

EXHIBIT CC



Michigan Technological University

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January 5, 2016

Matthew Schultz
Via email: mschultz@mtu.edu

Re: University Conduct Appeal Decision

Dear Matthew,

On December 23, you submitted an appeal for a disciplinary decision imposed by Academic and Community Conduct on December 16, 2015. While you weren't specific in your appeal, I assume that you are basing your request on a question of fact and/or severity of sanction. By requesting an appeal, it is my responsibility to review the full case again. Then, according to the Student Code of Community Conduct, I have several options. I may (a) deny the appeal; (b) remand the case to the original hearing officer or hearing committee; (c) change (increase or decrease) the sanctions, and/or (d) dismiss the original charges.

In my review, I read the police reports, watched and listened to your arrest video, looked at the links you cited in your statement, read the written statement you submitted to the University Conduct Board, listened to the hearing, and reviewed the actions documented by the University as a result of your post.

Based on this review, the facts of the case are as follows. A message was posted to Yik Yak on November 12, 2015. That message read, "Gonna shoot all black people..... A smile tomorrow. ☺". The post was made on the campus of Michigan Technological University using an IP address assigned to you. The post was made from a smartphone device with a phone number registered to you. During a recorded interview with Public Safety and Police Services, you admitted to making the post. You also indicated at the time of your arrest, that your post was not intended as a threat, rather you meant it to be understood "as a suggestion to smile at black people." However, the ellipsis indicates a pause or hesitation and left your sentence open to a variety of different interpretations. In addition, a portion of your post "Gonna shoot all black people....." was posted on @MTUYaks 30 – 40 minutes after the initial post escalating concerns further. The University had no idea if this threat was being reposted as a taunt or whether more than one person was making these threats. You denied making the second post.

Still, given national issues and the similarity to threats which occurred at other universities, Michigan Tech took both posts very seriously. After seeing your initial post, Public Safety and Police Services was immediately notified and the University did the following:

- A message was sent from President Glenn Mroz to the entire campus community, making everyone aware of the threat.

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- The Center for Diversity and Inclusion was established as a safe space for students to talk about their reactions to the threat. Counseling services were provided and Glenn Mroz, Jackie Huntoon, Provost, and I spent several hours there talking with students.
- The National Society of Black Engineers canceled their meeting scheduled for 6:00 PM out of concern for their membership.
- Increased police presence was posted at the SDC as the football team, which includes numerous black players, were preparing to leave campus for their last game of the season.
- All social media sites and other avenues of communication were closely monitored.
- Public Safety and Police Services responded to phone calls from both the community and parents who were concerned about their students and safety on campus.
- Public Safety and Police Services worked with Yik Yak and IT to determine who was responsible for the threat.

Most of these activities were initiated before the second post was discovered and the result of what you posted. Therefore, unlike the University Conduct Board, I am finding you responsible for Assault, Endangerment, Threats; Community Order; Disruptive Behavior, and Services. While your post was directed at black people, a single post does not rise to the definition of discriminatory harassment as outlined in the Code of Conduct and you are not responsible for this charge.

Assault, Endangerments, and Threats

The definition of this violation includes “intentionally or recklessly endangering, threatening, or causing physical harm to any person; or intentionally recklessly causing apprehension of such harm; or communicating to any person (including communicating by any communication device anonymously or otherwise), with the intent to cause alarm or threaten another person for no legitimate purpose.”

You claim your post was not intended as a threat. Then the sentence you posted should have been punctuated like this: “Gonna shoot all black people a smile tomorrow 😊”. The post as it appeared, was read and interpreted by most as a threat to shoot black people, enjoy it, and smile about it afterward. Officer DeVogue pointed this out to you at the time of your arrest. In the Conduct Board Hearing, Brian Cadwell, Deputy Chief of Police, commented that he thought your post was even more sinister than the edited version of “Gonna shoot all black people.....” Finally, your post suggested an immediacy of action (today) due to it being followed by “a smile tomorrow.”

You admitted at the time of your arrest that you had a bad feeling immediately after posting it. To me, this reflects that you knew there was some risk in posting what you did and recognized that it was open to interpretation. Perhaps you thought it was clever. A simple corrected post could have avoided what you now claim was a misinterpretation by many. As well, at no point other than the time of your arrest did you clarify your intent. Your decision to post was reckless and caused undo alarm for no reason.

Community Order

Since you have been found responsible for a threat, you have violated a University regulation. Such conduct is prohibited under Community Order.

Disruptive Behavior

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I outlined above what action the University took as a result of your post. None of these things would have been necessary had you not posted on YikYak. Between the time you posted and your arrest, there was a significant disruption to the campus community.

Services

You did use University IT resources to post on YikYak. A University assigned IP address was used to send the post from the MEEM.

Matthew, I fully realize that you believe that you are being maligned as a result of the second post that the news media picked up and attributed to you. That is not the case in the University disciplinary process, which holds you responsible only for your own actions. I feel safe to say that the response by the University between the time of your post and your arrest would have been the same, making you responsible for these charges. In addition, had you not made the initial post, it is unlikely that the second post would have appeared. Ultimately, your actions have hurt the integrity of the University and caused significant concerns from other students, parents, prospective students, faculty, and staff. Having you on campus is detrimental to the best interests of Michigan Tech. You are expelled from the institution.

This determination is final and not subject to further appeal.

Sincerely,



Bonnie B. Gorman, PhD
Associate Vice President and Dean of Students

Cc: Academic and Community Conduct
Public Safety and Police Services