

FILED ELECTRONICALLY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT COVINGTON
CASE NO. 2:16-CV-00028-WOB-CJS

JANE DOE

PLAINTIFF

v.

MOTION TO ENTER GAG ORDER AND TO SEAL

NORTHERN KENTUCKY UNIVERSITY, *et al.*

DEFENDANTS

*** **

Come Defendants Northern Kentucky University, Geoffrey S. Mearns, Kathleen Roberts, and Ann James, by and through counsel, in accordance with Joint General Orders 11-01 and 11-02 move the Court to enter a gag order on all parties and their counsel in this case and to seal all deposition transcripts and student records filed or to be filed of record in this case.

For the reasons set forth in the accompanying Memorandum of Law in Support of this Motion, Defendants request that the Court (1) enter a gag order prohibiting the parties and their counsel from any further communication with the press regarding the merits or allegations of this case and (2) seal the deposition transcripts and student records filed, or to be filed of record, in this case. A proposed order has been tendered herewith.

Respectfully Submitted,

STURGILL, TURNER, BARKER & MOLONEY, PLLC

/s/ K. Coleman

Katherine M. Coleman (KBA#84089)

Joshua M. Salsburey (KBA#89038)

Patsey Ely Jacobs (KBA# 83664)

333 West Vine Street, Suite 1500

Lexington, KY 40507

Telephone: (859) 255-8581

kcoleman@sturgillturner.com

jsalsburey@sturgillturner.com

pjacobs@sturgillturner.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2016 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing, if applicable, to the following:

Kevin L. Murphy
Murphy Landen Jones PLLC
2400 Chamber Center Drive, Suite 200
P.O. Box 17534
Ft. Mitchell, KY 41017-0534
KMurphy@MLJfirm.com
Attorney for Plaintiff

Steven A. Taylor
Murphy Landen Jones PLLC
2400 Chamber Center Drive, Suite 200
P.O. Box 17534
Fort Mitchell, KY 41017-0534
STaylor@MLJfirm.com
Attorney for Plaintiff

Barbara A. Kriz
200 West Vine Street, Suite 710
P.O. Box 499
Lexington, KY 40588
bkrix@kjplaw.com
Attorney for Defendant Kachurek

/s/ Katherine M. Coleman
ATTORNEY FOR DEFENDANTS

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT COVINGTON
CASE NO. 2:16-CV-00028-WOB-CJS

JANE DOE

PLAINTIFF

v. **MEMORANDUM OF LAW IN SUPPORT OF MOTIONS TO
ENTER GAG ORDER AND TO SEAL**

NORTHERN KENTUCKY UNIVERSITY, *et al.*

DEFENDANTS

*** **

Come Defendants, Northern Kentucky University (“NKU”), Geoffrey S. Mearns, Kathleen Roberts, and Ann James, by and through counsel, and hereby file this Motion for a Gag Order on all parties and their counsel in this case. Additionally, Defendants also ask the Court to seal all deposition transcripts and student records filed or to be filed of record in this case. In support of this Motion, Defendants state as follows:

I. INTRODUCTION

This is a case about a student’s complaint of sexual assault and the Defendants’ handling of that complaint. As such, this case has been the subject of publicity from the outset. While a certain amount of publicity is to be expected and neutral news-reporting should not be discouraged, active campaigning to the press by a party or a party’s counsel is inappropriate and untenable. Plaintiff and Plaintiff’s Counsel’s participation in the creation of unduly prejudicial publicity seriously threatens Defendants’ ability to obtain a fair trial by a panel of impartial jurors. In addition, due to their obligations under the Family and Educational Rights and Privacy Act (“FERPA”) and responsibilities to Plaintiff who has chosen to proceed anonymously, Defendants are effectively barred from rebutting or defending against the testimony the Plaintiff and Plaintiff’s Counsel have presented in the “court of public opinion” through the press.

II. ARGUMENT

A. A Gag Order Must Be Entered Prohibiting Parties and Their Counsel from Further Communication with the Media to Protect Defendants from Undue Prejudice.

“The theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print.” *Patterson v. Colorado*, 205 U.S. 454, 462 (1907); *see also Sheppard v. Maxwell*, 384 U.S. 333, 351 (1966). To further this fundamental principle, it is imperative that, unlike elections, court proceedings are not won through the media. *Bridges v. State of California*, 314 U.S. 252, 271 (1941).

As such, the Supreme Court has established that it is within the Court’s power to control the divulgence of information that leads to inflammatory publicity. *Sheppard*, 384 U.S. at 361. Specifically, a court may proscribe “extrajudicial statements by any lawyer, party, witness, or court official which divulged prejudicial matters . . . concerning the merits of the case.” *Id.* (citing *State v. Van Dwyne*, 204 A.D.2d 841, 852 (1964)). Therefore, this Court has discretion to limit the extent to which a party or her attorney may speak to the press regarding pending litigation. *See P&G v. Bankers Trust Co.*, 78 F.3d 219, 224 (6th Cir. 1996) (citing *Bantam Books v. Sullivan*, 372 U.S. 58, 70 (1963)).

While it is true that freedom of speech is essential to the administration of justice, “it must not be allowed to divert the trial from the very purpose of a court system to adjudicate controversies, both criminal and civil, in the calmness and solemnity of the courtroom according to legal procedures.” *Sheppard*, 384 U.S. at 350-51 (quoting *Cox v. State of Louisiana*, 379 U.S. 559, 583 (1965) (Black, J., dissenting)) (internal quotation marks omitted). Admittedly, there is a presumption against restraining free speech. *CBS v. Davis*, 510 U.S. 1315, 1317 (1994) (citing *Organization for a Better Austin v. Keefe*, 402 U.S. 415, 419 (1971) (internal citation omitted)).

However, this presumption is not absolute. *CBS*, 510 U.S. at 1317 (citing *Near v. Minnesota*, 283 U.S. 697, 716 (1931)). Courts may limit the dissemination of information pertaining to pending cases under exceptional circumstances. *Id.* The case at hand presents such an exceptional circumstance and requires special protection by this Court.

This case involves not only a sensitive subject matter, an allegation of sexual violence on campus, which claim directly implicates the unique legal responsibilities Defendants have in maintaining the privacy rights of not only the Plaintiff, but other nonparty students as well. Defendants are statutorily bound by FERPA to keep information about all students confidential and may only disclose such information in accordance with FERPA and its regulatory requirements. This includes any “personally identifiable information” relating to students and former students. *See* FERPA, 20 USCS § 1232g. Additionally, while having waived her FERPA rights in filing this action, Defendants have nonetheless acted to maintain Plaintiff’s privacy, as she has chosen to remain anonymous in these proceedings. However, nonparty students whose records are impacted both by the pleadings in this action, as well as Plaintiff and her counsel’s media statements, have not waived their FERPA rights and are entitled to at least the same protections.

In contrast, Plaintiff and her counsel are not bound by such responsibilities. They have used this as an opportunity to speak directly to the press and have been oft quoted in the media regarding this case. They have made legal conclusions and divulged information that was only obtained through the discovery process. More importantly they have made factual assertions to which these Defendants are barred from responding without impinging the privacy rights of nonparty students.

Specifically, this case has been the subject of at least seven separate known news stories since January, 2016. The most recent of these was published in the Cincinnati Enquirer on August 14, 2016. Exhibit 1 hereto. The article indicates that Plaintiff and her counsel were specifically interviewed for and contributed to the story. Exhibit 1 at 2-3. In that article, Plaintiff is quoted, or information she gave in separate interviews is relayed, at least nine (9) times. *See* Exhibit 1. Therein, she discusses numerous matters related to this action, including allegedly being “afraid of retribution from school administrators”; that she allegedly was not informed of potential disciplinary actions against her accused attacker; that the accused “continually violated” sanctions and that NKU allegedly gave him permission to do so; that she was publically “yelled at” and called a “slut” and a “whore” by other students; and that her calls to police regarding her accused’s whereabouts allegedly were ignored. *See* Exhibit 1. Such statements, the truth of which Defendants deny but cannot factually respond to, clearly influence the reader.

Plaintiff’s Counsel, Kevin Murphy, was also quoted or paraphrased more than five (5) times regarding the substance of this case. *See* Exhibit 1. Specifically, Murphy opined that NKU’s behavior was “appalling” and that he was “personally shocked” about the contents of Defendant Kachurek’s deposition. Exhibit 1 at 1-2. He refers to the Defendants as “these folks in the ivory tower” and asserts that NKU inadequately enforces sanctions. Exhibit 1 at 3. Further, he calls NKU’s handling of the case “disgraceful” and continues to disclose the details of FRE 408 communications between him and counsel for NKU. Exhibit 1 at 3. Defendants have declined, and continue to decline, to violate the privacy rights of their students for the purpose of making a public defense. In fact, Defendants are statutorily gaged and precluded by law from countering such assertions while Plaintiff and her counsel are not similarly constrained.

It is Defendants' belief that Plaintiff filed or directed the filing of Defendant Kachurek's deposition, which was featured in the aforementioned news story, with intent to utilize the deposition to further her trial by media. No notice of the filing of record was provided to Counsel for Defendants, as required by Fed. R. Civ. P. 30(f)(3), resulting in the fact that the press became aware the transcript had been made a part of the record before Defendants knew. In fact, Defendants learned the transcript had been filed, not via notice from Plaintiff, but by a phone call from the newspaper advising it would be running a story on the matter. Plaintiff is well aware, given the significant discovery issues that have been and are being addressed by the Court concerning the discovery of FERPA protected documents, that Defendants are statutorily barred from providing any meaningful response to the media to defend against these spurious allegations.

Furthermore, this most recent article is not the first instance of Plaintiff's Counsel speaking directly to and being quoted by the press regarding the merits of this case. Murphy is extensively quoted in a January 22, 2016 Northern Kentucky Tribune article. Therein Murphy alleged NKU counseling staff discouraged Plaintiff from reporting her alleged sexual assault to the police; described Plaintiff's alleged sexual assault as "brutal"; alleged that the accused attacker was not actually punished; stated that NKU allegedly "did not uphold its own rules"; concluded that an email sent by Defendant Kachurek was an "affront to [Plaintiff's] First Amendment rights"; and alleged that Defendants "betrayed [Plaintiff's] trust and their actions . . . further compounded to harm her."

Murphy is quoted equally extensively in a January 25, 2016 Cincinnati Enquirer article. In this article, Murphy stated that Defendants "did nothing to protect [Plaintiff] like they told her they would" and opined that "what happened here is so horrible – it has to stop." Murphy also

alleged that a pre-suit letter from Defendants, which was a confidential FRE 408 communication, was sent to “embarrass and humiliate” Plaintiff in “retaliation for threatening to exercise her rights.” Additionally, he stated that an email sent by Defendant Kachurek was a “deliberate attack on [Plaintiff] in retaliation for exercising her First Amendment rights” and a “threat against anyone who wished to join her in support.” Likewise, Murphy is further quoted in a January 25, 2016 article from WCPO Cincinnati. He stated that “NKU failed [Plaintiff] miserably”; alleged that NKU did not enforce sanctions on Plaintiff’s alleged attacker; and implied that NKU treated the alleged attacker as a victim rather than Plaintiff.¹

These comments paint an extremely negative picture of the Defendants in widely disseminated news sources. The comments impermissibly present legal arguments and conclusions that will allow the public to decide the case on misinformation, or at the very least on one-sided information, as Defendants cannot respond and implicate the privacy rights of the Plaintiff and other nonparty students, being statutorily constrained by FERPA, to which Plaintiff and her counsel are not bound. Regardless of the responsibilities imposed upon Defendants under FERPA, Defendants decline to defend their case in the media at the expense of their students’ privacy.

The likelihood of a panel of local jurors being irreparably biased against Defendants due to these public statements is dangerously high. Therefore, it is essential to the interests of justice that Plaintiff and her Counsel be held to the same restriction as to communication, or speculation, of FERPA protected information that Defendants are bound and a gag order be granted.

¹ Plaintiff’s Counsel has further provided comment and asserted alleged facts to which Defendants cannot respond to others who have reported his comments in social media. See Exhibit 2.

B. Deposition Transcripts and Student Records Must Be Sealed to Protect Against Further Exposure

Additionally, Defendants ask the Court, in accordance with Joint General Orders 11-01 and 11-02, to seal all deposition transcripts and student records filed or to be filed of record in this case. As indicated above, Defendants believe that Plaintiff filed or directed the filing of Defendant Kachurek's deposition transcript in violation of Fed. R. Civ. P. 30(f)(3) for the purpose of exploiting Kachurek's testimony for media benefit.

Plaintiff's manipulation of the media is evident in her discovery efforts as to sexual misconduct matters involving other students. Attorney Murphy is well aware Defendants cannot respond or comment on matters involving other students, yet questioned Defendant Kachurek concerning alleged events with the clear intention to place those events in the court of public opinion. Plaintiff has now taken the deposition of NKU Athletic Director Ken Bothof for the same purposes. At no point in Mr. Bothof's deposition was he examined as to any fact or matter involving the Plaintiff – and could not as Bothof has no knowledge of, nor any involvement whatsoever in, the events surrounding her claims. Attorney Murphy's examination specifically sought private, FERPA protected information about other students.² Plaintiff seeks to manipulate Defendants' adherence to its statutory obligations under FERPA and the protection of student privacy rights for her benefit in the court of public opinion. While Plaintiff has wide latitude in discovery, the sealing of depositions will prevent the abuse of discovery for salacious media purposes.

To the extent Plaintiff seeks the education records of nonparty students or former students NKU has assured its compliance with FERPA, and protection of the privacy rights of nonparty students, through the entry of an Agreed Protective Order (DE # 18) addressing NKU's

² While permitting the deposition of Mr. Bothof, Magistrate Smith specifically acknowledged Defendants' obligation to object to such questioning on FERPA grounds. (DE # 39)

statutory notice obligations, allowing for adequate notice to nonparty students and the opportunity to be heard before the Court on the production of their personal education records. These nonparty students should not be denied this basic due process. Plaintiff's Counsel is well aware that should Plaintiff seek the education records of nonparty students he must do so in accordance with the Agreed Protective Order. Of course, Plaintiff's Counsel is similarly aware that victims of sexual misconduct, like his client, desire to preserve their privacy, and properly produced records may well reveal rumors and unsupported allegations to be false. Instead, Plaintiff's Counsel's tactic is to ask questions he knows Defendants cannot answer and allow negative inferences to be created.

Documents containing the private education records of nonparty students should not be exposed to the public or be the subject of further press scrutiny, unless and until this Court should rule to allow such disclosure. Sealing the transcripts and records is the only way to protect such documents and information from further public dissemination as they cannot be effectively redacted to ensure the privacy rights of the nonparty students at issue.

III. CONCLUSION

Due to the extreme imbalance between the parties' abilities to publically comment on this case, there is a severe likelihood of juror bias against the Defendants. It is essential for the Court to regulate the information that is publically disseminated in this case to protect the Defendants from further harm and to protect the privacy of nonparty students who may be implicated. Therefore, Defendants request the Court to grant a gag order prohibiting the parties and their counsel from any further communication with the press regarding the merits or allegations of this case and to seal the deposition transcripts and student records filed, or to be filed of record, in this case.

Respectfully Submitted,

STURGILL, TURNER, BARKER & MOLONEY, PLLC

/s/ Katherine M. Coleman

Katherine M. Coleman (KBA#84089)

Joshua M. Salsburey (KBA#89038)

Patsey Ely Jacobs (KBA# 83664)

333 West Vine Street, Suite 1500

Lexington, KY 40507

Telephone: (859) 255-8581

kcoleman@sturgillturner.com

jsalsburey@sturgillturner.com

pjacobs@sturgillturner.com

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Kevin L. Murphy
Murphy Landen Jones PLLC
2400 Chamber Center Drive, Suite 200
P.O. Box 17534
Ft. Mitchell, KY 41017-0534
KMurphy@MLJfirm.com
Attorney for Plaintiff

Steven A. Taylor
Murphy Landen Jones PLLC
2400 Chamber Center Drive, Suite 200
P.O. Box 17534
Fort Mitchell, KY 41017-0534
STaylor@MLJfirm.com
Attorney for Plaintiff

Barbara A. Kriz
200 West Vine Street, Suite 710
P.O. Box 499
Lexington, KY 40588
bkrix@kjplaw.com
Attorney for Defendant Kachurek

/s/ Katherine M. Coleman
ATTORNEY FOR DEFENDANTS

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What did former NKU top cop do about possible rape confession?



James Pilcher, jpilcher@enquirer.com

5:40 p.m. EDT August 14, 2016



(Photo: Provided/Northern Kentucky University)

Update, 3:20 p.m. Sunday: Northern Kentucky University's president issued a public statement addressed to colleagues about The Enquirer's article Sunday, saying that NKU "has robust policies and procedures dealing with sexual misconduct in all forms, including sexual assault."

Geoffrey S. Mearns declared parts of the article "misleading," but did not elaborate in his statement (<http://president.nku.edu/campuscommunication/campusafety.html>).

Mearns declined multiple interview requests from The Enquirer through an NKU spokeswoman.

Previous reporting: HIGHLAND HEIGHTS - In 2013, a newly minted freshman arrived at Northern Kentucky University on a full academic scholarship.

Within a few months, she says she was raped by a fellow freshman.

But instead of pressing criminal charges, the woman kept it to herself for several months. After eventually seeking counseling, she decided to take the case through the school's internal administrative discipline system. Her would-be attacker was found to have probably assaulted her even as he claimed innocence. His punishment: a possible suspension if he broke any more rules and orders to stay away from the woman and out of certain areas on campus.

Yet she continually ran across her accused attacker on campus, in possible violation of those sanctions. After several such incidents and a perception that the school didn't enforce those sanctions and treated her badly, she sued the school in federal court under Title IX, the federal law that covers sexual equality, harassment and assault on college campuses. That treatment, according to the lawsuit, included an email from NKU's police chief that faculty members and other students saw as accusing the woman of slandering the male student.

The email, written last September, said the female complainant "has been publicly slandering the male student." This came even after the administrative process ruled against the male student, although the police chief later said it was in reference to possible allegations by the alleged victim that the male student was dealing drugs.

And now, The Enquirer has learned the former police chief acknowledged in a deposition that two unidentified friends of the woman's alleged attacker told him that the man confessed to the attack just prior to sending that email.

Furthermore, former chief Les Kachurek testified under oath last month that he didn't pass that information on to his supervisors, acknowledging that the new information might have changed the punishment for the accused attacker.

In the deposition, Kachurek never gave a reason for not passing on the possible confession. And Kachurek acknowledged that he learned the information even before he sent that controversial email later the same day.

He also said in the deposition that the case was handled through the administrative process and therefore had "been adjudicated" and that the woman's accused attacker "had been held responsible." The accused attacker never faced any criminal charges.

Furthermore, Kachurek testified that he was not given enough information by school administrators to enforce those sanctions against the male student or anyone else found in violation of the school's policy against sexual harassment or assault.

"I did not have those documents," Kachurek said during the July 12 deposition, referring to a list of the sanctions or a picture of the male student.

Kachurek also remained unapologetic about that email. He only said he should have used the word "allegedly" in front of slander.

The transcript of the deposition was filed in federal court late last month and obtained by The Enquirer from the courthouse. Kachurek recently left NKU after about a year in the post - he was not at the school when the alleged attack took place, but handled much of the fallout. In the deposition, Kachurek said he left of his own accord, but was frustrated with the scrutiny by faculty and a lack of resources.

"Mr. Kachurek's testimony described NKU's behavior perfectly - appalling," said Kevin Murphy, the Fort Mitchell lawyer representing the woman named

as Jane Doe in the lawsuit. "I was personally shocked to hear what he had to say, but I was thankful he told the truth."

The woman filed the suit against the school in January, claiming that NKU administrators did not do enough to protect her and keep her alleged attacker away from her as they both attended class. The suit also claims administrators were indifferent and possibly even hostile to her pleas for help. It names the school as well as top administrators, including President Geoff Mearns and even Kachurek as co-defendants. No specific damages are specified.

NKU spokeswoman Amanda Nageleisen declined comment on the suit and the deposition, saying the university cannot comment on pending litigation and would not discuss the sanctions citing student privacy concerns.

In court documents, however, outside lawyers hired by NKU denied any wrongdoing by the school, arguing that all procedures and applicable laws were followed. The school has hired a Lexington-based law firm to defend the case.

'I wasn't strong enough'

The suit comes as universities across the country have struggled with what to do about sexual assaults on campus. New regulations released by the Department of Education in 2011 required schools to create an internal administrative process for dealing with violations of the federal law known as Title IX which covers sexual discrimination and assaults on campuses. These systems are separate from the criminal system, which is also available to would-be victims.

According to NKU data, there have been 30 reports of assaults/offenses to the school or the NKU police between 2010-2015, including 19 in 2014-15 alone. School officials have previously said that increase may be due to possible victims being comfortable reporting such incidents instead of an actual rise in sexual assaults.

By comparison, there were 47 "forcible sex" crimes reported to the University of Cincinnati police alone between 2012-2014, the last year data was available for that school. And there were 20 rapes reported at Ohio State University's main campus in 2014 alone.

One such report at NKU included the one by the woman about the 2013 incident. In the suit, the woman says a fellow student raped her in her dorm room in her first semester of her freshman year. In a separate interview with The Enquirer, she says she wasn't drunk and had not been drinking, and that she had just thought she would be talking to the male student whom she had just met recently.

In the interview, the woman known as "Jane Doe" in the suit says she did not pursue criminal charges because she was ashamed and didn't want her parents to know. But after several months of keeping it to herself, she finally told her mother and sought counseling on campus.

"It was eating me up inside," said the woman, still a student at the school. The Enquirer is withholding her name by request because she said she is afraid of retribution from school administrators and fellow students. "I had been an athlete and thought I was strong. But I couldn't accept to myself that I wasn't strong enough to stop what happened or deal with it afterward."

So in the spring of 2014, she told her mother and went to counselors on campus. That led her to school administrators who she says pressured her to keep the complaint within the internal disciplinary system. She also acknowledges that filing criminal charges would have been futile since at least several months has passed since the alleged attack.

The woman went through Norse Violence Prevention Center, which had just been formed. That led to her going through the process that oversees NKU's internal discipline system for sexual assault that includes hearings in front of an administrative panel made up of a student, a faculty member and a staff member. Such a panel ruled in June 2014 that it was more likely than not that sexual misconduct had occurred and the discipline was then handed down.

He was not suspended and was ordered to stay away from the woman. There was a suspension issued, but it was held "in abeyance" or the equivalent of being on probation.

"They never told me until after the fact that expulsion was never seen as an option," the woman said. "My mom and I were completely confused and thought there would be no way that he could do something like that and basically nothing be done about it."

Yet according to the woman and her lawyer Murphy, the male student continually violated those sanctions, showing up in her cafeteria or even her dormitory with little to no warning from administrators. She said she called the police several times yet nothing was done. She also said that she would be confronted by her would-be attacker, only to find out afterward he had been given permission to be in that area. At one point, he was even hired to check all IDs entering the school's activity center.

"When I saw him again (at the school cafeteria), it was like reliving the whole thing over again," the woman said. "And before long, his friends and people who knew him were yelling at me for as much as an hour, calling me a slut or a whore."

In the deposition, Kachurek said he didn't think allowing a would-be attacker to have contact with his alleged victim was a "best practice" and that he would not have allowed such a person to be hired at the gym. He also said such a finding would probably have meant expulsion at Alfred State University in New York where he last worked.

Kachurek also acknowledged that the school's administration was technically responsible for enforcing the administrative sanctions. But he said would-be victims called the police department after hours to help remove the person potentially violating sanctions. Kachurek also said he had asked the administration that the police department be notified of such sanctions, yet that hadn't happened as of his departure from the school last month.

Kachurek also said he had no way to identify such a possible violator because there was nothing on file at the department. The school notified Kachurek's predecessor of the sanctions in a brief email that identified the male student by name.

In a separate interview, the woman's lawyer Murphy echoed those sentiments.

"Are those folks in the ivory tower in their cars at night, checking to see if the person under sanctions is staying away from her," Murphy said. "Do they get in their cars and patrol the areas where the person under sanctions is prohibited from? The answer to that is no."

The Enquirer is also not naming her alleged attacker but did try to contact him for comment. He did not respond to several emails. In the deposition, he is described as a well-known and popular figure on campus.

Not apologetic for email

The woman's lawyer Murphy said that NKU's handling of the case was "disgraceful," saying all she asked for initially was counseling and a scholarship to transfer to another Kentucky public university to get away from her alleged attacker.

Kachurek left the school late last month after about a year as chief of the 22-member department. He declined comment when reached through his current employer the Malvern, Pa.-based FBI-Law Enforcement Executive Development Association, a non-profit law enforcement training agency (it has no ties to the Federal Bureau of Investigation).

In the deposition, Kachurek described protesting to supervisors that he worked in a "hostile" environment because of the scrutiny over his decisions by NKU's faculty senate (there were several motions and inquiries into the email as well as other incidents on campus involving the NKU police). Kachurek also said he was never given full resources to do the job he was hired for, and that when he arrived his staff had never been trained on Title IX issues. He also said the school routinely declined to enact his suggestions to improve on-campus safety, including instituting a full-time sign-in process at the dormitories.

"Residential housing personnel felt that their procedures were adequate and were not willing to entertain our suggestions for improvement," Kachurek said.

Kachurek came under fire last fall after sending that email that intimated that the woman was slandering her alleged attacker. In his deposition he said that other school administrators used the word slander, and that they said the woman was accusing the man of dealing drugs.

Still, the email, which was sent to his supervisor and internally within the police department, went campus-wide. Several faculty members viewed it as being insensitive to a possible victim of sexual assault, and it led to an inquiry by the faculty senate. In fact, Kachurek is named in the suit in part for sending that email.

In the deposition, Kachurek said he should have put the word "allegedly" in front of the word slander and that he was referring to the possibility that the woman had accused her accused attacker of selling drugs. He said he was not willing to apologize for the email.

"I believe anyone who reads it certainly is entitled to their own interpretation," he said.

Kachurek also expressed frustration that his recommended changes to improve security were not implemented to his knowledge.

"Changes have been proposed, but to the best of my knowledge, have not been enacted," Kachurek said.

NKU spokesman Nageleisen declined comment on the proposed changes although NKU's lawyers argued in court documents that the dormitory security had been improved.

Toward the end of his deposition, the woman's lawyer asked Kachurek about the case overall, "Chief, don't you find this appalling?"

"Yes," Kachurek answered.


Sexual Assaults/Offenses at NKU

Here are the number of sexual assaults or offenses reported to Northern Kentucky University administration or police between 2010-2015

2010	1
2011	2
2012	5
2013	3
2014	10
2015	9

Source: NKU

Read or Share this story: <http://cin.ci/2bqPe4c>



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31

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Cards for NKU Survivor facing Retaliation from her School!!!

Event for Cards for Survivors! Hosted by Nadia Dawisha

Nadia Dawisha

invited you

Going

Maybe

Can't Go

GUESTS

11	0	2
going	maybe	interested

RELATED EVENTS

Cards for U-Mich surv

Sunday at Athn U of Mi

for Cards for Survivors!

Interested

Going

Thursday, March 31 at 1 AM

Athn Cards for NKU Survivor, Mr. Kevin L. Murphy, Graydon Head & Ritchey LLP, P.O. Box 17534, Ft. Mitchell, KY 41017-0534

A student at Northern Kentucky U needs our help and support! She just filed a Title IX lawsuit, and her case is HORRIFIC. You can read about it here: <http://www.cincinnati.com/story/news/2016/01/25/lawsuit-nku-indifferent-alleged-sex-assault/79301784/>

The woman's lawyer filed me in on the atrocious details. After her rape, this student, then a freshman, never received accommodations or counseling. Her perpetrator was found responsible in front of a three-person panel, but was only given probation - and repeatedly broke the no-contact order. When she protested the school's handling her case by carrying a mattress on campus like Emma S from Columbia, the university police chief brought in police dogs and THEN sent out an email to the ENTIRE SCHOOL saying she could be arrested!!!

It only got worse after that. One of the administrators emailed her and told her if she didn't stop speaking out, the university would access all of her records related to her rape and release them!!!

The lawyer said this student is a minority student, brilliant and driven, but her life has fallen apart and she feels so alone. Her parents sat in front of him and just WEPT. He said she desperately needs help and support! Let's give it to her!! xoxoox

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EXHIBIT 2



Nadia Dawisha

January 27 at 9:16pm

Omg!! I had THE MOST heartbreaking convo today. A lawyer is representing a woman from Northern Kentucky U, who was raped in 2013 and just filed a Title IX lawsuit. Her case is HORRIFYING!! The school didn't give her accommodations or counseling, and when she participated in a peaceful protest by carrying a mattress on campus like Emma S from Columbia, the university police chief sent out an email to the ENTIRE SCHOOL saying she could be arrested for defamation!!! THEN one of the administrators emailed her and told her if she didn't stop speaking out, the university would access all of her records related to her rape and release them!!! Oh and by the way, the school found her perp responsible, but only gave him probation - he broke his no-contact agreement. The lawyer said this student is a minority student, brilliant and driven, but her life has fallen apart and she feels so alone. Her parents sat in front of him and just WEPT. Anyone want to send her cards??

Like

Comment

2 people like this

Seen by 29



Abby Crain Sometimes cards just don't seem like enough 😊 but it's something! Lets do it!!

Like Reply January 27 at 11:04pm



Nadia Dawisha I know 😊 But we do what we can, here's the article about the case: <http://www.cincinnati.com/story/news/education/2017/01/27/79301784/>



Lawsuit: NKU 'indifferent' about alleged sex assault

CINCINNATI.COM

Like Reply January 27 at 11:36pm



Nadia Dawisha Abby Crain did I mention that the university cops brought POLICE DOGS to the peace protest of a handful of people??

Like Reply January 27 at 11:38pm



Write a reply



Emily Koller-Reich Yes I do

Like Reply Yesterday at 12:00am



Nadia Dawisha DONE!



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Nadia Dawisha Abby Crain did I mention that the university cops brought POLICE DOGS to the peace protest of a handful of people??
Like Reply January 27 at 11:38pm

Write a reply

Emily Kollaritsch Yes I do
Like Reply Yesterday at 12:00am

Nadia Dawisha DONE!!
<https://www.facebook.com/events/548801968612232/>



31 Cards for NKU Survivor facing Re...
Thu 1 AM · Attn: Cards for NKU Survivor, Mr...
for Cards for Survivors! **+ Join**

Like Reply yesterday at 12:01am

Bocca Tinder That is fucking disgusting. I am so sorry that a human endured all of that do you recall when the rape was supposed to be the worst part?
Like Reply Yesterday at 10:22am

Nadia Dawisha I know right?? I just made a card event for her!!
Like Reply 23 hrs

Write a reply

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT COVINGTON
CASE NO. 2:16-CV-00028-WOB-CJS

JANE DOE

PLAINTIFF

v.

ORDER

NORTHERN KENTUCKY UNIVERSITY, *et al.*

DEFENDANTS

*** **

This matter having come before the Court of the Motion to Seal by Defendants, and the Court having reviewed and being otherwise sufficiently advised, Defendants' Motion is GRANTED and it is hereby ORDERED as follows:

A gag order shall be entered prohibiting parties and their counsel from communicating with the press regarding the merits or allegations of this case and all deposition transcripts and student records filed, or to be filed of record, in this case will be hereby sealed.