

**From:** Michael Ayele  
**Sent:** Monday, March 9, 2026 6:28 AM  
**To:** cityclerk@cityofmarseilles.com; deputyclerk@cityofmarseilles.com;  
admin@cityofmarseilles.com; mpdrecords@cityofmarseilles.com;  
treasurer@cityofmarseilles.com  
**Cc:** Michael Ayele (W)  
**Subject:** FOIA Request - 5 ILCS 140/1

W (AACL)  
Michael A. Ayele

Date.: March 09<sup>th</sup> 2026

Request for Records

Hello,

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

I) Requested Records

What I am requesting for prompt disclosure are records in your possession detailing your discussions about [1] Women's History Month as an event (i) that was first nationally celebrated in 1981 when *Congress passed Pub. L. 97-28, which authorized and requested the President to proclaim the week beginning March 07<sup>th</sup> 1982 as 'Women's History Week;'* (ii) that celebrates the contributions and achievements women have made over the course of American history in a variety of fields; (iii) which has in the 21<sup>st</sup> Century served to raise awareness of the sexism women encounter in their academic and professional careers; [2] the manner in which your local government agency has commemorated Women's History Month beginning March 01<sup>st</sup> 2010; [3] the Department of Education (DoED) as a federal agency of the United States government which had in the month of June 2002 published on its official website a portable document file (PDF) explaining that (i) the Family Educational Rights and Privacy Act (FERPA) enables the disclosure of students' academic and disciplinary records in various circumstances; (ii) the Jeanne Clery Act of 1990 enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding*" particularly to an alleged victim of any crime of violence (as defined in U.S. Code Title 18, § 16); (iii) the 1998 Higher Education Amendments enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime;*"<sup>[iii]</sup> [4] Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who (i) was named on the *Dean's List* of Hillsdale College in the first two semesters of her freshman year; (ii) was on (or around) August 29<sup>th</sup> 2021 raped on campus when she was a full-time sophomore student; (iii) was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) August 29<sup>th</sup> 2021; (iv) has made the decision to transfer to Vanderbilt University after Hillsdale

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

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

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

1. Women's History Month is an event that (i) was first nationally celebrated in 1981 when *Congress passed Pub. L. 97-28, which authorized and requested the President to proclaim the week beginning March 07<sup>th</sup> 1982 as 'Women's History Week;'* (ii) celebrates the contributions and achievements women have made over the course of American history in a variety of fields.
2. Women's History Month is an event which has in the 21<sup>st</sup> Century served to shed a spotlight on the sexism women encounter in their efforts to be successful in their academic and professional careers.
3. The requested records will shed a spotlight on the impact sexism has had on women such as Danielle Villareal and Grace Chen (when they were full-time undergraduate students at Hillsdale College).
4. The requested records will help the public ascertain if your local government agency has held substantive conversations on the sexism and misogyny women encounter during the course of their undergraduate academic careers prior to formally joining the labor workforce.
5. The requested records will help the public ascertain if your local government agency has held substantive conversations about the need to condemn violence committed against women irrespective of the woman's racial background, sexual orientation, national origin, religious affiliation and/or disability status.
6. The requested records will shed light on the amendments that were made to the provisions of the Violence Against Women Act (VAWA) in 2013. As you may be aware, the term *"bystander intervention"* was defined in federal regulations implementing the 2013 Violence Against Women Act (VAWA) as (i) *"safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;"* (ii) the ability to *"understand institutional structures and cultural conditions that facilitate violence."*
7. The requested records will help the public ascertain if there were conversations within your local/state government agency about the term *"bystander intervention"* being defined in federal regulations implementing the 2013 Violence Against Women Act (VAWA) as (i) *"safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk*

*of dating violence, domestic violence, sexual assault, or stalking;” (ii) the ability to “understand institutional structures and cultural conditions that facilitate violence.”*

8. The requested records will shed light on the portable document file (PDF) published by the Department of Education (DoED) in the month of June 2002. As you may be aware, the DoED had in the month of June 2002 explained that (i) the Family Educational Rights and Privacy Act (FERPA) enables the disclosure of students’ academic and disciplinary records in various circumstances; (ii) the Jeanne Clery Act of 1990 enabled “*postsecondary institutions*” to be forthcoming with “*the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding*” particularly to an alleged victim of any crime of violence (as defined in U.S. Code Title 18, § 16); (iii) the 1998 Higher Education Amendments enabled “*postsecondary institutions*” to be forthcoming with “*the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime.*”

9. The requested records will help the public ascertain if your local government agency has held substantive conversations about the June 2002 PDF published by the DoED entitled: “*Legislative History of Major FERPA Provisions.*”

10. The requested records will shed light on the landmark Supreme Court ruling in *Bob Jones University v. United States* which found that the Internal Revenue Service (IRS) may deny tax-exempt status under 26 U.S.C. § 501(c)(3) to private colleges/universities with racially discriminatory admissions policies. As you may be aware, the Supreme Court holding in *Bob Jones University v. United States* made it abundantly clear that 501 (c)(3) status is a privilege granted by the federal government (and that this privilege could be revoked if private colleges/universities such as Bob Jones University implement policies and procedures that perpetuated a systemic form of racism and sexism).

11. The requested records will help the public ascertain if your local/state government agency has held conversations about the Supreme Court ruling in *Bob Jones University v. United States*.

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

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

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

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

Expedited processing is warranted because:

1. Women’s History Month is an event which has in the 21<sup>st</sup> Century served to shed a spotlight on the sexism and misogyny women encounter in their efforts to be successful in their academic and professional careers.
2. Women’s History Month is an event which has in the 21<sup>st</sup> Century served to shed a spotlight on the impact systemic sexism and misogyny have had on women.
3. **There’s absolutely no justification for an incident of sexism on an American college or university campus (or elsewhere).**
4. **There’s absolutely no justification for incidents of sexual assault such as those that Danielle Villareal and Grace Chen were the victim of on (or around) August 29<sup>th</sup> 2021 and November 22<sup>nd</sup> 2021.**
5. The issues presented in this records request raise very serious questions about the integrity of American colleges and universities whenever they become informed of the rape of a woman by a white man.

6. The issues presented in this records request raise very serious questions about the integrity of American colleges and universities whenever they become informed of the rape of a woman by a Black and/or African American man.
7. The issues presented in this records request will shed a spotlight about the manner in which American college and university campuses will seek to downplay the severity (and seriousness) of violent crimes committed against women particularly when that crime has been committed by a white man.
8. Michael A. Ayele (a.k.a.) W is a Black former international student of Westminster College (Fulton, Missouri) who has witnessed American college and university campuses seeking to downplay the severity (and seriousness) of violent crimes committed against women particularly when that crime has been committed by a white man.
9. Michael A. Ayele (a.k.a.) W is a Black former international student of Westminster College (Fulton, Missouri) who has witnessed many double standards in the enforcement of the Family Educational Rights and Privacy Act (FERPA).
10. Michael A. Ayele (a.k.a.) W is a Black former international student of Westminster College (Fulton, Missouri) who has experienced racism (and discrimination) while living in the U.S. on an F-1 visa between January 2010 and July 2016.
11. The American Psychological Association (APA) had in the month of February 2021 recognized that (i) "*racism is not limited to racist ideas, attributions, expectations, assumptions, and behaviors held by individuals;*" (ii) "*racism has been an enduring, insidious, and pervasive feature of the United States (U.S.) landscape;*" (iii) "*racism has shaped and undermined almost every aspect of U.S. society, including our laws, policies, educational systems, customs, and cultural narratives, weakening our political and civil institutions and creating many political and social fissures;*" (iv) "***racism intersects with other social and personal identities (e.g., age, gender, sexual orientation, religion, ability status, socioeconomic status, etc.) in ways that compound experiences of oppression among diverse groups in the form of sexism, heterosexism, ableism;***" (v) "*white privilege is unearned power that is afforded to white people on the basis of status rather than earned merit and protects white people from the consequences of being racist and benefitting from systemic racism.*" *liv1*
12. Delay in the disclosure of responsive records would only serve to perpetuate the appearance of selective policing.
13. Delay in the disclosure of responsive records would only serve to further damage the credibility of the government's commitment to student safety and public accountability.

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

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

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

Previously, in 1983, in the matter of *Regan v. Taxation with Representation of Washington*, the

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

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

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

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

privileges.

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

The core issues presented in this records request are as follows. 1) Have you had conversations about Women's History Month as an event that was first nationally celebrated in 1981 when *Congress passed Pub. L. 97 - 28 which authorized and requested the President to proclaim the week beginning March 07<sup>th</sup> 1982 as 'Women's History Week?'* If yes, will you promptly disclose those records? 2) Have you had conversations about Women's History Month as an event that celebrates the contributions and achievements women have made over the course of American history in a variety of fields? If yes, will you promptly disclose those records? 3) Have you had conversations about Women's History Month as an event which has in the 21<sup>st</sup> Century served to raise awareness of the sexism (and misogyny) women encounter in their efforts to be successful in their academic and professional careers? If yes, will you promptly disclose those records? 4) Has your local government agency commemorated Women's History Month beginning March 01<sup>st</sup> 2010? If yes, will you promptly disclose those records? 5) Have you had conversations about the Department of Education (DoED) as a federal agency of the United States government which had in the month of June 2002 published on its official website a portable document file (PDF) explaining that the Family Educational Rights and Privacy Act (FERPA) enables the disclosure of students' academic and disciplinary records in various circumstances? If yes, will you promptly disclose those records? 6) Have you had conversations about the DoED as a federal agency of the United States government which had in the month of June 2002 published on its official website a PDF explaining that the Jeanne Clery Act of 1990 enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding*" particularly to an alleged victim of any crime of violence (as defined in U.S. Code Title 18, § 16)? If yes, will you promptly disclose those records? 7) Have you had conversations about the DoED as a federal agency of the United States government which had in the month of June 2002 published on its official website a PDF explaining that the 1998 Higher Education Amendments enabled "*postsecondary institutions*" to be forthcoming with "*the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime?*" If yes, will you promptly disclose those records? 8) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who was named on the *Dean's List* of Hillsdale College in the first two semesters of her freshman year? If yes, will you promptly disclose those records? 9) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who was on (or around) August 29<sup>th</sup> 2021 raped on campus when she was a full-time sophomore student? If yes, will you promptly disclose those records? 10) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) August 29<sup>th</sup> 2021? If yes, will you promptly disclose those records? 11) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who has made the decision to transfer to Vanderbilt University after Hillsdale College violated the provisions of FERPA by refusing to provide to her "*the final results of the disciplinary proceeding*" the individual who raped her was not held to account for? If yes, will you promptly disclose those records? 12) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who has

begun to experience depression, post-traumatic stress as well as sleep disorders following the sexual assault she was the victim of on (or around) August 29<sup>th</sup> 2021? If yes, will you promptly disclose those records? 13) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who has experienced difficulty functioning at the optimal levels she used to prior to being raped on (or around) August 29<sup>th</sup> 2021? If yes, will you promptly disclose those records? 14) Have you had conversations about Danielle Villareal as a former undergraduate student of Hillsdale College (Hillsdale, Michigan) who may never again function at the optimal levels she used to as a direct consequence of the rape she was subjected on (or around) August 29<sup>th</sup> 2021? If yes, will you promptly disclose those records? 15) Have you had conversations about Grace Chen as a former undergraduate student of Hillsdale College who was on (or around) November 22<sup>nd</sup> 2021 raped on the campus of Hillsdale College when she was a freshman? If yes, will you promptly disclose those records? 16) Have you had conversations about Grace Chen as a former undergraduate student of Hillsdale College who was retaliated upon following her decision to file a complaint against the sexual abuse she suffered on (or around) November 22<sup>nd</sup> 2021? If yes, will you promptly disclose those records? 17) Have you had conversations about Grace Chen as a former undergraduate student of Hillsdale College who had on (or around) April 09<sup>th</sup> 2022 sent an email to Rebekah Dell wherein she demanded to be provided with a "formal written investigation report" for what she went through on (or around) November 22<sup>nd</sup> 2021 at Hillsdale College? If yes, will you promptly disclose those records? 18) Have you had conversations about Grace Chen as a former undergraduate student of Hillsdale College who has taken the decision to graduate from Hillsdale College with a Bachelor's Degree even after Hillsdale College violated the provisions of FERPA by refusing to provide to her "the final results of the disciplinary proceeding" the individual who raped her was not held to account for? If yes, will you promptly disclose those records? 19) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black Bachelor of Arts (B.A.) Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made numerous procedural errors during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen? If yes, will you promptly disclose those records? 20) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account the legal precedent established in **Bob Jones University v. United States**? If yes, will you promptly disclose those records? 21) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account the legal precedent established in **Regan v. Taxation with Representation of Washington**? If yes, will you promptly disclose those records? 22) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account how FERPA enables the disclosure of students' academic and disciplinary records in various circumstances? If yes, will you promptly disclose those records? 23) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account that the Jeanne Clery Act enables postsecondary institutions to be forthcoming with the final results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding? If yes, will you promptly disclose those records? 24) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account that the 1998 Higher Education Amendments enabled postsecondary institutions to be forthcoming with the final results of any disciplinary proceeding for a crime of violence or nonforcible sex offense to anyone, including members of the general public? If yes, will you promptly disclose those records? 25) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree of Westminster College (Fulton, Missouri) who is thoroughly convinced that the United States District Court for the Western District of Michigan made a procedural

error (during the processing of the October 25<sup>th</sup> 2023 complaint filed by Danielle Villareal and Grace Chen) when failing to take into account the 2013 amendments to the Violence Against Women Act (VAWA)? If yes, will you promptly disclose those records? 26) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who was in Calendar Year 2013 living in the U.S.A on an F-1 visa when the provisions of the Violence Against Women Act (VAWA) were amended to include a definition for "bystander intervention?" If yes, will you promptly disclose those records? 27) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who was in Calendar Year 2013 living in the U.S.A on an F-1 visa when the term "bystander intervention" was defined in federal regulation as (i) "safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;" (ii) the ability to "understand institutional structures and cultural conditions that facilitate violence?" If yes, will you promptly disclose those records? 28) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) who was 21 (twenty-one) years of age on (or around) March 07<sup>th</sup> 2013 when the U.S government began requiring American colleges and universities to include in their primary prevention and awareness programs "safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking?" If yes, will you promptly disclose those records? 29) Have you had conversations about the term "bystander intervention" being defined in federal regulation as "(i) "safe and positive options that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;" (ii) the ability to "understand institutional structures and cultural conditions that facilitate violence?" If yes, will you promptly disclose those records? 30) Have you had conversations about Bob Jones University as a postsecondary academic institution which did not admit Black students until 1971? If yes, will you promptly disclose those records? 31) Have you had conversations about Bob Jones University as a postsecondary academic institution which had its tax-exempt status revoked by the Internal Revenue Service (IRS) in 1976 because of its racially discriminatory admissions policies? If yes, will you promptly disclose those records? 32) Have you had conversations about Bob Jones University as a postsecondary academic institution which had in 1983 opted to maintain its interracial dating policy and pay a million dollars in back taxes? If yes, will you promptly disclose those records? 33) Have you had conversations about Bob Jones University as a postsecondary academic institution which has in 2008 expressed sorrow for having allowed "racially hurtful institutional policies to remain in place?"<sup>[1]</sup> If yes, will you promptly disclose those records?

Thank you for your attention to this matter.

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

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

#### Work Cited

<sup>[1]</sup> Women's History Month had its origins as a national celebration in 1981 when Congress passed Pub. L.

97-28 which authorized and requested the President to proclaim the week beginning March 7, 1982 as "Women's History Week." Throughout the next five years, Congress continued to pass joint resolutions designating a week in March as "Women's History Week." In 1987 after being petitioned by the National Women's History Project, Congress passed Pub. L. 100-9 which designated the month of March 1987 as "Women's History Month." Between 1988 and 1994, Congress passed additional resolutions requesting and authorizing the President to proclaim March of each year as Women's History Month. Since 1995, presidents have issued a series of annual proclamations designating the month of March as "Women's History Month." These proclamations celebrate the contributions women have made to the United States and recognize the specific achievements women have made over the course of American history in a variety of fields. Women's History Month.: <https://womenshistorymonth.gov/About.html>

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

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

After reeling from the assault, Plaintiff Villareal reported the rape a day or two later to the local police. Within days of filing a police report, Plaintiff Villareal then emailed Dean of Men Aaron Peterson that she had been sexually assaulted. Peterson responded, in turn, and instructed her to meet with Mechelle Zarou, an outside lawyer who would investigate the rape. Plaintiff Villareal first met with Zarou the day after she reported her assault to Hillsdale. Hillsdale did not tell Plaintiff Villareal that she could meet with her lawyer before meeting with Zarou. At the meeting, Plaintiff Villareal recounted her assault to Zarou as she nodded and signaled that she understood. Zarou then told Plaintiff Villareal that she was in town to give a presentation on campus about issues including sexual assault, and that Plaintiff Villareal's story was so similar to a hypothetical she had written that she would now have to change the presentation. When the meeting concluded, Zarou told Plaintiff Villareal that she would next meet with the assailant, and then follow up with Plaintiff Villareal again. Zarou did not interview Villareal's rapist until months after meeting with Villareal. Villareal's rapist had not initially been responsive to Zarou's messages because he had been meeting with several lawyers. Plaintiff Villareal met with Zarou a second time months later. This time, Zarou said the meeting was to go through discrepancies between Plaintiff Villareal's story and her rapist's account. Zarou asked Plaintiff Villareal questions about the assault that suggested that she was to blame, such as Villareal's initiation of romantic contact earlier in the evening. In the course of their conversations, Zarou indicated to Plaintiff Villareal that the rapist maintained that he never asked Plaintiff Villareal if she wanted to have sex, he just penetrated her. Plaintiff Villareal emphasized that she told him she did not want to have sex with him after he asked for consent.

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

On or around October 26<sup>th</sup> 2021, Zarou informed Plaintiff Villareal that Hillsdale placed Plaintiff Villareal's rapist on social probation, required him to do community service, and suspended him indefinitely from baseball. This punishment was not enforced. On one occasion, Plaintiff Villareal saw her rapist at a party. On another occasion, she saw him walking on campus with his baseball shoes, suggesting he continued to

play on the baseball team. When Plaintiff Villareal asked the baseball coaches if he was allowed to practice, they did not answer the question. Plaintiff Villareal inquired about his punishment to the Dean of Women and was told that she was not privy to other students' disciplinary actions, even though Zarou had already told Plaintiff Villareal the punishment Hillsdale gave him. Plaintiff Villareal's rapist was allowed back onto the baseball team for the second semester, just in time for season to start. Hillsdale's general counsel, Bob Norton, threatened Plaintiff Villareal's parents that if she continued to inquire about the investigation and punishment, there would be consequences for her. Norton further suggested that Plaintiff Villareal reported her rape only after she came to regret a consensual encounter. Immediately upon leaving the meeting with Norton, Villareal's parents felt that Villareal should transfer schools to protect her safety and well-being. Plaintiff Villareal was forced to see her rapist around once a day in passing. Plaintiff Villareal stopped going to parties after she saw him at one. The rape and investigation took a big toll on Plaintiff Villareal. At first, schoolwork was a welcome distraction from the investigation but then Plaintiff Villareal began to suffer from depression and stopped caring about schoolwork. She withdrew from her social life and friendships suffered. She felt numb and had trouble sleeping at night. After Plaintiff left Hillsdale, she started seeing a therapist and was prescribed antidepressants. Grace Chen and Danielle Villareal Civil Action Complaint Against Hillsdale College. Pages 18 - 22. Retrieval here.: <https://titleixforall.com/wp-content/uploads/2024/02/Grace-Chen-v.-Hillsdale-College-Complaint.pdf>

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

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

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

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

On or around April 05<sup>th</sup> 2022, Plaintiff Chen met with Graham again. Despite her earlier statements, Graham claimed that Plaintiff Chen was not sexually assaulted because there was no obvious force. Graham indicated that Plaintiff Chen's assailant would not be punished because he was already doing

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

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

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

On or around April 20<sup>th</sup> 2022, Dean Dell emailed that Plaintiff Chen could meet with Graham and Norton or consider her case concluded. At this point, Plaintiff Chen declined to meet alone with the school's counsel, and ceased communication with the school about her case. Plaintiff Chen continues to see her rapist at school and track events, at least three times per week. During the fall 2022 semester, Plaintiff Chen was in a class with him and eight other students. Seeing him gives Plaintiff Chen panic attacks, makes her physically uncomfortable, hyperaware of her surroundings, and very anxious. The emotional toll of the assault and investigation have negatively impacted Plaintiff Chen's wellbeing – she was diagnosed with generalized anxiety disorder and post-traumatic stress disorder ("PTSD") in July 2023 – as well as her academic and athletic performance. Grace Chen and Danielle Villareal Civil Action Complaint Against Hillsdale College. Pages 14 - 18. Retrievable here.: <https://titleixforall.com/wp-content/uploads/2024/02/Grace-Chen-v.-Hillsdale-College-Complaint.pdf>

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

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

In 1990, Congress enacted the Campus Security Act, which added a new exception to the prior written

*consent rule: post-secondary institutions may disclose to an alleged victim of any crime of violence (as defined in U.S Code Title 18, Section 16) the results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the outcome of the proceeding. Congress amended this provision in the Higher Education Amendments (HEA) of 1998 by including "nonforcible sex offenses" and clarifying that only "final results" may be disclosed (i.e., name of student perpetrator, violation committed, and sanction imposed. Written consent is still required to disclose the name of any other student).*

*The following new exception was also added in the 1998 HEA amendments: post-secondary institutions may disclose the final results of any disciplinary proceeding for a crime of violence (as defined above) or nonforcible sex offense to anyone, including members of the general public, if the institution determines that the student committed a violation of its rules or policies with respect to the crime.*

*The 1998 HEA amendments also added a new exception that allows institutions of higher education to disclose to a parent or legal guardian information regarding a student's violation of any law or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the student is under 21 and the institution determines that the student has committed a disciplinary violation with respect to the use or possession.*

*Since 1998 Congress has enacted two additional exceptions to the statutory prior consent rule:*

- 1) The 2000 Campus Sex Crimes Prevention Act added a new subsection (b)(7) to the statute to ensure that an educational institution may disclose information concerning registered sex offenders provided to it under State sex offender registration and community notification programs.*
- 2) The USA Patriot Act of 2001 added a new subsection (j) that allows the U.S Attorney General to apply for an ex parte court order requiring an educational agency or institution and prosecutions of specified crimes or acts of terrorism (domestic or international). The Attorney General must certify that there are specific facts giving reason to believe that the records are likely to contain the required information. An educational agency or institution that in good faith produces records in accordance with the court's order is not liable to any person for that production.*

Department of Education (DoED) Legislative History of Major FERPA Provisions. Retrieval here.: [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/ferpaleghistory.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/ferpaleghistory.pdf)

[iv] American Psychological Association (APA) Resolution on Harnessing Psychology to Combat Racism: Adopting a Uniform Definition and Understanding. February 2021. <https://www.apa.org/about/policy/resolution-combat-racism.pdf>

[v] *A fundamentalist Christian University has apologized for racist policies including a one-time ban on interracial dating that wasn't lifted until 2000 and its unwillingness to admit Black students until 1971.*

*Bob Jones University founded in 1927 in South Carolina said its rules on race were shaped by culture instead of the Bible, according to a statement posted Thursday on its website.*

*The university, with about 5,000 students, didn't begin admitting Black students until nearly 20 years after the U.S Supreme Court's 1954 Brown v. Board of Education ruling found public segregated schools were unconstitutional.*

*"We failed to accurately represent the Lord and to fulfill the commandment to love others as ourselves. For these failures we are profoundly sorry," (...) the statement said.*

*The interracial dating ban was lifted in March 2000, not long after the policy became an issue in the Republican presidential primary. Then-candidate George W. Bush was criticized when he spoke at the school during one of his first campaign stops. (...)*

*Bob Jones University President Stephen Jones decided to issue the apology because the school still receives questions about its views on race. Bob Jones University apologizes for racist policies. November 22<sup>nd</sup> 2008. NBC News.: <https://www.nbcnews.com/id/wbna27845030>*