



February 7, 2025

Maria P. Conzatti  
Office of the President  
Nassau Community College  
363 Rice Circle  
Garden City, New York 11530-6793

**URGENT**

*Sent via overnight and Electronic Mail (Maria.Conzatti@ncc.edu)*

Dear Acting President Conzatti:

FIRE, a nonpartisan nonprofit that defends free speech,<sup>1</sup> is gravely concerned by Nassau Community College's punishment of students Jordon Groom and Grant Peterson for allegations of "discrimination" without providing them copies of the complaints filed against them, a meaningful opportunity to respond to the allegations in the complaint, or a meaningful opportunity to appeal their discipline.<sup>2</sup> The discipline imposed on Peterson and Groom through this unjust process indicates that the college does not take seriously its obligations to respect the due process rights of its students. We urge NCC to rescind the punishments of Peterson and Groom, provide them with basic due process when investigating this matter, and commit to providing due process in future disciplinary procedures.

Our concerns arise from the process by which NCC conducted its investigation and meted out discipline. Peterson first learned of the two formal complaints filed against him on November 18 and 20, when he received an email from the Office of Affirmative Action formally notifying him of the complaints.<sup>3</sup>

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<sup>1</sup> For more than 20 years, FIRE has defended freedom of expression, conscience, other individual rights on America's college campuses. You can learn more about our mission and activities at [thefire.org](http://thefire.org).

<sup>2</sup> The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information and invite you to share it with us. To these ends, please find enclosed executed privacy waivers authorizing you to share information about this matter.

<sup>3</sup> Email from the Office of Affirmative Action to Grant Peterson, student (Nov. 20, 2024, 9:01 PM) (on file with author). Peterson had emailed the office the day before asking for clearer communication about his meetings with the office, including notice of attendees and the purposes of the meetings. Email from Peterson to Office of Affirmative Action (Nov. 19, 2024, 8:29 PM) (on file with author).

Peterson told the office he was not aware of any complaint against him,<sup>4</sup> an oversight for which the office apologized and admitted that it had not properly provided him with the complaint forms.<sup>5</sup> Importantly, however, when the office sent Peterson the two complaints, they each merely named him as a respondent of discrimination and harassment allegations.<sup>6</sup> The forms did nothing to inform Peterson of the nature of his allegedly discriminatory actions.

During a December 2 meeting with Wright, Peterson finally had the opportunity to view the substance of the complaints, which contained more than 40 allegations against him.<sup>7</sup> However, Wright did not allow Peterson to make a copy of the complaint for his records.<sup>8</sup> Furthermore, without sufficient time to review the complaint, Peterson had no opportunity to fully respond to the allegations in writing.

Groom, by contrast, never received formal notification of the investigation against him. On December 10, during a meeting of the NCC Board of Trustees, Groom was asked to leave the room so the board could discuss an investigation that involved him.<sup>9</sup> On December 19, Groom met with Wright, who told Groom of a complaint against him, but reassured Groom that the complaint had no merit.<sup>10</sup> Wright further clarified that the complaint was closed.<sup>11</sup> Wright declined to offer specifics on the complaint, merely saying it related to discrimination and harassment.<sup>12</sup> However, despite Wright's reassurance, an investigation into the complaint was evidently ongoing.

On January 22, 2025, Wright notified both Peterson and Groom that he had investigated complaints filed against them in November by other members of NCC's Student Government Association. Wright informed Peterson it was "more likely than not that [Peterson] did discriminate against" the complainants.<sup>13</sup> As a result, NCC suspended Peterson from all club or organizational leadership roles for the remainder of the academic year – including from his important role as a Student Academic Senate Chair, which is a leadership role in the campus governance system – and must complete a "Diversity and Sensitivity Training" before being permitted to hold any other leadership positions at NCC.<sup>14</sup> Similarly, NCC found Groom

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<sup>4</sup> Email from Peterson to Affirmative Action Office (Nov. 20, 2024, 10:59 PM) (on file with author).

<sup>5</sup> Email from Affirmative Action Office to Peterson (Nov. 25, 2024, 2:49 PM) (on file with author).

<sup>6</sup> Complaint notice sent to Peterson from Affirmative Action Office (Nov. 18, 2024) (on file with author); complaint notice sent to Peterson from Affirmative Action Office (Nov. 20, 2024) (on file with author).

<sup>7</sup> Audio tape: Recording of meeting between Craig Wright, Associate Vice President, and Peterson, student (Dec. 2, 2024) (on file with Peterson).

<sup>8</sup> Based on Peterson's notes from reviewing the complaint in person, the allegations include that Peterson discriminated and harassed the complainants. One alleged incident included Peterson allegedly telling a complainant, "You have no idea what you're talking about, once again." Another incident involved Peterson allegedly calling a vice president at NCC who was not present at the conversation an "idiot." The complaints also cited Groom and Peterson's authoring of impeachment documents.

<sup>9</sup> Audio tape: Board of Trustees meeting (Dec. 10, 2024) (on file with Groom).

<sup>10</sup> Audio tape: Recording of meeting between Wright and Groom, student (Dec. 19, 2024) (on file with Groom).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Letter from Wright to Peterson (Jan. 22, 2025) (on file with author).

<sup>14</sup> *Id.*

responsible for creating “a hostile environment of discrimination” against the complainants, requiring him to complete sensitivity training by March 1.<sup>15</sup>

NCC’s process of investigating and punishing Peterson and Groom cannot be squared with the most basic principles of fair procedure. Courts have established that the “opportunity to present reasons, either in person or in writing, why proposed action should not be taken is a fundamental due process requirement.”<sup>16</sup> Anything less cannot be described as a hearing. Basic procedural safeguards ensure fairness and impartiality in misconduct proceedings, lending legitimacy to proceedings and confidence to institutions, complainants, respondents, and members of the public that results are fair. Yet NCC’s process failed to comply with even bare minimum due process safeguards,<sup>17</sup> which include protections for the accused such as:<sup>18</sup>

- Timely and adequate written notice of the charges against them;
- Adequate time to prepare a defense with access to relevant evidence;
- Impartial fact-finders;
- A meaningful hearing process;
- The right to present evidence to the fact-finder;
- The right to meaningful cross-examination of an accuser;
- Active participation of an advisor, ideally an attorney; and
- A meaningful right to appeal.

Incredibly, NCC deprived both Peterson and Groom of *all* these safeguards. Peterson was only able to review the complaint in person and was expected to respond to the allegations immediately and without any preparation. As Peterson recalls, the complaint cited at least 40 allegations of improper conduct, as well as a series of questions that Wright presented to him during the meeting. It is not remotely realistic to expect a person to cogently respond to each of 40+ allegations without sufficient time to review them, especially when those allegations are accompanied by additional questions.

Even more egregiously, Wright informed Groom he was not under investigation and that the complaint against him had concluded, without ever offering information about the allegations, only to later tell Groom that he had nevertheless been found responsible and required to take a training. And finally, Wright’s determinations did not include any opportunity for the students to appeal.<sup>19</sup>

Simply put, NCC’s procedural abuses have now muddied the waters so severely that they have adversely affected everyone even peripherally involved in the case except NCC administrators. NCC subjected the complainants concerns to a broken process. It subjected Peterson and Groom to disciplinary measures without any chance to properly respond to the substance of the complaints — without any due process. It now wrongfully deprives the student body of a

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<sup>15</sup> Letter from Wright to Jordon Groom, student (Jan. 22, 2025) (on file with author).

<sup>16</sup> *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 546 (1985).

<sup>17</sup> *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (notice is “[a]n elementary and fundamental requirement of due process” and must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”).

<sup>18</sup> *Due Process on Campus*, FIRE, <https://www.thefire.org/research-learn/due-process-campus>.

<sup>19</sup> Letters, *supra* notes 13 and 15.

representative in the SGA and on the Board of Trustees because Peterson has been suspended for the remainder of the year from his role as a Student Academic Senate Chair, which involves addressing the NCC Academic Senate and meeting with NCC's accreditor's reviewers. NCC's failure is comprehensive and total.

We request a substantive response to this letter no later than close of business on February 21, 2025, responding to the due process violations we have laid out here and rescinding the discipline against Peterson and Groom pending a review with sufficient due process.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham Piro". The signature is fluid and cursive, with the first name "Graham" and last name "Piro" clearly distinguishable.

Graham Piro  
Faculty Legal Defense Fund Fellow

Cc: Craig Wright, Acting Associate Vice President, Equity, Inclusion, Affirmative Action  
Nassau Community College Board of Trustees

Encl.

## **Authorization and Waiver for Release of Personal Information and Request for FERPA Records**

This is an authorization for the release of records and information, as well as a request for records, under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and its applicable regulations (particularly 34 CFR § 99.30).

I, Grant S. Peterson, born on 11/17/2004, do hereby authorize Nassau Community College (the "Institution") to release to the Foundation for Individual Rights and Expression ("FIRE") any and all information concerning my current status, disciplinary records, or other student records maintained by the Institution, including records which are otherwise protected from disclosure under the Family Educational Rights and Privacy Act of 1974. I further authorize the Institution to engage FIRE's staff members in a full discussion of all matters pertaining to my status as a student, disciplinary records, records maintained by the Institution, or my relationship with the Institution, and, in so doing, to fully disclose all relevant information. The purpose of this waiver is to provide information concerning a dispute in which I am involved.

I have reached or passed 18 years of age or I am attending an institution of postsecondary education.

In waiving such protections, I am complying with the instructions to specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom disclosure may be made, as provided by 34 CFR 99.30(b)(3) under the authority of 20 U.S.C. § 1232g(b)(2)(A).

**Records requested under FERPA:** I request access to and a copy of all documents defined as my "education records" under 34 CFR § 99.3, including without limitation:

- A complete copy of any files kept in my name in any and all university offices;
- any emails, notes, memoranda, video, audio, or other material maintained by any school employee in which I am personally identifiable;
- any and all phone, medical or other records in which I am personally identifiable; and
- the log of requests for and disclosures of my education records, as required by 34 CFR § 99.32(a).

**Records requested under state public records law:** To the extent the applicable public records law would require a faster response, a more comprehensive response, or production of copies of records:

- I request, pursuant to the applicable state public records law, copies of all records that would be available for my inspection under FERPA;
- To the extent the public records law allows disclosure of responsive records, I request that such records be produced in an electronic format, preferably by email.

**Fees:** I agree to pay any reasonable copying and postage fees of not more than \$20. If the cost would be greater than this amount, please notify me. Bear in mind, however, that FERPA prohibits the imposition of a fee to search or retrieve records (34 CFR § 99.11).

**Request for Privilege Log:** If any otherwise responsive documents are withheld on the basis that they are privileged or fall within a statutory exemption, please provide a privilege log setting forth (1) the subject matter of the document; (2) the person(s) who sent and received the document; (3) the date the document was created or sent; and (4) the basis on which it is the document is withheld.


**Request for Redaction Log:** If any portion of responsive documents must be redacted, please provide a written explanation for the redaction including a reference to the statutory exemption permitting such redaction. Additionally, please provide all segregable parts of redacted materials.

Per 34 CFR § 99.10(b), these records must be made available within **45 days**.

I request that the records be sent to me via email at grantspetersoncollege@gmail.com and to FOIA@thefire.org.

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights and Expression, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

I also hereby consent that FIRE may disclose information obtained as a result of this authorization and waiver, but only the information that I authorize.

Signed by:  
  
6BA382842150428...

1/30/2025

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Student's Signature

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Date

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This is an authorization for the release of records and information, as well as a request for records, under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and its applicable regulations (particularly 34 CFR § 99.30).

I, Jordon Groom, born on 07/23/1996, do hereby authorize Nassau Community College (the "Institution") to release to the Foundation for Individual Rights and Expression ("FIRE") any and all information concerning my current status, disciplinary records, or other student records maintained by the Institution, including records which are otherwise protected from disclosure under the Family Educational Rights and Privacy Act of 1974. I further authorize the Institution to engage FIRE's staff members in a full discussion of all matters pertaining to my status as a student, disciplinary records, records maintained by the Institution, or my relationship with the Institution, and, in so doing, to fully disclose all relevant information. The purpose of this waiver is to provide information concerning a dispute in which I am involved.

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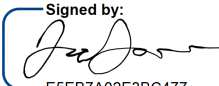
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- the log of requests for and disclosures of my education records, as required by 34 CFR § 99.32(a).



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Signed by:  
  
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1/30/2025

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Student's Signature

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Date