Confidential Investigation Report

August 22, 2016

To: Wendi Delmendo

Chief Compliance Officer

Title IX Officer

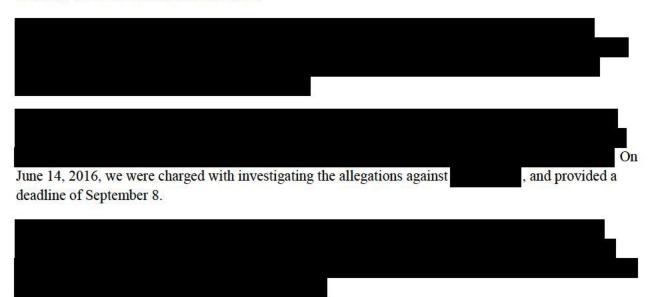
Maureen Stanton

Vice Provost—Academic Affairs

Re:

I. Introduction

The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of sexual violence and sexual harassment.



The findings in this report are based on the preponderance of the evidence, meaning that the evidence on one side outweighs, preponderates over, or is more than the evidence on the other side.

II. Summary of Allegations and Findings

Allegation 1:

alleges that engaged in unwelcome or unwanted touching, which included hugging her on two occasions, and made comments of an intimate nature to her, including telling her that he had developed feelings for her.

Finding on Allegation 1: This allegation is substantiated by the preponderance of the evidence, reaching the higher threshold of clear and convincing, and is found to be a violation of the Sexual Harassment and Sexual Violence policy and the Faculty Code of Conduct.

Allegation 2:

alleges that after she rejected his advances, treated her differently, including denigrating her to others.

Finding on Allegation 2: This allegation is substantiated by the preponderance of the evidence and is found to be a violation of the Sexual Harassment and Sexual Violence policy and the Faculty Code of Conduct

III. Applicable Policies

University of California Sexual Harassment and Sexual Violence Policy²

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive.

This Policy prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report.

Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

PPM Section 400-20, Sexual Harassment and Sexual Violence³

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of the conduct affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile, or offensive working or learning environment.

This policy also prohibits retaliation against persons making a report about sexual harassment or sexual violence, assisting someone with such a report, or participating in any manner in an investigation or resolution of sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.



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Academic Personnel Manual 015, The Faculty Code of Conduct

Types of unacceptable conduct . . .

Discrimination, including harassment, against a student on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons. .

Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons. . .

Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future,⁴ academic responsibility (instructional, evaluative, or supervisory).

IV. Evidence Regarding the Allegations

Witnesses⁵

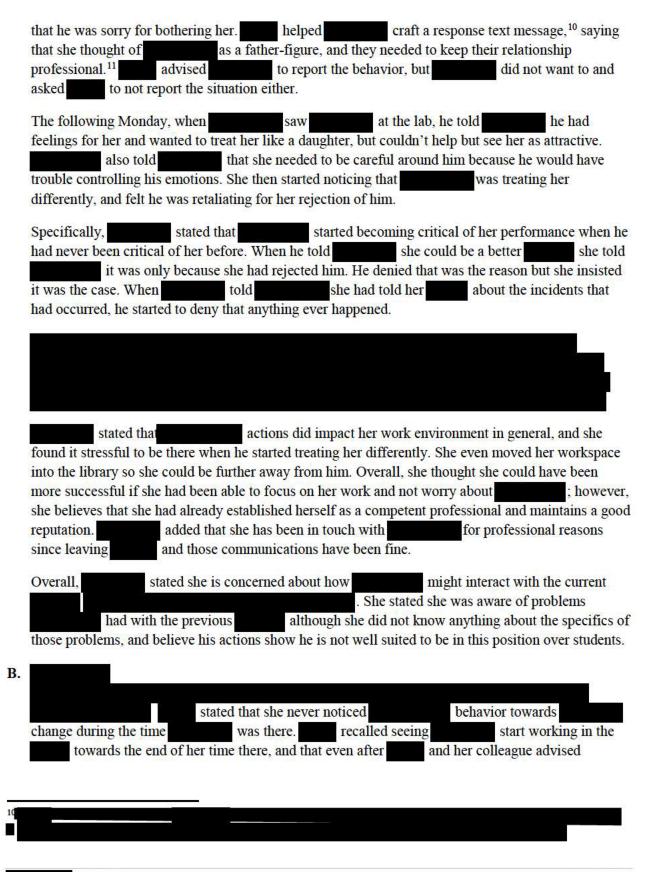
Name	Title	Date Interviewed
		6/1/16 (phone)
	Administrative Assistant	6/ /16 (phone)
	Staff Research Associate	7/ /16 (phone)
	Professor	7/ /16 (phone)
	Professor	7/1/16



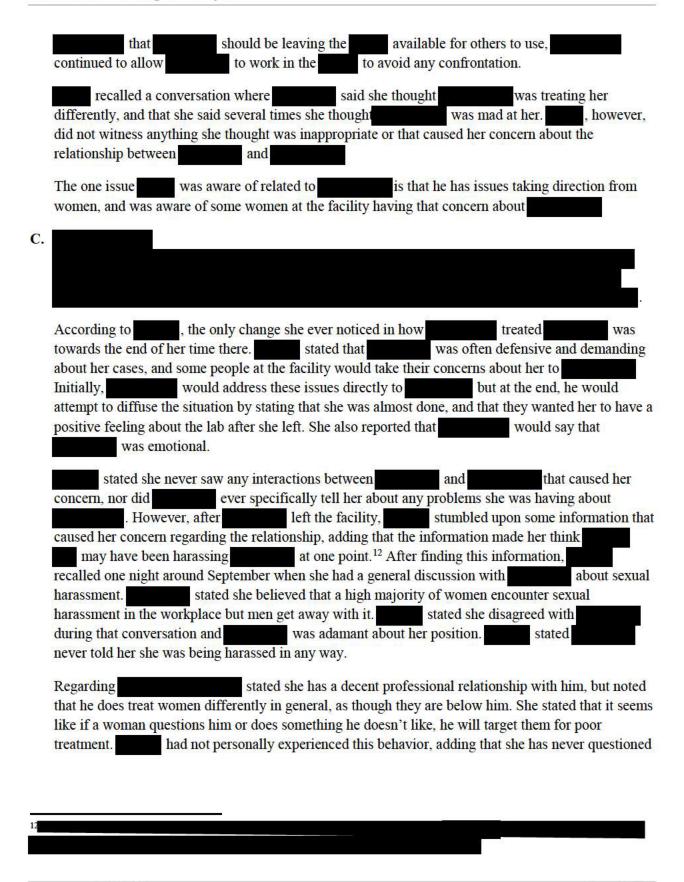
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Attachments⁶ notes regarding the incidents Interview Summaries stated that when she first became a her relationship with in was professional. She described his personality as "different," and clarified that he was a strict instructor and had exacting standards. She had some trouble adjusting to his personality, but stated it did not impact her success in her position. things changed when she returned from a trip to According to started acting differently around her. Initially she noted that he seemed stated that "extremely caring" about everything she worked on, which was unusual. On June 2015, the facility staff celebrated stayed late after work and specifically thanked even though everyone brought desserts. He then gave her a very long hug,8 telling that he felt really good with her and didn't know why he stated she managed to get out of the situation by indicating she felt a felt that way. paternal connection to him. About two weeks later, in the room. When saw who wanted to help him with the someone else offered so left because she had other work to do. When saw her later, he told her that he was upset she didn't help him She explained that he didn't appear to need more help and she had other things to work on. He then gave her a long hug similar to the previous incident. This time she acted cold to stop the embrace. left the facility and went to see immediately after the incident. She told what had happened, and as she was talking to , she received a text message from saying

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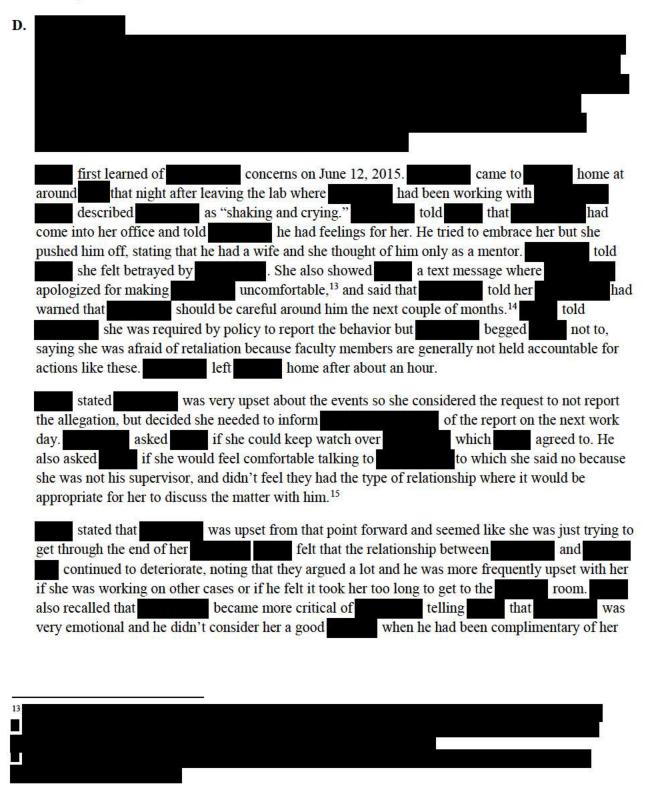


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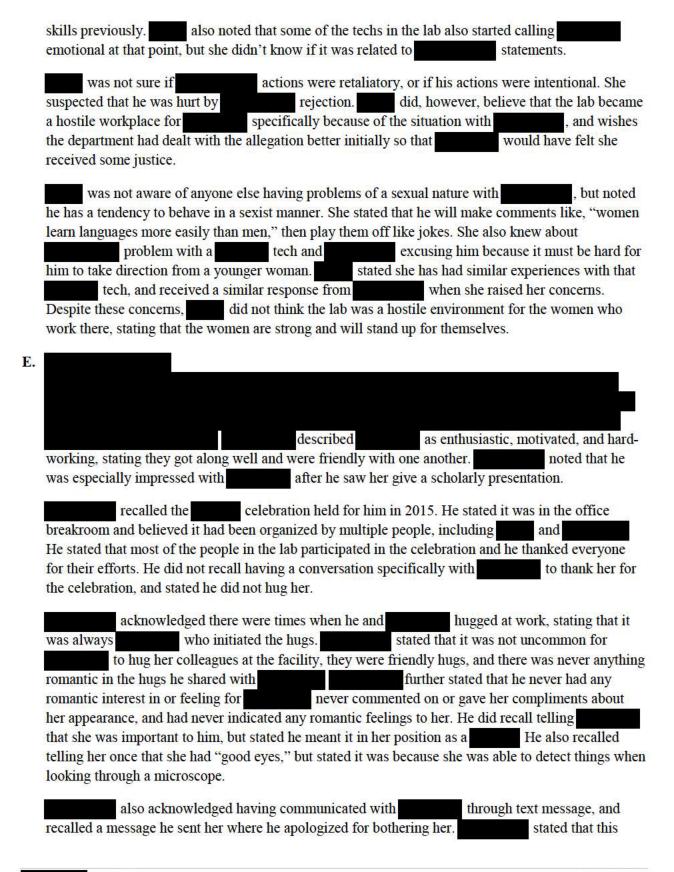


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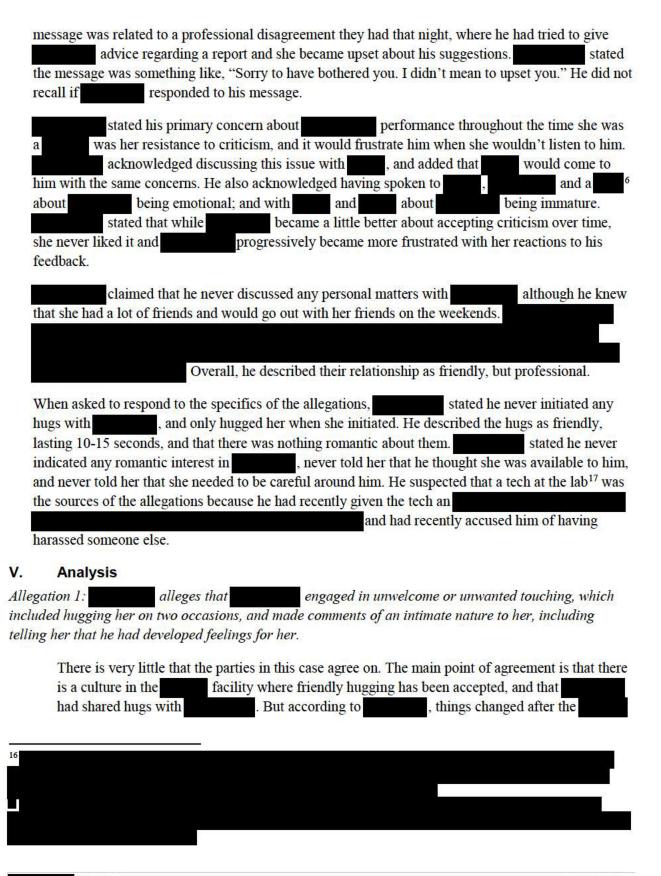
him so never given him reason to treat her poorly, but thought his behavior was getting worse recently.



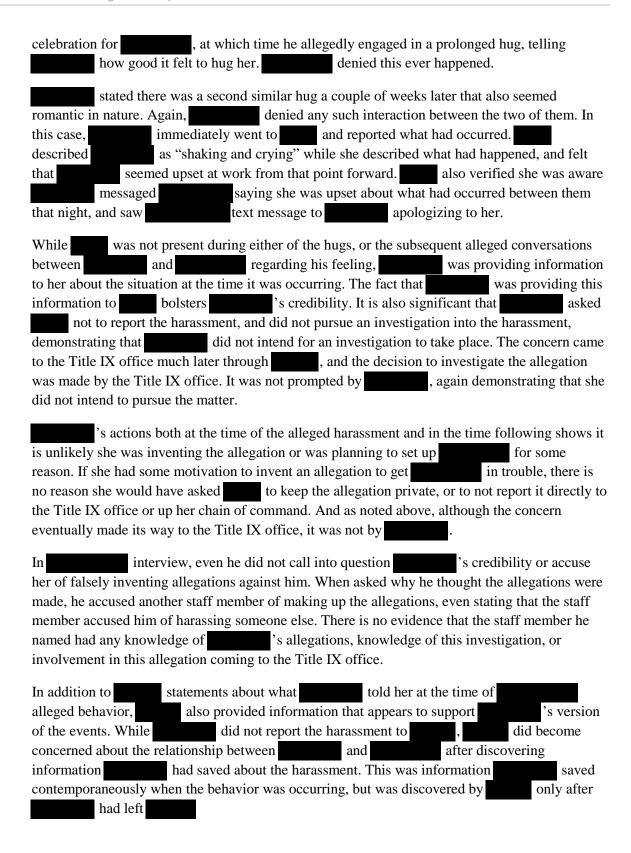
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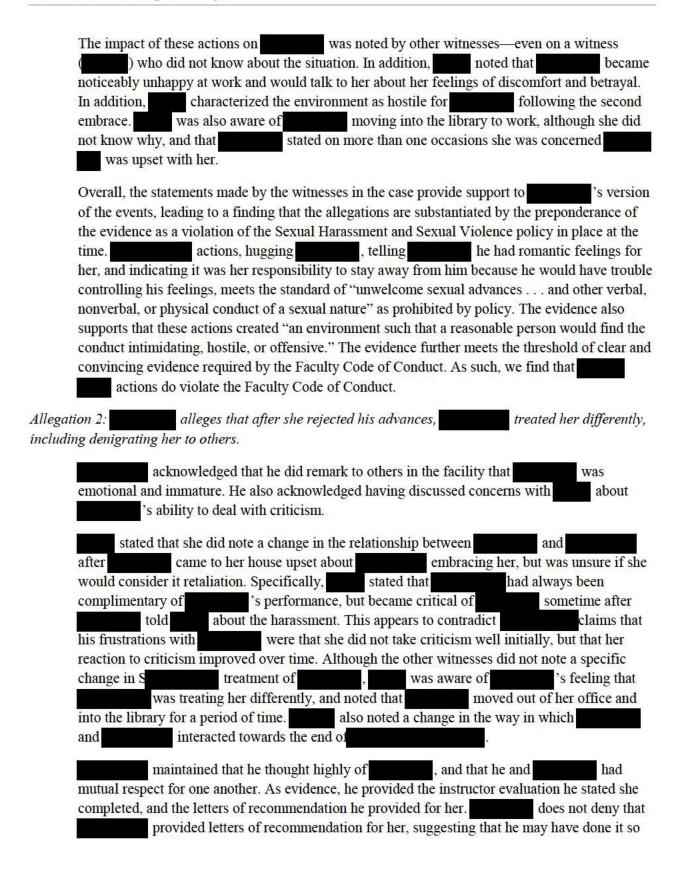
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she would not report his actions. Ultimately, whether or not provided letters of recommendation to provided positive comments in an instructor evaluation, does not change the impression that had regarding the change in treatment, or acknowledgement of the alleged comments.
The combination of acknowledgement of making the comments alleged by and the witnesses statements regarding the timing of this change in the relationship between and leads to a finding that the allegation is supported by the preponderance of the evidence as a violation of the Sexual Harassment and Sexual Violence policy and the Faculty Code of Conduct.
Conclusion
In the end, the fact that had discussed her concerns to another faculty member at the time of the allegation provides support to her allegations. In addition, it is significant that never intended the concerns to be reported through official channels, or for the allegations to be investigated, provides further support regarding the accuracy of her version of the events. As such, the preponderance of the evidence supports the allegations that engaged in unwelcome or unwanted touching of and proceeded to treat her differently, including denigrating her to others in the facility, after she rejected his advances.
Respectfully submitted,
Stacey Harmer
Professor
Molly M. Theodossy
University Investigator/Policy Manager

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