



185 Devonshire Street, Suite 302
Boston, MA 02110
Tel. 617-227-7335
NLGMass-Director@riseup.net
www.nlgmass.org

Contact: Jon Cubetus, NLG Staff Attorney -- 508-505-4244, nlgmass-litigation@riseup.net

COURT ORDERS UMASS AMHERST TO REINSTATE SUSPENDED STUDENT PROTESTER, FINDING LIKELY FIRST AMENDMENT VIOLATION

AMHERST, February 14, 2026 -- Justice Jeffrey J. Trapani of the Hampshire Superior Court granted plaintiff's emergency motion for a temporary restraining order and preliminary injunction, ordering the University of Massachusetts Amherst to immediately terminate Kiv de Montebello's suspension and allow him to return to campus and continue his education while the lawsuit proceeds. Suspending Mr. de Montebello for peacefully protesting Raytheon at a campus career fair, the court concluded, likely violated his right to free speech under the First Amendment to the United States Constitution and Article 16 of the Massachusetts Declaration of Rights.

In its [decision and order](#), the court applied the framework established in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) to Mr. de Montebello's conduct at a protest during a career fair being held on campus. The court found it was not reasonable to conclude that Mr. de Montebello's protest caused or was likely to cause a substantial disruption to any university activities, including the career fair. The court noted that the university's own Associate Vice Chancellor, Jeff Hescocock, reported that the career fair "proceeded as planned" with no disruptions inside the auditorium—a statement the court found "particularly helpful" to the plaintiff's case.

"This is a huge victory for student free speech," said the Executive Director of the National Lawyers Guild-Mass Chapter Urszula Masny-Latos. "The court confirmed what we argued from the start: UMass cannot suspend a student for exercising his constitutional right to peaceful protest. Universities that silence dissent should take notice."

The case stems from a September 29, 2025 protest in which de Montebello and fellow students gathered to protest Raytheon's (RTX) participation as an employer at the Isenberg Career Fair. Despite causing no material disruption to classwork or substantial disruption to the fair, UMass suspended de Montebello for one year, banning him from campus and all classes through December 2026.

"Punishing students for political speech that causes no disruption violates the Constitution," said co-counsel Jeff Feuer of NLG-Mass Chapter. "The First Amendment's protection of peaceful protest on public university campuses is well established, and the court's decision reaffirms that principle."

"Kiv can now return to campus and continue his education while this case moves forward," added co-counsel Naomi R. Shatz of Zalkind Duncan and Bernstein LLP. "The court's order makes clear that the Constitution does not permit universities to punish students for exercising their First Amendment rights."

#

"... to the ends that human rights shall be regarded as more sacred than property interests."

- Preamble to the Constitution of the National Lawyers Guild, 1937