



UNIVERSITY OF WASHINGTON

UNIVERSITY COMPLAINT INVESTIGATION AND RESOLUTION OFFICE

January 8, 2016

MEMO TO: Gerald J. Baldasty, Interim Provost and Executive Vice President, Office of the Provost

FROM: Ian Messerle, Investigation and Resolution Specialist, Compliance Services
University Complaint Investigation and Resolution Office

RE: Michael G. Katze

I. BRIEF OVERVIEW

I am filing this written report pursuant to University of Washington Faculty Code, Section 28-32, as reasonable causes exist to adjudicate charges that Dr. Michael G. Katze, Professor, Microbiology has violated the University of Washington's Executive Order 31 prohibiting sexual harassment.

Dr. Katze violated Executive Order 31 in two respects. First, he created a hostile work environment for [REDACTED] a Program Operations specialist under his direct supervision. Although I find that [REDACTED] was more likely than not untruthful in representing the extent to which Dr. Katze harassed her, I find a preponderance of evidence exists to conclude that Dr. Katze persistently, and for an extended period of time, made unwanted sexual comments and jokes to [REDACTED] and commented on her appearance. Although there is substantial evidence suggesting [REDACTED] did not find Dr. Katze's comments about his own relationships to be unwelcome, I do not find that [REDACTED] at any time welcomed his comments about her. Significant in my findings is the environment in which Dr. Katze made these comments: Dr. Katze routinely bullied and demeaned employees and used profane, gendered language in the presence of [REDACTED] and many of his employees. He created fear in his employees that they might lose their jobs; he moved the offices of employees who displeased him. He had been warned about viewing pornography on his work computer because employees had seen it and complained; he persisted in doing this. As recently as 2013 he had been warned about other harassing behavior towards University employees, and he persisted in doing this, too. He sometimes screamed at employees. Also, Dr. Katze engaged in sexual relationships with two of his employees. Consequently, Dr. Katze's behavior did not comport with Executive Order 31.

Second, Dr. Katze sexually harassed another employee under his direct supervision, Program Operations Specialist [REDACTED]. He had a quid pro quo sexual relationship with her such that acquiescence to unwanted sexual contact with him and tolerance of unwanted sexual messages and comments to her were an implicit condition of her employment. Statements she made during her interview demonstrated that she lived two lives: a working life where she acted as Dr. Katze's girlfriend and a private life from which she excluded him. This was borne out by my review of her extensive contemporaneous text communications. Dr. Katze's interview was also largely consistent with factual statements she made in her interview.

[REDACTED] did not desire sexual contact with Dr. Katze, but she tolerated it: Dr. Katze created a situation in which she was financially dependent on him by securing for her a position that paid much more than she could expect to receive for similar work elsewhere. In exchange for the thousands of dollars in gifts, cash, and University salary that [REDACTED] received, she endured crass sexual comments and written communications and, ultimately, performed oral sex on him on several occasions. While Executive Order 31 does not require that a supervisor realize that his actions are unwelcome, in this case Dr. Katze knew or should have known that his actions were inappropriate: he ignored obvious signals from [REDACTED] that she did not desire physical sexual contact with him, but he persisted until he finally got it. This behavior does not comport with Executive Order 31.

A. NATURE OF THE ALLEGATIONS

This report summarizes the findings of two concurrent investigations regarding the alleged sexual harassment by Dr. Katze of [REDACTED], professional staff employees directly supervised by Dr. Katze. [REDACTED] first contacted UCIRO on July 24, 2015. She asserted that Dr. Katze exposed his penis to her on July 20, 2015, and for some time before that harassed her by, among other things, making repeated sexual comments. An initial review of the email accounts of Dr. Katze, [REDACTED] brought to light additional concerns beyond those embraced in [REDACTED] initial allegations. These concerns included the possibility that Dr. Katze was in a quid pro quo sexual relationship with [REDACTED].

B. BRIEF SUMMARY OF FINDINGS

I concluded that Dr. Katze's behavior violated University of Washington Executive Order 31. First, although I do not find that Dr. Katze exposed his penis to [REDACTED], I do find that in other respects, Dr. Katze subjected [REDACTED] to a hostile work environment. Second, I find that Dr. Katze and [REDACTED] were in a quid pro quo sexual relationship.

C. SCOPE OF FINDINGS

During the course of the investigations, I learned information about a number of Dr. Katze's actions. It appears that some of these may have violated University policies other than Executive Order 31. My findings extend only to violations of Executive Order 31 and only to conduct regarding [REDACTED], consistent with UCIRO's purview. I have made no findings as to whether Dr. Katze's actions have violated other University policies, nor have I made

determinations as to whether Dr. Katze's actions violated state or federal anti-discrimination laws (or any other laws).

D. RELEVANT POLICIES AND DEFINITIONS

The only policy under which I made findings was Executive Order 31, attached as **Exhibit 1**. Attached as **Exhibit 2** is University Administrative Policy Statement 46.3, which describes the role of UCIRO in investigating complaints made against University employees.

1. Executive Order 31 Definition of Hostile Environment Sexual Harassment

Sexual harassment is a form of harassment (1) based on the recipient's sex that is characterized by (2) unwelcome and unsolicited language or conduct that is (3) of a sexual nature and that is (4) sufficiently severe, persistent, or pervasive that (5) it could reasonably be expected to create an intimidating, hostile, or offensive working environment.

2. Executive Order 31 Definition of Quid Pro Quo Sexual Harassment

Sexual harassment is a form of harassment (1) based on the recipient's sex that is characterized by (2) unwelcome (3) sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature by (4) a person who has authority over the recipient when (5) submission to such conduct is made either an implicit or explicit condition of the individual's employment, academic status, or ability to use University facilities and services.

E. EVIDENCE RELIED UPON

I based my findings primarily on the written and spoken words of Dr. Katze, [REDACTED] and [REDACTED]. Significant in my findings were hundreds of emails and tens of thousands of text messages written by Dr. Katze, [REDACTED]. I also gave heavy weight to the in-person interviews I conducted with each of them, especially that of Dr. Katze. I considered an enormous amount of additional documents, some of which I have attached as exhibits to this report, others of which are reproduced in **Appendix A**. Finally, in addition to the interviews of Dr. Katze, [REDACTED], I interviewed twenty-two other witnesses, whose statements I also considered in reaching my findings. This document incorporates by reference its appendices and exhibits.

II. INVESTIGATION PROCESS

A. TIMING

UCIRO opened its investigation into [REDACTED]'s complaint on July 29, 2015. I met with [REDACTED] on July 31, 2015, the same day on which I notified her, Dr. Katze, and various University personnel with a need to know about the investigation. On August 20, 2015, counsel for Dr. Katze, Jon Rosen, informed me that with the exception of a few days of uncertain availability, he and Dr. Katze would be unavailable for Dr. Katze's interview until October 19, 2015. I interviewed Dr. Katze on October 20, 2015. I interviewed [REDACTED] on September 15,

2015, and conducted a follow up interview with [REDACTED] on October 2, 2015. After statements by [REDACTED] in those respective interviews raised additional concerns about Dr. Katze's behavior, the School of Medicine requested an institutional investigation. The institutional investigation opened on November 6, 2015. I concluded fact finding in both investigations on November 23, 2015. Attached as **Exhibits 3** and **4** are UCIRO's notification to Dr. Katze of the respective investigations.

B. WITNESSES

I interviewed twenty-six witnesses, including Dr. Katze, [REDACTED]. On August 25, 2015, I learned that [REDACTED] was represented by counsel. Her attorney was present at her follow-up interview of October 2. Dr. Katze's attorney was present at his October 20 interview. This investigation was unique, in my experience, for the great number of interviewees who expressed to me concerns about retaliation. This extended to witnesses who no longer worked for the University—for instance, one witness with whom I had a brief telephone conversation told me that they feared that Dr. Katze would attempt to contact them¹ if they participated and claimed to me that Dr. Katze was responsible for turning them into an alcoholic and their becoming depressed. A second former Katze Lab employee refused to participate because of their fear that Dr. Katze would file a lawsuit against them if the interviewee said things Dr. Katze might consider critical. I told this person that I could not guarantee that level of confidentiality. A third and fourth reported to me that my unexpected telephone calls to them about Dr. Katze caused them to feel physically ill. A fifth person, who I contacted for a follow-up question, told me that after my interview with them they had attempted to resign their job at the University so that they would not be involved in further proceedings involving Dr. Katze. Four separate interviewees volunteered to me that they had at one point considered filing some sort of harassment claim against Dr. Katze.

While all witnesses were reminded of the University policy prohibiting retaliation, the level of across-the-board concern I observed was unlike anything I had seen in any investigation I had previously conducted.

Nevertheless, I interviewed sixteen current Katze Lab employees, six former Katze Lab employees, and four current and former members of the School of Medicine's Microbiology Department. I primarily relied on the emails, text messages, and interviews of Dr. Katze, [REDACTED]. All Katze Lab witnesses were interviewed either at an offsite location away from the Lab, or if they elected, at my office. All witnesses were directed to keep the interview confidential because of the sensitive nature of the allegations and to avoid potentially disrupting the investigation. I learned later that witnesses had not honored this instruction and, in some cases, that Dr. Katze was asking them about their interviews.

¹ In this report I have used pronouns like "them," "they," or "their" in lieu of pronouns that reveal gender like "him," "she" or "hers" when discussing interviewees or other people I spoke to during the course of the investigation. This is an effort to preserve, to the extent possible, confidentiality, and to limit knowledge of the identities of interviewees who provided certain information. This is directly related to concerns expressed by many interviewees that Dr. Katze would retaliate against them if he learned of their participation in the UCIRO process and, to a lesser extent, that [REDACTED] might also retaliate.

C. DOCUMENTS AND ELECTRONIC INFORMATION

During the course of the investigation, I obtained snapshots of the University email accounts of Dr. Katze, [REDACTED], and other University employees. The amount of information in these accounts is voluminous, particularly in [REDACTED]'s account, which likely contains over 125,000 emails spread throughout dozens or even hundreds of folders and subfolders. I was unable to and did not attempt to read every email. My review methodology is spelled out in more detail in **Appendix B**.

Additionally, I reviewed reports of the contents of a number of University-owned devices: Dr. Katze's iPhone, iPad, and laptop, and the laptops used by [REDACTED]. Because all three parties apparently connected and synchronized their iPhones to their University computers, these records contained a robust but partial record of text message communications. Between the email snapshots and imaged devices, I would estimate that my review included approximately 1.2 million email and text messages, some unknown number of which were duplicative. *See Appendix B*.

Based substantially on the email and text messages, I created a timeline for use in my investigation, which I have attached as Appendix A. The timeline contains excerpts from the actual text of thousands of emails and text messages sent and received by Dr. Katze, [REDACTED], and [REDACTED] between 2011 and 2015. In many instances in this report when quoting from emails or text messages, I have edited the text of those messages to aid in their comprehension. [REDACTED]'s communications, especially, are rife with grammatical, spelling, and apparent autocorrect errors. The original text of every message I cite below has been preserved in Appendix A.

I considered other documents, too—for instance hiring and salary and job application information for [REDACTED], records of other complaints about Dr. Katze's behavior, hundreds of pages of emails and performance reviews provided to me by Dr. Katze, and contents from files regarding Dr. Katze kept within the School of Medicine. I would estimate that I actually read over 100,000 text messages, emails, and other documents during the course of the investigation.

Finally, I conducted an onsite visit to the Katze Lab, where I timed how long it took me to walk from Dr. Katze's office to the basement parking space where [REDACTED] usually parked her motorcycle.

III. FACTUAL FINDINGS

A. KEY PLAYERS

1. Dr. Michael G. Katze: Professor, Microbiology, Principal Investigator of the Katze Lab. Dr. Katze is wholly responsible for the hiring, firing, and supervision of Katze Lab employees. At any one time, he supervises 25-35 University employees. He is the direct supervisor of [REDACTED] and [REDACTED] and is solely responsible for their management.

2. [REDACTED] primary duty at the Katze Lab is to manage Dr. Katze's calendar. She occasionally performs other administrative responsibilities, including arranging conferences and other events.
3. [REDACTED] primary responsibility is for purchasing, although she too occasionally performs other administrative duties.
4. [REDACTED] He became friends with and socialized with Dr. Katze. [REDACTED] was employed by the University until approximately 2003 when he received a medical separation. He has told a number of witnesses that he forced a settlement from the University because he falsely claimed that his supervisor touched his penis; the University has no evidence that he made any such complaint.²

B. SUMMARY OF ALLEGATIONS CONCERNING [REDACTED]

[REDACTED] asserts that Dr. Katze sexually harassed her by: touching her buttocks and breasts; exposing his penis to her on four or five occasions; making unwelcome sexually suggestive comments and jokes to her; and sending her unwelcome sexually suggestive email messages. When [REDACTED] complained to UCIRO in July 2015, she mentioned only one of the incidents of exposure (alleged to have happened on July 20, 2015 in Dr. Katze's office). She said little about being touched in unwanted ways, except that in August 2014 a drunken Dr. Katze touched her body and ripped her pants when she took him back to his apartment after an event at the Systems Biology conference; and that sometime earlier in 2015 Dr. Katze attempted to kiss her when she leaned in to look at his eyes because she believed him to be intoxicated. She also complained that Dr. Katze would make unwelcome comments about his sex life (for instance, complain that he needed to "get laid"), make suggestive sexual comments to her (for instance, that she should engage in a threesome with him or that they should go to a "no-tell motel" on Aurora Avenue during lunchtime), and make comments about her physical appearance. She also alleged that he had directed her to secure the services of prostitutes and asked her to set him up with other women. Before July 2015, she had made no previous complaints about Dr. Katze's allegedly sexually harassing behavior.

On October 2, 2015, during a follow-up interview with her attorney present, [REDACTED] told me for the first time that Dr. Katze had exposed himself to her on more than one occasion and that he had for many years touched her breasts and buttocks. She was unable to provide much detail, although she estimated the harassment began following a work conference in Boston, that the first episode of exposure happened in his office at the Katze Lab, a second episode occurred on a work trip to San Francisco, and that a third happened in a conference room at the Katze Lab. She was unable to describe dates or specific incidents regarding Dr. Katze touching her breasts or buttocks, but she did recount one incident where she says that he was lying on a couch in his office, put his arm around her waist, pulled her onto the sofa and cupped her breasts from behind. She stated that when egregious episodes of sexual harassment like this occurred she began applying for jobs so that she could leave the Katze Lab.

² I did not interview [REDACTED] despite a number of verbal requests to [REDACTED] and her attorney. As he is not a University employee, I am unable to compel his participation.

Dr. Katze has for the most part denied these allegations, except that he has said he confided in ██████████ about his romantic life and discussed with her what he considered a “lack of intimacy” with ██████████.

C. SUMMARY OF ALLEGATIONS REGARDING ██████████

██████████ has stated that she was in a relationship of sorts with Dr. Katze, although she did not welcome sexual contact with him. According to ██████████, she “lived two lives,” and treated her relationship with Dr. Katze as a job, letting him falsely believe that she had “intimacy issues” related to sexual intercourse so that she would not have to have sex with him. She said that Dr. Katze pressured her for intercourse and other sexual contact, and beginning in approximately September 2014, she began performing oral sex on him. She described the oral sex as always being in exchange for things like money, shoes, or a vacation, and never initiated by her. She said that he would interfere with her ability to perform her job responsibilities because he would insist on spending time with her during the workday and that he would occasionally come into her office and touch her in ways that she did not wish to be touched, for example by putting his hands down the back of her pants. ██████████, who was in a relationship with Dr. Katze prior to his hiring her to work at the Katze Lab, did not complain to the University about Dr. Katze’s behavior until her participation in this investigation.³ ██████████ said that she believed her employment to be in jeopardy if she did not continue in the relationship with Dr. Katze and that she participated in the relationship not because she enjoyed it or wanted sexual contact with Dr. Katze but for the money and opportunity it afforded her family.

Dr. Katze has stated that he initiated all sexual contact with ██████████. He denies that sexual contact with ██████████ was unwelcome, but has acknowledged that he was in a relationship with her and that she performed oral sex on him.

D. SUMMARY OF KEY FACTUAL ISSUES

1. Katze Lab work environment at the time of ██████████’s employment

By January 2010, the time Dr. Katze hired ██████████ to work for him in his lab, he had recently ended a sexual relationship with a Katze Lab employee under his direct supervision.⁴ Also by this time Dr. Katze had also been warned by his chair, Dr. James Champoux, about accessing pornography on University-owned equipment following a 2008 investigation initiated

³ In fact, ██████████ did not make a request for an internal investigation to UCIRO. UCIRO began investigating Dr. Katze’s behavior with ██████████ as it related to the complaint asserted by ██████████, and ultimately the School of Medicine requested that UCIRO investigate additional violations of Executive Order 31 via an institutional investigation after being informed of some of the statements ██████████ made in her UCIRO interview.

⁴ Dr. Katze has acknowledged this relationship and I am making no findings as part of this investigation as to whether aspects of this previous relationship violate Executive Order 31, except I consider this fact as relevant to the environment in which ██████████ worked, the extent to which information about it tends to corroborate statements by ██████████, and the extent to which Dr. Katze’s conduct is part of a pattern.

by the School of Medicine in response to complaints made by some of Dr. Katze's employees about their seeing pornographic images on Dr. Katze's University-owned computer.

The University has received other complaints about Dr. Katze's behavior, some predating the beginning of [REDACTED]'s employment, including a 2006 complaint claiming that Dr. Katze had called a former female employee a "fucking bitch" and stating that the complainant had nightmares about Dr. Katze's treatment of her; a 2010 complaint to UCIRO that Dr. Katze had discriminated and retaliated against a peer of [REDACTED]'s (later resolved via settlement without findings being made); a 2012 employee exit interview in which a departing employee described the work environment as harassing and retaliatory; a 2013 complaint regarding the harassment of a University employee;⁵ a 2013 anonymous complaint to the School of Medicine and University human resources claiming that Dr. Katze hired [REDACTED] "to perform sexual favors and accompany [him] on his business trips"; and a 2015 complaint that Dr. Katze unfairly denied annual leave to an employee, that he screamed profanities at this employee in the workplace while drunk, and that fifteen other employees had been "asked/forced" to leave the Katze Lab.⁶ See **Exhibit 6**.

These complaints are consistent with the interviews I conducted. Interviewees described Dr. Katze's behavior as cruel, crude, and characterized by frequent profanity and occasional screaming. A number of interviewees also described Dr. Katze as using gendered and racist language, for example, making statements like "Don't they teach English in China," "go back to the banana boat," referring to black people using the term "negro," referring to gay men using words like "sissy," using gendered terms like "tiny dick" to talk about men, and using terms like "bitch," and, rarely, "cunt" to describe women.⁷

The Katze Lab environment was also one where Dr. Katze expected 24/7 access to his employees. Dr. Katze reportedly became angry when he did not receive a speedy response to an email or text, even if the email or text was sent at night, on the weekend, or over a holiday. His employees found that he reacted poorly to being challenged, something I observed during my interview of him.

2. [REDACTED] and Dr. Katze form a friendship; [REDACTED] repeatedly attempts to set Dr. Katze up with women, including with her friends and acquaintances

Soon after [REDACTED] began work at the Katze lab, she and Dr. Katze became friends. They socialized together outside of work. Dr. Katze also befriended [REDACTED]. During this time, Dr. Katze became estranged from his spouse and sometimes spoke to [REDACTED] about his meeting and dating of other women. In 2011, [REDACTED] attempted to set Dr. Katze up with a number of women, including placing personal ads on Craigslist and, in

⁵ As a result, Dr. Katze signed a letter committing to treating his colleagues with respect and explicitly stating that episodes of future threatening or intimidating behavior would place him in violation of University policies and that the School of Medicine would take action under the Faculty Code. See **Exhibit 5**.

⁶ My investigation did not include determining the extent to which previous complaints had been investigated.

⁷ Dr. Katze's text and email communications are generally corroborative.

December 2011, emailing approximately a dozen escort services on Dr. Katze's behalf. *See, e.g., Exhibits 7 and 8; Appendix A at 1, 4, 5-7, 12-13, 21-23, 44-47.*

██████████ also facilitated the introduction of ██████████ to Dr. Katze. ██████████'s hairdresser, ██████████, was a close friend of ██████████'s. ██████████ mentioned to ██████████ that Dr. Katze was separating from his wife, about to leave on a six-month sabbatical, and was interested in meeting a woman with whom he could spend time and travel. ██████████ suggested ██████████ and sent ██████████'s picture to ██████████ then arranged for ██████████ and Dr. Katze to correspond via email. This likely took place in October 2011 because it pre-dated an early November conference in San Francisco attended by ██████████ and Dr. Katze; ██████████ traveled to San Francisco and spent time with Dr. Katze and ██████████

Dr. Katze returned to the Katze Lab in July 2012 at the conclusion of his sabbatical. He was still seeing ██████████. In July 2012, ██████████ initiated one of a number of attempts to set Dr. Katze up with a friend or acquaintance of hers, although she knew Dr. Katze was seeing ██████████. For instance, the following text messages⁹ from July 2012 relate to ██████████ attempt to set Dr. Katze up with her friend¹⁰ ██████████¹¹

██████████: We've got to [convince] him not to hire ██████████ but only when opp arises we have till Sept 1st but should work on it as soon as you hook up I told him you knew about ██████████ bu[t] not that he hired her...But I'm sure he'll tell you if her name comes up.

...
██████████ I hate pressuring you but you have to jump on it today, otherwise he'll run back to ██████████ She's a major ass kisser and that's b/c he's spent tons & tons & tons of \$\$\$\$ on her you have no idea. So even just a quick text saying MGK let's do Palm next Monday but [have] to be home Tuesday night...Then [the] wheels will spin and I can book everything... ;-)

██████████ to Dr. Katze: Did I tell you ██████████ likes to spank her men?

Dr. Katze to ██████████: OMG

...
██████████ to Dr. Katze: Yeah worry if she ask[s] you to take her to an adult store...

...
██████████: Ready? Have a good time get[ting] to know MGK. He's tons of fun very generous and outgoing despite some of his totally off the wall behaviors/demandingness but you just check him. I really hope it goes well so that he sticks [it] in the bitch's face that said anything to do with ██████████ or my girlfriends (you) is bad news & he should stay away and not go, so that he comes back after hanging with

⁸ ██████████ alleges that Dr. Katze exposed himself to her at this conference; she says that this was not the first time that he had done so. This and other exposure allegations are discussed in more detail in Section IV, *infra*.

⁹ For purposes of the readability of this report, I have on occasion edited email and text messages that I have quoted, sometimes translating typos and autocorrect errors into a more legible format. The actual text of these messages can be found in Appendix A. The sheer volume of text and email communication makes appending all of them to this report impractical. Also, in this report I have not always included every text message from the exchanges I cite. A fuller record can be found in Appendix A, in which I did make an effort to include as many texts or emails as needed to contextualize the communications.

¹⁰ Other messages between the two make clear that they are friends, even relatively close friends.

¹¹ Although the context suggests that ██████████ initiated the matchmaking, Dr. Katze had, the previous month, texted ██████████, saying, "find me a young babe here?" Appendix A at 3.

you boasting [and is saying] to her what a FABULOUS TIME he had and how so so very wrong she was in her face! Anyways have FUN!!! ;).

Appendix A at 5-6.

At the same time, [REDACTED] exchanged text messages with her tenant, offering to set her up with Dr. Katze, too:

Tenant to [REDACTED]: Haha no guys on the horizon but if you find someone for me let me know lol
[REDACTED]: My boss is single and loaded with \$\$\$

Appendix A at 4.

[REDACTED] persisted in these attempts, and a month later, texted Dr. Katze about someone named [REDACTED]:

[REDACTED] to Dr. Katze: I want you to meet someone (who will spoil you and treat you the way you want to and deserve to be treat[ed]-[s]he's like you, one shitty fucked up relationship after the next, no respect wants to be loved) call you shortly.

...
[REDACTED]: Hey chick so my boss like wants to meet you for all the wrong reasons...He's in love with you

[REDACTED]: Um...okay? Does he want to give me a job?

Appendix A at 12.

In November 2012, [REDACTED] introduced yet another acquaintance to Dr. Katze, explaining to her that:

He is very very generous and just wants to have fun. He's lonely and just wants someone to hang out with that wants to hang out with him an occasional blow job would be nice but he'd prefer a back rub or someone to cuddle with and someone he can talk to daily and who just wants to hang out with that will pick up the phone when he calls. He can be somewhat drama when he isn't getting his own way but you just got to know how to handle him once you understand him its easy and he's a big big baby.

Appendix A at 21-22.

And in September 2013, she tried again, this time with another friend. As [REDACTED] explained in a text message to this friend:

He's a [t]on of fun and I so hope you move in and get rid of the current chick who's using him... Maybe even take over her job god knows she didn't earn o[r] work for it...

Appendix A at 45.

3. Dr. Katze begins a relationship with, then hires, [REDACTED]

In the meantime, Dr. Katze and [REDACTED] continued to see each other. Sometime in July 2012, Dr. Katze extended to [REDACTED] a verbal offer of employment for an administrative position

in the lab. █████ agreed, but says that Dr. Katze immediately began holding his power as her employer over her. For instance, on July 5, Dr. Katze texted her:

Let me get this straight my baby. You are about to take ur 5th trip to the sun tomorrow. Essentially all expenses paid. I am working working and working. █████ is in meltdown as is █████. You are galavanting around in your Gucci and Vuittons. Eating in the finest restaurants and staying in beautiful hotels. And I have to ask you for phone calls. Kind of not right my honey. Or am I missing something? Oh yeah paying for all your kids too. Hmmmmm? Oh yeah and I got you a new job with computer iPhone and iPad. Geeze. What's wrong with this picture?¹²

Appendix A at 3.

Her primary duty was lab purchasing, a task which had been among the responsibilities of █████ who Dr. Katze fired in early August 2012. Appendix A at 7-9. Ten days after directing █████ to end █████'s employment, Dr. Katze asked to meet █████ for a drink. She could not meet him right away, as she had a meeting scheduled with █████. An argument over text ensued, during which Dr. Katze texted █████:

█████ is being a bitch. I cancelled your meeting. I told her I am done. Call her and tell her all the travel is off as is my job offer.

As █████'s text messages in response demonstrate, she felt vulnerable:

The simple fact that you would cancel the meeting I had with █████ out of anger is wrong. If that's the way you will be if things don't work out between us scares me. At this exact moment I'm questioning my every move...I'm sure you can understand since I have 3 kids I'm responsible for. I have to now think if things don't work out between us, what situation am I in?¹³

Appendix A at 11.

█████ began her Katze Lab employment on September 4, 2012. Although █████ was hired for a full-time position, she did not do full-time work, a circumstance that she and Dr. Katze joked about, and about which she occasionally commented. *See, e.g., Exhibit 9; Appendix A at 57.* In November 2012, she complained to Dr. Katze that people in the lab were already remarking that she was never at work, that he was treating her unfairly, that he was always threatening to fire people in the lab, and that he was interfering with her work because he did not want her to work with a particular male employee. Appendix A at 20-21.

This pattern continued throughout █████'s employment in the lab, with Dr. Katze occasionally blowing up at her and the male co-worker if Dr. Katze felt she was spending too much time with the co-worker, leading her to conclude that she had to sneak around at work to avoid angering Dr. Katze. *See, e.g., Appendix A at 20-21, 26-27, 29, 32, 39, 41.* She also worried about her reputation among other lab employees, who she believed perceived her as spending a lot of the workday with Dr. Katze instead of working. Appendix A at 20-21, 29. Indeed, █████ worked much less than one would expect of a full-time employee, something █████ and Dr. Katze

¹² The rest of the text conversation can be found in Appendix A. Dr. Katze later says "Just teasing you gf."

¹³ The two made up, and later that day Dr. Katze texted her, telling her she would be salaried at \$70,000.00, with her salary increasing to \$75,000.00 in six months. Appendix A at 12.

acknowledged. Her coworkers noticed, typically describing ██████'s work performance as slow and as characterized by frequent absence from the workplace. A number of coworkers also commented that they noticed ██████ and Dr. Katze spent quite a bit of time together during the workday on days when they both happened to be at the lab. Also, ██████ occasionally traveled with Dr. Katze on his work trips; in one particular instance, she accompanied him to Bali and Dr. Katze emailed ██████, directing her to "list ██████ as working from home."¹⁴ Appendix A at 49.

4. ██████ and ██████ are aware of how frequently Dr. Katze terminates Katze Lab employees

Dr. Katze routinely ended the employment of people employed in his lab. He did this primarily in two ways—either signaling to the employee that they were not working out in the lab and that they should leave, or by delegating this responsibility to administrative employees like ██████. According to some interviewees, turnover in the Katze Lab was high—one interviewee claimed the Lab had approximately 130 employees in the past decade—another provided an "incomplete" list of approximately 15 employees who Dr. Katze fired or forced to leave the lab. See Exhibit 6. It was typical for Dr. Katze to direct ██████ to approach employees to let them know that Dr. Katze expected them to leave the lab—she has referred to this as giving them "get the fuck out deadlines." Appendix A at 3. Additionally, even when employees resigned, Dr. Katze sometimes refused to let them resign on their own terms, directing in some cases that they end their employment immediately. See, e.g., Appendix A at 50-51.

Because Dr. Katze so aggressively ended the employment of his employees and so frequently involved ██████ and sometimes, ██████, in this process, both ██████ and ██████ were keenly aware of his propensity to do so.

5. Dr. Katze's friendship with ██████ is tumultuous; by 2014 the relationship began to deteriorate

Dr. Katze's friendship and working relationship with ██████ was characterized by periods of extreme frustration by both parties. Dr. Katze, in his interview, explained that he and ██████ had "squabbles," as close friends sometimes do. This pattern, which a number of interviewees referred to, is corroborated by the record of ██████'s and Dr. Katze's email and text communications. For instance, in September 2012, Dr. Katze informed ██████ and another administrative employee, Mary Rinell,¹⁵ that he expected them to email him upon beginning and ending their workdays. In an extended text conversation with ██████, ██████ relayed her anger with Dr. Katze, describing him variously as "an ass," "the dick," or "a prick," and the two discussed a plan by which ██████ would have a doctor that she knew write her a medical excuse from work, and then eventually receive unemployment. Appendix A at 13-15. Within three days, they had reconciled:

¹⁴ ██████ responded, "she is one lucky bitch- hope she blows ya." Appendix A at 49.

¹⁵ ██████ worked for the Katze Lab for only two months—Dr. Katze met her in the summer of 2012 when he moved into his apartment and subsequently hired her. ██████ arranged her termination from the lab in October 2012. See, e.g., Appendix A at 19-20; Exhibit 10.

██████████'s text to Dr. Katze: remember I'm your friend no matter what I'll always be here for you...thanks for the gift & cake though embarrassing thanks and your flexibility & understanding. I love MGK!

Appendix A at 16.

A few months later, in January 2013, when Dr. Katze balked at ██████████'s plan to take an extended period of time off later that summer, ██████████ texted her husband:

He doesn't give a fuck I will but now that ██████████ is gone he has no [one] that can do what I do...he's being a fucking bitch.

Appendix A at 26.

In June 2013, Dr. Katze expressed frustration with ██████████, who he perceived as complicating a relatively simple task, the assignment of iPhones to lab members. In an email to IT employee ██████████, Dr. Katze wrote:

Do not fucking ask ██████████. What is unclear about that.

Appendix A at 41.

The next day he emailed the lab, directing them to "not mail ██████████ for anything" and emailed ██████████, telling her "no more please to anyone—too much chaos-Chill." Appendix A at 41. As a result, ██████████ believed her role in the lab was being usurped by ██████████. See Appendix A at 41-42. ██████████ left for a planned eight-week vacation and on July 4, 2013, received the following email from Dr. Katze:

Not sure what kind of game you are playing breaking all contact. I can assure you we are not amused and it is turning into a huge embarrassment for me and others. There is a lot at stake here so do we assume you quit?

Appendix A at 42.

By ██████████'s return from vacation it was clear that the two had again made up, and ██████████ was again assisting Dr. Katze in contacting escorts and trying again to set him up with a friend of hers. Appendix A at 43.

Later in 2014, emails and text messages began to show a pattern in which ██████████ appeared to be less and less enthusiastic about her friendship with Dr. Katze. For instance, in September 2014 she texted ██████████ "You need a break from the psycho," and the following week texted ██████████ about him, saying, "Fuck him, it's ridiculous he'd ask such of you on a Friday afternoon, come on. That's selfish." Appendix A at 53.

In November 2014, after ██████████ Dr. Katze, ██████████ took a recreational trip to Las Vegas, ██████████ complained to ██████████ about Dr. Katze and she responded in part:

What a dick! Take for whatever and everything you can get and save everything...You can't believe ANYTHING he says...Yes plz take him [REDACTED] so the drama and torture he puts everyone through ends...And we can go back to normality instead of living in this hell...Believe me, I understand, because I've got [REDACTED] and if he thought or even caught wind of seeking other employment we'd be terminated just like he's done to everyone else...He's always the victim."

Appendix A at 54.

The following month, when Dr. Katze emailed [REDACTED] while she was in Hawaii on vacation, she texted [REDACTED]

MGK has been back from his Cabo vacation 1 business day Friday and this afternoon I get a fucking email "I need you when are you coming back." Wtf is it his mission to piss on my vaca? He knows damn well I'm out for three weeks it's been a fucking week and one of which he wasn't even around to miss me. He can't fucking be happy for anyone else's happiness, what a miserable selfish prick!!! Grr, slowest time of the year and he wants to fuck with me, what a jerk. Yesterday he wanted coke.

Appendix A at 55-56.

In February 2015, [REDACTED]'s text messages included her saying to [REDACTED]

Yeah I find that's the best thing to do. Just ignore him then when he calls you out make up an excuse, phone died, no charger, lost it, left it at work...etc.

Appendix A at 59.

These examples from text and email are consistent with how [REDACTED] described her friendship and working relationship with Dr. Katze. Additionally, as set out below, their relationship became even more strained during 2015, culminating in an argument between Dr. Katze and [REDACTED] three days before the date on which she alleged Dr. Katze exposed himself to her.

6. Dr. Katze initiates all sexual contact and communications with [REDACTED]; [REDACTED] treats her relationship with Dr. Katze as if it is part of her job

[REDACTED] in her interview, described herself as "having two lives." One, a work life, in which she acted as Dr. Katze's girlfriend during the workday, and a second, private life from which she excluded Dr. Katze. She and Dr. Katze both stated that the time they spent together was primarily during the workday. With the exception of travel—which Dr. Katze described as more and more rare after the end of his sabbatical in 2012 (which predated [REDACTED] employment)—[REDACTED] and Dr. Katze generally did not see each other on evenings, weekends, or on holidays. She never stayed overnight at his apartment; he never stayed overnight at her house. She did not invite him to her house or introduce him to her family or friends.

The record of email and text communication confirms Dr. Katze's statements that he initiated all sexual communication with [REDACTED]. [REDACTED] neither initiated sexual communication, nor responded in kind. The overwhelming majority of her replies to Dr. Katze consist of two main themes—either [REDACTED] registering seeming displeasure by making comments like "ewww," "barf," "puke," or "gross," or making responses like "lol" or "haha" that

did not substantively engage with his comments.¹⁶ *See, e.g., Exhibit 11.* Dr. Katze, in his interview, agreed that he initiated all sexual contact with ██████████, emphasizing that he found her lack of engagement in this area frustrating. For example, he volunteered that even when sleeping in the same bed when they traveled together, ██████████ bundled herself in long pants and a hooded sweatshirt and slept on the opposite edge of the bed.¹⁷

██████████ stated that she found Dr. Katze's behavior at the workplace disruptive. She told me that she would sometimes lock her office door to avoid him. She also said that he had done things like put his hands into the back of her pants and unbuttoned his shirt in front of her while in her office. She did not invite him to do these things.

Dr. Katze initiated all sexual contact and conversation with ██████████. However she may have responded to Dr. Katze, ██████████ did not welcome or incite this attention. For instance, in a January 3, 2013 text conversation with a co-worker, ██████████ said, "I threw up a little from his comment! Ughh!" When asked which comment, she replied, "I asked him, 'what's up?' He says, my d***! Ahhhhhhh sick!!!! I'm creeped!...It's just disgusting and wrong on so many levels..." Appendix A at 24-25. *See also* Appendix A at 74 (██████████'s message to a friend: "He says he misses me ew...And he jacks off thinking about me all the time").

In early 2013, the University received an anonymous complaint that Dr. Katze had hired ██████████ for the sole purpose of having her travel with him and perform sexual favors. Exhibit 6. In February 2013, Dr. Champoux spoke with Dr. Katze about this. He did not mention the anonymous complaint, but asked Dr. Katze if he was living with any of his subordinates. Dr. Katze answered that he was not, and they said nothing more about this.

Dr. Katze's relationship with ██████████ did not turn physically sexual until sometime in 2014. For instance, in February 2013, ██████████ texted with a friend about her job. When her friend said, "Are u serious he give u a few grand just to hump him lol... That's awesome dude", ██████████ replied, "Dude, what's awesome is that I have never touched him! Never." Appendix A at 30. But by late September 2014, this was no longer true—by this point, ██████████ had touched Dr. Katze's penis and began to perform oral sex on him.

In her interview, ██████████ explained that she did not want to have sexual contact with Dr. Katze, but he insisted on it, attributing her refusal to have sex with him to his belief that she was a rape victim. ██████████ told me that Dr. Katze would tell her things like "you need to start somewhere," and Dr. Katze, in his interview, said, "over the years I persuaded her to suck my penis." He began by asking her to touch his penis, which he described as being "less threatening than sucking on it."

¹⁶ ██████████ and other interviewees remarked that Dr. Katze insisted that his email and text messages be quickly responded to. For instance, ██████████ created a unique alert tone on her iPhone so that she knew when Dr. Katze sent her an email. Review of thousands of Dr. Katze's email and text messages show many times when Dr. Katze insisted that ██████████ and others not ignore his messages.

¹⁷ When interviewed, Dr. Katze commented "[it] should have been a warning sign," regarding ██████████ telling him at the time that she did not want to share a bed with him.

When they did have oral sex, it was in every case it was in exchange for something—money, shoes, travel and time off, etc. Dr. Katze and ██████ estimated that she performed oral sex on him approximately four or five times. Their email and text communications tend to corroborate the transactional nature of these exchanges. ██████ and Dr. Katze agree that ██████ suggested she receive some type of compensation; Dr. Katze told me that the gifts were made unconditionally.

██████ reports that Dr. Katze just “didn’t get” that she found his conduct unwelcome, but she went along with it anyway to keep her job. According to her, any time she brought the topic up, he would make comments that she felt threatened her job, like “It’s not comfortable for me to have you work here.” A November 2014 text exchange between ██████ contained the following excerpts:

██████: Right?!? I only stay because I’ve got these kids to take care of and I couldn’t do all this alone working a real job...Lol.

██████: Believe me I understand because I’ve got ██████ and if he thought or even caught wind of seeking other employment we’d be terminated just like he’s done to everyone else...He’s always the victim.

██████: Yep! That’s why I always tippy toe around...ONLY because of the job. I forever got your back and I know you have mine!!!

Appendix A at 54.

Email and text correspondence between Dr. Katze and ██████ also hints at ██████’s discomfort with these acts. For instance, in February 2015 they exchanged emails, which said, in part:

Dr. Katze to ██████: Did you not come over because you thought I would demand my 10 minute BJ (for the shoes?). I hope that is not the case consciously (or subconsciously). I will never force you do to anything against you[r] will. I love you MGK.

██████ to Dr. Katze: Maybe subconsciously I am worried about owing you and don’t realize I’m “avoiding” it. I know you would never force it and know I’m safe with you.

Appendix A at 59.

Approximately three months later, in May 2015, ██████ sent Dr. Katze a series of texts, including:

Something that really hit me yesterday is when you came in my office and asked me what I spent your money on? It made me think a lot. It honestly makes me feel like shit. I’ve been embarrassed several times where you’ve done similar things about my purses or shoes. You’ll say those are mine or who bought you those. It’s like you feel the need to announce it.

Another thing is that I feel is that I am receiving things or money from you in exchange for a bj. I don’t want to do that and I am put in situations where I do it because I owe you.

Appendix A at 77.

When asked about these messages in his interview, Dr. Katze remarked that he did not think [REDACTED] would have been capable of expressing these types of feelings earlier on in their relationship; he also said that he understood how she felt and that he did not disagree.

7. Dr. Katze makes unwanted sexual comments to [REDACTED], attempts to kiss her, touches her and rips her pants while drunk, and sends her sexually suggestive emails

Dr. Katze also made unwelcome sexual comments to [REDACTED]. For instance, Dr. Katze frequently commented on her appearance, sometimes in an ostensibly complimentary fashion (“You’re so pretty, you should wear makeup”, e.g.), and sometimes in a more controlling fashion (telling her that she should not wear turtlenecks). [REDACTED] said, and [REDACTED] confirmed, that Dr. Katze made continual references and jokes to threesomes including [REDACTED] or about going to “no-tell motels” on Aurora Avenue with her. [REDACTED] said, and [REDACTED] confirmed, that Dr. Katze made comments about her breasts, saying that she should wear shorter dresses or skirts, or asking whether [REDACTED] was wearing panties¹⁸. On a few occasions in 2014 and 2015, Dr. Katze sent them sexually-charged news stories via email, like about a “fit bit” for a penis and about a political scandal involving cleavage. See **Exhibit 12**.

In addition to commenting on [REDACTED]’s appearance, on a few occasions Dr. Katze touched her or attempted to touch her in ways that she found unwelcome. In February 2015, Dr. Katze attempted to kiss [REDACTED]—this happened in the workplace and [REDACTED] contends that Dr. Katze was drunk when it happened. In August 2014, Dr. Katze became so drunk at a party following the Systems Biology Conference that he could not recall how \$500 became missing from his wallet and asked “Was I tipsy?” in an email the following morning. Appendix A at 51. An interviewee other than [REDACTED] described him as intoxicated to the point where he was falling down. [REDACTED] took him home, and on the way there she says he pawed at her, hung all over her telling her that she was the only person who loved him, and ripped her pants by stepping on them.

Interviewees other than [REDACTED] stated that Dr. Katze would occasionally comment on the appearance of women generally and many verified that Dr. Katze told one female employee that her glasses made her look like a “sexy little librarian.” One interviewee said they overheard Dr. Katze commenting on [REDACTED]’s appearance by saying “nice view” in reference to her.

¹⁸ Dr. Katze made similar comments to [REDACTED]

8. In early 2015 the Katze Lab loses a significant grant; key employees, some of whom Dr. Katze considered to be his friends, leave the lab

In the first quarter of 2015, the Katze Lab learned that it lost a significant grant—the “U19 ‘Ralph Baric’ grant.” News of the lost grant spread throughout the lab, and employees became concerned that the lack of funding might mean layoffs. Some employees, in fact, were laid off; two of the layoffs—[REDACTED], employees who had worked for Dr. Katze for years—announced their intentions to leave the lab just a few weeks apart. Dr. Katze considered both of these employees to be friends,¹⁹ and their departure hurt his feelings.²⁰ Morale in the lab was low, in part due to the loss of funding and in part because a belief among some Katze Lab employees that Dr. Katze was not telling them the truth about why the grant had been rescinded.

Compounding the problem, [REDACTED], an employee upon whom Dr. Katze expected to lean more heavily in [REDACTED]’s absence, complained to Microbiology when Dr. Katze refused to permit him to take accumulated leave. *See* Section IV.C.1.(a), *infra*. Only after the intervention of Dr. Champoux did Dr. Katze allow [REDACTED] to take his accumulated leave. During his leave period [REDACTED] then notified Dr. Katze that he, too, was quitting the lab—and not only was he quitting, but he was accepting a job for a rival Principal Investigator with whom Dr. Katze had recently had a bitter dispute.

9. [REDACTED] is passed over for a promotion, walks off the job, has a physician write her a note excusing her absence, and fears that her job is in jeopardy

Upon learning of [REDACTED]’s departure, [REDACTED] began angling to assume [REDACTED]’s role in the lab. She feared Dr. Katze was going to hand the role to [REDACTED] instead:

[REDACTED]: [Dr. Katze] and [REDACTED] have been talking about it all morning...I’ll quit...whatever, if his dick makes the decision to put her in that role I’m gone...While she is sucking him off, he’ll expect me to do the work...FUCK THAT!

Appendix A at 62.

Two days later, [REDACTED] applied for 12 jobs via UW Hires. *See* Exhibit 14. Dr. Katze did not, in fact, hand [REDACTED]’s responsibilities to [REDACTED]. Instead, he announced in a March 30, 2015, meeting that the role would go to [REDACTED] another lab employee. [REDACTED] walked out of the meeting and did not return to work for the rest of the week. She obtained a physician’s note stating she was ill and unable to return to work until mid-April. Appendix A at 67, 69.

She sent the following text message to project manager [REDACTED], an occasional confidante:

I had to walk out of the meeting this am...Unbelievable they actually think they can bring [REDACTED] into [REDACTED]’s office and she will learn the role in a month...I’m fucking out of this popsicle stand...I’m

¹⁹ Dr. Katze appeared to have few friends outside of the lab.

²⁰ In the case of [REDACTED], Dr. Katze attempted to change the termination from a layoff to a firing because of what appears to be his sense of betrayal that [REDACTED] quit the lab. *See* Exhibit 13.

nobody, boy, and that's how I fucking feel here, passed up three times, now again, and [REDACTED] is going to get a raise because they have to redo his PTSA again and what about mine WTF...screw that shit.

Appendix A at 66-67.

[REDACTED] then became convinced that Dr. Katze was going to fire her, but on Easter Sunday, Dr. Katze and [REDACTED] met. He agreed to allow [REDACTED] to have [REDACTED]'s former office, although the bulk of [REDACTED]'s responsibilities would still be assumed by [REDACTED]. Dr. Katze also allowed [REDACTED] to work only four days a week, taking Fridays off. Appendix A at 74, 79.

10. Dr. Katze begins to realize [REDACTED] is distancing herself from him

In the midst of the turmoil within the lab, Dr. Katze began to sense that [REDACTED] was pulling further and further away from him. This feeling intensified when she declined to accompany him to Bali in June 2015, a trip he had long expected her to take with him. On June 22, 2015, he emailed [REDACTED] from Bali:

Bali is spectacular. But I am very sad [REDACTED] decided not to come. I'm pretty sure things are over. Disappointed.

Appendix A at 82.

On July 7, he texted [REDACTED]:

I am doing okay. Trying to accept the distance from you. Trying not to stress you out with my psychobabble. You have so much on your plate. I want you to be well. I've tried to connect like today or yesterday to no avail. Totally ok but I need to get used to not having you to talk to. I guess we both have changed. Not sure. Not good with text so let me know when we can meet. Okay?

Appendix A at 84.

A few minutes later, [REDACTED] texted [REDACTED], saying in part:

He's getting really strange...texting me all night because he was so fucked up that he couldn't walk. Every day now he just keeps going home and blowing me up to hang out and I ignore him. I am really sorry he's being a dick! Totally ignore him...he's got some serious issues with whatever is going on with him. I'm not being his bitch anymore and so he's flipping the fuck out nonstop.

Appendix A at 85.

On July 10, she texted [REDACTED]:

He's fuckin ridiculous! You wouldn't believe the shit he was saying yesterday. He's an asshole and thinks everyone is so selfish and he's the ONLY one working or doing anything. I seriously just ignore him. I'm sorry he's being a dick to you. It's just who he is now...always whining and bitching about everyone and everything. At least we have each other to vent and lean on. Shit, without you I would lose my mind!

Appendix A at 85.

11. [REDACTED] is involved in a fatal traffic accident and is absent from the workplace; [REDACTED] and her husband argue with Dr. Katze about [REDACTED]'s well-being

On July 14, 2015, the day prior to [REDACTED]'s birthday, it was evident that Dr. Katze sensed [REDACTED]'s withdrawal:

Dr. Katze text to [REDACTED]: Have a nice birthday. I'm not gonna ask you out anymore because it's too sad for me to be disappointed over and over. I'll leave it up to you ok? Friday I am on the boat with [REDACTED]

Appendix A at 88.

The next morning, [REDACTED] struck and killed a pedestrian on I-90 while commuting to work. Dr. Katze panicked when he heard the news and required [REDACTED] to leave work to comfort him at his apartment. Over the next few days he repeatedly texted [REDACTED] and offered assistance, but she maintained her distance from him. [REDACTED] did not come to work.

The following Friday, July 17, two days after the fatality accident, Dr. Katze met [REDACTED] for lunchtime drinks. Earlier that day he texted [REDACTED]. "I am a total fucking mess." Appendix A at 90. When he met [REDACTED], the conversation immediately turned to [REDACTED] told him that [REDACTED] was unlikely to return to work anytime soon, as the stress of the accident was too much. Dr. Katze insisted she would be okay within a few days. [REDACTED] responded by saying something along the lines of "You never killed anyone before," and the two began arguing. Dr. Katze left the restaurant and sent the following texts to [REDACTED]:

[REDACTED] Wow. I am trying to cope and [REDACTED] is so mean. That is so wrong.
Don't come back.
I never killed someone?
I need love and support not this. Wow.
And that's the thanks for being a great boss and not making you go to work today. Wow. Speechless.

To [REDACTED]: Shame on you.

Appendix A at 90-91.

[REDACTED] and Dr. Katze never spoke in person again. All subsequent conversation between the two of them has been through email or text. [REDACTED], whose anger toward Dr. Katze had been steadily building for months, appeared to reach a peak level of frustration. Among that evening's texts to her confidante, [REDACTED] were these excerpts:

I will never come into the office whenever he is out of town and when he is in town and at work my objective will be to leave every day by 2pm, and I don't care what he thinks or what anyone says, I'm challenging him, I'm not going to walk with my tails between my legs like the Jews did in WWII. I'm done with his shit, I can see why the Germans tried to get rid of them all... ☺ I know poor taste...

Yeah I am bad but that's because he's done pushed me too freakin far. ☺ No, I'm pissed ☺ Yup, that's all we can do it get out...and get out we will...

Yeah fuck him...he doesn't intimidate me, the fucking loser selfish piece of shit...all he has done now is solidified his intrusiveness into my family and life as now be voided, he's kicked the fuck out, he'll never see or hear from my hubby again, I'm making sure of it. I work for him, not my husband, and he doesn't have to act like the people in his lab, laughing at his stupid jokes, accepting his lies, lying to him, etc....He is truly a man without a single friend...and I can see why...fuck him.

Appendix A at 95.

12. The workday following the argument, Dr. Katze criticizes [REDACTED]'s work performance in a series of emails; [REDACTED] texts a friend: "that email just cost him a sick day"

Dr. Katze and [REDACTED] both came to work the following Monday, July 20, 2015, but did not speak. [REDACTED] texted [REDACTED]:

10:39 a.m.: Ought to be interesting. He is here, and in rare form, I poked my head in waved hi he gave me a look like yeah whatever, I just laughed...should be an interesting day...

11:53 a.m.: He's totally avoiding me. Lol, I wonder if he's having lunch with [REDACTED] right now as he had kept 11-2 free on his calendar. She takes her mother in law to chemo on Mondays and that's how she was probably able to get him to pay for the hotel for her and her kids Saturday evening. Was [unintelligible] to seeing him today. Prick. I don't care, I'm gone.

12:10 p.m.: He's a big baby, I don't care, I'm glad he is avoiding me because I was ready to tell him the hell off...

12:43 p.m.: He's back and he went right into his office and shut his door. LMAO!!

3:41 p.m.: Who knows, he certainly isn't talking to me whatsoever, he has his office door shut...

3:42 p.m.: [discussing [REDACTED]]: LMFAO she is gonna take it to the limit and I'm gonna help her...

Appendix A at 96-99.

It was shortly after this time that [REDACTED] claims Dr. Katze called her into his office, spoke to her about [REDACTED], and exposed himself to her:

At 3:56 p.m., Dr. Katze sent an email from his computer to a person working on replacing doors on his wife's home. At 3:56:45 pm, [REDACTED] sent an email to a coworker. It was the last email she sent from her computer that day before leaving work. Appendix A at 99. According to [REDACTED], she finished sending emails, shut down her computer, put it into a case, put the case into a saddlebag, carried her bags out into the hallway (her office was adjacent to Dr. Katze's), left them there, went into his office, where he began to complain to her that no one loved him, complained to her about [REDACTED], and at some point she noticed that he had his hands in his pants, after which point he exposed his penis to her, and blocked her exit from the office with his chair. [REDACTED] said at that point she eventually left the office without saying anything, grabbed her bags from outside the offices and went downstairs to the garage where she heard her cell phone

chirp with an email from Dr. Katze at 4:01:16.²¹ The email replied to a 3:46 p.m. email [REDACTED] sent about an itinerary relating to a speaking engagement by a visiting academic.²²

The time you have her meeting me is wrong-you have 4-5PM [copying and pasting from [REDACTED] email]. And you misspelled ROSEN and BUILDING [additional copying and pasting]. BOTH MISPELLED ATnD EITHER.

Less than a minute later, he sent a second email:

LAST NAME MISPELLED

[REDACTED] replied at 4:09 from her iPhone:

I didn't great it Amy did I'll let her know an aware she sent it

[REDACTED] sent three more emails before 5:00 that day:

4:11: \$600 for 2 lunches is too much. And 2 dinners?

4:12: Your reply is not in English?

4:42: [REDACTED] You need to check your spelling and grammar before you send anything out. It is a direct reflection of me. I need you to help with [REDACTED]'s work, [REDACTED] is helping as well but I need my reimbursements processed. Most of all I need you to be here full time including Fridays until further notice. I have been extremely generous with you and your time now that is over. I am tired and need you here. MGK PS-And please I will not talk about [REDACTED] with you as I am still hurt from last Friday. [REDACTED]'s behavior was disrespectful and shameful.

[REDACTED] forwarded the 4:42 p.m. email to [REDACTED] and then texted and emailed her:

5:07: For that email it has now cost him a sick day I will not be at work tomorrow.

5:20: I think it's time for me to seek medical and legal advice he's not gonna bully me and get away with it or hold my husband actions or anything against me you see his ps about [REDACTED]

5:21: Right he waited til I left btw I worked 8+ hours today

Additionally, that afternoon, [REDACTED] texted [REDACTED]:

4:33: MGK know you are in Hawaii? As he's bitching again about \$\$ I spent \$600 on 2 separate lunches this week for his group mtgs he wanted. WTF he expect me to put it on my cc? Oh hell no lol. I think he's plotting to get rid of me now after Friday by his actions and nitpicking but guess what, I don't give a fuck, I'm about to head to an attorney's office, sick of his shit!

Appendix A at 100-01.

²¹ As I explain in Section IV.C.5.(a), *infra*, my determination is that the events that [REDACTED] described did not happen.

²² When I visited the Katze Lab, I timed the walk from outside Dr. Katze's office to where [REDACTED] typically parked her motorcycle in the garage beneath the building. The trip took me approximately 1:30, walking at a normal pace.

None of [REDACTED]'s email or text communications I reviewed from the period of July 20 through July 22 indicated that she mentioned the alleged exposure to [REDACTED], or anyone else with whom she corresponded.

13. When [REDACTED] calls in sick the following day and then fails to respond to Dr. Katze's emails after her return to work, Dr. Katze initiates further action against her

The following morning, Tuesday, July 21, 2015, [REDACTED] emailed Dr. Katze, telling him she was sick to her stomach and not coming to work. A few minutes later, she emailed [REDACTED] saying in part:

5:58: MGK is fucked up in the head. Fishing for a reason to fire me because he is still upset about [REDACTED] saying he was being mean to him... Cry me a fucking river, that's between him and [REDACTED] not me and as if...there again, all about him, his feelings, etc....and now he is taking something personal and totally unrelated to me and made it personal and attacking me because of his feelings, SO not professional, not acceptable and I'm not going to nor do I have to tolerate it. I have plenty of leave, wonder if his girlfriend does, because she's gonna have to use it or go off the books, I'm not covering or lying for him anymore...he can fire me I don't care...

[REDACTED] apparently viewed [REDACTED]'s accident as some kind of potential windfall. In texts to [REDACTED] later that morning she said:

10:29: [REDACTED] is cracking up saying geez, you work here three years and you're already walking out with a retirement...Listen to the people who care about you. This is a once in a lifetime opportunity for you, sponge bob doesn't have your best interest, he's only thinking about himself.

11:19: This is an opportunity that comes along once in a lifetime, I'm so sorry that it came down to this...This is a horrible thing that happened to you, you certainly by no means asked for this. Sponge bob doesn't understand you might never work again because of this horrific incident. Some people never recover from such trauma and my god sponge bob wants to downplay it...OMG!

Appendix A at 101, 104.

Meanwhile, [REDACTED] declined to respond to Dr. Katze's emails, and emailed her at 9:57 in the evening to tell her that he assumed she was not coming in the following day and that he was requesting a temp employee. Appendix A at 104.

14. [REDACTED], believing that she is going to be fired, leaves the workplace; the following day, for the first time, she asserts that Dr. Katze exposed himself to her

The next day, Wednesday, July 22, 2015, [REDACTED] returned to work. She did not see Dr. Katze—he avoided her by spending the day in a downstairs conference room. Neither did [REDACTED] respond to any of Dr. Katze's email messages that morning. In the meantime, she did other work, including asking Microbiology Administrator [REDACTED] if she would be

available later that day for a meeting.²³ Coincidentally, Dr. Katze emailed [REDACTED] shortly after, leading [REDACTED] to believe that Dr. Katze and Ms. Caprina were working together to terminate [REDACTED]'s employment.²⁴ A few hours later, he announced that he was going to move [REDACTED]'s office. When [REDACTED] found out, she texted [REDACTED]:

Omg did you see his email I'm moving effective tomorrow! Omg!

Appendix A at 108.

A few minutes later, she texted [REDACTED] "I'm gone," and left the lab, never to return. Appendix A at 109. She had drinks that afternoon with [REDACTED] and another work acquaintance, [REDACTED]. While at the bar she complained to them about Dr. Katze, including telling them that he had, on one occasion, attempted to kiss her. She said nothing about him exposing himself on Monday or at any other time.

Dr. Katze proceeded with his plans—after moving [REDACTED]'s office, he directed Ms. Caprina and Katze Lab employee [REDACTED] to prepare a Letter of Expectation for [REDACTED]. If [REDACTED]'s performance did not immediately improve, she would be terminated. **Exhibit 15.**

On the morning of Thursday, July 23, [REDACTED] texted [REDACTED] "Aloha! Today marks the first day of my new life!" Several hours later she reported Dr. Katze to the police, claiming for the first time that he exposed himself to her. She and [REDACTED] had the following text exchange about it:

[REDACTED]: I'm on my way to police station as we speak he exposed his penis to me on Monday. I'm officially out of work. I'm awful upset. I'll text ya after I'm done.

[REDACTED]: Lmfao

Appendix A at 113-14.

15. Dr. Katze learns of investigation, meets with [REDACTED], and tells her that she needs to "answer the University's questions easily" and tell the investigator that she had not been harassed

Dr. Katze was notified of [REDACTED]'s allegations by a memorandum from me on July 31, 2015. Exhibit 3. He was later notified by a letter from the School of Medicine regarding additional concerns, including the possibility that he may have sexually harassed [REDACTED]. Not long thereafter, Dr. Katze met with [REDACTED]. During her interview she told me that, among other things, he told her that he "needed her to answer the University's questions easily," and that, if asked questions like "Did I harass you?" she should give simple answers like "no." He told her, "I need you to do this for me."

²³ According to a contemporaneous text to [REDACTED] "only wanted to talk to [REDACTED] about some HR shit (such as the PostDocs Dvlpmnt plans) in the lab." Appendix A at 106-07.

²⁴ In fact, Dr. Katze did end up contacting Ms. Caprina about [REDACTED]'s absence from work and refusal to respond to him, but he did this after the email to [REDACTED] that led [REDACTED] to believe she was about to be fired. Appendix A at 105-07.

16. More than two months after her UCIRO complaint, [REDACTED] alleges for the first time that Dr. Katze's harassing behavior included many more episodes of exposure and also included many episodes of unwanted physical touch

By the time I met with [REDACTED] for a follow up interview on October 2, 2015, I had developed serious concerns about the veracity of her allegation that Dr. Katze had exposed himself to her on July 20, 2015. Among my concerns was the July 21 email from [REDACTED] to [REDACTED] in which she plainly appeared to attribute Dr. Katze's actions of the afternoon of Monday, July 20 to his lingering anger over the Friday, July 17 argument he had with [REDACTED]:

MGK is fucked up in the head. Fishing for a reason to fire me because he is still upset about [REDACTED] saying he was being mean to him... Cry me a fucking river, that's between him and [REDACTED] not me and as if...there again, all about him, his feelings, etc....and now he is taking something personal and totally unrelated to me and made it personal and attacking me because of his feelings

Appendix A at 101-02.

She had claimed to me that his actions were in retaliation for her not performing oral sex on him when he implied that she should by saying "Put on your red lipstick." I asked her if she could explain what she meant in the email, and she declined to explain it, responding in ways that failed to address my question. When I next asked her about a text message she sent that week to [REDACTED], she just told me "I can't interpret it. I'm sorry," even though it was a text that she had herself written just two months earlier.

Several minutes later we moved onto another topic and then, for the first time, she disclosed allegations that Dr. Katze had exposed himself to her on four to five occasions and that he had frequently touched her buttocks and breasts. She said that she had not disclosed the allegations earlier because she did not want her husband to know about them.

IV. ANALYSIS

A. SUMMARY OF FINDINGS

1. Dr. Katze violated Executive Order 31 by creating a hostile work environment for [REDACTED]

I find by a preponderance of evidence that Dr. Katze violated Executive Order 31 when he created a hostile work environment for [REDACTED] by:

- Making many jokes and comments about having sex with her;
- Frequently commenting on her body and appearance;
- Attempting to kiss her on one occasion during the workday;
- On at least two occasions sending her unsolicited sexually-themed emails;
- Touching her body on one occasion when he was intoxicated;

- Doing all of the above in an abusive and profane environment where he used gendered slurs in front of [REDACTED] and other employees such as “tiny dick,” “bitch,” “sissy,” and at least on one occasion, “cunt”;
- Doing all of the above while wielding an enormous amount of power over [REDACTED], where he reminded [REDACTED] and others of his ability to fire them;
- Doing all of this while he required [REDACTED] to effectively act as his personal secretary²⁵ and be available at any time for reasons that in many cases had no business purpose;
- Doing all of this after he had been warned about using pornography on his work computers after employees had complained; and
- Doing all of this in an environment where he had had sexual relationships with at least two of [REDACTED]’s peers.

I do not find sufficient evidence to support [REDACTED]’s claims that Dr. Katze exposed himself to her on any occasion, or that, aside from what is listed above, that he touched her in any unwelcome or sexual manner.

2. Dr. Katze violated Executive Order 31 by engaging in a quid pro quo sexual relationship with [REDACTED]

I find by a preponderance of evidence that Dr. Katze violated Executive Order 31 when he engaged in a quid pro quo relationship with [REDACTED] because:

- Were it not for [REDACTED]’s status as Dr. Katze’s girlfriend, he would not have hired her or tolerated her poor attendance or poor level of work performance;
- Dr. Katze created a situation where [REDACTED] was completely financially dependent upon him by grossly overpaying her for the small amount of University work that she performed, both in salary and in thousands or even tens of thousands of dollars per year in gifts, cash, and travel on top of her salary;
- Dr. Katze at times attempted to control her behavior by telling other, male employees that they could not spend time with her;
- Dr. Katze initiated all sexual comments and contact with [REDACTED] and instead of reciprocating she often responded by saying things like “eww,” “gross,” “barf,” or “puke”;
- Dr. Katze was insistent on having sexual contact with [REDACTED] and put pressure on her to have it;
- When [REDACTED] did have sexual contact with [REDACTED], in every instance it was transactional—oral sex in exchange for things like shoes, money, vacation and time off, etc.;

²⁵ For instance, the following are examples of what [REDACTED] did for Dr. Katze: locate an apartment for his personal residence; negotiate the lease on his personal residence; fix parking tickets; arrange his personal internet and cable services; assist in the purchase and sale of stock; assist in the sale of real estate; purchase furniture for his personal residence; clean his personal residence; pick him up and drop him off at the airport; arrange his personal travel; schedule his manicures, pedicures, haircuts and hair lightening appointments.

- Dr. Katze was aware of the enormous amount of power he wielded over [REDACTED] and at times would remind her of it by saying things like “I don’t know if we can work together anymore” or “Maybe you should find another job”;
- [REDACTED] treated her relationship with Dr. Katze as a job—most of their time together was spent during regular working hours; they rarely saw each other outside of regular working hours; they did not spend holidays together; [REDACTED] did not sleep over at his residence; she did not invite Dr. Katze to hers; she did not introduce Dr. Katze to her family; and she manufactured ways to avoid spending time with him; and
- [REDACTED] did not welcome sexual contact or comments from Dr. Katze.

B. STANDARD OF REVIEW

The standard of review I applied was preponderance of the evidence.

C. FINDINGS REGARDING [REDACTED]

1. Some of Dr. Katze’s comments and/or actions were unwelcome

- a. Dr. Katze made unwelcome comments and jokes about having sex with [REDACTED]

Both [REDACTED] stated in their interviews that Dr. Katze made comments to [REDACTED] about having sex with her. For example, [REDACTED] said that a frequent comment made by Dr. Katze referred to them “getting a ‘no-tell motel’” on Aurora Avenue North. She said comments like these were typical at long lunches during which she, [REDACTED] and Dr. Katze would drink alcohol. [REDACTED] confirmed that Dr. Katze made comments like these, and during her interview she used the specific phrase “no-tell motel” when I asked generally about Dr. Katze commenting to [REDACTED] about going to a motel on Aurora Avenue with her. The specific use of this phrase corroborates [REDACTED]’s statement that this was something that Dr. Katze said.

[REDACTED] did not welcome these comments, although both [REDACTED] explained that when he made them, they would attempt to “laugh them off,” and that [REDACTED] attributed them to Dr. Katze being “a dirty old man.”

[REDACTED] also stated that Dr. Katze had said things like “I’m going to jack off on your toes” to [REDACTED] and to her before one of the occasions that the three of them went to get a pedicure.

Dr. Katze did not wholly deny making comments like this to [REDACTED]. I find that a preponderance of evidence supports that these comments were made because (1) [REDACTED] corroborates [REDACTED]’s account; (2) instead of completely denying the comments, Dr. Katze said in part that [REDACTED] did not object, implying that he had made the comments; (3) it is undisputed that Dr. Katze made comments of this sort to [REDACTED], suggesting that this type of language or commentary is not unusual or out of character for him; (4) [REDACTED] referred in

particular to his comments about getting a motel with her in a text message to a coworker²⁶; and (5) [REDACTED] has consistently asserted that Dr. Katze made such statements even when they are comparatively much less serious than the other misconduct she alleged.

Dr. Katze did not completely deny making sexual comments and jokes to [REDACTED], but instead suggested that these comments were welcomed by her. His response to my question about sexual comments and jokes to [REDACTED] was to say:

It was always [REDACTED] who wanted to make me happy—it was [REDACTED] who suggested I see a hooker, it was [REDACTED] who said I'm getting you a mattress—she was not bombarded by sexual innuendo by me, she never objected. In fact, the contrary, she'd hug me—she'd hug me from behind, there was no cupping.

I credit [REDACTED]'s statements to me that she did not welcome sexual jokes or comments about her because I find it reasonable that a woman would not welcome comments like this from someone with whom she had no sexual or romantic interest or relationship. There is a qualitative difference between comments or jokes Dr. Katze made about his own sex life or about sex generally and his comments about having sex with [REDACTED]. Thus, [REDACTED]'s willingness to engage Dr. Katze in conversations about his sex life or examples of her own frank and profane speech are not sufficient to refute the inherently reasonable proposition that being joked about or commented upon in a sexual manner by someone with whom one has no sexual or romantic relationship interest is offensive.

Moreover, Dr. Katze's argument that [REDACTED] did not object to his comments is insufficient to refute [REDACTED]'s assertion that the comments were unwelcome. Executive Order 31 does not require that an employee object to a supervisor's comments to prove that they are unwelcome. It is not uncommon for employees to fail to object to offensive comments. For example, they may not perceive any one particular comment to be that big of a deal; they might not want to risk the temper of their supervisor; they might believe that complaint is futile; they might believe that they are somehow to blame for the comments; they might believe that they will face ostracism from their coworkers if they complain; they might believe that complaining will damage prospects for future opportunity with the supervisor; or they might fear that the supervisor will retaliate against them. In the case of Dr. Katze and [REDACTED] specifically, many of these reasons apply: [REDACTED] and other interviewees described Dr. Katze as someone who became angry when challenged, who became sarcastic and cruel when upset, and someone capable of going to great lengths to retaliate. Many interviewees also expressed a belief that Dr. Katze would not be held accountable for his behavior because there had been previous complaints made about him without consequence.

Regarding whether [REDACTED] considered each particular comment to be something worthy of objection at the time, [REDACTED] described how she took the approach of trying to "laugh off" the comments ([REDACTED] described her approach as being similar). Regarding futility,

²⁶ [REDACTED]'s July 23, 2015 text message to this coworker was in the context of her claiming to the coworker that Dr. Katze had exposed himself to her on July 20: "all I can say is I don't know what to say who'd a thunk it, I mean he's made statements like lets go get a motel on aurora and shit like that...". Appendix A at 119. Under those circumstances, it seems unlikely that she would also manufacture the somewhat pedestrian allegation of him making comments about going to a motel together.

quite a few people I spoke to expressed their belief that it was fruitless to attempt to curb Dr. Katze's behavior, and ██████ sent ██████ a text message to that effect ("He thinks he's untouchable." Appendix A at 116). One person told me that Dr. Katze made them feel "powerless."

Interviewees other than ██████ described a work place in which Dr. Katze was feared. One person described the environment as "fear based," said how they cried each day before work, and that they were afraid of him. Another said that they feared him and feared his temper. Others recounted an episode where Dr. Katze screamed profanities at an employee. Two people expressed to me that my contacting them about him caused them to experience physical symptoms of illness. A complaint wholly unrelated to ██████'s, emailed to the School of Medicine nearly a decade ago, asserted that the complainant had nightmares about Dr. Katze and feared running into him on the streets of Seattle. I learned from a number of interviewees how that fear extended to job security and to a belief that Dr. Katze would retaliate against them even after they had left the University. As mentioned elsewhere in this report, Dr. Katze would communicate to ██████, ██████ and others his desire to fire employees. *See, e.g.*, Appendix A at 2-3, 8, 20, 23, 38, 80; **Exhibit 16.**

Some interviewees also related how Dr. Katze did not take criticism or disagreement well, and said that he could become cruel or demeaning if challenged. One interviewee said that they would be able to cite "a bajillion" examples of his cruelty; another described those incidents as "abundant"; one person said you needed to walk on eggshells around him; one person told me that Dr. Katze tended to become cruel when someone delivered a contrary opinion or posed some kind of threat to him; another said Dr. Katze "did not deal well" with people addressing things with him; and a few people gave examples of seemingly benign situations where Dr. Katze harangued them about minor matters. Specifically, Dr. Katze told one employee they were "stupid," "a mumbler," and "a stutterer." Another person told me Dr. Katze called them a "weak sissy with a tiny dick," and others recounted complaints that Dr. Katze would tell people they were "fucking stupid" or "fucking idiots." When ██████, who had accumulated hundreds of hours of annual leave, asked Dr. Katze to take a week off over the holidays, Dr. Katze denied the request and came into his office and told him, "You will never take this leave... Tough shit."

My own interview with Dr. Katze allowed me some insight into this type of experience. He was, at times, profane and sarcastic in some responses to my questions. When Dr. Katze asked me why, if employees had a problem with his behavior, they failed to complain to him about it, I asked him in response, "What if you express yourself to your employees the way you've been talking to me?" Dr. Katze replied:

Then they should complain to me or find another job. My job is to get grants. I am singularly focused on training scientists. This kind of shit is completely unimportant to me.

When I asked him about whether he referred to men as having "tiny dicks," one of the things he told me in response was, "Whatever—it's my free speech."

Consequently, ██████'s failure to object to Dr. Katze about his comments and jokes seems quite reasonable, and I reject the contention that her failure to object implied her welcoming of sexual comments and jokes about her.

b. Dr. Katze commented on [REDACTED]'s body and appearance

Likewise, [REDACTED] both told me that Dr. Katze made comments about [REDACTED]'s body—for instance about her breasts, the length of her skirt, and whether she was wearing panties. [REDACTED] reported that Dr. Katze told her that he did not like when she wore turtlenecks. A 2011 text message from [REDACTED] tends to corroborate this. Appendix A at 1. Another more benign example was Dr. Katze's admission that he would sometimes tell [REDACTED] things like "You're so pretty, you should wear lipstick."

Some other interviewees stated that Dr. Katze occasionally commented on women's bodies, although only [REDACTED] and one other employee could recall instances when Dr. Katze commented on [REDACTED]'s. A number of interviewees told me that Dr. Katze had, at a lab-wide meeting, said that [REDACTED] "looked like a sexy little librarian."

Aside from Dr. Katze's admission above, Dr. Katze denied making any comments of this sort. I resolved this credibility determination against Dr. Katze and I therefore find a preponderance of evidence supports that these types of comments were made.

c. On one occasion, Dr. Katze attempted to kiss [REDACTED] during the workday

[REDACTED] also complained that on one occasion in 2015, Dr. Katze was standing outside of his office and appeared to be intoxicated. She says that when she leaned in closer to look into his eyes, Dr. Katze pursed his lips and attempted to kiss her. She says that she pushed or punched him in the torso. Dr. Katze also denies this, and again I resolve this credibility issue in [REDACTED]'s favor and find a preponderance of evidence supports [REDACTED]'s contention. First, there is considerable support for Dr. Katze's intoxication in the workplace, and when I asked him about his use of alcohol in the workplace, he gave me no meaningful answer. Many witnesses corroborated [REDACTED]'s claims that Dr. Katze had been drunk in the workplace.²⁷ Second and most importantly, an email exchange between [REDACTED] and [REDACTED] from February 2015 indicates that [REDACTED] found *something* that happened that day objectionable:

[REDACTED]: dude I'm like totally grossed out...
[REDACTED]: I don't blame you!²⁸

²⁷ For instance, two interviewees told me that they believed Dr. Katze was intoxicated during their annual performance reviews, one witness told me that they smelled alcohol on Dr. Katze's breath during the workday and that Dr. Katze slurred his words while screaming obscenities at them, another interviewee told me that he also observed this episode of Dr. Katze slurring his words and screaming obscenities, one interviewee told me that Dr. Katze enjoyed "three martini lunches," text and email communications between Dr. Katze and [REDACTED] occasionally made references to drinking during the workday, people reported seeing alcohol in Dr. Katze's office, both [REDACTED] and another interviewee told me that Dr. Katze drank hard alcohol during the workday, sometimes by pouring it into a coffee mug, and an unrelated 2010 UCIRO investigation included statements by the complainant about his drinking while at work (and included photographs of alcohol). See Exhibit 6.

²⁸ In July 2015, [REDACTED] texted [REDACTED] asking her if she could find this email exchange, describing it as "the mail I sent you where I informed you that MGK tried to kiss me." Appendix A at 122.

Appendix A at 59-60.

Third, again, ██████ told her coworkers about this allegation before she claimed that Dr. Katze had exposed himself to her, she has consistently asserted it, and it seems unlikely that she would manufacture this relatively benign (and odd) complaint in light of the other serious misconduct²⁹ that she alleged. Finally, I considered that two other female peers of ██████ told me that sexual contact he had with them was not always welcome. While that sexual contact occurred in the context of relationships with those employees, I still find it somewhat more likely that a supervisor who has been described by two of an employee's peers as directing unwanted sexual contact toward them might also direct this toward a third employee, as well.

- d. In 2014 and 2015, Dr. Katze sent ██████ at least two emails with mild sexual content

Dr. Katze sent ██████ unsolicited and unwelcome emails in 2014 and 2015. The first was a link to a "fitbit for your penis" and the second was an article about a scandal concerning British politicians and pictures of cleavage. *See* Exhibit 12. The emails have no work purpose.

- e. On one occasion Dr. Katze touched ██████'s body when he was intoxicated

Finally, at the 2014 Systems Biology Conference in Seattle, a major event hosted by the Katze Lab, many interviewees reported that Dr. Katze became extremely intoxicated at an evening conference event. They recall Dr. Katze hanging on people, telling them that he loved them, and described him as being so drunk that it was obvious he needed to leave. ██████ called an Uber and accompanied him to his apartment complex, where she left him. She said that on the trip back, he put his hands all over her and that he ripped her pants. ██████ was not specific enough that I could infer any particular sexual intent from Dr. Katze's touching of her.

While Dr. Katze denies this, his emails from the next morning reveal that he could not remember the events of the previous evening, making it impossible for him to refute ██████'s contentions. Appendix A at 51. I again resolve this credibility issue in favor of ██████. She has been consistent in her explanation of this episode and told people about it even before she accused Dr. Katze of exposing himself. She also previously sought reimbursement for her ripped pants. Appendix A at 62, 70. It is very plausible that someone as intoxicated as Dr. Katze had been would put his hands on ██████'s body, and he was described to me as being "touchy-feely." Finally, it seems unlikely that ██████ would manufacture this episode in light of the other very serious concerns about Dr. Katze's actions that she brought to light. Therefore, coupled with Dr. Katze's inability to fully remember the evening, I find a preponderance of evidence supports ██████'s version of events.

²⁹ ██████ made additional serious allegations concerning Dr. Katze's behavior that are not directly within the scope of my investigation.

2. There is insufficient evidence to conclude that some of Dr. Katze's comments, mainly those about his own sexual activity, were unwelcome

There is evidence that Dr. Katze made other sexual comments to [REDACTED], but a preponderance of evidence does not support that these comments were unwelcome. Because Dr. Katze befriended [REDACTED], he frequently spoke to her about his dating life and his sex life. In fact, on many occasions, [REDACTED] attempted to find him women. In short, text message communications between [REDACTED] and several of the women with whom she attempted to set up Dr. Katze (many of whom appeared to be her friends) indicate a substantially proactive participation in the process by [REDACTED] and suggest in no way that she did not welcome this role. *See, e.g.*, Appendix A at 4, 5-7, 12-13, 21-23, 44-47. On many occasions, she appeared to go out of her way to find women for Dr. Katze.³⁰ Moreover, while Dr. Katze may have frequently discussed with [REDACTED] his own sex life, it is understandable that this would be much less objectionable to her than his comments about *her* sex life or jokes about having sex with *her*. Finally, it is clear that by sometime in 2014, [REDACTED]'s level of contempt for, and frustration with, Dr. Katze supports the proposition that these types of comments were not welcomed by her. It is possible, though, that earlier in their working relationship and friendship that she might not have found his behavior as objectionable, partially explaining why she tolerated it without complaint to the University for as long as she did. Consequently, I do not find that a preponderance of evidence supports the proposition that communications between Dr. Katze and [REDACTED] prior to September 2014³¹ about his desire for her to find women for him or her attempts to do so were not welcomed by her.

Dr. Katze's decision, however, to frequently discuss this aspect of his life with [REDACTED] while not a basis for my finding of a hostile work environment, is an example of what could be considered "inappropriate," but non-discriminatory, conduct under Executive Order 31.³² *See* Exhibit 1.

3. The large amount of power Dr. Katze wielded over [REDACTED] combined with the large amount of money that he paid her account for why she tolerated his behavior

[REDACTED], whose primary official work duty was managing Dr. Katze's calendar, earns \$75,732 a year, or 112% of the University average for that position and grade. **Exhibit 17.** She is highly compensated, especially considering the frequent amount of non-leave time off she receives and somewhat smaller workload than one would expect of an employee of that grade. Not only could [REDACTED] not likely find a similar position elsewhere, but her written work product is so poor it might be difficult for her to land a similar job

³⁰ It is undisputed, though, that Dr. Katze also initiated this type of discussion. *See, e.g.*, Appendix A at 3, 43, 74.

³¹ This is the approximate time that I was able to observe that [REDACTED]'s text communications about Dr. Katze indicated a consistent level of contempt and annoyance with him rather than reflecting turmoil that was normal in their friendship.

³² When I asked Dr. Katze, for example, why he permitted [REDACTED] to email escort services on his behalf, he replied, "Because I was stupid."

at any pay level. As a result, [REDACTED] had a financial incentive to tolerate Dr. Katze's actions, even if she did not like them.

Additionally, [REDACTED] feared Dr. Katze would terminate her employment if he became displeased with her, something she had witnessed countless times in her five and a half years in his employ. [REDACTED] was intimately familiar with Dr. Katze's propensity to fire employees because in many cases he expected her to carry out the terminations. Thus, it is straightforward to reconcile [REDACTED] failure to complain about his behavior until July 2015—when she believed she had finally lost her job—with the harassing behaviors she tolerated.

4. Dr. Katze's unwelcome actions were sufficiently severe, persistent, or pervasive that they could reasonably be expected to create an intimidating, hostile, or offensive work environment

a. Dr. Katze's unwelcome jokes and comments to [REDACTED] were not stray, isolated comments

[REDACTED] stated that Dr. Katze's comments and jokes to her were constant—"every day," according to her. While this may be somewhat exaggerated, I am unable to refute her contention that the comments were frequent. I received no indication from [REDACTED], the other person to hear many of the comments, that his sexual comments or jokes to [REDACTED] were in any way isolated or stray. Additionally, they were persistent in that they occurred regularly over a period of many years. It is inarguable that Dr. Katze's sexual comments to [REDACTED], at least, were frequent. It is reasonable to infer that if Dr. Katze were making sexual comments and jokes to [REDACTED], that they might also be frequent, even if not as frequent as were those to [REDACTED]. I find that a preponderance of evidence supports that the comments were relatively frequent and spread over a long period. *See* Section IV.C.1.(a), *supra*.

b. Dr. Katze touched, or attempted to touch [REDACTED] in an unwelcome manner on two occasions

Acts of unwelcome touching could, without more, violate Executive Order 31 if the touchings were sufficiently serious. In this case, the touchings (or attempt at touching) were not sufficiently serious that I would have found that they violated Executive Order 31 on their own, but they did contribute to a hostile work environment. Regarding the August 2014 drunken touching, [REDACTED]'s recounting of it was not sufficiently precise to infer that Dr. Katze focused his touching of her in intimate areas such as her breasts, crotch, or buttocks, and it is likely that if he did touch these areas he was intoxicated enough that it would be difficult to infer any sexual intent.³³ Nevertheless, he did put his hands on her body on a way that she has said made her feel uncomfortable.

The "attempted kiss" incident is mitigated because Dr. Katze did not succeed in kissing [REDACTED]. However, an employee should expect that her supervisor not attempt to kiss her,

³³ Dr. Katze's intent is not determinative in my assessment, but it is relevant.

especially in the workplace during the workday. [REDACTED] emailed her colleague that the experience “totally grossed [her] out.” Appendix A at 59-60.

c. Dr. Katze’s other behaviors and language created a workplace that was already highly charged and uncomfortable for his subordinates

Weighing significantly in my finding that Dr. Katze’s unwelcome sexual comments and actions toward [REDACTED] were sufficiently severe, persistent, or pervasive to violate Executive Order 31 is the Katze Lab environment that Dr. Katze created. The Katze Lab, by multiple accounts, was profane and unpleasant, and Dr. Katze peppered his speech with crass, sexist language, frequently describing men as having “tiny dicks,” sometimes describing gay men as “sissies” or “little faggot” or “gay boy,” and describing women as “bitches” or “fucking bitches” and on at least one occasion as a “cunt.”³⁴ See, e.g., **Exhibit 18**; see also Exhibits 6, 16. An interviewee said that Dr. Katze would make comments about penis size in front of female employees, a situation which this employee described as “cringe-worthy.” Some interviewees described Dr. Katze as making statements that were racist, such as telling them that he would never again hire another Asian person, asking people whether they taught English in China, telling an Asian employee to “get on the first banana boat,” or asking “Can’t you speak English?”³⁵ He also sometimes referred to black people as “negroes,” a habit reflected in his text correspondence.³⁶ See **Exhibit 19**.

Regarding [REDACTED] specifically, [REDACTED] has stated that Dr. Katze would sometimes refer to [REDACTED] and herself as “mental midgets,” refer to them sarcastically as his “crack admin team,” and tell them that they would have to go back to Tacoma or go back to the trailer park. Another former employee told me that he told them that they were “fucking stupid” and that they would have to “go back to the trailer park.”

Dr. Katze’s other actions cannot be divorced from the environment that he created, and the environment that he created was oppressive and toxic in its own right. Numerous interviewees—including [REDACTED]—described a generally unpleasant environment in which Dr. Katze demeaned and belittled his employees, often using profanity to do so. These statements are corroborated by other complaints about Dr. Katze’s behavior raised to the University at various times over the last decade. See, e.g., Exhibit 4 and the discussion in Section IV.C.1.(a), *supra*.

This was also an environment in which Dr. Katze showed complete disregard for many appropriate standards of professional workplace behavior: he persisted in viewing pornography on his work computers, despite being warned not to do so (pornography which a number of his employees were then exposed to); he exhibited favoritism towards both [REDACTED] [REDACTED] by allowing them extended time off and grossly overpaying them in relation to their official duties; he required [REDACTED] to act in a way befitting a personal secretary; and he engaged in sexual relationships with at least two of [REDACTED]’s peers. Consequently, employees in the Katze Lab expressed feelings conveying that normal rules did not apply to Dr. Katze, that he was able to act in any way that he wanted, and that they were, as a result, powerless.

³⁴ Appendix A at 74, a text message from Dr. Katze to [REDACTED]: “[REDACTED] is a cunt.”

³⁵ [REDACTED] is Asian-American.

³⁶ [REDACTED] is black.

██████████, too, expressed herself crassly and profanely, but I do not find her own coarse speech sufficient to mitigate the oppressive and threatening environment Dr. Katze created. First, Dr. Katze supervised every employee and was wholly responsible for the lab. Second, he led by example with this type of inappropriate and unprofessional communication. Third, and most significantly, Dr. Katze and Dr. Katze alone had the power in the lab, as he had the ability to terminate employees, change their assignments, move their offices, grant or deny them time off, approve or deny pay raises, etc.

In short, the Katze Lab environment was “intimidating, hostile, and offensive” in the general sense of those words even without Dr. Katze’s unwelcome conduct and sexual comments toward ██████████. The introduction of the unwelcome conduct and sexual comments toward ██████████ into the already toxic and oppressive environment of his creation make a plain case for his violation of Executive Order 31.

5. There is insufficient evidence to conclude that Dr. Katze exposed himself to ██████████ or engaged in additional unwelcome sexual touching

a. Dr. Katze did not expose himself to ██████████ on July 20, 2015

A preponderance of evidence does not support ██████████’s claim that Dr. Katze exposed himself to her on Monday, July 20, 2015. In fact, the evidence supports the conclusion that ██████████ manufactured this allegation. It is undisputed that Dr. Katze, in July 2015, criticized ██████████’s work performance in a way that was unusual for him; altered her work schedule by requiring her to work on Fridays when he had previously not required her to; issued to her a Letter of Expectation when he had never issued such a letter to any employee; moved her office; and told her he assumed she was not returning to work and that he intended to hire a temp employee. Text messages and email correspondence from July 2015 demonstrate that both Dr. Katze and ██████████ attributed these actions to Dr. Katze’s anger at ██████████ because of an argument that he and ██████████ had on Friday, July 17, 2015.

Relevant to my conclusion that Dr. Katze did not expose himself to ██████████ on July 20 are these factors:

- The only possible time that the exposure could have occurred, according to accounts of it given by ██████████, is in a 4 minute, 31 second window in which ██████████ would have had to shut down her computer, pack it into its sleeve and into her saddlebag, gather the rest of her things, leave her office, put her things outside of Dr. Katze’s office, enter and speak to him and listen to him complain that nobody loved him and complain about ██████████, watch him put his hands in his pants and then remove his penis, leave the office by getting around him although he was in the way of the door, pick up her things, walk the two flights downstairs into the garage, and reach her motorcycle in the parking garage; in the time it took ██████████ to leave his office and walk downstairs to her motorcycle, he would have had to have opened an earlier email from ██████████ (with a multipage attachment), read through it, copy and paste two sections from into the email in addition to his short comments, and send the email. Appendix A at 99-100;

- Multiple text and email messages from ██████████ to her confidant ██████████ on July 20 and July 21 attributed Dr. Katze's actions not to retaliation for her alleged refusal to perform oral sex on Dr. Katze, but to Dr. Katze's anger at ██████████'s statements to Dr. Katze on July 17. Appendix A at 100-02;
- Text and email messages from Dr. Katze also attributed his anger at ██████████ to his argument with ██████████ the previous Friday. Appendix A at 112, 123;
- ██████████'s text to ██████████ in which she stated "for that email [criticizing her performance and informing her that she no longer may have Fridays off] it has now cost him a sick day I will not be at work tomorrow"—she had told me that she took the sick day off because she was upset by him exposing himself to her. Appendix A at 100;
- Text messages from ██████████ preceding the alleged exposure, including one sent twenty minutes before she claims that it happened, in which she said "LMFAO ██████████] is gonna take it to the limit and I'm gonna help her..." and a text message from her to ██████████ three days earlier in which she said; "I don't care what he thinks or what anyone says, I'm challenging him, I'm not got walk with my tails between my legs like the jews did in WWII I'm done with his shit, I can see why the German tried to get rid of them all." Appendix A at 91-99;
- Text messages and email correspondence from ██████████ in the days after July 20, which do not appear consistent with her claim to me that she went home that afternoon, melted down, and told her husband who reportedly wanted to kill Dr. Katze. *See, e.g.*, Appendix A at 100-13, although Appendix A does not contain the entire extent of text messages and emails I reviewed;
- Text messages from ██████████ in the days after July 20 in which she said things like "Yup I'm checking out I have been backed into a corner and I have to think about my husband and his need for medical benefits, and it so obvious that MGK is plotting to get rid of me weather it's a straight up fire or lay off its going down today or tomorrow, that why I now have no choice..but to run now, right wrong no matter he is being a cowardly bitch and I'm not sucking his dick anymore..." and "he's playing right in to my hand two weeks ago he wanted to give me a raise, he wanted coke, prostitutes, pills, weed etc.... Have all in texts and he's worried about my spelling He's done put a fork in him." Appendix A at 108, 116.
- Her evasiveness and inability to explain to me, when I interviewed her, what her email to ██████████ meant when the email plainly indicates that she attributed Dr. Katze's actions the afternoon of July 20 to his anger over the fight with ██████████ on July 17;
- Her failure to tell anyone about the alleged exposure until July 23, which was the day after she became convinced Dr. Katze was going to fire her, although she did tell several people about other alleged, less serious incidents of sexual harassment;
- Her failure to provide certain information that would have corroborated her claims when it should have been a simple matter to provide this information;³⁷ and

³⁷ Specifically, on October 22, ██████████'s attorney forwarded to me a naked "selfie" picture of Dr. Katze that he told me had come from ██████████'s phone. I asked several times for a screenshot or other information that could assist me in verifying how it was that the photo had been transmitted to ██████████. Despite these repeated requests, ██████████ provided nothing. If she was able to send it to her attorney from her phone, it should have been trivial to provide a screenshot showing the message or email in which she originally received the photograph. When I spoke to her attorney about this several weeks later, he told

- Other evidence suggesting dishonesty, such as text exchanges from which I inferred that she was willing to make a false claim for unemployment, falsify information in an insurance claim, and falsely claim that she was ill and unable to work when she was not in fact ill.

- b. There is insufficient evidence to conclude that Dr. Katze exposed himself to [REDACTED] at any other time, or that, aside from what has been specifically mentioned in this report, that he touched her in unwelcome ways at any other time

I am also unable to conclude by a preponderance of the evidence that Dr. Katze exposed himself to [REDACTED] on any other occasion or that he touched her in unwelcome ways except for what is set out above. [REDACTED] brought these allegations forward on October 2, 2015, only minutes after I had pressed her to explain some details of the July 20 allegation that called it into question. Because [REDACTED] had difficulty providing much specific information about the dates of the other incidents, how frequently they may have occurred, and other details that would have helped aid in their assessment, these allegations rested almost entirely on [REDACTED]'s credibility.

She did offer some information that I was able to evaluate. For instance, she estimated that Dr. Katze exposed himself to her approximately five times, and that the first occurred some time after a work trip to Boston and some time before a work trip to San Francisco. She also said that one of the episodes occurred in the Rosen Laboratory's STRIDE conference room, several occurred in his office, and one occurred in his hotel room on the San Francisco trip.³⁸ [REDACTED] added that Dr. Katze also regularly touched her buttocks and breasts, and that on one occasion he pulled her down onto his sofa in his office, hugged her, and cupped her breasts.

According to [REDACTED], because she found these events unwanted and stressful, they coincided with her application within the University to other jobs. [REDACTED] applied for approximately ninety University jobs between the time she started work at the Katze Lab in 2010 and August 2015.³⁹ See Exhibit 14. These occurred in three main time periods. First, [REDACTED] applied for more than thirty jobs between March 11 and March 15, 2013. Second, she applied for fourteen on July 2, 2013. Third, she applied for approximately forty-five jobs between March 21, 2015 and August 3, 2015, with the bulk of those occurring between March 21 and April 10. I assumed that if Dr. Katze had any inappropriate sexual contact (or exposure) with [REDACTED] as recently as March 21, 2015, that she would have been able to recall this. Moreover, the March 21-

me that he was incorrect when he told me it was on her phone; it had come from her computer. Still, [REDACTED] was unable to provide the method of transmission to her computer and her attorney offered no explanation why she was unable to do so. Finally, I requested that the third-party service that had preserved and provide reports on [REDACTED]'s MacBook Pro to search for the image on her hard drive. They were unable to find it.

³⁸ [REDACTED] accompanied [REDACTED] and Dr. Katze on this trip and [REDACTED] had no recollection of any information that would tend to corroborate [REDACTED]'s claim that Dr. Katze had exposed himself to her during the trip.

³⁹ In her University email account, [REDACTED] had a folder relating to job applications—if she applied to many jobs outside of the University, she did not use this email folder (or any other as far as I could tell) for that purpose.

April 10 period corresponds exactly with the time period during which [REDACTED] and Dr. Katze had a falling out over whether she would take over [REDACTED]'s responsibilities in the lab, and thus her job applications during this time seem unlikely to have been triggered by previously undisclosed inappropriate sexual conduct by Dr. Katze.

[REDACTED] first mentioned the additional, undisclosed allegations of improper sexual conduct after I inquired about a March 12, 2013 email from Dr. Katze to [REDACTED] that said simply, "sorry about yesterday." Appendix A at 35. She speculated that this may have been the date on which Dr. Katze hugged her, pulled her onto his sofa, and cupped her breasts from behind. When I reviewed email records for that date, I discovered that eleven minutes before Dr. Katze sent the email to [REDACTED], he sent a similar email to her male coworker, which said in part, "Sorry about yesterday-the combination of a bad back and a migraine just did me in." Appendix A at 35. Only a few days earlier, Dr. Katze emailed the entire lab about the lab's failure to renew a significant grant, telling his employees, "the current funding climate is both hostile and uncertain. Scientists are losing their funding and closing their labs." Appendix A at 33-34. Thus, [REDACTED]'s spate of several dozen job applications during this time and the ambiguous "sorry about yesterday" email (which was substantially similar to an email sent only minutes earlier to a male coworker) appear to be much more likely to be related to the stress of the lab losing a grant than to any serious sexual harassment episode. Although this information does not allow me to rule out such an incident, I do not find that [REDACTED]'s comments that she applied for jobs as a reaction to sexual harassment, in this instance, corroborate her allegations. A review of [REDACTED]'s email and text records for the period of February 11-April 11, 2013, did also not yield any corroboration.

The last remaining group of applications—14 on July 2, 2013—likewise do not corroborate her allegations. Again, the circumstances of that time period provide an alternate, more plausible explanation that account for the job application activity. In June 2013, Dr. Katze and [REDACTED] had a falling out relating to Dr. Katze's perception that [REDACTED] was unnecessarily inserting herself into a decision about reallocating iPhones to Katze Lab personnel. This prompted a terse email exchange with [REDACTED], in which Dr. Katze told [REDACTED]: "Do not fucking ask [REDACTED] What is unclear about that." Appendix A at 41. The following day, Dr. Katze directed lab members to "not mail [REDACTED] for anything" and directed [REDACTED] to not email anyone in the Lab. He then left Seattle for Paris, and while Dr. Katze was in Europe on July 2, [REDACTED] sent the following text to an unknown person:

Morning Bub do me a favor if I provide you with the info? That bitch not only is she making 75k a year 5k more than me, but she is taking over my job in lab all of a sudden. MGK doesn't want me doing anything and I'm being kept out of the loop. Can you call Ashford College and see if she received her bachelor's degree in sales & marketing in 2004? Her full name is [REDACTED] [Social Security Number]. Thanks, I'm bringing that bitch down...

Appendix A at 40-41.

That day [REDACTED] applied for 14 jobs via UW Hires. A review of [REDACTED]'s available email and text message records from the period of June 2 to August 2, 2013, did not yield additional information that tended to corroborate her claim that her periods of job application coincided with episodes of egregious sexual harassment.

When I searched for corroboration in areas where I expected I might find it and instead found information that suggested other, plausible explanations for [REDACTED]'s job dissatisfaction, I could not find that a preponderance of evidence supported her additional allegations of exposure and unwanted touching. Additionally, some text messages [REDACTED] sent in July 2015 do not appear consistent with her claims of multiple incidents of exposure. For instance, in July 23 text messages to a colleague she said:

It's totally sick, 17yrs at UW and I never...

all I can say is i don't know what to say who'd a thunk it, I mean, he's made statements like lets go get a motel on aurora and shit like that in which I'd be like hell no; a few times he was drunk and tried to kiss me I just pushed him away, but its shit like this and him telling me all the time how I should dress makes senses he's a predator...

Appendix A at 118-19.

[REDACTED]'s use of "I never..." and "who'd a thunk, I mean, he's made statements..." is inconsistent with her later contentions that Dr. Katze had exposed himself numerous times over four or five years because they imply that she believed him incapable of that behavior. While it would be reasonable for her to not have previously complained, and I would not have expected [REDACTED] to necessarily have told that coworker that this was not the first time, I do not believe [REDACTED] would have said—more than once—things that clearly implied this behavior had never happened before.

Additionally, it is difficult to reconcile the multiple nature of such serious allegations with [REDACTED]'s earlier repeated attempts to set Dr. Katze up with her friends and acquaintances. Why, if Dr. Katze had been exposing himself to her and frequently touching her breasts and buttocks, would she encourage her friends to date him? While it is *possible* that she could do this, it seems unlikely.

In short, these allegations rested solely on [REDACTED]'s recounting of them, and thus on her credibility. I resolved these credibility determinations against [REDACTED] in the absence of any meaningful corroboration and because of the concerns set out above.

6. There is insufficient evidence to conclude that Dr. Katze's use of [REDACTED] to perform his personal, non-University tasks violated Executive Order 31

I also considered whether Dr. Katze's extensive use of [REDACTED] to perform non-University tasks⁴⁰ violated Executive Order 31 by discriminating against her on the basis of her sex. I concluded that it did not. There is insufficient evidence to conclude that Dr. Katze treated [REDACTED] differently on the basis of sex—at least two of her male co-workers reported that Dr. Katze also utilized them to perform personal services (these were primarily services of an IT nature). While [REDACTED] appears to have performed substantially more non-University work for Dr. Katze than other employees, it is logical that this is more attributable to [REDACTED]'s role as Dr. Katze's principal administrative support person than to her sex. Additionally, I am unable

⁴⁰ See Appendix A which provides examples of the types of personal tasks [REDACTED] performed.

to conclude that the use of ██████████ for non-University work constituted any type of adverse employment action against ██████████. In fact, ██████████ was very highly paid for her position. Finally, I did not make any determination whether Dr. Katze's use of ██████████ for non-University work violated any particular policies other than Executive Order 31, although, again, it is the type of "unacceptable or inappropriate" conduct that, while not "ris[ing] to the level of unlawful discrimination, harassment, or retaliation," is nevertheless appropriate for "discipline...or corrective action." Exhibit 1.

7. There is insufficient evidence to conclude that Dr. Katze's treatment of ██████████ during the week of July 20, 2015, violated Executive Order 31 as either sex discrimination or retaliation

I considered whether Dr. Katze's actions of the week of July 20, 2015—sending critical emails to ██████████, sending her a Letter of Expectations as a likely prelude to termination,⁴¹ and reassigning her office within the lab—constituted either sex discrimination or retaliation. I concluded that they did not.⁴² My factual determination is that these actions were not for legitimate work reasons—they would not have happened but for Dr. Katze's argument with ██████████ on July 17. As set out in more detail above, Dr. Katze's reaction to comments by ██████████ brought to a head a festering resentment ██████████ had been harboring towards Dr. Katze. When he criticized her work—rather unkindly, to be fair—in a series of email messages during the afternoon of July 20, ██████████ called out sick the next day. This frustrated Dr. Katze further, and when, after her return to work on July 22, ██████████ refused to respond to Dr. Katze's emails, he initiated discussion with Microbiology Administrator ██████████ to terminate ██████████ and that afternoon he reassigned her to another office.

██████████ did not engage in any protected activity⁴³ until later in the week, so Dr. Katze's actions predating her protected activity were not retaliatory within the meaning of Executive Order 31. Nor were the actions based upon ██████████'s sex—my conclusion is that Dr. Katze would have taken similar actions regardless of ██████████'s sex—his actions were a consequence of the argument he had with ██████████ (and his subsequent frustration with ██████████'s escalation of the situation). I considered whether the actions against ██████████ could have been based on ██████████'s sex, but I could not find legal support for this theory of discrimination liability.⁴⁴ These actions are, however, the type of "unacceptable or inappropriate" conduct that, while not "ris[ing] to the level of unlawful discrimination, harassment, or retaliation," is nevertheless appropriate for "discipline...or corrective action." Exhibit 1.

⁴¹ As of the writing of this memorandum, ██████████ is still employed by the University.

⁴² Nor were they quid pro sexual harassment—my determination that ██████████'s allegation of the July 20 exposure incident was untruthful forecloses this possibility.

⁴³ Executive Order 31 prohibits retaliation against those who "report[] concerns regarding discrimination or harassment, or who cooperate[] with or participate[] in any investigation of allegations of discrimination, harassment, or retaliation." Exhibit 1.

⁴⁴ Moreover, Executive Order 31 contemplates that harassment must be "conduct directed at a person because of *the person's*...sex." As harassment is a subset of discrimination, it would stand to reason that Executive Order 31 would also require that discrimination be "because of *the person's* sex." Exhibit 1.

D. FINDINGS REGARDING [REDACTED]

I find that a preponderance of evidence supports the conclusion that Dr. Katze sexually harassed [REDACTED] in violation of Executive Order 31 by engaging in a quid pro quo relationship with her. Specifically, her acquiescence to Dr. Katze's sexual advances, including touching his penis and performing oral sex on him, and her submission to the receipt of extensive and crude sexual comments, was an implicit condition of her employment.

1. Dr. Katze's actions were unwelcome

The first of two central issues is whether Dr. Katze's actions were unwelcome. Reviewing the voluminous email and text correspondence between Dr. Katze and [REDACTED] reveals several themes. First, there is a substantial divergence between the way that [REDACTED] communicated to Dr. Katze and her contemporaneous communications to others *about* Dr. Katze. Contemporaneous communications to others indicate disgust with Dr. Katze's sexual communications and advances and her general personal dislike for him. On the other hand, I considered that while a number of communications between the two address the inherent and substantial power imbalance between Dr. Katze and [REDACTED] and suggest that [REDACTED] expressed on a number of occasions discomfort with the arrangement, their communications are predominated by mundane, simple, loving expressions. Second, Dr. Katze initiated all sexual communications. Third, [REDACTED]'s text and email messages corroborate her statements to me that she treated her relationship with Dr. Katze as if it were part of her job and that she feared losing her job if she upset him.

All of these things notwithstanding, [REDACTED] knew some of what she was getting into when she accepted a job at the Katze Lab: she had been dating him for nearly a year prior to beginning her University employment. It is therefore significant that the level of sexual contact between Dr. Katze and [REDACTED] changed in substantial ways from 2012, at the beginning of her employment, to 2015.

- a. Not only did Dr. Katze initiate all sexual comments and conduct with [REDACTED], but she did not reciprocate; her responses ranged from noncommittal to expressions of distaste like "eww," "barf," "puke," and "gross"

Dr. Katze does not dispute that he initiated all sexual contact and communications. When I asked him whether [REDACTED] initiated oral sex with him, he responded, "*Hell no!*" and explained how he asked her to "do more," and said that after a few years she would sometimes rub his penis, which he said was "less threatening" than her sucking it. He likewise confirmed that she never initiated sexually explicit texts or emails. While on one hand he claimed that she never directly said, "don't send them," he acknowledged that she may occasionally have said something like "these make me uncomfortable, don't send these."

[REDACTED] not only did not initiate sexual comments and conduct with Dr. Katze, she failed to reciprocate them. For instance, she did not take her clothes off around Dr. Katze (and in some cases, when they traveled together she dressed in sweatpants, socks, and a hoodie and slept as far away from him on the bed as possible, something they both volunteered to me in their respective interviews). Nor would she permit him to perform oral sex on her. And the fact that she declined

to have sex with him, was, according to ██████████, a major issue in their relationship. Dr. Katze attributed this to his belief that she had been abused (“I think she’s frigid, or something,” he said in his interview) in previous relationships.

██████████’s lack of reciprocity is also evident in the record of their text and email communications, which reveal a pattern of exclusive initiation by Dr. Katze and predominantly two types of responses from ██████████—either “haha” or “lol” or similar expressions, or words like “eww,” “gross,” “barf,” or “puke.” *See, e.g.*, Exhibit 11. Regarding the responses such as “haha” or “lol,” ██████████ explained that Dr. Katze insisted that she quickly respond to his emails and text messages and would become more demanding when he did not.⁴⁵ In this light, quick responses like “haha” or “lol” can be reconciled with her statements during the investigation that she did not like these communications from Dr. Katze: responses like “haha” or “lol” are minimally responsive acknowledgements that the messages have been received that do not engage with the sexual aspect of the messages themselves. This makes sense when paired with the record demonstrating that ██████████ uniformly failed to initiate similar messages herself or respond in kind with equally sexual or crude replies. If ██████████ had actually welcomed these types of messages, it is more likely that she at some point would have initiated similar messages, or at least would have responded in kind. Similarly, responses like “eww,” “gross,” “puke,” and “barf” fall short of directly telling Dr. Katze that she did not want to receive the messages, but they are hardly evidence of welcomeness.

In any case, the test is not whether ██████████ clearly objected; Executive Order 31 requires only that the conduct be unwelcome⁴⁶ to the recipient, not that the subject be aware that the recipient finds it so.⁴⁷ It is therefore not necessary that ██████████ unambiguously communicate to Dr. Katze her discomfort with the conduct or messages (and in fact, ██████████ did occasionally communicate her displeasure, interactions which she contends resulted in her feeling that her job was at risk; this is discussed in more detail below).

- b. ██████████ actively avoided spending time with Dr. Katze—she did not invite him to her home, sleep over at his residence, introduce him to her family, see him on holidays, or spend time with him outside the workday

Further evidencing the unwelcome nature of Dr. Katze’s sexual conduct and communication is the fact that ██████████ compartmentalized her life in a way that mostly limited her time with Dr. Katze to the workday. If ██████████ found Dr. Katze’s attention welcome, one

⁴⁵ Other people I interviewed made similar comments about Dr. Katze’s expectation that his communications be swiftly acknowledged and responded to.

⁴⁶ I interpret Executive Order 31 as requiring that the conduct must be both objectively and subjectively unwelcome—it must be conduct that a reasonable woman would find unwelcome and conduct that the recipient in fact considers unwelcome.

⁴⁷ A recipient’s lack of complaint is, however, considered in determining whether the conduct is in fact unwelcome. In this instance, I have determined for the reasons I have set forth in this report that the conduct is unwelcome despite the absence of unambiguous requests by ██████████ for Dr. Katze to put an end to the conduct.

would expect her to more willingly spend time with him outside of work,⁴⁸ to invite him to her home, to introduce him to her family, to occasionally see him on holidays, etc. She did none of these things. In fact, she stated that she lied to Dr. Katze to avoid spending time with him, something a review of her text messages corroborates. *See, e.g.*, Appendix A at 18, 56-57, 86. Also, contemporaneous messages to her friends and peers demonstrate that she did not desire to spend time with Dr. Katze. *See, e.g.*, Appendix A at 24, 26-7, 29-30, 32, 53, 55, 57-59, 61, 75-76, 78, 85. This tends to corroborate that she likewise did not find his sexual advances welcome: it follows that if she did not like him enough to want to spend her outside of work time with him then she did not like him enough to desire sexual advances and communications from him.

- c. ██████████'s contemporaneous communications with her friends are consistent with her representations that she did not desire sexual contact or communication with Dr. Katze

██████████'s communications with her friends corroborate the unwelcomeness of Dr. Katze's advances and comments in three important ways. First, her many statements evidencing her distaste and contempt for Dr. Katze are generally consistent with her representations that she did not welcome his sexual advances. For example, she referred to him using the contemptuous nickname "Burns" after Montgomery Burns, an elderly, villainous cartoon character from the television show *The Simpsons*:

February 5, 2013, ██████████ text message to coworker: Burns is gone tomorrow!! Yay

May 12, 2015, ██████████ text message to friend: Burns is so dumb...So he originally asked me to hang with him on Friday. Now he's like you can stay home if you want but then you shouldn't take Friday off.

Appendix A at 30, 76. *See also* Appendix A at 28, 29, 31-32, 57-58, 75, 78.

Second, in some circumstances she explicitly told her friends that she did not want or desire sexual contact with him, like in this February 6, 2013 text exchange with a friend:

Friend: What u doing in Dubai

██████████: Work...Huge conference
Plus, playtime and shopping!!!
;-)

Friend: Bring me lol

██████████: Come!!!!

Friend: Who u going with?

██████████: You can always come on any trip with me!!
My boss! Ugh
Wanna go to Bali with me???

Friend: Lol ur boss loves u

Friend: When u doing Bali

██████████: I've been dying to go with someone! No one can afford it
He does! Lol! Gross
Idk...Anytime if you wanna go with me??

⁴⁸ An exception to time spent outside of work was when the two would travel together, something that Dr. Katze described as being more and more rare after ██████████ started work in his laboratory. Additionally, ██████████ stated in her interview that she tried to avoid traveling with Dr. Katze, going so far as to falsely claim she missed flights or that her children were sick.

Friend: Well make sure u charge him lol
[REDACTED]: It's about \$1200 a ticket... Coach
[REDACTED]: I do!! Lol I'll get a few g's
[REDACTED]: I know my way around and it's beautiful!! Spent 3 weeks there and you'd love it!!! We'd be famous there! Lol
Friend: Are u serious he gives u a few grand just to him lol... That's awesome dude
[REDACTED]: Dude, what's awesome is that I have never touched him! Never
[REDACTED]: Lol
Friend: How long u going to Bali for... N how long of a flight is it...
Friend: What are u serious u don't even go to touch him lol
[REDACTED]: I wanna go for 10-12 days... Relax and do nothing. Direct flight from here to Taiwan-I think 12 hrs and Taiwan to Bali-5 hrs... It's not bad if we were together. We could play ;)
[REDACTED]: Eecw... No! Never touched him. I just hang with him and shop!

Appendix A at 30.

There is also some record of [REDACTED] making contemporaneous statements of her disgust with his sexual comments to her. For example, from January 3, 2013:

[REDACTED]: Oh wow... He just called me trying to act normal!
[REDACTED]: But he's drunk!
Coworker: Lol
[REDACTED]: I threw up a little from his comment! Ughh
[REDACTED]: Sooo gross!
Coworker: About what? The women traveling?
[REDACTED]: Hold on while I stop barfing!
[REDACTED]: I asked him, "what's up?"
[REDACTED]: He says, my d***! Ahhhhhh sick!!!!!!
[REDACTED]: I'm creeped!
Coworker: Ew, just ew... he left
[REDACTED]: It's just disgusting and wrong on so many levels...

Appendix A at 24-25.

Third, because [REDACTED] reciprocated or initiated sexual contact with other men, the marked difference in her behavior with Dr. Katze strongly corroborates the unwelcomeness of Dr. Katze's advances. Dr. Katze has attributed [REDACTED]'s failure to initiate or reciprocate sexual contact and comments with him to his belief that she has suffered sexual abuse in the past.⁴⁹ [REDACTED]'s communications with people other than Dr. Katze indicates that it was only Dr. Katze with whom [REDACTED] did not initiate or reciprocate sexual contact. *See, e.g.*, Appendix A at 28, 54, 57-58, 60-61.

⁴⁹ Whether or not this is true, this is a belief [REDACTED] has been proactive in allowing Dr. Katze to maintain. *See, e.g.*, Appendix A at 77. [REDACTED] stated in her interview that she allowed Dr. Katze to believe this because it made it easier for her to refuse sexual contact with him.

- d. A different employee who had been in a sexual relationship with Dr. Katze described herself as being harassed by him and stated that there were times she did not want sexual contact with him, but had it anyway

Also providing some corroboration for ██████'s claims are statements made to me during the interview of a former Katze Lab employee who had been in a sexual relationship with Dr. Katze while she was in his employ.⁵⁰ This employee told me that she had considered filing her own complaint about Dr. Katze for harassment, and she also told me that her relationship with Dr. Katze was unequal because the power was with him and that she felt that there were some times in her relationship where she felt she had no choice to do what Dr. Katze wanted because her job was at risk. This included sexual contact with him.

On some occasions, Dr. Katze had told her that he could fire her, that she would have to go back to the trailer park where she grew up,⁵¹ and that she would never get a fucking job again. According to this former employee, with Dr. Katze there was an element of not crossing him because you could be fired—when he's done with you, he's done.

Later, this former employee told me that she would prefer that the University not investigate the particular circumstances of her situation—she estimated the sexual component of her relationship with Dr. Katze ended approximately in 2009. Because her contentions were not fully investigated, the value of her statements to corroborate those of ██████ is less than if a complete investigation had been performed. Nevertheless, her statements do carry corroborative weight; it is simply more likely that Dr. Katze was in a quid pro quo sexual relationship with ██████ if a previous employee has described her sexual relationship with him as one in which she had unwanted sexual contact.

- e. The level of sexual contact between Dr. Katze and ██████ changed between the time she accepted employment in 2012 and the present

I also inferred unwelcomeness because the nature of the sexual contact between Dr. Katze and ██████ changed significantly between September 2012, when ██████ began employment, and May 2015, the likely end to sexual contact between ██████ and Dr. Katze. In September 2012, the two had little to no sexual contact. She had neither touched his penis nor performed oral sex on him; she dressed up in a sweatshirt and sweat pants and slept on the opposite edge of the bed on the occasions when they shared the same hotel bed. As recently as February 2013, she commented to a friend that she had never even touched him.

By 2015, however, the situation was much different. She had by this point touched his penis (according to Dr. Katze, it took her a few years before she did this), and sometime in 2014 she began to perform oral sex on him, something she did perhaps four to five times until May 2015. I considered whether a reasonable woman would consider Dr. Katze's advances unwelcome. Arguably, even a reasonable woman who did not desire sexual contact with Dr. Katze may not have considered some of Dr. Katze's advances to be unwelcome because they occurred

⁵⁰ In his interview, Dr. Katze confirmed that he had had sexual contact with this former employee.

⁵¹ ██████ told me Dr. Katze had made similar comments to her.

within the confines of what he believed to be a romantic relationship. It is clear from [REDACTED] text and email exchanges with Dr. Katze that she communicated with him in ways designed to make him believe that she loved him. This was [REDACTED] “playing the role,” as she put it in a November 2014 text message to [REDACTED]. Appendix A at 54.

It is, therefore, significant that the gravity of the sexual contact between the two of them changed during the course of her employment. Had the level of sexual contact between them been the same, a reasonable woman would have been less likely to find the advances objectionable or offensive, since they would have been in line with what she was already used to within the relationship. But in this case, at the time of her hire by Dr. Katze, [REDACTED] was in no way accustomed to touching Dr. Katze’s penis or performing oral sex on him—she in fact did not want to do these things, and she had consistently refused sexual activity with him. Dr. Katze was insistent, but it was not until after she became his employee that he succeeded in finally persuading her to engage in this type of sexual activity.

- f. During instances in which [REDACTED] did perform oral sex on Dr. Katze, it was bargained for and in exchange for something

Also corroborating the unwelcome nature of Dr. Katze’s sexual advances was the transactional nature of the sexual encounters that they did have. According to both Dr. Katze and [REDACTED], any time she did perform oral sex on him it was always in exchange for something like money, vacation and time off, or shoes. They also both agreed that it was [REDACTED] who suggested the idea of the exchange.⁵² Her willingness to perform oral sex on Dr. Katze only when she received some form of compensation combined with Dr. Katze’s persistence in escalating the sexual aspect of their relationship and his acknowledgement that she never once initiated sexual contact with him corroborates that it was unwelcome. Performing oral sex only in those circumstances is more consistent with the contact being unwelcome than it is with it being welcome.

- g. The large amount of power Dr. Katze wielded over [REDACTED] combined with the large amount of money that he paid her account for why she tolerated his behavior

Like many people in the Katze Lab, [REDACTED] feared losing her job. A number of witnesses reported that they felt their jobs were constantly at risk, and that Dr. Katze threatened to fire people—and acted on it. [REDACTED] sometimes, was even asked to carry out terminations:⁵³

[REDACTED]’s February 16, 2013 text message to a friend: Yea, total crisis. I’m gonna have to lay off 3 scientists on Tuesday.

⁵² On the other hand, text message communications predating September 2014 indicate that this was something that Dr. Katze had suggested himself, possibly in a joking manner. See Appendix A at 52; **Exhibit 20**.

⁵³ Dr. Katze frequently delegated this task to his administrative employees. [REDACTED] and two former Katze Lab employees told me similar things in their respective interviews. As a result, people in administrative positions, like [REDACTED], were the most aware of anyone in the Lab of his tendency to terminate employees.

Appendix A at 32.

This concern for the security of her job began even before she began working. On August 13, 2012, ██████ texted Dr. Katze:

The simple fact that you would cancel the meeting I had with rose [to discuss her impending employment] with rose out of anger is wrong. If that's the way you will be if things don't work out between us scares me. At this exact moment I'm questioning my every move...I'm sure you can understand since I have 3 kids I'm responsible for. I have to now think if things don't work between us, what situation am I in?

Appendix A at 11.

It became evident again within a few months of her starting. On February 4, 2013, she exchanged text messages with a coworker:

██████: Dude, seriously... There's nothing rational about him

Coworker: He has been odd with me today

██████: Me too... He just went on and on about how difficult his life is and that no one cares about him... He's also freaking out that I'm not going on his trips. He keeps telling that he's going to invite someone else and that's not good for me!?!?

Appendix A at 29.

On November 20, 2014, she texted Dr. Katze about a conversation she had with her counselor about dating other men:

When he asks me how it would change things with us if I did that...I worry that you won't want to be my friend I worry that you won't want to be in my life, I worry that I won't have my job.

Appendix A at 53.

Two hours later, she texted ██████ about the situation:

██████: Amazing you can't believe ANYTHING he says... Yes plz take him ██████ [referring to another woman Dr. Katze sometimes dated] so the drama and torture he puts everyone through ends...And we can go back to normality instead of living in this hell...

██████: Right?!? I only stay because I've got these kids to take care of and I couldn't do all this alone working a real job lol.

██████: Believe me I understand because I've got a husband on disability and if he thought or even caught wind of seeking other employment we'd be terminated just like he's done to everyone else...He's always the victim.

██████: Yep! That's why I always tippy toe around...ONLY because of the job. I forever got your back and I know you have mine!!!

Appendix A at 54.

These exchanges are consistent with ██████'s statements during her interview where she explained that Dr. Katze threatened her job over the course of their relationship by saying things like "I don't think we can work together anymore" or "Maybe you should find another job." Sometimes Dr. Katze attempted to reassure her that her job was safe. Unfortunately, the fact that

he felt it necessary to make such assurances only underscores the significant amount of power he had over ██████████ and his realization that she feared for her job security.⁵⁴

In addition to ██████████'s salary, which was high for the amount of work she performed, Dr. Katze paid her in cash and gifts. When I asked Dr. Katze if he could put within \$5,000 the amount of money he had given to ██████████ in gifts just over the preceding year, he did not answer the question directly, but explained that he transferred \$500 to \$1,000 monthly directly into her checking account, that he paid for unexpected bills when they arose (windshield repair, water, etc.) and that he sent ██████████ and her family on vacation to Hawaii in July 2015 after her traffic accident. University email records I reviewed show what must be thousands of dollars in gifts to ██████████ ordered through Amazon and other online retailers.

Consequently, ██████████ was completely financially dependent upon Dr. Katze. It would have been likely impossible for ██████████ who had appeared to have little meaningful work experience prior to her hiring at the Katze Lab, to find a comparable salary. Even if she could have found a job paying more than \$85,000 annually, she would not likely have been able to find a position that required her to work as little as she did and allowed her to take as much time off as she did. There is also the matter of the additional thousands of dollars a year in direct cash payments and gifts from Dr. Katze.

Dr. Katze was not even aware of how much she worked, although he was her direct supervisor. He did acknowledge that she was "not famous for her attendance" and told me that she did not want to leave the Katze Lab because she would never find another job at the University with that amount of flexibility.

I considered also ██████████'s failure to complain about his behaviors, and for the reasons explained in Section IV.C.I.(a), *supra*, I do not find her failure to complain as persuasive evidence that she found his comments and actions welcome. Nor do I find it significant that she, unlike ██████████, did not proactively come to UCIRO. After she knew that ██████████ had filed a complaint she anticipated that a University investigator would speak with her. When she and I met in September, we discussed that she had the option of requesting an internal investigation with UCIRO if she wanted to, although it was likely given the information that I had already learned

⁵⁴ On the other hand, I evaluated statements suggesting ██████████ considered her job secure. This was in two forms. First, she made statements to Dr. Katze in which she implied she believed she would not lose her job. My determination is that her true belief was the one that she expressed to other people and at times to him—that she did in fact fear that he would end her employment if he became unhappy with her. This accounts for why she did not unequivocally end things with him even though she did not desire him romantically or sexually. Also, it is reasonable that an employee in her position would tell her supervisor what she thought he wanted to hear in order to keep the peace, and the fact that quite a few times she indicated a concern for her position coupled with Dr. Katze's multiple attempts to reassure her that it was actually safe suggest that any statements implying that she felt her job was secure can be thus reconciled with her many statements to the contrary. Second, ██████████ made a few comments to friends along the lines of "I have job security, no one can do what I do," which are consistent with her job security being conditioned upon her relationship status. To the extent her comments reflect her belief that her job was secure only as long as she remained in a relationship with Dr. Katze, they support the proposition that acquiescence to sexual contact with him was an implicit condition of her employment.

that the University would initiate an institutional investigation in any case. Eventually, the University did initiate an institutional investigation.

For the reasons enumerated above, ██████ remained in the Lab, tolerated his sexual advances and crude sexual comments, endured his sometimes controlling behaviors, and eventually performed oral sex on him: because if she did not, she believed that like so many other people she would be immediately and unceremoniously terminated. As another former employee put it, the Katze Lab was an environment where “if you crossed” Dr. Katze you were fired, and “when he was done with you, he was done with you.”

h. Dr. Katze persisted in his advances despite some indications of discomfort or displeasure from ██████

There were times that ██████ either told Dr. Katze that she did not like his advances or crude sexual texts or emails or somehow otherwise conveyed her discomfort to him. Dr. Katze explained in his interview that while she never directly said “don’t send these,” she may have occasionally said things like “these make me uncomfortable don’t send them.” This is consistent with ██████’s statements to me explaining that she rarely directly confronted Dr. Katze because she did not want to risk upsetting him and because she feared for her job security. If ██████ hadn’t expressed discomfort, then Dr. Katze would have had no reason to send emails or texts in which he said things like:

February 7, 2015 email: Did you not come over because you thought I would demand my 10 minute BJ (for the shoes?). I hope that is not the case consciously (or subconsciously). I will never force you to do anything against your will.

Appendix A at 59.

Some of ██████’s responses to his unsolicited sexual emails and texts went beyond expressions like “eww,” “gross,” “puke,” or “barf.” For example:

June 19, 2014 Dr. Katze text to ██████ Check and see if your shrink gets a boner when you discuss mouth hugs.
██████: That’s sick.

Appendix A at 50.

2. Submission to Dr. Katze’s unwelcome actions was an implicit condition of ██████ employment

Neither Dr. Katze nor ██████ asserted that Dr. Katze explicitly told ██████ that she must date him, reciprocate his sexual comments, or submit to his sexual advances in order to keep her job. Although there are a few counterexamples, there is not sufficient evidence to conclude that the quid pro quo relationship was based upon an explicit understanding that ██████ needed to submit to Dr. Katze’s actions. There is a preponderance of evidence, however, supporting the proposition that ██████’s acquiescence was an implicit condition of her employment. ██████ who appeared to have had no meaningful employment experience, was nevertheless hired by and significantly overpaid by Dr. Katze, who did not normally tolerate nonperformance

from his employees. ██████ did a relatively small amount of University work while employed by the University, and her statements that she considered being in a relationship with Dr. Katze as part of her job are supported by the voluminous record of text and email communications I examined.

a. Dr. Katze would not have hired ██████ had he not been dating her

Both Dr. Katze and ██████ (and other witnesses) confirmed that ██████ was hired because she was dating Dr. Katze. This fact is significant because ██████ had no obvious qualifications for the position she ultimately filled and there was not a clear match between the duties that ██████ performed and between the duties of the person who Dr. Katze fired weeks before hiring ██████ (only some of whose functions ██████ ultimately performed). ██████ has acknowledged that her resume was altered so that she appeared to be better qualified for the job. Had she been qualified, this would not have been necessary. In short, this was not a situation where ██████ happened to be highly qualified for the job *and* happened to be dating Dr. Katze. This was a situation where Dr. Katze hired ██████ in spite of her not being the best candidate,⁵⁵ and if she had not been dating him, he never would have hired her. The very foundation of her employment was her status as Dr. Katze's girlfriend.

b. Dr. Katze would not have tolerated ██████'s poor performance or poor attendance had she not been in a relationship with him

██████'s low level of performance made her unusual among Katze Lab employees.⁵⁶ Dr. Katze earned a deserved reputation for not tolerating poor performance. Yet ██████'s performance was nearly universally described as substandard by her colleagues. Dr. Katze, her direct supervisor, did not even know how many hours a week she worked, although he conceded her attendance was poor. The fact that ██████ was not especially proficient in her job is consistent with her statements that she viewed her relationship with Dr. Katze as work. Had her employment really been about her officially assigned tasks, she wouldn't have been able to maintain her job—she would have been fired. Even Dr. Katze's comments ostensibly meant to reassure ██████, to the effect of her always having a job for his lifetime, also corroborate this: ██████'s job security, because it did not depend on her performance, was instead dependent upon her relationship status with him.

c. Dr. Katze expected ██████ to use working hours to spend time with him

As Dr. Katze and ██████ both explained in their respective interviews, once ██████ became Dr. Katze's employee, the majority of their time together was spent during working hours.

⁵⁵ ██████ was initially a temporary project hire, which because of its limited duration was subject to little oversight. She was hired permanently in the summer of 2013, and I was unable to determine that any other candidates were interviewed or considered. Dr. Katze, ██████, and former Katze Lab administrative employee ██████ nominally interviewed ██████ for the permanent position. So it wasn't that there were better candidates for the position; there were *no* other candidates for the position because Dr. Katze never contemplated anyone else would fill it.

⁵⁶ Besides ██████, only ██████ appeared to keep a job in the Katze Lab despite otherwise lackluster work performance.

They did not see each other on weekends and traveled together less frequently. They did, though, go to lunch and coffee regularly whenever they were both in the office, and on some Fridays when ██████████ was scheduled to work from home, Dr. Katze expected her to spend the day with him at his apartment, which was within walking distance of the Katze Lab. ██████████'s text message correspondence contains examples which appear consistent with this:

February 1, 2013 (Friday) text to coworker: Looks like I have to spend the day with MGK. I'm super excited (insert sarcasm).

February 1, 2013 text to Dr. Katze: The Katze Lab calendar has me listed as off today in MGK's office and I sent a mail saying that I'm working remote. This is looking really bad.

December 30, 2014 (Tuesday) text from a friend to ██████████: Whatcha doin today?
██████████: Going to get my nails did with burns :/ I've gotta hang with him or he's gonna kill me

May 7, 2015 (Thursday) text from ██████████ to a friend: I have to go to this mutha fuckin play with burns
██████████ Phantom of the opera [emoticons showing gun to a head]
Friend: That sounds terrible
██████████ I don't know if terrible is severe enough...Suicidal is a better word [laughing emoticons]

Appendix A at 29, 56-57, 75.

Additionally ██████████ often did not come to work when Dr. Katze was not in the office. Many of her coworkers believed, in fact, that she was a part-time employee. ██████████'s frequent absence during times that Dr. Katze was not himself in the office is also consistent with the notion that ██████████'s actual job was not University work but to be in a relationship with him. Had her priority been University work, her coworkers would not have believed she worked only part-time, and she would have reliably been at work, even on days when he was not in the office.

██████████ said that she found Dr. Katze's attention at work disruptive because he would frequently come into her office or call her into his. I credited ██████████'s statements on this, which are consistent with her coworkers' observations that the two appeared to spend a lot of time together. This is also consistent with the text of an email she sent Dr. Katze in November 2012:

In no way was I blowing you off this morning and I was very nice in my response to you via text. I'd just gotten back from being gone and needed to focus on my job. People in the lab were already talking again about how I'm never there. I want to earn a good reputation and not seem like I don't care or support the people who need me. You've told me before that if I have work to do, to just say so and I did, but you got pissed. Then you say that you'd fire me if that were someone else in the lab?⁵⁷ That's unfair! When I say you're always threatening to fire people, it is true.

Appendix A at 20-21.

d. Dr. Katze grossly overpaid ██████████ for the small amount of work that she did

As of July 31, 2015, ██████████'s annual salary was \$85,800, 106% of the University average for the same position and grade. That number is remarkably high considering her short

⁵⁷ This also supports the proposition that Dr. Katze tolerated nonperformance from her as long as she was his girlfriend.

tenure at the University and her lack of previous experience. One would expect a relatively inexperienced employee with a tenure of only three years to be toward the bottom of the list, not paid more than average. See **Exhibit 21**.

But most significantly, her salary was extraordinary in light of the work she actually performed: Dr. Katze did not even know how many hours a work she spent working, and in 2015 she texted a friend claiming she worked only 20 hours a week, an estimate that may well be high. Appendix A at 57. As set out above, many of ██████'s coworkers mistakenly believed she was a part-time employee, and they frequently claimed that she was unable to timely perform her purchasing responsibilities. Because her assigned duties were primarily purchasing (and to a lesser extent performing occasional work on conferences and obtaining reimbursements for Dr. Katze's expenditures), it is hard to understand how she could not be timely in performing such a small amount of work.

██████'s compensation is not reflective of her University responsibilities—it is, instead, reflective of her status as Dr. Katze's girlfriend. She was not, as a practical matter, being paid to do necessary University work. Had she been so, her salary would have been a fraction of its actual amount.

- e. In some cases, Dr. Katze explicitly conditioned ██████'s job on her acquiescence to his advances; in others he strongly implied it

Even before ██████'s first day in the Katze Lab, Dr. Katze's communications to her revealed his position of economic power and his corresponding expectations of her. For example:

July 5, 2012 text to ██████: Let me get this straight my baby. You are about to take ur 5th trip to the sun tomorrow. Essentially all expenses paid. I am working working and working. Cyndy is in meltdown as is Maria. You are gallivanting around in your Guccis and Vuittons. Eating in the finest restaurants and staying in beautiful hotels. And I have to ask you for phone calls. Kind of not right my honey. Or am I missing something? Oh yeah paying for all your kids too. Hmmmmm? Oh yeah and I got you a new job with computer iPhone and iPad. Geeze. What's wrong with this picture?

August 10, 2012 text to ██████: I still get butterflies when I see you. My visa bill is \$33000. No joke. All time record.

██████: Maybe I should pass on filler/botox...I don't have to have it honey. Plus, I have so many other bills :-/ eek!!

Dr. Katze: No way. We gonna do it. Section 8 for both of us. Just love me and you will get the world. And oh yah look good too. No bra today.

August 13, 2012 text to ██████: I will cancel your meeting [about Katze Lab employment] with ██████ I am done

Dr. Katze text to ██████ moments later: ██████ is being a bitch. I cancelled your meeting. I told her I am done. Call her and tell her all the travel is off as is my job offer.

Appendix A at 3, 9, 11.

Later during her employment he made some explicit sexual demands of her:

September 24, 2013 text to ██████: Honeeeyyyy. Can you do me a tiny favor? I'm needy. ██████ Yessssss big baby Mikey?

Dr. Katze: Can you send me a pic of your panties?
[REDACTED] Uhhmmmm.
Dr. Katze: While on you.
Dr. Katze: Pleeese
Dr. Katze: I miss you
[REDACTED]: Miss you too. Can I rest a little and go in afternoon?
Dr. Katze: Yes. If panty pic. How are girlies?
[REDACTED] I don't send underwear pics. Yuk!

Appendix A at 46.

Then, these two exchanges in 2014:

August 24, 2014 Dr. Katze text to [REDACTED]: Need you to sign a perjury statement that you love me and will blow me.
Dr. Katze: I'll give you the 300⁵⁸

September 2, 2014 [REDACTED] text to Dr. Katze: Can I get a payday loan? Lol I miss your crazy buns!
Dr. Katze: Proper bj gets you \$500. Squirt included.

Appendix A at 52.

The simplest expression of Dr. Katze's and [REDACTED]'s working relationship is that she was employed by him to be his girlfriend. This accurately describes their behavior, and because she was employed to be his girlfriend, it follows that tolerating his sexual advances and communications was an implicit condition of her employment. This accounts for why Dr. Katze hired someone who was not particularly qualified, permitted her to work only a part-time schedule while paying her a full-time salary, tolerated her lackluster performance, expected her to spend many of her working hours doing non-work activities with him, and made a number of comments and jokes to her suggesting that her employment by him obligated her to return his calls, send him a picture of her underwear, or perform oral sex on him.

V. CONCLUSION

For the foregoing reasons, reasonable causes exist to adjudicate charges that Dr. Katze has violated Executive Order 31.

⁵⁸ Later in the exchange, Dr. Katze said, "just kidding." Yet, this is *exactly* the type of sexual contact that the two of them had: [REDACTED] performing oral sex on Dr. Katze in exchange for money or gifts.