

# Confidential Investigation Report

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June 12, 2017

TO: UC Davis Title IX Compliance Officer (Wendi Delmendo)

FROM: University Investigator (Carl L. Reed II)

SUBJECT: Report of Investigation – Case No. HDAC170080

## I. Introduction

On February 8, 2017, [REDACTED] employees of the [REDACTED] [REDACTED] met with the Principal Investigator (PI) to report inappropriate and unwelcome conduct of a sexual nature by Respondent which occurred over the previous 18 months. In addition to two of the Complainants making complaints on their own behalf, they also reported what they believed was inappropriate conduct by Respondent towards two additional former employees [REDACTED]. As a result, there are four Complainants in this matter.<sup>1</sup>

On or about March 6, 2017, you appointed me in your capacity as the Title IX Compliance Officer to investigate the above referenced allegations under the UC system-wide policy on Sexual Violence and Sexual Harassment (eff. 01/01/2016) Sections II.B.1.b and II.B.2 (Sexual Assault – Contact and Sexual Harassment, respectively) and the UC-wide Interim Sexual Harassment and Sexual Violence Policy (eff. date 06/17/2015) Section II, Sexual Harassment (referred to individually or collectively as SVSH policy). You directed me to submit a written report to you no later than May 31, 2017 containing facts sufficient to enable you to determine based on a preponderance of the evidence whether the allegations against Respondent are substantiated and whether the policy provision in Section III below has been violated. On May 22, 2017 I requested an extension to submit the report until June 9, 2017, and you granted the extension request after finding good cause to do so.

## II. Summary of Allegations

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Complainant 2 alleged that:

- (1) On or about [REDACTED] 2016, Respondent pushed her against a wall and rubbed his body against hers without her consent.
- (2) [REDACTED] and
- (3) [REDACTED]

Complainant 3 alleged that:

*In [REDACTED] 2016 and earlier, Respondent frequently touched her without her consent despite being told to stop on numerous occasions.*

During the investigation Complainant 3 specifically alleged:

- (1) Respondent placed his hands on her hips to move her and touched the small of her back on numerous occasions;
- (2) [REDACTED]
- (3) [REDACTED]
- (4) [REDACTED]

[REDACTED]

[REDACTED]

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<sup>2</sup> [REDACTED]

<sup>3</sup> [REDACTED]

### III. Executive Summary of Findings

The following findings were made:

#### 1. Complainant 1 Allegations [REDACTED]

[REDACTED]

[REDACTED] *Not Substantiated.*

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**2. Complainant 2 Allegation (Sexual Assault-Contact):**

*The preponderance of the evidence does support that on or about [REDACTED] 2016 Respondent pushed [REDACTED], Complainant 2, against a wall and rubbed his body against hers without her consent. Substantiated.*

Complainant 2 credibly described that her [REDACTED] [REDACTED] and when she went to go get it off the wall, Respondent placed his hands on each side of her against the wall while she was still facing the wall. He then pushed her up against the wall and “he started grinding against me.” She told Respondent to stop as he was grinding his pelvis into her buttocks, and he began to laugh. She stated she then elbowed him in the face, which caused him to move away from her and she left immediately.

Although Respondent denied the event, Witness A provided some corroboration. Witness A stated she recalled asking Complainant 2 about how a night out with the [REDACTED] had been and Complainant 2 responded by calling Respondent “a creep” and told her that he had rubbed himself on her that night.

**3. Complainant 2 Allegation [REDACTED]**

[REDACTED] *Conduct was substantiated, but was found not to violate SVSH policy.*

[REDACTED]

[REDACTED]

[REDACTED]

**4. Complainant 2 Allegation [REDACTED]**

[REDACTED]  
*Not Substantiated.*

[REDACTED]

**5. Complainant 3 Allegations (Sexual Harassment):**

*The preponderance of the evidence does support that Respondent repeatedly touched Complainant 3 without her consent despite being told to stop on numerous occasions. Substantiated.*

(a) Respondent placed his hands on her hips to move her and touched the small of her back on numerous occasions. *Substantiated.*

- Respondent stated he did not recall, but said “it sounds plausible to me” when asked if he rubbed Complainant 1’s back while out [REDACTED]. He added “That is very plausible touching her [REDACTED] hand to back, tickling, possibly.” Moreover, Complainant 1 stated she has seen Respondent touch Complainant 3’s hips when moving her out of the way while downtown socially. The touches occurred over a period of approximately 18 months and Complainant 3 repeatedly asked him not to touch her. He ignored her requests. The conduct made Complainant 3 uncomfortable, and was

sufficiently pervasive that it unreasonably interfered with the enjoyment of her employment and created a hostile working environment for her.

(b) [REDACTED] *Not Substantiated.*

I [REDACTED]

(c) [REDACTED] *conduct substantiated, but it was found to not violate SVSH policy.*

I [REDACTED]

(d) [REDACTED] *Not Substantiated.*

I [REDACTED]

6. **Complainant 4 Allegation** [REDACTED]

[REDACTED] *Not Substantiated.*

[REDACTED]

[REDACTED]

[REDACTED]

#### IV. Methodology

##### A. Standard of Review

Each of the factual findings and policy conclusions reflected in this report is made on a preponderance of the evidence basis. “Preponderance of the evidence” as defined in the SVSH Policy is “[a] standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.”

##### B. Applicable Policy Provisions

The following policy statements and sections from *University of California’s Sexual Violence and Sexual Harassment Policy* (SVSH Policy), effective 1/1/16, are applicable to this investigation:

“The University of California is committed to creating and maintaining a community free of sexual violence and sexual harassment. Sexual violence and sexual harassment violate both law<sup>4</sup> and University policy. . . .

. . .

##### II B. 1. Sexual Violence:

b. Sexual Assault - Contact: Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed.

. . .

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<sup>4</sup> Although some of the behaviors addressed in the SVSH policy are prohibited by law, the present report analyzes Respondent’s conduct under the University’s policy and does not purport to conduct a legal analysis.

II B. 2. Sexual Harassment:

- a. Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:
  - i. *Quid Pro Quo*: a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program; or
  - ii. *Hostile Environment*: such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.
- b. Consideration is given to the totality of the circumstances in which the conduct occurred. Sexual harassment may include incidents:
  - i. between any members of the University community . . . ;
  - ii. in hierarchical relationships and between peers; and
  - iii. between individuals of any gender or gender identity. . . .”

The following policy section from the *UC Sexual Harassment and Sexual Violence Interim Policy* (Effective June 17, 2015 to December 31, 2015), is also applicable to this investigation:

**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. Sexual harassment includes sexual violence . . . . The University will respond to reports of any such conduct in accordance with the Policy. Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

. . .



**C. Witnesses Interviewed<sup>5</sup>**

All witnesses were advised of the confidential nature of the investigation, the expectation of honest and complete responses to all questions, and the University's prohibition of retaliation for cooperating with an official investigation.

	<b>Name/Role</b>	<b>Referenced Title in Report</b>	<b>Date Interviewed</b>
1	[REDACTED]	Complainant 1	May [REDACTED] 2017
2	[REDACTED] UC Davis	Complainant 2	May [REDACTED] 2017
3	[REDACTED] UC Davis	Complainant 3	May [REDACTED] 2017
4	George Chenaus, Postdoc [REDACTED] UC Davis	Respondent	May [REDACTED] 2017
5	[REDACTED], UC Davis	Witness A	May [REDACTED] 2017
6	[REDACTED]	Witness B	May [REDACTED] 2017
7	[REDACTED]	Witness C	May [REDACTED] 2017

[REDACTED]

[REDACTED]

8	[REDACTED]	Witness D	June [REDACTED] 2017
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**D. Other Evidence Considered**

Attachment	Description	Number of Pages
1	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]

**V. Summary of the Evidence****A. [REDACTED]**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### B. Complainant 2 Interview Summary

Complainant 2

[REDACTED]

[REDACTED] described Respondent as more senior than her [REDACTED]. However, she stated they were colleagues, and depending on the compliance role they held in the [REDACTED] they were in charge of that specific area. [REDACTED]

[REDACTED]

Complainant 2 stated that she had known Respondent since before he began working at the [REDACTED]. She stated that prior to December 2015 her relationship with Respondent was strictly professional.

On January [REDACTED] 2016 she went to the [REDACTED] in Davis to celebrate Witness [REDACTED]. [REDACTED] Complainant 2 stated that Respondent touched her on the dance floor and then when she was preparing to leave, he approached her from behind and grinded his pelvis into her buttock.

Complainant 2 stated that everyone was drinking some alcohol that night, but that Respondent was drinking in excess. She stated at one point the group, including herself, Respondent, Witness B, and Complainant 1 decided to dance. She stated Respondent kept touching her and placing his hand on her back while dancing. She added that nobody was dancing as pairs, it was just people dancing as a group on the dance floor. She stated she kept moving away from Respondent, and when that did not work, she left the dance floor to go get her [REDACTED] to leave.

Complainant 2 stated her [REDACTED] was hanging on a hook in the pool room and when she went to go get it off the wall, Respondent placed his hands on each side of her against the wall while she was still facing the wall. She stated she had no idea that he had followed her [REDACTED]. She stated when he did this he pushed her up against the wall and "he started grinding against me." She stated she told Respondent to stop as he was grinding his pelvis into her buttock, and he began to laugh. She said it was "really loud" in the bar, but she believed he heard her tell him to stop. She stated she then elbowed him in the face, which caused him to move away from her and she left immediately. She stated Respondent was intoxicated and had been drinking for [REDACTED] hours at the time.

When asked if her elbowing of Respondent's face left a mark on it, she stated she did not believe so. When asked if she knew of anyone who witnessed this conduct, she stated she did not. She had previously asked a Postdoc in the [REDACTED] if he had seen anything and he stated he did not see anything. She stated she never discussed Respondent's conduct with him until July 2016 when Complainant 1 and Complainant 3 brought his conduct towards them up to her. She does not recall if Respondent had any response when she raised it to him.

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Unwanted Conduct of a Sexual Nature towards Complainant 3

[REDACTED]

[REDACTED] She discussed one particular incident when Respondent was poking her and left bruises. Complainant 2 also described the conduct as “punching”.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### C. Complainant 3's Interview Summary

Complainant 3

[REDACTED]

[REDACTED]

#### Unwanted Touching – Hands on Hips & Small of Her Back (Multiple Incidents)

Beginning in 2015, Complainant 3 stated Respondent would come up from behind her, place his hands on her hips, and physically move her when she was in his way rather than ask her to move. She stated it happened so frequently she cannot recall specific dates. She stated that when this did occur she was always very shocked. She stated this occurred both in the [REDACTED] and when they were out socializing [REDACTED] at the [REDACTED]. She stated that when this occurred [REDACTED] she told Respondent to

stop, but he would “just laugh me off.” She stated that while working in the [REDACTED] she did not feel like she could not speak up and tell him to stop.

Complainant 3 stated that Respondent also would touch her on the small of her back in a guiding motion whenever they were out. Her thoughts were to herself “Why is he touching me, he’s not my boyfriend and I am not his girlfriend.” She stated the repeated conduct was scattered throughout her time at the [REDACTED] and made her feel uncomfortable.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The next work day, Respondent asked to speak with Complainant 3 alone in his shared office. Complainant 3 let it be known to Complainant 2 that she did not want to be alone with Respondent in his office. Complainant 2 suggested she wait until another [REDACTED] was in the office to speak with Respondent. Complainant 3 stated she was nervous and apprehensive to be alone with Respondent, so she was waiting for [REDACTED] to return to the office. However, Respondent came out and got her and they went into the office. They were alone in the office with the door shut and the door locked. She stated “I didn't feel like I could say no because essentially he's my superior.”

She stated that once in the office Respondent began accusing her of turning him in for [REDACTED] violations and told her not to go through Complainant 2 anymore because they were not getting along. Respondent told Complainant 3 that if she needs something she can go to Respondent or the PI. She stated Respondent was very hostile and angry throughout the meeting and berated her. When he was done, Complainant 3 left the meeting and began crying as she walked into the [REDACTED] space. Complainant 2 saw her crying and told her that it was not okay for Respondent to close the door given everything that has happened and that Respondent should not be alone with her. She stated this is what finally lead her to make a report to the PI.

She stated "It was an obvious and brazen move to intimidate me and make me feel silent." When asked what she meant by this remark, she stated "I knew Respondent would be angry with me because he knew that I knew how he treated Complainant 4." [REDACTED]

She stated Respondent's conduct, combined with her knowledge of his conduct towards Complainant 4, resulted in altering her work environment. She stated "Honestly this is made me really stressed out because at a certain point I dreaded being in any room alone with him even if I had my back turned to him." She stated she always tried to make sure someone else was around when she was with Respondent. Further, she stated "I felt caught between a rock and a hard place because I wanted to do my job, but I didn't want to be in a place where I was not comfortable." [REDACTED] she did work through the issues involving Respondent's conduct as well during her [REDACTED]

Complainant 3 was asked if she ever texted or emailed anyone about Respondent's conduct. She stated "the only times I texted [Complainant 2] about [Respondent] was in the frame of [Complainant 4]" She stated ordinarily she would contact Complainant 2 and ask [REDACTED] to speak with her. She recalled doing this when both Complainant 1 and Complainant 3 told Complainant 2 that they "thought something weird was happening between [REDACTED]"

#### **D. Respondent Interview Summary**

Respondent appeared at the interview with a representative from [REDACTED]. [REDACTED] He has been a Postdoc at UC Davis since [REDACTED] and began working in the [REDACTED]. After a transition period and split time between the two [REDACTED] he began working as a Postdoc 100% time in the [REDACTED]. He has been employed at the [REDACTED] since that time as a Postdoc researcher and reports directly to the laboratory's Principal Investigator (PI).



When asked, Respondent explained the hierarchy [REDACTED] He stated the PI is at the top, [REDACTED]

When asked if all of the Postdocs were on the same hierarchal level as each other, he stated it was project dependent and that there was no clear hierarchy [REDACTED] He stated that in some ways he would be considered a superior or a supervisor to [REDACTED] in the [REDACTED] but again stated it was largely project based. He stated everyone in the [REDACTED] was staff, with the exception of the PI.

Respondent stated his contract with the [REDACTED] ends at the end of June 2017. [REDACTED]

[REDACTED] He stated it was established when he signed his contract [REDACTED] ago that it would not be renewed and he was aware of that when he signed it. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **Complainant 2's Allegations**

*January 28, 2016 – Rubbing himself up against Complainant 2 without her consent:*

When informed that Complainant 2 alleged that he rubbed his body up against hers without her consent, he stated “That’s just blatantly untrue.” Asked if he recalled [REDACTED]’s [REDACTED] party he stated “I do recall that we had a party to [REDACTED] [REDACTED]. I don’t recall where, and I have no specific recollections of that particular night.” When asked if he recalled dancing with Complainant 2, he stated “I think I recall dancing with Complainant 2 on that night. It would have been dancing as a group.” He stated he did not recall any physical interactions with her that night, or trying to touch her while dancing.

Respondent was told that Complainant alleged that he went over to her while she was grabbing her [REDACTED] off the wall, placed his hands on each side of her on the wall while she was still facing the wall, and started to grind his pelvis into her buttock. He stated “No, no, that did not happen.” He was then informed that Complainant 2 alleged that she had to elbow him in the face in order to get away from him. He replied “That did not happen.”

He stated he normally drinks more as the night goes on, however he does not drink to the point of blackout when at the [REDACTED]. He stated “I think she is an attractive women, but I am not particularly attracted to her.”

Asked if he knew why Complainant 2 would make up this story, he stated “This is the most serious allegation, I think by far, and the one that really troubles me the most.” He referred to the text messages he provided in his rebuttal statement before July of last year and stated “We had a very close relationship and were very good friends, and then the instance with [REDACTED], everything changed with [Complainant 2] and myself and it has been much more combative. I think she decided to punish me and she made it up because that does not sound like me at all.”

He then added “The other allegations, like I am too ‘handsy’, touched, made them uncomfortable, you know, I can see that being the case. I can see myself being, I do like to touch people, I do like to be close to people, it is just something that’s just how I am, I do that not drinking, drinking. I like to give hugs and I like to touch friends, people I feel close to, I can see that possibly made them uncomfortable, I wasn’t aware of that, I didn’t think that was a problem, but I could see that.”

When asked whether or not he had doubts about him grinding against Complainant 2 after stating “It does not sound like me” Respondent stated “I have no doubts, I do not believe that this happened, I do not believe that I rubbed myself, grinded myself against Complainant 2. It did not happen.”

[illegible]

\_\_\_\_\_

\_\_\_\_\_

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Complainant 3's Allegations

*November 2016* – [REDACTED]:

Respondent was informed about Complainant 3's allegations that he frequently touched her in a sexual nature without her consent. With respect to November 2016, as he previously stated, Respondent did not recall seeing or touching Complainant 3 while at the [REDACTED].

*June 2016* – [REDACTED] [REDACTED] *Party*:

Respondent stated he does not remember poking Complainant 3 at [REDACTED] party. He stated that Witness B was very likely at the party that night. He stated that if he was poking her, it was likely if he was trying to tickle her. He added "That is something I would do with friends." However, he does not recall doing this with Complainant 3.

He stated he would also touch Complainant 3's hips when they would [REDACTED] dance at the [REDACTED] because [REDACTED] dancing requires touching the hips.

When asked if he recalled rubbing Complainant 3's back when out at the [REDACTED] Respondent stated "I do not recall rubbing her back" but "it sounds plausible to me." When asked if he would guide Complainant 3 by the back, or place his hand on her back when traversing [REDACTED] Complainant 3 stated that he did not recall doing this. He later added "That is very plausible touching her in the [REDACTED] hand to back, tickling, possibly." He stated that beyond that it would have been while dancing.

Respondent described his relationship with Complainant 3 as playful and similar to the relationship he had with Complainant 1. [REDACTED] He stated "We would verbally spar. I can't recall any specific examples. She was fond of using the term "motherfucker" "piece of shit" a number of times I heard her saying that to me [REDACTED]"

When asked, Respondent stated he has never touched Complainant 3 in a sexual way.

*Moving Complainant 3 by the Hips:*

When asked if he ever moved Complainant 3 by the hips to get around her in the [REDACTED] Respondent stated "That does not sound right at all. I would usually have gloves on." He added "I don't recall moving her by the hips in the laboratory."

[REDACTED]

[REDACTED]

*February 6, 2017 meeting in his office:*

Respondent recalled calling Complainant 3 into his office on February [REDACTED] 2017. He stated that he and Complainant 2 had a contentious relationship with each other since [REDACTED] [REDACTED] [REDACTED]. He told Complainant 2 that she knew the relationship was bad between them, so if she had a problem with him, she should either go to him, or go to the PI.

He recalled the meeting in his office, but does not recall if the door was locked when it was closed. Respondent stated that he was not aware that Complainant 3 was uncomfortable being alone with him. He stated that in July 2016, Complainant 2 told him that he made Complainant 3 and Complainant 1 uncomfortable and that he touched them too much in the past. He was not aware that Complainant 3 broke down in tears after she left their meeting. He stated “Based on what I know now, yes, I understand why she was reluctant, but not at the time. I did not think we had that poor of a relationship. I did not call her in to intimidate her, or to make her feel uncomfortable, it is not something I want to do to anybody.”

When asked why he would take Complainant 3 into an office alone when he already knew she was uncomfortable around him, he stated “[Complainant 2] never said they were uncomfortable in general, just when I touched them and that I touched them too much. It was not a general discomfort around me.”

Respondent reiterated that he had no sexual intentions towards Complainant 3 with regards to any of the conduct she alleged.

**Complainant 4’s Allegations**

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED] occurred in late February or early March 2016. Respondent described the events leading up to the [REDACTED]

[REDACTED] He stated everyone talked and shared their own past relationships with each other. [REDACTED]. He stated "It was incredibly surreal." He stated it was "something you never expect to happen." Respondent believed that is when the relationship between him, Complainant 2, Witness A, and Complainant 4 changed.

Respondent was asked to explain the [REDACTED] He stated it meant that anything they talked about was not to be shared with others. He stated "I wouldn't be saying anything, but now this investigation changes that." He stated he stuck to the [REDACTED] until the investigation happened. He stated "We talked about this at work as well." [REDACTED]

He stated "Immediately we were all closer with each other and knew so much more about each other. I can't describe what it was like. It was a very very unusual relationship, like nothing I've ever had. I can't really explain."

[REDACTED] When asked if Complainant 4 ever indicated that him touching her was unwanted, he stated "Oh God no, it was the exact opposite. That is why the [allegation] confuses me." [REDACTED] She never told me she was uncomfortable."



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **E. Witness A Interview Summary**

[REDACTED]

When asked, she stated “I do not have any personal direct observations of conduct of a sexual nature by Respondent, but I have heard of the fallout.” [REDACTED]

Witness A stated that sometime in 2016 Complainant 2 informed her that Respondent had rubbed himself against her in a sexual manner while they were out at what she believed was “[REDACTED]” in Davis. Witness A stated that although she does not recall how the conversation arose, she believed just a couple of days after it occurred she had asked how the night out had been and Complainant 2 stated words to the effect that “Respondent is a creep, he was rubbing himself on me.” When asked, she could not recall any further details about the conversation. She stated that at the time, Complainant 2 was not thinking about reporting the conduct to anyone. Witness A could not recall when in 2016 the conversation with Complainant 2 occurred.

Witness A stated she first heard about Respondent's conduct towards Complainant 1 and Complainant 2 when she was asked to sit in on a meeting with the PI, Complainant 1, and Complainant 2. She stated she was aware that Complainant 1 was never comfortable around Respondent almost from the beginning of her employment because Complainant 1 had told Witness A that Respondent was "a creep". She stated she was not sure why Complainant 1 felt this way, but believed it may have been when he yelled at her that she was "a pussy" in the laboratory one day. Witness A did not witness the event, and only became aware of it much later.

Witness A stated she learned after Complainant 3 made her report that Respondent moved her around by the hips at times. Witness A stated she never observed this conduct and it had not been brought to her attention. She stated Complainant 3's attitude toward Respondent in late 2016 was much like Complainant 1's had been, she considered Respondent a creep and did not like being around him.

[REDACTED]

She stated "I guess I did not understand how serious it was or should have taken it at the time." She stated now there are "all these programs" for the [REDACTED] to use when these types of events occur, and that in hindsight she should have looked into the comments they had made at the time further.

"[REDACTED] of Complainant [REDACTED]"

[REDACTED]

Witness A stated the four of them "had a [REDACTED] which I do not intend to break." She stated that at first she was impressed with how Respondent has been handling the situation with [REDACTED]. When asked to explain the [REDACTED] Witness A stated "We learned a lot about each other, personal details which I will not reveal. It must remain in the [REDACTED]." When asked to elaborate, she stated [REDACTED]. She stated they would tell her, along with the others [REDACTED] about their own personal experiences and how "normal" relationships develop. During this time, Complainant 2 made it absolutely clear to everyone in "the [REDACTED]" that everything in their "private lives" would be kept totally separated from their "professional lives". She stated that despite this, it did impact the [REDACTED] and the relationships within.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Impact*

When asked if she has noticed any impact on Complainant 3 in the workplace, Witness A stated she had not noticed any difference in her and “this has not affected her work.” She added that Respondent was on the outside with most people in the [REDACTED] already because everyone had a “different vibe” from him.

When asked if she knew why Complainant 3 had such a strong reaction to Respondent calling her in the office and speaking to her alone, she stated “I wondered that too. I did not understand it, but it may have been because it was a power play by someone more senior in the [REDACTED].” She added that the reason Complainant did not want to be around Respondent was “because of the way he treated Complainant 4.”

When asked if Complainant 1, Complainant 4, and Witness C stopped working at [REDACTED] because of anything related to Respondent’s conduct or the investigations, she stated they “left for reasons totally unrelated to [Respondent]’s conduct.”

When asked whether or not she had noticed any impact on Complainant 2 as a result of Respondent’s conduct, she stated “This has been terribly stressful for [Complainant 2], but luckily she has [REDACTED] that is supportive.” [REDACTED]

**F. Witness B Interview Summary**

[REDACTED]

Witness B stated the hierarchy in the [REDACTED] was both formal and informal. [REDACTED] He stated the hierarchy was largely project dependent [REDACTED]

When asked if he knew why he was being interviewed, Witness B stated “I know there been some inappropriate actions between [Respondent] and some of the [REDACTED].” He then stated he was aware of a couple of incidences outside the [REDACTED] first hand.

Witness B recalled that during the summer of 2015, Respondent was “looking aggressively” at Complainant 1 when they were hanging outside an off-campus [REDACTED] and talking. He stated during the conversation Respondent and Complainant 1 began staring at each other and it made him feel really uncomfortable. He did not recall what the conversation entailed and stated “I just really remember



the facial expressions more than anything. It was a deep kind of stare down between [Complainant 1] and [Respondent]. He stated he remembered thinking afterwards that the conversation “was too familiar for a conversation between a superior and a subordinate.” However, he was not sure what the extent of their relationship was at that time. He stated he would “not say it was sexual in nature” but it just seemed the staring between the two of them was charged and it appeared to him that there was “an obvious sexual aspect to it.”

Witness B recalled another incident after the first incident while out at a [REDACTED] in Davis. He believed it could have occurred in 2016. He stated there was a conversation going on with others who also worked in the [REDACTED]. He recalled Complainant 1 being a part of the conversation too. He stated the conversation was sexual in nature, but he could not recall the details. He stated that Respondent then made a very out of place comment about a “cock ring”. Witness B found the comment to be totally inappropriate for the crowd and totally out of context at the time. He then decided to leave the conversation and go elsewhere. He stated everyone had been drinking alcohol while at the [REDACTED].

When asked for more details about the conversation he stated that there was a general conversation going on about relationships, and they had been discussing sexual boundaries. He recalled Respondent talking about what kind of toys or items he was comfortable with using, and it then seemed to escalate very quickly from where the conversation started to Respondent mentioning “cock rings”. He stated Complainant 1 did have a reaction, but he cannot recall what she said. He stated he did not talk to Complainant 1 afterwards.

He added that Respondent is a heavy drinker and even used to have alcohol in his [REDACTED] office. He stated there were times when Respondent attempted to persuade Witness B to drink in the [REDACTED] during the day. He also stated that both of these instances, as well as the next one, Respondent had been drinking. He also stated the first incident was a work related party, and the second incident was people from work going out, but not work related.

The next incident he recalled happened during the summer of 2016. He stated the [REDACTED] was out at the [REDACTED] in Davis and Complainant 3, Respondent, and Witness D were present, as well as others from the [REDACTED] that he could not recall. He stated the event may have been [REDACTED] party.

On this occasion, he recalled Respondent physically and repeatedly poking Complainant 3. He stated “I just felt it was inappropriate not that it was of a sexual nature at all. I did not see it is as that. I thought it was really weird and odd behavior.” He stated Respondent was poking her on the ribcage and Complainant 3 did not look comfortable with it. He stated Complainant 3 had to tell Respondent to stop. He stated that initially people were laughing when he began to do this to Complainant 3, but then Respondent became pretty aggressive about the poking. He stated “To be honest, at first I laughed and I feel bad about that afterwards.” He stated it was evident that Complainant 3 did not appreciate being poked at all. Witness B added “That's the only thing I've seen physically. I've never seen anything in the lab or heard anything in the lab with Respondent making inappropriate or sexual conduct comments in the lab.”

When asked about a November 2016 text conversation he had with Complainant 2, Witness B stated he was informed by Complainant 3 that something had happened between Respondent and one of the female [REDACTED]. He stated he was not physically present for this but became angry when he heard about it. He stated he never ran into Respondent that evening, and recalled meeting up with Complainant 1 at the [REDACTED] and then going someplace else to hang out.

[REDACTED] He stated that whenever he has a [REDACTED] issue, he usually goes to talk to her. He stated he recalled that at some point she had informed him that some of the [REDACTED] had told her about some inappropriate interaction they had with Respondent. Witness B stated he told her that “this is type of thing you need to be telling somebody about.” Instead, she went to speak to Respondent on her own and told him not to hang out with the [REDACTED] outside or work or drinking with them. Witness B stated he was only aware of this because Complainant 2 had informed him of it.

Witness B stated he has never witnessed any inappropriate behavior between Complainant 2 and Respondent. He stated that Complainant 2 told him that Respondent had told her that he wanted to “fuck her”. She told Witness B that afterwards she approached Respondent and asked him if they were going to have a problem and why he would say something like that. He stated Complainant 2 was “very very” upset about Respondent’s statement that he wanted to do that to her. He added that he has never heard them talk about the sex lives of others in the past.

Witness B stated that in February 2017 Complainant 2 asked him to make sure he was available to be with Complainant 3 during a conversation Respondent wanted to have with her. He stated he was not able to be available and when he came back from where he had been and mentioned Respondent to Complainant 3, she broke down crying. He was told the meeting between Respondent and Complainant 3 had to do with [REDACTED] protocols. It was his understanding that Complainant 3 did not want to meet with Respondent alone because of the interactions she had had with him in the past.

When asked about Respondent moving people out of the way in the [REDACTED] Witness B stated “I’ve observed him put his hands on people in the lab to move them over. I don’t remember exactly who he did that too, but he also did it to me once. The [REDACTED] is small.”

Witness B stated he had a [REDACTED] party at the [REDACTED] [REDACTED] in late January 2016. He stated he did not witness anything of a sexual nature between Respondent and others that night.

[REDACTED]

Witness B stated that he did not see the relationship between Complainant 2 and Respondent as being “close friends” but rather purely as colleagues. He stated that after the relationship ended between Respondent and Complainant 4, Complainant 2 became more distant towards him at work.

#### **G. Witness C Interview Summary**



[REDACTED]

[REDACTED]

During the time she worked at the [REDACTED] she did not notice any inappropriate behavior between Respondent and the other staff in the [REDACTED] [REDACTED]

[REDACTED]

Witness C stated that while working at the [REDACTED] the other women in the [REDACTED] did not confide in her with personal matters. She stated she was not aware of any relationship between Respondent and the other females in the [REDACTED]

Witness C stated she was surprised when she had heard of sexual harassment allegations against Respondent. She stated she rarely went out with her colleagues to the [REDACTED] unless it was a [REDACTED] event or something. She stated she only went out two or three times during the time she worked at the [REDACTED]

Witness C stated she did not attend [REDACTED] party in Davis.

[REDACTED]

[REDACTED] Complainant 3 never expressed any concerns to her about Respondent during the time she worked at the [REDACTED]

#### H. **Witness D Interview Summary**

[REDACTED]

Witness D stated her own relationship with Respondent was “pretty formal” because they never worked on the same projects with one another and only had limited interaction. [REDACTED]

[REDACTED]

When asked about it, Witness D recalled that in August 2016 Respondent taught her how to [REDACTED]. She stated the reason Respondent taught her how to do it was because he was in charge of the [REDACTED]. Initially, Witness D stated she could not recall if Complainant 3 was present for the instruction, but then later recalled that she was. [REDACTED]

She recalled that Complainant 3 also did not want to place her hand in the [REDACTED] and Respondent jokingly grabbed her forearm and told her “you should do it” or words to that effect. She does not recall Complainant 3 or Respondent placing her hands in the [REDACTED] again. She does not believe Complainant 3 did place her hand in the [REDACTED]. She stated it was clear to her that Complainant 3 was not comfortable placing her hand in the [REDACTED] and that they both thought it was strange from a protocol perspective. She stated “We clearly looked shocked, so he was joking around.” When asked, she stated she was not sure if Complainant 3 was uncomfortable with Respondent because he touched her forearm, or because he asked her to place her hand in the [REDACTED] but she believed it was the latter.

Witness D stated she did attend the [REDACTED] party for [REDACTED] in June 2016 at the [REDACTED]. She stated at some point she noticed that Respondent was poking Complainant 3 on her sides, right above her hips and on the side of her upper torso. She recalled that Complainant 3 had told everyone standing around that she was very ticklish, so Respondent began poking her with an “aggressive poking tickle.” She stated at first it did not look too serious. She stated Complainant 3 was laughing and told him to stop. However, Respondent would not stop and she became annoyed. She stated Complainant 3 then told him a serious tone to stop and that she did not like it. She also made it clear to him to stop because it was hurting her. Witness D stated because she did not know the dynamic of their relationship, she was not sure if it was proper or not.

Witness D stated that either the next day, or next work day, Complainant 3 showed her the bruises on her side. She described them as light bruises, not deep. She stated she and Complainant 3 jokingly told Respondent “Hey this is what you did the other night” or words to that effect. He responded jokingly with “it’s nothing” or words to that effect.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Witness D stated she did not find out about Respondent's relationships with others until after the fact in February 2017. She stated Complainant 2 did not want to get her involved, but in February and March Complainant 3 opened up to her and told her a little bit more. She stated "I never had any interactions with [Respondent] other than professional ones."

## **VI. Findings and Analysis**

### **Background.**

Respondent is a [REDACTED] year Postdoc at the [REDACTED]

[REDACTED]

Several of the [REDACTED] and [REDACTED] go out to the [REDACTED] together on average every two weeks to drink, dance, and socialize with one another. The group from the [REDACTED] often included the trio of Respondent, Complainant 1 and Complainant 3. Conversations of a sexual nature would occur at times in one another's presence. These types of conversations appear to have been at times initiated by each of the trio. Topics included, but were not limited to, such things as sex toy preferences, sexual relationships, the size of a boyfriend's penis, and female colleagues inquiring into "what type of men" other female colleagues liked. The occurrence of these types of conversations between the trio and others while out at the [REDACTED] was credibly corroborated by Witness [REDACTED] and Witness [REDACTED].

[REDACTED]



[REDACTED]

The four of them instituted the [REDACTED] which prohibited anyone disclosing the details of the conversations among the four of them to anyone else. They each agreed to keep their personal lives and their professional lives separate from each other and agreed that what happened in the [REDACTED] was strictly confidential among them.

[REDACTED]

At one point, Respondent replied “Jesus, [REDACTED] did you watch that sexual harassment video yet. Because I am thinking not.” Later in the conversation, [REDACTED] wrote “One last inappropriate remark before I take the sexual harassment training, and can no longer claim ignorance: [REDACTED]”

Also during the next several months, many personal conversations occurred among the four members of the [REDACTED] either while all four were together or with just one other. Some of the conversations centered on sex and sexuality, including what rape was, what consent meant, what a normal relationship looked like, and orgasms. Also, over the next several months [REDACTED] and Respondent grew closer to one another. This resulted in [REDACTED] [REDACTED] several times during May and June to “cuddle” and so that Respondent could console [REDACTED]

[REDACTED]

[REDACTED] Respondent’s version and [REDACTED] version of what occurred were similar, but do not coincide. This interaction caused Complainant 1, Complainant 2, Complainant 3 and Complainant 4 to become very upset with Respondent, and they all viewed what happened as breaching the trust of [REDACTED] by Respondent.

The second thing that occurred in July, occurred just a few days after the [REDACTED] between [REDACTED] and Respondent. Complainant 1 and Complainant 3 went and spoke with Complainant 2 about Respondent’s conduct towards the both of them, and towards Complainant 4. This prompted Complainant 2 to speak with Respondent about their concerns.

During the conversation with Respondent, Complainant 2 ordered Respondent to not socialize with the [REDACTED] anymore and to go seek therapy. By the end of July, the relationship Respondent had with Complainant 2 began to deteriorate. [REDACTED]

[REDACTED] Before she left however, she contacted Respondent and they went out on several walks with one another and talked about their relationship.

[REDACTED]

The alleged actions, if substantiated, may violate the *University of California's Sexual Violence and Sexual Harassment Policy* (SVSH Policy) and constitute sexual violence and/or sexual harassment as defined in the policy.

*Not Substantiated.*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Despite the factual finding above, I conclude that Respondent did not engage in conduct in violation of the UC Sexual Harassment and Sexual Violence Interim Policy (Effective June 17, 2015 to December 31, 2015).

In the above policy “Sexual Harassment” is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. To determine whether the reported conduct constituted sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

[REDACTED]

Likewise, the policy defines sexual harassment as 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.

[REDACTED]

As a result, while the weight of the evidence supports the conduct occurred, I do not find the conduct violated the applicable SVSH policy.

(2) [REDACTED]  
[REDACTED] *Conduct substantiated, but found not to violate SVSH policy.*

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

As a result, while the weight of the evidence supports the conduct occurred, I do not find the conduct violated the applicable SVSH policy.

(3) [REDACTED]  
[REDACTED] *Conduct substantiated, but found not to violate SVSH policy.*

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

(4) [REDACTED]  
[REDACTED]. *Conduct substantiated, but found not to violate SVSH policy.*

[REDACTED]

[REDACTED]

[REDACTED]

As a result, while the weight of the evidence supports the conduct occurred, I do not find the conduct violated the applicable SVSH policy.

**B. Complainant 2 Allegation (Sexual Assault-Contact):**

The preponderance of the evidence does support that in on or about [REDACTED], 2016 Respondent pushed [REDACTED], Complainant 2, against a wall and rubbed his body against hers without her consent. Substantiated.

On January 28, 2016 Complainant 2 went to the [REDACTED] in [REDACTED] to [REDACTED] [REDACTED]. Complainant 2 stated that Respondent touched her on the dance floor and then when she was preparing to leave, he approached her from behind and grinded his pelvis into her buttocks.

Complainant 2 stated that everyone was drinking alcohol that night, but that Respondent was drinking in excess. She stated at one point the group, including herself, Respondent, Witness B, and Complainant 1 decided to dance. She stated Respondent kept touching her and placing his hand on her back while dancing. As a result, she left the dance floor to go get her [REDACTED] to leave.



Complainant 2 stated [REDACTED] and when she went to go get it off the wall, Respondent placed his hands on each side of her against the wall while she was still facing the wall. She stated when he did this he pushed her up against the wall and “he started grinding against me.” She stated she told Respondent to stop as he was grinding his pelvis into her buttocks, and he began to laugh. She stated she then elbowed him in the face, which caused him to move away from her and she left immediately.

Respondent stated he did recall attending [REDACTED] party and said of the allegation “That’s just blatantly untrue.” He also stated “No, no, that did not happen.” He also replied later “That did not happen.” He stated he believed he recalled dancing with Complainant 2 that night in a group. He stated he did not recall any physical interactions with her that night, or trying to touch her while dancing. He stated he drinks, but not to the point of blackout when at [REDACTED]

Respondent also stated “It does not sound like me” and was asked if he had any doubts about him grinding against Complainant 2. Respondent stated “I have no doubts, I do not believe that this happened, I do not believe that I rubbed myself, grinded myself against Complainant 2. It did not happen.”

Witness A stated she recalled asking Complainant 2 sometime in 2016 about how a night out with the [REDACTED] was and Complainant 2 called Respondent “a creep” and that he had rubbed himself on her. However, no other details were provided by Complainant 2 to Witness A about what exactly had transpired. Witness A was not able to narrow down the month in 2016 Complainant 2 made this statement to her.

Complainant 2 stated Witness B was on the dance floor as part of their dance group at the same time as Respondent and Complainant 2. Witness B stated he did not see Respondent do anything of a sexual nature towards anyone that night.

Complainant 2 stated that she is not aware of anyone else witnessing Respondent’s alleged conduct that evening.

Based on the preponderance of the evidence, I find that Complainant 2’s allegation is substantiated. I make this finding for the following reasons.

First, Witness A’s recollection of Complainant 2 calling Respondent “a creep” and telling her that he had rubbed himself on her is compelling corroboration of Complainant 2’s allegation. I considered a possible motive for Witness A to fabricate this recollection, but ultimately found her statement credible. Assuming that Witness A had wanted to fabricate the statement, she could have simply provided a time and date of the conversation, along with a more detailed recollection, but did not do so. Moreover, one of the witnesses Respondent wanted me to speak to during this investigation was Witness A because he believed she would be less biased than Complainant 2. Therefore, I find Witness A’s recollection credible and compelling corroboration of Complainant 2’s allegation against Respondent.

Moreover, I considered Respondent’s own denials of the conduct. He stated “It does not sound like me” and “I don’t believe I did this” or words to that effect. These statements are indicative of someone who does not remember what they did and provide support that Respondent does not have a

clear recollection of what occurred that night. These statements do not provide evidence to support that the incident did not occur.

Next, I considered the evidence that potentially weighed against Complainant 2's credibility and version of events. Witness B did not recall Respondent touching Complainant 2 on the dance floor that night, but he admitted to being drunk and was having a difficult time remembering the details of that evening.

I also considered the subsequent conduct of Complainant 2, including agreeing to Respondent as a member of the [REDACTED] initiating text messages with him of a sexual nature just several weeks after the event, and continuing to be a part of a rapidly developing closer friendship with Respondent. These actions seem inconsistent with her allegation, however she explained that she did not report the conduct because Respondent was drunk at the time, and she liked that they were developing a relationship that made it easier for her to work with him. While seemingly counterintuitive reasons, I find Complainant 2's explanation credible in this regard.

[REDACTED]

The reporting of Respondent's conduct occurred in February 2017 only after Complainant 3 brought forth her own complaints about Respondent. As a result, in this instance and viewing the facts as a whole, I find it unlikely that she would choose to fabricate a sexual assault for these reasons.

Based on the factual findings detailed above, I find that Respondent sexually assaulted Complainant 2 in violation of the SVSH policy.

**C. Complainant 2 Allegations [REDACTED]:**

- (1) [REDACTED] *Conduct substantiated, but found not to violate SVSH policy.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As a result of the above, when taking the totality of circumstances into consideration, I do not find Respondent's statement in this particular instance to violate SVSH policy.

**D. Complainant 3 Allegations:**

*The preponderance of the evidence does support that Respondent repeatedly touched Complainant 3 without her consent despite being told to stop on numerous occasions. Substantiated.*

*(1) Respondent placed his hands on her hips to move her and touched the small of her back on numerous occasions. Substantiated.*

Complainant 3 stated that starting sometime in 2015 until Respondent was placed on administrative leave, he would move her by the hips at work, and move her by the hips [REDACTED] while



out at local establishments. She stated he would also rub her back and place it on her back in an effort to guide her while [REDACTED]. Complainant 3 stated she told Respondent to stop touching her repeatedly when [REDACTED] but did not feel like she could do so while at work. She stated the request for him to stop were ignored and that Respondent would just laugh it off. Complainant stated she did not know why he would not stop touching her because they were not girlfriend and boyfriend, and when he did that to her it made her feel like he was being too intimate.

Respondent admitted touching her hips and Respondent stated he did not recall, but said “it sounds plausible to me” when asked if he rubbed Complainant 1’s back while out at the [REDACTED]. He added “That is very plausible touching her in the [REDACTED] hand to back, tickling, possibly.” Respondent denied any of the touching was of a sexual nature towards Complainant 3.

Complainant 1 stated she had seen Respondent touch Complainant 3’s hips while [REDACTED] socially to move her. She stated she and Complainant 3 talked about Respondent’s conduct and it was unwanted. Also, Witness B stated that while he had not seen Respondent do this to Complainant 3 while at work, he knows he does move people by the hips because he does it to him as well.

Based on a preponderance of the evidence, I find that Complainant 3’s allegation is substantiated. I made this finding for the following reasons.

First, Respondent acknowledged the type of conduct Complainant 3 reported was plausible. Respondent’s acknowledgment bolsters Complainant 3’s claims with respect to the duration and repeated nature of the conduct. Respondent was not able to recall specific times he did this because it was in his nature to be “handsy” with friends while out.

Next I considered both Complainant 1 and Witness B’s observations of Respondent’s conduct towards both them and Complainant 3. These observations, such as touching her and others on the hips, seeing him poke her at a [REDACTED] [REDACTED] on another occasion, and her discomfort to being touched in this way, was compelling and corroborative of Complainant 3. I also find her reasons for verbally protesting his repeated touching of her while [REDACTED] while not making her protestations known while at work, convincing.

Based on the factual findings above, I conclude that Respondent’s conduct toward Complainant 3 violated the sexual harassment policy.

I find that the conduct was of a sexual nature and unwanted. Respondent’s touching of Complainant 3 in a repeated manner, against her will, in a way that a man would likely treat his own girlfriend and causing her to feel like he was treating her like a girlfriend, is conduct of a sexual nature.

Pursuant to policy, a hostile working environment occurs when such conduct is sufficiently *severe or pervasive* that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from employment and creates an environment that a reasonable person would find to be intimidating or offensive. Additionally, consideration is given to the totality of the circumstances in which the conduct occurred.

Taking the circumstances outlined above into consideration, I find that Respondent's conduct was sufficiently severe and pervasive and that it interfered with Complainant 3's enjoyment of her employment. She reported and others corroborated that the conduct occurred multiple times over several months. As she stated "I felt caught between a rock and a hard place because I wanted to do my job, but I didn't want to be in a place where I was not comfortable."

I also find that Respondent's conduct did create a hostile working environment for Complainant 3. Complainant 3 became increasingly uncomfortable with Respondent at work over time. She stated "Honestly this made me really stressed out because at a certain point I dreaded being in any room alone with him even if I had my back turned to him." She stated she always tried to make sure someone else was around when she was with Respondent. She further stated that while in [REDACTED] she needed to spend time on issues with Respondent as a result of his conduct towards her.

As a result of the above, Complainant 3's allegation is substantiated.

(2) [REDACTED]

*Not Substantiated.*

As a result of Witness D's percipient witness statement, the preponderance of the evidence does not support Complainant 3's allegation and it is not substantiated.

(3) [REDACTED]

*Conduct substantiated, but found to not violate SVSH policy.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As a result of the above, I do not find the conduct that occurred violated SVSH policy.

(4) [REDACTED] *Not Substantiated.*

[REDACTED]

As a result of the above, I find the preponderance of the evidence does not support that the conduct occurred.

**E. Complainant 4 Allegation:**

[REDACTED] *Not Substantiated.*

[REDACTED]

[REDACTED]

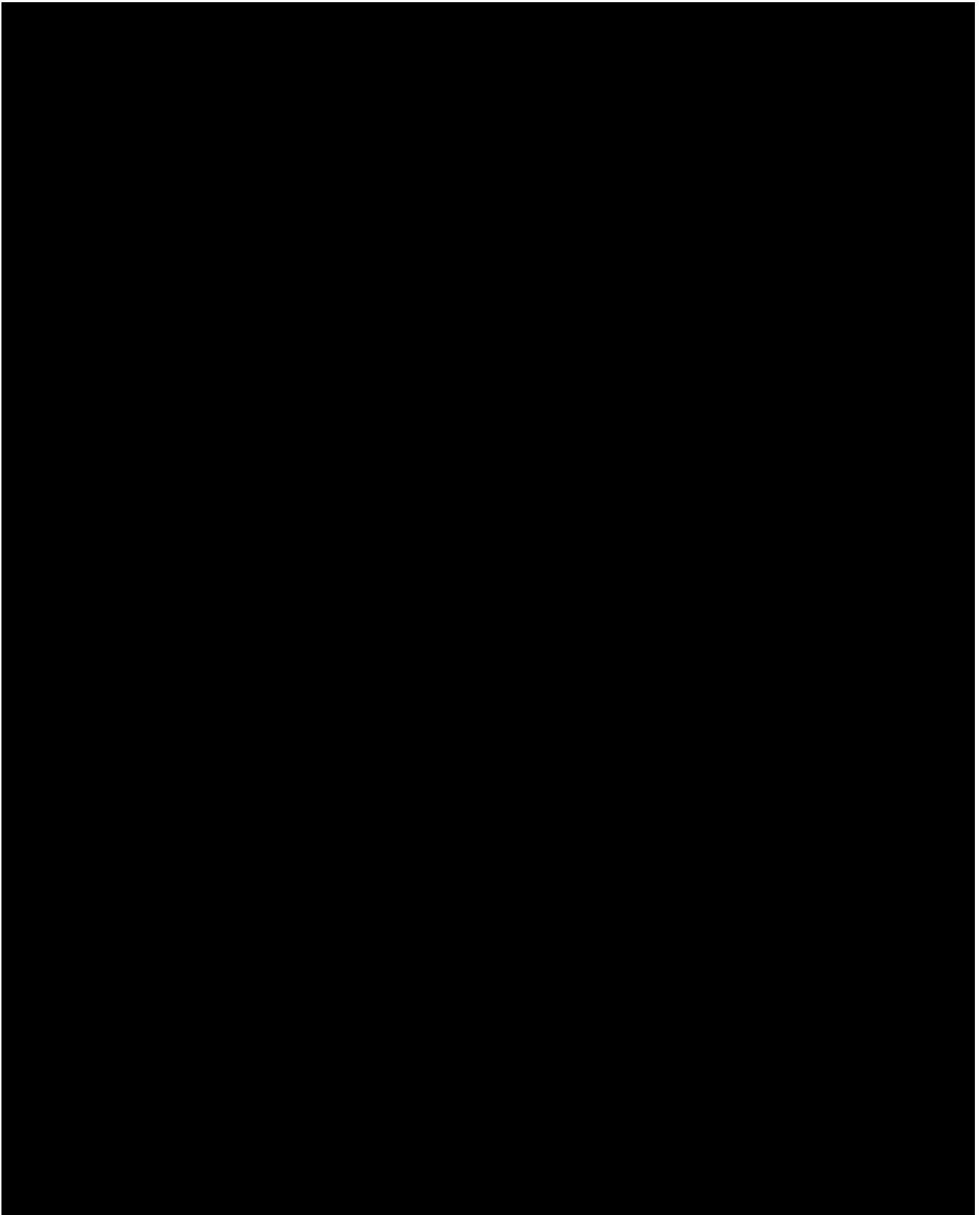
[REDACTED]

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[REDACTED]







[illegible]

Based on the above, I conclude that the allegation is not substantiated.

## VII. Conclusion

As a result of the above, and taking the totality of circumstances into consideration, I find by a preponderance of the evidence that Respondent committed sexual violence against Complainant 2 on one occasion, and sexual harassment towards Complainant 3, each in violation of University of California's Sexual Violence and Sexual Harassment Policy.

Moreover, the investigation raised several issues of which management should be aware. First, it is clear [REDACTED], failed to report inappropriate instances of conduct by Respondent that came to her attention. Additionally, [REDACTED] a [REDACTED] who had been in the [REDACTED] since [REDACTED] decided not to report conduct that came to her attention to management. Although [REDACTED] was not required to do so, it did affect the overall [REDACTED] environment. The excuses for not reporting the conduct are many by both, but are entirely inconsistent with UC Davis culture of a harassment free workplace. Much of what occurred that caused this investigation was entirely preventable.

Next, despite Respondent's upcoming departure [REDACTED] the boundaries between what is an acceptable topic and unacceptable topic of conversation among co-workers are non-existent and will likely continue to be problematic unless addressed by management. The staff members represent different gender and hierarchical positions within the [REDACTED] but were all engaged in sexually explicit conversations. I recommend management remind each staff member of the policy and workplace expectations.

[REDACTED]

[REDACTED] Also, in addition to Complainant 3's own dealings with Respondent, her awareness of the relationship, how it developed, and how it ended between Respondent and [REDACTED] adversely affected her own work environment. The same can be said for Complainant 1, Complainant 3, and [REDACTED] work environment.

While all of these matters are leadership challenges that should have been dealt with from the start, given the small size and the recent changeover in personnel, the [REDACTED] now has an opportunity to put in place a culture that is more consistent with UC Davis policy and principles and get back on track with its mission.

Respectfully submitted,

[REDACTED]

Carl L. Reed II  
University Investigator  
Office of the Provost and Executive Vice Chancellor