

February 1, 2018

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

FROM: University Investigators (Carl Reed and Sylvia Cunningham)

SUBJECT: Report of Investigation – Case No. HDAC170385

I. Introduction

The University of California (UC) is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work together in an atmosphere free of sexual violence and sexual harassment. When such allegations are brought to the University's attention, the University reviews them under the system-wide and campus policies on sexual harassment and sexual violence.

On or about October 9, 2017, you appointed us in your capacity as the Title IX Compliance Officer to investigate the below referenced allegations under the UC system-wide policy on Sexual Violence and Sexual Harassment Section II. B. 2. (Sexual Harassment). (Attachment 1)

Complainants 1, 2 and 3 allege Respondent, a co-worker, engaged in the unwelcome behaviors identified below in Section II while working in the [REDACTED] located [REDACTED] UC Davis hospital. Additionally, Complainants 3, 4 and 5 allege Respondent, a co-worker, engaged in unwelcome behaviors, also identified in Section II below, while working in the [REDACTED], located on the [REDACTED] at the UC Davis hospital. You directed us to submit a written report to you 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 IV below has been violated. The following report summarizes the scope and results of our review.

Brief Summary of How Case Came to Title IX Office:

In September 2017, Complainant 4 informed [REDACTED] Manager [REDACTED] that Respondent repeatedly and unwelcomely touched her on numerous occasions. [REDACTED] Manager [REDACTED] reported the allegations to the HDAPP Program Manager at UC Davis Health. [REDACTED] Manager [REDACTED] also informed the HDAPP Program Manager that she had received an email in October 2016 from [REDACTED] Manager [REDACTED] that also alleged similar behaviors from Respondent towards some of the [REDACTED] in [REDACTED]. When the HDAPP Program Manager followed up with both [REDACTED] and [REDACTED] managers about the purported behaviors of Respondent, six complainants emerged. The HDAPP Program Manager at UC Davis Health forwarded the complaints to the Title IX Office. Complainants 1 thru 6 received written notice of the present investigation by electronic mail on October 9, 2017. The notice letter to Complainants 1 thru 6 are attached here as Attachment 3.

Written Notice of Charges to Respondent:

Respondent was notified of the allegations against him by electronic mail on October 9, 2017. Prior to the January 20, 2018 interview of Respondent, Respondent provided a list of seven witnesses he wanted interviewed. Despite Respondent's failure to respond to our request for additional information as to what the witnesses could provide in relation to this matter, we interviewed the additional witnesses, whose summarized statements are included in this investigation. On January 26, 2018 Respondent requested three additional witnesses be interviewed. That same day, we emailed Respondent requesting full names (Respondent had only provided first names), contact information, and what information he expected the additional witnesses could provide to the investigation. As of the writing of this report, Respondent has not provided the additional information requested and the witnesses were not interviewed.¹ The notice letter provided to Respondent is attached here as Attachment 2.

II. Summary of Allegations

	Allegations Against Respondent
Complainant 1	[REDACTED]
Complainant 2	[REDACTED]
Complainant 3	Over a period of years beginning in 2008, Respondent engaged in inappropriate and unwanted behavior of a sexual nature towards Complainant 3, both verbally and physically, by repeatedly touching her, including on the back and by hugging her, and referring to her as "honey" or "beautiful" while at work in the [REDACTED], [REDACTED], and the [REDACTED].
Complainant 4	In 2016 and 2017, Respondent repeatedly engaged in inappropriate and unwanted verbal and physical conduct of a sexual nature towards Complainant 4 by placing his hands on the small of her back, waist, shoulders, and by tickling her, and by repeatedly telling her how "mesmerizing" or beautiful her eyes were, while they were working in the [REDACTED].

¹ It was not apparent what, if any, information these three additional witnesses would be able to provide that was pertinent to this investigation.

Complainant 5	In approximately 2015 or 2016, Respondent engaged in unwelcome physical conduct of a sexual nature towards Complainant 5 by slapping her on the buttocks in a patient's room after Respondent followed Complainant 5 around a bed and trapped her between himself and a [REDACTED]
Complainant 6	Beginning around approximately May 2016 thru June 2017, Respondent repeatedly engaged in unwelcome sexual advances and physical conduct of a sexual nature towards Complainant 6 by touching her shoulders, lower and upper back, and arms, and invading her personal space.

III. Executive Summary of Findings

	Did Respondent's alleged conduct occur?	Did the substantiated conduct violate UC SVSH policy?
Complainant 1	Substantiated	Not Substantiated
Complainant 2	Substantiated	Not Substantiated
Complainant 3	Substantiated	Substantiated
Complainant 4	Substantiated	Substantiated
Complainant 5	Substantiated	Substantiated
Complainant 6	Substantiated	Substantiated

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 relevant 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 law³ and University policy. . . .

. . .

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. . . .”

C. Witnesses Interviewed

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.

	Name/ Role	Name Referenced in Report	Date Interviewed
1	[REDACTED]	Complainant 1	November [REDACTED] 2017
2	[REDACTED]	Complainant 2	November [REDACTED] 2017 Followed up via phone on January [REDACTED] 2018
3	[REDACTED]	Complainant 3	November [REDACTED] 2017 Followed up via phone on January [REDACTED] 2018
4	[REDACTED]	Complainant 4	November [REDACTED] 2017, with representative
5	[REDACTED]	Complainant 5	November [REDACTED] 2017, with representative
6	[REDACTED]	Complainant 6	November [REDACTED] 2017, with representative
7	Antonio Martinez Clinical Nurse II	Respondent	January 20, 2018, with representative
8	[REDACTED]	[REDACTED] Manager ([REDACTED])	December [REDACTED] 2017
9	[REDACTED] Nurse Manager [REDACTED]	[REDACTED] Manager ([REDACTED])	December [REDACTED] 2017 via phone

10	[REDACTED]	[REDACTED] Manager ([REDACTED])	December [REDACTED] 2017
11	[REDACTED]	[REDACTED] Manager 1 ([REDACTED])	December [REDACTED] 2017
12	[REDACTED]	[REDACTED] Manager 2 ([REDACTED])	December [REDACTED] 2017
13	[REDACTED]	[REDACTED] Manager 3 ([REDACTED])	December [REDACTED] 2017
14	[REDACTED]	[REDACTED] Manager 4 ([REDACTED])	December [REDACTED] 2017
15	[REDACTED]	Nurse 1 ([REDACTED])	December [REDACTED] 2017 and December [REDACTED] 2017 via phone
16	[REDACTED] HUSC, [REDACTED]	HUSC ([REDACTED])	December [REDACTED] 2017 via phone
17	[REDACTED]	Nurse 1 ([REDACTED])	January [REDACTED] 2018
18	[REDACTED]	Nurse 2 ([REDACTED])	December [REDACTED] 2017 via phone
19	[REDACTED]	Nurse 3 ([REDACTED])	January [REDACTED] 2018 via phone
20	[REDACTED]	Nurse 4 ([REDACTED])	January [REDACTED] 2018 via phone

21	[REDACTED]	Nurse 5 ([REDACTED])	January [REDACTED] 2018 via phone
22	[REDACTED]	[REDACTED] Nurse ([REDACTED])	December [REDACTED] 2017 via phone
23	HUSC [REDACTED]	HUSC ([REDACTED])	January [REDACTED] 2018 via phone

D. Other Evidence Considered

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

V. Summary of the Evidence

A. Complainant 1 Interview Summary

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Complainant 2 Interview Summary

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C. Complainant 3 Interview Summary

[REDACTED]

[REDACTED]

Complainant 3 stated that when she first met Respondent, he was always “overly [and] excessively” helpful to her. At first, she thought he was just being a nice co-worker. She stated he would come up to her and the other [REDACTED] on the unit and massage their backs. He was always following her around asking her if she needed anything. According to Complainant 3, Respondent would touch her back and call her “honey” and tell her how beautiful she was. She stated that whenever she went on break, he would bring her food, and lay out blankets for her on the couch for her so she could take a nap. After a while, she realized Respondent acted in this manner with other female [REDACTED] and the excessive attention and touching began to make her feel uncomfortable. So much so that she no longer would take naps during her shifts because of Respondent’s presence.

According to Complainant 3, Respondent also invited her to breakfast [REDACTED]. She stated this was not unusual at first, but then he would try to buy her breakfast, or put his jacket around her. She stated that she eventually told Respondent not to buy her any meals, put his jacket around her, and not to walk her to her car. Complainant 3 stated she felt so uncomfortable that she began parking in a different area, so she would not have to see him when walking to her car. She also stated she began to pick [REDACTED] that were “far away” from Respondent when she was able to do so, and attempted to keep her distance from him while at work.

In response to Respondent’s above behaviors, Complainant 3 stated that she unequivocally told Respondent not to touch her, not to massage her back, not to walk her to her car, and that she did not need his help. She considered the behavior to be inappropriate, unwanted, and sexual in nature because of the

intimate nature of the touching. She stated his response to her telling him to stop was to laugh and chuckle, as if "it was all a joke". She said, "To this day, if you tell him not to do something, he laughs, like it is not a big deal."

Complainant 3 stated that between 2008 and 2010 Respondent's behavior towards her occurred on a daily basis. She stated she reported Respondent's conduct when he was able to get her phone number off of a [REDACTED] and he began texting her. She recalled that after she reported Respondent that someone from human resources spoke to her about her complaint. However, she is not aware of the outcome of any investigation.

[REDACTED]

Complainant 3 stated that in 2012, when the [REDACTED] was disbanded, she moved to the [REDACTED] where she is an [REDACTED] manager. Respondent began working on the [REDACTED]. Between then and approximately a year ago, Respondent would work in [REDACTED] when picking-up overtime shifts [REDACTED]. She stated then around a year ago Respondent was "banned" from working on her unit because of his conduct towards women co-workers.

Complainant 3 stated that while on [REDACTED] she has seen Respondent touch Complainant 1 and Complainant 2. She stated she has seen Respondent come up behind them and put his hand on their low waist and lower back.

When asked if she ever spoke to Complainant 1 about Respondent's conduct towards her, she stated she had and that Complainant 1 was offended by Respondent's conduct. Complainant 1 told her Respondent touching her was "gross and creepy." She has witnessed Complainant 1 tell Respondent not to touch her and move away from him when he attempted to touch her. She stated Complainant 1 refers to Respondent as "creepy" and "perverted" and now stays away from Respondent.

She stated Complainant 2 told her that Respondent "gives me the creeps." According to Complainant 3, Respondent had asked for Complainant 2's phone number and that "was the last straw". She stated Complainant 2 told her that when Respondent asked for her number, she told Respondent she was [REDACTED]. Respondent replied "Oh, that's fine." Complainant 2 then asked Complainant 3 if Respondent's conduct was normal. Complainant 3 said "She wanted to know if this was the culture, was it acceptable?" Complainant 3 stated she warned Complainant 2 that Respondent "had a thing" for [REDACTED] women and to stay away from him. She added "I told her if you give him an inch, he'll take a mile."

Complainant 3 stated that the managers, which included her as an [REDACTED] manager, had a meeting shortly after Complainant 2 made a complaint about Respondent's conduct and a decision was made to no longer allow Respondent to pick up shifts on her unit. She added that as far as she knew, Respondent was also no longer permitted to pick up shifts in the [REDACTED] and now had to work only in his unit. She does not know if Respondent was ever told why he was no longer permitted to pick up shifts on the unit.

Complainant 3 stated that Respondent liked to "target" [REDACTED] [REDACTED]. According to Complainant 3, Complainants 1, 2 and 3 are all married and somewhat young.

Complainant 3 stated that even after she began working on [REDACTED], Respondent would touch her and hug her without her permission any time that he saw her. [REDACTED] so she would see him during a shift change.

She stated that whenever Respondent saw her he acted as though they were best friends. She stated that when Respondent hugged her, she would “freeze up”. She said, “He’d do this kind of thing a lot. He’d laugh [and] chuckle. She stated she would tell him “Do not touch me” but he did not listen to her. Complainant 3 stated she would try to discourage Respondent’s behavior by saying things like “ewww” or “gross” when he touched her, but he was not dissuaded. She added that the more she told him to stop, the more Respondent seemed to touch her. She considers Respondent touching her as unwanted and unprofessional.

Last Incident, August 2017

Complainant 3 stated that as recently as August 28, 2017 Respondent touched her inappropriately without her consent. [REDACTED]

She stated Respondent was friendly with her and said to her “Oh it’s been forever, come here!” and he moved towards her to embrace her. She said, “No [Respondent], do not touch me.” She stated she began to turn away from him when he walked up to her and wrapped his arms around her, from the side, and hugged her tightly. (She demonstrated a bear hug in her chair while speaking). She stated her face was facing away from him and she froze up. She stated Respondent hugged her tighter and then kissed her on her cheek. She believed [REDACTED] Nurse 1 would have seen Respondent hug her [REDACTED] as well as other instances in the past.

Complainant 3 stated that Respondent will touch women that he finds attractive. She stated that he will run his hand across the lower back, and “press himself up on you,” chest against chest when he hugs someone. She added “You can’t really get away from him when he does that.”

Recent Complaint Against Respondent

Complainant 3 stated that she had not made a complaint against Respondent since the one she made in [REDACTED]. She stated that she was not even aware that an investigation was occurring until she received notification of it in a letter from “Compliance”. She stated that her manager became aware of Respondent’s conduct towards her after Complainant 2 made a complaint and she was involved in the decision to “ban” Respondent from [REDACTED]. Afterwards, [REDACTED] Manager [REDACTED] asked her if she would be willing to speak to someone about her experiences, and she stated she would. She added that she is concerned that Respondent will retaliate against her now that he is aware that she has made a complaint against him.

When asked whether or not Respondent had a reputation at work, she replied that Respondent is known as “the pervert” at work. She stated he tells everyone he is 35, when she estimated he was near 60 years old. She stated that Respondent has touched her over the years on her waist, low back, back, cheek, and has pressed his chest against hers. She stated he has given her compliments, such as “you’re beautiful”, “you look so nice” and comment on her hair, clothes, and appearance in a positive way. She stated she considers Respondent’s conduct sexual in nature and inappropriate.

Complainant 3 stated that Respondent previously told her about a sexual harassment complaint he had against him in a unit he worked in the past. She stated he told her he has a lawyer that handled it for him.

[Follow-up interview on January [REDACTED], 2018 via phone]

[REDACTED]
[REDACTED] Complainant 3 said “No, that is not true. That is absolutely 100% false. I can’t believe he would say something like that.” She added “I can’t believe he said that, I am shocked.” She stated they never had a dating relationship outside of work with Respondent. She stated they never had a sexual or intimate relationship.

Complainant 3 asked “What rights do I have here with him making these sort of statements.” Complainant 3 was informed that it was not the investigators role to provide legal advice and encouraged her to consult her resources and seek out her answers elsewhere.

D. Complainant 4 Interview Summary

[REDACTED]
[REDACTED]
Complainant 4 stated she first met Respondent during [REDACTED] [REDACTED] [REDACTED]. She stated Respondent came over to her, placed his elbow and arm down on the table and placed his hand on his head. She stated Respondent, while resting his head on his forearm, looked at her and said “I can’t even concentrate. Your [REDACTED] are so mesmerizing.” According to Complainant 4, Respondent continued to tell her after that how “pretty” or “beautiful” she was, and that he could not concentrate when she was around. Complainant 4 stated her [REDACTED] would tell Respondent “Hey, let’s focus on the [REDACTED] She stated her [REDACTED]⁴ lack of reaction to Respondent conduct toward her sent a message to her that Respondent’s behavior was accepted and part of the culture on [REDACTED]

Complainant 4 stated she considered Respondent conduct towards her to be inappropriate, unwanted, and sexual in nature. She described Respondent as making sexual advances towards her when she felt like she no longer played into Respondent’s sexual advances she felt “kind of targeted” and “retaliated” against. Complainant 4 stated that she did not make a complaint at that time because she was so [REDACTED] and she did not want to bring attention to herself. She said, “I decided to just go with the flow.”

Complainant 4 stated that she and Respondent worked on the [REDACTED] [REDACTED] [REDACTED] and work together. She stated while at work Respondent would attempt to tickle her. She recalled one occasion when she tried to move away from Respondent when he began tickling her and Respondent grabbed her arm to prevent her from moving away. She stated they then began moving around in a circle in the middle of the hallway as she tried to get away and he continued to try to tickle her. She described Respondent as “laughing at first” and then the interaction “became kind of sexual”. She stated the interaction with Respondent was not funny to her, and she felt uncomfortable and overpowered by Respondent refusal to let her go.

Complainant 4 stated that while the tickling and “your [REDACTED] are mesmerizing” events really stood out to her, she stated Respondent touching her and other female [REDACTED] “was rampant”. She stated Respondent would come up and stand next to her and brush himself on her arm. She also stated Respondent would come

⁴ [REDACTED]

up from behind her and “just begin massaging me”. She stated she saw him do this to other female [REDACTED] on the unit as well. Complainant 4 stated Respondent would also touch the small of her lower back, waist, and shoulders without her consent.

Complainant 4 stated her body language when Respondent touched her should have sent him the message that she was uncomfortable with him touching her. She described herself as “spinning out” of his touches and moving away from Respondent whenever he touched her. She stated that she never verbally told Respondent to stop. She described Respondent as making sexual advances towards her, and from there, when she felt like she no longer played into his sexual advances (e.g. his stroking, tickling, hand holding, touching of her, etc.), then it became “retaliation.” She felt “kind of targeted.”

Complainant 4 believed the unit culture condoned Respondent’s behavior towards her and other [REDACTED]. She opined that the three [REDACTED] managers assigned to the [REDACTED] shift would have had to have seen Respondent’s behavior, but never talked about it to anyone. She added “Even seasoned [REDACTED] would go along with it.”

Complainant 4 stated that as time went on and she became more comfortable in her role, she no longer “engaged” with Respondent. She said “I wouldn’t play along.” When asked what she meant by that, she stated that whenever Respondent touched her she would move completely away from him in an obvious way. She stated when she continued to rebuff Respondent’s advances towards her, and consistently moved away from him, it appeared that Respondent “got the message”.

According to Complainant 4, after Respondent “got the message” he then began ignoring her completely while at work. She stated at first, she “could not put [her] finger on it,” but after she spoke to Complainant 6 about her own experiences with Respondent, she realized she was experiencing the same behavior from Respondent. Complainant 6 had told her that once she stopped Respondent’s sexual advances, Respondent stopped associating with her and completely reversed his behavior toward her. She stated that was when she thought “That’s what he was doing with me.”

Complainant 4 characterized the following conduct by Respondent towards her as “retaliation”:

- He stopped talking to her and offering her help at work. She stated Respondent, as a senior nurse, has expertise in his field. She stated that suddenly, his expertise was no longer available to her. She said “He was really seasoned as a [REDACTED] nurse, and there were unspoken ways in which he made it clear that she could not go to him.” She added that Respondent was “not a team player if it was [me] that required his assistance.”
- He encouraged correcting her. She stated that when Nurse 5 ([REDACTED]) yelled at her about a situation at work, Respondent came up behind her and gave Nurse 5 ([REDACTED]) a thumbs up. Nurse 5 ([REDACTED]) later told her about what Respondent did and interpreted Respondent as “keep up the good work” with respect to her being yelled at and corrected. She stated after that she pulled Respondent aside and asked him if he had a problem with her. According to Complainant 4 Respondent said “Oh no, there’s no problem, if there was, I’d tell you.” He told her, “Don’t go looking for a problem.” She stated by the end of that conversation Respondent had flipped the issue on her and made her feel like she was the one that had done something wrong rather than him.

- He became aggressive towards her for no reason. Complainant 4 approached Respondent after she believed he had taken a bag of medicine for his patient which belonged to her patient. She stated she was “just inquiring” about what had happened. She stated when she asked Respondent about it he became really aggressive towards her and said “No, why would I do that, that’s stupid,” He said, “Are you accusing me? I feel like you are accusing me right now.” He said, “I don’t have your sticker, and then he stormed off.” Complainant 4 stated AN Manager 4 (██████) witnessed the incident and came to talk to her about it. Complainant 4 told AN Manager 4 (██████) that she believed Respondent was retaliating against her because she had “thwarted [Respondent’s] sexual advances”.

Complainant 4 described Respondent behavior as “rampant” and taking place “everywhere” while at work. She stated that in addition to her experiencing unwanted behavior from Respondent, Complainant 5 and Complainant 6 have also experienced it. She added that the vast majority of women on her unit have told her that Respondent makes them feel uncomfortable with his conduct, but other than her, Complainant 5, and Complainant 6, none of them wanted to come forward. She stated that many of them could not remember specific instances of when Respondent made them feel uncomfortable, but remember it happening nonetheless. When asked for specific names of these women, Complainant 4 stated that she did not feel comfortable providing them to the investigators.

Complainant 4 stated Respondent’s conduct towards her had impacted her work environment. She stated that at first it was uncomfortable that Respondent repeatedly would touch her without her consent, but she did not feel comfortable to express her concerns because she believed all of the ██████████ were aware of the conduct and did not stop it. Complainant 4 stated she felt she did not have a voice and could not speak out because of it, which upset her.

She stated she also felt as though she could not work with Respondent anymore because she could not count on him with patients, or with his expertise, because of his reaction to her not wanting to be touched by him. She stated she had since moved to the ████████ shift as a result, and only has to see Respondent during shift changes. She stated “It can severely affect you,” and “It’s really uncomfortable to feel overpowered by a guy, especially in a small unit.” She added “It segregates you” because you she did not believe she could part of a group he was a part of, so she would stay away from those groups, even when she wanted to be a part of them. She concluded, “It makes you not want to come to work.”

Additionally, she stated that although she is now on days, after the investigation began she continued to work nights with Respondent and it was extremely uncomfortable for her. She believed that she was reassigned from a patient she wanted to take care of and that was given to Respondent because management required that they work on different sides of the hallway in order to stay away from each other until after the investigation was completed.

Complainant 4 stated that she believes that she has not been supported by the administration with respect to her sexual harassment complaint. She stated she was upset that Respondent was still working when he had the names of Complainant’s 4, 5 and 6. She said “The fact that [Respondent] is still working is

preposterous. I don't know that I would have made the same decision to come forward given what I know now."

When asked how her complaint against Respondent did come forward, she stated that after Respondent was aggressive towards her about her questioning him about the medicine bag label that was missing, she told AN Manager 4 (██████) about her “thwarting” Respondent’s sexual advances towards her. She stated the next morning Nurse Manager (██████) called her in and spoke to her about the incident and they discussed Respondent sexually harassing her. She recalled that she told Nurse Manager (██████) that she was considering making an anonymous phone call to report Respondent’s conduct because she felt like she was now being targeted by Respondent. She stated she spoke to the sexual assault office, and then she spoke to Complainant 5 and Complainant 6 about it and they came forward too.

E. Complainant 5 Interview Summary

[REDACTED]

When asked what her complaint was, Complainant 5 stated that approximately 2 years ago Respondent cornered her in a patient's room and slapped her on the buttocks. She did not recall what lead up to the interaction, but recalled that they were in an unconscious patient's room when Respondent followed her around the bed and trapped her between him and the ventilator. She stated she was facing away from him and starting to back up, when Respondent slapped her on the buttocks. Complainant 5 could not recall whether she then gave Respondent "a look" or told him to "get out of here".

According to Complainant 5, Respondent never tried anything else with her, either before or after that [REDACTED]. She believes Respondent was “testing the waters” with her to see how far he could take it with her. She stated her response to Respondent made it clear that his conduct was unwanted. She added “I was surprised and shocked he would think it was somehow okay to do that.” She stated leading up to that time, there was not much relationship between them other than being co-workers. She stated that Respondent knew not to touch her again after that [REDACTED] and said “He’d be on the floor. (Pause) And he would be.”

She stated that she did not think she was his “type”. When asked what “his type” was she stated Respondent tends to go for the “younger” and “newer” nurses. She described herself as “older”. Complainant 5 stated that Respondent has a reputation at work for being very flirtatious with other female nurses. She has seen him massage their necks. She said “He’ll go right up and massage a girl’s back, touch them and tickle them. You can tell that it makes them and others uncomfortable.”

Complainant 5 stated that prior to her being slapped by him on the buttocks she had not heard of anyone file a complaint against him. She stated she is a very private person and does not include herself in too many conversations at work. She added that she only knew what he was like from watching him on the unit for the last couple of years. Complainant 5 stated that practically every time she would go to work she would see Respondent touch women. When asked if she could recall who they were, she stated she

specifically remembered seeing Complainant 1 and Complainant 6. She recalled them because they looked uncomfortable when Respondent touched them.

She stated that then a few months ago Complainant 4 sat down with her and asked her if she ever had any issues with Respondent and his behavior towards her. She said “I had not told anyone. I am not sure why I decided to tell [Complainant 4].” Complainant 5 then told Complainant 4 about being slapped on the buttocks.

Complainant 5 stated that she was aware that Respondent had been “banned” from working in another unit in the hospital, but she could not recall which one it was. She had heard that people had made complaints about him touching them. She did not recall how she had heard about the “ban” and estimated she had heard about it approximately 1 year ago.

Handling of the Complaints

Complainant 5 was upset with the way in which the complaints against Respondent have been handled. She stated that she was initially told that she would not have to continue to work with Respondent when the complaint was made, and that Respondent would not be given any names of Complainants.

[REDACTED]

Complainant 5 stated while at work she isolates herself in a room and does not come out of it unless she must. She said “I feel like I have to stay in the room when at work.” She added that they are supposed to work on opposite sides of the unit, [REDACTED] [REDACTED] [REDACTED]. She stated she “had a pit in my stomach” and had to go out sick. She was also upset because this left the unit short with a “very green staff” [REDACTED]

Complainant 5 stated some assistant managers knew about the investigation, while others did not, and it caused a lot of grief with the scheduling. She stated one [REDACTED] Complainant 6 got placed on the wrong side with Respondent and needed to be moved, which caused more people to learn about what was going on. Complainant 5 stated that she did not want to come forward for this exact reason. She added that she is a private person and she does not like that her name was included and now so many people in the hospital knows about it. [REDACTED]

Complainant 5 said “He’s still at work, and this is why people don’t come forward. [Pause] I will never come forward again.” [crying] She stated she was mad that she had to work with Respondent until [REDACTED] [REDACTED]. She stated she was very upset that the same people making the decisions to keep Respondent at work are the same ones that do not have to work with him. She said, “What if it were their daughters?” She wanted to know who was responsible for making the decision. She had nothing else to add to her statement.

F. Complainant 6 Interview Summary

[REDACTED]

Complainant 6 explained that because of the way the [REDACTED] operated she would work closely with Respondent at times. She described the unit as small [REDACTED]. [REDACTED] “everyone helps out and descend on the room” to see how they can help. [REDACTED]

Complainant 6 stated that shortly after beginning work on [REDACTED] shift, Respondent began to make her feel uncomfortable. She stated at first he would try to flirt with her and “his behavior was very subtle.” She did not recall any specific statements by Respondent, but stated Respondent made it apparent to her that he was interested in having a relationship with her on a more personal level outside of work.

She stated that beginning around May or June 2016, Respondent would touch her on her shoulders and at times “lightly” scratch her back. She said “It was just enough invasion of personal space that it made me feel really uncomfortable.” She stated Respondent also touched her arm, and both her lower and upper back. She could not recall any specific dates in which this occurred, and stated “it happened all the time”. She stated the last of Respondent’s unwanted sexual behavior towards her occurred approximately during May or June 2017. She considered Respondent’s conduct towards her to be unwanted, inappropriate, and sexual in nature.

Complainant 6 stated her reaction to being touched and having her personal space invaded by Respondent was to shift her weight away from him, or just leave the scene completely and go into a patient’s room. She stated she attempted over a period of time to deter Respondent’s behavior by conveying to him [REDACTED]. She stated she made clear through conversations with both him and with colleagues when Respondent was nearby that she “was not okay with cheating or flirting.” She did not recall specifically which colleagues they were, and added that whenever she had the opportunity to inject her [REDACTED] and Respondent was nearby, she would do so in an effort to make it clear to him she was not interested. She stated that throughout all of this time she was still friendly with Respondent and was able to work with him.

Complainant 6 that Respondent’s demeanor and treatment of her “noticeably” changed when Respondent realized she was not interested in him and “I was not going to sleep with him.” She stated that after she rejected Respondent’s advances towards her, he completely avoided and ignored her. Prior to her rejecting Respondent, Complainant stated he would help her and talk to her. She said after she rejected him “He made me feel as if I did something wrong or had done something to hurt him.” She stated that currently Respondent does not “blatantly ignore” her, however “his tone towards me” is changed. She stated she feels like she cannot go and ask him for help because she is fearful that he will interpret it as though she is “leading him on.” [REDACTED] She stated after Respondent’s demeanor changed towards her she felt uncomfortable while at work.

When asked if Respondent ever said he wanted to “sleep” with her, she replied “No” and stated that she knew that sleeping with her was what Respondent wanted by “the combination of his touching me and a lifetime of being a woman, it made things very clear.” She added that she “learned to listen to the vibe and not ignore the subtleties.”

Complainant 6 stated she was not sure whether or not anyone saw Respondent's behavior towards her, but said "I'd be willing to bet that his behavior would be known by most [REDACTED] in the unit." She stated she recently became aware that his reputation in the unit when she overheard two [REDACTED] commenting about Respondent's behavior, and one replied "Oh, that's just how he is, just make it obvious that it's unwelcome." When asked who the [REDACTED] were that she overheard speaking, she stated that both of them did not want their names disclosed or become involved in this matter. She stated she was going to respect their wishes and did not feel comfortable providing their names.

Complainant 6 then stated we may want to speak to Nurse 1 ([REDACTED]) and Nurse 4 ([REDACTED]). She stated that Respondent openly flirts with Nurse 1 ([REDACTED]) but is not sure how Nurse 1 ([REDACTED]) perceives Respondent's behavior. She stated Nurse 4 ([REDACTED]) told her that Respondent cornered her in a patient's room, and refused to move when she asked Respondent to move. According to Complainant 6, Nurse 4 ([REDACTED]) had to duck under Respondent's arm to get around him.

Complainant 6 stated she has observed that every young and new female [REDACTED] in [REDACTED] that works at [REDACTED] with Respondent seems to be treated in the same manner by Respondent.

Complainant 6 stated that it did not appear to her that either [REDACTED] Manager ([REDACTED]) or any of her [REDACTED] managers were aware of Respondent's behavior. She stated that initially she did not tell her supervisor because she "did not want to stir up trouble with [Respondent] since he'd been there so long." She stated that this was her first [REDACTED] job and she did not want to become known as a troublemaker. She added that Respondent had been there for years and she was new, so she did not say anything at first. Complainant 6 stated she came forward with her story after her name was given to the HDAPP Program Manager for UC Davis Health, who contacted her and interviewed her.

Complainant 6 stated that since the complaint was made against Respondent she has lost the opportunity to be a [REDACTED] [REDACTED] on the floor because she would have been [REDACTED] Respondent. She added that there is a pay differential associated with being [REDACTED] [REDACTED] and she lost that as well. She stated she also stopped picking up additional shifts because Respondent is working 5 to 6 [REDACTED] a week on [REDACTED] and she does not want to work with him anymore. Complainant 6 stated there has also been a scheduling issue since making the complaint when she was scheduled to work right next to Respondent on the floor. She stated the assignment only got switched when Complainant 4 brought it to management's attention.

When asked if she had anything else to add before completing the interview, she stated Respondent has not changed his flirtatious behavior with other [REDACTED] since the investigation began. She stated there was recently a [REDACTED] [REDACTED] on her floor, whose name she does not know, and she saw Respondent rubbing her back too. Also, Complainant 6 stated she heard there was a prior complaint against Respondent and he is no longer to work on one of the units in the hospital. She does not know which one.

Complainant 6 stated she will not stay in the unit if Respondent is allowed to stay after the investigation is completed. She added "This is not a threat against the university or anything. I just can't stay there if he is there."

G. Respondent Interview Summary

Respondent is a Registered Nurse and began working at UC Davis Health in [REDACTED] Around [REDACTED] he began working in the [REDACTED]. [REDACTED]

He is currently a Clinical Nurse 2.

Complainant 1

Respondent stated that he first met Complainant 1 was when she was an [REDACTED] working in the [REDACTED]. He described their relationship as friends, but not really co-workers. He stated they rarely worked together.

Respondent was asked if he recalled hugging Complainant 1 when he greeted her and responded "I hugged her once." He stated there was a long period of time when he did not see her. He stated he floated to the [REDACTED] often, but she was not always working. He believed they worked together off and on for [REDACTED] years.

Respondent was asked if he ever approached her from behind and touched her. He stated he did not have a long-standing relationship with Complainant 1 so "I wouldn't just come up to her and hug her." He stated they were amicable with each other, but nothing more. He described her as "a very nice lady, but [REDACTED] When asked what he meant by [REDACTED] he stated that Complainant 1 would "call him out on things" when he may not have been doing something correctly related to his [REDACTED]

When asked, Respondent stated he never touched Complainant 1 other than when he hugged her.

Respondent was asked if he ever touched Complainant 1's lower back or hip, he replied the only time he touched her was when he saw her and they had not seen each other in a while and "I gave her a hug, and she hugged back." He was not sure when that occurred and added "I am friendly in a good sense." Respondent was asked again whether or not he ever touched Complainant 1 on the hip or waist, he replied "No, oh no."

Respondent was asked if he ever touched Complainant 1 on the hip and he stated "No, oh no."

Respondent was asked if he ever recalled Complainant 1 [REDACTED] working in the [REDACTED] where he worked. He stated he did not recall her ever working in the [REDACTED]

Respondent was asked if he was surprised that Complainant 1 made a sexual harassment complaint against him. He stated "No, because of her relationship with [Complainant 3]. They're like best friends. They go out with each other. They are friends outside of work, close friends."

Respondent was asked if he was implying that Complainant 1 was fabricating the allegations because of her friendship with Complainant 3. He replied "Yes, she did fabricate. If she did feel something like that she would say right then. [REDACTED]"

Respondent was then asked if Complainant 1 ever asked him to stop touching her. He replied "No. Never." He added, "One thing I do a lot of is to pat them on the arm and say 'thank you'. Another thing, if she had her arm on the desk, I would touch on her arm." He then said "Nowhere on the lower back, the hip. No way".

Respondent stated he was really surprised and hurt by the allegations Complainant 1 made against him. He said "I just don't see her doing that." He does not recall the last time he worked with Complainant 1.

Complainant 2

Respondent was asked whether or not he came up behind Complainant 2 and began massaging her neck during a shift change on [REDACTED] in 2016. Respondent replied "I don't know who that is. I don't do that unless they ask me to do that. I don't know who that is."

Respondent was again asked using Complainant 2's first and last name, and [REDACTED] name, whether or not he knew who she was, he again replied "I don't know." He stated he did not know anyone by Complainant 2's first name. He stated he did not know anyone who worked on [REDACTED] by that name.

After being informed that Complainant 2 alleged that he approached her from behind during a shift change and began massaging her neck, he stated “I don’t recall doing that to anyone.”

Complainant 3

Respondent stated he has known Complainant 3 since he began working in the [REDACTED] around [REDACTED]. He could not recall whether or not she was working in the [REDACTED] when he arrived or not, but believed she was in the [REDACTED] from the time he started. He stated sometime around [REDACTED] Complainant 3 left the [REDACTED] to work in [REDACTED].

When asked to describe his relationship with Complainant 3, Respondent described her as a co-worker prior to her leaving the [REDACTED]. He then stated that they became really good friends.

When asked to describe his persona at work, Respondent described himself as a friendly person. He stated because he works so much overtime everyone knows him. He described himself as a nice guy, and as someone who is helpful. Respondent stated wherever he works in the hospital he is greeted warmly. When asked if he greets co-workers with hugs, Respondent stated he does often, but normally only when he has not seen a co-worker he used to work with for a while. He stated that currently in the [REDACTED] a couple of his co-workers like to hug him when they greet each other.

Respondent was asked if he used to hug Complainant 3 while working in the [REDACTED]. He stated they became “really close”. He stated he would ask Complainant 3 if she wanted her back scratched or head rubbed and she would say “yes”. He added “I would not just start putting my hands on someone and start doing things.”

[REDACTED]

Respondent was asked if while working with Complainant 3 in the [REDACTED] he ever said things to her such as “you’re beautiful” or “you’re pretty” Respondent replied “I will say things like ‘you’re pretty’ or ‘you look nice today’. Personally, I don’t think there is anything wrong with that. It’s a compliment.” He added that in addition to complimenting women [REDACTED] he also compliments men when they get a haircut or something.

When asked if Complainant 3 ever told him to stop touching her while they were at work, he replied “No.” When asked if Complainant 3 ever told him to stop walking her to her car, or to stop massaging her, he replied “No.” When asked when he stopped walking Complainant 3 to her car ended, he stated he did know and did not recall how that practice ended.

When asked, Respondent acknowledged texting Complainant 3 when they worked on [REDACTED] together. He did not recall how he got Complainant 3’s number. He stated “She must have given it to me.” Then he said “Oh, there is another way, there’s a list of numbers” but then denied he would get her number in this manner. He stated the only way he would text or call anyone is if they would give their number to him.

Respondent stated he would bring food to Complainant 3 and they would go out to breakfast together in the morning. He added “We were amiable with each other.” He stated he did put his coat around her one time after he “walked out” on her, and got her soup when she was sick and at work.

Respondent acknowledged placing blankets over Complainant 3 when she took naps. He stated he would take a blanket down and he would cover her with a blanket, and then he would leave the room because “it didn’t look good for us to be alone together”. He stated he still does this for other [REDACTED] as well and they appreciate it and say things like “Oh [Respondent] you’re the best.”

Respondent denied that Complainant 3 ever told him that she did not need his help, to stop massaging her, to stop touching her, and to stop walking her to her car.

Respondent was asked if he knew whether or not Complainant 3 made a sexual harassment complaint against him in [REDACTED] or [REDACTED] he stated he did not. He then stated “She never told me that, and it is the complete opposite.” He stated when he would scratch her back, rub her head, or massage her back, she would ask him not to stop when he was about to stop. He said “I started feeling uncomfortable with how long she wanted me to do it because other [REDACTED] would see it.” He believed that she must have complained about him after [REDACTED].

[REDACTED]
[REDACTED] He stated they would say “hi” to one another when they saw each other, but that was it. Respondent stated he would go see his old [REDACTED] friends in the [REDACTED] and run into Complainant 3. He stated he would give her a hug when he saw her. He stated when she saw him, she would tease him for being “old” and he would respond teasingly and say “do you feel lonely, I can give you a hug?” He stated he would go up to Complainant 3 and give her a hug while she pretended to protest the hug. He stated “We were playing, it was not serious.”

Respondent was asked what made him believe Complainant 3 was joking when she protested his hugs. He said “There’s a difference if someone likes it or not, you can see that. If she didn’t like it then she would leave, but she did not leave.”

Respondent was then asked if everything was fine between them, why did he believe Complainant 3 made a sexual harassment complaint against him. He replied “Not sure. I don’t hate her.” He stated he was

still amiable with Complainant 3 and “I do like her. [REDACTED] He stated that when he worked on [REDACTED] they seemed to get along fine.

Respondent stated he would see Complainant 3 at times when he picked up shifts on [REDACTED] [REDACTED] He stated she worked day shift and he worked nights. He stated he would see her at shift change. When asked, Respondent stated he did not massage the back or smell the hair of Complainant 3 when he saw her during shift change. Respondent also denied flirting with Complainant 3 when he floated to her floor.

He stated he was nice to Complainant 3 during this time. He recalled offering to get her soup when she was not feeling well, but she denied his offer.

When asked when the last time Respondent hugged Complainant 3, he stated that it was in August 2017 when she was the [REDACTED] and she had to drop by the [REDACTED] He stated that he saw her, they both said hello, and then he gave her a hug. When asked, Respondent emphatically stated that Complainant 3 never asked him to stop hugging her that [REDACTED] He added “If she did, I would have stopped immediately.” Respondent stated their interaction that [REDACTED] ended fine.

When asked how he hugged Complainant 3 that [REDACTED] he stated “It was a normal hug.” He explained he considered two people facing each other to be a normal hug. He then stated the hug was not “from the side or anything” which according to him was not a “normal hug”. He stated if the hug was from the side, he would remember that because that would have been uncomfortable.

After stating the above, Respondent was informed that Complainant 3 alleged that he hugged her from the side after she turned away from him. He said “It would stand out if someone turned to the side if I hugged them. That would tell me that maybe they were uncomfortable.” He added “I would remember that because that would tell me that maybe they were uncomfortable.” Respondent denied hugging Complainant 3 from the side.

Respondent was then asked whether he kissed complainant on the cheek when he hugged her. Respondent paused and stated “I don’t think I kissed her that day.” He added that kissing her from the side “would not be possible from that angle”. He stated he would have felt uncomfortable doing that because there were other people around. He added “I would remember that.”

Respondent was informed that Complainant 3 alleged she told him not to touch her that [REDACTED] He replied “I don’t recall her saying that”. When asked if he does not recall or it did not happen, he answered “I’m telling you that never happened.” He added that nothing that [REDACTED] made him think something was wrong between them.

[REDACTED]
[REDACTED] (Paused) I didn’t know she had filed a sexual harassment against me [then].”

Stopped Picking Up Shifts at [REDACTED]

Respondent stated he has not worked on [REDACTED] since 2016. He recalled that he had an argument with [REDACTED] Manager [REDACTED] around the Fall of 2016. He stated he had signed up to work and had been bumped off the schedule after it had already been approved. He called [REDACTED] Manager [REDACTED] to find out what had happened and [REDACTED] Manager [REDACTED] got mad at Respondent for questioning him. Respondent stated that sometime in early 2017 he was told by the central staffing office that [REDACTED] would not give

Respondent approval to work there. He believed it was because of the argument he had with [REDACTED] Manager [REDACTED], so he has not work there since.

When asked, Respondent stated he had never been told by [REDACTED] Manager ([REDACTED]) that he could no longer work on [REDACTED]. Respondent was then read an email where [REDACTED] Manager [REDACTED] told [REDACTED] Manager ([REDACTED]) that Respondent was no longer welcome to work on [REDACTED] because of the complaints several [REDACTED] made against him because he had made them feel uncomfortable. The email also stated he would not be welcome back until Respondent received sexual harassment training [REDACTED]. Respondent stated "I am absolutely surprised to learn this." He stated [REDACTED] Manager ([REDACTED]) never spoke to him about the complaints and he "had no idea".

When asked if he had anything more to add about the allegations of Complainant 1, Complainant 2 and Complainant 3, he stated "it is a big, big surprise, a huge surprise". He stated he never thought they would makes these types of complaints against him.

Complainant 4

Respondent stated that when they first began to work together in [REDACTED] he and Complainant 4 had amiable working relationship that was "just fine". [REDACTED]

When asked, Respondent stated he had never massaged Complainant 4. He added that if he did touch her it would be on her shoulder or arm in an "I'm listening" way.

When asked if he ever complimented Complainant 4's [REDACTED] at work, Respondent stated "Yes. Her [REDACTED] calls her [REDACTED]. She has nice [REDACTED] and I think I told her that. It was a compliment." When asked if he ever called her [REDACTED] "mesmerizing" Respondent stated "No, it didn't happen." Respondent denied he has ever flirted with Complainant 4.

Respondent was asked if he tickled Complainant 4 in the hallway and then grabbed her by the arm to prevent her from getting away while tickling her despite her protests for him to stop. He replied "That did not happen. I never touched her unless it was on the shoulder or the arm." He added, "This is like a slap in the face, who would have ever thought." Respondent denied ever tickling Complainant 4.

Respondent was asked when their relationship changed from "being fine". Respondent stated that in Summer 2017 several events happened that caused their relationship to change and which he considered motivation for her to fabricate a story against him:

- He stated saw and overheard a conversation between Complainant 4 and Nurse 5 ([REDACTED]) where Nurse 5 ([REDACTED]) confronted Complainant 4 about not helping her. He stated Complainant 4 saw Respondent give Nurse 5 ([REDACTED]) a thumbs up that she thought was about her, but it was about a Nurse 5 ([REDACTED]). He stated both he and Nurse 5 ([REDACTED]) do not [REDACTED] and he was just letting her know that he could help [REDACTED]. Respondent stated after that Complainant 4 stopped him in an area, closed the curtain around him and asked "Are we okay?" He stated he explained to her what had happened, but she thought he was giving Nurse 5 a thumbs up because she had confronted Complainant 4.
- He stated another time, Complainant 4 changed the [REDACTED] assignments without authority to do so, and this upset Nurse 5 ([REDACTED]) to the point where she went to go speak to [REDACTED] Manager ([REDACTED]) about Complainant 4. [REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

Respondent stated that all of the above incidents took place in [REDACTED]. He stated that then about a month after the last incident, he received a phone call from Human Resources and was told there would be an investigation about sexual misconduct. He stated the first person he thought of was Complainant 4. He believes Complainant 4's complaints against him are as a result of the above incidents during Summer 2017. He added, "I am not going to be phony and smile at someone when I don't want to."

Respondent stated that the sexual misconduct behaviors Complainant 4 is alleging "never happened." He believes that the above reasons are why she reported this because "this never happened."

Respondent then said that Complainant 4 and Complainant 6 had been hanging out [REDACTED] and going for walks [REDACTED]. He stated Complainant 4, Complainant 5 and Complainant 6 all became really good friends, and he described them as a "clique".

Complainant 5

[REDACTED]

[REDACTED]

Respondent was asked if while in a patient's room a couple of years ago, he followed her around the bed, and trapped her between himself and the ventilator, and then slapped her on the buttocks. Respondent replied, "No, that never happened." Respondent stated he did used to assist her with [REDACTED]

After reading the allegation to Respondent he again replied, "No that did not happen." When asked whether he was surprised by the allegation, he stated it did not surprise him because of Complainant 5's character. He stated "Her character is not likeable."

When asked if he ever cornered Complainant 5 in a patient's room as she described, he said "No, that is not me." He added "Let me just say something. Do you think I'd be living if that happened? No, that's how she is. She'll go up to your face and will let you know if she doesn't like something. She and Complainant 6 got really close. It never happened. I never cornered her. No." Respondent stated he does not corner other [REDACTED] Respondent was asked if he knew [REDACTED] and if he ever cornered her. He replied that he did know her as a [REDACTED] in the [REDACTED] and stated he never cornered her or blocked her way before.

Complainant 6

Respondent stated he considers Complainant 6 a co-worker on the [REDACTED] and described them as being amiable towards one another. He stated he would assist her when she needed help. He added that he does not know her very well.

He stated that one time Complainant 6 told him while at work that "I have a temper, I can be a bitch" and told Respondent "You don't know me." He stated he was nice to her.

Respondent stated he has touched Complainant 6's shoulders, but never below the shoulder. He stated he never touched her back or scratched her back.

Respondent was asked if he ever massaged Complainant 6's back and he replied that "some of the girls in the unit ask me for a massage". He stated he never massaged Complainant 6's back, or Complainant 4 or 5's back either. He said "I never did anything like that with them."

When asked if he ever asked Complainant 6 out on a date, he stated "No, nothing like that. She was [REDACTED] anyways." He stated he was apologetic, but that "she's not my type, she is not attractive."

He stated he never talked to Complainant 6 about her [REDACTED] but had heard from other that she was [REDACTED]

When asked, Respondent stated that he did touch Complainant 6's arm and shoulder, but it was to get their attention. He stated "It was a quick touch." He stated he would never scratch Complainant 6's back and would never touch her lower back." He added "Nothing happens there without people knowing about it." Respondent stated he has never flirted with Complainant 6.

When asked whether their relationship ever changed, he stated "No, nothing like that. It was the same relationship throughout." When asked if she ever rejected his advances, he stated "No." Respondent stated it never happened that he ignored Complainant 6 in response to her rejections of him.

Past Allegations of Sexual Harassment

During the interview, Respondent was asked whether or not he had ever been accused of sexual harassment by anyone in the past. Respondent stated there was an issue with Individual 2. Respondent was asked if there was anyone prior to Individual 2, and he stated "I don't recall anyone else".

Respondent was then asked if he ever sexually harassed Individual 1. He stated he did not recall anything like that. He was then shown a Letter of Counseling and Letter of Warning concerning sexually harassing Individual 1 in [REDACTED]. He stated he knew Individual 1, but did not recall the incident in the letters. Respondent stated he did not recall ever seeing the letter before. He stated he did not recall ever meeting with the sexual harassment unit and being told "there is to be no touching" in the workplace. He said "No. It was a while ago, I don't remember." When asked if he recalled the sexual harassment analyst telling him not to engage in behaviors involving touching "such as tickling, massages and hugging" he stated he just cannot remember anything about that occurring. He did recall that he believed Individual 2 wrote the anonymous complaint about Individual 1.

Respondent stated he did not recall any issues of harassment against Individual 1 or being required to speak to the sexual harassment unit as a result.

[REDACTED]

Respondent was asked if all of what he said occurred, why did he get a Letter of Warning for violating their no contact agreement. Respondent stated he had called her unit's number one time for something and she picked up the phone. He stated she asked if he called to talk to her, and he told her what he needed "and that was it." After being informed that the letter mentioned three phone calls to her at work, Respondent stated he only remembers one call.

Respondent does not recall any other instances of sexual harassment complaints against him.

HUSC [REDACTED]

Respondent described his relationship with HUSC [REDACTED] as friendly when he floated to [REDACTED] [REDACTED]

When asked if he ever touched HUSC [REDACTED] on the back, he replied "No." When asked if he ever touched her on the shoulders, he said "No." Respondent stated he never asked HUSC [REDACTED] to go to [REDACTED] or [REDACTED] with him for the weekend.

Respondent was asked if he ever asked for HUSC [REDACTED]'s work schedule, and he replied "No, why would I?"

Respondent was asked if he ever asked HUSC [REDACTED] to go with him to [REDACTED] and dance for him. He replied "No. Oh my God, No."

Respondent denied ever asking HUSC [REDACTED] to go out with him.

When asked if he knew any reason why she would make these statements about their relationship, he stated "No."

Nurse 1 [REDACTED]

Respondent stated he knows Nurse 1 [REDACTED] from [REDACTED]. When asked whether he recalled Nurse 1 [REDACTED] asking him not to touch her anymore, he stated "No." He stated he may have touched her on the arm. He stated "It doesn't make sense, I even helped her move." He stated he went with Nurse 2 [REDACTED] to help Nurse 1 [REDACTED] move after Nurse 2 [REDACTED] invited him to help.

Respondent stated he would touch Nurse 1 [REDACTED]'s back in a guiding motion, or to indicate he was listening to her, but nothing in a sexual or inappropriate way. When asked if he recalled ever touching her on the lower back in a meeting, he replied "No. Nothing lower back."

When asked if he knew why Nurse 1 [REDACTED] would fabricate that he touched her on the lower back and then confronted him and told him to stop, he replied "They are all friends." When asked if he was suggesting that they were all conspiring against him, he replied "That's not me, I don't do that."

When asked if he ever had a falling out with Nurse 1 [REDACTED], he replied "No."

Nurse 1 [REDACTED]

When asked, Respondent stated that he did know Nurse 1 [REDACTED] and described her as "a very nice girl" who he made laugh all the time. When asked if he touched her at work, Respondent stated he would give her a hug and massage. He said "Sometimes she would hug me, and I'd hug her back." [REDACTED]
[REDACTED]

When asked if he tickled Nurse 1 [REDACTED] while at work, he stated "No. No tickling."

When asked if he recalled an incident when Nurse 1 [REDACTED] was spoken to by [REDACTED] Manager 1 [REDACTED] because she had been laughing during a shift change meeting, Respondent stated he did not recall the meeting, but he remembered an incident when he and Nurse 1 [REDACTED] were in a room and were laughing when [REDACTED] Manager 1 ([REDACTED]) walked in and did not say anything. He had heard from Nurse 1 [REDACTED] that [REDACTED] Manager ([REDACTED]) asked to speak to her about it. Nurse 1 [REDACTED] told Respondent that [REDACTED] Manager [REDACTED] just wanted to see if everything was okay with her. He wondered why [REDACTED] Manager [REDACTED] had asked Nurse 1 [REDACTED] this and thought that it was making him look bad.

Respondent stated he does massage Nurse 1 [REDACTED] while at work after she asks him to do so. He said "She always wants me to massage her." He added "She'll tell me 'Oh it's time for my massage'."

Respondent was asked if he ever went into an empty patient room while it was dark to massage Nurse 1 [REDACTED] and got interrupted by an [REDACTED] manager. He replied, "No, I wouldn't do that, it's unprofessional. You don't want to do it."

Respondent was asked what his relationship was with [REDACTED] Manager 4 [REDACTED]. He described him as a co-worker and one of the [REDACTED] manager's in his unit. When asked if he considered [REDACTED] Manager 4 a truthful person, he replied "No, he isn't."

Respondent was asked if he recalled having a conversation with Nurse 1 [REDACTED] in which she told him that maybe he should not massage her anymore because co-workers may take it the wrong way. Respondent stated it was him that brought it up to Nurse 1 [REDACTED] that others were talking about them always being together and how uncomfortable it had made him feel, so he stopped giving her massages all the time.

Respondent stated he did not have a relationship with Nurse 1 [REDACTED] outside of work.

Nurse 2 [REDACTED]

When asked, Respondent described Nurse 2 [REDACTED] as “a wonderful person” who is “very nice”. He added “I like her” and “she likes massages”. He stated Nurse 2 [REDACTED] is one of his favorite people on the unit. [REDACTED] Respondent denied ever having a dating relationship with Nurse 2 [REDACTED]

Respondent stated he does not place his hand on the back of Nurse 2 [REDACTED] even when he massaged her. When asked, Respondent considered Nurse 2 [REDACTED] to be a truthful person.

Respondent was asked if Nurse 2 [REDACTED] had stated that she witnessed Respondent touch other [REDACTED] on the unit on the low back and mid back would that be truthful. Respondent stated “I would not touch them on the back besides the upper back.” He added that he only touched them when he was standing next to them.

When asked why he reacted so strongly to the idea of touching someone’s lower back versus upper back, Respondent stated, “It’s riskier. I don’t like that because I don’t do this. I would not just go up and put my hands on someone. Never.” When asked if he considered the lower back, hip, and waist a more intimate area of the body, he stated yes.

Miscellaneous

Respondent denied knowing of any nicknames that he had in the hospital. When asked if he had ever been referred to as [REDACTED] he stated that was the nickname of a member of the [REDACTED] not him.

Respondent wanted to know if we had spoken to all of his witnesses. He was informed which witnesses he proposed had been spoken to and was reminded that we previously requested information from him concerning what the proposed individuals would generally say if interviewed. Respondent acknowledged not providing the information requested to the investigators.

Respondent acknowledged speaking to his list of proposed witnesses prior to providing them to the investigators despite the admonition not to do so in his notification letter. He stated he only informed them of the nature of the allegations.

Respondent stated he definitely wanted the investigators to speak to [REDACTED] Manager 4 [REDACTED] When Respondent was reminded that earlier during the interview he stated [REDACTED] Manager 4 was not a truthful person, he replied “He is not truthful about me. But he is an [REDACTED] and he can tell you about how the others are.”

Respondent requested the investigators speak to HUSC [REDACTED] because she has known him the longest at the hospital. He stated he wanted us to speak to Nurse 5 [REDACTED] because she would be able to tell us more about Complainant 4.

Respondent’s Concluding Remarks

Respondent stated he believed all of the complainants got together and fabricated sexual harassment complaints against him. When he was asked whether, as he previously suggested, that three [REDACTED] and three [REDACTED] got together and conspired and fabricated the allegations against him, he replied yes. Respondent said, “They are all false because I’m telling you it didn’t happen.”

“because I did not do what they are saying.”

Respondent stated “What I’m being accused of did not happen. As a man if I did it then I would say I made a mistake. I did not do that. There is a reason to retaliate. One on each unit has a reason.”

Respondent stated that he is not “that kind of person”. He reiterated, “It didn’t happen, it’s ugly and horrible, especially when you didn’t do it.” He stated he is taken aback by what all of them are alleging.

H. [REDACTED] Manager [REDACTED] Interview Summary

Manager [REDACTED] is the Manager of [REDACTED]

In Fall 2016, she said that the [REDACTED] came up to her and they told her “we don’t want [Respondent] coming up here.” Complainant 3 and [REDACTED] Manager [REDACTED] told her they did not want Respondent to work there anymore, “because he’s creepy.” Then [REDACTED] Manager [REDACTED] sent an email to [REDACTED] Manager ([REDACTED]) in October 2016, telling her that she did not want Respondent to float there anymore.

[REDACTED] Manager [REDACTED] understood that Complainant 3 was one of the people with whom Respondent behaved inappropriately. [REDACTED] Manager [REDACTED] said Complainant 3 told her, “we don’t really want him here”. At the time, she said Complainant 3 was speaking of herself and Complainant 2 and Complainant 1. [REDACTED] She can’t remember if there was anyone else who had told her about Respondent behaving inappropriately.

██████ Manager ██████ sent an email to ██████ Manager (██████) and encouraged her ██████ to file a complaint if they wanted to. She said that at the time, the ██████ were okay because Respondent was not working with them anymore. She did not follow up on it, so she was unsure if they had made a complaint or not.

She said that there is no float policy at the hospital; “it’s a voluntary thing here, this hospital is unique.” Instead, they have [REDACTED] resources outside the units to make sure they have enough [REDACTED] resources. She said, “people can float if they want to, and for the most part they have had to.” If they turn Respondent away, or anyone else who signs up for a shift, then they don’t get any help. She said, “the leadership (a [REDACTED]) agreed that they would rather work short than have [Respondent]” work there. She said Respondent has not signed up to work at [REDACTED] lately.

In response to whether any of the women with complaints had talked to her specifically about Respondent's behavior, she said they eventually did. She said that she had asked Complainant 3 if she had let Respondent know that his behavior was unwelcome. Complainant 3 told her, everyone would say to Respondent, "don't touch me" and Respondent would "flip it" on them. She said Complainant 3 said that Respondent would tell them, "Oh, you're being too sensitive," "You must have a dirty mind," or something like that. She said Respondent would touch them on the waist, and with Complainant 3, Respondent would

come up behind her and would hug her from behind and would touch her waist. Complainant 3 told Manager [REDACTED] that Respondent would touch her in areas that were “inappropriate for him to touch.”

In response to whether [REDACTED] Manager [REDACTED] had heard if Respondent had asked any of them out, she said, “No, [REDACTED].”

[REDACTED] Manager [REDACTED] said she never spoke to Respondent about the complaints, but she thinks [REDACTED] Manager [REDACTED] told her that she would talk to Respondent. Regarding who on their staff were mandatory reporters, she said that everyone on staff was a mandatory reporter. In response to what [REDACTED] Manager [REDACTED] thought being a mandatory reporter meant, she said that it would depend on the situation. She said that if they (the employees) said to her, they did not feel safe or protected, etc., she would report it. But she said in this instance she checked with them and left it up to them if they wanted to report. She told them that she would report it if they needed her to.

In response to whether there were other instances of sexual touching by Respondent, [REDACTED] Manager [REDACTED] said, “Oh my God that guy, it’s not unfamiliar to me.” But, she had never managed him. She said that she has been here for [REDACTED], and “[Respondent] has been doing this a long time. He has a reputation, even back then.” She knew that “the manager [Respondent] had wasn’t doing anything about it then.”

In response to whether he had a reputation at the hospital, she said yes. She said that he [Respondent] “was inappropriate, and he tended to pick . . . not really pick, but, like any predator, he would search out young, sweet, [REDACTED] people.” She said, “some women felt like it wasn’t a big deal, and those who did not feel comfortable.” In addition, she said, “he has a union thing.” She said any time anyone talks to him he says, “I’m going to my union,” even about if he just has to sign something. She said, “it becomes very contentious with him (Respondent).”

In response to whether she had ever heard any complaint from HUSC [REDACTED] about Respondent, she said No, [REDACTED].”

In response to how [REDACTED] Manager [REDACTED] thought Respondent reacted to female coworkers who rejected his advances, she said “it never went well.” [REDACTED] She added that she believed Respondent worked [REDACTED] so he could “fly over or under the radar.” In response to whether [REDACTED] Manager [REDACTED] would expect young [REDACTED] in the hospital to come forward about this kind of behavior, she said that there is an element of everyone there watching out for each other; they don’t want to get others in trouble. She said, the culture is very important, and you have to set the tone. She said, “[REDACTED] always feel that it’s their fault.”

[REDACTED] Manager [REDACTED] was not aware of any past sexual harassment investigations involving Respondent. [REDACTED] Manager [REDACTED] stated Respondent avoided “women with strong personality and older women.” It was her understanding that Respondent “tends to steer clear of older, more vocal women. It’s the young, [REDACTED] ones that [Respondent] goes for.”

She said Respondent can be charming, but had heard he has a point where he can become “rageful,” and would say that he was being targeted. In response to whether he has a tendency to flip an argument around on someone, she said “yes, he does. If someone confronts him about something, he would say, ‘you’re just targeting me, why are you not targeting them?’ things like that. He puts you in a defensive position.”

I. [REDACTED] Manager [REDACTED] Interview Summary

[REDACTED]

Regarding what she knew about the investigation, she said she had spoken to Respondent to let him know that the investigation was happening, but she said she and Respondent had not talked more about it. She said Respondent had asked her who had made the allegations, and she told him that she was not privy to that information. In response to what his reaction was to the investigation, she said that he had seemed surprised, but that his reaction was hard to categorize.

[REDACTED]

[REDACTED] Manager ([REDACTED]) said that she had asked Complainant 4 what “now” meant, and that’s when Complainant 4 told her about an incident where Respondent had touched Complainant 4 on the small of her back and it made her feel uncomfortable.

[REDACTED] Manager ([REDACTED]) said that Complainant 4 told her that after Respondent had touched her on the small of her back, she had pulled him aside to express that this had made her uncomfortable. Complainant 4 told [REDACTED] Manager ([REDACTED]) that the conversation with Respondent did not go as she had hoped. Complainant 4 told her that after this conversation, Respondent’s attitude toward her had changed. According to [REDACTED] Manager ([REDACTED]) Complainant 4 led her to believe that the incident where she pulled Respondent aside to speak with him occurred several months earlier.

In response to whether [REDACTED] Manager ([REDACTED]) would be the appropriate person for Complainant 4 to have come to about something like that, [REDACTED] Manager ([REDACTED]) said, “Yes, absolutely.” She said they also have assistant [REDACTED] managers they can go to with this kind of issue. [REDACTED] Manager ([REDACTED]) had then asked Complainant 4 whether other [REDACTED] in the unit had experienced something similar with Respondent, and Complainant 4 said, “you can ask anyone,” “everyone has their story.” [REDACTED] Manager ([REDACTED]) responded, “well that makes me very sad.” [REDACTED] Manager ([REDACTED]) told Complainant 4 that this was inappropriate conduct in the workplace, and as a manager she needed to move forward, and would have to report it. She said Complainant 4 was very hesitant to report it. Complainant 4 told her, “I don’t want this to be a big deal, I still have to work here.” Complainant 4 expressed that she was worried Respondent was going to know she was the one who had said something.

There was an expectation that [REDACTED] Manager ([REDACTED]) and Complainant 4 had that this would be an anonymous complaint. [REDACTED] Manager ([REDACTED]) said personally, she had thought it would at least be anonymous for a period; she [REDACTED] did not realize that this process was not anonymous. She said that when she spoke to HDAPP about the incident with Complainant 4, HDAPP had wanted to know the name of the [REDACTED] involved. Complainant 4 and [REDACTED] Manager ([REDACTED]) had a conversation about this, and [REDACTED] Manager ([REDACTED]) had told her that if this was going on it needed to stop. Then when the notification letters were sent out regarding this investigation Complainant 4 was upset that her name had been shared with Respondent, because that was what she didn't want to happen. [REDACTED] Manager ([REDACTED]) told Complainant that if anyone else had a story about this they should speak up and encouraged her to go speak with other [REDACTED] Respondent may have affected. She said she did not personally interview anyone else.

She said that she had not been made aware of anyone else's allegations against Respondent until she received the notification letter of the investigation. That is when she found out the details of Complainant 5 and Complainant 6's allegations. She said that she had spoken to Complainants 4 and 5 in person about their allegations, but she did not get details about Complainant 6's allegations directly from Complainant 6.

Regarding Complainant 5, [REDACTED] Manager ([REDACTED]) said Complainant 5 had called in sick about this investigation. Complainant 5 was very upset that her name had been shared with Respondent. She said Complainant 5 had worked in the [REDACTED] for many years and came off to her as a "no nonsense, don't mess with me" kind of person. She was surprised that this had happened to Complainant 5.

She said that she and Complainant 5 talked about her allegations privately. [REDACTED] Manager ([REDACTED]) and Complainant 5 had worked together before for around 11 years, so she knew Complainant 5. From what [REDACTED] Manager ([REDACTED]) understood, Complainant 5 had gone into a patient's room [REDACTED] and the room was dark. The ventilator in the room was alarming, and she said Complainant 5 told her that Respondent "had followed her (Complainant 5) in and grabbed her backside. And when he did that, [Complainant 5] was positioned in between the ventilator and Respondent." [REDACTED] Manager ([REDACTED]) said she did not know if Complainant 5 said anything to Respondent in response.

Another incident involving Respondent was brought to [REDACTED] Manager ([REDACTED])'s attention by a day shift charge nurse at the [REDACTED]. This [REDACTED] Manager 1 ([REDACTED]) was giving a report at the unit and Respondent and Nurse 1 ([REDACTED]) were giggling while she was talking. [REDACTED] Manager 1 ([REDACTED]) asked Nurse 1 ([REDACTED]) whether there was something going on and why they were laughing. Nurse 1 ([REDACTED]) said, "No, no no, [Respondent] was tickling me." So, [REDACTED] Manager 1 ([REDACTED]) who knew Respondent previously, had talked to Nurse 1 ([REDACTED]) and told her that it wasn't professional to do that, and [REDACTED] Manager ([REDACTED]) said [REDACTED] Manager 1 ([REDACTED]) was telling Nurse 1 ([REDACTED]) "don't go there, stay away."

[REDACTED] Manager ([REDACTED]) said that she and [REDACTED] Manager 1 ([REDACTED]) discussed this event during [REDACTED] Manager ([REDACTED])'s leadership meeting. She guessed that this was in early summer or springtime. During that meeting, concerns were brought up with [REDACTED] Manager 1 ([REDACTED]) to see if there were any other issues going on with Respondent in the unit. [REDACTED] Manager ([REDACTED]) said that when she spoke to [REDACTED] Manager 1 ([REDACTED]) about this, [REDACTED] Manager 1 ([REDACTED]) had said, "oh that's not the first time, it's happened before."

[REDACTED]

In response to whether she had ever heard that Respondent could not pick up shifts elsewhere, she said yes. She said that year she had received an email from [REDACTED] Manager [REDACTED] in October 2016, shortly after [REDACTED] Manager [REDACTED]. The email stated [REDACTED] Manager [REDACTED] did not want Respondent to float to her unit anymore because there had been complaints about Respondent in [REDACTED]. [REDACTED] Manager [REDACTED] had then talked to her manager about what had happened, and her manager said that this was something that should be reported by [REDACTED]. [REDACTED] Manager [REDACTED] said that she did not follow up. She said that all these issues were forwarded to HDAPP when Complainant 4's complaint was reported. She stated that she did not know if Respondent was ever spoken to about this. She said that she was not aware if he had been banned from working in other units.

[REDACTED] Manager [REDACTED] was not aware of prior sexual harassment by Respondent other than [REDACTED] [REDACTED] and stated there was nothing else in the file she maintained on him. She stated that she had only forwarded the incident with Complainant 4 to HDAPP, not those with other [REDACTED].

When asked who we should talk to next, [REDACTED] Manager [REDACTED] stated that [REDACTED] Manager 1 [REDACTED] had made comments about working with Respondent in the [REDACTED]. She told [REDACTED] Manager [REDACTED] that "[Respondent]'s been like that forever" referring to being overly friendly with female [REDACTED].

[REDACTED] Manager [REDACTED] said that she has tried to keep a consistent managerial process with everyone. [REDACTED]
[REDACTED] She wants this to be resolved because it is inappropriate for work. She said that [REDACTED] is still a young, female profession; they get young [REDACTED] working in here and she wants to feel like they can speak up if they have an issue.

J. [REDACTED] Manager [REDACTED] Interview Summary

[REDACTED]

[REDACTED] Manager [REDACTED] stated he has not personally witnessed any of the alleged conduct by Respondent. However, both Complainant 1 and Complainant 2 told him about Respondent's unwanted

conduct towards them. He also later spoke to Complainant 3 about Respondent's unwanted conduct towards her.

He stated he first heard about Respondent's conduct towards Complainant 2 when he was walking by her on the floor and she was telling another [REDACTED] that Respondent was "hitting on her and that he put his hands on her in an intimate way that was inappropriate." [REDACTED] Manager [REDACTED] stated that he spoke to Complainant 2 about what had occurred and explained to her that he was a mandatory reporter and would need to report Respondent's conduct. Complainant 2 understood and was agreeable to the report. [REDACTED] Manager [REDACTED] did not recall who he reported the conduct to, but stated it was either his [REDACTED] Manager or Human Resources. He did not recall when the conduct occurred, but stated it was probably sometime in 2016.

[REDACTED] Manager [REDACTED] stated Complainant 2 told him that Respondent came up to her and put his hand on the side of her face and around her face, in an intimate manner. According to [REDACTED] Manager [REDACTED], Complainant 2 told him that Respondent touching her in this manner made her feel very uncomfortable. She also told him that he had asked her out several times even though she let him know that she was not interested. He said "It was kind of an open secret that [Respondent] had issues with boundaries."

[REDACTED] Manager [REDACTED] stated that Respondent has a nickname of "[REDACTED]", because he like stalks people." [REDACTED] Manager [REDACTED] explained that it was not a nice nickname and he has heard people use the nickname in the past about Respondent. He stated he recalled an incident where a [REDACTED] had heard Respondent had a nickname and was not aware the nickname was not meant to be nice. As a result, she called Respondent by the nickname directly. According to [REDACTED] Manager [REDACTED], Respondent got very upset and mad when she called him by the nickname.

With respect to Complainant 1, she told him that Respondent had touched her on her hip bone area and she ended up pushing him away. [REDACTED] Manager [REDACTED] stated he became aware of what happened with Complainant 1, who was an [REDACTED] at the time, when he told her what had happened with Complainant 2 and Respondent. According to him, Complainant 1 told him that Respondent had also placed his hands on her hip in an inappropriate and unwanted manner on several occasions. [REDACTED] Manager [REDACTED] stated Complainant 1 told him it "creeped her out" and she backed away to avoid being touched any further.

When asked if he ever reported what had happened to Complainant 1, [REDACTED] Manager [REDACTED] stated he did not because [REDACTED]. As such, he made the decision to let Complainant 1 make the decision whether or not the conduct was over the line and report it.

[REDACTED] Manager [REDACTED] stated that shortly after he reported the incident between Complainant 2 and Respondent, Respondent stopped working on [REDACTED]. He stated he believed Respondent no longer worked on the unit because of Respondent's own choice. He explained that there was an incident where Respondent was scheduled to work and was taken off the schedule at the last minute. According to [REDACTED] Manager [REDACTED] central staffing may have inadvertently replaced Respondent with another [REDACTED] and it upset Respondent. He stated some time later he reached out to Respondent to see if he wanted to float to [REDACTED] again, and Respondent became upset and told him to just take him off of the whole schedule. When asked if Respondent was "banned" from working in [REDACTED], he said "We can't ban people here, if he doesn't work here it's because he doesn't want to."

Manager [REDACTED] stated he has also spoken to Complainant 3 about Respondent's unwanted conduct towards her. Manager [REDACTED] stated that sometime in the last several months, prior to the investigation beginning, Complainant 3 told him that Respondent went up to her and he hugged her. Complainant 3 told him the hugging was unwanted and made her feel uncomfortable. [REDACTED]

[REDACTED]

According to Manager [REDACTED], Complainant 3 told him that Respondent liked to hit on young women. He recalled also being told this by Complainant 2.

When asked if he was aware of any other co-workers Respondent has been alleged to have touched in an inappropriate and unwanted manner, Manager [REDACTED] stated HUSC [REDACTED] informed him that Respondent persisted on asking her out even after she let him know that his conduct was unwanted. HUSC [REDACTED] informed him that she would take care of the issue with Respondent, and that was the last he heard of it.

Manager [REDACTED] stated that Respondent did have a reputation among the [REDACTED] at the hospital for touching women. He stated "He only touches women like this, not men." When asked what "like this" means, he stated it meant "in an inappropriate way and a way that is too intimate."

Manager [REDACTED] stated he believed that Manager [REDACTED] spoke to Manager [REDACTED] regarding her concerns about Respondent and her desire to no longer have Respondent work on the unit after Complainant's 1, 2 and 3 brought their concerns to her attention.

When asked whether or not he has ever spoken to Respondent about the allegations, he stated he had not spoken to Respondent since he stopped working at [REDACTED]. He explained that Respondent was upset with him and got "pissed off because he got called off" of a shift after he had already been given it. He added "He blew up at me over the phone when he heard [his shift was cancelled]."

When asked whether or not the culture on [REDACTED] permitted a co-worker to touch another co-worker during work, Manager [REDACTED] stated that it depended on the relationship between the people and how comfortable they are with one another. His policy is to only touch people on the hand or arm "just to stay out of trouble."

When asked if there was anything else he wanted to share with the investigators before ending the interview, Manager [REDACTED] said "[Respondent] is here all the time and he's a little too comfortable here. He has an issue with boundaries." He added that he heard Respondent had been warned and counseled in the past about touching others. He said "He knows it's not acceptable."

K. Manager 1 [REDACTED] Interview Summary

[REDACTED]

In response to whether she knew any information regarding sexual harassment involving Respondent, [REDACTED] Manager 1 ([REDACTED]) that one day during a shift change report Nurse 1 ([REDACTED]) began giggling and laughing. She found Nurse 1 ([REDACTED])'s conduct disrespectful. As a result, she pulled her aside and spoke to her about it after the report was completed. Nurse 1 ([REDACTED]) told her she was laughing because of Respondent. Nurse 1 ([REDACTED]) told her that Respondent was "saying something or doing something to her". [REDACTED] Manager 1 ([REDACTED]) stated that Nurse 1 ([REDACTED]) then said Respondent had been tickling her during the report. [REDACTED] Manager 1 ([REDACTED]) stated she then informed [REDACTED] Manager ([REDACTED]) and she talked to Nurse 1 ([REDACTED]) about it later. [REDACTED] Manager 1 ([REDACTED]) estimated the incident occurred a little over a year ago.

She stated she was not aware of anything else with regard to Respondent and sexual harassment. She said that she stays away from Respondent because she had professional issues with him in the past not related to sexual harassment.

When asked if she was aware of any reputations Respondent has while at work, [REDACTED] Manager 1 ([REDACTED]) stated that she has seen him hug [REDACTED]. She stated that for instance around [REDACTED] time "they come in from vacation and they are hugging each other." She stated she does not see Respondent's hugging of others as sexual and stated it seems mutual.

In response to whether she knew anything else about Respondent's reputation, she said that Respondent "likes women, but a lot of people like women." She also said, "he's always working, working." She added that Respondent used to work "everywhere" but now he can get shifts on their unit so he picks up shifts there.

She said that when she and Respondent were in the [REDACTED] "there was maybe something to do with another [REDACTED]" and Respondent. She saw Respondent and the [REDACTED] eating together and stated that they seemed happy together. However, she did not believe anything was going on between them, but she had heard they were going out together.

She said the only time that she sees the people from [REDACTED] shift is during report time. No one from [REDACTED] shift has come up to her and complained about Respondent. She stated she was a mandatory reporter. She said that regarding the incident with Nurse 1 ([REDACTED]) she reported the incident to [REDACTED] Manager ([REDACTED]).

When asked what she would do if she heard something about sexual harassment at work, [REDACTED] Manager 1 ([REDACTED]) stated said she would do something if someone came to her. She stated that when she's heard people talking about things with Respondent, she has not wanted to know about it. She said that she doesn't pay attention to that unless someone were to come report it to her. She stated the [REDACTED] shift would report it to the [REDACTED] shift supervisors.

In response to whether she had heard anything else about Respondent, [REDACTED] Manager 1 ([REDACTED]) stated Respondent was massaging Nurse 1 ([REDACTED])'s back. She said one of the [REDACTED] managers had told her this at a meeting. She could not recall who it was. In response to how this came up during the meeting, she said she thinks she had been talking about Nurse 1 ([REDACTED]) giggling at her shift change report and someone mentioned Respondent was also seen massaging Nurse 1 ([REDACTED])'s back. She added that she does not think there is anything wrong with massaging someone back.

When asked, she said she hasn't heard anything about Respondent commenting about other [REDACTED] bodies or touching [REDACTED] on their backs or anywhere else.

She said that Respondent and the three Complainant [REDACTED] in the [REDACTED] cannot work together on shift. Since the [REDACTED] II's do the shift assignments they were informed that Respondent and the three Complainants could not work together. She said the [REDACTED] were complaining about the assignments changing. She said sometimes they had to transfer [REDACTED] to keep Respondent and the Complainants apart. According to [REDACTED] Manager 1 ([REDACTED]) the nurses did not understand why they were doing this, and they would ask, [REDACTED]

L. [REDACTED] Manager 2 ([REDACTED]) Interview Summary

[REDACTED]

[REDACTED] Manager 2 ([REDACTED]) said that Respondent had approached her and had wanted her to be his witness in this investigation. She said that this happened around the end of October 2017. She said Respondent told her that he did not do anything. She told him that she had to be neutral, so she could not be a witness for him.

Regarding her relationship with Respondent, [REDACTED] Manager 2 ([REDACTED]) said that they are coworkers; she does not associate with him outside of work. Respondent works a lot of overtime and she and Respondent sometimes have opposite shifts. She works with him every week. But, she said "it's a big unit" and I'm not [REDACTED] when I'm on. When questioned about how big the unit is, [REDACTED] Manager 2 admitted it was not very big.

In response to whether [REDACTED] Manager 2 ([REDACTED]) had ever witnessed sexual harassment-type conduct by Respondent, she said no. In response to whether she had seen him touch employees, she said no. However, she said she had seen Respondent touching employees' backs and massaging employees' backs many years ago in the [REDACTED]. She had started working in the [REDACTED] before Respondent did. She continued to work there until [REDACTED].

When asked to describe how Respondent would massage [REDACTED] backs, she said that a [REDACTED] would be talking to him and then he would massage her. She said, "but there's the consent . . . they're not telling him to stop, so..." In response to whether it was because they were not telling Respondent to stop that she thought he conduct was consensual, she said it was a long time ago when we worked in the [REDACTED]. She remembered that the [REDACTED] that he was massaging was Complainant 3.

[REDACTED] Manager 2 ([REDACTED]) was not aware of any past complaints regarding sexual harassment against Respondent.

[REDACTED] Manager 2 stated that she was not aware of any unwanted touching of the [REDACTED] in the [REDACTED] but she said if they had an issue, "they should talk to us about a complaint." In response to what [REDACTED] Manager 2 ([REDACTED]) would do if a complaint came to her, she said she would refer it to HR and notify the manager.

Manager 2 said that no one came to her with a complaint about Respondent and she does not think they went to anyone else either. In response to why she thought it might be that they did not come to her, she said, "Respondent considers the [REDACTED] as friends, and that's why he does that. He's everyone's friend."

In response to whether Respondent has a reputation at the hospital for touching women, massaging women, or hugging them, she said that he has a reputation for massaging them. In response to whether Respondent had a reputation for massaging [REDACTED] the unit, she said that she sees Respondent "bringing coffee to them [REDACTED]." She cannot remember whether Respondent had massaged anyone in the [REDACTED]. When asked, she said she had not heard Respondent compliment women on the unit about their appearance or bodies.

In response to whether she had ever heard that Respondent had been banned from another unit, she said "Yes.". She recalled [REDACTED] Manager ([REDACTED] had told her that Respondent was not allowed to work in [REDACTED] in the [REDACTED] "because ladies are complaining." [REDACTED] Manager 2 ([REDACTED] stated "this started last year". [REDACTED] Manager 2 ([REDACTED] said she had not spoken to Respondent about it and does not know if anyone else talked to Respondent about the reason he was banned.

M. [REDACTED] Manager 3 ([REDACTED] Interview Summary

Respondent directly reports to [REDACTED] Manager 3 ([REDACTED] who is responsible for writing Respondent's annual performance report. [REDACTED] Manager 3 ([REDACTED] stated he is not aware of any instances for which Respondent has been disciplined in the past.

[REDACTED] Manager 3 [REDACTED] stated that sometime in October [REDACTED] Manager [REDACTED] had a meeting with the other [REDACTED] managers and they were informed generally of the sexual harassment allegations made against Respondent.

[REDACTED] He has not spoken to Respondent or anyone else about the allegations or the ongoing investigation.

Manager 3 stated he did observe Respondent hugging and touching female co-workers on the shoulders while at work. He stated the conduct did not appear to him to make the female co-workers uncomfortable and stated “they would respond with the same level of enthusiasm and excitement” when being touched by Respondent. He added “That is just my impression. I have no idea what the women were thinking, but it did not make me feel uncomfortable when I saw it.” He stated he could not recall which specific female co-workers he saw Respondent touch.

He stated he never received any complaints about Respondent’s conduct toward his co-workers.

He does not know if any complaints were made to other assistant nurse managers in the unit.

When asked if he had heard whether or not Respondent was prohibited from picking up overtime shifts on other units, Manager 3 stated “I did hear he was not allowed to work on .” He explained that he had heard a on the unit complained about Respondent and that she was not comfortable working with him. As a result, the manager on did not permit him to take extra shifts on her unit. Manager 3 stated he had heard this over a year ago. He did not speak to Respondent about it. Manager 3 stated he also did not speak to either Manager or Manager about Respondent being prohibited from working on . He stated “That is a conversation for manager to manager. It is a sensitive topic, so I did not want to inquire into it.”

Manager 3 stated that he had overheard banter from the older in the that Respondent was “overly friendly” towards the female. He did not recall any specific comments made about Respondent or who had made them, and stated it was something he came to understand over a period of time. He stated he never had any conversations with anyone on the unit concerning Respondent being “overly friendly”.

Manager 3 described Respondent as “a very private person”. He said “I don’t know his life story, whether he is married, or has kids. Likewise, he does not inquire into my life. I really don’t know anything about him.”

N. Manager 4 Interview Summary

Manager 4 said that Respondent had approached him to be a witness for him in this investigation. Manager 4 told Respondent that he could not be his witness because he is his supervisor and needed to remain impartial.

In response to whether Manager 4 had ever witnessed inappropriate conduct by Respondent, he said that "one incident needed to be clarified". He said that sometime last year he was walking by Room of the unit. Room was dark, and he saw Respondent giving Nurse 1 a back massage. Manager 4 said, "You'd better stop it, or you'll give a bad impression." Respondent and Nurse 1 said, "Oh sorry," and they left the room. Manager 4 then told Manager about it. Manager then talked to Nurse 4 and Nurse 4 told her, "I'm a mature woman I can handle anything that's inappropriate."

In response to what Respondent and Nurse 1's relationship is like, Manager 4 said that they are close friends at work; they help each other when one is busy, stuff like that.

In response to whether he had heard of any incidences where Respondent had touched someone in an unwanted way, Manager 4 said that this incident with Nurse 1 was the only one he had actually witnessed.

In response to whether prior to Manager starting as their manager, had he noticed any inappropriate conduct by Respondent, Manager 4 said no.

In response to whether he had seen Respondent touching before that, for example massaging or tickling them, or putting his arm around them, he said that with Nurse 1 "they were just tickling each other."

In response to whether Respondent has made comments about how the look, or how beautiful they are, Manager 4 said that he hasn't heard that.

In response to what kind of person Manager 4 thinks Respondent is, he said that Respondent is sometimes hard-headed, but he does good work and he's very compliant to whatever you tell him to do. He is very helpful on the unit.

He also said that the first time Manager 4 gave Respondent an evaluation, Respondent "objected to everything". Respondent told Manager 4 that he would contest everything that Manager 4 said and would bring it to the union. In response to whether he thought Respondent tended to retaliate if someone were to say something negative to him, Manager 4 said that Respondent will tell you right then and there what he doesn't like. He has never seen him retaliate.

█████ Manager 4 █████ stated he was not aware of the actual allegations and what had happened to the Complainants.

He said he never received any complaints by Complainants 4, 5, or 6, about Respondent's unwanted behavior towards them and he does not believe they made reports to any of the

In response to why he thought that would be, he said that there was an incident between Complainant 4 and Respondent. [REDACTED]

This happened immediately before the notification of this investigation.

In response to whether [REDACTED] Manager 4 [REDACTED] had ever heard that Respondent had a reputation with younger [REDACTED] at work, [REDACTED] Manager 4 ([REDACTED]) said no. He said he had not heard of any nicknames for Respondent.

In response to whether [REDACTED] Manager 4 ([REDACTED]) had heard that Respondent was not allowed to work in other parts of the hospital, he said "Yes." He said he thinks he heard this last year from his manager, [REDACTED] Manager ([REDACTED]). About a year ago (he cannot remember exactly the date) Respondent was supposed to work in [REDACTED], and staffing sent someone else over to work instead of Respondent. Then Respondent got really mad and got in an argument with [REDACTED]. So, the [REDACTED] upstairs told Respondent he could not work there anymore. Now Respondent only works at [REDACTED]. [REDACTED] Manager 4 ([REDACTED]) said "He used to work in [REDACTED], [REDACTED] all the [REDACTED] except [REDACTED] but now he doesn't work in the other units." It

was [REDACTED] Manager 4 [REDACTED]'s impression that Respondent was not working at [REDACTED] anymore because he did not want to.

O. **Nurse 1 [REDACTED] Interview Summary**

[REDACTED]

[REDACTED]

She said Respondent used to work with Complainant 3 and Nurse 1 [REDACTED]. She stated Complainant 3 and Respondent had worked together for years, so when Respondent came to her unit to pick up shifts he was "really friendly". She stated "he settled in with us right away."

In response to Nurse 1 [REDACTED]'s relationship with Respondent, she said that initially she sensed a coworker-like friendliness from him, but the more she worked with him, the more his demeanor changed.

She said there was an incident when Respondent touched her back inappropriately. She believed it happened approximately a year ago. She stated that she and Respondent were by the charge nurse desk, and [REDACTED] Manager [REDACTED] was giving them a report. Respondent walked in the room, and as he was walking past her to get a chair, she said "he just kind of touched, caressed [her] back in a very inappropriate way. It wasn't just a tap on the shoulder, he went down [her] back with his hand." She said that Respondent touched her "down a little below my neck and ran his hand down my back". She said that he did not touch her butt— she was sitting in a chair when he did this, and Respondent could not physically have touched her butt. She said the way Respondent touched her wasn't a firm touch, it was light. She said, "it felt very sexual," and "it made [her] so uncomfortable, [she] was probably turning red."

Nurse 1 [REDACTED] said that she can tell the difference between a casual touch and running your hands down someone's back in a sexual way. She said that she had been sitting down and was leaning forwards in her chair when he when Respondent touched her back. She said he went "pretty far down (her back), he probably went as far down as he could go." She thinks that AN Manager (Blue) may have seen this happen, because she was sitting close to him ([REDACTED] Manager [REDACTED]) when Respondent touched her.

Nurse 1 [REDACTED] said that at the time she didn't want to say anything; she didn't know how to react. She wanted to wait to talk to Respondent about the touching when it was a better time. She said that a few hours later [REDACTED] she talked to Respondent about it. She and Respondent were in a hallway on the floor and Respondent was behind her. There was no staff around at the time, so she thought she could express her disapproval of the way Respondent had touched her. Nurse 1 [REDACTED] said she told Respondent, "I don't like the way you touched me, and I'd appreciate that you talk to me without touching."

In response to whether Respondent had said anything to Nurse 1 [REDACTED] when she talked to him about it, she said no. She said that Respondent seemed to be "taken aback," he just had a blank look on his face, and she doesn't remember him apologizing or saying anything to her in response. Then she said Respondent stopped talking to her for the rest of the [REDACTED]. She said it was okay with her not to talk to him [REDACTED] because she was really angry at him; she was "so disgusted" with him. She said she felt

embarrassed, like she maybe had done something to invite the behavior, maybe she had done something wrong.

However, after that, Respondent didn't talk to her for about a month. She had tried to stay away from him and he was not communicating with her. Then one [REDACTED] he picked up a shift on her floor, and she was forced to talk to Respondent for some reason (she thinks maybe they were eating), and Respondent was abrupt and very unprofessional with her. She said he gave her a "very bad attitude," to the point where she needed to approach him and talk to him. She felt like his behavior was in "retaliation" to her telling him not to touch her.

Nurse 1 [REDACTED] elaborated that her first few encounters with Respondent after she had spoken to him about the touching were very awkward for her. Respondent wouldn't make eye contact with her or talk to her. Then Respondent had a miscommunication with [REDACTED] Manager [REDACTED] and then Respondent stopped coming to their floor.

Nurse 1 [REDACTED] said that she did not feel "threatened" by Respondent's behavior because she had been in a place with her coworkers when he touched her. However, she said she felt embarrassed. She said that when she told him not to touch her anymore he made her feel like she had done something wrong. His demeanor and the way he acted around her after the conversation had made her feel "threatened" in another way, but she did not feel "threatened" for her safety.

She said that the impact this behavior had on her working environment made it hard for her to work around him. She said that he was not their regular staff member, and she would only work with him when he "floated" to the unit, but she worked with him quite a bit. She said she couldn't ask him for help if she needed something from him. [REDACTED] she said she needed something from him during her shift, but she didn't feel like she could talk to him. There were a few instances when she was forced to talk to him and he wouldn't even make eye contact with her. She said his demeanor towards her "was disrespectful and disapproving," it was uncomfortable for her to talk to him. She said he made her feel like she had done something wrong.

She said she finally talked to a coworker, HUSC [REDACTED] about what had happened, and HUSC [REDACTED] told her that something similar had happened to her. HUSC [REDACTED] told Nurse 1 [REDACTED] what Respondent was doing to her and then Nurse 1 [REDACTED] realized that "this is a pattern of him." She said that initially this situation with Respondent was very embarrassing, and she was questioning herself, like what did she do wrong, and then she saw Respondent do something similar to a few other female coworkers, and then she realized that this wasn't the case.

Regarding what HUSC [REDACTED] had told her, Nurse 1 [REDACTED] said that HUSC [REDACTED] told her that Respondent had been asking HUSC [REDACTED] to give him her schedule so he could take her out, "on a weekend trip, to Tahoe or somewhere." Nurse 1 [REDACTED] said that HUSC [REDACTED] so Respondent wanted to know when she was free [REDACTED] so he could take her out. HUSC [REDACTED] told Nurse 1 [REDACTED] that what Respondent had said to her made her very uncomfortable. Nurse 1 [REDACTED] said there may have been more that happened to her, but that is what Nurse 1 [REDACTED] remembers.

In response to whether Respondent had ever talked to Nurse 1 [REDACTED] in a similar way, Nurse 1 [REDACTED] said no. In response to whether Respondent had ever given Nurse 1 [REDACTED] a massage, she said that

Respondent might have done so, but she said if he did it was probably during the initial days that they worked together.

In response to whether she had observed Respondent behave similarly toward other coworkers, she said “Yes”. She said that this had also happened to Complainant 3. She said that Complainant 3 and Respondent had worked together before. Nurse 1 [REDACTED] said she had seen “him (Respondent) get way too close to her (Complainant 3), like really close to her.” She said, “he’d hug her (Complainant 3) several times.” She remembers that Respondent would sometimes hug Complainant 3 “from the back.” One time, Nurse 1 [REDACTED] said that she had been walking when she saw Respondent hugging Complainant 3 from the back, and then Respondent “smelled her (Complainant 3’s) hair.” Nurse 1 [REDACTED] said that Respondent then commented on how good Complainant 3’s hair smelled. When this had happened, Nurse 1 [REDACTED] had found it odd, but at the time, she was new and she did not know what Respondent and Complainant 3’s relationship was like. She knew that Complainant 3 and Respondent had known each other for a long time, however, she said an outsider would have thought it “looked very intimate, what he was doing to her.” She said to her, it would have looked like maybe they were having an affair. She thought that this was very inappropriate behavior from a male co-worker; that’s why it stood out to her.

In response to what she had done when she saw this, Nurse 1 [REDACTED] said that she did not stop or stay there to see the rest, she just observed it and kept walking. She said this happened before Respondent had touched Nurse 1 [REDACTED]’s back.

She said that those two instances, where Respondent touched her back and where he hugged Complainant 3 were the ones that really stuck out to her. She said that this kind of behavior may have happened to other coworkers as well, but she did not think about it much at the time.

Regarding whether Respondent has a reputation at the hospital, she said that all she knows is that he was “money hungry” and “working like crazy”. That and he had a reputation for “always looking for a date and hitting on them (women) constantly.” She said that in every unit Respondent “floats” through he looks for available, single women. She said she did not know whether Respondent had any nicknames at the hospital.

In response to whether there was anything else Nurse 1 [REDACTED] had heard about Respondent’s behavior, she said that she had heard that Respondent had hit on a girl from [REDACTED] a while ago; she thought this was maybe in 2014 or 2015. She said that she was not sure who the girl was or if she was receptive to the behavior or not.

She said that Respondent kept working at [REDACTED] for maybe a few more months after Respondent had touched Nurse 1 [REDACTED]. In response to why Respondent stopped working at her unit, she said she had heard that Respondent and [REDACTED] Manager [REDACTED] had got in a miscommunication, and because of that, Respondent would not come back to their unit. She said she had been “happy to hear that he wouldn’t be coming back.”

[Follow-up interview December 21, 2017]

After her interview, Nurse 1 [REDACTED] reached out to Investigators and said she had remembered something that had happened that she had forgot to mention. During a follow up interview on December 21, 2017, Nurse 1 [REDACTED] stated that around 10 to 11 months prior to the interview, she had moved into a new

apartment and Respondent had shown up to her house with Nurse 2 () who was one of her good friends. She said they (Respondent and Nurse 2 ()) had dropped off a couch for Nurse 1 () that Nurse 2 () was getting rid of. Nurse 1 () said that when Respondent showed up at her house, she was surprised that he was there. She said at the time, Nurse 2 () was having spousal issues, and this is why she thought to mention this to Investigators. She said Respondent “has a tendency to hit on people who are single or having spousal issues.”

P. HUSC () Interview Summary

()

In response to whether Respondent ever touched her in a way that made her feel uncomfortable, she said “Yes, plenty of times.” She said there were times when Respondent would come and say hi to her, and he would touch her below where her hips are. Or, he’d rub her back in a “lingering way,” and he would put his hands on her “down too low, like where [her] love handles are.” She said he would hug her and touch her “too low.”

She said that she and Respondent would always joke about how they should go on a trip—“this was a joke.” But Respondent would repeatedly ask her to go on trips with him. He would make comments like, “We should go somewhere for a weekend, we can go anywhere you want to go.” And she would say, “No, I don’t like you like that, I don’t want to go on a trip with you.” She said it was her impression that Respondent was asking her on a date when he asked her to go on trips with him. She said she rejected him around three times. She said that one time Respondent found out that she was going on a trip to () and he said, “Oh, we should go to (). You should dance for me.” She said, “He took it farther than it needed to go,” she was just talking about going to (). In response, she said “No, I don’t want to go on a trip with you. I don’t want to go on a trip with you ever, not ever.”

Respondent also asked for her work schedule, which she refused to give him. She thinks he asked for her work schedule, so he could figure out when she was off work, so he could plan a trip with her. One day she overheard Respondent talking to a patient and saying, “Oh, [HUSC ()] doesn’t want to go with me on a trip.” When HUSC () heard Respondent say this, she replied, “What?” And Respondent told her, “You don’t want to go on a trip with me and you don’t want to give me your work schedule.” She said, “I don’t want to go on a trip with you, I don’t think of you that way, and I’m not giving you my work schedule.” After that Respondent was mad at her and he didn’t talk to her for a few days. She said she talked to () Manager () about this. In response to whether Respondent’s behavior had impacted her work, she said that she continued to do her work, but that “it made [her] feel uncomfortable.”

She said that Respondent used to pick up a lot of shifts at her unit but does not anymore. In response to why he did not pick up shifts there anymore, she said one time, two of the () wanted to work overtime and Respondent did as well. () Manager () spoke to Respondent over the phone and Respondent said () Manager () had canceled him from picking up a shift there. Respondent was angry, and after that he never came to their unit again. But, she said that () Manager () did not cancel Respondent, Respondent just thought he did.

She said that she did not see Respondent give back massages. In response to whether she saw Respondent hug people, she said "Yes, almost every time that he would come up on the floor he hugged me." She said one time she was behind a desk and Respondent came up to her to say hi to her. He said, "Oh, you didn't say hi to me," and went to hug her. She said she was standing up when Respondent hugged her, and his hand went to her hip, "down too low." She kind of backed away from him.

In response to whether Respondent had a reputation at the hospital, she said "Yes, he flirts with all of the women. He like just flirts with them, is overly friendly, or will hit on them." In response to whether she saw Respondent do these things with anyone else, she said yes, "he always does that." In response to who Respondent "did these things with," she said Complainant 3 had said that Respondent "has always done that and had done that to her (Complainant 3)."

She said Respondent had also done that with Nurse 1 [REDACTED]. She said Respondent touched Nurse 1 [REDACTED]s back one day the way she (HUSC [REDACTED]) had described. Nurse 1 [REDACTED] had told Respondent not to touch her like that, and then he didn't talk to her for a month. HUSC [REDACTED] said she found this out from Nurse 1 [REDACTED] when the two of them had been talking about how Respondent had touched HUSC [REDACTED]

Q. Nurse 1 [REDACTED] Interview Summary

[REDACTED] In response to whether Respondent had asked Nurse 1 [REDACTED] to be a witness for him, she said Respondent listed her as a witness because they are "good friends". She stated that Respondent did not tell her about this (the investigation).

Respondent is her coworker. [REDACTED] Regarding her relationship with Respondent, Nurse 1 [REDACTED] said that they (she and Respondent) are "friendly with each other." She described Respondent as being "helpful, good to work with, and great with [REDACTED] patients." Respondent is very friendly and doesn't judge her, and while there are "some catty people" who she works with, Respondent is not like that. In response to whether she and Respondent have a relationship outside of work, Nurse 1 [REDACTED] said that they just hang out at work.

In response to whether she had a conversation with [REDACTED] Manager [REDACTED] regarding an incident where Respondent was apparently tickling or touching her, Nurse 1 [REDACTED] initially denied that she had had this conversation with [REDACTED] Manager [REDACTED]

When the investigators asked this question again, Nurse 1 [REDACTED] said that there was one time when [REDACTED] Manager [REDACTED] confronted her about him. She explained that Respondent had made a joke next to her while AN Manager 1 [REDACTED] was making a report to them. She said that after Respondent made the joke the two of them giggled and then [REDACTED] Manager 1 [REDACTED] talked to Nurse Manager [REDACTED] who then talked to her about it. In response to whether, at that time, Respondent was tickling her or touching her shoulders, Nurse 1 [REDACTED] said that Respondent he may have touched her shoulders. In response to whether Respondent ever touched her, Nurse 1 [REDACTED] said "No."

In response to whether [REDACTED] Manager [REDACTED] had talked to her about this touching being inappropriate in the workplace, Nurse 1 [REDACTED] initially said no. After being asked this question again by the investigators, she said that [REDACTED] Manager [REDACTED] had talked to her about the incident and asked her if she had felt "sexually harassed." In response to why she thought [REDACTED] Manager [REDACTED] would ask her that,

she said that the [REDACTED] Manager 1 ([REDACTED]) thought that she and Respondent were flirting. In response, Nurse 1 ([REDACTED]) told [REDACTED] Manager ([REDACTED]) that she was a grown woman and that she could take care of herself.

She said that [REDACTED] Manager 1 ([REDACTED]) was “not a big fan of mine”. In response as to why that was, Nurse 1 ([REDACTED]) said that when Respondent had made a joke and they were laughing, [REDACTED] Manager 1 ([REDACTED]) thought they were laughing at her.

In response to whether she had ever heard [REDACTED] complain about Respondent touching them, she said that “good friends talk about him in a good way.”

She said that some people on the unit are not big fans of Respondent. In response to what she meant by that, Nurse 1 ([REDACTED]) said that “there are some catty girls on the unit that gang up on people,” and she’s “heard from around that they’re not fans of [Respondent].” In response to why that would be, she said that she just knows that those people were not really friends with him. In response to who those people were, Nurse 1 ([REDACTED]) said they were Complainant 4 and Complainant 6.

In response to whether Respondent gives Nurse 1 ([REDACTED]) massages at work, she said that he used to give her massages, but not anymore. She said that it stopped maybe 6 or 8 months ago. In response to why Respondent stopped giving her massages, she said that Respondent had commented to her that “people were probably taking this the wrong way and that they shouldn’t do this.” In response to whether Respondent had ever massaged her in a dark room, she said no.

In response to how Respondent goes about massaging her, she said that Respondent would say something like, “Hey, how’s your [REDACTED] going? And then he like massages me. He just massages me on my shoulders.” She stated that she gives Respondent massages, too. In response to how Respondent would know that she was okay with him massaging her shoulders, Nurse 1 ([REDACTED]) said, “I would tell him (Respondent) if he had crossed the line.” In response to what “crossing the line” would be, she said, “saying inappropriate things.” She stated that Respondent “used to give the other girls massages . . . he’s really friendly.”

In response to whether Respondent has a reputation in the hospital, she said she has heard some things from the [REDACTED] but tries not to judge in that matter. She stated, “our unit is petty. She said that “mostly the [REDACTED] say that he is inappropriate and makes sexual comments.” In response to whether there was anything those [REDACTED] would say about Respondent, Nurse 1 ([REDACTED]) said they would say things like, “Oh, [Respondent], be careful, he has a reputation about making sexual remarks.” She said Respondent did not ask other [REDACTED] on dates or anything like that. In response to whether Respondent had nicknames at work, she said no.

In closing, Nurse 1 ([REDACTED]) said that Respondent is a nice guy, she said, “I feel like people took it the wrong way.” She said that no one ever confronted her or asked her about this kind of thing. She said she thought Respondent’s “coworkers were kind of out to get him, probably.”

R. Nurse 2 [REDACTED] Interview Summary

[REDACTED]
[REDACTED] She stated that she was aware of the nature of this investigation. When asked, she denied that Respondent had asked her to be a witness for him. However, she stated that she had told Respondent she would be interested in speaking with the investigators.

In response to how often she works with Respondent, she said she works with him “quite often,” as “he works pretty much every day,” while she works three nights per week. In response to what she knows about Respondent, Nurse 2 [REDACTED] said that she has worked with him for 4 years, and he is a good friend of hers. She stated that Respondent works all the time, is an excellent nurse, and is very helpful.

_____ In response to the nature of Respondent's relationship with her, she said they are friends at work, but not outside of work. When asked, she denied that they had ever dated or that he had ever asked her out on a date.

Nurse 2 () heard about this investigation because Respondent came to her one day and explained what had happened. Respondent looked like he was trying not to cry when he told her. He told her that about a week prior to receiving notification of this investigation, Respondent had written a report on Complainant 4. She stated Respondent told her that Complainant 4 then made a complaint against him. Regarding what she thought the complaint entailed, she said Complainant 4 and Complainant 6 had said that Respondent had touched them on their backs, and they (Complainant 4 and Complainant 6) had thought it was inappropriate.

Nurse 2 [REDACTED] said that Respondent “will put his hand on your shoulder when he’s talking to you,” but she said, “he’s not inappropriate.” After working with him for 4 years, she has never seen an issue with him. However, she said that she has seen issues with Complainant 4 about other things. In response to what those other things were, she said that the [REDACTED] “have had serious problems with Complainant 4,” and have tried going to [REDACTED] Manager ([REDACTED]) about these issues.

In response to whether Respondent had a reputation at the hospital, Nurse 2 [REDACTED] said his reputation is that he is “he’s an excellent clinical nurse, a great resource,” and he’s worked there for a long time. In response to whether she knew of any nicknames for Respondent, she said no.

In response to whether Respondent picks up shifts in other parts of the hospital, Nurse 2 [REDACTED] said that Respondent works on other units occasionally, but “tries to stay there at the [REDACTED]. In response to whether Nurse 2 [REDACTED] had ever heard that Respondent had been banned from working in any of the other units at the hospital, she said no.

When asked, Nurse 2 [REDACTED] stated that she never heard or saw anything about Respondent touching any of the [REDACTED] inappropriately. When asked, she denied hearing that other [REDACTED] had described Respondent as “creepy.” In response to whether she had ever seen Respondent massage people at work, she stated that he had rubbed her shoulders for her one [REDACTED]. She said she was “glad for that”, because she was hurting at the time. She stated that she would say something if it made her feel uncomfortable.

In response to how it was that Respondent began to massage her shoulders, Nurse 2 [REDACTED] stated that she had asked him to: Respondent had been walking by and rubbed her shoulders, “just on the top.” She

volunteered, “He would put his hand on my shoulder or back,” but “it’s a cultural thing,” with him. In response to what culture she was referring to, she said [REDACTED]. She said in [REDACTED] “they put their hand on your shoulder when they talk.”

In response to whether she had seen him touch the other nurses, she stated she saw him do that “once in a while.” In response to where she had seen Respondent touch the other [REDACTED] she said “sometimes it’s an elbow, sometimes it’s the mid back, or the ‘flank’ area, or shoulder, and it’s just very light, and he leans in to show that he’s listening.” She stated that it is obvious that when he does this the gesture is, “I’m listening to you.” In response to what she meant by the “flank” area, she said it is a medical term for the mid back. In response to whether she had seen him touching anyone on the low back, she said that the low back could be considered part of the “flank” area, depending on how you look at it.

When asked, she denied seeing Respondent touching anyone else, and denied seeing him touch anyone on the waist. She denied ever hearing anything about Respondent acting this way with someone else.

In response to what Respondent told her about the report by Complainant 6 and Complainant 4, she explained that about a month prior, Respondent said to Nurse 2 [REDACTED] “Do you feel uncomfortable if I touch your shoulder or anything?” And Nurse 2 [REDACTED] said, “No, I feel like you’re saying, ‘I’m listening to you.’” Respondent then explained what had happened with Complainant 6 and Complainant 4 and what they had said; she said, “it would be hard to keep things in”. She told Respondent, “I never felt uncomfortable; you’re an awesome nurse,” she couldn’t have done things without him. She stated, “Poor guy. It’s gotta hurt, you know?” Nurse 2 [REDACTED] then reminded Respondent that he had written up Complainant 4 the week before, and Respondent said, “I know.” She said that Complainant 4 and Respondent had had some issues in the past.

In response to the nature of her relationship with Complainant 4, Nurse 2 [REDACTED] stated that Complainant 4 “can be pretty mean if she wants to.” In response to what she meant by this, she said Complainant 4 would “talk down on the nurses around her,” saying things like, “Can you believe that idiot?” She remarked, “She (Complainant 4) can be a bit of a bully, honestly.”

In response to the nature of her relationship with Complainant 5, Nurse 2 [REDACTED] stated that Complainant 5 had just left, and was a nurse there for [REDACTED]. She stated that Complainant 5 is a really good [REDACTED]. She stated, “[Complainant 5] has yelled at [Respondent] before.” In response to whether Nurse 2 [REDACTED] had ever heard that Respondent had touched Complainant 5 inappropriately, she denied hearing anything like that.

In response to what Respondent said regarding Complainant 6’s complaint, Nurse 2 [REDACTED] said it was the same as Complainant 4’s— Respondent “had put his hand on their (her and Complainant 4’s) lower back, and it had made them uncomfortable.” In conclusion, she stated, “I can’t believe this, it’s sad.” She wishes that everyone could just come to work. She remarked that “It’s like kindergarten in here” sometimes.

S. Nurse 3 [REDACTED] Interview Summary

[REDACTED]

In response to whether Respondent had mentioned the allegations against him to her, Nurse 3 [REDACTED] said “Yes”. She stated that Respondent told her a couple nurses had filed a sexual harassment complaint against him. She said Respondent did not talk to her about the details, but he mentioned that two

██████████ were involved, Complainant 4 and Complainant 5. She said that Respondent told her just to tell people, if asked, what she saw and how she felt about it.

Nurse 3 () described her relationship with Respondent as friends and coworkers. She stated they are not friends outside of work, but Respondent and her both work a lot of overtime together and are “very close friends”.

Nurse 3 () stated “[Respondent] has a really good relationship with other , male or female, doesn’t matter.” She said that she hasn’t “seen anything really feel like sexual harassment”. Nothing has made her uncomfortable that he has done with others.

In response to whether Respondent often hugs people at work, she said yes. She stated, "Hugs are really common at work," and if she sees someone who works with her, she will hug them, male or female. She stated, "[Respondent] will do the same thing, he will hug every single day, people who he knows; he's been working for UCD for a long time." Nurse 3 () stated that she is from () and at the place she worked in () they would "hug everyone." She said, "[Respondent] is like that here; he knows everybody. He hugs them." When asked, she stated that she had never seen Respondent come up behind anyone to hug them.

In response to whether it is common that people give each other massages, she said that “sometimes [REDACTED] will ask another [REDACTED] to massage the shoulders”. In response to whether she had ever seen someone give a massage to another person who did not ask for it, she said that she will do that sometimes. She said that she gives massages to some people, and when she feels really tired, or has a strain she will ask for a massage. She has seen [REDACTED] massaging each other’s shoulders; and “other people do it too.” But, she stated that if a girl doesn’t ask Respondent “he wouldn’t do that”. In response to whether she had ever seen Respondent massage someone who did not ask him to do so, she said she did not know.

In response to whether she had ever seen him massage Complainant 4 or Complainant 5, she said no. In response to whether she had ever seen Respondent massage Nurse 1 (██████) she said yes. In response to whether Respondent would ask for permission when he massaged Nurse 1 (██████) she stated that “[Nurse 1 (██████) asks first”. In response to whether Nurse 3 (██████) was a “mandatory reporter,” she said that she did not understand what that was. After explaining to Nurse 3 (██████) what a mandatory reporter is, she said she did not know.

Regarding Nurse 3 [REDACTED]'s relationship with Complainant 4, she said she is not very close to her.

In response to the nature of her relationship with Complainant 5, Nurse 3 [REDACTED] stated that Complainant 5 used to work [REDACTED] there. She said that she had heard a lot of complaints about Complainant 5 as a [REDACTED] [REDACTED].

As to her relationship with Complainant 6, Nurse 3 [REDACTED] stated that she is not very close to her, but they help each other at work if they have to work together. She has never seen Complainant 6 and Respondent interact.

In response to whether she was surprised when she heard that Complainant 5 and Complainant 4 had complained about Respondent, she said yes. [REDACTED] and Respondent has a “warm heart to the patients”; “I feel like they don’t like each other.” Regarding both of these Complainants, she stated she did not understand how sexual harassment would happen between either of the Complainants and Respondent because “they would have to touch each other in a physical way, and they (Complainants) don’t like [Respondent]”.

In response to whether Nurse 3 [REDACTED] thought that if someone said something like “you’re beautiful” or “you have a nice body,” or “you have a nice chest” it could be sexual harassment, she said that to her, telling someone “you’re beautiful” would not be sexual harassment, but the other statements were “kind of like harassment.”

In response to whether Respondent makes comments to female [REDACTED] about their appearance or calls them beautiful, she said that she could not recall. She denied that Respondent had ever asked anyone out who he works with on a date. She said that she and Respondent just talk about work together, “not his private life,” so she was not sure whether he has asked others out or has complimented them on their appearance.

In response to whether she had ever heard that Respondent could not work in another part of the hospital, she said yes. A coworker told her that Respondent cannot go to [REDACTED]. She did not ask why. In response to whether she had ever seen Respondent get mad at work when someone said something against him, she said no, “I haven’t seen that.”

T. Nurse 4 [REDACTED] Interview Summary

[REDACTED]

She described her relationship with Respondent as co-workers. She said, “We only speak at work.” When asked if Respondent has ever done anything at work she considered inappropriate or sexual in nature, she stated he has made her uncomfortable on many occasion, but she did not keep a record of it. When asked if she could give any generalities about anything in particular, Nurse 4 [REDACTED] stated that Respondent pinched her on her side. She stated would just be walking by him and Respondent would reach out and pinch her. She stated she told him to stop pinching her. She stated Respondent did not really react. She stated the conduct was within the last year, but she could not recall the specifics of when.

Nurse 4 [REDACTED] was asked if Respondent ever blocked her path. She replied that she had heard that story, and she had been asked about that by Complainant 4, but she did not have an independent memory of it happening, so she did not want to say it happened. She stated it could be her hearing it from someone else and adopting the memory.

When asked whether Respondent ever touched her other places without her consent other than her side, she stated he would also touch the side of her waist without asking. She stated Respondent would give back massages to the [REDACTED] but she did not remember if he asked or not. She added that Respondent has

made her feel uncomfortable in the past when he has been too flirty and too touchy.

Complainant 4 did approach her about the case before she filed a complaint, but she was not sure about her memories, so she did not want to come forward. She stated she does have a clear memory about being pinched, being touched on the side, and feeling Respondent making her feel uncomfortable.

She stated in December of 2015, she wore a [REDACTED] dress to the office [REDACTED] party and when Respondent saw the photos he commented afterwards. He told her how good she looked and commented several times about her how her [REDACTED] looked. She thought it was inappropriate and it made her feel uncomfortable.

U. Nurse 5 [REDACTED] Interview Summary

[REDACTED]

Nurse 5 [REDACTED] knows Respondent from working with him on [REDACTED] shift at the [REDACTED]. She stated that Respondent did not ask her to be a witness for him. She said that she last spoke to Respondent a while ago, and that they had not discussed this investigation.

Regarding Nurse 5 [REDACTED]'s relationship with Respondent, she said Respondent is a coworker who she met at the [REDACTED]. In response to how often she worked with Respondent, she said she worked on the [REDACTED] 3 to 4 days per week, and it was "pretty random" the overlap between Respondent and herself.

In response to her relationship with Complainant 4, Nurse 5 [REDACTED] said that she has known Complainant 4 for a long time. They met on the [REDACTED], they are good friends and she thinks Complainant 4 came to her [REDACTED]. She also said she recommended that Complainant 4 apply to the [REDACTED] and recommended her for the [REDACTED] position there.

In response to what she thought this investigation was about, she said that she had a suspicion that it might be involving Complainant 4 and Respondent. She said that Respondent and Complainant 4 had not been getting along at work, and the animosity between them was "palpable." She said that over time Respondent and Complainant 4 did not get along. They weren't "loud or obnoxious or anything like that," but she (Nurse 5 [REDACTED]) did not think that there was mutual respect between them. She said that the relationship between Complainant 4 and Respondent was not always like that; she is not sure what changed the relationship.

She has her own opinions about why it may have changed; she thinks they both have strong personalities that rubbed up against each other. [REDACTED]

[REDACTED]

In response to whether Nurse 5 () recalled an incident when she (Nurse 5 () was instructing Complainant 4 about something and Respondent went behind her (Nurse 5 () and he gave a “thumbs up” sign, Nurse 5 () said she did not recall that and would not recall something that minor.

In response to whether Nurse 5 () remembered a time when Nurse Manager () had reprimanded Complainant 4, Nurse 5 () said that one day when she (Nurse 5 () was charge nurse she had stepped away from her desk and Complainant 4 was looking up other people’s salaries on the unit. She said that Complainant 4 was sharing the salary information she found with whoever was there at the time. Nurse 5 () said that she did not talk to Complainant 4 about this, but she did inform Nurse Manager () that Complainant 4 had done this. She had thought that Nurse Manager () should know about it, since she had been sharing sensitive information and she wanted Nurse Manager () to be aware of this if someone complained about Complainant 4’s sharing of the information.

In response to whether there was a time when Nurse 5 () was working as a charge nurse and Complainant 4 had reassigned her, she said yes, she remembers that. She said this happened during one of () shifts in the () around mid-October 2017. When Nurse 5 () arrived at the hospital, Complainant 4 saw her and asked her what she was doing there, and Nurse 5 () said she had been asked to be (). Apparently, Complainant 4 had called Nurse 5 () while she (Nurse 5 () was driving to work and had called her off, then Complainant 4 had called Complainant 5 to come in to be () instead of Nurse 5 (). The problem was that Complainant 4 was not () the floor that day, and this caused an issue. Complainant 5 had also showed up to be () that () and () Manager 1 () had to talk to Complainant 5 about it. This incident had caused confusion and Complainant 4 was not supposed to be doing that.

In response to whether Complainant 4 had ever talked to Nurse 5 () about Respondent making advances on her, she said Complainant 4 never told her that directly. But, she said the () is a small unit, though, and people talk, so she may have heard indirectly that Complainant 4 had been talking about that. In response to whether Nurse 5 () had ever seen Respondent do something like that, she said no.

In response to whether Nurse 5 () ever saw or heard Complainant 4 complain about a time when Complainant 4 had been precepting as a new () in the () and Respondent had come up to her and commented about Complainant 4’s eyes, she said no. Although, she said Complainant 4 does have beautiful eyes, and Complainant 4 has had others in the hospital ask her out on dates.

In response to whether she had ever seen Respondent touch the other female () on the unit, she said yes, she had, “but it was not inappropriate,” and “it was not anything that would make her feel “gross” as a woman.”

In response to whether she had heard about Respondent making advances towards Complainant 5 or Complainant 6, she said no.

When asked, she said that Respondent never did anything like that to her. In response to whether Respondent would massage people on the unit, she said yes. She said she was guilty of being one of the people who he massaged, because she would ask him to massage her. She denied seeing Respondent massage someone without asking. In response to whether she had heard Respondent talking about ()

bodies or their appearance, she said no. In response to whether she had seen Respondent touch Nurse 1 (█) she said no.

In response to whether Nurse 5 [REDACTED] thought that Complainant 4 was a truthful person, she said, “to be honest, she isn’t.” She said she had discovered this as a friend and colleague of Complainant 4’s over time. She said that Complainant 4 is a good [REDACTED] but if a situation involves criticism, “things can get changed.” [REDACTED]

She said there was an impression she got that Complainant 4 was “soliciting others” to be included in this. In response to how she knew that Complainant 4 was doing that, she said she had just heard others talk about this. In response to whether she thought that Complainant 4 would fabricate sexual harassment allegations against Respondent, she said that she did not know, because she did not know what happened.

In response to whether she thought that Respondent was a truthful person, she said she had never known Respondent to fib or stretch the truth, but she said that she has a work relationship with Respondent, whereas she is closer with Complainant 4 and is on [REDACTED] with her so she knows how she is.

V. [REDACTED] Nurse [REDACTED] Interview Summary

He knows Respondent and works with him maybe once or twice a week when he covers a shift. [REDACTED] Nurse 1 knows Complainant 3 as an [REDACTED] II in [REDACTED] He works with her for maybe an hour, 2 hours, or 6 hours at a time.

In response to whether [REDACTED] Nurse 1 has ever seen Respondent approach Complainant 3 and hug her, he stated that most of the time Respondent is a “very friendly person”. He said “he’s very cool with the other lady [REDACTED] He said that Complainant 3 and Respondent “talk” because they worked together before.

Regarding whether he recalled a [REDACTED] when Complainant 3 had been working as a roaming [REDACTED] and Respondent had gone up to Complainant 3 and hugged her, [REDACTED] Nurse 1 said no. In response to whether he had ever seen Respondent hug Complainant 3 and her telling Respondent to stop, he said, “No, I don’t know”, “[Respondent] is friendly with female [REDACTED] Regarding what he meant by that, [REDACTED] Nurse 1 said that Respondent “helps around, he’s a team player, and a helpful guy”. He repeated that Respondent is “very friendly”. He denied ever hearing female [REDACTED] complaining about Respondent touching them. In response to whether he has seen Respondent hugging the [REDACTED] he said “yes, people hug here.”

In response to whether Respondent has any nicknames, [REDACTED] Nurse 1 said that he calls Respondent by his name or calls him "[REDACTED]" which means "[REDACTED]" When asked, he denied hearing any of the female [REDACTED] describe Respondent as "creepy."

Regarding whether he knew if Respondent and Nurse 1 () have a consensual relationship outside of work, he said he was not sure. He said that Respondent is close to everyone, like Nurse 1 () and Nurse 3 ().

W. HUSC () Interview Summary

()

()

In response to the nature of her relationship with Respondent, HUSC () said that they were platonic friends, but not really coworkers, since they did not work together usually. She stated that Respondent is a “good guy,” and that they would talk about (), that’s what they mostly spoke about. When asked, she denied that they had ever dated or that he had ever asked her out or asked for her phone number.

She said that she was shocked when he told her someone might contact her regarding sexual misconduct. She stated that she doesn’t see him as a person like that and she trusts him with (). She has seen him interact with other female () or staff members and he talks to them, but she has not seen him interact with them in “that manner” (inappropriately). She said that both male and female () rely on him a lot, and he is always willing to help. He has been at UC Davis for many years and knows a lot of people.

In response to whether Respondent hugs HUSC () when he greets her, she said that she hugs him. She said that he would ask how () were, and that she doesn’t display affection very much. They would walk into the hospital together and would then go to their respective floors to work.

In response to whether he had massaged her neck or back, she said no, they had boundaries. She said that she had not seen him massage others.

VI. Analysis

A. Credibility Findings

1. Complainant 1

We found Complainant 1 generally credible with the information she provided.

On the one hand, Complainant was a reluctant witness and indicated that she did not come forward on her own to make a formal complaint against Respondent. She only became involved in the investigation after her name was provided to [REDACTED] Manager [REDACTED] by Complainant 3. Accordingly, when Complainant 1 met with Investigators, she stated she was surprised that she became involved in this investigation and was hesitant to provide information.

Moreover, during her interview, Complainant 1 stated, “I don’t want to be the one responsible for a person losing their job.” We found it likely that Complainant 1’s desire to spare Respondent’s job may have impacted her desire to be forthcoming in providing details about Respondent’s conduct towards her and others. For instance, Complainant 3, who we find generally credible, stated she had witnessed Complainant 1 tell Respondent not to touch her, something Complainant 1 denied. In addition, Complainant 1 was reluctant to provide information regarding Respondent’s conduct towards others. When Investigators asked Complainant 1 for more detail regarding Respondent’s touching of Complainant 3, Complainant 1 stated, “that is her story to tell.”

Yet, Complainant 1 did provide information concerning Respondent’s unwanted and inappropriate conduct towards her and the evidence she provided was supported by Complainant 5, Complainant 3, and [REDACTED] Manager [REDACTED]. Additionally, the type of touching Respondent reportedly engaged in towards Complainant 1 was supported by both Nurse 1 [REDACTED]’s and HUSC [REDACTED]’s own experiences with Respondent.

We did consider Respondent’s offered motivation for Complainant 1 to fabricate an allegation against him, that she was close friends with Complainant 3. However, Complainant 1 disclosed the relationship and did not appear forthcoming with everything she knew about Respondent’s conduct towards Complainant 3. As a result of everything above, we did not find the offered motivation plausible.

2. Complainant 2

We found Complainant 2’s statement generally credible with respect to the information she provided. Like Complainant 1, Complainant 2 appeared to be hesitant to provide details to Investigators that would incriminate Respondent. Moreover, when given the opportunity to allege more egregious conduct by Respondent, she elected not to do so. Complainant 2 did not corroborate details provided by Complainant 3 and [REDACTED] Manager [REDACTED] about the extent of the conduct they believed she initially reported to them. Complainant 2’s immediate reporting of Respondent’s conduct and the unwanted nature of it was generally consistent with [REDACTED] Manager [REDACTED]’s recollection of when and what Complainant 2 reported to him and with Complainant 3’s recollection of what Complainant 2 had told her.

We did consider Respondent’s offered motivation for Complainant 2 to fabricate an allegation against him. He alleged that Complainant 2 worked with and was a friend of Complainant 3 and they conspired to make untrue allegations against him. However, given that Complainant 2 refused to discuss what she knew with regards to Complainant 3’s complaint against Respondent, as well as her unwillingness to frame Respondent’s conduct towards her as more egregious, we did not find the offered motivation plausible.

3. Complainant 3.

We found Complainant 3 generally credible. Complainant 3 did not initially complain to [REDACTED] Manager [REDACTED] about Respondent's conduct. Rather, it was not until [REDACTED] Manager [REDACTED] became aware of the complaints of others that Complainant 3 shared her experiences. While Complainant 3 had difficulty remembering details and dates for the many encounters she allegedly had with Respondent over the last several years, she remembered the exact date of the most recent incident involving Respondent as occurring on August [REDACTED], 2017. Given that the alleged conduct by Respondent had occurred over many years, starting in 2008, we found it understandable that Complainant 3 would have difficulty remembering exact dates for many of the incidents she alleged.

Specific instances of Respondent's inappropriate conduct reported by Complainant 3 were supported by Complainant 1 and Nurse 1 [REDACTED]. Moreover, Nurse 1 [REDACTED] and Complainant 1 corroborated seeing Respondent touch Complainant 3 in an inappropriate way. In addition, Complainant 3's description of Respondent's general behavior towards her was similar to reported behavior of Respondent by several witnesses, including the other Complainants Nurse 1 [REDACTED], HUSC [REDACTED], and Nurse 4 [REDACTED].

During Respondent's interview, he stated that he and Complainant 3 had had a dating relationship that started [REDACTED] and lasted until [REDACTED]. Respondent stated that he believes Complainant 3 is fabricating these allegations because the relationship ended. [REDACTED]

[REDACTED] It is not plausible Complainant 3 would wait six years to fabricate a sexual harassment complaint against him and much of the alleged behavior occurred after the purported end of the relationship, with the most recent incident allegedly occurring in August 2017.

Respondent also alleged that Complainant 3 had conspired against him by recruiting her "friends" Complainants 1 and 2 to fabricate allegations of sexual harassment. While we considered that Complainants 1, 2, and 3 had discussed their experiences with Respondent prior to the investigation, Respondent's characterization of this "conspiracy" against him was made less plausible as Complainant 2 had made the initial disclosure to [REDACTED] Manager [REDACTED], not Complainant 3. Also, Complainant 3's reluctance to report her allegations against Respondent made it less plausible that Complainant 3 had been a "ringleader" capable of convincing Complainants 1 and 2 to fabricate allegations against Respondent. Respondent did not offer any other reason for Complainant to fabricate the allegations.

4. Complainant 4

We found Complainant 4 generally credible. Complainant 4 provided detailed descriptions of her allegations against Respondent and was forthcoming with the information she provided. While she did not provide exact dates for the conduct she alleged, we considered that this may have been due in part because her allegations of Respondent's behavior took place over a significant period of time, from the [REDACTED] of her time working at the [REDACTED] in July 2015. We considered that the ongoing nature of the conduct and the length of time that had passed could make it more difficult for Complainant 4 to remember exact dates.

We also considered that Complainant 4 was reluctant to report her complaint initially, and only did so after her manager, [REDACTED] Manager [REDACTED] told her that she ([REDACTED] Manager [REDACTED]) would have to report it. In addition, the conduct Complainant 4 alleged by Respondent fit a general pattern of behavior exhibited

by Respondent as alleged by several witnesses, including the other complainants, HUSC [REDACTED] Nurse 4 [REDACTED] and Nurse 1 [REDACTED].

We considered that Complainant 4 and Respondent's working relationship had recently deteriorated due to workplace disagreements. While we considered that this may have provided Complainant 4 with some motivation against Respondent, we also considered the nature of how Complainant 4's allegations of sexual harassment came forward in weighing her credibility. According to Complainant 4 and [REDACTED] Manager [REDACTED] Complainant 4 had not wanted to file a formal Complaint against Respondent initially. Her allegations came to light only when [REDACTED] Manager [REDACTED] had initiated a conversation with Complainant 4 that resulted in Complainant 4 disclosing Respondent's alleged conduct. When [REDACTED] Manager [REDACTED] told Complainant 4 that she ([REDACTED] Manager [REDACTED]) would have to report the alleged conduct, Complainant 4 was "very hesitant" to file a formal complaint.

5. Complainant 5

We found Complainant 5 generally credible. Complainant 5 was a reluctant witness and indicated that she did not come forward on her own to make a formal complaint against Respondent. Nonetheless, Complainant 5 provided details of an incident where Respondent slapped her buttocks. While she did not remember the exact date of the incident and some other details, we considered that her lack of detail was understandable given that the alleged incident had occurred several years prior. Respondent did not provide any motive for Complainant 5 to fabricate her allegations.

6. Complainant 6

This investigation did not raise concerns regarding Complainant 6's credibility. Like Complainant 5, she did not affirmatively file a complaint against Respondent, but was contacted after her name was provided to HDAPP.

Complainant 5 stated that she had seen Respondent touch Complainant 6. Complainant 6's allegation that Respondent ignored her after she had made it clear that she was not interested in him was supported by similar allegations from Nurse 1 [REDACTED], HUSC [REDACTED] and Complainant 4. And, Complainant 6's allegation that Respondent would often flirt with her was supported by accounts of similar flirtatious behavior by Respondent towards other Complainants, HUSC [REDACTED], and Nurse 4 [REDACTED]. Similarly, Complainant 2, Complainant 3, HUSC [REDACTED] and Nurse 1 [REDACTED] reported that Respondent engaged in behavior with them that was similar to what Complainant 6 alleged.

7. Respondent

Respondent presented significant credibility issues. Respondent had a strong motivation to deny the multiple allegations against him, which he did. His categorical denial in the face of numerous complaints of similar type and frequency, including reports from coworkers who did not bring any complaint against him cast doubt on his credibility. In response to multiple questions regarding how he touched complainants and others, he maintained that he would never touch someone lower than their shoulder or upper back without consent. We considered that given the number of Complainants and other Witnesses who had either seen Respondent touch someone below the shoulder or upper back, or had experienced Respondent touch them

below the shoulder or upper back without first gaining their consent, Respondent's categorical denial that he had ever touched anyone below the shoulder or upper back without first obtaining consent was unbelievable.

Respondent also issued denials where documentary evidence supports the facts. When asked during his interview whether he had issues with sexual harassment in the past, Respondent stated he could not recall an incident with Individual 1 even though he clearly knew who she was. Once confronted with the Letter of Counseling and Letter of Warning in his file and given the opportunity to read them, Respondent stated that he did not know what the letters were about and did not even remember seeing them before. While we considered that the alleged conduct with Individual 1 and the letters that followed took place many years ago, given the fact that the incident with Individual 1 led to a letter of counseling, a Letter of Warning, and a meeting with the harassment unit, none of which Respondent recalled, his professed lack of recollection was not plausible.

8. Other Witnesses

a. Nurse 1 [REDACTED] Nurse 1 [REDACTED] presented significant credibility issues. Nurse 1 [REDACTED] had a strong motivation to deny, and did deny, inappropriate and physical conduct between herself and Respondent, her close friend, while at work. Nurse 1 [REDACTED]'s denials were contradicted by multiple witnesses. Both [REDACTED] Manager 1 [REDACTED] and [REDACTED] Manager 1 [REDACTED] spoke to Nurse 1 [REDACTED] shortly after she was observed giggling and laughing during a meeting. Nurse 1 [REDACTED] told both of them that Respondent had been tickling her during the meeting, something which she now denies. Moreover, [REDACTED] Manager 4 [REDACTED] stated he found Nurse 1 [REDACTED] and Respondent in a dark room during their shift with Respondent giving her a back massage. [REDACTED] asked about this, Nurse 1 [REDACTED] again denied this occurred. While we did not have any substantial concerns about the credibility of [REDACTED] Manager [REDACTED] [REDACTED] Manager 1 [REDACTED] or [REDACTED] Manager 4 [REDACTED] we do have substantial concerns about the credibility of [REDACTED] 1 [REDACTED] Aside from her credibility, Nurse 1 [REDACTED] was not a percipient witness to the alleged conduct.

b. Nurse 5 [REDACTED] Nurse 5 [REDACTED]'s credibility was mixed. Likewise, she is not a percipient witness to the alleged conduct. She denied multiple times having been contacted by Respondent about the investigation, despite Respondent acknowledging that he had contacted all of his proposed witnesses in advance of providing their names to the investigators. [REDACTED]

[REDACTED] On the other hand, when asked, Nurse 5 [REDACTED] stated she did not know if Complainant 4 would fabricate allegations against Respondent because she did know what occurred between them. She also qualified her opinion about Respondent's truthfulness by stating he had not lied to her, but she only knows him at work. Given her lack of percipient testimony and her lack of forthrightness about being contacted by Respondent in advance, we had substantial concerns about her credibility.

c. We do not have substantial concerns about the credibility of the remaining witnesses that we interviewed. Among some of the consideration we took in making this determination was each witness's own ability to observe and accurately remember events, their sincerity, and their conduct during the interview. We also considered the extent to which each witness was either supported or contradicted by other evidence, the relationship each witness may have with either side, and how each witness might be affected by the outcome.

B. Factual Findings

The preponderance of the evidence supports each of the following findings of fact (in bold):

1. **Respondent has worked at UC Davis Health since [REDACTED] and has worked in multiple units during that time. Several of the units he worked in were as a result of Respondent picking up extra shifts to float to those units and work. (Undisputed)⁵**
2. **Respondent touched Complainant 1 approximately six times on the hip and waist when they worked together in both [REDACTED] and the [REDACTED]. Respondent touching Complainant 1 in this manner was unwanted and inappropriate, made her feel uncomfortable, and “creeped” her out. (Complainant 1, Complainant 3, [REDACTED] Manager [REDACTED], Complainant 5)**

Complainant 1 stated Respondent had placed his hand on her waist “a few times” when Respondent was working in [REDACTED]. She estimated Respondent touched her three times on the waist in [REDACTED], and three more times in [REDACTED]. Complainant 1 stated she considered her waist and hip area to be an intimate part of her body. Complainant 1 stated that in response to Respondent touching her, she would either roll her body away from Respondent or move away in a manner that made it clear that she did not want him to touch her. She described Respondent as “creepy”.

Complainant 3 and Complainant 5 witnessed Respondent touch Complainant 1. Complainant 3 has also witnessed Complainant 1 tell Respondent not to touch her and move away from him when he attempted to touch her. She stated Complainant 1 refers to Respondent as “creepy” and “perverted” and now stays away from Respondent.

According to [REDACTED] Manager [REDACTED] Complainant 1 told him that Respondent had placed his hands on her in an inappropriate and unwanted manner on several occasions when he placed his hand on her hip. [REDACTED] Manager [REDACTED] stated Complainant 1 told him it “creeped her out” and she backed away to prevent from being touched any further.

Respondent denied he ever touched Complainant 1 other than when they hugged on one occasion. When asked whether or not he ever touched Complainant 1 on the hip or waist, he replied “No, oh no.”

We do not find Respondent’s denial of the conduct credible in light of Complainant 3 having witnessed Respondent touch Complainant 1, as well as attempt to touch her. Furthermore, Complainant 1 was reluctant to convey Respondent’s actions to authorities and investigators, and only did so after Complainant 3 reported Complainant 1 also experienced this type of behavior from Respondent. Moreover, she did not want to be a part of Respondent potentially losing his job, and provided minimal information to the investigations. As a result of her reluctance, we find her more credible as to the conduct she did allege against Respondent, and

⁵ The parenthetical reflects the source or sources of the information in the preceding statement.

find that the greater weight of evidence supports that Respondent touched Complainant 1 as she alleged.

- 3. In Fall 2016, Respondent approached Complainant 2 from behind and began to rub and squeeze her shoulders with both of his hands without her consent. Respondent touching Complainant 2 in this manner was unwanted and made her feel uncomfortable.** (Complainant 2, [REDACTED] Manager [REDACTED], Complainant 3)

Complainant 2 stated that approximately one year ago, during Fall 2016, Respondent came up behind her during the [REDACTED] shift change and began to rub and squeeze her shoulders with both of his hands without her consent. She stated she did not say anything to Respondent and “froze” when he began touching her. She stated Respondent’s touching her made her feel so uncomfortable that she decided to immediately report it to [REDACTED] Manager [REDACTED]. Complainant 2 stated the way Respondent touched her was inappropriate and unwanted, and she considered the touch to be too intimate for co-workers. She perceived Respondent’s touch to be sexual in nature when asked.

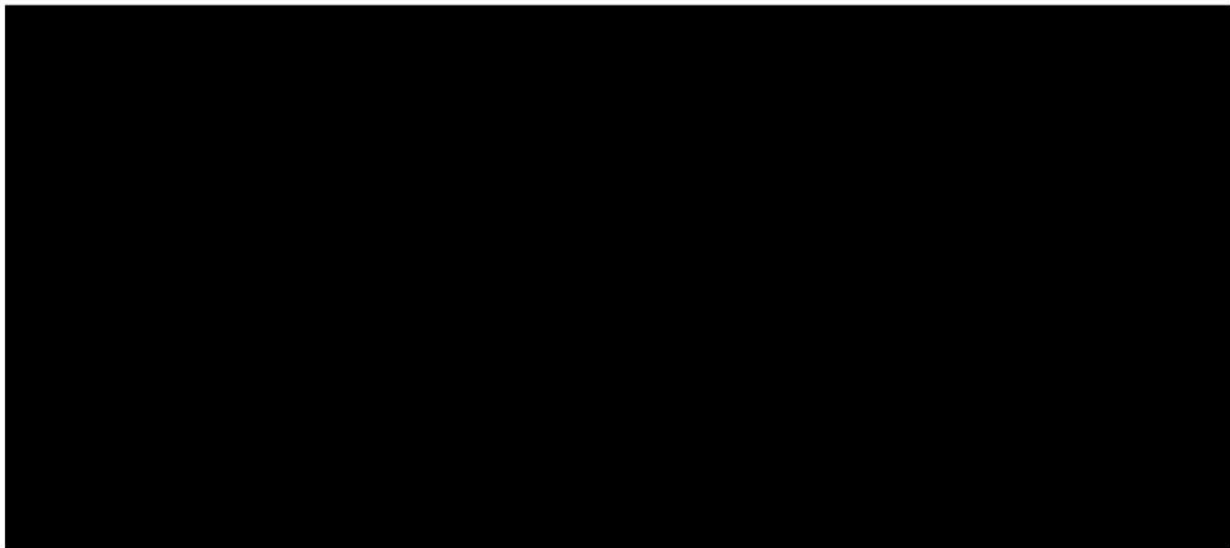
Respondent denied knowing who Complainant 2 was, and did not address the allegation factually. However, he did state that he would not touch someone in the manner Complainant 2 alleged without asking for permission to do so. We do not find the latter statement credible given the statements of Complainant 1, Complainant 2, Complainant 3, Complainant 4, Complainant 5, Complainant 6, HUSC [REDACTED], Nurse [REDACTED], and Nurse 4 [REDACTED] concerning their experiences where Respondent has not asked for permission to touch them.

Complainant 3 also stated she witnessed Respondent touch Complainant 2 on her low waist or low back on a previous occasion.

It is possible that Respondent did not know Complainant 2’s name when he was interviewed given their limited interactions at work (she worked days and had only been working there about a year). However, the greater weight of evidence supports Respondent touched Complainant 2 as alleged.

- 4. Between approximately 2008 and 2009, Respondent was physically and verbally affectionate towards Complainant 3 while at work. During this time, Respondent repeatedly touched Complainant 3, including on the back, by hugging her, and referred to her as “honey” or “beautiful” while working in the [REDACTED].** (Complainant 3, Respondent)

The affection Respondent was showing Complainant 3 at that time was written in the following HR report, dated February 27, 2009:



Complainant 3 stated beginning in approximately 2008 through 2010, Respondent would touch her back and call her “honey” and tell her how beautiful she was. She stated that whenever she went on break, he would bring her food, and lay out blankets for her on the couch for her so she could take a nap. She stated he would massage her and rub her shoulders. After a while, she realized Respondent acted in the same manner with other female [REDACTED] and the excessive attention and touching began to make her feel uncomfortable.

In response to Respondent’s above behaviors, Complainant 3 stated that she unequivocally told Respondent around 2009 not to touch her, not to massage her back, not to walk her to her car, and that she did not need his help. Respondent denied this occurred. She considered the behavior to be inappropriate, unwanted, and sexual in nature because of the intimate nature of the touching. She stated she made a sexual harassment complaint against him in approximately 2009, but could not recall the exact date. She stated she spoke to Human Resources about it.⁶

Respondent admitted to much of the physical conduct towards Complainant 3 during this time period during his interview. He also admitted to verbally complimenting Complainant 3 by calling her “pretty” or “beautiful”.

Respondent stated they were dating each other between approximately [REDACTED] and [REDACTED]. Complainant denied such a relationship existed. Respondent stated after their dating relationship ended they did not speak to each other for years.

We do not find the greater weight of evidence supports making a finding that Respondent’s conduct towards Complainant 3 during this time was unwanted. However, this is not to infer that the unwanted conduct did not occur, but rather that the evidence did not meet the



threshold level required for such a finding.

5. Between approximately 2012 and 2016, Respondent engaged in inappropriate and unwanted behavior of a sexual nature towards Complainant 3, both verbally and physically, by repeatedly touching her, including on the back, and by hugging her.

(Complainant 3, Complainant 1, Nurse 1 [REDACTED], Manager [REDACTED], Manager 3 ([REDACTED])

Between 2012 and 2016 on [REDACTED], Complainant 3 stated Respondent would touch her and hug her without her permission any time that he saw her. She stated that ordinarily she worked during the day, and Respondent worked at [REDACTED] so she would see him during a shift change.

Complainant 1 corroborated Complainant 3 and stated she saw Respondent hug and kiss Complainant 3 on the cheek while working in [REDACTED]. Complainant 1 stated the conduct would occur during shift change, and stated Complainant 3 was frustrated with Respondent touching her, and had confided in her that it bothered her when he touched her.

Nurse 1 [REDACTED] said she had seen “[Respondent] get way too close to [Complainant 3]. Nurse 1 [REDACTED] said she remembers Respondent hugging Complainant 3. She remembers that Respondent would sometimes hug Complainant 3 “from the back.” Nurse 1 [REDACTED] said that she had been walking when she saw Respondent hugging Complainant 3 from the back, and then Respondent “smelled her hair.” Nurse 1 [REDACTED] said that Respondent then commented on how good Complainant 3’s hair smelled.

Complainant 3 stated she would tell him “Do not touch me” but he did not listen to her. Complainant 3 stated she would try to discourage Respondent’s behavior by saying things like “ewww” or “gross” when he touched her, but he was not dissuaded. She added that the more she told him to stop, the more Respondent seemed to touch her. She considers Respondent touching her as unwanted and unprofessional.

Likewise, Respondent admitted to hugging Complainant 3 in [REDACTED]. He stated he would give her a hug when he saw her. He stated when she saw him, she would tease him for being “old” and he would respond teasingly and say “do you feel lonely, I can give you a hug?” He stated he would go up to Complainant 3 and give her a hug while she pretended to protest the hug. He stated “We were playing, it was not serious.” As a result, despite Respondent’s statement that he only hugged his co-workers after gaining their consent, Respondent’s acknowledgment in this instance contradicts that statement.

The preponderance of the evidence supports that hugging and touching of Complainant 3 by Respondent during this period of time was unwanted and inappropriate conduct of a sexual nature. Respondent does not provide any reasonable explanation of what the impetus was during this time frame to cause him to believe that his conduct toward Complainant 3 was wanted. According to Respondent, the two of them had a bad breakup and did not speak to each other for years. There does not appear to be an intervening event that transpired which

would indicate to him that hugging and touching Complainant 3 in the workplace was okay. To the contrary, Complainant 3 protested directly to Respondent when he hugged and touched her, and when he did touch her, she told Complainant 1 and [REDACTED] Manager [REDACTED] that the conduct was unwanted and “creepy”. A former relationship, if one even existed, is not a lifetime license to touch another without their consent.

6. On August 28, 2017, Respondent engaged in inappropriate and unwanted behavior of a sexual nature towards Complainant 3 by hugging Complainant 3 and kissing her on the cheek without her consent. (Complainant 3, [REDACTED] Manager [REDACTED], Complainant 1)

Complainant 3 stated that as recently as August [REDACTED], 2017 Respondent touched her inappropriately without her consent. She stated that she was working as a [REDACTED] at [REDACTED] and went into the unit and saw Respondent.

She stated Respondent was friendly with her and said to her “Oh it’s been forever, come here!” and he moved towards her to embrace her. She said, “No [Respondent], do not touch me.” She stated she began to turn away from him when he walked up to her and wrapped his arms around her, from the side, and hugged her tightly. She stated her face was facing away from him and she froze up. She stated Respondent hugged her tighter and then kissed her on her cheek.

[REDACTED] Manager [REDACTED] stated that in the last several months, prior to the investigation beginning, Complainant 3 told him that Respondent hugged her and that it was unwanted and made her feel uncomfortable. He stated it occurred in the [REDACTED] while Complainant 3 was acting as the floating [REDACTED].

Respondent admitted to hugging Complainant 3 in August 2017 while she was in the [REDACTED] as the [REDACTED]. He stated that he saw her, they both said hello, and then he gave her a hug. Respondent denied she ever asked him to stop hugging her. Respondent described the hug as a “normal hug” with two people facing each other. Without prompting, he stated the hug was not “from the side or anything” which according to him was not a “normal hug”. He stated if the hug was from the side, he would remember that because that would have been uncomfortable. Respondent was then informed that Complainant 3 had alleged he hugged her from the side and kissed her. Respondent denied kissing her and stated it would “not be possible” to kiss her on the cheek from the side.

Even though [REDACTED] Nurse 1 was apparently present, he stated he did not see Respondent hug Complainant 3 at all that [REDACTED]

The preponderance of the evidence supports that Respondent hugged and kissed Complainant 3 on the cheek without her consent, and that the conduct was unwanted, inappropriate, and of a sexual nature. Respondent was not credible when he described the hug “as normal” and then without a prompted reason and not knowing how it was described by Complainant 3 to the investigators, stated it was not a side hug and stated he would remember that. Moreover, indicating that kissing Complainant 3 on the cheek during a side hug as “not possible” defies logic. Additionally, Complainant 3 reported the hug to [REDACTED] Manager [REDACTED] shortly after it occurred and described it as unwanted and uncomfortable.

Moreover, we weighed the credibility of Complainant 3 and Respondent as outlined in the credibility analysis above, and found Complainant 3 more credible.

As a result of the above, the greater weight of evidence supports this unwanted conduct occurred.

- 7. In 2016 and 2017, Respondent repeatedly engaged in inappropriate and unwanted verbal and physical conduct of a sexual nature towards Complainant 4 by placing his hands on the small of her back, waist, shoulders, and by tickling her, and by repeatedly telling her how “mesmerizing” or beautiful her eyes were, while they were working in the [REDACTED] (Complainant 4, Complainant 6, Nurse 2 [REDACTED], Nurse 4 [REDACTED] HUSC [REDACTED], Nurse 1 [REDACTED]**

In 2015, Respondent came over to her, placed his elbow and arm down on the table and placed his hand on his head, looked at her and said “I can’t even concentrate. Your eyes are so mesmerizing.” According to Complainant 4, Respondent continued to tell her afterwards how “pretty” or “beautiful” she was, and that he could not concentrate when she was around.

She stated while at work, Respondent attempted to tickle her. On one occasion Respondent grabbed her arm to prevent her from moving away. She described Respondent as “laughing at first” and then the interaction “became kind of sexual”. She stated the interaction with Respondent made her feel uncomfortable and overpowered.

She stated Respondent repeatedly stood next to her and brushed himself on her arm, came up from behind her and “just began massaging me”, and repeatedly touched the small of her lower back, waist, and shoulders without her consent. Although other witnesses did not report observing Respondent touch Complainant 4, several other non-Complainant witnesses reported that Respondent touched them in a manner similar to what Complainant 4 reported. This included HUSC [REDACTED] Nurse 4 ([REDACTED] and Nurse 1 [REDACTED]. Additionally, Nurse 2 [REDACTED] reported seeing Respondent touch others on the mid to low back, which she described as the “flank.”

Respondent stated he only touched Complainant 4 on the arm, and denied the conduct reported by Complainant 4.

Taking the totality of circumstances into consideration, including the credibility determinations, and alleged motivations to fabricate as addressed and outlined above, the greater weight of evidence supports this factual finding.

- 8. In approximately 2015 or 2016, Respondent engaged in unwelcome physical conduct of a sexual nature towards Complainant 5 by slapping her on the buttocks in a patient’s room after Respondent followed Complainant 5 around a bed and trapped her between himself and a ventilator. (Complainant 5, Complainant 4, Nurse 4 [REDACTED]**

Complainant 5 stated that after Respondent slapped her on the buttocks, she turned around and either glared at Respondent, or told him to “get out of here”. She did not recall Respondent’s reaction. Complainant 5 told Complainant 4 about the incident.

Respondent denied the incident ever took place, and suggested that there is no way he would have done such a thing because Complainant 5 would have killed him.

However, Complainant 5 did react to his conduct immediately, which is consistent with Respondent's, and [REDACTED] Manager [REDACTED]'s description of Complainant 5. This combined with Respondent's apparent propensity to touch his co-workers on a whim, as he did with Nurse 4 [REDACTED] by pinching her on the side of her body for no apparent reason, supports Complainant 5's version of events.

Taking the totality of circumstances into consideration, including the credibility determinations as outline above, the greater weight of evidence supports this factual finding.

9. **Beginning around approximately May 2016 thru June 2017, Respondent repeatedly engaged in unwelcome sexual advances and physical conduct of a sexual nature towards Complainant 6 by touching her shoulders, lower and upper back, and arms, and invading her personal space.** (Complainant 6, Complainant 5, Complainant 4, HUSC [REDACTED], Nurse 1 [REDACTED], Nurse 2 [REDACTED])

Complainant 6 stated Respondent would try to flirt with her and "his behavior was very subtle." She stated Respondent made it apparent to her that he was interested in having a relationship with her on a more personal level outside of work.

She stated that beginning around May or June 2016, Respondent would touch her on her shoulders and at times "lightly" scratch her back. She said "It was just enough invasion of personal space that it made me feel really uncomfortable." She stated Respondent also touched her arm, and both her lower and upper back. She stated "it happened all the time". She stated the last of Respondent's unwanted sexual behavior towards her occurred approximately during May or June 2017. She considered Respondent's conduct towards her to be unwanted, inappropriate, and sexual in nature. Complainant 5 observed Complainant 6 looking uncomfortable after Respondent touched her.

Several non-Complainant witnesses reported that Respondent touched them in a manner similar to what Complainant 6 reported. This included HUSC [REDACTED], Nurse 4 [REDACTED] and Nurse 1 [REDACTED]. Additionally, Nurse 2 [REDACTED] reported seeing Respondent touch others on the mid to low back, which she described as the "flank."

Respondent stated he only touched Complainant 6 on the shoulder, and denied ever flirting with her or touching her elsewhere on her body.

Taking the totality of circumstances into consideration, including the credibility determinations, and alleged motivations to fabricate as addressed and outlined above, the greater weight of evidence supports this factual finding.

10. **Respondent acted with retribution towards both Complainant 4 and Complainant 6 after they rebuffed his sexual advances towards them by ignoring them, changing his demeanor, and no longer assisting them as a nurse with knowledge and skill sets they previously relied on.** (Complainant 4, Complainant 6, Nurse 1 [REDACTED], HUSC [REDACTED])

According to Complainant 4, after Respondent “got the message” she was not interested in him, he then began ignoring her completely while at work. She stated he stopped talking to her and offering his expertise at work. She believed he was encouraging others to correct her and became aggressive towards her for no reason.

Complainant 6 stated that Respondent’s demeanor and treatment of her “noticeably” changed when he realized she was not interested in him and “I was not going to sleep with him.” She stated that after she rejected Respondent’s advances towards her, he completely avoided and ignored her. Prior to her rejecting Respondent, Complainant stated he would help her and talk to her. She said after she rejected him “He made me feel as if I did something wrong or had done something to hurt him.”

Because Respondent denied flirting and making sexual advances towards either Complainant 4 or Complainant 6, Respondent was not asked directly about the retributive activities. However, he did state that he believed that he and Complainant 4 were fine until summer 2017 when she was having problems at work. When asked whether the relationship between him and Complainant 6 ever changed, he stated “No, nothing like that. It was the same relationship throughout.” When asked if she ever rejected his advances, he stated “No.” Respondent stated it never happened that he ignored Complainant 6 in response to her alleged rejections of him.

The type of retribution by Respondent that Complainant 4 and Complainant 6 described was corroborated by Nurse 1 [REDACTED] who had also confronted Respondent about him touching her on the lower back in a sexual way. Nurse 1 [REDACTED] stated after she confronted Respondent, he began ignoring her and making her feel uncomfortable. She stated that this conduct occurred for about 1 month after she had confronted him. Likewise, HUSC [REDACTED] stated Respondent did the same thing to her when she rejected Respondent, but in her case in the retribution lasted only a few days.

Given the corroboration from witnesses as to how Respondent can react to being rejected, and taking the totality of circumstances into consideration, including the credibility determinations, and alleged motivations to fabricate as addressed and outlined above, the greater weight of evidence supports this factual finding.

C. Policy Analysis

The University policy on Sexual Violence and Sexual Harassment prohibits sexual harassment. Conduct violates the sexual harassment policy when it (1) constitutes unwelcome conduct of a sexual nature and (2) is sufficiently severe or pervasive to impact the complainant’s participation in or benefit from employment or other programs and services of the University and create an environment a reasonable person would find to be intimidating or offensive.

Sexual harassment includes “unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature.”

For purposes of evaluating sexual conduct under University policy, the critical question is not a respondent’s internal intent. Likewise, the central issue is not whether a complainant subjectively

viewed the conduct as sexual. Rather, the critical focus of the inquiry is the nature of the conduct itself: Would a reasonable person experiencing the conduct in a comparable context view it as conduct of a sexual nature? Then, if a reasonable person would view the conduct as sexual, we consider whether the conduct was subjectively unwelcome to the complainant. Consideration is also given to the totality of the circumstances in which the conduct occurred.

Based on the factual findings detailed above, we substantiate Respondent's conduct as alleged by Complainant 1 thru Complainant 6 as unwelcome conduct of a sexual nature. We find that a reasonable person would view Respondent's conduct towards each Complainant as sexual in nature. When taking the totality of the circumstances into consideration each Complainant reported unwanted touching of their bodies by Respondent while at work. Some reported touching on the lower back, upper back, shoulders, arms, waist, hips, and buttocks, among other places. Complainant 3 stated she was kissed on the cheek by Respondent as he hugged her. All of the Complainants stated they believed the touching and sexual advances by Respondent towards them were either too intimate, "creepy", or sexual in nature given the totality of the circumstances. Likewise, Respondent admitted that the waist and the hip are considered an intimate part of the body, and that touching a female in those areas without asking first was not appropriate. He also acknowledged that touching someone's lower back was "riskier," and as such, he would not touch someone there. As a result, the preponderance of the evidence supports that Respondent's conduct towards each Complainant constituted unwelcome conduct of a sexual nature.

The final step of a sexual harassment inquiry under UC sexual harassment policy considers whether a respondent's conduct was sufficiently severe or pervasive that it (1) "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 (2) "creates an environment that a reasonable person would find to be intimidating or offensive." The policy explicitly asks that the University consider the totality of the circumstances under which the conduct occurred.

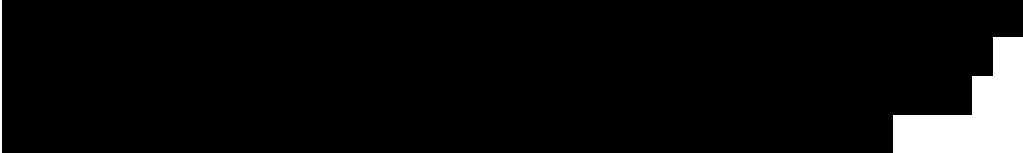
We do not substantiate Respondent engaged in sexual harassment towards Complainant 1 and Complainant 2 for the following reasons:

- Complainant 1 indicated "I was not victimized" and "I am not really affected" by Respondent's behavior. Therefore we did not find by a preponderance of the evidence that Respondent created a hostile work environment for her, as defined in the policy. The approximately six occasions, over a period of years, in which Respondent touched her hips was not severe or pervasive enough to substantiate that the conduct interfered with Complainant 1's employment.

[REDACTED]

This is not to infer that a hostile environment did not exist for

Complainant 1, but rather that the evidence did not meet the threshold level required for such a finding.

- 
Therefore, we did not find by a preponderance of the evidence Respondent created a hostile work environment for her, as defined in the policy.

However, we do substantiate that Respondent engaged in sexual harassment against Complainant 3, Complainant 4, Complainant 5, and Complainant 6, in violation of *University of California's Sexual Violence and Sexual Harassment Policy*.⁷ We find that Respondent's conduct towards each of these Complainants was sufficiently severe or pervasive to interfere with their participation in or benefit from her employment. In making this finding we considered the following:

- **Complainants 3, 4 and 6:** Findings of Fact 4, 5, 6, 7 and 9 support the pervasive nature of Respondent's conduct towards these complainants that interfered with their participation in or benefit from her employment. Each described the ongoing and frequent nature of Respondent's conduct which made them feel uncomfortable being around Respondent in the workplace. The ongoing discomfort of each of these women while working is interfering with their right to enjoy the benefits of employment, including the right not to be touched against their will.

As to only Complainant's 4 and 6, Finding of Fact 10 supports that Respondent's conduct towards each of these Complainants was sufficiently severe or pervasive to interfere with their participation in or benefit from their employment by his retributive conduct after realizing that they were not interested in his advances.

- **Complainant 5:** Respondent slapped Complainant 5 on the buttocks on one occasion. Under the policy, slapping on the buttocks may be considered a sexual assault-contact. Even though the conduct only occurred on one occasion, we view the conduct as severe given it is a physical assault of Complainant 5's intimate body part. Complainant 5 stated that practically every time she would go to work after that incident she would see Respondent touch women, and since making a complaint has taken actions to avoid Respondent.

As a result, we find the weight of the evidence, as stated above, supports that Respondent's conduct more likely than not was sufficiently "severe or pervasive" and that it "adversely limit[ed]" and/or "interfere[d] with" Complainant 3's, Complainant 4's, Complainant 5's and Complainant 6's participation in or benefit from their employment.

⁷ We analyzed the policy under its plain text meaning and not under the law of sexual harassment, the latter of which is not within our purview.

We also find that Respondent's conduct did create a working environment that a reasonable person would find to be intimidating or offensive. In making this determination, we considered the totality of the circumstances in which the conduct occurred, including but not limited to the following:

- Respondent's conduct occurred over a period of years in at least two units.
- Six different Complainants have come forward in this case, and at least three others, Nurse 1 [REDACTED], HUSC [REDACTED], and Nurse 4 [REDACTED] have reported being touched without consent in an intimate way by Respondent.
- Several witnesses stated they felt uncomfortable when they would witness Respondent either touching another Complainant or another co-worker.
- Respondent made several comments to either one of the Complainants or others about their physical appearances ("mesmerizing eyes", "you are beautiful", complimenting on the looks of a co-worker's [REDACTED] in a picture etc.)
- Several of Respondent's co-workers were aware that he was no longer able to work on [REDACTED] because many believed female [REDACTED] complained about him harassing them.
- Multiple witnesses reported that Respondent would just walk up to a co-worker and start massaging or touching them.
- Respondent has a reputation of being "overly friendly" toward his co-workers.
- Respondent has been known to take retributive measures, or to retaliate, against someone who confronts him about his unwanted conduct.

As a result of the above, and taking the totality of circumstances of Respondent's conduct into consideration, we find that Respondent's conduct towards Complainant 3, Complainant 4, Complainant 5, and Complainant 6 created a work environment that a reasonable person would find to be intimidating or offensive. This is supported in part by the following: (1) the fact that even when a complainant would protest or make it obvious that they did not want to be touched by Respondent by moving away, he continued to do so; (2) that several co-workers were either aware of Respondent's conduct by witnessing it first hand, or were made aware of Respondent's conduct through the complainants, and (3) that Respondent's conduct was of a nature that made not just the complainants feel uncomfortable, but several co-workers who witnessed the feel uncomfortable as well. Taken as a whole, it is more likely than not that Respondent's conduct created an environment that a reasonable person would find intimidating and offensive.

VII. Conclusion

As a result of the above, and taking the totality of circumstances into consideration, we find by a preponderance of the evidence that Respondent engaged in sexual harassment towards Complainant 3, Complainant 4, Complainant 5, and Complainant 6 in violation of University of California's Sexual

Violence and Sexual Harassment Policy.

Respectfully submitted,



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

Respectfully submitted,



Sylvia E. Cunningham
Chancellor's Legal Fellow
Office of the Provost and Executive Vice Chancellor