

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)

KEITH ELDREDGE, being duly sworn, states:

1. I am Dean of Students at the Lincoln Center campus of Fordham University (the “University” or “Fordham”), respondent in this Article 78 proceeding.
2. I make this affidavit in support of Fordham’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”).
3. This proceeding concerns Petitioners’ attempt to form an official, Fordham-sanctioned student club, on Fordham’s Lincoln Center campus. Petitioners sought to form a local, Fordham-supported, chapter of a national organization known as Students for Justice in Palestine (“SJP”). Petitioners now contend in this proceeding that Fordham did not follow its

club approval policy and procedures when it, through me, denied Petitioners' application to form a student local chapter of SJP. They also claim that my decision was arbitrary and capricious and that Fordham, a private institution, violated their First Amendment rights. Petitioners are simply wrong in all respects. Fordham followed its policy and procedures and had a rational basis for its decision.

4. As the last link in the club approval process and as Petitioners stated in the Petition, I denied Petitioners' application to have a SJP Fordham-sanctioned student club in order to prevent polarization on the Lincoln Center campus (Petition at ¶ 5) and the resulting possible negative impacts on student safety and the general security of the Fordham community. I made this decision using my best professional judgment having had my current position for over eleven (11) years and having been part of Fordham's Administration for over twenty (20) years. As more fully set forth herein, I denied SJP Fordham-sanctioned club status after: (1) conducting independent research into the organization at issue; (2) doing a thorough review of Petitioners' application and associated information as well as materials submitted by others; and (3) engaging in discourse with administrators at other institutions with SJP chapters, numerous Fordham constituencies and others including many of the Petitioners and other interested students.

5. Simply put, the Petition should be dismissed because the University followed its applicable club approval policy and the procedures set forth therein. See Exhibit "A" to the accompanying Affidavit of Dr. Dorothy A. Wenzel, Ph.D., Director of Fordham's Office for Student Involvement, dated June 5, 2017 (the "Wenzel Affidavit"), which are the University's Club Guidelines in effect at all relevant times herein. Petitioners are simply unhappy with the decision to deny approval of the proposed club. My decision, however, involved the exercise of

the University's educational expertise (through me) which, as I understand it, merits deference by this Court. As I will discuss in further detail, my decision involved many hours of research, discussion and deliberation before I determined that the proposed club could result in the polarization of the Fordham community and in turn adversely impact the safety and security for that same Fordham community.

6. Although somewhat irrelevant since Fordham is a private institution and not subject to the constitutional constraints of a public university, my decision to deny SJP official club recognition status was not a content-based decision. Fordham has hosted many controversial speakers including Norman Finkelstein who spoke at Fordham's Lincoln Center campus in 2009.¹ Fordham has hosted additional speakers who generated attention and controversy, including Newt Gingrich in 2011, Karl Rove in 2011, George Will in 2013 and Jonah Goldberg in 2013. Jasbir Puar was invited to speak at the Lincoln Center campus by a graduate student club in February 2016 but declined to speak on campus. Ann Coulter was also invited to speak at Rose Hill by a student club in 2011 but the club later rescinded the invitation. In fact, in the December 22, 2016 email notification in which I denied Petitioners' application to have a Fordham-sanctioned student SJP club (which Petitioners noticeably failed to include in full text in the Petition), I explicitly acknowledged the need for open, academic discussion about this topic and the promotion of intellectual rigor on campus. A complete copy of the email notification is included herein and attached as Exhibit "A" for the Court's convenience. I noted to the students in my December 22, 2016 email, that:

After consultation with numerous faculty, staff and students and my own deliberation, I have decided to deny the request to form a club known as Students for Justice in Palestine at Fordham University. While students are encouraged to

¹ I knew from our experience with Norman Finkelstein that the topics of Israel and Palestine were going to be controversial and increased measures may need to be taken to ensure overall campus safety. See e.g. <http://www.fordhamobserver.com/amid-protests-controversial-scholar-discusses-gaza/>.

promote diverse political points of view, and we encourage conversation and debate on all topics, I cannot support an organization whose sole purpose is advocating political goals of a specific group, and against a specific country, when these goals clearly conflict with and run contrary to the mission and values of the University.

There is perhaps no more complex topic than the Israeli-Palestinian conflict, and it is a topic that often leads to polarization rather than dialogue. The purpose of the organization as stated in the proposed club constitution points toward that polarization. Specifically, the call for Boycott, Divestment and Sanctions of Israel presents a barrier to open dialogue and mutual learning and understanding.

In a statement announcing their vote to approve the club, United Student Government at Lincoln Center acknowledged the need for open, academic discussion and the promotion of intellectual rigor on campus; however, I disagree that the proposal to form a club affiliated with the national Students for Justice in Palestine organization is the best way to provide this. I welcome continued conversation about alternative ways to promote awareness of this important conflict and the issues that surround it from multiple perspectives.

See Exhibit “A” at pg. 1 (emphasis added).

7. Simply put, I disagreed that the proposal to form a club affiliated with the national Students for Justice in Palestine organization was the best way to provide for this discussion because of the potential for disruption on campus. However, to be absolutely clear, I welcomed, and continue to welcome, continued conversation, from multiple perspectives, about alternative ways to promote awareness of the Israel/Palestine conflict and the issues that surround it. Obviously, any alternative mechanism for dialogue to take place must be more aligned with campus wide safety policies; my obligation, as Dean of Students, is to maintain order on Fordham’s campus and freedom of movement thereon for invited guests, students and members of the school staff. Again, as a private institution, I must also emphasize that Fordham’s obligations to its students are quite distinct from those at a public college or university, where First Amendment concerns could theoretically outweigh those safety and security concerns in certain limited instances.

Background

8. A full and complete statement of the mechanics and process available to students seeking to form a club at Fordham's Lincoln Center campus is set forth in the accompanying Wenzel Affidavit. As mentioned, attached as Exhibit "A" to the Wenzel Affidavit is the University's Club Guidelines which instruct students who wish to form a club on the Lincoln Center campus as to the process to be followed. For the Court's convenience, I set forth the relevant portion herein. The club approval process reads as follows:

SECTION 8. Club Registration Process

a. All prospective Club leaders must submit a New Club Meeting Request form online to the USG Operations mailbox in order to begin the registration process.

b. The USG Vice President of Operations, or a delegate, shall then meet with prospective Club leaders to discuss in detail their goals for the prospective Club and give them a Club Registration Packet.

c. The prospective Club leaders must fill out the Club Registration Packet in its entirety and submit it to the USG Operations committee for review.

d. The Constitution will be edited by the Operations Committee and returned to the prospective Club leaders for review.

e. The edited Constitution will then be submitted again to the Operations Committee and after passing review will be given to the Director for Student Involvement for review.

f. The Director for Student Involvement may approve or deny the Constitution.

g. Approval means the Constitution goes to the USG Senate for review. If the Senate passes it, the Club becomes a new club on probation.

i. Denial means the prospective Club leaders must edit the constitution again, and repeat the process for review by the Director for Student Involvement.

h. Dean of Students has a right to veto any new club.

i. Following USG Senate approval the Club will go on 14 weeks probation during which they may only submit two budget appeals to SABC per month.

j. At the end of the 14 weeks probation, the President or representative designee of the Club shall meet with the USG Vice President of Operations for an end of probation review, where the Club could be designated active, or go defunct based on the guidelines set forth in Section 1.

See Exhibit "A" to the Wenzel Affidavit (emphasis added). As the Court can see at subsection "h", as Dean of Students, I am the final arbiter in the club approval process and I am specifically given veto authority over the formation of any new club. Curiously, however, Petitioners never

discuss this process or the University's Club Guidelines at all in the Petition. Rather, their focus appears to center around student created documents on which Petitioners claimed to have relied. As will be seen below, and assuming that they did in fact rely on these student created documents at some point, Petitioners nevertheless were fully aware that both documents allegedly relied upon were incorrect and that the University's Club Guidelines applied, well before the approval process for their club application began.

The USG Club Registration Packet

9. As I discussed above, pursuant to the University's Club Guidelines, I am charged with the ultimate responsibility as to whether to approve or deny an application to form a student club on the Lincoln Center campus. Before the application crosses my desk and as seen in the many steps in Section 8 of the Club Guidelines, interested students must comply with the several prior steps listed in the Club Guidelines. To assist them and as a service to them, interested students generally obtain a packet of materials prepared by fellow students who are members of the student government group known at Fordham as the United Student Government ("USG"). USG is not a department of the University. The members of USG are students who have been elected by their peers. They are not employees of the University.

10. In any event, as part of their service to their fellow students, USG helps navigate students interested in forming clubs on the Lincoln Center campus through the process. From my experience of over twenty (20) years as an Administrator at Fordham, which includes eleven (11) years as its Dean of Students, I know that USG generally helps the groups of interested students:

- a. Formulate a constitution;
- b. Develop a defined mission;
- c. Explore and avoid overlap with an existing club;

- d. Partner/join existing clubs if the missions or purposes of both groups are somewhat aligned; and/or
- e. Provide guidance as to the preparation of realistic budgets.

11. As noted previously, as part of that assistance, USG has also prepared and offers the founders of the potential clubs an information packet, known as the Club Registration Packet, to guide students in the formation of their club. Unfortunately, the Club Registration Packet that USG prepared and distributed to interested students in 2015 and 2016, including Petitioners, was incorrect in that it inverted the last two (2) steps in the club approval process by indicating that USG, not I as the Dean of Students, had the final word as to the approval. Copies of the relevant Club Registration Packets for 2015 and 2016 are attached to the Wenzel Affidavit as Exhibit "B" and Exhibit "C". As noted, the University's official Club Guidelines set forth the correct process and clearly mandate that I have the final word in this process. See Exhibit "A" to the Wenzel Affidavit.

12. As would be expected, since discovering this discrepancy on October 28, 2016, USG amended the Club Registration Packet and it now contains the correct club approval process set forth in the Club Guidelines (which clearly sets forth the Dean's ultimate veto power). A copy of the updated Club Registration Packet is attached as Exhibit "D" to the Wenzel Affidavit.

13. It is important to note, however, that in this instance, Petitioners were unaffected by the harmless clerical error made by the students of USG. To be clear, this discrepancy resulted in no harm to Petitioners because the official University's Club Guidelines have been consistent throughout this process and always indicated the proper club 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 I had voted on Petitioners' application. Additionally, Petitioners were immediately informed of the correct club approval process set forth in the University's Club Guidelines on October 31, 2016 (see Exhibit "E" to the Wenzel Affidavit) nearly a month in advance of any deliberations by USG on their application and well before I considered and ultimately denied their application on December 22, 2016. Moreover, it is genuinely a distinction without a difference because I would have made the same decision at any point in the process as a result of my aforementioned concerns for the Fordham community.

Timeline/Due Diligence

14. In any event, once Petitioners' application was ready for review, the following steps took place:
 - a. On November 17, 2016, in accordance with the club approval process set forth in the University's Club Guidelines, the USG Senate voted and its vote was to approve SJP as a club at Fordham. See Exhibit "B" at pg. 2.
 - b. Kayla Wolf, the USG Vice President of Operations for the 2016-2017 academic year, communicated this decision to me via email shortly thereafter. See Exhibit "B" at pg. 1.
 - c. On the same date, I wrote to Petitioners and other interested students stating that I was informed of USG's decision to approve the SJP club and that I now needed to review the request in accordance with the University's Club Guidelines. See Exhibit "C" at pg. 1.

15. Over the course of the next several weeks, I spent many hours engaged in research and discussion as to whether SJP should become a club on Fordham's Lincoln Center campus. My decision was not made in a vacuum.

16. First, although my review process did not formally begin until USG rendered its decision in November 2016, as is my usual custom and practice, I had been involved in the process and apprised of the status of the proposed club at the Lincoln Center campus prior to the USG Senate's approval. See generally Wenzel Affidavit at ¶ 15 through at ¶ 45.

17. Over the next several weeks, in addition to my prior dealings and knowledge about the SJP proposed club, I agreed to meet with students from the Jewish Student Organization ("JSO") at their request to listen to their concerns. JSO emailed me on November 7, 2016 and I met with them on November 15, 2016. See Exhibit "D" at pgs. 2-3. JSO emailed me again on November 30, 2016 and we again met on December 6, 2016. See Exhibit "D" at pg. 1. JSO provided me with copies of purported "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 "D" at pgs. 4-6. JSO also provided me with 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 "D" at pgs. 8-10. 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.² See Exhibit "D" at

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

pgs. 12-13. Speaking with JSO, however, was not to give them a role in the approval or denial of the club, but to have them involved in looking at how the dialogue related to the Palestinian issues could be as inclusive as possible and to determine what effect, if any, allowing an SJP chapter could have on campus.

18. I communicated with various other members of the Fordham community on the proposed club. Specifically:

- a. On November 22, 2016, I exchanged emails with Karina Hogan, the faculty advisor for JSO, who was concerned that SJP as a club would adversely affect the newly formed positive relations between the JSO and the Muslim Student Association. See Exhibit “E” at pgs. 1-2.
- b. On November 29, 2016, I asked Rev. Robert Grimes SJ, Associate Professor and Dean of FCLC, about speaking with others in order to make this decision on the club approval of SJP. See Exhibit “F” at pg. 1. I specifically asked Fr. Grimes,

“On a separate note, I think I told you about the students requesting to have a chapter of the national Students for Justice in Palestine as a club. They have completed the process with USG and USG approved them after much conversation. **Now I need to decide if they can be approved and I am looking to talk with some folks on both sides of the issue.** Dorothy had been in conversation with Jason Morris and Karina Hogan (Karina is the official advisor to JSO), and I already reached out to Glenn Hendler since he is the advisor for SJP. The students from JSO mentioned faculty in the Middle East studies program have strong opinions against SJP. **I want to hear all sides of the argument - preferably from folks who will be somewhat measured and objective as they advocate for their position.**” Id. (Emphasis added.)

- c. Fr. Grimes specifically suggested that I speak with Kathryn Kueny, a Professor of Theology, Magda Teter, Chair in Judaic Studies and Professor of History, 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>.

John Entelis, a Professor of Political Science and Middle East Studies. Id. I spoke with all three of these individuals about the proposed club.

- d. On November 29, 2016, I asked Magda Teter, Chair in Judaic Studies and Professor of History, if she could meet to discuss the proposed SJP club. See Exhibit “G” at pg. 1. Magda responded to my email on December 1, 2016 (see Exhibit “G” at pgs. 2-3) and we further discussed the proposed club on December 5, 2016.
- e. I met with Jason Morris, Ph.D, an Associate Professor of Biology and Faculty Advisor for Fordham University Hillel about SJP and BDS on December 2, 2016. Jason was not supportive of approving SJP as a club. He provided me with various links and resources regarding the escalation and inflammatory tactics used by SJP local chapters across the country on college and university campuses. He urged the need to talk about the issue, the Palestinian conflict, in a more productive way.
- f. I also communicated with Kathy Kueny, a Professor of Theology, on December 2, 2016. She was neutral as to whether SJP should become a club on the Lincoln Center campus. In response to my email asking to meet with her, she replied, “I am not sure I am the one qualified to provide insight into your deliberations, but I would be happy to discuss from my rather limited perspective as someone who has expertise in the field of Islamic Studies. Someone in political science (John Entelis) or elsewhere (Pat Ryan) might be better situated to provide a more contemporary perspective.” See Exhibit “H” at pgs. 1-2.

- g. I also met with Glenn Hendler, Chair of the English Department and the proposed SJP faculty advisor, on December 2, 2016 and December 7, 2016 to discuss the mission of the club and to address BDS concerns that had been presented to me during the club approval process. He was a strong proponent of SJP's application.
- h. I met with John Entellis, a Professor of Political Science and Middle East Studies, on December 6, 2016. He indicated that BDS is highly inflammatory and gave me written feedback regarding the disruptive tactics.
- i. I also communicated with Fr. Patrick Ryan, Laurence J. McGinley Professor of Religion and Society, on December 11, 2016 and spoke with him about the issue in person on December 21, 2016.
19. On December 9, 2016, I also invited the students involved with SJP to meet with me before making a final decision. See Exhibit "I" at pg. 1. On December 12, 2016, Dr. Dorothy Wenzel and I had a meeting with the SJP students Gunar Olsen and Petitioner Lurie to discuss the status of my review. The students requested an answer as to the status of their application before the end of the semester, to which I agreed.
20. During this period, I also received correspondence, reviewed submissions from interested persons and conducted independent research. Those materials are attached as Exhibit "J" at pgs. 1-60.³

³ Included in these materials, attached hereto as Exhibit "J" at pgs. 1-60:

1. "Underhanded Tactics" of BDS Movement Unnerve Jews on College Campuses Worldwide, THE ALGEMEINER (Dec. 8, 2016), available at <https://www.algemeiner.com/2016/12/08/underhanded-tactics-of-bds-movement-unnerve-jews-on-college-campuses-worldwide/>
2. 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/#.VrqOKfkrKM8>
3. Sampling of Students for Justice in Palestine (SJP) & Others Attempts to Disrupt Freedom of Assembly and Freedom of Association of Jewish and Pro-Israel Students
4. Dialogue Not Boycotts: <http://dialoguenotboycotts.org/>

21. On December 22, 2016, I wrote to Petitioners Awad, Lurie and Dadap, as well as other students interested in starting SJP, to inform them that I denied their request to form a SJP chapter club at the Lincoln Center campus. See Exhibit “A” at pg. 1.

Rationale for The Denial

22. My decision to deny SJP club status on Fordham’s Lincoln Center campus was based on the reported behavior of other chapters on other campuses which gave me the reasonable belief that similar problematic behavior may occur on Fordham’s campus and that such behavior would violate the University’s Code of Conduct. See Exhibit “J” at pgs. 1-60.

23. In other words, my overarching concern was with the conduct exhibited by other chapters of SJP and its polarizing effect on the Lincoln Center campus, which obviously can lead to issues of safety and security. Id.

24. As set forth herein, as Dean of Students, I am the final arbiter in the approval process and I am specifically given veto authority over any new club. As such and based on my

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5. A list of peer Jesuit schools that assessed whether to allow an SJP local chapter on their respective campuses.
 6. Israel on Campus Coalition 2015-2016 Campus Trends Report: <http://israelcc.org/wp-content/uploads/2016/08/ICC-2015-2016-Campus-Trends-Report.pdf>
 7. *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>
 8. *Linked to ‘Terrorism’ by Campus Posters, Some Students Say Universities Don’t Have Their Backs*, THE CHRONICLE OF HIGHER EDUCATION (May 9, 2016), available at http://www.chronicle.com/article/Linked-to-Terrorism-by/236404?cid=at&utm_source=at&utm_medium=en&elqTrackId=bc9df72404e64f06aca%201%20f8e%201%20a402ddaf&%20elq=4c64a69ef9c8489db523f812dca58e73&elqaid=%20897%205&elqat=%201%20&elqCampaign%20d=%203076
 9. *The Anti-Israel Money Trail*, THE WALL STREET JOURNAL, available at <https://www.wsj.com/articles/the-anti-israel-money-trail-1461624250>
 10. *Fight Over CUNY Funding Takes Unforeseen Turn*, THE WALL STREET JOURNAL (Mar. 17, 2016), available at <https://www.wsj.com/articles/fight-over-cuny-funding-takes-unforeseen-turn-1458173768>
 11. *35 NY legislators demand ‘immediate suspension’ of city university pro-Palestinian group*, JEWISH TELEGRAPHIC AGENCY (Mar. 30, 2016), available at <http://www.jta.org/2016/03/30/news-opinion/united-states/35-ny-legislators-demand-immediate-suspension-of-city-university-pro-palestinian-group>
 12. *Netanyahu, Prime Minister of the State of Israel-Palestine*, NY TIMES (May 25, 2016), available at <https://www.nytimes.com/2016/05/25/opinion/netanyahu-prime-minister-of-the-state-of-israel-palestine.html? r=0>

professional judgment, I determined that the proposed club was inappropriate for the Lincoln Center campus due to the attendant polarization that other institutions have experienced when SJP chapters have been established.⁴ Specifically, I felt that the proposed club's stated affiliation with a national organization that has received negative press coverage for issues affecting the safety and security of attendees and participants at meetings, conferences and/or presentations posed a safety and security risk to the Fordham community due to the potential polarization attendant with an SJP chapter.⁵ To be clear, I am not commenting on the accuracy of the media reports or as to the truth as to any statements made therein. I am simply informing the Court of the published materials I reviewed in connection therewith. Based on those polarization, safety and security concerns, I did not believe that I could not assure either: (i) a fair and equitable discourse of these attendant issues; or (ii) the safety and security of the Fordham University community. Therefore, I decided not to approve the SJP affiliate at the Lincoln Center campus.

25. I want the Court to also understand that I offered and would agree to approve a club that has a mission devoted to promoting justice, peace and equality for all Palestinians, including the creation of a Palestinian state. In fact, I stated those sentiments to the students in my email denying approval dated December 22, 2016. See Exhibit "A" at pg. 1. I also pointed out that the students could effectively espouse similar views to SJP through a similarly themed club, but without a name that attracts the level of animosity and safety concerns that other

⁴ See e.g. Exhibit "J" at pgs. 1-60. I also 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.

⁵ See e.g., for concerns with the formal affiliation with the national organization: *Linked to 'Terrorism' by Campus Posters, Some Students Say Universities Don't Have Their Backs*, THE CHRONICLE OF HIGHER EDUCATION (May 9, 2016), available at http://www.chronicle.com/article/Linked-to-Terrorism-by/236404?cid=at&utm_source=at&utm_medium=en&elqTrackId=bc9df72404e64f06aca%201%20f8e%201%20a402ddaf&%20elq=4c64a69ef9c8489db523f812dca58e73&elqaid=%20897%205&elqat=%201%20&elqCampaign%20d=%203076.

campuses with SJP chapters throughout the country have experienced. Petitioners did not accept that compromise.

26. Finally, the Court must remain cognizant of the fact that becoming a Fordham sanctioned-club requires a commitment by the University of its financial resources, assignment of an employee to act as an advisor and the provision of physical space on campus. As such, Fordham maintains control over what groups are bestowed with club status.

27. Further, Fordham is a private institution, not an arm or agency of either the state or federal government. Therefore, the broad First Amendment rights that a student may enjoy at a public university are not as unfettered at a private institution such as Fordham. This is not a free speech or a freedom of association issue. As a private institution those constitutional concerns are not impacted. Nevertheless, as seen above, Fordham is not impinging on those rights. In fact, in the email I sent to the proposed representatives of the club informing them of my decision to deny the proposed club official recognition, I also readily acknowledged that the Palestinian/Israeli conflict merits ongoing, serious, constructive discourse among its various affected constituencies. See Exhibit "A" at pg. 1. Rather, I made my decision solely as a result of my polarization, safety and security concerns for the Fordham community.

Conclusion

28. As discussed above and demonstrated by the documentary evidence, it is beyond debate that the University complied with its policies and procedures, acted in the exercise of honest discretion and was neither arbitrary nor capricious nor irrational in rendering its decision to deny SJP official club status at the University. Consequently, for the reasons set forth herein and in the accompanying supporting papers, Petitioners' claims fail on both procedural and substantive grounds and should be dismissed in their entirety.

Keith Eldredge

KEITH ELDREDGE

Sworn to before me this
5th day of June, 2017.
Ann Delaney Chillemi
Ann Delaney Chillemi
Notary Public

SS: State of New York
County of Westchester
Certificate on file in New York County
ANN DELANEY CHILLEMI
Notary Public, State Of New York
No. 01CH6071302
Qualified In Westchester County
Commission Expires March 18, 2018