

In Strict Confidence

TO: Wendi Delmendo, Chief Compliance Officer
FROM: Wendy Lilliedoll, University Investigator
DATE: February 19, 2018
RE: HDAC170496, [REDACTED] Matter

I. INTRODUCTION

The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of sexual violence and sexual harassment. 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 November 17, 2017, you appointed me to investigate an allegation of actions that, if substantiated, may violate the UC system-wide policy on Sexual Violence and Sexual Harassment (SVSH Policy). Specifically, it is alleged that Respondent, a faculty member, engaged in the behaviors outlined below in Section II toward Complainant, a student employee.

You asked that I investigate these allegations under the SVSH Policy and submit a report indicating my findings with respect to whether these allegations have been substantiated. The following report summarizes the scope and results of my review.

Brief Summary of How Case Came to Title IX Office:

On Tuesday, November 14, 2017, graduate student Witness A emailed Title IX Coordinator Wendi Delmendo to relay Complainant's allegations against Respondent. Witness A was Complainant's supervisor. Wendi Delmendo contacted Complainant via electronic mail on November 14, 2017 to inform her that her allegations were being reviewed. Complainant received written notice of the present investigation by electronic mail on November 17, 2017.

Written Notice of Charges to Respondent:

Respondent was notified of the present investigation by electronic mail on November 17, 2017.

Summary of Investigation Structure

I interviewed each party in person. I interviewed all witnesses in person with the exception of one individual who is a [REDACTED] student and was not in Davis. Each party had the opportunity to provide documents and suggest witnesses for my consideration. I reviewed and considered all information provided.

I provided summaries of each party's interview to that party for review. Both parties provided a few clarifications or corrections, which have been incorporated into the interview summaries below. I also provided the chronology of documents [REDACTED] to both parties for their review. They had an opportunity to identify instances where they were parties to communications and the communications were incomplete as presented as well as the opportunity to suggest additional documents for my review. Both parties acknowledged receipt of the chronology. Respondent provided clearer versions of the text messages, which have been incorporated into [REDACTED]

[REDACTED]

II. SUMMARY OF ALLEGATIONS

Complainant alleges that Respondent engaged in the following behaviors and that each was unwelcome to Complainant:

- (1) While walking his dog with Complainant, Respondent invaded her personal space by standing close enough to her to place his feet alongside and straddling hers, commenting that their individual standing styles were such that they fit together.
- (2) While watching a movie at his house with his [REDACTED] and Complainant, Respondent stroked Complainant's right foot and touched her left thigh. After the movie, Respondent stroked Complainant's shoulders, neck, and head and placed his hand underneath the back of Complainant's tank top.
- (3) Respondent has made multiple comments about Complainant as well as his thoughts and feelings about her, including:
 - o Asking, "Why is [Complainant]?";
 - o Talking about the effect Complainant has on him;
 - o Calling Complainant the "highlight of the lab;"
 - o Describing Complainant as the only reason he goes to work anymore;
 - o Encouraging Complainant to become intoxicated with him and discuss their feelings about each other;
 - o Inviting Complainant to play "Truth or Truth," with him; and
 - o Referring to Complainant by the nickname, [REDACTED] "an abbreviation of the [REDACTED] phrase, '[REDACTED] [Complainant],' which translates as, '[REDACTED], [Complainant].'"
- (4) While they were at [REDACTED] together, Respondent asked Complainant for a hug and restrained her when she tried to break contact. During this encounter Respondent is also alleged to have put his arm around Complainant's shoulder and waist and touched and/or rubbed Complainant's upper thigh, hip, the side of her buttocks, foot, and ankle as well as placing his fingers inside of her sock. When they left [REDACTED], Respondent walked with Complainant towards her apartment with his arm around her waist for a few blocks. When they parted, he hugged her, kissed her on the cheek, and asked her if she thought he was creepy.
- (5) Respondent gave Complainant a notebook he called the, "[REDACTED]," in reference to the fact that both of their first names start with the letter [REDACTED]. Respondent proposed to Complainant that they write their feelings about each other in the notebook and trade it back and forth.
- (6) While he was away on a trip for three weeks after the encounter at [REDACTED] described above, Respondent sent emails to Complainant expressing how lonely he felt and that he missed her smile.
- (7) While working together in the lab, Respondent would ask her to smile and touch her hair.
- (8) Respondent offered to increase Complainant's pay [REDACTED] per hour in an effort to have her stay on as his employee after her intended [REDACTED] employment end date.
- (9) While arranging petsitting services with her, Respondent encouraged Complainant to sleep in his bed when he and his [REDACTED] were away despite the fact that Respondent has two guest rooms in his house.

III. EXECUTIVE SUMMARY OF FINDINGS

With respect to each of the alleged actions, the preponderance of the evidence supports the following findings of fact:

- (1) While walking his dog with Complainant, Respondent invaded her personal space by standing close enough to her to place his feet alongside and straddling hers, commenting that their individual standing styles were such that they fit together: **Substantiated.**

Respondent acknowledged this general conversation, however he stated he was a meter from Complainant. The evidence better supported Complainant's account. Complainant did not overstate her allegation, noting that she did not think Respondent had a bad intent at the time. Respondent mentioned more than once that he had a [REDACTED] and was medicated that night. He stated that he did not remember going to the park well, which he attributed to a [REDACTED]. This supports that Complainant's account would be more reliable, particularly since she was consistent in describing Respondent standing too close to her with his feet on either side of hers. To support that he would not have stood close to Complainant, Respondent argued that he does not like to touch people much. However, he acknowledged having touched Complainant later the same evening. Overall, the evidence supports Complainant's allegation.

- (2) While watching a movie at his house with his [REDACTED] and Complainant, Respondent stroked Complainant's right foot and touched her left thigh. After the movie, Respondent stroked Complainant's shoulders, neck, and head and placed his hand underneath the back of Complainant's tank top: **Substantiated.**

Respondent acknowledged putting his hand on Complainant's toe when she had her foot up on the couch. He initially stated that he did not recall rubbing her toe, but at the end of his interview, he stated that it was true that he stroked Complainant's foot. Similarly, he stated that his recollection of whether he touched Complainant's neck or shoulders was "cloudy" although he acknowledged that he touched either her neck or shoulders. Complainant's allegation that Respondent put his hand under the racerback strap of her tank top is reasonable given the area Respondent acknowledged touching. Although Respondent denied putting his hand under the strap, the evidence supported the allegation. Respondent suggested that his conduct and/or memory were impacted by the fact that he had a [REDACTED] and was medicated that night. He specifically described the shoulder or neck rubbing as "cloudy." In contrast, Complainant provided a consistent account of the touching. Similarly, Respondent denied touching Complainant's leg, but Complainant provided a credible account of Respondent putting his hand on the seat between them so that it was touching the outside of her leg.

- (3) Respondent has made multiple comments about Complainant as well as his thoughts and feelings about her, including:

- o Asking, "Why is [Complainant]?"
- o Talking about the effect Complainant has on him;
- o Calling Complainant the "highlight of the lab;"
- o Describing Complainant as the only reason he goes to work anymore;
- o [REDACTED]
- o Inviting Complainant to play "Truth or Truth," with him; and
- o Referring to Complainant by the nickname, "[REDACTED]," an abbreviation of the phrase, "[REDACTED] [Complainant]," which translates as, "[REDACTED], [Complainant]."

Substantiated in part.

Respondent made the statements alleged. He acknowledged asking, "Why is [Complainant]?" The evidence supports that he also talked about Complainant's effect on him, called her the highlight of the

lab and, [REDACTED], said she was the only reason he was going to work. He also discussed playing "Truth or Truth" together. He called her [REDACTED] in writing.

[REDACTED]

- (4) While they were at [REDACTED] together, Respondent asked Complainant for a hug and restrained her when she tried to break contact. During this encounter Respondent is also alleged to have put his arm around Complainant's shoulder and waist and touched and/or rubbed Complainant's upper thigh, hip, the side of her buttocks, foot, and ankle as well as placing his fingers inside of her sock. When they left [REDACTED], Respondent walked with Complainant towards her apartment with his arm around her waist for a few blocks. When they parted, he hugged her, kissed her on the cheek, and asked her if she thought he was creepy: **Substantiated in part.**

The weight of the evidence supports that Respondent put his arm around Complainant and held her to him when she wanted to move away. The evidence further supports that he rubbed the side of Complainant's leg from the thigh to the side of her hip/buttock area. Finally, the evidence supports that Respondent hugged and kissed Complainant and then asked if she thought he was creepy. Respondent acknowledged putting his arm around Complainant, touching her thigh, hugging her and kissing her cheek. He stated that he asked Complainant if she was uncomfortable, which provides some support for her allegation that he asked if she thought he was creepy. Written evidence from that night supports Complainant's statement that she was tense because of Respondent's behavior and wanted to move away.

However, the evidence does not support that Respondent touched Complainant's foot at [REDACTED] in particular. Respondent acknowledged much of the touching and denied that. Respondent acknowledged touching Complainant's foot three days earlier, and he knows there was a witness to at least some of the contact at [REDACTED]. Likewise, Complainant knew there was a witness to at least some interactions at [REDACTED], and most of her factual allegations of touching were corroborated by Respondent. As a result, one would expect both parties to accurately describe their recollection of the events that others would have been able to observe from a distance. Unlike with the movie night statements, in which Respondent expressly stated that he did not recall things, was [REDACTED] and had a [REDACTED] Respondent was adamant that he did not put his hand in Complainant's sock or touch her foot at [REDACTED]. Witness G did not describe seeing such contact. The photo she took did not show Complainant's feet up on her seat. As a result, the evidence did not establish that Respondent touched Complainant's foot at [REDACTED] in particular.

In addition, the wording of the allegation ("restrained her when she tried to break contact") suggests that Respondent knowingly held Complainant against her will. The evidence does not support that strong of a characterization of the contact.

- (5) Respondent gave Complainant a notebook he called the "[REDACTED]" in reference to the fact that both of their first names start with the letter [REDACTED]. Respondent proposed to Complainant that they write their feelings about each other in the notebook and trade it back and forth: **Substantiated.**

Respondent acknowledged giving Complainant the book but denied it was intended to write their feelings about each other. However, Respondent's first entries in the book support Complainant's

allegations. He wrote “My [REDACTED] entered my office and my life on [REDACTED]. My [REDACTED] “entered” the office. It was not the “Entrance” – just shy small “entrance”. It was such a tiny “entrance” that I did not notice[] it at first. Little did I know.” He also wrote “[REDACTED]’s best moment on July [REDACTED] → a kiss on a cheek” (a reference to Respondent’s belief that Complainant kissed his cheek on his birthday).

- (6) While he was away on a trip for three weeks after the encounter at [REDACTED] described above, Respondent sent emails to Complainant expressing how lonely he felt and that he missed her smile: **Substantiated.** (See Attachment C)

- (7) While working together in the lab, Respondent would ask her to smile and touch her hair: **Substantiated.**

Respondent acknowledged telling Complainant that he missed her smile and touching Complainant’s hair in the context of touching her shoulder on one occasion. He also told her he missed her smile in writing.

- (8) Respondent offered to increase Complainant’s pay from [REDACTED] per hour in an effort to have her stay on as his employee after her intended [REDACTED] employment end date: **Substantiated in part.**

The facts support that before any of the incidents Complainant challenged here, Respondent discussed possibly increasing her pay for legitimate reasons.

- (9) While arranging petsitting services with her, Respondent encouraged Complainant to sleep in his bed when he and his [REDACTED] were away despite the fact that Respondent has two guest rooms in his house. **Substantiated in part.**

Respondent acknowledged offering Complainant to sleep in his bed, which he described as a form of hospitality. Witness C described overhearing a conversation in which Respondent’s [REDACTED] encouraged him to suggest that Complainant sleep in their room because it was cooler. The facts support that Respondent discussed that Complainant could sleep in his bed, but not for inappropriate reasons.

The evidence supports that the touching and several of the statements above constituted unwelcome conduct of a sexual nature and that the conduct was sufficiently severe or pervasive that it created a hostile work environment in violation of University policy.

The preponderance of the evidence therefore supports that the conduct violated the University’s Sexual Violence and Sexual Harassment policy.

IV. INVESTIGATIVE BACKGROUND

A. Relevant Policy Provision: *UC Sexual Violence and Sexual Harassment policy (Effective January 1, 2016 to present)*

B. Prohibited Conduct

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: ...

- 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, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients);
 - ii. in hierarchical relationships and between peers; and
 - iii. between individuals of any gender or gender identity.

B. Witnesses

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

Witness	Role	Interview Date
Complainant [REDACTED]	Former student employee	November [REDACTED], 2017 and February [REDACTED], 2018, in person
Respondent [REDACTED]	Faculty Member	December [REDACTED], 2017, in person
Witness A [REDACTED]	Graduate student employee	December [REDACTED], 2017, in person
Witness B [REDACTED]	Postdoctoral employee	January [REDACTED], 2018, in person
Witness C [REDACTED]	Graduate student employee	January [REDACTED], 2018, in person
Witness D [REDACTED]	Student employee	January [REDACTED], 2018, in person
Witness E [REDACTED]	Student employee	January [REDACTED], 2018, in person
Witness F [REDACTED]	Student employee	January [REDACTED], 2018, in person
Witness G [REDACTED]	Graduate student employee	January [REDACTED], 2018, in person
Witness H [REDACTED]	Former student employee	February [REDACTED], 2018, by telephone
Witness I [REDACTED]	Postdoctoral employee	Not interviewed. Given a witness identifier for clarity.
Witness J [REDACTED]	Postdoctoral employee	Not interviewed. Given a witness identifier for clarity.

C. Other Evidence Considered

Attachment A: [REDACTED]

Attachment B: [REDACTED]

Attachment C: [REDACTED]

Attachment D: [REDACTED]

Attachment E: [REDACTED]

D. 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" means that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

V. SUMMARY OF THE EVIDENCE

A. Interview of Complainant

[REDACTED] She started working in Respondent's lab to fulfill her research requirement. She is not a [REDACTED].

The group had lab meetings every [REDACTED]. For the first few months, they all would go to [REDACTED] afterwards for a couple of beers. Complainant and Respondent probably started talking in that context.

The first or second time that Complainant got beers with the group, she made a joking suggestion to Respondent about getting matching tattoos. Respondent said, "You have to ask my [REDACTED] Respondent's [REDACTED] got beers with them the next week, so Complainant jokingly asked her about the tattoos, and she said, "Great." Complainant understood that it wasn't really going to happen.

Respondent and his [REDACTED] have a dog and Complainant does a lot of work on [REDACTED]. She offered to walk their dog. On June [REDACTED], Complainant went to Respondent's house and had dinner with him and his [REDACTED]. In preparation for going [REDACTED] out of town, they showed her where their dog's things were and said she could sleep in any of the open bedrooms. [REDACTED]

Before the events that concerned her, Complainant also went to Respondent's house for a couple of parties, his [REDACTED] and one other, and nothing ever struck her as weird on any of those occasions.

Nicknames

Complainant does not recall the context, but Respondent started calling her [REDACTED] for "[Complainant]," or "[Complainant]" [REDACTED]. One time when Complainant texted Respondent's [REDACTED] Complainant looked up how to say "Hey" in [REDACTED] because Complainant likes to learn something in people's languages when she meets new people. Respondent taught Complainant a few phrases in [REDACTED] Early on, Complainant proposed some nicknames for Respondent because people could not pronounce Respondent's name. Respondent did not like the proposed names ([REDACTED] and [REDACTED]), so Complainant never used them.

Pay Issue

Before anything happened that concerned Complainant, Respondent said he was enjoying working with Complainant, that she had an awesome work ethic, and that he would like to keep her. He talked about possibly hiring her as a junior specialist, although it would cost him more to pay her the same amount. He also tried to convince her to do a [REDACTED] PhD instead of [REDACTED] school. One time when she was playing with his dog, he said he would pay her [REDACTED] to keep working with him. That is a lot of money to Complainant and was more than she could make at a [REDACTED] clinic. That happened before everything that concerned her.

Birthday on [REDACTED], 2017

Complainant thought it would be funny to fill Respondent's office with balloons for his birthday. She likes to go over the top to do fun things like that for people. Complainant had been blowing up balloons in Respondent's office when he came in at [REDACTED] for [REDACTED] sampling. She hadn't expected him and had thought the balloons would be blown up when he got there.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Coffee

After [REDACTED] Complainant and Respondent started getting coffee together. One of the things that people yelled about at [REDACTED] was that Respondent would get coffee with Witness I a lot and would have personal conversations. After that, Respondent started texting Complainant about coffee. She has a text from him on August [REDACTED] when they went to get coffee. Respondent had “a lot to process” at that time, and he talked to Complainant about feeling unfairly attacked. He said that he didn’t have friends and that he had thought the lab members were his friends. [REDACTED]

[REDACTED]

Respondent and Complainant also got lunch one time because Complainant needed food and Respondent was avoiding the lab. Before [REDACTED] Respondent never even took vacations because he loved his job so much. At that lunch or a coffee after [REDACTED] Respondent commented that Complainant was the only reason he wanted to come to the lab anymore.

August [REDACTED], 2017 text

On August [REDACTED] 2017, Respondent sent Complainant a text asking, “Why is [Complainant]?” He had been saying that he thinks everyone comes into your life for a reason. He commented on how different their

lives were, and he asked her why she thought she was in his life. Complainant never really answered that. She said she really enjoyed working at the lab and thought it was valuable experience.

[REDACTED] on August [REDACTED], 2017

On August [REDACTED], 2017, Respondent and Complainant got a beer at [REDACTED]. After [REDACTED] Respondent had said that he would get beers or coffee with a smaller group but that they no longer would be going out after lab meeting as a whole lab activity. Respondent approached Complainant individually and asked if she wanted to get a beer at [REDACTED]. Complainant did not think that was weird because it was their usual lab meeting/happy hour day, they sat across from each other, and they had no physical contact.

The same night, Respondent gave Complainant [REDACTED]. He described it as a tattoo design and said they each could get one piece of the tattoo. Complainant responded that she had not been serious about the tattoos. She had moved past the joke. She was thinking about getting a tattoo for herself to commemorate her time in the lab, but she had moved past matching tattoos. She didn't think Respondent's [REDACTED] would like it.

Movie Night on August [REDACTED] 2017

On August [REDACTED] 2017 Complainant was supposed to go to Respondent's house for dinner in advance of housesitting for Respondent and his [REDACTED]. Respondent lives [REDACTED], and Complainant and Respondent went to the park with the dog while his [REDACTED] stayed home. Respondent always comments that Complainant stands with her toes pointing in. At the park, he stood really close with his feet outside of hers and said maybe her feet pointed that way so that the two of them would fit together. The comment seemed a little odd, and he was standing too close, but she didn't feel his intent was inappropriate at that time.

Later that night, Complainant, Respondent, and Respondent's [REDACTED] watched a movie. His [REDACTED] was already sitting in the chair, so only a two-person couch was left in the room. Complainant sat on the couch with Respondent. Her foot was tucked under her leg so the front half of her foot was exposed, and Respondent started stroking and rubbing her foot. He did things like drawing circles around her toe with his finger and squeezing her foot. That continued a few minutes, and Complainant was uncomfortable, so she got up to go to the restroom. That was the first time anything Respondent had done had really made her uncomfortable. She went back and sat with her feet on the floor as far to the side of the couch as she could. Then he put his hand between them on the couch so that it was up against the side of her thigh. They weren't touching before he put his hand there, so he could have kept his hands in his lap and not been touching her. At one point, Complainant put her feet directly up in front of her with her arms wrapped around her legs. Although it wasn't her intent, Respondent may have taken it as a cue to start touching her foot again because he did. She got up to get the dog's ball or something to change the situation.

After the movie, Respondent's [REDACTED] went to bed. Complainant had agreed earlier that she would spend the night there because she had wine with dinner, they had extra rooms, and he lived in [REDACTED] so she would have had to drive home [REDACTED]. Complainant wishes she had gone to bed also, but Respondent asked if she had seen a particular comedian. Complainant thinks it was [REDACTED], but she doesn't watch standup much. It's not Respondent's fault, but a lot of the comedy was about sexual topics, and it was really uncomfortable to be watching it with her boss. It felt like watching with her parents. Respondent put his hand under the back of her racerback tank top and he started rubbing her shoulders. Some of what he was doing felt like a massage, but some was just stroking. Respondent went up her neck

and talked about how soft her hair was. It was really gross. He started touching her while the comedy was on, but then he turned it off and kept touching her while they were talking. She didn't want to be rude, but eventually she said she was going to bed. The next day, the parties both went into the lab separately.

[REDACTED]

[REDACTED]

Coffee after Movie Night

Complainant and Respondent went out for coffee after the movie night. Respondent talked about Complainant's effect on him. [REDACTED]

[REDACTED] were the only two women whose necks he had touched. He talked about the effect Complainant was having on him and asked, "Are you a witch?"

Respondent also told Complainant, "I think I need to be drunk to talk about this." He started talking about wanting to drink and talk about their feelings. He mentioned that Complainant had never been drunk around him [REDACTED]. Respondent started asking how "Truth or Dare" works, and Complainant explained. Respondent suggested that they play "Truth or Truth." Complainant said she did not know what she would ask, and Respondent said he just wanted to ask her questions and know what she would answer honestly. She said, "What questions?" and Respondent replied, "I think we need to be drunk to have that conversation." They did not play that game or discuss it later when they got drinks. Complainant would get tense when Respondent would ask her personal questions, and Respondent would suggest that they should get drinks so she could be honest without being tense.

Complainant and Respondent also had talked about parent/child relationships, and Complainant and Witness A had thought that Respondent saw her as a daughter,² so she did not see it coming when "things escalated and got creepy."

Asking Complainant to Smile

Respondent had been talking about how he rarely smiles and Complainant and Witness C smile a lot. Respondent would say that Complainant's smile made him happy and made him smile. When they would

¹ [REDACTED]

[REDACTED]

[REDACTED]

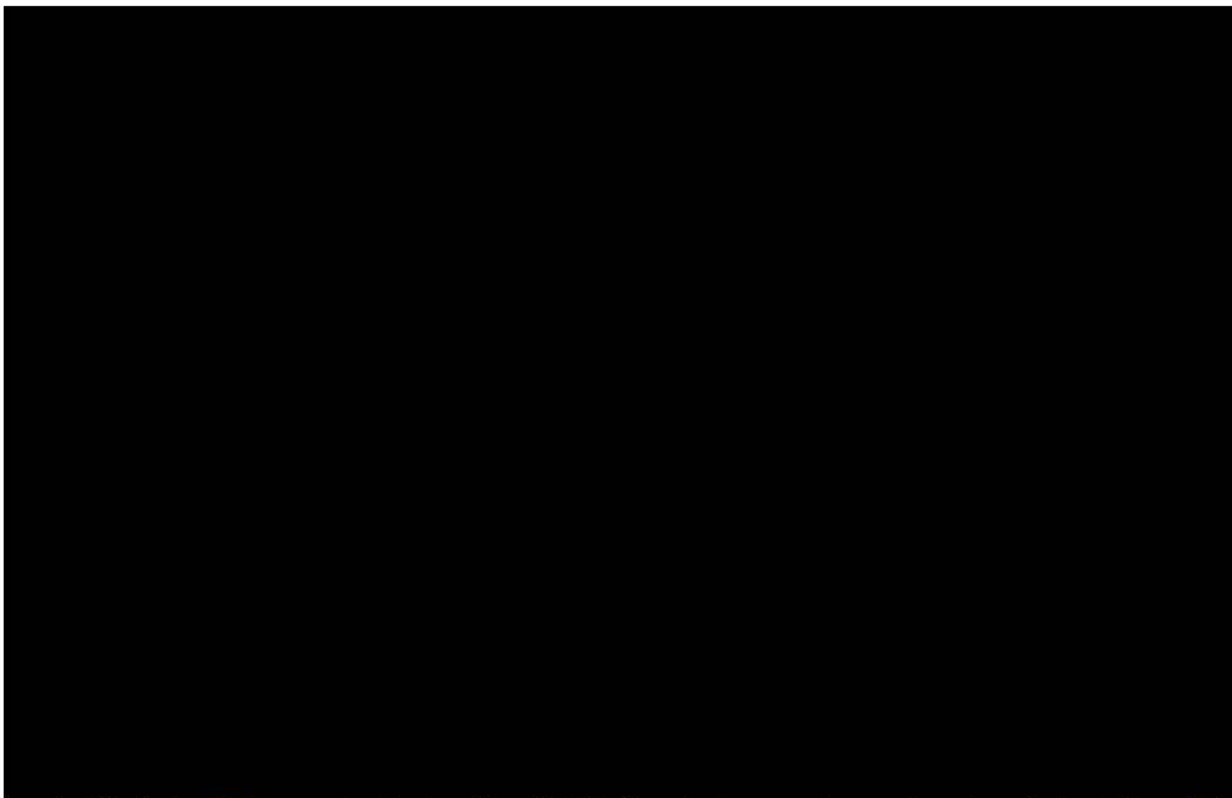
[REDACTED]

interact, Respondent would say, "There's that smile." Then he started coming into the lab and smiling at her or pointing to his mouth and saying, "Smile." Then, Complainant would smile and Respondent would thank her for his daily smile. When he went on his trip, he asked her to send pictures and said he was missing her smile. She did not send any pictures. He also ran his hands through her hair once and commented that it was soft. That was within the last week when everything really escalated. He touched her hair maybe three times or so, including when he ran his fingers up her neck and talked about how soft her hair on the movie night. When Complainant would walk into his office, the first thing Respondent would do is ask her to smile. It was "super weird."

[REDACTED] on August [REDACTED], 2017

Complainant and Respondent met at [REDACTED] for drinks when Respondent was about to leave for [REDACTED] weeks. She thinks what happened may have been that they planned to get drinks on August [REDACTED] when they were at [REDACTED]. She does not think she would have made plans with him after the movie night incident, but if they already had a plan she wouldn't have canceled it.

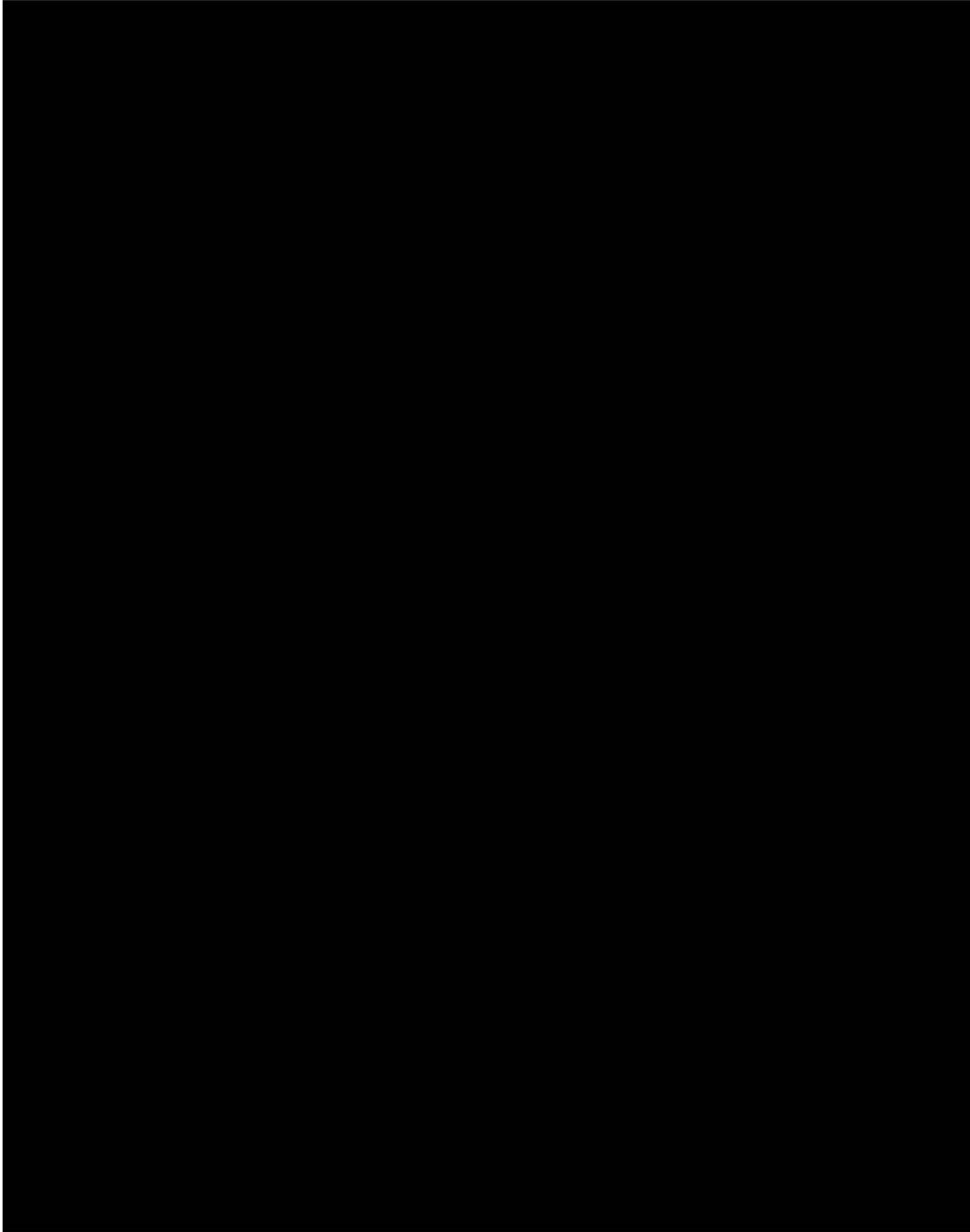
Right after they got to the restaurant, Respondent gave Complainant a book with the [REDACTED] tattoo design and "[REDACTED]" written on the front:



Inside the book, Respondent had written that his happiest moment was when Complainant kissed his cheek on his birthday. Complainant asked, "What are you talking about?" When Respondent talked about her kissing him, she made it clear that did not happen and he said, "Okay, maybe it didn't happen." He said maybe he was just really tired or dreamed it.

Some of the comments from the book were written when they were at [REDACTED]. They were sitting by the fire pit, and there was room for them to have good space, but Respondent sat close. Respondent asked why

Complainant was so tense. He kept pushing her to write in the book, and she said she didn't have anything to write. Respondent wrote a random thought about [REDACTED] and kept insisting that Complainant write something too. He always commented about how Complainant crossed her feet and seemed tense and guarded, so Complainant drew a picture of her feet crossed.



Respondent was commenting on Complainant seeming uncomfortable. That was accurate. She drew a picture because she did not want to say anything. The book "grosses out" Complainant, and she did not want to keep it, but she thought she might need it for this process.

Complainant got drinks. She was sitting on the very edge of the couch. Respondent was not on her half of the couch, but he was not on the edge. He asked why Complainant was so far away and said, "You're about to fall off the couch." He put his arm out and motioned for her to come closer. Complainant leaned

over toward him briefly. When she tried to sit up, he held onto her. She was still on her side of the couch and was really uncomfortable leaning over. She tried to reach for her drink and tried to sit up, but Respondent was holding Complainant into him. Complainant had her feet curled up, and Respondent put his fingers inside of her sock. His hand was on the side of her thigh and the side of her butt area, rubbing the outside of her hip area. When he had his arm around her, he was rubbing the side of her body. She felt her body language made it clear that she wanted to move away. She could have been more verbally direct, but she felt shut down. [REDACTED]

[REDACTED] which has made her want to avoid confrontation with people. Respondent has not been violent toward Complainant, but her past makes her try not to anger people.

Instead of saying that Respondent was making her uncomfortable, Complainant said, "Would [your [REDACTED] be comfortable with this?" Respondent answered "No" without hesitation. He also said if his [REDACTED] were there, he wouldn't be doing it. Complainant said that if Respondent's [REDACTED] wouldn't be comfortable with something, he shouldn't do it, but he didn't change his behavior even temporarily. Respondent also should have changed his behavior when he could tell that Complainant was tense. He said, "Truth or lie, why are you so tense?" Complainant answered, "Lie: I'm not tense."

Complainant kept making excuses to get up and move away. She went to the restroom around three times over one drink. She was looking around wondering if anyone was going to make eye contact and realize that what was going on was inappropriate. She later learned someone from the lab had been there, but Complainant didn't see her. A cute dog walked by, and Complainant got up to pet it. She went to get water. Respondent was not getting up or moving away. When he finally got up, it was to get drinks, and he got Complainant a double that was bigger than her first drink without asking her.

Complainant did not think the night at [REDACTED] was when Respondent intended to get drunk and talk, because he had to drive back to [REDACTED] and he was leaving the next day. But, she definitely felt that way when he got her a larger drink. [REDACTED] She could have left the drink but did not want to be confrontational, so she drank it.

After they finished their second drinks, they left [REDACTED] Respondent does not know where Complainant lives, but he knows the area. He started walking that way and put his arm around her waist. Complainant asked where Respondent was parked, and he said he parked in the opposite direction. She said she was fine walking herself home. Respondent then told Complainant to let him know if he was making her uncomfortable. Complainant really wanted to get home so she just said, "No, it's fine. See you tomorrow." Respondent hugged her and kissed her on the cheek. She did not reciprocate. After Respondent kissed her cheek, he asked if she thought he was creepy. He had also asked her on a previous night if he was making her uncomfortable. That may have been after the movie. Both times, Respondent only asked if Complainant was uncomfortable at the end of the night after everything had happened. He did not ask before he put his hands on her if it was okay or anything like that.

When she got home from [REDACTED] she called her friend Witness H crying. The whole past three or four days had been very unexpected, and Complainant walked away wondering what was going on. She told Witness H that she didn't know what to do because Respondent was her boss.

[REDACTED] Trip on August [REDACTED] 2017

On August [REDACTED] 2017, Complainant was supposed to take Respondent and his [REDACTED] to the airport then start pet-sitting for them.

When Respondent talked to Complainant about pet-sitting, he said that she should sleep in his bed. The first time she had watched their dog, she asked if it was okay for the dog to sleep with her. Respondent said the dog usually slept with him, so Complainant did not find it weird for him to say that she could sleep in his bed that time. But, the dog had slept with Complainant in the guest room the first time, so it was weird for Respondent to keep suggesting that she sleep in his bed the second time. He told her probably at least four times that she should sleep in his bed.³

Respondent invited Complainant over early to hang out with the dog, but she got there just as they wanted to leave. Complainant drove them to the airport and stayed in the car. Respondent said, "You're not going to get out to give us a hug?" Then he commented to his [REDACTED] that Complainant was not going to hug them, so she reluctantly got out to hug them. Later that day, Respondent texted her saying sweet dreams. She was supposed to pick them up when they got back from their trip on September [REDACTED] 2017, but when Respondent commented that they were going to be late and could take a taxi, she took that opening and had them take a taxi.

Aftermath of Incidents

The day after the interaction at [REDACTED] Witness A texted Complainant and said she was here if Complainant wanted to talk. Witness A called Complainant, and Complainant explained what had happened. Then, Witness A wrote a scathing email to Respondent, and he emailed Complainant on September [REDACTED] 2017 to say he was sorry.

When Complainant first told Witness A what had happened, Witness A did not realize she was required to report what she learned. Complainant was hesitant to report because she did not want to hurt all of the people working with Respondent. At the same time, Complainant felt that Respondent's [REDACTED] should know what [REDACTED] was doing. Complainant had told Respondent that his [REDACTED] was great, and Respondent had seemed ambivalent. He just said "well..." and trailed off.⁴ [REDACTED]

[REDACTED]. Witness A also noted that she was not objective because if Complainant reported, it would affect Witness A. So, she encouraged Complainant to talk to campus resources. Complainant typed up a summary at Witness A's request and Witness A later learned that she had to report and submit the summary.

[REDACTED]

Initially, Complainant planned with Witness A to only work when Witness A was there. She tried working at night, but she started worrying that Respondent would realize when she was working because he approved her timesheets, and then she would be alone in the lab. She had one friend in the lab who would tell her when everyone else had left for the day. Eventually, Complainant [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], so she passed off her work. After [REDACTED] Complainant had still gone to work. She did not want to let other people yelling lead her to leave the lab. [REDACTED]

[REDACTED] Complainant later sent an email detailing her work hours as follows:

[REDACTED]

[REDACTED]

[REDACTED]

I have not worked at all since then.

In a separate email, Complainant also noted that she had spent time away from Davis, avoided the cafes and bars she went to with respondent, cried looking through her emails, [REDACTED]

[REDACTED]

Someone in another lab had seen Respondent with his arm around Complainant at [REDACTED] and thought they were secretly dating. She told everyone. With Complainant's permission, Witness [REDACTED] emailed everyone and said that Complainant was "not down" with what had happened at [REDACTED] and that everyone should be nice to her. The fact that was necessary made the work environment feel uncomfortable. Complainant did not know what others were thinking or saying.

Respondent kept emailing Complainant, and she did not want to talk to him. She ignored his emails about whether they could meet, and she eventually stopped replying to him altogether.

Complainant has stopped going to the lab. [REDACTED]
[REDACTED] After the incident at [REDACTED] Complainant believes Witness [REDACTED] told Respondent to leave Complainant alone. He has, but it was still uncomfortable being there.

In conclusion, Complainant noted that she doesn't want to ruin Respondent's life, doesn't want him to lose his job and doesn't want everyone else in the lab to be "fucked over by this." She wants it to be taken seriously and wants him to take it seriously. She does not think he is an altogether terrible person. She thought he was cool when they first got coffee, and she liked his dog and his [REDACTED]. Everything escalated quickly, and she doesn't feel she encouraged him or gave him an indication she wanted him to behave as he did.

B. Interview of Respondent

Respondent is a professor who joined the University [REDACTED] years ago. Witness [REDACTED] was his first graduate student and he has built a lab of [REDACTED] graduate students and postdocs.

Respondent started out by noting that context is important and that the perception of reality is different in different people. That is what happened here. When you read the notice letter, Respondent looks like a sexual predator, but he is not. Most of this comes from misunderstandings, misinterpretations, some small lies, and some truth. It is a mixture of everything. This also comes from the fact that the complaint describes "two hours after almost five months after being under the influence of [Complainant]."

Although Respondent did not see it at the time, he now realizes that Complainant was trying to be part of his family life. Respondent tries to treat his lab like a family and to give everyone a feeling of belonging.

Complainant took a [REDACTED] class with Respondent, but he had no interaction with her in class. Complainant's [REDACTED], Witness [REDACTED] started working for Witness [REDACTED] after that class then needed to take some time off, so Complainant took his place. For four and a half or five months, animosity toward Complainant in the lab grew, but Respondent did not know the background of that until quite recently. He just kept trying to make the lab a friendly place.

Tattoos

From time to time in June and July, people would tell Respondent that Complainant was [REDACTED] or obsessed or other similar but more casual things. But, he saw her as an innocent and extremely nice person. She always sat right behind him, so he did not see her or notice her behavior toward him. Later, he learned about things she had been saying, but at the time he had not seen the texts and emails Witness [REDACTED] later showed him [REDACTED]. People would tell him that he had a completely wrong view of Complainant and did not understand who she was or how she behaved in the lab, but they didn't tell him specifics.

[REDACTED]
[REDACTED] Complainant was continually talking about getting matching tattoos. Respondent said he would never have a tattoo.

Nicknames

Respondent does not recall Complainant having any nicknames that she called him.

Pay Issue

Respondent talked about increasing Complainant's pay only because that was in line with the policy of the University if she kept working after graduating.

Birthday on [REDACTED], 2017

Complainant filled Respondent's office with hundreds of balloons and saved additional balloons, offering to bring him a balloon and a smile each day of the upcoming year.

[REDACTED] on August [REDACTED], 2017

At [REDACTED] people were not attacking Complainant. They were attacking Respondent because of Complainant. They asked why Complainant had been invited to the [REDACTED] and "Why is it always [Complainant]?" They were not being rude, they were mostly expressing unhappiness. Respondent tried to explain that they perceived Complainant wrong and [REDACTED] so they should embrace her not alienate her. In response to a question, Respondent said that someone may have said, "I don't know why you just love [Complainant] so much," but it was not like "love"—it was potentially suggesting favoritism and wondering why Witness [REDACTED] hadn't come.

Comments about her Body

Respondent was concerned about Complainant's [REDACTED] because he had an [REDACTED] student faint in his lab in [REDACTED]. When Complainant was insisting on working alone in the lab, [REDACTED], because he did not want to have someone in the lab who might faint.

[REDACTED] Complainant went swimming during the trip home from [REDACTED]. Respondent does not remember a conversation about her appearance or about him holding her things. He does not remember a conversation about believing she was not [REDACTED] after the swimming.

Coffee

Complainant asked Respondent to coffee. Respondent also went to coffee one-on-one with other lab members, including Witness [REDACTED] and Witness [REDACTED].

Respondent told Complainant that she was a highlight of the lab, but he tells everyone that. He goes to work for the students. They are his creativity and inspiration. It was work-related and was not about Complainant specifically. With respect to the allegation that Respondent told Complainant he had no friends: After [REDACTED] he felt abandoned and betrayed because of problems he had not been aware of, which led him to say he did not have friends.

[REDACTED] on August [REDACTED], 2017

Before [REDACTED] the lab would go as a group to get a beer after lab meeting on [REDACTED] afternoons. After [REDACTED] Complainant invited Respondent for coffee, and one of them suggested that they go to [REDACTED] for a drink one [REDACTED]. They sat across the table and talked. At the time, Respondent was trying to understand the animosity in the lab, so he talked to Complainant about that. He had been told that the other undergraduates would work in pairs to avoid interacting with Complainant one-on-one, but he could not decide how to talk to Complainant about that in particular, so he did not bring it up.

Respondent had told Complainant before that he would never get a tattoo. But if he did get a tattoo, he would design a [REDACTED] signifying his love for [REDACTED]. Respondent does not know how Complainant interpreted the design, but he did produce it. [REDACTED]. He said he was never going to have a tattoo, but that was what it would be if he did, where each of them would get a part of the [REDACTED]. He felt like he was under continuous pressure from Complainant. She almost cried and seemed really upset about him saying that he would not get a tattoo. When he designed the tattoo, he was thinking of it as giving a kid something to play with.

Movie Night on August [REDACTED] 2017

Once in the beginning of September, Complainant housesat for Respondent. Before that, she wanted to come see the routine, so Respondent and his [REDACTED] invited her over. [REDACTED] Respondent showed her the routine. She was interested in where the dog sleeps because she wanted to sleep with the dog [REDACTED] Respondent told Complainant what side of the bed he sleeps on and that the dog usually sleeps on his side of the bed.

Respondent thinks they went to the park but he does not remember well because he had a really [REDACTED]. He did comment on the way that Complainant stands, but that is just because he comments on the morphology of plants, people and animals. Complainant stands with [REDACTED], and he commented on that. [REDACTED]

[REDACTED]. Respondent commented on her feet but he did not say that they should stand together. They were standing a meter apart. Respondent added, "I don't like to touch people much."

They watched [REDACTED]. Respondent's [REDACTED] sat on the chair, so Respondent and Complainant sat on either side of the loveseat. Complainant put her leg up with her foot against Respondent's thigh. Respondent tried to move it, but she put it back. At that time Respondent was treating her like part of the family. Respondent had a kid who always liked to be in contact. Respondent did put his hand on her toe. When he got up to put something on his [REDACTED], Complainant kept her foot up on his side of the seat. If something had bothered her, Respondent would have expected her to move her legs from his side of the seat.

Respondent never had his hand on the side of Complainant's leg. He had his hand on her toe, but he doesn't remember rubbing them. For Respondent, it was like a moment of recollection of watching a movie with a kid. Later on, when Respondent touched her neck, he asked if it was okay to touch her neck. After he touched her neck, he asked her if it felt strange and she said "no."

When Respondent's [REDACTED] went to bed at the end of the movie, Complainant wanted to watch comedy. Respondent thinks they watched a female comedian, [REDACTED]. They were not watching something Respondent had seen before. Respondent has no idea what happened leading up to him touching Complainant's neck. It is cloudy. It was just like being with a family member, like a kid sitting on the same couch. He was not thinking about it. He knows about the allegation, but he never put his hand under her shirt or her sock and he does not know where that is coming from. He does not specifically remember if he touched her then asked if it was okay or if he asked her then touched her. He has no idea if he touched her shoulders or her neck. He had a really horrible [REDACTED] and was not in the right space.

The Monday after Complainant spent the night at his house, Complainant asked to be adopted.⁵ She said that she had no nightmares at their house.

Coffee after Movie Night

⁵ [REDACTED]

In response to a question about whether Respondent talked to Complainant about their emotions and the “effect” she had on him, Respondent said that at the beginning he was trying to understand the animosities between the lab members. He wanted to develop trust so that he could get to the bottom of the misunderstandings in the lab. Complainant would talk about games. She wanted to play something like Truth or Dare, and Respondent thought it would be better to come up with something else, so he suggested Truth or Truth, which is a game he had played with his kids, where one person asks a question and the other person can either answer that question or give a truth about something else. The suggestion was not designed to talk about their feelings toward each other or something like that. They were walking from coffee. Respondent does not recall what they were talking about. [REDACTED]

As a [REDACTED] you ask questions about the world such as, “What is the table?” “What is the tree?” That leads to a description and is not interesting. “Why” is more interesting. Why is something happening to us? “Why is [Complainant]?” “Why is [Respondent]?” “Why is the tree in this environment?” “Why is something a deterministic part of the world?” We treat the world as stochastic, but if we knew the position of every atom, we could predict the next movement and would not need to ask questions. Respondent asked, “Why did I meet [Complainant]? Why is she in the lab working?” in the same way that he asked other questions about the nature of the world. He thinks he suggested that she had come into his life to bring happiness. He equated it to asking why a kid came into the world.

[REDACTED] on August [REDACTED] 2017

When Complainant and Respondent had been at [REDACTED] they talked about getting another drink the following week. They went to [REDACTED]. They sat [REDACTED] outside on the patio. Complainant put her head on Respondent’s chest, so he put his arm around her. He did not touch her buttock and could not have because she was sitting on it. He may have put his hand on her thigh, but he did not put his hand in her sock; that is “imagination.” Complainant was sitting close enough to Respondent for him to put his arm around her. She did not push away or anything like that. He cannot comment on what she felt or was thinking, but her arm was not tense and she did not seem to be trying to get out or anything like that. They were sitting like that for one or two minutes. Respondent did not rub Complainant’s foot.

It is not true that Respondent put his arm around Complainant’s waist. It was pretty chilly and was starting to be [REDACTED].⁶ He asked if she wanted to get closer, and she changed position and leaned against him. Then, he changed his position and put his arm around her.

Respondent bought the first drink then sat and talked with Complainant about a tree in the area. Complainant wanted a second drink, but Respondent did not buy it. She bought it herself. Respondent did not even know that people could order bigger drinks. Complainant bought second drinks for both of them. Respondent only started his, but Complainant drank hers. Respondent said something to Complainant telling her to watch out because if she drinks too much she may say too many true things in relation to what happened in [REDACTED] at the [REDACTED]

In response to a question about whether Respondent said that Complainant and his [REDACTED] are the only women whose necks he has ever touched, Respondent said that he thinks he might have said something

[REDACTED]

like that. He doesn't know if he used the word "women" but he made a similar statement. He thinks they were sitting on the couch at [REDACTED] when that came up.

Respondent does not specifically remember Complainant asking if his [REDACTED] would be comfortable with what he was doing. The answer Respondent tried to give was that he did not know. The entire interaction with Complainant is more like a misinterpreted father-daughter relationship. Respondent does give hugs to his kids. He had a vision of Complainant having been [REDACTED], and he had [REDACTED], which led to a sensation of compassion.⁷

In response to a question about whether Respondent mentioned Complainant seeming uncomfortable and tense, Respondent said he is not a magician. He may have said something about Complainant seeming tense, but it is not as though he thought about it. He is shy and not really good at communicating with people.

At [REDACTED], Respondent gave Complainant the diary. He was not suggesting, "Let's write about our love to each other." It was not like that. It is more like when you put your thoughts on paper it makes them more vivid to your memories. Respondent felt Complainant was untruthful in her communication. He had the idea that maybe the book would help with her problems with lab members. He was being a "homegrown psychologist." He told her she could write anything--any statements about the world. He did not say anything to her at the time about wanting to use the book to understand issues in the lab. He said it was to discover "who we are and where we are going." It was more or less a continuation of the "Why is [Complainant]?" question.

In response to a question about what each of them wrote in the [REDACTED], Respondent stated that Complainant drew the picture [REDACTED]. Respondent wrote the other things in the book. When he said "Little did I know..." he meant that something that was small became big in terms of its impact on his life. It was like the impact of a daughter or son. It was the impact of sitting with someone every day for three hours. He was not thinking of a specific impact at the time.

When he wrote, "My best moment of [REDACTED], a kiss on the cheek" that was a reference to the day Complainant blew up the balloons. When Witness [REDACTED] saw the balloons, she commented that Respondent had better watch out before the balloons become dead rabbits. Respondent's understanding of that statement was that it was a joke because Complainant had spent the entire night blowing up the balloons. Respondent saw her there at [REDACTED] a.m. It was a joke that Complainant was doing something crazy and was obsessed and something bad was going to happen. People have swings of mood from love to hatred very fast. Respondent does not know about any reference to *Fatal Attraction*. He has not seen that movie, but maybe Witness [REDACTED] has. Complainant had hugged Respondent and kissed his cheek when she blew up balloons for his birthday. He confronted her about it later and she said she never did. He asked her if she remembered giving him a kiss for his birthday, and she said, "No I never did."

Respondent never asked anyone to get intoxicated, including Complainant. After her second drink at [REDACTED], Respondent asked Complainant if she was getting drunk.

At the end of the night, Respondent and Complainant walked away from the bar. Respondent was telling Complainant that he would be leaving for [REDACTED] weeks. She put her arm around his neck and said, "Oh, [Respondent]." They tried to walk like that for about half a block, but it was not comfortable, so they

⁷ [REDACTED]

separated. Complainant suggested that when Respondent got back, they could try a different bar, like [REDACTED]. Respondent walked with Complainant because he needed to get some air before driving home. During the walk, Complainant was trying to suggest that they go to [REDACTED]⁸

Respondent hugged Complainant and kissed her cheek. The entire time they had known each other, Complainant had been insisting on hugging Respondent. He does not know who initiated the hug that night, but she had been demanding contact the whole time they had known each other. Respondent does not usually initiate hugs, but when people insist that he needs to hug, he does it. After five months of Complainant insisting on contact, Respondent responded “like Pavlov’s dog.”

Respondent added that context is important to understanding the interaction with Complainant. The one hour at [REDACTED] followed five months of Complainant consistently acting like she wanted to enter his life. She started to listen to his music. She started to learn the [REDACTED] language. As a result, Respondent started to treat her like a daughter. She presented herself as a [REDACTED], and that brought out Respondent’s compassion and sensitivity.

Asking Complainant to Smile

Respondent does not smile. After Respondent’s birthday, Complainant followed through on bringing him a balloon and a smile each day. Respondent said that she had a nice smile. He was like Pavlov’s dog saying that he enjoyed her smile and that it was like his morning coffee. This was not something that happened multiple times. There was just one occasion where Respondent said, “Hey, [Complainant], I missed your smile” while he was walking through the lab.

The day after the [REDACTED] drink, Respondent went to Complainant and touched her shoulder to get her attention. He probably touched her hair in that context. He said he missed her smile because usually she went to his office and sat at his desk and played with his dog, but he was late that day. He does not recall commenting on her hair.

Complainant was continually entering Respondent’s office. She was very nice and sat silently because she did not have friends in the lab. He only remembers touching her hair in the lab that one time when he tried to touch her shoulder and tell her he missed her smile as he was walking through the lab. He never said that multiple times.

Airport Trip on August [REDACTED], 2017

Complainant took Respondent and his [REDACTED] to the airport and stayed at their house and watched their dog. Respondent did not ask Complainant to hug him at the airport. Complainant got out of the car and gave hugs. Respondent does not remember a joke about Complainant not hugging them. Complainant had been insisting on hugging him for almost [REDACTED] months.

Aftermath of Incidents

Witness [REDACTED] saw Complainant and Respondent at [REDACTED] and told the lab. Then, Witness [REDACTED] confronted Complainant and Complainant got into “some sort of defense mode.” Respondent imagines that Witness [REDACTED] accused Complainant of wanting to break up Respondent’s marriage, although he doesn’t know that for certain. After that, Complainant said she just wanted to have professional interactions.

⁸ [REDACTED]

Witness [REDACTED] confronted Respondent over email. That was his first awareness of any perception that he was treating Complainant as anything but a friend and daughter. Witness [REDACTED] asked Respondent what he was doing and said that he should go to therapy. She wasn't very nice. Respondent tried to say that the interaction was not romantic and had nothing to do with his marriage. He doesn't have those messages anymore. He was upset at the time and probably deleted them. Witness [REDACTED] may have them.

I asked Respondent about his email messages with Complainant. When Respondent commented to Complainant that he would go back to before [REDACTED] he was saying that he would pretend he did not know her. He would change back to the former version of himself who did not know Complainant, did not smile and did not hug. He was responding to receiving a message from Witness [REDACTED] and learning that Complainant was upset. He also was responding to Witness [REDACTED] when he said he was not "into it" either. That is slang he does not understand, but he assumed Witness [REDACTED] was saying Complainant did not want a sexual or romantic relationship, and Respondent was saying he did not want that either. When he said that Witness [REDACTED] was a "teletubby" he meant that she shares everything.

In summary, Respondent highlighted that the allegations were a mixture of true and misleading information. It's true that Respondent stroked Complainant's foot. But, Complainant put her foot on Respondent's thigh multiple times. He would go to the kitchen and come back, and she would put her foot right back on him. It is true that Respondent touched Complainant's neck. Respondent noted that Complainant "was not a student at that time, by the way." He had seen her near the [REDACTED] when he was there to play [REDACTED] Complainant had been pushing him to hug, and he had told her that he only shook hands with students. Back then, she had said she would not be a student for long. At the [REDACTED] she said she was no longer a student and that she could prove it because she no longer had access to the [REDACTED]

With respect to possible witnesses, everyone in the lab saw Complainant's interactions with Respondent at his party and at happy hours. They also had their own conversations with her. Witness [REDACTED] is aware of issues between Complainant and the other undergraduate researchers. She also knows about messages Complainant wrote about Respondent. Respondent was not aware of the messages until recently, when Witness [REDACTED] learned about the complaint and told him about them. Respondent saw animosity toward Complainant from Witness [REDACTED] and did not understand where it was coming from, so he tried to convince Witness [REDACTED] to at least say hello to Complainant. Witness [REDACTED] was aware of relevant issues. Witness [REDACTED] was not part of the issues involving Witness [REDACTED] and the undergraduates and told Respondent she did not have anything against Complainant. Witness [REDACTED] and Complainant appeared to dislike each other deeply, and Respondent does not know why. When Complainant housesat for Respondent, Witness [REDACTED] (who was staying at Respondent's house at the time) left for [REDACTED] days. The undergraduates in the lab would have some knowledge as well. Witness [REDACTED] lives in her own world, so she and others who arrived later in the lab were less involved.

Complainant was always on Respondent's side with a smile. She was continuously asking him to hug and to get a tattoo. A colleague from another University has warned Respondent that the University will be concerned about [REDACTED] even though if the genders of the individuals were reversed, people would think Complainant harassed him. Now Complainant is presenting him as a sexual predator, but in reality he felt compassion and misplaced parenthood. After [REDACTED] Complainant was coming to Respondent and saying that Witness [REDACTED] had been telling the other undergraduates about [REDACTED] When Respondent asked Witness [REDACTED] she said Complainant started talking to the undergraduates and they had come to Witness [REDACTED] asking questions. Respondent still does not know which of them was telling the truth. When Respondent asked Witness [REDACTED] why she did not like Complainant, Witness [REDACTED] said Complainant had done something

Witness [REDACTED] didn't want to talk about. In the end, Complainant was able to isolate the lab and to be the person Respondent spent time with, whether or not that was her intention.

There was no romantic sentiment behind Respondent's interactions with Complainant. He felt he had a distressed person in the lab and was trying to deal with it within his own abilities.

C. Interview of Witness A

[REDACTED] Witness A considers Respondent a friend and professional mentor. She has thought many times of putting in his name for recognition as a great mentor. He has an informal style in his lab, always has his door open and is not strict with his time. Witness A met Complainant when she took Respondent's course [REDACTED] last fall. Witness [REDACTED] asked Witness A about becoming an undergraduate assistant. He worked with Witness A [REDACTED]. Then he needed to leave for a [REDACTED] and asked if Complainant could take over for him. Complainant was smart and a good worker.

Witness A was in the field from the end of [REDACTED] through the beginning of [REDACTED] and from [REDACTED].

Tattoos

Complainant's behavior toward Respondent was always strange, although Witness A had no idea that it would lead to this. Complainant really wanted to get matching tattoos and wouldn't let it go even when Respondent said no. She generally spoke about Respondent like she was "an obsessed teenager." [REDACTED]

[REDACTED] Witness A just thought that Respondent wouldn't be "susceptible."

Complainant has a tattoo from a previous boss in [REDACTED]. Early in the summer, the lab went out for beers. Although she now questions her decision, Witness [REDACTED] invited Complainant because she was [REDACTED] or [REDACTED] years old. Complainant got fixated on finding matching tattoos. Respondent was clearly uncomfortable. It was before Respondent's birthday and Complainant had been bothering everyone by raising the idea of tattoos over and over again. Witness [REDACTED] told Complainant to let it go and that Respondent did not want tattoos. Complainant said, "I'm heartbroken," and she actually looked heartbroken. It made Witness [REDACTED] uncomfortable. Later on, Respondent's idea about whether a tattoo was reasonable may have changed, but early on, Complainant wanted the tattoo and he clearly didn't.

Nicknames

Witness A does not know about any nicknames Respondent had for Complainant. Complainant has mentioned calling him [REDACTED]. Others have said that she called him "[Respondent] [REDACTED] for [REDACTED] [REDACTED]."⁹ Witness [REDACTED] passed on that rumor. Witness A had learned that Witness B's students were saying they were uncomfortable with Complainant. Witness A encouraged Complainant to take responsibility for her relationships with the people in the lab.

Pay Issue

Witness A thinks the pay issue is related to the fact that Complainant could only stay on as a student employee through [REDACTED]. Respondent was interested in keeping her beyond that. She was a great

⁹ [REDACTED]

researcher at that point, before the [REDACTED] [REDACTED] Respondent tries to be generous and provide an income to people. She does not think he was being manipulative. It is typical for him to try to find money to have people join the lab, and he particularly tries to support women in [REDACTED] "That's part of why this is so shitty."

Birthday on [REDACTED] [REDACTED] 2017

Witness A was there the day that Complainant filled up Respondent's office with balloons. It was extreme. In contrast, at the birthday party at Respondent's house, all of the undergraduates were wearing [REDACTED] That felt like "healthy adoration," maybe partially because it was inclusive and everyone was wearing them.

[REDACTED] on August [REDACTED], 2017

Witness A invited Complainant to the [REDACTED] [REDACTED] because Witness A went as an undergrad and found it really valuable. Complainant had been working really intensely to get the data for Witness A's presentation. Witness A presented [REDACTED] so she did not go out with everyone in the days leading up to that. Some things happened that led Witness B and Witness C to be really upset with both Complainant and Respondent.¹⁰

Witness A did observe that Respondent and Complainant would go off alone together. Witness A heard that they sat together in the back of the van on the way home, for example. That was after others had yelled at them inappropriately. Witness A added that she was Complainant's direct supervisor, but most of these things happened outside of her supervision. Complainant was totally competent in the lab, and Witness A trusted Complainant with the samples as much as she trusted herself. But, she didn't trust Complainant with her boss.

The day after the blow-up in [REDACTED] Witness A went to Complainant and said, "Whatever you are feeling it is manifesting as love feelings. Do you love him?" Complainant said no, so Witness A told her to "tone it down."¹¹ After [REDACTED] Witness A flew to [REDACTED] while everyone else drove home in a van together. When she got back from [REDACTED] on around August [REDACTED] Witness A also went to Respondent and told him that everyone was saying things for a reason and he should pay attention to that because "this is life ruining stuff." She told Respondent to keep his distance from Complainant. Witness A does not remember everything she said, but she told Respondent that her [REDACTED] had commented that without people like Complainant there would be no cult leaders. That seemed to make Respondent more defensive on behalf of Complainant. He was not himself after [REDACTED] He doesn't have a lot of friends outside of the lab and felt misunderstood. It concerned Witness A that Respondent did not see that everyone's reaction was coming from a place of concern from people who cared about him. To the best of Witness A's recollection, Respondent said something like, "She's a kid. She'll get over it and realize that I'm a boring old man."

¹⁰ [REDACTED]

¹¹ [REDACTED]

Comments about her Body

Respondent did not say anything to Witness A about Complainant's weight or physical appearance.

Coffee

When she says that she did not think Respondent would be "susceptible" to Complainant, Witness A means that she has seen Complainant's "account of the culmination of this messiness," and she thinks Respondent must have thought Complainant was interested in him. They had long coffee breaks together, and Witness A just thought he was really friendly, then all of a sudden it seemed to turn into not just friendly. Respondent was really sad and had a lot of personal stuff happening and needed friendship. "It's murky."

During the weeks when Witness A was back in the lab during the end of the [REDACTED] Respondent and Complainant were getting coffee more frequently. She added that Respondent gets coffee with lots of people without any romantic undertones.

Hugging/Touching Generally

Respondent is not a touchy feely person. He is very stiff when Witness A hugs him when she is leaving. Witness A does not recall hearing conversations between Respondent and Complainant about hugging. Witness A feels like she can see them hugging, probably a big hug by her, but she does not have any specific recollection of that.

Aftermath of Incidents

Witness A had been planning to see Complainant on August [REDACTED] but she had taken a personal day. At the end of the day, Witness A went out with some lab members for a beer. Witness G told Witness A that she had seen Respondent and Complainant together at [REDACTED], and his arm was around her. In response to that, Witness A sent Respondent some emails and sent Complainant a text asking if she wanted to talk about anything. Witness A was leaving to do [REDACTED] but she told Complainant that she was staying at a [REDACTED] and would have service. They set a time to talk and Complainant called. Complainant started out talking about the other undergraduates and feeling like they all turned against her. Witness A asked if Complainant had anything she wanted to talk about related to Respondent. Complainant told Witness A some of the things that had happened. She mentioned that evening at [REDACTED] that Respondent put his arm around her, gave her a book to talk about their feelings, and kissed her on the cheek when they said goodnight. Witness A confirmed that Witness G had seen them with his arm around her.

Respondent had just left on a trip. Witness A sent him an email, but she does not want to provide it because she was heated and does not want that to be part of her "testimony." Even if reflected her true feelings in the moment, it was extreme.¹² In effect, she told Respondent to get his priorities straight, everyone is upset partially because they care about him and the wellbeing of the lab and his [REDACTED] who is their friend. Witness A told him to get some therapy for whatever he needed to deal with. Respondent's reply was more or less to say that he no longer felt he had friendships with the lab members and that he would be there just as a mentor. Witness A's impression was that Respondent thought Witness A did not understand what was happening with Complainant and that it was consensual or mutual. Respondent suggested that Witness A did not understand the situation based on what she was saying. Witness A said that Complainant had told Witness A she was uncomfortable while the interactions with Respondent were occurring and that she had asked Respondent whether his [REDACTED] would be okay with it and he said no. Witness A told Respondent he was putting himself in emotional and professional danger. She said she

¹² [REDACTED]

knew he was sad and felt alone but that Complainant was [REDACTED] and he was her boss. She said he was making a fool of himself and that Complainant was "not into it." He said that he was not going to respond to additional emails. He considered the case closed and felt Witness A was jumping to accusations and judgment. He said that he would work from [REDACTED] and that the time after that was his personal life. Later on, Respondent said he understood that he hurt Complainant and that he did not mean to.

At the time, Witness A did not have any question that what Complainant was saying was accurate. She does not know why anyone would lie about the things Complainant was saying, so she had no reason to doubt her. [After her interview, Witness A contacted me and indicated that she had since seen the text messages Complainant sent about Respondent, saying, "After looking at all the undergraduate messages, which I hadn't seen before our meeting, I think I do have cause to question [Complainant]'s representation of what has happened around her. In the interview I said I didn't, but I am now feeling pretty naive, even manipulated, and I would like to change my statement." I offered to meet with Witness A again to understand how her thinking had changed, but she indicated that she would prefer not to meet unless it was critical to my understanding because after seeing the messages, her thoughts were "a mess."] Witness A noted that Complainant has described a traumatic history that Witness A believes very likely skewed her behaviors and her interpretation of others' behavior. [REDACTED]

[REDACTED] Witness A thinks that Respondent would have respected any verbal indicator that Complainant was uncomfortable, but Complainant may not have felt comfortable giving a verbal indication of how she felt. At the same time, Respondent should have known it was inappropriate to touch Complainant or ask her to talk about her feelings.

In around the first week in [REDACTED] Witness A met with Complainant and they talked in person for the first time. Complainant said that her friends were encouraging her to report what happened, and she asked what Witness A thought. At the time, Witness A had not read the policy and did not know she had to report, so she told Complainant that she was not objective and should not have a say in whether Complainant reported. Complainant asked for no contact with Respondent, and Witness A said it was fine for Complainant to come in to the lab only when she wanted and that Witness A would let Respondent know. She met with Respondent on Friday, and he seemed to have his head on straight. When Witness A said that Complainant did not want contact, he was respectful of that.

For a period of time, Witness A was at a [REDACTED] then [REDACTED], and Complainant did not come into work much. When she got back, Witness A was in labwork mode, and she needed help. She asked Complainant if she would feel comfortable in the lab if Witness A was there, and that seemed to work okay. But, then Witness A needed to be in the office writing rather than in the lab itself, and Complainant stopped coming in again. Witness A needed work to get done and asked Complainant if she should hire someone else too. Complainant said that she was having nightmares about Respondent touching her. They had another meeting. Witness A read the policy and say that she needed to report, so she asked Complainant to write up what made her uncomfortable. Although Witness A was not aware at the time of the content of the messages Complainant had sent, she knew there were messages that the other undergraduates said made them uncomfortable, so she told Complainant those were out there before Complainant submitted her report. Complainant brushed it off and said it was all play.

Witness A highlighted that I should probably talk to Witness B. When Complainant would start talking to Witness A about Respondent, Witness A would change the subject. Some of the undergraduates didn't

though. Witness B supervises the undergraduates, so the undergraduates and Witness B know more about what Complainant said about Respondent.

In closing, Witness A noted that Complainant's behavior was confusing to Witness A as well. Whereas Witness A has "emotional intelligence," from her perspective, Respondent has very little and little training. He is socially awkward and needs you to tell him what you need. He is usually responsive if you need time with him or something similar, but you need to ask. He does not have close friendships or a support structure outside of the lab. Throughout the interactions that Witness A saw, Respondent always seemed to see Complainant as a child and a friend. She added that if Complainant's account is true, something changed.

D. Interview of Witness B

[REDACTED]. Respondent is "an amazing advisor." He is extremely smart, always available to talk, and encouraging of side projects. He is supportive of women in science and a good friend. In response to a question about what led her to say he was supportive of women [REDACTED] Witness B said she had mentioned that a postdoc might be a good time to have a [REDACTED] and he told her it was a perfect time, that they have good insurance, and that she should do it.

In contrast, Witness B does not have a positive impression of Complainant. She blames Complainant for an almost immediate deterioration in the lab environment from the time that Complainant arrived. She has interesting relationships with people. When she first arrived, she became immediate best friends with the undergraduates who report to Witness B. They were passing texts and going [REDACTED] Then, the relationships turned and no one wanted to talk to her or work alone with her. Witness B experienced Complainant as manipulative and obsessive. She was the only undergraduate to attend all of the lab meetings, even though she wanted to be a [REDACTED] [REDACTED] [REDACTED].

She blew up balloons for Respondent's birthday in the middle of the night. She watched his dog all the time. She gave him "crazy" attention. According to one of the undergraduates, she talked about searching out his lab coat to take it home with her. She was so hungry for his attention, and she started to occupy all of his time. A long time before Complainant actually filed her sexual harassment charges against him ("which is insane"), Witness B had thought that she was so obsessed and manipulative that if he ever did anything insulting it would end badly. She is sweet in the beginning, then obsessive and manipulative, then "she destroys." All of the undergraduates had been getting along great and were good friends, and she was a tornado that came in and destroyed everything in her path.

Witness B said she did not know what made Complainant switched from madly obsessed with Respondent to filing sexual harassment allegations against him. Her behavior always made the graduate students and postdocs feel really uncomfortable. In contrast, Respondent is a really upstanding person, extremely respectful, polite and supportive. Witness B is certain he would not do anything to hurt anyone, including pursuing even a consensual relationship with Complainant.

Tattoos

Complainant wanted to get tattoos with Respondent. She said she got one with a different boss. All of the grad students and postdocs were looking at each other and rolling their eyes, thinking, "Who is this person?" Witness C told Witness B that the idea of matching tattoos seemed to really bother Respondent's [REDACTED] when it came up over dinner at Respondent's house one night.

Birthday on July [REDACTED], 2017

Before [REDACTED] Complainant came into the office at [REDACTED] or [REDACTED] a.m. and blew up hundreds of balloons, to where you could not even walk in the office. Witness B asked, "Who does that for a boss?" One night, Respondent had a barbecue and invited the whole lab. Complainant got drunk and created a situation where she couldn't drive home and had to stay at his house. She was just good at inserting herself into every situation where he was.

Complainant's Other Behavior toward Respondent

Complainant was a good worker, but obsessively so. She always sat next to Respondent when they went out for happy hour. She would work until [REDACTED]:00 a.m. She seemed in need of a father figure, honestly, and Respondent seemed to have empathy for that. In [REDACTED] or [REDACTED] Witness B said to the undergraduates, "What is up with [Complainant's] obsession with [Respondent]?"¹³ The undergraduates said, "You have no idea." Before [REDACTED] they showed Witness B some messages Complainant had sent about Respondent, and she was surprised.

After she saw the messages, Witness B talked to Respondent and said Complainant was obsessed with him and that if he did anything to piss her off, it would come back to bite him in the butt. He seemed to brush off her concerns, but everyone else saw it.

The undergraduates started working in partners. They said they did not want to work alone anymore because Complainant was coming up to them when they were alone and "talking smack" about Witness B. They were put off because Witness B is their boss.

[REDACTED] on August [REDACTED], 2017

Witness B perceived that Complainant "weaseled her way in" and attended [REDACTED] with Respondent and his graduate students and postdocs. The other undergraduate students did not attend, including Witness [REDACTED] who was the first undergraduate Witness B hired and is the unspoken lead among the undergraduates on Witness B's project. The graduate students and postdocs all found it annoying to have Complainant around constantly, inserting herself into everything and monopolizing Respondent's attention. Even before [REDACTED] the postdocs and grad students had talked to each other about Complainant always being in Respondent's office and needing to sit by him constantly.

During [REDACTED] they "ripped into" that situation. Witness C and Witness B were drinking and the words were "fluid." They asked what was the deal with Complainant and why she was around constantly. They asked, "Why is she here?" Respondent asked them to please be polite. He said that he felt sorry for Complainant and she felt she had a home in the lab, so they should be nice to her. Witness B thinks Complainant was up getting a drink when Witness C started talking, but they kept talking when Complainant came back. Somebody probably said, "I don't know why you just love [Complainant] so much." It could have been Witness B. They also said they felt Witness [REDACTED] was getting too much attention given that a lot of the rest of the group was giving presentations as well. Witness [REDACTED] was looking for jobs and that was probably why Respondent was giving more attention to her. Witness B recognized that she said too much and hurt Complainant's feelings, and the next day she apologized very honestly to Complainant.

By the drive home from [REDACTED] everyone was really sick of the situation. Witness C and Witness B were feeling sick about being so outspoken. Witness B is sure that Complainant was feeling sad. During the

¹³ [REDACTED]

drive, Respondent and Complainant sat in the back of the van playing cards. At one point, Respondent asked, "Who wants to go to [REDACTED]?" Complainant said, "Me, me!" She was still very enthusiastic about every little thing. The rest of the group just wanted to go home but no one said anything. Complainant was "the only one running around in a bikini at the [REDACTED]". Witness B swam too, but she swam privately in her own area [REDACTED]. Complainant was swimming and jumping into the water and it felt to Witness B like she was "putting on a show" for Respondent or something.

After the [REDACTED] trip, Witness B was worried about getting fired. She heard that Complainant told the other undergraduates that Witness B was unprofessional and was not good at her job or did not know what she was doing or wasn't passionate about her work because of her interest in [REDACTED].

Comments about her Body

Witness B did not hear Respondent say anything about Complainant's body and was not aware of any concerns related to [REDACTED].

Coffee

Witness B noticed that Complainant and Respondent got coffee together, but it was a daily occurrence that people went out to get coffee. Witness I, Witness A and Witness B each went with Respondent to get coffee as well.

[REDACTED] on August [REDACTED] 2017

On [REDACTED] afternoons, the lab went to happy hour after their lab meetings. Typically they went to [REDACTED] and [REDACTED] at [REDACTED] or [REDACTED] p.m. That stopped after [REDACTED] because they were sick of each other. At that point smaller groups of people started going out at the same time. Witness B knows that Respondent and Complainant went out once to [REDACTED], but she does not know if they went out aside from that, and she does not know if he went out with anyone else in the lab.

Movie Night on August [REDACTED] 2017

Complainant was definitely into [REDACTED] and played with Respondent's dog at work. She would dog sit for Respondent. Witness B never did that herself. Witness B heard something from others about a foot placement thing. Witness B noted that Complainant "stands like a nervous little girl" with her toes together, but Witness B never saw Respondent standing close to her like she described.

[REDACTED] on August [REDACTED] 2017

Witness [REDACTED] is really good at playing up a story for drama. She came into the lab one day and said, "I saw [Respondent] and [Complainant] at [REDACTED], and I just ignored them. His arm was around her and they had drinks. They were out." Witness [REDACTED] built it up. At that point everyone was confused about what was going on. They had thought of Complainant as an obsessed girl, and suddenly they were left wondering if it was a consensual thing. Witness B felt she couldn't draw conclusions because she wasn't there. That night or the next night, several of them went out for drinks at [REDACTED], and Witness G told Witness A what she had seen as well.

In response to a question about whether Respondent ever asked her, "Why is Witness B?" in the context of asking why she was in his life, Witness B noted that Respondent tells her she is the perfect person to run her project because she is good at talking to [REDACTED] and also [REDACTED].

Hugging/Touching Generally

Respondent did not really touch people in the lab. If Witness B went to his house to have dinner with him and his [REDACTED] she would always hug him when she walked in. He would hug her back. It was clear Respondent was not much of a hugger, but she would do it anyway.

Aftermath of Incidents

Respondent brought the graduate students and postdocs into the office and drew an elephant to represent the elephant in the room. He defended Complainant and said he had no sexual feelings for her, she is a sensitive person that he admires and respects. He talked about her [REDACTED], and being an interesting person. He said that he heard what Witness G had been spreading about him and he was hurt. He said he was going to start keeping his door closed and if people wanted to talk to him they could set up an appointment via email. He felt under attack, even though everyone was just concerned about him. He wanted to detach from the lab and have a less friendly, exclusively professional, relationship.

Witness B went to Respondent later and said that she knows Respondent thinks Complainant is "Mother Teresa" but she's not. "She's manipulative and cruel. This is not going to turn out well for you." Witness B thinks she had seen more of the texts by that time. She also had seen the way that Complainant interacted with the undergraduates and how she tried to ruin others' relationships with Respondent. Complainant seemed to be playing a weak little girl and at other times seemed to be playing the sexy girl. Witness B felt like she was watching a French movie.

In response to a question about how Complainant was trying to ruin Respondent's relationships with the graduate students and postdocs, Witness B clarified that she doesn't know if Complainant was trying to do that, but that is what was happening. Several people were not getting as much time with Respondent as they felt they needed to advance their work, and Complainant often was sitting in Respondent's office monopolizing his attention.

In response to a question about her impression of what was going on between the parties, Witness B said, "Not a dating relationship." She thought it was odd they would be in a bar on a [REDACTED] night and that he would have his arm around her. She wondered what he was doing and thought that he was going to get in trouble. Witness B had watched Complainant's "growing obsession" with Respondent over months and thinks if anyone should have sexual harassment called out, it is Complainant. She would come in with no bra constantly and had a way of making sure she was in the middle of everything. Witness B was disappointed when she had the impression that Respondent was "entertaining that." She thought he was being stupid.

Over time, Witness B noticed Complainant coming in to the lab less, but Witness B was not keeping tabs on Complainant because Witness B was so busy. In the end, Complainant was coming in later hours and on weekends and Respondent could not come into the lab at all.

E. Interview of Witness C

[REDACTED]

[REDACTED] Prior to these issues

everyone in the lab had a pretty good relationship. Respondent is not a hand-holding PI, but if you have concerns or don't know how to do something, he explains. Overall, it is a "good relationship, I guess."

[REDACTED]

Witness C did not talk to Complainant much. They mostly had shallow conversation. [REDACTED]

[REDACTED] Complainant had just started in the lab¹⁴ and was the first to show up. She commented that as soon as she met Respondent she was in love with him. Witness C thought it was odd at the time but assumed it was exaggeration. It also stood out because Respondent is awkward and people usually don't like him as much initially.

Tattoos

Complainant talked for months about getting a tattoo with Respondent. On June [REDACTED] 2017, they went to [REDACTED] after lab meeting. Respondent's [REDACTED] was there. The tattoos must have already come up previously, because Witness C remembers thinking, "Here it comes again." Complainant asked if they were going to get the tattoos, and Respondent said, "No." Complainant said, "You said if your [REDACTED] said yes it was a yes." Respondent commented that he had just met Complainant and he could not get a tattoo with every undergrad who starts in the lab. Witness C was annoyed at the subject, but she still felt Respondent was a little harsh. Complainant started to laugh and said, "But has any other student wanted to get a tattoo with you?" That was the end of it that day, but Complainant brought it up every time they were together after lab meeting on [REDACTED]

She said she wanted to memorialize her experience in the lab. Respondent was reluctant, so Complainant said he could choose whatever design he wanted. Eventually, they decided on a [REDACTED]. Witness C thought it was odd and that Complainant should have a say in the design, and she told Complainant that. One day at [REDACTED] Complainant started looking into an artist in [REDACTED] for the tattoo because she thought they would be better than in Davis. Witness C does not remember Respondent saying yes or no to getting a tattoo after the first day.

Nicknames

Witness C does not know of any nicknames Complainant or Respondent had for each other. Respondent did not have nicknames for Witness C.

Birthday on July [REDACTED] 2017

Complainant asked Witness C if she knew what day Respondent's birthday was. It was confusing because [REDACTED] had a birthday party together. The day of

¹⁴ [REDACTED]

Respondent's actual birthday, Complainant stacked six hundred balloons in Respondents' office. Witness C learned Complainant had been there filling up balloons from like [REDACTED] to [REDACTED] a.m. Witness C had actually slept in her office because she was doing early measurements, but she didn't hear Complainant. Witness C described the action as "nice but odd."

On July [REDACTED] everyone including the undergraduates went to Respondent's house for a birthday party. Complainant made a plate of [REDACTED]. Respondent's [REDACTED] and his girlfriend were visiting, and the tattoos came up again in front of them. Witness C was sitting behind the girlfriend, who was very direct. She said, "That's really creepy." The Respondent's [REDACTED] commented that that was really weird because Respondent was like [REDACTED] and Complainant was like [REDACTED]. Complainant was nearby and the girlfriend asked why she would want a tattoo with Respondent. Everyone in the lab was so used to it that no one said those things. Later on, Witness C assumes Respondent said he was not getting a tattoo with her, because Witness C heard Complainant tell Witness A that she was heartbroken. Witness A said she would get a matching tattoo with Complainant.

Witness C left the party not long after that.

Complainant's Other Behavior toward Respondent

Witness C and others in the lab started to get uncomfortable with Complainant's behavior. She would sit next to Respondent at happy hours and stare at him while he was talking. A few times, Respondent would not be at work, and Complainant kept coming and asking Witness C if Respondent was in yet. Witness C got frustrated and said to Witness I, "Does she think I have a GPS on [Respondent] or something?" Witness I said that Complainant had been asking her the same thing. Her behavior was "intense." She would come in with coffee and say that she brought a coffee for Respondent and learned a new word in [REDACTED]. Everyone started noticing that she was constantly in his office or looking for him. She started playing with his dog.

Witness C doesn't specifically know if Respondent saw Complainant staring because he was talking to everyone, but everyone else noticed it. She would sit next to him staring with her eyes wide and on him the whole time. Nothing she did was mean. It was just overly nice and weird. Witness C was uncomfortable, but she didn't know how to bring it up with Respondent. Should she have said, "This girl keeps staring at you wanting to do everything you did"? She was learning [REDACTED] and making [REDACTED] food.

Respondent's behavior toward Complainant seemed similar to his behavior toward others. They would talk about [REDACTED]. Usually she was going into his office, not the reverse. When they were in groups, he did not act like he was aware of the attention Complainant was paying to him. Witness C was not aware of anything concrete that Complainant was saying at the time. She just seemed obsessive.

Occasionally, before Witness C moved out, Respondent would talk to her about a theory of the [REDACTED] and ways to [REDACTED] from a first move if you had a sufficiently powerful supercomputer. It went over Witness C's head, though.

[REDACTED] on August [REDACTED], 2017

The lab took a road trip to the [REDACTED]. Respondent did not ride with them on the way there. During the [REDACTED] Witness C was avoiding Respondent because Complainant was always there and it was uncomfortable to be around the two of them because she seemed so obsessed with him. After Witness J's talk on the [REDACTED] they all went out. Complainant was sitting across from Respondent. At one point, Complainant got up, and Witness C said, "She is obsessed with you." Respondent replied, "I know, but I

don't know what to do about it." Witness C thinks Respondent had noticed that Witness C was avoiding them. He said he had not really seen her at the [REDACTED] and she said she was going to talks and that she was not going around with him because they were making her really uncomfortable.

From there, Witness C "went on a spree." The tension had built in the lab all summer. Witness I told Witness C to stop talking, then left the bar. Witness B said, "Just tell him." Witness C talked about working around how difficult it was for the graduate students and postdocs to work around the undergraduates when Complainant was working at [REDACTED] and [REDACTED]. Witness C wanted some reasonable time when she could use the machines in the lab without working [REDACTED]. On one occasion, Witness C got frustrated because when she mentioned coming in to work on the [REDACTED]. Witness E said that she and Complainant were going to be there as well, and Witness C was specifically coming in over the weekend to have access to the equipment without the undergraduates there.

One day, Complainant had worked until [REDACTED] then gotten up at [REDACTED] a.m. and returned to the lab without eating anything. [REDACTED] said that the undergraduates could not work unsupervised. It was a huge safety concern to have people working those kinds of hours without eating. Witness C was concerned about why Complainant was pushing herself so much. Witness A said that she was not telling Complainant to work those kinds of hours. Respondent told the undergraduates not to work so late and on [REDACTED] and Witness B's students stopped, but Complainant went to Respondent to get special permission to work [REDACTED] and Respondent went to ask Witness I if that was okay. Witness C raised that to Complainant at [REDACTED].

Then, Witness B went on her tangent. She said, "I don't know what is going on between you two." Witness C thinks Witness B was referring to favoritism.

Afterwards, Witness C felt ashamed of herself. She should have had a private meeting with Respondent to discuss her concerns.

The drive home was awkward. Beforehand, they had thrown around going to [REDACTED] because of something related to [REDACTED]. Witness C wanted to go home because everything was already awkward, but when Respondent asked if they still wanted to go to [REDACTED], no one said no, so they went. They were there a couple of hours. Complainant had brought a bikini, so she got into the [REDACTED]. Witness B swam too, but she did not pass where they were sitting to swim. Respondent and Complainant [REDACTED] back together.

Comments about her Body

Witness C is not aware of a specific [REDACTED] concern about Complainant. [REDACTED] Respondent was concerned generally because he had a student who was [REDACTED]. He never talked about Complainant's body, because that would be weird.

Coffee

Witness C did sometimes go to coffee one-on-one with Respondent. Members of the lab went to coffee almost every day.

[REDACTED] on August [REDACTED] 2017

Witness C was not there the Friday after [REDACTED]. She doesn't think the lab has had a happy hour since then.

Movie Night on August [REDACTED] 2017

Witness C went home right after [REDACTED]. When she got back to work on August [REDACTED], Witness B showed Witness C the texts between the undergraduate researchers. She started to move into Respondent's house on August [REDACTED]. From August [REDACTED] until August [REDACTED], Witness C had friends staying in her old house, so she spent time with them. On August [REDACTED], Witness C got a text from Respondent saying that Complainant was going to come over to play with the dog, have dinner and watch a movie. He invited Witness C to join them. Witness C felt really uncomfortable. She felt bad for Respondent's [REDACTED] and wondered how Complainant had the audacity to make those comments to the undergraduates then go to his house with his [REDACTED]. Witness C decided she would have to be too fake if she went that night, so she decided to just go in the morning.

The next day, Witness C packed the last of her things and got to Respondent's house around [REDACTED] or [REDACTED] a.m. She noticed a car parked in front of the house with a Davis resident sticker and realized Complainant must have spent the night. Witness C started unloading her things into the area in front of the house. Complainant and Respondent came outside and said good morning, and Respondent asked if Witness C needed help. She said she was okay and kept unloading. Respondent offered to make Witness C coffee, and she said that would be great. Respondent and Complainant went inside and Respondent made coffee. Their demeanor was normal. Complainant and Respondent were laughing and talking. Both came back outside and gave Witness C the coffee. Respondent showed Witness C her room, and Complainant was still there. Respondent asked if Witness C was going to work that day, and she said that she was going to stay and put her things away first. Respondent showed Witness C the washing machine, and Complainant followed them. Respondent stayed for about an hour after Witness C arrived at the house, and Complainant stayed until he left.

The following weekend, Complainant was going to housesit for Respondent. Respondent told Witness C that Witness H would be visiting too so that Witness C was not surprised. Witness C said she had other plans for that weekend. Respondent asked if Witness C had a problem with Complainant being there. She did not feel she could say yes, because it is not her house. But, she honestly had no desire to spend time with Complainant. Witness C felt bad for Respondent's [REDACTED] and the situation made Witness C cringe.

Respondent's [REDACTED] was very worried because there was going to be a heat wave, and she was insisting that Respondent show Witness C and Complainant how to use the thermostat. She said, "I don't want my three daughters dying over a heat wave." Witness C felt terrible that Complainant was coming into Respondent's [REDACTED] house thinking and saying all she did about her husband. Respondent's [REDACTED] told Respondent to have Complainant sleep in their bedroom because it was cooler. Witness C cringed and thought that Respondent's [REDACTED] had no idea what Complainant was thinking. Respondent agreed to tell Complainant to sleep in their room.

Witness C did not stay the weekend. She went with people in the lab and made sure not to run into Complainant.

[REDACTED] on August [REDACTED] 2017

Witness C's last day to move out of her house was August [REDACTED], so on August [REDACTED], Witness C was finishing moving. Witness J was helping her and did not answer her phone when Witness G tried to contact her. At around [REDACTED] or [REDACTED] p.m., Witness C got back to Respondent's house. Respondent was there watching a show with his [REDACTED].

[REDACTED]

The next day, Witness G told Witness C that she had gone out the night before to [REDACTED] and had seen Complainant and Respondent. Respondent had his arm around her, and Complainant had her head resting on him or something like that. Witness G initially thought they were a couple. Witness G said that she was shocked and that as soon as Complainant and Respondent saw her they sat up straight. She was shocked and did not know what to do. She called Witness J, but she didn't answer.

The lab was supposed to have lab meeting that day, and Witness C was freaking out wondering how Respondent was going to act. But, he was normal.

Hugging/Touching Generally

Respondent never hugs and touches people. That is part of why Witness C was so shocked when she heard about [REDACTED]. This was not normal behavior for him. His [REDACTED] is a hugger from when she first meets you, but they are complete opposites in that way.

Aftermath of Incidents

The evening that Witness C learned about the [REDACTED] meeting, she went to [REDACTED] with a group of coworkers. Witness G told Witness A the same things she had told Witness C earlier. Witness A did not know what to do. She was getting ready to leave for [REDACTED] and Respondent was leaving [REDACTED] for a [REDACTED].

Witness A sent Respondent some emails and was telling people, "Complainant didn't want this." Witness C told Witness A, "I honestly wouldn't put too much weight on what she says." Witness A hadn't been there during the summer. Witness C told Witness A that Complainant's behaviors didn't match up with what she was saying. Witness C did not think Complainant would go to Respondent's house to spend the night the prior week if he was making her as uncomfortable as she said. Also, she said she had not been going into the lab because of Respondent, but Witness B had told Witness C about texts that made the other undergraduates uncomfortable in which Complainant was talking about wanting to tie Respondent up. The other students were avoiding working with her and were coupling up to avoid being alone with her. Before the events at [REDACTED] Witness C had noticed that Complainant was not in the lab during the day as much and a colleague had mentioned seeing her at [REDACTED] p.m., which made Witness C think something was up with the undergraduates. Witness C also thought it seemed fishy that Respondent would have his hands on Complainant unless she was crying or something because he does not touch people. Witness C said that Witness A should not make assumptions about what Complainant would do in different situations based on what Witness A would do.

Witness C did not have a one-on-one meeting with Respondent about this. In a group meeting the following week, on September [REDACTED] Respondent drew an elephant on the board. He said something Witness C thinks he had typed out and was reading. His eyes were watery. He said it had been brought to his attention something Witness G saw and that everyone was gossiping about it. Then he went on and said he wanted to address the other elephant in the room. He said that they did not like Complainant, but that she was a really nice person and he felt bad for her because she had a [REDACTED] and had overcome challenges. He said she had been a [REDACTED] [REDACTED] He said there is not and was not any romantic relationship between them.

The day after that meeting, Witness C went in to take measurements. She was surprised to see Complainant in Respondent's office playing with his dog.¹⁵ Witness C was upset about the situation and did not want to talk, so she just walked by the door. Respondent called her back and asked if she knew about the [REDACTED]. She said she did not know what he meant. He said Witness A told him Witness C was going to order them. Later that day or the next day, Complainant and Respondent were outside together playing with the dog. Then he left for [REDACTED]. Respondent sent then the dates he would be gone.¹⁶ In response to a question, Witness C said she was certain that Complainant was in Respondent's office playing with the dog after Witness C learned about [REDACTED] because Witness C remembers the feeling of her stomach dropping. She was trying to pass by fast, but Respondent stopped her. It was definitely between the time that Respondent got back from the [REDACTED] when Complainant housesat and his trip to [REDACTED]

Eventually, Complainant only was coming in when Witness A was there. Respondent was traveling, but Complainant still rarely came in. In October she started coming back. Witness C never saw Complainant and Respondent talk after Respondent returned from [REDACTED]

As a result of this complaint, Witness C was told that she needed to leave Respondent's house. It imprinted on her that as she was packing and leaving, Respondent's [REDACTED] was still looking out for her, worried about whether she had remembered her toothbrush.

F. Interview of Witness D

[REDACTED]

Witness D's relationship with Complainant was fine when they started. A lot of the undergraduate researchers would hang out together, and Complainant would be there sometimes. The group hung out at Complainant's place once and played games. Over time, Witness D started not liking Complainant. They started getting in little fights and then bigger. Complainant would talk when Witness D was trying to work and would bring her "beefs" with the other undergraduates to Witness D because Witness D was teaching them.

Tattoos

Witness D heard from Complainant that Complainant and Respondent had a plan to get matching tattoos at a [REDACTED] in [REDACTED]. Witness D doesn't know who suggested it. By the time Complainant and Witness D became friends, the tattoos were already being discussed. Respondent's [REDACTED] had said no, but Complainant kept trying to convince Respondent. The design was supposed to be related to a bird they both liked or something. It didn't end up happening, and Witness D only heard about Complainant's version of events.

¹⁵ [REDACTED]

[REDACTED] on July [REDACTED] 2017

Complainant “pulled a prank” on Respondent “or something” and filled his office with balloons. She started at around [REDACTED] a.m. and blew up hundreds to fill the office:

[REDACTED]

Near the same time, after a party at Respondent’s house, Complainant was drunk outside and being difficult. The other undergraduates were worried about her driving, and they did not have the number of anyone who was still at the party, so they called Witness A. Respondent and his [REDACTED] had offered to let people sleep on their couches if necessary, and the undergraduates thought that would be best for Complainant because she was drunk. During that call, Witness [REDACTED]

[REDACTED] He had offered her a place to live if she trained the dog, because she was having trouble with her roommates. At the time, that seemed really odd to Witness D, although she later learned that Respondent let other people stay at his house as well.

Most of the postdocs and graduate students thought that Complainant was “a little bad news” and that Respondent should distance himself. According to what they told Witness D, Respondent said they had a mentor/mentee relationship, but the postdocs tried to warn him that his [REDACTED] hated the situation.

Complainant's Other Behavior toward Respondent

Witness D did not observe Complainant and Respondent interacting outside of the lab. She did talk to Complainant about Respondent a lot. Complainant was learning [REDACTED] to be able to say hi and bye to him in his language. She would use a [REDACTED] language app in the lab at times.

The crux of why Witness D and Complainant started fighting was that Complainant would say disturbing things about Respondent. The undergraduates had a couple of group chats that they used for everything from discussing [REDACTED] to sharing memes they saw. Complainant sent group chats saying that she had a big crush on Respondent. At first Witness D thought she was joking. Then, she thought maybe it was a “theoretical exercise.” But, Complainant insisted, “No, no, no. I am in love with him.” Some things spiraled from there. Some of the things Complainant talked about in the lab made Witness D very uncomfortable. For example, they have a bunch of lab coats that they use for safety. Some are stamped that they are property of the lab. Some have a name on them. Complainant would seek out and wear the lab coat with Respondent’s name tag on it. She told Witness D that she wanted to take the coat home and masturbate in it.¹⁷ Witness D asked her please not to talk about that, then she walked away. At some point, the undergraduates started “calling out” Complainant on what she was saying. They told her to think about how Respondent’s [REDACTED] would feel. Complainant got defensive. Witness D thinks Respondent made the masturbation comment in early [REDACTED] [REDACTED]

Complainant bought Respondent coffee, and when he said thanks, she said it was the highlight of her week. When Respondent mentioned that a type of music was his favorite, Complainant would start listening to it. She wanted to gush about him with someone. She found a picture of him and commented on how adorable he was.

It is hard for Witness D to say how Respondent reacted to Complainant's behavior toward him. He is not very expressive facially, which makes it tough to tell how he is responding. He never told Complainant to "f off" or got angry with her around anyone. Nothing Witness D saw about his behavior toward Complainant struck her as abnormal at the time.

I asked Witness D about the group chats.

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[REDACTED]

The message about things getting “spicy” was about the night that Complainant [REDACTED] at Respondent’s party. Complainant got a thank you hug from Respondent and was “over the moon” about it. They had known that Complainant had a crush on Respondent before the birthday party. She started talking about it once the undergraduate researchers started hanging out and becoming friends.

[REDACTED]

“Kink same” is if you see something someone is into and you agree. “Kink shame” is effectively like pointing and laughing, like “shame on you.”

[REDACTED]

Complainant’s comment about a “kink collage” was a reference to the set of photos that Complainant kept of Respondent on her phone. She would be defensive if they told her it was weird, so they would “kink

shame” the collage to avoid having her get defensive. She was a really sweet person until you got on the bad side of her temper.

For example, Complainant was on-again-off-again with [REDACTED]. They were “off” when Complainant first became friends with the other undergraduate researchers. Everyone was convinced that he was a devil, that he didn’t appreciate her, and that he made her do his homework. Then, around the [REDACTED] they started to get back together again.

In around early [REDACTED] the group started hanging out outside of work. [REDACTED] was going on dates at the time, and they would talk about boys for that reason. [REDACTED] and Witness D would just sit there. Complainant started going into specifics about the kind of boy she wanted to date, and she mentioned Respondent. She started getting way too sexual, and Witness D was not interested. Witness D would miss the second halves of the sentences Complainant said because Witness D would be talking over her saying, “let’s not.” They were fantasies about the type of sex she wanted to have with Respondent. It involved “tying up.”

[REDACTED] on August [REDACTED], 2017

When Complainant was at the [REDACTED] [REDACTED] she called Witness D and asked her to run some experiments. Complainant’s phone died before she gave Witness D details, so Witness D did not run the experiments and Complainant got mad. In the end, they stopped talking socially.

Around the time of [REDACTED] some of the postdocs and graduate students expressed frustration with Respondent. They didn’t like Complainant and felt she was pushy and reaching “above her station” and got a specialty job even though she was a [REDACTED] student. For example, Complainant was asking Witness B how much everyone was making.

When everyone got back from [REDACTED] it was awkward. Also, Witness C was supposed to be back, but she was gone. Complainant was mildly annoyed that Witness D had not run experiments for her, but that did not explain everything. The undergraduates asked Witness B what was going on. By that time, Witness H was done for the [REDACTED] but Witness B pulled the remaining undergraduates in to talk to them. Witness B said that at the [REDACTED] one night the postdocs had a few drinks and things blew up with people raising issues about the way Respondent was collaborating with them. Witness C asked why Complainant was at the [REDACTED] when the other undergraduates were not invited. Evidently Witness D’s name came up in that context, which helped her understand why Complainant seemed “pissed” at her. When everyone was sober, they were embarrassed.

A few days later on a Thursday or Friday, all of the undergraduates were hanging out at Witness D’s apartment. They asked Complainant what happened in [REDACTED] and she “blew up” and said that it was unprofessional for them to be discussing that. At that point, she started talking to Witness E about telling Respondent that Witness B was teaching the undergraduates to be unprofessional. Complainant started getting passive-aggressive about Witness B and badmouthing Witness B to Respondent to get her in trouble. Complainant evidently told Witness E that she was going to do that. The other undergraduates were more loyal to Witness B than to Complainant. Around the last week in August or first week in September, the undergraduates cut off all of their social contact with Complainant.

The undergraduates started teaming up in lab if Complainant was going to be there to avoid having her approach them.

Coffee

After [REDACTED] Complainant continued to have a normal amount of interaction with Respondent in the lab, although they also went out to coffee and to lunch. Witness D never went to coffee or lunch with Respondent one-on-one. Witness D remembers seeing Respondent and Complainant go out to lunch and be gone for nearly two hours. She would only notice if she needed to ask Respondent questions. She remembers it happening three or four times, although she was not tracking their lunch.

[REDACTED] on August [REDACTED] 2017

Witness D did not go out to happy hours with the lab although she was invited. She and Respondent did not discuss going out to a bar one-on-one.

Aftermath of Incidents

Complainant always worked erratic hours. At one point earlier on, she was going to be there until [REDACTED] p.m. so Witness D and others picked up food from [REDACTED] and took it to her. Complainant was also there very early on the balloon prank day. She did not have a set schedule from one week to the next. At some point in the fall, Complainant switched to hours where she was never there. Witness D could see evidence that things had moved on Complainant's bench but never saw her. Eventually Witness D noticed that Complainant had stopped coming in altogether. Less than a week later, Witness D got an email about this process.

G. Interview of Witness E

[REDACTED]

Tattoos

Complainant and Respondent talked about getting matching tattoos. Witness E thinks the design was a [REDACTED]. Witness E thinks the idea of tattoos made Respondent's [REDACTED] uncomfortable so they didn't do it, but Complainant talked about it a lot.

Nicknames

Witness E does not remember knowing nicknames that Complainant and Respondent had for each other. In response to a question, Witness E noted that "[Respondent] kink" was not a nickname. A "kink" is slang for what someone is into, so Complainant's "[Respondent] kink" was her fixation with Respondent.

Birthday on July [REDACTED] 2017

For Respondent's birthday, Witness E thinks Complainant went to Respondent's office at around [REDACTED] a.m. She spent five hours blowing up balloons to surprise him. It was really hot in the office because it was summer time. Complainant told Witness E later that it would have been nice if she was blowing up the balloons with her clothes off because of the heat and something happened between them.¹⁸ When Respondent actually came and saw the balloons, he told Complainant it was a nice surprise and gave her a hug. She said she liked that. Respondent generally does not show any affection or pay much attention to the undergraduates, and Complainant "fawned over it."

The

Witness A mentioned that Complainant was getting too close to Respondent and the matching tattoo thing in particular was making his [REDACTED] uncomfortable.

Complainant's Other Behavior toward Respondent

Most of Complainant's comments about Respondent were in person. There were a couple that she sent over a group chat, though, talking about what she wanted to do with Respondent. She took a picture of him with the balloons on his birthday and called it her favorite picture ever and her new wallpaper.

The undergraduates talked a lot about Complainant's "[Respondent] kink." At first her feelings for Respondent seemed more like admiration—innocent and friendly. But, over time they escalated. She would say "I'm very serious" when the other undergraduates tried to treat her sexual comments about Respondent as a joke. "Kink shaming" is saying that someone's turn-on is not okay.

Respondent did not talk to Witness E about Complainant often. One time a couple of weeks before [REDACTED] Complainant evidently was complaining to Respondent about how everyone was treating her, because Respondent came to the undergraduates and said, "Let's be nicer and more accepting of [Complainant]."

on August, 2017

Leading up to [REDACTED] there was a lot of tension because Complainant was the only undergrad invited and she had not been working in the lab as long as the others. Some of the postdocs were upset and did not understand why she got to go. Witness E did not care too much. There also had been tension with the postdocs because Complainant was allowed to work on the [REDACTED] when the equipment was supposed to be reserved for the graduate students and postdocs. There was a blowup during the [REDACTED] in which one or two of the postdocs eventually told Respondent they felt he was showing favoritism. During that interaction, Respondent was crying and Complainant was "outcasted." Once they got back, Respondent

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started spending more time in his office and Complainant stopped showing up during regular hours. She would come in for a couple of hours and go out to lunch with Respondent, or she would she would come in at night.

Witness E knows that Complainant was there at night because she would see lab notebooks in different places.

Comments about her Body

The postdocs worked weekends to avoid the undergraduates because there were so many of them trying to use the equipment. Complainant started working weekends too. They work with [REDACTED] in the lab to run [REDACTED] and Respondent has a rule that you can't be alone if you are [REDACTED]. Over the summer, Complainant slept at the lab sometimes and kept [REDACTED]. Witness E and some of the other undergraduates told Witness A because Complainant was not eating and was not taking care of herself. After that, Respondent said everyone needed to have partners. [REDACTED]

Coffee

Witness E never went to coffee with Respondent. She did notice that Complainant and Respondent went to coffee. They also went to hour or two hour lunches all the time. That was after Complainant stopped talking to the undergraduates in around [REDACTED] or [REDACTED]. It only lasted two or three weeks.

[REDACTED] on August [REDACTED] 2017

Respondent did not invite Witness E out to any bars.

Aftermath of Incidents

When Complainant first started in the lab, Respondent treated her like the others and didn't really give her the time of day. Then they had to work closely for a research paper Complainant needed to write based on her work in the lab. They started hanging out in Respondent's office, joking, and becoming "friends for sure." Complainant started to go to lab meetings and to the happy hours after. They seemed to get extremely close. Respondent invited Complainant to his house to train his dog and to dog sit. They got close enough that Respondent offered to let Complainant rent an extra room in his house. Complainant would tell the other undergraduates that when they went to happy hour, Respondent would save a seat next to him for her so that she would sit there. Complainant said that if someone else tried to sit there, Respondent would say that it was Complainant's seat. She talked a lot about how close they were, and she seemed to be the only undergrad he genuinely liked.

Witness E does not remember a falling out between Complainant and Respondent, but she stopped hanging out with him. Around the end of [REDACTED] she started acting really passive aggressive toward him, commenting on him being in his office "where he belongs" and telling people she did not want them to talk to her about him.

In [REDACTED] and [REDACTED] she was working at [REDACTED]

One of the conflicts between the undergraduates related to Complainant wanting to get Witness B in trouble. Complainant evidently started asking Witness B how much the other undergraduates got paid and what hours they worked. Witness B felt defensive and told Complainant to back off. Then, Witness B went to Respondent and said something, and Complainant started feeling antagonistic toward Witness B. Witness E does not remember the exact issue, but Complainant said that Witness B said something that could have jeopardized her job, and Complainant was trying to get Witness B fired.

H. Interview of Witness F

[REDACTED]

Witness F has only seen Complainant and Respondent interact in the lab. Respondent brought his [REDACTED] in, and Complainant [REDACTED]. She has worked in [REDACTED] so she and Respondent had conversations about that and about the [REDACTED] health. Complainant also started learning [REDACTED] which is what Respondent speaks. Witness F heard Complainant saying a word in [REDACTED] and Respondent correcting her. Those were the only two times he saw the two of them interacting. He did know about their relationship through hearing about it from Complainant.

Tattoos

Respondent and Complainant got really close pretty quick. Complainant would tell Witness F things that she and Respondent would do together and with the lab. Some were weird things that made Witness F uncomfortable considering his own relationship with Complainant "or whatever it was." For example, she told Witness F that Respondent would talk about getting a tattoo with Complainant. It would be a tattoo of [REDACTED]. That made Witness F very uncomfortable.

Initially it seemed like Complainant was happy with her relationship with Respondent. It seemed like she looked up to him as a fatherly figure. But a lot of things, like the tattoo idea, just seemed almost inappropriate and way over the line with Witness F's comfort zone. Witness F was happy to see her having a friendship, but it upset him a little bit.

Complainant had a [REDACTED] that she said Respondent made in the shape of a [REDACTED] with a curve through the center. Witness F would have assumed that if someone gave that to her, it would make her really uncomfortable, but she seemed to be "okay, almost happy but not quite." It didn't seem to make her uncomfortable at all, and she thought it was cute.

Maybe a month or two after Complainant showed Witness F the [REDACTED] she said that she had told Respondent she did not want to hear about the tattoo idea anymore and he would keep bringing it up. In response to a question, Witness F stated that he did not know what happened to the [REDACTED]. Complainant told Witness F that she wanted to throw it away, but she never did. He added that she is not the most organized person, so he does not know whether she wanted to keep it deep down or whether she just did not care about cleaning up her stuff. Witness F thinks that the [REDACTED] might have been pressed in a book that Respondent also gave her.

In response to a question about whether he had any concerns that there was any type of romantic relationship between Complainant and Respondent, Witness F said, "Yeah. When she told me about the tattoo idea with the two [REDACTED] of course. Why would a fatherly figure she had only known for five months suggest that?" As a result, Witness F "did have a really dreadful feeling that was going on. Maybe not physically, but maybe emotionally." Complainant would also pet sit for Respondent and his [REDACTED]

Witness F went over to their house one evening when they were out of town. Apparently Complainant was close with Respondent's [REDACTED] too.

[REDACTED] on August [REDACTED], 2017

Complainant told Witness F that others in the lab were jealous of Complainant because she was getting all of Respondent's attention. According to Complainant, Witness C and Witness B were the two who were mostly yelling at her a lot during a [REDACTED] in [REDACTED]

[REDACTED] on August [REDACTED], 2017

In addition to talking about the tattoo idea, Complainant also showed Witness F emails that Respondent sent her and a little book that Respondent gave her. Witness F's feelings about the book were very similar to his feelings about the tattoo. Personally, Witness F struggled to understand how Complainant felt about it, if she was happy to have it or if it made her uncomfortable. She said that it was cute but maybe "a little too far." She seemed to almost like it, which was very confusing for Witness F.

Witness F and Complainant were still in romantic contact when Complainant showed him the book. They had ended things in the [REDACTED] when Witness F was at home and Complainant was in Davis, but they started hanging out when he got back for the [REDACTED] session. Sometime before [REDACTED] they stopped seeing each other for a while, then they got back into it before ending things completely about a month before Witness F's interview.

Complainant eventually talked to Witness F about physical contact from Respondent. She mentioned one circumstance where they went out to get drinks just the two of them and Respondent was kind of talking her into drinking a little more and then eventually was being a little touchy feely with her. Complainant asked Respondent if his [REDACTED] would be okay, and he said no. The whole event led to a bunch of drama in the lab because certain people thought Complainant was the perpetrator and was creating problems. Someone saw her with Respondent. Witness F does not really know those details. He thinks it was a ways down the road that Complainant talked to him about the touching, but he is not entirely sure.

Asking Complainant to Smile

At one point, Complainant showed Witness F a bunch of emails Respondent sent her. At the same point, she also started telling him about getting drinks with Respondent and how Respondent made her feel really, really bad. Some of the emails were "really inappropriate." At the same time, Witness F personally felt Respondent probably would not have written those things if there was not some kind of earlier consent, but he volunteered that he shouldn't put his personal viewpoints on what he saw. The email that stands out to Witness F is one where Respondent said "I miss your smile" instead of "bye" or "sincerely." Witness F thought that was really inappropriate.

Aftermath of Incidents

Witness F initially stated that Complainant did not ask him to help her out with her relationships in the lab. He then clarified that she did ask him to tell her who was there. He thinks she wanted to avoid everyone. [REDACTED]

[REDACTED] Witness F suggested that she quit. Witness F does not remember who Complainant first wanted to avoid, maybe Witness B. Those two had a big argument where Witness B was yelling at Complainant when she was really drunk.

After the [REDACTED] Complainant felt really uncomfortable with the people in the lab because of how they treated her. From that point forward, she would always say she felt so uncomfortable in the lab. Even

when Witness B tried to be friendly later, Complainant still felt uncomfortable. [REDACTED]
[REDACTED]

After Complainant stopped working at the lab, Witness A asked Witness F's impression of what happened. Witness A seemed really distraught and worried. Witness F said he didn't know what to think because he wasn't there.

In closing, Witness F said that he does not know Respondent and can't say anything about him. Respondent seems to try to be a friendly person in the lab and to keep morale up. He also seemed pretty depressed at times. Witness F could probably tell a lot about Complainant but does not know if it will do anything for the story line here. Other than the one or two times Witness F saw Complainant and Respondent interacting in the lab, he never saw them together. Witness F did not hang out with the lab or go to happy hours.

I. Interview of Witness G

[REDACTED]
[REDACTED].

Birthday on [REDACTED] 2017

Before seeing the parties at [REDACTED], most of what Witness G knew was what others told her. She knew about a fight in [REDACTED]. She also knew that Complainant blew up a lot of balloons for Respondent's birthday, which was "crazy awkward." Witness G went to a party for Respondent's and his [REDACTED] birthday. Nothing looked strange for her there, except that Complainant had spent a long time cooking [REDACTED] food, which Witness G thought looked kind of weird, although she did not say anything. Others in the lab said they were uncomfortable about Complainant's behavior but they felt Respondent was being naïve or feeling old or depressed so he was not waking up to the problems with her behavior.

[REDACTED] on August [REDACTED] 2017

In advance of her [REDACTED] ([REDACTED]), Witness G and a friend went out to [REDACTED]. They met between [REDACTED] and [REDACTED] and went to different places but did not find what they wanted, so they wound up at [REDACTED] to get a cocktail. It was close to sunset and was getting dark but was not completely dark yet. Witness G opened the door from the bar to walk out onto the patio and saw Respondent and Complainant "in a hug." Witness G was really nervous after that. Her hands were shaking and she could not believe what she was seeing.

Witness G walked out of the main doors. There was a fireplace in front of her, and Complainant and Respondent were sitting on one of the sofas around the fireplace. Respondent had his arm around Complainant in a hug and she looked very comfortable under his arm. They looked like a couple.

Respondent also looked different. To Witness G he looked very young compared to what he usually wears. His [REDACTED] was different and he seemed to be using [REDACTED]. He was wearing glasses Witness G does not recall seeing before. Whereas he usually wears a [REDACTED], he was wearing [REDACTED].
[REDACTED].

When Complainant and Respondent saw Witness G, they looked nervous and both sat up quickly and started sitting in a different way. They did not say "hi" to Witness G. Because Witness G was nervous, she did not say hello either. She was sitting about thirty feet away from them. They sat and talked for

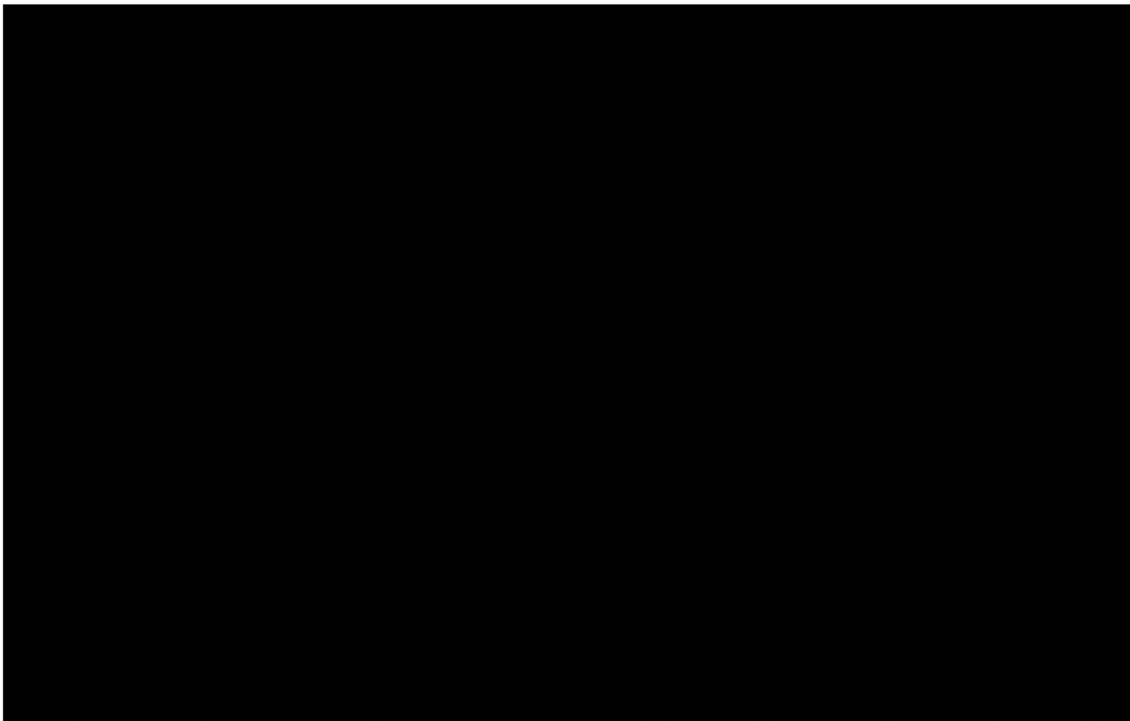
about an hour after Witness G saw them. They were drinking cocktails. During the time that she was there, Witness G texted some members of Respondent's lab and told them that she could not believe what she was seeing and they should come see it too. She did not specify what she saw. None of them came.

That night, as Witness G tried to go to sleep, the image of what she had seen came to her mind. As she walked out of the building, Complainant and Respondent were facing her. Respondent's arm was hugging up on Complainant's shoulder. She was resting her head on his shoulder. Both of them looked very comfortable, like a couple. Complainant was smiling. Witness G feels like she can tell when someone is suffering doing something they don't want, and Complainant was not doing that. She was smiling. When they saw Witness G they sat straight up, Respondent pulled his hand away, and they sat straight up without any additional hugs after that.

Witness G was very curious what they were drinking because usually when she would get together with the lab, Respondent would have beers, but they seemed to be having cocktails. They had glasses with fruit that looks like a star decorating the glass. Witness G did not see what was inside. She saw three glasses in front of them altogether, but one of them could have been from someone that was there before. The extra glass was on Respondent's side.

The next day at work, Witness G told some of her friends in Respondent's lab what she had seen. Later, she learned that Respondent had told people not to trust what Witness G was saying. That upset Witness G because she saw Complainant and Respondent by accident and had only said what she saw. He put her in that awkward situation, and it made her mad for him to be saying that she was not telling the truth.

At the bar, Witness G pretended to take a selfie of herself and her friend but really took a picture of the parties. She was really nervous about doing that, so she just took one picture and it was not very good:



Regarding her statement that the parties looked like a couple, Witness G said that in addition to sitting with his arm around her and her head on his chest, they were smiling and happy and "looked shiny" the

way people look in love. Both of them looked different from the way they look at work, like they had put care into their appearance. He looked like a young person with [REDACTED] in his hair, [REDACTED], whereas he usually only wears [REDACTED]

J. Interview of Witness H

Witness H worked in Respondent's lab the last [REDACTED], so she has seen Respondent at work parties. During the [REDACTED], Respondent supervised her. [REDACTED] Respondent and Witness H get along fine. He is hard to read and sarcastic, but Witness H thought he was pretty funny.

Tattoos

Witness H heard that Respondent and Complainant talked about getting matching tattoos of a [REDACTED]. She thinks Respondent might have brought that up. At one of the parties one of the graduate students mentioned it to Respondent's [REDACTED] and either an [REDACTED] or Witness H's [REDACTED] overheard the conversation. Respondent's [REDACTED] said it made her uncomfortable how close they were and that they would get a tattoo together. Witness H told Complainant afterwards that it made Respondent's [REDACTED] uncomfortable, so she dropped the subject. Witness H thinks Respondent brought it up again when he was drunk or something and that he still wanted to get a tattoo.

Birthday on [REDACTED] 2017

Witness H went to a party with the department and Respondent's lab for Respondent's birthday. Witness H drove with her [REDACTED] and left with her [REDACTED]. Most of the other undergraduates left together. Complainant stayed and drank [REDACTED]. She messaged that she was going to sleep in the car, which led to a call with Witness A. Witness H thinks Complainant ended up going home.

On Respondent's birthday, Complainant stayed at the lab overnight and blew up like 500 balloons. Witness H came in for work at [REDACTED] a.m. and blew up about 15 balloons. Witness H thought Complainant idolized Respondent. Complainant [REDACTED] and really looked up to Respondent. She saw him as an important part of her life at the time and wanted to do something big.

Complainant's Other Behavior toward Respondent

Witness H knew that Complainant and Respondent were close, but she thought of it as a mentorship thing. He always looked happier with her than with others. Before any of this happened, Witness H asked Complainant if Respondent thought of it as more than a mentoring relationship, and she said no. Complainant thought Respondent and his [REDACTED] were happy.

In response to a question, Witness H acknowledged sexual conversations about Respondent among the undergraduates. When all of the undergraduates were close friends in the beginning, they would all joke about it. Witness H doesn't remember how it started. She does not remember anything about Complainant wanting to tie up Respondent, and she was not part of any conversation about masturbating in his lab coat.

Witness H said that a kink is something someone is into sexually. She does not remember the context of talking about a "[Respondent] kink" but she thinks the joke is that Respondent was what Complainant was into. I asked about the circumstance in late [REDACTED] where Witness H said that Complainant was "getting so intense. This is real. Oh my" and Complainant responded, "Girl you have Nooooooo idea. Shit got

SPICY. S P I C Y” then went on to say that she was drunk. Witness H said that she did not remember the exact context but she was sure it was about Respondent.

Likewise, I asked about the text string where Witness H said “Also that is wildly inappropriate my god” then Complainant responded “[Respondent] kinky collage. Oh I mean” and Witness H said “Oh phew I thought it was [Respondent]” and Complainant said “LMAO. Yeah it’s definitely not [Respondent]. For sure not [Respondent].” Witness H said she did not remember that either. She noted that a lot of things when Complainant thought this was all still a joke crossed lines and were “kind of inappropriate” but they all thought of it as a joke.

[REDACTED] on August [REDACTED], 2017

Right after [REDACTED] the relationships in the lab started getting really rocky. Witness H was in the middle of the issue with Complainant on one side and the other undergraduates on the other. By that time, Witness H was not working there anymore and the other undergraduates stopped talking to her for a while because they thought she was taking Complainant’s side. Witness H cited and provided texts she exchanged with [REDACTED] laying out the issue.

Complainant got back and said the [REDACTED] had been terrible. Witness B and Witness C had yelled at Respondent and said he treated some people better than others. They started yelling at Complainant too. Then no one was talking. Witness B is loud and can come off very strong, but it was weird to hear that Witness C was part of that, because she is quiet. [REDACTED] said Witness B told them about [REDACTED] and had a different perspective. [REDACTED]

[REDACTED] Witness H doesn’t know about that because Complainant didn’t say anything against Witness B to Witness H except that she had yelled.

Complainant also mentioned that on the way to or from [REDACTED] Respondent wanted to sit with her and talk the whole way. At that point, Complainant was trying to learn [REDACTED] and things hadn’t been uncomfortable, so Witness H is pretty sure Complainant was okay with that.

Coffee

Witness H never got coffee with Respondent.

[REDACTED] on August [REDACTED], 2017

Witness H is [REDACTED] and did not attend any happy hours.

Movie Night on August [REDACTED], 2017

Witness H does not think that [REDACTED] was the first time Respondent touched Complainant and made her uncomfortable. Complainant described going to his house for a movie and sitting on the couch with Respondent because his [REDACTED] was in the chair. Respondent was feeling her foot, which made her uncomfortable. Witness H thinks that she heard about that a week or so before she heard about [REDACTED] but she can’t be sure. Complainant did say that made her uncomfortable, and Witness H said it sounded kind of bad.

Asking Complainant to Smile

Witness H went over to help Complainant with the dog when she was housesitting. Witness H was home from school for the weekend. It was after the end of [REDACTED] Both Witness H and Complainant love dogs. Witness C was living there but was not there at the time. Witness H thinks Complainant was getting more uncomfortable with Respondent’s behavior at that time and was uncomfortable being alone with him.

Witness H does not remember the exact timeline. She thinks [REDACTED] had not happened yet¹⁹ but Respondent was sending messages asking Complainant to send a picture of her smile and saying he was going to miss her smile. Complainant was trying not to talk to him, but she had committed to watching his dog.

[REDACTED] on August [REDACTED] 2017

Complainant called Witness H “right when things got really bad.” One time, Complainant and Respondent went to [REDACTED] together after work. She called Witness H afterwards, at around [REDACTED] p.m. Complainant was crying and said she needed to quit and needed to move. Before that, Complainant had thought her relationship with Respondent was a father/daughter or mentor relationship. But, that night, Complainant said that Respondent had his arm around her and was making her really uncomfortable. [REDACTED] Complainant was trying to make it clear that she was uncomfortable, talking about Respondent’s [REDACTED] being wonderful. Complainant said she did not know what to do and could not go into work.

In response to a question about whether she had any call log to reflect the time and date of the call, Witness H said she had gotten a new phone and did not think her call logs transferred. She would have to ask her [REDACTED] about whether there was a statement that showed something about the call.

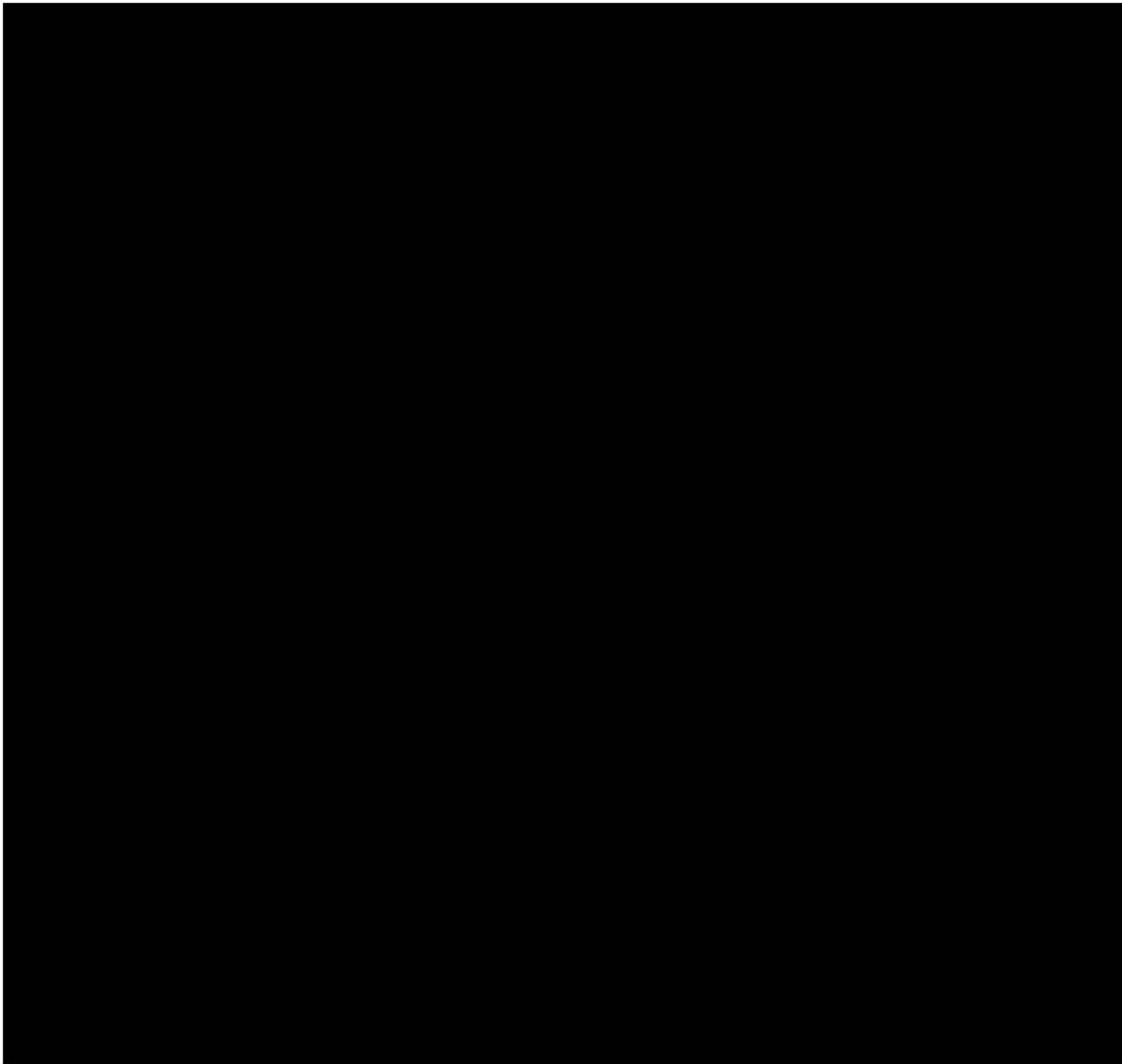
Aftermath of Incidents

In response to a question about Complainant’s attendance at the lab, Witness H stated that when she was there, Complainant was working pretty consistently. After [REDACTED] she started going in more at [REDACTED] because she did not want to see the graduate students. Then, after the [REDACTED] events, she started going in very, very little.

In conclusion, Witness H said she wanted to make sure that I understood that the comments about Respondent and Complainant in the texts were always a joke in the lab. They were “definitely inappropriate,” but Complainant never thought of him as more than a mentor. Witness H thinks they joked because they could not actually imagine having those kinds of feelings for Respondent. When Complainant started to realize what was going on, it was very clear that she was uncomfortable with it.

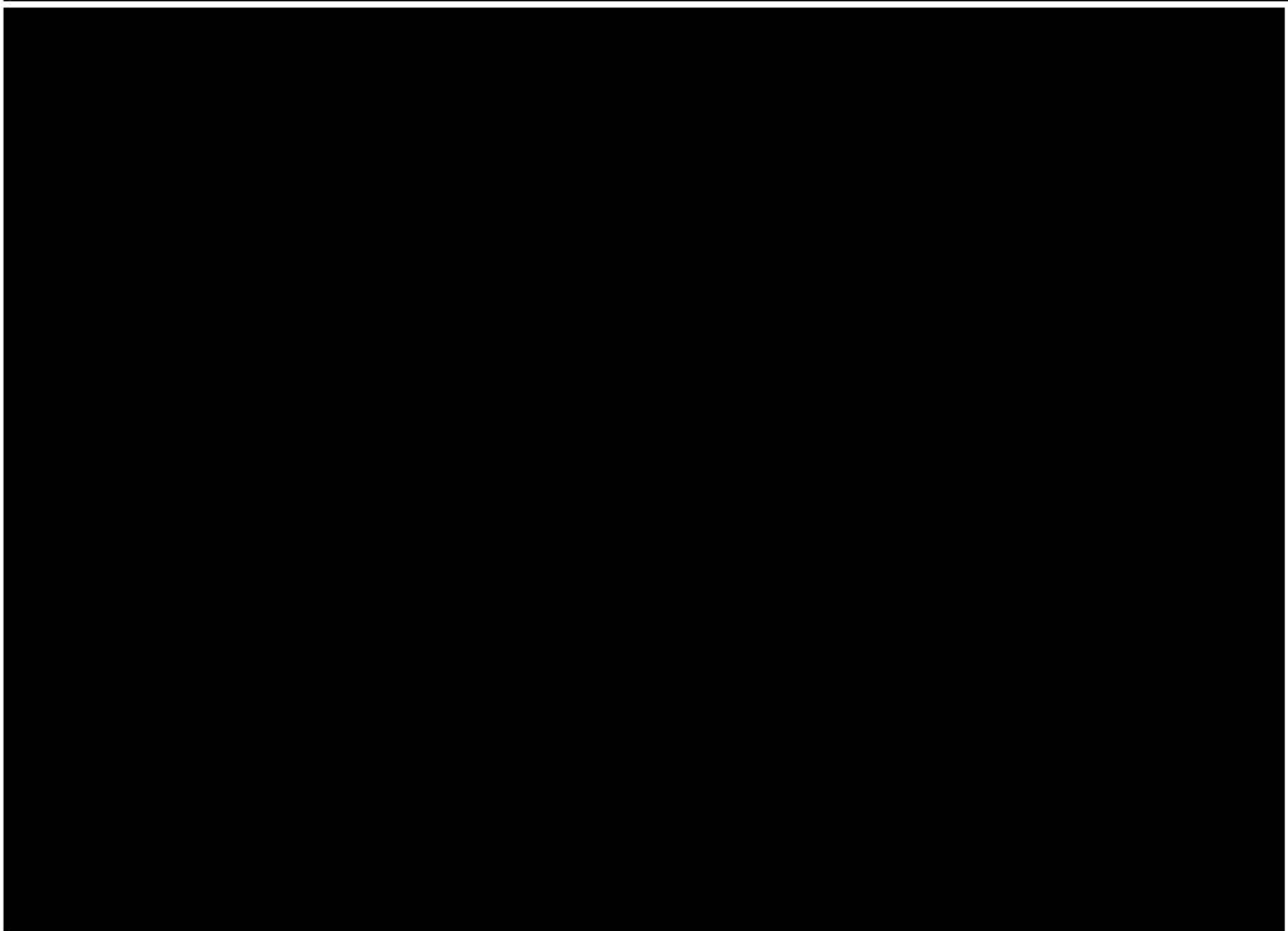
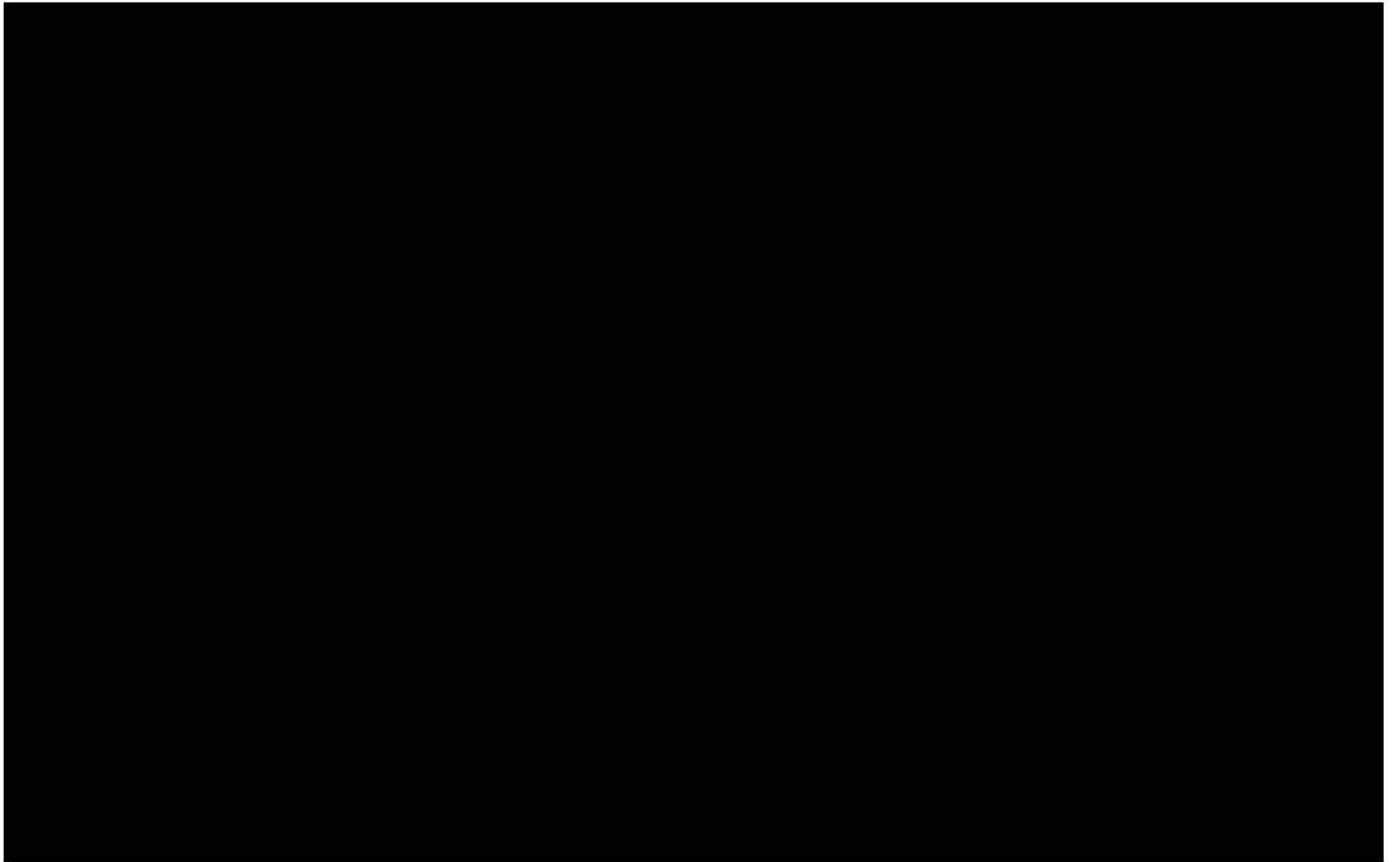
¹⁹ [REDACTED]

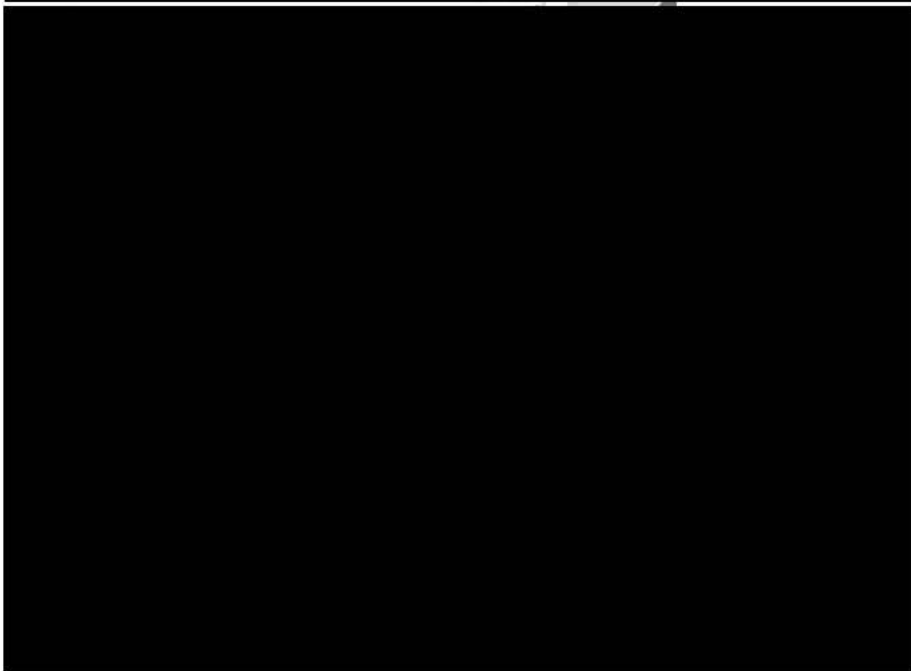
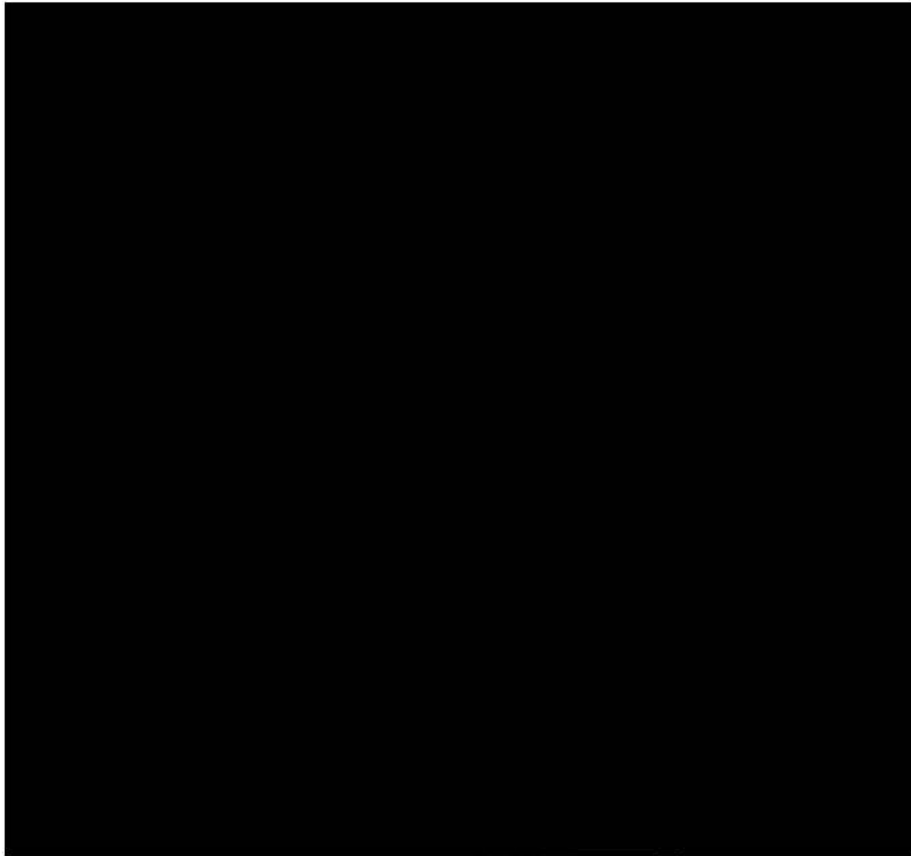
J. Selected Documents

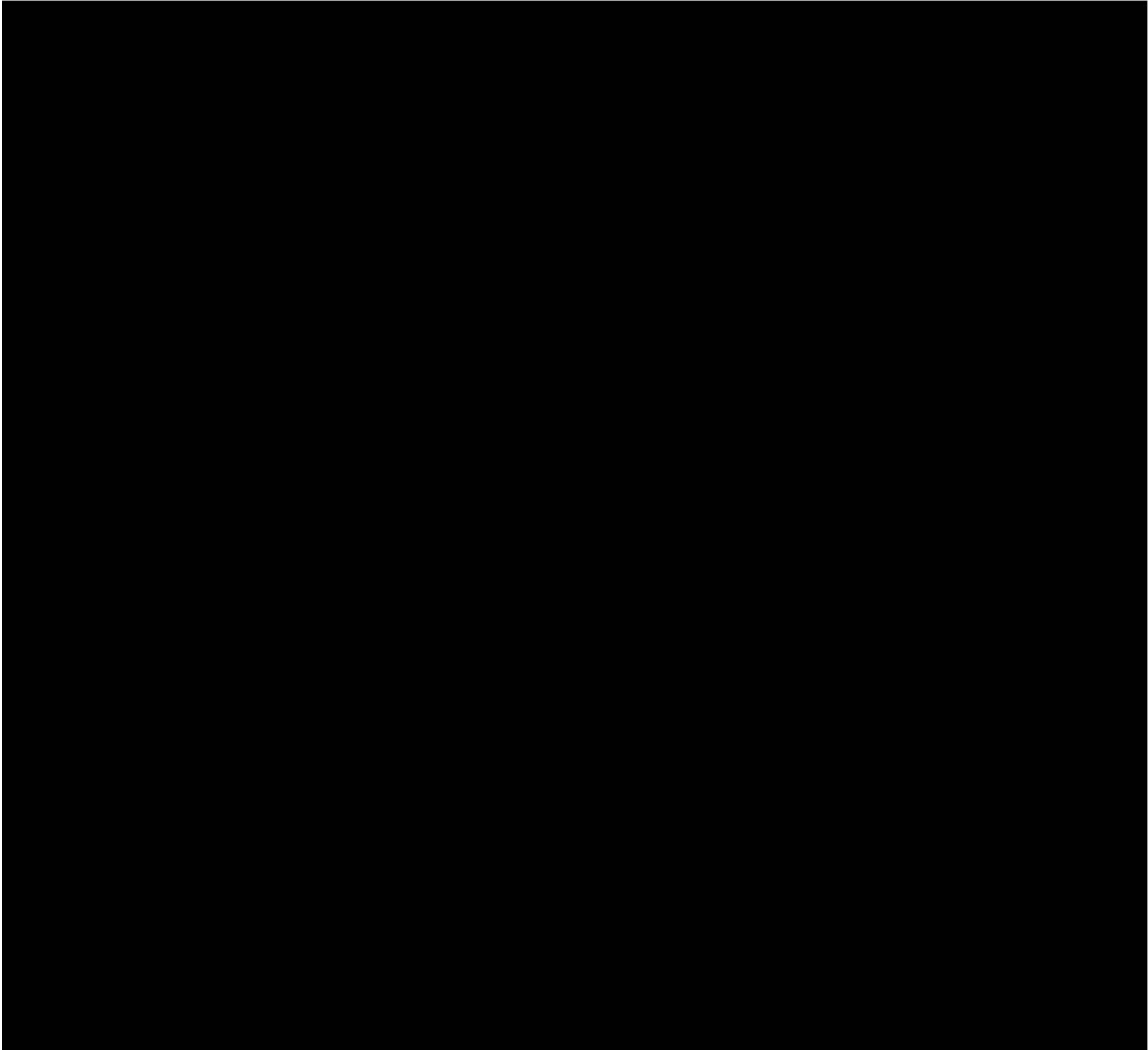


[REDACTED]

[REDACTED]



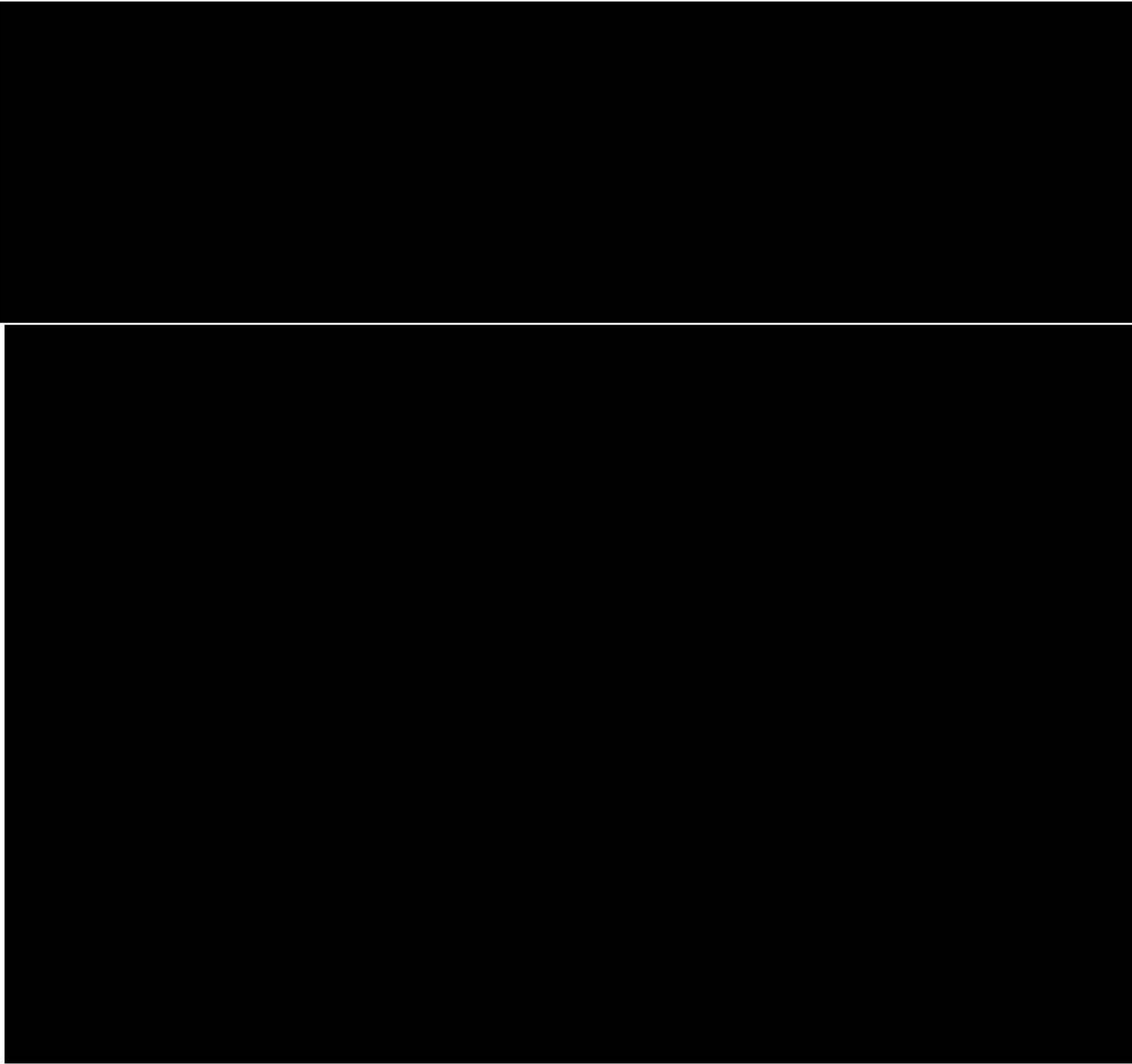




[REDACTED]

[REDACTED]

[REDACTED]



VI. FINDINGS AND ANALYSIS

A. Factual Findings

The preponderance of the evidence supports the following facts relevant to the analysis here:

- (1) Complainant joined Respondent's lab as an undergraduate researcher in [REDACTED] 2017. (Agreed)

- (2) Complainant attended lab meetings and happy hours with the lab. (Agreed)
- (3) Complainant suggested to Respondent that they should get matching tattoos.
Although Complainant focused on the end of [REDACTED] time period and suggested that Respondent continued pursuing the tattoo idea when she had moved on, the evidence strongly supports that Complainant initially proposed tattoos and repeated the proposal even after Respondent initially turned down the idea. Multiple witnesses corroborated his account.
- (4) During [REDACTED] 2017, Complainant said she was “in love with” Respondent and made sexual comments related to him.

Undergraduate researchers Witness E and Witness D stated that the comments escalated to the point of making them uncomfortable and included references to bondage. Witness D alleged that Complainant stated that she would like to take Respondent’s lab coat home to masturbate in it. Complainant argued that (1) the statements were a joke that the whole group participated in, (2) she did not recall a statement about masturbating in Respondent’s coat, (3) in any event, she did not act on anything along those lines, (4) she acknowledged that the jokes went too far, but (5) all of those comments occurred before any of the events with Respondent that made her uncomfortable.

The weight of the evidence supports that Complainant downplayed her individual role in the comments about Respondent. The messages reflect that Complainant was the primary person making romantic and sexual comments about Respondent, although others were participating. The evidence also supports that Complainant made the comment about masturbating in Respondent’s lab coat. The alleged comment was generally in line with comments Complainant made in writing (e.g., “I’ll take care of the other restraints”); she acknowledged wearing Respondent’s lab coat in the lab at times; and she did not demonstrate certainty that she had not made the comment, whereas Witness D expressed conviction that the statement was made.

The weight of the evidence also supports that Complainant’s romantic and sexual comments to the undergraduates about Respondent were inappropriate jokes and that they ended approximately a month before the events at issue here. Witness H stated that she understood Complainant to be joking.

[REDACTED]

[REDACTED]

- [REDACTED]
- (5) In or around the same time period as the texts, Complainant worked on learning [REDACTED] (Respondent's native language), listened to [REDACTED] music, cooked [REDACTED] food for Respondent and his [REDACTED] and filled Respondent's office with hundreds of balloons for his birthday. (Agreed).
- (6) Complainant's conduct led multiple individuals to tell Respondent that Complainant was obsessed with him.
Respondent, Witness A, and Witness B all described conversations with Respondent prior to the events at issue here in which graduate students and postdocs expressed concern to Respondent about Complainant's conduct toward him.
- (7) [REDACTED]
- (8) On August [REDACTED] 2017, Respondent and Complainant went to [REDACTED] bar without the rest of the lab at around the time the lab usually would have gone to happy hour. (Agreed)
- (9) On August [REDACTED] 2017, Respondent gave Complainant a [REDACTED] cut into the shape of a [REDACTED] and divided in two. (Agreed).
During his interview, Respondent stated that he intended the [REDACTED] to reflect his love of [REDACTED] although he stated he did not know how Complainant interpreted it. He described the [REDACTED] as a theoretical tattoo design, where each party would get one part of the [REDACTED] although he did not intend them to actually get tattoos.
- (10) On August [REDACTED] 2017, Complainant went to Respondent's house to have dinner with Respondent and his [REDACTED] and to get information about watching their dog during an upcoming trip. (Agreed).
- (11) In the context of discussing Complainant watching Respondent's dog, Respondent encouraged Complainant to sleep in his bed during his trip. However, the evidence does not support that the offer was romantic or sexual in nature.

During her initial interview, Complainant stated that the first time Respondent encouraged her to sleep in his bed while dog sitting, she did not find it odd because it was in connection with a conversation about where the dog sleeps. She found the suggestion objectionable the second time she was planning to dog sit because the dog had slept with her in the guest room the first time she was there. However, in her second interview, we went over the timeline, and Complainant determined that she ultimately only dog sat for Respondent one time, which made it more likely that the sole time Respondent encouraged her to sleep in his bed was in connection with the conversation about where the dog sleeps. In addition, Witness C described Respondent's [REDACTED] encouraging Respondent to tell Complainant to sleep in their bed, which supports Respondent's statement that the offer was a form of hospitality.

- (12) On August [REDACTED] 2017, when Respondent and Complainant took Respondent's dog to the park, Respondent commented on Complainant's habit of standing with her toes together, and he stood close to her with his feet outside of hers.

Respondent acknowledged commenting on the way that Complainant stands, although he denied standing close to her. At the same time, Respondent stated that he did not remember going to the park well, which he attributed to a [REDACTED]. Complainant was consistent in stating that Respondent was closer than she was comfortable with. She did not overstate the seriousness of this conduct, stating that she did not feel that Respondent's intent was bad at the time. To support that he would not have stood close to Complainant, Respondent argued that he does not like to touch people much. However, he acknowledged having touched Complainant later the same evening, which undercuts that reasoning. Overall, the evidence supports Complainant's allegation.

- (13) On August [REDACTED] 2017, while watching a movie with his [REDACTED] and Complainant, Respondent stroked Complainant's foot and touched the outside of her thigh with his hand.

Respondent acknowledged putting his hand on Complainant's toe when she had her foot up on the couch. He initially stated that he did not recall rubbing her toe, but at the end of his interview, he stated that it was true that he stroked Complainant's foot, although he also stated that she put her foot on his thigh multiple times.

Respondent denied touching Complainant's leg, but Complainant provided a credible account of Respondent putting his hand on the seat between them in a way that it was touching the outside of her leg. Several of Complainant's allegations that were acknowledged by Respondent and/or corroborated by documentary evidence (such as rubbing her neck, putting his arm around her at [REDACTED], kissing her cheek, and creating the "[REDACTED]") were similar in nature but more extreme than the alleged touching of the outside of her thigh. The fact that Respondent engaged in the former conduct increases the probability that he would have engaged in the latter. Likewise, it is unclear why Complainant would fabricate an allegation that was less serious than those that are corroborated. Finally, Respondent cited having a [REDACTED] and being on medication more than once during the interview. If the pain or medication impacted his recollection of events, Complainant's account would be more reliable relative to Respondent's for that reason. If, instead, Respondent has a clear recollection of events but nonetheless cited his pain and medication to imply they impacted his conduct or memory of events, that would reflect negatively on his credibility and also would suggest that Complainant's account of the events of August [REDACTED] was more accurate.

- (14) On August [REDACTED] 2017, after watching the movie and after his [REDACTED] had gone to bed, Respondent rubbed Complainant's shoulders and neck (including under the strap at the back of her racerback tank top) and touched her hair.

Respondent acknowledged that he touched either Complainant's shoulders or her neck, although he stated that he did not recall which and that it was "cloudy" what happened leading up to that contact. He denied putting his hand under her tank top strap. In his summary at the conclusion of his interview, Respondent stated that he touched Complainant's neck. Respondent acknowledged touching Complainant's hair in the lab on one occasion, but stated he did not recall touching her hair at his house. However, given that Respondent acknowledged touching Complainant's neck that night and that he touched her hair on another occasion, as well as for the reasons discussed above related to the reliability of the parties' accounts of the events of August [REDACTED] the weight of the evidence supports that Respondent touched Complainant's hair as alleged.

The acknowledged conduct of touching Complainant's shoulder and/or neck lends some support to the allegation that Respondent put his hand under the racerback strap of Complainant's tank top. Although Respondent denied that conduct, his hand was necessarily in close proximity to that strap if his hand was on Complainant's shoulder and neck. Respondent's "cloudy" recollection of the neck touching and his statements about pain and medication likewise support the relative reliability of Complainant's version of events. Overall, the preponderance of the evidence supports that allegation.

Respondent stated that after he touched Complainant's neck, he asked if it felt strange, and she said, "no." Complainant likewise described Respondent asking if he made her uncomfortable, but only after touching her.

- (15) Complainant spent the night at Respondent's house on August [REDACTED] and interacted with Respondent and Witness C there in the morning before they separately went to the lab.
- (16) Complainant and Respondent went out for coffee several times after [REDACTED] including at least once after August [REDACTED] 2017.
- (17) During one conversation, Respondent asked Complainant, "Why is [Complainant]?" by which he meant to ask why Complainant came into his life.
Respondent acknowledged that he asked Complainant that question, although he stated that it was not romantic in nature. Rather, he was asking a scientific question about why events occurred as they did. Witness B and Witness C described similar philosophical conversations with Respondent. However, viewing the context as a whole, a reasonable person in Complainant's position would experience the question as expressing a romantic sentiment. First, the statement occurred in close proximity to traditionally romantic activities such as touching. The statement also occurred near in time to the similar statements Respondent made in the "[REDACTED]." No other witness described Respondent engaging in similar behavior toward them. Notably, whereas Respondent's answer to "Why is [Complainant]?" was that Complainant came into his life to make him happy, in talking to [REDACTED] about her role in his life/lab, he was focused on her work-related skills.
- (18) During a conversation after the movie night, Respondent talked about the effect Complainant had on him and told her that she and his [REDACTED] were the only women whose necks he had touched.
Complainant's description of this event was credible. One would not expect Complainant to be able to anticipate that Respondent had only touched one woman's neck prior to hers if the information did not come from Respondent. Furthermore, Respondent acknowledged that he might have said something like that, although he did not know if he used the word "women."

- (19) After the [REDACTED] [REDACTED] Respondent told Complainant she was the “highlight of the lab.” Respondent suggested that he called everyone a highlight of the lab. However, the evidence from multiple witnesses suggests that Respondent was unhappy about the events at [REDACTED] and that he spent more time alone with Complainant after that event. Whereas he used to hold lab happy hours each [REDACTED] after lab meeting, after [REDACTED] that stopped. Instead, Respondent went out to bars twice with Complainant alone. Multiple witnesses also described them going out to long coffees and lunches during that time period. An August [REDACTED] email from Respondent to Witness A described Respondent’s love for the lab “evaporating” in a [REDACTED] bar. [REDACTED] Overall, the evidence supports that Respondent singled out Complainant during the time period after [REDACTED] and stated that she was the highlight of the lab.
- (20) Respondent encouraged Complainant to talk about their feelings for each other, including through playing “Truth or Truth” and writing in a book that he gave her on August [REDACTED] 2017. Both parties provided narratives that included Respondent asking Complainant to play “Truth or Truth.” Respondent described that conversation coming up in the context of discussing other games, including Truth or Dare, and Complainant stated that it came up when Respondent was talking about Complainant’s effect on him and suggesting it was difficult to discuss sober. Respondent stated that he did not recall what led them to discuss games. Both parties provided reasonable accounts of a context in which a game called “Truth or Truth” might come up. Both parties had an opportunity to consider their account in advance of providing it because Complainant had time to think about what she would say before making her complaint, and Respondent received a notice letter that specifically identified the “Truth or Truth” allegation prior to his interview.
- Overall, the weight of the evidence better supports Complainant’s allegation that Respondent proposed the “Truth or Truth” game as a way to discuss their feelings because soon after that conversation, Respondent provided a notebook to Complainant in which he had started sharing his emotions about Complainant. First, the notebook was called [REDACTED]” and contained the [REDACTED] pattern Respondent had designed as a theoretical tattoo for the parties. Respondent had written an entry in the book earlier, and that entry also suggested that the book was intended to discuss the relationship between the parties (rather than the difficulties Complainant was having with her peers in the lab, as Respondent suggested in his interview). On the first page, Respondent wrote, “[REDACTED]? A convoluted path to find an answer / [REDACTED]’ random thoughts.” On the next page, he wrote:



Overall, the fact and content of the book suggests romantic feelings toward Complainant and that Respondent intended for the parties to explore their relationship in the book.

- (21) On August [REDACTED] 2017, Complainant and Respondent went to [REDACTED] together for a drink. (Agreed)
The parties stated that when they had been at [REDACTED] the week before they planned to get together for a drink before Respondent left on a trip the next day. They sat on a bench around the fire pit. [REDACTED]

- (22) While they were at [REDACTED], Respondent put his arm around Complainant's shoulder and held her toward him. He rubbed the side of her body from her thigh to her hip.

Respondent acknowledged that he put his arm around Complainant, although he stated that he did so because Complainant put her head on his chest. Witness G described seeing the parties and perceiving Complainant and Respondent sitting like a couple. She observed Respondent's arm around Complainant and Complainant's head on Respondent's chest. She also described that both parties appeared happy. Respondent stated that he did not know what was in Complainant's mind but that her arm did not seem tense and she was not trying to get away or anything like that.

Despite those statements, the evidence overall supports that Complainant was tense and that she only leaned in to Respondent because he asked her to, as she alleged. First, although Respondent initially suggested that Complainant initiated the contact between the parties by putting her head on his chest, he later stated that he mentioned the cooling weather and invited her to move closer to him, which is similar to Complainant's statement that Respondent held out his arm and motioned for her to move closer to him. Significantly, Respondent's writing in the [REDACTED] supports that Complainant appeared tense that night. He wrote [REDACTED] of August Question to Answer Why is [REDACTED] so tense?" Complainant also credibly stated that Respondent asked, "Truth or lie, why are you so tense?" and she answered, "Lie: I'm not tense." Her statement is in line with the text in the book. In response to a question about whether Respondent mentioned Complainant seeming

uncomfortable and tense. Respondent stated that he was not a magician and that although he may have said something about her seeming tense, it was not as though he really thought about it. Overall, the evidence supports that Respondent initiated the contact between the parties and that Complainant was not comfortable with it.

To the extent that the term “restrained” in the charge and notice letters implies that Respondent held Complainant to knowingly prevent her from moving away from him, the facts do not support that allegation.

Respondent also acknowledged that he may have rubbed Complainant’s thigh. He denied rubbing Complainant’s buttock and stated that he could not have done so because she was sitting on it; however, Complainant did not allege that Respondent rubbed the part of her buttocks she sat on. She alleged that he rubbed the side of her leg, along her thigh and side of her hip/buttock area. Overall, the evidence supports that Respondent touched the side of Complainant’s leg from her thigh to the side of her hip/buttock area.

Complainant alleged that Respondent put his hand in her sock and touched her foot and ankle. Respondent denied touching her foot that night and called the allegation about her sock “pure imagination.” He acknowledged touching her foot on August [REDACTED] 2017, and he acknowledged touching her thigh and putting his arm around her on August [REDACTED] 2017, which makes it more likely that he denied touching her foot on August [REDACTED] 2017 because he does not recall having done so. [REDACTED]

Witness G also described observing the parties for about an hour after she perceived that they had seen her. She did not describe either party touching the other after they saw her and sat up. That is more in line with Respondent’s description of a brief period where he had his arm around Complainant than it is with Complainant’s statement that Respondent kept putting his arm back around her throughout the night. Although I found Complainant generally credible in describing Respondent’s touching of her, because the events of August [REDACTED] and August [REDACTED] happened near in time to each other, it would have been possible for Complainant to confuse which touching happened on which date. For these reasons, the weight of the evidence presented does not establish that Respondent touched Complainant’s foot on August [REDACTED] in particular.

- (23) Complainant asked Respondent if his [REDACTED] would be comfortable with the interaction between the parties, and Respondent said no.

Complainant provided a detailed description of that exchange. Witness H stated that Complainant told her about the communication soon after the events. [REDACTED] stated that Complainant described the same exchange to him. Respondent initially stated that he did not specifically remember Complainant asking if his [REDACTED] would be comfortable with what he was doing. He later stated that he was trying to tell Complainant that he did not know how his [REDACTED] would feel, which suggests he did recall a similar exchange. Overall, the evidence supported that Complainant asked Respondent if his [REDACTED] would be comfortable with their interaction and his response suggested she would not.

- (24) When they left [REDACTED], Respondent walked Complainant toward her house then hugged her and kissed her on the cheek when they parted. (Agreed)

Respondent acknowledged that he hugged and kissed Complainant. He described the motivation for the action in terms of a parental relationship and in terms of a response “like Pavlov’s dog” responding to Complainant pursuing contact and acting like she wanted to enter his life throughout their relationship. As was discussed above, evidence supported that Complainant tried to learn some [REDACTED] cooked [REDACTED] food, and listened to [REDACTED] music in the July timeframe. It also supports that Complainant was enthusiastic when Respondent hugged her at his birthday party. [REDACTED] However, the evidence does not support that Complainant pursued a hug or kiss on August [REDACTED]. Respondent described Complainant arguing that night that she had not kissed his cheek

on his birthday as he had written in the notebook. As was discussed above, the evidence supported that Complainant was tense that night, including in connection with Respondent's physical contact with her. Complainant's behavior after the encounter also supports that she did not pursue a hug and kiss from Respondent that night.

- (25) When she got home from [REDACTED], Complainant called Witness H crying and stated that she did not know what to do and did not know if she could keep working in the lab.

Neither Witness H nor Complainant had call logs to establish the time and date of the contact. Witness F stated that in his initial communications with Complainant, she did not appear as upset regarding Respondent's conduct as he would have expected. However, the evidence supports that Complainant called Witness H crying as alleged. Witness H corroborated that statement, and the evidence did not suggest that Witness H would have fabricated facts in support of Complainant. In addition, Complainant's September [REDACTED], 2017 text to Witness A stated that she had been talking to Witness H about some of what happened and that Witness H had been really supportive.

- (26) The next day, Complainant took a "mental health day" and did not go to the lab. [REDACTED]

- (27) Respondent called Complainant [REDACTED] for [REDACTED] [Complainant], or [REDACTED] [Complainant] (in [REDACTED])

Respondent called Complainant [REDACTED] in an August [REDACTED] text message to Complainant. [REDACTED] He also called her "[REDACTED]" in the book he gave her on August [REDACTED]

- (28) On September [REDACTED], 2017, Complainant told Witness A she was relieved Respondent was gone for a few weeks. [REDACTED]

- (29) On September [REDACTED] Complainant responded to an email in which Respondent asked her not to leave the lab, apologized if he made her uncomfortable, and said he would go back to the way he was before he met her by saying in part, "I'd like to have a professional relationship with you." [REDACTED]

- (30) On September [REDACTED] Respondent sent Complainant an email in which he commented on others' impressions of Complainant, his monogamy, and his friendship with Complainant. He stated that, "Yes I fall in love with that person and try to be close to that joy." but he added that he never had an "impure thought" about Complainant and likened the happiness Complainant brought to him to the happiness he felt with his dog [REDACTED]

- (31) In an email to Respondent on or before September [REDACTED], Complainant told Respondent that he commented on her body language at [REDACTED] but still didn't give her the space he should have. The email stated, "I'm afraid of men and have some very real trust issues and the past week or so has been difficult for me. I had previously felt comfortable with you and was working on trusting you, but by the time you asked if you were making me uncomfortable I felt threatened and totally shut down. I had been planning to talk to you about it when you came back from your trip but in the moment I couldn't have that conversation and just froze. You had even commented on my body language that night and when you didn't react in the way that I felt would have been appropriate--namely, giving me space--I got scared." [REDACTED]

- (32) On September [REDACTED], Complainant told Respondent that she thinks he is sweet, intelligent and funny and that this turned into a bigger thing than it needed to be. She thought that they could find a way to move forward, although she meant what she said about trust and fear.
- (33) On September [REDACTED] 2017, Respondent sent Complainant an email in which he described being lonely while traveling and stated, in part, "Missing your smile." [REDACTED]
Respondent also stated that he told Complainant he had missed her smile one day in person in the lab when he arrived later than usual.
- (34) On September [REDACTED] 2017, Respondent sent Complainant a message in which he stated, in part, "Still missing your smile." [REDACTED]
- (35) On September [REDACTED], Respondent invited Complainant to come to watch a movie at his house on Thursday and she declined.
She responded by saying that she did not feel comfortable spending time with him outside of the lab and she would appreciate it if he could find someone else to watch his dog. [REDACTED]
- (36) On at least one occasion, Respondent touched Complainant's hair in the lab and asked her to smile.
Respondent stated that he touched Complainant's hair in the lab when he went to touch her shoulder and told her he missed her smile the day after the [REDACTED] drink. The evidence supports that Complainant was not in the lab the day after the [REDACTED] drink. However, Respondent's statement that he touched Complainant's hair and told her he missed her smile nonetheless corroborates Complainant's allegation.
- (37) Respondent discussed a possible increase in Complainant's pay, but it was unrelated to the events at issue here.
Complainant did not suggest that Respondent offered to increase her pay in return for any type of romantic relationship or that the discussion otherwise was tied to the matters at issue here. She stated that the offer was before anything occurred that concerned her. Witness A said that there was a discussion about hiring Complainant after she finished as a student employee because she was a great worker. The evidence supports that the discussion of possibly increasing Complainant's pay was in connection with a conversation about pay for non-student employees because Complainant was [REDACTED]

C. Policy Findings

1. Sexual Harassment

Conduct qualifies as sexual harassment in violation of University policy when the conduct (1) constitutes unwelcome conduct of a sexual nature and (2) creates a hostile environment or is *quid pro quo*. In the present case, the preponderance of the evidence supports that Respondent's conduct constituted sexual harassment in violation of the Sexual Violence and Sexual Harassment policy.

a. Respondent engaged in unwelcome sexual conduct as defined by University policy.

University policy defines sexual harassment to include "unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature."

The preponderance of the evidence supports that certain of Respondent's conduct constituted "verbal, nonverbal or physical conduct of a sexual nature."

On the one hand, Respondent stated that he saw Complainant as a daughter, and Complainant described having the impression that Respondent thought of her that way throughout most of their relationship. Many of Respondent's interactions with Complainant occurred in a group setting or in public. For example, the initial touching of Complainant's foot was with Respondent's ██████████ in the room, and Respondent also had invited Witness C to join the group for movie night, although she declined. The ██████████ events took place in ██████████ Davis where the parties were likely to be observed. People agreed that Respondent treated many of the lab members like a family and invited them to stay and even to live with him and his ██████████. No one described similar issues arising in Respondent's interactions with other students, so there was no evidence of a broader pattern of conduct underlying Respondent's behavior toward Complainant. Overall, the witnesses described witnessing romantic and obsessive behavior by Complainant toward Respondent and little romantic behavior by Respondent toward Complainant in the time period before the events at issue here.

Despite those facts, the bulk of the evidence supports that a reasonable person in Complainant's position would experience Respondent's conduct toward her over the period from August ██████████ 2017 through September ██████████ 2017 as sexual in nature. When Respondent discussed having touched Complainant's neck, he highlighted his relationship with his ██████████ not his relationship with his children. Specifically, he stated that Complainant's neck and his ██████████ neck were the only two women's necks he had touched. Although the lab members were generally more supportive of Respondent than Complainant, they generally agreed that Respondent did not treat Complainant like the other undergraduates, and the graduate students and postdocs were upset with the favoritism they believed he was showing even before these events. When witnesses gossiped that Respondent's ██████████ was upset, they said that she was upset about how close Respondent and Complainant were, not solely that Complainant unilaterally kept raising the possibility of getting tattoos.

In addition, the nature of Respondent's specific conduct during that month strongly supports a finding that the conduct was sexual in nature under University policy. Respondent gave Complainant a ██████████ ██████████ as a hypothetical tattoo design. Even though the parties agreed they were not going to get the tattoo, designing a ██████████ tattoo suggests a romantic connection. Likewise, the book Respondent gave Complainant appears to be a romantic gesture both in form and in content. He put the heart design on the front cover, and it was effectively a journal for the two of them to write in. Respondent stated that he intended the journal as a way to get to the bottom of Complainant's strained relationships with her colleagues. However, he did not describe that intent to Complainant, and his first two entries addressed stereotypically romantic subjects—their meeting and a kiss—not Complainant's relationships with her peers.

Respondent rubbed Complainant's neck, shoulders, foot, and thigh. He put his arm around her, hugged her and kissed her cheek. In total, these contacts suggest a romantic relationship more than a father/daughter relationship. That is particularly true given that witnesses (including Respondent) uniformly stated that Respondent is not a touchy feely person. In addition, Respondent engaged in that behavior after multiple witnesses told him that Complainant was "obsessed" with him, which one would not expect if he was pursuing a friendship or quasi-parental relationship. Witness G saw one instance of the touching and observed that the parties looked like a couple. Respondent's statement to Complainant suggesting that his ██████████ would not have been happy about his interaction with Complainant also supports that the conduct was sexual in nature. Finally, Respondent's actions in sending Complainant messages

telling her that he missed her smile even after she emphasized that she just wanted a professional relationship supports a romantic sentiment.

The preponderance of the evidence also supports that Respondent's sexual conduct was unwelcome.

As multiple witnesses noted, in the time period leading up to August 2017, Complainant engaged in behavior that supported that she would welcome physical contact from Respondent. She repeatedly commented that she loved him. When he hugged her on his birthday, she sent a triumphant message to her peers. In addition, there was evidence to challenge that Complainant was uncomfortable even when the specific conduct at issue here occurred. Complainant never told Respondent that she was uncomfortable, even when he expressly asked her. Witness F stated that Complainant seemed to almost like the and did not find it as inappropriate as he did. Witness C described Complainant laughing with Respondent the morning after movie night and staying around his house until Respondent left. Witness G observed both of the parties smiling and looking like a couple in love at . Witness F noted that Complainant saved the " " and was not clearly uncomfortable about that either, which Witness F found confusing. After each of the events except for the emails, Complainant got together with Respondent again. She went for coffee and to with him after movie night. Witness C saw her in his office with the dog after .

Despite the strong pieces of evidence discussed above, ultimately, the weight of the evidence substantiated that Respondent's sexual conduct was unwelcome. First, given the power differential between the parties and the fact that Respondent consistently asked Complainant if she was uncomfortable only after he already had started touching her, it is not surprising that Complainant would not speak out to tell him he was making her uncomfortable in the moment. She did describe her discomfort to him in detail within a week of the event. She called Witness H crying the same night. She also told Witness H she was uncomfortable about the touching at movie night. The day after , she told Witness A what had happened and that it made her uncomfortable.

Complainant's sexual and romantic comments about Respondent were made a month before the events at issue here and suggested an exceptionally inappropriate joke more than a true romantic interest. No one provided texts from after the touching in which Complainant made similar statements.

The evidence from reflects that Complainant was tense and that Respondent recognized her discomfort, which provides strong support for her contention that Respondent's conduct was unwelcome. Respondent acknowledged that he may have said something about Complainant seeming tense. The contained a question from that night in which Respondent wrote, "Why is so tense?" Complainant credibly described raising the subject of Respondent's as a way to discourage his behavior without having to confront him directly. In an email to him after the event, she highlighted that she felt unsafe because when he recognized that her body language suggested she was uncomfortable, he did not give her space.

Although Complainant did not cancel the prescheduled event after the movie night incident, she did begin cancelling plans that would entail contact with Respondent after that. Complainant took a mental health day and did not go into the lab the day after . Her texts, time records, and Witness F's statement support that she was less comfortable going into the lab after that night. The documents supported that Complainant turned down offers to spend time with Respondent after these events, that she ignored his statements about missing her smile, that she told him she just wanted a professional relationship, and that she ultimately said she could not spend time with him outside of work.

For these reasons the preponderance of the evidence supports that Respondent's conduct constitutes unwelcome conduct of a sexual nature.

b. Respondent's conduct created a hostile environment in violation of University policy.

Unwelcome sexual conduct violates University policy when it is *quid pro quo*²¹ or creates a hostile environment. Hostile environment harassment occurs where unwelcome sexual conduct "is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from ... employment ... and creates an environment that a reasonable person would find to be intimidating or offensive."

In the present case, the preponderance of the evidence supports that Respondent's conduct toward Complainant was sufficiently severe or pervasive that it interfered with Complainant's participation in and benefit from her employment and created an environment that a reasonable person would find to be intimidating or offensive.

On the one hand, there was significant evidence that Complainant's work relationships had started to erode after [REDACTED] separate from the incidents at issue here. Witness C observed Complainant in Respondent's office a few days after [REDACTED], although Complainant stated that the only time she went to Respondent's office was at his request to pick up his dog and take the dog home.

Nonetheless, the preponderance of the evidence supports that Respondent's conduct at issue here was sufficiently severe or pervasive that it impacted Complainant's work environment. The conduct involved multiple instances of unwelcome touching over a short period of time, coupled with romantic statements and sentimental gifts (the [REDACTED] and [REDACTED] all within the context of a relationship between a professor/employer and a young employee. The conduct had an immediate impact in that Complainant called a former coworker crying, talked to her supervisor (at her supervisor's invitation), and took a mental health day off work the following day. In the longer term, documents provided by the University reflect that Complainant's overall hours declined noticeably after the event, even relative to the decrease after [REDACTED]. Complainant had Witness F and Witness A help her find times to work when she would not have to interact with anyone else. She eventually stopped working in the lab altogether.

The same facts support that Respondent's conduct created an environment that a reasonable person would experience as intimidating or offensive. The PI over the lab that employed Complainant touched her more than once, without first asking permission, and in spite of Complainant's conduct that led Respondent to understand that she was tense. A reasonable person would experience that conduct as intimidating or offensive.

Respondent suggested that if the genders of the individuals were reversed, Complainant would be viewed as the harasser. Similarly, Witness B opined that Respondent should accuse Complainant of harassment. The parties' genders were not relevant factors in my assessment of the "totality of the circumstances" at issue here. Rather, the relative roles of the parties and Respondent's conduct were the bases for my analysis.

²¹ *Quid pro quo* harassment is not at issue here. It occurs where "a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions ... or other decisions affecting participation in a University program."

VII. CONCLUSION

For the foregoing reasons, the preponderance of the evidence substantiates that Respondent violated the sexual harassment policy in the context of his interactions with Complainant.

Respectfully submitted,

[REDACTED]

Wendy Lilliedoll
University Investigator