



OFFICE OF EQUITY & TITLE IX

To: [REDACTED] (COMPLAINANT)
J.D. Candidate, Washington College of Law

Daniel Brezina (RESPONDENT)
J.D. Candidate, Washington College of Law

FROM: Leslie T. Annexstein
AVP for Equity and Title IX Coordinator

DATE: July 7, 2022

RE: **NOTICE OF OUTCOME OF FORMAL RESOLUTION**

On May 25, 2022, the Office of Equity & Title IX initiated an investigation into a complaint alleging that Respondents Brezina, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] (“Respondents”) violated American University’s Discrimination and Non-Title IX Sexual Misconduct Policy. Complainant [REDACTED] J.D. Candidate in the Washington College of Law, alleged that during the week of May 2, 2022, Respondents, also J.D. Candidates in the Washington College of Law, subjected [REDACTED] to Harassment on the basis of political affiliation and religious beliefs. Specifically, Complainant [REDACTED] alleged that Respondents sent him harassing and threatening messages through the GroupMe social media platform due to his political affiliation and religious beliefs and that his receipt of these messages unreasonably interfered with his educational experience. [REDACTED] identifies as Greek Orthodox Christian and Republican/Moderate-Conservative.

The Office of Equity & Title IX has completed its investigation. Based on the information gathered during the investigation, the preponderance of the evidence supports the following determinations:

- Daniel Brezina has been found **Not Responsible** for engaging in Harassment based on political affiliation in violation of the Discrimination and Non-Title IX Sexual Misconduct Policy.
- Daniel Brezina has been found **Not Responsible** for engaging in Harassment based on religious beliefs in violation of the Discrimination and Non-Title IX Sexual Misconduct Policy.

The University’s Discrimination and Non-Title IX Sexual Misconduct Policy provides the following definition:

Harassment. Harassment is a form of discrimination that encompasses unwelcome conduct based on a person’s legally protected status. Harassment is unwelcome verbal or physical conduct directed toward, or differential treatment of, an individual because of their membership or perceived membership in any protected group when the conduct is sufficiently severe or pervasive to have the effect of unreasonably interfering with an individual’s educational experience, working conditions or living conditions. Harassment in violation of this Policy depends on the totality of the circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved. Examples of conduct that can constitute harassment if based on an individual’s legally protected category includes but is not limited to:

- Epithets, slurs, jokes or negative stereotypes;
- Written, printed or graphic material that contains offensive, denigrating or demeaning comments or pictures;
- Displaying offensive, denigrating or demeaning posters, emails, text messages or cell phone pictures; and
- Conduct, whether verbal, physical, written or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group because of their legal protected status.

The evidence collected during the investigation does not support [REDACTED] allegation of harassment in violation of the policy based on his political affiliation or religious beliefs. First, none of the Respondents were communicating with, collaborating with, or coordinating with any other member of the groupchat to target [REDACTED] on the basis of his political affiliation or religious beliefs. Second, while [REDACTED] did not welcome the GroupMe comments, the information collected demonstrates that only one Respondent was certain of [REDACTED] political affiliation and religious beliefs prior to the groupchat interaction, and the comments did not threaten, intimidate or denigrate [REDACTED] based on his political affiliation or religious beliefs. Third, although [REDACTED] asserted that the unwelcome written electronic conduct unreasonably interfered with his educational experience, the information provided by [REDACTED] himself during the investigation did not support this assertion.

Harassment in violation of the policy “depends on the totality of the circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved.” The comments occurred in a voluntary groupchat on a social media platform not controlled by the University and did not occur in-person or during a University sponsored or required activity; they occurred during one contained time period - the night of May 2nd into the early evening of May 3rd - with a total of twenty comments/messages posted by the Respondents, and numerous other messages and comments posted by others whom [REDACTED] did not name in his complaint although many of those individuals echoed the Respondents’ comments; and all of the parties had the same status as J.D. Candidates at WCL, and were enrolled in Constitutional Law during the Spring 2022 semester.

Accordingly, based on the totality of the circumstances and the information obtained pursuant to this investigation, the preponderance of the evidence does not support a finding that Daniel Brezina subjected [REDACTED] to harassment on the basis of political affiliation or religious beliefs in violation of the Discrimination and Non-Title IX Sexual Misconduct Policy.

Appeals

Pursuant to the policy, the parties may appeal this outcome within seven (7) calendar days of receiving this outcome. Therefore, any appeal would be due on July 15, 2022, at 5:00 p.m. ET and should be submitted to equityoffice@american.edu. The parties may appeal the outcome on one or more of the following grounds:

- a) new information that becomes available that could not have been discovered by a properly diligent student before or during the original proceeding that significantly alters the finding of fact;
- b) specified procedural error that was so substantial that it affected the outcome; or
- c) insufficient/excessive sanctions that were substantially disproportionate to the offense.

If no appeal is received within the required timeframe, the University will consider this matter closed.

The University prohibits retaliation against a member of the AU community for filing a complaint of discrimination, assisting in the filing of a complaint, and/or participating in the resolution of a complaint. Retaliation includes, but is not limited to threats, intimidation, and/or adverse actions related to employment

or education. Please contact me immediately at equityoffice@american.edu if you believe that you have been subjected to retaliation.