STATE OF MICHIGAN
IN THE SUPREME COURT
Appeal from the Michigan Court of Appeals
Cavanagh, P.J., Sawyer and Servitto, J.J.

JOSHUA WADE,

Plaintiff-Appellant,

v

UNIVERSITY OF MICHIGAN,

Defendant-Appellee.
_____/

Supreme Court No 156150

Court of Appeals No 330555

Court of Claims No 15-000129-MZ

BRIEF OF AMICUS CURIAE
MICHIGAN ATTORNEY GENERAL DANA NESSEL

Dana Nessel
Attorney General

Fadwa A. Hammoud (P74185)
Solicitor General
Counsel of Record

Christopher M. Allen (P75329)
Assistant Solicitor General
P.O. Box 30212
Lansing, MI 48909
(517) 335-7628
AllenC28@michigan.gov

Dated: March 1, 2021

TABLE OF CONTENTS

INDEX OF AUTHORITIES

Cases

Statutes

Other Authorities

INTEREST OF AMICUS CURIAE

The Attorney General is the constitutionally established officer who serves as the chief law enforcement officer for the State. The Legislature has also authorized the Attorney General to participate in any action in any state court when, in her own judgment, she deems it necessary to participate to protect any right or interest of the State or the People of the State. MCL 14.28; MCL 14.101.

INTRODUCTION

Like States and colleges across the country, both today and in centuries past, the University of Michigan made the commonsense decision to prohibit firearms on campus. The policy prohibiting firearms is sound not only as a matter of public safety, but also as a potent tool to protect the robust exchange of ideas—even emotionally charged and unpopular ideas—a hallmark of higher education.

The alchemy of sound policy varies as much as our communities do. And local decisionmakers, like the University's Regents, best know their own. This closeness puts local bodies in the position to steer through the difficult social problems they face in a way that reflects the needs and desires of their communities. Hence the leeway inherent in the idea of the laboratory of democracy.

Of course, sometimes that latitude runs up against the Bill of Rights, which tempers the range of permissible legislation. And for good reason—to protect citizens from overreaching government. But the scope of those Bill of Rights protections is as important to the equation as the subject of those rights. The U.S. Supreme Court made clear the Second Amendment was near-absolute when a restriction impinged on the core purpose of that right: the defense of hearth and home. But it also made clear the confines of the Second Amendment, identifying several restrictions that are presumptively constitutional, including prohibitions on firearms in "sensitive places" like schools and government buildings. In those areas, governments enjoy wide berth to exercise their authority to protect the public as they see fit. The University's policy fits its school community and fits within the constitution. This Court should affirm.

ARGUMENT

I. The Second Amendment does not invade the latitude to enact restrictions on firearms in sensitive places, like colleges and universities.

There is an inherent tension between the protection of individual rights guaranteed by the Constitution and governmental interests like public safety and academic freedom. But the scope of the Second Amendment leaves ample room for government actors to exercise their flexibility to meet their community's needs, including the regulation of firearms. The U.S. Supreme Court has recognized that "conditions and problems differ from locality to locality" and "citizens in different jurisdictions have divergent views on the issue of gun control." *McDonald v City of Chicago*, 561 US 742, 783 (2010).

When it declared the rough contours of the Amendment, the Court was careful to single out core areas in which governments may regulate firearms—including longstanding prohibitions on guns at school. From the first colleges on American soil to the present day, States and colleges have exercised their authority to regulate firearms in myriad ways, from outright bans to clear permission to carry. The University's prohibition fits within this range of permissible options.

A. *Heller* and *McDonald* list certain restrictions on firearms "presumptively lawful."

Just as the U.S. Supreme Court announced that the Second Amendment protects a limited, individual right to bear arms, it also identified longstanding

firearms restrictions that are not in jeopardy. Among them are prohibitions on firearms in "sensitive places" like schools and government buildings.

The proper balance between the protection from gun violence and the guarantees of the Second Amendment is not defined by a bright line. But in the same breath that the U.S. Supreme Court determined that the Second Amendment guarantees "an individual [the] right to keep and bear arms," *District of Columbia v Heller*, 554 US 570, 595 (2008), it emphasized the limitations, *id.* at 626–628. These limitations are not carveouts from the individual right, but are part-and-parcel of it—they help define the Amendment's scope. "From Blackstone through the 19th-century cases," the Court recognized, "commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Heller*, 554 US at 626.

Specifically, the Court singled out a few "longstanding prohibitions" that it did not "cast doubt" on. *Id.* Alongside "prohibitions on the possessions of firearms by felons and the mentally ill," *id.* at 626, and "conditions and qualifications on the commercial sale of arms," *id.* at 626–627, the Court approved "laws *forbidding* the carrying of firearms *in sensitive places* such as *schools* and government buildings," *id.* at 626 (emphasis added). These prohibitions are "presumptively lawful." *Id.* at 627 n 26. This was no off-hand comment; the Court "repeat[ed] those assurances" just a few years later in *McDonald v City of Chicago*, 561 US 742, 786 (2010).

This reading is all the more justified in light of *McDonald*'s reiteration of the scope of what *Heller* announced. *McDonald* stated only "that the Second

Amendment protects the right to possess a handgun in the home for the purpose of self-defense." *McDonald*, 561 US at 791. While debate continues about the Amendment's reach outside the home,[1] the Supreme Court's only guidance so far has been that: (1) the Second Amendment applies to certain firearms in the home and that (2) several species of common regulations are "presumptively lawful."

B. Federal circuits have declined to subject "longstanding prohibitions" on firearms—like those in "sensitive places"—to any level of scrutiny.

The Supreme Court's discussion of these "presumptively lawful regulatory measures" leads to the question of how to treat the prohibition of firearms in "sensitive places." The questions raised by this Court in its order granting leave essentially ask: what is the legal rubric for evaluating a firearm restriction, and where does this restriction fit in it? This Court should conclude, as federal circuits have, that restrictions on firearms in sensitive places are outside the scope of the Second Amendment's protection and no scrutiny is applicable.

To begin, courts have nearly unanimously adopted the two-part test first announced by the Third Circuit in *United States v Marzzarella*, 614 F3d 85 (CA 3, 2010). See, e.g., *New York State Rifle & Pistol Ass'n, Inc v Cuomo*, 804 F3d 242, 254 (CA 2, 2015) ("This two-step rubric flows from the dictates of *Heller* and *McDonald* . . . [and it] also broadly comports with the prevailing two-step approach of other

[1] Even protection otherwise *at the core of the Second Amendment's guarantee*—possession of firearms for defense of the home—is not afforded to "felons" or "the mentally ill." *Heller*, 554 US at 626.

courts, including the Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, and D.C. Circuits."); *United States v Greeno*, 679 F3d 510, 518 (CA 6, 2012) ("We find this two-pronged approach appropriate and, thus, adopt it in this Circuit."). The first question is: Does the case implicate the Second Amendment's protection? See, e.g., *Greeno*, 679 F3d at 518. If "yes," the second question is: What level scrutiny applies? See, e.g., *id.*

For the University's restriction, this Court can slam on the brakes at step one. There has been debate in the federal circuits about where the "presumptively lawful" regulations fit within the rubric. See, e.g., *NRA v BATFE*, 700 F3d 185, 196 (CA 5, 2012) ("We admit that it is difficult to map Heller's 'longstanding,' 'presumptively lawful regulatory measures,' onto this two-step framework."). But the best reading is that such measures presumptively do not burden conduct protected by the Second Amendment.

The Second Circuit agreed, stating "we think it likely that the *Heller* majority identified these 'presumptively lawful' measures in an attempt to clarify the scope of the Second Amendment's reach in the first place—the first step of our framework." *New York State Rifle & Pistol Ass'n*, 804 F3d at 258 n 76. See also *United States v Bena*, 664 F3d 1180, 1183 (CA 8, 2011) ("It seems most likely that the Supreme Court viewed the regulatory measures listed in *Heller* as presumptively lawful because they do not infringe on the Second Amendment right.").

The Third Circuit offered a sound justification for this understanding of *Heller*'s "presumptively lawful" discussion. In *United States v Marzzarella*, 614 F3d 85 (CA 3, 2010), the Court evaluated how to treat the "presumptively lawful" regulations mentioned in *Heller*, and concluded that they refer to "exceptions to the right to bear arms" and regulate conduct "outside the scope of the Second Amendment," 614 F3d at 91. Looking for clues in the *Heller* opinion, the Third Circuit found compelling the adjacent discussion in the *Heller* analysis. *Id.* Just after the Supreme Court's paragraph discussing the "presumptively lawful" regulations, it discussed "another important limitation" on the right to keep and carry arms"—restrictions for "dangerous and unusual weapons." *Id.* at 91. The Court had already made clear that "the Second Amendment *does not protect* those weapons not typically possessed by law-abiding citizens for lawful purposes, such as short-barreled shotguns." *Id.*; *Heller*, 554 US at 625 (emphasis added). Given how the Supreme Court wrote and structured its *Heller* opinion, it treated the "presumptively lawful" regulations as on the same constitutional footing with its treatment of "dangerous and unusual weapons"—they are simply outside the Second Amendment's reach. See also *United States v Rene E*, 583 F3d 8, 12 (CA 1, 2009) ("These restrictions, as well as others similarly rooted in history, were left intact by the Second Amendment and by *Heller*.").

The D.C. Circuit agreed. It concluded that the Supreme Court's reference to "*longstanding*" regulations "necessarily means [the regulation] has long been accepted by the public," and therefore is "presumptively not protected . . . by the

Second Amendment." *Heller v District of Columbia (Heller II)*, 670 F3d 1244, 1253 (DC Cir, 2011) (emphasis added). The D.C. Circuit's focus on the Supreme Court's use of "longstanding" is well-warranted—the Court "repeat[ed]" its phrasing in *McDonald*, stating that the Court "did not cast doubt on such longstanding regulatory measures." 561 US at 786.[2]

This Court should add its voice to this harmonious chorus. The U.S. Supreme Court meant what it said when it declared that it did not "cast doubt" on certain measures like "laws *forbidding* the carrying of firearms *in sensitive places* such as *schools* and government buildings." *Heller*, 554 US at 626 (emphasis added). These restrictions are presumptively beyond the reach of the Second Amendment.

C. The Second Amendment affords state and local decisionmakers the latitude to balance competing interests in higher education.

With the basic rubric in place, it makes sense to step back and consider the relationship between the constitution's guarantee of individual rights and the discretion of local decisionmakers to make the best decision for their communities.

---

[2] At least two federal circuits have applied the sensitive places doctrine to government buildings and their adjacent parking lots. See *United States v Class*, 930 F3d 460, 464 (DC Cir, 2019) (holding that a government-owned parking lot near the U.S. Capitol was a "sensitive place" as it "was set aside for the use of government employees, is in close proximity to the Capitol building, and is on land owned by the government," and therefore the Court "consider[ed] the lot as a single unit with the Capitol building"); *Bonidy v US Postal Serv*, 790 F3d 1121 (CA 10, 2015) (upholding a federal rule prohibiting the storage and carriage of firearms on Postal Service property—"31,000 retail offices" and their parking lots—under the sensitive places doctrine). If government parking lots and post offices are sensitive places, surely so are colleges.

1. Deference to state and local choices is a feature of our federal form of government.

It may be a well-worn cliché that the sovereign States operate as "laboratories of democracy,"[3] but its common use does not minimize its truth—local flexibility is an important element of our federalist system. *Oregon v Ice*, 555 US 160, 171 (2009) ("We have long recognized the role of the States as laboratories for devising solutions to difficult legal problems."). The Supreme Court plainly recognized this principle in the context of gun rights, declaring that the Second Amendment "by no means eliminates" the "ability to devise solutions to social problems that suit local needs and values." *McDonald*, 561 US at 785.

Ample deference to more local lawmaking is justified by the responsiveness that comes with proximity. *Arizona State Legislature v Arizona Indep Redistricting Com'n*, 576 US 787, 817 (2015). Just as our federalism envisions States as essential to a "decentralized government that will be more sensitive to the diverse needs of a heterogenous society," *Gregory v Ashcroft*, 501 US 452, 458 (1991), the University sits even closer to its community, with keen knowledge of how best to further its mission. This closeness encourages "innovation and experimentation" sensitive to the community served. *Arizona Indep Redistricting Com'n*, 576 US at 817 (quotation marks omitted).

---

[3] The concept derives from Justice Brandeis's dissenting opinion in *New State Ice Co v Liebmann*, 285 US 262 (1932). See *id.* at 311 ("It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.").

This idea of dual sovereignty is particularly salient in the protection of the health and safety of the citizenry. These are "primarily, and historically, matters of local concern." *Medtronic, Inc v Lohr*, 518 US 470, 475 (1996) (cleaned up). Accordingly, the States have "great latitude under their police powers to legislate as to the protection of the lives, limbs, health, comfort, and quiet of all persons." *Id.* (cleaned up). While data generally support restrictions on, rather than proliferation of, weapons as the surest course to reduce gun violence, see, e.g., Siegel et al, *The Impact of State Firearm Laws on Homicide and Suicide Deaths in the USA, 1991–2016: a Panel Study,* 34 J General Internal Medicine 2021 (2019),[4] some contend that "[n]o one really knows what the right answer is with respect to the regulation of firearms." *Kolbe v Hogan*, 849 F3d 114, 149–150 (CA 4, 2017) (en banc) (Wilkinson, J., concurring). But in evaluating a ban on assault rifles and large-capacity magazines, Judge Wilkinson asserted that "[t]he question before us, however, is not what the right answer is, *but how we may best find it*," and concluded, "I am unable to draw from the profound ambiguities of the Second Amendment an invitation to courts to preempt this most volatile of political subjects and arrogate to themselves decisions that have been historically assigned to other, more democratic, actors." *Id.* (emphasis added).

On college campuses, concerns of safety intersect with, and are magnified by, the college's commitment to its academic mission. See, e.g., *Keyishian v Bd of*

[4] Available at https://link.springer.com/article/10.1007/s11606-019-04922-x (accessed February 26, 2021).

Regents of Univ of State of N Y, 385 US 589, 603 (1967) ("Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us . . . ."). In other words, while governments large and small have an interest in the protection of the health and safety of their citizens, colleges additionally have a special and integral role in American life. "Schools are something more than a concentration of young people." Darrell A. H. Miller, *Constitutional Conflict and Sensitive Places*, 28 Wm & Mary Bill Rts J 459, 470 (2019). Colleges strive to be an unadulterated "marketplace of ideas," *Keyishian*, 385 US at 603, and operate as a training ground for leaders of future generations, *id.* As Justice Frankfurter put it, the focus of the "four essential freedoms" of academic freedom "is the business of a university to provide that atmosphere which is most conducive to speculation, experiment and creation." *Sweezy v New Hampshire*, 354 US 234, 263 (1957) (concurring in result).[5] As discussed in its brief, pp 29–33, the University's ability to prohibit, control, or regulate firearms on campus furthers those interests.

2. Both before and since the Founding, some of our nation's colleges had strict prohibitions on possession of firearms.

Restrictions on firearms have existed in higher education in America for centuries. This historical underpinning supports the University's restriction as a "presumptively lawful" measure outside of the Second Amendment's ambit. But it

[5] As described by Justice Frankfurter, the "four academic freedoms" are the university's ability "to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." *Sweezy v New Hampshire*, 354 US 234, 263 (1957) (concurring in result).

also highlights the variety of approaches that the Amendment permits. While the University of Michigan has chosen a general prohibition of weapons on its property, other States and other colleges can chart their own path, as laboratories responsive to their own students and community. That firearms regulations have varied in scope and form over time only underscores the latitude that policymakers have to judge how best to further the interests they find paramount.

Several of our country's oldest and most esteemed universities exercised strong restrictions on guns, even years before the country's Founding. In 1655, Harvard University (the "Michigan of the East"[6]), prohibited each student, under threat of expulsion, from having a gun "in his or their chambers or studies, or keeping for theire [sic] use anywhere else in the town." Allen Rostron, *The Second Amendment on Campus*, 14 Geo JL & Pub Pol'y 245, 255 (2016), quoting A Copy of the Laws of Harvard College, 1655, p 10.[7] As of 1745, Yale University also prohibited students from possessing firearms or risk a fine. *The Second Amendment on Campus*, 14 Geo JL & Pub Pol'y at 255–256.

In 1825, the University of Virginia, founded by Thomas Jefferson as one of the country's oldest public universities, barred students from "keep[ing] or us[ing] weapons or arms of any kind or gun-powder." *Id.* at 257, quoting Enactments by

---

[6] In a speech at the University of Michigan, John F. Kennedy announced his proposal that would later become the Peace Corps, and introduced himself to the crowd as "a graduate of the Michigan of the East, Harvard University." October 14, 1960 Remarks, available at peacecorps.gov/about/history/founding-moment/ (accessed February 26, 2021).

[7] Available at https://archive.org/details/acopylawsharvar00unkngoog/page/n4/mode/2up (accessed February 26, 2021).

the Rector and Visitors of the University of Virginia (1825), p 9.[8] As of 1830, Virginia's counterpart, the College of William and Mary, forbid students from "keep[ing], or . . . hav[ing] about their person, any dirk, sword or pistol." *Id.* at 257 n 87, quoting Laws and Regulations of the College of William and Mary (1830).[9]

Into the middle of the 19th century, Missouri, Texas, and the then-territory of Oklahoma "prohibited firearms in school rooms and places where persons assemble for 'educational, literary, or social purposes.' " *Constitutional Conflict and Sensitive Places*, 28 Wm & Mary Bill Rts J at 472 (quoting state laws).

While these prohibitions demonstrate the historical pedigree of firearms regulations at colleges, surely, others permitted them. But it is the range of responses to local circumstances that reveals colleges (and States) could best judge the right course for their campus.

3. Today, States exercise their wide berth to regulate firearms at colleges as they see fit.

States and universities continue to grapple with the issue of firearms on college campuses. Today, a spectrum of lawful regulations exist: from state laws *requiring* colleges to permit firearms to the wholesale *banning* firearms from its colleges. According to the National Conference of State Legislatures, following recent deadly shootings at colleges campuses, States saw varying solutions: "For

---

[8] Available at https://books.google.com/books?id=8a0aAAAAYAAJ&printsec=frontcover&source=gbs_ge_summary_r&hl=en#v=onepage&q&f=false (accessed February 26, 2021).

[9] Available at https://books.google.com/books/about/Laws_and_Regulations_of_the_College_of_W.html?id=ZKUaAAAAYAAJ (accessed February 26, 2021).

some, these events point to a need to ease existing firearm regulations and allow concealed weapons on campuses. Others see the solution in tightening restrictions to keep guns off campuses."[10] States and colleges across the country have taken this broad latitude to regulate as their communities saw fit.

a. States have taken varying approaches to firearms and higher education.

Multiple States have broad bans on possession of firearms (and other weapons) on college campuses. Florida, for example, bans firearms "on the property of any school," which is defined as "any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic." Fla St Ann 790.115(2)(a).[11] Similarly, North Carolina enacted a statewide ban of firearms on all "educational property," which applies to "public and private school[s]" alike, including community colleges, colleges, and universities. NC Gen Stat Ann 14-269.2(a)(1), (a)(1b), (b). Like the University of Michigan's regulation, North Carolina's ban applies to "[a]ny school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school." NC Gen Stat Ann 14-269.2(a)(1); see also

---

[10] National Conference of State Legislatures, *Guns on Campus: Overview*, Nov 1, 2019, available at https://www.ncsl.org/research/education/guns-on-campus-overview.aspx (accessed Feb 26, 2021).

[11] With a narrow exception for certain individuals to carry nonlethal weapons, Florida's law concerning licenses to carry concealed weapons does not permit the carrying of firearms at college or university facilities. Fla Stat Ann 790.06(12)(a)(13).

Matter of Cowley, 120 NC App 274, 276 (1995) ("[T]he purpose of § 14–269.2(b) is to deter students and others from bringing any type of gun onto school grounds."). See also, e.g., Mass Gen Laws Ann ch 269, § 10(j) (subject to exceptions for law enforcement officers and those with written authorization, barring the personal carry of "a firearm, loaded or unloaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university"); NJ Stat Ann 2C:39-5.e(1) ("Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution" is guilty of a crime).

Some States have charted a different course, generally *requiring* that colleges and universities allow individuals with enhanced concealed carry permits to carry on campus. See, e.g., Miss Code Ann 97-37-7(2) (authorizing permitted concealed carry in courthouses and locations listed in Miss Code Ann 45-9-101(13)); Miss Code Ann 45-9-101(13) ("any junior college, community college, college or university facility"). Texas requires colleges to permit concealed carry permit holders to carry on public campuses. Tex Govt 411.2031(b). But even deep in the heart of Texas, colleges may establish "reasonable rules, regulations, or other provisions" regarding carry concealed on campus, short of general prohibitions. Tex Govt 411.2031(d-1).

Still other States establish rigorous restrictions on carrying on colleges campuses, revealing their own judgments about how to balance the carry of firearms with sensitive areas. Take Tennessee for example. It allows employees

(but not students) to carry firearms concealed (but not openly), only on certain parts of campus and at certain times, and only upon notice to the college's law enforcement agency. See, e.g., Tenn Code Ann 39-17-1309(c)(1)(A); Tenn Code Ann 39-17-1309(e)(11).[12] With plenty of specificity, Tennessee outlaws carry by anyone at "[s]tadiums, gymnasiums, and auditoriums when school-sponsored events are in progress," in meetings regarding discipline or tenure, and at university hospitals. Tenn Code Ann 39-17-1309(e)(11)(C)(*v*)(*a*)–(*e*).

b. Michigan grants its colleges leeway to restrict firearms as they see fit.

Michigan's constitutional structure directs our State's own course—granting the University of Michigan and other colleges independent constitutional authority and generally permitting their self-governance. See *Bd of Regents of the Univ of Michigan v Auditor General*, 167 Mich 444, 450 (1911).

While the State has barred even concealed carry permit holders from carrying in all dorms and classrooms, MCL 28.425o(1)(h), with the remaining leeway, our State's colleges have approached the issue in differing ways. Like Michigan, Wayne State prohibits all firearms on university property.[13] So do

[12] Tennessee has a narrow exception for nonstudent adults to possess a firearm "if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult [or with consent of the adult], while the vehicle is on school property." Tenn Code Ann 39-17-1309(c)(1)(B).

[13] Wayne Admin Policies and Procedures Manual, § 9.6, available at https://policies.wayne.edu/appm/9-6-workplace-violence (accessed Feb 26, 2021).

Western Michigan University,[14] Northern Michigan University,[15] Central Michigan University (with an exception for "firearms used for hunting"),[16] and Grand Valley State University.[17] Michigan State University, on the other hand, allows permitted concealed carry wherever state law allows.[18] These local choices, made by those concerned with the welfare and learning of their community, are policy decisions consistent with the Second Amendment.

In sum, governmental entities get substantial leeway to restrict firearms as they see fit, subject to the core Second Amendment protection. Ignoring the Supreme Court's recognition that "sensitive places" can bear prohibitions on firearms would extend the Second Amendment beyond its constitutional mooring. And it would be at odds with the judicial deference afforded to local governments, particularly those governing sensitive places.

---

[14] Western Michigan University, Weapons on Campus Policy (16-05), available at https://wmich.edu/policies/weapons#:~:text=By%20order%20of%20the%20Board,dean%20of%20the%20appropriate%20college.%22 (accessed Feb 26, 2021).

[15] Northern Michigan University, Weapons and Explosives, available at https://www.nmu.edu/policedepartment/weapons-and-explosives#:~:text=You%20are%20not%20allowed%20to,required%20by%20their%20professional%20duties (accessed Feb 26, 2021).

[16] Central Michigan University, Weapons Policy, issued June 8, 2015, available at https://www.cmich.edu/office_president/general_counsel/Documents/p03005.pdf (accessed Feb 26, 2021).

[17] Grand Valley State University, Weapons Policy, May 22, 2017, available https://www.gvsu.edu/policies/policy.htm?policyId=2869065E-D2F4-4EC4-6C516ED71D492CC3#:~:text=A%20person%20shall%20not%20possess,authorized%20University%20construction%2Drelated%20activities (accessed Feb 26, 2021).

[18] Michigan State University Ordinance, § 18.01, available at https://trustees.msu.edu/bylaws-ordinances-policies/ordinances/ordinance-18.00.html (accessed Feb 26, 2021).

CONCLUSION AND RELIEF REQUESTED

For these reasons, Attorney General Dana Nessel respectfully requests this Court affirm the judgment of the Court of Appeals.

Respectfully submitted,

Dana Nessel
Attorney General

Fadwa A. Hammoud (P74185)
Solicitor General
Counsel of Record

/s/ Christopher M. Allen
Christopher M. Allen (P75329)
Assistant Solicitor General
P.O. Box 30212
Lansing, MI 48909
(517) 335-7628
AllenC28@michigan.gov

Dated: March 1, 2021