or a criminal offense under Israeli law. Rather, the posts shared reports from the war in Gaza and calls by civilians under desperate conditions of war. The defense stressed that there was nothing illegal in criticizing the conduct of the media, and likewise a prayer is a customary way of conveying support and solidarity with the population of Gaza.

The disciplinary committee delivered its decision on 28 January 2024, convicting the student of breaching the center’s disciplinary regulations, suspending her for two years and three months, and imposing a suspended punishment of permanent expulsion for the remainder of her studies in case of a further disciplinary offense. In addition, the committee recorded the conviction on the student’s academic record. In its decision, which adopted the disciplinary prosecutor’s interpretation, the committee detailed that the disciplinary rules “are intended to maintain a

81 See footnote 79 (on file with Adalah).

framework of proper rules of conduct at the academic institution,” and that:

The norm of “unfitting conduct” refers to the values, principles, and interests that shape the academic institution from time to time in accordance with the foundational principles accepted in the society in which it operates, among other things with respect to public peace and the fabric of shared life at the academic institution [...] the examination of whether this or that conduct by a student at an academic institution is unfitting will be carried out according to the foundational value-based principles of the enlightened public in Israel concerning the proper conduct of a student at an academic institution, from the perspective of a reasonable person entrusted with the foundational principles of the regime in Israel.⁸²

Relying on this interpretation, the committee placed the “reasonable person” test at the center of its analysis, replacing the legal elements of expression-related offenses. The “reasonable person” was defined as someone who is “entrusted with the foundational principles of the regime in Israel.” On this basis, the committee concluded that the third post, which became the focus of the conviction, constituted “a call to violence against the State of Israel [...] especially in light of the fact that many students at institutions of higher education were murdered or wounded in the cruel massacre of “Black Saturday”; many others lost people close to them, and some have friends or relatives among the hostages.”⁸³

With respect to the other posts, the committee members held that they echo “Gazan propaganda against the State of Israel.” As for the first post, the committee noted that:

⁸² Ibid., judgment (on file with Adalah).

⁸³ Ibid. (on file with Adalah).

The publication of these false statements against the state in which the student studies at an institution of higher education [...] support the conclusion that the student committed a conduct offense unbecoming of a student at an institution of higher education. This is especially so in light of the fact that many students and faculty members were called up for reserve duty and are risking their lives in the war against the terror organizations in the Gaza Strip.⁸⁴

In this way, the disciplinary authorities redefined the law of freedom of expression in wartime in a manner that, in practice, applies exclusively to Palestinian students. For, in their view:

The principle of freedom of expression does not grant legitimacy to an Israeli citizen studying at an institution of higher education in the State of Israel to publish and echo false Gazan propaganda against the State of Israel at a time when a war is taking place between the State of Israel and the entity in Gaza, and only three days after the cruel massacre that those terror organizations that came from the Gazan entity carried out against the citizens of Israel on "Black Saturday." These posts offend the feelings of other students and academic faculty at the academic institution, undermine proper discourse between students and academic faculty at the academic institution, undermine order and security at the academic institution, endanger public peace and the fabric of shared life at the academic institution, undermine the stability of the academic institution and its proper management, and undermine the students' trust in the academic institution, its image, and its good name. And in particular, these posts

84 Ibid. (on file with Adalah).

of hers [...] undermine proper discourse between students at an academic center, undermine the students' trust in the academic center, in the image of the academic center, and in its good name, undermine respect for the feelings of other students at the academic center, and undermine the fabric of shared life at the academic center. Likewise, the student's posts undermine the stability of the academic center and its proper management, undermine order and security at the academic center, undermine public peace at the academic center, and undermine the reasonable expectations of the general public from the academic center.⁸⁵

Thus, the committee classified the posts of the Palestinian student as supporting the enemy in wartime. The committee perceived someone who opposes the war as someone who opposes the state, and therefore as someone who commits a disciplinary offense. The very existence of students who were wounded or murdered on 7 October, a fact unconnected to the posts themselves, became in itself proof of the existence of the offense. The disciplinary proceeding became an examination of the student's loyalty in wartime. The committee conducted the hearing and decided her case in complete disregard of the boundaries of the law on freedom of expression and of judicial caselaw in expression-related offenses.

Following an appeal by Adalah on behalf of the student, the parties signed an agreement that reduced the penalty to a suspension for one semester. However, the disciplinary conviction stood, as well as a compulsory letter of apology to be addressed to the College of Law and Business. The college required that the student express regret for the post, condemn the deadly attacks on Israeli citizens on 7 October 2023, and call for the calming of tensions, as well as refrain from posting any statements that may offend others' feelings.

85 Ibid. (on file with Adalah).

In another case, **the Ruppin Academic Center opened disciplinary proceedings against** a student for two Instagram “story” posts, on two different dates in October.



Figure 5: First post. A quotation of a verse from the Qur'an: "And We will surely test you with something of fear and hunger and a loss of wealth and lives and fruits, but give good tidings to the patient" (Qur'an 2:155, Sahih International translation).



Figure 6: Post no. 2.

On October 30, 2023, the student received a letter of suspension from the center for “suspected identification with a terror organization.”⁸⁶ Before the disciplinary committee convened, the center argued that his posts:

give rise to suspected identification with a terror organization, in especially grave circumstances in which the State of Israel is at war following a murderous terror attack on its citizens [...] the posts may constitute both a criminal offense under the Counter-Terrorism Law, 2016, and a disciplinary offense under the college’s regulations [...] among other things, but without limitation, these posts may be considered an offense under Chapter 7 of the college’s regulations, and may constitute improper conduct; non-student-like conduct; verbal violence in a manner that may threaten the safety of other students and college employees; and conduct that does not respect the lecturers, the college employees, and the other students.⁸⁷

The student explained the intention behind his posts, namely, his empathy for the suffering of children during the war. In response, he was asked why he saw the need to post the photograph of Gaza, and why it was important to him to post an illustration of a dead Palestinian infant, without expressing sympathy for the suffering of Israeli children. On 17 December 2023, the disciplinary committee issued a decision rejecting the student’s arguments while finding the temporary suspension to be a sufficient and appropriate penalty:

The members of the committee listened attentively to your arguments raised at the hearing, and after considering your explanations and arguments, decided to end your suspension and allow your return to studies

86 Disciplinary proceeding at Ruppin Academic Center, letter of suspension from studies, October 2023 (on file with Adalah).

87 Ibid., summons to a hearing before the disciplinary committee, December 2023 (on file with Adalah).

[...] the members of the committee support the existence of the freedom to express oneself on any subject, but view gravely any expression that may be interpreted as offensive. We expect all the college's students to act with sensitivity and restraint in order to enable a pleasant and protective learning environment, particularly in these difficult days. As part of the desire to instill this policy, and in light of your posts, you are requested to arrange a meeting with the personal coordinator, Ms. [redacted], after your return.⁸⁸

The college rejected the student's arguments and held that his "identification with" children in Gaza constituted, at the very least, "an expression that may be interpreted as offensive." Thus, the expression of empathy with the suffering of Palestinians in Gaza by a Palestinian student constitutes a breach of disciplinary regulations and is prohibited, even though it does not constitute a criminal offense. These definitions expand the boundaries of permitted and prohibited speech under the criminal law, and the "educational" penalty imposed on the student amounts to a form of compulsory political loyalty in the Israeli academic space.

POSTS CRITICAL OF ISRAEL, THE ISRAELI MILITARY, AND WAR CRIMES IN GAZA

Content describing the war as involving war crimes, characterizing it as genocidal, or comparing it to past and present campaigns of ethnic cleansing also led to disciplinary convictions and sanctions at several academic institutions. These institutions regarded such expressions as harmful to students' sense of trust and security and, in some cases, as offending Israeli society more broadly. An example is **the WIZO Haifa Academy of Design and Education Academic Center**, where a student posted the following Instagram "stories" several days after the outbreak of the war:

88 Ibid., decision, December 2023 (on file with Adalah).



Figure 7: Post no. 1



Figure 8: Post no. 2: "Trakh trakh trakh [the sound of gunfire], they were all murdered" (translated from Arabic). A screenshot from a video showing a clip from the documentary film about the Tantura massacre by Alon Schwarz (2020).

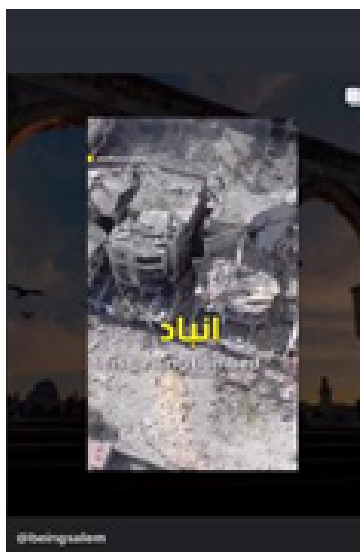


Figure 9: Post no. 3: "Exterminated" (translation of the word in yellow, from Arabic). "We are being bombed".

On 16 October 2023, the student received a letter from WIZO informing her of her suspension "in light of your expression on social media and your implied support, as support for terror, against the State of Israel."⁸⁹ After a brief hearing in her case on 31 October 2023, in which she explained her political position and her intentions in publishing the posts, the committee decided on 6 November 2023 to convict her and to record a reprimand in her academic record. The committee reasoned in its decision:

The harsh posts that you disseminated / identified with on social media at the present time, and that compared the State of Israel, which is fighting a terror organization, to dark regimes in which the ethnic cleansing of innocent people was carried out, fundamentally undermine our sense of trust and security as a society, in which each person bears responsibility both in their private space and

89 Disciplinary proceeding at WIZO College, letter of suspension from studies, October 2023 (on file with Adalah). The letter is similar in content to all letters sent to students at the college who were subject to disciplinary measures over social media posts.

as a student at an academic institution in the State of Israel.

The committee views gravely any expression of this kind, especially at this time, and decided that this constitutes a breach of the disciplinary code and a disciplinary offense ('conduct unbecoming of the status of a student, whether within the academic center or outside it') for which a severe reprimand and a warning will be added to your academic record [emphasis in original].⁹⁰

CONTENT ON PALESTINIAN IDENTITY, THE PALESTINIAN QUESTION, AND THE BROADER CONTEXT OF THE EVENTS

Posts that framed the events of 7 October within the broader context of the Occupation also led to disciplinary convictions and sanctions. The WIZO Academy, for example, initiated disciplinary proceedings against a student for an Instagram post sharing a post by the Palestinian American comedian Amer Zahr: “75 years of ethnic cleansing / 15 years of siege / dispossession of Palestinian lands / pogroms against Palestinian towns / desecration of Palestinian holy sites / daily invasion of Palestinian homes / prolonged humiliation of an entire people / nothing from today is ‘unprovoked’.” During the hearing, the student explained the post’s meaning and the intention behind it: that, without justifying the 7 October deadly assaults, the attack did not occur in a vacuum. The committee convicted the student and suspended her for one academic year. It held, in a short and unreasoned decision, that the post “amounts to a justification [...] and attests to your identification with, and support for, the events of the horrific massacre,” and that the committee views “the post very gravely, and in particular the timing of its publication.”⁹¹ On 22 November 2023, Adalah filed an appeal on behalf of the student that detailed the lawful and legitimate nature of her views, and the flaws in the conviction without a substantive

⁹⁰ Ibid., decision, November 2023 (on file with Adalah).

⁹¹ Ibid. (on file with Adalah).

discussion of the post's content. In its decision of 25 December 2023, the appeals committee rejected the appeal against the conviction but shortened the penalty, allowing her to return to studies after half a year, at the start of the new academic year, subject to conditions. The appeals committee reasoned that, "The theoretical-philosophical discussion of the difference between justification and explanation is not material to our case, since the essence of the harm lies in the way the readers interpreted the post and not in the intention behind it, and this especially in light of the timing of the post in view of the atrocities that took place on the same day."⁹²

Thus, the appeals committee introduced new elements into the disciplinary offense framework governing the examination of expressions and their lawfulness at the WIZO Academy. These elements disconnect the post and its publisher, while placing the way in which readers interpreted the post at the center of the legal-disciplinary examination. The date of the post was also treated as a central factor in establishing the student's guilt. All of these considerations became incriminating findings despite the absence of supporting evidence, even though neither a prohibition relating to the timing of the post nor a prohibition based on the way others might interpret it had been defined in any applicable rule or standard.

At the **Jerusalem Multidisciplinary College**, a notable case involved a Palestinian student who posted a series of photographs from the West Bank, including images of the separation wall and graffiti artwork, accompanied by the hashtag "May we all rest in Palestine," together with the Palestinian flag emoji, on Facebook on 13 October 2023. Unlike the proceedings at WIZO, the disciplinary committee's deliberations in this case included theoretical discussions, which were used to justify the student's disciplinary conviction. The committee relied on theories from the philosophy of language concerning the broader context of the statements, as well as concepts relating to how works of art express the views and identity of their creators, to support the decision.

92 Ibid., decision of the superior appeals committee, December 2023 (on file with Adalah).

The institution decided to suspend the student even before scheduling a hearing, after receiving a complaint from the college president. The president alleged that the posts supported terror in wartime, and that “harm to the feelings of those studying alongside him and of the faculty teaching him and providing him with services is unacceptable, and we will not show tolerance toward such conduct on the part of students at the college.”⁹³

The disciplinary committee convicted the student on 12 December 2023 under Articles 8.13 and 9.16 of the college’s internal disciplinary code, according to which “the publication of messages or posts of any kind and in any media that may offend the feelings of the public or harm the college’s reputation or the good name of its students, teachers, and employees,” and “conduct unbecoming of a student of the college.” In its decision, the disciplinary committee did not explain how the posts amounted to a breach of the disciplinary rules. Although the student did not seek to express support for any act or an organization designated as a terror organization, the disciplinary committee relied on what it described as “conflicts in his identity,” as well as his broader desire to emphasize his belonging to the Palestinian people, as considerations that found expression in the photographs he posted, and as factors establishing his support for terror. On this basis, the committee held that his conduct should be regarded as intending to harm the feelings of others, reasoning that the student should have taken into account the full range of possible interpretations that viewers might attribute to his posts. The committee stated:

The question of examining contexts is, in the case before us, a double-edged sword. Just as we accept the accused’s argument that a photograph included in a series of photographs cannot be taken out of context, so, too, must the post be viewed in its contexts, including the date of the post and the hashtag with the range of its

93 Disciplinary proceeding at the Jerusalem Multidisciplinary College, decision on suspension from studies in the framework of a disciplinary proceeding, October 2023 (on file with Adalah).

meanings, which are known even to the accused [...] since the question of the contexts of the concrete statement is relevant to the decision, we will make do with an insight relevant to our case from the thought of Mikhail Bakhtin [...] “no utterance can be either the first or the last. It is only a link in a chain.” Everything that is said and written is only “up to this point,” and its end is always open. Following Bakhtin’s words, and following thinkers such as Michel Foucault and Jacques Derrida, it can be argued that a person making a post must take into account the system of contexts that gives their statement its overall context and the meaning perceived by the addressee. [...] In making the post, he takes upon himself responsibility for the entire probable range of possibilities for the ways of understanding the discourse he arouses [...] in the case before us, a very thin line is crossed between that “cute” and nonviolent way, in the accused’s words, of expressing his position, and the conveying of clear messages in support of terror.⁹⁴

As for the penalty, the committee held that “the system of contexts and circumstances described above dims the degree of clarity of the content of the post,” and therefore “he should be judged leniently, and a penalty at the lowest level of punishment available in the circumstances should be imposed on him.” The committee decided to issue a warning, to proceed with a temporary suspension, and to impose a suspended penalty until the end of his studies, according to which a further offense would lead to permanent expulsion from the college.

In effect, the student’s Palestinian identity, as well as the temporal proximity of the post to the events of 7 October, led to his conviction. In other words, the student’s artistic posts, which sought to express his identity, engage with the Palestinian question, and visualize the realities of the occupation and the separation wall in

94 Ibid., judgment, December 2023 (on file with Adalah).

the West Bank, were effectively reduced to the interpretations attributed to them by other students and the college administration. The college thereby adopted the view that the lawfulness of the posts was determined solely by the manner in which they were understood by a specific audience. By contrast, no weight was given to the interpretations of Palestinian students, in whose language the texts were written and who constituted another relevant audience for the posts in question.

In another case, **Zefat Academic College** opened disciplinary proceedings against a Palestinian student over posts and descriptions of an identity-based and cultural character, including writing “Palestine” in her TikTok bio and attaching a famous song by Fairuz titled “Jerusalem Is Ours.”



Figure 10: The student's bio on her TikTok profile, in which the word “Palestine” appears together with the Palestine emoji and the word “Sakhnin”, an Arab town in Israel.



Figure 11: The first post. A screenshot of the student's story, to which the song “al-Quds Lana” (Jerusalem Is Ours) by the Lebanese singer Fairuz was attached.



Figure 12: The second post. A story that the student shared: “A holiday marked by resilience/ Eid comes as Palestine continues to bleed. Our people are dispersed, and the occupation has left little space for celebration. Yet, despite it all, our hearts still carry hope—hope for return and for a victory that draws near. May we remain steadfast and resilient, standing our ground year after year.”



Figure 13: The third post. A Hebrew translation of the post as presented by the committee.

The disciplinary prosecutor charged the student with “incitement and the expression of support for the enemy in a war against terror organizations, until the imminent victory, directed against the state.” This accusation was conveyed to the student, together with notification of her immediate suspension, based on a decision by the college’s president.⁹⁵

With respect to the first post, the student emphasized that it represents how she defines herself. The second post contained a well-known song by the Lebanese singer Fairuz. “Jerusalem is ours” is a statement that numerous religious groups make, and that the student posted it because the al-Aqsa Mosque, a holy place for her, is located there. As for the third post, the student noted that it is a prayer expressing the hardships of the period, when there are people who are weakened, poor, and hungry, and that the victory referred to is a spiritual victory for the Palestinians. The defense also submitted an expert opinion, which emphasized that the terms used in the three posts are customary within Arab society in Israel, reflect their national, cultural, and social identity, and form part of the broader cultural and political discourse.

The committee convicted the student of an offense under the disciplinary rules and decided to suspend her for five years, revoke her eligibility to sit for examinations at the end of the second semester, and revoke her academic credits. The decision distorted the facts of the case, for example, as it claimed that she posted a photograph of Sakhnin next to the Palestinian flag, which she did not, and that she wished for peace to come to Palestine “from the river to the sea,” which she did not, in addition to an erroneous translation of one of the posts. Moreover, the committee applied the “reasonable reader” test, represented in practice by the “community in Zefat,” which it described as “a unique, fragile, and sensitive community.” Consequently, the committee held that the student’s posts constitute “text that disturbs the peace” and that she paints herself “in a political color that cries out from afar.”⁹⁶ Following an appeal, the suspension order was reduced from five to three years.

95 Disciplinary proceeding at Zefat College, notice of the opening of a disciplinary proceeding and immediate suspension from studies, April 2025 (on file with Adalah). For the disciplinary indictment, see footnote 47.

96 Ibid., judgment, July 2025 (on file with Adalah).

NEWS, FALSE REPORTS, INFORMATION, AND NARRATIVES

The disciplinary proceedings were marked by the role academic institutions assumed for themselves as arbiters of “the truth,” whether in defining the nature of the war, the events that led to its outbreak, or the mass killings that took place during it. In doing so, they restricted the ability of Palestinian students to bear witness to the events of the war and to its broader context, and to recount or describe their own experiences or those of others within their community.

At **Ben-Gurion University of the Negev**, for example, a student was subjected to disciplinary proceedings for sharing part of a video on her Instagram account through the “story” feature.⁹⁷



Figure 14: A screenshot of the student's post attached to the disciplinary indictment on 20 December 2023.

The video contained three reports on the events of 7 October: the alleged beheading of forty children, systematic sexual violence, and the mass killings at the Nova festival. The video presented these reports as narrative parts of a broad

⁹⁷ The original video, which was shared from the Instagram account of Eye on Palestine, was not located by the authors of this report.

strategy of atrocity propaganda and an information war, intended to dehumanize the Palestinians, and thereby to justify Israel's violence and atrocities against them.

In the disciplinary proceedings, the student testified that she had shared only the first part of the video, without being aware of its other parts, and that her intention had been to raise awareness of false reports. The university's administration rejected her version. Even when the student brought various reports verifying her claims with respect to the beheadings, her fellow students, who testified against her during the hearing, argued that they "know what happened" without presenting any proof of their claims.

The disciplinary committee decided to convict the student of conduct unbecoming of a student, "whether it occurred within the walls of the university or outside them, that harmed or could have harmed, intentionally or negligently, the dignity of the university or the dignity of any of its teachers, employees, students, or guests," under Articles 8.1 and 8.1.2 of the university's academic code of student discipline. The committee imposed a penalty of a severe reprimand, a one-year suspended expulsion from the university in the event of a similar offense, and 40 hours of community service. Following an appeal filed by the university's disciplinary prosecution, the appeals committee decided on 1 February 2024 to increase the penalty and to expel the student for one semester. The appeals committee held in its decision that:

Such harm, in the sensitive days in which we are all immersed, when the nerves are exposed, when sensitivity is at its peak, when, as the student's fellow students testified: sitting with her in class are survivors of the [Nova] festival at Re'im, survivors of the massacre, and students whose family members were murdered, tortured, and abducted, is a harm that the mind cannot bear [...] and [the students] are unable to tolerate her presence.⁹⁸

98 Disciplinary proceeding at Ben-Gurion University, decision on appeal in the framework of a disciplinary proceeding, February 2024 (on file with Adalah).

In this way, the disciplinary committee assumed for itself the authority to determine what constitutes “the truth”, even in the absence of any evidence to support its conclusions. This conception of “truth” is grounded on the reactions and feelings of the students and of the broader Jewish Israeli public, which, according to the university’s approach, become measures of the lawfulness of the posts, and more broadly, of the boundaries of permissible expression by students. In effect, the university privileges the Jewish-Israeli narrative of the war as “the truth”, while treating the Palestinian narrative as grounds for disciplinary sanction.

RELIGIOUS MATTERS, PRAYERS, AND VERSES FROM THE QUR’AN

The Technion – Israel Institute of Technology in Haifa initiated a disciplinary proceeding against a Palestinian student for posting a verse from the Qur’an on 7 October 2023, *إن موعدهم الصبح أليس الصبح بقريب*, the translation of which is: “Indeed, their appointment is the morning. Is not the morning near?” The verse, which the student posted as an Instagram story, reflected his feelings of uncertainty, alarm, and fear on that day, according to his testimony. He viewed the wait for tomorrow and the morning as a source of clarity, symbolizing the hope that the prevailing darkness would end.

The university’s disciplinary prosecutor described the post as supporting and as connected to acts of terror and attacks against Israel and its citizens, including the events of 7 October 2023. The prosecutor also submitted an expert opinion, according to which this verse is “firmly embedded within Islamist discourse, and is currently on the lips of Hamas leaders, in their references to the imminent end of the criminals, the declared enemies of the community.”⁹⁹

The secular student testified that he is not an “Islamist” and does not consume “Islamist” content, and that he is unfamiliar with the use of the verse to which the prosecution referred. The expert opinion submitted by the defense emphasized the various interpretations of the verse, and that the student’s interpretation is

99 Disciplinary proceeding at the Technion, expert opinion on behalf of the prosecution (on file with Adalah).

reasonable. The defense also warned against Islamophobia and the inquisitorial nature of the disciplinary proceeding, which attempted to interpret verses of the Qur'an.

The committee adopted the prosecution's interpretation and its expert opinion, and convicted the student of an offense under the university's disciplinary rules. As a sentence, the committee imposed a penalty of suspension until the end of the academic year, a suspended sentence of expulsion, as well as an obligation to take a course in ethics in the department of humanistic studies and the arts. In its decision, the committee held that:

The post therefore speaks for itself, and the burden passes to the student to show that he did not intend the prevalent and implied meaning of the text. The argument that this is a positive expression is feigned innocence that does not accord with the language of the text. The combination of these things together, the date of the post, its content, the source of the verse, its prevalent interpretation, the context in which it frequently appears on social media, the student's admission that he was familiar with the verse and that he encountered it that very morning on social media, his testimony, which contained contradictions and did not provide satisfactory explanations, and his claim that he did not remember the source of the post, all lead us to the clear conclusion that this post contains identification with the acts of the Hamas terror organization. Accordingly, the post constitutes a conduct offense unbecoming of a student, in an act carried out in connection with his being a student at the Technion.¹⁰⁰

The committee convicted the student on the basis of several interconnected determinations: first, that the content of the verse was violent; second, that its

100 Ibid., judgment and sentence, January and February 2024 (on file with Adalah).

publication in the context of 7 October necessarily conveyed a violent message; and third, that the student's intentions in posting the verse were of no significance when weighed against the intentions attributed to others who had used the same expression. In this way, the decision adopts a collective mode of analysis, under which the student's identity and perceived affiliations within the digital sphere in the aftermath of 7 October become the decisive indicators of intent. As a result, greater weight is assigned to these factors than the content of the post or to the evidentiary strength of the prosecution's version of the circumstances.

At the **Ruppin Academic Center**, a disciplinary committee issued a similar decision, convicting a Palestinian student who posted a verse from the Qur'an.

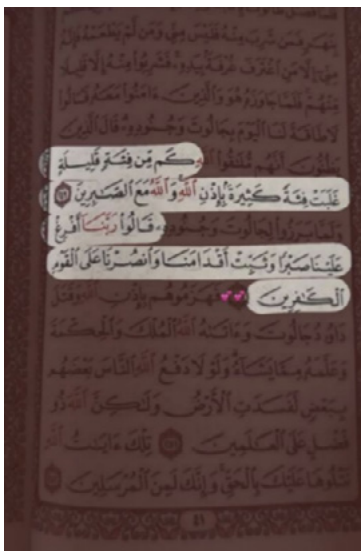


Figure 15: The student's post from 8 October 2023. Translation of the verse: "Those who were certain that they would meet Allah said, 'How many a small company has overcome a large company by permission of Allah. And Allah is with the patient.' And when they went forth to [face] Goliath and his soldiers, they said, 'Our Lord, pour upon us patience and plant firmly our feet and give us victory over the disbelieving people'" (Qur'an 2:249-250, Sahih International translation).

This image shows that the student posted the verse, highlighting parts and adding heart emojis. The student argued before the committee that she

published the post on her birthday, and with it, she wished for peace to prevail and for all to be well, especially in those difficult days. For, in her view, the meaning of the verse is that those who believe in God and in justice are the ones who will prevail. The committee members argued that the student sought to incite against Israel. One of their arguments was that the use of the word “disbelievers,” in the circumstances of 7 October, means that the student is calling for victory over the Jews and over Israel, because organizations such as Hezbollah use this term to describe Israel and the Israelis as enemies to be fought. The committee members also sought to emphasize that the Qur’an, including this verse, can have an especially violent connotation in the context of 7 October, since “a sample check conducted by the committee shows that the verse was posted on social media shortly after 7 October in the context of supporting the acts of terror against Israel.”¹⁰¹ The disciplinary committee decided on 1 February 2024 to convict the student of breaching the college’s disciplinary rules and to determine that the period of temporary suspension imposed up to the date of the decision was the appropriate penalty for the disciplinary offense.

In this way, the committee concluded that the post had offended the feelings of students, lecturers and college employees, and had undermined their sense of security. On that basis, it found that the post violated the college’s disciplinary rules. The committee afforded no meaningful weight to the student’s version of events, nor to the alternative interpretations of the verse presented by the defense team. Instead, the committee held that the unlawfulness of the post derived solely from the context attributed to it by others, and from comparisons drawn between the student and unidentified publishers who had used similar expressions. Neither the identities of those publishers nor the content of their publications was disclosed to the student or to the defense team.

Zefat Academic College initiated a disciplinary case against a student for posting a video of a religious preacher, Mustafa Hosny, who prays for the safety

¹⁰¹ Disciplinary proceeding at Ruppin Academic Center, hearing record of the disciplinary committee, January 2024 (on file with Adalah).

of Palestinians and particularly for the population of Gaza. Part of the video appears in the screenshot shown to the committee, together with text added by the student, “Amen, O God,” with a sad/worried emoji.



Figure 16: A screenshot of the student’s post as presented to the committee.¹⁰²

At the end of a short hearing, without conducting a factual or legal analysis, the disciplinary committee found the student guilty of breaching the college’s disciplinary rules and decided to expel her permanently and revoke all her accumulated academic credits. While the student maintained that the post was a prayer for the peace of her people as part of her faith, and that she does not

102 The full content of the prayer as it appears in the video is as follows (in Arabic): انصر اهل فلسطين/ اللهم انهم ضعفاء/ اللهم انهم مغلوبون فانتصر/ اللهم تقبل شهادتهم عندك في اعلى منازل الشهداء/ اللهم اشفي جرحهم يا رب العالمين/ واحفظ حيهم يا رب العالمين في تمام العافية والستر/ واقبل دعائنا يا الله يا الله/ انصرهم على عدوهم وعدونا يا مولانا/ اللهم احفظ بلادهم وبلادنا يا رب العالمين/ صل اللهم عليه وسلم وبرك على سيدنا محمد. In translation: “Grant victory to the people of Palestine / O God, they are weak / O God, they are defeated, so grant victory / O God, accept their fallen with You in the highest stations of the martyrs / O God, heal their wounds, O Lord of the worlds / and protect their living, O Lord of the worlds, in complete well-being and shelter / and accept our prayer, O God, O God / grant them victory over their enemy and our enemy, O our Lord / O God, protect their land and our land, O Lord of the worlds / may God bless our master Muhammad and grant him peace and blessing.”

support terror, the disciplinary authorities regarded the post as one with “racist content [...] it meets the definition of ‘hate speech’ and it clearly constitutes an expression that may harm the college, its employees, its students, Israeli society, and Israeli public peace.”¹⁰³

An examination of the committee’s reasoning shows that its members regarded the post as one that expresses support for the residents of Gaza, who are perceived collectively as the enemy, and as against Israel or the Israelis. Their interpretation was detached from the meaning of the post and the student’s intention in posting it. They reached this conclusion based on the words “grant them victory over their enemy and our enemy,” which the committee members inferred amounted to incitement to victory over Israel in connection with the events of 7 October. Further, the committee pointed to the student’s lack of understanding of the word “compassion” during the hearing, in their view, in a manner that raises doubts as to her capacity to comprehend the moral values required in her field of future work.

Further, the committee grounded its decision on defamation case law, relying on the “reasonable listener” test as the interpretative framework for examining the content of the post. This approach rests on vague understandings of the context. It excludes consideration of the bombardment of Gaza that began immediately after the events of 7 October, privileges Israeli perspectives over other relevant contexts, and treats the other parts of the post as irrelevant to understanding its broader meaning. As a result, the committee imported expansive interpretative tests from the field of civil law into the disciplinary sphere and determined what constitutes “truth” and “facts” through the prism of the distinctions between “us” and “them,” even when the student sought to present a broader, deeper, and more complex account of reality.

On appeal, the appeals committee members confirmed the disciplinary authorities’ decision and found the student guilty, justifying a severe penalty

¹⁰³ Disciplinary proceeding at Zefat Academic College, judgment in the framework of a disciplinary proceeding from October 2023 (on file with Adalah).

of suspension for ten years (but more lenient than the permanent expulsion imposed by the disciplinary committee). The members of the appeals committee considered the police's decision not to press criminal charges against the student. This action led to her acquittal of the disciplinary offense detailed in Article 31(13) of the college's disciplinary regulations, which requires the commission of a criminal offense. In reaching their decision, the committee members applied an expansive interpretation of expression-related offenses in the criminal law, and in practice treated disciplinary rules as extending beyond the limits of criminal law in assessing the lawfulness of expressions.¹⁰⁴

Despite these expansive interpretations of the disciplinary law and the narrowing of freedom of expression, disciplinary committees also occasionally acquitted students for posts containing religious expression. At the **University of Haifa**, for example, the disciplinary committee accepted the defense's arguments and acquitted a student for posting a du'a (religious supplication) on 8 October 2023 expressing fears about the end of days:

The Prophet, may God bless him and grant him peace, said that the building of Jerusalem will occur when Yathrib [the former name of the city of Medina in Saudi Arabia] is destroyed, and the destruction of Yathrib will happen with the outbreak of the great war, and the great war will break out with the conquest of Constantinople [the former name of Istanbul], and the conquest of Constantinople will happen with the rise of the false messiah [who will appear at the end of days]. Among the signs heralding the coming of the Day of Judgment are the liberation of Jerusalem, the war of the Muslims against the Jews, the return of the al-Aqsa Mosque to the Muslims, and the prayer of our lord Jesus behind the Mahdi [a messianic figure]. O God, be good to us, forgive our sins, and seal us in the book of

104 Ibid., decision on appeal, March 2024 (on file with Adalah).

paradise through Your abundant mercy and not only on the basis of our deeds. Raise a prayer to God that He grant us a good end.¹⁰⁵

Adalah argued that the student's intention in posting this du'a was to express a sense of fear and apprehension at the approaching Day of Judgment, in accordance with her religious faith, as in her view, the state of war contained signs of the end of days. The defense submitted an expert opinion, which stated that there is nothing in the post expressing joy over the events of 7 October, but that it is rather a prayer for "a good end."

In its decision, the committee explained why it chose to depart from an agreement reached between the defense and the prosecution at the conclusion of mediation proceedings in a number of cases. It adopted the student's account, which was supported by the translations and analysis of the defense expert, as a more reasonable interpretation than that advanced by the prosecution, which had failed to meet the burden of proof beyond any reasonable doubt. The committee further held that disciplinary proceedings are quasi-criminal in nature, and accordingly relied on the principle established in Article 34X(a) of the Penal Law, 1977, according to which, where competing interpretations are available, the interpretation more favorable to the student should apply.¹⁰⁶

Thus, this rare decision illustrates the application of procedural protections and interpretative principles drawn from criminal law by a disciplinary committee in adjudicating expression-related offenses. In doing so, the committee treated the interpretation of the post itself, and not its alleged offensiveness to the feelings of others, the dignity of the university, or other similar considerations, as the central basis for its assessment.

105 Disciplinary proceeding at the University of Haifa, translated by an expert on behalf of the defense, April 2024 (on file with Adalah).

106 Ibid., judgment April 2024 (on file with Adalah).

POSTS FROM THE 7 OCTOBER EVENTS

Academic institutions also initiated disciplinary actions against Palestinian students for posts that included photographs, videos, or other content discussing the 7 October events. The students posted most of this content on the morning of 7 October. A considerable amount of this content contained photographs that went viral, such as a crowd of young people on top of an Israeli military jeep taken into Gaza, a person standing on top of a military tank waving a Palestinian flag, and a bulldozer that broke through the border wall. Other such posts sought to present the broader context of the 7 October events as part of the Palestinian issue, in referring, for example, to Palestinian prisoners incarcerated by Israel or the ongoing Nakba since 1948.

All of these disciplinary indictments accused the students of incitement to terror and/or identification with acts of terror. In these cases, the disciplinary committees found the students guilty of breaching disciplinary regulations, while overwhelmingly disregarding the post's purpose, the publisher's purpose, and the context of the post. As for penalties, the academic institutions mostly suspended the students for varying periods of time or expelled them permanently.

In one case, **Netanya Academic College** opened a disciplinary proceeding against a student for posting an Instagram story on 7 October that contained a photograph of an Israeli military jeep and many young Palestinians gathered around it. Below the photograph, the student added the following text: "A photograph that will not be forgotten by history... 07.10.2023," with the date colored in green, red, white, and black—the colors of the Palestinian flag. In the description of the photograph, the student added the date again, together with the Palestinian flag emoji. The college accused the student of "incitement-filled posts ... which create support for terror," in a letter dated 15 October 2023, which announced her suspension from the college.¹⁰⁷ During the committee hearing, the student testified that she posted the story because it was a viral post, and that she deleted it about two hours later when she learned of the full scale of the events.

¹⁰⁷ Disciplinary proceeding at Netanya Academic College, email, October 2023 (on file with Adalah).

Notwithstanding her arguments, the committee convicted the student and expelled her from the college permanently, even though the police—which were pursuing a policy of discriminatory, selective enforcement of the criminal law against posts by Palestinians on social media—did not open a criminal case against her. In its decision, the committee stated:

As for the argument that the photograph does not express support for Hamas and for the terror attack it perpetrated, and does not express identification with the acts of terror, it cannot be accepted. There is in the photograph itself, combined with the text and the highlighting of the date through the colors of the Palestinian flag, which also appear above the photograph, an implicit identification with the terror operations of Hamas. Some would even say that the photograph cannot be interpreted other than as identification with the terrible acts of 7 October 2023 [...] there is no doubt that the student undermined the dignity of the college, the values it promotes, the dignity of the students studying at it, and the faculty teaching at it. There is also no doubt that the student's post undermined the public morality of Israeli society. We will add that the student expressed, during the hearing in her case, a laconic apology for posting the photograph. This conduct also reinforces the conclusion that the posting of the photograph constitutes harm to public morality.¹⁰⁸

In another case, **Tel Aviv University** initiated disciplinary proceedings against a student for posting a set of images under the title, “8 Things about What’s Happening in Palestine”, as discussed above. The images, which contain analysis of the Hamas attack and its context, were posted on 10 October 2023, with a note: “This post is an explanation of what happened and proves context. This page does not officially endorse any political party or faction.”

108 Disciplinary proceeding at Netanya Academic College, judgment, November 2023 (on file with Adalah).

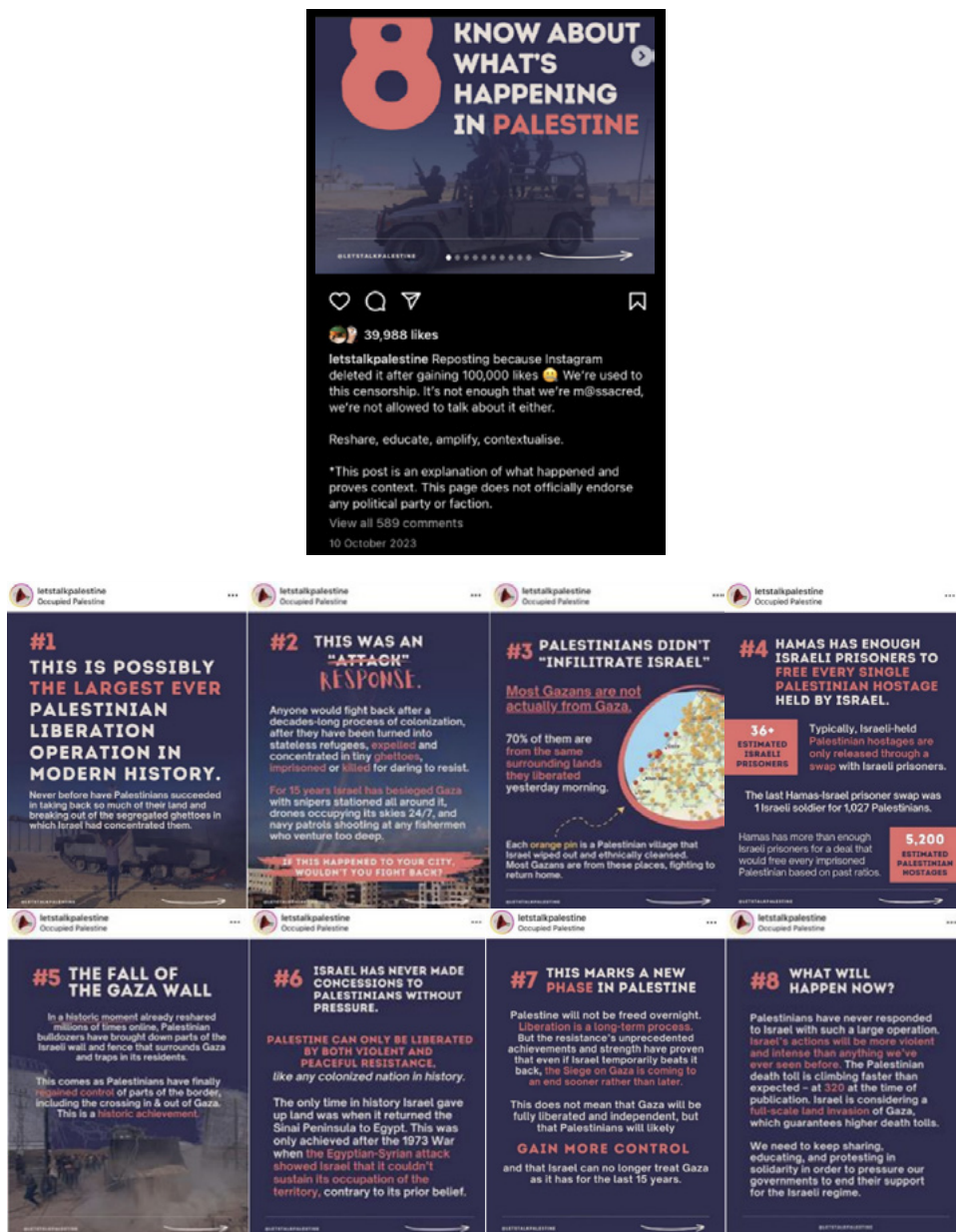


Figure 17: A screenshot from the student's post as presented before the disciplinary committee. The post included a series of images of an explanatory and political character with respect to the events of 7 October and their context.

The university's disciplinary prosecutor argued that this set of images constituted a booklet "that praises Hamas," and that "in these acts the accused committed an offense of conduct unbecoming the dignity of the university."¹⁰⁹ It added that the various slides present "a distorted picture of the events of 7 October," in which Israel "is presented as a satanic regime to justify the 'liberation operation [against it].'"¹¹⁰ The student and his defense team emphasized that the post's purpose was to raise awareness of the other context of the war at a time when the voices in Israel called for revenge. The defense argued that the post does not support terror, nor does it encourage violence. The terminology, even if perceived as problematic by the university, is lawful and legitimate in its historical context, and is informative, and nothing more.

The committee convicted the student of an offense under the disciplinary code, and on 8 May 2024 imposed a penalty of a suspended sentence of expulsion. In the decision, the committee held that:

Even if the accused had succeeded in convincing us of a coherent and credible alternative interpretation, it is doubtful whether it would have had significance for the conviction of the offense, since the latter also rests on the possible manner of understanding the things by reasonable readers who are students, faculty members, and employees at Tel Aviv University living in the State of Israel [...] there is a space of expressions that do not constitute incitement to terror or incitement to racism in their criminal sense, and that are protected by freedom of expression, but may constitute conduct unbecoming of the status of the student at Tel Aviv University, in particular when this expression comes to the knowledge of his fellow students.¹¹¹

109 Disciplinary proceeding at Tel Aviv University, disciplinary indictment, November 2023 (on file with Adalah). For the judgment, see footnote 60.

110 Ibid., summations on behalf of the prosecution, February 2024 (on file with Adalah).

111 Ibid., judgment and sentence, March and May 2024 (on file with Adalah).

The importance of the decision lies, in fact, in what was said as an obiter dictum (a non-binding comment):

I will add as an obiter dictum that had this been an expression in the framework of a discussion in class or an exchange of academic, and even political, ideas and positions, and had the accused made proposals, for example to improve the situation of the Palestinian people, or expressed identification with the suffering of civilian residents of Gaza, the considerations that would have operated would have been different. The space of expression that does not constitute conduct unbecoming a student would have been larger than in an expression that does not truly advance an academic discussion and may harm other students directly.

A racist expression, too, in the networks and groups of Jewish students against specific Arab students or the group of Arab students at the university, which came to the knowledge of the Arab students, whether directly or indirectly, can be a basis for filing a disciplinary indictment and even for a conviction. By contrast, an expression by students on social media as to how Israel ought to act with respect to Gaza and its residents during the war and afterward is not, on its face, connected to the student community at Tel Aviv University, and the question whether it amounts to incitement to terror or to racism is a matter for the general criminal law. In other words, the fact that the expression was on social media and not in class does not teach that no disciplinary offense was committed, but may, in certain circumstances, lead to the opposite result [emphasis added].

For the avoidance of doubt, the post that formed the basis of the conviction was not directed at specific Jewish students or at the group of Jewish students at the university. Rather, it constituted a general political characterization of the Hamas attack of 7 October. Yet, the standards applied by the disciplinary committees appear to differ depending on the identity of the speaker. Whereas expression by an Israeli Jewish student must bear a direct connection to Palestinian students as a group in order to constitute a disciplinary offense, a general post by a Palestinian student, even when not specifically directed at Israeli Jewish students at the university, may be deemed sufficient to constitute a disciplinary offense. This distinction is not technical; rather, it points to asymmetries in the drawing of the boundaries of permissible expression under a framework grounded in the protection of feelings from potential offense.

Summary and Conclusions

institutions adopted an even more extreme and punitive approach, imposing severe disciplinary sanctions on Palestinian students, including permanent expulsion.

Academic institutions systematically violated the foundational principles of fair due process with respect to Palestinian students. For example, the institutions summoned Palestinian students to disciplinary committees without showing them the post at issue. Institutions translated social media posts from Arabic to Hebrew using automatic translation software, even when it was clear that the original linguistic and cultural meaning was entirely different. The committees rejected expert opinions provided by the defense, at times with derision, while accepting expert opinions proffered by the prosecution, at times without providing an opportunity for the defense to cross-examine the experts. Institutions also imposed interim suspensions on students before giving them a chance to be heard, and amended disciplinary indictments in the course of the proceedings in line with the desired outcomes. The institutions also shifted the burden of proof to the students, who were required to prove their innocence before committees that had already formed an adverse impression of them in many instances.

Since 7 October 2023, a new framework of surveillance, disciplinary rules enforcement, and punishment has developed at Israel's academic institutions, one that is directed exclusively against Palestinian students. The institutions adopted this new framework rapidly, within a few hours and days from the start of the war. The academic institutions assembled, almost overnight, a wide-ranging enforcement mechanism that classified Qur'anic verses, prayers, and expressions of solidarity with the residents of Gaza as offenses warranting the suspension or expulsion of Palestinian students from universities and colleges throughout the country.

Israeli academic institutions acted contrary to the rule of law. Article 17 of the Students' Rights Law limits the disciplinary authority of academic institutions to activities with some connection to students' studies, and until 7 October, this boundary was respected. After 7 October, however, these institutions systematically overstepped this boundary, but did so exclusively in cases against Palestinian students. Disciplinary committees held that the connection required for the exercise of authority exists even for a private post by a student, published before the start of the academic year, for example; a post with no connection to studies, the campus, or other students; and even a post to which most of the academic community was not exposed. By contrast, with respect to Israeli Jewish students, the academic institutions were careful to emphasize the limits of their authority and they refrained from applying disciplinary regulations.¹¹² In this way, Jewish Israeli students were afforded the protections of the rule of law, while Palestinian students were not.

In several cases, academic institutions continued to pursue disciplinary proceedings against students even after the police – which has pursued discriminatory, selective enforcement of the criminal law in expression-related offenses against Palestinians in Israel, particularly after 7 October – had decided not to initiate criminal prosecutions, and ultimately found that the students had committed disciplinary offenses. In these cases, the academic

¹¹² For cases in which academic institutions refrained from applying the disciplinary law and emphasized the limits of their authority, see chapter 3 on "Expanding the Boundaries of Surveillance and Enforcement."

By contrast, the institutions did not open disciplinary actions against Israeli Jewish students for posts that included racial incitement, such as calls for revenge or for the bombing of the civilian population in Gaza, or for the expulsion or forced transfer of Palestinians. In this context, the constitutional principle that fundamental rights may not be infringed in the absence of explicit legislation applied only to Israeli Jewish students.

Thus the universities and colleges in Israel created two separate disciplinary tracks: a prerogative (administrative) track for Palestinian students and a normative (constitutional) track for Israeli Jewish students. The administrative track, applied to the Palestinian students, operates in a state of exception, suspending the rule of law and dispensing with procedural protections. It gives little weight to the principles of natural justice, in particular the presumption of innocence, and proceeds without clear definitions of the offenses in question. By contrast, the constitutional track, applied to Jewish Israeli students, is grounded in the rule of law, including adherence to the limits of authority and constitutional standards of freedom of expression. Within this framework, Israeli Jewish students were effectively shielded from disciplinary proceedings for speech that had no direct connection to their academic studies, even when that speech was racist, advocates for genocide, or calls for the total destruction of Gaza.¹¹³

In the administrative track, expressions by Palestinian students, even when written in Arabic for the Arab public and sometimes consisting of a prayer, are judged through the lens of the “reasonable reader” or the “reasonable listener.”

113 On the distinction between the two tracks, the prerogative (administrative) and the normative (constitutional), see the pioneering work of Ernst Fraenkel, *The Dual State* (OUP 2017). On the contribution of Fraenkel's book, recently published in Hebrew, see: Barak Medina, “The Myth of the Rule of Law: In the Wake of the Legal System in Nazi Germany,” *Makor Rishon*, 26 February 2020 [Hebrew]. David Dyzenhaus makes use of Fraenkel's work for the purpose of the distinction between the Israeli regime and the apartheid of South Africa: David Dyzenhaus, “Dugardian Legal Theory in The Pursuit of a Brave New World,” in *International Law 3* (Tijanjana Maluwa, Max du Plessis, Dire Tladi, eds, Brill Nijhoff 2017). See also Shinar's work on the application of the administrative law track in place of the constitutional track to the occupied territories. He argues that the Palestinian population in the OPTs is classified in Israeli eyes as an enemy, and administrative law is intended for the treatment and management of a population under a colonial regime, whereas the constitutional law track applies to Israelis as the sovereign granted constitutional protections: Adam Shinar, “Israel's External Constitution: Friends, Enemies, and the Constitutional/Administrative Law Distinction,” 57 *VA. J. INT'L L.* 735 (2017).

This standard is shaped, in practice, by the perspective of the student or lecturer who is a soldier facing the enemy in Gaza. The language used by the institutions in their decisions, including references to the “feelings of the community,” in which “students and faculty members are fighting in Gaza,” reveals the content of the category of “the student”. The Palestinian student is not treated as a civic subject with constitutional rights, but as a figure cast as an “enemy,” required to repeatedly prove his/her loyalty and conformity to the Zionist national ethos.

These features point to an apartheid-like policy in disciplinary proceedings within Israeli academia after 7 October. This policy rests on ethno-racial separation between disciplinary tracks and on different standards in determining who is deemed fit to be a student. This separation, which relies heavily on the broad and flexible use of terms such as “support for terror” and similar terminology, helps construct the underlying distinctions that structure the policy. In practice, these categories are applied to Palestinian students and form the basis of the administrative track, activated as needed. The result is the positioning of the Palestinian student within a framework of “separate and unequal.”

This racial separation resulted in persecution on national grounds. Expressions by Palestinian students, including identification with the suffering experienced by members of their people; wishes of hope for a better future for them; condemnations of the Israeli military’s aggressive actions against civilians in Gaza; photographs of victims; and Qur’anic verses used as prayers for the safety of Gaza’s residents were frequently interpreted as identification with the enemy or as support for terror. In this way, the Palestinian students were required to suppress expressions of their national identity under the rhetoric of security, Israeli Jewish community sentiment, and the preservation of public order. Consequently, disciplinary proceedings addressed not only questions of prohibited expression, but also the broader redrawing of the boundaries of the legitimacy of Palestinian presence and subjectivity in the Israeli academic space.

This policy of racial discrimination, even aside from its material consequences, violates the right to dignity. Accordingly, although most Palestinian students who

have faced disciplinary proceedings will continue with their lives, the damage created in the course of these processes – personal, academic, professional, and emotional – will accompany many of them, as well as the broader community of Palestinian students at Israeli institutions of higher education, for a long time. This policy produces collective harm, in which religious, political, or identity-based expression by Palestinian students may result in sanctions and academic penalties. It creates a “chilling effect” within the Palestinian student body in Israeli academia, fostering fear, incentivizing self-censorship, and discouraging legitimate expression. By contrast, such fears do not exist for the Jewish-Israeli student.

This two-track policy sets a dangerous precedent. It exposes the fragility of constitutional protections in Israeli society when subjected to a state of emergency, public anger, collective trauma, intense emotions, or political pressure, conditions that tend to facilitate the oppression of the Palestinian population, citizens of Israel. This fragility has long characterized the conduct of the security authorities, including the police, and it has also not spared the academic space, particularly in relation to restrictions on campus protests during wartime. However, its manifestation within academia after 7 October, and at the scale described in this report, further illustrates the erosion of standards at institutions that otherwise pride themselves on their openness and on their opposition to political attempts to further narrow the space of individual liberties and the mechanisms that protect them.

These racially segregated tracks are reminiscent of those imposed during the period of military rule on Palestinians in Israel (1948-1966). Then, the administrative track was applied exclusively to the Arab population that was placed under military rule. They were prevented from expressing their national identity, while the legal system operated to suppress their freedom of political expression. A prominent example is the Yardor case, in which Israel’s Supreme Court upheld the disqualification of the Arab al-Ard movement from running in the Knesset elections, invoking the doctrine of “militant democracy,” “state security,” and the state’s identity as a “Jewish state” against an enemy from within, while

suspending the rule of law. It is therefore not surprising that the Yardor case was cited as a source of authority in the decision of a disciplinary committee at the Hebrew University in order to justify deviations from the rule of law in the disciplinary track applied to Palestinian students.¹¹⁴

This racist policy of the Israeli academic institutions violates international law, most notably the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which affirms the protection of the collective rights of ethnic minorities. In light of these violations, UN human rights bodies have criticized the treatment of Palestinian students by Israel's academic institutions, as highlighted above.

The proceedings described in the report have, in most cases, ended, but their consequences persist. These consequences are likely to continue shaping Palestinian students' relationship with the academic space, affecting their sense of security and belonging, narrowing the boundaries of perceived legitimate expression, and entrenching a reality in which full participation in the academic life becomes conditional.

Academic institutions should therefore reconsider the use of disciplinary mechanisms as tools for selectively policing political expressions, and redefine the limits of their authority in a way that guarantees freedom of expression as a foundational principle of academic life for all students, even for expressions that diverge from the state's official narrative or the prevailing views of the majority.

¹¹⁴ On apartheid based on the distinction between the administrative track and the constitutional track during the period of the military government on the matter of freedom of expression, see: Hassan Jabareen, "Kol Ha'am of Agranat! The Voice of Which People?," *Iyunei Mishpat* 44 (2021) 627-660 [Hebrew].



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