



## Lemont High School

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Dr. Matt Maxwell, Superintendent

Eric Michaelsen, Principal



**Exemplary High Performing School • 2017 National Blue Ribbon Schools Program**

### Via Email

April 9, 2026

W (AACL)

Michael A. Ayele

P.O.Box 20438

Addis Ababa, Ethiopia

E-mail: waacl13@gmail.com ; waacl1313@gmail.com ; waacl42913@gmail.com

**Re: Illinois FOIA Request - 5 ILCS 140/1**

Dear W:

This letter is in response to your Freedom of Information Act (FOIA) request dated April 6, 2026, and received in my office on April 6, 2026.

### **In your letter you requested the following:**

I) Requested Records

What I am requesting for prompt disclosure are records in your possession detailing your discussions about [1] the decision of President Barack Obama to designate the months of April (between 2009 and 2012) as "Sexual Assault Awareness Month (SAAM)" by recognizing that (i) sexual assault is pervasive in the United States; (ii) women between the ages of 16 and 24 are at greatest risk of rape and sexual assault; (iii) 18 percent of women in America have been raped in their lifetime; (iv) a 2005 survey of high school students found that 10.8 percent of girls and 4.2 percent of boys from grades nine to twelve were forced to have sexual intercourse at some time in their lives; (v) a study of college women had previously found that 13.7 percent of undergraduate women had been victims of at least one completed sexual assault since entering college; (vi) unlike victims of sexual assault in the larger community, students victimized by other students often face additional challenges in a "closed" campus environment; (vii) many survivors of sexual violence experience depression, fear, and suicidal feelings in the months and years following an assault, and some face health problems that last a lifetime; (viii) many survivors of sexual violence suffer in silence, fearing retribution, lack of support, or that the criminal justice system will fail to bring the perpetrator to justice; (ix) it is up to all of us to ensure victims of sexual violence are not left to face these trials alone; [2] the manner in which your school district has commemorated SAAM beginning April 01st 2009; [3] the Department of Education (DoED) as a federal agency of the United States government which had in the month of June 2002 published on its official website a portable document file (PDF) explaining that (i) the Family Educational Rights and Privacy Act (FERPA) enables the disclosure of students' academic and disciplinary records in various circumstances; (ii) the Jeanne Clery Act of 1990 enabled "postsecondary institutions" to be forthcoming with "the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding" particularly to an alleged victim of any crime of violence (as defined in U.S. Code Title 18, § 16); (iii) the 1998 Higher Education Amendments enabled "postsecondary institutions" to be forthcoming with "the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime;" [iii] [4] Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale,

Michigan) who (i) was named on the Dean's List of Hillsdale College in the first two semesters of her freshman year; (ii) was on (or around) August 29th 2021 raped on campus when she was a full-time sophomore student; (iii) was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) August 29th 2021; (iv) has made the decision to transfer to Vanderbilt University after Hillsdale College violated the provisions of FERPA by refusing to provide to her "the final results of the disciplinary proceeding" the individual who raped her was not held to account for; (v) has begun to experience depression, post-traumatic stress as well as sleep disorders following the sexual assault she was the victim of on (or around) August 29th 2021; (vi) has experienced difficulty functioning at the optimal levels she used to prior to being raped on (or around) August 29th 2021; (vii) may never again function at the optimal levels she used to as a direct consequence of the rape she was subjected to on (or around) August 29th 2021; [5] Grace Chen as a former undergraduate student of Hillsdale College who (i) was on (or around) November 22nd 2021 raped on the campus of Hillsdale College when she was a freshman; (ii) was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) November 22nd 2021; (iii) had on (or around) April 09th 2022 sent an email to Rebekah Dell wherein she demanded to be provided with a "formal written investigation report" for what she went through on (or around) November 22nd 2021 at Hillsdale College; (iv) has taken the decision to graduate from Hillsdale College with a Bachelor's Degree even after Hillsdale College violated the provisions of FERPA by refusing to provide to her "the final results of the disciplinary proceeding" the individual who raped her was not held to account for; [6] the term "bystander intervention" being defined in federal regulations implementing the 2013 Violence Against Women Act (VAWA) as (i) "safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;" (ii) the ability to "understand institutional structures and cultural conditions that facilitate violence;" [7] Bob Jones University v. United States; [8] Haines v. Kerner; [9] Johnson v. City of Shelby.

**Response to request:**

In response to your requests, the District does not have any records in its possession or control pertaining to the items in your requests.

As Superintendent and one of the FOIA Officers for the District, I am responsible for granting and denying requests for records under the FOIA. The District's responses contained in this letter intend to be fully responsive to your specific request. If I have misinterpreted your request, please clarify your request in writing to me. In the event your request has been denied by a District Freedom of Information Officer, you may appeal this decision to the Illinois Attorney General -Public Access Counselor, 500 S. 2nd Street, Springfield, Illinois 62701, (877) 299-3642 [public.access@ilag.gov]. You may also appeal this decision by filing suit for injunctive relief in the circuit court.

If you should have further questions, please do not hesitate to contact me.

Sincerely,



Dr. Matt Maxwell  
Superintendent  
Lemont High School District 210

# FOIA Request - 5 ILCS 140/1

External

Inbox



Apr 6, 2026, 5:15 AM (3 days ago)

**Michael Ayele**

to mmaxwell, thamilton@lhs210.net, me,

Michael 

W (AACL)

Date.: April 06<sup>th</sup> 2026

Michael A. Ayele

P.O.Box 20438

Addis Ababa, Ethiopia

E-mail: waacl13@gmail.com ; waacl1313@gmail.com ; waacl42913@gmail.com

## Freedom of Information Act (FOIA) Request

Hello,

This is Michael A. Ayele sending this message though I now go by W and I prefer to be referred to as such. I am writing this letter for the purpose of filing a FOIA request with Lemont High School. The bases for this non-commercial records request are [1] the decision of the United States government to designate the month of April as Sexual Assault Awareness Month (SAAM) <sup>[i]</sup> and [2] the very gross mishandling of the sexual misconduct complaints filed by Danielle Villareal and Grace Chen when they were both undergraduate students of Hillsdale College (Hillsdale, Michigan) in Calendar Year 2021. <sup>[ii]</sup>

### I) Requested Records

What I am requesting for prompt disclosure are records in your possession detailing your discussions about [1] the decision of President Barack Obama to designate the months of April (between 2009 and 2012) as "*Sexual Assault Awareness Month (SAAM)*" by recognizing that (i) sexual assault is pervasive in the United States; (ii) women between the ages of 16 and 24 are at greatest risk of rape and sexual assault; (iii) 18 percent of women in America have been raped in their lifetime; (iv) a 2005 survey of high school students found that 10.8 percent of girls and 4.2 percent of boys from grades nine to twelve were forced to have sexual intercourse at some time in their lives; (v) a study of college women had previously

found that 13.7 percent of undergraduate women had been victims of at least one completed sexual assault since entering college; (vi) unlike victims of sexual assault in the larger community, students victimized by other students often face additional challenges in a "closed" campus environment; (vii) many survivors of sexual violence experience depression, fear, and suicidal feelings in the months and years following an assault, and some face health problems that last a lifetime; (viii) many survivors of sexual violence suffer in silence, fearing retribution, lack of support, or that the criminal justice system will fail to bring the perpetrator to justice; (ix) it is up to all of us to ensure victims of sexual violence are not left to face these trials alone; [2] the manner in which your school district has commemorated SAAM beginning April 01<sup>st</sup> 2009; [3] the Department of Education (DoED) as a federal agency of the United States government which had in the month of June 2002 published on its official website a portable document file (PDF) explaining that (i) the Family Educational Rights and Privacy Act (FERPA) enables the disclosure of students' academic and disciplinary records in various circumstances; (ii) the Jeanne Clery Act of 1990 enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding*" particularly to an alleged victim of any crime of violence (as defined in U.S. Code Title 18, § 16); (iii) the 1998 Higher Education Amendments enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime;*" [iii] [4] Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who (i) was named on the *Dean's List* of Hillsdale College in the first two semesters of her freshman year; (ii) was on (or around) August 29<sup>th</sup> 2021 raped on campus when she was a full-time sophomore student; (iii) was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) August 29<sup>th</sup> 2021; (iv) has made the decision to transfer to Vanderbilt University after Hillsdale College violated the provisions of FERPA by refusing to provide to her "*the final results of the disciplinary proceeding*" the individual who raped her was not held to account for; (v) has begun to experience depression, post-traumatic stress as well as sleep disorders following the sexual assault she was the victim of on (or around) August 29<sup>th</sup> 2021; (vi) has experienced difficulty functioning at the optimal levels she used to prior to being raped on (or around) August 29<sup>th</sup> 2021; (vii) may never again function at the optimal levels she used to as a direct consequence of the rape she was subjected to on (or around) August 29<sup>th</sup> 2021; [5] Grace Chen as a former undergraduate student of Hillsdale College who (i) was on (or around) November 22<sup>nd</sup> 2021 raped on the campus of Hillsdale College when she was a freshman; (ii) was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) November 22<sup>nd</sup> 2021; (iii) had on (or around) April 09<sup>th</sup> 2022 sent an email to Rebekah Dell wherein she demanded to be provided with a "*formal written investigation report*" for what she went through on (or around) November 22<sup>nd</sup> 2021 at Hillsdale College; (iv) has taken the decision to graduate from Hillsdale College with a Bachelor's Degree even after Hillsdale College violated the provisions of FERPA by refusing to provide to her "*the final results of the disciplinary proceeding*" the individual who raped her was not held to account for; [6] the term "*bystander intervention*" being defined in federal regulations implementing the 2013 Violence Against Women Act (VAWA) as (i) "*safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;*" (ii) the ability to "*understand institutional structures and cultural conditions that facilitate violence;*" [7] *Bob Jones University v. United States*; [8] *Haines v. Kerner*; [9] *Johnson v. City of Shelby*.

## II) Request for a Fee Waiver and Expedited Processing

The public has a compelling and legitimate interest in this information because:

1. Sexual Assault Awareness Month (SAAM) is an event that (i) was first nationally commemorated throughout the United States of America (U.S.A) in April 2001; (ii) has sought to prevent and raise

awareness on the subject of sexual violence in various spheres "*such as communities, workplaces and college campuses.*"

2. SAAM is an event which has in the 21<sup>st</sup> Century served to shed a spotlight on the sexism women encounter in their efforts to be successful in their academic and professional careers.
3. The requested records will shed a spotlight on the impact sexism has had on women such as Danielle Villareal and Grace Chen (when they were full-time undergraduate students at Hillsdale College).
4. The requested records will help the public ascertain if your school district has held robust conversations on the sexism and misogyny women encounter during the course of their undergraduate academic careers prior to formally joining the labor workforce.
5. The requested records will help the public ascertain if your school district has held robust conversations about the need to condemn violence committed against women irrespective of the woman's racial background, sexual orientation, national origin, religious affiliation and/or disability status.
6. The requested records will shed light on the amendments that were made to the provisions of the Violence Against Women Act (VAWA) in 2013. As you may be aware, the term "*bystander intervention*" was defined in federal regulations as (i) "*safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;*" (ii) the ability to "*understand institutional structures and cultural conditions that facilitate violence.*"
7. The requested records will help the public ascertain if there were conversations within your school district about the term "*bystander intervention*" being defined in federal regulations implementing the 2013 Violence Against Women Act (VAWA) as (i) "*safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;*" (ii) the ability to "*understand institutional structures and cultural conditions that facilitate violence.*"
8. The requested records will shed light on the portable document file (PDF) published by the Department of Education (DoED) in the month of June 2002. As you may be aware, the DoED had in the month of June 2002 explained that (i) the Family Educational Rights and Privacy Act (FERPA) enables the disclosure of students' academic and disciplinary records in various circumstances; (ii) the Jeanne Clery Act of 1990 enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding*" particularly to an alleged victim of any crime of violence (as defined in U.S. Code Title 18, § 16); (iii) the 1998 Higher Education Amendments enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime.*"
9. The requested records will help the public ascertain if your school district has held substantive conversations about the June 2002 PDF published by the DoED entitled: "*Legislative History of Major FERPA Provisions.*"
10. The requested records will shed light on the landmark Supreme Court ruling in *Bob Jones University v. United States* which found that the Internal Revenue Service (IRS) may deny tax-exempt status under 26 U.S.C. § 501(c)(3) to private colleges/universities with racially discriminatory admissions policies. As you may be aware, the Supreme Court holding in *Bob Jones University v. United States* made it abundantly clear that 501 (c)(3) status is a privilege granted by the federal government (and that this privilege could be revoked if private colleges/universities

such as Bob Jones University implement policies and procedures that perpetuated a systemic form of racism and sexism).

11. The requested records will help the public ascertain if your school district has held conversations about the Supreme Court ruling in *Bob Jones University v. United States*.

12. The requested records will help the public better evaluate if Hillsdale College had/has implemented policies and procedures similar to Bob Jones University at the time they were sanctioned by the IRS as well as the judicial branch of the United States government.

13. The requested records will help the public better evaluate if Hillsdale College, a 501(c)(3) postsecondary academic institution, knowingly disregarded statutory disclosure duties established under FERPA while continuing to claim federal tax benefits in violation of the Supreme Court ruling in *Bob Jones University v. United States*.

14. The requested records will help the public better evaluate whether Hillsdale College's conduct is part of a broader pattern among private postsecondary academic institutions that use FERPA as a pretext to conceal the outcomes of sexual violence cases – thereby thwarting congressional intent and compromising public safety.

15. The requested records will help the public ascertain if your school district has held substantive conversations about the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen.

Expedited processing is warranted because:

**1. When designating the months of April (between 2009 and 2012) as "Sexual Assault Awareness Month (SAAM)," President Barack Obama had recognized that (i) sexual assault is pervasive in the United States; (ii) women between the ages of 16 and 24 are at greatest risk of rape and sexual assault; (iii) 18 percent of women in America have been raped in their lifetime; (iv) a 2005 survey of high school students found that 10.8 percent of girls and 4.2 percent of boys from grades nine to twelve were forced to have sexual intercourse at some time in their lives; (v) a study of college women had previously found that 13.7 percent of undergraduate women had been victims of at least one completed sexual assault since entering college; (vi) unlike victims of sexual assault in the larger community, students victimized by other students often face additional challenges in a "closed" campus environment; (vii) many survivors of sexual violence experience depression, fear, and suicidal feelings in the months and years following an assault, and some face health problems that last a lifetime; (viii) many survivors of sexual violence suffer in silence, fearing retribution, lack of support, or that the criminal justice system will fail to bring the perpetrator to justice; (ix) it is up to all of us to ensure victims of sexual violence are not left to face these trials alone.**

**2. There's absolutely no justification for an incident of sexism on an American college or university campus (or elsewhere).**

**3. There's absolutely no justification for incidents of sexual assault such as those that Danielle Villareal and Grace Chen were the victim of on (or around) August 29<sup>th</sup> 2021 and November 22<sup>nd</sup> 2021.**

4. Michael A. Ayele (a.k.a.) W is a Black ex-immigrant who went to America on an F-1 visa to pursue his undergraduate academic career.

5. Michael A. Ayele (a.k.a.) W is a Black ex-immigrant of America who has graduated from Westminster College (Fulton, Missouri) with a Bachelor's Degree (in Economics and Political Science) on December 31<sup>st</sup> 2016.

6. Michael A. Ayele (a.k.a.) W is a Black Bachelor of Arts (B.A) Degree graduate of Westminster College (Fulton, Missouri) who has spent 7 (seven) SAAM in the territory of the United States of America (U.S.A) between January 2010 and July 2016.
7. Michael A. Ayele (a.k.a.) W is a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who was on the occasion of SAAM (between 2010 and 2013) sent educational/instructional materials which identified (and named) the various types of violence that are committed against women, including sexual coercion.
8. Michael A. Ayele (a.k.a.) W is a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who was in the month of January 2010 informed about the April 05<sup>th</sup> 1986 rape and murder of Jeanne Ann Clery before being told what constitutes affirmative and effective consent in healthy sexual relationships.
9. Michael A. Ayele (a.k.a.) W is a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who was subjected to frenzy following his decision to recognize that he was in the month of January 2010 informed about the April 05<sup>th</sup> 1986 rape and murder of Jeanne Ann Clery before being told what constitutes affirmative and effective consent in healthy sexual relationships.
10. Michael A. Ayele (a.k.a.) W is a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who has witnessed his written content being filtered and distorted on internet search engines (ISE) such as AOL, Bing/MSN, Google and Yahoo following his decision to recognize that he was in the month of January 2010 informed about the April 05<sup>th</sup> 1986 rape and murder of Jeanne Ann Clery before being told what constitutes affirmative and effective consent in healthy sexual relationships. <sup>[iv]</sup>
11. Michael A. Ayele (a.k.a.) W is a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who has experienced racism (and discrimination) while living in the U.S. on an F-1 visa between January 2010 and July 2016.
12. Michael A. Ayele (a.k.a.) W is a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who has witnessed American college and university campuses seeking to downplay the severity (and seriousness) of violent crimes committed against women particularly when that crime has been committed by a white man.
13. Michael A. Ayele (a.k.a.) W is a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who has witnessed many double standards in the enforcement of the Family Educational Rights and Privacy Act (FERPA).
14. The National Council on Disability (NCD) had on (or around) January 30<sup>th</sup> 2018 expressed very grave concerns about American colleges and universities using FERPA as a pretext to conceal the outcomes of sexual violence cases – thereby thwarting congressional intent and compromising public safety. <sup>[v]</sup>
15. The issues presented in this records request raise very serious questions about the integrity of American colleges and universities whenever they become informed of the rape of a woman by a white man.
16. The issues presented in this records request raise very serious questions about the integrity of American colleges and universities whenever they become informed of the rape of a woman by a Black and/or African American man.
17. The issues presented in this records request will shed a spotlight about the manner in which American college and university campuses will seek to downplay the severity (and seriousness) of violent crimes committed against women particularly when that crime has been committed by a white man.

In my judgment, the facts presented in my request for a fee waiver and expedited processing will not bolster public confidence in the activities, the engagements and the priorities of Hillsdale College (Hillsdale, Michigan) as well as the United States District Court for the Western District of Michigan because of their very gross mishandling of the sexual misconduct complaints filed by Danielle Villareal and Grace Chen.

Unfortunately, I regret to inform you that the United States District Court for the Western District of Michigan has made numerous procedural errors when processing the sexual misconduct complaint filed by Danielle Villareal and Grace Chen. Indeed, one of the most glaring procedural errors of the United States District Court for the Western District of Michigan was its failure to take into account the 501(c)(3) status of Hillsdale College.

The 501(c)(3) status of Hillsdale College should have been very pertinent to the United States District Court for the Western District of Michigan during the processing of the complaint that had been assigned Case No. 1-23-cv-1129 because Hillsdale College has previously submitted applications to the Department of the Treasury Internal Revenue Service (IRS) to be recognized by the federal government as a private postsecondary academic institution. When Hillsdale College submitted those applications, and the IRS later approved them, Hillsdale College **obtained a federal benefit in the form of "tax-exempt status."** **This benefit that Hillsdale College enjoys has in turn created an obligation upon the college to comply with federal laws such as the Family Educational Rights and Privacy Act (FERPA).**

Previously, in 1983, in the matter of *Regan v. Taxation with Representation of Washington*, the United States Supreme Court had recognized that tax exemption is a "form of public financial assistance." That same year, in 1983, in the matter of *Bob Jones University v. United States*, the Supreme Court had also recognized that an educational institution which violates "established public policy" forfeits the privilege of tax exemption. FERPA forms part of that public policy framework: it reflects Congress's judgment that transparency and student safety are indispensable to legitimate educational operations. Therefore, because Hillsdale College 501(c)(3) tax-exempt status is a federal benefit conditioned on compliance with laws reflecting public policy, its pattern of conduct justified review and revocation of its tax-exempt status. In practical terms, FERPA required (and continues to require) Hillsdale College to be forthcoming about the "investigation" that the college claims to have conducted following the rapes of Danielle Villareal and Grace Chen (in August and November 2021). When Hillsdale College refused to provide the final results of the "investigation" they supposedly conducted into the sexual abuse of Danielle Villareal and Grace Chen, Hillsdale College knowingly and willfully violated federal law.

For me, the failure of the United States District Court for the Western District of Michigan to consider Hillsdale College legal obligations under FERPA was troubling because, under longstanding Supreme Court precedent, courts must interpret a complaint in light of the existing regulatory framework even when a statute is not cited by name. In *Haines v. Kerner* and *Johnson v. City of Shelby*, the Supreme Court

made clear that plaintiffs need not invoke specific statutory provisions for those protections to apply. The Supreme Court had also made clear that factual allegations—not “*magic words*”—trigger the court’s obligation to consider relevant federal law. Here, in the complaint filed by Danielle Villareal and Grace Chen, these two women have asserted that they had previously filed formal sexual-misconduct complaints (with Hillsdale College) before afterwards requesting the disclosure of the disciplinary outcome which they were denied. Therefore, even without an explicit FERPA citation, the court had an obligation to consider whether Hillsdale College [a 501(c)(3) postsecondary academic institution] fulfilled its legal obligations under FERPA. When the United States District Court for the Western District of Michigan failed to consider whether Hillsdale College fulfilled its legal obligations under FERPA, it made a very shocking procedural error. Regrettably, the severity of this error was compounded when the court recommended that its opinion be published, thereby transforming an already flawed ruling into persuasive precedent. As you are likely aware, a published opinion indicates that the court believes its reasoning should guide future cases. Yet the reasoning (in the case of *Villareal & Chen v. Hillsdale College*) rests on an incomplete legal foundation that fails to acknowledge that Hillsdale College, as a 501 (c)(3) post-secondary academic institution has legal obligations it needs to fulfill under FERPA. By omitting the statutory framework of FERPA, the United States District Court for the Western District of Michigan has produced an opinion that misstates the legal obligations governing colleges and universities in sexual-misconduct cases.

As a political scientist by training and education, I am thoroughly convinced that the decision of the United States District Court for the Western District of Michigan to “*recommend for publication*” the opinion they have issued in the matter of *Villareal & Chen v. Hillsdale College* poses a significant danger to future litigants because it elevates an analysis that neglects controlling federal statutory obligations into a precedent that other courts may rely upon. For instance, future defendants – including colleges with 501 (c)(3) status – may cite the opinion in the matter of *Villareal & Chen v. Hillsdale College* to argue that courts need not consider FERPA’s disclosure requirements when evaluating institutional responses to sexual violence complaints. Likewise, future plaintiffs may find their complaints dismissed prematurely because the published opinion (in the matter of *Villareal & Chen v. Hillsdale College*) suggests, incorrectly, that failure to disclose disciplinary outcomes carries no federal legal significance.

On a personal level, I am very deeply concerned about the precedent set in the matter of *Villareal & Chen v. Hillsdale College* because the opinion suggests that 501(c)(3) postsecondary academic institutions similarly situated to Hillsdale College may violate federal laws such as FERPA without consequences. Such a suggestion is alarming because even though Hillsdale College does not accept federal appropriations or Title IX funds as a matter of institutional principle, it nonetheless relies on federal tax law for its 501(c)(3) status. That status is a federal benefit administered by the IRS, and it enables Hillsdale College to receive tax-deductible donations—an indirect form of federal support that exists entirely because of federal law. If an institution can retain that federal benefit while disregarding federal statutory obligations, then the integrity of the federal government’s oversight of tax-exempt educational institutions is fundamentally undermined. Furthermore, this would indicate to other 501(c)(3) colleges that compliance with federal public-policy requirements is optional, thereby weakening enforcement, distorting public accountability,

and eroding trust in the regulatory framework that governs educational institutions receiving federal tax privileges.

As previously mentioned, FERPA was enacted into law on (or around) August 21<sup>st</sup> 1974 and took effect on (or around) November 19<sup>th</sup> 1974. Since it was enacted into law on (or around) November 19<sup>th</sup> 1974, FERPA was amended on numerous occasions to strengthen transparency obligations. For instance, the 1990 Campus Security Act and the 1998 Higher Education Amendments Act have amended FERPA to decree that "*postsecondary institutions*" should be forthcoming with [1] "*the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding*" particularly to an alleged victim of any crime of violence (as defined in U.S. Code Title 18, § 16); [2] "*the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime.*" In other words, these provisions were enacted to **prohibit** postsecondary academic institutions from using FERPA to conceal the outcomes of sexual violence cases. These provisions of FERPA were also enacted to create a statutory duty for postsecondary academic institutions to be forthcoming with victims as well as members of the general public on the outcomes of sexual violence cases.

The core issues presented in this records request are as follows. 1) Have you had conversations about the decision of President Barack Obama to designate the months of April (between 2009 and 2012) as "*Sexual Assault Awareness Month*" (SAAM) by recognizing that **sexual assault is pervasive in the United States**? If yes, will you promptly disclose those records? 2) Have you had conversations about the decision of President Barack Obama to designate the month of April as SAAM by recognizing that women between the ages of 16 and 24 are at greatest risk of rape and sexual assault? If yes, will you promptly disclose those records? 3) Have you had conversations about the decision of President Barack Obama to designate the month of April as SAAM by recognizing that 18 percent of women in America have been raped in their lifetime? If yes, will you promptly disclose those records? 4) Have you had conversations about the decision of President Barack Obama to designate the month of April as SAAM by recognizing that a 2005 survey of high school students found that 10.8 percent of girls and 4.2 percent of boys from grades nine to twelve were forced to have sexual intercourse at some time in their lives? If yes, will you promptly disclose those records? 5) Have you had conversations about the decision of President Barack Obama to designate the month of April as SAAM by recognizing that a study of college women had previously found that 13.7 percent of undergraduate women had been victims of at least one completed sexual assault since entering college? If yes, will you promptly disclose those records? 6) Have you had conversations about the decision of President Barack Obama to designate the month of April as SAAM by recognizing that **students victimized by other students often face additional challenges in a "closed" campus environment**? If yes, will you promptly disclose those records? 7) Have you had conversations about the decision of President Barack Obama to designate the month of April as SAAM by recognizing that many survivors of sexual violence experience depression, fear, and suicidal feelings in the months and years following an assault, and some face health problems that last a lifetime? If yes, will you

promptly disclose those records? 8) Have you had conversations about the decision of President Barack Obama to designate the month of April as SAAM by recognizing that many survivors of sexual violence suffer in silence, fearing retribution, lack of support, or that the criminal justice system will fail to bring the perpetrator to justice? If yes, will you promptly disclose those records? 9) Have you had conversations about the decision of President Barack Obama to designate the month of April as SAAM by recognizing that **it is up to all of us to ensure victims of sexual violence are not left to face these trials alone**? If yes, will you promptly disclose those records? 10) Has your school district previously commemorated the month of April as "*Sexual Assault Awareness Month (SAAM)*" particularly after April 01<sup>st</sup> 2009? If yes, will you promptly disclose those records? 11) Have you had conversations about the Department of Education (DoED) as a federal agency of the United States government which had in the month of June 2002 published on its official website a portable document file (PDF) explaining that the Family Educational Rights and Privacy Act (FERPA) enables the disclosure of students' academic and disciplinary records in various circumstances? If yes, will you promptly disclose those records? 12) Have you had conversations about the DoED as a federal agency of the United States government which had in the month of June 2002 published on its official website a PDF explaining that the Jeanne Clery Act of 1990 enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding*" particularly to an alleged victim of any crime of violence (as defined in U.S. Code Title 18, § 16)? If yes, will you promptly disclose those records? 13) Have you had conversations about the DoED as a federal agency of the United States government which had in the month of June 2002 published on its official website a PDF explaining that the 1998 Higher Education Amendments enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime?*" If yes, will you promptly disclose those records? 14) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who was named on the *Dean's List* of Hillsdale College in the first two semesters of her freshman year? If yes, will you promptly disclose those records? 15) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who was on (or around) August 29<sup>th</sup> 2021 raped on campus when she was a full-time sophomore student? If yes, will you promptly disclose those records? 16) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) August 29<sup>th</sup> 2021? If yes, will you promptly disclose those records? 17) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who has made the decision to transfer to Vanderbilt University after Hillsdale College violated the provisions of FERPA by refusing to provide to her "*the final results of the disciplinary proceeding*" the individual who raped her was not held to account for? If yes, will you promptly disclose those records? 18) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who has begun to experience depression, post-traumatic stress as well as sleep disorders following the sexual

assault she was the victim of on (or around) August 29<sup>th</sup> 2021? If yes, will you promptly disclose those records? 19) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who has experienced difficulty functioning at the optimal levels she used to prior to being raped on (or around) August 29<sup>th</sup> 2021? If yes, will you promptly disclose those records? 20) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who may never again function at the optimal levels she used to as a direct consequence of the rape she was subjected on (or around) August 29<sup>th</sup> 2021? If yes, will you promptly disclose those records? 21) Have you had conversations about Grace Chen as a former undergraduate student of Hillsdale College who was on (or around) November 22<sup>nd</sup> 2021 raped on the campus of Hillsdale College when she was a freshman? If yes, will you promptly disclose those records? 22) Have you had conversations about Grace Chen as a former undergraduate student of Hillsdale College who was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) November 22<sup>nd</sup> 2021? If yes, will you promptly disclose those records? 23) Have you had conversations about Grace Chen as a former undergraduate student of Hillsdale College who had on (or around) April 09<sup>th</sup> 2022 sent an email to Rebekah Dell wherein she demanded to be provided with a *“formal written investigation report”* for what she went through on (or around) November 22<sup>nd</sup> 2021 at Hillsdale College? If yes, will you promptly disclose those records? 24) Have you had conversations about Grace Chen as a former undergraduate student of Hillsdale College who has taken the decision to graduate from Hillsdale College with a Bachelor’s Degree even after Hillsdale College violated the provisions of FERPA by refusing to provide to her *“the final results of the disciplinary proceeding”* the individual who raped her was not held to account for? If yes, will you promptly disclose those records? 25) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black Bachelor of Arts (B.A.) Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made numerous procedural errors during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen? If yes, will you promptly disclose those records? 26) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account the legal precedent established in ***Bob Jones University v. United States***? If yes, will you promptly disclose those records? 27) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account the legal precedent established in ***Regan v. Taxation with Representation of Washington***? If yes, will you promptly disclose those records? 28) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account how FERPA enables the disclosure of students’ academic and disciplinary records in

various circumstances? If yes, will you promptly disclose those records? 29) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account that the Jeanne Clery Act enables postsecondary institutions to be forthcoming with the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding? If yes, will you promptly disclose those records? 30) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account that the 1998 Higher Education Amendments enabled postsecondary institutions to be forthcoming with the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public? If yes, will you promptly disclose those records? 31) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account the 2013 amendments to the Violence Against Women Act (VAWA)? If yes, will you promptly disclose those records? 32) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who was in Calendar Year 2013 living in the U.S.A on an F-1 visa when the provisions of the Violence Against Women Act (VAWA) were amended to include a definition for "*bystander intervention*?" If yes, will you promptly disclose those records? 33) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who was in Calendar Year 2013 living in the U.S.A on an F-1 visa when the term "*bystander intervention*" was defined in federal regulation as (i) "*safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;*" (ii) the ability to "*understand institutional structures and cultural conditions that facilitate violence*?" If yes, will you promptly disclose those records? 34) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who was 21 (twenty-one) years of age on (or around) March 07<sup>th</sup> 2013 when the U.S government began requiring American colleges and universities to include in their primary prevention and awareness programs "*safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking*?" If yes, will you promptly disclose those records? 35) Have you had conversations about the term "*bystander intervention*" being defined in federal regulation as "(i) "*safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;*" (ii) the ability to "*understand institutional structures and cultural conditions that facilitate violence*?" If yes, will you promptly disclose those records? 36) Have you had conversations about Bob Jones University as a postsecondary academic institution which

did not admit Black students until 1971? If yes, will you promptly disclose those records? 37) Have you had conversations about Bob Jones University as a postsecondary academic institution which had its tax-exempt status revoked by the Internal Revenue Service (IRS) in 1976 because of its racially discriminatory admissions policies? If yes, will you promptly disclose those records? 38) Have you had conversations about Bob Jones University as a postsecondary academic institution which had in 1983 opted to maintain its interracial dating policy and pay a million dollars in back taxes? If yes, will you promptly disclose those records? 39) Have you had conversations about Bob Jones University as a postsecondary academic institution which has in 2008 expressed sorrow for having allowed "racially hurtful institutional policies to remain in place?"<sup>[vi]</sup> If yes, will you promptly disclose those records?

Thank you for your attention to this matter.

Be well. Take care. Keep yourselves at arms distance.

Michael A. Ayele (a.k.a) W  
Anti-Racist Human Rights Activist  
Audio-Visual Media Analyst  
Anti-Propaganda Journalist  
Gender Pronouns: He/Him/His

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#### Work Cited

[i] *Sexual assault scars the lives of millions in the United States. To increase awareness about this issue, prevent future crimes, and aid victims, this month we mark National Sexual Assault Awareness Month.*

*Sexual assault is pervasive in the United States. Study after study has shown that this crime impacts people at all age levels and in every part of this Nation. One recent study found that 18 percent of women in this country have been raped in their lifetime. In addition, rates of sexual assault remain startlingly high for students from high school to college. A 2005 survey of high school students found that 10.8 percent of girls and 4.2 percent of boys from grades nine to twelve were forced to have sexual intercourse at some time in their lives. A study of college women found that 13.7 percent of undergraduate women had been victims of at least one completed sexual assault since entering college. Unlike victims of sexual assault in the larger community, students victimized by other students often face additional challenges in a "closed" campus environment. For example, a victim may continue to live in danger if the perpetrator resides in the same dormitory or attends the same classes. These statistics are all the more alarming given that, according to recent research, a majority of victims do not report their attacks to police.*

*Victims of all ages suffer from both the physical and emotional consequences of the attack. Sexual assault can lead to long-term health problems including chronic pain, stomach problems, and sexually transmitted diseases. It can also cause severe emotional harm that may be even more painful than the assault itself and resulting physical injuries. The effects of sexual assault go well beyond the direct victim: sexual assault also has a profound impact on a victim's family, friends, neighbors, and workplace.*

*Victims need an array of services to heal from the trauma of sexual assault, including crisis intervention, 24-hour sexual assault hotlines, medical and criminal justice accompaniment, advocacy, and counseling. Victim service providers are essential to this effort and work tirelessly to help victims cope with the trauma of sexual assault and transition from "victim" to "survivor." (...)*

*In addition to helping victims, offenders must be held accountable for their crimes. Sexual assault forensic examinations and trained examiners can ensure that victims are treated with requisite sensitivity and that critical evidence is collected to facilitate a successful prosecution. To this end, VAWA mandates that all States that accept Federal grants to combat violence against women ensure that sexual assault victims receive forensic examinations free of charge, even if the victim chooses not to report the crime to the police.*

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009, as National Sexual Assault Awareness Month. I urge all Americans to respond to sexual assault by creating policies at work and school, by engaging in discussions with family and friends, and by making the prevention of sexual assault a priority in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third. President Barack Obama Proclamation Marking National Sexual Assault Awareness Month, 2009.

Retrievable here.:

<https://obamawhitehouse.archives.gov/the-press-office/presidential-proclamation-marking-national-sexual-assault-awareness-month-2009>

Though we have come far in the fight to reduce sexual violence, the prevalence of sexual assault remains an affront to our national conscience that we cannot ignore. This month, we stand with survivors of sexual assault, join together to break the silence, and recommit to ending this devastating crime.

Rape and sexual assault inflict profound suffering upon millions of Americans every year. Nearly one in five women has been raped, and still more have endured other forms of sexual violence or abuse. Tragically, these crimes take their greatest toll on young people; women between the ages of 16 and 24 are at greatest risk of rape and sexual assault, and many victims, male and female, first experience abuse during childhood. The trauma of sexual violence leaves scars that may never fully heal. Many survivors experience depression, fear, and suicidal feelings in the months and years following an assault, and some face health problems that last a lifetime.

It is up to all of us to ensure victims of sexual violence are not left to face these trials alone. Too often, survivors suffer in silence, fearing retribution, lack of support, or that the criminal justice system will fail to bring the perpetrator to justice. We must do more to raise awareness about the realities of sexual assault; confront and change insensitive attitudes wherever they persist; enhance training and education in the criminal justice system; and expand access to critical health, legal, and protection services for

survivors. (...)

During National Sexual Assault Awareness and Prevention Month, we rededicate ourselves to breaking the cycle of violence that threatens lives, erodes communities, and weakens our country. As we reflect on the progress we have made and the distance we have yet to go, let us recommit to empowering survivors and fighting for a safer future for every American.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2012 as National Sexual Assault Awareness and Prevention Month. I urge all Americans to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord two thousand twelve, and of the Independence of the United States of America the two hundred and thirty-sixth. President Barack Obama National Sexual Assault Awareness and Prevention Month, 2012.: <https://obamawhitehouse.archives.gov/the-press-office/2012/04/02/presidential-proclamation-national-sexual-assault-awareness-and-preventi>

[ii] *Danielle Villareal is a citizen of Nebraska. She was a Hillsdale student from August 2020 to the spring of 2021. At Hillsdale, Plaintiff Villareal was a Grewcock Scholar who made the Dean's List every semester, played club soccer and was elected Director of Facilities (for club soccer), and was a member of Hillsdale College Democrats and Pi Beta Phi sorority. (...)*

*On or around August 29<sup>th</sup> 2021, shortly after returning to Hillsdale for her sophomore year, Plaintiff Villareal was raped by a fellow student and a member of Hillsdale's baseball team at his apartment which is a five-minute drive away from campus. The assailant propositioned Plaintiff Villareal for sex, and after she declined, she was frightened by the sudden change in his demeanor. Plaintiff Villareal was paralyzed with fear and the assailant proceeded to penetrate her with his penis. The rape concluded only after Plaintiff Villareal told her assailant to stop.*

*After reeling from the assault, Plaintiff Villareal reported the rape a day or two later to the local police. Within days of filing a police report, Plaintiff Villareal then emailed Dean of Men Aaron Peterson that she had been sexually assaulted. Peterson responded, in turn, and instructed her to meet with Mechelle Zarou, an outside lawyer who would investigate the rape. Plaintiff Villareal first met with Zarou the day after she reported her assault to Hillsdale. Hillsdale did not tell Plaintiff Villareal that she could meet with her lawyer before meeting with Zarou. At the meeting, Plaintiff Villareal recounted her assault to Zarou as she nodded and signaled that she understood. Zarou then told Plaintiff Villareal that she was in town to give a presentation on campus about issues including sexual assault, and that Plaintiff Villareal's story was so*

*similar to a hypothetical she had written that she would now have to change the presentation. When the meeting concluded, Zarou told Plaintiff Villareal that she would next meet with the assailant, and then follow up with Plaintiff Villareal again. Zarou did not interview Villareal's rapist until months after meeting with Villareal. Villareal's rapist had not initially been responsive to Zarou's messages because he had been meeting with several lawyers. Plaintiff Villareal met with Zarou a second time months later. This time, Zarou said the meeting was to go through discrepancies between Plaintiff Villareal's story and her rapist's account. Zarou asked Plaintiff Villareal questions about the assault that suggested that she was to blame, such as Villareal's initiation of romantic contact earlier in the evening. In the course of their conversations, Zarou indicated to Plaintiff Villareal that the rapist maintained that he never asked Plaintiff Villareal if she wanted to have sex, he just penetrated her. Plaintiff Villareal emphasized that she told him she did not want to have sex with him after he asked for consent.*

*On or around October 15<sup>th</sup> 2021, Plaintiff Villareal and her stepfather met with Zarou for a third time. In this meeting, in which Zarou was at times hostile, she delivered her "findings." Zarou initially told Plaintiff Villareal and her stepfather that her rapist violated the sexual misconduct policy because he tried to have sex with her after she revoked consent and because he stopped as soon as Plaintiff Villareal withdrew consent, his punishment would not be expulsion. Plaintiff Villareal corrected Zarou that she never gave consent to begin with, Zarou then agreed and reiterated that Plaintiff Villareal's rapist acted without consent but because he stopped penetrating her when she told him to, he would not be expelled.*

*On or around October 26<sup>th</sup> 2021, Zarou informed Plaintiff Villareal that Hillsdale placed Plaintiff Villareal's rapist on social probation, required him to do community service, and suspended him indefinitely from baseball. This punishment was not enforced. On one occasion, Plaintiff Villareal saw her rapist at a party. On another occasion, she saw him walking on campus with his baseball shoes, suggesting he continued to play on the baseball team. When Plaintiff Villareal asked the baseball coaches if he was allowed to practice, they did not answer the question. Plaintiff Villareal inquired about his punishment to the Dean of Women and was told that she was not privy to other students' disciplinary actions, even though Zarou had already told Plaintiff Villareal the punishment Hillsdale gave him. Plaintiff Villareal's rapist was allowed back onto the baseball team for the second semester, just in time for season to start. Hillsdale's general counsel, Bob Norton, threatened Plaintiff Villareal's parents that if she continued to inquire about the investigation and punishment, there would be consequences for her. Norton further suggested that Plaintiff Villareal reported her rape only after she came to regret a consensual encounter. Immediately upon leaving the meeting with Norton, Villareal's parents felt that Villareal should transfer schools to protect her safety and well-being. Plaintiff Villareal was forced to see her rapist around once a day in passing. Plaintiff Villareal stopped going to parties after she saw him at one. The rape and investigation took a big toll on Plaintiff Villareal. At first, schoolwork was a welcome distraction from the investigation but then Plaintiff Villareal began to suffer from depression and stopped caring about schoolwork. She withdrew from her social life and friendships suffered. She felt numb and had trouble sleeping at night. After Plaintiff left Hillsdale, she started seeing a therapist and was prescribed antidepressants. Grace Chen and Danielle Villareal Civil Action Complaint Against Hillsdale College. Pages 18 - 22. Retrieval here.:*

*Grace Chen is a citizen of California who began attending Hillsdale College (Hillsdale, Michigan) in the month of August 2021. (...) On or around November 22<sup>nd</sup> 2021, a few months into her freshman year at Hillsdale, Plaintiff Chen was raped by a fellow Hillsdale track athlete in a dormitory on campus. Despite Plaintiff Chen's repeated attempts to fend him off, the assailant took off her pants and penetrated her with his fingers. He forced Plaintiff Chen to masturbate his penis and then tried to penetrate Plaintiff Chen with his penis. Plaintiff Chen refused to have sex with the assailant and was terrified throughout the rape. The rape ended only after Plaintiff Chen repeatedly pleaded for the assailant to stop. Chen's assailant later apologized to her for his actions. Plaintiff Chen was traumatized by the rape. She initially struggled to understand what had happened to her, and after hearing another student on the track team speak about her experience of trying to report sexual assault, Plaintiff Chen realized that she had been raped.*

*On or around February 07<sup>th</sup> 2022, Plaintiff Chen met with Lindsay Peirce, a school counselor at Hillsdale, to help her process the assault and understand what happened. During the meeting, Peirce confirmed that Plaintiff Chen was sexually assaulted but advised that the school's Deans would take no action on a report of sexual assault without concrete evidence. Plaintiff Chen felt discouraged by Pierce's comments, but she decided to report the incident to the Deans because she heard that her rapist might be going after other female students and she did not want someone else to go through what she had been through.*

*On or around March 03<sup>rd</sup> 2022, Plaintiff Chen met with Dean of Women Rebekah Dell and Associate Dean of Women Stephanie Gravel to discuss her sexual assault. At that meeting, Plaintiff Chen presented the Deans with a written report detailing her assault. In the meeting, Dean Dell indicated that she believed Plaintiff Chen and would review Plaintiff Chen's report first to make sure that there was nothing in it that her assailant could use against her in a counter-suit, which Plaintiff Chen understood to mean a defamation action. Dean Dell arranged for Plaintiff Chen to meet with Kimberley Graham, an outside lawyer the school was using to investigate the assault.*

*On or around March 24<sup>th</sup> 2022, in her first meeting with Plaintiff Chen, Graham informed Plaintiff Chen that her assailant did not deny her account. Graham further indicated that the investigation was about guiding the Deans through what disciplinary steps should be taken because Plaintiff Chen's assailant did not refute her allegations. Graham, however, made inappropriate statements to downplay the severity of the assault, and told Plaintiff Chen that she was fortunate that her assailant did not rape her. Graham also refused to interview witnesses that Plaintiff Chen identified in her written report, in violation of Hillsdale's "sexual misconduct policy," purportedly because there were no discrepancies between Plaintiff Chen's story and her assailant's.*

*On or around April 05<sup>th</sup> 2022, Plaintiff Chen met with Graham again. Despite her earlier statements,*

*Graham claimed that Plaintiff Chen was not sexually assaulted because there was no obvious force. Graham indicated that Plaintiff Chen's assailant would not be punished because he was already doing community service, AA meetings, and counseling for a prior drinking infraction. Graham suggested that Plaintiff Chen take time off during the summer break and put the sexual assault behind her so she could be friends with her assailant in the future. Graham also suggested that Plaintiff Chen's assailant would not be able to contact her, but referred her to the Deans for details. Although Plaintiff Chen followed up with Dean of Men Aaron Peterson about a no-contact order, and specifically raised scenarios in which she would see her rapist, Hillsdale never implemented a no-contact order. Because of Hillsdale's failure to implement a no-contact order, Plaintiff Chen continued to have to see her rapist at track events, in class, and while he was serving food at the only dining hall on campus as part of his community service.*

*On or around April 08<sup>th</sup> 2022, Dr. Amy Chen, Plaintiff Chen's mother, emailed the Deans requesting a meeting about the investigation. Receiving no response, on or around April 09<sup>th</sup> 2022, Plaintiff Chen emailed Dean Dell reiterating her request for a written investigation report. In response, the Deans referred Plaintiff Chen and her mother to Bob Norton, Hillsdale's legal counsel. However, Norton refused to provide a written investigation report or communicate by email with Dr. Chen; instead he called Dr. Chen and, in a hostile tone, suggested that if she had read Plaintiff Chen's report, she would know that Plaintiff Chen's account of the incident was not accurate.*

*On or around April 13<sup>th</sup> 2022, Dr. Chen followed up with Deans Dell, Gravel, and Peterson, reiterating her request for a written investigation report. On or around April 15<sup>th</sup> 2022, Dean Dell replied to Dr. Chen stating that due to the "adversarial tone" of her April 08<sup>th</sup> 2022 email, Norton would be her point of contact with Hillsdale. On or around April 15<sup>th</sup> 2022, after Hillsdale backtracked and told Plaintiff Chen she was not assaulted, she sought further guidance from Brock Lutz, Hillsdale's Director of Health and Wellness, who confirmed that her assailant attempted rape. Lutz further informed Chen that Dean Dell had told him that there were discrepancies between Plaintiff Chen and her rapist's story about consent; this was the first time Plaintiff Chen heard about purported discrepancies in her story. Dean Dell shared Plaintiff Chen's written report with Lutz and Norton without asking Plaintiff Chen's permission. Plaintiff Chen and her mother continued to press Hillsdale for a written investigation report explaining Hillsdale's findings.*

*On or around April 20<sup>th</sup> 2022, Dean Dell emailed that Plaintiff Chen could meet with Graham and Norton or consider her case concluded. At this point, Plaintiff Chen declined to meet alone with the school's counsel, and ceased communication with the school about her case. Plaintiff Chen continues to see her rapist at school and track events, at least three times per week. During the fall 2022 semester, Plaintiff Chen was in a class with him and eight other students. Seeing him gives Plaintiff Chen panic attacks, makes her physically uncomfortable, hyperaware of her surroundings, and very anxious. The emotional toll of the assault and investigation have negatively impacted Plaintiff Chen's wellbeing – she was diagnosed with generalized anxiety disorder and post-traumatic stress disorder ("PTSD") in July 2023 – as well as her academic and athletic performance. Grace Chen and Danielle Villareal Civil Action Complaint Against*

Hillsdale College. Pages 14 - 18. Retrievable here.:

<https://titleixforall.com/wp-content/uploads/2024/02/Grace-Chen-v.-Hillsdale-College-Complaint.pdf>

[\[iii\]](#) *The Family Educational Rights and Privacy Act of 1974 (...) was signed into law by President Ford on August 21<sup>st</sup> 1974, with an effective date of November 19<sup>th</sup> 1974, 90 days after enactment. (...) It was (...) commonly referred to as the "Buckley Amendment" after its principal sponsor, Senator James Buckley of New York. FERPA was offered as an amendment on the Senate floor and was not the subject of Committee consideration. Accordingly, traditional legislative history for FERPA as first enacted is unavailable.*

*Senators Buckley and Pell sponsored major FERPA amendments that were enacted on December 31<sup>st</sup> 1974, just four months later, and made retroactive to its effect date of November 19<sup>th</sup> 1974. These amendments were intended to address a number of ambiguities and concerns identified by the educational community, including parents, students and institutions. On December 13<sup>th</sup> 1974, these sponsors introduced the major source of legislative history for the amendment, which is known as the "Joint Statement in Explanation of Buckley/Pell Amendment" ("Joint Statement"). (...)*

*In 1990, Congress enacted the Campus Security Act, which added a new exception to the prior written consent rule: post-se*

...

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