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From: Name: Jonathan M. ...

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Date: 6/16/2014 Time: 8:31:20 PM No. Pages (Including Cover): 2

Message:

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by facsimile

Robert Shibley
Senior Vice President
Foundation for Individual Rights in Education
170 S. Independence Mall W., Suite 510
Philadelphia, PA 19106

Dear Mr. Shibley:

FIRE has posted on its website certain hearing documents relating to the private conduct process currently being reviewed by the court on a mandamus petition in *John Doe v. Occidental* internal hearing materials, access to which was provided to the parties on a restricted, view-only basis through a secure electronic system that requested copying or downloading and under express instruction that reproduction and dissemination were prohibited.

It appears to us that the College's secure system was circumvented and the materials were reproduced and taken by John Doe and/or his counsel from the College's confidential system and disseminated in violation of the College's policies, standards of conduct, and conditions for access.

We are currently in discussions with counsel for the student parties to address the confidentiality, sealing, and/or further reduction of these materials with the court. While we are engaged in this process, we request that FIRE remove the materials from its website (specifically, the investigative report/exhibits and the adjudicator's decision), until the parties and the court come to a resolution. We hope to reach that resolution as early as this week.

Please advise us as soon as possible whether FIRE will comply with this request.

Very truly yours,

Jonathan M. Brenner

JONATHAN M. BRENNER

JAMES M. ...

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From: Name: Jonathan M. Brenner
Voice:

To: Name: Robert Shibley
Company: Foundation for Individual Rights in Education
Facsimile#: 215-717-3440
Voice Phone: 215-717-3473
Subject:

Date: 6/16/2014

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June 16, 2014

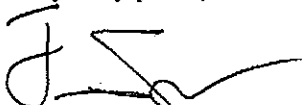
Robert Shibley
 Senior Vice President
 Foundation for Individual Rights in Education

Philadelphia, PA 19106

Dear Mr. Shibley:

As you know, Occidental College has previously advised you that it will provide a response to your letter dated April 10, 2014. That response necessarily raises issues of confidentiality and the extent and nature of the comment that we can offer. As you also know, we have sent you today a letter asking that FIRE remove from its website for the time being the documents that were wrongfully taken by John Doe and/or his counsel from Occidental College's website in violation of Occidental College policy. We work with counsel for the students and the court to have the issue addressed. We still intend to provide you with a response to your April letter; however, we will be doing only after these efforts conclude.

Very truly yours,



Jonathan M. Brenner

JMB:dmm