

Homewood Faculty Assembly Fact Finding Committee Report on the Garland Hall Sit-In

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Background and History:

On Friday May 10, 2019, the Homewood Faculty Assembly of the Johns Hopkins Krieger School of Arts and Sciences and Whiting School of Engineering passed a motion to establish a Fact Finding Faculty Committee (FFC) to inquire into the “Garland Hall Sit-In.” The Garland Hall Sit-In began on April 3, 2019 when students occupied Garland Hall. They did so as an extension of ongoing protests against both the plans to establish a private police force at the University and in opposition to the University’s contracts with Immigration and Customs Enforcement (ICE). The charge of the Fact Finding Committee was to inquire into the events of the Sit-In and the conditions under which the administration called in the police to forcibly end the Sit-In and arrest students on May 8, 2019.

Two issues prompted the Garland Hall Sit-In. The first was Johns Hopkins University’s decision to establish a private police force. Shortly after Johns Hopkins University attempted to introduce a private police bill to the Maryland General Assembly in March 2018, student groups created a coalition, Students Against Private Police (SAPP). SAPP initially engaged in protest and organizing against the bill [submitted in March 2018] entitled “Baltimore City – Independent Institutions of Higher Education – Police Force”. This bill was ultimately withdrawn by Johns Hopkins University. On February 4, 2019, State Senator Antonio Hayes introduced a revised bill entitled “The Community Safety and Strengthening Act” (SB793/HB1094). Its passage by the General Assembly authorized Johns Hopkins University to form a private armed police force. The second issue that prompted the Garland Hall Sit-In was Johns Hopkins University’s contracts with ICE. When these contracts were brought to public attention in the summer of 2018, students and faculty formed the Hopkins Coalition Against ICE (HCAI) to pressure the University to end its contracts with ICE. In both groups, there was a sense of frustration that the University administration was not willing to engage substantively to hear their concerns, and that despite, for instance, the often-cited fact of 125 stakeholder meetings, the administration had not responded adequately to concerns voiced at those meetings.

While these two coalitions were central actors in the lead up to the Sit-In, the Sit-In itself quickly grew to involve students who had not been active in either of these coalitions. Among other things, the Sit-In was perceived by its participants as a space in which minoritized groups within the University could voice painful experiences of marginalization, profiling, and exclusion from the wider University community. This rapid transformation of the protest also meant that any existing leadership dissolved such that the Sit-In could be described as a “leaderless movement” or at least one that had unpredictably shifting leadership over the course of the following 35 days.

In multiple interviews, the student-protesters said that it was their original intention to remain only for 24 hours in Garland Hall. When they were allowed to stay after the first night and they had received no offer for a formal substantive meeting, they decided to prolong the Sit-In to

draw attention to their cause and elicit a response from the administration. Although the university administration allowed students to remain in the building under certain conditions and stipulations, administrators refused to engage in substantive discussions with students until the protesters brought themselves into compliance with the university guidelines for protest, which meant that they would have to vacate Garland Hall. During this period, normal administrative activities continued in Garland Hall relatively uninterrupted.

In an effort to force a resolution to the Sit-In, the students escalated the protest; on the afternoon of May 1, they chained the doors to the building closed, turning the Sit-In into an occupation. The University then closed Garland Hall to normal university business and moved various services to other parts of campus. After the building was closed, the administration raised substantial concerns about student well-being and safety. Garland Hall has no sprinkler system and there had been a number of fire code violations during the earlier Sit-In. Citing concerns for the health and well-being of protesters, the administration reached out to the “emergency contacts” of a number of student-protesters and inquiries were made about the health and well-being of students under “a wellness check protocol for students who have been part of the Sit-In at any point since Wednesday.” As of May 3, there were no changes in the administration’s position (e.g. no discussions until occupation ends).¹ In the afternoon or evening of May 5 there was an offer from the administration to meet on the morning of May 6. This offer was made with no strings attached. Students did not appear at this meeting, stating in a letter to the President and Provost dated May 6 that it had been difficult to coordinate their participation on such short notice, and they reiterated their own conditions (including amnesty) for meeting. On May 7 amnesty had been offered to the students “who (were) willing to end the occupation and leave Garland Hall.” Students wrote again on May 8 at 12:49 AM and offered to meet on May 9, 10, or 11.

At approximately 12:30 AM on the night of May 7-8, (then) Research Professor Daniel Povey led a group of non-JHU affiliates in an apparent attempt to “regain control of Garland Hall from the students.”² The group pushed its way past student protesters and proceeded to grapple with students at various locations in the building. Clearly distressed students approached a badged JHU Security officer and told him they were being assaulted in the building. JHU Security responded dismissively that they would not do anything, and that they were there only to “protect Johns Hopkins property.” This incident was filmed by other student protesters. Upon further

¹ Note that here we find one of the only major discrepancies between administration accounts of its actions with regard to the Garland Hall Sit-In and what actually transpired. The administration has made numerous references to open ended offers to meet with the students starting on May 3 and continuing through the weekend. But the letter from President Daniels on Friday May 3 reiterated a condition for a weekend meeting was that “the students must remove their belongings from Garland, vacate the building, and bring their protest activities back in line with legal requirements and university guidelines.” A letter of May 4 states a meeting can be scheduled by emailing student affairs. It appears that the first offer for an unconditional meeting was in the afternoon or evening of May 5.

² <http://danielpovey.com/leaving.html>

questioning, the security officer slapped the phone from the student's hand and filming stops. Povey eventually retreated.

At approximately 4:30 AM approximately 80 BCPD and BCFD officers arrived and commenced the forced evacuation of Garland Hall. This was by far the largest police action directed towards students in Johns Hopkins history.³ Students were given additional opportunities to leave the building and to receive amnesty under the terms given earlier. A number of students did elect to remove themselves from the building. But some students and non-JHU affiliates did not and were taken into custody by police. Two students were also arrested after lying in front of a paddywagon to prevent a trans woman from being placed in a vehicle designated for men. (This action was thus directed at the BCPD's own transgression of the law, and not at the aims of the Sit-In.) The Sit-In and Occupation had lasted 35 days in total.

In the afternoon of May 8, the administration agreed to reschedule their meeting for May 21, but only with student protesters who had voluntarily left Garland Hall. The University administration ultimately canceled this meeting after protesters did not submit a full list of attendees for the meeting.

Over the course of the summer, one meeting on July 24 took place between Sit-In students and the administration, including President Daniels and Provost Kumar, and to which FFC faculty were invited. Since late August, a number of students have received amnesty letters. Students who were not given amnesty were given information about their disciplinary hearings. As far as the FFC knows, hearings have taken place in Fall 2019. Daniel Povey was fired, effective August 31, 2019.⁴

³ Most recently, on August 30, 2014, there was an incident involving Baltimore police and the National Society of Black Engineers (NSBE) who had organized a social event and invited engineering students from surrounding universities to the Homewood campus. Organizers had underestimated the number of students who may have attended the event. Approximately 25 BCP officers and a helicopter were called to disperse the overflow crowd who could not get into Levering Hall. The display of force used to disperse a mostly peaceful crowd was considered excessive by those in attendance. In April 1969, after the "Narcotics raid", 1300 protestors marched on the President's house. The police force was approximately 20 police officers, but they retreated because of the size of the crowd.

⁴ Povey has produced a long description/hypothesis of his termination. <http://danielpovey.com/leaving>
See national media coverage of the Povey incident: <https://www.nytimes.com/2019/08/11/us/johns-hopkins-povey.html>
<https://www.cnbc.com/2019/08/12/facebook-hires-daniel-povey-fired-johns-hopkins-professor.html>
<https://www.insidehighered.com/news/2019/08/12/johns-hopkins-fires-professor-over-clash-student-protesters-he-says-he-has-no>

Formation and Charge to this Committee:

In the aftermath of the police intervention, a motion was introduced to the Homewood Faculty Assembly to constitute a Fact Finding Committee that would inquire into “the University administration’s response to the protesters throughout the entirety of the Sit-In (April 3, 2019 to May 8, 2019); and to assess the different accounts by University administration and JHU Sit-In participants regarding the attempts at negotiation between the two parties” (Motion 5/10/2019).⁵ The mandate of the Fact Finding Committee was established by the HFA Steering Committee in consultation with the non-voting Member Secretary of the Fact Finding Committee. It reads as follows: “To conduct a comprehensive and objective inquiry into the Garland Sit-In and the actions taken by the Administration leading up to the calling of police on campus on May 8th, arrests of students, and subsequent actions.”⁶

Although the Homewood Faculty Assembly (or this committee) does not have formal investigative authority, the Homewood Faculty Assembly provides an essential forum for the faculty to discuss and make informed recommendations concerning the purposes and functioning of the University, including in areas of governance. The faculty have historically played a strong role in the governance of this university.

The FFC was established according to the following procedures: A call for nominations to the faculty was circulated on May 16, 2019. To ensure adequate representation across KSAS disciplines, the HFA Steering Committee weighted the nominations in relation to the areas of natural sciences; social sciences and humanities; and engineering.

The Fact Finding Committee is composed of five tenured faculty members, a tenured faculty as a non-voting member secretary, and the HFA Steering Committee liaison:

Jennifer Culbert, Associate Professor, Political Science Department (Chair)

N. Peter Armitage, Professor, Department of Physics and Astronomy

Matthew Crenson, Professor Emeritus, Political Science Department

Todd Shepard, Professor, History Department

James West, Professor, Electrical and Computer Engineering

Clara Han, Associate Professor, Anthropology Department (non-voting Member Secretary)

Sunita Thygarajan, Senior Lecturer, Chemistry Department (HFA Liaison)

⁵ See Appendix 1.

⁶ See Appendix 2.

Methods:

The Fact Finding Committee (FFC) commenced its work in June 2019. It relied on the following methods and sources of evidence to compile its report:

- 1) Review of publicly available documentation posted on the Office of the Provost website (<https://provost.jhu.edu/reports-and-resources/protest-information-and-resources/>).
- 2) Review of documentation sent to the Fact-Finding Committee from the JHU Sit-In.
- 3) Review of news reports and social media related to the JHU Sit-In.
- 4) JHU Sit-In Participants: Oral testimonies of 13 students, 1 JHU alumnus, and 2 community members. These students and community members had participated in the Sit-In and voluntarily offered their testimonies to the FFC. A solicitation was sent to the JHU Sit-In email address on June 6, 2019. Oral testimonies were subsequently gathered during the period of September 30 to October 30, 2019. Follow-up questions were emailed to JHU Sit-In and follow-up, focused interviews were conducted between November 1 until December 5, 2019.
- 5) University Administration:
 - a) Interviews with university administrators were requested by the Fact Finding Committee on September 26, 2019 and October 18, 2019. No administrative staff agreed to be interviewed. In an email dated October 14, 2019, Vice Provost for Faculty Affairs Andrew Douglas stated that the FFC could submit written questions to him and that the administration would provide written responses.
 - b) In an email to the FFC dated July 19, 2019, the Provost's Office notes that, "the Homewood Faculty Assembly may, by its own bylaws, confer, study and make recommendations regarding university matters, and the Assembly or individual faculty members may of course object to university actions through various oversight mechanisms... the Homewood Faculty Assembly does not hold any investigative authority within the university or its governance structures, and it is important for us to be clear about the purview and expectations for our discussions." This view was reiterated in a subsequent email to the FFC from Vice-Provost Douglas on August 12, 2019.
 - c) On October 24, 2019, the Fact Finding Committee submitted written questions to the Vice Provost for Faculty Affairs and requested a meeting with Vice Provost Douglas. In a subsequent email to Vice Provost Douglas (November 1), the FFC reiterated its request that the FFC be able to meet with administrative staff in the Provost's Office in order to follow up on written answers.
 - d) On November 4, 2019, the FFC met with Vice Provost Douglas. In this meeting, administrative staff's concern around the insecurity of their employment was relayed to the FFC as a reason for the staff's hesitance to be interviewed. It was made known in that meeting that a staff member "lost his job" as a result of the Sit-In. As he was unable to answer the FFC questions in detail or depth because

he had not been involved with the events nor was he in his current position at that time, Vice Provost Douglas suggested that the FFC request a meeting with Provost Sunil Kumar to discuss the answers to its questions.

- e) On November 15, 2019, Provost Sunil Kumar met with the Fact Finding Committee for one hour and presented written answers to FFC questions (Appendix 3).

In this report we discuss our findings with regard to the Garland Hall Sit-In, how it unfolded, and how it became an Occupation, as well as how the Johns Hopkins University administration responded to these events. The FFC interpreted its mandate narrowly and did not investigate (or even discuss) matters of pro/con regarding private policing at JHU or the morality of having ICE contracts. The FFC has taken the opportunity presented by this report to write the history of these events, correct any misunderstandings, hold actors publicly accountable, and provide recommendations going forward.

Findings:

What precipitated the Sit-In?

The University administration has asserted that its approach to the issues raised by the protest emphasized inclusion and dialogue. In relation to the private police bill, the University administration cites over 125 community stakeholder meetings, two open forums with community members, and public panels with experts on policing.⁷ The University administration has also emphasized its willingness to meet with students participating in the Sit-In. For example, the administration’s official timeline entitled “Students Against Private Police (SAPP) Outreach” states that SAPP repeatedly denied requests for meetings with university administrators, including the Dean of Student Life and the Vice President for Security, noting that SAPP’s request for the presence of a reporter was denied per “standard protocol for small group meetings.”⁸

Students involved in the Sit-In, however, expressed frustration with the University administration’s perceived unwillingness to engage in substantive discussion of the issues with which they were concerned. Interviewed students describe: 1) multiple failed attempts to agree on the conditions for meeting between SAPP and the University administration; 2) the administration’s failures to hear the concerns of minority students with regard to the establishment of a private police force; 3) failures to take student views and input into account on institutional committees expressly created for this purpose; and 4) the repeated denial of requests

⁷ See Johns Hopkins University & Medicine, “JHU Police Department Proposal Community Engagement” https://publicsafetyinitiatives.jhu.edu/assets/uploads/sites/8/2019/01/community_engagement_timeline.pdf

⁸ Johns Hopkins University & Medicine, “Students Against Private Police (SAPP) Outreach, 2018-2019”, <https://provost.jhu.edu/wp-content/uploads/sites/4/2019/05/JHPD-SAPP-outreach-05182019.pdf>

for information regarding the University's contracts with ICE. These perceptions regarding the University administration are reiterated in news reports leading up to the Sit-In (see footnotes 8-10).

For example, Student S9 voiced the frustration that the University administration denied a request for a reporter to be present to assure a transparent account of a meeting with SAPP: "The SAPP set up a number of meetings with the President but these fell through because of a lack of agreement on the conditions of the meeting. We were asking for someone from the *News-Letter* to be present, small technical things that would assure us of transparency."⁹

Prior to the Sit-In, news reports covered student protests against private police in which students and faculty from underrepresented minority populations voiced their concerns. In a protest on February 13, 2019, the President of the JHU Black Student Union, Chisom Okereke, remarked in an interview, "Being a black student here, not just being a part of the Black Student Union, I've constantly seen my peers, my friends, myself being targeted by the already present law enforcement as it is on this campus. And it's very terrifying for us to think that these minor inconveniences of being assumed to be 'no-good people' on this campus—it's scary to think that that could be weaponized and be turned into a matter of life and death. I would push back on the idea that policing is the only way."¹⁰ This concern was reiterated by black faculty. In the March 28, 2019 *JHU News-Letter*, Professor Lester Spence who opposed the police bill, states, "Not just do a number of faculty agree with me, but it's important to note that there are no black faculty that support the police department. In fact, all the black faculty I know strongly oppose it."¹¹ Student S7 remarks that growing frustration with the administration's perceived unwillingness to engage in meaningful dialogue eventually led to an escalation in tactics by

⁹ This statement is corroborated by a *JHU News-Letter* report dated January 31, 2019. SAPP members are asked point blank why SAPP rejected a meeting with University administration, to which the student replied, "It's not that we were opposed to meet them; it's that they did not want a reporter present in the room but we did. It is very questionable why they are being so secretive and closed-off about this whole process when they aim to be transparent and held accountable." See, "Eight Questions with Students Against Private Police," *JHU News-Letter* January 31, 2019. <https://www.jhunewsletter.com/article/2019/01/eight-questions-with-students-against-private-police>

¹⁰ See "Students and Faculty Rally Against Proposed Private Police Force for Johns Hopkins," *The REAL news network*, February 13, 2019. <https://therealnews.com/stories/students-and-faculty-rally-against-proposed-private-police-force-for-johns-hopkins>. See also the interview with Okereke on October 4, 2018 with the *JHU News-Letter* in which she states that the Black Student Union was not involved in the conversation regarding the constitution of armed police on campus. "Okereke said that she would have liked to see BSU involved in the conversation and decision-making process with administration. 'If you promise to involve a certain community in the discussion and it's us having to fight for a seat at the table, it's not really fair,' she said." See "Presence of armed BDP officers worries students," *JHU News-Letter*, October 4, 2018. <https://www.jhunewsletter.com/article/2018/10/presence-of-armed-bpd-officers-worries-students>

¹¹ See "Legislators further amend private police force bill," *JHU News-Letter*, March 28, 2019. <https://www.jhunewsletter.com/article/2019/03/legislators-further-amend-private-police-force-bill>

SAPP and HCAI: “The legal intervention in the state legislature was fruitless. The first intervention organized by SAPP, which was a legal intervention, delayed the bill. But then it returned in the fall; there was a second version passed. At this point, it was felt that it was necessary to escalate. The administration refused to sit down and meet with the BSU [Black Student Union], SAPP, and HCAI.”

In interviews, several students cited a need for an escalation in tactics from rallies, petitions, and participation in institutional feedback mechanisms to a targeted Sit-In of Garland Hall. For example, Student **S12**, who had been a member of the Student Safety and Security Advisory Committee, describes experiences on this committee as one in which students’ input were routinely minimized or disregarded: “In the minutes [meeting minutes of the Committee], only a handful of our suggestions were recorded. For example, they were asking about the Lyft program at the med campus, and that it was far too expensive to continue. I suggested that they look at the places where students tended to go and make more bus routes in relation to those routes. And I just received blank stares... I never felt that they were taking our advice into consideration. We had signed petitions, gone to the rallies, so when people said we need to escalate action, I was very much on board with that.” Student **S9**, who had attended the public forums, remarked, “The forums were horrible too. Often, Daniels would just grab the mic and give a speech and ‘thank you for this comment.’ Experts would come out to talk to us, and no one is even taking notes. They are not even trying to register what was said during the forums.” With regard to advocacy around ICE contracts, Student **S10** describes, “Requests for information [regarding the contracts] were ignored repeatedly. Petitions were hand-delivered to the President and Provost’s Office. [Vice Provost of Student Affairs] Shollenberger would pick up the petition and say, ‘We love our students’ expression of free speech and that they are political and we will get back to you.’” By March 2018, Student **S10** remarks that, “Hopkins Coalition Against ICE felt that it had exhausted all that it could have done without taking steps towards civil disobedience. The University argued in the name of academic freedom that they [the medical school] could train ICE agents. Throughout this time, we [HCAI] were getting more information on the ICE contracts. A FOIA [Freedom of Information Act] was filed.”

There appears a clear disjuncture between the University administration’s self-image of transparency and openness and the repeated assertions by students of frustration with the fact that their voices were not being heard and the conclusion that to get the administration’s attention they had no recourse other than civil disobedience.

Who were the Sit-In participants?

The overwhelming majority of people involved with the Sit-In were JHU students. At any time, no more than 10% of Sit-In participants were non-JHU affiliates. Typically, the percentage was much less. A false impression about the relative percentages of students versus non-JHU

affiliates should not be drawn from the fact that 4 of 7 people ultimately arrested were non-JHU affiliates.

By crude estimates, the overall number of students who participated at some point in the Sit-In appears to be substantial. By the administration's own estimates there were between 5-125 students occupying the lobby of Garland at any one time. The students estimated from their sign-ins that somewhere between 300-500 different students participated at some point on a rotating basis. It is impossible to know the true number of students who were involved at any point, but a few hundred students seems a reasonable estimate. Although the administration repeatedly said that "no one group of students (could) be privileged or prioritized above others"¹², a few hundred students represents a substantial fraction of the Homewood student population. Furthermore, the Sit-In was endorsed by the representative student body, the Student Government Association (SGA), which voted in favor of a resolution to support the Sit-In on April 11, 2019.¹³ Citing their own student poll in which 75 percent of a sizable sample of undergraduates (approximately 35%) opposed the constitution of a private police force, the SGA officially endorsed the Sit-In's aims and urged University administration to withhold disciplinary action on student protesters.¹⁴ *In sum, the Sit-In was not enacted by a narrowly-defined, non-representative handful of students.* During the first day-long series of teach-ins and throughout the Sit-In, students reported participation from a number of campus student groups, including the Diverse Sexuality and Gender Alliance, the Black Student Union, #JHToo, Refuel Our Future, Teachers & Researchers United, Advocates for Disability Awareness, and Students for Justice in Palestine. Considering these numbers alone, the endorsement of the representative student government association, and the range of groups participating in the Sit-In, the FFC believes that the students who were involved in the Sit-In should have been taken seriously and engaged with substantively.

The first 24 hours of the Sit-In

The Sit-In began at approximately 1 PM on April 3, when a core group of 25-30 student activists linked to SAPP and HCAI staged a Sit-In at Garland Hall. Interviews with students reveal three

¹² See "Message from Vice Provost Kevin G. Shollenberger Regarding a Meeting with Student Protesters, [with Attachment](https://provost.jhu.edu/wp-content/uploads/sites/4/2019/07/message-regarding-a-meeting-may18.pdf), May 18" and "Message from Vice Provost Kevin G. Shollenberger Regarding a Meeting with Student Protesters, June 28."

<https://provost.jhu.edu/wp-content/uploads/sites/4/2019/07/message-regarding-a-meeting-may18.pdf>

<https://provost.jhu.edu/wp-content/uploads/sites/4/2019/07/message-regarding-a-meeting-june28.pdf>

¹³ See "SGA Votes in Opposition of Hopkins Police Force," *JHU News-Letter*, April 11, 2019.

<https://www.jhunewsletter.com/article/2019/04/sga-votes-in-opposition-of-hopkins-police-force>

¹⁴ See Senate of the Student Government Association, Johns Hopkins University, "A Resolution Supporting the Students Against Private Police (SAPP) and Hopkins Coalition Against ICE Sit-In."

https://docs.google.com/document/d/1-fNJV2AwYOsGUv6hOgabW8XRUn_1yqCs56KIMmxsMYs/edit

The SGA also passed a resolution on April 20, 2019 to oppose the constitution of a private police force at Johns Hopkins. See Senate of the Student Government Association, Johns Hopkins University, "A Resolution in Opposition of the Johns Hopkins University Police Department."

https://docs.google.com/document/d/1sscrNTh_6DVWb8Nc8V_pbI3Z9bt5UzpX3rzcQZudprQ/edit

events that set the stage - within the space of the first 24 hours - for a much longer, unanticipated occupation:

- 1) The students had not planned to stay for longer than 24 hours. They assumed they would be arrested or told to leave when the building closed. They were not. Rather, University administration allowed them to stay after the close of business hours;
- 2) An unplanned meeting with President Daniels and two student participants on Day 1 circulated on social media, gaining publicity and intensifying participation;
- 3) The transformation of the Sit-In from a core group of well-organized activists able to execute a Sit-In into what could be described as a leaderless, motivated collective.

This section describes the first two events. The following section will describe the changing character of the Sit-In.

It is clear from student interviews that the Sit-In was not originally envisioned as a long-term occupation of Garland Hall. SAPP and HCAI student activists had initially expected the Sit-In to last for 24 hours. Student **S13** reported, “The original plan was for it to be a 24-hour action, and it was thought that this would bring momentum to the movement. But it changed that first night.” Even with the plan of a 24-hour action, however, students anticipated that arrest would bring an end to the Sit-In by the close of business hours. As Student **S9** remarked, “Students were prepared to be arrested from day one.” Student **S1** stated, “A friend informed me of a secret Sit-In. They thought that the University would arrest them on the first day.” Student **S7** remarked, “On April 3, it was clear that it was exceeding the scope of the initial Sit-In, which had been planned as a one-day Sit-In.” Student **S10** remarks that, “The assumption was that it wasn’t even going to go on for a day, that the University would either do a ‘fake meeting’ or that they would cut it down and arrest students. It was not anticipated that it would go on for this long. There was a lot of fear of retaliation, even doing a full-day Sit-In. It was very hard to get people to be public and participate in it.”

At approximately 4 PM-5 PM in the afternoon, President Daniels had an impromptu meeting with two students participating in the Sit-In. The University administration’s official account of the events of the Sit-In leans heavily on this meeting as evidence that the administration was willing to meet with the protesters from Day 1. The University timeline states under the April 3 entry that, “The President speaks in person with protesters about their demands and issues of concern. He urges protesters to consider that the final version of the state legislation to establish a university police department was substantially shaped and improved by their participation in the process over the past year, and offers to meet for further discussion once the protest ends.”¹⁵ And in the May 3 letter to University faculty, staff, and students, President Daniels states that,

¹⁵ See Johns Hopkins University & Medicine, “Summary and Timeline - Garland Hall Occupation, Spring 2019” <https://provost.jhu.edu/wp-content/uploads/sites/4/2019/08/Protest-Timeline.pdf>

“At the beginning of the occupation, I talked directly with the protesters about their demands. I discussed why the university holds the position that it does on the need for a sworn university police department and the paramount role of our faculty in pursuing sponsored research and training contracts—even in cases where they decide to work with an agency like ICE that has been subject to vociferous criticism.”¹⁶

Yet, in FFC interviews, students describe, not a meeting with President Daniels, *but rather an unplanned encounter*. As Student **S10** remarked, “The teach-in was going on, Daniels is leaving the building. He has his jacket on, his suitcase, and was walking outside the building, and trying to identify who he thinks are the leaders.” Student **S8** describes the encounter as, “President Daniels didn’t want to engage with the group. He picked up a couple of representatives - the group did not have any representatives to speak for the group, but they [the two students who spoke to President Daniels] already had visibility to the administration since they had been reading out demands. They approached each other and went outside. I went outside to film the whole thing.” Student **S13**, who happened to be in the role of negotiator that week, was one of the two students who talked with President Daniels outside the building: “In the first week, I was in the role of negotiator. If admin were to come, I would interface with them, listen to what they had to say, bring it back to the group, and we would vote on it. Daniels asked one of two student representatives to come and talk with him outside the building. We reiterated the reasons [against ICE contracts and private police] and asked if he would reconsider his prior refusal to cancel the ICE contracts and to establish private police. He responded that a democratic decision had already been made in the state legislature and that he was not willing to enter into any negotiation.” This student describes the encounter as, “This was not a planned meeting with student representatives. He was just leaving, just passing through.”

The video snippet of the encounter provided to the FFC by the JHU Sit-In lasts approximately 4.5 minutes. In the video, after listening to the students explain their demands, President Daniels responds:

Here’s one of the things that I would say right at the outset. I think that it’s always important to, when you say, ‘you’ve been heard but you haven’t been listened to’, I think you have been both. And, again, the way I see, this is sort of my theory of how you think about the University but also how you think about any sort of community where, how you think about the University or democracy writ large. I think that there’s lots of issues in which one, that people talk about, disagree vehemently, debate, but at some point, when a decision is made and it’s not

¹⁶ See “Message from President Daniels Regarding the Garland Hall Protest, May 3, 2019”

<https://provost.jhu.edu/wp-content/uploads/sites/4/2019/05/message-from-president-daniels-may3.pdf>

This view of the meeting on the first day is reiterated in the University administration’s response to FFC questions. See Appendix 3 “Questions for Administrators Regarding the Events”, Question 2.

exactly the decision you want, it doesn't mean that you weren't heard or you weren't listened to.

President Daniels goes further to describe the process by which community input on the police bill was sought over a period of a year and a half. One of the students responds to the President's remarks:

I understand your position. I understand that you have worked yourself very hard, the entire administration has worked really hard in spite of all of the opposition, but framing it as if, as you said, these were your words, 'That look, a decision has been made... [wind interferes with audio here while President Daniels and the student engage in a rapid exchange over these words]... and therefore there is no point in putting energy into protesting the decision.' I'm not putting words into your mouth. I think I am paraphrasing what you are saying. And my concern with that framing is that it is a very huge oversimplification of what is occurring with the entire Sit-In, as it fits - since the very beginning, since last year. The entire process - that hasn't been heard since the very beginning. It has been very very anti-democratic. President Daniels, I know that you didn't have the numbers during the hearings on hand, but I would say you would be lying if you didn't know now that 75 percent of students oppose the creation of a private police force.

As the student is speaking, an off-camera voice is heard talking to the person filming who says, "Hi, I'm not sure if.. Did President Daniels agree to be filmed?" The person filming says, "No." The filming stops. Student **S13** characterized the encounter as, "We were talking past one another. He was repeating the same rhetoric. He said that we could meet with them if the protest ended... In terms of the conditions to negotiate, Daniels would say, 'Anyone can talk to me, but not if you are violating the student code of conduct.' We took this as a refusal to negotiate with us."

Several students interviewed by the FFC referred to the video of this encounter. The video was circulated through social media. President Daniels's remarks, in which he describes a theory of the University, were rephrased as, in the words of Student **S2**, "The thing that was most memorable was Daniels saying, 'This is democracy and sometimes you have to accept things you don't agree with.'" Regardless of the interpretation of President Daniels's remarks, these words took on a life of their own in social media, and appear to have intensified and broadened participation in the Sit-In. As Student **S2** continues, "This pushed more students to continue staying at the Sit-In." Student **S10** states, "From that point on, it [the Sit-In] just started swelling, and it felt even more justified. The BSU [Black Student Union] was very vocal about what

happened in their meeting.¹⁷ Everyone could see the level of dismissiveness [of the University administration].”

At the close of business hours, the Sit-In participants were not asked to leave, nor were they forcibly removed. Instead, the University administration departed from their own policy, “Guidelines for Students in Support of Free Expression through Protests and Demonstrations on the Homewood Campus,” and made the decision to allow the Sit-In protesters to stay overnight in Garland Hall. The Office of Student Affairs, via then Vice Provost for Student Affairs Kevin Shollenberger, made a verbal statement to the students emphasizing that they based their decision on their support of free expression: “I have a short statement. As our guidelines around student protests emphasize, our primary aim is to support free expression. Thus, in working with the student protest leaders, we have agreed to permit the students in the Garland lobby to spend the night here, in spite of the fact that the building is officially closed from 6pm to the following 7am on weekdays.”¹⁸

In written responses to FFC questions (see Appendix 3), the University administration reiterates that the decision to allow the students to remain in Garland Hall was based on a commitment to free expression: “The University made every effort to support the protesters’ ability to express their views and began the protest period with optimism for cooperation from the students in keeping with University policy, the Guidelines, and health and safety requirements.”¹⁹ The administration also acknowledges its own circumvention of policy; “The only authorized deviation from the Guidelines during the protest and occupation was the permission granted to protesters to remain in the first floor lobby after the building was closed... The University also made clear throughout the protest that further substantive meetings could occur once the occupation had ended and the protest was fully brought back within the Guidelines.”²⁰

In suspending the Guidelines and then adamantly reverting to them, the University administration appeared in principle to support free expression but at the same time denied the possibility of discussion with the protesters. According to the administration, only if the students complied with the Guidelines could there be substantive discussion. In this way, it made the students fully responsible for the absence of discussion. The administration authorized the occupation of Garland Hall then cited the occupation as its justification for refusing to meet with the students.

¹⁷ The meeting referred to here is one between President Daniels and the BSU approximately a year and a half prior to the Sit-In.

¹⁸ See “Student Affairs Statement to Students in Garland Hall (Evening of April 3)” https://provost.jhu.edu/wp-content/uploads/sites/4/2019/04/HSA_statement.pdf

¹⁹ See Appendix 3 “Questions for Administrators Regarding the Events”, Question 3 Response.

²⁰ See Appendix 3 “Questions for Administrators Regarding the Events”, Question 4 Response.

This circumvention of University policy set the conditions for a “waiting game” between the University administration and the students. Neither side seems to have had any clear alternative plan to this game, or strategy to use, other than to simply continue waiting. As Student **S13** remarked, “When the University did not call the police and was going to wait it out, then we figured, we could do the same. We did not get approval for occupying Garland. They told us that they would allow us to stay. Allow, in the sense of not calling the police. We never entered into any agreement regarding staying.” It is clear that the waiting itself created a sense among the students that the University administration was unwilling to substantively engage with them. As Student **S3** states, “It felt like Hopkins was just going to wait it out. Their response was patronizing, patting the hands of the students that, ‘We are listening to you’, but they were not really listening.... They just saw us as ‘why are they being a nuisance.’ Daniels said in one of the exchanges with the students outside the building said, ‘Democracy is accepting the decisions that have already been made.’ Just because it is legal does not mean that it is right - case in point: history.”

In a meeting with the FFC on November 15, 2019, Provost Sunil Kumar remarked that the decision to let the students stay overnight was taken “in the heat of the moment” and that “this was our first Sit-In”. Provost Kumar said that students had “occupied” Garland Hall on two other recent occasions: 1) when Teachers and Researchers United (TRU), the independent JHU graduate student union, held a march on Garland Hall to submit demands to the President to improve graduate student health insurance in Spring 2017,²¹ and 2) when the student group Refuel Our Future held a Sit-In at Garland Hall for divestment in fossil fuels in 2016.²² Yet, these groups left after being told they could make appointments to meet with the administration to discuss their concerns, and their concerns were addressed. Neither of the two previous protests had been planned as a 24-hour action. Thus, the University administration confronted a situation that they deemed as unprecedented. Reflecting on the decision to allow the students stay in Garland Hall that first night, Provost Kumar remarked to the FFC that in hindsight, he viewed the decision to allow the students to stay overnight - the deviation from the policy - as a mistake. Yet, when asked why the administration would not simply want to meet with the students particularly after lockdown, Provost Kumar reiterated the University administration’s position throughout the Sit-In, “We felt it was more important to stick to the rules and then have the conversation. The University is a special place (but) It’s not that every rule is negotiable.”

²¹ See *JHU News-Letter* on the TRU march on Garland Hall. According to the *JHU News-Letter*, TRU had a meeting with Vice Provost for Student Affairs Kevin G. Shollenberger, Vice President for Human Resources Heidi E. Conway and Chief Risk Officer Jonathan Links on Monday, April 10 to outline their demands. TRU’s march on Garland Hall took place four days later, on April 14. As reported, TRU insisted on meeting President Daniels to reiterate their demands. They were met with security personnel who said he was not there. “Graduate students protest healthcare at Hopkins”, *JHU News-Letter*, April 20, 2017. <https://www.jhunewsletter.com/article/2017/04/graduate-students-protest-healthcare-at-hopkins/>

²² See Refuel for the Future Sit-In: <https://www.youtube.com/watch?v=BU8Db8v3Hv0>

The changing character of the Sit-In

The University administration's decision to allow the Sit-In to continue also created the conditions for the Sit-In itself to transform and grow. Several students interviewed remarked on the changing character of the Sit-In within the first three days. Over the first night, the small number of initial occupiers, who were well organized and ready to be arrested, transformed into a leaderless, democratic grouping, which staged teach-ins alongside rallies, collective meals alongside wide-ranging debates. Who was involved both grew and changed. New models of decision-making emerged, but none had time to crystalize. The 20-25 activists in the initial group could coordinate a surprise take-over of Garland Hall, but the expanded collective had a slower mode of decision-making that aspired towards a model of direct democracy.

Students described the transformation of Garland Hall into a space where students could recount experiences of marginalization and racial profiling on campus. As Student **S10** comments, "Black students and gender minorities would talk about horrifying experiences that they had already had [on campus]. People were talking about being profiled, their IDs were their 'freedom papers'. They were unloading a lot of trauma. There were people there whose parents had crossed the border illegally." While the diversity and size of the Sit-In grew, the organizational structure of the Sit-In itself began to change. Even in retrospect, the students do not seem to have a clear consensus on what the organizational structure became and who was a leader, if anyone. For instance, Student **S7** remarks, "The Sit-In gained traction quickly. Women of color took on leadership positions in the Sit-In. And this was the first instance of political space on campus for marginalized groups. There was a power that they could exercise in that space. We asked, should it continue? A large contingent - unnoticed, marginalized groups - argued, 'Let's hold onto it.'" Student **S11** remarks, "A lot of people arrived. Then, you have people organizing for more than one year to get to this point. Those people who had been organizing want to assume the leadership for the Sit-In, but they did not have the legitimacy." Yet other students emphasized that there was no leadership. As Student **S9** remarks, "There was no leadership, as I am sure that you have probably already heard."

In the words of Student **S13**, the Sit-In became "a whole, new organic thing." Students were experimenting in direct democracy, yet no formal procedures had crystalized with regard to collective decision-making. As Student **S13** remarks, "We were trying to use direct democratic decision-making. We would have to get enough online discussion going to make a decision together." When asked if there was a quorum established for a vote, Student **S13** responded, "We did not have rules in place about that. We did not have a proper quorum. I suppose we just had to have enough discussion with enough people to feel that we had an open discussion and took the decision democratically." Student **S2** describes efforts early on to clarify some basic community guidelines and plans, "We tried to create a plan, think of next steps. But the administration radicalized people. They kept this going because of the admin response...At first we did not have guidelines set up for ourselves [to make decisions]. That first week we developed community

guidelines, which we wrote down and posted on the wall.” Student **S9** states, “It really was not organized. We did the big rally with West Wednesday, and that went well. But after that, it was ‘if you are physically there and took the initiative, then something would get done. It was more on the basis of energy than procedures. Different people were taking the initiative at different times.”

The very diversity of viewpoints within the Sit-In meant that democratic decision-making became particularly laborious. As Student **S11** states, “The diversity made it very difficult for us to have collective decision-making... we had to decide on everything together, collectively. But actually people could have had different orientations.” This laborious process of collective decision-making internal to the Sit-In, however, had consequences for the ability of the Sit-In to communicate with the University administration. The administration seems to have continued to assume that the Sit-In had “organizers” or “leaders” and that the collective body took direction from such “leaders.” As Vice President of Communications Susan Ridge stated in a *JHU News-Letter* dated April 7, 2019, “The Johns Hopkins student affairs team has been liaising with the protest’s student leaders, and we are working to assure the safety and continuity of campus business and events.”²³ This misperception of Sit-In leadership as a hierarchical structure undergirded the administration’s outreach to students, particularly after lockdown. (See “Escalation to lockdown and Occupation.”)

As models of governance were being tested, the Sit-In simultaneously began to embody the students’ visions of what a university could be. As Student **S3** remarked, “I don’t think anyone knew that it [the Sit-In] was going to grow and become a space where people felt more welcome than in the University as a whole. There was a kindness and awareness of other people’s backgrounds that I hadn’t felt anywhere else. This was not just creating a moment, but a space. I really loved it. It was amazing.” Student **S1** remarked, “We tried to make the space as welcoming and inclusive as possible. We were meeting with student groups and community organizations. We made the bathrooms gender inclusive... It was very grassroots. People enjoyed staying in the space.” Student **S2** stated, “The Sit-In was sustained through a pedagogical mode.” Student **S10** remarked, “The thing was that it was beautiful. It was seeing what a university could be like. We would have tutoring sessions. People would give lectures. It was a beautiful community. But the entire thing was shrouded by fear and surveillance. It was very aggressive, very confrontational surveillance.”

Surveillance

In their interviews, students expressed distress that they were constantly under surveillance when in and around Garland Hall. From the first night onward, the University administration

²³ See “Protestors rally against private police and ICE contracts at Alumni Weekend breakfast” *JHU News-Letter*, April 7, 2019. <https://www.jhunewsletter.com/article/2019/04/protest-at-the-glass-pavilion-during-alumni-breakfast>

employed multiple means of surveillance. The administration's written responses to the FCC and the student interviews do not differ in their accounts with respect to this fact. Garland Hall is equipped with security cameras; Campus Safety and Security personnel were present both inside and outside of Garland Hall; administrative staff from Homewood Student Affairs remained inside the building after the close of business hours; cameras on tripods were introduced outside of Garland Hall. Further, the University administration and the students interviewed are in agreement that once protesters occupied Garland, they became subject to intensified surveillance.

University administration and the Sit-In differ sharply in how they understand the aims of this surveillance, however. The University administration framed the need for surveillance in terms of safeguarding the health and safety of all occupants in the building (protesters, staff, and visitors), assuring compliance with the student code of conduct, and safeguarding federally protected information such as financial aid files. As the University administration writes in its response to the FCC questions, "the University monitored protest activity for the purpose of providing 24-hour support and safety for those present in the building (protesters, staff and visitors), to track occupancy levels for fire code compliance, and to safeguard sensitive and/or federally protected information (such as student financial information)."²⁴

The students, on the other hand, experienced surveillance not as an expression of the administration's concern for health and safety or in terms of support, but rather as punitive. The students assumed surveillance would be used to identify individual protesters with the aim of punishment and to stymie collective forms of decision-making by greatly restricting un-surveilled gathering spaces. Surveillance, particularly video surveillance, sharpened an already existing mistrust of the University administration. At the end of this section, we return to the fact that *the absence of an explicit video surveillance policy may not only have greatly exacerbated students' mistrust of the institution but also may have contributed to a somewhat haphazard and personalistic form of decision-making by administrators with regard to what modes of surveillance were employed and for what ends.*

Students reported three surveillance-related issues that deepened their mistrust in the University administration:

- 1) Starting on the first night of the Sit-In, administrative staff occupied multiple conflicting roles: as "friendly faces" of the administration who chatted informally with protesters; as institutional actors responsible for ensuring health and safety; and finally as individuals who were enforcing security.
- 2) An incident involving an administrator who was using a personal cell phone to video-record and photograph students while they were sleeping. These video-recordings and photographs were sent to a chat group of other University administrators.

²⁴ See "Questions for Administrators Regarding the Events", Question 13 (Appendix 3).

3) The intensification of surveillance as the Sit-In continued.

After the University administration authorized the Sit-In to stay overnight, administrative staff remained in Garland Hall with the protesters. Administrators attempted to engage the students in informal conversation, possibly to bolster trust. As Student **S1** relates, “That first night Moses Davis [Associate Dean of Diversity and Inclusion] came and was trying to engage us. He was sitting with us at the table, the table that is in the lobby, and asking us about our politics, really general questions, like asking about Palestine. Finally we asked him why he was here, and he said, ‘I am just here to make sure you guys are safe.’” However, the administrative staff were also enforcing the rules regarding entrance and exit from Garland Hall after closing hours. These were rules that the University administration devised when it enacted the “authorized deviation” from the Guidelines. In the eyes of students, the staff took on security roles. As Student **S6** remarks, “What was immediately uncomfortable was that Student Life - Kevin Shollenberger [the Vice Provost for Student Affairs], Dana Broadnax [Director of Student Conduct], Smita Ruzicka [Dean of Student Life] - were acting as security officers instead of [the actual] security officers and fulfilling the role of security... at times they were standing in front of the doors and blocking them, with their bodies. Actual security were outside. It felt like the Deans were the ones calling the shots not Hopkins security.”

Mistrust of the University administration was greatly exacerbated when, on the first night of the Sit-In, the students discovered that the Director of Student Conduct was video-recording and photographing sleeping students with what they identified as a personal cell phone, and texting what was recorded to a chat group. Several students interviewed by the FFC were direct witnesses of this incident. Student **S1** recounts: “At 4:45am Dana Broadnax [Director of Student Conduct] came in and started filming us. I know because I was awake at the time, trying to get some work done. She is also the conduct officers for three people who are going through disciplinary proceedings. She was using her personal cell phone to film us. When she was asked what this was for, she said, ‘It’s for our internal group chat.’ She was texting video to the group chat.” Student **S6** recounts: “At around 4am, Dana Broadnax was videotaping us with her cell phone, and when a student confronted her, she said, ‘This is for your protection.’ And then we asked her what that meant, and she walked away. She didn’t answer us.... It’s not Student Life’s job to get into people’s faces and film them while they are sleeping. Clearly she did not want people to know that she was filming.” Student **S13** states, “We were under 24-hour surveillance from the second level. There were staff coming and going throughout the night. Dana Broadnax was filming students. Moses Davis [Associate Dean for Diversity and Inclusion] was there as well. Someone went up to Dana Broadnax and asked her why she was filming. People were dismayed and not surprised, not surprised that they would be treated like this.” Student **S12** relates, “I spent the first night at the Sit-In. I woke up to one of the administrators who was with us. She was walking between us as we were sleeping, and it’s not like she was walking to get somewhere. She was walking in a very narrow pathway between students. I woke up with her

stiletto heel about three inches from my face. She was moving very slowly, passing by us a couple of times. The next morning, I heard that she had been videotaping us with her cell phone.”

Since the students were occupying private property while engaged in a public protest, they could not expect privacy.²⁵ But the students regarded the personal surveillance a violation of trust between University administration and students. As **S3** remarks, “There was definitely an expectation that you will be watched. The sticking point here was that the students were asleep. They could not consent to be surveilled.... If you are being surveilled, then you can respond to it, by moving behind something, protecting your identity. But if you are asleep, you cannot respond.... Afterwards I talked to Moses Davis [Associate Dean for Diversity and Inclusion], and he remarked to me that while he did not think it was problematic in the moment, he realized afterward that this was unacceptable. However, this was a bridge that was not mendable for a lot of people. I mean that they [the students] did not trust the friendly open talk anymore, and that this was just a facade.” Student **S7** remarked: “This is Daniels’s lip service to health and well-being for students, but it really is the unilateral mission to protect private property.”

Because the University has no explicit surveillance policy, the students were uninformed about how the video recordings and images would be used, who would be watching these video-recordings, and when these recordings and images would be deleted. What is more, the students remain uncertain about what is happening with these video-recordings. In addition, the students have asserted that these recordings and photographs were taken on an administrative staff’s personal cell phone and sent to a group chat. Reasonably, they are concerned about how the boundary between personal storage and official University storage of such material is defined and maintained.

Students say that they did seek to secure written assurance regarding the deletion of these video recordings, and no written assurance has been given. As Student **S1** remarked, “Afterwards we talked to Smita Ruzicka [Dean of Student Life] and Kevin Shollenberger [then Vice Provost of Student Affairs]. They assured us that they would delete the video, but they refused to give us this assurance in writing. Then, they drop policy violations on us. We understand that this [filming] is not a violation of Maryland privacy laws. But, the University does not make clear who can be recording and who cannot. And, there is no reason why these conduct officers were filming us. There just shouldn’t be staff recording students.”

In a report on the protest at the Alumni Weekend breakfast in the *JHU News-Letter* dated April 7, 2019, Vice President of Communications Susan Ridge responded to students claims on this

²⁵ There do not appear to be any legal grounds for establishing this incident as an infringement of Maryland’s statutes on video surveillance. See Maryland Criminal Code 3-903.

<http://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr§ion=3-903&enactments=False&archived=False>

issue, stating “Photos or other documentation may be deleted if not otherwise needed (as they were earlier this week), and student protesters have been made aware of this protocol.”²⁶ Yet, there is no *protocol* that is publicly available to the campus community regarding video surveillance. In response to the FFC’s question regarding this incident, University administration stated, “It is also standard practice for University staff to periodically document public protests and demonstrations for purposes of evaluating potential needs and concerns. Security camera footage and other video recordings and photographs of the protest and occupation were only used for official University purposes and never published or posted for public view.” However, this response offers no clarity on the concerns described above and does not make clear that these specific recordings were deleted.

Students interviewed also reported use of video surveillance on the perimeter of Garland Hall. As Student **S11** remarks in an email to **S11**’s Department Chair dated May 5 and made available to the FFC, “Since the lockdown, Hopkins authorities are not only registering how much people go in and out from Garland, but they are following us with cameras while we are walking to or from Garland: cameramen turn their camera while we are passing close to it, focusing on us individually until we are too far, after which they turn their camera towards Garland again.”

The mistrust of the administration engendered by its surveillance practices made students skeptical of the University administration’s actions to address legitimate health and safety concerns after the protesters escalated to lockdown. As Student **S2** states, “They were doing everything to surveil us; they were calling people’s families. This was not about our safety, it was about surveillance.” This mistrust generated a sense of pressure and fear amongst the student body. As Student **S3** states, “People definitely got tired. People also got nervous. They saw security getting ramped up. When the admin put cameras outside Garland, more security was added. People were asking themselves, particularly international students, ‘Is it safe for me to be at or near Garland?’ It seems that Hopkins was getting ready to drop the hammer.” The conditions of surveillance also intensified the arduous collective decision-making process that the students were engaged in. As Student **S13** describes, “That room feels like a prison. We were in a pressure cooker. We were trying to use direct democracy for every decision we were making. So, we were using corners of the room to talk things out and make decisions without being heard.”

Alumni Weekend breakfast

While surveillance exacerbated a generalized mistrust of University administration on the part of students, other events - most notably the protest at the Alumni Weekend breakfast on April 6, 2019 and the incident involving former Research Professor Daniel Povey on May 8, 2019 -

²⁶ See “Protestors rally against private police and ICE contracts at Alumni Weekend breakfast” *JHU News-Letter*, April 7, 2019. <https://www.jhunewsletter.com/article/2019/04/protest-at-the-glass-pavilion-during-alumni-breakfast>

highlighted the dynamics of racialization on campus. This section describes the protest at the Alumni Weekend breakfast, while a separate section is dedicated to the Daniel Povey incident.

On April 6, three days after the Sit-In commenced, protesters interrupted the Alumni Weekend breakfast at the Glass Pavilion as part of the Sit-In's drive to end University contracts with ICE and halt the formation of a private police force. President Daniels was addressing the alumni donors when students took the stage. According to the *JHU News-Letter* report dated April 7, 2019, they "discussed the University's failure to address sexual assault cases and the militarization of the Baltimore Police Department and the University. The protesters also denounced a Morgan State University police officer's involvement in the death of Tyrone West, an unarmed black man from Baltimore who died in 2013 from injuries sustained in police custody. They also accused the University administration of filming them while they slept in Garland Hall during their Sit-In."²⁷

The Students Against Private Police and Hopkins Coalition Against ICE released a joint statement through social media regarding this event. This statement shows how the unplanned encounter with President Daniels on Day 1 quickly became a vehicle for further protest action: "We took this action after President Daniels was dismissive in our last conversation when he passed through the Sit-In on Day 1. He has consistently refused to engage with the vast and meaningful opposition to the private police proposal and ongoing contracts with ICE." The statement describes tense confrontation between some alumni and students, in which alumni questioned minority students' legitimate status as students at Johns Hopkins: "While some of the alumni in the room voiced support for our cause, a video also shows the dangerous reactionaries that are funding this school—the kind that get in the faces of Black students and other students of color and claim they don't belong, or don't look like JHU students. This is the JHU that we know. This is the JHU that Daniels wants to have an armed private police force."²⁸

Video footage of the protest at the Alumni Weekend breakfast provided by the Sit-In to the FCC show a troubling exchange between an alumnus and two African-American students. This alumnus approaches an African-American student and asks this student in an angry, accusatory voice, "Are you a student here? Are you a student?" The student responds, "Why does it matter? I'm a PhD student." The alumnus responds, "Are you - where?" Another African-American student remarks, "Why would they not be a student here?" The alumnus asks, "Are you a student here?" The student replies, "Absolutely." The alumnus responds in a condescending tone, "What are you learning here." The exchange becomes increasingly heated as the alumnus raises his voice and says, "What is 'the stupidest thing you've ever said'. You are the racist. Because I'm

²⁷ See "Protestors rally against private police and ICE contracts at Alumni Weekend breakfast" *JHU News-Letter*, April 7, 2019. <https://www.jhunewsletter.com/article/2019/04/protest-at-the-glass-pavilion-during-alumni-breakfast>

²⁸ Students Against Private Police and Hopkins Coalition Against ICE Facebook post dated April 6, 2019. https://www.facebook.com/pg/ICEoutJHU/posts/?ref=page_internal

white, because I don't know anything. Because I'm older." The student's response is inaudible. The alumnus responds, "Bullshit. Bullshit. I know, I'm white and therefore I don't know anything. And only black people understand. You're only 21 years old and you understand everything?" This incident was also reported in the *JHU News-Letter* on April 7, 2019.²⁹

From student interviews, the FFC learned that the Office of Institutional Equity (OIE) had attempted to follow up with students involved in this encounter. Yet, the generalized mistrust with the institution has prevented at least one student known to the FFC to engage in a formal investigation. As Student **S9** remarks, "I also got one OIE email regarding the alumni event when an alumni said to me that I was not a student. But, I didn't respond because I was involved in the Sit-In and what the university was doing was laying traps, and I didn't want to get caught in a trap."

The University administration has not made any public statement on this incident or issued a statement of support that would seek to reassure minority students of their rightful place within the University community. In the official timeline of the Garland Hall Sit-In, the University administration describes the protest in the following manner: "Protesters disrupt a breakfast event in the Glass Pavilion for alumni and their families. After taking over the stage with chanting and shouting, protesters are granted an opportunity to express themselves and then asked to leave but refuse to do so, forcing suspension of the event. Protesters also confront individual alumni in the audience and several alumni engage protesters. Upon exiting the building, protesters repeatedly bang in unison on the exterior windows, unsettling attendees."³⁰ Attempts by students to engage President Daniels on this issue were unsuccessful. As Student **S3** remarks, "People tried to catch him before he got to his office, asking "Can we have a meeting", including after the protest at the alumni event. He was asked by a student, "Can you remark on the racist comments that some of the alumni made?" He said, "No comment."

Escalation to lockdown and Occupation

On May 1, the protesters escalated their tactics and locked down Garland Hall by chaining the doors and transforming the Sit-In into an occupation. The University closed Garland Hall and shifted various services to other locations. This section describes the following: 1) the context and nature of decision-making that led to the lock-down; 2) the University administration's response to the lockdown in activating an emergency protocol; 3) the communications between the Sit-In and the University administration during this period.

²⁹ See "Protestors rally against private police and ICE contracts at Alumni Weekend breakfast" *JHU News-Letter*, April 7, 2019. <https://www.jhunewsletter.com/article/2019/04/protest-at-the-glass-pavilion-during-alumni-breakfast>

³⁰ See Johns Hopkins University & Medicine "Summary and Timeline - Garland Hall Occupation" <https://provost.jhu.edu/wp-content/uploads/sites/4/2019/08/Protest-Timeline.pdf>

What led to the lockdown?

Interviews with students reveal a growing impatience with the “waiting game” that followed the administration’s decision to allow the occupation but foreclose discussion unless the occupation ended. As Student **S3** stated, “What is the next step, were they going to try to wait it out until summer? This made people more nervous and so people wanted to find a way to get this to stop. At that point, with Occupation, international students had stopped going to Garland Hall.” Student **S3** continued, “The events [video-recording of students while sleeping, alumni breakfast event] made people increasingly nervous and concerned that Hopkins was not going to let this go [any discussion to reconsider ICE contracts and private police]. If they don’t care about this now, they will not care when someone gets shot on campus.” Students were engaged in lengthy discussion on whether or not to escalate to lockdown. Student **S2** relates, “People [in the administration] were just moving through the protest. One way of building pressure is to prevent them from working. And the best way to do that is to block the stairwells. It was the 4-week anniversary of the Sit-In, the 300th West Wednesday, and May 1st (Labor Day). We wanted to build pressure and struggled with the decision to go into lockdown a lot. We thought that the administration would arrest us, or they would have to meet us.”

While there was clearly a diversity of views on whether or not to escalate, a critical mass formed who were willing to engage in this tactic. Even though there was no stable leadership to the Sit-In, the lockdown was planned in advance. Protesters participated in a training on lockdown and ran a simulation. As Student **S7** states, “There was frustration. The Sit-In was minimally disruptive. There was no way we can be properly disruptive [without further measures]. Admin was clearly ignoring demands for a meeting. We were acquiescing to very restrictive demands on ‘health and safety’ [used scare quote gesture]. How did it turn into an occupation? It was not a movement that was made by individuals. There was a sense that we needed more radical action. I was of that camp. There was a critical mass of frustration.” Student **S13** states, “I got a call from a friend that we were going to do a complete lockdown. I did a training. We did a simulation of it, talked to direct action.” Student **S5** reiterates the perspective that the escalation was a well-planned action by a smaller group; students orchestrated, planned and rehearsed and executed it.

Other students, however, testified that they were largely unaware of the lockdown debate, even though they were active in the Sit-In. As Student **S1** relates, “I did not know that the building was going to be chained until it happened. I think that it was just decided that, ‘If the admin was not there, if we can do it, then we’ll do it.’” Here again it is clear that the Sit-In operated with routines of governance that had not yet fully crystallized.

FERPA and emergency contacts

From the perspective of the University administration, the lockdown of Garland Hall transformed the Sit-In from a peaceful protest into a health and safety emergency. In the written response to FFC questions, the University administration states that, “After protesters forcibly

occupied Garland Hall on the afternoon of Wednesday, May 1, the administration concluded that the occupation was no longer a peaceful protest, that student health and safety were at risk due to a lack of access and visibility into the building, and that the time had come to bring the occupation to an end.”³¹ In response the University administration activated its emergency protocol, which included communicating not only with emergency contacts but also advisors and Department Chairs of those who had been identified by University administration as participating in the Sit-In. Three issues emerged in our interviews with students regarding these calls.

First, students have claimed that the calls to emergency contacts were “FERPA violations”, and that the University administration appeared to use the pretext of an emergency -- at least in part - - to contact family members and advisors in order to put pressure on the students. Student **S11** made available an email written by **S11**'s Department Chair dated May 4th. The Department Chair writes, “I have been informed by the Dean’s office that you are one of the students in Garland Hall” and warns him of the safety risk. Student **S11** responds in a much longer email on the wider context of surveillance and conveys the mistrust in the institution, stating that, “They [the administration] have been arguing that they cannot contact us directly so they are calling our contacts. That is simply not true: we have had, and me personally, short conversations with administrative staff that we know. Furthermore, they can know when we come in or when we leave the building through the new cams they installed.”

Since Garland Hall does not have a sprinkler system, the University administration deemed that the chaining of the doors constituted a threat to health and safety. According to FERPA regulations, “If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records *to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals* (emphasis ours).”³² Considering the situation, the FFC finds that calling emergency contacts was a legitimate action and in concordance with FERPA regulations.

Second, although the University administration might have had legitimate concern for student safety, the FFC has learned that, at least in two cases, the content of the calls exceeded the circumscribed scope of health and safety. In the case of Student **S7**, whose parent had been contacted, the parent relayed the content of an administrator’s phone call in an email sent to Student **S7** on May 12. **S7** has made this email available to the FCC. The parent writes to Student **S7**: “[the administrator] went on to suggest that because students broke the fire code, who knows

³¹ See “Questions for Administrators Regarding the Events” (Appendix 3)

³² See <https://www2.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf> Section §99.36 “What conditions apply to disclosure of information in health and safety emergencies?”

what other laws they are willing to break, she mentioned that there are confidential financial records inside the building and I stopped her there and said she can't make that leap in logic." In another case, a KSAS faculty member related to the FFC the content of a phone call from an administrator regarding a student identified as a protester. The administrator asked if the advisor was in touch with that student and relayed concerns about safety but went beyond safety concerns, according to this faculty member, by expressing "the urgent desire on the part of the administration for a dialogue, and that that dialogue could only take place once safer conditions prevailed, i.e. once the students were out of the building." The advisor responded that he/she did not believe that the student was a "leader" of the Sit-In "as it was a collective body". Since the content of calls did, in some cases, extend beyond issues of health and safety, they may have strayed beyond the FERPA regulations and become instruments of pressure.

Third, it was unclear to the students why some emergency contacts were called and others were not. Some students who participated intensively in the Sit-In and who were present during lockdown reported no calls to their emergency contacts. Others did. This seeming arbitrariness led some students to speculate that the University administration had identified "leaders" of the Sit-In, although as we have written the Sit-In was largely leaderless.

Faculty voice concern

On May 2, over one hundred faculty from the wider Johns Hopkins University sent a letter to President Daniels urging him and his senior staff to meet with the students, stating, "We strongly urge you to agree to meet and speak face-to-face with them at once, together with your senior staff. The students have amply demonstrated the courage of their convictions and deserve a full hearing. This should happen now, before tensions rise any further."³³ The University administration has not yet publicly acknowledged the faculty's concerns in this letter or publicly acknowledged its receipt.

Communications and the May 6 meeting

In the administration's publicly available messages, there are numerous references to open-ended offers to meet with the students that started on Friday May 3rd and continued through the weekend.³⁴ For instance, in the media statement of May 8, President Daniels and Provost Kumar write that over previous days that "We made open-ended efforts to meet and provide amnesty to our students." But in fact, these "open-ended efforts" do not seem to have begun until the afternoon or evening of Sunday May 5th with intent to schedule a meeting for the morning of May 6th. The letter from President Daniels on Friday May 3rd reiterated that a condition for a weekend or other meetings was that "the students must remove their belongings from Garland,

³³ See <https://docs.google.com/document/d/1EXrxqIEBJrSS2ZFyFsqUR1Wk1wWT-7Ru1LdP-mhbVVKQ/edit>

³⁴ See "Message from President Daniels and Provost Kumar Regarding the Conclusion of the Garland Hall Occupation, May 8, 2019." <https://provost.jhu.edu/wp-content/uploads/sites/4/2019/05/message-regarding-occupation-conclusion-may8.pdf>

vacate the building, and bring their protest activities back in line with legal requirements and university guidelines.”³⁵ A letter of May 4th from then Vice Provost Kevin Shollenberger reiterates President Daniels’s May 3rd offer to meet and states that a meeting can be scheduled by emailing Student Affairs.

It was only on the afternoon of May 5, President Daniels and Provost Kumar sent a letter to SAPP and HCAI email accounts extending an open-ended offer to meet on May 6 at 9:30 a.m. They write, “This meeting invitation is extended in good faith to any student protester who has or is willing to leave the occupation shortly. You are welcome to bring members of the student *News-Letter* with you, and we are happy to support transparency by broadcasting the meeting through university live stream.”³⁶ The Sit-In did not appear at the meeting, and only acknowledged the offer of the meeting on May 6 after the proposed meeting time. In their response dated May 6, the protestors state that, “Regrettably, the short notice of the invitation did not allow us adequate time to collectively respond as a group in a way that would be mutually beneficial to both parties involved. Given the sensitive nature of the negotiations and our desire for these talks to improve the safety and well-being of both the Johns Hopkins and Baltimore communities, we request more notice for such invitations.” The Sit-In then relates their own set of conditions for a meeting, including the commitment to academic, professional and legal amnesty as well as the presence of a neutral, non-Hopkins affiliated mediator.

Student interviews revealed a much more complicated picture internal to the Sit-In itself. Although the letter was emailed in the afternoon on May 5, it had been emailed not to the Sit-In’s email address but to the email addresses of SAPP and HCAI. Administrators also hand-delivered the letter to the protesters at Garland Hall. As Student **S7** states, “The letter was hand-delivered after 3pm. Two administrators came with 10 copies of the email. I accepted them because I was at the door. This was less than 12 hours notice, and it was also the evening preceding a rumored police raid. We were exhausted and had to ask, do we need to organize a bargaining team?” Student **S10** remarks, “By the time that someone from Sit-In saw the email it was around 7-7:30 p.m. for a 9 a.m. meeting the next day. The whole thing screamed red flag. The first was that there was no discussion on the conditions, any of the precursors one does when having a meeting. People wanted a meeting. None of the things [conditions] that were requested were met.”

Several students interviewed said that they actually supported attending the meeting with President Daniels and Provost Kumar and viewed the missed meeting as a “tactical mistake”. Student **S9** related, “It was a holy day, the beginning of Ramadan. People were not able to

³⁵ See “Message from President Daniels Regarding the Garland Hall Protest, May 3, 2019”

<https://provost.jhu.edu/wp-content/uploads/sites/4/2019/05/message-from-president-daniels-may3.pdf>

³⁶ See “Invitation to Meet from President Daniels and Provost Kumar, May 5, 2019” <https://provost.jhu.edu/wp-content/uploads/sites/4/2019/05/invitation-to-meet-may5.pdf>

discuss the letter. But then, when the letter was known to more people, some people said, ‘Don’t go.’ Others said, ‘We need to reply.’” However, as described above, the students were attempting to engage in direct democracy and come to collective decisions. The manner of their decision making meant that any offer to meet with University administration would necessitate extensive discussion. As Student **S11** remarked, “I was of the position that we should take the meeting. But it was a crisis mode at that point. They [admin] knew what was happening inside the Sit-In. The letter was also shady. If you go to the meeting and then go back to the Sit-In, would you be violating the student code of conduct? What were they asking for in order to go to the meeting? In a way, they were invalidating the interlocutor. But, I agree that it was a tactical mistake not to go to the meeting. But, the decision at the end - in crisis mode - we did not take the opportunity and it was not reasonable given the time constraints. We needed to calm down. Let’s take our time. The pressures, the surveillance, there was no space for reasonable agreement.” Student **S10** puts it tersely, “The discussion was that lengthy, that people needed to sleep on it.”

The University administration’s official narrative of the meeting understandably omits the complex decision-making processes internal to the Sit-In. Its statement implies that the student protesters rejected an opportunity for open discussion with the administration. The administration seems to have regarded this as the lack of a genuine wish to engage and that it left “little opportunity to come together.”³⁷ On May 6 at 9:30 a.m., President Daniels and Provost Kumar live streamed the meeting from FastForwardU, where they sat by themselves in an otherwise empty conference room. After a number of minutes of silence, President Daniels remarks, “We’ve waited about 10, 15 minutes for students to respond to our invitation. Unfortunately, the students who have been involved in the occupation of Garland Hall have decided not to turn up today. I think that’s been regrettable. We’re looking forward to having an open and good faith conversation with them around the issues that seem to matter to them. And, this unfortunately was a lost opportunity. We’ll have other opportunities in the future with students across the campus to discuss issues around the sworn police department and other issues that matter to the campus. But, sadly today, despite our best efforts to bring the students involved in the occupation to the discussion, we’ve been rebuffed.” This live stream was uploaded to the Office of the Provost’s webpage entitled “Protest Information and Resources”, a site which was posted on the internet as an ad shortly after the arrest of students.

On May 7, President Daniels and Provost Kumar sent a letter to the Sit-In protesters stating, “We offered a meeting with no conditions, and included an explicit commitment to discuss not only the issues of concern to you but also the question of amnesty, in an entirely open, live streamed forum and with the student *News-Letter* present.” They then go on to offer their terms for amnesty to students “to any protester who departs and does not return to Garland Hall, and does

³⁷ See “The University’s Extension of Amnesty to Garland Hall Protesters, May 7, 2019” <https://provost.jhu.edu/wp-content/uploads/sites/4/2019/05/extension-of-amnesty-may7.pdf>

not interfere with University operations or violate University policies through the end of the occupation and related activities.”³⁸

The protesters sent a response to this letter via email on the night of May 7-8 (May 8 at 12:49 a.m.) in which they outline their own conditions for meeting, including sending a small representative delegation and two informal advisors to the meeting and a clarification on the terms of amnesty. They also offer three alternative dates for a meeting: May 10, 11, and 12. However these meetings never happened.

At approximately 12:30 a.m. on May 8, a violent incident involving the former Research Professor Daniel Povey took place at Garland Hall. And, four hours later, at 4:30 a.m., the Baltimore Police Department and Baltimore City Fire Department ended the occupation with the arrest of protesters.

Daniel Povey incident

At approximately 12:30 a.m., [former] Research Professor Daniel Povey led a group of five to six non-JHU affiliates to Garland Hall. Armed with bolt cutters, this group forcibly gained access to the building. A physical struggle between protesters and this group ensued. The FFC interviewed students who were present during this encounter. One student **S9** was physically assaulted during the incident. Student **S9** recounts, “I come to the stairway, a large man was actually fighting the students, leaning on them, pushing on them. This is a stairway that was very long and steep. I screamed, “Who are you?!” And said, “Get out of here!” He grabbed me by my hair – at the time my hair was longer and tried to pull me down the stairs. He tried to throw his whole body on top of another student and push himself downstairs. Someone yells, ‘He’s [Povey’s] going to kill him [the other student]!’ I tried to pull him and can’t get him to stop. He was running down the stairs and I am screaming at him. And then one of the people he brought yells down to him, and they are deciding whether or not to fight me.” This account is corroborated by a report prepared by the Sit-In, which includes the anonymous testimonies of three students and three non-JHU affiliates as well as two street medics who were present at the scene. It is also corroborated by other students interviewed who were present at the time of the incident. Another student was reported to have been punched in the face, while an alumnus who was present in the occupation witnessed the incident and had a panic attack.

Other students who were in Garland Hall, but not direct witnesses, were told to stay where they were in order to remain safe. As Student **S12** recounts, “I was there but at the other side of the building... I heard shouting and screaming from the west side and ran over. Everyone had their

³⁸ See “The University’s Extension of amnesty to Garland Hall Protesters, May 7, 2019” <https://provost.jhu.edu/wp-content/uploads/sites/4/2019/05/extension-of-amnesty-may7.pdf>

cell phones out recording. The shouting continued. It was scary. I heard really distressed screaming. I messaged some people who were coordinating, ‘Do you need me to go over?’ And they wrote back, ‘Stay where you are.’” Student **S2** reported, “I was inside the building when Povey came. But I was not in the lobby or staircase. I heard the commotion from the basement; someone came to us and said, ‘Stay in here. We want to make sure you are safe.’” Videos of the incident ³⁹show people grappling with one another and reveal a situation that could have ended tragically.

Eventually Povey and his group retreated to the pavement surrounding Garland. However, from student interviews, it appears that the confrontation continued outside of Garland Hall, while badged security officers looked on. This confrontation involved shouting and screaming, and included some attempts to defuse and de-escalate the situation by JHU Sit-In protesters. Povey and the group eventually left the vicinity of Garland Hall after approximately 15 minutes.

(In)actions of badged JHU security officers

During and after the Povey incident, videos show Hopkins security refusing to act⁴⁰, even when distressed students are asking them to intervene and then asking why are they not intervening. In one segment, distressed students confront Hopkins badged security officers who are sitting on and near a golf cart outside of Garland Hall. The student asks, “Why are you here if you are not here to protect us?” The campus security responds, “We’re here to protect Johns Hopkins property.” In another segment, another distressed student pleads with this same badged officer and another badged officer, “Can you guys communicate to anyone who needs to know that there is - because someone needs to know that there are potentially very violent people on this campus right now.” Another student says, “Why did you all not do anything is my question.” The campus security officer responds laconically, “Well, what did you want me to do. You invited them in here.” Other security officers reiterate, “We can’t do anything about it.” The student asks, “Has it been reported?” The officer responds, “Who’s making all the complaints?” Another officer suggests, “Go call dispatch and report it to them.” In yet another segment, one of the same badged police officers relays to someone on a phone, “I didn’t see no assault. I just seen them all here screaming and yelling at the top of their lungs... [In response to person on phone], There was a whole bunch of them.” When the officer notices the person filming (Hopkins alumnus **S14**), this person, **S14**, interjects, “There was an assault.” The officer continues on phone, “No one was assaulted. They’re mad at us because we didn’t do anything.” **S14** interjects, “Cause you didn’t do anything.” At this point, the officer slaps away the cell phone of the student. **S14** says, “You are not...” And filming stops.

S14 has recounted this incident to the FFC in detail, reporting:

³⁹ Videos of Povey incident made available to the FFC.

⁴⁰ Videos of encounter with security during the Povey incident made available to the FFC.

I was in the building. It started around 12:30 a.m. I was in the lobby and heard loud screaming. I told people in the conference room that there was a commotion. I went to the west side, to the staircase. Upon entering the stairwell, a community member was on the floor with his head in hands, distraught, a shoe was on the floor. People were screaming. I went upstairs, people were shouting and screaming. I went outside. Everyone was told to film. At first, I was standing where Povey and other agitators were. People at the Sit-In told them to leave – there were very emotionally charged screams to leave...

When I went outside another one of my friends was with me, reprimanding police officers for not doing anything. The police officer [badged security officer] was sitting next to someone in the security cart. We went to them and asked them what they would do about the situation that was happening. In the stairwell, I heard a racist slur, n-[word], directed at African-American protesters. An African-American woman protester was pulled by her hair down the stairs. There was genuine fear that this was a white supremacist attack.

Before I started filming, we told them [badged security officers] that there were white supremacists here, what are you going to do about that? He was being sarcastic, “I didn’t see anything.” He turned to his partner, “Did you see anything?” [S14 and friend ask]: “Are you going to tell your superiors?” Eventually he did make a phone call, or was called, and started describing the situation. Before that he mentioned more than once his job was to protect private property. We asked him, “What about humans, are you going to protect people or property?” I started filming before [he] got on the phone call.

S14 reported that the filming was occurring during the time that the Daniel Povey group and protesters were confronting each other outside, on the west side of Garland Hall. The confrontation between protesters and this group continued outside for approximately 15 minutes while badged Johns Hopkins security officers watched from a golf cart nearby. **S14** stated, “Povey had hung around for a while, at least 15 minutes, with the others with whom he was with. There were protesters who tried to come in and defuse the situation, get people to stop yelling. But it was not effective.”

With regard to the scene of the filming, when the badged security officer appears to slap **S14**’s cell phone away, **S14** reports, “He [the security officer] looked angry. He seemed like he had kind of snapped. He was visibly annoyed the whole time. He had walked 10-15 feet away to get distance. At first he didn’t do anything. Then looked back, and he moved towards me, which was startling, and it happened fast. It was hard to process. When I was saying “You are not...” in the video and was cut off, I was saying, “You are not allowed to touch me”, because his hands were

on me. He grabbed me, my left lower arm, and then went for my phone [in my right hand] and it ended up on the floor. I pulled away and then he let go.”

After the incident, students were deeply distressed. They did not know who the assailants were and had feared that this was a “white supremacist attack” and it was not clear that campus security was interested in protecting students. As Student **S9** relates, “Everyone was freaked out. There was a previous threat⁴¹, a physical altercation the night before had happened. And that previous altercation and this whole thing happened right in front of security.” Student **S9** continues, “... after the Povey incident, I left, I wanted to get as far away as possible. I said to others, ‘Let’s get out of here, this is dangerous.’” A student **S10** who was not present at the incident but arrived shortly after described the scene as, “I get there, and there is a lot of trauma. People are very upset. He only went after the people of color, they were violently attacked.” **S14** reports, “A lot of people were leaving. I initially decided to stay. It was recommended that people leave – I was told that it would be better for me to leave – in light of the fact that I am a person of color. I was told, “You are not safe here. Don’t feel like you have to stay.” At that point, safety was more important than the protest. There were people who were able to stay, some of us left... It was traumatic for a lot of people.”

Quite remarkably, there has been no official comment from JHU on the actions of the badged security officers and to the best of our knowledge no action has been taken against them. In response to our questions, the administration has replied that “The exchange between the officer and the students is concerning and does not reflect the values we strive for in serving our public safety mission. The incident is subject to ongoing investigation and review, including with respect to the handling of the incident by Campus Safety and Security Officers. As with any situation, if persons are found to have violated University policy, appropriate discipline and/or corrective measures will be taken.” There have been no other statements from the University administration or security, and as far as is known, the security officer who assaulted a protestor, and he and other security officers who refused to act are still working on campus. This is astonishing and shows an outrageous disregard for the very accountability that police on campus are supposed to be subject to.

Wider context of policing on campus and during the Sit-In

From the perspective of student protesters, the security officers’ conduct may seem more than an individual violation of University policy. For many of them, it may preview the performance to be expected from the University’s new police force. African-American students, in particular, have described themselves as being “targeted” by existing law enforcement on campus as “no-

⁴¹ S9 is referring to the incident reported on their own timeline, which occurred on May 1 in which Tawanda Jones was accosted by a non-JHU affiliate on Art Museum Drive. This non-JHU affiliated shouted racist commentary at Jones and allegedly assaulted two of the people escorting her to her car. However, this had not happened the night before, but a week before.

good people” who do not belong here (see Section “What precipitated the Sit-In?”). In this instance, students perceived Hopkins security’s indifference to the genuine fear of a white supremacist attack.

The security officers’ failure to act was not an isolated incident. During the month-long “waiting game” between University administration and protesters, security officers monitored and managed the Sit-In. Protesters describe tense interactions with security officers from the start of the demonstration. On the first night of the Sit-In, two security officers got into a heated conversation with students inside Garland. As Student **S12** describes it, “Two security officers stopped by at midnight and Moses Davis was surprised to see them. A conversation began with the security officers and it got a bit tense or “excited” but not in a good way. Many were not comfortable with that, and said to others to stop engaging them. They were talking about how they could get higher paying jobs elsewhere but that they were here because they were concerned for student safety. One of them brought up an active shooter situation and what would happen. One student said that she had been robbed, but that this happens, and it does not negate the fact that students of color face serious dangers from armed police on campus. They then mentioned, ‘The world is so ridiculous, look at these active shooters. This is why we need to have armed police.’ I interjected, ‘I’ve been at a mass shooting. The victims would not want their names used to uphold armed police. Please don’t use their deaths in this way.’” Continued encounters of this kind between security officers and protesters set the stage for the officers’ apparent indifference to the student reports of assault. In his meeting with the FFC on November 15, 2019, Provost Kumar remarked that security officers had been “on edge for a long time” because of the protest. They had been instructed by their leadership not to interfere with the peaceful activities of protest, and may have been reluctant to intervene in response to student allegations of assault and to an ongoing confrontation.

Student concerns over racism on campus

Students were clearly distressed by this incident and interpreted it within a wider context of perceived racism on campus. Since then, Daniel Povey has interpreted his dismissal from Hopkins in those terms. He sees it as a manifestation of a racial “double standard” under which he was “fired” while students “suffer no consequences” for the incident: “My feeling is that this mostly has to do with underrepresented minorities, specifically black people (and trans people). There seems to be nothing that Americans, or American institutions, fear more than being accused of racism (or similar ism's), which leads to ridiculous spectacles like what we're seeing here, where such a huge organization can be paralyzed by a handful of deluded kids. Now if I had known in advance that everyone inside the building was black (that was what I saw; although from media coverage it seems that there may have been a white trans person in the core group)— I wouldn't have gone ahead with the counterprotest. I'm not an idiot; I know that as a person who demographically ticks all the 'oppressor boxes', I would have to be severely punished for opposing such a group.”

For minority students, such talk resonates with the security officers' indifference and their reception at the alumni breakfast. A reaffirmation of the University's commitment to inclusion and diversity might have been an appropriate response to the episode.

Arrest of students and the display of force

On May 8 at approximately 4:30 a.m. -- just four hours after the assault by Professor Povey -- approximately 80 officers from the Baltimore City Police Department arrived at Garland Hall, backed by members of the Baltimore City Fire Department and a BPD helicopter. As discussed and referenced above, this was -- by a considerable margin -- the largest police action deployed against students in Johns Hopkins history. Their mission was to clear the building of protesters. BCFD officers broke down the glass doors to Garland Hall, although they were unlocked and not barricaded, according to students interviewed. On site was the Dean of Student Life and a second administrator who issued dispersal warnings to the protesters within the building. Two students who remained inside were arrested. Another two students were arrested for lying down in front of the male paddywagon in which police officers were attempting to place a transwoman. This was an action was not part of the Sit-In, but directed at BPD's own legal transgression. Students described the display of force as "shocking to me, the physical presence of the raid." Several students interviewed became visibly upset - some in tears - when they described "the raid", using terms such as "traumatic."

In looking at these events, we found very troubling aspects of the administration's coordination with local law enforcement. An answer to our written questions to the administration states that, "it was clear that the University's extensive efforts to bring the occupation to an end would require coordination with local law enforcement." In our meeting with Provost Kumar, he made it clear that once the BPD had been called in, the Garland operation was left to them alone. He remarked, "Once they [the police] decided to intervene, the rest of it was their call." The BPD decided what was required in terms of police force. This is corroborated by City Solicitor Andre Davis, who stated on NPR Midday on May 22nd, in response to a caller's concern with the display of force, "Well, it was the middle of the night, and there were rumors about that there were maybe 80 students in the building. The police did not know how many students they were dealing with."⁴²

⁴² It is illuminating to include the entire response to the caller, as the response also reveals a dismissiveness to the protest more generally: "Um, there were complaints that there were too many police. And our caller mentioned the helicopter. **Well, it was the middle of the night, and there were rumors about that there were maybe 80 students in the building. The police did not know how many students they were dealing with.** So, to maintain order, to ensure the safety of everyone involved, a large contingent of officers responded to the matter, handled the matter completely in accordance with the federal consent decrees, mandates for how First amendment rights are respected by Baltimore City Police and when people lay down in the street in an effort to thwart the departure of the vans, those people were handled gently, respectfully, and that was the context in which my statement was made that "no one was run over". *Of course*, Baltimore City Police would never run over anybody. But, when students try hard enough to get run over, um, you know, we can't be sure that some of them won't succeed. So, it was a successful

The statements of both Provost Kumar and City Solicitor Davis suggest a lack of appropriate coordination between University administration and law enforcement concerning the appropriate police response. Although University administration did not have access to the interior of the building after the occupation, they did monitor students entering and leaving the building and live feeds from social media inside the building. They also had the opportunity to reach out to faculty who had stepped inside the building while it was under lockdown. This information could have yielded an approximate estimate of the small number of students who were in the building. If it is true that the police intervention operated on the basis of rumor, it suggests the absence of the crucial input of the University administration, which should have played an active part in the operation and taken responsibility for it.

Meeting between administration and students later in summer

In the afternoon of May 8, the administration agreed to reschedule their meeting for May 21, but only with student protesters who had voluntarily left Garland Hall. The University administration ultimately canceled this meeting after protesters did not submit a full list of attendees for the meeting.

Over the course of the summer, a meeting finally took place on July 24 between Sit-In students and the administration, including President Daniels and Provost Kumar, and to which FFC faculty were invited. These meetings seemed substantial and number of issues of concern to both parties were discussed.⁴³

Disciplinary actions against Povey

Daniel Povey was fired, effective August 31, 2019. In Povey's termination letter⁴⁴ dated August 8, 2019, vice dean for faculty Andrew S. Douglas wrote, "By your own admissions, your actions were premeditated and you expected that your actions could result in a violent confrontation with students and others in or around Garland Hall. In fact, you believed the group of non-affiliates you brought with you could become violent. As a faculty member at Johns Hopkins University, you created a dangerous situation that could have ended in serious harm to our students, yourself, and others in the community... These actions by a member of our faculty are entirely unacceptable. The safety, security, and protection of our students and others are of paramount importance to the University. While the OIE will continue its investigation until it reaches its conclusion, your own account of events based on your oral and written statements provides more

protest, Hopkins was heard, the community was heard, and it was a successful end to the protest, in my judgment." See "Midday Newsmaker: City Solicitor Andre M. Davis on What's Next for Baltimore", *WYPR*, May 22, 2019. <https://www.wypr.org/post/midday-newsmaker-city-solicitor-andre-m-davis-whats-next-baltimore>, time code: 28:10 - 33:01

⁴³ <https://www.facebook.com/TheGarlandSitIn/videos/210489719892605/>

⁴⁴ See <http://danielpovey.com/files/fired.pdf>

than sufficient grounds for immediate termination, and we are hereby terminating your appointment with the University.”

Disciplinary proceedings against students

Since late August and early September, the FFC has been notified by students that they have either received amnesty letters or have been subject to disciplinary proceedings. With regard to amnesty, throughout the protest, students demanded that they be extended amnesty as a condition of their meeting with University administration. When the administration did extend amnesty on May 7, it applied only to those students who departed from Garland Hall and who did not interfere with University operations or violate University policy through the end of the occupation.⁴⁵ In its letters, the administration also includes a caveat to its extension of amnesty, “Also, if similar conduct or violations occur in the future, this offer of amnesty does not preclude the University from taking these violations into account.”⁴⁶ This caveat essentially makes clear that these letters are *de facto* warning letters, which can be activated in the event of a future violation.

Students interviewed by the FFC have made available a sample of an amnesty letter⁴⁷. These students have compared their amnesty letters and state that the letters sent to different students were identical. The letter begins by stating the University’s “unwavering commitment to free expression” and then subsequently lists “individual or group actions” that were observed and recorded and that constitute violations of University policy and the Student Code of Conduct. The letter states that, “Student protesters should be on notice going forward that you will be expected to abide by university policies and guidelines in full - without exception or accommodation - or face the consequences under applicable law, the student code of conduct, and other university policies up to and including potential dismissal from the university. In addition, although this letter does not constitute a disciplinary charge or disciplinary finding, you should be aware that if similar conduct or alleged violations occur in the future, this offer of amnesty will not preclude the University from taking your actions as a participant in the Garland Hall occupation into account at which time you will receive the rights and responsibilities afforded to you under the student conduct process.”

In the questions that the FFC submitted to the University administration, we ask “Are amnesty letters formal warning letters? And if they are, then why are they called “amnesty letters?”” The University administration’s written response states, “amnesty letters are letters memorializing offers of amnesty, and the terms of that amnesty; they are not formal warning letters.” This

⁴⁵ We could not confirm rumors that students who had not even been on campus during the period of the Sit-in (study abroad), but had reposted information on social media had received amnesty letters.

⁴⁶ See “The University’s Extension of amnesty to Garland Hall Protesters, May 7, 2019” <https://provost.jhu.edu/wp-content/uploads/sites/4/2019/05/extension-of-amnesty-may7.pdf>

⁴⁷ Amnesty Letter Sample made available to FFC.

response evades the central question: what is the University's operative definition of amnesty? Instead, the administration defines an "amnesty *letter*" as a "memorialization of offers of amnesty".

The University administration's offer of amnesty runs counter to the usual definitions. Amnesty is typically defined as "A sovereign act of pardon and oblivion for past acts, granted by a government to all persons (or to certain persons) who have been guilty of crime or delict, generally political offenses."⁴⁸ Older references are equally explicit in their definitions. Amnesty is "an act of grace by which the supreme power in a state restores those who may have been guilty of any offence against it to the position of innocent persons. It includes more than pardon, inasmuch as it obliterates all legal remembrance of the offence."⁴⁹

That the accepted definition includes "more than a pardon" might be considered obvious as the word derives from the Greek *amnestia* (meaning 'forgetfulness'; from *a-*, meaning 'without', and *mnēsis*, meaning 'memory') and shares a root with the word *amnesia*. As scholarly work has shown, amnesty is differentiated from "forgiveness". It calls for "mutual forgetting" and the acceptance of "going on as if nothing happened". Forgiveness, on the other hand, is predicated on the remembrance of past injury.⁵⁰ The administration has taken exception to the conventional meaning of amnesty and invented a different definition, independent of its use in legal institutions in the wider world. In the administration's definition of "amnesty", rather than an act of forgetting, past actions are inscribed in institutional memory, which can be used against students in future instances.

Based on the legitimate expectation from convention, it was reasonable that the students expected that their actions in the Sit-in cannot be used against them. Although students who were given said "amnesty letter" have not been through a formal disciplinary proceeding, these are in fact de facto warning letters. Creating meanings for words *ex nihilo* - in particular the word

⁴⁸ See Black's Law Dictionary; <https://thelawdictionary.org>

⁴⁹ See 1911 Encyclopædia Britannica/amnesty

⁵⁰ See Krapp, P. (2005). Amnesty: Between an ethics of forgiveness and the politics of forgetting. *German Law Journal*, 6(1), 185-196. See also the extensive literature on transitional justice which has examined the use of amnesties in relation to demands for accountability in the context of human rights violations. There are cases of national projects of transitional justice in which forms of limited and conditional amnesty are deployed, but in such cases amnesty is circumscribed to the prosecution of certain crimes, or for example, in the case of the South African Truth and Reconciliation Commission, conditional amnesty was defined as immunity from punishment and prosecution conditional upon the perpetrators' full disclosure of the details of wrongdoing. In the South African case, as Antje du Bois-Pedain points out, the granting of amnesty extinguished any criminal or civil liability with respect to the act for which amnesty had been granted, and any criminal conviction based on that act was expunged from all official documents and records (du Bois-Pedain, 2012 in Lessa and Payne (Eds.) 2012, pp. 240-241). Crimes which receive amnesty cannot be reactivated in relation to a future violation. For this reason, with regard to human rights violations, amnesty is deeply controversial as it can be used by states and other political actors to protect themselves from accountability, giving rise to impunity for such violations. See Lessa, Francesca and Leigh Payne (Eds.) 2012. *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*. Cambridge: Cambridge University Press.

“amnesty” - is at odds with the University administration’s stated commitment to transparency and is unlikely to reduce the students’ mistrust of the institution as well as its disciplinary proceedings.⁵¹

Conclusions and Recommendations:

- 1) In the future, it is important to adhere to policy on protest. We believe the administration made a mistake by first letting students stay under modified terms of protest and then refusing to meet them unless they left the Sit-in. Although this was done with perhaps the laudable goal to “support free expression”, this ultimately set the stage for an almost unavoidable stalemate.

- 2) The students should have been engaged with and given a substantive meeting. The administration has said that “no one group of students (could) be privileged or prioritized above others”, however the few hundred students who participated represents a substantial fraction of the Homewood student population. Moreover, 75 percent of a sizable sample of undergraduates (approximately 35%) from the SGA poll opposed the constitution of a private police force. As we have emphasized above, student protestors were not a small or unrepresentative group. The spontaneous meeting with Daniels on the first day was not a substitute for a substantive meeting on an issue that was deeply important to a wide swath of the campus community. There may have been a reluctance of the part of the administration to engage in discussion with students who were in violation of the Code of Conduct because of a perception that it would encourage future violations. But, there is no evidence that this is true. The administration has said that its adherence to the Guidelines after authorizing the occupation was based on the notion that, "It's not that every rule is negotiable".⁵² We can speculate that the administration's refusal to meet with students was based on a concern that doing so would set a precedent for its handling of future acts of civil disobedience on campus. However reluctant the administration was to circumvent its own rules once again, it should have taken responsibility for the situation that it created: an unanticipated occupation that in the end lasted 35 days. Offering a substantive meeting shortly after the outset of the Sit-In would have de-escalated and defused what ultimately became a critically dangerous situation on multiple fronts. *As noted below, we believe that universities are a unique kind of*

⁵¹ We will also note here the remarks that President Daniels made in the Homewood Faculty Assembly meeting on May 10, 2019. When the issue of amnesty for the students was raised, President Daniels remarked that there were four students who were charged and that they were not assured amnesty. According to the Homewood Faculty Assembly minutes of this meeting, and as witnessed by one FFC member, Daniels remarked that he was “not sure yet how to deal with them.” This remark is troubling as it could be construed as personalizing the decision to punish within the hands of a single individual who is vested with the total authority and power to punish. It also reveals the possibility of arbitrariness with regard to the application of the disciplinary code of conduct and with regard to the extension of amnesty.

⁵² As stated by Provost Kumar in a meeting with the FFC on November 15, 2019.

institution in which dialogue -- even under situations which may be inappropriate or ineffective in other circumstances -- is essential.

- 3) The FFC regards it as a lost opportunity for the students and for the university that the students - when finally offered an opportunity for an open dialog with the university leadership with very few restrictions (e.g. the May 6th meeting) - did not attend this meeting. As we have detailed above, the diffuse nature of the group's leadership made it difficult for the students to coordinate and reach decisions quickly. Moreover, students' mistrust of the institution made them doubt the administration's intentions with regard to the meeting (for instance, there was uncertainty with regard to whether the administration would consider students to have violated the Student Code of Conduct if they returned to Garland after the meeting). Still, the students had been asking for a meeting for 35 days and when they were finally offered one, they did not engage. At a minimum, the students should have immediately asked Provost Kumar and President Daniels for more time to make their decision and to push the date back. That they did not do so was a serious mistake and undermined the Sit-In's own persistent, good-faith efforts to engage in substantive dialogue.
- 4) There must be greater transparency regarding disciplinary proceedings and a clear and accepted use of terms, such as "amnesty" if they are used. The disciplinary process should have a timeline and it should be communicated to the students.
- 5) JHU should have an explicit surveillance policy. Several institutions of higher education have video surveillance policies. On review of these policies, it is clear that these institutions seek to hold themselves to a higher threshold of accountability than the legal threshold. That is, even if it may be legal to make covert video-recordings in a place where one cannot reasonably expect privacy, as per Maryland law, the question is whether or not such an action would be a respectful use of video surveillance on a University campus. Several institutions have an official storage system for video surveillance, they clarify who can have access to that video surveillance and are explicit in the protocols by which access is requested and authorized, if and when video surveillance can be stored on local media, what video surveillance can be used for (disciplinary code of conduct hearings, criminal proceedings) and how long video-surveillance is stored within that system. However, Johns Hopkins has no formal video surveillance policy. Or, if it has one, it should be available to the campus community, so that the community is aware of the norms and procedures for video-surveillance on campus.⁵³

⁵³ The FFC examined the video surveillance policies at Harvard University, Stanford University, and Duke University, three private universities. See Harvard's Video Camera Policy: https://provost.harvard.edu/files/provost/files/final_video_camera_policy_may_25_2016.pdf

- 6) There needs to be a model for coordinated action between University security and administration, and city law enforcement. This must be articulated in order for force to be used appropriately as the university is responsible for student safety and welfare. Other studies of police intervention on a university campus in the context of protest are useful resources. For instance, the Reynoso Task Force Report on the UC Davis “Pepper Spray Incident” November 18, 2011⁵⁴ outlines appropriate boundaries between police officers and civilian administrators with regard to the implementation of a police operation on campus. The report concludes that the timing of a police operation is a tactical decision that should be made by police officers. But, it also concludes that university administration failed to make clear its expectation that the police operation should be sharply delimited such that no use of force would be deployed. We have no evidence that the University administration had made it clear to police how they wanted the operation to proceed or what the police could do had they encountered more resistance. In our discussions with Provost Kumar, he downplayed any involvement that the University administration had in planning the action after calling the police to intervene. The Reynoso report makes for sobering reading as to how a lack of clear communication between university leadership and police can lead to tragic consequences. We can consider ourselves lucky that nothing more dramatic transpired in this case. Going forward, a clear model for coordinated action is imperative.
- 7) The university community needs to be informed that any police officers who act improperly are being held accountable. For FFC members, it was chilling to watch Hopkins security refuse to act when obviously distressed students asked badged Hopkins security officers for help, and then after asking why were they present if not to help, and have one dismissively answer that they were there "to protect Johns Hopkins property." Quite remarkably, there has been no public accounting regarding the same security officer who eventually assaulted a student. These elements, among others, reinforce some of the worst fears that critics had raised about policing on campus. Irrespective of what one may think of the goals or tactics of the Sit-In participants, the FFC believes that all can agree that the university security’s refusal to act in the face of violence being perpetrated on students during the Povey incident, was an outrageous abdication of responsibility. The administration has acknowledged in correspondence with the FFC that the security officers’ actions were “concerning and does not reflect the values we strive

Stanford University’s Video Surveillance Systems Guidelines:

<https://police.stanford.edu/pdf/vssguidelines.pdf>

Duke University’s Security Camera and Guidance Policy:

<https://oit.duke.edu/about/policies/security-camera-policy-and-guidance>

⁵⁴ See “Reynoso Task Force Report” March 2012

https://demonstrationreviews.ucdavis.edu/local_resources/pdf_documents/reynoso-report.pdf

for in serving our public safety mission.” This is a step in the right direction, but correspondence with a few faculty is obviously insufficient in addressing community and minority student concerns with regard to this incident and how it relates to the wider issue of policing on campus. The administration wrote the “incident is the subject of an ongoing investigation and review, including with respect to the handling of the incident by Campus Safety and Security officers.” The administration should issue a public statement on this incident if violations are found by the appropriate investigative authority. And, it should invite students into an open discussion on the impact of this incident on their trust in law enforcement on campus. However, the fact that at the time of this writing it has been seven months since this incident raises concerns that no public accounting or acknowledgement will be forthcoming and that perhaps these security officers are still working on campus.

- 8) The University administration continually reasserted its support of free expression throughout the period of the Sit-In as the basis for its decision to allow the protestors to occupy Garland Hall. However, the administration’s actions make clear that - within this University - the “support of free expression” is not the same as receiving a genuine hearing from the institution. Moreover, although the administration contends that the plan for private police has been shaped by community engagement, the continuing outcry shows that the community concerns have still been inadequately addressed.

The administration continues to defend its actions in legal, bureaucratic, and managerial terms. At the same time, as our inquiry shows, at key moments--notably decisions about the first day/night of the occupation--the administration abandoned its own rules. As noted above, we think this had determinative effects on multiple levels. These effects were compounded by the fact that the students, at every moment, conceived of their actions and the University’s responsibilities in terms of a shared academic community. Students’ operating assumption was that the University was an exceptional kind of institution, where it was possible through argument and discussion to affect decision-making, even at the highest level of the administration. In this image of the University, although there is a hierarchy, it is still possible for even the voices of those who inhabit its “lowest rung” to be heard and legitimated, in order to guarantee that evidence and reasoned argument are always brought to bear on decisions. We recommend that the University administration work towards demonstrating that they share this vision of institutional governance as foundational for all decisions.

Appendix 1

Motion to appoint a faculty-led fact-finding committee to investigate the University response and incidents related to the JHU Garland Sit-In

Clara Han, Department of Anthropology
Homewood Faculty Assembly Meeting, Spring 2019

Whereas the JHU Sit-In has resulted in the arrest of student protestors and could result in University sanctions against the arrested students;

Whereas JHU Sit-In accounts of the exchange with University administration differs in important aspects from the University administration's own account of the attempts to negotiate;

Whereas the Homewood Faculty Assembly is empowered to appoint a "committee to confer with the Academic Council, or with administrative officers of the University, concerning matters which are of importance to the Assembly" according to its bylaws (Section 4);

We call on the Homewood Faculty Assembly to appoint a faculty-led fact-finding committee to investigate: the University administration's response to the protestors throughout the entirety of the Sit-In (April 3, 2019 to May 8, 2019); and to assess the different accounts by University administration and JHU Sit-In participants regarding the attempts at negotiation between the two parties. The fact-finding committee shall report to the Homewood Faculty Assembly, the Academic Council, and the University administration. The committee shall request an audience with and report to the Board of Trustees with its findings.

Friendly Amendment: The Fact-Finding Committee shall be composed of 5 faculty members and appointed by the Steering Committee of the Homewood Faculty Assembly.

Appendix 2

Charge of the Faculty Fact-Finding Committee of the Homewood Faculty Assembly

In the Faculty Assembly Meeting of the Krieger School of Arts and Sciences, a motion was passed to establish a *Fact Finding Faculty Committee* to inquire into the facts relating to the events known as the “Garland Hall Sit-In” – in which student protestors occupied a university building known as Garland Hall on April 3rd, 2019 as part of the protests against the plans to establish a private police force at Johns Hopkins University – and the conditions under which the administration called in the police on May 8th who forcibly vacated the sit-in and arrested students. In view of the responsibilities of the Faculty Assembly to participate actively in faculty governance, and the contradictory statements issued by the Administration and the students engaged in the Garland Sit-In, it has become imperative to establish the facts of the case. In pursuit of the task of participating in faculty governance a motion was moved by Clara Han and seconded by Jane Bennet, Veena Das, and other faculty members, to establish a faculty-led Fact-Finding Committee. The text of the motion that was passed in the Faculty assembly is as follows:

Motion to appoint a faculty-led fact-finding committee to investigate the University response and incidents related to the JHU Garland Sit-In

Clara Han, Department of Anthropology
Homewood Faculty Assembly Meeting, Spring 2019

Whereas the JHU Sit-In has resulted in the arrest of student protestors and could result in University sanctions against the arrested students;

Whereas JHU Sit-In accounts of the exchange with University administration differs in important aspects from the University administration’s own account of the attempts to negotiate;

Whereas the Homewood Faculty Assembly is empowered to appoint a “committee to confer with the Academic Council, or with administrative officers of the University, concerning matters which are of importance to the Assembly” according to its bylaws (Section 4);

We call on the Homewood Faculty Assembly to appoint a faculty-led fact-finding committee to investigate: the University administration’s response to the protestors throughout the entirety of the Sit-In (April 3, 2019 to May 8, 2019); and to assess the different accounts by University administration and JHU Sit-In participants regarding the attempts at negotiation between the two parties. The fact-finding committee shall report to the Homewood Faculty Assembly, the Academic Council, and the University administration. The committee shall request an audience with and report to the Board of Trustees with its findings.

Friendly Amendment: The Fact-Finding Committee shall be composed of 5 faculty members and appointed by the Steering Committee of the Homewood Faculty Assembly.

Composition of the Fact-Finding Committee

The Fact-Finding committee shall consist of 5 members drawn from the Krieger School of Arts and Sciences and the Whiting School of Engineering. The Committee will be assisted by Clara Han, who will serve as Member-Secretary and will be a non-voting member of the Fact-Finding committee. Nominations will be invited from faculty from both schools to serve on the committee and members will be chosen by the Member-Secretary and one member of the steering committee. The 5 members of the Fact-Finding Committee will elect a Chair from among themselves.

Mandate of the Faculty Fact-Finding Committee

To conduct a comprehensive and objective inquiry into the Garland Sit-In and the actions taken by the Administration leading up to the calling of police on campus on May 8th, arrests of students, and subsequent actions.

Methodology

The Fact-Finding Committee is charged with the following specific tasks and will be assisted by the Member-Secretary, Clara Han as required.

1. To collect and examine all public records including communications between the students and the administration; media reports, or records maintained by the police.
2. To receive written submissions by all stake-holders including any documentations pertinent to the overall mandate.
3. To hold regular meetings in which members of the university community or other members of the public can give oral testimonies.
4. To interview main actors such as the members of the administration, students, police officers, public safety officers, faculty, and any other witnesses.
5. Undertake any other activities in pursuit of the fulfillment of the mandate given to the committee.
6. To prepare a fact-finding report that is comprehensive and that gives objective assessment of the claims of different parties
7. In case of differences among members of the Fact-Finding Committee, it will be possible to submit a majority and minority report.

Time Frame

The Committee will begin its background work in the summer and will start holding hearings in the Fall Semester of 2019. A final report is to be submitted to the Faculty Assembly by November 15th, 2019. The Report will be a public document made available to the Trustees, the Office of the President and the Provost, Homewood Academic Council, two copies will be placed in the Library for consultation by faculty and students, and it will be posted online on the Homewood Faculty Assembly website.

Members:

Jennifer Culbert, Political Science, jculbert@jhu.edu (Chair, FFC)
Peter Armitage, Physics & Astronomy, npa@jhu.edu
Matt Crenson, Political Science, crenson@jhu.edu
Todd Shepard, History, tshep75@jhu.edu
Jim West, Electrical and Computer Engineering, jimwest@jhu.edu

Clara Han, Anthropology, clarahan@jhu.edu (Secretary, FFC)
Sunita Thyagarajan, Chemistry, sunita@jhu.edu (Ex-Officio)

Appendix 3

Questions for Administrators Regarding the Events

The charge of the Homewood Faculty Assembly's Fact Finding Committee (HFAFFC) is to inquire into the facts relating to the events known as the "Garland Hall Sit-In" and report back to the Homewood Faculty Assembly. Although the Homewood Faculty Assembly (or this committee) does not have formal investigative authority, the Homewood Faculty Assembly provides an essential forum for the faculty to discuss and make informed recommendations concerning the purposes and functioning of the University, including in areas of governance. The faculty have historically played a strong role in this university's governance.

These questions were assembled after the HFAFFC's extensive study of all publicly available information and after being provided additional information from the Garland Hall Sit-In protesters. The questions have been additionally informed by interviews with approximately nine (thus far) students and community members who were involved with the Sit-In over approximately 7 hours of total interview time.

Perception of student protest by the administration

1) What did the administration perceive to be the goals of the Sit-In? Did the administration have a clear perspective on what student plans were with regard to the Sit-In? Did the administration understand the goals of the Sit-In to have changed when it became an occupation and/or when the doors to Garland Hall were chained?

The protesters initially demanded that JHU commit to abandon plans to establish a university police department, terminate faculty contracts with U.S. Immigrations and Customs Enforcement (ICE), and issue an apology from the President. On the second day of the protest, the first two demands were reiterated and the third was replaced with a demand for "Justice for Tyrone West." These demands were communicated through various channels (signage, social media, public statements, etc.) throughout the following five-week protest and occupation.

On the first evening the students indicated that they planned to remain in the building at all times of day, including when the building was closed, until their demands were met. The full takeover of Garland Hall on May 1 – forcing the evacuation of staff and students, chaining of themselves to the stairwells, blocking elevator access, chaining the doors of the building closed from inside, and covering security cameras and windows – was conveyed as an escalation of tactics, raising increasingly serious health and safety concerns, but not a change in demands.

Possible meeting with the Sit-In protesters

2) Why did the President and Provost not formally meet with the Sit-In participants during the first 12 or 24-hours of the Sit-In?

The President met in person with students who identified themselves as liaisons for the protest on the first day of the protest and offered to meet for further discussion once the protest ended. In the succeeding weeks, it was reiterated to the protesters that the occupation of Garland Hall was a violation of University policy and the Guidelines for Students in Support of Free

Expression through Protests and Demonstrations (“Guidelines”) and that meetings to discuss issues of concern to student protesters could occur upon conclusion of the occupation.

3) Please describe the decision-making to allow the students to remain in Garland Hall. The administration had repeatedly stated its respect for free expression and protest, but also stated its concerns for student health and safety. For instance, administrators noted that the building did not have a sprinkler system. If the administration was worried about these serious safety concerns, why were students allowed to remain in Garland Hall for over one month?

The University made every effort to support the protesters’ ability to express their views and began the protest period with optimism for cooperation from the students to carry out their protest in keeping with University policy, the Guidelines, and health and safety requirements.

The University accommodated the request of protesters to remain in the building after hours and staff worked diligently to ensure the health and safety of the protesters, as well as others working in and visiting the building. Staff also sought expert assessment and monitoring through the Department of Health, Safety, and Environment (HSE), Campus Safety and Security, the Office of Risk & Compliance Management, and the Baltimore City Fire Marshal, and regularly communicated safety concerns, requests and expectations to the protesters verbally and in writing (see written notices posted to the Provost’s Office website), including with regard to the prohibition on burning materials.

Garland Hall was evaluated as safe for a sit-in by various entities including HSE, subject to health and safety requirements, including the city fire code. If the protesters had continued to violate the prohibition on burning materials or refused to comply with other fire safety requirements, the University would have had to bring in external support to end the occupation sooner (and the University did so after, among other actions, the protesters created fire and other safety risks by chaining the doors and impeding egress).

4) What specific and explicit conditions were set by the administration to meet with student groups involved in the Sit-In? There is a statement in the timeline of discussions with SAPP that “reiterates that the provost and president welcome discussion once occupation is brought back into compliance with protest guidelines and safety requirements.” What protest guidelines are being referred to here? Were students being told they must leave Garland Hall before discussions could occur? Or were these the guidelines outlined by Vice Provost Shollenberger on the night of April 3rd? Were these guidelines provided to the Sit-In inconsistent with the idea that the students should leave Garland Hall before discussion could start?

The protest guidelines being referred to are the Guidelines for Students in Support of Free Expression through Protests and Demonstrations on the Homewood Campus. The Guidelines are well known to most active students on the Homewood campus, are provided to and/or discussed with students during protests and protest planning, and are readily available at all times on the Homewood Student Affairs website (link). The student protesters were directed to the Guidelines on multiple occasions during the protest and occupation, both verbally and via written communications. (See, for example, “Notice of University Policies and Expectations” (April 9, 2019); “Reminder Notice Regarding University Protest Guidelines and Policies” (April 19, 2019).)

The only authorized deviation from the Guidelines during the protest and occupation was the permission granted to protesters to remain in the first floor lobby after the building was closed,

subject to other building requirements and protocols (e.g., non-reentry during overnight hours, usual ID checks, closure of external doors, compliance with fire code). The University also made clear throughout the protest that further substantive meetings could occur once the occupation had ended and the protest was fully brought back within the Guidelines.

5) Would the administration have met with the groups of students identified as SAPP and Students against ICE if they had left the building in April? Why or why not?

Yes. As President Daniels told the liaisons for the protest on the first day and as JHU leadership made clear on multiple occasions, the administration welcomed the opportunity to meet with students, even on issues about which they disagree, after the occupation was concluded. To that end, soon after the occupation was brought to an end, the administration initiated scheduling such a meeting with student protesters. The meeting occurred on July 26, 2019. Many attempts also were made to meet directly with SAPP over the course of the preceding year (see meeting outreach summary at this link). The preceding year also included many meetings with various student groups that included members of SAPP.

6) Does the administration have some estimates regarding the number of students that participated in the sit-in or occupation in some fashion?

There were anywhere from 5 to 125 or more protesters in the building at any given time. These included JHU students and participants unaffiliated with Johns Hopkins. The Fire Marshall limit for the lobby was 73 people, and University administrators shared this limit with protesters (see Fire Marshall letter here) and worked to ensure occupancy stayed within that limit. After the building was forcibly occupied on May 1, with access denied and cameras and windows covered, the University was unable to accurately assess the number of people inside the building.

7) Why was the May 5th meeting offered on such short notice?

After protesters forcibly occupied Garland Hall on the afternoon of Wednesday, May 1, the administration concluded that the occupation was no longer a peaceful protest, that student health and safety were at risk due to lack of access and visibility into the building, and that the time had come to bring the occupation to an end. The University then undertook a series of extraordinary measures over several days to urge student protesters to leave the building, including direct communication to individual protesters, outreach through emergency contacts, offers to meet, and offers of amnesty.

Early on Friday, May 3, the President and Provost extended an offer to student protesters to meet at any time over the course of the weekend; on Saturday, May 4, a reminder was sent regarding the offer to meet; on Sunday, May 5, an invitation was extended to a meeting at 9:30 a.m. on Monday, May 6, including for a discussion of amnesty; on Tuesday, May 7, amnesty was offered in writing and posted publicly. The notice and flexibility provided for these meetings was more than sufficient given the urgency of the situation and the evident availability of the protesters, who were regularly entering and exiting Garland Hall and hosting events throughout the weekend.

8) Why was the administration so adamant about the strict terms proposed for the May 21st meeting? e.g. no community members, and names of students in advance. Was the administration aware of a threat that the students involved in the Sit-In were not aware of?

Given the protesters' extraordinary disregard for University policies and procedures during the course of the protest and occupation, it was important to reestablish that meetings would be expected to follow University norms for student requests of the President and Provost. The administration made clear that no one group of students would be prioritized or privileged above others on matters of significance for the University community, that there have been and will continue to be other opportunities for meetings with community members, and that student protesters are expected to follow the usual protocols for scheduled meetings with the President and Provost, including by identifying participants in advance.

The role of lower-level administration and the relationship between upper and lower administration with respect to decision-making related to the Garland Hall Sit-In

9) What are the policies at JHU for dealing with situations like the Sit-In? Are there guidelines for the administrative staff for how to handle protests on campus with regards to security, health, safety, freedom of expression of protesters? How strictly were these guidelines followed over the course of the Sit-In, i.e., did they prove usable or was a more supple approach adopted?

In addition to the Guidelines for Students in Support of Free Expression through Protests and Demonstrations on the Homewood Campus, there are a number of policies that touch on aspects of the activities that occurred during the protest and occupation. These policies are all listed at the end of the Guidelines in the "Related Policies" section, and the administration reminded the protesters of these policies at multiple points. (See, for example, "Notice of University Policies and Expectations" (April 9, 2019); "Reminder Notice Regarding University Protest Guidelines and Policies" (April 19, 2019).)

These Guidelines and policies proved useful during the protest and occupation. Staff are educated about and given guidance for managing protests consistent with these Guidelines and policies – to support free expression while ensuring the health and safety of all involved – and they regularly consult with the Office of Risk & Compliance Management, Campus Safety and Security, the Department of Health, Safety, and Environment, and the Office of General Counsel.

10) How was the response by the administration to the Sit-In coordinated? Why were specific administrators engaging directly with the students instead of others?

The response to the protest and occupation was managed primarily by the Offices of Homewood Student Affairs, Campus Safety and Security, and Facilities and Real Estate, in consultation with the Department of Health, Safety, and Environment, the Office of Risk & Compliance Management, the Office of General Counsel, and University leadership. Homewood Student Affairs is the primary point of contact with students, including protesters, and other personnel participated as needed depending on the specific circumstances or availability over the five weeks.

11) With regard to what issues or range of issues are lower-level administrators -- such as the Dean of Student Life, Director of Student Conduct, Associate Dean for Diversity and Inclusion -- empowered to make decisions with autonomy? What was their degree of autonomy in decision-

making regarding: 1) informal conversations with students; 2) formal interactions with students, such as handling communications between university and Sit-In participants; 3) undertaking surveillance of protesters.

Homewood Student Affairs staff are higher education professionals who interact with students every day on a broad range of issues and needs. In those interactions they use their own good judgment and guidance or direction from supervisors. For serious situations like the protest and occupation, which raised a number of health, safety, and conduct issues, Student Affairs staff also consult and work collaboratively with many other personnel and leaders across the University.

12) What instructions were given to lower level administrators to guide their encounters with Sit-In protesters?

Over the course of the five-week protest and occupation, staff and administrators interacted with protesters on the basis of established university guidelines and policies, their own professional judgment, guidance or direction from supervisors, and consultations and coordination with other University administrators, offices, and leaders (see above Questions 9 through 11).

13) Please describe the decision-making to video-record, photograph, and text such videos and photographs of sleeping students during the Sit-In. Who was involved in this decision-making? Were lower-level administrators empowered to use their own private cell phones as tools for surveillance as they did? Who received the photographs and video recordings of these students? Can the University provide written assurance that all video-recordings and photographs of students taken by administrative staff on their private cell phones have been deleted?

When the protesters occupied Garland Hall, they chose to protest in a public place that is monitored by Campus Safety and Security personnel and by security cameras that are in plain sight. In addition, the University monitored protest activity for the purpose of providing 24-hour support and safety for those present in the building (protesters, staff and visitors), to track occupancy levels for fire code compliance, and to safeguard sensitive and/or federally protected information (such as student financial information). It is also standard practice for University staff to periodically document public protests and demonstrations for purposes of evaluating potential needs and concerns. Security camera footage and other video recordings and photographs of the protest and occupation were used only for official University purposes and never published or posted for public view.

14) In interviews with students, an incident has been reported of an undergraduate student being forcibly grabbed by the wrist by a JHU security officer when she engaged in passive resistance (not showing her ID) when entering Garland Hall in the first days of the Sit-In. The security officer left a mark on the student's wrist from the force exerted. Are Johns Hopkins security officers authorized by the University to physically stop and restrain students? Are there protocols in place that seek to prevent abuses and assaults by security officers on students who engage in peaceful forms of protest?

Campus Safety and Security (CSS) has protocols in place to support student protest and demonstration, while also keeping the broader University community safe. Under any circumstance, officers are authorized to use only the amount of restraint or force that is reasonable and proportional. As much as possible, officers use physical presence, verbal

warnings, and de-escalation techniques to diffuse tense situations. Excessive or unwarranted force is never permissible. Any incident involving use of force is reviewed, and corrective action taken if warranted.

During the spring protest, CSS did receive a report of a Campus Police Officer grabbing a student's arm. CSS fully investigated the report and no complaint was filed.

Student code of conduct and amnesty letters

15) Please explain why changes were made to the Student Code of Conduct on May 10th, shortly after the police intervention that ended the Sit-In? Do these changes have any relation to the Sit-In?

No changes were made to the Student Code of Conduct policy or language on May 10 or at any time thereabouts. A social media posting claimed that new language was added on May 10 around immigration status; however, the language in question is a longstanding reference to the fact that student status, including visa and immigration status for international students, can be affected by Student Code of Conduct violations. You can see at this link from the Internet Archive, for example, that the same language was in the Code in 2018.

16) Please describe the process by which students were identified to receive amnesty letters and subject to disciplinary code of conduct proceedings.

Amnesty was granted to students eligible under the terms of the extension of amnesty issued on May 7. Amnesty letters were sent to student protesters observed to have violated the Student Code of Conduct, University policies, or local law, and not to those who merely were present in the building or participated in protest activities. A small number of student protesters who did not leave the protest voluntarily or whose actions may have rendered them ineligible under the terms of amnesty received conduct letters. Student protesters who received either amnesty or conduct letters were identified based on staff knowledge and observations, security observations and reports, and/or students' own public social media posts about the protest and occupation. Students receiving letters were given an opportunity to be heard through the usual student process.

17) Are amnesty letters formal warning letters? And if they are, then why are they called "amnesty letters"?

Amnesty letters are letters memorializing offers of amnesty, and the terms of that amnesty; they are not formal warning letters.

As stated previously, the University took the extraordinary step of extending an offer of amnesty for student conduct violations to any student protester who departed the occupation voluntarily and did not interfere with University operations or violate University policies through the end of the occupation and related activities. The University did not extend any offer of academic amnesty, as that is the purview of the academic divisions, and did not extend amnesty to anyone who engaged in actions that caused bodily harm or substantial property damage or violated the sexual misconduct policy and/or policy against discrimination and harassment.

18) Is the process of sending out amnesty letters and disciplinary letters completed? When were the last letters sent? When the process is completed, will this be publicly announced?

This is FERPA-protected information and will not be released. Any student, faculty, staff, administrator, or concerned party may initiate a complaint under the Student Code of Conduct. While persons are encouraged to bring complaints under the Code as soon after the alleged misconduct as is reasonably possible, should a future complaint be received, it will be appropriately assessed by Student Conduct.

Contacting emergency contacts, advisors, friends

19) The emergency contacts of a number of students protesters were contacted. Please describe the decision-making that led to the “wellness check” phone calls to emergency contacts. Is the administration confident that these contacts were made in a fashion consistent with FERPA regulations? What was the basis for the justification of the disclosure of student information to emergency contacts?

Under FERPA, the University may disclose information about a student to appropriate parties, including parents and emergency contacts, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In this case, the University determined, consistent with FERPA, that it was necessary to contact the students’ emergency contacts to address serious and growing health and safety concerns in the building following the forcible takeover. At no time did the University disclose protected student information; the University’s disclosure was limited and appropriate to the purpose. Each emergency contact person was informed about the unsafe conditions in Garland Hall and urged to contact their student to check on the student’s wellbeing and to request that the student leave or not return to the building because of those conditions.

20) In a letter to Sit-In participants dated May 7th, President Daniels and Provost Kumar write that, “We made an open-ended effort to meet over the three-day weekend, and have been engaging in significant efforts to reach each of you directly and through family, friends, or mentors.” On what grounds were administrators justified in contacting each group: 1) family; 2) friends, 3) mentors? Did President Daniels and Provost Kumar give authorization for student information to be given to “friends”, and on what basis was this information given?

After protesters forcibly occupied Garland Hall on the afternoon of Wednesday, May 1, the administration concluded that the occupation was no longer a peaceful protest, that student health and safety were at risk due to lack of access and visibility into the building, and that the time had come to bring the occupation to an end. The University then undertook a series of extraordinary measures over several days to urge student protesters to leave the building, including direct communication to individual protesters, outreach through emergency contacts and other channels, offers to meet, and offers of amnesty.

As in other cases where there are concerns for the health and safety of students, the University activated its protocol for emergency contacts. Students choose who their emergency contacts are and in some cases those are individuals other than family members.

21) What information was conveyed to emergency contacts?

Each emergency contact person was informed about the unsafe conditions in Garland Hall and urged to contact their student to check on the student’s wellbeing and to request that the

student leave or not return to the building because of those conditions. As mentioned above, at no time did the University disclose protected student information; the University's disclosure was limited and appropriate to the purpose.

Handling of the Daniel Povey incident

22) After the alleged assault by Toni Millon of a transwoman and another escort accompanying Tawanda Jones on May 1 at 10:15pm on campus, did the administration take into consideration the students' increasing fear and risk of becoming the victims of race and gender related violence in retaliation for the Sit-In?

The University was at all times concerned for the health and safety of the students participating in the protest and occupation. Johns Hopkins security personnel became aware of an off-campus altercation on the evening of May 1 and, per security protocol, contacted the Baltimore Police Department (BPD). BPD responded to the scene. The University has had no further involvement in the matter and has received no additional information about this incident.

23) During the assault by Daniel Povey and others on student protesters, how did University security respond? Were the assailants' identities recorded by Hopkins security?

The incident involving Daniel Povey and others was concerning in many respects and, with respect to its handling by Campus Safety and Security officers, does not reflect the values we strive for in serving our public safety mission. The incident is the subject of ongoing investigation and review, including with respect to complaints filed with the Office of Institutional Equity and the handling of the incident by Campus Safety and Security officers. The University issued the following public statement on the matter in August:

"The safety, security, and protection of our students and others are of paramount importance to the University. While we cannot comment on details of individual personnel matters, we can confirm that a troubling incident in early May prompted an investigation. In response to this incident, based on the undisputed facts of the case, the University took interim and now permanent action to ensure the safety and wellbeing of the community."

24) Hopkins security were patrolling the perimeter of Garland Hall at the time of the incident. What is the mandate of Hopkins security in terms of ensuring the health and safety of students, faculty, and staff? Were specific instructions given to Hopkins security in relation to how to handle situations arising at the Garland Sit-In?

The mission of CSS is to promote and maintain a safe and secure living, learning, and working environment for our students, faculty, staff and visitors, while also building community relationships that foster trust and mutual respect. This mission includes supporting student protest and demonstration and other acts of free expression while ensuring safety for all involved. Instructions to security personnel are specific to the particular circumstances of any evolving situation, but, generally speaking, during the spring protest officers were instructed to monitor and patrol the areas in and around the building to ensure safety and order, to de-escalate tense situations, and to avoid engaging in response to provocative actions and comments directed at them by protesters.

25) A campus security officer has been recorded on video responding to a student's question, "Why are you here if you are not here to protect us?" The campus security responds, "We're here to protect Johns Hopkins property." Was/is this official administration policy? Under what circumstances are campus security officers told to prioritize safeguarding Johns Hopkins property over student safety?

The mission and mandate of CSS is to promote and maintain a safe and secure living, learning, and working environment for our students, faculty, staff and visitors, while also building community relationships that foster trust and mutual respect. This mission includes supporting student protest and demonstration and other acts of free expression while ensuring safety for all involved. The exchange between the officer and the students is concerning and does not reflect the values we strive for in serving our public safety mission. The incident is the subject of an ongoing investigation and review, including with respect to the handling of the incident by Campus Safety and Security officers. As with any situation, if persons are found to have violated University policy, appropriate discipline and/or corrective measures will be taken.

26) In a video after the Povey incident in which students were assaulted, distressed students are confronting campus security officers. One student says, "Can you guys communicate to anyone who needs to know that there is, because someone needs to know that there are potentially very violent people on this campus right now." Another student says, "Why did you all not do anything is my question." The campus security officer responds in a laconic fashion, "Well, what did you want me to do. You invited them in here." Other security officers reiterate, "We can't do anything about it." The student asks, "Has it been reported?" The officer responds, "Who's making all the complaints?" Another officer suggests, "Go call dispatch and report it to them." Why did officers not responding to an obviously dangerous incident? Why did they say they couldn't do anything about it?

The exchange between the officers and the students is concerning and does not reflect the values we strive for in serving our public safety mission. The incident is the subject of an ongoing investigation and review, including with respect to the handling of the incident by Campus Safety and Security officers. As with any situation, if persons are found to have violated University policy, appropriate discipline and/or corrective measures will be taken.

27) One of the same badged police officers has been recorded on a video as having knocked a student's phone out of their hand while a student was filming him. The officer was relaying to someone on the phone, "I didn't see no assault. I just seen them all here screaming and yelling at the top of their lungs... [In response to person on phone], There was a whole bunch of them." When the officer notices the student, the student who is filming interjects, "There was an assault." Officer continues on phone, "No one was assaulted. They're mad at us because we didn't do anything." Student interjects, "'Cause you didn't do anything." At this point, the officer slaps away or grabs the cell phone of the student. The student protests, "You are not..." And filming stops. Who is this police officer? Was this officer's conduct appropriate? What actions have been taken against this officer? Why has this not been addressed in any communications from the administration?

The incident in question is concerning and does not reflect the values we strive for in serving our public safety mission. The incident is the subject of an ongoing investigation and review, including with respect to the handling of the incident by Campus Safety and Security officers. As with any situation, if persons are found to have violated University policy, appropriate discipline and/or corrective measures will be taken.

The police intervention

28) What was the decision-making process to have police intervention carried out on the specific night of May 8th? Who made these decisions?

After protesters forcibly occupied Garland Hall on the afternoon of Wednesday, May 1, the administration concluded that the occupation was no longer a peaceful protest, that student health and safety were at risk due to lack of access and visibility into the building, and that the time had come to bring the occupation to an end. The University then undertook a series of extraordinary measures over several days to urge student protesters to leave the building, including direct communication to individual protesters, outreach through emergency contacts, offers to meet, and offers of amnesty.

During this same period, the remaining student protesters and outside activists conveyed no collective shift in approach or responsiveness and instead repeated prior demands and hosted a series of events in the unsafe and unsecure building, posing risk of harm to themselves and others and causing substantial disruption to university operations, including by disrupting critical student services and accessing areas holding sensitive student information. It was clear that the University's extensive efforts to bring the occupation to an end would require coordination with local law enforcement, and University leadership requested assistance from the Baltimore City Fire Department (BCFD) and Baltimore City Police Department (BPD). In parallel, the University continued to work to persuade student protesters to leave the building voluntarily.

29) Why was the police intervention carried out when a meeting had been proposed by students (on May 7) for May 9, 10, or 11th, and then a meeting was scheduled by administration (earlier in the day on May 8) for May 21st?

See above responses to questions 7 and 28.

30) Who made the decisions regarding how the students would be dealt with during the intervention? e.g. Who determined or how was it determined what were the conditions for arrest? How many police would be there? The rules for engagement? How much force would be used?

Law enforcement and life safety operations are determined by the relevant public safety agencies, in this case the Baltimore City Fire Department (BCFD) and Baltimore City Police Department (BPD).

31) If the intervention was taken in part due to concerns for students' health and well-being, what precautions were taken to ensure the safety and emotional health of students and protesters during and after the intervention?

See above responses to questions 7 and 28. In addition to the University's extensive outreach and support efforts in advance of the intervention by BCFD and BPD, during the intervention itself the remaining protesters were given three sets of warnings outside the building and three sets of warnings inside the building and were informed repeatedly of offers of amnesty for voluntarily exiting the building. Student Affairs professionals were on hand before, during, and after the intervention, including in some cases being in direct communication with individual

student protesters and their emergency contacts, and student protesters were offered counseling support and resources as needed.

32) Why was the police intervention carried out in the wee hours of the night/morning and not during the day?

Law enforcement and life safety operations are determined by the relevant public safety agencies, in this case the Baltimore City Fire Department (BCFD) and Baltimore City Police Department (BPD).

Other Questions

33) In their interviews, numerous students shared their operating assumption that the University was an exceptional kind of institution, where it was possible through argument and discussion to affect decision making, even at the highest level of the administration. In this image of the University, although there is a hierarchy, it is still possible for even the voices of those who inhabit its “lowest rung” to be heard and legitimated. This vision seems to be inconsistent with the administration’s response to the students over the last few years concerning the original issues that these students brought forth (private policing and ICE contracts). What is the administration’s vision of the University in terms of a space of shared decision-making?

The University is indeed an exceptional kind of institution, a place that highly values reasoned discussion and debate among students, faculty, and administrators alike, and a place where disagreement is still welcomed and respected. That the University administration or academic leaders reach a different conclusion from students, faculty, or others members of the University community does not mean that their voices are not heard. In fact, the University has engaged and been guided and influenced by hundreds of meetings, conversations, forums, lectures, consultations, and online commentary over the past several years on these and other issues of critical importance to our community.

On the police department issue alone, the University has thus far held more than 125 stakeholder meetings, in which University administrators sought feedback from faculty, staff, students, and neighbors about options for combatting violent crime on and around our campuses, heard the arguments raised on all sides, and took heed of the deep concerns and importance of issues such as accountability, transparency, and constitutional and community-oriented policing. Student views and voices, including those of student protesters, had a substantial impact on the contours of the police legislation, which went from 5 to 27 pages, with clarifications, limitations, commitments, and programs responsive to the concerns they raised, putting it among the most progressive police authorizing bills anywhere in the United States. Students also are participating in the Student Advisory Committee on Security, are welcome to apply for the University Police Accountability Board, and will have opportunities to engage in the public process for the MOU needed for the JHPD to operate.

Student views and voices also have been heard with respect to faculty contracts with ICE, and student protesters were given an opportunity to meet directly with the Dean of the School of Medicine and the Chair of the Department of Medicine on this topic.

34) Did anyone in the administration suggest to the President and/or the Provost that they should meet with protesters? What were the arguments for and against? If no one made such a

suggestion, is there any concern that the President and/or the Provost are not getting adequate input from their staff to make well-informed and properly considered decisions?

As noted above, decisions regarding the handling of the protest and occupation reflected the considered judgment and input of a broad range of professionals within the University, as well as consultations with academic leaders, peer universities, and outside experts. The administration also heard from faculty, students, community members, and parents, reflecting widely varying views of the protest and the University's approach.

See also the responses to questions 2 and 7 above. Again, the President met in person with liaisons for the protest on the first day to hear their demands and issues of concern, and offered to meet for further discussion once the protest ended. Throughout the protest and occupation it was reiterated to the protesters that the occupation of Garland Hall was a violation of University policy and the Guidelines and that meetings to discuss issues of concern to student protesters could occur upon conclusion of the occupation.