

Eric Waldman

From: Eric Waldman
Sent: Tuesday, October 22, 2019 9:35 AM
To: Timothy McEvoy; Frazier, Wanda
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier,

I am following up on this request. We made the request on April 11, 2019, which is more than 6 months ago. We have followed up multiple times since submitting the request and to date we have not received any documents in response to the request.

We have provided the Department of Education with an ample amount of time and reasonable opportunity to respond to the requests. Accordingly, we plan to commence an enforcement action if we do not receive the production of responsive documents by close of business on October 29, 2019.

Eric

Eric S. Waldman, Esq.

Cameron/McEvoy, PLLC, A Litigation Boutique

4100 Monument Corner Drive, Suite 420

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703.460.9349 (direct)

703.273.8897 (fax)

ewaldman@cameronmcevoy.com

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From: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Sent: Wednesday, September 4, 2019 12:00 PM
To: Frazier, Wanda <Wanda.Frazier@ed.gov>; Eric Waldman <ewaldman@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Good morning Ms. Frazier – can you please give us a reasonably precise date when we can expect the response?

Timothy J. McEvoy, Esq.

EXHIBIT 1

Cameron/McEvoy, PLLC
4100 Monument Corner Drive, Suite 420
Fairfax, Virginia 22030
703-273-8898 (Office)
703-460-9341 (Direct)
703-273-8897 (Fax)
tmcevoy@cameronmcevoy.com // www.cameronmcevoy.com

From: Frazier, Wanda <Wanda.Frazier@ed.gov>
Sent: Wednesday, September 4, 2019 11:54 AM
To: Eric Waldman <ewaldman@cameronmcevoy.com>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

We are currently processing your request.

From: Eric Waldman <ewaldman@cameronmcevoy.com>
Sent: Wednesday, September 4, 2019 11:29 AM
To: Frazier, Wanda <Wanda.Frazier@ed.gov>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier - Please provide an update on the status of this request.

Eric

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From: Frazier, Wanda <Wanda.Frazier@ed.gov>
Sent: Tuesday, August 27, 2019 10:40 AM

To: Eric Waldman <ewaldman@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Good morning Mr. Waldman, We are still processing your response. Thanks Wanda

From: Eric Waldman <ewaldman@cameronmcevoy.com>
Sent: Tuesday, August 27, 2019 10:38 AM
To: Frazier, Wanda <Wanda.Frazier@ed.gov>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier – Any updates on this request?

Eric

Eric S. Waldman, Esq.
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From: Eric Waldman
Sent: Tuesday, August 13, 2019 3:11 PM
To: Timothy McEvoy <tmcevoy@cameronmcevoy.com>; Frazier, Wanda <Wanda.Frazier@ed.gov>
Cc: Theresa Burgess <tBurgess@cameronmcevoy.com>; Sally Ribera <sribera@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier – I have not heard from you since July 24th and have not received a confirmation that responsive documents are being prepared and produced in response to the above-referenced request. Please advise as to when we can expect to receive responsive documents.

Eric

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4100 Monument Corner Drive, Suite 420

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From: Eric Waldman
Sent: Friday, August 2, 2019 11:13 AM
To: Timothy McEvoy <tmcevoy@cameronmcevoy.com>; Frazier, Wanda <Wanda.Frazier@ed.gov>
Cc: Theresa Burgess <tBurgess@cameronmcevoy.com>; Sally Ribera <sribera@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier – Please advise when we can expect to receive the documents that are responsive to the items in my July 5th email below.

Thanks.

Eric

Eric S. Waldman, Esq.
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From: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Sent: Wednesday, July 24, 2019 4:28 PM
To: Frazier, Wanda <Wanda.Frazier@ed.gov>; Eric Waldman <ewaldman@cameronmcevoy.com>
Cc: Theresa Burgess <tburgess@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Hello Wanda,

This is Tim McEvoy and Eric Waldman, my colleague here at the firm, is authorized to speak to you, make requests, answer questions, receive documents etc. – anything that could be required or needed in order to facilitate our FOIA request.

Thanks so much – let me know if you have any questions.

Timothy J. McEvoy, Esq.
Cameron/McEvoy, PLLC
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Fairfax, Virginia 22030
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703-460-9341 (Direct)
703-273-8897 (Fax)
tmcevoy@cameronmcevoy.com // www.cameronmcevoy.com

From: Frazier, Wanda <Wanda.Frazier@ed.gov>
Sent: Wednesday, July 24, 2019 1:44 PM
To: Eric Waldman <ewaldman@cameronmcevoy.com>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Good Afternoon Mr. Waldman,

Thank you for responding to my request. Unfortunately, the FOIA request we received came from Mr. McEvoy and not from your firm, in general. Based on this, we would need to get consent from Mr. McEvoy to communicate with you about his request. Mr. McEvoy can contact our office, or he can respond to this email, indicating that he authorizes us to communicate with you about this request. If he is unavailable, you also can submit a FOIA request with our office and we would process that request, communicating directly with you. I apologize for any inconvenience but we are required to follow a specific process when releasing documents to the public. Please feel free to contact me with any questions or concerns you have.

Thanks
Wanda

From: Eric Waldman <ewaldman@cameronmcevoy.com>
Sent: Friday, July 19, 2019 12:32 PM
To: Frazier, Wanda <Wanda.Frazier@ed.gov>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier – Mr. McEvoy authorized me to act on his behalf with regard to these requests. We are attorneys at the same firm. In addition, he has been copied to these emails.

Eric

Eric S. Waldman, Esq.

Cameron/McEvoy, PLLC, A Litigation Boutique

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From: Frazier, Wanda <Wanda.Frazier@ed.gov>
Sent: Thursday, July 18, 2019 7:54 AM
To: Eric Waldman <ewaldman@cameronmcevoy.com>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Good morning Mr. Waldman, I have searched my system and I have not received a FOIA request from you. However the individual that submitted the request should be clarifying the request since I don't have a consent from them to provide you with the requested documents. Please advise if you have any other questions. Thanks Wanda

From: Eric Waldman <ewaldman@cameronmcevoy.com>
Sent: Wednesday, July 17, 2019 5:55 PM
To: Frazier, Wanda <Wanda.Frazier@ed.gov>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier – I have not heard back from you regarding our requests below. Please advise when we can expect to receive the responsive documents.

Eric

Eric S. Waldman, Esq.

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From: Eric Waldman
Sent: Friday, July 12, 2019 9:43 AM
To: Frazier, Wanda <Wanda.Frazier@ed.gov>
Cc: Timothy McEvoy <tmcevoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier – I am following up on the requests below. Please advise if the Department of Education will respond to these requests.

If you have any questions, please feel free to contact me.

Eric

Eric S. Waldman, Esq.
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From: Eric Waldman
Sent: Friday, July 5, 2019 9:27 AM
To: Frazier, Wanda <Wanda.Frazier@ed.gov>
Cc: Timothy McEvoy <tmcevoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Ms. Frazier,

We wanted further clarify and/or narrow the items in the above-referenced FOIA Request. As to Item Nos. 1-2, we have interest in receiving copies of 2016, 2017 and 2018 training materials. If such materials will incur additional expense, we would like a cost estimate for searching, gathering and reviewing potentially responsive records. As to Item No. 5, we will narrow the request to the following documents:

- (a) All documents relating to information contained in the database or spreadsheet required by Section VII(B) of the attached University of Virginia Resolution Agreement (OCR Docket No. 11-11-6001) ("Resolution Agreement") from 2017 through the present. Names of individuals may be redacted to maintain confidentiality;
- (b) All documents relating to the review of reports of sexual harassment and sexual violence and the University's responses to such reports pursuant to Section IX(B)(2)(a)-(b) of the Resolution Agreement from 2016 through the present;
- (c) All document relating to the report(s) made by the University of Virginia to the U.S. Department of Education, Office of Civil Rights ("OCR") pursuant to paragraph 3 of the Reporting Requirements portion of Section IX of the Resolution Agreement from 2016 through the present. Specifically, this paragraph states that "[b]y July 31, 2016, and annually thereafter until such time as OCR closes the monitoring of this Agreement, the University will provide OCR with a report documenting that the annual climate assessment and focus groups have been conducted, and including the cumulative results of the assessments, the University's and/or Equity Consultant's analysis of the results, and proposed actions based on that analysis and the assessment information."; and
- (d) All documents relating to the review(s) required pursuant to Section XI(B) of the Resolution Agreement for the years 2016, 2017 and 2018.

Please advise at your earliest opportunity if the University will comply with these requests.

Eric

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From: Frazier, Wanda <Wanda.Frazier@ed.gov>
Sent: Wednesday, June 26, 2019 7:26 AM
To: Eric Waldman <ewaldman@cameronmcevoy.com>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F
Importance: High

Good morning Mr. McEvoy, I have left several messages regarding clarifying what documents you are seeking regarding "Training materials from University of Virginia regarding sexual assaults". Training materials would not be with each complaint therefore are you looking for a particular complaint that closed with an resolution agreement that is currently in monitoring.

Thanks
Wanda Frazier
FOIA Coordinator

From: ED FOIA Manager <EDFOIAManager@ed.gov>
Sent: Monday, June 24, 2019 3:27 PM
To: Eric Waldman <ewaldman@cameronmcevoy.com>; ED FOIA Manager <EDFOIAManager@ed.gov>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Good Afternoon,

This e-mail is in response to your request for a status on the subject FOIA request: REQUEST #19-01263-F

Status: Pending

Conducting Search for responsive records. Once the search for responsive records has been completed the status will be updated accordingly. In the interim, you can monitor the status of your request via email to EDFOIAManager@ed.gov.

Unfortunately, we do not have a specific completion time available. We understand how important your FOIA Request is to you and want to handle it as soon as possible but we must process all FOIA request in their order of receipt. Please accept our apologies for any inconvenience.

The analyst that has been assigned to your request has been notified in hopes to provide you with additional information.

Thank you for contacting the U.S. Department of Education FOIA Service Center!

ED FOIA Manager
U.S. Department of Education

FOIA Service Center
400 Maryland Avenue SW
Room 218-52
Washington, DC 20202
FSC Hotline: (202) 401-8365

From: Eric Waldman <ewaldman@cameronmcevoy.com>
Sent: Monday, June 24, 2019 1:27 PM
To: ED FOIA Manager <EDFOIAManager@ed.gov>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Sir or Madam,

To date, we have not received any response to the above-referenced request. Please advise as to the status of the request and when we can expect to receive a substantive response.

Eric

Eric S. Waldman, Esq.
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From: ED FOIA Manager <EDFOIAManager@ed.gov>
Sent: Wednesday, June 5, 2019 10:07 AM
To: Eric Waldman <ewaldman@cameronmcevoy.com>; ED FOIA Manager <EDFOIAManager@ed.gov>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: RE: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Good Morning,

This e-mail is in response to your request for a status on the subject FOIA request: **REQUEST # 19-01263-F**

Status: Pending

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Unfortunately, we do not have a specific completion time available. We understand how important your FOIA Request is to you and want to handle it as soon as possible but we must process all FOIA request in their order of receipt. Please accept our apologies for any inconvenience.

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ED FOIA Manager

U.S. Department of Education

FOIA Service Center

400 Maryland Avenue SW

Room 218-52

Washington, DC 20202

FSC Hotline: (202) 401-8365

From: Eric Waldman <ewaldman@cameronmcevoy.com>
Sent: Monday, June 3, 2019 12:41 PM
To: ED FOIA Manager <EDFOIAManager@ed.gov>
Cc: Timothy McEvoy <TMcEvoy@cameronmcevoy.com>
Subject: U.S. Dep't of Education FOIA Request - Request 19-01263-F

Sir or Madam,

My firm made the attached FOIA Request on or about April 11, 2019. To date, we have not received any response to the request. Please advise as to the status of the request.

Eric

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