



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10  
ATLANTA, GA 30303-8927

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

November 20, 2023

Dr. Ronald Vaughn  
401 W Kennedy Blvd.  
Tampa, FL 33606-1490

**VIA EMAIL ONLY TO:** [mark.alexander@adblegal.com](mailto:mark.alexander@adblegal.com) (counsel for the University)

Re: OCR Complaint # 04-24-2009

Dear Dr. Vaughn:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR), is opening for investigation the above-referenced complaint filed against the University of Tampa. The complaint alleges that the University discriminated against a student (Student) on the basis of national origin (b)(6); (b)(7)(A); (b)(7)(C) and sex by failing to respond to a harassment incident that occurred in (b)(6); (b)(7)(A);. The complaint alleges further that after the Student alleged that the incident was discriminatory, the University retaliated against him by disciplining him in connection with the incident.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department of Education. OCR also enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity receiving Federal financial assistance. Title VI and Title IX also prohibit retaliation. As a recipient of Federal financial assistance from the Department of Education, the University is subject to these laws and to OCR's jurisdiction.

Based on the above, OCR will investigate:

1. Whether the University responded to alleged harassment of the Student based on national origin in a manner consistent with the requirements of Title VI;
2. Whether the University responded to alleged harassment of the Student based on sex in a manner consistent with the requirements of Title IX; and,
3. Whether the University retaliated against the Student in violation of Title VI and Title IX.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness  
by fostering educational excellence and ensuring equal access.*

[www.ed.gov](http://www.ed.gov)

Please note that opening the complaint for investigation in no way implies OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will conduct its investigation in accordance with the provisions of the Case Processing Manual.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance from the Department of Education make available to OCR information that may be pertinent to reach a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.81. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Attached is a request for data. Please notify OCR of the name, address, and telephone number of the person who will serve as the University's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter.

In addition to the information requested in the attached data request, OCR may need to request additional information and interview pertinent personnel. During the course of this investigation, we may conduct one or more on-site visits and if so, we will schedule a mutually convenient time for the visits.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, that if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Scott R. Sausser, Senior Attorney, at 202-987-0007 or by email at [scott.sausser@ed.gov](mailto:scott.sausser@ed.gov).

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

Michael Bennett  
Compliance Team Leader

## Data Request

OCR is requesting that you forward the following information to us within fifteen (15) calendar days. Please do not provide any social security numbers in your data response. If any responsive documents contain social security numbers, please redact the social security numbers before producing the responsive documents to OCR. Please submit all data in this matter to OCR electronically, if feasible. If submitting the data electronically, no additional hard copy is needed.

**Preservation of requested and relevant data and documents:** OCR may request supplemental data and documents that are relevant to the allegation(s) under investigation. To ensure that OCR can assess the recipient's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for the timeframe specified in these requests and going forward until OCR closes this case. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

For purposes of these requests, "correspondence" includes letters, memoranda, emails, text messages, other electronic communications and records or notes of telephone conversations, and records or notes of meetings. "University" refers to University of Tampa.

### REQUESTS:

1. The name, title, and contact information of the University's:
  - a. Contact person for this complaint;
  - b. Person authorized to resolve this complaint; and
  - c. Person responsible for responding to Title VI and Title IX complaints.
2. A copy of the University's policies and procedures and a description of the University's practices governing the investigation of complaints of discrimination, including harassment on the basis of national origin/shared ancestry. Include a detailed description of the complaint process, including each level of the process, articulated time frames for resolution and the types of records maintained. Also identify the names and titles of University staff responsible for handling complaints of discrimination, including harassment, on the bases of national origin/shared ancestry at each level of the process.
3. A copy of all formal and informal reports/complaints, including records of oral reports/complaints, made by the Student or Complainant to the University concerning any alleged discrimination, including harassment, on (b)(6); (b)(7)(A); (b)(7)(C) of the Student based on his national origin/shared ancestry between (b)(6); (b)(7)(A); through the date of this letter and the University's response to those reports/complaints, including (but not limited to) correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes and notes generated for each complaint. For each identified report, please provide the following:

- a. the name(s) and title(s) of the individual(s) to whom the complaint was made, the date of the complaint, and the date of the incident;
  - b. a detailed description of the complaint processing procedures employed to resolve the complaint;
  - c. the length of the investigative process;
  - d. the name(s) and title(s) of the individual(s) involved in the handling of the complaint;
  - e. all actions the University took in response to the complaint;
  - f. the University's final determination regarding the complaint;
  - g. any corrective action taken, including discipline and/or supportive measures; and
  - h. any notice of the findings provided to the Student.
4. For the (b)(6); and (b)(6); academic years, all formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged discrimination, including harassment, based on national origin/shared ancestry and the University's response to those complaints, including (but not limited to) correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes and notes generated for each complaint. For each identified report, please provide the following:
- a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, the date of the complaint/report, and the date of the incident;
  - b. a detailed description of the complaint processing procedures employed to resolve the report/complaint;
  - c. the length of the investigative process;
  - d. the name(s) and title(s) of the individual(s) involved in the handling of the report/complaint;
  - e. all actions the University took in response to the report/complaint;
  - f. the University's final determination regarding the report/complaint;
  - g. any corrective action taken, including discipline and/or supportive measures; and
  - h. any notice of the findings provided to the complainant.
5. A detailed description of any training regarding discrimination, including harassment, based on national origin/shared ancestry provided to University staff and students. For each such training provide the dates of such training, a description of the training, a list of the names (and titles where appropriate) of the individuals who attended the training, and copies of any materials distributed during the training.
6. The University's Title IX policies and procedures in effect during the (b)(6); academic year. If the policies or procedures were revised during that academic year, provide the effective date of each version of the policy or procedure. Please indicate the publication locations of the same, if not otherwise evident, and provide a link to online publications.
7. The name and contact information for the University's designated Title IX Coordinator(s) serving in that role at any time during the (b)(6); (b)(7)(A); academic year, including dates in those roles.

8. A list and description of training for the Title IX Coordinator(s) identified in response to Item 8 above, as well as for other individuals tasked with handling Title IX investigations during the (b)(6); academic year. Include the names and titles of the individuals who received training, the date(s) of the training, the topics covered and the names and titles of the trainers. Also provide a weblink to, and a copy of, all Title IX training materials.
9. All formal and informal reports/complaints, including records of oral reports/complaints, that University staff received regarding other students calling the Student derogatory names based on sex-stereotyping or otherwise subjecting the Student to sex-based harassment and the University's response to those reports/complaints, including (but not limited to) correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes and notes generated for each complaint/report. For each identified complaint/report, please provide the following:
  - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, the date of the complaint/report, the date of the incident and a description of the steps University staff took to investigate the complaint/ report;
  - b. the determination made by the University staff regarding the complaint/report;
  - c. all supportive measures, disciplinary action, training, counseling, or other actions taken to provide a remedy, or to address or eliminate any harassment or other mistreatment of the Student;
  - d. all investigation findings, determinations, decisions on appeal or other documents related to the complaint/report; and
  - e. the names and titles of all University staff involved in the response to the complaint or report.
10. A complete copy of the Student's University file pertaining to conduct or discipline.
11. All correspondence to, from or generated or entered into an electronic system by any University staff during the University's (b)(6); semester, regarding alleged conduct violations or disciplinary action against the Student.
12. A copy of each written complaint or report and notes or a summary of each unwritten complaint or report for conduct issues against or about the Student during the University's (b)(6); semester. For each complaint or report also provide the following:
  - a. the date of the complaint or report and a description of the steps the University took to investigate the complaint or report;
  - b. the determination made by the University regarding the complaint or report;
  - c. all supportive measures, accommodations, adjustments, disciplinary action, training, counseling, or other actions taken to provide a remedy or to address in response to each complaint;
  - d. all interview or other notes, witness statements, investigation reports, investigation findings, notices, transcripts, recordings, discipline records, correspondence, logs, appeals, decisions on appeal or other documents related to the complaint or report; and

- e. the names and titles of all University staff involved in the response to the complaint or report.

13. If not already provided in response to the above items, all documents and correspondence related to the Student's [REDACTED] including:

- a. the reason(s) for [REDACTED] and documentation supporting same;
- b. any related interview or other notes, witness statements, investigation reports, investigation findings, notices, transcripts, recordings, discipline records, correspondence, logs, appeals, decisions on appeal or other documents;
- c. the names and titles of all University staff involved in the decision to propose [REDACTED]

14. Separately for the [REDACTED] and [REDACTED] academic years, as to each type of conduct allegedly underlying the proposed [REDACTED] of the Student, the names and job titles of all students who engaged in the type of conduct or similar conduct; a description of all disciplinary action proposed or taken against each listed individual, if any; and a statement as to whether the individual filed or threatened to file complaints or otherwise made written or unwritten complaints of discrimination, harassment or retaliation with the University or any state, federal or local agency.

15. If not already provided in response to the above items, separately for the [REDACTED] and [REDACTED] [REDACTED] academic years, the names and job titles of all students [REDACTED] [REDACTED] and for each listed person, the conduct resulting in the [REDACTED] [REDACTED] and a statement regarding whether the individual filed or threatened to file complaints or otherwise made written or unwritten complaint of discrimination, harassment or retaliation with the University or any state, federal or local agency.

16. A narrative response to the allegations in this complaint.

17. Any additional information that the University believes may be helpful in resolving the complaint, if the University wishes to provide such information.



**United States Department of Education  
Office for Civil Rights**

**DISCRIMINATION COMPLAINT FORM**

**You do not have to use this form to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). You may send OCR a letter or email instead of this form, but the letter or email must include the information in items 1-15 of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed. An online, fillable version of this form, which can be submitted electronically, can be found at:**

**<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>**

Before completing this form, please read all information contained in the enclosed packet including: Information About OCR's Complaint Resolution Procedures, Notice of Uses of Personal Information and the Consent Form.

If you have questions about civil rights or how to file a complaint, you may contact OCR at 800-421-3481, 800-877-8339 (TTY), [OCR@ed.gov](mailto:OCR@ed.gov), or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: <https://ocrcas.ed.gov/contact-ocr>.

If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800- USA-LEARN (1- 800-872-5327) (TTY: 1-800-877-8339), or email us at: [Ed.Language.Assistance@ed.gov](mailto:Ed.Language.Assistance@ed.gov). If you are a person with a disability, you may request disability-related assistance by contacting OCR at 800-421-3481, 800-877-8339 (TTY), [OCR@ed.gov](mailto:OCR@ed.gov), or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: <https://ocrcas.ed.gov/contact-ocr>. To request this document in an alternate format such as Braille or large print please contact the Department at 202-260-0852 or [om\\_eeos@ed.gov](mailto:om_eeos@ed.gov).

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1. Name of person filing this complaint:

Last Name: Meissner First Name: Stuart Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A); (b)(7)(C) State: (b)(6); (b)(7)(A) Zip Code: (b)(6); (b)(7)(A)

Primary number: (b)(6); (b)(7)(A); (b)(7)(C) Alternate number: (b)(6); (b)(7)(A); (b)(7)(C)

Email Address: (b)(6); (b)(7)(A); (b)(7)(C)

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent, guardian, or other authorized legal representative is required.

Last Name: (b)(6); (b)(7)(A); (b)(7)(C) First Name: (b)(6); (b)(7)(A); (b)(7)(C) Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A) State: (b)(6); (b)(7)(A) Zip Code: (b)(6); (b)(7)(A)

Primary Phone: (b)(6); (b)(7)(A); (b)(7)(C) Alternative Phone: \_\_\_\_\_

Email Address: (b)(6); (b)(7)(A); (b)(7)(C)

3. OCR investigates discrimination complaints against schools, colleges and universities, institutions, and agencies which receive funds or other forms of financial assistance from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution: University of Tampa

Address: 401 W. Kennedy Blvd.

City: Tampa State: Fla Zip Code: 33606

Department/School: Undergraduate

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, or age. The regulations also ban retaliation against persons who assert the right to be free from discrimination. Please note the following:

- Discrimination based on race, color, and national origin includes failure to provide meaningful access to English learners and limited English proficient parents and guardians, as well as discrimination based on shared ancestry or ethnic characteristics or based on citizenship in a country with a dominant religion.



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- Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity, as well as rules about parental, family, or marital status that treat people differently based on sex.
- Discrimination based on disability includes discrimination against individuals who have a physical or mental impairment that substantially limits a major life activity, as well as individuals who have a record of or are regarded as having a disability.
- Discrimination based on age does not limit protection against discrimination to a certain age group (e.g., people over 40); however, there are a variety of exceptions to the relevant Federal law that may permit age to be taken into account.
- Retaliation refers to actions taken for the purpose of interfering with any rights under the laws enforced by OCR, or because you made a complaint, testified, or participated in any manner in an OCR proceeding.

Please indicate the basis of your complaint:

Discrimination **based on race (specify)**

Discrimination **based on color (specify)**

Discrimination **based on national origin (specify)**

Anti-semitism - failure to properly investigate or take seriously the allegations and then punishing the victim of such anti-semitism which involved derogatory references to Jews and an unprovoked physical attack and injury to the subject.

Discrimination **based on sex (specify)**

Discrimination **based on disability (specify)**

Discrimination **based on age (specify)**

**Retaliation because you filed a complaint or otherwise asserted rights under laws enforced by OCR (specify)**

Suspending for three semesters the victim of anti-semitism for attempting to defend himself from his attackers

**Violation of the Boy Scouts of America Equal Access Act (specify)**

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Sept 23, 2023 - the date of the underlying incident and date the victim was immediately suspended without proper investigation.

Oct 4th, 2023 - Date of Conduct Board decision suspending the victim of anti-semitism where it demonstrated a failure to properly investigate allegations related to anti-semitic physical attack on campus by another student, and citing to the student's lack of prior relationship as some basis to summarily and cavalierly dismiss the anti-semitism alleged.

6. Do you have documents or written information that you think will help us to understand your complaint?
- No  
 Yes

If yes, please describe the documents or written information you have.

Letter drafted to University President. Conduct Board Decision. Campus Security Incident Report.

**If OCR investigates your complaint, we may ask you to provide us the items you describe above.**

7. What is the most **recent date** you were discriminated against?

Date: 10/4/23

8. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why did not file your complaint within 180 days.

9. Have you complained about the allegations that you raise in this complaint to your school, institution, or another organization or agency?

YES  NO

If yes, have you complained about the allegations that you raise in this complaint by:

filing an internal complaint or appeal with your school or institution?

participating in your school or institution's grievance procedures?

participating in a due process hearing either at your school or institution, or through another organization or government agency?

If you answered **yes to any of the above questions**, please describe the allegations that you raised in an internal complaint or appeal, through your school or institution’s grievance procedures, or in a due process hearing, identify the date you complained about the allegations and where you made the complaint, and tell us the status of the complaint, appeal, grievance procedures, or due process hearing. If possible, please provide us with a copy of your complaint or grievance or appeal or due process request and, if completed, the decision in the matter.

The issues were raised in a detailed letter to the School's President Ronald Vaughn and (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) dated Oct 8, 2023. Letter attached.

10. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: Tampa Police Department

Date Filed: 9/24/23 & 9/29/23

Case Number or Reference: (b)(6); (b)(7)(A);

**Results of Investigation/Findings by Agency or Court:**

Open and investigating

11. You do not need to have a lawyer to file a complaint with OCR; however, if you do have a lawyer, OCR staff are required to communicate directly with your lawyer. If you have a lawyer representing you in this matter, please provide the lawyer’s contact information.

Last Name: Meissner First Name: Stuart

Telephone: (b)(6); (b)(7)(A); (b)(7)(C) Email: (b)(6); (b)(7)(A); (b)(7)(C)

12. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Last Name: Meissner First Name: Stuart

Telephone: (b)(6); (b)(7)(A); (b)(7)(C) Email: (b)(6); (b)(7)(A); (b)(7)(C)

13. **Option to Participate in OCR’s Early Mediation Process**

OCR provides an early mediation process as an opportunity for you and the recipient institution to voluntarily resolve your complaint soon after you file it with OCR.

Mediation is a form of complaint resolution that OCR offers as an alternative to its investigative process. Mediation is an informal process in which a staff member from OCR who is trained in mediation assists the parties to reach a negotiated resolution of the complaint. The mediator does not decide who is right or wrong and does not have the authority to impose a settlement on the parties. Instead, the mediator helps the parties to find a mutually acceptable resolution to your complaint. Mediation is a strictly voluntary process. If either party does not want to participate in mediation, OCR will address the complaint through its regular processes.

***If you are interested in participating in the early mediation process, you must check the box below.*** If you indicate your interest in early mediation by checking the box below **and** OCR determines that your complaint is appropriate for this process, OCR will contact you and the recipient institution and offer this resolution option. If the recipient agrees to participate in early mediation, OCR will work with you and the recipient to achieve a mutually agreeable resolution of your complaint. If the recipient does not wish to participate in early mediation, OCR will proceed with its regular processing of your complaint. ***If you do not indicate your interest in early mediation by checking the box below, early mediation will not be offered to you and OCR will proceed with its regular processing of your complaint.***

***I am interested in participating in early mediation (Please check box):***

**NOTE:** You **MUST** submit a signed Consent Form to OCR if you want to participate in early mediation.

14. What would you like the institution to do as a result of your complaint  
— what remedy are you seeking?

Unconditional immediate reinstatement to the school and dorm  
and compensation for any lost tuition and dorm fees if not  
immediate

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Complaint Form, Consent Form, and Complaint Processing Procedures

15. We cannot accept your complaint  
date your complaint below.

10/9/23

(Date)

10/9/23

(Date)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6);  
(b)(7)(A);  
(b)(7)(C)

(Signature of person in Item 2)

Please mail or email the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help OCR understand your complaint to the OCR Enforcement Office responsible for the state where the institution or entity about which you are complaining is located. You can locate the mailing information for the correct enforcement office on OCR's website at <https://ocrcas.ed.gov/contact-ocr>.

# MEISSNER ASSOCIATES

ATTORNEYS AT LAW  
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STUART D. MEISSNER  
MANAGING MEMBER

*Meeting locations in  
68 Cities around the world.*

October 8, 2023

Via Email Only

President@UT.edu

Ronald Vaughn

President

University of Tampa

401 W. Kennedy Blvd.

Tampa, Fla 33606

Re: Incident Report (b)(6); (b)(7)(A); (b)(7)(C) Re Sept 23, 2023

Dear President Vaughn:

My name is Stuart Meissner, the father of (b)(6); (b)(7)(A); (b)(7)(C) and his legal counsel. I am writing in connection with the above-referenced Incident Report pursuant to which the Administrative Conduct Board (the "Board") has determined to suspend (b)(6); (b)(7)(A) from the University for three semesters - - effectively expelling him - - for actions which all the evidence indicates were partaken by (b)(6); (b)(7)(A) in defense of a physical and verbal assault perpetrated against him by anti-Semitic bullies. Although the evidence presented to the Board indisputably establishes that (b)(6); (b)(7)(A) was in fact the victim in this incident, we are advised that the Board has imposed the same discipline upon (b)(6); (b)(7)(A) as it imposed on the perpetrator. This is an atrocity of justice.

As a former prosecutor with the Manhattan DA's Office and Attorney General's Office, I am shocked by the Board's non-sensical and unfair determination as to my son. Both campus security and the Police view (b)(6); (b)(7)(A) as the victim, and that is how he is portrayed in the University's own initial incident report. Those reports, which notably were completely ignored in the decision,

are directly inapposite to the Board's determination, are based on statements made to the campus security by my son, who also reported the incident to the police under penalty of prosecution, as well as admissions made to campus security by the anti-Semitic aggressor himself. Such reports also referred to police review of the video of the incident which the Board concedes shows that the incident began when the aggressor grabbed and converted property belonging to (b)(6); (b)(7)(A) who was simply walking to his friend's dorm located in Morsani Hall, minding his own business.

The Board purported to render its determination based upon the video evidence alone, which contained no audio and its conclusions appear to be inconsistent with the Police department's review of the same video, which we suggest has significantly more experience in reviewing evidence than your Board. Notably, the Board refused to give (b)(6); (b)(7)(A) a copy of the video so that (b)(6); (b)(7)(A) the victim of this unprovoked attack, could properly address what they determined to be inconsistencies between the video and my son's testimony, which inconsistencies they also chose not to even raise with (b)(6); (b)(7)(A) so as to be able to address during the hearing. The Board also completely dismissed and ignored the anti-Semitic remarks (b)(6); (b)(7)(A) testified under oath (and reported to the police under penalty of prosecution) were made to him by the aggressor as "uncorroborated." It appears the Board did everything in its power to avoid a determination relaying what actually happened - - a flagrant on-campus anti-Semitic attack on an innocent student - - which would undoubtedly be a huge embarrassment to the University.

To be specific, the determination rendered in this matter flies in the face of the evidence and must be reversed for the following reasons.

**1) The Initiator of the Attack was the other student:**

The campus security report clearly describes (b)(6); (b)(7)(A); (b)(7)(C) as the victim:

(b)(6); (b)(7)(A); (b)(7)(C) stated that the two male subjects, later identified as resident students, yelled at him to give them an inflatable pink unicorn that he was carrying. (b)(6); (b)(7)(A); (b)(7)(C) stated that suddenly snatched the inflatable unicorn from him and refused to return it. (b)(6); (b)(7)(A); (b)(7)(C) stated that he got it back."

[Attacker- Upon Information and Belief to be (b)(6); (b)(7)(A); (b)(7)(C)] admitted that they had been



*"playing around" and "just doing stupid freshman college stuff" when they took the unicorn from*

(b)(6); (b)(7)(A);  
(b)(7)(C)

**2) Disparity in Injuries corroborates that (b)(6); (b)(7)(A); was the victim:**

The campus security report describes the parties' injuries:

(b)(6); (b)(7)(A); (b)(7)(C) *was bleeding from his lower lip and from lacerations on his arm." [it was later determined that (b)(6); (b)(7)(A); also had a concussion].*

*"I observed that (b)(6); (b)(7)(A); (b)(7)(C)*

(b)(6); (b)(7)(A); (b)(7)(C)

**3) Police Determination that the Video established (b)(6); (b)(7)(A); as Victim, Directly Contradicting the Board's Determination:**

(b)(6); (b)(7)(A); (b)(7)(C) *confirmed that [The Attacker] had initially snatched the inflatable unicorn out of (b)(6); (b)(7)(A); (b)(7)(C) hands"*

(b)(6); (b)(7)(A); (b)(7)(C) *also confirmed that [The Attacker] and (b)(6); (b)(7)(A); (b)(7)(C) had started fighting (b)(6); (b)(7)(A); (b)(7)(C) when [The Attacker] pushed (b)(6); (b)(7)(A); (b)(7)(C) a few times and then punched him about the head multiple times."*

(b)(6); (b)(7)(A); (b)(7)(C) *advised that an unidentified (b)(6); (b)(7)(A); (b)(7)(C)*

(b)(6); (b)(7)(A); (b)(7)(C) *had grabbed (b)(6); (b)(7)(A); (b)(7)(C) around the head and neck area while struck him."*

The above description of the incident provided by a Tampa Police Officer stands in stark contrast to the Board's purported interpretation of the very same video. The Police Officer states that the video depicts the other student initiating the encounter by unlawfully taking property (a unicorn balloon) from my son, and that the physical assault was instigated by (b)(6); (b)(7)(A); (b)(7)(C) the attacker, and his friends who "pushed (b)(6); (b)(7)(A); (b)(7)(C) a few times and then punched him in the head multiple times" and "grabbed (b)(6); (b)(7)(A); (b)(7)(C) around the head and neck area while st[riking] him." Further, the actual resulting bruises and bloody injuries to my

<sup>1</sup> Notably the Board's decision states "Additionally, video surveillance does not support that the Responding Student was a victim of a premeditated crime." Yet as stated the attacker himself admitted to the Campus Security in its own report that the incident started out with him taking the unicorn [unicorn balloon] from Mr. Meissner – a stranger to him - so yes in fact (b)(6); (b)(7)(A); (b)(7)(C) was in fact the victim of a "premediated crime" based both on (b)(6); (b)(7)(A); (b)(7)(C) statement AND (b)(6); (b)(7)(A); (b)(7)(C) own statement. It is axiomatic that a stranger can be the victim of a "premeditated crime" and the Board's comment otherwise is once again absurd. Such, once again demonstrates how far the Board was willing to go to attempt to cast (b)(6); (b)(7)(A); (b)(7)(C) as a liar contrary to the evidence in its effort to not have this scene as an anti-Semitic incident to protect the schools from public scrutiny.

son, which the Board had pictures of (See Attached), corroborate the description by the police officer.

**4) The Parties' Actions Post-Incident Corroborate the Fact that he was the Victim.**

(b)(6); (b)(7)(A); consistently maintained this was an unprovoked unlawful attack in contrast to (b)(6); (b)(7)(A); (b)(7)(C) who apparently consistently minimized the interaction and did not appear to file any police report under penalty of prosecution for falsely reporting, in contrast to my son. In fact, it appears the officers themselves, after having assessed the situation and having viewed the same video as the Conduct Board, recognized my son as the sole victim, as it was only he who they provided the Request for Prosecution form for battery, which he is currently pursuing with the authorities and State's Attorney's office as a hate crime incident as well as having reported such to the Anti-Defamation League.<sup>2</sup> As per the incident report :

(b)(6); (b)(7)(A); (b)(7)(C) stated that he wanted to file a report with the Tampa Police Department in reference to the incident"

" [the Attacker] admitted that they had been "playing around" and " just doing stupid freshman college stuff" when they took the unicorn from (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) documented the incident under (b)(6); (b)(7)(A); (b)(7)(C) and gave (b)(6); (b)(7)(A); (b)(7)(C) and Request for Prosecution by Complainant forms for the misdemeanor battery offenses"

All of the above quotes are taken solely from the University's own incident report, which content stands in stark contrast to the Conduct Board's decision containing selective slanted facts and what appears to be inaccurate self-serving descriptions of what took place (and even what was or was not stated during the Conduct Hearing) apparently in an effort to protect the University from negative publicity regarding an anti-Semitic attack.

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<sup>2</sup> We intend to similarly report the contrasting Incident Reports along with the Conduct Board decision to the ADL, including the University incredible insinuation that anti-Semites must have known a victim (and their actual religion) in order for a University to give credence that anti-Semitic comments had been made to a Jewish student prior to a beating, as I believe they would be most interested in the University's unique position on such issue and ignoring/downplaying a serious anti-Semitic incident, blaming the victim.

### 5. Selective "facts" and silence in the Conduct Board's Decision

As already noted herein, in addition to not mentioning where (b)(6); (b)(7)(A); and his friend had intended to go when he first left his dorm, so that the Board could falsely give the impression, as it clearly attempts to do in its decision, that my son went to (b)(6); (b)(7)(A); (b)(7)(C) to engage with (b)(6); (b)(7)(A); (b)(7)(C) again, there was/is similarly no mention in its decision as to the fact that (b)(6); (b)(7)(A); (b)(7)(C) was clearly intoxicated at the time of the incident (in contrast to my son and his friend) even though my son and his witness friend testified to such. One would think such on campus intoxication would be a concern to a University Conduct Board. Similarly, nor was there a mention about the significant fact that following the attack (b)(6); (b)(7)(A); (b)(7)(C) had sent an apology to my son via Instagram and even met with him to state such apology in person, and in so doing admitted that he was drunk and admitted that it was (b)(6); (b)(7)(A); (b)(7)(C). Again, notwithstanding my son testifying to such significant facts, the decision failed to mention or consider such significant clear admissions of guilt. Once again such demonstrates what appears to be a clear intent by such Board to create the outcome which they had sought from the beginning of such hearing without regard to the facts and evidence.

Further, the Conduct Board made a point to falsely state:

*During the Administrative Hearing, the Responding Student alleged that the Responding Student was "jumped" by 5 students, but this allegation is not supported by video surveillance.*

My understanding from (b)(6); (b)(7)(A); is that he in fact specifically did NOT testify to such during the Conduct hearing. Such statement came solely from the original student safety report taken from when my son had just been beaten and bloodied, so he was not in a deposition specifically recounting exactly how many attackers had hit him, which incredibly such is what the Conduct Board determined to focus on, although it is clear from the police statement referred to herein that there was more than one attacker. It is very disturbing and probative of this absurd decision, that the Conduct Board would outright falsely state that my son testified to such during such hearing, when he in fact did not (obviously we will obtain the recording of such hearing in discovery if need be to corroborate this, as again, the Conduct Board did not provide a copy of such hearing recording and in fact cavalierly refused to even provide a discretionary extension of the two day time

frame for which (b)(6); (b)(7)(A) had to submit his appeal of such decision, which decision effectively expelled him in relation to what was alleged to be a serious criminal anti-Semitic incident).

**6. The Board's Decision to Dismiss (b)(6); (b)(7)(A) Complaint of anti-Semitic Harassment as "Uncorroborated."**

Most disturbing is the Board's insinuation in its determination that (b)(6); (b)(7)(A) lied about the anti-Semitic "f-king Jew" remarks that were made to him by these bullies because they were not corroborated by another witness and because the perpetrator did not previously "know" (b)(6); (b)(7)(A). Is it Tampa University's position (as the Board is the voice of your University) that acts of anti-Semitism are never perpetrated by strangers based upon a belief, given the victim's appearance, that the victim is Jewish? And is it the Tampa University's position that a witness', who was not the victim of the assault, inability to recall the specific taunts, among the many espoused by the perpetrator, is somehow conclusive of the matter? Tampa University's determination in this regard is outrageous, beyond shocking and raises serious questions as to the true motive and/or competency of the Board and its (b)(6); (b)(7)(A); (b)(7)(C) who appears to have zero experience in conducting such investigations in real life, unlike for example the Tampa Police. As I am sure you know, every day people are prosecuted criminally in this country based on the sworn statements of victims of bias crimes based solely on the word of the victim and involving strangers who also had no knowledge if someone is actually Jewish, gay or part some other ethnicity or minority group, but simply based on speculation of the anti-Semitic attackers. Further, there is no requirement under any law for "corroboration" to prosecute someone or even convict and sent someone to jail for bias attacks based on the word of the victim alone. How could there possibly be such a requirement by the Board who issues decisions premised upon a much lower standard than the "beyond a reasonable doubt" standard required for a criminal prosecution. The Board's flagrant refusal to consider this case for what it is - - the case of a young man defending himself and his cherished heritage against bigots and bullies - - means the Board and the University are guilty of anti-Semitism too in your name as President of the University. We will not stand for such.

**6. The Board's Failure to Appropriately Apply its own Disciplinary Rules.**

Further, the University's own rules state that "all sanctions are intended to be progressive, educational and assigned based upon the severity of the misconduct and prior student conduct history if applicable." [REDACTED] has no "prior student conduct history" and his conduct was clearly defensive and/or responsive to the perpetrator's bullying and anti-Semitic rhetoric. Yes, [REDACTED] could have chosen not to accompany his friend to his friend's dorm room as he and his friend had planned - - he could have cowered in the face of these anti-Semites, but he chose not to. While that may not be what the University would have wanted, the Board should have at the very least considered the totality of the circumstances in determining the "severity" of [REDACTED] conduct.

**7. The University's Own Responsibility in Failing to Maintain a Secure Campus.**

In addition, it appears based on the scope of this incident that the University, which receives public funds, lacks proper security for its students, especially minorities such as Jews to prevent such unwarranted physical and emotional attacks on its students who simply seek to be left alone from harassment and intoxicated anti-Semites on your campus (which initiator of the violence incredibly arbitrarily received the very same discipline as the victim of the attack further highlighting the apparent incompetency of your Conduct Board acting on behalf of you and the University). The actions of the University via its Board have only added to the [REDACTED] in addition to his physical injuries, which we have since learned included a concussion. The University, by suspending [REDACTED] for three semesters, for all practical purposes has [REDACTED] [REDACTED] on top of the physical and shocking anti-Semitic assault incurred while attending your school under your watch.

**7. The Board's Despicable Request for an Apology Letter from [REDACTED] to his anti-Semitic Attackers.**

Finally, the Board's absurd demand that [REDACTED] having been the victim of an unprovoked physical attack being beaten and injured and called a F'king Jew, by an intoxicated student who apparently has a history of starting physical fights and having filed criminal charges against those who attacked him should now

# MEISSNER ASSOCIATES

ATTORNEYS AT LAW

apologize to his anti-Semitic attacker (along with its other draconian mandates) is a disgrace<sup>3</sup>. As the son of someone who (b)(6); (b)(7)(A); (b)(7)(C) I will never permit (b)(6); (b)(7)(A) to draft such an apology and your school and (b)(6); (b)(7)(A); (b)(7)(C) should be embarrassed by such demand, which only adds insult to injury. The Board's demand that (b)(6); (b)(7)(A) write a letter of apology to his anti-Semitic attacker is flatly rejected. Such demand only highlights how absurd the actions of the University has been to date, effectively turning justice on its head and making a mockery of an anti-Semitic attack that is the subject of a pending criminal complaint in the State of Florida.

I respectfully write to you, knowing you are retiring in the coming year as President of the University, trusting that you would not want this tragic incident and the embarrassing current outcome, to be part of your legacy, after 29 years as University President. I trust as President you may have been unaware of the substance of this matter until now and I respectfully wish to give you the opportunity to redress this situation for all involved before it goes further. I respectfully demand that (b)(6); (b)(7)(A) be immediately reinstated and that, if the University still believes any discipline is somehow warranted, the discipline be limited to the time (b)(6); (b)(7)(A) has already missed during his interim suspension. However, if (b)(6); (b)(7)(A) is not immediately reinstated or this letter is ignored, be advised that we will take all actions necessary in a public court of law to redress the terrible wrongs the Board and your University have perpetrated.

Please take this letter as notice of potential legal action against you personally, the University, all members of the Board and (b)(6); (b)(7)(A) as well. As such, you and your University employees by notice of this letter, are instructed to maintain and preserve any and all records related to this matter including but not limited to: the subject video(s) of the incident, the Zoom video of the Conduct Board's hearing, any and all reports, witness statements, pictures, notes, as well as emails and texts created and or sent by or between any members of the Conduct Board, (b)(6); (b)(7)(A); (b)(7)(C) Supervisors of such and any school safety officers involved in the incident and investigation. Please take steps to preserve these items and anything else related to this incident. In addition, do not alter or

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<sup>3</sup> It is ironic that the Board demands that (b)(6) draft a written apology to his anti-Semitic attacker, but at the same time failed to even mention in its decision the evidentiary significance of such attacker confessing about having been drunk and having (b)(6); (b)(7)(A); (b)(7)(C) and apologizing to (b)(6) via Instagram as well as in person, which (b)(6) testified to at the proceeding. Such again highlights the clear slanted self-serving drafting of such decision.

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destroy any related materials. Be advised that the intentional destruction of evidence by anyone will lead us to seek discovery sanctions, such as default judgment, an adverse jury inference, and the assessment of attorney fees and costs.

(b)(6); (b)(7)(A); (b)(7)(C)

CC:

(b)(6); (b)(7)(A); (b)(7)(C)

Divya Kumar  
Tampa Bay Times  
dkumar@tampabay.com

Anti-Defamation League

Hon. State Representative Michael A. Caruso

Jay S. Feldman  
Executive Director Alpha Epsilon Pi

Encl.

(b)(6); (b)(7)(A);  
(b)(7)(C)

**Digital Media List**

**Digital Media # 1**

Title

Description

**PHOTOGRAPH #1**

(b)(6); (b)(7)(A);  
(b)(7)(C)

**INJURIES (1)**

(b)(6); (b)(7)(A); (b)(7)(C)

**Prepared By:**

(b)(6); (b)(7)(A);

**Submitted Date**

09/23/2023 6:21 AM

**Signature**

**Reviewed By/Date**

(b)(6); (b)(7)(A);  
(b)(7)(C)

09/24/2023 6:33 PM

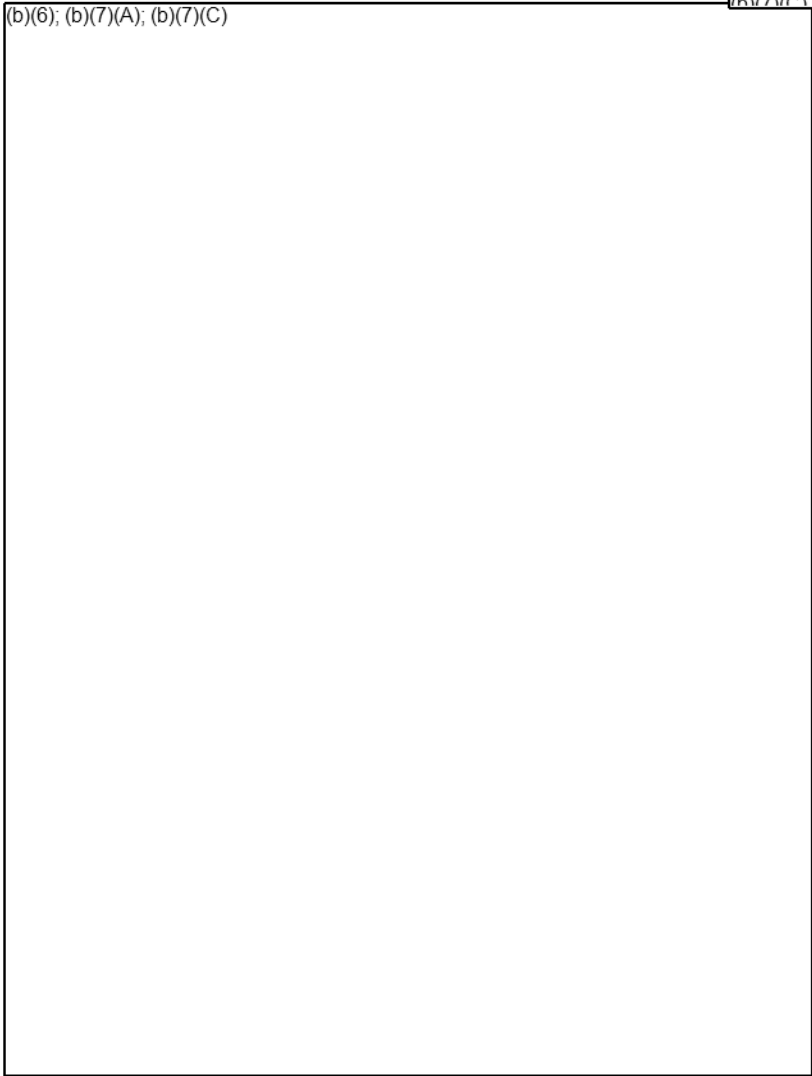


(b)(6); (b)(7)(A);  
(b)(7)(C)

**Digital Media # 2**

Title	Description
<b>PHOTOGRAPH #2</b>	(b)(6); (b)(7)(A); (b)(7)(C) <b>INJURIES (2)</b>

(b)(6); (b)(7)(A); (b)(7)(C)



**Prepared By:**

(b)(6); (b)(7)(A);

**Submitted Date**

09/23/2023 6:21 AM

**Signature**

**Reviewed By/Date**

(b)(6); (b)(7)(A); 09/24/2023 6:33 PM

(b)(6); (b)(7)(A);  
(b)(7)(C)

**Digital Media # 3**

Title	Description
PHOTOGRAPH #3	(b)(6); (b)(7)(A); (b)(7)(C) INJURIES (3)

(b)(6); (b)(7)(A); (b)(7)(C)

**External Agency # 1**

Referenced External Report Number	External Agency	
(b)(6); (b)(7)(A); (b)(7)(C)	TAMPA POLICE DEPT	
Contacted	Arrived	Cleared
09/23/2023 2:28 AM	09/23/2023 2:30 AM	09/23/2023 3:46 AM
Person Contacted	Badge Number/ID	
(b)(6); (b)(7)(A); (b)(7)(C)	(b)(	

**Injury**

Officer's Observations	Where did Injury Occur:
SUBJECT SUSTAINED MINOR INJURIES AS A RESULT OF A PHYSICAL FIGHT.	(b)(6); (b)(7)(A); (b)(7)(C)

**Prepared By:**

(b)(6); (b)(7)(A);

**Submitted Date**

09/23/2023 6:21 AM

**Signature**

**Reviewed By/Date**

(b)(6); (b)(7)(A); 09/24/2023 6:33 PM