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FACSIMILE/TELECOPIER TRANSMISSION

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 Time: 8:31:20 PM No. Pages (Including Cover): 2

Message:

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June 16, 2014

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 College*, Los Angeles Superior Court Case No. BS147275. These documents are confidential internal hearing materials, access to which was provided to the parties on a restricted, view-only basis through a secure electronic system that prevented 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 redaction 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,

A handwritten signature in black ink, appearing to be "J. Brenner", written over a horizontal line.

Jonathan M. Brenner

JMB:dmm



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June 16, 2014

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:

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 secure database in violation of College policy while 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,

A handwritten signature in black ink, appearing to be "J. Brenner", written over a horizontal line.

Jonathan M. Brenner

JMB:dmm