

REPORT OF INVESTIGATION

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REPORT OF INVESTIGATION

I. INVESTIGATION BACKGROUND

On September 1, 2012, Staci Sleigh-Layman, Director of Office of Equal Opportunity at Central Washington University ("CWU") contacted our office to assist CWU in investigating allegations of sexual harassment against CWU Professor, [redacted] (" [redacted] ," or " [redacted] "). The allegations included unwelcome sexual advances, requests for sexual favors, and verbal and physical conduct of a sexual nature towards one or more female CWU students during 2006-2009 (the "Allegations"). Although documentation and witness interviews suggest at least two (2) female students made Allegations against [redacted] , this Investigative Report only focuses on the Allegations brought by [redacted] in 2006.¹

II. CWU INVESTIGATION 2006

In 2006, [redacted] discussed the incident concerning [redacted] with CWU faculty and CWU personnel. Documents produced through the course of this investigation confirmed that [redacted] spoke with Dr. Schaefer, Chair of the Political Science Department, and personnel in the Student Affairs Department. See Exhibits 5 and 8.

[redacted] met with Dr. Schaefer to discuss the Allegations. E-mails from Dr. Schaefer to the former director of the Political Science Department at CWU confirm the meeting took place. See Exhibit 5 (E-mails dated 7/31/06). Moreover, the e-mails confirm Dr. Schaefer understood the seriousness of the Allegations, and was not sure how to handle the matter. See Exhibit 5 (E-mails dated 7/31/06).

On July 31, 2006, Dr. Schaefer sent an e-mail to the former director of the Political Science Department at CWU [name omitted] stating, in pertinent part:

¹ Based on documents produced and extensive online research (e.g., TLO Online Investigative Systems, Facebook, and Google searches), I ascertained the contact information for [redacted] . I was not able to ascertain the identity or contact information for any other female students asserting similar Allegations against [redacted]

Yes, it is proscribed behavior. As for the ramifications, they can be very serious (legal and/or employment action), though I think that depends on the nature of the relationship, degree of conflict of interest, coercion, etc. and your connection. Again, I'm new to this stuff, and certainly no expert. Given the potential seriousness, again I'd recommend discussing it, especially if you believe it important to pursue. But, as you mention, it is your call.

See Exhibit 5 (E-mails dated 7/31/06 at 11:15 a.m.).

There are no documents to indicate Dr. Schaefer contacted the Human Resources Department at CWU or any other department regarding [redacted] Allegations. However, the documents confirm that during 2006-2009, several departments at CWU (e.g., Political Science, Student Affairs, and Human Resources) were aware of [redacted] Allegations and/or similar allegations by other female students against [redacted]. Below is a summary of allegations made against [redacted] during 2006-2009, in pertinent part:

TABLE 1 ALLEGATIONS MADE AGAINST [redacted] 2006-2009		
DATE	ALLEGATIONS (Written as stated in Exhibits 5 and 8)	CWU PERSONNEL AWARE OF ALLEGATIONS
5/21/09	"As I know you are aware, Todd, a number of allegations of student sexual harassment (grades in exchange for sexual favors) have been brought to the attention of faculty members and, in one case, to counseling staff at CWU by victims too intimidated to take further action".	Dr. Schaefer (Chair of Political Science Dept.) Stephanie Wickstrom (Former Political Science Professor)
9/16/08	Sex for grades "If you want an A-you give [him] a blow job".	Stephanie Wickstrom (Former Political Science Professor)
9/18/08	Unknown student told Jenn Hamm that she obtained an A on a paper in [redacted] class and she "really didn't have to do anything if I gave him a blow job."	Staci Sleigh-Layman (Office of Equal Opportunity) Jenn Hamm (Former Employee of CWU)
9/26/08	"The only thing I can think to communicate further is that enough evidence exists for a concerned chair to get in touch with both students (who are now alumni) via a brief phone call and say something like, 'it has recently come to my attention that you might have experienced something with a faculty member here that counts as inappropriate at best and coercion at worst...'"	Dr. Schaefer (Chair of Political Science Dept.) Stephanie Wickstrom (Former Political Science Professor)
Early Spring Quarter 2007	Young female ... sat in my office ... talked about how she had been sexually harassed, had sought counseling. She had talked with the department chair and he didn't do anything. Her boyfriend needed letters of recommendation for law or graduate school. She was afraid to come forward.	Staci Sleigh-Layman (Office of Equal Opportunity) Pat Cole (Former Counseling Psychologist)

Spring Quarter 2007	Several young female students contacted numerous departments complaining about [redacted] behavior.	Leslie Webb (Former Director of Diversity Education Center and Assistant Vice President for Student Affairs) Djorge Popovic (Former employee of Diversity Education Center) Gail Farmer (Director, Wellness Center)
6/6/07	Several female students complaining about inappropriate advances and comments by [redacted]	Leslie Webb (Former Director of Diversity Education Center and Assistant Vice President for Student Affairs)
8/3/06	[redacted] invited a female student out for a drink. Thinking she was proactive, she said yes but brought a friend with her. He told her, in front of her friend, that he thought about sex when he looked at her in class. Said something to the effect "let me make you happy." He even went so far [to] ask about doing something with the three of them, including her friend.	Staci Sleigh-Layman (Office of Equal Opportunity) Pat Cole (Former Counseling Psychologist)
October 2006	Student reports improper advances and propositions by [redacted]	Dr. Schaefer (Chair of Political Science Dept.)

None of the allegations referenced above identify [redacted] or other female students by name. Moreover, no one filed written complaints against [redacted].

Based on [redacted] unwillingness to file a formal complaint, CWU personnel did not conduct an official investigation of her Allegations. Nevertheless, CWU personnel did encourage [redacted] and other female students to file formal complaints. Moreover, on or about June 26, 2007, Pat Cole, former Counseling Psychologist, and Dr. Schaefer met with [redacted] to address the Allegations regarding his alleged behavior towards female students and to provide him with a copy of the CWU Sexual Harassment Policy. See Exhibit 8. There are no records regarding [redacted] response or reaction to the Allegations. Similarly, there are no records or notes regarding any follow-up work by CWU personnel concerning [redacted] Allegations.

According to Ms. Sleigh-Layman, in 2006 CWU had a unwritten policy not to investigate sexual harassment claims unless the claimant was willing to file a formal written complaint. Currently, CWU has a policy to investigate all sexual harassment claims.

On September 17, 2012, CWU retained our office and requested our assistance in conducting a follow-up investigation concerning the allegations of sexual harassment against

[redacted]. Moreover, CWU requested an Investigative Report to document the methodology used to investigate the Allegations, the Allegations themselves, and our findings regarding the Allegations.

III. DOCUMENTS REVIEWED

During the course of the investigation, I reviewed the following:

1. CWU Policy Statement on Sexual Harassment. *See* Exhibit 1.
2. CWU Equal Opportunity Grievance Procedures. *See* Exhibit 2.
3. CWUP 2-40-070 Conflict of Interest Policy. *See* Exhibit 3
4. 9/26/2012 Statement from [redacted]. *See* Exhibit 4.
5. Various documents provided by Sherer Holter, Chief of Staff Office of the President at CWU. *See* Exhibit 5.

[No date]	Handwritten notes
[No date]	Handwritten notes
[No date]	Handwritten notes
[No date]	Handwritten notes
7/31/06	E-mail from Todd Schaefer to [Name Redacted]; subject: Re: Hi
10/2006	Handwritten notes entitled Timeline
6/07/07	Handwritten notes
6/12/07	Typed notes
6/27/07	Handwritten notes; subject Political Science- [redacted]
9/16/08	Memorandum of Conversation; call from Staci Sleigh-Layman to Stephanie Wickstrom; subject: [redacted]
9/18/08	Memorandum of Conversation; call from Staci Sleigh-Layman to Jenn Hamm; subject: Political Science
9/26/08	E-mail from Stephanie Wickstrom to Todd Schaefer; subject: Re: Call + related matters
5/27/09	E-mail from Stephanie Wickstrom to Todd Schaefer

6. Various documents from [redacted]. *See* Exhibit 6.

[No date] Letter of Recommendation for [redacted] from [redacted]
[redacted]
[No date] Letter of Recommendation for [redacted] from [redacted]
[No date] Letter of Recommendation for [redacted] from [redacted]
[redacted]
Fall 2005 Class enrollment records and grades for [redacted]
Fall 2005² Class enrollment records and grades for [redacted]
Winter 2005 Class enrollment records and grades for [redacted]
Spring 2006 Class enrollment records and grades for [redacted]
Winter 2006 Class enrollment records and grades for [redacted]

7. Various documents provided by Dr. Todd Schaefer, Chair of Political Science Department at CWU. See Exhibit 7.

[No date] Unofficial Undergraduate Transcript for [redacted]
6/28/06 Individual Study Permit for [redacted] dated 6/28/06
9/13/06 Change of Grade form for [redacted] dated 9/13/06

8. Various documents provided by Staci Sleight-Layman, Director of Office of Equal Opportunity. See Exhibit 8.

[No date] Handwritten notes; Ms. Sleight-Layman
6/27/07 Handwritten notes; subject: Political Science
9/16/08 Memorandum of Conversation; call from Staci Sleight-Layman to Stephanie Wickstrom; subject: [redacted]
9/18/08 Memorandum of Conversation call; from Staci Sleight-Layman to Jenn Hamm; subject: Political Science
9/29/08 Memorandum of Conversation in-person meeting Staci Sleight-Layman and Todd Schaefer; subject: [redacted]
11/10/08 Memorandum of Conversation; subject: [redacted]
10/08/10 E-mail from [redacted] to Staci Sleight-Layman; subject: Film Question

IV. WITNESSES INTERVIEWED

In addition to reviewing Exhibits 1-8, I interviewed the following individuals on the dates indicated:

TABLE 2			
DATE	NAME	TITLE	METHOD
8/21/12	Leslie Webb	Former Director of Diversity Education Center and Assistant Vice President for Student Affairs at CWU	Telephonic
8/21/12	Gail Farmer	Director, Wellness Center at CWU	Telephonic
8/21/12	[redacted]	Former student of [redacted] and CWU Alumni	Telephonic

² [redacted] taught two classes during Fall Quarter 2005.

8/21/12	[redacted]	Former student of [redacted] and CWU Alumni	Telephonic
8/23/12	[redacted]	Former student of [redacted]; CWU Alumni, ex-boyfriend of [redacted]	Telephonic
8/30/12	Staci Sleigh-Layman	Director, Office of Equal Opportunity at CWU	Telephonic
9/06/12	[redacted]	Professor in the Political Science Department at CWU	In-person (Robert Hickey, PhD, union representative attended the interview)
9/06/12	Dr. Todd Schaefer	Chair of the Political Science Department at CWU	In-person
9/11/12	[redacted] (re-interview)	Former student of [redacted] and CWU Alumni	Telephonic
9/28/12	[redacted] (re-interview)	Former student of [redacted] and CWU Alumni	Telephonic

Each interviewee was informed that CWU had requested Ogden Murphy Wallace, PLLC's assistance. I requested that each individual be open, honest, truthful, and provide me with complete information. Each person was also asked to not discuss the contents of our discussion with anyone other than Human Resources, if necessary, or myself. Each individual agreed not to discuss the content of their interview. Each individual was also informed that I reserved the right to share any or all of the information that I received with appropriate CWU management personnel.

Additionally, I left multiple voicemail messages for [redacted], former student of [redacted] and 2006 CWU Alumni. [redacted] did not return my calls.

V. STANDARDS REFERENCED IN THIS INVESTIGATIVE REPORT

I used the CWU Policy Statement on Sexual Harassment, along with guidance on sexual harassment published by the U.S. Equal Employment Opportunity Commission, as the preamble basis to conduct this investigation.

VI. SUMMARY OF RELEVANT INFORMATION

The witnesses interviewed and documents reviewed each conveyed an account of, and a perspective on, the Allegations recounted below. Some of these accounts were incomplete,

lacked detail, or were conflicting. Not every witness interviewed had direct information to share regarding the Allegations; thus, this Investigative Report does not contain an in-depth statement from every witness regarding the Allegations. The following description of events represents a reconciliation of competing versions and, where necessary, I used my judgment regarding credibility of witnesses in view of all facts and circumstances.

A. Summary of [] Allegations

[] alleges that in 2006, [] made an unwelcome sexual advance towards her, requested a sexual favor, and engaged in verbal and physical conduct of a sexual nature towards her. *See* Statement from [] dated September 2012, Exhibit 4.

[] graduated from CWU in 2007 and majored in Political Science. In the summer of 2006, [] enrolled in POSC 496 (Independent Study) for one (1) graded unit. The course required [] to write a comprehensive paper on "How authoritarian regimes are censoring the internet to control the dissemination of political information to its citizens in china." *See* Individual Study Permit, Exhibit 7. Moreover, the course required [] to meet with [] on a weekly basis during office hours to discuss and evaluate her progress in the class. [] claims [] made unwelcome sexual advances towards her during one of their meetings.

[] went to see [] during his office hours on or about July 2006 to discuss her research paper. When she sat down in the chair in his office, he stood up, closed the door behind her, and pulled his chair close to her chair. He proceeded to tell her in a low tone that they were "mature adults who could be mature about this," how he felt there was "sexual energy between them that was undeniable," and that he was attracted to her.

According to [1], [6] closed his eyes and commented on her skirt and told her that it was hard for him to concentrate in class when she wore it. He also muttered that her then boyfriend, [1], was "being a boy" and said "let's be adults about this, we can be discreet" and referred to getting a hotel room and joining [1] there. [1] was embarrassed by [6] remarks, and did not respond to his advances. [6] proceeded to tell her, "Look, let's be honest, you don't want to write the paper and I don't want to read it, we can discuss it orally." [1] alleges [6] then moved his chair closer to her, leaned in to her, put his hand on her knee and kissed her on the lips. [1] pulled back and stood up and left the office. She does not remember what she said to [6], but recalls being uncomfortable, surprised, and upset.

Following this incident, [1] refused to meet with [6] during office hours to discuss the independent study course. Moreover, according to [1] she did not submit a written paper, per course requirement. In addition, [1] refused to register for any classes taught by [6]. [1] also avoided contact with [6].

According to [1] [6] contacted her twice following this incident. The first time occurred approximately a month after the incident. [1] claims [6] visited her at her place of employment. According to [1], she was nervous when he showed up at her place of employment and walked up to talk to her. [6] made small talk and shared how busy he was getting ready for a GOP conference that Mr. Dino Rossi was scheduled to speak at. Then he brought up her boyfriend, indicating that [1] was waiting for a letter of recommendation from him for law school and he was pressed for time to write it. According to [1] she felt [6] was trying to imply that both she and her boyfriend were dependent on him for letters of recommendation for law school.

The second contact occurred a few years later, when [] was living in Southern California. According to [], her mother received a telephone call from [] . [] told [] mother that he was at an event at the University of Washington and was trying to get a hold of [] so that she could meet him in Seattle. According to [] , she never provided her or her mother's contact information to [] .

[] did not file a formal written complaint against [] in 2006. [] [] was concerned about filing a formal written complaint because she believed [] was going to retaliate against her and her boyfriend. [] , however, did notify CWU faculty and CWU personnel.

As the result of this investigation, [] prepared a written statement concerning the above incident that she claims occurred in 2006. *See* Exhibit 4.

B. CWU Investigation 2012

1. Information from Other Witnesses

In general, CWU personnel did not have extensive notes or documents concerning the allegations referenced above in Table 1. Witnesses, with direct or substantial contact with [] [] and/or [] had the following to say about [] Allegations.

Gail Farmer, Director for the Wellness Center at CWU, stated she spoke with a female student in 2006 regarding allegations of inappropriate sexual advances by a CWU Professor.³ According to Ms. Farmer, she received a call from a student seeking guidance concerning a CWU Professor who was pressuring a female student to go out with the professor. The student felt pressured to go out with the professor because he was a popular and high profile professor. Although the student was concerned by the professor's advances, she did not want to identify the

³ In 2006, Ms. Farmer was the Sexual Assault Coordinator at CWU.

professor or herself to CWU personnel. Moreover, the student did not want to file a formal written complaint. Ms. Farmer offered to meet with the student and discuss the matter in-person, but she declined. Ms. Farmer provided the student with Staci Sleigh-Layman's contact information in the Office of Equal Opportunity Department at CWU.

Leslie Webb, former Director of the Diversity Education Center and Assistant Vice President for Student Affairs, stated that during 2006-2007, her staff received complaints from at least one female student (who wanted to remain anonymous) that a CWU professor made inappropriate sexual advances towards her.⁴ Ms. Webb summarized/classified the allegations as "Sex for Grades." The student did not identify herself or the professor, but stated the professor worked in the Political Science Department. At a follow-up meeting, the student confirmed the identity of the professor as [redacted]. Ms. Webb could not remember the name of the student making the allegations against [redacted] or whether the student was [redacted]. Ms. Webb and her staff encouraged the female student(s) to file formal written complaints against [redacted]; but everyone declined due to fears of retaliation. Ms. Webb met with the Office of Equal Opportunity Department to notify them about the allegations.

[redacted], former student of [redacted], stated that in 2006 she heard rumors and stories from other female students in the Political Science Department "that if you were [redacted] type, you could trade sex for grades." [redacted] did not know where she heard the rumors or who started the rumors. But she stated these rumors were common knowledge in the Political Science Department.

According to [redacted] two (2) female students informed her of similar allegations against [redacted]. The first student was a female student enrolled in the same class she was

⁴ Ms. Webb was uncertain whether the same student made numerous complaints or whether several female students made similar complaints.

taking with [redacted]. According to [redacted] the student told her that she received an "A" in the class after giving [redacted] oral sex. [redacted] could not recall the name of the student, but claims the student lived close to her apartment in 2006. [redacted] reported this information to CWU personnel-Ms. Webb. The second student informed her that [redacted] inappropriately touched her inner thighs during a meeting with the professor. Once again, [redacted]. [redacted] could not recall the name of the student.

[redacted], [redacted] former boyfriend and former student of [redacted] stated that in 2006, [redacted] informed him of the Allegations concerning [redacted]. [redacted] confirmed many details about the Allegations, and came across to me as a credible witness. Following graduation, [redacted] broke up with [redacted] and moved to California to pursue law school. Presently, [redacted] is an attorney in California.

According to [redacted], both [redacted] and he were upset about the incident because they both liked [redacted] and enjoyed taking classes from him. [redacted] recalls [redacted] being really upset and mad about the ordeal. He encouraged her to report the incident to Dr. Schaefer, Chair of the Political Science Department and to law enforcement. [redacted] chose not to report the incident to law enforcement, but agreed to report it to Dr. Schaefer. [redacted] stated that [redacted] looked into filing a formal complaint against [redacted] however, she was concerned he was going to retaliate against both of them. [redacted] and [redacted] had recently asked [redacted] for letters of recommendation for law school.

[redacted] stated he was not surprised that [redacted] was being investigated for allegations concerning sexual harassment towards CWU female students. According to [redacted] it was common knowledge and rumored in the Political Science Department that [redacted]

[6] was somewhat of a "ladies man," and was known to date younger women, including students.

Dr. Schaefer stated that [1] spoke with him about the Allegations in 2006. Dr. Schaefer confirmed many details about the Allegations, and came across as a credible witness. According to Dr. Schaefer, he did not discuss [1] Allegations with [6] or other CWU Personnel (e.g., the Human Resources Department or Student Affairs Department) because [1] told him not to. [1] was entering her senior year at CWU, and she was concerned that if she filed a formal written complaint against [6] it would jeopardize her ability to graduate. [1] was also concerned [6] would retaliate against her by not writing her a letter of recommendation for law school. Dr. Schaefer stated he was unsure how to handle [1] Allegations because he was new to his position. He stated he understood the significance of [1] Allegations and chose to consult with the former Chair of the Political Science Department at CWU. Dr. Schaefer felt that because he did not have direct evidence (e.g., video of the incident or eye witnesses) he could not address the matter with [6] or CWU Personnel. Nonetheless, according to Dr. Schaefer, he promised [1] [1]: that he would monitor the situation to ensure that [6] did not retaliate against her.

On or about September 13, 2006, Dr. Schaefer stated that he received a CHANGE OF GRADE Form from [6] requesting approval to change [1] grade in her independent study class from Incomplete to Satisfied. See Exhibit 7. In 2006, he did not question [6] request and approved the grade change. However, after reviewing the CHANGE OF GRADE Form as part of this investigation, he reflected that the request seemed

odd in retrospect, since the course was approved for a letter grade and was not a Pass or Fail course.

Dr. Schaefer stated that [redacted] is a popular professor and receives higher than average student evaluations. Moreover, he has high student enrollment in his classes. According to Dr. Schaefer, most of [redacted] student evaluations are really good, but he does recall a student evaluation (within the past 5 years) which stated, in pertinent part, that [redacted] was a really big pervert. Dr. Schaefer does not know who wrote the student evaluation since they are anonymous.

Dr. Schaefer stated he has always felt bad about what happened to [redacted], but felt he could not do anything to help her since she did not want to file a formal written complaint.

In 2007, Nancy Howard, Director of the Office of Equal Opportunity at CWU, contacted Dr. Schaefer to discuss rumors she heard about [redacted] concerning allegations of sexual harassment towards female students. Dr. Schaefer told Ms. Howard about [redacted] Allegations and her unwillingness to file a formal written complaint against [redacted]. Shortly thereafter, Ms. Howard and Dr. Schaefer met with [redacted] to discuss the rumors against him and provide him a copy of CWU's Sexual Harassment Policy. [redacted] denied the rumors against him and the matter was closed. See Exhibits 5 and 8.

2. Interview with [redacted]

[redacted], stated she did not file a formal written complaint against [redacted] because she was concerned he was going to make it difficult for her to graduate from CWU or not give her a letter of recommendation for law school. [redacted] came across as a credible witness who got emotional when I discussed the nature of my investigation. After establishing rapport with [redacted] she opened up about the Allegations in 2006. [redacted] described the

Allegations in great detail. Following my telephone interview, she provided me with the names of two additional witnesses, [redacted] and [redacted]. [redacted] stated that [redacted] knew about her Allegations against [redacted], and [redacted] knew about other female students who had made similar allegations against [redacted]. I was able to interview [redacted] (he confirmed knowledge of [redacted] Allegations); however, [redacted] never returned my telephone calls. According to [redacted] and [redacted] [redacted] is Facebook friends with [redacted].

According to [redacted], [redacted] was one of the best professors in the Political Science Department at CWU and she enjoyed taking his classes. However, after the incident, she lost all respect for him and could no longer take his classes. [redacted] regrets not filing a formal written complaint following the incident.

3. Interview with [redacted]

I met [redacted] in person and, at his request, with Union Representative Robert Hickey. [redacted] came across as a confident, well-spoken, charismatic professor. However, I found his credibility was not as strong as the other witnesses for the following two (2) reasons.

First, [redacted] became visibly nervous when I informed him of the circumstances surrounding the investigation. Initially, [redacted] refused to participate in the in-person interview with me and requested I provide him with my questions in writing and offer him the opportunity to respond in writing in a few days. After stepping out of the room for a few minutes and meeting with his union representative who attended the interview, [redacted] agreed to participate in the interview.

Second, [6] claims he does not know who [1] is or whether she was a student at CWU. [6] knowledge of [1] is questionable since: (1) [1] took several classes with [6] over the course of several years; (2) he approved an Individual Study Permit for [1] (3) he submitted a CHANGE OF GRADE Form for [1] [1]; (4) wrote her a letter of recommendation for law school; and (5) he remembered many details about [1] ([1] ex-boyfriend) and [1] (a classmate and friend of [1] and [1]), but nothing about [1]. He recalled [1] having blonde hair, being a transfer student, and being too smart to be at CWU. Similarly, he recalled [1] hair style and that he liked to party in college. The letter of recommendation that [6] wrote for [1] states, in pertinent part:

[1] has requested a letter of recommendation supporting her application to law school. I am happy to write on her behalf. **I have known [1] for the past three years. She was a student in many of my classes, including both my constitutional law classes.**

See Exhibit 6. (Emphasis added).

[6] stated that he is a good professor, and that there has never been an accusation or formal written complaint filed against him alleging sexual harassment. According to [6] he's being targeted because he's running for the 13th District Washington State House of Representatives. He believes [1] Allegations and/or the rumors about his conduct towards female students' stems from a misinterpretation. According to [6] rumors about him dating students began when he used to be married to a CWU student, who he met prior to his employment at CWU. [6] stated that he was occasionally seen off campus holding her hand and kissing her in public.

[6] stated that he is not sure what the current CWU protocol is regarding professors dating students. However, he is familiar with the CWU sexual harassment policy. In

2007, [redacted] recalls meeting with Nancy Howard, Director of the Office of Equal Opportunity and Dr. Schaefer to discuss the rumors concerning the Allegations. [redacted] acknowledged that he was provided with a copy of the CWU Sexual Harassment Policy.

[redacted] was cooperative during the interview and agreed to provide me the documents that I requested. [redacted] promptly provided the documents.

VII. FINDINGS REGARDING THE ALLEGATIONS

It is the policy of CWU to maintain a work and academic community which is free from sexual harassment. See Exhibit 1. According to the policy, sexual harassment violates state and federal law and will not be tolerated by CWU. An individual in violation of this policy will be subject to informal and formal disciplinary action up to and including dismissal from employment.

Witnesses provided sufficient evidence to create a factual dispute whether [redacted] violated CWU's Sexual Harassment Policy.

For the purposes of CWU's Sexual Harassment Policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or *career advancement*;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decision or *academic decision affecting such individual*; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or *creating an intimidating, hostile or offensive work or academic environment*.

See Exhibit 1.

[redacted] alleged comments towards [redacted] (e.g., that there was "sexual energy between them that is undeniable", how her skirt makes it hard for him to concentrate in class,

“let’s be adults”, “we can be discreet” and get a hotel room, and “Look, let’s be honest, you don’t want to write the paper and I don’t want to read it, we can discuss it orally”), are verbal comments of a sexual nature. Moreover, allegedly placing his hand on [redacted] knee and kissing her on the lips, without her consent would be viewed as unwelcome physical contact of a sexual nature.

Additionally, [redacted] claims [redacted] alleged conduct towards her caused her to withhold filing a formal written complaint because she believes it might have impacted her career advancement (e.g., passing her class and obtaining a letter of recommendation for law school). Moreover, [redacted] claims [redacted] alleged conduct had the effect of interfering with her academic environment (e.g., she refused to take any further classes with [redacted] [redacted] and was concerned about retaliation).

In my judgment, based on the documents reviewed and interviews conducted, evidence exists to suggest [redacted] engaged in conduct with or toward [redacted] that violated CWU’s 2006 Sexual Harassment Policy.