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# M E M O R A N D U M

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DATE: August 24, 2023

TO: Terence Lau, Interim Provost and Vice President for Academic Affairs  
Mahalley Allen, Vice Provost for Faculty Affairs and Success

FROM: Scott Lynch, Director of Labor Relations

RE: Investigation of Dr. David Stachura

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## **I. Background**

On March 10, 2023, a notice of investigation was issued to Dr. David Stachura, notifying him that an investigation was to be conducted to determine whether he engaged in immoral or unprofessional conduct, dishonesty, and/or failure or refusal to perform the normal and reasonable duties of his position as those terms are used in California Education Code §89535. The notice also incorporated by reference a separate notice issued the same day by the Equal Opportunity and Dispute Resolution (EODR) Office. To the extent any of the alleged conduct referenced in the EODR notice does not violate the CSU Nondiscrimination Policy or Chico State's Executive Memorandum 12-025, it could still constitute immoral or unprofessional conduct, dishonesty, and/or failure or refusal to perform the normal and reasonable duties of his position as set forth in California Education Code §89535.<sup>1</sup>

The investigation was focused on Dr. Stachura's conduct from spring 2020 – February 2023. Specifically, the investigation was to determine, by a preponderance of the evidence, whether or not Dr. Stachura:

- i) engaged in dishonesty concerning his relationship with a former student during the Title IX investigation and other official inquiries and/or processes;
- ii) failed to perform the normal and reasonable duties of his position and/or engaged in unprofessional or immoral conduct by (a) failing to adhere to the expectations and directives set forth in a letter issued to him by the Campus Violence Consultation Team ("CVCT") chair, Dr. Brooke Banks, dated October 14, 2021 to work collaboratively

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<sup>1</sup> The Equal Opportunity and Dispute Resolution Office's investigation under the CSU Nondiscrimination Policy is ongoing.

and productively with colleagues and to comply with CSU and Chico State policies (attached hereto as Attachment B); and (b) failing to adhere to the expectations and directives set forth in his current temporary suspension notice to not have communication or contact with Chico State employees, other than those specified in the temporary suspension notice, when he forwarded an email to [REDACTED] [REDACTED] on February 16, 2023; and/or

- iii) engaged in unprofessional and/or immoral conduct toward colleagues who reported “potentially violent incidents or situations, threats and security risks” (Executive Memorandum 12-025, attached hereto as Attachment C) including, but not limited to, through his attorney’s issuance of a letter to his colleague [REDACTED] [REDACTED] after she shared, in a public forum, comments he made to her relating to gun-related violence.

## **II. Authorities and Definitions**

For authority to conduct this investigation, I relied on the following:

### California Education Code § 89535: Causes for dismissal, demotion, suspension:

Any permanent or probationary employee may be dismissed, demoted, or suspended for the following causes:

- (a) Immoral conduct.
- (b) Unprofessional conduct.
- (c) Dishonesty.
- (d) Incompetency.
- (e) Addiction to the use of controlled substances.
- (f) Failure or refusal to perform the normal and reasonable duties of the position.
- (g) Conviction of a felony or conviction of any misdemeanor involving moral turpitude.
- (h) Fraud in securing appointment.
- (i) Drunkenness on duty.

### Chico State’s Executive Memorandum 12-025<sup>2</sup>

Section I – Definitions of Behavior: This policy is intended to cover knowing or intentional behavior that a reasonable person would find objectionable and perceive as threatening, violent, or potentially violent and is work-related or arises out of a work relationship.

Objectionable behavior under this policy includes but is not limited to:

- Bullying – intentional intimidation or infliction of emotional distress, characterized by verbal abuse, derogatory remarks, insults and epithets, verbal and physical behavior that a reasonable person would find threatening, intimidating or humiliating; intentional sabotage of an employee’s work performance;
- Verbal fighting, screaming, yelling, use of profanity;

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<sup>2</sup> The entire Executive Memorandum is attached as Ex. A, Attachment C.

- Throwing, kicking, hitting, slamming or otherwise mistreating property or other items; and/or mistreating or damaging university property;
- Engaging in dangerous, threatening or unwanted horseplay or harassment;
- Engaging in threatening communications (i.e., telephone calls, text messages, emails or other forms of communication);
- Harassing surveillance or stalking of another;
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm or harm to a person's property, job, family, etc.;
- Impeding another person's path or access, not allowing the other to pass, restricting one's movement, exit, and/or entrance;
- Unwelcome or offensive grabbing, pinching or touching or threatening to touch another person in an unwanted way, whether sexually or otherwise;
- Physical fighting or challenging another person to physical confrontation;
- Striking, punching, slapping or threatening to do so, assaulting another person;
- Illegal possession, or illegal use or threat of use of a gun, knife or other weapon/s of any kind.

Chico State's Faculty Personnel Policies and Procedures (FPPP); Appendix III: Faculty Code of Ethics:

Harassment: "We must not engage in behavior that constitutes harassment. Harassment means oral, written or physical behavior or visual display that is abusive or is intended to persistently annoy others and which the instigator knows, or ought to know, creates an intimidating, hostile or offensive working, learning or living environment. A reprisal or threat made to the individual who has reported harassment is also a form of harassment."

Consequences of Unethical Behavior or Misconduct: "Allegations of breach of professional ethics should be brought to the attention of the Appropriate Administrator and be investigated. Faculty who are found, after an investigation, to be in violation of the tenets of professional ethics or not meeting their professional responsibilities are subject to disciplinary action as described in the CBA."

Preponderance of the Evidence

For this investigation, preponderance of the evidence was the standard used to reach findings relating to whether an applicable policy, guideline, or law was violated. 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.

**III. Investigation Process**

The investigation consisted of interviewing involved parties and witnesses as well as reviewing documentary evidence marked and attached as Exhibits A – S.

#### IV. Undisputed Facts

- i. Dr. David Stachura is a Professor in the College of Natural Sciences.
- ii. Dr. [REDACTED] is [REDACTED] in the College of Natural Sciences.
- iii. Dr. [REDACTED] is a [REDACTED] in the College of Natural Sciences.
- iv. [REDACTED] is a [REDACTED] in the College of Natural Sciences.
- v. In July 2020, a Title IX investigation was opened to investigate allegations that Dr. Stachura was involved in a prohibited consensual relationship with [Student A], in violation of Executive Order 1096. (Ex. B).
- vi. During the Title IX investigation, both Dr. Stachura and [Student A] denied that any sexual conduct had occurred between them. (Ex. B).
- vii. On September 14, 2020, the Title IX investigation concluded that the preponderance of the evidence revealed that Dr. Stachura was involved in a prohibited consensual relationship with [Student A] in violation of Executive Order 1096. (Ex. B).
- viii. Dr. Stachura was notified of the results of the investigation on September 15, 2020. (Ex. C).
- ix. On September 21, 2020, Dr. Stachura appealed the Title IX investigation findings to the Chancellor's Office, but his appeal was denied on October 15, 2020. (Ex. D).
- x. On November 3, 2020, Dr. Stachura was informed that the University planned to issue a notice of pending discipline, and he requested an informal resolution. (Ex. E).
- xi. A settlement agreement regarding the discipline was reached on December 1, 2020. (Ex. E).
- xii. On May 6, 2021, a photobooth photo was taken of Dr. Stachura kissing [Student A] involved in the July 2020 Title IX investigation. (Ex. F<sup>3</sup>).
- xiii. On July 30, 2021, Dr. Stachura's [REDACTED] filed a Domestic Violence Restraining Order (DVRO) with the Butte County Superior Court. (Ex. G<sup>4</sup>).
- xiv. In the application for the DVRO, [REDACTED] alleged that in May 2021, Dr. Stachura claimed he had purchased firearms and hollow point ammunition to kill his two coworkers and then himself. (Ex. G).
- xv. On August 13, 2021, Dr. Stachura filed his response to the DVRO petition, which included a signed declaration by Dr. Stachura under the penalty of perjury on August 12, 2021. (Ex. H<sup>5</sup>).
- xvi. Dr. Stachura was placed on a paid temporary suspension on August 18, 2021. (Ex. I).
- xvii. The University's Campus Violence Consultation Team was notified of the alleged threat attributed to Dr. Stachura, and the University contracted with the Threat Assessment Group (TAG) in September 2021 to conduct a threat assessment of Dr. Stachura.
- xviii. On September 14, 2021, Dr. Stachura again denied ever having a sexual relationship with [Student A] when interviewed by the TAG investigator. (Ex. J).
- xix. On September 16, 2021, the TAG threat assessment report was completed. (Ex. J).
- xx. On October 14, 2021, the CVCT provided Dr. Stachura with a notice allowing him to return to campus so long as several conditions were met, including to "work collaboratively and productively with colleagues." (Ex. A, Attachment B).

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<sup>3</sup> Redactions made to contact information for privacy.

<sup>4</sup> Redactions made to protect identity of minors.

<sup>5</sup> Redactions made to protect identity of minors.

- xxi. On December 8, 2022, an article was published by EdSource that revealed the Title IX investigation of Dr. Stachura as well as the alleged threats by Dr. Stachura that were documented in the DVRO.
- xxii. Dr. Stachura was again placed on paid temporary suspension on December 9, 2022. (Ex. K).
- xxiii. On December 12, 2022, [REDACTED] [REDACTED] disclosed during a campuswide forum various threats and concerning comments made to her by Dr. Stachura.
- xxiv. On January 31, 2023, [REDACTED] [REDACTED] was served with a cease-and-desist letter dated January 24, 2023, authored by Dr. Stachura's legal counsel, demanding that she retract the statements she made during the December 12, 2022, forum in order to avoid litigation. (Ex. L).
- xxv. Dr. Stachura's paid temporary suspension starting on December 9, 2022, has continually been extended, and Dr. Stachura remains on paid temporary suspension status.
- xxvi. A continuing condition of Dr. Stachura's paid temporary suspension is that he is prohibited from having contact or communication with students, faculty, staff, etc. (See Ex. K).
- xxvii. On February 8, 2023, the University filed with the Butte County Superior Court a petition for a workplace violence restraining order (WVRO) protecting Dr. [REDACTED] Dr. [REDACTED] and [REDACTED] as well as [REDACTED] [REDACTED] [REDACTED] from Dr. Stachura. (Ex. M).
- xxviii. On February 10, 2023, Dr. Stachura filed with the Butte County Superior Court a defamation civil suit against [REDACTED] and [REDACTED] (Ex. N).
- xxix. On February 16, 2023, Dr. Stachura forwarded an email to [REDACTED] [REDACTED] (Ex. O).
- xxx. On April 13, 2023, Dr. Stachura, via his attorney, filed a response to the WVRO petition. The response includes a declaration by Dr. Stachura. (Ex. Q<sup>6</sup>).
- xxxi. Testimony in the WVRO case was heard on April 21, 2023; May 18, 2023; May 19, 2023; July 6, 2023; and July 7, 2023.

## **V. Witness Statements and Credibility Determination**

Witness credibility is a substantial part of any investigation when making factual determinations. In determining witness credibility in this investigation, my consideration included, but was not limited to, the following: how well could the witness see, hear, or perceive the events at issue; how well was the witness able to remember and describe what had happened; the witness's demeanor while answering questions; was the witness's statement influenced by bias or a personal interest in the outcome of the investigation; did the witness make other consistent/inconsistent statements; corroboration, or lack thereof, by other evidence; and how reasonable, or plausible, the witness's statement is when considering all the other evidence.

### **Dr. David Stachura**

Dr. Stachura was interviewed on April 7, 2023. He was accompanied by his California Faculty Association union representative V. Jesse Smith. Dr. Stachura answered many questions directly and with confidence. Dr. Stachura declined to answer several questions and cited on-going legal litigation. While ongoing civil litigation is not a recognized basis for refusing to answer

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<sup>6</sup> Redactions made to protect identity of minors.

investigation questions, Dr. Stachura's refusal to answer these questions did not factor into my credibility determination. However, I do not waive any right to later consider such refusals for credibility purposes.

Dr. Stachura was first asked about his relationship with Dr. [REDACTED] [REDACTED]. Dr. Stachura classified their relationship as colleagues and that they work together; he then added that their working relationship has not changed even after the initial Title IX investigation.

In response to his relationship with Dr. [REDACTED] [REDACTED] Dr. Stachura again said they were colleagues and [REDACTED]. After the Title IX investigation, Dr. Stachura indicated that his working relationship with Dr. [REDACTED] did not change. Dr. Stachura stated he has not really seen Dr. [REDACTED] since the Title IX investigation because she went [REDACTED]

Dr. Stachura denied glaring at either Dr. [REDACTED] and Dr. [REDACTED] and reiterated his position that he has hardly seen them. Dr. Stachura said he did not ignore Dr. [REDACTED] and Dr. [REDACTED] and had purely professional communication with them via email. Dr. Stachura denied any outright confrontations with Dr. [REDACTED] while serving on committees together. Dr. Stachura did add that the point of committees is to engage in opposite discussions. Dr. Stachura denied ever criticizing Dr. [REDACTED]. Dr. Stachura does not recall any negative interactions with Dr. [REDACTED] [REDACTED]

Dr. Stachura was asked about his compliance with the requirements set forth in his return to campus memorandum authored by Chief of Staff Brooke Banks. Dr. Stachura stated he has complied with every single requirement and has gone above and beyond. Dr. Stachura cited that he completed every single conflict management course offered via CSU Learn and that he continues to [REDACTED]. Dr. Stachura also indicated that he was required to interact collegially with colleagues, and he has done that.

When asked about his relationship with [REDACTED] [REDACTED] [REDACTED] Dr. Stachura indicated he would not discuss it due to pending litigation. Dr. Stachura denied making any threats or talking disparagingly about Dr. [REDACTED] and Dr. [REDACTED]. Dr. Stachura denied telling [REDACTED] that she better not become part of the problem or that she needs to be on his side. Dr. Stachura admitted to sending the email on February 16, 2023, to [REDACTED]. Dr. Stachura explained that he was forwarding work emails to his attorney and accidentally forwarded that one email to [REDACTED]. Dr. Stachura initially said he could get the email logs to show it was accidental but ultimately did not follow through on that representation, stating that we (the investigators) could pull them instead.

Dr. Stachura agreed that his attorney sent a cease-and-desist letter to [REDACTED] [REDACTED] on Dr. Stachura's behalf in preparation of litigation regarding the "false" statements made by [REDACTED] during the [REDACTED]

Dr. Stachura was asked about his relationship with [Student A], and he declined to answer claiming that the matter had already been resolved. Later in the interview, when shown a photograph of him and [Student A] kissing, Dr. Stachura first inquired who had provided the photograph, and secondly stated that any relationship that he has with [Student A] occurred after she was no longer his student. Dr. Stachura stated that [Student A] was removed from his tutelage after the initial Title IX investigation. Dr. Stachura later provided a timed stamped version of the photograph, which is the version documented in Exhibit F.

When looking at the totality of the evidence, it is my determination that Dr. Stachura's statements regarding the conduct at issue are not credible. During the course of the April 7, 2023, interview, Dr. Stachura often interjected his own opinion as to whether or not certain questions were relevant to the investigation. Dr. Stachura refused to answer some questions and was unable to answer others due to claimed memory loss, citing that some of the instances occurred roughly three years ago. This occurred specifically when Dr. Stachura was asked about his interactions with Dr. [REDACTED] and Dr. [REDACTED] after the initial Title IX investigation. While it is true that some of the events at issue occurred in 2020, it is reasonable to believe that an individual involved would remember details given the subject matter of the events and subsequent consequences to Dr. Stachura. During the interview on April 7, 2023, Dr. Stachura took every opportunity he could to discredit Dr. [REDACTED], Dr. [REDACTED], and [REDACTED] with specifics demonstrating he had a good memory of many details and appeared to be answering questions with the singular goal of protecting his lawsuits. Dr. Stachura would often answer questions about his colleagues with a blanket denial and state that his colleagues' conduct is the subject of litigation, but then Dr. Stachura would discuss how he believed his colleagues made inconsistent statements about the same subject matter that he declined to elaborate on. Dr. Stachura appeared to be purposefully limiting the number, and content, of statements that he would offer regarding his own conduct, which is the basis and focus of several legal matters.

Additionally, there are numerous important inconsistent or misleading statements by Dr. Stachura throughout the evidence. These include, but are not limited to, the following:

- In his DVRO response dated August 12, 2021, Dr. Stachura states that Dr. [REDACTED] and Dr. [REDACTED] could not be targets of his aggression as he had no knowledge that they had ever complained about him at work. (Ex. H; Pg 4, Paragraph 14). Yet, during his testimony on April 21, 2023, in the WVRO case, Dr. Stachura testified that as of July 2020, he knew that Dr. [REDACTED] and Dr. [REDACTED] were participating in the investigation of his workplace sexual misconduct. (See Ex. R; Pg 25, Lines 6-14).
- Throughout the Title IX investigation conducted pursuant to EO 1096 dated September 14, 2020, (Ex. B), and the TAG analysis report dated September 16, 2021, (Ex. J), Dr. Stachura outright denied having a sexual relationship with [Student A]. During my interview with him on April 7, 2023, and during his court testimony on April 21, 2023, (Ex. R), Dr. Stachura's characterization of his relationship with [Student A] changed. During the interview on April 7, 2023, when shown the photograph in Exhibit F, Dr. Stachura stated that [Student A] was no longer his student at the time the photograph was taken. During his testimony on April 23, 2023, Dr. Stachura testified that he never had sexual relations with [Student A] while she was his student. (Ex. R; Pg 23, Lines 3-7). He further testified that their relationship started in the summer of 2021. (Ex. R; Pg 23, Lines 12-16). Dr. Stachura continued his testimony by avoiding questions about his relationship with [Student A], and he eventually stated that she ceased being his student in May 2020. (Ex. R; Pg 24, Lines 8-15). Given Dr. Stachura's inconsistent answers, it is clear that Dr. Stachura is altering his statements regarding his relationship with [Student A] to suit his needs at any given moment. Dr. Stachura's statement to the TAG investigator in September of 2021 is untruthful when compared to his testimony that he began a relationship with [Student A] in summer 2021, which included intimately kissing her in May 2021. Additionally, Dr. Stachura's statements in April 2023 were intentionally misleading as he tried to play semantics by implying that any relationship that he has had with [Student A]

occurred when she was not his student. This is misleading because Dr. Stachura continued to have an advisory role over [Student A] after April 2020. (See Ex. S).

- On April 4, 2023, Dr. Stachura was asked about the email that he had sent [REDACTED] [REDACTED] on February 16, 2023. Dr. Stachura stated that he was forwarding emails to his attorney at that time and that he accidentally forwarded that email to [REDACTED] [REDACTED]. Dr. Stachura testified to the same on April 21, 2023. (Ex. R; Pg 16, Lines 11-18). This is inconsistent, however, with the log maintained for his work email account. Based on the evidence, which contradicts his assertions, Dr. Stachura's explanation about accidentally forwarding the email to [REDACTED] [REDACTED] is untruthful. The outgoing messages email log (Ex. P) from Dr. Stachura's campus email account does not support his claim that he was forwarding emails to his attorney during that time period. According to the outgoing messages email log, six emails were sent from Dr. Stachura's "dstachura@csuchico.edu" email account on February 16, 2023, which included: one reply email and one read receipt to "titleix@csuchico.edu;" one reply email to [REDACTED] the [REDACTED] at the time; one reply email to "AnnounceMailbox@csuchico.edu;" one reply email to [REDACTED] [REDACTED] in Chico State Enterprises; and one forwarded email to [REDACTED] [REDACTED]. The e-mail log does not show that Dr. Stachura forwarded or sent any emails to either himself or his attorney on February 16, 2023. (Ex. P). Dr. Stachura's legal counsel's name, Kasra Parsad, is not similar to [REDACTED] [REDACTED] name, and it is not credible that Dr. Stachura intended to forward the email to Mr. Parsad instead of [REDACTED] [REDACTED]. Instead, it is more plausible that he forwarded the email as a tactic of intimidation, especially given that the forwarded email included an assertion by Dr. Stachura that [REDACTED] [REDACTED] was accurately characterizing his statements.
- Dr. Stachura's characterization of his relationships with Dr. [REDACTED] Dr. [REDACTED] and [REDACTED] [REDACTED] is in stark contrast to how they viewed their relationship with him. It appears that Dr. Stachura's own perception of his relationship with Dr. [REDACTED] Dr. [REDACTED] and [REDACTED] [REDACTED] evolved from the time of his interview on April 7, 2023, to the time he filed his signed declaration in response to the WVRO on April 13, 2023. In my interview with him, Dr. Stachura acknowledged that he was colleagues with Dr. [REDACTED] Dr. [REDACTED] and [REDACTED] [REDACTED] before and after the initial Title IX investigation, yet in his declaration he acknowledges that he was friends with Dr. [REDACTED] Dr. [REDACTED] and [REDACTED] [REDACTED] that their friendship diminished, and that he stopped being friendly with them after the initial Title IX investigation. (Ex Q; Pg 19, Paragraphs 10 and 11).

Dr. Stachura has a clear interest in the outcomes of all the proceedings and investigations against him. The number of cases and investigations coupled with the potential ramifications from them certainly factor into determining the veracity of Dr. Stachura's statements. Dr. Stachura has the most to gain, and lose, from all the outcomes of the proceedings and investigations.

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] is a [REDACTED] [REDACTED] of the College of Natural Sciences. Dr. Stachura named [REDACTED] [REDACTED] as a potential witness and requested that [REDACTED] [REDACTED] be interviewed for this investigation. [REDACTED] [REDACTED] was interviewed on April 13, 2023.



██████████ stated that he socialized with Dr. Stachura regularly outside of work and considered Dr. Stachura a friend. ██████████ said he has also socialized with Dr. Stachura and [Student A], and ██████████ did not notice any concerning behavior.

██████████ indicated that everything changed after the EdSource news article came out in December of 2022. ██████████ described it as the “Stachura disaster.” ██████████ stated things made a lot more sense after the article, including why ██████████ was moved ██████████. ██████████ did not remember any specific conversations between Dr. Stachura and himself regarding Dr. ██████████. Dr. ██████████ or ██████████ said that when he looks back on the situation now, he believes there was some avoidance by Dr. Stachura with the other individuals when Dr. Stachura returned from his first suspension from the Title IX investigation.

██████████ appeared sincere in his answers. He answered questions directly and took his time trying to remember details. ██████████ did not appear to favor one party and seemed to genuinely attempt to provide honest answers based on his observations. Overall, I find ██████████ statements to be credible.

Dr. ██████████

Dr. ██████████ is a Professor in ██████████ of the College of Natural Sciences. Dr. Stachura named Dr. ██████████ as a potential witness and requested that Dr. ██████████ be interviewed for this investigation. Dr. ██████████ was interviewed on April 13, 2023.

Dr. ██████████ has known Dr. Stachura since Dr. Stachura joined the department, roughly 7 years ago. Dr. ██████████ described his relationship with Dr. Stachura as colleagues as they shared ██████████, but they did not socialize outside of work. Dr. ██████████ indicated that Dr. Stachura never spoke with him about Dr. ██████████. Dr. ██████████ or ██████████ Dr. ██████████ has spoken to Dr. Stachura about the situation in general, and Dr. Stachura indicated that he felt targeted and was the victim and that people are misunderstanding things. Dr. Stachura told Dr. ██████████ that he did not have a relationship with [Student A]. Dr. ██████████ initially took Dr. Stachura at his word, but Dr. ██████████ does not know what to believe now; Dr. ██████████ said it seems like it did happen. Dr. ██████████ would see Dr. Stachura and [Student A] arrive and work at the lab together, but he did not see any other intimate behavior between them. Dr. ██████████ also spoke with Dr. Stachura about the DVRO filed by Dr. Stachura’s ██████████. Dr. Stachura told Dr. ██████████ that the allegations were untrue. It was clear to Dr. ██████████ that Dr. Stachura was having bad marital problems.

Dr. ██████████ expressed disbelief that everything “blew up the way it has” and was frustrated that he is still having to deal with the Dr. Stachura situation.

Dr. ██████████ appeared to be genuine in his responses and attempted to answer questions to the best of his knowledge. Dr. ██████████ did not appear to favor any one particular individual. Therefore, I believe Dr. ██████████ statements to be credible.

Dr. ██████████

Dr. ██████████ is a Professor in ██████████ of the College of Natural Sciences. Dr. ██████████ was interviewed on April 26, 2023.

Dr. [REDACTED] initially described her relationship with Dr. Stachura as collegial and friendly. They would regularly go to coffee and lunch as a department. Dr. [REDACTED] has been over to Dr. Stachura's residence on occasion to socialize. Dr. [REDACTED] described it as a "normal work relationship."

Dr. [REDACTED] work environment dramatically changed when she discovered Dr. Stachura's relationship with [Student A]. Dr. Stachura confronted her in the lab, and he told Dr. [REDACTED] not to report anything because it would ruin his marriage and [Student A's] marriage. After this confrontation, Dr. Stachura would not speak to Dr. [REDACTED] unless it was via email or in a committee meeting. Dr. [REDACTED] indicated that their friendship deteriorated and others noticed that she and Dr. Stachura were no longer close. Dr. Stachura became confrontational towards her in meetings. Dr. [REDACTED] said she would say hello to Dr. Stachura, and he wouldn't respond except with a glare or a bad look. Dr. [REDACTED] said Dr. Stachura would look at her cross-eyed in the hall every time she saw him, which occurred a few times a week for months. Dr. Stachura was angry, and Dr. [REDACTED] could hear him yelling in his office. Dr. [REDACTED] would wear noise canceling headphones to drown out Dr. Stachura's yelling.

Ever since the Title IX investigation that Dr. [REDACTED] participated in, Dr. Stachura engaged in a lot of "little subtle hostile acts." Dr. [REDACTED] again reiterated the mean glares and the unnecessary confrontation in committee meetings. Dr. [REDACTED] also describes an incident when Dr. Stachura entered the lab when Dr. [REDACTED] was with a student. Dr. Stachura wanted to use the autoclave, but the autoclave had been reserved for a different class. Dr. [REDACTED] was unable to continue working with her student as she felt uncomfortable because Dr. Stachura just stood there. Due the subtle acts of hostility and the anger displayed by Dr. Stachura, Dr. [REDACTED] indicated she started to try to avoid Dr. Stachura in an effort to not anger him more. Dr. [REDACTED] also started to avoid being on campus due to Dr. Stachura's conduct. Dr. [REDACTED] moved her office away from Dr. Stachura's because she was terrified of him and wanted to distance herself from him.

In October 2021, Dr. [REDACTED] had a conversation with [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] told Dr. [REDACTED] that Dr. Stachura had been calling Dr. [REDACTED] a bitch, that Dr. [REDACTED] was not a real scientist, and that Dr. Stachura could not believe that Dr. [REDACTED] was still saying hello to him.

The emotional toll that the entirety of this situation has had on Dr. [REDACTED] was on obvious display during her interview. Her fear of Dr. Stachura and her frustration with his "subtle acts of hostility" appeared to be genuine. Dr. [REDACTED] answered questions directly. When reviewing the entirety of the evidence regarding Dr. [REDACTED] statements (Title IX investigation, prior interviews, court testimony, etc.), Dr. [REDACTED] conveys a consistent version of events. When considering the totality of the evidence, I find that Dr. [REDACTED] statements are credible.

Dr. [REDACTED] [REDACTED]

Dr. [REDACTED] [REDACTED] is [REDACTED] in [REDACTED] Department of the College of Natural Sciences. Dr. [REDACTED] was interviewed on May 2, 2023.

Dr. [REDACTED] discussed her relationship with Dr. Stachura. She described them as friends, and Dr. [REDACTED] informally considered Dr. Stachura as her mentor. Dr. [REDACTED] said that she and Dr. Stachura would socialize outside of work, and she attended parties at his residence.

Dr. [REDACTED] indicated that their relationship started to change in December of 2019, which is the point in time that Dr. [REDACTED] started to notice Dr. Stachura's inappropriate relationship with [Student A]. Dr. [REDACTED] heard Dr. Stachura and [Student A] flirting. Dr. [REDACTED] later observed Dr. Stachura and [Student A] on what appeared to be a date on Valentine's Day. Dr. [REDACTED] started see additional red flags, such as Dr. Stachura and [Student A] being in Dr. Stachura's office with the door closed. Dr. Stachura had always cautioned Dr. [REDACTED] to not be alone in an office with a student with the door closed, yet he was frequently in his office alone with [Student A] with the door closed.

Dr. [REDACTED] indicated that her work environment became extremely confusing in spring 2020. This was when she started to hear Dr. Stachura and [Student A] having sex in his office. Dr. [REDACTED] stated she heard Dr. Stachura and [Student A] having sex numerous times. When she would hear the sexual activity, Dr. [REDACTED] would retreat to the fish lab. Dr. Stachura and [Student A] occasionally would enter the fish lab after having sex, and they smelled like sex and were chewing gum. Dr. [REDACTED] expressed that she would try to get away from them and the situation, but they kept finding her. Dr. [REDACTED] thought that Dr. Stachura and [Student A] would cease their sexual activity in his office when people started to return to campus after the Covid lockdown. Unfortunately, Dr. [REDACTED] stated that the sexual activities continued.

Dr. [REDACTED] expressed frustration with Dr. Stachura for putting her in a terrible position of observing the prohibited relationship with [Student A]. Dr. [REDACTED] expressed fear over her career because she was a junior professor and Dr. Stachura was [REDACTED]. She perceived Dr. Stachura as charismatic and as having status above her. Dr. [REDACTED] expressed that she had no standing or faith in the system to protect her, and she believed Dr. Stachura would ruin her career if she reported him. Dr. [REDACTED] stated she was not going to risk everything because he was having sex with [Student A]. The situation was a stressful one for Dr. [REDACTED] because she knew she would get dragged into anything due to her proximity to Dr. Stachura. Dr. [REDACTED] was willing, and ultimately did report, Dr. Stachura's conduct when another faculty member mentioned they too had observed what appeared to be an inappropriate relationship between Dr. Stachura and [Student A]. Dr. [REDACTED] indicated that with additional witnesses, it wasn't just a she said/he said situation anymore.

After the Title IX investigation in the prohibited relationship with [Student A], Dr. [REDACTED] stated that Dr. Stachura's behavior changed. Dr. [REDACTED] said that Dr. Stachura became hostile and would glare at her in what was described as "death stares." Dr. [REDACTED] moved her office away from Dr. Stachura's due to Dr. Stachura's perceived hostility. Dr. [REDACTED] said she would still wave to Dr. Stachura when she saw him in the hallway, but he would just glare at her. Dr. [REDACTED] said this happened frequently, every day or every other day of the school year. Dr. [REDACTED] indicated that Dr. Stachura is really good at approaching the line of perceived misconduct, and that he is very passive aggressive.

At some point, Dr. [REDACTED] had a conversation with [REDACTED] Dr. [REDACTED] perceived [REDACTED] and Dr. Stachura to be very close. [REDACTED] told Dr. [REDACTED] that Dr. Stachura was aware that his glaring made Dr. [REDACTED] uncomfortable and that he enjoyed that. Dr. [REDACTED] was also told by [REDACTED] that Dr. Stachura stated he would put himself in position to make Dr. [REDACTED] life miserable.

Dr. [REDACTED] answered questions directly and gave thoughtful responses. The emotional toll of this situation on Dr. [REDACTED] was readily apparent. In comparing Dr. [REDACTED] interview responses to

other statements she has made, both prior and subsequently, her answers remain generally consistent. When analyzing Dr. [REDACTED] statements with the rest of the evidence, I find that her statements are credible.

### Additional Witnesses

[REDACTED] and [REDACTED] are additional witnesses to the conduct at issue. Both [REDACTED] and [REDACTED] have made prior statements and declarations that are the subject of several court cases. As such, I did not personally interview either of them. However, I did review their signed declarations that were filed with the Court as well as their sworn testimony. Upon review, their statements remain generally consistent. When analyzed with all the other evidence, I find both [REDACTED] and [REDACTED] statements to be credible.

## **VI. Allegations and Analyses**

### **1. Did Dr. Stachura engage in dishonesty concerning his relationship with a former student during the Title IX investigation and other official inquiries and/or processes?**

**Yes:** A preponderance of the evidence supports a finding that Dr. Stachura engaged in dishonesty concerning his relationship with [Student A] during the Title IX investigation and other official inquiries and/or processes.

Dr. Stachura has repeatedly denied having any inappropriate relationship with [Student A]. Only recently has he admitted to having a relationship with [Student A] and kissing her in May 2021, but he is quick to point out that all of this occurred after she was his student.

However, the evidence paints a vastly different picture. Dr. [REDACTED] and Dr. [REDACTED] both observed Dr. Stachura and [Student A] engage in inappropriate behavior such as flirting, being on a Valentine's Day date on February 14, 2020, and kissing. Furthermore, Dr. [REDACTED] heard Dr. Stachura and [Student A] having sex on numerous occasions in Dr. Stachura's office. Dr. [REDACTED] is an educated adult and has been consistent in describing what she heard, smelled, and observed. All of this observed conduct occurred while Dr. Stachura was still [Student A's] professor.

Furthermore, in May 2021, Dr. Stachura and [Student A] are kissing in a photobooth. (Ex. F) Dr. Stachura admitted that he kissed [Student A] but testified that in May 2021, she was not his student. (Ex. R; Pg 52, Lines 4-6). Dr. Stachura further testified that he is in a relationship now with [Student A] and that this relationship started in the summer of 2021 (Ex. R; Pg 23, Lines 12-16).

Given the statements of Dr. [REDACTED] and Dr. [REDACTED] in addition to the evidence that Dr. Stachura is now presently in a relationship with [Student A], the only reasonable and logical conclusion is that Dr. Stachura was engaged in a prohibited sexual relationship with [Student A]. Therefore, Dr. Stachura's denials in the original Title IX investigation, the TAG assessment initiated by the University, and the current investigation are untruthful.

The TAG assessment was conducted in September of 2021, and Dr. Stachura blatantly denied the relationship with [Student A] during that assessment. Yet, months earlier he was kissing [Student A] in the photobooth and, by his own testimony, was in a relationship with [Student A] starting

that summer. Dr. Stachura's response to the TAG investigator was deliberately deceptive and dishonest.

Dr. Stachura is also quick to point out that [Student A] ceased being his student in May 2020. (Ex R; Pg 24, Lines 13-15). However, Dr. Stachura did continue to have an advisory role over [Student A] as evidenced by the signed advising forms. (Ex. S). Thus, Dr. Stachura's delineation of when he was [Student A's] professor versus when [Student A] was removed from his supervision is inaccurate and dishonest.

Therefore, a preponderance of the evidence supports a finding that Dr. Stachura has repeatedly engaged in dishonesty during official University investigations, inquiries, and/or processes.

- 2. Did Dr. Stachura fail to perform the normal and reasonable duties of his position and/or engaged in unprofessional or immoral conduct by (a) failing to adhere to the expectations and directives set forth in a letter issued to him by the Campus Violence Consultation Team ("CVCT") chair, Dr. Brooke Banks, dated October 14, 2021 to work collaboratively and productively with colleagues and to comply with CSU and Chico State policies; and (b) failing to adhere to the expectations and directives set forth in his current temporary suspension notice to not have communication or contact with Chico State employees, other than those specified in the temporary suspension notice, when he forwarded an email to [REDACTED] [REDACTED] on February 16, 2023?**

- A. Did Dr. Stachura fail to work collaboratively and productively with colleagues as part of his normal and reasonable job duties and as directed by the October 14, 2021, letter?**

**Yes:** A preponderance of the evidence supports a finding that Dr. Stachura failed to work collaboratively and productively with colleagues as part of his normal job duties and as he was directed to do by the October 14, 2021, letter.

The October 14, 2021, letter, signed by Chief of Staff Dr. Brooke Banks on behalf of the Campus Violence Consultation Team (CVCT), allowed Dr. Stachura to return to campus after the threat assessment was conducted. In order to return to campus, Dr. Stachura was expected to abide by eight different directives outlined in the letter, including to "work collaboratively and productively with colleagues" as required by CBA Article 20.1(b). (Ex. A, Attachment B).

The evidence is clear that Dr. Stachura failed to work collaboratively and productively with colleagues. Dr. Stachura's conduct created a work environment that was nearly debilitating for Dr. [REDACTED] and Dr. [REDACTED]. Dr. Stachura engaged in intentional passive aggressive conduct and would glare at Dr. [REDACTED] and Dr. [REDACTED] when they crossed paths. Dr. Stachura's conduct made it clear that both Dr. [REDACTED] and Dr. [REDACTED] were the target of his ire. His comments to [REDACTED] about making Dr. [REDACTED] life miserable and that he enjoyed making her uncomfortable convey a clear intent to not work collaboratively and productively with his colleagues.

Dr. Stachura's intent to not work collaboratively and productively is also clear from his statements to [REDACTED] [REDACTED] when he returned to campus in October 2021. On October 19, 2021, he told [REDACTED] [REDACTED] "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," as he laughed. The next day,

he also told ██████████ ██████████ “you better not become part of the problem.” ██████████ ██████████ interpreted Dr. Stachura’s statements to be credible threats of violence against Dr. ██████████ ██████████ Dr. ██████████ and herself.

While Dr. Stachura provided emails that could be interpreted as professional and collaborative in nature, his in-person interactions, also negatively impacted those interactions, such that, for example, Dr. ██████████ could not trust that he did not have ulterior motives, such as to get her in trouble or some other nefarious purpose, consistent with his intent, as found above, to target them and make them miserable. The evidence clearly shows, by a preponderance of the evidence, that Dr. Stachura directly targeted Dr. ██████████ and Dr. ██████████ when he returned to campus, thus creating an unprofessional and uncollaborative environment with his colleagues.

**B. Did Dr. Stachura fail to adhere to the expectations and directives set forth in his current temporary suspension notice to not have communication or contact with Chico State employees, other than those specified in the temporary suspension notice, when he forwarded an email to ██████████ ██████████ on February 16, 2023?**

**Yes:** A preponderance of the evidence supports a finding that Dr. Stachura failed to adhere to the directives set forth in his suspension notice when he forwarded an email to ██████████ ██████████ ██████████ on February 16, 2023.

On December 9, 2022, Dr. Stachura was suspended pursuant to Article 17 of the CBA. (Ex. K). This suspension has been extended several times, including on January 31, 2023. A continuing condition of Dr. Stachura’s suspension is that he is “prohibited from having contact or communication with (including by phone, email, Zoom, etc.) Chico State students, faculty, staff,” etc.

Dr. Stachura violated the terms of his suspension when he sent/forwarded an email to ██████████ ██████████ (Ex. O). Dr. Stachura claims this was an inadvertent accident, and at the time he was forwarding work emails to his attorney. However, this is an untruthful explanation. As noted, Dr. Stachura’s outgoing email log from his Chico State email address does not show any emails being forwarded to his attorney from his University email account during the time period when Dr. Stachura sent ██████████ ██████████ the email. (Ex. P).

Additionally, when the content of the original email thread is considered, a more nefarious reason for that particular email being forwarded to ██████████ ██████████ becomes a reasonable probability. The original email thread documented a conversation between ██████████ ██████████ and Dr. Stachura. In that conversation, Dr. Stachura is telling ██████████ ██████████ that she had misunderstood a conversation that Dr. Stachura had. (Ex. O). It seems hardly coincidental that this was the email thread that Dr. Stachura forwarded to ██████████ ██████████ when Dr. Stachura has repeatedly stated that he and the situation with [Student A] is being mischaracterized or misinterpreted. (Ex B; Pg 4, Paragraph 4 & Pg 6, Paragraph 1; Ex Q; Pg 19, Paragraphs 8 & 10). It is reasonable to conclude the Dr. Stachura was trying to make a point by sending that email thread to ██████████ ██████████ that she continues to be mistaken in her interpretation of his statements, thus attempting to influence or tamper ██████████ ██████████ recollection of the events.

A preponderance of the evidence shows that Dr. Stachura failed to adhere to the directives set forth in his temporary suspension notice when he forwarded an email to ██████████ ██████████ on February 16, 2023.

3. Did Dr. Stachura engage in unprofessional and/or immoral conduct toward colleagues who reported “potentially violent incidents or situations, threats and security risks” (Executive Memorandum 12-025) including, but not limited to, through his attorney’s issuance of a letter to his colleague [REDACTED] [REDACTED] after she shared, in a public forum, comments Dr. Stachura made to her relating to gun-related violence?

**No:** The evidence does not support a finding that Dr. Stachura violated EM 12-025 when his attorney, Kasra Parsad, sent [REDACTED] [REDACTED] a cease-and-desist letter demanding that she retract the statements that she made during the December 12, 2022 forum. (Ex. L). Despite the threatening wording of the letter, it is not a violation of EM 12-025 for a campus member to exercise their constitutional rights to seek legal redress pursuant to the rules of civil procedures and professional conduct in litigation.

## VII. Conclusion

Based on the totality of the evidence, Dr. Stachura engaged in dishonesty regarding his relationship with [Student A] during official inquires and/or processes; Dr. Stachura failed to adhere to the expectations and directives set forth in the October 14, 2021, letter allowing his return to campus; Dr. Stachura failed to adhere to the terms of his temporary suspension by emailing [REDACTED] [REDACTED] on February 16, 2023; Dr. Stachura did not violate EM 12-025 when his attorney sent a cease-and-desist letter to [REDACTED] [REDACTED] and Dr. Stachura engaged in unprofessional conduct, dishonesty, and failure to perform the reasonable duties of his position.



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Scott Lynch  
Director of Labor Relations  
Faculty Affairs and Success