

Motion Sequence #2

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

In the Matter of,

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

Petitioners,

-against-

FORDHAM UNIVERSITY,

Respondent,

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

Index No. 153826/2017

**SECOND AFFIDAVIT OF
AHMAD AWAD**

Hon. Nancy M. Bannon

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

Ahmad Awad, being duly sworn, deposes and says:

1. I submit this Affidavit in opposition to Fordham’s Motion to Dismiss, and specifically to clarify that the steps Petitioners and other members of the prospective Students for Justice in Palestine (SJP) club at Fordham University took to register SJP as an official student club were consistent with the registration process that student clubs use and to explain why the name SJP is important to me and the other Petitioners.

2. Between November 2015, when we submitted our application to start a SJP club on campus, and the date that the United Student Government (USG) voted to approve SJP as a registered student club in November 2016, we exchanged numerous emails and met several times with Dean of Students Keith Eldredge, Dr. Dorothy Wenzel, Director of the Office of Student

Involvement, and USG members to address a number of concerns they had, some of which I will describe below. Dr. Wenzel also describes these communications in an Affidavit she submitted accompanying Fordham University's Motion to Dismiss.

3. As far as I am aware, the number and frequency of meetings and emails between us and Dean Eldredge, Dr. Wenzel and USG members, and the level of scrutiny of our proposed club by Dean Eldredge, was unprecedented. Despite this, we complied with Dean Eldredge and Dr. Wenzel's frequent requests for the same information because we were eager to get SJP approved as an official club.

4. Although I believe the scrutiny of our proposed club was unprecedented, the Club Registration Packet that USG provided us twice, in October 2015 and again in October 2016, (Wenzel Affidavit ¶¶ 17, 29), does stipulate that before USG votes to approve a club, both the Dean of Students and the Director of the Office of Student Involvement must approve the club's proposed constitution. We meticulously followed the steps listed in the Club Registration Packet, which is the document that all prospective student groups use to register new clubs.

5. Interestingly, the process to register clubs described in the October 31, 2016 email to us from then-USG President Leighton Magoon does not bestow on the Dean of Students the authority, duty or responsibility to review our club application until *after* the USG vote. *See* Wenzel Affidavit Exhibit E at 1. This process was apparently taken from the "USG Club Guidelines" document, though we never saw that document prior to Fordham's Motion to Dismiss in this case.

6. By meeting with us on numerous occasions regarding SJP's mission and our proposed constitution (as well as our political views and plans) prior to the USG Senate vote, even Dean Eldredge himself seems to have been following the Club Registration Process. In fact,

in an email to me and other students on October 14, attached hereto as Exhibit A, Eldredge stated, “[a]s I think you know, the USG Operations committee makes an initial decision and their approvals are then forwarded for my review,” reflecting the process as set forth in the Club Registration Packet we received: after the USG Operations Committee has reviewed the constitution and revisions have been made in accordance with the constitutional guidelines, then Wenzel and Eldredge review and approve the constitution, and then the club application packet goes to the USG Senate for final approval.

7. As per the process outlined in the Club Registration Packet we had received, I and another prospective SJP member met with Dr. Wenzel and a USG Operations Committee member on April 26, 2016, and we were informed that we needed to make some minor modifications to the constitution and find out what, if anything, National Students for Justice in Palestine (NSJP) required of us. I understood that, following completion of these tasks, we were set to be approved by the fall of 2016.

8. One of the meetings we had with Dean Eldredge and Dr. Wenzel occurred on October 5, 2016. Three other students interested in joining SJP and I were present at this meeting, as was Kayla Wolf, who was at the time the Vice President of Operations of USG. At the meeting, Dr. Wenzel and Dean Eldredge expressed concern that SJP’s presence would “stir up controversy,” in the same manner that had happened when Professor Norman Finkelstein, whose scholarship supports Palestinian rights, spoke on campus in 2009. They expressed concern about some students being made uncomfortable or upset by his views. They also raised alleged incidents involving SJPs at other schools; for example, a mock eviction action at NYU where there were allegations (later disproved) that Jewish students had been targeted. We assured them that we were not going to do anything against university policy.

9. At that same meeting, Dean Eldredge and Dr. Wenzel asked me and the other students if we would consider not using the name “Students for Justice in Palestine” and expressed concern about the club’s support for using the tactic of boycott, divestment and sanctions (BDS) to pressure Israel into respecting Palestinian rights. Dr. Wenzel also said that she spoke to several Jewish faculty members about SJP in the previous academic year and requested their opinions on whether SJP should be established at Fordham. I responded that we wished to politely educate the Fordham community on Israel and Palestine, and that boycotts are a time-honored civil rights tactic, which in this case target Israeli government policy. I also said that we had chosen the name Students for Justice in Palestine to connect the name to the broader movement for justice in Palestine and that the name itself conveyed a political message that was significant for us.

10. On more than one occasion, Dean Eldredge and/or Dr. Wenzel raised concerns about our group’s connection to NSJP. And on several occasions, we assured Dean Eldredge and Dr. Wenzel that NSJP does not require anything from local SJPs and that our proposed club would be independent and autonomous. On April 26, 2016, Dr. Wenzel asked how the “proposed campus club would be affiliated with the national organization, if at all.” *See* Wenzel Affidavit at ¶ 23.

11. On September 7, 2016, we sent an email to Kayla Wolf to follow up, in which we said: “To answer the lingering question from that meeting, the national SJP chapter needs nothing from us. They don't have any formal requirements for local chapters.” This email, attached hereto as Exhibit B, was sent by Gunar Olsen, who was the Vice President of the proposed SJP at the time, and it was co-signed by me and two other members of our proposed club.

12. On September 20, 2016, Dr. Wenzel asked for written confirmation from NSJP that there are no requirements for local chapters. *See* Wenzel Affidavit ¶ 26. The following day, Mr. Olsen included me on an email to Dr. Wenzel, attached hereto as Exhibit C, stating: “As for how we know that National SJP doesn't require anything from us... that judgment is based on the fact that no other SJP chapter we've spoken with (at least three confirmed) has any specific language in their respective constitutions mandated by National SJP. For the sake of thoroughness, I have contacted National SJP to obtain written confirmation. You will have that information as soon as I do.”

13. On October 5, 2016, Dr. Wenzel and Dean Eldredge again asked us during the meeting described above if NSJP had requirements that they would impose on us. *See* Wenzel Affidavit ¶ 28. Again, we told them that NSJP required nothing of us, but that we were awaiting written confirmation of this from NSJP. We all agreed that if we didn't hear back from NSJP soon, Eldredge and Wenzel would let us know what addition needed to be made to our constitution. This conversation was memorialized in an email to Dean Eldredge and Dr. Wenzel on October 6, attached hereto as Exhibit D.

14. On October 14, 2016, I was included on an email sent by Mr. Olsen to Dr. Wenzel, attached hereto as Exhibit E, in which we offered to insert the following line into our proposed constitution: “Though we bear the name of the national organization Students for Justice in Palestine (NSJP) – and the hundreds of local chapters – NSJP requires nothing of us, and we have no responsibility to it.” That same day, we submitted to Kayla Wolf a revised constitution and club questionnaire form, which we believed addressed Dean Eldredge's concerns. The email is attached hereto as Exhibit F.

15. Dean Eldredge wrote later on October 14, suggesting additions to SJP's constitution, saying "it would be helpful to articulate your understanding of the relationship of your organization to and with the National Students for Justice in Palestine organization." Exhibit A, attached hereto.

16. Based on our numerous conversations with Dean Eldredge and Dr. Wenzel, we submitted a revised constitution on October 17, 2016. *See* Wenzel Affidavit, Exhibit K. As mentioned above, this revised constitution clarified that our club would be independent from and autonomous of NSJP, stating as we had proposed: "Though we bear the name of the national organization Students for Justice in Palestine (NSJP) – and the hundreds of local chapters – NSJP requires nothing of us, and we have no responsibility to it."

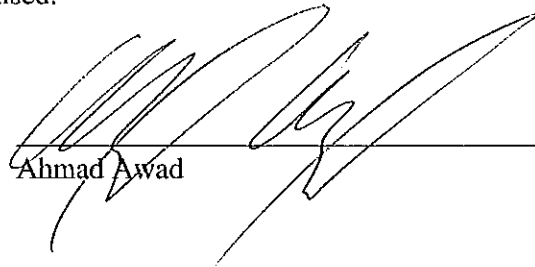
17. On October 28, 2016, I was included on an email sent by Mr. Olsen to Ms. Wolf. Dean Eldredge and Dr. Wenzel were also included on the email. The email, attached hereto as Exhibit G, memorialized an October 26th meeting we had with the USG Operations Committee, in which we provided written confirmation from NSJP, as requested. Our October 28th email included the same written confirmation from NSJP:

National Students for Justice in Palestine is an ad-hoc conference planning body and support network for student groups active on Palestine in North America. As such a group, we have not had any requirements for any group that comes to our conference to include specific language in their respective constitutions.

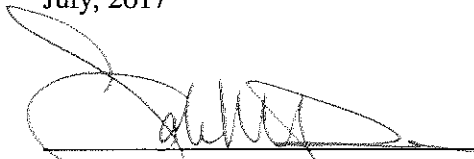
18. My understanding was that we had resolved all outstanding questions about our constitution, and done everything that was asked of us. Our edits to our constitution were in response to Dr. Wenzel and Dean Eldredge's review of our constitution ahead of the USG Senate's vote, in accordance with the rules in the Club Registration Process.

19. At no point before Dean Eldredge's veto of the USG Senate's decision were we given an indication that our club would not be approved if we insisted on naming it SJP, or on

expressing support for BDS. To the contrary, we had the impression that we reassured Dr. Wenzel and Dean Eldredge, in our multiple meetings and communications, regarding their concerns, and resolved all the issues they raised.


Ahmad Awad

Sworn to me this 7th day of
July, 2017



Notary Public

SABRINA DENMAN
NOTARY PUBLIC OF NEW JERSEY
ID # 50016056
My Commission Expires 5/18/2020