

December 11, 2017

Program Legal Group
Office for Civil Rights
U.S. Department of Education
OCR-PLG@ed.gov

Re: OCR Complaint in 2005, Title IX

Dear OCR:

I received today a response to my October 10, 2017 report "*Randy Chapel: America's Rapist and Immoral Student.*" The communication from the Department notes in part: "The Department remains committed to the full, fair and effective enforcement of Title IX and will continue to uphold the right of every student to access his or her educational opportunities free from sexual harassment and violence and the obligation of every school to apply processes that are fair and equitable for every student."

As I have previously outlined in my 2005 complaint to OCR:

I am a former student of Western Seminary. I would like to file a retaliation complaint against this school. I am aware of a professor (Jim Sawyer, Ph. D. who talked to Robert Scott), who is also interested in filing a complaint of retaliation against him by this school.

The school does not have any regulated program for Section 504 students. They have no admissions forms for students with disabilities. There is no training at the school for professors or graders regarding ADA – Section 504. There are no policies or procedures for adherence to Section 504 at Western Seminary that require filing of medical records to validate disability diagnosis and treatment, or to provide modified programs for disability students.

Last week I was given a statement by Western Seminary Administrator, Gary Tuck, in which he alleges that his son was covered under ADA – 504 during the time I was grading assistant for Professor Sawyer. Professor Jim Sawyer who has taught at Western Seminary for more than 16 years stated that Gary Tuck (his superior) requested he provide special academic privileges to his adult son, Matt Tuck, while no other students with disabilities, including myself, received grade privileges. Professor Sawyer has stated he was never required to provide student privileges like those his superior Gary Tuck pressured him to provide for his adult son, Matt Tuck. We believe and understand, there are others whom Administrator Gary Tuck approached to circumvent Section 504 requirements for his adult son.

Matt Tuck, a male adult in his twenties, had his father Gary Tuck, an administrator at Western Seminary, circumvent Section 504 requirements. They handled his disability privately without filing any paperwork that contained medical history or evaluation. Matt Tuck was never classified as a person with learning disabilities. Professor Sawyer has provided deposition testimony regarding the special treatment circumvented for Matt. At no time did adult student Matt Tuck file a written request for accommodations for his alleged disability, nor did he prove to the college student services office the legitimacy of a disability or the degree of accommodation needed. The college student services office did not meet with Matt's professors to make an educational plan. Instead, Matt received special treatment by subordinate professors at the direct request of his father, administrator, Gary Tuck in private meetings, Gary Tuck does not have a medical background. Matt graduates this year and this has been going on since 1999. All other students paid the same tuition fees as Matt Tuck. We did not receive equity in services. We believe and understand that this is not the only time, Gary Tuck has circumvented policies and procedures for his adult son at the school, however those issues are not addressed with an OCR complaint.

I have been the subject of retaliation for blowing the whistle about inequity in grading and academic requirements awarded Matt Tuck, and other abuses by Western Seminary. Examples of retaliation include, I was accused of raping a woman twice and having sex with her outside of marriage on several occasions

with no evidence to prove this. Neither of those allegations were thoroughly investigated nor were they true. Those allegations were sexual harassment by a disgruntled female student who enrolled, then angrily dropped out of school and moved away before she attended any classes and after she made her allegations. This woman harassed me as others clearly have indicated her goal was to force me to marry her. This woman indicated in writing that she would claim “temporary insanity” to avoid accountability or if questioned regarding her actions. I was not notified of the false allegations or provided pre-hearing documents as required by school policy and law, instead they were destroyed to keep them from me. All of this to end my career at school for standing up against a professor (Gary Tuck), who has had it out for me since the entry at this school.

Western Seminary now admits its negligence and violations. They vengefully railroaded me out of my school program, my degrees I had diligently earned and was to receive in 10 weeks, my related \$30,000.00 tuition fees, my scholastic achievements, and good personal reputation in the university community, while graduating other students who had actually had sex and produced children out of wedlock, which betrays their arbitrary and capricious exercise of authority against me on these trumped up allegations. Further, they unprofessionally gossiped those false allegations about me in violation of school policy, and state and federal law. They have withheld my school records from me in violation of FERPA, while at the same time they unlawfully released my private school information to 3rd parties. The Family Policy Compliance Office (FPCO) has a complaint on file regarding FERPA issues with this school and is awaiting the end of my lawsuit.

It should be noted and we can prove, that Western Seminary has backdated documents and things, in order to suggest that the documents existed previously, to avoid accountability by authorities. (Exhibits A, B)

At that time, OCR failed to observe that Western Seminary lied and made various misrepresentations and false documents (18 U.S. Code § 1001) regarding its Section 504 program, policies, etc. to retain Title IV funds; to detract and obfuscate what was going on; as well as failed to connect the retaliation by Western Seminary and its failures under Title IX. A number of FOIAs were filed by my mother and me, in which one concerned the materials between Western Seminary and OCR-SF. From those documents, I was able to piece together the corruption, which was reported on December 31, 2010 and received by Arne Duncan, Charles Rose and David Rolandelli of OCR-SF the following week (Exhibit C).

Subsequently, I further outlined the Section 504 fraud and the overall racketeering of Western Seminary, ATS, NWCCU, etc in the June 2, 2016 Victim Impact Statement, which was sent to and received by Barack Obama, Loretta Lynch, James Comey, John F. Bennett (FBI), and the Department of Justice attorney handing a concurrent FOIA lawsuit Michael Albanese (Exhibit D). The AAEU in 2007-2008 accepted the various misrepresentations (18 U.S. Code § 1001) from both ATS and NWCCU during a federal investigation in which both accreditor has conspired with Western Seminary starting on and continuing from September 15, 2006.

Since 2005, the government has screwed up, fought to keep documents from us, and supported the enterprise to the overall detriment of Susan Allister, Joel Chapel, Carol Nye-Wilson, Dale Wilson and myself causing life long damage.

We are way beyond filing any new complaints, as the Department has had in its possession, custody and control information sufficient to 1) end Western Seminary’s Title IV contract (20 U.S. Code § 1094) for material violations since its inception in 2003; 2) to not renew and sign a fourth PPA in 2018 with Western Seminary; 3) to cite both ATS and NWCCU (Exhibit E, last paragraph #6) for involvement with Western Seminary in a complex array of schemes against the government and during a federal investigation; 4) To enter into a civil settlement agreement or a deferred prosecution agreement or a non-prosecution agreement or institute administrative actions involving any one or more of the following people or entities noted below (a-l):

- | | | |
|-------------------|----------------------|-----------------|
| a. Steve Korch | f. Bert Downs | k. NWCCU |
| b. Lynn Ruark | g. Western Seminary | l. Sandra Elman |
| c. Gary Tuck | h. ATS | |
| d. Randal Roberts | i. Jeremiah McCarthy | |
| e. Rob Wiggins | j. Daniel Aleshire | |

5) In light of **Executive Order 12549**, debar or suspend one or more of the people or entities noted above (a-l) from programs and activities involving Federal financial and non-financial assistance and benefits; 6) to indict the people or entities noted above (a-l); 7) settle tort claims with Joel Chapel, Carol Nye-Wilson, Dale Wilson and myself; 8) to settle False Claim Act claims which the government itself has blocked both Carol and myself from filing due to a) support and defense of the enterprise; b) refusal to rescind the Nancy C. Regan letter dated August 29, 2008 to Sandra Elman; c) refusal to rescind the Nancy C. Reagan letter dated August 29, 2008 to Daniel Aleshire; d) refusal to rescind the Nancy C. Regan letter dated September 29, 2008 to John Hannon; e) refusal to rescind the October 24, 2008 letter from Cheryl Oldham to Mazie Hirono; and 9) to return my 2nd amendment rights back to me.

My mother is fighting for her life. My father Dale is suffering and continues to suffer; being 100% disabled makes his future life without my mom bleak if she doesn't heal. I have gone over the International Parental Child Abduction of Joel and frankly given everything that has happen, I will never see him (or Susan) again.

We are way, way beyond complaints and lawsuits at this point. We are at the point that I will be required to take personal actions to seek justice against Western Seminary, et al.

We have no time to play games and push things out any longer. No student and family should ever be emotionally shattered, beat up and put through this. This tortuous period of our lives needs to stop. The government needs to find some other Americans to screw over.

Randy Chapel

cc: Betsy DeVos, Candice Jackson, Phil Rosenfelt, Carol Nye-Wilson, OCR-SF

20171211_OCRResponse.doc