

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 make this affidavit in further support of Fordham’s motion to dismiss the Verified Petition (the “Petition”) and in response to the opposition papers (the “Opposition”) of petitioner Ahmad Awad (“Petitioner Awad”), petitioner Sofia Dadap (“Petitioner Dadap”), petitioner Sapphira Lurie (“Petitioner Lurie”), and petitioner Julie Norris (“Petitioner Norris”) (collectively, “Petitioners”), who are, or were, students interested in forming a local, Fordham-

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

supported, chapter of a national organization known as Students for Justice in Palestine (“SJP”), on Fordham’s Lincoln Center campus.

3. Petitioners attempt to excuse their lack of understanding Fordham’s Club Guidelines, the applicable version of which has been in effect since April 2015, by insinuating that I or someone else within Fordham’s administration recently created the Club Guidelines out of whole cloth simply for purposes of this litigation. In addition to being incredibly insulting to think that the University would submit falsified documents to this Court, the defamatory charge is also nonsensical since the outcome of Petitioners’ application would not have changed. Simply put, Keith Eldredge, the Dean of Fordham’s Lincoln Center campus (“Dean Eldredge”) could have vetoed the application under either the current and accurate club approval process set forth in the University’s Club Guidelines or hypothetically under the erroneous and inverted club approval process created by the students of the United Student Government (“USG”). This is clear in the reply affidavit of Dean Eldredge, sworn to on July 17, 2017 at paragraph 7. In other words, nowhere do Petitioners contend that Dean Eldredge had rendered a decision on their application before USG’s erroneous transcription of the official Club Guidelines was discovered on October 28, 2016. Therefore, whether the Dean rendered his veto before or after USG voted is of no moment because in either case, the application would have been (and was) denied.

4. In addition, USG distributed the Club Guidelines at various times to members of the Fordham community. For example, in September, 2015, USG forwarded the Club Guidelines to club leaders. See Exhibit “A” hereto. Contrary to Petitioners’ insinuation, this exhibit clearly demonstrates that the Club Guidelines were in existence well before the instant matter arose and were not created, as Petitioners contend, solely as a result of this litigation. Additionally, I did not send Petitioners a copy of the Club Guidelines when Petitioners originally

began the application process because I had no idea that USG had made a transcription error in copying the Official Club Guidelines into its registration packet. When I became aware of their error, I immediately notified USG on October 28, 2016, which in turn notified Petitioners of both USG's error and the correct club registration and approval policy on October 31, 2016.

5. In any event, it is indeed unfortunate that the students of USG transcribed the Club Guidelines incorrectly in the materials that they created for their fellow students. It is also unfortunate that Petitioners were apparently unaware of the University's actual Club Guidelines for a period of time while they were shepherding their application. Nonetheless, the following facts remain immovable: (i) The University has official Club Guidelines; (ii) the applicable version of the Club Guidelines at issue have been in effect since April 2015, as I stated in my moving affidavit; (iii) Petitioners admit that they were notified of the University's Club Guidelines on October 31, 2016 over two (2) weeks before the USG Senate voted on their application and almost two (2) months before Dean Eldredge made his decision on December 22, 2016 on the application; and (iv) those votes occurred in compliance with the official Fordham Club Guidelines. Thus, at all relevant times during the actual decision making process, Petitioners were fully aware of the correct and official University club approval process. Moreover, although they were surprised to learn of USG's error, as they admit in the Petition at paragraph 29 and in Petitioners Awad and Lurie Affidavits at paragraphs 5 and 7, respectively, Petitioners were aware that that stated process was being followed in full.

6. Additionally, as I fully explain in my moving affidavit at paragraphs 46-64, Petitioners' experience during the application process is neither unusual nor "unprecedented" and the many examples I provided therein confirm same. That litany of relevant prior

applications will not be repeated herein. Suffice to say, Petitioners simply ignored them in an effort to distort the record.

Conclusion

7. 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.

Dorothy A. Wenzel
DR. DOROTHY A. WENZEL, PH.D.

Sworn to before me this
11th day of July, 2017.

Ann Delaney Chillemi
Notary Public

State of New York
County of Westchester / City of Yonkers

ANN DELANEY CHILLEMI
Notary Public, State Of New York
No. 01CH6071302
Qualified In Westchester County
Commission Expires March 18, 2018