

# Exhibit B

October 7, 2016

Dear Hearing Panel,

Throughout her September 24, 2016 response to Ms. Kurker's report, Susan Smith loosely uses the word "abuse" to capture my supposed actions toward her. With a heavy heart, however, I say to you all that such an appalling word cannot better convey her actions toward me. Time and time again, as I have stated in my interviews and in my response to Ms. Kurker's report, Susan used her position as an employee and a person close to the College's administration to harm my person, my career, my future, and my reputation.

Here I am being accused of being an abuser and a rapist and Susan is indignant in her response? I potentially could be denied my degree if found responsible for violating the Code of Conduct and she dares feign indignation? Susan was an employee who physically assaulted me! She was someone with a position of authority and a direct line to the Dean and had all the protection afforded by the school, which had ignored my attorney's report of the assault to the College on March 13, 2016 and my attorney's express concern in person to the Dean and College Counsel that the College was protecting an assaultive employee on March 14, 2016. Further protection of Susan by Dean Bolton is evidenced in the April 27, 2016 email from the Dean to Susan, an email I never received the equivalent of and had to request a written outcome of the hearing from Dean Bukanc weeks after Dean Bukanc said a decision would be shortly forthcoming.

Susan speaks of the stress that she has had to endure? I have been harassed and bullied throughout this process and would not be facing the Hearing Panel at all if Susan had not counter complained to my report of her assault and phone calls which had reached the unbearable level. She had no reason whatsoever to feel like she needed protection from me. At that point, with my attorney now involved, telling her to stay away from me and to leave me alone once and for all; communications between us having ceased; and a no-contact order between us in place and not being violated, Susan suddenly felt the need to lodge a counter complaint as "protection" on or around May 4, 2016 after I finally started to defend myself against her? Susan needed no protection; rather, she was obviously very angry about the outcome of the plagiarism hearings and was simply upping the ante.

Susan claims that she filed the Title IX complaint because she "needed to protect [herself] from [my] false allegations." Let's see. My Title IX complaint at that time [see my attorney's letter to Ms. Camacho dated April 13, 2016] was limited to 1) her 47 phone calls and 2) her physical assault on me. Those are two irrefutable claims that she, again as is so common for her, misrepresents as "false allegations."

On a side note, this will be the first case in history in which a college employee has used Title IX and the related college code of conduct against a student.

Regarding Susan's allegation that I have threatened her with legal threats, these letters were from my attorney in her own words and were not directed by any strategy of mine. While ultimate decisions about whether to settle and the terms of settlement are made by the client, strategic decisions such as when and how the offer is made are completely in the purview of the attorney.

The initial letter informed Susan of my interest in engaging in pre-litigation settlement negotiations as I wanted to settle this dispute with her without having to resort to litigation. Susan's response to the letter through her attorneys was equally threatening, if not more so. However, I recognize her right to engage in such settlement negotiations.

From September 2015 to June 30, 2016, Susan held the status of employee of the College and from July 1, 2016 until present, she is a former employee of the College. I had every right to open settlement negotiations with Susan at any stage during this process. Furthermore, settlement communications are considered confidential. It was inappropriate for Susan to produce them for adjudicative review.

In sum, Susan again places blame on me where it is not due, which fits squarely with the pattern of control and abuse by Susan.

Susan requests that you take into account the essays she claims to have written. I request that you pay special attention to her own statement in text that she “[does not] even know if those were the final ones that [I] turned in.” (Exhibit H[g] to Report, page 74) Please note that she seems to want you to discount the statements by Professors Michael Martinez-Raguso, Jennifer French, Soledad Fox, and Leyla Rouhi who compared the papers I submitted to those that Susan submitted and determined that they were consistent with my writing style and did not evidence that they were copies or plagiarized versions of each other. Further, Dean Bolton’s email misrepresented the outcome of the hearing as all the committee members but one abstained from entering any opinion and the one entered a conclusion of “not guilty.” In any case, this matter has already been concluded, and really has no applicability.

Susan talks about her life and “the gravity of the situation at hand.” Well, what about my life? My degree, my entire future, my entire career is on the line. She faces no such harm as she already has her degree. Let me just take a moment to reiterate what I had to put up with for so long: stalking; jealousy; controlling; possessiveness; false accusations of cheating on her (for hugging someone?); blaming me for every single little problem in the relationship; constant badgering, guilt tripping; prodding for attention; disrespecting my boundaries and requests for space.

Examples of my many requests that Susan cease harassing me may be found throughout the exhibits, including, but not limited to: “Please for ONCE just let me be alone. And by that I mean don’t call” (Middle of page 50 of Exhibits to 9/13/16 Report) and “just let me have my space.” (Bottom of page 50 of Exhibits to 9/13/16 Report)

Examples of Susan’s common use of guilt to manipulate my behavior may be found throughout the exhibits, including, but not limited to: “Can you place at least respect me a little and talk to me – just a little bit of respect would be nice. I’m still a human being” (Top of page 50 of Exhibits to 9/13/16 Report); “If you respected me, or cared about me you wouldn’t do this shit all the time” [Sounds a heck of a lot like “if you love me, you’d…” doesn’t it? Sounds familiar because this is what Susan accused me of.] (Page 62 of Exhibits to 9/13/16 Report); “I can’t believe you’re doing this again after all the times I’ve been there for you…” (Page 63 of Exhibits to 9/13/16 Report)

Examples of Susan’s common use of “carrots and sticks” to get my attention and manipulate my behavior may be found throughout the exhibits, including, but not limited to: “Had I said everything I was supposed to say and not held back all those emails I kept from them, that would’ve been worse,” referring to the February plagiarism hearing. (Page 104 of Exhibits to 9/13/16 Report)

Susan speaks of being psychologically and emotionally abused but she produces virtually no evidence to that effect. In fact, the evidence that she produced actually evidences her psychological and emotional abuse of me. She can wax eloquently all she wants about living a life in silence out of fear and isolation; yet, the actual facts paint a very different story. We were “together” for at least two years and there were people around us all the time. Not one of Susan’s witnesses have stated any personal knowledge, i.e. something heard or seen, of any action, physical or verbal, on my part that corroborates Susan’s claims. The closest she can get is my sister using the word “mean.” Even her own accounts of specific facts and events, that she characterizes as such “damaging abuse,” amount to little more than banal squabbles.

Further, even if analyzed in the worst light against me, the random conglomeration of incidents described by Susan as “relationship abuse” doesn’t even show any pattern. Please be reminded that not only does Susan’s behavior demonstrate a consistent pattern, but it was she who assaulted me.

You do not need you to put yourself in her shoes as Susan pleads you to do. In fact, you are bound to dispassionately weigh the evidence. Susan’s labeling me as abusive over and over doesn’t make me so under the obligation of Title IX to use the objective standard of measurement. Please do not allow emotion to cloud your clinical judgment.

#### NOTES REGARDING SUSAN’S RESPONSE TO THE REPORT:

Regarding Susan’s page notes, re: Page 17: Regarding what Susan laments as a violation of the College’s Dating or Domestic Violence policy, which “involves physical harm to the victim,” please recall that Susan, by her own statement in the first interview, described the event as playful. Any pinching as an accidental result does not fall into

the category of physical harm which is commonly defined as hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely transient or trifling in nature.

Regarding Susan's page notes, re: Page 19: Ms. Kurker misstated my statement as I had said Bogota, Colombia. [I pronounced Bogota with an accent at 19:10 in the interview on 5/20/16 pt2, hence the mistake in transcription.] The IP address provided by snapchat to me is a network IP. Network IPs can have an extremely large geographic range. Susan could have been in Cundinamarca or Boyaca and the network ID would register as "Bogota." In fact, the closest large city to Cundinamarca and Boyaca is Bogota.

Regarding Susan's page notes, re: Page 29: Within minutes of the events by my dorm, Susan was on the phone with Lady, hysterically crying and speaking excitedly for an hour and half. (Exhibit Q to Report) Lady is not being untruthful in her recount; Susan is.

Regarding Susan's page notes, re: Page 31: "Leaving because [Susan] was angry" and leaving "because we were arguing" are not two very different things. One can be angry and argue at the same time and we certainly could have left for both reasons. In fact, the two usually go hand in hand together.

Regarding Susan's page notes, re: Page 31-34: It is impossible to keep up with all the inconsistent statements made between those she made to Ms. Kurker, those repeated by "witnesses", those written in her 9/24/16 Response, and that which she wrote in her December 6, 2015 email to Dean Bolton.

- In Susan's first interview Susan told Ms. Kurker that she found my dancing with another woman very hurtful, since we were dating each other. (Page 30 of Report)
  - Yet, she claims she would never confront me "about another woman, especially not in person... This was latin dance, it's normal to dance with different partners, it's part of my culture and it wasn't any different on this night." (Page 7 of 9/24/16 Response, re: Page 33) and
  - Wrote "literally all I ever wanted was to dance with you if that's too much to ask?" (Exhibit I to Report)
- Also in the first interview, Susan told Ms. Kurker that I was saying "all these things. And then [Susan] was like, 'Please stop.' And [Susan] was just crying, and I wouldn't stop [saying things], so [Susan] slapped [me], because [I] wouldn't stop." (Page 30 of Report)
  - Yet, Susan writes, "Why are there claims being made that I slapped John immediately after he said these things to me? I did not." (Page 6 of 9/24/16 Response, re: Page 32/*Eman*) [Why are there these claims? Um..because this is what you told them.];
  - "I highly doubt Theo would ever use the word 'provoked' to describe this incident. As a matter of fact, this report is making false assumptions about the correlation between John's verbal attack and the slap. They did not occur one after the other." (Page 6 of 9/24/16 Response, re: Page 33/*Theo*) [Is she now saying that she slapped me unprovoked? There is no logic in the myriad inconsistencies, showing how Susan has told so many untruths that she cannot keep her story straight.]
- Susan attempts to massage her version of events to be more sympathetic, with her as the victim defending herself instead of the irrational woman out of control, by writing "This was not just a verbal disagreement, it was John attacking me verbally and me believing that he was going to do so physically." (Page 7 of 9/24/16 Response, re: Page 33)
  - Yet, again, in her second interview with Ms. Kurker, Susan said that she had told Lady that [I] had taunted her and that she couldn't believe that [I] had pushed her to the point of hitting [me]. (Page 30 of Report)
  - In fact, in her early morning of December 6, 2015 email to Dean Bolton (2:27am after the incident), Susan wrote, "Tonight, John Doe drove me to a point of desperation. He taunted me so much for staying here and crying over his taunts that things got out of hand."

**NB: Susan made no mention of feeling afraid of or feeling threatened by me to the Dean, no mention to her friends, no mention to Lady, nor spoke of it with me in any of her texts afterwards. It was only during this process that Susan felt the need to embellish her story in order to play the victim card.**