

# Exhibit E



John Doe &lt;[redacted]@gmail.com&gt;

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**Appeal Email**

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**Haynes, Leticia** <lseh1@williams.edu>

Wed, Dec 14, 2016 at 2:47 PM

To: John Doe &lt;[redacted]@gmail.com&gt;

Dear John

I have received your request for an appeal. I understand that you have identified as potential procedural issues the questions whether the adjudication panel applied the correct burden of proof and the correct college policy in determining your responsibility for violation of the college's sexual misconduct code. I will consider those issues in deciding whether to grant your appeal. You have also asserted that there are many other procedural issues that I should consider, but have simply asked me to refer to your court complaint to identify those issues. Your court complaint, however, is lengthy with many factual allegations and numerous issues that seem to have no relationship to the specific incident for which you were found responsible. Rather than simply referring me to your court complaint, please provide me with a short description of the specific procedural issues that you believe affected the panel's decision on the one incident of sexual misconduct for which you were found responsible. Thank you.

Regards,

**Leticia Smith-Evans Haynes, Ph.D.**  
Vice President  
Office of Institutional Diversity and Equity  
Williams College | Williamstown, MA  
(P) 413.597.4376

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John Doe @gmail.com

Appeal Email

John Doe @gmail.com Mon, Dec 19, 2016 at 6:45 AM
To: "Haynes, Leticia" <lseh1@williams.edu.getnotify.com>
Bcc: John Doe @gmail.com, Stacey Elin Rossi <berkshirelegal@gmail.com>

Dear Ms. Haynes,

I am in receipt of your email dated December 14, 2016.

The two main procedural lapses by the Hearing Panel were the application of an incorrect burden of proof and incorrect college policy [and/or disregard for the correct policy] in determining my responsibility for violation of the college's sexual misconduct code.

The Hearing Panel also did not appear to have read my Responses to the Report. If it had done so, it would have (or should have) applied the correct policy, doubted employee Smith's credibility, and known that my complaint that Smith retaliated against me in her counter-complaint was a discrete event (not one stitched together with her Honor Code claim).

I would like to be able to comply with your request to provide you with a short description of the specific procedural issues that I believe affected the panel's decision. In sum, in addition to the points above, the Hearing Panel ignored evidence that the accuser 1) contradicted her own claims (commenting "No, he's never done that. He doesn't do that."); 2) did not express that she did not want to be having sex, 3) lied to the investigator, 4) had motivation to fabricate, exaggerate, and defame Plaintiff, 4) lacked credibility, 5) applied the terms "force" and "coerce" inappropriately, 6) never reported any assaultive or sexually assaultive behavior of me until she was facing a complaint investigation into her own behavior, 7) had been engaging in sex with me for a year prior and a year following the alleged incident, 8) planted evidence in the form of groomed "witnesses" to recount her statements, and 9) had no evidence whatsoever to support her claim.

In an effort to streamline the court complaint for your review, I am attaching the sections that pertain to the Hearing Panel's process. I am also attaching my responses that were submitted to the Hearing Panel (from the dropbox link I provided you in my previous email).

I hope that the College can resolve this swiftly considering the fact that this process has already exceeded three times the College's timeframe for conclusion.

Regards,

John


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3 attachments

Highlights from Complaint for Appeal.pdf 192K

John Doe 9\_24\_16 Response.pdf 6400K



 John Doe 10\_7\_16 Response.pdf  
179K