



PRIVILEGED & CONFIDENTIAL INVESTIGATION REPORT

SUMMARY OF RELEVANT RESULTS

- T&M's investigation of the Incident found no evidence of PSOs using excessive force and found that in clearing protesters from the Cunniffe House foyer, PSOs acted in accordance with established University rules about safety and acceptable student conduct during demonstrations, based on the relevant documents provided to T&M regarding same.
- T&M's review of video and eyewitness accounts of the Incident found that the protesters were trespassing, had gained entry to the foyer area in question by means of a pre-planned ruse designed to gain access to what was clearly known to be a locked and private area, and that several protestors appear to have initiated physical contact with PSOs by pushing, shoving -- and possibly even pulling, grabbing and kicking PSOs.



PRIVILEGED & CONFIDENTIAL INVESTIGATION REPORT

- Aggressive behavior by protesters is first telegraphed via chants of “Go, Go, Go” and “Push, Push, Push,” as the demonstrators breach the Cunniffe House entrance at 1:15:11 PM on April 27, 2017, the time recorded by security camera footage.⁷
- Student D [redacted] recalled that protesters yelled “Push In, Push In”; Student C [redacted] “did hear someone say ‘Push’ but I am not sure who said it”; Student B [redacted] says “he only pushed and pulled on people to get through the door” and Student W [redacted] says “I heard someone say ‘Push’ and I believe it was [D [redacted]] from SEIU.”
- Security camera footage shows that within the first 21 seconds of breaching the entrance, at least nine (9) protesters enter the foyer while others gather just outside on the porch, jostling for position, holding up cell phones and cameras and filming the crowd within.
- Concern that panes of glass from the foyer’s wall and glass from the top half of its door might shatter, causing injuries, is cited by multiple PSOs in reports and interviews and dominates warnings from Director K [redacted], captured on video repeatedly telling protesters: “I don’t want anybody going through this glass. Get Out.”⁸
- No glass was broken in the Incident and the PSO’s actions to clear the foyer appear to be in line with directives in the “Unusual Occurrences” section of the *Safety & Security Department Manual of Procedures* (which includes demonstrations) such as: “**remove all from harm’s way**” and “**coordinate strategy to ensure the safety of the University community is paramount.**”
- During the Incident, PSOs enforce the University’s *Demonstration Policy*, which states: “**No group may be admitted into a private office unless invited. . . Passage through reception areas leading to a private office must not be obstructed. . .**”
- The group of protesters was not invited inside Cunniffe House. There is clear evidence that they tricked their way through a locked entrance by first dispatching a lone woman posing as a flower delivery person who was buzzed inside, waited in the foyer and then opened an entrance door for the demonstrators. This conduct was captured by security camera footage and confessed to in Student Statements.

⁷ These chants are clearly heard throughout a 51-second video, tweeted by *The Fordham Ram*.

⁸ See Director K [redacted]’s multiple warnings to protesters about the foyer’s glass and his repeated cries of “Get Out” from the 2:43 mark to the end of the 3:09-second video supplied to T&M by the University and taken from the Fordham Students United Facebook (FB) page.



PRIVILEGED & CONFIDENTIAL INVESTIGATION REPORT

- Once the entrance was breached, the Cunniffe House reception area was clearly obstructed with nine (9) protesters joining the flower woman inside within 21 seconds, jamming a foyer that measures four feet by seven feet with ten (10) protesters.
- PSOs clearly appear to have adhered to the Level 2 Emergency Response section of the University's *Emergency Management Plan* which states, "Campus demonstrators' civil rights will be protected at any demonstration site. However, demonstrators will be disallowed from blocking sidewalks, streets, access points, building entrances/exits."
- Videos of the Incident posted widely on social media show closeups of Student L [redacted]'s face under PSO M [redacted]'s armpit amid chants of "Let Her Go." These optics suggest Student L [redacted] is being held; however, based on PSO interviews with T&M, these appear to be images taken out of context that don't show the force used by the protesters. For example, PSO M [redacted] states in his interview with T&M that Students L [redacted], P [redacted] and L [redacted] physically assaulted him in efforts to pry him from his position blocking the foyer's half-glass door, alleging that Student L [redacted] pulled his shirt and jacket, Student P [redacted] pulled his shirt and kicked his right leg and Student L [redacted] kicked his left leg.
- In Student Statements, Students L [redacted] and P [redacted] admit using force against PSO M [redacted] although both these students explain their actions as efforts to help Student L [redacted]. Student L [redacted] says she "moved and tried to pull him [M [redacted]] off [redacted] [Student L [redacted]] by pulling his right side." Student P [redacted] "positioned his leg behind M [redacted]'s and attempted to use his left [sic]⁹ to lift M [redacted]'s. He was not able to move him because he is a very large man."
- PSO M [redacted] states he did not hit back and neither Student L [redacted] or Student P [redacted] claim in Students Statements that PSO M [redacted] assaulted them. Student L [redacted] notes "she did not observe M [redacted] strike or touch anyone. His arms were above him but his body was against the right side of [redacted] chest." Student P [redacted] contends he "felt M [redacted]'s elbow digging into his arm as he stood next to him" but he also remembers "M [redacted]'s arms raised in the air." A forearm made contact with [redacted] head but he stated he "does not know if it was incidental or intentional."
- Student L [redacted] Student Statement describes her as unable and afraid to move away from PSO M [redacted]: "he was on top of her chest area on the right side of her body. She felt like her chest was being crushed. She did not attempt to move or try to get out from behind him because she thought he might think she was trying to hurt him and it scared her."

⁹ This Student Statement says "left" but the context suggests that it should say "leg."



PRIVILEGED & CONFIDENTIAL INVESTIGATION REPORT

- During a phone interview with T&M, Student L [redacted] sounded as if she was crying while describing her encounter inside the foyer with PSO M [redacted]; saying she felt like she couldn't breathe and thought that she was dying.
- Video shows Student L [redacted] saying, "It's honestly getting hard to breathe back here," frowning and screaming in images that suggest she is wedged between a glass wall and PSO M [redacted], whose arms are outstretched above the fray.¹⁰
- PSOs M [redacted] and F [redacted] told T&M that it was Student L [redacted]'s own persistent grip on the handle of the foyer door that kept her against the glass wall.
- PSO F [redacted] told T&M that Student L [redacted] was one of the last protesters to leave the foyer and that she only released her hold on the door handle when he pried open her fingers.
- Student L [redacted] published a first-person account of the Incident, writing that "she could not release the door handle" because "half of my body was crushed under his" [PSO M [redacted]] and she "***could not breathe because of the weight on my chest coupled with what I suspect was a panic attack.***"¹¹
- In her article, Student L [redacted] says, "Nobody asked us if we were injured" – however VP C [redacted] and Dean R [redacted] told T&M that after the foyer was cleared, they personally asked Student L [redacted] if she needed medical help – ***and video shows both these men walking over to her as she rested on the porch after leaving the foyer.***
- The timestamp on the University's security camera trained on the Cunniffe House entrance indicates that Student L [redacted] spent about five minutes inside the foyer, walking in at 1:15:17 PM and being escorted outside by an adjunct professor at 1:20:20 PM.
- PSO F [redacted] tells T&M that he removed Student L [redacted] from the foyer after seeing her grab PSO M [redacted]'s jacket and hearing him yell that he was being hurt – events partially captured on video that seems to show Student L [redacted] leaning into PSO M [redacted] – and moments later PSOs F [redacted] and S [redacted] turning her around to face the porch and moving her in that direction.¹²

¹⁰ See the 3.08 video entitled "Fordham Public Safety Brutality" posted on the Facebook page for Fordham Students United, which is addressed later in this report.

¹¹ See the enclosed May 4, 2017 article, "[\[redacted\]](#)" by [redacted] L [redacted], published on the fupaper.blog. This article can also be accessed via this link: [\[redacted\]](#)

¹² See page 29 of this report for the screenshot of that scene from a 25-second video posted on the FUPaper blog the day of the Incident.



PRIVILEGED & CONFIDENTIAL INVESTIGATION REPORT

- Student L [redacted]'s Student Statement describes her removal from the foyer: "She felt someone behind her lift her from her shoulders, off her feet, and throw her out of the foyer with force, causing her to stumble forward."
- In her Student Statement, Student E [redacted] admits she carried flowers as a ruse to get buzzed into Cunniffe House and then waited in the foyer where, "I received a text from [redacted] L [redacted] to open the main entrance door. I opened it quickly and then closed it because the protestors were not at the door yet. A few minutes later I opened the door again and protestors and Public Safety came into the foyer."
- In seven seconds, in quick actions all recorded on video, Student L [redacted] texts in front of the Cunniffe House's closed doors, puts away her phone, strides forward just as one door opens from the inside -- and becomes the first protester to dart through this entrance.
- Student L [redacted]'s Student Statement denies any part in the flower ruse: "[redacted] helped plan the event but her role did not include any involvement with [redacted] E [redacted]. She knew [redacted] was going to deliver flowers to [redacted] as a nice gesture. There was no plan by the group to breach [sic] the entrance if the door was locked."
- Student L [redacted]'s first-person article states, "We were able to get inside because the door was unlocked" – while this may be true, the evidence clearly shows that only by the subterfuge of the bogus flower delivery was that private locked Cunniffe House entrance opened allowing the protestors to enter.
- Videos show Union Organizer D [redacted] playing a leading role in encouraging the crowd to fill the foyer – she is seen propping open one of the black doors while waving her hand beckoning the protestors and screaming "Go! Go! Go! Go!" as an unseen male voice from inside shouts "No! No!"¹³
- Union Organizer D [redacted] also is captured on videotape lecturing two PSOs who stop and question Student P [redacted] for not showing his identification – standing among witnesses filming this scene, she tells the PSOs "everybody is watching, the whole world is watching."

¹³ See the start of the 51-second video posted on *The Fordham Ram* Twitter page and the Cunniffe House security camera footage.



PRIVILEGED & CONFIDENTIAL INVESTIGATION REPORT

- Professor [REDACTED] admitted in a post to *Inside Higher Ed* that “I was among the participants who helped to unlatch one of the doors to facilitate the students in their visit to the office of the president.”¹⁴
- Professor [REDACTED] is seen on security video helping to open the second entrance door to the foyer, allowing a surge of protesters to stream through, and later acting to defuse a scuffle by using his hands to stop Student P [REDACTED] from pushing PSO M [REDACTED].
- An anonymous student wrote to *Inside Higher Ed*: “Students WERE injured, and they injured security personnel only because the guards were trapping a girl in a corner, pinning her against the wall and inducing a panic attack.”
- The day before the Incident, Student L [REDACTED] and three other students sued the University for rejecting a campus chapter of Students for Justice in Palestine (SJP) – a lawsuit covered by media beyond the campus, including the *New York Post* and the *Daily News*.¹⁶
- One of Student L [REDACTED]’s co-plaintiffs in this lawsuit is Student [REDACTED] D [REDACTED], whose FB timeline has this post from Student L [REDACTED] dated May 9, 2017 at 7:36 PM: “dean r [REDACTED], who personally assaulted a student on the 27th, will officiate three of the students’ hearings. go rams!”
- A Fordham Students United Facebook post the evening of the Incident says: “Faces of racist brutality: white Fordham Public Safety officials form a protective ring around their white colleague, [REDACTED] M [REDACTED], as he brutalizes a young Latinx [sic] student at a peaceful demonstration at Fordham University.”¹⁷

¹⁴ Enclosed see the May 1, 2017 *Inside Higher Ed* article, “Fordham Suspends Protesters’ Access to Campus,” and the first of six comments from a person claiming to be [REDACTED] T [REDACTED]. The picture accompanying these posts matches the picture on T [REDACTED]’s LinkedIn profile, which identifies him as an adjunct professor at three schools: Fordham, LaGuardia Community College and Westchester Community College. T [REDACTED] is identified as “a professor at three colleges and an activist” in an enclosed February 15, 2015 article in *The Atlantic* entitled “The Tall Task of Unifying Part-Time Professors.”

¹⁵ This report uses Professor [REDACTED] T [REDACTED]’s full name on second reference to distinguish him from his wife, [REDACTED] T [REDACTED], a Fordham mathematics professor interviewed by T&M.

¹⁶ See the enclosed Verified *Petition in the Matter of* [REDACTED] *against Fordham University* filed on April 26, 2017 in the Supreme Court of the State of New York, County of New York, index # 153826/2017 and the enclosed *Affidavit of* [REDACTED] dated April 19, 2017 and filed on April 26, 2017. See also the enclosed articles published on April 26, 2017: “Pro-Palestinian club sues Fordham” in the *New York Post* and “Fordham U. blocked formation of pro-Palestinian group: suit” in the *Daily News*.

¹⁷ See this enclosed post on April 27, 2017 at 7:54 PM on the FB timeline of Fordham Student United, accompanied by two pictures of the Incident.



PRIVILEGED & CONFIDENTIAL INVESTIGATION REPORT

CONCLUSION

T&M's investigation of the Incident included interviews of twenty (20) individuals, most of whom were present, involved in, or witnessed the Incident; a review of thirteen (13) videos of all or part of the Incident, a review of University DPS safety procedures and the University Demonstration Policy as well as numerous media articles and social media content.

T&M's investigation found no credible evidence that any PSO, or any other University personnel, used excessive force during the five-minute occupation of the Cunniffe House foyer by protesters on the afternoon of April 27, 2017.

All evidence obtained and reviewed by T&M indicates that the PSOs acted in accordance with the University's established safety procedures in removing the demonstrators from the foyer of Cunniffe House, and that the response to the Incident was prompt, professional and restrained given the sudden and volatile nature of the Incident.

The University is clear about respecting the free speech rights of protesters but rightly expects them to behave in a peaceful orderly fashion. As stated in the University's Demonstration Policy, *protesters are not supposed to "employ force or violence, or constitute an immediate threat of force or violence, against persons or property."* The evidence obtained and reviewed, including the



PRIVILEGED & CONFIDENTIAL INVESTIGATION REPORT

statements of student protestors and video footage of the Incident, clearly shows that the group of protestors used a premediated ruse to gain access to a private building and then forcefully rushed into the foyer being urged on by the organizer(s), and pushed, shoved, grabbed and possibly kicked PSOs who were attempting, without using excessive force, to prevent the protestors from entering further into this private space, while repeatedly instructing the protestors to exit the foyer.