



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
SOUTHERN DIVISION, ATLANTA OFFICE

Mr. Kevin Sleem
6602 N. Ocean Blvd.
Myrtle Beach, South Carolina 29572

DEC 9 2010

Re: Complaint #04-10-2169

Dear Mr. Sleem:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint which you (Complainant) filed on June 14, 2010, against Florida Atlantic University (University) alleging retaliation. Specifically, the Complainant alleged that the University retaliated against him, after he made a complaint on the bases of race/national origin and sex, by failing to respond to an appeal of his dismissal from the University and failing to respond to his requests for references.

OCR investigated the complaint pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin by recipients of Federal financial assistance; and, Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance. The University is a recipient of Federal financial assistance from the Department. Accordingly, OCR has jurisdiction over this complaint.

OCR investigated the following issue:

Whether the University retaliated against the Complainant, after he made a complaint on the bases of race/national origin and sex, by (1) failing to respond to an appeal of his dismissal from the University, and (2) failing to respond to his requests for references, in noncompliance with Title VI and its implementing regulation at 34 C.F.R. § 100.7(e), and Title IX and its implementing regulation at 34 C.F.R. § 106.71.

61 FORSYTH ST. S.W., SUITE 19T70, ATLANTA, GEORGIA 30303
www.ed.gov

During the course of the investigation, OCR reviewed and analyzed documents provided by the Complainant and the University. Additionally, OCR interviewed the Complainant¹ and University personnel. Based on a thorough review of all of the evidence available, OCR has determined that there is insufficient evidence to support a finding of noncompliance with the applicable Title VI and IX regulations as they relate to the allegations. The factual and legal bases for OCR's determination are set forth below.

Legal Standards

The Title VI implementing regulation at 34 C.F.R. § 100.7(e) prohibits retaliation by providing that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws enforced by OCR, or because he or she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this part. The regulation implementing Title IX incorporates by reference the retaliation prohibition contained in the Title VI implementing regulation.

OCR evaluates evidence obtained during an investigation under a preponderance of the evidence standard to determine whether the greater weight of the evidence is sufficient to support a conclusion that a recipient (such as the University) failed to comply with a law or regulation enforced by OCR or whether the evidence is insufficient to support such a conclusion.

Background

The Complainant is a Caucasian student who was enrolled in the Ph.D. program (Program) in Finance at the University during the 2008/09 school year. He was also employed as a graduate assistant as part of the Program. The Complainant started the Program in August 2008 and was officially dismissed from the Program by a letter dated February 25, 2009, from (b)(6); (b)(7)(C) for failing to maintain the required academic grade point average. He was also removed from his job as a graduate assistant, which he received as part of the Program.

During the 2008/09 school year and prior to the end of the fall 2008 semester, three (3) students were enrolled in the Ph.D. Program in Finance. These included two Caucasian male students (including the Complainant) and one Asian student. No female students were enrolled in the program.

University's Policies and Procedures

The University's policies and procedures strictly prohibit retaliation, or otherwise taking adverse employment or educational action against a member of the University community because he/she in good faith reported discrimination or harassment, or participated in an investigation or review

¹ OCR was unable to personally interview the Complainant because he is currently incarcerated in Florida. The Complainant's father conveyed OCR's interview questions to the Complainant whose responses were relayed back to OCR by his father.

regarding a complaint. Any person found to have violated this prohibition against retaliation will be subject to disciplinary action up to and including termination.

The Guide for the Ph.D. Program in Finance (Guide) states that the Program is for fulltime students, who are expected to carry a course load of at least nine hours per semester. A total of 57 credit hours, passing of comprehensive exams, and approval of, and completing and successfully defending a dissertation, are required to graduate from the program. To remain in the Program, a student must have a grade point average (GPA) of no less than 3.0 or a "B" average. To participate in the assistantship program, a student must maintain a GPA of 3.2 or above or risk dismissal from the assistantship. An assistantship and participation in the Program will be discontinued if the student receives a grade below "B" or a grade of "incomplete" in any course. The Guide is also available to students online.

Factual Findings and Analysis

In a letter of admission dated March 5, 2008, the Complainant's Advisor informed him that he would remain enrolled in the Program as long as he continued to meet the requirements. The Complainant was also informed that he would receive a 20 hour per week paid student employment graduate assistantship for a nine month period to cover both fall and spring semesters. The Finance graduate assistantship lasts throughout the four (4) years of the Ph.D. Program. The graduate assistant is involved in either research or teaching and is paid a stipend of \$18,000.00 annually or \$9,000.00 per semester. The condition to continue student employment in the graduate assistantship program is contingent on continuing to meet the requirements and standards of the program. The Complainant was provided with a copy of the Guide at the start of the Program and was encouraged to review the Guide prior to the start of the Program. The Guide discloses that students were required to attend all classes, submit assignments in a timely manner and maintain the required GPA.

The evidence shows that on August 23, 2008, the Complainant enrolled in 3 courses: Advanced Math/Economics, Seminar on Current Financial Research; and Research Methods, and started classes on the same date. Documents dated September 14 and 19, 2008, and October 7 and 29, 2008, disclosed that the Complainant's Advisor and professors communicated with him and with each other via email concerning performance in his courses and the assistantship Program. The documents disclosed that the Complainant was frequently late and was absent from classes, failed to complete and return assignments in a timely manner, engaged in plagiarism and was failing his classes.

The evidence shows that (b)(6), (b)(7)(C) emailed the Complainant in early November 2008 to inform him that he was in danger of being terminated from his assistantship because of his poor performance in the Program. According to the University's records, the Complainant stopped attending classes in November 2008 and did not take the final exams in any of his courses. As a result, the Complainant was sent an email message dated December 2, 2008, terminating his graduate assistantship, for failing to attend all classes, failing to submit assignments on time, and not performing at the required 3.2 GPA, as provided in the Guide. A report dated August 20, 2010, shows that the Complainant's grades for the fall semester were D in Advanced

Math/Economics, C in Current Financial Research, and F in Research Methods. He was officially terminated from the Program by letter dated February 25, 2009 from (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The Complainant was given 30 days from the date of the February 2009 letter, in which to file a written appeal of his dismissal. By letter dated March 24, 2009, in response to the Complainant's inquiry about the assistantship, the Complainant was informed that he had to remain academically eligible to retain his graduate assistantship, and because he was no longer academically eligible, he was ineligible to retain the assistantship.

Retaliation

The Complainant alleged that he was retaliated against when the University failed to respond to his appeal, and when it failed to respond to his request for references.

To determine that there is a prima facie case of retaliation, OCR must find that: (1) the Complainant engaged in a protected activity; (2) the recipient was aware of the protected activity; (3) the recipient took an adverse action against the Complainant contemporaneous with or subsequent to the participation in a protected activity; and (4) there is a causal connection between the adverse action and the protected activity. If these elements are established, OCR proceeds to determine if the recipient has a legitimate, non-discriminatory reason for its actions that is not a pretext for retaliation.

The Complainant contends that he was engaged in a protected activity when he responded on December 2, 2008 to an email dated December 2, 2008, from his Advisor terminating his graduate research assistantship because of his failure to meet the requirements of the Program. The Complainant also contends that he was engaged in a protected activity when he responded on March 24, 2009 to letters dated February 24 and 25, 2009, from (b)(6); (b)(7)(C) officially dismissing him from the assistantship and the Program. OCR's review of the emails from the Complainant found that they concerned his repeated requests for the monetary balance due on his graduate assistantship and make no reference to any allegations of discrimination or retaliation on the bases of race or sex. The University indicated that the first time it became aware of the Complainant's allegations of discrimination was upon receipt of OCR's letter of July 30, 2010.

During a final follow-up call on November 8 and 9, 2010, the Complainant reiterated the allegations and asserted that in December 2008, he verbally informed the (b)(6); (b)(7)(C) of his claim of discrimination, but was told that this was not (b)(6); (b)(7)(C) responsibility. The University responded that there was no discussion of discrimination or requests for appeals with the Complainant at any time. The University stated that the emails and letters that it received from the Complainant from February 2009 through April 2009 concerned requests for the monetary balance of his graduate assistantship, and his correspondence sent from April 2009 through March 2010, involved threats against his Advisor and other University personnel.

Consequently, although the Complainant contends that he alleged discrimination several times since leaving the University in December 2008, the weight of the evidence indicates that he did not make an allegation of discrimination on the bases of race/national origin or sex or retaliation against University staff until he filed a complaint with OCR. OCR's review of all

correspondence and interviews with pertinent University staff indicated that the Complainant did not allege any acts of discrimination or retaliation, but instead complained about not receiving the monetary balance of his assistantship stipend. Therefore, OCR has determined that the Complainant did not engage in a protected activity. Based on the foregoing, OCR has determined that there is no prima facie case of retaliation and, therefore, OCR cannot proceed to the next step in the retaliation analysis.

Conclusion

In summary, OCR has determined that the Complainant did not engage in a protected activity, which is a required element to establish a prima facie case of retaliation. Therefore, because OCR could not establish a prima facie case of retaliation, there is insufficient evidence to support a finding that the University retaliated against the Complainant in noncompliance with Title VI and Title IX, as alleged, and OCR is closing this complaint as of the date of this letter.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive such a request, we will seek to protect, to the extent provided by law, personal information, the release of which would constitute an unwarranted invasion of privacy. Intimidation or retaliation against complaints by recipients of Federal financial assistance is prohibited. No recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

This letter is a letter of findings issued by OCR to address an individual OCR case. Letters of findings contain fact-specific investigative findings and dispositions of individual cases. Letters of findings are not formal statements of OCR policy and they should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

This concludes OCR's consideration of the complaint, which we are closing effective the date of this letter. OCR is committed to a high quality resolution of every case. The Complainant may send an appeal to the Deputy Assistant Secretary for Enforcement within 60 days of the date of OCR's letter of finding(s) at the following address or via electronic mail to OCRAppeals@ed.gov:

Office of the Deputy Assistant Secretary of Education
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, S.W.
Washington, D. C. 20202-1100.

The Complainant must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and*

how this would change OCR's determination in the case. Failure to do so may result in the denial of the appeal. A written decision in response to an appeal will be issued as promptly as possible. The decision of the Assistant Secretary constitutes the agency's final decision.

If you have any questions concerning OCR's determination, please contact the assigned investigator, Mr. Gerard C. Chasseau, at (404) 974-9368, or the undersigned, at (404) 974-9366.

Sincerely,

(b)(6)

for Virgil Hollis
Compliance Team Leader



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUL -6 2012

Mr. Kevin Sleem
6602 N. Ocean Blvd.
Myrtle Beach, S.C. 29572

Re: OCR Docket 04-10-2169
Florida Atlantic University

Dear Mr. Sleem:

This is in response to your letters of February 22 and March 1, 2011, to the Deputy Assistant Secretary for Enforcement, Office for Civil Rights (OCR), U.S. Department of Education, appealing the closure of the above-referenced complaint of race/national origin and sex discrimination against Florida Atlantic University (the University) by OCR's regional office in Atlanta (OCR Atlanta).

Your complaint, filed on June 14, 2010, alleged that the University retaliated against you, after you made a complaint on the bases of race/national origin and sex, by failing to respond to an appeal of your dismissal from the University and failing to respond to your requests for references.

OCR Atlanta investigated your complaint pursuant to 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 bases of race, color or national origin in educational programs and activities by recipients of Federal financial assistance from the Department; and, Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance. By letter dated December 9, 2010, OCR Atlanta closed your complaint because there was insufficient evidence to support a conclusion that the University retaliated against you.

In your appeal, filed on February 22 and March 1, 2011, you assert that OCR Atlanta's determination is factually and legally incorrect. You indicate that, factually, the information is incomplete, and the analysis of the facts is incorrect. You also contend that, the appropriate legal standards were not applied in determining "protected activity" status and whether you (the Complainant) were "subjected to retaliation".

For the reasons set forth below, your appeal is denied.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

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

BACKGROUND

OCR Atlanta's initial review of your complaint disclosed that you were enrolled in the Ph.D. program (Program) in Finance and were also employed as a graduate assistant as part of the Program at the University during the 2008-2009 school year. You started the Program in August 2008 and were officially dismissed from the Program and the graduate assistantship on February 25, 2009, for failing to attend class and failing to maintain the required academic grade point average. You alleged that you were subjected to retaliation when the University failed to respond to your appeal of your dismissal, and failed to respond to your request for references.

To determine whether there is a prima facie case of retaliation, OCR must find that: (1) the complainant engaged in a protected activity; (2) the recipient was aware of the protected activity; (3) the recipient took an adverse action against the complainant contemporaneous with or subsequent to the participation in a protected activity; and (4) there is a causal connection between the adverse action and the protected activity. If these elements are established, OCR proceeds to determine if the recipient has a legitimate, non-discriminatory reason for its actions that is not a pretext for retaliation.

During the investigation of your complaint, OCR Atlanta noted that although you contend that you alleged discrimination several times since leaving the University in December 2008, the evidence showed that the University did not become aware of your allegations of discrimination until its receipt of OCR Atlanta's data request letter dated July 30, 2010. You did not provide any evidence to show that the University was aware of your allegations of discrimination prior to that time. Additionally, the weight of the evidence indicates that you did not make an allegation of discrimination on the bases of race/national origin, sex or retaliation against University staff until you filed a complaint with OCR Atlanta. OCR Atlanta's review of all correspondence and interviews with pertinent University staff indicate that you did not allege any acts of discrimination or retaliation, but instead complained about not receiving the monetary balance of your assistantship stipend. Therefore, OCR Atlanta determined that you did not engage in a protected activity. Based on the foregoing, OCR Atlanta concluded that there was no prima facie case of retaliation.

ANALYSIS AND CONCLUSION(S)

An appeal of OCR's decision to close allegations must focus on factual and/or legal concerns that you believe may change the determination. The appeal should explain why you believe that the analysis of the facts was incorrect, the legal standard was not applied correctly, and/or the incorrect legal standard was applied.

You assert in your appeal that your allegation of retaliation was mischaracterized because OCR Atlanta failed to consider that certain actions that you engaged in were sufficient to meet the criteria required for retaliation. Initially, you contend that OCR Atlanta failed to consider that since your appeal of your dismissal was never processed, the University's failure to provide a fair and impartial process constitutes a "retaliatory adverse action." A

review of the file shows that there were no discussions concerning requests for appeals between you and the University at any time. University personnel indicated and the record demonstrates that your requests concerned financial matters related to your assistantship.

You assert that OCR Atlanta failed to consider as “protected activities” the mere existence of the University’s Ph.D. and graduate assistantship programs, and your enrollment as a Ph.D. candidate in the program. OCR will find that a person has engaged in a protected activity if the individual has opposed any act or policy that is unlawful under one of the laws that OCR enforces, or if the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, or proceeding or hearing conducted under the laws that OCR enforces. The evidence shows that you failed to meet the criteria (grades, attendance) and was dismissed from the program. None of the activities that you described above indicate that you were engaged in a protected activity. You have not provided any documentary evidence with your appeal to support your assertion that you engaged in protected activities on the bases of race/national origin and sex.

Additionally, you assert that OCR Atlanta failed to consider that the University engaged in a “retaliatory adverse action” against you by accusing you of extortion when you inquired about the balance remaining on your graduate assistantship. OCR defines an adverse action as an action that significantly disadvantages the complainant or student in his or her ability to gain the benefits of the recipient’s program. The evidence shows that you were aware that dismissal from the University’s program also included dismissal from the assistantship program, ostensibly with forfeiture of any monetary balance left in the program. There is no evidence to show that you were subjected to an adverse action because you inquired about the balance on your assistantship. Your claim does not meet the criteria required for an adverse action.

In summary, OCR Atlanta has determined that the information you provided in your appeal is insufficient to support a change in OCR Atlanta’s determination regarding your complaint.

Based on the analysis of your arguments and review of the record as described above, I find that Atlanta OCR’s determination to close your case was consistent with the laws and regulations enforced by OCR.

This concludes OCR’s consideration of your appeal and constitutes the final agency determination. Final agency determinations are not formal statements of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and are made available to the public.

You have now exhausted all avenues of reconsideration within the U.S. Department of Education. I regret that the Department will not be able to grant you further assistance in this matter.

Sincerely,

(b)(6)

(b)(6)

Sandra Battle
Deputy Assistant Secretary
for Enforcement

cc.: Cynthia G. Pierre, Ph.D.
Director, OCR Atlanta

RECEIVED

APR 1 2 2011

11-4-1424 OCR

MEMORANDUM

Date: February 22, 2011

To: Deputy Assistant Secretary for Enforcement
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100

From: Kevin D. Sleem
6602 N. Ocean Blvd.
Myrtle Beach, SC 29572

Re: REQUEST FOR RECONSIDERATION of OCR's Determination Re Complaint #04-10-2169 (Florida Atlantic University)

Dear Sir or Madam:

Enclosed please find my REQUEST FOR RECONSIDERATION of OCR's Determination Re Complaint #04-10-2169 (Florida Atlantic University).

Section II. OCR Appeal, along with Exhibits I through VII and the Appendix, constitute my main presentation of my REQUEST FOR RECONSIDERATION, and may be separated from the complete report if you would like to do so.

Thank you in advance for your consideration of my appeal.

Sincerely,

Kevin D. Sleem

REQUEST FOR RECONSIDERATION

of

OCR'S DETERMINATION RE COMPLAINT #04-10-2169 (FLORIDA ATLANTIC UNIVERSITY)

submitted by:

Kevin D. Sleem
6602 N. Ocean Blvd.
Myrtle Beach, SC 29572

February 22, 2011

- I. General Defence
- II. OCR Appeal
 - (A) Main Appeal
 - (B) OCR-Report Discovery
 - (C) Claimant's Version of Events
 - Exhibit I. 3/1/09 FAU-Appeal
 - Exhibit II. 3/6/09 FAU-Appeal Response
 - Exhibit III. Discovery Assessment (2009 Police Investigation)
 - Exhibit IV. 3/21/10-3/24/10 Facebook Conversation
 - Exhibit V. 12/2/08-12/4/08 E-mail Sequence
 - Exhibit VI. (b)(6); (b)(7)(C)
 - Exhibit VII. 4/20/10 and 4/26/10 E-mails from Florida Governor's Office
 - Appendix. Protected Academic Programs and Activities
- III. Summary
- IV. Doctoral Oversight Board
- V. 2011 UNF/USDE Project Proposal

Contact Information

Overseas

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Tanaka Building
Imperial College London
South Kensington Campus
London, UK SWZ-2AZ

Mr. & Mrs. Kevin Sleem
129 South Kensington Lane
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London, England, UK SWZ-2AZ

USA (Please send correspondence to the SC address)

Kevin Sleem
Coggin College of Business
University of North Florida
Jacksonville, FL 32224

Kevin Sleem
6602 N. Ocean Blvd.
Myrtle Beach, SC 29572

Additional Information

A. This report, REQUEST FOR RECONSIDERATION, is being mailed in its entirety to the following agencies:

1. Deputy Assistant Secretary for Enforcement
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100

2. Southern Association of Colleges and Schools
Commission on Colleges

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

1866 Southern Lane
Decatur, GA 30033-4097

3. AACSB International

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

777 South Harbour Island Boulevard, Suite 750
Tampa, FL 33602-5730

B. The following documents are not attached as part of this report, but should be able to be obtained, through subpoena or otherwise, should further verification of facts be required:

1. 2009 Police Investigation: Discovery Documents {Note: Exhibit III, Discovery Assessment (2009 Police Investigation) attached herein, is an analysis and evaluation of the discovery documents from the 2009 Police Investigation conducted regarding the “aggravated stalking” and “extortion” charges filed against me, which resulted from my attempts to (i) appeal my improper dismissal from FAU’s Ph.D. program, which is my right, and (ii) receive payment owed to me for the services I had performed for FAU as a GRT Assistant.}

2. My health records from the Student Clinic at FAU, which verify the reason why I missed one particular class

3. (b)(6); (b)(7)(C) e-mail to Kevin Sleem

4. 2010 Police Investigation: Discovery Documents

C. Please note that Chapter II of this report, OCR Appeal, contains the main presentation of my REQUEST FOR RECONSIDERATION and may be separated from this complete report, as needed.

I. General Defence

(I would have preferred a dissertation defence, although hopefully some good can emerge.)

There are nine (9) serious issues which require immediate attention, emphasis throughout any reports and investigations on this matter, and the need for multiple copies of this OCR Appeal.

(1) Primarily, the documents show that the FAU Administration intentionally discarded the 3/1/09 FAU-Appeal. (2) The documents show that the FAU Board of Trustees (BOT) has either (A) withheld evidence from a criminal investigation, or (B) forged documents in a Civil Rights Investigation. (3) The standard evaluation periods for all Ph.D. programs is either annually or after the semester, not mid-semester. FAU knows this. (4) FAU's BOT believes in fantastic sacrifice of their students to strengthen their powers, just like the movies. [8/10 birthday, 8/20 2010 report, 3/5/08 acceptance letter, 3/6/09 draft, 2/24/09 probable cause, 2/25/09 dismissal, and 2/26/10 sentencing] (5) E-mail is not a formal means of communication and is not appropriate for dismissal from Ph.D. Programs. I was highly offended by FAU's insinuating I use e-mail for communication purposes. (6) Extortion and money: Where is the extortion? Since there was none, FAU clearly has to present the case to look like all I asked about was money. (7) Ph.D. Guide is not official. Where are the other Ph.D. Guides at FAU? This is the only one, and is just an attempt to justify their actions. (8) Discrimination in April 2009 (4/9/09 and subsequent e-mails): National Origin in the 3/6/9 Draft. Weight of evidence simply shows FAU is lying about Appeals, References, and Discrimination, both in terms of specific requests and using synonyms. (9) Finally, and most importantly, the FAU BOT has accused Kevin Sleem of "plagiarism," the most serious crime within Academia, resulting in permanent expulsion and blacklisting. To do this with no proof is quite fantastic and raises concerns about the people in charge at FAU with regard to the welfare of their students.

Plagiarism accusations need two (2) requirements: (1) Proof and (2) Chance to Defend. (b)(6); (b)(7)(C) did mention one of my documents/reference lists contained lists of papers and summaries; this is how JSTOR Database prints out the lists of papers so you can then choose which papers you want to print out in full length. You just click the boxes and it prints out the list. This is just how everyone reviews 100 papers at one time. (b)(6); (b)(7)(C) knows this, and she was just hazing me a little bit, which is not uncommon in a Ph.D. program. It is more likely that FAU's allegations of plagiarism are retaliation for me catching (b)(6); (b)(7)(C) trying to publish my dissertation. I have formally cited (b)(6); (b)(7)(C) for plagiarism for his paper, (b)(6); (b)(7)(C) submitted to the *Journal of Corporate Finance*. I also informed the *American Economic Review* (AER), the top economics journal, in the same mass e-mail. This paper is on the exact same topic and likely uses my data set, as my Dissertation Proposal handed in to (b)(6); (b)(7)(C) and forwarded to (b)(6); (b)(7)(C) on November 30, 2008. I have not read their paper, but I just saw it was being submitted on FAU's website, although I then submitted my paper to the AER, where it was accepted pending a change in length. I then politely informed them I could not complete the lengthy publication process at the time. So FAU's plagiarism allegations seem like retaliation, and, for the record, I am highly offended. Exhibit IV elaborates on plagiarism

My opinion: Issue a statement declaring that "Ph.D. Degree Programs" and "Graduate, Research, Teaching ("GRT") Assistantships" are "Protected Activities" under Title VI and Title IX, and henceforth improper dismissals of Ph.D. Candidates will be subject to Civil Rights Violations. This problem is not as severe in England, although crimes do happen everywhere. The difference is that USA Ph.D. Programs have a heavier emphasis on classes to collect fees from foreign students who really want to be in the USA, while in England, Ph.D. Programs are "Research Only" or "Dissertation Only." This makes it harder to dismiss a graduate student for suspicious reasons, such as failing one Basic Statistics test, mid-semester, after the already very accomplished young man had received A's in the class at UNC and UNF. And so the educational systems are quite different in England and the USA. The USA has sports and Ph.D. classes; England has no sports or Ph.D. classes. I would simply merge these two differences into one Civil Rights Act, say Title IX, or this may keep being an issue. A lot of professors in the USA simply think the classes are a tool to steal papers.

II. OCR Appeal

- (A) Main Appeal
- (B) OCR-Report Discovery
- (C) Claimant's Version of Events

- Exhibit I. 3/1/09 FAU-Appeal
 - Exhibit II. 3/6/09 FAU-Appeal Response
 - Exhibit III. Discovery Assessment (2009 Police Investigation)
 - Exhibit IV. 3/21/10-3/24/10 Facebook Conversation
 - Exhibit V. 12/2/08-12/4/08 E-mail Sequence
 - Exhibit VI. (b)(6); (b)(7)(C) E-mail
 - Exhibit VII. 4/20/10 and 4/26/10 E-mails from Florida Governor's Office
- Appendix. Protected Academic Programs and Activities

OCR Appeal

The OCR Appeal contains three Sections: Section (A) Main Appeal (Introduction, Caveats, Assertion, and Conclusion), followed by Section (B) OCR-Report Discovery and then Section (C) Claimant's Version of the Events. The OCR Appeal also includes seven Exhibits and an Appendix as follows:

- Exhibit I. 3/1/09 FAU-Appeal
 - Exhibit II. 3/6/09 FAU-Appeal Response
 - Exhibit III. Discovery Assessment (2009 Police Investigation)
 - Exhibit IV. 3/21/10-3/24/10 Facebook Conversation
 - Exhibit V. 12/2/08-12/4/08 E-mail Sequence
 - Exhibit VI. (b)(6); (b)(7)(C) E-mail
 - Exhibit VII. 4/20/10 and 4/26/10 E-mails from Florida Governor's Office
- Appendix. Protected Academic Programs and Activities

(A) Main Appeal

Introduction

The OCR Appeal contends that the OCR Determination letter dated December 9, 2010 (hereinafter called the "OCR-Report") is incorrect, both factually and legally. Factually, the information is incomplete, and the analysis of the facts is incorrect, while legally, the appropriate legal standards are not applied in determining "Protected Activity" status and whether the Claimant was "subjected to retaliation." Exhibit II shows that the Claimant did assert "national origin" discrimination at the 12/16/08 meeting, and the inconsistencies by the Recipient in the OCR-Report Discovery, Section (B), show that the Recipient's assertions that the other three (3) forms of Academic Community discrimination, "race," "sex," and "employer/employee" (elaborated on in the Appendix) were not mentioned during the December 16th, 2008 meeting and afterward must be incorrect by a preponderance of the evidence standard. The documents also show that the Claimant's appeal of his dismissal from his Ph.D. Degree Program and his Graduate, Research, Teaching (GRT) Assistantship, the 3/1/09 FAU-Appeal (see Exhibit I), was never processed nor was ever intended to be, by the Recipient; this failure to provide a fair and impartial appeal process constitutes a "Retaliatory Adverse Action." Consequently, if the appropriate legal standards are applied in order to qualify a university student's enrolment in a Ph.D. Degree Program and/or GRT Assistantship as a "Protected Activity" per Title VI and Title IX, then in light of the verification of the Claimant's Discrimination claims, the Claimant's recognition and vocal opposition to the initial "Retaliatory Adverse Action" would, in fact, not be "extortion" as the Recipient claimed, and rather the Recipient did in fact subject the Claimant to further "retaliation" for his persistent vocal opposition to the initial "Retaliatory Adverse Action." As such, due to the factual and legal errors in the OCR-Report with regard to the misidentification of "Protected Activity" status, and the 3/1/09 FAU discrimination appeal and retaliation verification, OCR's determination of the case would change to find that the Recipient subjected the Claimant to further retaliation by alleging the Claimant "extorted" them for his persistent opposition to the initial "Retaliatory Adverse Action," "failing to provide a fair and impartial appeal process," which was directly causally related to a "Protected Activity the Claimant was engaged in which the Recipient knew about."

Caveats

(1) Exhibit I. 3/1/09 FAU-Appeal (a certified copy by the Palm Beach Sheriff's Office is included herein). My 2/26/09 e-mail appeal asking the same questions was also submitted to (b)(6); (b)(7)(C) (this was

my first correspondence to (b)(6); (b)(7)(C).

(2) Exhibit II. Response to the 3/1/09 FAU-Appeal is dated 3/6/09 in the 2009 Police Investigation, yet the Recipient claims in the OCR-Investigation the response was generated on 3/24/09. Paragraph 3, Line 1 of this document also shows the “national origin” discrimination and is elaborated in (B) OCR-Report Discovery, #3. Also, the fact that FAU’s response to my appeal of the Official Dismissal was already generated nine (9) days after the Official Dismissal and a mere five (5) days after the 3/1/09 FAU-Appeal was sent, implies that the Recipient did in fact receive the 3/1/09 FAU-Appeal, immediately prepared their response by 3/6/09, and then waited until 3/24/09 to mail it to the Claimant in order to feign a fair and legitimate appeal process. The evidence thus shows that the Claimant did in fact submit the 3/1/09 FAU-Appeal and the Recipient discarded it upon receipt, and in fact never intended to honour it, thus creating a “Retaliatory Adverse Action,” by “failing to provide a fair and impartial appeal process.” Further, the response the Recipient did provide discusses only money, and as the 3/6/09 document shows, the Recipient was in fact planning a premeditated campaign of “extortion” in order to frame the Claimant, with the issuance of a response which answers only one (1) of the Claimant’s questions in the FAU-Appeal.

(3) Exhibit III. Discovery Assessment (2009 Police Investigation): Comments by the Recipient contradict their statements to OCR.

(4) Exhibit IV. 3/21/10-3/24/10 Facebook Conversation: Shows Recipient asking Claimant about a Reference Request from Columbia University and also discusses the plagiarism accusations.

(5) Exhibit V. 12/2/08-12/4/08 E-mail Sequence, improperly dismissing Recipient without warning from his GRT Assistantship and hence from the Ph.D. Degree Program itself shows the Claimant asking about things other than money, and no one responding.

(6) Exhibit VI. (b)(6); (b)(7)(C) E-mail: Shows a potential cover-up at the highest levels in Florida. A request was sent to the Florida Department of Education and responded to by the Board of Governors of the State University System of Florida. (b)(6); (b)(7)(C) of FAU at the time of dismissal, is the (b)(6); (b)(7)(C) of the State University System of Florida. His attorney had just sent the Claimant a letter stating, “You have already exhausted all of your options, including an appeal.” The Claimant thought this was odd, so he requested the Appeal records; no response has been received to date.

(7) Exhibit VII. 4/20/10 and 4/26/10 E-mails from Florida Governor's Office: Does not show anything improper by the Governor's office, yet we must assume the Governor's office likely alerted FAU about the discrimination claim. The Claimant would like to formally thank the Governor for his help in this matter.

(8) Different documents were provided by Recipient during the initial 2009 Criminal Investigation than those provided during the 2010 OCR-Investigation. Specifically, the warnings and communications included in the OCR-Report are conspicuously absent from the 2009 Police Investigation Discovery Documents. This implies the Recipient either withheld information in the 2009 Police Investigation or forged documents in the 2010 OCR Investigation. To elaborate, page 3 of the OCR-Report, Factual Findings and Analysis, paragraph 2 states, “Documents dated September 14 and 19, 2008, and October 7 and 29, 2008, disclosed that the Claimant's (b)(6); (b)(7)(C) and professors communicated with him and with each other via email concerning performance in his courses and the Assistantship Program.” Coincidentally, these are the dates of the four tests in Basic Statistics and Math. It is highly unlikely that within minutes of the tests being taken, they were graded, and the professors immediately contacted each other and the Claimant.

(9) The Claimant deleted his Yahoo e-mail account, the Recipient deleted his FAU e-mail account, and the Claimant simply did not save all his documents in anticipation of criminal and civil rights investigations while the Recipient apparently did. The Claimant has just been trying to transfer and move on, whereas the Recipient knows this will reflect badly upon them and is intent on not letting that happen. Also, as discussed in Caveat (8), e-mails and letters can be shredded and/or forged with ease.

(10) Coincidence or Fantastic Sacrificial Delusional Symbolism: acceptance letter dated 3/5/08, draft response prepared 3/6/09, draft response mailed 3/24/09, probable cause affidavit 2/24/09, dismissal 2/25/09, sentencing 2/26/10, birthday 8/10, report date 8/20/10.

(11) Plagiarism: Claimant is highly offended by Recipient's baseless plagiarism accusations, which are simply retaliation for me accusing them.

(12) Extortion, Money: Recipient's accusations and responses should be seen in light of their claims of extortion.

(13) Ph.D. Guide: Is not official. Is only for Finance, is for no other FAU subjects. Is not signed. Is only online. Is used by Recipient as an excuse for the 12/2/08 e-mail dismissal.

Assertion: Claimant Did Engage in "Protected Activity(s)"

The OCR-Report contends that the Claimant was not engaged in a "Protected Activity," which is one of four requirements needed to establish a prima facie case of "retaliation." Recipient also must be aware of the Protected Activity and must have taken an "Adverse Action" against the Claimant contemporaneous to or subsequent to the participation in the Protected Activity, and there must be a causal connection between the Adverse Action and the Protected Activity.

(1) Claimant did in fact engage in a "Protected Activity" per Title VI and Title IX, as both "Ph.D. Degree Programs" and "GRT Assistantships" are Protected Activities, as further elaborated on in the attached Appendix (Protected Academic Programs and Activities) to this OCR Appeal. Additionally, as evidenced by Exhibit II and the OCR-Report Discovery, (B), there were claims of "national origin" discrimination as well as "race," "sex," and "employer/employee" discrimination. Verification of the legitimate discrimination claims is evidenced by the national origin discrimination in Exhibit II, as well as the proof via a preponderance of the evidence due to the Recipient's inconsistencies in the OCR-Report Discovery, Section (B), of the other three (3) Academia-specific discrimination issues of race, sex, and employer/employee.

(2) Recipient was in fact aware of the "Protected Activity." Claimant was officially enrolled as a "Ph.D. Candidate" in the "Ph.D. Degree Program" at the Recipient's Business School, attended the Ph.D. orientation meetings in August 2008, received an Acceptance Letter and Dismissal Letter from the Recipient's Ph.D. Program, received an e-mail dismissing him from the Ph.D. Program and GRT Assistantship, received a Ph.D. Guide, was paid \$7,900 in 2008 for his work as a GRT Assistant, and the Recipient also advertises the Ph.D. Program and application on their website.

(3) Recipient did in fact take a "Retaliatory Adverse Action" against the Claimant contemporaneous or subsequent to the participation in the "Protected Activity." As discussed in Caveat (2), Recipient created an initial "Adverse Action" by failing to provide a fair and impartial appeal process, and then took a second "Adverse Action" by alleging the Claimant "extorted" the Recipient, when the OCR-Report clearly states that all the Claimant ever did was "complain about salary owed."

(4) There is a causal connection between the "Adverse Action" and the "Protected Activity." When Claimant appealed his dismissal from his Title VI and Title IX Protected Activities, "Ph.D. Degree Program" and "GRT Assistantship," the initial Adverse Action resulted when a fair and impartial appeal process was not provided, and a second Adverse Action resulted when the Claimant was charged with "extortion" by the Recipient over the Claimant's vocal and persistent opposition to the initial Adverse Action.

(5) Prima facie case of "retaliation" is established. As such, the OCR-Report mentions that many of the e-mails the Recipient provides concern monetary issues and salary owed to the Claimant which he earned during his participation in his "Protected Activities" and was forced to question the Recipient about because of the Recipient's initial "Retaliatory Adverse Action." The Recipient claimed this was criminal extortion. The State of Florida defines "extortion" as "an act with 'malicious intent,' that is illegal, immoral, and/or unethical." Does OCR feel that asking for salary owed is "malicious intent" and is "immoral, illegal, and/or unethical"? Is this extortion?

Conclusion: Recipient did Retaliate against Complainant in Noncompliance with Title VI & Title IX

Consequently, the OCR Appeal changes OCR's determination of the case by establishing a prima facie case for "retaliation" via satisfying four requirements by certifying: (1) both "Ph.D. Degree Program" and "GRT Assistantship" as "Protected Activities" the Claimant was engaged in when making discrimination claims based on "national origin," "race," "sex," and "employer/employee" harassment; (2) the Recipient was aware of the Protected Activities; (3) the Recipient created a "Retaliatory Adverse Action" by "failing to provide a fair and impartial appeal process, "both contemporaneous and subsequent to the participation in the Protected Activity"; and (4) the Retaliatory Adverse Action is directly, causally connected to the Protected Activity. The OCR Appeal further changes OCR's determination of the case by finding that after establishing the prima facie case of retaliation, the Claimant was in fact "subjected to retaliation" by the Recipient per the Recipient's assertions of "extortion" against the Claimant for vocally and persistently questioning the Recipient's initial "Retaliatory Adverse Action" which was directly, causally connected to and committed contemporaneous and subsequent to the Claimant's participation in a Protected Activity that the Recipient knew of.

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(B) OCR-Report Discovery

The preponderance of evidence from the “2009 Police Investigation” (as discussed in Exhibit III) and the “2010 OCR Investigation” proves numerous inconsistencies by the Recipient in the OCR-Report. Consequently, the evidence which follows in this OCR-Report Discovery, Section (B), questions the Recipient’s assertions that the Claimant did not request references or file appeals, and that the Claimant did not claim discrimination and harassment by the (b)(6); (b)(7)(C) until June 2010.

There are three primary issues:

(1) No Appeal: Exhibits I, II, and VI: Odd sequence of letters issued by Recipient: 2/24/09 probable cause affidavit; 2/25/09 official dismissal; 3/1/09 FAU-Appeal mailed; 3/6/09 draft response prepared; 3/24/09 draft response mailed.

(2) No References: Exhibit IV proves otherwise. Conversation with (b)(6); (b)(7)(C) on Facebook about Columbia University.

(3) Discrimination: Exhibit I, Paragraph 3, Line 1 (“national origin” is the primary discrimination issue): Clearly mentions United States in a reference to Claimant’s discussion of the difference between British and American programs for their citizens in the December 16th meeting with (b)(6); (b)(7)(C) who is referenced in the draft. The other three traditional Ph.D. Degree Program discrimination issues of race and sex were also discussed, as was the employer/employee harassment the Claimant asserted the (b)(6); (b)(7)(C) subjected him to. Consequently, due to the fabrications discussed herein by FAU in the OCR-Report, the weight of the evidence proves that the Recipient is knowingly misrepresenting the facts and thus their account of the December 16th meeting is wrong, as is their presentation of the e-mails provided. 4/9 e-mail proves discrimination claims where (b)(6); (b)(7)(C) was threatened for stealing papers and (b)(6); (b)(7)(C) was cc’ed, so he knew what the problem was (see Exhibits VI and VII).

Following are thirty (30) specific inconsistencies in the OCR-Report.

(1) Page 2, Background, Paragraph 1, Line 3: Claimant began the program in June 2008, three months early, as the initial e-mails with (b)(6); (b)(7)(C) clearly show. Dismissed from GRT Assistantship, prevented from taking finals, then dismissed on 2/25/09, one day after the probable cause affidavit (2/24/09). GRT Assistantship is a necessary condition of the Ph.D. program.

(2) Page 2, Background, Paragraph 2: “National Origin” is missing: one (1) US Citizen, one (1) Vietnamese, one (1) Polish.

(3) Page 2, University’s Policies and Procedures, Line 3: (b)(6); (b)(7)(C) (12/16/08), (b)(6); (b)(7)(C) (January 2009 and beyond), (b)(6); (b)(7)(C) (February 2009 and beyond).

(4) Page 2, Footnote: Needs to disclose the nature of the incarceration. Charges (aggravated stalking and extortion) related to Appeal and Dismissal.

(5) Page 3, University Policies and Procedures, Paragraph 2: This “Ph.D. Guide” is not official; it is just the Recipient’s attempt to cover for the 12/2/08 e-mail. Where are the guides for the other Ph.D. programs at FAU? There are none. Nevertheless, this is a clear example of most documents and testimonies saying 3.0 or 3.2 GPA to retain Assistantship, yet FAU is clearly fishing a few lines from an obscure document to change the rules. Also, the last line is incorrect. The “Ph.D. Guide” is ONLY available online, another reason it is not official. I never agreed to it or signed it; I signed and agreed to the Acceptance Letter which states a GPA after the semester is the standard for dismissal. Plus, this “Ph.D. Guide” is never handed out at any of the orientation meetings or other Ph.D.-related activities or functions. Again, it is ONLY available online. Also, implies we receive a hard copy, which we do not.

(6) Page 3, Factual Findings and Analysis (“FFA”), Paragraph 1, Line 7: States stipend is \$9,000 per semester. I was paid \$7,900 for the semester. It needs to mention the issues with the pay in light of my requests for pay.

(7) Page 3, FFA, Paragraph 1, last three sentences: These are “subjective” statements not appropriate for a “fact” section of an OCR-Report. If FAU wants to include obscure, vague documents or random parts of their website, that is a separate issue. OCR should be more discerning for the record. I read the “Guide” before the semester, and I abided by all requirements in the “Guide.” (b)(6); (b)(7)(C) e-mail was a criminal act where he attempted to steal my dissertation.

(8) Page 3, FFA, Paragraph 2, Sentence 1: States Claimant was enrolled on 8/23/08 and started classes the same date, yet was at FAU since June 2008. This proves the arguments over class selection already going on with (b)(6); (b)(7)(C) This is also discrimination, as the “Guide” does not state in which order I have to take the classes.

(9) Page 3, FFA, Paragraph 1, Sentence 2: There are no documents dated 9/14, 9/19, 10/7, or 10/29 in the 2009 Police Investigation showing the Claimant’s (b)(6); (b)(7)(C) and Professors communicated with him, because there were no issues. These documents are forgeries. Again, it is too much of a coincidence that the four dates mentioned (9/14, 9/19, 10/7, or 10/29) are the dates of the four tests in Basic Statistics and Math.

(10) Page 3, FFA, Paragraph 2, Sentence 3: Four serious, yet fake, allegations. These are all lies, and the Claimant urges OCR to be more careful with their accusations about him, as these accusations reflect directly on why he couldn’t transfer his academic career, especially the plagiarism. It should also be noted that the plagiarism accusations are likely retaliation for the Claimant’s allegations against the (b)(6); (b)(7)(C)

(11) Page 3, FFA, Paragraph 3, Sentence 1: Is not a factual statement, as the 2009 Police Investigation shows (b)(6); (b)(7)(C) never contacted the Claimant during the semester. The only warning was one e-mail sent in early November 2008 to all three first-year students warning them to complete their papers, which the Claimant turned in on November 30, 2008. He was preparing for finals when he was dismissed.

(12) Page 3, FFA, Paragraph 3, Sentence 2: As the 2009 Police Investigation shows, the Claimant kept attending classes until 12/05/08, even after the 12/2/08 e-mail dismissal, because he wanted to take his finals and continue the program. (b)(6); (b)(7)(C) told me after the 12/5/08 class that I was not allowed to take finals. When I asked (b)(6); (b)(7)(C) he said, “Sorry, the Ph.D. Program does not offer that!”

(13) Page 3, FFA, Paragraph 3, Sentence 3: States “As a result,” in reference to the two statements in the previous sentence. Yet even though the statement about attending all classes is false, the statement that says because I missed my finals, I was dismissed on 12/2 is clearly false, because finals were the week of 12/9. I was fired on 12/2, tried to take my finals, as the 12/5 meeting shows, and was not allowed.

(14) Page 3, FFA, Paragraph 3, Sentence 3: Using statements from the unofficial “Ph.D. Guide” to dismiss.

(15) Page 3, FFA, Paragraph 3, Sentence 4: Psychological condition of Recipient’s choice of dates: 8/10 (my birthday); 8/20/10 (report date); 2/24/09 (probable cause affidavit); 2/25/09 (official dismissal); 2/26/10 (sentencing); 3/5/08 acceptance letter; 3/6/09 (draft of 3/24/09 appeal response).

(16) Page 3, FFA, Paragraph 3, Sentence 4: Footnote should be included indicating these grades do not reflect finals, which traditionally are 20-50% of the final grade. Thus, a C, D, F would likely be an A, B, or C.

(17) Page 4, FFA, Paragraph 1, Sentence 2: Probable Cause Affidavit is dated 2/24/09.

(18) Page 4, FFA, Paragraph 1, Sentence 3: E-mail Appeal sent 2/26/09 and Written Appeal sent 3/1/09.

(19) Page 4, FFA, Paragraph 1, Sentence 4: Excludes 3/6/09 draft of 3/24/09 Appeal Response. Fails to mention my Appeal Requests.

(20) Page 4, Retaliation, Paragraph 3, Sentence 2: Responded on 2/26/09 via e-mail and on 3/1/09 via letter to Official Dismissal dated 2/25/09.

(21) Page 4, Retaliation, Paragraph 3, Sentence 3: 12/2 e-mail sequence shows Claimant

requested things other than money. Did not claim harassment or discrimination until December 16th meeting with (b)(6); (b)(7)(C) then with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

(22) Page 4, Retaliation, Paragraph 3, Sentence 3: Footnote, e-mails provided by FAU. Claimant did not save copies and deleted his Yahoo account and FAU deleted his FAU Account.

(23) Page 4, Retaliation, Paragraph 3, Sentence 4: (b)(6); (b)(7)(C) was notified very directly and matter-of-factly when I e-mailed (b)(6); (b)(7)(C) (cc'ed (b)(6); (b)(7)(C) in April 2009 that "I would kill him if he steals papers again." So clearly, FAU knew of the discrimination at this point, because charges were pressed.

(24) Page 4, Retaliation, Paragraph 4, Sentence 2: Obviously, I claimed discrimination and appealed numerous times based on my 4/9 e-mail, 3/6/09 draft, and FAU lies.

(25) Page 4, Retaliation, Paragraph 4, Sentence 3: Where are the December 2008 and January 2009 e-mails? E-mails in 2009 Police Investigation show requests for things other than money.

(26) Page 4, Retaliation, Paragraph 4, Sentence 3: Which letters? Only letter was the FAU-Appeal, which they claim they don't have.

(27) Page 4, Retaliation, Paragraph 4, Sentence 3: Obviously, I had to have asked for something other than money at least one time. They knew (b)(6); (b)(7)(C) was treating me unfairly, and that is why I was following up.

(28) Page 4, Retaliation, Paragraph 4, Sentence 3: Only (b)(6); (b)(7)(C) was threatened. Others were made aware of discrimination.

(29) Page 4, Retaliation, Paragraph 5, Sentence 1: Weight of evidence proves FAU is lying. Alleged discrimination on all four issues, starting with December 16th, 2008 up to 4/9/09 and beyond.

(30) Page 5, Retaliation, Paragraph 1, Sentence 1: Is this extortion, as FAU claimed? Report should address extortion allegations.

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(C) Claimant's Version of Events

The first letter the Recipient sent the Claimant was a note in February 2008 telling the Claimant he was their top choice and asking if he was interested (after the Claimant had turned down an invitation to apply to the University of Florida's Ph.D. program while at UNF). The Claimant then cancelled his applications to the Imperial College London and the London School of Economics and accepted the Recipient's offer as an opportunity to spend time with his grandmother, who lives in Fort Lauderdale.

From the initial meeting with (b)(6); (b)(7)(C) in June 2008 upon arriving three months early, the Claimant received a cold reception from (b)(6); (b)(7)(C) and as a consequence, eventually from the rest of the members of the Recipient's Administration as well. The obvious question then is, why did the Recipient make the Ph.D. program offer to the Claimant to begin with unless the (b)(6); (b)(7)(C) was planning this hack move from the start?

The Claimant admits he was having a stressful first semester. He told the (b)(6); (b)(7)(C) before the semester, after arriving three months early and finishing his teaching notes before the semester started, that he wanted to take a fourth class. The (b)(6); (b)(7)(C) responded, via e-mail, which is not included in the documents provided by the Recipient, that the teaching notes were "very thorough" and that the Claimant needed to "reread the 'Ph.D. Guide' if he was confused." The Claimant was not confused, and he had already read the so-called "Ph.D. Guide." The Claimant takes serious offense to the authority attached to this Ph.D. Guide as it is simply nothing more than (b)(6); (b)(7)(C) "delusions of grandeur." The reason this Ph.D. Guide is not official is because it is not handed out at either (1) Graduate Student Orientation in early August, or (2) Business School Ph.D. Orientation in late August. The Claimant does counter that this Ph.D. Guide is among several documents posted to the Recipient's website along with many other obscure "unofficial" and "official" documents. Further, as explained in Exhibit III, every single person in the Recipient's Administration testifies to the police that a "Ph.D. Candidate" may be dismissed for not having a 3.2 GPA and for nothing else. This Ph.D. Guide is simply the desperate act of a delusional (b)(6); (b)(7)(C) and a troubled Administration to cover for the suspect (b)(6); (b)(7)(C) mistake. The Claimant simply feels that the (b)(6); (b)(7)(C) should not have been allowed by the Administration to make up his own rules on the fly when the Claimant and everyone else in the Recipient's Administration, as evidenced by Exhibit III, understood the standards for dismissal to be a 3.2 GPA, *after* the semester. The Claimant is a Chartered Management Accountant (CMA), Certified Internal Auditor (CIA) and Certified Financial Manager (CFM). As such, in his professional opinion, the Recipient's Administration erred a long time ago when they gave the (b)(6); (b)(7)(C) control over too many duties. In auditing and accounting, we call this "segregation of duties," and it prevents someone from say, stealing money or firing people with whom they have personal issues. To put it officially, the only documents the Claimant signed informed all parties that his Assistantship could be terminated only for not having a 3.2 GPA—nothing else.

As such, after the e-mail exchange about classes and teaching notes before the semester, the (b)(6); (b)(7)(C) did not respond back to the Claimant until mid-September to ask if he was attending his (b)(6); (b)(7)(C) class as an observer. The Claimant responded back to the (b)(6); (b)(7)(C) that he was, and asked when they could meet again. (b)(6); (b)(7)(C) did not respond back until the 12/2/08 e-mail dismissal, as the 2009 Police Investigation clearly shows. (b)(6); (b)(7)(C) had not told the Claimant he could stop attending the class, although he told the other two first-year Ph.D. Candidates to do so. So the Claimant went back to the class, at which point (b)(6); (b)(7)(C) became irate and accused the Claimant of showing up to pick up young girls, because he did not know (b)(6); (b)(7)(C) was being distant to the Claimant. The Claimant has a wife and was very offended by the accusations of impropriety. The Claimant simply does not have an answer for why he was not allowed to take a fourth or fifth class, or

why he had to retake undergraduate Basic Statistics after receiving A's in it at UNC and UNF. Nevertheless, the Claimant was prepared to finish with an A, B, and C after passing finals.

In Exhibit III, his (b)(6); (b)(7)(C) clearly testify that he was doing fine in his classes, attending all classes, and committed to passing his finals. For the record, however, the Claimant did in fact score correct answers on nearly all questions asked on the tests and assignments, and there was just some confusion about how much work the Claimant was expected to show, and how he was arriving at the right answers using different methods than the professors. By December 1, 2008, however, the Claimant had sufficiently adjusted to FAU's grading system and was prepared to ace finals. The Claimant was at the last Research Seminar class on 12/5/08, as he had a commitment to present another student's project. After the last class, he asked the (b)(6); (b)(7)(C) if he could take his finals, to which she replied, (b)(6); (b)(7)(C) "kicked you out; that's it. You can't take finals. You can still publish in business, though." So could I have barged through the doors and taken finals? Maybe? Although (b)(6); (b)(7)(C) told me I wasn't allowed (b)(6); (b)(7)(C) and no one responded to the mass e-mail I sent out on 12/2/08 in response to (b)(6); (b)(7)(C) dismissal e-mail.

As for communication from (b)(6); (b)(7)(C) there was none, and any documents that suggest otherwise are forged. There was also no communication between the Claimant and his professors related to any issues except for his dedication to pass the finals in verbal communication (which was also the case with others students in the (b)(6); (b)(7)(C) classes). To put it simply, there was no serious communication between the Claimant and his professors and the (b)(6); (b)(7)(C) about losing his Assistantship because there was no issue, and thus no chance the Claimant would not have a 3.2 GPA and keep his Assistantship. The early November 2008 warning from the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was clearly a mass e-mail sent out to all the students and refers to finishing the experiment, which the Claimant handed in on November 30, 2008. This was sent because the problems the first semester are from students not finishing their papers, not (b)(6); (b)(7)(C). The Recipient also suggests the Claimant did not complete and return assignments. The Claimant's professor he did work for, (b)(6); (b)(7)(C) makes no issues of the Claimant's work for him, as the Claimant finished and handed in to him all work assignments in a day or two. If the Claimant was not completing all assignments on time, his grades would not have been as good as they were (C in (b)(6); (b)(7)(C), D in (b)(6); (b)(7)(C), F in (b)(6); (b)(7)(C)), which would have been A in (b)(6); (b)(7)(C), B in (b)(6); (b)(7)(C), and C in (b)(6); (b)(7)(C) with the final exam grades counting for up to 50% of the course's final grade.

The plagiarism accusations are retaliation for the Claimant's allegations that the (b)(6); (b)(7)(C) plagiarized his dissertation, made to the other universities, journals, and conferences, which have effectively blacklisted (b)(6); (b)(7)(C) from academia. If the Claimant was plagiarizing, he would have been reported to the University Ethics Committee and not given an "A" for the experiment, which was supposedly plagiarized. The Claimant wants the record to show he is highly offended by the Recipient's slanderous and libellous accusations of plagiarism with no legitimate proof.

The Recipient then says the Claimant was failing classes. The Claimant feels that since he wasn't allowed to take his finals, his grades of C, D, and F are acceptable, as they translate to a 3.0 GPA with finals.

The Recipient also alleges that the Claimant was frequently late and absent from classes. The Claimant has readily admitted from Day 1 that he was late to two classes and missed two classes. These are the two classes (b)(6); (b)(7)(C) is referring to in Exhibit III when he says I stopped attending two classes, which is a misleading statement. In September, the Claimant missed half of his (b)(6); (b)(7)(C) class because he was running late returning from a business meeting in the Cayman Islands. He talked to his (b)(6); (b)(7)(C) after class, and the issue was resolved. Then, in November, the Claimant was getting severe heartburn and was having trouble drinking water due to the stress from the communication issues with the (b)(6); (b)(7)(C). He stopped by the Student Clinic at FAU to get a prescription of Aciphex,

which made him 20 minutes late to the (b)(6); (b)(7)(C) class. He talked with (b)(6); (b)(7)(C) after class, and the issue was resolved. The Claimant was still feeling sick the next week and e-mailed his (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) that he was sick. She replied, as evidenced in Exhibit III, "You know what the requirements for the class are." She also describes in Exhibit III how attendance is not a major part of the grade because it is Undergraduate Basic Statistics. Then I made the decision the last week of November that it was more important to finish my experiment than attend Basic Statistics, and I missed the last Basic Statistics class in November. I was preparing for the last week of classes and for my finals after finally finishing my experiment when the (b)(6); (b)(7)(C) sent his mass e-mail dismissing me.

From there, the Claimant asked the (b)(6); (b)(7)(C) a lot of questions, and he responded, "Sorry, the Ph.D. program doesn't offer that!" As (b)(6); (b)(7)(C) has no office hours and would not meet me on campus to discuss my issues, and since the (b)(6); (b)(7)(C) chose not to help me when I went to the last class of the semester on 12/5/09, I did not find anyone to talk to in person until I walked into the office of, and spoke with, (b)(6); (b)(7)(C) on December 16th, 2008. Did I ask about money at the meeting, as well as use the specific words "appeal" or "discrimination"? Absolutely. The money I was owed and had not been paid was very important to me. I also used a lot of synonyms such as "options," "recourse," etc. The Claimant did, however, use the specific words "appeal" and "discrimination" numerous times, both in e-mails and during the December 16th meeting and the FAU-Appeal. The e-mails were not saved in anticipation of an investigation, and the (b)(6); (b)(7)(C) is simply not telling the truth. Whenever the Claimant asked about what his options were ("appeal") or mentioned that (b)(6); (b)(7)(C) was treating him unfairly ("discrimination"), he simply said, "Your pay was cut off on 12/2/08!" or "That is not my responsibility." He then got (b)(6); (b)(7)(C) on the phone, and the Claimant was asked about missing the two Basic Statistics classes. The Claimant responded, "I was sick" to which (b)(6); (b)(7)(C) responded, "I could have done it earlier." That was the end of the meeting, as (b)(6); (b)(7)(C) told the Claimant that all he could do was cut a check for \$1,900. The Claimant was informed the check would be mailed. The Claimant then asked if there was any paperwork or something he needed to sign, as is the case normally, to which the (b)(6); (b)(7)(C) simply smirked, "No." Also, whenever the Claimant mentioned his experiment throughout the meeting, the (b)(6); (b)(7)(C) smirked, "We know." That was the end of the meeting, and it was an odd meeting. I would like to say again for the record that during this meeting I did specifically address the fact that I am an American citizen and that I deserved better treatment than this after serving my country in the US Navy, and that this would not be happening in England, as Exhibit II shows. Of the four forms of discrimination in academia, "race" and "sex" were implicitly addressed, and "national origin" and "employer/employee" discrimination were explicitly addressed, just prior to the (b)(6); (b)(7)(C) getting (b)(6); (b)(7)(C) on the phone.

The Claimant then returned from Christmas Break and began e-mailing (b)(6); (b)(7)(C). The Claimant felt his decision to follow the chain of command and not go over (b)(6); (b)(7)(C) head from the beginning of the semester with issues he was having with him was going unappreciated, and it was time to break rank. (b)(6); (b)(7)(C) never responded to the Claimant's e-mails although an "official dismissal" was eventually sent February 25th from (b)(6); (b)(7)(C) one day after the February 24th probable cause affidavit. The Claimant then ended communication with (b)(6); (b)(7)(C) and began e-mailing (b)(6); (b)(7)(C) who also never responded to e-mails from the Claimant. The Claimant then sent the FAU-Appeal on 3/1/09 and was responded to by the letter discussing financial information on 3/24/09, in an apparent attempt to frame the Claimant for extortion. Also, based on the facts that the "official dismissal" was not generated until the 2/24 Police Investigation for a "restraining order," and the 3/24 response was already generated by 3/6/09, the evidence shows that the Recipient never intended to provide a "fair and impartial appeal process." The Claimant then found out on March 30th, 2009 from the Imperial College London that he could not be accepted for transfer at that time because (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) (after Exhibit IV, the (b)(6); (b)(7)(C) was substituted for the (b)(6); (b)(7)(C) professor) did not respond to the e-mail requests for references which were sent through the Imperial College London Application website. After further discussions with members of the academic community, the Claimant was informed that because of the timing of the dismissal (week of finals), it looks like he had behavioural issues. The academic community simply informed the Claimant that no one is ever dismissed the week of finals unless they have committed a crime and have actually been expelled, not dismissed. The Claimant then became irate at (b)(6); (b)(7)(C) for lying about his reputation and admits that he e-mailed (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) threatening the (b)(6); (b)(7)(C) if he stole another student's paper. This brought "aggravated stalking" and "extortion" charges.

The Claimant then spent thousands of dollars on legal fees and mental health counselling on the assumption that he would not embarrass the Recipient at trial in exchange for dropping the charges. The Claimant was then informed by his attorney on February 26, 2010 (2/24/09 probable cause investigation, 2/25/09 official dismissal, 2/26/10 sentencing), that the Recipient was ready to make a good deal. He was then informed upon arrival by his attorney that there was still no deal on the table after ten months.

So the Claimant gave them the conviction for "extortion" and "aggravated stalking" one (1) year after the dismissal date exactly. FAU must not have read their fairy tales when they were little. They obviously forgot what happened to the farmer who tried to kill his Golden Goose, who sometimes produces golden eggs with hard work. When the plagiarism accusations were made in the mass e-mail to the American journals and conferences, a professor from the University of Missouri responded to me suggesting this amounted to a "declaration of war."

The Claimant then returned to South Carolina and promptly e-mailed (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) with his civil lawsuit. The Claimant also began his campaign to the Florida Bar, Palm Beach Bar, and other agencies about the legal issues with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) let FAU do their own investigation and received promotions via the FAU Board of Trustees. The (b)(6); (b)(7)(C) is now working as a defence attorney after the (b)(6); (b)(7)(C) got involved. The Claimant delivered a Memorial Day Speech via e-mail to the (b)(6); (b)(7)(C) and he is now free to leave the country in November 2011. From 2/26/10 to 5/31/10, the Complainant also caught (b)(6); (b)(7)(C) publishing his paper in the *Journal of Corporate Finance* under the title (b)(6); (b)(7)(C) This is why the Recipient is claiming "plagiarism," with no legitimate proof, mind you, simply out of "retaliation." The Claimant also requested references through universities such as Harvard and Yale through their online application systems, to which the Recipient never responded. As the Facebook Conversation, Exhibit IV, shows, the Recipient did in fact receive the reference requests. His (b)(6); (b)(7)(C) contacted him about a request from Columbia University; she is now working at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The only people the Claimant ever threatened was the (b)(6); (b)(7)(C) and metaphorically the State of Florida's Political Establishment with the Memorial Day Speech via e-mail.

OCR-Copy

FAU Appeal

3-1-09

Hi (b)(6); (b)(7)(C) Yes, I would like to appeal. I am just very confused about what is going on. You invite me to your school, tell me I am the top person you are considering, and I get here early so I can get ahead. Then you dismiss me via email the week of finals for not doing my work, when my teaching notes were finished before the semester started, I was doing excellent work for (b)(6); (b)(7)(C) and I was on pace to finish with a 3.2 GPA after a stressful first semester. The stress in my classes was due to (b)(6); (b)(7)(C) not responding to my questions, and just lying to me about everything. Now you tell me I am being dismissed for my final GPA not being a 3.2? I am also confused about why my pay was cut off if I was not dismissed?

I am very happy you contacted me. I have been trying to get through to someone, sending lots of emails and stopping by campus, and I look forward to meeting you in person so we can discuss the issues with (b)(6); (b)(7)(C)

Formally, I am appealing why I was dismissed via email the week of finals 2 days after handing in my dissertation proposal, for my final GPA not being a 3.2? How can I have a final GPA without taking finals, and why was I not allowed to take my finals? Why was I dismissed for different reasons on 12/2/08 and 2/26/09?

Please tell me when you want me to stop by your office to discuss this matter?

Kevin Steem
 Kevin Steem
 1-8-11

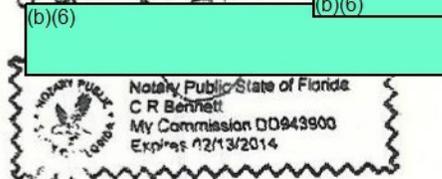


Exhibit II. 3/6/09 FAU - Appeal Response



GRADUATE COLLEGE
777 Glades Road, SU80 101
Boca Raton, FL 33431-0991
tel: 561.297.3624
fax: 561.297.1212
graduatecollege@fau.edu
www.fau.edu/graduate

*Draft
Not mailed
to Kevin Sleem.*

March 6, 2009

Mr. Kevin D. Sleem
223 Via D Este Apt 1911
Delray Beach, FL 33445-3984

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
3/11/09
(6+5=11)

Dear Mr. Sleem,

I have been asked to investigate the allegations you recently made regarding the assistantship you were awarded last year and to report my findings to you. I received a copy of your offer letter dated March 5, 2008 from (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) I also spoke with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) about your assistantship and the payments you received through January 2009.

Your assistantship offer letter states that you were to receive "\$18,000 for the first nine months (fall and spring semesters), starting in the Fall semester 2008". It also states that you "may have the opportunity to earn an additional \$3,000 by teaching the beginning course in your discipline during the summer". This appears to be the \$21,000 that you allege (b)(6); (b)(7)(C) "promised" you.

As is customary at universities throughout the United States, graduate students earn their assistantships each semester only if they remain eligible to receive funding. This is explained in your offer letter when it states that your "assistantship is granted each semester if you remain in good standing and are making sufficient progress toward the completion of the PhD". It also states that to "retain the assistantship, you need to maintain a grade point average of at least 3.2. Your assistantship may be discontinued if you receive a grade below a 'B' in any course".

Beginning September 12, 2008 you received biweekly payments of \$1,000. On December 19, 2008 you received \$100 and on January 16, 2009 you received your last payment of \$1,900. Thus the total amount paid to you for the fall semester was the promised \$9,000. Since you did not fulfill the academic requirements to retain your assistantship for the spring semester and summer term, you became ineligible to earn and receive the remaining \$12,000.

I fully appreciate the financial difficulty this has inevitably caused, but the conditions to retain your assistantship, and the consequences if you failed to do so, were clearly stated in your offer letter. I hope this helps to clarify the university's position regarding this matter, and that you now understand why you have not been given additional funding beyond that which you have already received.

Sincerely,

(b)(6)

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

Graduate College

cc: (b)(6); (b)(7)(C)

Exhibit III

Discovery Assessment (2009 Police Investigation)

I first want to address my behaviour. I wholly regret sending those emails; however, as the discovery shows, my dismissal was unfounded, and the proper protocol was not followed for dismissal from the PhD program. This drove me crazy, that I did everything right, and was not given the same chances as everyone else, and I acted wrongly. *Further, the Probable Cause Affidavit is dated February 24th, and the formal dismissal letter is dated February 25th. Why did FAU feel like they had to change my dismissal file once the police were involved?*

In the following sections, I explain why I was wrongly dismissed and clarify the inaccuracies and misrepresentations in the Probable Cause Affidavit,

- I. (b)(6); (b)(7)(C) Reason for Dismissal
- II. Protocol for Dismissal from the PhD Program
- III. Probable Cause Affidavit dated February 24th, 2009
 - A. *Inconsistencies/Fabrications Found in this Affidavit*
 - B. *How my Pay was Inappropriately Cut Off*
 - C. *Faculty Assessments and Comments about Kevin's Work*

(Note: Not all emails were provided by (b)(6); (b)(7)(C) and FAU. The email where I sent him my full teaching notes before the semester is not included, as is not the email I sent him the second week of class asking him a question which he never responded back to. The next I heard from him was the dismissal. (b)(6); (b)(7)(C) states on page (44) paragraph (2) that "it is the (b)(6); (b)(7)(C)'s responsibility to follow up with the students and help nurture us along.")

I. (b)(6); (b)(7)(C) Reason for Dismissal

If you read (b)(6); (b)(7)(C) email where he explains his reason for dismissing me, dated Tuesday December 2 10:38 AM, he includes commentary explaining his reasoning for dismissing me directly above it:

On a separate note, why is he inserting commentary and personal comments, if everything was kosher? Should not the actions speak for themselves?

"As of Dec.2, Kevin scored a 31 on exam from (b)(6); (b)(7)(C) course (see her email message below), was performing poorly in (b)(6); (b)(7)(C) course, and was performing poorly in (b)(6); (b)(7)(C) course (see messages below). He was also not submitting teaching files that he said he was supposed to update throughout the semester. The other two PhD students sent their files on a weekly basis. Also, he missed (b)(6); (b)(7)(C) most recent class before I sent this message below."

Following is my argument in response to (b)(6); (b)(7)(C) accusations, which of course he told me none of at the time, as he inserted them after the fact:

(1) He says as of Dec. 2, Kevin scored a 31 on (b)(6); (b)(7)(C) exam. (b)(6); (b)(7)(C) clearly states on page (43) paragraph (2) of the probable cause affidavit that it is not unusual for a student to not perform well on the first exam. I did not, I scored a 31. Notice how there is no notice of my second exam score anywhere. I scored an 81 on that, not great, but a marked improvement and enough to still pass the class with a good final.

He is using one single exam score to kick me out.

(2) He states that I was performing poorly in (b)(6); (b)(7)(C) class. On pages (47-48) (b)(6); (b)(7)(C) clearly states that I was performing well and was committed to studying with his TA and passing the final.

(3) He states that I was not performing well in (b)(6); (b)(7)(C) class. The paper we write for (b)(6); (b)(7)(C) class, the things we publish to get jobs as academics, was being written over the course of the semester, which explains (b)(6); (b)(7)(C) encouraging needling. However, on page (38) paragraph (3) (b)(6); (b)(7)(C) states that once Kevin finished that paper it was like a weight was lifted off his shoulder, and instantly was in a much better mood and his grade was secured in the class, sans the final of course.

(4) In one of our emails before the semester I state that I had finished the lecture notes. This is when we were arguing about me taking five classes and pushing through. He replied and told me to send my teaching notes which I did, and of course that positive email about me is conspicuously absent. That is where he references me updating my notes through the semester, though I had already done them. I have provided these as evidence as well.

(5) He states that I missed (b)(6); (b)(7)(C) most recent class. Yes I did, as I needed to finish the paper. However (b)(6); (b)(7)(C) clearly states on page (42) paragraph (3) that it is not uncommon for students to miss her class, as it is less involved than most others.

So every comment he makes is incorrect.

II. Protocol for Dismissal from the PhD Program

On page (21) paragraph (1) (b)(6); (b)(7)(C) states that the formal process for dismissal is an email from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) requesting dismissal, and then a formal dismissal letter is sent. Why was (b)(6); (b)(7)(C) allowed to just send me an email dismissing me, and send a personal letter to the budget office himself in an attempt to cut off my pay?

Clearly protocol was not followed, and I was not given the same chance as everyone else.

However, two wrongs do not make a right, and I understand that.

III. Probable Cause Affidavit dated February 24th, 2009

A. Inconsistencies/Fabrications Found in this Affidavit

In **page (1)**, paragraph (2), it says that Sleem stopped going to classes and his grades suffered. These are lies. Which classes, which grades? Why would I do a PhD program and not do any of the work? I did not stop going to classes, and my grades were not suffering. I failed one test the second week of class, but there are many factors that go into a final grade, including finals. It further states in paragraph (2) that the assistantship is a \$9,000 grant per semester and is awarded contingent on the student maintaining a 3.2 grade point average. I had not taken finals yet, so why was my assistantship dismissed? You do not have a GPA until you finish the semester and take the finals, which is common knowledge. This is just what drove me crazy; they did not give me the chance.

On **page (3)**, paragraph (3), (b)(6); (b)(7)(C) states that Kevin had not been attending two classes. Here he is twisting words again, as I missed two (b)(6); (b)(7)(C) classes, not I stopped attending two classes. He is continuously contradicting himself. He says he stopped my pay because I was missing classes and my grades were not good. That is a very vague statement, what does that mean? The terms of the contract state that if my GPA drops below 3.2, then it can be dismissed. They broke the contract and dismissed me when my classes were not over.

On **page (3)**, paragraph (3), (b)(6); (b)(7)(C) states that when he advised me that my assistantship was being terminated, I replied "I was expecting this" and that I asked a couple questions. Yes, I was expecting that, because he had been stonewalling me since day 1 and lying, so I expected him to not give me a fair chance. I did ask a couple questions, yet he says nothing about his responses to those questions. Those were very important questions, and is where all this started. When he would not meet with me, tell me why I was being dismissed, or tell me about my money, I went a little crazy.

I asked him questions about money and why I was being terminated without taking finals, and you have his response, he said "Sorry, the PhD program doesn't offer anything like that." He does not state this in the official police affidavit. Maybe he is not blatantly lying, but he is clearly not telling the full truth and twisting words.

On **page (4)** paragraph (4), it states that I continued to harass them about the remaining \$1,900. Again, the assistantship states that the pay is \$9,000 for the semester, so that should never have been an issue. Further, yes, (b)(6); (b)(7)(C) did say he would send me the money. But how was I supposed to know that they were going to follow through. I thought they were just going to blow me off again. They did not give me anything in writing, so how am I supposed to know? They already had been lying to me, so I assumed they still were.

On **page (14)** paragraph (5), it states that (b)(6); (b)(7)(C) thought that Sleem has resorted to some sort of extortion. "(b)(6); (b)(7)(C) advised that the terms of the Assistantship were clear and were the same for all PhD students." Why were not they the same for me, why did I get treated unfairly? The terms state that the student must maintain a 3.2 GPA, but I was dismissed before I had the opportunity to complete my classes and earn a GPA.

On page (14), paragraph (7), it says that (b)(6); (b)(7)(C) who is (b)(6); (b)(7)(C) was not made aware of the situation between (b)(6); (b)(7)(C) and Sleem until February 25th. This is either a lie, or a severe issue with their graduate program. Why would the dean not know of the PhD students in the program? He further states he has a letter formally dated the 25th of February, where he is formally dismissing me. Where was that letter in December? And that is what drove me so crazy. Why did I have to scream and yell so much to get a formal dismissal letter?

Further, the dismissal letter states that I was dismissed for not maintaining the 3.2 GPA, when (b)(6); (b)(7)(C) dismissed me the week before finals? (b)(6); (b)(7)(C) did not like me, and he lied and harassed me to get me to leave unfairly. What am I supposed to think about what is going on, when I keep getting different answers for why I was dismissed?

On page (15), (b)(6); (b)(7)(C) explains very well the formal procedures. If (b)(6); (b)(7)(C) had told me all that, everything would have been okay. I asked (b)(6); (b)(7)(C) and his response was "Sorry, the PhD program doesn't offer that." Why did not he tell me what (b)(6); (b)(7)(C) had to say in February on page (15)? That drove me crazy because I knew he was lying, but I didn't know what I could do.

On page (16) paragraph (3), (b)(6); (b)(7)(C) misleads about why my assistantship was terminated. He stated that it was terminated at the end of the Fall Semester, after I had received grades of C, D, and F. With finals, those would have been A, B, and C. So I am close and I am on probation, is how it works. I did do all of my assigned duties for (b)(6); (b)(7)(C) and I did them very well. That is another lie; you can ask (b)(6); (b)(7)(C) if I did everything he asked as well. That is not why my assistantship was terminated.

On page (17) paragraph (2) there is an email I sent to (b)(6); (b)(7)(C) where I explain I am confused about why he is saying I was dismissed for one reason and (b)(6); (b)(7)(C) said I was for another, and I very politely asked him for a meeting to talk about what happened. This was the third or fourth time I had made a very polite request for a face to face meeting to get an explanation as to why I was terminated, when I kept getting different answers. I do not think it is inappropriate to ask for that when people are telling you different things. The sad thing is, if someone there had just reached out to me a little bit, that would have been so helpful.

On page (18) paragraph (3), (b)(6); (b)(7)(C) states that if Sleem had remained in good standing he would have been entitled to the remaining \$12,000 dollars. My assistantship was cut off on December 1, prior to my GPA being finalized and recorded.

On page (18) paragraph (5), (b)(6); (b)(7)(C) asks about why Sleem's assistantship was cut off prior to receiving his final grades. (b)(6); (b)(7)(C) says there was an attempt to cut off his pay because he was not performing. What does that mean? First of all, how can there be an *attempt* to cut off my pay. Who is allowed to attempt to cut off someone's pay? Second, how do you classify performance without final grades? I think I would have had an A, B, and a C, with the finals. (b)(6); (b)(7)(C) knew that, which is why he *attempted* to cut off my pay early. As to the pay being reinstated, that was December 16th, the last day of the semester, and I had to eventually find someone on campus.

On page (21) paragraph (1), (b)(6); (b)(7)(C) states that the formal process for dismissal is an email from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) requesting dismissal, and then a formal dismissal letter is sent. Why was (b)(6); (b)(7)(C) allowed to just send me an email dismissing me, and send a personal letter to the budget office himself in an *attempt* to cut off my pay?

On page (23) paragraph (1), (b)(6); (b)(7)(C) says I made comments about my fascination with guns and me being proud of being a NC redneck. I do like NASCAR, but I am actually anti gun. I joined the Navy, not the Marines or the Army.

On page (24) paragraph (2), (b)(6); (b)(7)(C) clearly states that the protocol for dismissing a student since he has been there involves him receiving the information and him making the decision. Why did (b)(6); (b)(7)(C) not follow protocol? That is my concern; there are specific protocols that must be followed, and none of them were followed with me, which drove me crazy.

On page (25) paragraph (3), (b)(6); (b)(7)(C) says that he agrees that my performance was deserving of termination. How can they say that without me taking finals?

B. How my Pay was Inappropriately Cut Off

On page (28) paragraph (1), (b)(6); (b)(7)(C) says that 3 or 4 weeks into the semester (b)(6); (b)(7)(C) started talking to me about my progress in class. This is a total fabrication. (b)(6); (b)(7)(C) says that (b)(6); (b)(7)(C) had said that he suggested that I reduce my class load to 9 or 6 credit hours to be able to handle the classes, which was never said. Looking at the email discovery, there was never any correspondence from (b)(6); (b)(7)(C) to me throughout the entire semester. That was his job, he was supposed to have been checking with me, and actually the one email he sent me, I emailed him back, and he never responded back again until he fired me.

On page (28) paragraph (3), it says I was using foul language with (b)(6); (b)(7)(C) and blaming him for my failures in the classroom during October and November. What? Where are those emails? I could see how a payroll person could hear this from (b)(6); (b)(7)(C) and believe it, and then just cut off my pay without asking any questions. (b)(6); (b)(7)(C) never talked to me the whole semester; no one did. The only professor that sent me anything was (b)(6); (b)(7)(C) and that was needling she sent to all the students, after which she told me I had written a publishable paper. I never had any correspondence with (b)(6); (b)(7)(C) or anyone else through the semester until he fired me December 2. That was the issue; they were supposed to be encouraging me, and instead they were giving me the cold shoulder to run me off.

(b)(6); (b)(7)(C) ***Saying I was saying those things makes it okay for them to have cut off my pay, but I didn't! Just look at the emails. No one was saying anything to me, until he fired me without cause on December 2, 2008.***

C. Faculty Assessments and Comments about Kevin's Work

On pages (36) and (37), (b)(6); (b)(7)(C) is making statements about my hostility and ability to work with others. Yes, they were targeting me more, which made me more hostile. For example, (b)(6); (b)(7)(C) would take the other two first year students, (b)(6); (b)(7)(C) out for lunch during the semester, but he would not respond to my emails. Those things screw with your head, and, yes,

they do make you more defensive. When you are not being treated the same way as everyone else, sometimes you do act out.

Page (38) paragraph 3 tells the whole story. (b)(6); (b)(7)(C) said I had been acting sort of withdrawn and irrational through the semester, but then at the end, once I had finally gotten my work done and felt like a huge weight was lifted off, everything was okay. That is how it would have been had I been allowed to finish the semester. The first semester of the PhD program is very hard; no one there was reaching out to me in any way, and it was a hard first semester for me, but I was inching my way through, and I was almost there when (b)(6); (b)(7)(C) cut me off the week before finals.

In the same paragraph, (b)(6); (b)(7)(C) says that Kevin came to the final class, and he knew he was kicked out. Why was I kicked out? Is that really appropriate. It was not because of my performance; it was because (b)(6); (b)(7)(C) did not like me, so he 'kicked me out.' (b)(6); (b)(7)(C) *says it all right there; I had no chance. (b)(6); (b)(7)(C) cut off my pay, kicked me out, and that was it.*

On **page (39)** paragraph (3), (b)(6); (b)(7)(C) says that I am not a very motivated person. which was my issue in class. My neighbours all smoke weed and drink; how is that my problem? Clearly I am not judgmental, because if my neighbours want to live like that, that is their choice. Who doesn't have a couple neighbours that are a little off?

As far as **page (40)**, paragraph (1), (b)(6); (b)(7)(C) is nice guy (b)(6); (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) I took him under my wing when he got there, he has no one in the area of course, and took him out drinking a couple times just being a friend. What he is quoted as saying is wrong, but even though it is probably as bad a thing as anyone has said, the truth is he doesn't know any better. The rest of the people there do. The dissertation is the main thing, and frankly he is going to have trouble writing a long English paper. FAU's program is all about sucking up, so it is to his benefit to tell them what they want to hear. I like the kid, I was his friend while I was there and took him to my aunt's house for a cookout, helped him try to find a girlfriend, and I am not going to get on a guy's case (b)(6); (b)(7)(C) when he would be in a much worse situation than me if he were to be dismissed. (b)(6); (b)(7)(C) is a long way away. This is another reason (b)(6); (b)(7)(C) did this. I could have gone to any school I wanted basically, and so by staying close to home it made them feel better about throwing me out on the street.

Page (40) paragraph (2). (b)(6); (b)(7)(C) says she warned be about not attending (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) class. This is not truthful, because the only (b)(6); (b)(7)(C) classes I missed were the last two in November.

Page (41) paragraph (1). This is a comment about my landlord demanding rent, and them knowing about my rent. (b)(6); (b)(7)(C) knew, because we were friends and I took the kid in with me and was his friend. Maybe they were mad I was highly leveraged with student loans, and I felt I needed an expensive place to be able to deal with the stress. Looks like I was right, and honestly living in a nice place is the only way I was able to deal with the harassment so long. I did pay out my rent contract to my landlord however.

(b)(6); (b)(7)(C) statements on her Statistics class. Page (42), paragraph (3), (b)(6); (b)(7)(C) states that Kevin stopped attending after the mid-term. I went to the next class, received my test score, and then missed the next two classes. This is an ambiguous statement, because the midterm was the last week of October, I went to the first class of November to get my test score, and then 'stopped attending.' The next week was Thanksgiving, so no class, and then I was preparing to ace the final. She says "It is not like we are policing them on their attendance, this is a class where they know what the material is, so they know what they have to do." That is why I missed those two classes; I had to get that paper finished for (b)(6); (b)(7)(C) and there was no way I could miss (b)(6); (b)(7)(C) class or (b)(6); (b)(7)(C) math class. She says, it is not uncommon for students in that class to miss a few classes.

Page (43) paragraph (2). "Kevin did receive an F on the first test, but nothing beyond the usual. It is very common for students to perform weakest at the beginning, and then roll up their sleeves and finish strong with their finals. So there was nothing unusual to alert me as to problems for the job"

Page (44) paragraph (2). (b)(6); (b)(7)(C) here states that I did attend class and receive my mid-term grade. Further, she states about how important it is for the (b)(6); (b)(7)(C) to nurture the students and help them along. So she contacted (b)(6); (b)(7)(C) and she quotes in the last line "Usually this type of call means they will talk with their students. I know (b)(6); (b)(7)(C) very well and I am sure there was some follow up after the talk." (b)(6); (b)(7)(C) never reached out to me one time during the whole semester. If he had, I would still be there. She says it right there, it is (b)(6); (b)(7)(C) responsibility to help us along, and all he did was try to alienate me and ruin me. The only follow up was (b)(6); (b)(7)(C) telling me my pay was cut off and he did not have any time to talk with me.

Page 45 paragraph (1). (b)(6); (b)(7)(C) continues with very kind words, "that just because Kevin is failing in this period does not mean he is going to fail overall."

Page 47-48. (b)(6); (b)(7)(C) says how I was doing well and was committed to passing the final, accepting help from his TA, and then I stopped attending the last two classes after (b)(6); (b)(7)(C) kicked me out.

APPEAL TRANSMITTAL SHEET

APPELLANT NAME: Kevin Sleem

RECIPIENT: Florida Atlantic University- Boca Raton

CASE # 04-10-2169

Cynthia Pierre:

Due Date: July 15, 2011

Initials and date of approval:

Randy Wills:

Due Date: August 15, 2011

Initials and date of approval:

Sandy Battle:

Initials and date of approval: