

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of,

AHMAD AWAD, SOFIA DADAP, SAPPHIRA LURIE,
and JULIE NORRIS,

Index No. 153826/2017

Petitioners,

AFFIDAVIT

-against-

FORDHAM UNIVERSITY,

Respondent,

For a Judgment Pursuant to Article 78 of the
Civil Practice Law and Rules.

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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

DOROTHY A. WENZEL, PH.D., being duly sworn, states:

1. I am the Director of the Office for Student Involvement at the Lincoln Center campus of Fordham University (the “University” or “Fordham”), respondent in this Article 78 proceeding.¹

2. I have been the Director of the Office for Student Involvement since February 2006 after commencing employment at Fordham in 2004. In addition, I have a Doctor of Philosophy degree from Fordham University in Educational Leadership, Administration, and Policy. I received my Master of Arts degree in Higher Education Administration from New York University's Steinhardt School and graduated Phi Beta Kappa and summa cum laude from Loyola University in Maryland with a Bachelor of Arts degree in English Literature.

¹ The name of the office changed in summer 2016 from Office of Student Leadership and Community Development to the Office for Student Involvement.

3. I make this affidavit in support of the University's motion to dismiss the Verified Petition (the "Petition") of Ahmad Awad ("Petitioner Awad"), Sofia Dadap ("Petitioner Dadap"), Sapphira Lurie ("Petitioner Lurie"), and Julie Norris ("Petitioner Norris") (collectively, "Petitioners"). Petitioner Awad and Petitioner Lurie graduated from the University in May 2017. A full and complete statement of the relevant facts is set forth below and is supplemented by the accompanying Affidavit of Keith Eldredge, the Dean of Students of the Lincoln Center campus, dated June 5, 2017 (the "Eldredge Affidavit").

4. This matter concerns the denial of approval by Fordham, through Dean Eldredge, of Petitioners' application to have a Fordham sanctioned student club which would be a local chapter of a national organization known as Students for Justice in Palestine ("SJP"). As I understand its mission, SJP promotes justice, human rights, liberation, and self-determination for the indigenous Palestinian people as well as the boycott of, divestment from, and sanction of Israel ("BDS").²

5. In this affidavit, I will address the mechanics and process available to students seeking to form a club at Fordham's Lincoln Center campus and more specifically, how the process applied to Petitioners, in order to demonstrate that Fordham followed its applicable policy and procedures in denying Petitioners' application. Dean Eldredge, in his accompanying affidavit, will discuss the very rational basis for his decision to not approve the Petitioners' application. In doing so, Fordham will demonstrate that it both followed its applicable policy and that its reason for denying Petitioners' application was neither arbitrary nor capricious.

² Boycotts involve withdrawing support for Israel and Israeli international companies, as well as Israeli sporting, cultural and academic institutions. Divestment campaigns urge banks, local councils, churches, pension funds and universities to withdraw investments from all Israeli companies and from international companies. Sanctions campaigns pressure governments to hold Israel accountable by ending military trade, free-trade agreements and expelling Israel from diverse international forums such as the UN and FIFA. For further information see, for example, <https://bdsmovement.net/what-is-bds>.

Creation and Existence of Club Guidelines

6. By way of background, Fordham's Office for Student Involvement (of which I am the Director) is the central hub for all student club activities for undergraduate students at the Lincoln Center campus. The Office for Student Involvement provides guidance and support to student leaders looking to build, maintain and develop their clubs. There are over fifty (50) student organizations at Fordham's Lincoln Center campus.³ The Office for Student Involvement aims to provide students with meaningful interactions outside of the classroom that connect them with their peers and with other members of the University community.

7. When students enrolled at the University's Lincoln Center campus want to form a club, the University's Club Guidelines control. The Club Guidelines, attached hereto as Exhibit "A", instruct students who wish to form a club on the Lincoln Center campus as to the specific process to be followed.

8. These Club Guidelines also contain the club approval process that Fordham has in place and has been following since April 2015 on the Lincoln Center campus. Specifically, prospective club leaders must fill out the appropriate paperwork and submit it to a committee of the United Student Government ("USG") known as the USG Operations Committee. The USG Operations Committee reviews the proposed club's constitution and provides recommended edits to the students requesting the club. Thereafter, I, as the Director for Student Involvement, review the proposed club's constitution and make additional recommendations if necessary. Then, when both I and the Operations Committee are satisfied, the full USG Senate votes on the proposed club. Thereafter, the proposed club's application is submitted to the Dean of Students (Dean

³ See *Lincoln Center Student Organizations*, FORDHAM UNIV. (2017), available at https://www.fordham.edu/info/21466/student_organizations/3092/lincoln_center_student_organizations.

Eldredge) for the final determination. See Exhibit “A” at pg. 5 which are the Club Guidelines in effect at all relevant times.⁴

9. Contrary to Petitioners’ allegation and as indisputably set forth in the University’s Club Guidelines, USG is not the sole entity authorized to approve student groups. See Petition at ¶ 4. I, along with USG, generally work with groups of interested students to formulate a constitution, develop a defined mission, explore and avoid overlap with an existing club and partner/join existing clubs if the missions or purposes of both groups are somewhat aligned. In accordance with the Club Guidelines, the proposed application is then approved or denied by the USG Senate. Finally, the proposed application is then approved or denied by the Dean of Students in accordance with the Club Guidelines. Review by the Dean is the final step in the club application process. See Exhibit “A” at pg. 5, Section 8 at f, g and h.

Club Registration Packet

10. At the beginning of the club application process, the prospective club leaders usually obtain a packet of materials prepared by fellow students who are members of USG. USG members prepare the packet as a service to their fellow students to guide them through the club approval process. USG, however, is not a department or office of the University. The members are students who have been elected by their peers and they are not employees of the University.

11. In this case, USG prepared and provided Petitioners with the aforementioned information packet (the “Club Registration Packet”).

12. Unfortunately, in the case of Petitioners and others, the Club Registration Packet that they received from USG in the fall of 2015 and in the fall of 2016 was incorrect in that USG apparently inverted the last two (2) steps in the club approval process by indicating that

⁴ Unless otherwise noted, all references to Exhibit “A” represent Exhibit “A” at pg. 5.

USG, not the Dean of Students, had final approval authority. Copies of the relevant Club Registration Packets for 2015 and 2016 are annexed hereto as Exhibit “B” at pgs. 2-14 and Exhibit “C” at pgs. 2-14, respectively. As noted above and as seen in the University’s Club Guidelines at Section 8, the Dean of Students actually has the final review of any club application. See Exhibit “A” at pg. 5.

13. As would be expected, since discovering this discrepancy on October 28, 2016, USG amended the Club Registration Packet to contain the correct club approval process as set forth in the University’s Club Guidelines (which clearly sets forth the Dean’s ultimate veto power). A copy of the updated Club Registration Packet is attached hereto as Exhibit “D” at pgs. 1-13.

14. However, to be clear, the existence of this discrepancy caused no harm to Petitioners because the official University Club Guidelines have been consistent throughout this process and always indicated the proper approval process. Further, once the discrepancy between the students’ Club Registration Packet prepared by USG and the University’s Club Guidelines was discovered on October 28, 2016, the formal club approval process for SJP had not yet begun in that neither USG nor the Dean had voted on Petitioners’ application. Additionally, Petitioners were immediately informed of the correct club approval process set forth in the University’s Club Guidelines nearly a month in advance of any deliberations by USG on their application and well before the final decision of the Dean of Students was made in December 2016. Specifically, the correct club approval process was brought to the attention of Petitioners on October 31, 2016, nearly two months before Dean Eldredge rendered his decision on December 22, 2016. A copy of this email notification is attached hereto as Exhibit “E” at pgs. 1-2.

SJP Application Timeline

15. Attaining official club status generally means that the club will have access to: (1) limited funding by the University; (2) space to hold meetings and events; and (3) an advisor who is usually an interested faculty member or administrator. Therefore, just based on those limited resources alone, I want to emphasize that recognition as a Fordham sanctioned club is not simply a *pro forma* process. In fact, as will be illustrated herein, in addition to the aforementioned constraints, many other factors are considered during the club approval process because club recognition can and does involve many Fordham constituencies.

16. For the Court's convenience, I will set forth the relevant timeline concerning the Petitioners' application.

17. On **October 21, 2015**, the USG Vice President of Operations for the 2015-2016 academic year, Amanda Ritchie ("Ms. Ritchie"), emailed Gunar Olsen ("Mr. Olsen") a Club Registration Packet, including an application, as he was interested in forming a local chapter of SJP on Fordham's Lincoln Center campus as an official Fordham student club. See Exhibit "B" at pgs. 1-14.

18. On **November 19, 2015**, four undergraduate Fordham students, including Petitioner Awad, submitted a constitution to USG to start a student SJP club at the Lincoln Center campus. See Petition at ¶ 16. A copy of this constitution is attached hereto as Exhibit "F" at pgs.1-5.

19. As a result of an apparent internal delay within USG, USG did not provide me with a copy of SJP's application and proposed constitution until shortly before the University's spring break, in **March 2016**. To be clear, although SJP's paperwork was allegedly submitted to USG in November 2015, my office did not receive these materials until March 2016 as a result

of student delay caused by USG. Copies of SJP's application and proposed constitution that were provided to me in March 2016 are attached hereto as Exhibit "G" at pgs. 1-12.

20. On **April 5, 2016**, Petitioner Awad, the proposed president for the SJP chapter, wrote to me via email seeking a status update as to his request to start the proposed club. See Exhibit "H" at pgs. 1-2. In Petitioner Awad's email he says "**But we've been quite disappointed that we haven't heard back from anyone from USG, especially because it's been several months since we submitted everything on November 20.**" (Emphasis added).

21. I immediately responded to Petitioner Awad via email on **April 6, 2016** indicating to him that I had not received a copy of SJP's proposed club constitution until shortly before the University's spring break in March 2016 and that, in accordance with the standard club approval process, I needed to set up a meeting with him and USG. Id.

22. As specifically set forth in the Club Guidelines, after SJP's paperwork was submitted to the USG Operations Committee, a robust, interactive dialogue occurred among the prospective club leaders, the USG Operations Committee and me (in my role as the Director for Student Involvement). The purpose of this dialogue is to: (1) review the proposed club's constitution; (2) discuss the proposed club's function, overall mission, future purpose, and potential effect on the campus community; (3) eliminate any redundancies with other clubs; and (4) suggest appropriate modifications to the proposed constitution, if necessary.

23. On **April 26, 2016**, I, along with USG Vice President of Operations for the 2015-2016 academic year, Ms. Ritchie, met with Petitioner Awad, the proposed SJP club president, and Christina Napolitano ("Ms. Napolitano"), a proposed member of SJP. We discussed the national SJP organization and how the proposed campus club would be affiliated with the

national organization, if at all. The approval process then went into hiatus due to the end of the academic year and summer recess.

24. On **September 7, 2016**, Mr. Olsen, on behalf of Petitioner Awad, as well as Hend Elmadboly and Asad Hussain Jung, emailed Kayla Wolf, the new USG VP of Operations for the 2016-2017 academic year (“Ms. Wolf”), asking for an update on the proposed club’s status. See Exhibit “I” at pgs. 1-2.

25. On **September 11, 2016** and again on **September 14, 2016**, Ms. Wolf, on behalf of USG, immediately responded to the students to acknowledge the email and to state that I would contact them soon. Id.

26. On **September 20, 2016**, I emailed Petitioner Awad confirming that Ms. Wolf would be the proposed club’s contact person at USG for the 2016-2017 academic year. Given that I was aware of media reports and had had discussions with administrators at other institutions concerning their experience with SJP chapters, I also asked for written confirmation that the national SJP organization did not require anything from the proposed local chapter at the Lincoln Center campus. I asked to meet again to discuss issues regarding the group’s proposed programming and the group’s proposed constitution. See Exhibit “J” at pgs. 1-2.

27. As Petitioners recognize, “[o]ver the next couple of weeks, Petitioner Awad and other students interested in starting SJP responded to follow-up email inquiries from administrators on routine matters and requested to meet with USG and Fordham administrators.” See Petition at ¶ 21. As more fully set forth below, this interactive process is not unusual at Fordham.

28. On **October 5, 2016**, students interested in forming SJP (Petitioner Awad, as well as interested students, Alexa McMenamin, Areeg Abdelhamid (“Ms. Abdelhamid”), and Mr.

Olsen) met with Dean Eldredge, Ms. Wolf and myself. We asked the students to explain their approach and understanding of the BDS tactics endorsed by the national organization of SJP (boycott, divestment and sanctions). In the course of reviewing SJP's application, our online research and conversations caused us to try to gather a fuller understanding of BDS.⁵ We had

⁵ I reviewed various articles regarding BDS including, but not limited to:

1. *Profile: Students for Justice in Palestine*, ANTI-DEFAMATION LEAGUE (2014), available at <http://www.adl.org/israel-international/anti-israel-activity/c/students-justice-palestine.html?referrer=https://www.google.com/#.VrqQKfkrKM8>
2. CUNY Articles:
Affirming the Rights of Students to Organize, Protest, and Resist (City University of New York), JADALIYYA REPORTS (Nov. 23, 2015), available at <http://www.jadaliyya.com/pages/index/23236/affirming-the-rights-of-students-to-organize-prote>; and *Post MSM: CUNY, Zionism and Organized Repression!*, NYC SJP (Nov. 19, 2015), available at <https://nycsjp.wordpress.com/2015/11/19/post-msm-cuny-zionism-and-organized-repression/>
3. *Building our Power: Announcing the 2015 National Students for Justice in Palestine Conference*, MONDOWEISS (Sept. 22, 2015), available at <http://mondoweiss.net/2015/09/announcing-palestine-conference/>
4. Loyola article connecting BDS to Black Lives Matter: *Loyola Black Voices' Demands Include Divestment*, PALESTINE IN AMERICA (Nov. 12, 2015), available at <http://palestineinamerica.com/2015/11/loyola-black-voices-demands-include-divestment/>
5. BDS discussion at the Law School: *Addressing BDS at Fordham School of Law*, SPME (Nov. 25, 2013), available at <http://spme.org/boycotts-divestments-sanctions-bds/addressing-bds-at-fordham-school-of-law/16168/>
6. NY Times article on 4/4/16: *Is Anti-Zionism Anti-Semitism*, NY TIMES (April 4, 2016), available at <http://www.nytimes.com/roomfordebate/2016/04/04/is-anti-zionism-anti-semitism?smprod=nytcore-iphone&smid=nytcore-iphone-share>
7. *Loyola University Students Pass Anti-Israel Divestment Resolution*, UNITED WITH ISRAEL (April 1, 2015), available at <https://unitedwithisrael.org/loyola-university-students-pass-anti-israel-divestment-resolution/>
8. *Listen: Loyola University Chicago Students Pass Divestment for Third Time*, ACTIVISM AND BDS BEAT (April 15, 2015), available at <https://electronicintifada.net/blogs/nora-barrows-friedman/listen-loyola-university-chicago-students-pass-divestment-third-time>
9. *Endorsing a Community of Dialogue*, LOYOLA UNIVERSITY CHICAGO (2017), available at <http://www.luc.edu/president/letters/endorsingacomunityofdialogue/>
10. *SJP's Underhanded Tactics at Loyola U*, THE TIMES OF ISRAEL (Mar. 19, 2014), available at <http://blogs.timesofisrael.com/conspiracy-and-the-bds-movement-loyola-university-passes-divestment-with-no-debate/>
11. *50% of Anti-Israel Events in Illinois on Three Campuses*, ANTI-DEFAMATION LEAGUE (April 1, 2015), available at <http://chicago.adl.org/50-anti-israel-events-illinois-three-campuses/>
12. *Lonnie Nasatir Speaks about BDS Movement at Loyola*, ANTI-DEFAMATION LEAGUE (Mar. 31, 2014), available at <http://chicago.adl.org/lonnie-nasatir-speaks-about-bds-movement-at-loyola/>
13. *BDS' Big Night: Loyola Student Government Passes Divestment, U. Mich Votes it Down*, MONDOWEISS (Mar. 26, 2014), available at <http://mondoweiss.net/2014/03/student-government-divestment/>
14. *Cuomo to Halt State Business With Groups That Back Boycott of Israel*, NY TIMES (June 5, 2016), available at <https://www.nytimes.com/2016/06/06/nyregion/cuomo-new-york-israel-boycott-bds-movement.html>

These articles are attached hereto as Exhibit "W" at pgs. 1-58. See also <http://www.prnewswire.com/news-releases/50-us-governors-join-ajc-initiative-to-support-israel-fight-bds-300459614.html>, for a recent article describing the rejection of BDS by the Governors of all 50 states.

spoken with others on the Lincoln Center campus who expressed concerns about BDS.⁶ We also asked about any requirements the national organization may impose on the local proposed chapter of SJP. In an effort to avoid any unnecessary association, while maintaining its mission, we also asked if the students would consider simply not using the name “Students for Justice in Palestine” or “SJP” so as to avoid any issues that the SJP brand has reportedly caused elsewhere on other campuses.⁷

29. Also, on **October 5, 2016**, Ms. Wolf of USG emailed Mr. Olsen a new Club Registration Packet and a fast track constitution to further the application process and help with edits. See Exhibit “C” at pgs. 1-19.

30. Additionally, at the **October 5, 2016** meeting, the students expressed to me that they also wanted to go to the national SJP conference from November 4, 2016 – November 6, 2016. They specifically wanted funding from Fordham to go to the conference. I clarified that the University needed more than a month’s notice to provide any recognized club sufficient funding to attend a major conference of any sort. Moreover, I pointed out that since their

⁶ Specifically, I spoke to Jason Morris, Ph.D, an Associate Professor of Biology and Faculty Advisor for Fordham University Hillel about SJP and BDS. He provided me with various links and resources regarding the escalation and inflammatory tactics used by those advancing the BDS cause. He urged the need to talk about the issue, the Palestinian conflict, in a more productive way.

I also recommended that the USG Executive Board meet and consult with a variety of faculty members, including but not limited to: Dr. Morris, Dr. Hogan, Dr. Ben-Atar, Dr. Entelis, and Dr. Dayal. However, upon information and belief, USG did not adhere to this recommendation prior to rendering its decision on November 17, 2016.

⁷ We reviewed events held by Students for Justice in Palestine groups on other college campuses such as College of Staten Island, John Jay College, Columbia University, New York University (see e.g. <http://nypost.com/2014/04/24/jewish-nyu-students-targeted-by-pro-palestine-activists-report/>), Hunter College, Barnard College, St. Joseph’s College and Georgetown University.

As seen in the Eldredge Affidavit at ¶ 6, Fordham has had controversial speakers, including Norman Finkelstein, to speak on campus at Lincoln Center in 2009. We knew from our experience with Norman Finkelstein that the topics of Israel and Palestine were going to be controversial and increased measures potentially needed to ensure overall campus safety. See e.g. <http://www.fordhamobserver.com/amid-protests-controversial-scholar-discusses-gaza/>.

application was not yet approved, the students would not be able to obtain funding to attend as a Fordham club.

31. Over the course of the next few weeks, Petitioner Awad and other students interested in starting SJP responded to requests for further edits to the club constitution and questions about the national chapter from Dean Eldredge, myself, and USG members. See Petition at ¶ 24. As noted below, this back and forth editing of a proposed club's constitution is commonplace at the University. Proposed clubs often experience a lengthy club approval process given the number and variety of different student organizations and limited funding and resources present on the Lincoln Center campus.

32. On **October 17, 2016**, SJP submitted an updated constitution. See Exhibit "K" at pgs. 1-6.

33. On **October 27, 2016**, students interested in forming SJP (Mr. Olsen, Ms. Abdelhamid, Ms. Napolitano, Petitioner Awad, Petitioner Dadap, and Petitioner Lurie) met with the proposed club's faculty advisor, Glenn Hendler, and the USG Operations Committee. This meeting was scheduled, in part, as a result of the USG Operations Committee's review of SJP's proposed constitution. Specifically, the USG Operations Committee had questions about the local chapter's relationship to the national organization and wished to speak with the interested members in person.

34. After this meeting, on **October 27, 2016**, Ms. Wolf emailed me regarding concerns about the process for SJP becoming a club. See Exhibit "L" at pgs. 1-2. I agreed to meet with Ms. Wolf and members of USG the following day on October 28, 2016.

35. On **October 28, 2016**, Mr. Olsen emailed Ms. Wolf a summary of the October 27, 2016 meeting in which he repeated the incorrect club registration process set forth in the Club Registration Packet. See Exhibit “M” at pgs. 1-2.

36. On **October 28, 2016**, Ms. Wolf emailed students interested in forming the SJP chapter and indicated that they would receive an email from the president of USG over the weekend that would address their questions regarding the club registration procedure. See Exhibit “N” at pg. 1.

37. Interestingly, also on **October 28, 2016**, members of the USG Executive Board asked the Dean of Students to make a final decision on the proposed club’s status prior to the USG Senate vote. Apparently, due to the controversy generated by the application among the students at the Lincoln Center campus, the USG members did not want to take a full vote on this club (SJP) if the Dean intended to veto the club’s application. In response, after speaking with Dean Eldredge, I reiterated to the students how important it was to comply with the University’s club approval policy and procedure, that is, the Club Guidelines. Consequently, the Dean declined to take any action prior to the USG Senate vote.

38. At the meeting on **October 28, 2016** with the USG Executive Board, and as noted above, I realized that the Club Registration Packet for starting a new club that the current USG VP of Operations, Ms. Wolf (as well as her predecessor, Ms. Ritchie), had been distributing was incorrect. It stated that after approval by the USG Operations Committee, the proposed club’s constitution was sent to the Director for Student Involvement and Dean of Students and then to the USG Senate for their recommendations and final approval. See Exhibit “B” at pg. 3 and Exhibit “C” at pg. 3. In other words, the process set forth in the Club Registration Packet (as opposed to the University’s Club Guidelines) showed that the progression for club approval was

Director for Student Involvement, Dean of Students and then USG. This process, as written, incorrectly indicated that USG had the final say as to whether a club was approved by the University at the Lincoln Center campus. See Exhibit “B” at pg. 3 and Exhibit “C” at pg. 3. I noticed the discrepancy when I met with USG on October 28, 2016. USG showed me their Club Registration Packet and I stated that it did not look right. I returned to my office and looked at the University’s Club Guidelines, confirmed that the USG Club Registration Packet did not match the University’s Club Guidelines, and then notified the USG President that USG was handing out paperwork that did not match the University’s official Club Guidelines.

39. The Club Registration Packet was apparently given to anyone inquiring about starting a new club from 2015 until I discovered the error on October 28, 2016. It was only working with SJP on its application that Fordham, through me, discovered this discrepancy between the two documents.

40. Again, for purposes of clarity, the correct approval sequence, as set forth in the University’s 2015 Club Guidelines, is that the proposed club’s constitution is first reviewed by the USG Operations Committee and me, then by the full USG Senate and then finally by the Dean of Students.

41. On **October 31, 2016**, USG President Leighton Magoon notified students interested in forming SJP of this discrepancy, including Petitioners, explaining that the University’s Club Guidelines had the correct club approval process and the Club Registration Packet that SJP had received from USG was incorrect insofar as it contained the inverted club approval process. A copy of this email is attached hereto as Exhibit “E” at pgs. 1-2.

42. The USG Operations Committee then (as the next step in the approval process) reviewed SJP’s proposed constitution and submitted it to the USG Senate for approval.

43. On **November 17, 2016**, the USG Senate voted to approve SJP as a club at the Fordham University Lincoln Center campus. See Exhibit “O” at pg. 2. Ms. Wolf communicated this decision to Dean Eldredge shortly thereafter. Id.

44. On the same date, Dean Eldredge wrote to the Petitioners and other students saying that he was informed of USG’s decision to approve the SJP club and that he now would review SJP’s application for club status in accordance with the Club Guidelines. See Exhibit “P” at pg. 1.

45. On December 22, 2016, after reviewing the application, Dean Eldredge denied SJP official club status at the Lincoln Center campus. See Exhibit “Q” at pg. 1. He explains his reasons more fully in his accompanying affidavit.

The Club Approval Process is Collaborative

46. To the extent Petitioners allege that the collaboration among the applicants, the University, USG, and other existing clubs at Fordham’s Lincoln Center campus in this case is somewhat unique (see e.g., Petition at ¶¶ 3, 26), they are simply not correct. As I mentioned, there are over fifty (50) already-existing clubs at Fordham’s Lincoln Center campus. See Exhibit “R” at pgs. 1-2.

47. With any club application there are certain issues that I (in my role as the Director for Student Involvement), USG, and the Dean of Students must jointly review in connection with determining whether to approve a proposed club. For example, two clubs with overlapping missions are not permitted to exist on campus in order to prevent the hypothetical situation wherein a student does not like a current club, he or she obviously would not be permitted to start a rival club.

48. Other, more tangential, overlaps are also precluded, which often necessitates involving other clubs in the process. For example, some years ago, a Science Club already existed on campus when the Minority Association of Premedical Students (“MAPS”) sought approval for club status. During the course of the club approval process, University representatives and USG met with representatives from the Science Club, as well as with representatives interested in organizing MAPS, separately and together, to discuss the purpose of each club and to discuss the agenda for each respective club. There was a comprehensive consultation process to confirm that the clubs were not serving the same purpose, hosting the same events, or otherwise doing the same thing. The University worked with the two clubs to differentiate their constitutions so as to allow the two groups to be distinct.

49. Subsequently, in 2014-2015, a group of students was interested in forming a Pre-Med Club. Ultimately, the Pre-Med Club was not approved as a club on campus, but this decision never made it to the Dean’s desk. Once the students heard from the USG Operations Committee and me that there was too much overlap with the Science Club and MAPS, there was a voluntary withdrawal of the request for club approval by the Pre-Med Club. The person who wanted to be president of the Pre-Med Club was offered a board member position in the Science Club.

50. Similarly, this year, the Caribbean Students Club received approval to become an official club on campus. However, before this approval was received, USG and I communicated with the Black Student Alliance and the Student Organization for Latinos, since both of these clubs already cover Caribbean issues. The Student Organization for Latinos’ advisor, Sandra Vargas, had concerns about the proposed Caribbean Students Club during the formation process. As a result, Ms. Wolf, the student forming the Caribbean Students Club, and I met with Ms.

Vargas to discuss those concerns. The USG voted on April 20, 2017 to approve the Caribbean Students Club and the Dean of Students concurred. This is a common example of how and why other existing Fordham clubs and their advisors are brought into the process before a new club is formally approved by the University.

51. Further, LC Mode Magazine, a fashion magazine club, was approved on April 9, 2015. However, before this approval was received, USG and I met with The Observer, the University's existing student newspaper to see if a fashion component could fit within the existing club or if LC Mode Magazine needed to be a separate club.

52. Another proposed student organization, PAN Productions, led by a student who sought to start a video sketch comedy club, ultimately did not become a club because it chose to opt-out of the process. However, USG did consult with Stove's Cabin Crew Comedy Club during the formation process to discuss a potential overlap in mission. My intention was to contact the proposed advisor in the Communications and Media Studies Department to confirm that the proposed club could use that department's filming equipment. I also needed to make sure that the Theatre Department would allow the proposed club to use their theatre costumes. Before I could contact the advisors, the interested students responded that they no longer wanted to move forward in the club approval process.

53. Additionally, the Investment Banking Club was approved on April 4, 2016. Prior to this approval, I asked the advisor of the Investment Group Club, which was an already existing club, to make sure that there was not an overlap in operation between the existing Investment Group and the in process, proposed Investment Banking Club. The advisor of the Investment Group club is the Gabelli School Assistant Dean at Lincoln Center, Fr. Vin DeCola. In that case, I specifically asked Fr. DeCola if a meeting with the already existing Investment

Group Club and the proposed Investment Banking Club was needed to discuss overlapping undertakings. Fr. DeCola said he was confident as an advisor that the two clubs would not overlap. This is an instructive example of the collaborative club formation process that exists at Fordham's Lincoln Center campus.

Collaborative Process for SJP

54. Similar to how USG and University representatives met with the Science Club and MAPS in connection with determining whether to approve a Pre-Med Club, and how USG and University representatives communicated with the Black Student Alliance and Student Organization for Latinos before approving the Caribbean Students Club, USG and I communicated with the Jewish Student Organization ("JSO") and the Muslim Student Association ("MSA") in connection with the possible formation of SJP. I asked the MSA leaders for their thoughts because of any possible overlap in the missions of the respective clubs. MSA neither endorsed it nor did it express any concerns. MSA only met with Ms. Wolf and me, not the full USG Senate.

55. Conversely, I asked JSO for its opinion because I believed that there may be strong opinions as to having a SJP chapter on campus. I was correct. JSO was very concerned with the application and on **October 27, 2016**, emailed me asking to express its position. See Exhibit "S" at pg. 1. Faculty member Jason Morris and Karina Hogan, the faculty advisor for JSO, also emailed me expressing concerns about the potential formation of SJP. See Exhibit "T" at pgs. 1-4.

56. I met with JSO and the USG Executive Board on **November 2, 2016** to hear concerns about a Fordham sanctioned SJP chapter and to review any information it submitted, including copies of "eviction notices" that were allegedly placed under the doors of Jewish

students at New York University by members of that institution's local SJP chapter. Copies of the materials submitted by JSO are attached hereto as Exhibit "U" at pgs. 1-5.

57. The USG Executive Board updated the USG Senate on **November 3, 2016**. The USG Senate expressed a desire to hear directly from the JSO students and decided to invite them to attend a USG Senate meeting to answer some additional questions.

58. JSO met with the full USG Senate on **November 17, 2016**. Copies of the materials that were submitted at this meeting are attached hereto as Exhibit "V" at pgs. 1-7. These materials include a sampling of specific SJP attempts to seriously disrupt campus events at institutions across the country. These events allegedly occurred at institutions such as, University of California Irvine, Stanford University, Boston University, Florida International University, University of Georgia, Brown University, Johns Hopkins University, University of California Santa Cruz, University of Minnesota and Tufts University. See Exhibit "V" at pgs. 2-4. These materials also included a letter from Hillary Clinton expressing her alarm over the Boycott, Divestment, and Sanction movement to isolate the State of Israel. See Exhibit "V" at pgs. 6-7.

59. Speaking with JSO, however, was not done to provide JSO with a role in the approval or denial of SJP as a recognized Fordham club. Rather, the USG Senate spoke to JSO in an effort to involve JSO in the consideration of means through which a dialogue related to Palestinian issues could be as inclusive as possible and to determine what effect, if any, allowing an SJP chapter could have on campus.

Timing of Club Approval Process

60. Moreover, contrary to Petitioners' allegation that there was an unusually long period of delay in this case (see Petition at ¶ 3), there is nothing unusual about the timeframe in this case. Although Petitioner Awad only believed it would take a few weeks for club approval

(see Petition at ¶ 18), while desirable, this is not a realistic time frame for club approval at Fordham.

61. As noted above, the LC Mode Magazine, a fashion magazine club, was approved on April 9, 2015. However, this club had a long approval and club formation process that began in January 2014 and lasted until April 2015. The first constitution was sent to me in September 2014. As previously mentioned, there were discussions to see if the LC Mode Magazine could be part of The Observer rather than a separate club. Those discussions were followed by discussions about the relationship with the Rose Hill Club once it was determined that LC Mode Magazine would become a separate club. Final approval was not until April 2015, over a year after the proposed club's constitution was first submitted.

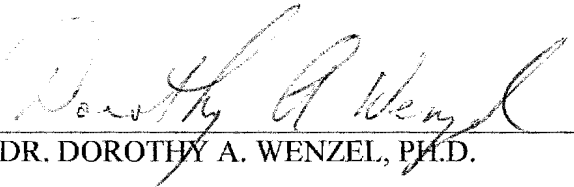
62. For context, USG approved only three clubs in 2015-2016: (1) the Active Minds Club (approved in January 2016); (2) the Fashion for Philanthropy Club; and (3) the Investment Banking Club (approved in April 2016).

63. The Fashion for Philanthropy Club first submitted its application in Spring 2015 and was close to being approved in January 2016, but had to have more edits made to its constitution. The club ultimately was not approved until March 2016. This is another recent example of how certain clubs sometimes take longer to be approved than others.

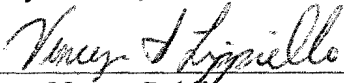
64. Three other groups of students submitted proposed constitutions in the 2015-2016 academic year for the Badminton, Ultimate Frisbee & Flag Football Club, the Consulting Club and the Finance Club. These interested students were asked questions about their applications and proposed constitutions, but those clubs were never approved in the 2015-2016 academic year.

Conclusion

65. In conclusion, it is beyond debate that the University complied with its policies and procedures in rendering its decision to deny SJP official club status at the University. Consequently, Petitioners' claims should be dismissed in their entirety.


DR. DOROTHY A. WENZEL, PH.D.

Sworn to before me this
5th day of June, 2017.



Notary Public

Vincenzo S. Lippiello
Notary Public State of New York
No. 02116124266
Qualified in Bronx County
Commission Expires 3/28/2020