

## PUBLIC LETTER AGAINST DEFAMATION

*"[He was harassing me by saying] that he'd lied about being attracted to me and was manipulating me."*

Rebecca Ehrhardt (verbatim)

This letter is my response to the online defamation/harassment in the aftermath of my Title IX complaint against Yale University (#01-18-2071). I have received 150+ supportive messages and e-mails so far. In addition, polls suggest that the majority of students at Yale University believe in the merits of the complaint.<sup>1</sup> I have also received the occasional hostile response, mainly from partisan journalists.

Among these is an article published by Splinter News, a far-left news agency<sup>2</sup> that is an offshoot of Jezebel.<sup>3</sup> The article violates my privacy rights in addition to being false and malicious. The article was written by Molly Osberg, a journalist who has joked about euthanizing her parents,<sup>4</sup> praised women who commit adultery,<sup>5</sup> and tweeted in support of a journalist who made bombing threats against the White House.<sup>6</sup>

I was involved in a series of Title IX complaints due to an incident in 2014. A woman called Rebecca Ehrhardt, who broke up with her fiancée to pursue me instead, violated and assaulted me. I refused her sexual demands after she came to my house. She became angry and threatened me in my bathroom by saying that, "I can knock you out if I want to."<sup>7</sup> I was recovering from a surgery at that time and she is a martial artist. Two days after, I removed her from an important house party

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<sup>1</sup> For example, a poll conducted by Yale indicates that 61% of male students at Yale agree with the logic of the complaint while 23% indicate that they have experienced discrimination personally. <https://yaledailynews.com/blog/2018/09/16/mens-rights-move-in-on-yale/>

<sup>2</sup> According to the website Media Bias Fact Check, the agency is not reliable and has far-left bias. <https://mediabiasfactcheck.com/splinter/>

<sup>3</sup> Jezebel News is perhaps best known for their open hostility against male victims of domestic violence. For example: <https://jezebel.com/294383/have-you-ever-beat-up-a-boyfriend-cause-uh-we-have>

<sup>4</sup> "We don't have the resources to live to 100, and a lot of people shouldn't. Talk to your parents about their end-of-life plan. Consider helping them die, when and if they're ready. Really, you can do it. It'll be okay." <https://thefederalistpapers.org/us/ban-parents-kill-old-people>

<sup>5</sup> "After all, transgression is hella sexy, and the allure of adultery is at least partially rooted in sneaking around." <https://www.newsbusters.org/blogs/culture/mairead-mcardle/2016/02/10/depraved-new-world-fusion-asks-whats-so-great-about>

<sup>6</sup> She supported an article by Hamilton Nolan which encouraged readers to bomb the White House: <https://splinternews.com/this-is-just-the-beginning-1827099100>

<sup>7</sup> I was recovering from a hernia repair surgery at the time and she is a martial artist.

planned well in advance. Three days later, I told her that I wanted to avoid her completely, which drove her into a fit of rage. On the fourth day, I sent her a text message saying that she should not contact me except in a life-and-death situation. That weekend, I confided the situation to a partner.

Ehrhardt made a series of false accusations against me to cover up her behavior, and she accused me of “sexual harassment” simply because I rejected her advances.<sup>8</sup> These allegations were discredited and dismissed with prejudice, such as her lie that I sent her a knife picture with the intent to intimidate her. The University has removed her twice from my classes but she has never received any real punishment. I have experienced significant distress because of her behavior, including on campus. Sadly, the University’s Title IX procedures are unfair and do not offer any reasonable venues through which I can stop her abusive behavior.

While it is true that my defamation lawsuit was dismissed, context matters. The judge assigned to the case, Suzanne Bruguera, is a lifelong feminist who is not perceived to be impartial on these issues. She is a member of WLALA,<sup>9</sup> and she has consistently ruled in favor of women in legal disputes involving adversarial male and female parties.<sup>10</sup> She has also ruled against other male students<sup>11</sup> who sought justice in the Superior Court after dealing with Title IX unfairness. Moreover, I had no funds to obtain legal counsel at the time and I had to represent myself.

Rebecca Ehrhardt perjured herself during the lawsuit, along with two allied witnesses.<sup>12</sup> A federal investigator found my allegations of sexual assault against the woman to be “in good faith” and “objectively reasonable” (#09-17-2446, 7 December 2017, p. 5).

I did not want to go public with any of this. However, because my rights to privacy were breached by Molly Osberg and her false claims, it is necessary for me to defend myself against Jezebel’s libel. This is not the first time Jezebel attacked male victims of violence.<sup>13</sup>

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<sup>8</sup> She accused me of sexual harassment multiple times because I was “manipulating her emotions and lying to her by telling her that I was not attracted to her.”

<sup>9</sup> For example, BS163736.

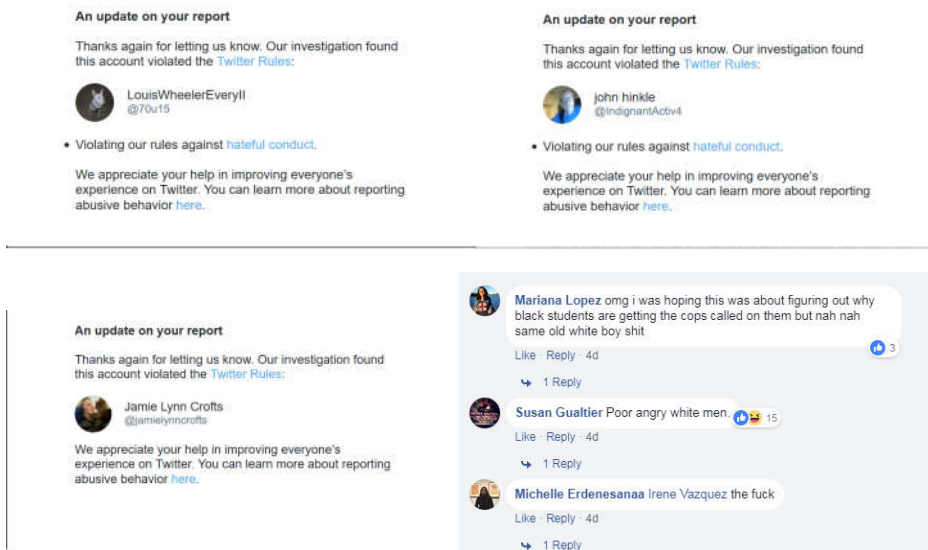
<sup>10</sup> <http://www.judgebruguera.com/sexual-harassment.html>

<sup>11</sup> For example, BS163736. A different judge later granted this student’s Writ.

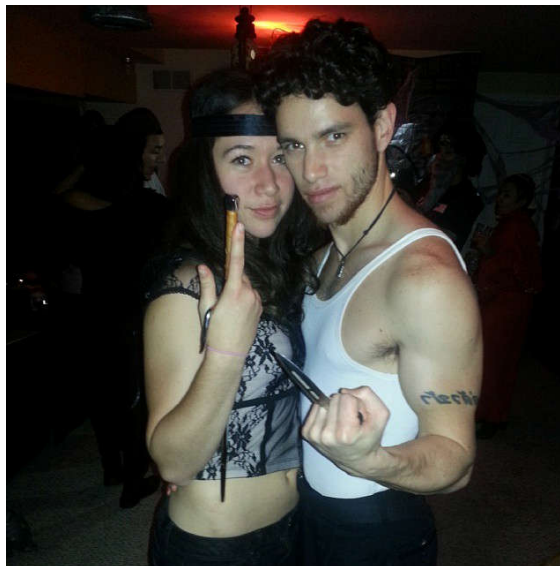
<sup>12</sup> Rebecca Ehrhardt and the two witnesses made statements, sworn under oath, which directly contradicted material evidence (as well as their Title IX statements).

<sup>13</sup> <https://jezebel.com/294383/have-you-ever-beat-up-a-boyfriend-cause-uh-we-have>

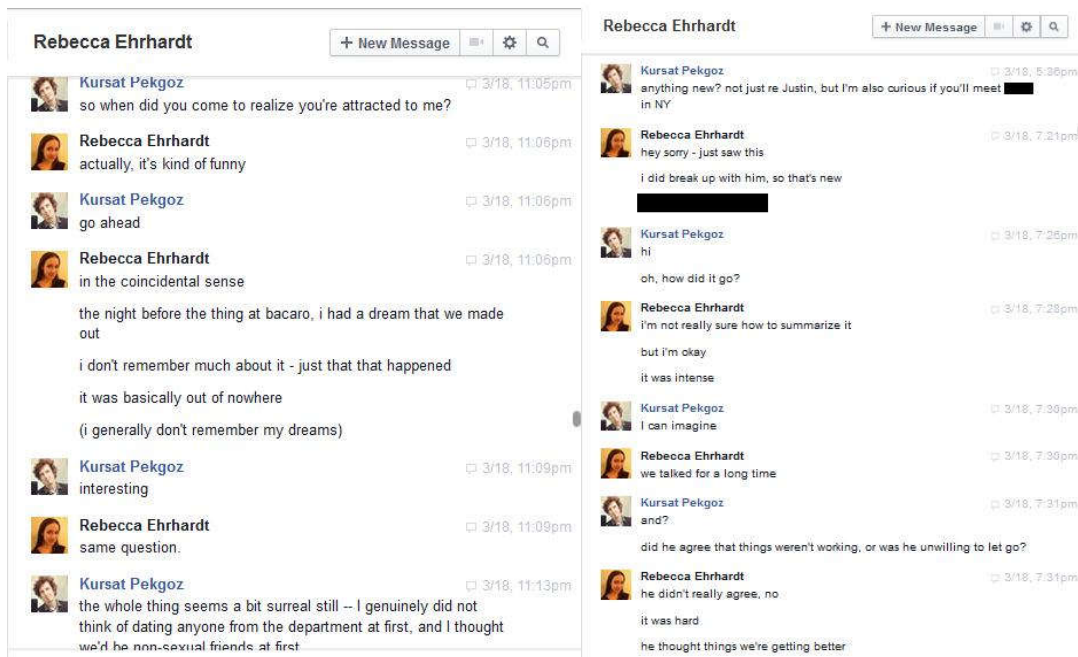
19 September 2018



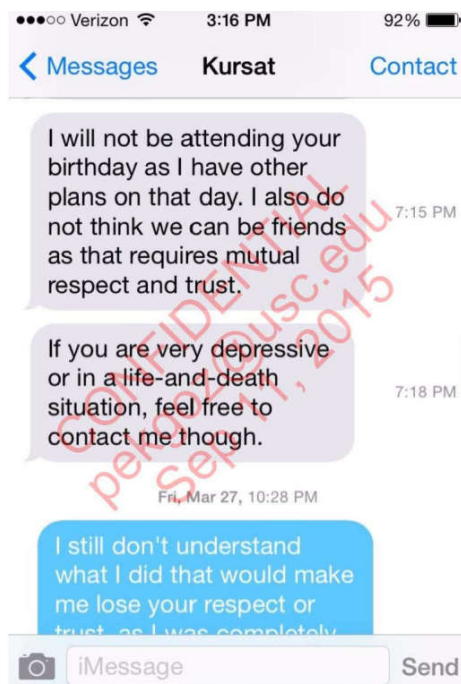
**Exhibit A.** Violent threats on Twitter. The threats were both racial and sexual in nature. I was already receiving non-violent insults (such as “white boy shit” and “Nazi”) before the Jezebel coverage, but the defamation aggravated the attackers. As a result of Jezebel’s defamation, I experienced emotional distress and loss of professional opportunities.



**Exhibit C.** Rebecca Ehrhardt’s picture, where she is posing with her fiancée. Both have weapons. She later falsely accused me of intimidating her with knife pictures, even though she was the one sending such pictures.



**Exhibit D.** Rebecca Ehrhardt’s erotic dream. She later falsely accused me of “pursuing her aggressively.” She broke up with her long-term fiancée to pursue me instead; she made false accusations to cover up her own behavior.



**Exhibit D.** Text message, in which I told Rebecca Ehrhardt not to contact me except in a situation of life and death. I made reasonable attempts at distancing myself from her before filing a Title IX complaint.

## Analysis and conclusions of law

The first prong of the retaliation analysis is to determine whether the Complainant's actions constituted protected activity. OCR must find that an individual communicated, formally or informally, a belief that a recipient's act or policy is discriminatory on the basis of sex, the manner of the opposition is reasonable; and the complainant has a good faith and objectively reasonable belief that he or she was opposing unlawful discrimination. In the matter at hand, the Complainant filed two complaints with the University's Title IX office, in June and October 2015, alleging sexual harassment and sexual assault by another student. In February 2016, he filed a complaint with OCR alleging that the University had failed to provide him with a prompt and equitable response to an allegation that he had sexually harassed a peer, and his allegations that the peer sexually harassed and sexually assaulted him. In addition, the Complainant alleged to OCR that he was subjected to different treatment on the basis of sex when he was denied counseling services because of his sex. OCR opened this complaint, OCR docket no. 09-16-2128, for investigation and notified the University in March 2016. All of the complaints filed by the Complainant specified that he believed he was being subjected to unlawful discrimination on the basis of sex and were filed through appropriate procedures, and the University had notice of those allegations. In addition, OCR found that the Complainant had a good faith and objectively reasonable belief that he was opposing unlawful discrimination in each instance where he filed a complaint. Accordingly, OCR concluded that the two internal complaints and the 2016 Complaint were protected activities by the Complainant.

With respect to the second prong of the retaliation analysis – whether the Complainant was subjected to adverse actions by the University – the Complainant asserted to OCR that he was subjected to three specific adverse actions by the University: (a) he was given a probationary contract to work in the Writing Program; (b) he was not accepted into the Thematic Option program; and (c) he was pressured to take his fellowship year early. A materially adverse action is an action that could likely dissuade a reasonable person from making or supporting a charge of discrimination. Whether an action is materially adverse is judged from the perspective of a reasonable person in the complainant's position. The probationary contract for fall 2017 put in place additional requirements on the Complainant and demonstrated that the Complainant was at risk of not being offered a teaching contract for the spring 2018 semester. OCR concluded that this is an action which was adverse to the Complainant, and a reasonable graduate student in the Complainant's position would also find it adverse. Likewise, the denial of a teaching appointment in the Thematic Option program and the impression that he was being pressured to take his fellowship year early was perceived as adverse by the Complainant, and, if true, would have been perceived as adverse by a reasonable graduate student.