



Office of The General Counsel

February 3, 2006

**Via Facsimile Only (215) 717-3440**

Mr. Robert Shibley,  
Program Manager  
Foundation for Individual Rights in Education  
601 Walnut Street, Ste. 510  
Philadelphia, PA 19106

Re: Walston

Dear Mr. Shibley:

We received your letter dated today and the included waiver signed by Matthew Walston. Your letter indicates that you believe we can now discuss all aspects of Mr.

Walston's case with you. We disagree that our ability to discuss the case is now complete – as you know, FERPA also protects the individual right to privacy of any other students involved or who might be individually identified in the records. Those rights are

not released, indeed cannot be released, by Mr. Walston's waiver of his own rights. That

This is not a legal case, and the university's student conduct procedures, just like those at higher education institutions across the country, are not equivalent to those of a court of law. But if you are interested in legal citation, the common law of the State of

Florida considers false statements alleging criminal activity to be per se defamatory. *Tip*