

Levy, Morgan

From: Bixby, Keturah
Sent: Friday, September 23, 2016 9:36 AM
To: Levy, Morgan
Subject: clarification

Hi Morgan,

Thanks again for meeting with me and the work you're doing to improve student experiences at URI!

I wanted to follow up on the faculty handbook because I'm still unsure of the interpretation. You mentioned it does not prevent faculty from sleeping with graduate students in their own department (which faculty would not need to disclose), nor does it prevent faculty from sleeping with graduate students they directly supervise (which faculty would need to disclose). Is that correct? I went back and checked it, and my reading of Section III C of the Faculty Handbook is that:

a) "Faculty members shall not accept supervisory, evaluative or advisory authority over any student or postdoc with whom they currently share an intimate personal relations, or with whom they have shared such a relationship in the past."

means faculty cannot sleep with graduate students they supervise

b) "Faculty members shall not enter into romantic or sexual relations with undergraduate students of the University, or with any members of the University community (including graduate students and postdocs) over whom they exercise the authority of their faculty position."

means faculty cannot sleep with undergraduates, or graduate students in their department they don't supervise, ...

c) "Exceptions to this policy may be made when the relationship has been reported to the University Intercessor, and a written plan has been agreed on for managing the professional relationships for the protection of the parties involved. Failure to disclose an intimate relationship which exists or develops between a faculty member and any student or postdoc who the faculty member supervises, evaluates, or advises may subject the faculty member to disciplinary action and also the forfeiture of the protections of indemnification by the University in the event of legal action."

unless they disclose that relationship

I do not read c) as correcting a), only c) correcting b). Which is the correct interpretation? Does this mean that faculty can sleep with any undergraduates, graduate students and postdocs they don't supervise, as well as those they do, as long as they only disclose the relationship with the undergraduate/graduate/postdocs they directly supervise? If so, what's the point of saying a) and b)? It would seem faculty can sleep with literally anyone they want, and the only time they need to disclose is when they're that person's boss.

Please let me know,
Thanks!
Keturah

Levy, Morgan

From: Bixby, Keturah
Sent: Thursday, September 29, 2016 2:53 PM
To: Levy, Morgan
Subject: Re: Meet soon?

Hi Morgan,

Thank you for reaching out!

I made a complaint in 2013. In the email I sent to the administration this year, I was interested in talking about ways to improve our process and policies. For me, the letter attached to that email was to document that what happened was real and wasn't ok, views I wasn't sure were shared yet by the university administration. Given the issues I have with the process I experienced this past Spring, and the issues with anti-harassment policies that apparently don't cover his inappropriate behavior toward me or the environment it created, I personally am no longer willing to participate in the university's existing complaint process. I do appreciate you checking, though. I hope the process/policies can be improved for others in the future, and I'm happy to keep working toward that!

However, I did tell people who signed the letter to expect to hear from the university, but they haven't. No one has reached out to them, even though I told the letter recipients that several signers had not participated in any previous investigation. That surprised me - typically, would they be contacted about formalizing their complaint? Or perhaps to acknowledge that their letter was received? If the issue is not having their contact information, I would be happy to compile that. Please let me know.

Thank you again,
Keturah

From: Levy, Morgan
Sent: Thursday, September 29, 2016 1:24 PM
To: Bixby, Keturah
Subject: Meet soon?

Hi Keturah,

Thank you for your patience. I received a copy of the e-mail you sent to Dean Culver (and others) and I now have a clearer picture of this situation. I think there was some confusion regarding whether your e-mail was intended to be a new complaint or just an expression of concerns regarding the way in which the previous complaint was handled. When we met two weeks ago for lunch, I was under the impression that you wanted to express concerns about the process, I understand now that you intended to file a new complaint via the letter.

Assuming this is correct, I will handle the complaint. Can we find some time either tomorrow or early next week to start the investigative process?

Morgan

Redacted

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Levy, Morgan

From: Bixby, Keturah
Sent: Tuesday, October 11, 2016 11:45 PM
To: Levy, Morgan
Subject: Re: Re: Meet Soon?

Hi Morgan,

I appreciate your efforts to explain. I can't agree. At lunch, you suggested my complaint in 2013 did not go past my department chair because I didn't effectively communicate to Greg that it was only happening to women. Your email seems to suggest there are different reasons. Either way, given that you also mentioned at lunch that people have to quit grad school for the environment to be considered hostile, why would I want to make a new formal complaint? I already know what the outcome will be. I would not be comfortable going through the university's current process again for the reasons I've shared, nor would I feel comfortable talking to the Title IX office about my experiences. From my perspective, the university's process has failed me. I'd like to salvage my experience by doing what I can to make sure that doesn't happen to other people, including asking for the anti-harassment policies and the procedures for investigating violations to be improved. To that end, thank you for passing along the feedback I shared.

Telling Florian to have boundaries and not harass people has been ineffective. I don't believe Greg still thinks Florian took their 2014 chat seriously. Given that, and that Florian mocked the sexual harassment prevention training openly in late 2015, I suspect Florian takes things seriously only as long as an authority is watching. That worries me.

I understand the legal constraints you're working under, but my trust has been broken by the university on this issue and I can't take your word for it. Thank you for being willing to dialogue! I prefer not to email about this further.

Sincerely,
Keturah

From: Levy, Morgan
Sent: Tuesday, October 4, 2016 3:56 PM
To: Bixby, Keturah
Subject: Re: Meet Soon?

Hi Keturah,

Thank you for clarifying this. Just to be 100% clear, I understand the following from your e-mail.

1. The purpose of your letter to Dean Culver (and others) was to make her aware of your concerns about the investigative process. (I now realize she was the person who referred you to me.) You and I met on September 15, 2016 and you have shared feedback about that prior process with me, which I greatly appreciate and have passed along to others.
2. Your statement attached to the Culver e-mail (which I initially interpreted as a new complaint) was included with the e-mail to give "weight" to your complaint about the behaviors you had experienced with Professor

Jaeger in the past (concerns which you had brought to department chair Greg DeAngelis in late 11/2013 and that you spoke about with Kate Nearpass again in the spring 2016 investigation).

3. You have not personally experienced any additional concerning behaviors by Professor Jaeger since you met with Ms. Nearpass this spring.
4. You are not making a new complaint.

As part of my follow up to this issue, I was provided the opportunity to review portions of the most recent investigation file, including the report (which included a discussion of your 2013 complaint regarding Jaeger [without identifying you as the earlier complainant] and details concerning the Chair's actions in response), related determination letters, pertinent witness interview summaries, and follow up documents. This information was helpful in fully informing me of the scope of that investigation and better informed my conclusions below.

I also have had an opportunity to review documents related to your earlier complaint to DeAngelis about Professor Jaeger, including a series of e-mails exchanged between you and DeAngelis between 11/21/13 and 3/13/14. These documents indicate that you first e-mailed DeAngelis on 11/19/13 asking to meet with him regarding "a department thing" and it appears that the two of you then met on 11/20/13 and you discussed concerns you had about some behavior by Professor Jaeger. In a follow up e-mail on 11/20/13, you indicated that you gave Celeste "a heads up that I'd talked to you" and mentioned her name and she was fine with that, and also that you had spoken with **Redacted** who also was "ok with talking to you about her bad-but-not-sexual-harassment experiences". In an e-mail the following day you mentioned **Redacted** also was "happy to share her observations, though she didn't feel harassed, and ended up having a productive working relationship with him."

On 3/11/14 DeAngelis, after speaking with several people, followed up with you regarding your concerns. DeAngelis' reported back that, though there was a pattern of behavior in the stories which reflected undesirable behavior on the part of Jaeger, he had reviewed the university policies and none of the stories he had been told involved violations of the university's policy on harassment.

DeAngelis shared with you that he met with Jaeger twice and discussed his concerns with him and that Jaeger had been "unaware about the impact he had on other people in most of these situations" and had "taken the news pretty hard". DeAngelis further noted that he had counseled Jaeger on the need to maintain personal/professional boundaries and the need of an advisor to be careful about power relationships when trying to be social with students, etc. DeAngelis noted "I do think that Florian learned some things about himself and that he will go forward with a heightened sensitivity to such things. He really did take it very seriously."

DeAngelis ended his e-mail to you with a request for you or others to let him know if problems persist. Your e-mail response of 3/13/14 thanks DeAngelis for looking into this and following up and for working to maintain confidentiality (though noting that you "kind of doubt everything can be functionally confidential"). Subsequent to following up on your concerns, the Chair received no additional similar complaints about Jaeger's behavior.

It also appears that all of the names included on the letter you attached to your e-mail of 8/23/16 were considered among a very lengthy list of possible former graduate students who might be interviewed as part of the 2016 investigation. As you know, I cannot share with you who was or was not actually interviewed, but you may be making some misassumptions about who was or was not interviewed. People need not share with you whether they were or were not interviewed.

In any event, a key part of any investigative process is assessing who to interview. Having conducted numerous investigations myself, I can tell you that deciding whether or not to interview a particular person is a matter of professional judgment for investigators and involves an assessment of many factors, including what information (if any) has been provided as to the specifics that person may have to add or offer (beyond merely being a grad student at a certain time), what information an investigator has already gathered from other interviews (for instance if the person was said to have witnessed a particular event and three other people were already interviewed about the same event, an investigator might not interview a fourth person), etc.

In other words, simply providing a name to the investigator does not "guarantee" that person will or should be interviewed, and the fact a person was not interviewed does not make an investigation biased. I am confident that the decision not to include some persons identified in the process was made with deliberative thought. In the investigation earlier this year, 31 witnesses were interviewed and those witnesses included a multitude of graduate students from 2007 to the present. That being said, given your concerns, I will reach out to each individual whose name appears on your e-mail to speak with each of them personally.

I also wanted to make you aware that the University has recently received reports from former graduate students expressing concerns about why they continue to be contacted (post-investigation) and/or why a graduate student is contacting others to discuss the investigation or their role in events. I do not know if the graduate student they are referring to is you but I thought you should be aware that some people who were involved in the investigation want to move forward now and have been concerned about follow up conversations going on regarding the investigation.

Finally, I wanted to speak to overall perceptions. In reviewing both your earlier e-mail exchanges with DeAngelis and from my review of the investigation, I can state unequivocally that my perception is that all concerns of any nature (sexual or non-sexual), were in fact heard and addressed appropriately. It is important from my perspective that it does not appear that there were any additional issues that were raised in the recent investigation that post-dated your 2013 discussions with DeAngelis. It also appeared that most of the concerns raised involved allegations or events from years earlier. To the extent some of that information was new to DeAngelis, it has been addressed by him in follow up to the investigation. Given that information is confidential, I'm not at liberty to share details, but please trust that the process worked the way it was intended.

I hope this additional response provides you with some of the answers you were seeking.

Morgan

Morgan Levy, J.D. | Director of Equal Opportunity and Title IX Coordinator | University of Rochester

Redacted

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