



Date: August 24, 2023

To: Dr. David Stachura
File

From: Gloria Godinez, Title IX-DHR Investigator

RE: Confidential Investigation Report pursuant to the CSU Nondiscrimination Policy

I. INTRODUCTION

In or about December 2022, the Equal Opportunity and Dispute Resolution office (hereinafter “EODR”) became aware of allegations which may constitute a violation of the CSU [Systemwide Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#) (the Nondiscrimination Policy). Further, on or about February 8, 2023, EODR received a copy of a request for a workplace violence restraining order filed on behalf of several Chico State employees, including Dr. [REDACTED] (hereinafter “Complainant [REDACTED]” and Dr. [REDACTED] (hereinafter “Complainant [REDACTED]” (hereinafter collectively referred to as “Complainants”¹), against Dr. David Stachura (hereinafter “Respondent”), alleging that Respondent engaged in behavior that created a hostile, offensive, and/or intimidating work environment. (See subsection A.)

This investigation was conducted pursuant to the Nondiscrimination Policy.

A. Background & Summary of Allegations

Respondent and Complainants are professors in the Biological Sciences Department in the College of Natural Sciences at Chico State. Respondent was hired in 2014 as a tenure-track professor and, in 2017, became tenured. In [REDACTED], Complainant [REDACTED] was hired by Chico State [REDACTED] faculty member in the Biological Sciences Department and became tenured in [REDACTED]. Complainant [REDACTED] was hired by Chico State in [REDACTED] as [REDACTED] professor, also in the Biological Sciences department.

In or about June 2020, Complainant [REDACTED] reported Respondent for what she perceived was an inappropriate on-campus sexual relationship with a student. In or about July 2020, EODR (formerly referred to as the Title IX/DHR office) investigated Respondent for having a prohibited consensual sexual relationship with a student, in violation of the Nondiscrimination Policy (formerly Executive Order 1096). The Complainants were critical witnesses in that investigation. The investigation concluded that Respondent violated the prohibited consensual relationship provision of the policy. Respondent was issued the Notice of Investigation Outcome

¹ Although the Complainants did not file a formal complaint with EODR, they meet the definition of “Complainant” under the Nondiscrimination policy – “Complainant means an individual who is eligible to file a Complaint or to report a violation of this Nondiscrimination Policy. It also includes any person who is reported to have experienced a violation of this Nondiscrimination Policy in cases where some other person has made a report on that person’s behalf...”

on or about September 15, 2020. (000228-000263.) Respondent was subsequently disciplined. (000264-000266.)

In or about December 2022, EODR became aware of allegations which may constitute a violation of the Nondiscrimination Policy. On or about February 8, 2023, EODR received a workplace violence restraining order alleging that Respondent engaged in harassing and/or retaliatory conduct against Complainants. (000100-000224.) A description of the allegations and matters being investigated under the Nondiscrimination Policy are as follows:

Alleged Misconduct – Sexual Harassment and/or Retaliation

Date: In or about spring 2020 and thereafter

Time: Various

Location: On and off campus

Details of Alleged Misconduct, including but not limited to:

In or about the spring 2020 semester and early summer, the Complainants observed you engaging in a sexual relationship with a student on campus, which created an intimidating, hostile, or offensive environment for them. Thereafter, you engaged in a pattern of prohibited Harassment and/or Retaliation against the Complainants. You are alleged to have admitted you were engaging in these acts in whole or in part because the Complainants made a Complaint against you for engaging in a Prohibited Relationship and/or because they participated in the investigation of said Complaint, which was substantiated. The alleged conduct may constitute Sexual Harassment, Retaliation, or violations of the Education Code as detailed in a separate notice that will be issued by the Office of Academic Personnel. The Complaint being investigated concerns a course of conduct, including but not limited to the following alleged incidents as follows:

1. In or about January 2020, Complainant [REDACTED] saw you and the student arrive at an out-of-town conference [REDACTED] together, after you had stated you would not carpool with your students, and your demeanor toward each other was more familiar than the typical student-faculty relationship. Complainant [REDACTED] observed you and the student together at a bar following the [REDACTED] Conference in [REDACTED] after other students and faculty had left you alone when you started to speak poorly about your wife.
2. On February 14, 2020, Valentine's Day, Complainant [REDACTED] observed you and the student together at [REDACTED], and you both appeared to be dressed for a date, but your wife was not present.
3. In or about mid-March, on or about spring break,² Complainant [REDACTED] heard you and the student engaging in sexual activity in your office. Complainant [REDACTED] heard you and the student engaging in sex at least four times. When you and the student entered the fish lab, Complainant [REDACTED] smelled post-coital scents emanating from you both.
4. Before June 2020, Complainant [REDACTED] observed you and the student together at an eating establishment in the Chico community.

² In his response to the PIR, Respondent stated that he was not on campus during spring break (March 14 through 19, 2020), and this language was changed from "during" to "on or about," which is consistent with the account that it happened several times during this period. (See Complainant [REDACTED] account below.)

5. In or about May or June 2020, Complainant ██████ heard you and the student again having sex in your campus office.
6. On or about June 3, 2020, Complainant ██████ encountered you in your office with the student, with the door closed, and when you opened the door, the student was sitting on the futon in the bed position, both had their shoes off, the computer and lights were off, and there was a “sweaty,” “hot, no-air-flow kind of smell,” leading her to believe you had been engaging in sexual activity in your campus office.
7. In or about June 2020, you told Complainant ██████ it would be a mistake to file a complaint regarding your relationship with the student, and that it would damage the student’s career.
8. In or about June 2020, you cautioned Complainant ██████ against going to administration regarding your relationship with the student because they would not understand you.
9. In or about June 2020, Complainant ██████ observed you and the student kissing in the lab.
10. Over the course of the next year following the Prohibited Relationship investigation by EODR (formerly referred to as the Title IX/DHR office), you exhibited “passive aggressive threatening conduct” toward the Complainants, such as “death stares,” going into their physical space knowing you made them uncomfortable, and disparaging them to co-workers and Chico State students.
11. You referred to the Complainants when speaking to a co-worker, as “fucking bitches,” and told the co-worker, relative to the investigation, that the Complainants were “going against” you and that you would “never forgive and never forget,” and that you hate them.
12. After Complainant ██████ reported what she perceived as sexual misconduct between you and the student, your behavior toward Complainant ██████ deteriorated, including, but not limited to, failing to acknowledge Complainant ██████ existence at work, insisting Complainant ██████ address you as Dr. Stachura, playing music loudly in your adjacent office, glaring at Complainant ██████ when she greeted you or passed you in the hall, arguing the opposite view to Complainant ██████ during committee work, and criticizing Complainant ██████
13. After Complainant ██████ participated in the consensual relationship investigation against you, your behavior toward Complainant ██████ deteriorated, including you showing overt anger toward her by giving her “death stares” or not acknowledging her existence at work, regularly walking by Complainant ██████ new office and looking at her while she worked at her desk, and continuing to use the fish lab, which Complainant ██████ ██████ despite indicating you were retiring your fish research.
14. You purchased firearms and stated that you intended to kill the Complainants.
15. On or about October 19, 2021, after purchasing weapons and stating you purchased them to kill the Complainants, you stated to co-worker ██████ ██████ (“██████ as you laughed, “I do not understand why people are scared of me. I’m a doer. If I wanted all of you dead, you would be dead. I might skip your office, we will see.”
16. In the fall of 2022, you requested that Complainant ██████ invite you to her classroom to give a presentation and entered her laboratory and stood in her lab for several minutes while she was teaching students, in a manner ██████ felt was intimidating.
17. You told ██████ that you engaged in conduct toward the Complainants in hopes that it could not be detected or documented as meeting the Retaliation definition, even though you intended the conduct as a way to punish or get back at the Complainants for having filed a Complaint against you and/or participated in the investigation of said complaint, including

such conduct as staring at Complainants with a hostile demeanor and going to the [REDACTED] when Complainant [REDACTED] was there alone.

The alleged conduct was potentially a violation of the Nondiscrimination Policy, and thus, this investigation commenced by EODR. Complainants did not file formal complaints with EODR but meet the definition of “Complainant” in the Nondiscrimination Policy. The conduct alleged, if substantiated, may constitute a violation of the [Nondiscrimination Policy](#) with respect to the definition of Sexual Harassment under Article VII.A.4., in that Respondent is alleged to have engaged in unwelcome conduct of a sexual nature that was sufficiently severe, persistent, or pervasive that its effect could be considered by a reasonable person in the shoes of the Complainants, and was considered by the Complainants, as creating an intimidating, hostile or offensive environment; and/or, Retaliation under Article VI.A.9., in that Respondent is alleged to have engaged in a course of conduct (Adverse Action) directed at the Complainants because they reported, opposed, or participated in an investigation under the Nondiscrimination Policy.

II. INVESTIGATIVE PROCESS

After the workplace violence restraining order was reviewed, this investigation began with the issuance of a Notice of Investigation to Respondent on March 10, 2023, followed by an intake meeting and interview of Respondent on April 7, 2023.

A. *The following individuals were interviewed during the course of the investigation:*

- Dr. David Stachura (Respondent) April 7, 2023, via Zoom
- [REDACTED] (Complainant [REDACTED]) April 26, 2023, via Zoom
- [REDACTED] (Complainant [REDACTED]) May 2, 2023, via Zoom
- [REDACTED] (Complainant [REDACTED]) April 13, 2023, in person
- [REDACTED] (Complainant [REDACTED]) April 13, 2023, in person

B. *The following documents were reviewed as part of this investigation:*

- CSU Nondiscrimination Policy
- Petition for Workplace Violence Restraining Order, filed February 2023 (000100-000224)
- Letter to Respondent from Dylan Saake (Saake), dated August 18, 2020. (000225.)
- Notes of [REDACTED] meeting with Complainant [REDACTED] dated August 19, 2020. (000226.)
- Student’s [REDACTED] signed August 27, 2020. (000227.)
- Notice of Investigation Outcome, dated September 15, 2020, (000228-000263.)
- Settlement regarding prohibited consensual relationship, dated December 1, 2020. (000264-000266.)³

³ In his response to the PIR, Respondent argues that the issue of his relationship was settled in 2020, wherein he and the university denied any wrongdoing, and he is being accused of “settled claims.” Respondent misunderstands the settlement agreement – it does not eliminate or negate the finding that he violated the policy by engaging in a prohibited consensual relationship with the student, but rather resolves the issue of his disciplinary sanction for that violation without his admitting to the violation. Further, this investigation is not re-investigating the prohibited

- Student's [REDACTED] dated in or about November 2020. (000267-000270.)
- Notes of [REDACTED] meeting with Complainant [REDACTED] dated November 20, 2020. (000271-000272.)
- Email chain between [REDACTED], [REDACTED], Respondent, and others, dated December 4, 2020. (000273.)
- Student's [REDACTED] signed January 29, 2021. (000274.)
- Student's [REDACTED] signed April 29, 2021. (000275.)
- Email chain between Respondent and Complainant [REDACTED] dated May 17, 2021. (000276-000277.)
- Declaration of [REDACTED] in support of Domestic Violence Restraining Order, dated July 29, 2021. (000288- 000317.)
- Student's [REDACTED] signed September 15, 2021. (000318.)
- TAG report, dated September 16, 2021. (000319-000325.)
- Email from Respondent to Complainants, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] dated October 21, 2021. (000326-000327.)
- [REDACTED] notes of meeting with [REDACTED] dated November 5, 2021. (000328-000329.)
- [REDACTED] notes of meeting with [REDACTED] and [REDACTED] [REDACTED] dated January 3, 2022. (000330-000331.)
- Brian Oppy's notes of meeting with [REDACTED] dated January 6, 2022. (000332.)
- [REDACTED] notes of meeting with Complainant [REDACTED] dated January 10, 2022. (000333.)
- Email chain dated May 9, 2022, between Complainant [REDACTED] and [REDACTED] (000334-000335.)
- Student's [REDACTED] dated February 17, 2022. (000336.)
- Student's [REDACTED] dated April 15, 2022. (000337.)
- [REDACTED] notes of meeting with [REDACTED] dated April 28, 2022. (000338.)
- Email chain dated September 1, 2022, between Respondent, Complainant [REDACTED] and others. (000339-000340.)
- Email chain dated September 7, 2022, from Respondent, regarding fish experiments. (000341-000342.)
- Email chain dated September 22, 2022, between Respondent, Complainant [REDACTED] [REDACTED] and [REDACTED] [REDACTED] (000343-000345.)
- Saake's notes of interview of [REDACTED] dated December 13, 2022. (000346-000348.)
- Saake's notes of interview of Complainant [REDACTED] dated December 15, 2022. (000349-000353.)
- Email from [REDACTED] [REDACTED] to Saake, dated December 9, 2022. (000354-000355.)
- Respondent's complaint against [REDACTED] filed February 10, 2023. (000356-000381.)

consensual relationship violation, but rather determining whether Respondent's conduct with that student created an intimidating, hostile, or offensive work environment *for Complainants* (Sexual Harassment), and whether Respondent engaged in Retaliation against Complainants for their part in the 2020 investigation.

- Email chain dated February 16, 2023, between Respondent and [REDACTED] (000382-000384.)
- Respondent's outgoing email log for February 16, 2023. (000385.)
- Email chain from Respondent to Investigators, dated April 7, 2023, regarding academic advising. (000386.)
- Email chain from Respondent to Investigators, dated April 7, 2023, regarding updated interim measures. (000387.)
- Email from Respondent to Investigators, dated April 8, 2023, regarding pictures. (000388-000390.)
- Respondent's Response to Petition for Workplace Violence Restraining Orders, dated April 13, 2023. (000391-000577.)
- Respondent's testimony transcript dated April 21, 2023. (000587-000703.)
- [REDACTED] testimony transcript dated April 21, 2023. (000704-000783.)
- [REDACTED] testimony transcript dated May 18, 2023. (000792-000799.)
- Complainant [REDACTED] testimony transcript dated May 18, 2023. (000800-000848.)
- Complainant [REDACTED] testimony transcript dated May 19, 2023. (000856-000917.)
- [REDACTED] testimony transcript dated May 19, 2023. (000918-000988.)
- Respondent's letter in response to the PIR, dated August 1, 2023. (000989-000990.)
- Respondent's response to the PIR. (0009991-001019.)
- Documents submitted by Respondent in response to the PIR:
 - Exhibit B⁴ (001020-001022.)
 - Exhibit C (001023-001025.)
 - Exhibit D (001026-001036.)
 - Exhibit I⁵ (001037-001038.)
 - Exhibit K (001039-001046.)
 - Exhibit N⁶ (001047-001067.)
 - Exhibit O (001068.)
 - Exhibit P (001069-001071.)
 - Exhibit Q (001072-001082.)
 - Exhibit R (001083-001115.)

⁴ Respondent's Exhibit A is not included in this report as the settlement agreement following the 2020 investigation was included in the PIR and is already attached.

⁵ Exhibits E and J are duplicates and neither are included because the April 21, 2023, transcripts of Respondent and [REDACTED] were included in the PIR.

Exhibit F is not included as the 2020 Notice of Investigation Outcome and attached investigation report were included in the PIR.

Exhibit G is not included as the relevant transcript experts were included with the PIR. It appears Respondent offered [REDACTED] and [REDACTED] hearing testimony to refute [REDACTED] perception that he was openly dating the student, related to the prohibited consensual relationship, which was determined in the 2020 investigation and is outside the scope of this investigation and therefore irrelevant. [REDACTED] transcript is determined not to be relevant to the scope of this investigation.

Exhibit H is not included because the May 18, 2023, transcripts of [REDACTED] and Complainant [REDACTED] were included in the PIR. The transcript of Chris Nicodemus is determined not to be relevant to the scope of this investigation.

⁶ Exhibit L is not included the September 21, 2022, email is included in the PIR.

Exhibit M is not included because Respondent's April 13, 2023, Response to Petition for Workplace Violence Restraining Order was included in the PIR.

- Exhibit S (001116-001138.)
- Exhibit T (001139-001153.)
- Exhibit U (001154-001159.)
- Exhibit V (001160.)
- Exhibit W (001161.)
- Exhibit X (001162-001163.)
- Exhibit Y (001164-001171.)
- Exhibit Z (001172-001173.)
- Exhibit AA (001174-001178.)
- Exhibit AB (001179-001180.)
- Exhibit AC (001181.)
- Exhibit AD (001182-001311.)
- Exhibit AE (001312-001417.)

C. The following evidence offered was determined not relevant to this investigation:

- October 22, 2021, Biology department meeting recording.
- December 14, 2022, Biology department check-in meeting transcript.
- December 9, 2022, Biology department meeting transcript.
- Respondent suggested that individuals who were interviewed for the threat assessment evaluation by TAG be interviewed. Other than the individuals noted above, it was determined that it was unnecessary to interview additional individuals as the information they may provide would not be relevant to the scope of this investigation and/or duplicative information.
- In response to the PIR, Respondent asked that [REDACTED] and [REDACTED] be interviewed. However, it was determined that interviewing [REDACTED] or [REDACTED] for the scope of information relevant to this investigation would be redundant of evidence already available and included in the PIR and Respondent's response to the PIR.
- In response to the PIR, Respondent asked that students [REDACTED] and [REDACTED] be interviewed as they can "attest to the fact that these accusations are not true. Most of these people worked with me on a daily basis and would have seen the alleged incidents over the past 3 years if they were happening." However, it was determined that it was unnecessary to interview additional witnesses who were not reported to be present during the alleged incidents.

D. Procedural Compliance

This investigation was conducted as a Track 3 matter pursuant to the [CSU Nondiscrimination Policy](#) and [Procedures](#) for such Complaints Made Against and Employee.⁷

Pursuant to [Article VII, Section D](#), of the Procedures, before finalizing the investigation, both parties received the Preliminary Investigation Report (PIR), which included a description of the allegations, the undisputed and disputed material facts (with explanations as to why any material

⁷ Effective January 1, 2022.

fact is disputed), and a description of the evidence presented and considered, and were provided a reasonable opportunity to respond to the preliminary investigation report, including meeting with the Investigator(s), responding in writing, proposing questions for the Investigator(s) to ask to the other Party or witnesses, identifying additional witnesses, and/or requesting that Investigator(s) gather additional evidence.⁸ This was accomplished by providing the Complainants, respectively, an opportunity to review the written summaries of their accounts, included below, and providing Respondent, via emails sent on June 29, 2023, all evidence considered up to that point, including written documents containing the parties' and witnesses' verbal statements as of that date and other documents (000100-000988) and providing them until July 13, 2023, to respond with any further information as noted above.

On June 30, 2023, Respondent requested until August 31, 2023, to respond to the evidence. After several communications, he was provided an extension to respond no later than August 1, 2023. On August 1, 2023, Respondent responded to evidence, which included his response to the evidence in the PIR, a letter containing arguments about his perception of the validity of the current investigation and the evidence presented, and 31 exhibits identified as A through AE.⁹ (000989-001417). It was determined that the additional evidence did not need to be shared and the review of evidence process was concluded.

III. APPLICABLE POLICIES AND STANDARDS

A. *Nondiscrimination Policy*

The California State University ("CSU" or the "University") is committed to maintaining an inclusive and equitable community that values diversity and fosters mutual respect. We embrace our community differences in Age, Disability (physical and mental), Gender (or sex), Gender Identity (including nonbinary and transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color, caste, or ancestry), Religion (or religious creed), Sexual Orientation, Veteran or Military Status. All Students and Employees have the right to participate fully in CSU programs, activities, and employment free from Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation.

The Nondiscrimination Policy, [Article VII., Section A.4.](#), defines Sexual Harassment as follows:

Sexual Harassment means unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, offering employment benefits or giving preferential treatment in exchange for sexual favors, or indecent exposure, and any other conduct of a sexual nature where:

- d. The conduct is sufficiently severe, persistent, or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the

⁸ Complainants [REDACTED] and [REDACTED] declined to participate in this investigation, including the review of evidence, except for participating in the interviews set forth below.

⁹ Not all of Respondent's exhibits are included as they were duplicative of the documents included with the PIR, and thus already attached to the final investigation report.

shoes of the Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment. ...

[Article VII., Section A.9.](#), defines Retaliation as follows:

Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:

- a. Exercised their rights under this Nondiscrimination Policy,
- b. Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this Nondiscrimination Policy,
- c. Assisted or participated in an investigation/proceeding under this Nondiscrimination Policy, regardless of whether the Complaint was substantiated,
- d. Assisted someone in reporting or opposing a violation of this Nondiscrimination Policy or assisted someone in reporting or opposing Retaliation under this Nondiscrimination Policy.

Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

B. Standard of the Evidence:

The Preponderance of the Evidence based on the facts available at the time of the decision is the standard for demonstrating facts and reaching conclusions in an investigation conducted under the Nondiscrimination Policy and Procedures. The Nondiscrimination Policy, [Article VII, section B.18.](#), states:

Preponderance of the Evidence means the greater weight of the evidence, i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

IV. EVIDENCE CONSIDERED¹⁰

C. Account of Complainant, [REDACTED] [REDACTED] [REDACTED] ¹¹

¹⁰ The parties and witnesses referred to each other by their first names or monikers. "Complainant," "Respondent," and witness last names are used herein for ease of reference.

¹¹ Complainant [REDACTED] was visibly emotional and teary at various points during the interview.

Interview, April 26, 2023. Prior to the spring/summer of 2020, Complainant [REDACTED] regularly went to coffee with Respondent, the whole 3rd floor went to coffee at [REDACTED] and ate at [REDACTED] a number of times, Respondent had been to her house for parties, Complainant [REDACTED] had been to his house once or twice, including for a Christmas party at his house, and they were collegial, and it was relatively okay to get along with him. Complainant [REDACTED] worked with Respondent in committees and there were no problems with scheduling, and it was fine. [REDACTED] About the time of [REDACTED] Respondent started to be “a little unsettled” but Complainant [REDACTED] still interacted with him just fine. In the spring before she became aware of Respondent’s sexual relationship with his student, “he was running the department poster symposium, and [Complainant [REDACTED]] student submitted something late, and [Complainant [REDACTED]] [REDACTED] was on the judging committee, [Respondent] sent an email to [REDACTED] saying something like, ‘Don’t judge hers, I’d rather get something never than late.’” This occurred in approximately May 2020.

Complainant [REDACTED] observations regarding Respondent’s sexual relationship with the student “dramatically impacted my work environment. I was very concerned and consulted with others to try to figure out what to do.” Respondent confronted Complainant [REDACTED] about it in her lab (spring 2020). “At that point, afterwards, I decided, other than [REDACTED] [Complainant [REDACTED]] [REDACTED] [REDACTED] [REDACTED] I wasn’t going to talk about it to any other people in the [REDACTED] Department. I didn’t really talk to anyone about it because I wanted to move on because I still had to work with him.”

When other faculty asked Complainant [REDACTED] why she and Respondent weren’t close anymore, Complainant [REDACTED] just said they had a “falling out.” Complainant [REDACTED] “tried to give him the benefit of the doubt but that didn’t seem to work for him.” Complainant [REDACTED] was [REDACTED] committee and Respondent was assigned to the committee, and he made it hard to schedule meetings and was “regularly oppositional in meetings.” The committee met once a month or once every three weeks. In February (2021) Respondent quit the committee due to his kids. When asked to describe what she meant by oppositional, Complainant [REDACTED] gave the example of when the botany grad program was not compliant with an executive order (they have to have certain percentage of courses overlap and a percentage that are stand-alone), Complainant [REDACTED] divided up the work and said, “Dave, why don’t you take care of this [portion], and when I asked him how it was going, he said, ‘There’s no problem, it’s fine,’ but then I got a message from grad studies that it was not fine” and Complainant [REDACTED] had to spend a lot of time doing the work she had delegated to Respondent. Complainant [REDACTED] also overheard Respondent say during an interview he was having in his office [REDACTED] [REDACTED] that he was running the [REDACTED] committee, which Complainant [REDACTED] was doing. It was a “frustrating and aggressive situation.” Complainant [REDACTED] would say hello to Respondent in the hall regardless, and Respondent gave her the “death eye,” an aggressive stare (Complainant [REDACTED] used a [REDACTED] term to describe it), every time she saw him, for a couple of months, a couple of times per week, until she started walking in a different direction. She once saw him coming up the stairwell and was fearful, so she changed directions, went back up the stairs, to the other side of the building, and down the other stairwell.

Complainant [REDACTED] and Respondent's offices [REDACTED], and his desk was adjacent from where she sat at her desk [REDACTED] and she often heard him in his office "being very angry at everything." It was very stressful for her. She put her noise cancelling headphones on because she could not take his anger – it caused a physical reaction in her. On October 14, 2020,¹² Complainant [REDACTED] had pulled her headphones down and recalls hearing a lot of yelling and anger from Respondent, and although she did not remember exactly what the words were, she may have heard Robert Morton as a name mentioned but she is not sure. Complainant [REDACTED] and Complainant [REDACTED] who was in her office [REDACTED], texted about it. Complainant [REDACTED] texted something like, "I am shaking..., I hate stress sweat. Ok I might put the headphones back on and dive into my proposal. It is due tomorrow [indicating she could not leave]."

Additionally, Respondent continued to be aggressive toward any of Complainant [REDACTED] students. Complainant [REDACTED] tried to avoid him because "it was all very, very stressful" and her actions were "all about not pissing him off more than she had already and staying away" from Respondent. Complainant [REDACTED] feared Respondent but she did not want to tell anyone about it because she did not want him to file any kind of grievance against her or to accuse her of spreading rumors, "which they were not. ... I was very happy to be [REDACTED] [REDACTED] Complainant [REDACTED] [REDACTED] during the [REDACTED] academic year; she returned in [REDACTED]

It got to the point that whenever Complainant [REDACTED] got an email from Respondent, she would think, "Oh my god, what am I going to be asked to do now." For example, Respondent was advising premed students, and a student went to him and said they had been trying to get ahold of her but it was during COVID so she was harder to get ahold of, like most people. Respondent sent an email to Complainant [REDACTED] stating, "By the way, this student is a 'he' and not a 'she.'" He sent an e-mail to the student saying he would reach out to the student's advisor, "the text implied that I should be meeting with this student and they couldn't find me." Respondent engaged in this type of behavior "of chiding me for minor missteps that was not appropriate for a colleague and was less collegial than it had been" (prior to the student relationship investigation). Respondent started wanting to be called Dr. Stachura (rather than Dave). "There were lots of little things happening."

In response to Respondent's conduct with the student, Complainant [REDACTED] was determined

"that I was not going to change my behavior towards [Respondent] because this was something that was in the past and I had done my job [in reporting it] so there is no point in dwelling on it. When I would hear him in his office and the aggression, I did become more fearful and I avoided coming to campus as much as possible. ... I was afraid to go and teach students in the lab [because Respondent had access to it]. I mostly taught from home and would not go onto campus because I did not want to be there. I would sometimes sneak into my office so [Respondent] wouldn't know I was there."

¹² This was incorrectly dated 2022 in the preliminary investigation report.

After his relationship with the student was reported, “I didn’t perceive him as having sex [with the student in the office] anymore. Did everyone see him and the student going on dates in town? Yes. [The student] was still working [redacted]. It didn’t seem like anything had changed. I accepted [what the University administration] decided on his punishment.”

In June 2020, after [redacted] [redacted] talked to Respondent about Complainant [redacted] suspicions about his relationship with the student, Respondent “confronted” her while she was working in the lab. He had reached out to her via text message before that to talk to her, and she told him, “No, I don’t have time today,” but he found her anyway. When he confronted her, “Basically, I told him I had to report it because I was going to lose my job. He said, ‘It’s going to ruin my marriage, ruin [redacted] [redacted] ... [my wife and I are [redacted] you can’t do it.’ I said, ‘I think you just need some help.’” Respondent never explicitly denied the sexual relationship with the student during that conversation. “After that, he never spoke to me again unless it was in the committee meeting or through an email. He was avoiding me, and he wasn’t avoiding me. It felt like he went out of his way to aggravate me anytime I did anything.”

In May 2021, Complainant [redacted] was working with [redacted] as a judge for the department’s poster judging committee for the end of the year symposium. Respondent sent an email to the dean saying [redacted] needed to be removed because he was related to [redacted] who was involved in the Title IX investigation, and it would be biased against his student, [redacted]. Complainant [redacted] was removed, and [redacted] ended up doing the judging.

Sometime after October 2021, [redacted] told Complainant [redacted] that Respondent said Complainant [redacted] is a “bitch, not a real scientist, a bitch and I can’t believe that bitch is saying hello to me.” Complainant [redacted] did not talk to [redacted] about Respondent until after the second suspension, after October 2021. Based on Respondent’s comments, Complainant [redacted] related them to the Title IX investigation. [redacted] also shared that Respondent said something to the effect of, he “has a long memory, and doesn’t forgive or forget. I might pass your door or not if I shoot things up,” which was “pretty concerning.” Further, he told [redacted] that “he would take every opportunity to irritate [Complainant] [redacted] and [Complainant] [redacted] but in ways that were not easy to document or were unreportable,” which “also weighed on me and meant that any of the small things he said or did were done with malice.”¹³ Complainant [redacted] noted that [redacted] Respondent’s [redacted] testified about Respondent saying, “I never forgive” and Complainant [redacted] believes “he seems to live that sentiment.” What [redacted] shared with Complainant [redacted] made her not want to come back to California, and she spoke to the dean about possibly getting out of the requirement to teach for one year [redacted] thinking she could live in [redacted] or somewhere else. When on campus, she and Complainant [redacted] [redacted] all over campus so Respondent would not know they were in the building. They both kept their doors shut as much as possible, and they kept the lights off in their offices and the blinds closed so Respondent could not tell if they were there. Due to the shape of the building, Complainant [redacted] and Respondent can see each other’s office windows (from Complainant [redacted] new office). Complainant [redacted] and Complainant [redacted] discussed tactics to keep themselves safe. On Friday, Respondent’s [redacted] testified that, after seeing Complainant [redacted] on the street, he said he wanted to run her over.

¹³ Complainant [redacted] recalled this later.

Respondent “said mean things about everyone,” but then treats them “like just normal.” For example, he said terrible things about [REDACTED] such as “ecology is not a real science and that department is horrible,” and then in department meetings Respondent would say, “Let’s support each other.” He said terrible things about his wife and said things about others on trips to coffee or at the [REDACTED] conference in [REDACTED] of [REDACTED]. Complainant [REDACTED] did not know if his behavior continued after the investigation because she no longer had those interactions with him.

When Complainant [REDACTED] returned [REDACTED] in [REDACTED], she “never really gave him a chance to glare aggressively at her. I avoided going by his door.” When she needed to work with [REDACTED] who works in [REDACTED], and she would not go in there for that reason, Complainant [REDACTED] would text [REDACTED]. Despite the pain of [REDACTED], Complainant [REDACTED] would go down the stairs, across the building, and up another flight of stairs to get to the other side of the building and avoid Respondent. Once, she saw Respondent and turned around, went up a flight of stairs, then down another flight of stairs to get out of the building.

As an example of Respondent’s behavior, Complainant [REDACTED] described a time when Respondent came to the autoclave with a ball of foil. The autoclave had already been reserved for a class [REDACTED]), there was a sign posted to that effect, and he put something in there anyway, disrupting the class. [REDACTED] came in, trying to get his stuff in the autoclave for his class, which was assigned the autoclave during that time. Respondent stood there waiting, while Complainant [REDACTED] was trying to work with her masters’ students, mentoring them for their [REDACTED] class. Complainant [REDACTED] masters’ student “is really behind because I don’t want to work in the lab since [Respondent] has a key to it.” Another time, Respondent sent her an email about Complainant [REDACTED] needing to integrate his course, but someone else responded to him so she did not have to. He sent another email about going to her [REDACTED] course, to which [REDACTED] responded after consultation with the dean.

Complainant [REDACTED] taught [REDACTED] in Holt [REDACTED] on [REDACTED] from [REDACTED] and Respondent taught [REDACTED], and Respondent insisted that the class be taught in Holt [REDACTED] on [REDACTED], from [REDACTED]. This led to a very cluttered classroom and students were entering and exiting the classroom outside of the allocated [REDACTED] class times.

“First, [REDACTED] had requested that [REDACTED] not be in that classroom because it’s difficult to prep that class in that room. Second, [Respondent’s] students came in and added things while other faculty were teaching their own classes, which was disruptive, so it felt like [Respondent] was constantly disrupting my classes and those of the other [REDACTED], who may or may not have been involved in the Title IX investigation. [Respondent] presumably told students they had to go in there, but he never talked to me or the other faculty about [his students] doing that and it should have been in a different classroom to begin with.”

That all happened in the fall of 2022, and when previously asked to move the class, Respondent apparently fought the move. [REDACTED] [REDACTED] and [REDACTED] would have more information about this situation.

In fall 2022, Complainant [REDACTED] did not chair any committees because she did not want any conflict with [Respondent], and she limited her committee membership because she did not want to be on committees with him. In fall of 2023, [REDACTED] [REDACTED] and Complainant [REDACTED] attended hybrid department meetings online because they did not want to be in the same room with Respondent.

“I avoided him basically. I decreased my role as a faculty member in the department. You can see my service record before compared to now, I participated on many committees. I [REDACTED] but scientifically and research-wise, have not been able to teach my students or take research students, so this has impacted my research and publication – scholarly impact. There was also an impact on the department because of others having to carry a lot more weight since the volume of my service was impacted. I was less available to students for office hours because I don’t list my office hours since I don’t want [Respondent] to know when I’m here because I’m scared.”

When asked about Respondent being critical of her, Complainant [REDACTED] noted his email about misgendering a student, his behavior during committee meetings, his aggressiveness toward her masters’ student (“he always thought she was very stupid”), who now works in the [REDACTED]. During the [REDACTED] committee meetings, Complainant [REDACTED] limited her discussions “to avoid any interaction with him” because he always seemed to argue contrary positions. Complainant [REDACTED] noted that she works [REDACTED] which are not considered animals, and so did not have to be concerned about Respondent being the chair of IACUC.

Complainant [REDACTED] moved offices after [REDACTED] who is [REDACTED] moved to the new building. She asked [REDACTED] [REDACTED] to move into [REDACTED] prior office, which is [REDACTED] down from Respondent’s office. Complainant [REDACTED] moved because she “didn’t want to hear anymore anger, I was terrified, I wanted to distance myself from anything related to him, but my lab was still close to him.” She moved despite it being a less desirable office.

There was a department meeting on the day Respondent was suspended in December 2022, which was recorded, and Respondent said, “I am not in a relationship with the student.” Complainant [REDACTED] did not attend. [REDACTED] and [REDACTED] attended, and Complainant [REDACTED] believes the latter has a transcript because her Otter.ai always turns on in all Zoom meetings. There was another meeting in October 2021, which Complainant [REDACTED] attended online from [REDACTED] where Respondent came in with Oppy, Dylan Saake, and [REDACTED] [REDACTED] after returning from his second suspension, and Respondent said something to the effect of, “Anything you hear are rumors, not true.” It felt like he was saying the women in the department are lying and “a slap in the face”; it was “so hard to sit through” that meeting. Department meetings are recorded and [REDACTED] or [REDACTED] [REDACTED] may have the recording.

Complainant [REDACTED] identified as potential witnesses [REDACTED] [REDACTED] and [REDACTED] who dealt with a lot of the aggression, removed herself from [REDACTED] committee, and refused to participate in a lot of faculty opportunities because she saw what was going on with the Complainants, and Respondent “even sent [REDACTED] emails about how disappointed he was with her” for leaving [REDACTED] committee. [REDACTED] refused to step forward; Complainant [REDACTED] was in the middle of the “storm,” more than Complainant [REDACTED] and [REDACTED] and [REDACTED] [REDACTED] were “allies that put themselves out there. [REDACTED] took a lot of heat.”

*D. Account of Complainant, Dr. [REDACTED] [REDACTED]*¹⁴

Interview, May 2, 2023. Complainant [REDACTED] “became aware that there was potentially a relationship between [Respondent] and his student as early as December 2019,” but she did not hear them having sex in Respondent’s office until the following spring. “Starting Christmas break of 2019, I could hear, generally, in my experience at the age that I am, I recognized a certain laugh that a female makes when she’s flirting with a male, and I kept hearing that and I’d go out to see if [Respondent’s] door was closed,” which it was. Respondent “came to a conference with [the student] in [REDACTED] and [REDACTED] and I saw them out on Valentine’s Day (and later learned that [Respondent’s] [REDACTED] was away), and [REDACTED] turned to me and said, ‘Okay, you’re right’” about Respondent having an intimate relationship with his student.

Respondent’s sexual relationship with his student impacted Complainant [REDACTED] because she was thinking about it a lot because she “was questioning what is going on and it didn’t make sense.” When Complainant [REDACTED] started hearing the student in Respondent’s office, with the door closed, after he had talked to Complainant [REDACTED] as a mentor, and “made a point to say he would never be in his office with a student and the door closed,” “to me that’s one of the duplicitous behaviors that she noticed – [Respondent] acting in a different way than what he was speaking,” “that’s about the time I started distancing myself from him because it was a major red flag in my experience if a person is conducting himself in that way” and Complainant [REDACTED] wants to stay outside of the “ethical blast radius.” Prior to that, “[Respondent] was [REDACTED] [REDACTED]. He took the initiative to start talking to me, giving me professional advice.” At the time, Complainant [REDACTED] thought he was a good scientist. She and her husband went to Respondent’s house a couple of times, including for a Christmas party, and [REDACTED] and [Complainant] [REDACTED] were also there. Complainant [REDACTED] recalled they went to two Christmas parties at Respondent’s house, and his 40th birthday party, also at his house. Complainant [REDACTED] and her husband went to a concert with Respondent once. Respondent “was the only person I hung out with outside of work at that point; I thought we were friends.”

“After [Respondent] started having sex with the student in [his office], it was extremely confusing. He had to know I was [REDACTED] It’s my office, his office, and [Complainant [REDACTED]], and [Complainant [REDACTED] can hear when I get to my office [suggesting that Respondent could also hear her arrival since his office was [REDACTED] Complainant [REDACTED] office]. ... I don’t understand why someone I thought was my friend was consistently behaving this way. He put me in a terrible position. It was persistent [the sexual activity in Respondent’s office]. For the Title IX investigation, I named four times I was sure of but it was

¹⁴ Complainant [REDACTED] was visibly emotionally and became teary at times during the interview.

persistent because no one else was around. He never had sex [with the student] when he had lab students in the lab. It wasn't quiet – I know way too many intimate details about their physical and emotional relationship. ... I'd go to the fish lab [to get away from them], then they'd come down there, stinking [like sex] and chewing gum. Then I'd go back upstairs [because they were there, and she did not want to be around them knowing what they'd been doing in his office]. I thought when people started coming back to campus, because he was taking advantage of me and our friendship, that he would stop, but he was still doing it [having sexual relations with the student in his office] when people were trickling back. I was terrified; I'm a [REDACTED], he's proficient and charismatic, and I have no reputation, and no faith in the system. It would ruin my career; I know he would ruin me, [I thought,] no way I'm risking it for this guy having sex with a student, so I just waited for other people to hear it, then it would be a critical mass and not 'he said she said.' I waited until [Complainant [REDACTED] said something and I said, 'What do you mean?' ... It was more confusing than anything, and I didn't really want it to be my business, but they [Respondent and the student] were just off the rails during the lockdown, then it was too much, but [REDACTED] so I had to be here. I was constantly going up and down to the lab. I would avoid them.”

Complainant [REDACTED] and Respondent had permission to be on campus during the COVID-19 lockdown because of [REDACTED]. The work environment felt stressful to Complainant [REDACTED] because of Respondent's behavior, and she “knew it was not going to end well. My office was too close to his and I knew I was going to get dragged into this and here we are three years later, and the circus is still going on. ... [Respondent] was clearly not showing any signs of controlling himself and so it wasn't going to end well. I didn't want to get caught up in it.”

Complainant [REDACTED] did not speak to Respondent about her concerns regarding his inappropriate relationship with the student. Respondent “was not rational. They were basically camped out in his office. I know what sex sounds like and they were not quiet. During COVID, [Respondent and the student] were going to 7-Eleven, buying roasted chicken and beer and eating it in the office and piling up the trash in the hallway (there was a mound growing), [despite there being no custodial services]. At one point, [REDACTED] stopped me, she was not unfriendly to me, and [REDACTED] said, ‘Look at this, they're not even picking up the garbage,’ and I said, ‘There's a lockdown,’ and [REDACTED] responded, ‘Well, they could pick up the garbage,’” and Complainant [REDACTED] was thinking, “No one is supposed to be here, we're in lockdown, no one's working, no one's supposed to be putting garbage in there.”

After [REDACTED] [REDACTED] talked to Respondent about the inappropriate relationship,

“[Respondent] came to my office doorway and said, ‘Can we get a drink?’ I said, ‘We can go get juice. We did but I was so freaked out because I didn't want to talk to him about it, plus I observed by this point that he is regularly duplicitous and he'd already denied he was doing it to [REDACTED] [REDACTED] and already approached [Complainant [REDACTED] with the same, ‘Let's talk about it’ and tried to convince her she was mistaken. I talked the whole time and didn't give him a

chance to say anything. Later that day, he tried to talk to me and I told him ‘This is making me very uncomfortable, I don’t want to talk about it, I just can’t,’ and he never tried to talk to me about it again, to my knowledge.”

Respondent denied he had a sexual relationship with the student, and then Complainant [REDACTED] “walked in on them kissing in the lab, and she walked right out and they both walked out after her, but they talked about other stuff, not them kissing.”

After the Title IX investigation commenced, Complainant [REDACTED] work environment was impacted. Respondent would stare at Complainant [REDACTED] and “he got hostile.” She was still [REDACTED] when his appeal was denied because she heard him yelling loudly. It made [the Complainants] sweat, and nervous. Complainant [REDACTED] heard Respondent mention Robert Morton and how angry he, Respondent, was. That was in October 2020. Complainant [REDACTED] moved her office in [REDACTED], in the evening so Respondent “wouldn’t see me doing it because he was so intently, silently hate-filled toward me. He made it very clear he hates me, but he was not saying anything to me. I would see him in the hallway and I’d lift my hand to wave and he’d just glare” (every time she saw him, which ranged from every other day to every day during the school year). Respondent’s “hatred was palpable.” Complainant [REDACTED] moved her office and felt if she was not around, “in time, if I don’t engage with him or talk to him, he’ll find someone else to have a conflict with, so that was my strategy, to lay low and wait. I kept using verbs [like], he’s gunning for me” even prior to learning he wanted to kill her and Complainant [REDACTED] Complainants “were the target of his hatred during that time.” When asked about Respondent failing to acknowledge her, Complainant [REDACTED] explained, “He didn’t talk to me. It’s a silence that’s palpable. Like when someone hates you but is still in the room, looking at you. Not talking. It’s clear he hates me. I don’t know how to describe it.” Complainant [REDACTED] did not recall Respondent’s behavior specifically, after he returned from suspension in October 2021, “because I can no longer distinguish the [various] time points.”

When asked what she meant by “gunning for me,” Complainant [REDACTED] gave as an example Respondent being hostile in her student’s committee meetings. Complainant [REDACTED] checked with [REDACTED] about asking Respondent to leave the committee, and [REDACTED] advised her not to ask him to leave the committee because it “may be seen as retaliation.” Complainant [REDACTED] added [REDACTED] to the committee instead, but then Respondent started missing meetings and then stepped down on his own. Respondent engaged in “microaggressions” against Complainant [REDACTED] and [REDACTED] kept telling her to write them all down. However,

“the way I process negative stuff is to let it pass through me, so I didn’t want to entertain his toxicity because if I did, he wins. Before I knew he was contemplating taking our lives, I thought I was vulnerable professionally but the dean assured me [Respondent] would not participate in [the Complainants’] evaluations, but when he was [REDACTED], I got a reprimand [in 2020] that students should be wearing lab coats and full pants and shoes, and [Respondent] had his assistant send it. I questioned it because that’s never been a rule at any institution. His students were coming into the lab in shorts and sandals. As long as I feel professionally protected, those things [Respondent’s microaggressions] can wash over me. Last year, there were a couple of instances – [Respondent]

sent an official email out saying the [REDACTED] was unlocked and unsafe, clearly directed at me and my students.”

Complainant [REDACTED] had told her students that if they were working in her lab [REDACTED] room, they could leave the [REDACTED] unlocked because her office [REDACTED] and [REDACTED] is [REDACTED]. Complainant [REDACTED] sent the reprimand to the dean with an explanation. Since then, Respondent’s “never addressed me again.” The second thing that occurred last year was the spring qualification exams, and Respondent was

“speaking as if he was going to come to my student’s qualification exams. He said department members used to go to everyone’s department qualifications, but I forwarded it to the dean and said there’s no reason he needs to go to my student’s qualification exams. He never goes to anyone’s quals, and now he has interest in my student, although [Complainant [REDACTED]] student is friends with [REDACTED] and [Respondent] has hung out with [REDACTED] and her student. ... I sent it to the dean, and I assumed the dean was going to make a file.”

Complainant [REDACTED] has not had any email or in person contact from Respondent since then, so she assumes “the dean told him to stop because it could be seen as retaliation.”

Respondent “gets angry and he’ll do some microaggressions through email.” Complainant [REDACTED] forwarded them to the dean, with a paragraph of context. Complainant [REDACTED] let the dean deal with them because she did not want to deal with it.

“It is ridiculous that I’m still talking about this. It’s been really shitty working with someone knowing that if they can retaliate, they will, but at the time I have no proof. He’s very good at the dog whistle, at walking up to the line, making it evident he’s angry, but not doing it. It’s all passive aggressive. I can probably handle a physical confrontation better than these types of behaviors. I’m exhausted.”

Complainant [REDACTED] was concerned about her professional trajectory because she did not have [REDACTED] Respondent

“had a lot of power, and he told [REDACTED] he would put himself in positions to make my life difficult. If our dean left, I’d be screwed. The dean was really the only person I was communicating with about any of this and the only person who assured me he would protect me professionally. Everyone has made the same mistake with [Respondent]. He’s incredibly charismatic and it took me years to realize his duplicitousness, so if we got a new dean, it would take a few years for the new dean to realize [Respondent’s] true nature, and meanwhile he could advance.”

Complainant [REDACTED] did not recall exactly when, but via email in 2021, Respondent asked to be referred to as Dr. Stachura. “It doesn’t look like anything to someone who doesn’t know; it doesn’t look passive aggressive.”

After Complainant ██████ found out about Respondent's "gun intent," the dean's office said they would find another ██████ for her. She was skeptical, but they held to that. Initially, she did not tell anyone because she "knew if [Respondent] found out, he'd try to do something." Later, she did talk about it and Respondent "found out and said he was shutting down ██████ and I knew he was doing it so I wouldn't get ██████ I knew that but had no way to prove it." Complainant ██████ felt, as soon as Respondent gets his guns back, "I knew I could not be in that room with him." Complainant ██████ was doing things to mitigate her risk from Respondent; she moved her office, moved her "desk behind the door ██████ [and] I don't leave the door open as much anymore." Respondent "walks by and looks in on her" even though there are other ways to walk to the lab. Complainant ██████ told the dean's office she needed that ██████ by the time Respondent got his guns back. She was out to lunch with ██████ who shared that Brian Oppy stated that Complainant ██████ said she did not need ██████ because everything was fine. Complainant ██████ never said that, and she never met Oppy. She asked ██████ "How's it going with the ██████?" He said they were not creating it for her because Respondent is shutting down his ██████. Complainant ██████ said, "He is not. He said that so you wouldn't ██████ for me." ██████ thought Respondent had already shut down ██████. Administration talked to Respondent and "he was still conducting research as usual and had no intention of shutting it down." To Complainant ██████ mind, if Respondent said he was shutting down ██████ "why can't they tell him to be out of ██████ before a certain date." She wanted the locks changed. ██████ "worked really hard, and Respondent did not make any moves to move out until he came in one day and ripped everything off the walls and did it." They changed the locks the next day.

"For me to protect myself from a person like this, I really didn't have any faith in administration. I'm not leaving my job because of [Respondent], he's not forcing me out. We are both ██████ so I have to figure out how to coexist with this situation, so all I could figure out was small things to mitigate risk. If he'll someday snap and come in with guns, I try to reduce the probability of being shot as best I can – restrict access to ██████ I no longer park ██████ I have a peephole [in my office door], the position of my desk, ██████ so he doesn't know I'm here [by seeing her ██████] I vary my routes, and it gives me a sense of, I did everything I can."

Respondent's behavior toward Complainant ██████ changed early during the investigation, "right after he knew [the Complainants] were witnesses." Respondent and ██████ "were still talking and they were very close. ██████ said [Respondent] was aware he made [the Complainants] uncomfortable and he was glad." ██████ Complainant ██████ and ██████ retired faculty, had lunch every once in a while. During one of those lunches, ██████ said [Respondent] said something to effect of, "Stay on my good side and I'll pass by your office..." When Complainant ██████ heard that, "I said, that escalates things." ██████ was not comfortable with telling the dean. Complainant ██████ told ██████ "who freaked out and went to the dean immediately." Meanwhile, Complainant ██████ made an appointment with the dean. Neither of them used ██████ name with the dean. The dean said, "If that person would come forward, that's an actual threat."

Complainant [REDACTED] never heard from [REDACTED] that Respondent said something to the effect of, he would retaliate without it seeming like retaliation, “but that’s the Dave way.” Respondent is “comfortable with passive aggressive things, not confrontation. I think he’s capable of doing the shooting because he’s the type of person that’s going to explode and react, and there’s never going to be that warning. He brags about being a troll, an annoyance.” For example, “he was annoyed he had to do the old RTP folders [for his retention, tenure, and promotion process], so he put everything in it and made a giant, onerous folder just to get back at someone. ... It made no sense to do that to your peers.”

E. Account of Respondent, Dr. David Stachura

Interview, April 7, 2023. Respondent and Complainant [REDACTED] relationship is that of colleagues, and “we worked together on committees and after the investigation¹⁵ we continued to do that.” Respondent’s relationship with Complainant [REDACTED] did not change after he was notified of the investigation into his prohibited relationship with a student.

Respondent stated that his relationship with Complainant [REDACTED] was that of colleagues. [REDACTED] They were collegial before the investigation and worked well together. After he was notified of the investigation, Respondent “still worked with her collegially.” Complainant [REDACTED] was not there; she was [REDACTED] part of the time. Respondent has “not seen her for a year and a half now.” Respondent stated, “All my correspondence [to colleagues] has been professional,” and cc’d Dylan Saake. He started cc’ing Saake when the allegations were raised in June 2020 because he was “trying to avoid this conversation” (referring to the interview regarding the current allegations). At some point, Saake told Respondent to stop cc’ing him, but if he did not cc Saake, he cc’d [REDACTED] (sometimes “bcc” (blind copied)).

When asked about his response to Complainant [REDACTED] greeting or passing him in the hallway, Respondent stated, “I haven’t seen her in a year and a half, so I’m not sure when this alleged conduct [occurred]. I can’t recall every interaction I’ve had with anyone in the hall. ... He has had no negative interaction with her ... I don’t scowl or act unprofessional to her.” Respondent stated he “never glared at [the Complainants].” He barely sees Complainant [REDACTED] Respondent was online during spring 2020 and fall 2020. He was in-person for spring 2021, then in the summer Complainant [REDACTED] was away. “There hasn’t been a chance for me to interact with her in the hallway.” Complainant [REDACTED] moved her office shortly after the [REDACTED] investigation, “so I don’t really interact with her except when I walk by to go to the [REDACTED] Complainant [REDACTED] office is [REDACTED] Previously, her office was [REDACTED]

When asked whether he ignored or failed to acknowledge Complainant [REDACTED] at work, Respondent stated, “There are lots of emails between us, though not a lot of personal interactions due to COVID and what was going on campus. There are interactions; I haven’t been ignoring her.” Respondent explained, [REDACTED] faculty specialize in different things. Respondent and

¹⁵ Reference to “the investigation” herein is to the prohibited consensual relationship investigation concluded September 15, 2020.

Complainant [REDACTED], but due to the settlement after the investigation, “we basically had to have a schedule that was put in place by administration to avoid conflict and I followed that.”

When asked if he ignored or failed to acknowledge Complainant [REDACTED] at work, Respondent stated, “No, absolutely not. There are multiple emails between us.” They were on the [REDACTED] committee together for a short time. Respondent requested to be removed from that because he was on “overload.” Respondent has been interacting with [the Complainants] the entire time, but not so much Complainant [REDACTED] because she has not been there.

When asked if he was angry or upset at either of the Complainants for their part in the investigation, Respondent stated,

“I maintain that I did not do what I was accused of in the EO 1096 investigation, but I realized we needed to work together and I have been working with them. To prove my collegiality, I sent an email to everybody when I came back from suspension, saying we don’t have to be friends, but we should be colleagues.” (000322-000323.)

Respondent cc’d Saake and [REDACTED] on that email. “I went out of my way to be collegial with the people involved in the investigation.”

Respondent did not remember specifically asking [REDACTED] to address him as Dr. Stachura, “but my name is Dr. Stachura, so I don’t think that is a crazy request. I call [the Complainants] Dr. [REDACTED] and Dr. [REDACTED]. When asked what they called him previously, Respondent said, “Maybe Dave, David, it changes all the time. I have asked for people to be more professional about this in the [REDACTED] in general.” Respondent explained that he asked to be called Dr. Stachura “to make sure everyone realized I was there to be a coworker and didn’t want to involve our personal lives. This is the job, and I work and go home.”

When asked if he argued the opposite view to Complainant [REDACTED] during committee work, Respondent stated,

“Last semester I wasn’t on any committees. I may have been on a committee with her in the [REDACTED] of [REDACTED], the [REDACTED] committee. I was at a 30 percent pay reduction and said I think I should be removed from this committee and also because I felt there was a conflict because [REDACTED] [REDACTED] and [Complainant [REDACTED]] were on the committee and there was a conflict there.”

Respondent did not recall if he discussed anything on the committee and offered as a counterpoint, “The purpose of a committee is to have people of different views come to a consensus. There is also a logic loop here,” with them saying Respondent would ignore them and not respond to them, yet also saying he would challenge them and go against them, which shows he was not ignoring them. Respondent did not know if there are [REDACTED] committee meeting minutes.

When asked about criticizing Complainant [REDACTED] Respondent asked what was meant by criticism, and whether it was criticism to Complainant [REDACTED] or others about Complainant [REDACTED]. When asked specifically, Respondent said he has not criticized Complainant [REDACTED] in person as he has not really interacted with her. When asked specifically, Respondent said he did not recall criticizing Complainant [REDACTED] negatively to anyone. When asked if he criticized Complainant [REDACTED] prior to the investigation, Respondent stated, “I don’t think so. I don’t try to negatively criticize my colleagues. Could someone take something [I said] negatively? I don’t know.”

When asked about the allegation that he went into [the Complainants’] physical spaces and made them uncomfortable, Respondent said he “never did so.” Complainant [REDACTED] new office is between [REDACTED] and the department office. He has seen her sitting in her office as he walks by, “Have I glared at her? No.” Respondent has “never stopped and stared at her, absolutely not.”

When asked about when he stopped using the fish lab, Respondent stated he never violated the lab schedule policy. He did not recall when the policy was established, but Brian Oppy, [REDACTED] and [REDACTED] were involved. When asked if there was a point he indicated he was retiring his fish research, Respondent explained that, at the beginning of summer 2022, he sent an email to the dean stating that he was thinking about retiring his fish research. He never had any interaction with Complainant [REDACTED] at all about that; it was between Respondent and the dean. Respondent told the dean, “Chico State can’t take care of live animals, I’m going to stop doing that.” He continued, “I no longer work over the summer, or do research over the summer. In the fall of 2022, “I asked to use the fish” and he was teaching a class that relies on fish, but the dean said, “No, you agreed you were going to retire your fish.” Respondent said, “We didn’t agree to anything; I sent you an email saying I was thinking about it.” He thought about filing a grievance about this. Respondent has “no idea what the deal was with [Complainant] [REDACTED]. I was never told not to enter the room.” Respondent voluntarily cleaned up his lab items, sent an email to [REDACTED] [REDACTED] “but I never entered the room.” Between thinking about retiring his fish research and being abruptly ordered to leave the lab, Respondent “didn’t do that [use the fish lab], but I was allowed in that room. I wasn’t removing stuff from the room.” Respondent explained that there are thousands of tiny fish in independent tanks, and his aquarium was 100 or so tanks on a huge rack system, with a lot of supplies. Respondent was not around in the summer of 2022 because it was not “contracted time,” although he later said he could not say he was never there in the summer of 2022. Respondent did not recall if he went to the lab in the summer of 2021; the door logs should indicate when he was there.

When asked if he ever went to the fish lab and found Complainant [REDACTED] there alone, Respondent said, “Maybe, this was a span of three years. If it happened, one of us would leave.” He has no idea how many times that happened; “It’s a crazy request to remember that. [Respondent] never thought it was a special occasion” to have reason to remember. His purpose for being there was “research, it’s a research lab where I conduct research; ... supporting my scholarship, ... my students, teaching them, ... support for my classes.” When asked about his demeanor during those occasions, Respondent stated he did not recall his interactions with

██████ but there would “have never been anything unprofessional. I never treated her in any kind of unprofessional manner.”

Respondent has played music in his office, and he does not believe he played it louder after being notified of the investigation. A long time ago, Respondent and Complainant ██████ talked about it and he told her to let him know if his music was too loud. She came in one time and asked him to turn it down, which he did. Saake was cc'd on the email he sent to Complainant ██████ after that. Respondent never heard Complainant ██████ say anything about his music being loud. “I was surprised by that allegation. [Complainant ██████] hasn't been around for about a year and a half.” Her new office is ██████

Respondent did ask Complainant ██████ to invite him to her classroom for a presentation in the fall of 2022. “It is a presentation that I give every semester to that class, ██████ ‘What can I do with a biology degree.’ Respondent tells students what to do to prepare for a career in medicine. His request was not threatening; he was being collegial and interacting with colleagues. Complainant ██████ did not respond. ██████ who taught a section of that course, responded to him.

When asked if he entered Complainant ██████ lab while she was teaching, Respondent said,

“One, I'm not banned from entering anywhere, that I know of. I have entered [Complainant ██████] research space, but her research space has ██████ ██████ so I have to enter that space. I have not entered while she was teaching. The problem is, was she teaching a grad student how to do something in her lab? Then yes, technically, she was teaching. ... Any interaction could theoretically be teaching a class. I did not interrupt a class, come in, do anything untoward. If anything, I walked into a shared space, got samples, put something in the autoclave (sterilizer)...”

Respondent explained that he has a key to all of the research labs, including “[Complainant ██████] laboratory”; everyone (██████) has a key to it.

Respondent “absolutely” complied with Chief of Staff Brooke Banks' October 14, 2021, letter about expectations. “I believe I have done more than she asked me to do. One was to meet with Oppy and ██████ I did that. Another was to meet with ██████ weekly, I did that.” Respondent also took every conflict management class he could take in PeopleSoft, plus some outside courses, and started ██████ which he ██████ to this day. He has also acted collegially and has plenty of evidence of that.

When asked about his relationship with ██████ Respondent stated, “I don't want to discuss this because [of] pending litigation with her and I've been advised by my legal team not to discuss that case.”¹⁶ When asked if he made comments to coworkers about either of the Complainants that may be perceived as disparaging, Respondent said, “Not that I recall.” He did not call them “fucking bitches” in front of ██████ When asked if he spoke to ██████ about the

¹⁶ Respondent was notified that the questions would be asked, and he could answer or not as he saw fit.

investigation, Respondent stated he did not discuss specifics with her, and did not recall talking about the investigation in general or his feelings about it. "The only time this could've ever happened [upon returning to work], I don't recall discussing the investigation with [REDACTED] Respondent denied having a conversation with [REDACTED] where he indicated the Complainants were "going against" him, that he would "never forgive and never forget," and that he hated them, noting that [REDACTED] statements in that regard are "the subject of current litigation in Butte County Superior Court and will be resolved there."

When asked why [REDACTED] would attribute those statements to him, Respondent stated, "You would have to ask her. I don't know. It's the subject of litigation." When asked if he talked to [REDACTED] about engaging in conduct toward the Complainants that could not be detected or documented as retaliation, to get back at or punish them, Respondent stated, "No" and indicated this was "another logic loop," to say "I didn't do anything that would be retaliation ... and I never had this conversation and the inclusion of this into the [current] investigation makes no sense to me and is also the subject of outside litigation."

Respondent denied ever telling [REDACTED] he enjoyed seeing the Complainants "squirm." When asked if he ever said anything to the effect of wanting to kill the Complainants, Respondent stated, "Absolutely not. That is one of the reasons I am suing [REDACTED] over that statement." When asked about the statement attributed to him by [REDACTED] to the effect of, "I do not understand why people are scared of me. I'm a doer. If I wanted all of you dead, you would be dead. I might skip your office, we will see," Respondent stated that is the subject of litigation, one of the key things he filed in the defamation suit, and "It is not true. I did not say that." When asked if he ever said to [REDACTED] words to the effect of, "You better not become part of the problem, Respondent stated, "Absolutely not. Part of a [law]suit." Respondent responded "Nope" when asked if he ever said to [REDACTED] words to the effect of, "You need to be on my side." When asked about talking to [REDACTED] about purchasing or having firearms/guns, Respondent stated that was the subject of a court case and "I don't recall ever discussing this with [REDACTED]"

Respondent is aware of the letter his attorney sent to [REDACTED] after the campus public forum. Regarding the email he sent to [REDACTED] on February 16, 2023, Respondent stated it was an accident. At the time, he was forwarding all of his emails from his work computer for his court case. It was approximately 20 emails and he hit reply instead of forward. Respondent was alerted of the reply by Dr. Allen, and he immediately apologized.

When asked if he ever had a physical relationship with the [REDACTED] student, Respondent stated that was the subject of a signed settlement agreement and he has already been punished for this. When shown the pictures (000385-000386) of him and the student, Respondent speculated that the pictures were provided by [REDACTED] When asked when the pictures were taken, Respondent stated, "She was not a student. [REDACTED] was removed as my student after the investigation. So, whatever happens after that point ... [Respondent trailed off]." Respondent continued, stating he did not have "supervisory" responsibilities over [REDACTED] at that point, but "I don't recall when these [pictures] were taken. [REDACTED] was not my student at the time. ... I just

want to say, I'm allowed to have a relationship with people. She was not my student at the time. Coming to this three years later, I don't understand why."¹⁷

Respondent identified Dr. [REDACTED] and [REDACTED] as potential witnesses. Respondent believes Dr. [REDACTED] will say he was collegial. [REDACTED] will say he has been professional. Respondent noted that most people in the department would say Respondent has been collegial but that is hard to say now because "the well's been poisoned."¹⁸

F. Account of Witness, [REDACTED]

Interview, April 13, 2023. [REDACTED] has been [REDACTED] at Chico State [REDACTED]. When asked if he knew why he had been asked to participate in this investigation, [REDACTED] stated, "I assume this might have to do with the Stachura disaster."

[REDACTED] explained that he is leaving Chico State because enrollment is dropping in the biology department, he is a [REDACTED] and there are interpersonal issues, "so I'm not enjoying the department." [REDACTED] was trying to make a lateral move to the [REDACTED] department, but that did not work out with the enrollment drop and he does not want to work in the biology department.

[REDACTED] has known Respondent since [REDACTED] was an undergraduate at Chico State, but he did not really get to know him until he was a grad student. [REDACTED] was [REDACTED] [REDACTED] when he was a grad student, including for Respondent. [REDACTED] noted that he was not good at remembering when things were, but that pre-COVID, [REDACTED] one of Respondent's labs and that is when he started to get to know Respondent more. [REDACTED] refers to Respondent as Dr. Stachura if he is talking about him but calls him "Dave" if not in a professional context. There is a practice in the biology department to refer to people by their title, but it is a case-by-case basis. [REDACTED] default is to call people by their title unless they say they prefer their first name.

Respondent and [REDACTED] socialized outside of work and "I considered us to be friends." [REDACTED] had not had any contact with Respondent since approximately two days before the article came out in approximately December 2022, when he saw Respondent outside Respondent's office. [REDACTED] "learned a lot from that article." [REDACTED] explained, prior to the article, "we were vaguely informed things were going on but not provided a lot of information and unfortunately I didn't socialize with others." [REDACTED] indicated that they were informed there was an issue in the department via a department meeting around the time when Respondent was not going to be on campus. [REDACTED] did not know why as it was a vague comment by the dean. [REDACTED] reached out to Respondent, who said "We shouldn't really be talking about this." Eventually, over the course of the conversation, Respondent shared that it had something to do with his divorce, court proceedings, and that it "got back to campus." Respondent later returned to campus, but [REDACTED] did not recall Respondent sharing anything with him. [REDACTED] did not know anything about any "Title IX stuff," which "made things make a little more sense" once he learned of it.

¹⁷ That night, Respondent emailed screenshots of the images indicating they were taken May 6, 2021, at 10:05 p.m.

¹⁸ Later on April 8, 2023, Respondent suggested the people who contributed to (were interviewed for) the TAG report, which showed I was not a violent person, and UPD Chief Chris Nicodemus, "who believes I am not a threat to the campus community," as potential witnesses.

█████ knows Complainant █████ he did █████ her and her students and they say “hi” in passing in the hallway. She seems like a friendly and personable individual. He also knows Complainant █████ although less so than Complainant █████ and Complainant █████ had one brief conversation in the hall. She seemed friendly and personable as well, although █████ has not had as lengthy conversations with her. █████ has not seen Respondent interact with [the Complainants] directly. “Looking back, there seemed to be something based on what I’ve pieced together. If they felt threatened by him, I would assume they would not want to be around him.” █████ got Complainant █████ office when she moved out of it, although he did not know why. █████ stated he could not recall interactions between Respondent and the Complainants prior to COVID. █████ stated he “probably” spoke to the Complainants, perhaps about there being some problem between them and Respondent, but no specifics, after coming back to campus from COVID. It would have been the semester where they were partially online and partially in-person.

█████ knows █████ who was his █████ for a █████ class. “She was great.” They talk “a bit from time to time.” She was involved in █████ from time to time and they had occasional and brief conversations. █████ was sure he had seen interactions about class between Respondent and █████ pre-COVID, and they seemed professional. He did not recall observing their interactions together after returning to campus from COVID. █████ did not believe Respondent ever spoke to him about █████

█████ has gone out with Respondent and █████ on social occasions after work, during the period where they were half on-campus and half in-person, and it was generally the three of them. █████

G. Account of Witness, █████ █████

Interview, April 13, 2023. █████ █████ has been a biology professor with Chico State since █████ █████ refers to Respondent as “Dave,” and has known him since Respondent joined the department approximately seven years ago. They have never “hung out” outside of work. Respondent and █████ It is typical for █████ and Respondent have similar fields and techniques █████ In addition, faculty may have auxiliary rooms. For example, Respondent uses the fish lab, which is on another floor. █████ and Respondent have been good colleagues. Respondent has never asked █████ to refer to him as “Dr. Stachura.”

█████ was on █████ committees █████ both Respondent and Complainant █████ His relationship with the Complainants is as colleagues, and is similar to his relationship with Respondent, but he has done more with Complainant █████ because they have gone to conferences together. They got a group of colleagues to go on the █████

When asked if he ever heard Respondent express being upset or unhappy with either of the Complainants, █████ first noted that he is bad with the timeline of events.

“[Respondent] and I have had a good relationship ever since he got here. I never felt afraid of him. I know others in the department are very afraid of him... I try

to see both sides because I'm colleagues and friends with all of them. I listened to [Respondent's] side and [Complainant ██████████] side. I try to stay clear of a lot of the department politics. I love doing the research and teaching."

When asked to share what Respondent shared about his side of events, ██████████ said that Respondent "doesn't know why he's being targeted, why he's being picked on, ... giving the impression that [Respondent] is the victim. [Respondent] doesn't believe [the Complainants'] version of events."

██████████ could not remember whether Respondent talked about the Complainants, "only to the extent he disagreed with their interpretation." Respondent "didn't talk much about others in the department, if at all. I can't remember." ██████████ "wanted to trust [Respondent] when he denied the relationship [with ██████████ student]. I took him at his word." Regarding the investigation, Respondent said to ██████████ "There's this Title IX thing. You're going to be called." ██████████ participated in a Zoom interview and said "I hadn't seen or heard anything because I hadn't been talking to [Complainant ██████████] at that time."

When asked about his observations of Respondent's interactions with either of the Complainants, ██████████ stated that from the fall of 2021 to the fall of 2022, "They were going along at a steady, not healthy..., but had equilibrium" in the department. Respondent came back to the lab, was working with students, and teaching. However, they had separate meetings. When asked to explain, ██████████ noted that,

"up until the COVID pandemic, everyone got along. After that, they made a real point to avoid each other. [Complainant ██████████] and [Respondent] shared ██████████ but [Complainant] ██████████ worked out a schedule [so they would not be there at the same time]. In meetings, they were all on Zoom or one of them would be in person while the other was on Zoom."

At some point, Complainant ██████████ told ██████████ that Respondent "was like a mentor, but things went sideways in 2020."

██████████ did not recall specifically seeing Respondent and either of the Complainants pass each other in the hallway. He did not recall Respondent arguing against Complainant ██████████ ██████████ recalled that prior to 2020, Respondent was critical of Complainant ██████████ "maybe because of the struggle she had getting ██████████ and Respondent were on the ██████████ committee for one of Complainant ██████████ students and Respondent was not impressed with the project ██████████ gave the student. ██████████ did not observe Respondent be critical of Complainant ██████████ perhaps because they have different fields. Complainant ██████████ Respondent, and ██████████ are in similar fields.

When asked if Respondent spoke about [the Complainants'] involvement in the prohibited consensual relationship investigation, ██████████ noted that Respondent "was very, very angry about the Title IX process, he got kicked off campus, and felt like he was guilty until proven innocent." In addition, the funder for the NIH grant was called, which froze Respondent's funds. ██████████ took Respondent's "side" at that point because of the way that occurred; it did not seem like it

was “innocent until proven guilty.” [REDACTED] was not sure if all of that was done per policy or not. Additionally, Respondent had a fish colony that needed to be kept alive, so that led to a lot of stress. [REDACTED] estimates the timing was early 2021. “The Title IX process dragged on and [Respondent] was punished the whole time.”

Respondent “has always denied having a relationship with [REDACTED]. I never observed any behavior that would link them as a couple.” They sometimes came in to work together in the morning and they [REDACTED] which was not unusual to [REDACTED]. [REDACTED] “never saw or heard what [the Complainants] say they heard and saw. A lot of that occurred in 2020,” during the COVID lockdown, and [REDACTED] “was not in the lab a lot compared to most [REDACTED] when he would have been there full time. [REDACTED] noted that he “wasn’t quite dialed in because of that separation.” After the summer of 2020, he was online but, in the lab, more. Again, he stated he did not recall the timeline.

[REDACTED] was on [REDACTED] [REDACTED] [REDACTED] committee” but “absolutely did not talk to her about anything outside of pure research and classes.” [REDACTED] Respondent was on the committee, and “there was a third committee member who dropped off the committee after everything happened” (referring to safety concerns regarding Respondent). A faculty member from another university became the third member. The committee’s role was to review [REDACTED] [REDACTED] was a [REDACTED] and was an excellent student.

At some point, Respondent’s [REDACTED] filed a restraining order and Respondent told [REDACTED] it was not true. [REDACTED] saw the restraining order at some point. Respondent “was clearly having bad marital problems.” [REDACTED] noted that he met Respondent’s [REDACTED] perhaps once and did not really know her.

[REDACTED] explained, in 2020-2021, they were all online. In 2021-2022, they were back in person, but the Complainants and Respondent would not be in the same room. At the beginning of the 2021 academic year, the department was made aware of Respondent’s [REDACTED] restraining order, which included “the idea of violence and a problem with alcohol.” Respondent is a very different person when at work, where he is sober. He is different at home. It could be that Respondent was drunk or maybe he “blacked out” and did not remember saying anything about shooting his colleagues, “so he needs help.” When they have gone to conferences together and “met up afterward,” [REDACTED] would have one drink and Respondent had multiple drinks and seemed unaffected. Respondent was never violent or angry during those times. [REDACTED] explained that it was a “red flag.” [REDACTED] was concerned about the combination of marital problems and alcohol. “Then [Respondent] doubled down and denied [making the comments]” instead of admitting it, indicating it led to more problems. [REDACTED] stated that when Respondent was at work he was “fine; I never saw him as a threat but that’s my perspective.”

When asked if he ever became aware of how the events the Complainants reported regarding Respondent and [REDACTED] impacted them, [REDACTED] shared that because he was sharing [REDACTED] with Respondent and had to maintain a relationship with him, he feels perhaps he

was shut out of a lot of conversations, and his colleagues “didn’t reveal much to me so I wouldn’t pass it on to Respondent.” [REDACTED] feels his colleagues were “actively avoiding sharing” with him. In December of 2022, [REDACTED] started talking about the situation more. As previously mentioned, he drove with Complainant [REDACTED] to a conference and she “unloaded” about what she saw and heard. When asked what she shared, [REDACTED] stated,

“[The Complainants] haven’t felt safe at work. They don’t feel safe at home. There is no place they feel safe anymore and that’s the primary stressor – ‘Am I going to run into him? Is he going to stalk me?’” [REDACTED] further explained, “One of the biggest frustrations is that the university, which has as good policies as it can, report, report, report, and the reality is messy. There’s the perpetrator who is protected – the union stepped in right away to protect him, and now the union is trying to protect everyone else but it’s too late. The support after reporting was just not there. They felt that they were getting no support to make them feel safe,” based on what Complainant [REDACTED] said.

[REDACTED] knows [REDACTED] Respondent and [REDACTED] are colleagues. She works in [REDACTED] and is [REDACTED]. She graduated as a master’s degree student [REDACTED] [REDACTED] so they would interact for that and they would go to coffee a lot.” When asked if he has heard anything from Respondent about [REDACTED] [REDACTED] stated that things blew up in December [2022] and he has not heard or talked to Respondent since. “I was in shock that this had been going on for a year and I didn’t know what was going on.” [REDACTED] stated that he trusts the dean and [REDACTED] and [REDACTED] who stated they let the dean know about Respondent’s comments to [REDACTED] before December 2022, and he does not know who to believe. [REDACTED] could not remember anything specific changing in [REDACTED] and Respondent’s relationship.

V. UNDISPUTED MATERIAL FACTS

1. Respondent and the Complainants are employed as faculty members in the Biological Sciences Department, College of Natural Sciences at Chico State.
2. The Complainants reported conduct believed to be in violation of the CSU Nondiscrimination policy (formerly Executive Order 1096) and participated in the prohibited consensual relationship investigation.
3. On or about September 15, 2020, Respondent was found to have violated the CSU policy against prohibited consensual relationships regarding his relationship with a student.
4. The prohibited consensual relationship investigation found that Respondent engaged in sexual activity with the student in his on-campus office and shared lab space.
5. Respondent and Complainant [REDACTED] shared [REDACTED].
6. Respondent became a tenured professor in August 2017.
7. Complainant [REDACTED] became a tenured professor in [REDACTED].
8. Complainant [REDACTED] was [REDACTED] at the time of the prohibited consensual relationship investigation.

VI. FINDINGS OF FACT AND ANALYSIS

A. Did Respondent Engage in Sexual Harassment of Complainant [REDACTED]

The question here is whether Respondent's conduct (sexual relationship with the student) was sufficiently severe, persistent, or pervasive that its effect, whether or not intended, could be considered by a reasonable person in Complainant [REDACTED] shoes, and was in fact considered by Complainant [REDACTED] as creating an intimidating, hostile, or offensive environment.

1. Did Respondent engage in unwelcome conduct of a sexual nature?

The Nondiscrimination policy defines Sexual Harassment, in part, as "... unwelcome verbal, nonverbal or physical conduct of a sexual nature..." The 2020 investigation found that Respondent engaged in a prohibited consensual relationship with a student, which included sexual activity on campus, including in the office [REDACTED] Complainant [REDACTED] office. As noted above, it is undisputed that the investigation found that Respondent engaged in sexual activity with the student in his on-campus office and shared lab space, and that Complainant [REDACTED] participated in the investigation, having reported the conduct as inappropriate. There is no evidence that Complainant [REDACTED] welcomed Respondent's sexual activity with the student. As such, the preponderance of the evidence supports finding that Respondent engaged in conduct of a sexual nature and that it was unwelcome.

2. Was Respondent's conduct sufficiently severe, persistent, or pervasive that its effect was considered by Complainant [REDACTED] as creating an intimidating, hostile or offensive environment?

Pursuant to the Policy, Respondent's conduct must be "sufficiently severe, persistent, or pervasive that its effect, whether or not intended, ... is in fact considered by Complainant as creating an intimidating, hostile or offensive environment."

The preponderance of the evidence is sufficient to find that Complainant [REDACTED] considered Respondent's conduct sufficiently severe or pervasive that its effect created an intimidating, hostile, or offensive environment for her. As noted above, Complainant [REDACTED] reported Respondent's sexual relationship with the student and participated in the 2020 investigation into his conduct. Complainant [REDACTED] explained that she could not stop thinking about Respondent's relationship with the student, that he had told [REDACTED] not to be with a student behind closed doors, and yet he was doing exactly that, and that she started distancing herself from him and the "ethical blast radius." Complainant [REDACTED] stated that, after Respondent started having sex with the student in his campus office, she was confused and felt he was taking advantage of their friendship by placing her in a "terrible position." Complainant described the persistence of Respondent's sexual activity with the student in his office, and having to leave her office to get away from hearing their sexual activity, and Respondent and the student going to the lab, where she was at, "stinking" of sex, and having to leave the lab because they were there and she did not want to be around them knowing they had been having sex in Respondent's office. Complainant [REDACTED] further stated:

“I was terrified; I’m a [REDACTED], he’s proficient and charismatic, and I have no reputation, and no faith in the system. It would ruin my career; I know he would ruin me, [I thought,] no way I’m risking it for this guy having sex with a student, so I just waited for other people to hear it, then it would be a critical mass and not ‘he said she said.’ I waited until [Complainant [REDACTED] said something and I said, ‘What do you mean?’ ... It was more confusing than anything, and I didn’t really want it to be my business, but they [Respondent and the student] were just off the rails during the lockdown, then it was too much, [REDACTED] [REDACTED] so I had to be here. I was constantly going up and down to the lab. I would avoid them.”

Complainant [REDACTED] found the sexual activity between Respondent and the student so offensive she avoided her office and [REDACTED] and was terrified of her career being ruined if she said anything about Respondent’s inappropriate relationship, thus evidencing that Complainant [REDACTED] considered her work environment intimidating, hostile or offensive due to Respondent’s on campus sexual relationship with the student.

3. Was Respondent’s conduct sufficiently severe, persistent or pervasive that its effect could be considered by a reasonable person in the shoes of Complainant [REDACTED] as creating an intimidating, hostile, or offensive environment?

Pursuant to the Policy, Respondent’s conduct must be “sufficiently severe, persistent, or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant ... as creating an intimidating, hostile or offensive environment.”

Here, it is undisputed that Respondent was found to have engaged in sexual activity with the student in his campus office and [REDACTED], as that was the finding in the 2020 investigation. Such conduct is objectively severe and may also be considered pervasive as it was described by Complainant [REDACTED] as “persistent because no one was around” during the COVID-19 pandemic campus shutdown, and there were four specific instances identified by [REDACTED] during the 2020 investigation. It is also reasonable that a colleague, who was subject to hearing a co-worker (who had a duty to educate and ensure the safety and well-being of students) have sex in his office with a student, and see and smell them after such sexual activity, would consider such conduct as creating an intimidating, hostile or offensive environment. This is particularly true for a faculty member who felt she had little authority or political capital, and that her career would be ruined if she said anything, as Complainant [REDACTED] did.

Weighing against finding that a reasonable person would consider the conduct as creating an intimidating, hostile or offensive environment, was [REDACTED] [REDACTED] and [REDACTED] [REDACTED] reactions when they learned of the reported sexual activity. Rather than changing their daily activities, [REDACTED] and [REDACTED] who have more time on campus than Complainants and were seen as having more authority, engaged Respondent related to what they had been hearing about his conduct and asked that he stop. Similarly, in his response to evidence,

Respondent argues that Complainant [REDACTED] testified she was not intimidated by his behavior.

Ultimately, the policy requires that we consider a reasonable person “in the shoes of the Complainant.” Accordingly, it is appropriate to consider the differing power dynamics articulated by [REDACTED] when determining whether it is reasonable to consider the conduct identified as creating an intimidating, hostile or offensive environment. The analysis must also consider the specific circumstances of her environment in that she had a [REDACTED] office and [REDACTED] with Respondent. Therefore, the preponderance of the evidence supports finding that Respondent’s conduct was sufficiently severe or pervasive that its effect, regardless of intent, could be considered by a reasonable person in Complainant [REDACTED] shoes a creating an intimidating, hostile, or offensive environment.

B. Did Respondent Engage in Sexual Harassment of Complainant [REDACTED]

As above, the question here is whether Respondent’s conduct (sexual relationship with the student) was sufficiently severe, persistent, or pervasive that its effect, whether or not intended, could be considered by a reasonable person in Complainant [REDACTED] shoes, and was in fact considered by Complainant [REDACTED] as creating an intimidating, hostile, or offensive environment.

1. Did Respondent engage in unwelcome conduct of a sexual nature?

As found above, Respondent engaged in sexual activity with the student in his on-campus office and shared lab space, per the 2020 investigation findings. Additionally, it is undisputed that Complainant [REDACTED] participated in the investigation, having reported the conduct as inappropriate. As there is no evidence that Complainant [REDACTED] welcomed Respondent’s sexual activity with the student, the preponderance of the evidence supports finding that Respondent engaged in conduct of a sexual nature and that it was unwelcome.

2. Was Respondent’s conduct sufficiently severe, persistent, or pervasive that its effect was considered by Complainant [REDACTED] as creating an intimidating, hostile or offensive environment?

Pursuant to the Policy, Respondent’s conduct must be “sufficiently severe, persistent, or pervasive that its effect, whether or not intended, ... is in fact considered by Complainant as creating an intimidating, hostile or offensive environment.”

Per the 2020 investigation, Complainant [REDACTED] observed what appeared to be the aftermath of a sexual encounter between Respondent and his student in his office. While she observed this single incident, it caused Complainant [REDACTED] sufficient concern that she recalled other instances that signaled a more intimate relationship between Respondent and the student than simply a student-teacher relationship. Thereafter, Complainant [REDACTED] shared with Complainant [REDACTED] that [REDACTED] heard them have sex in Respondent’s office. Complainant [REDACTED] was concerned about the workplace being the site for such behavior, the power dynamic between Respondent and the student, and the impact of a sexual relationship on their student-teacher relationship. Complainant [REDACTED] stated that her observation of Respondent’s sexual

relationship with the student “dramatically impacted” her work environment, to the point she was concerned and consulted with colleagues about what to do. After Respondent denied the inappropriate relationship to a more established colleague (██████████) Complainant ██████████ reported the matter to the Title IX Coordinator. Thus, it is reasonable to conclude by a preponderance of the evidence that Complainant ██████████ considered Respondent’s conduct sufficiently severe that its effect created an intimidating, hostile or offensive environment due to Respondent’s on-campus sexual relationship with the student.

3. Was Respondent’s conduct sufficiently severe, persistent or pervasive that its effect could be considered by a reasonable person in the shoes of Complainant ██████████ as creating an intimidating, hostile, or offensive environment?

Pursuant to the Policy, Respondent’s conduct must be “sufficiently severe, persistent, or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant ... as creating an intimidating, hostile or offensive environment.”

As previously noted, it is undisputed that in the 2020 investigation, Respondent was found to have engaged in sexual activity with the student in his campus office and shared lab space, and such conduct is objectively severe. While Complainant ██████████ only observed one post-coital instance, it is reasonable that such an observation of the aftermath of a colleague engaging in sexual activity with a student in the workplace, in the office ██████████, would impact the work environment negatively. Additionally, the impact on the environment would be compounded by Respondent’s denials when colleagues (██████████ and ██████████) attempted to intervene, his attempts to dissuade his colleague from reporting the situation, as he did Complainant ██████████ and his continuing to engage in sexual activity in the workplace (██████████ observed Respondent and the student kissing in the lab) after his colleagues attempted to intervene.

Weighing against finding that the conduct created an environment that was intimidating, hostile or offensive, is the fact that to a large degree every member of our current society encounters uninvited sexualized content whether through media or other public spaces. People are expected to be able to compartmentalize a degree of discomfort. In his response to Evidence, Respondent argues that Complainant ██████████ had an irrational fear of him, and the purported impact his alleged behavior had on her had nothing to do with him.

However, the CSU Nondiscrimination policy exists because it recognizes that the workplace and educational setting are different from other spaces. People can fairly assume that sexual activity, let alone sexual activity with a student, will not be happening in the workplace, thus increasing the impact of such conduct. The fact that Complainant continued to report to work and complete her duties despite the environment she was working in, does not show that the conduct was not severe, but rather the importance of regulating the workplace because people’s livelihoods depend on their ability to work, and they cannot simply depart when something happens with which they disagree. Thus, the preponderance of the evidence supports finding that Respondent’s conduct was sufficiently severe and persistent that its effect, whether intended or not, could be considered by a reasonable person in Complainant ██████████ shoes as creating an intimidating, hostile, or offensive environment.

C. Credibility Analysis

The following sections will determine the issue of whether Respondent retaliated against either Complainant due to their participation in the 2020 prohibited consensual relationship investigation. In order to arrive at those determinations, the credibility of the parties and witnesses must first be assessed.

Complainant [REDACTED] was generally found to be credible. She appeared direct and forthright in her account of events. Additionally, her accounts were consistent with each other. For example, her account of events during the current investigation and the 2020 investigation were consistent, and her account during the current investigation and her declaration and testimony for the workplace violence restraining order proceedings were consistent. Additionally, Complainant [REDACTED] account of initially hearing that Respondent told [REDACTED] “stay on my good side and I’ll pass by your office,” or words to that effect, and how that was reported to the dean, was corroborated by [REDACTED] as well as [REDACTED] notes of his meeting with [REDACTED] [REDACTED] [REDACTED] regarding the same. While Respondent points to what he perceives inconsistencies in terminology (*i.e.*, “bad” versus “terrible”) as indicative of [REDACTED] lying, those differences are not necessarily indicative of fabrication when weighed against other evidence.

Complainant [REDACTED] was similarly credible. The account of events she provided during the current investigation was consistent with the account she provided in 2020. Additionally, regarding her most recent experiences with Respondent, her accounts during this investigation have been consistent with her accounts for the workplace violence restraining order. Her account of what she was told by [REDACTED] about Respondent’s behavior and motivations was corroborated by [REDACTED]

While Respondent stated in his response to the PIR that Complainants’ accounts are biased because they were not interviewed before Respondent and [REDACTED] testified in court during the Workplace Violence Restraining Order hearing, the evidence does not support finding that they fabricated any incidents or events, particularly because they have been consistent in their account of events since 2020 through the present.¹⁹

[REDACTED] provided a declaration for the workplace violence restraining order petition, as well as testimony during that proceeding. She was found to be credible as her accounts during both instances were consistent. Additionally, her account is corroborated by the November 5, 2021, notes [REDACTED] took of his conversation with [REDACTED] [REDACTED] [REDACTED] who indicated she heard from someone who was afraid to come forward, that Respondent said, “stay on my good side and I’ll pass your office.” Additionally, her statement that Respondent told her he would never forget or forgive Complainants [REDACTED] and [REDACTED] for reporting him to Title IX is consistent with his texts to his spouse, “... I have a long memory when it comes to people that turn on me. ...”, as well as what [REDACTED] related to Complainant [REDACTED]. Finally, although

¹⁹ In his response to the PIR, Respondent argues that this Complaint “is at least partially fueled by retaliation against me for making [REDACTED] complaint on 12/24/22.” However, Complainants had complained about perceived retaliation from Respondent prior to that date, and there is no evidence that they knew about his [REDACTED] complaint, or the whistleblower retaliation complaints he filed on July 20 and 21, 2023. Complainants were credible and nothing suggests they fabricated the incidents reported or the impact of Respondent’s perceived behavior on them.

Respondent argues that ██████ lied about what he purportedly said to her about Complainants and threats of violence because she was upset that in January 2022, he told her he did not want to be part of her life anymore, the evidence does not support that as a motive for ██████ to falsify any of the information she provided. Notably, ██████ had already told Complainant ██████ and another faculty member about Respondent's threats by November 2021, before the purported motivating reason for her to lie, and the text messages provided by Respondent in response to the PIR do not show that she was so upset as to fabricate what she reported. Similarly, Respondent's argument that ██████ is not credible because he filed a sexual harassment complaint against her does not diminish her credibility because he did not file that complaint with EODR until July 17, 2023.

Respondent generally appeared credible during his interview. However, he was previously found not to be credible in the 2020 investigation. Additionally, Respondent's account of his relationship with the student since that investigation has been evasive and inconsistent, depending on the venue. When initially asked about his relationship with the student during the current investigation, Respondent prevaricated and did not answer. When shown photographic evidence of their sexual relationship, Respondent stated she was not his student at the time (May 6, 2021). Previously, on September 14, 2021, during the TAG investigation, Respondent denied ever having a sexual relationship with the student.

Respondent has also been untruthful about her being his student, or someone over which he had direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority, after the 2020 investigation. In response to the PIR, Respondent provided numerous emails to demonstrate the student was not under his supervision. However, those documents show that he remained directly involved in her educational progress and support. To the extent Respondent contends he was "instructed" or authorized by the dean to sign certain forms for the student's educational program or activity,²⁰ at the time of those emails/signatures, Respondent was still denying his sexual or romantic relationship with the student, which was untrue, based on the evidence. By his own admission, even after May 6, 2021, when Respondent stated his sexual or romantic relationship with the student began (which is not based on the findings of the 2020 investigation), Respondent signed and was otherwise a party to decisional documents related to the student's academics, including her ██████ program as ██████ fall 2021), ██████ (February 2022), and final recommendation for ██████ (April/May 2022), among others.

²⁰ The documents Respondent submitted show that ██████ permitted him to complete the end of semester evaluation form for fall 2020, which form is not included in the evidence. One document shows that the end of semester evaluation form for spring 2021 was sent to Respondent directly and ██████ agreed for him to complete it after Respondent asked, "Just to confirm- I can fill this out for ██████ as I did last semester? It goes to the ██████ team." Another document shows that ██████ permitted Respondent to complete was the spring 2021 semester plan form, based on Respondent's representation that he was "just providing information," despite Respondent's original question to the dean being, "Does ██████ need to sign this? Or am I ok to do so? I just want to make sure I am in compliance, as I am not officially ██████ mentor/professor." Yet, Respondent contradicts himself—he obtained the forms despite his assertion he did not have authority over her educational program or activity, and he sought to sign them despite his assertion that he lacked supervisory or authoritative role over her educational activity.

Additionally, as seen in the documentary evidence provided by Respondent in response to the PIR, Respondent and the student [REDACTED] which contradicts his assertion that he had no academic or other authority over the student (publishing is an accomplishment coveted [REDACTED] students). As another example, in December 2021, after the purported start of their sexual relationship in May 2021, Respondent requested that the student attend a professional conference [REDACTED] with him and noted he had funds to cover her trip.²² Thus, Respondent's contention that the student was not under his supervision or other authority is contradicted by the evidence, including the documentary evidence regarding the student's [REDACTED] program, text messages provided by Respondent, and Complainant [REDACTED] court testimony on May 19, 2023, which show he had supervisory or other authority over her during her [REDACTED] program during that period ([REDACTED] through the end of [REDACTED] [REDACTED]). As such, Respondent untruthfully testified on April 21, 2023, that [REDACTED] was not his student in the summer and [REDACTED] of [REDACTED].

Respondent also sent an email to [REDACTED] against University directives, and said he did it mistakenly when sending emails to his attorney. However, the electronic email transfer log pulled by the University's IT department shows that he did not send any emails to his attorney on that date, and the attorney's name is not similar to [REDACTED] and as such Respondent's explanation is implausible. Rather, it appears to have been an intentional email, especially given that in the email chain, he was indicating that [REDACTED] was mistaken in her understanding. The email log Respondent provided to show the accidental sending notably does not contain any dates and is therefore given no weight against the log provided by the University's IT department. Respondent's past record, inconsistent statements, the lack of corroboration for his statements, and the documentary evidence contradicting his account, make him less credible than the Complainants and [REDACTED].

D. Did Respondent Engage in Retaliation Against Complainant [REDACTED]

Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have participated in an investigation or proceeding under the Nondiscrimination Policy.

1. Did Respondent take Adverse Action against Complainant [REDACTED]

An Adverse Action is defined as:

“an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.”

Complainant [REDACTED] reported that Respondent was hostile toward her. She stated he sent her emails, which she described as microaggressions and passive aggressive, and she started

²¹ In text messages provided by Respondent, his and the [REDACTED] and it was verified at [REDACTED].

²² This is the same conference identified in the 2020 investigation during which he engaged in problematic behavior with the student.

forwarding them to the dean and letting him deal with them to reduce the impact of Respondent's "toxicity" on her. (Emails included in the evidence corroborate that she received emails from Respondent that he would attend her student's qualification exam, asking her about a new class after she [REDACTED] despite her not being [REDACTED] committee chair and that information being available in Box, and asking to present to her [REDACTED] class.) Additionally, she described Respondent engaging in the following behaviors around or toward her:

- Angrily yelled loudly in his office after his appeal of the 2020 investigation was denied, and mentioning Investigator Morton's name and how angry Respondent was (October 2020);
- Glare at her every time she saw him (every day to every other day during the academic year) and lifted her hand to wave;
- Ignored her or would not talk to her at work, in what she described as a palpable silence from "someone who hates you but is still in the room, looking at you."
- Was hostile toward her during her student's committee meetings;
- Reprimanded her for her students' clothing in the lab, when specific clothing items were not the practice;
- Reprimanded her for the fish room being unlocked and "unsafe" fish²³;
- Stated he would attend Complainant [REDACTED] student's qualification exams when he did not usually attend those;
- Asked to be referred to as Dr. Stachura (instead of Dave as she previously referred to him);
- Walked by her new office and looked in on her despite there being other ways to get to the lab;
- Untruthfully told administration that he was shutting down his fish research so that Complainant [REDACTED] would not get [REDACTED];

Respondent denied the allegations against him and engaging in any adverse action or retaliation against Complainant [REDACTED]. He said he was collegial, but they did not have to be friends. He provided several emails to demonstrate that he was professional toward Complainants [REDACTED] and [REDACTED]. Additionally, he provided an email showing that the email regarding student attire in the lab was issued by [REDACTED] on behalf of the IACUC, not him. Respondent contends that Complainants misinterpreted what he said and did as hostile towards them, and that their perceptions were not based on facts, that he was collegial and professional toward them both, and that he would leave the fish lab if Complainant [REDACTED] was there alone, and she would do the same if he was there alone.

²³ Respondent sent the email to others, including Complainant [REDACTED] and according to Complainant [REDACTED] account, she perceived it to be directed at her because of her instruction to her students to leave the fish room unlocked under certain circumstances.

However, a Respondent cannot evade responsibility for creating a hostile work environment by engaging in intentional behavior under the guise of “keeping things professional.” Complainant [REDACTED] described it as:

“... It’s been really shitty working with someone knowing that if they can retaliate, they will, but at the time I have no proof. He’s very good at the dog whistle, at walking up to the line, making it evident he’s angry, but not doing it. It’s all passive aggressive. I can probably handle a physical confrontation better than these types of behaviors. I’m exhausted.”

Although Respondent denied it, [REDACTED] consistently reported (January 3, 2022, December 13, 2022, February 7, 2023, May 19, 2023) that Respondent told her he was being intentionally hostile and abusive to Complainants [REDACTED] and [REDACTED] short of doing anything that would get him in trouble for retaliation. (This is consistent with what Complainant [REDACTED] said [REDACTED] shared with her – that Respondent said he would take every opportunity to irritate Complainants, but in a manner that was not reportable or documentable.) As noted above, [REDACTED] was found to be more credible than Respondent. [REDACTED] corroborated [REDACTED] account of Respondent’s response when [REDACTED] said hello to him, reporting that Respondent said, “[REDACTED] [Complainant [REDACTED] tried to waive and I just ignored it” “as if I would ever speak to that bitch again,” as well as his hostile glaring at Complainants. [REDACTED] testified:

Q. Did you witness Dr. Stachura engage in any conduct towards Dr. [REDACTED] that you thought was threatening or harassing?

A. He did glare, you know, that really hostile glare that he has. He told me about other behaviors that he had done that were threatening.

Q. What did he tell you?

A. He told me that he had been warned not to retaliate against them, and so he was -- would try to find ways to intimidate them that couldn’t be documented. And one example was that he would go into the room when [REDACTED] was -- into the fish room when [REDACTED] was in there to intimidate her when they had a schedule. And he wasn’t supposed to be in there at different times and he would go in there just to upset her.”

[REDACTED] account is further corroborated by documentary evidence, such as [REDACTED] August 19, 2020, notes of their meeting to discuss how she could handle Respondent’s passive-aggressive behavior during graduate committee meetings, as well as [REDACTED] November 20, 2020 notes, where Complainant [REDACTED] stated that Respondent feeds on conflict, she was waiting for the problem to go away and it did not, and she was worried about the impact of his constant microaggressions over a period of time. At that time, she also raised the issue of Respondent’s “repeated reports of minor transgressions” against her, including the clothing issue Respondent raised as the head of IACUC,²⁴ the number of her students in the lab, and one of her students having her boyfriend retrieve something from a high shelf in the lab. [REDACTED] account was consistent with her declaration and her testimony on May 18, 2023, including Respondent’s

²⁴ While Respondent contends that IACUC was responsible for issuing the notice, not he, which he was quick to point out to the dean soon after the email was sent, and stated that [REDACTED], [REDACTED], and [REDACTED] be interviewed, regarding student attire in the lab, Respondent was the head of IACUC and the corrective memo was issued only to Complainant [REDACTED] not other faculty members in the same situation.

“death stares” toward her, his ignoring her, his reprimanding her for her students not wearing lab coats, pants, and shoes in the lab while others were not required to do so, and his not vacating the fish room until September 7, 2022, to “spite her,” despite Respondent having told administration he was going to retire his fish research. Based on the foregoing, including the credibility analysis of the parties and witness, the preponderance of the evidence supports finding that Respondent engaged in the above conduct against Complainant [REDACTED]

Complainant [REDACTED] has consistently reported the impact of Respondent’s behavior has had on her work environment. [REDACTED] stated in her declaration that she feared retaliation because Respondent’s behavior during the COVID lockdown was increasingly angry and destructive, and he was drinking regularly in his office. Complainant [REDACTED] observed his behavior worsen after her participation in the 2020 investigation, and [REDACTED] moved her office in [REDACTED] because Respondent was “so intently, silently hate-filled toward me,” hoping that he would find another conflict elsewhere if she laid low and waited it out, giving him time to “cool off.”

As [REDACTED] Complainant [REDACTED] felt vulnerable and worried about the impact of Respondent’s behavior, which she reported to the dean in August and November 2020. As a senior professor, Respondent would sit on committees that oversaw Complainant [REDACTED]. The impact on Complainant [REDACTED] is consistent with her actions in August and November 2020, when she sought advice from [REDACTED] on how to handle Respondent’s passive-aggressiveness and microaggressions. Complainant [REDACTED] noted in her declaration that she met regularly with the dean regarding Respondent’s behavior toward her, and stated during interview that she forwarded emails about his behavior to the dean, which was corroborated by documentary evidence and Complainant [REDACTED] during court testimony. While Respondent argues that Complainant [REDACTED] was not “intimidated” by him, as she testified on May 18, 2023, until she learned about his possession of firearms, she also testified that until November 2020 she felt harassed or intimidated by him because:

“... at that time it was just that he was communicating -- I mean, it was very pure hatred, but at that point in time, my perspective was I don’t care, because he -- I didn’t want to give him the power of intimidating me, and I thought that was all it was. ¶ And I had been very afraid of professional retaliation and had been communicating with the dean about my fears of professional retaliation. And with regard to the personal relationship, I didn’t feel a loss. With regard to someone staring me down when they see me, I can have thick skin about it. If -- I was really afraid if the dean ever left, I would be unprotected. That was my biggest fear at that time was that he was my only professional protection.”

Thus, her testimony indicated that although she tried not to let his behavior get to her, she was impacted by Respondent’s behavior. Respondent’s behavior toward Complainant [REDACTED] was partially corroborated by [REDACTED] who told Complainant [REDACTED] that Respondent was angry about Complainant [REDACTED] participation in the 2020 investigation, that he “never forgives and never forgets,” and warned [REDACTED] to stay on his “good side.” After hearing about Respondent’s statements to [REDACTED] Complainant [REDACTED] was concerned and scheduled a meeting with the dean that day to report the threats made, without mentioning [REDACTED] while [REDACTED] immediately met with the dean regarding the same, which is corroborated by [REDACTED] notes dated November 5, 2021. Complainant continued to request [REDACTED] intervention in response to Respondent’s behavior toward her, as she did in April 2022 when

Respondent emailed that he would attend her student's qualifying exam. As Complainant [REDACTED] described during her interview and on May 18, 2023, although she tried to let his behavior "pass through" her, have "thick skin," and not entertain Respondent's "toxicity" and "continuously hostile" behavior in the work environment, Complainant [REDACTED] reported in December 2022 that it was hard to work in that environment, "It is hard to have teamwork. Every meeting is hard." Thus, the preponderance of the evidence supports finding that Respondent's actions toward Complainant [REDACTED] had a substantial and material adverse effect on her University employment, and were more than minor or trivial actions.

Accordingly, the preponderance of the evidence supports finding that Respondent engaged in Adverse Actions against Complainant [REDACTED]

2. Was [REDACTED] participation in the 2020 prohibited relationship investigation a substantial motivating reason for Respondent's Adverse Actions taken against Complainant [REDACTED]

The finding above was that Respondent engaged in Adverse Actions against Complainant [REDACTED]. The issue to consider next is whether Complainant [REDACTED] participation in the 2020 investigation was a substantial motivating reason for any of the Adverse Actions. Respondent stated that he did not retaliate against Complainant [REDACTED] and that he kept their relationship professional. He further noted that he had weekly discussions with [REDACTED] during the spring of 2021, and that Respondent proactively dealt "with numerous issues to try to be collegial."

Both Respondent and Complainant [REDACTED] described their relationship prior to the 2020 investigation as collegial. Prior to her observations of Respondent's improper relationship with his student and the subsequent related 2020 investigation, [REDACTED] saw Respondent as a mentor and friend, and they went to coffee together regularly. Complainant [REDACTED] attended parties at his house several times. This was corroborated by [REDACTED] during her April 21, 2023, testimony. While Respondent indicated that his relationship with Complainant [REDACTED] did not change after the investigation, the findings above demonstrate otherwise.

The preponderance of the evidence supports finding that Complainant [REDACTED] participation in the 2020 investigation was a substantial motivating reason for Respondent's conduct against her. It is undisputed that Respondent knew of Complainants [REDACTED] and [REDACTED] involvement in the 2020 investigation shortly after his conduct was reported to the Title IX office in June 2020, and even before then, when Complainants had [REDACTED] [REDACTED] talk to him about their concerns. It was the only significant event that occurred between them before the Adverse Actions, and therefore the probable reason for Respondent's conduct. Other evidence supports this conclusion. Both Complainants heard Respondent angrily yelling in his office on or about October 14, 2020, about the investigation. According to [REDACTED] Respondent was angry about the 2020 investigation, being found to have violated the policy, and losing his appeal, and at Complainants for their roles in the investigation.

Further, [REDACTED] account that Respondent's behavior toward her was motivated by her participation in the investigation is corroborated by others. Partially corroborating the motivations behind Respondent's conduct against Complainant [REDACTED] [REDACTED] told Complainant [REDACTED] that Respondent was angry about [REDACTED] participation in 2020

investigation, that he “never forgives and never forgets,” and warned ██████ to stay on his “good side,” all indicating that Respondent’s Adverse Actions against Complainant ██████ were substantially motivated by her participation in the Title IX investigation. In her declaration, ██████ stated that Respondent told her words to the effect of, Complainants ██████ and ██████ were “going against him,” referred to them as “fucking bitches,” said he “hated” them, “often ranted about the investigation and Dr. ██████ and Dr. ██████ participating in the investigation and said he would “never forgive and never forget” what they did to him by participating. (Emphasis in original.) Respondent further told ██████ that he was engaging in conduct towards Complainants ██████ and ██████ that could not be documented as retaliation, including “by being going [sic] to the fish lab when Dr. ██████ was there alone or staring at both of them with a hostile demeanor.” ██████ has been consistent in her account of what Respondent shared with her about his motivations and his behavior against Complainants, reporting it on January 3, 2022, February 7, 2023, and May 19, 2023. ██████ testified:

“[Respondent] told me that he had been warned not to retaliate against them, and so he was – would try to find ways to intimidate them that couldn’t be documented. And one example was that he would go into the room when [██████] was – into the fish room when [██████] was in there to intimidate her when they had a schedule. And he wasn’t supposed to be in there at different times and he would go in there just to upset her.”

Furthermore, although her account may be biased as it was provided in support of a domestic violence restraining order against Respondent, on July 29, 2021, his then-wife corroborated ██████ account, that Respondent referred to Complainants as “bitches” and that he “couldn’t seem to let go of the fact that they had complained about his behavior.” The consistency in ██████ account to what ██████ related makes this credible. On April 21, 2023, ██████ further testified in court that Respondent was fixated on and expressed hostility toward Complainants ██████ and ██████ for reporting him, called them “bitches,” said he wanted to run Complainant ██████ over when he saw her riding her bike, and that “he wouldn’t piss on them to put the fire out” if one of them was on fire.

Based on the foregoing, the preponderance of the evidence supports finding that Complainant ██████ participation in the 2020 investigation under the former Nondiscrimination Policy (EO 1096) was a substantial motivating reason for Respondent’s Adverse Actions against Complainants.

E. Did Respondent Engage in Retaliation Against Complainant ██████

1. Did Respondent take Adverse Action against Complainant ██████

An Adverse Action is defined as:

“an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant’s ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.”

Complainant [REDACTED] reported that since the 2020 investigation until she [REDACTED] during the [REDACTED] academic year, Respondent engaged in the following toward her:

- He made it hard to schedule meetings,
- He was oppositional during meetings,
- He did not perform work delegated to him and did not advise her of same, causing additional work for her,
- He represented that he was running the [REDACTED] committee when she was doing so,
- He glared at her aggressively every time she saw him, twice a week for a couple of months (until she started avoiding him), even when she said hello to him,
- In October 2020, Respondent yelled and angrily spoke to someone in the office adjacent to [REDACTED], perhaps referring to the investigator's name from the 2020 investigation, causing Complainant [REDACTED] anxiety upon hearing him,
- He had [REDACTED], who is a faculty member, removed from the student involved in the 2020 investigation's poster judging committee,
- He used the lab unnecessarily while Complainant [REDACTED] was there working with her students,
- He emailed her about integrating his course and guest lecturing in her class, when he had not done that before,
- He insisted his class be taught in the same classroom as Complainant [REDACTED] despite the challenges it created and better options being available,
- He played loud music in his [REDACTED] office knowing she could hear,
- He disparaged her to a colleague (which was corroborated by [REDACTED] and [REDACTED]),
- He chided Complainant [REDACTED] via email "for minor missteps that was not appropriate for a colleague and was less collegial" than prior to the 2020 investigation.

Complainant [REDACTED] described Respondent's behavior as causing her to feel like Respondent "went out of his way to aggravate me anytime I did anything."

Respondent denied the allegations against him and denied engaging in any adverse action or retaliation against Complainant [REDACTED]. He said he was collegial, but they did not have to be friends. Respondent provided emails to show that he was professional in his communications with Complainants. Respondent argues that Complainants misinterpreted what he said and did as hostile towards them, and that their perceptions were not based on facts, that he was collegial and professional toward them both, and he made reasonable requests to Complainant [REDACTED] to present in her class and integrating one of his courses. However, a Respondent cannot evade responsibility for creating a hostile work environment by engaging in intentional behavior under the guise of "keeping things professional." Complainant [REDACTED] has been consistent in her

accounts of Respondent's behavior toward her, in her interview for this investigation, in her declaration, and in court testimony on May 19, 2023. She has also consistently related, in her interview and court testimony, what ██████ shared with her about Respondent's behavior and motivations.

Although Respondent denied it, as noted above, ██████ was found to be more credible than Respondent. ██████ consistently reported (January 3, 2022, December 13, 2022, February 7, 23, and May 19, 2023) that Respondent told her he was being intentionally hostile and abusive to Complainants ██████ and ██████ short of doing anything that would get him in trouble for retaliation. (This is consistent with what Complainant ██████ said ██████ shared with her – that Respondent said he would take every opportunity to irritate Complainants, but in a manner that was not reportable or documentable.) Additionally, ██████ corroborated Complainant ██████ account that Respondent referred to Complainants as “bitches,” said Complainant ██████ was not a real scientist, and is consistent with what ██████ reported in court documents and during court testimony. ██████ corroborated ██████ account of Respondent's response when Complainant ██████ said hello to him, reporting that Respondent said, “█████ [Complainant ██████ tried to waive and I just ignored it” “as if I would ever speak to that bitch again,” as well as his hostile glaring at Complainants. Based on the foregoing, including the credibility analysis of the parties and witness, the preponderance of the evidence supports finding that Respondent engaged in the above conduct against Complainant ██████

Complainant ██████ reported that, because of Respondent's behavior, she changed her work habits, took a different path to avoid his office, moved to a less desirable office in the winter of 2020/2021, removed herself from the department email list ██████ to avoid seeing anxiety-causing emails from Respondent, taking different paths to/from her office to avoid encountering Respondent, keeping her office door shut, which impacted her students as it made her less accessible for office hours, not going into the lab to avoid Respondent, which impacted her research and work with graduate students, not going into the lab Respondent shared with a colleague, stepped back from chairing any committees and limited committee membership to avoid conflict and contact with Respondent, and limited her discussions during ██████ committee meetings to avoid interaction with Respondent. Complainant ██████ indicated that the tenor of Respondent's emails caused a negative reaction, such that she dreaded receiving them – “Oh my god, what am I going to be asked to do now.” While Respondent's emails to Complainant ██████ may appear innocuous, when considered along with his other reported conduct, the totality of the circumstances (hostile stares, being ignored, yelling and anger, disparagement, scolding, purposely and unnecessarily interfering in her workspace, etc.) indicate Complainant's response was reasonable. She considered not returning ██████ and ended up decreasing her role as a faculty member, which had scholarly impact on her research and publication. Thus, the preponderance of the evidence supports finding that Respondent's actions toward Complainant ██████ had a substantial and material adverse effect on her University employment, and were more than minor or trivial actions.

Based on the preponderance of the evidence, it is found that Respondent engaged in Adverse Actions against Complainant ██████

2. Was Complainant [REDACTED] participation in the 2020 prohibited relationship a substantial motivating reason for an Adverse Action taken against Complainant [REDACTED]

As found above, Respondent engaged in Adverse Actions against Complainant [REDACTED]. The issue to consider next is whether Complainant [REDACTED] participation in the 2020 investigation was a substantial motivating reason for any of the Adverse Actions. Respondent stated that he did not retaliate against Complainant [REDACTED] and that he kept their relationship professional.

Both Respondent and Complainant [REDACTED] described their relationship prior to the 2020 investigation as collegial. They regularly went to coffee together and attended parties or gatherings at each other's houses several times, and, according to Complainant [REDACTED] they got along okay. This was corroborated by Respondent's [REDACTED] during her April 21, 2023, testimony. While Respondent indicated that his relationship with Complainant [REDACTED] did not change after the investigation, the findings above demonstrate otherwise.

The preponderance of the evidence supports finding that Complainant [REDACTED] participation in the 2020 investigation was a substantial motivating reason for Respondent's conduct against her. It was the only significant event that occurred between them before the Adverse Actions, and therefore the probable reason for Respondent's conduct. Other evidence supports this conclusion. Respondent knew Complainant [REDACTED] reported him to the Title IX Coordinator's office. Complainant [REDACTED] explained that after Respondent confronted her in her lab about reporting to the Title IX office in or about June 2020, "... he never spoke to me again unless it was in the committee meeting or through an email. He was avoiding me, and he wasn't avoiding me. It felt like he went out of his way to aggravate me anytime I did anything." According to [REDACTED] her encounters with Respondent "up until June 2020 were positive and we had a friendly work relationship. Further, we were on a first name basis." Complainant [REDACTED] testified, "I also was the first person that came forward with the Title IX investigation, and so I feel as if I've been threatened from the very beginning, because I was the person that turned him in." Both Complainants heard Respondent angrily yelling in his office on or about October 14, 2020, about the investigation. According to [REDACTED] Respondent was angry about the 2020 investigation, being found to have violated the policy, and losing his appeal, and at Complainants for their roles in the investigation.

Additionally, [REDACTED] account that Respondent's behavior toward her was motivated by her participation in the investigation was corroborated by others. Partially corroborating the motivations behind Respondent's conduct against Complainant [REDACTED] [REDACTED] told Complainant [REDACTED] that Respondent was angry about Complainants' participation in 2020 investigation, that he "never forgives and never forgets," and warned [REDACTED] to stay on his "good side," all indicating that Respondent's Adverse Actions against Complainant [REDACTED] were substantially motivated by her participation in the Title IX investigation. In her declaration, [REDACTED] stated that he told her words to the effect of, Complainants [REDACTED] and [REDACTED] were "going against him," referred to them as "fucking bitches," said he "hated" them, "often ranted about the investigation and Dr. [REDACTED] and Dr. [REDACTED] participating in the investigation and said he would 'never forgive and never forget' what they did to him by participating. (Emphasis in original.) Respondent further told [REDACTED] that he was engaging in conduct towards Complainants [REDACTED] and [REDACTED] that could not be documented as retaliation,

including “by being going [sic] to the fish lab when Dr. ██████ was there alone or staring at both of them with a hostile demeanor,” similar to the conduct he exhibited toward Dr. ██████

██████ has been consistent in her account of what Respondent shared with her about his motivations and his behavior against Complainants, reporting it on January 3, 2022, February 7, 2023, and May 19, 2023. ██████ testified: “[Respondent] told me that he had been warned not to retaliate against them, and so he was – would try to find ways to intimidate them that couldn’t be documented.” ██████ account has been corroborated by Complainant ██████ who stated during interview and court testimony that in late 2021/early 2022, ██████ told her about Respondent’s disparagement of Complainants, that he would never forgive or forget, and that he was engaging in conduct toward them that could not be documented as retaliation. Furthermore, although her account may be biased as it was provided in support of a domestic violence restraining order against Respondent, on July 29, 2021, his then-wife corroborated ██████ account, that Respondent referred to Complainants as “bitches” and that he “couldn’t seem to let go of the fact that they had complained about his behavior.” The consistency in ██████ account to what ██████ related makes this credible. On ██████ she further testified in court that Respondent was fixated on and expressed hostility toward Complainants ██████ and ██████ for reporting him, called them “bitches,” said he wanted to run ██████ over when he saw her riding her bike, and said “he wouldn’t piss on them to put the fire out” if one of them was on fire. While Complainant ██████ described one incident in May 2020, prior to her participation in the investigation, where Respondent wrote her ██████ not to judge ██████ student’s poster, this conduct does not change the analysis as Respondent’s conduct in that instance appears to have been directed at the student, for whom he did not have a favorable opinion, rather than ██████

Based on the foregoing, the preponderance of the evidence supports finding that Complainant ██████ participation in the 2020 investigation under the former Nondiscrimination Policy (EO 1096) was a substantial motivating reason for Respondent’s Adverse Actions against Complainants.

VII. CONCLUSION

Based on the foregoing, the preponderance of the evidence supports finding that Respondent violated the Nondiscrimination Policy by engaging in Sexual Harassment and Retaliation against both Complainant ██████ and Complainant ██████