

By Email

July 30, 2026

Ravi V. Bellamkonda, President
The Ohio State University
University Square South
15 E. 15th Avenue, 5th Fl.
Columbus, OH 43201
president@osu.edu

Dear President Bellamkonda:

Shortly before the start of fall semester classes in 2025, your predecessor's administration enacted an absolute ban on chalked messages on all areas of The Ohio State University campus (the "Chalking Ban"). Anyone—whether a student government candidate, a student political activist, or a faculty sponsor of student activities—who chalks a message on a campus sidewalk is now subject to a charge for its removal. Any student found responsible is also subject to disciplinary proceedings.

The Chalking Ban is flatly unconstitutional under the First Amendment. By OSU's own public account, it silences an entire medium of speech because OSU received too many complaints about the content that was being expressed. Even more disturbingly, OSU's records demonstrate that the Chalking Ban was enacted specifically to suppress a particular political viewpoint: pro-Palestine or anti-Zionist speech, which several community members complained was offensive. OSU lacks any compelling justification to justify this ban, and the fact that it is superficially framed in content-neutral terms will not save it.

The ACLU of Ohio urges you to rescind the Chalking Ban immediately. Regardless of whether it was born out of political animus or well-intentioned overprotectiveness, it is a severe imposition on the free speech rights of the OSU community. Should you fail to take swift and appropriate action, we will not hesitate to proceed with litigation on behalf of impacted parties.



4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 763-9580

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (216) 763-9580

acluohio.org
contact@acluohio.org

J. Bennett Guess
Executive Director

I. Background

A. The Chalking Ban Was a Response to Complaints About Pro-Palestine Speech

OSU announced the Chalking Ban on August 14, 2025.¹ University spokesperson Ben Johnson stated that it was being imposed “[i]n light of continued complaints regarding chalking on campus and the significant amount of administrative time spent evaluating chalking[.]”² That same justification was later offered by then-President Ted Carter to Senator Bernie Moreno.³

Even delving no further into the facts than that, the Chalking Ban would be an unconstitutional content-based speech restriction. Further investigation not only buttresses that conclusion, but demonstrates conclusively that the purpose of the Chalking Ban was to suppress a disfavored political viewpoint.

In response to public records requests from the ACLU of Ohio, OSU has produced all complaints pertaining to chalking on campus from January 1, 2024 until the Chalking Ban’s enactment on August 14. For complaints where the content of the chalked message is noted in the documentation, *every single one* pertains to pro-Palestine, anti-Zionist, and/or anti-Israel chalked messages. The complaints were hardly overwhelming in number for a university OSU’s size; in approximately 18 months preceding the ban, there were a mere 37 of them.

An alarming picture also emerges from the correspondence of Dr. Melissa Shivers, OSU’s Senior Vice President for Student Life. On June 5, 2025, a recent OSU graduate and outgoing president of the Chabad House wrote to Dr. Shivers that “[w]hile I understand that not every chalked slogan explicitly calls for harm,” the slogan “Free Palestine” is an “antisemitic” message that “has now been adopted by extremist groups” and “is not experienced as a political statement.” In her response, Dr. Shivers professed to having already selectively suppressed chalked messages based on their content or viewpoint, and promised to consider expanding that practice:

We have taken steps over the past year to remove chalking that included the term “intifada,” and I understand that you are suggesting there are other phrases we should consider in the future. I want to assure you that we are consistently evaluating our various practices, protocols, and standards, including considering changes that can be more supportive of and effective for our community. I will ensure that your recommendations are reviewed as part of this process.⁴

¹ *Chalking Not Permitted on Campus, Facilities Operations and Development*, THE OHIO STATE UNIVERSITY, (Aug. 14, 2025), <https://fod.osu.edu/news/2025/08/14/chalking-not-permitted-campus>.

² Lily Pace, *Ohio State Bans Chalking in Updated Signage Policy*, THE LANTERN, (Aug. 15, 2025), <https://www.thelantern.com/2025/08/ohio-state-bans-chalking-in-updated-signage-policy/>.

³ Letter from Walter “Ted” Carter, President, Ohio State Univ., to Sen. Bernie Moreno (Sept. 19, 2025), https://www.moreno.senate.gov/wp-content/uploads/2025/09/250919_moreno_letter.pdf.

⁴ June 6, 2025 email from Melissa Shivers to Gabby Sloane.

Approximately two months later, shortly before the start of classes for the fall semester, OSU enacted the Chalking Ban.

B. The Chalking Ban Was Enacted Without Consulting Students or Senior Administrators

The process leading to the Chalking Ban was strikingly opaque—enough so that the ban’s enactment provoked surprise and dismay from student leaders, senior administrators, and faculty groups who were not consulted. For example:

- OSU’s Senior Associate Vice President for Student Life announced the policy to several colleagues by email on August 14. The Director of Ohio Union and Student Activities forwarded the message with the remark, “So I guess this means no discussion on this one?” The Director of Risk and Emergency Management responded, “Nope.”⁵
- At least one Associate Dean of Students was also blindsided; he expressed concern that he was unable to explain the scope of the policy to impacted students. Another senior administrator responded that he also had “not had a chance to review the language[.]” In particular, both were surprised by a last-minute change that had drastically expanded the scope of the Chalking Ban from vertically oriented surfaces to all surfaces.⁶
- Dr. Shivers announced the policy to an undisclosed individual, apparently a student leader, by email on August 14. The person responded, “I wish we could’ve had a conversation about this before final decisions were made, so that we could have offered the student perspective. I think this will gravely impact the student experience and involvement on campus[.]” Dr. Shivers responded that she would “welcome the opportunity to brainstorm with you about [...] opportunities for engagement that doesn’t include chalking.”⁷
- The Director of Student Conduct told an Associate Director on August 15 that “[t]his is literally news to me. Hoping to learn more.” The Associate Director responded, “Also news to me! [...] I haven’t seen anything in any of the student communication about this news.”⁸

Notably, Ms. Sloane and others had previously advocated for a policy that would remove chalk messages “if they [were] perceived as invoking violence against Jewish students,” and specifically made note of messages stating, “Free Palestine,” “End Zionism” and “I [heart symbol] Hamas.” Davis Beatty, *Ohio State Among 60 Schools Under Federal Investigation for Antisemitism, Harassment; Jewish Students React*, THE LANTERN, (March 20, 2025), <https://www.thelantern.com/2025/03/ohio-state-among-60-schools-under-federal-investigation-for-antisemitism-harassment-jewish-students-react/>.

In a similar vein, a few months later, then-OSU President Ted Carter received a message from Sophia Witt, the Executive Vice President of Students Supporting Israel, saluting OSU for “the administration’s prompt removal of antisemitic chalkings,” and asserting that mentions of “From the River to the Sea,” “Intifada,” and “Globalize the Intifada” were not “political speech,” but rather sanctionable “discriminatory conduct.”

⁵ August 14, 2025 Emails among Kellie Uhrig, Jeff Pelletier, and Stacey Renker.

⁶ August 14, 2025 Emails among Matt Couch, Ryan Lovell, Jeff Pelletier, and Stacey Renker. Separately, in an August 15 exchange with Tom Reeves, Dr. Couch stated that “the first I heard of even any discussion of [prohibiting sidewalk chalking] was yesterday.”

⁷ August 14, 2026 Emails between Melissa Shivers and undisclosed individual.

⁸ August 15, 2026 Email from Kelly Smith to Kirby Bell.

- Another senior administrator remarked that he had learned about the policy on Reddit, and that it would have “[b]ig impacts to student orgs for sure!”⁹
- OSU’s chapter of the American Association of University Professors posted on Instagram: “Just in time to welcome students to campus ... President Carter & OSU admin continue the assault on free speech by banning the time honored tradition of chalking on campus.”¹⁰

Despite complaints about the lack of transparency, the lack of any discernible process, and the impact on the student body,¹¹ OSU refused to reconsider the policy. After meeting with an undisclosed group of concerned students, Dr. Shivers wrote to the group that the university would not review the policy until “a few years” had passed, claiming that reconsideration “would require the same level of administrative attention and review process that was conducted previously[.]”¹²

C. OSU Immediately Began Implementing the Chalking Ban Unevenly

Mere days after classes began in the fall of 2025, OSU was already failing to enforce the Chalking Ban evenhandedly. By email on September 1, Dr. Shivers forwarded a photo to Chris Kabourek, who at that time was a fellow senior vice president. Dr. Shivers wrote:

Wanted to pass along this photo from Saturday’s Game Day festivities — an impressive (albeit policy-violating) chalk tribute to Lee Corso marking his final game in Columbus. [...] While we do have a no chalking policy in place, this clearly drew a lot of positive attention and was meaningful to many fans. I thought it was worth sharing as part of the broader atmosphere and energy of the day. Additionally, for awareness in case it is reported through to your office. Happy to discuss how we might want to address similar moments moving forward if they pop up again.¹³

Mr. Kabourek responded in agreement, adding “we need to think about how we address these types of situations.”¹⁴

Stated plainly: the very same OSU officials who had just enacted the Chalking Ban a few weeks earlier became aware of an “impressive” chalking display that did *not* contain pro-Palestine content. They immediately noted that it violated the Chalking Ban, but rather than assessing fines or referring the matter to Student Conduct, they applauded the content as “meaningful” and agreed to “discuss” or “think about” how to address such “positive attention” violations in the future.

⁹ August 15, 2026 Email from Tom Reeves to Matt Couch.

¹⁰ AAUP-Ohio State (@aaup.osu), INSTAGRAM (AUG. 14, 2025), <https://www.instagram.com/p/DNVtsefN0hp/>.

¹¹ For example, in email notes to himself on September 23, Dr. Couch wrote that students at OSU’s Marion and Mansfield campuses were “really missing” the ability to chalk, “esp. around suicide prevention.”

¹² October 13, 2025 Email from Melissa Shivers to undisclosed individuals.

¹³ September 1, 2025 Email from Melissa Shivers to Chris Kabourek.

¹⁴ September 2, 2025 Email response from Mr. Kabourek to Dr. Shivers.

D. OSU Touted the Chalking Ban to a U.S. Senator as a Measure to Combat Antisemitism

On September 9, 2025, Senator Bernie Moreno (R-OH) sent a letter to OSU and Ohio’s other public universities, asking them two questions: “What measures do you plan to take or have already taken to address the unacceptable and disgusting rise in antisemitism?” and “How do you plan to protect students’ safety while on campus from antisemitism and/or religiously motivated crimes?”¹⁵ OSU’s public records production is laden with questionable redactions in the internal discussion that ensued. Even Sen. Moreno’s letter is fully redacted, though it is publicly available on his Senate webpage.¹⁶

Nonetheless, it is telling that OSU produced its internal discussions of Sen. Moreno’s letter at all in response to a public records request about the Chalking Ban. The request for public records said nothing about antisemitism, and Sen. Moreno’s letter said nothing about chalking; only OSU itself connected the two. In other words, in response to a question about what they had done to address antisemitism on campus, OSU administrators immediately began discussing their just-enacted Chalking Ban. And indeed, former President Carter’s formal response to Sen. Moreno touted the Chalking Ban as one of the university’s efforts to address antisemitism.¹⁷

II. The Chalking Ban Violates the First Amendment

A. OSU Admits that the Chalking Ban is a Content-Based Restriction

The Chalking Ban violates the First Amendment from multiple angles. To begin, even accepting OSU’s justification at face value, it is an impermissible content-based restriction on campus community speech.

The fact that the Chalking Ban appears content-neutral on its face does not make it so; a speech restriction is only content-neutral if it is “justified without reference to the content of the regulated speech.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989) (internal citation omitted); *Blankenship v. Louisville-Jefferson Cnty., Ky. Metro Gov’t*, 162 F.4th 644, 655 (6th Cir. 2025). OSU has attempted to justify the Chalking Ban by citing community complaints—that is to say, it cites listeners’ adverse reactions to the content of speech as a basis for suppressing that speech. That is a *de facto* content-based restriction, commonly referred to as a heckler’s veto. *See, e.g., Bible Believers v. Wayne Cnty., Mich.*, 805 F.3d 228, 247 (6th Cir. 2015) (“[l]isteners’ reaction to speech is not a content-neutral basis for regulation”); *Chabad of Southern Ohio & Congregation Lubavitch v. City of Cincinnati*, 363 F.3d 427, 434–36 (6th Cir. 2004) (facially neutral regulations aimed at suppressing “controversial” speech are treated as content-based).

¹⁵ Letter from Sen. Bernie Moreno to Walter “Ted” Carter, President, Ohio State Univ., (Sept. 9, 2025), https://www.moreno.senate.gov/wp-content/uploads/2025/09/Letter-to-President-Carter--The-Ohio-State-University_1.pdf.

¹⁶ *See* September 9, 2025 Emails among numerous OSU officials including Stan Skocki, Stacy Rastauskas, Anne Garcia, Lindsay Komlanc, Benjamin Johnson, JR Blackburn, Melissa Shivers, and Chris Kabourek.

¹⁷ *Supra* n. 3.

OSU's attempt to justify the Chalking Ban based on "administrative time spent" is equally unavailing; that is a repackaged version of the same heckler's veto. *See, e.g., Church of Am. Knights of Ku Klux Klan v. City of Gary, Ind.*, 334 F.3d 676 (7th Cir. 2003) (Posner, J.). Even speech restrictions short of an outright ban cannot be justified by mere administrative burden:

[A] permit for a parade or other assembly having political overtones cannot be denied because the applicant's audience will riot. To allow denial on such a ground would be to authorize a "heckler's veto." It follows pretty directly that a city cannot in lieu of denying the permit charge the applicant for the expense to the city of reining in the hecklers ... This is true even if the fee is calculated with scrupulous precision by a battalion of cost accountants.

Id. at 680–81.

The outdoor area of OSU's campus is a designated public forum for the campus community. *See* R.C. 3345.0213. Designated public forums "are subject to the same strict scrutiny as restrictions in a traditional public forum." *Pleasant Grove Cty. v. Summum*, 555 U.S. 460, 469–70 (2009). Content-based restrictions in such forums "must be narrowly tailored to serve a compelling government interest[.]" *Id.* (internal citations omitted).

The Chalking Ban flunks that stringent test. Any administrative burden on OSU from responding to complaints about chalking—which was hardly a heavy burden, as noted above—is not a compelling government interest that could justify such an onerous restriction on speech. *See, e.g., Stewart v. Blackwell*, 444 F.3d 843, 869 (6th Cir. 2006) (in equal protection context, strict scrutiny could not be satisfied by an interest in "administrative convenience"), *superseded on other grounds*, 473 F.3d 692 (6th Cir. 2007); *Church of Am. Knights of Ku Klux Klan*, 334 F.3d at 680–81; *Frontiero v. Richardson*, 411 U.S. 677, 690 (1973) (plurality) ("[W]hen we enter the realm of 'strict judicial scrutiny' there can be no doubt that 'administrative convenience' is no shibboleth, the mere recitation of which dictates constitutionality."). Nor can OSU retroactively concoct some new justification that contradicts its public statements to the university community and Senator Moreno. "Government justifications for interfering with First Amendment rights must be genuine, not hypothesized or invented *post hoc* in response to litigation." *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 543 n.8 (2022) (cleaned up).

B. OSU's Documents and Actions Demonstrate a Viewpoint Discriminatory Purpose

The fact that the Chalking Ban does not expressly mention pro-Palestine speech does not change the fact that, as OSU's own records demonstrate, it was created in order to suppress that viewpoint. A public actor "violates the First Amendment when its stated purpose in reality conceals a bias against the viewpoint advanced" by a disfavored group. *United Food & Commercial Workers Union, Local 1099 v. Sw. Ohio Reg'l Transit Auth.*, 163 F.3d 341, 355–56 (6th Cir. 1998). *See also, e.g., Cornelius v. NAACP Legal Defense & Educ. Fund, Inc.*, 473 U.S. 788, 812 (1985); *Bailey v. Callaghan*, 715 F.3d 956, 965 (6th Cir. 2013) (Stranch, J., dissenting)

(“We have never been so naïve as to expect the government to admit it is engaging in viewpoint discrimination.”).

The background and implementation of the Chalking Ban contain an array of smoking guns. OSU cites “complaints” that absorbed administrative time, but that explanation fails the test of basic plausibility; a few dozen complaints over a year and a half are not enough to overwhelm the administrative capacity of a flagship state university of nearly 70,000 students. Critically, *all* of the complaints that gave rise to the ban were about a single viewpoint that the complainants found offensive: pro-Palestine or anti-Zionist activism. That is to say, the Chalking Ban came about specifically to silence the expression of that political viewpoint.

If any doubt were to remain about OSU’s purpose, Dr. Shivers’ correspondence and actions would put it to rest. By her account, OSU had already erased pro-Palestine or anti-Zionist chalking in response to complaints that it was offensive. She agreed to honor the “recommendations” of a former student who had asserted (incorrectly) that the slogan “Free Palestine” was not protected political speech because some students did not “experience[]” it as a political statement. She and a small group of other senior OSU officials then hastily enacted a policy targeting the precise medium of speech—chalking—that had been widely used for pro-Palestine speech. They failed to seek or consider input from student leadership or even student liaisons in the administration, apparently accepting input only from the complainants.

Once the Chalking Ban was in place, President Carter described it to a U.S. Senator as a measure to combat purported antisemitism, putting the lie to any claim that the ban’s purpose was content- or viewpoint-neutral. Then, when a highly publicized chalking violation occurred that did not involve pro-Palestine speech, Dr. Shivers and another senior official did not appear to even consider enforcing their new policy. Instead, they celebrated the chalked content and agreed to “discuss” how to handle future instances of chalking that drew “positive” attention.

Whether or not OSU’s administrators acted out of personal animus towards a pro-Palestine or anti-Zionist viewpoint is irrelevant. Their purpose was to suppress a particular political perspective that had been the subject of complaints. That is impermissible viewpoint discrimination, even if the discriminatory purpose is superficially masked by viewpoint-neutral language. *See Crawford v. Board of Ed. of Los Angeles*, 458 U.S. 527, 544 (1982) (“[A] law neutral on its face may still be unconstitutional if motivated by a discriminatory purpose.”); *United Food & Commercial Workers Union*, 163 F.3d at 356; *Boy Scouts of Am. v. Wyman*, 335 F.3d 80, 93 (2d Cir. 2003) (“[I]t is not enough that a law appear viewpoint-neutral on its face. A reviewing court must also determine that the rule is not a façade for viewpoint discrimination.”).

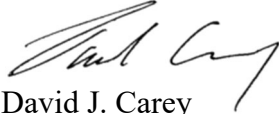
III. OSU Must Rescind the Chalking Ban

We urge you to rescind the Chalking Ban immediately. It is an affront to the First Amendment both as a content-based restriction on speech, and as a thinly veiled means of discriminating against a disfavored political viewpoint.

Should OSU fail to remedy this situation, we will not hesitate to pursue relief in federal court on behalf of affected community members. Such relief may include damages, injunctive relief, and/or recovery of attorneys' fees as authorized by 42 U.S.C. § 1983, § 1988, and other applicable law.

We look forward to your prompt corrective action.

Very truly yours,



David J. Carey
Managing Legal Director
American Civil Liberties Union of Ohio Foundation
(380) 215-0997
dcarey@acluohio.org

cc: Melissa Shivers, Senior Vice President for Student Life (sl-vicepresident@osu.edu)
Anne Garcia, Senior Vice President & General Counsel (Garcia.680@osu.edu)