



# UNIVERSITY OF WISCONSIN Colleges

*The freshman/sophomore UW campuses*

January 22, 2018

## INVESTIGATIVE REPORT TO THE PROVOST & REGIONAL EXECUTIVE OFFICER OF UW-COLLEGES

### COMPLAINT BY [REDACTED]

On December 7, 2017, the UW Colleges/UW-Extension Office of Equity, Diversity, and Inclusion received information that [REDACTED], a faculty member at UW Colleges allegedly interacted with a student, [REDACTED], in an inappropriate manner. The student alleged that [REDACTED] made initial contact and communicated with him through a social media dating site, had physically touched the student during class, and had made comments about the student's physical attributes. This report was made through the Behavioral Intervention Team (BIT).

### NATURE OF COMPLAINT

[REDACTED] alleges that he received a message from someone via the social media application, Grindr, which is widely known as a dating app for gay, bi, trans, and queer people. When he received the message, the application notified him that he was receiving a message from someone 4,000 feet away named [REDACTED]. [REDACTED] says that he began messaging [REDACTED] and through those conversations discovered that [REDACTED] was [REDACTED] Faculty of the [REDACTED] department at [REDACTED]. During the course of these conversations, [REDACTED] says that [REDACTED] told him he should change his profile description to say that [REDACTED] body type is above average. [REDACTED] alleges that [REDACTED] told him that he didn't want to do anything that would be considered cheating. [REDACTED] asserts that once he discovered the identity of [REDACTED] that [REDACTED] suggested that he come meet [REDACTED] in his dorm to discuss the possibility of [REDACTED] enrolling in [REDACTED]. [REDACTED] says that he told [REDACTED] he would rather meet in [REDACTED] office.

After the meeting at [REDACTED] office, [REDACTED] enrolled in [REDACTED] as non-credit courses. [REDACTED] says that he then deleted his Grindr account, but did attend [REDACTED] and he 'friended' [REDACTED] on Facebook and Instagram instead. He only attended [REDACTED] one time because he had a conflict in his schedule with when it took place. [REDACTED] says that over the course of several weeks of attending [REDACTED] that he began to feel increasingly uncomfortable about attending. He says that [REDACTED] would place his hand on [REDACTED] shoulder during and after class and caress his shoulder and back. [REDACTED] also states that at one point, during class, [REDACTED] (this is a regular occurrence during [REDACTED] class) at [REDACTED] but missed. [REDACTED] then picked up the [REDACTED], reached down [REDACTED] shirt, and put the [REDACTED] his shirt. [REDACTED] says that [REDACTED] has also reached into

his shirt to tuck in the tag. [REDACTED] also alleges that [REDACTED] would give him looks that had sexual tension in them, and that [REDACTED] had pointed out to the class that [REDACTED]. All of these behaviors made [REDACTED] feel uncomfortable.

[REDACTED] says that while initially their conversations started out as friendly, that increasingly and over time, he started to not feel comfortable with the interactions. Because of how uncomfortable he felt [REDACTED] stopped attending [REDACTED]. [REDACTED] also alleged that he had heard from other students that they had also had uncomfortable interactions with [REDACTED] including receiving pornographic images that were sent to them through Facebook Messenger by him.

### RESULTS OF THE INVESTIGATION

An investigation was conducted by Kelly Thomas, Assistant to the Chancellor for Affirmative Action III, in regard to the allegations involving sexual harassment in accordance with University of Wisconsin Colleges and University of Wisconsin – Extension policy on Unlawful Discrimination, Sexual Harassment, Protected Status Harassment and Retaliation as well as Board of Regents Policy 14-6 Discrimination, Harassment and Retaliation.

During the course of the investigation the following individuals (including dates) were interviewed:

Complainant: [REDACTED], student, 12/15/17

Respondent [REDACTED] 01/08/18

Background Witness: [REDACTED] 12/15/17

Documents relevant to the investigation were also reviewed. Based upon the information obtained during the investigation, it is hereby determined that there is sufficient evidence to find that [REDACTED] did engage in inappropriate conduct as it is defined in UW Colleges/UW-Extension policy on Unlawful Discrimination, Sexual Harassment, Protected Status Harassment and Retaliation or Board of Regents Policy 14-2, Sexual Harassment Policy Statement and Implementation.

### BACKGROUND

[REDACTED] has been employed by UW Colleges as Faculty in [REDACTED] since August, 2011. [REDACTED] was appointed by his [REDACTED] peers to Chair of the [REDACTED] Department for UW Colleges. There have been no previous complaints of [REDACTED] of this type in the past. [REDACTED] co-teaches [REDACTED] along with [REDACTED], who is also a faculty member at the [REDACTED] campus. The [REDACTED] class is fairly popular among students on campus [REDACTED] also teaches [REDACTED].

[REDACTED] began attending [REDACTED] this past fall, 2017 and is over the age of 18.

## SCOPE OF THE INVESTIGATION

This investigation focused on the allegations and comments █████ conveyed during a campus Behavioral Intervention Team (BIT) meeting and expressed during his interview. Other documents reviewed relative to the investigation were Facebook messages between █████ and █████ and general information regarding the social media site Grindr.

Under UW Regent policy, sexual harassment is described as unwelcome sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature where 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; 2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or demeaning employment or educational environment. UW Colleges/UW-Extension policy supports Regent policy and specifies that any form of unlawful discrimination or harassment is prohibited in employment, education, or participation in programs or activities. The scope of this investigation has been limited to determining whether the allegations made by █████ meet that threshold.

## INVESTIGATION

The complainant, █████ alleged that he felt increasingly uncomfortable with behavior exhibited toward him by █████ which included initial contact through the social media dating app Grindr, suggesting to meet at the student's dorm room, physical touching, repeatedly messaging █████ through Facebook, and telling the class that █████ states that this behavior created an environment that was uncomfortable for him and prevented him from additional participation in █████.

### ***Facts which are not in dispute concerning the interactions between █████***

█████ and █████ made initial contact via the social networking app Grindr, where they began having initial conversations. Neither █████ nor █████ have documentation of these conversations as both of them have deleted their accounts, which eliminates access to any messaging history within the application.

After several conversations through Grindr, they met in person at █████ office to discuss █████ attendance in █████ █████ then joined both classes as non-credit. He attended █████ only once, and due to scheduling conflicts stopped attending. █████ attended █████ approximately 11 times.

█████ did touch █████ shoulder and placed a █████ down his shirt. █████ and █████ also exchanged messages through Facebook Messenger after █████ started attending █████

## Interviews

█████ states that once he knew who █████ was through Grindr that █████ offered to meet with █████ in his dorm room to talk about his attending █████. █████ also asserts that █████ had previously advised him to change his physical profile status on Grindr to 'above average'. █████ described the physical touching of his shoulder as 'caressing' his shoulder, which was unwanted by him, although he didn't know how to tell █████ that it made him feel uncomfortable. █████ says that when █████ stuck his hand down █████ shirt to put the █████ in it, that he noticed that many of the students in the class saw it and had concerned looks on their faces. █████ says that another student then turned around and looked at him and gave him a look to ask if he was ok. █████ also alleges that █████ looks at him in a way that brings sexual tension, and that █████ kept sending him Facebook messages to check in on him when he stopped attending; that the accumulation of all of these events is what led him to feel uncomfortable attending █████. █████ also alleges there are additional rumors from former students that have said that █████ had sent them pornographic images via Facebook Messenger.

During the interview, █████ exhibited electronic copies of his messaging exchanges with █████ via Facebook and also his messages with another student in the class, who was expressing concern for █████ in regard to how █████ was treating him during class time. In these messages, it confirmed that █████ had messaged █████ on several occasions and had said to him 'I'm thinking of our Grindr conversation'. They also showed that one of the other students in the class had messaged █████ during class as incidents were occurring to ask him if he was alright. █████ alleges there is also a third student that was aware of what was happening in the class and that █████ had spoken with in regard to the situation. At the end of our interview with █████ he stated that he only wanted █████ to know that people are watching him, and he didn't want to cause turmoil in █████ personal life. Following our interview with █████ he has not provided physical copies or sent copies of these messages. Repeated attempts have been made to reach him and he has stopped responding. The additional student that █████ spoke with in █████ that was aware of what was happening has also not responded to requests to speak. █████ had also said he would provide information or contact information for the former students that had allegedly received pornographic images from █████ but has not provided any additional information in that regard either.

█████ states that when he initially created his account on Grindr, he didn't know what the social media app was for. During the interview, █████ claimed that he couldn't recall how to pronounce the name of the app, and called it grin-der, rather than grind-er (with a short I, rather than a long I as it is pronounced). █████ also states that once he found out that █████ was a student and what the app was used for, he deleted his account. █████ denies suggesting that he meet █████ in his dorm, and states that the only option ever discussed was to meet in █████ office, which is where they in fact, met.

Initially during our interview with █████ he stated that he only used Colleges email, Facebook, and a personal email account, and that he didn't use other types of social media. When asked how he came to know █████ he then admitted that he had met him through Grindr. █████ also began the interview stating that he had no idea what our meeting was about and why we wanted to talk with him, but by the end of the interview stated that he had researched information on sexual harassment online in order to discover if he had done anything wrong in his interactions with

████. █████ stated that he didn't feel there was a violation because █████ hadn't been enrolled for credit in █████.

████ states that he hasn't treated █████ any differently than he does other students, whom he also checks in on when they don't come to class. █████ says he didn't know that █████ wasn't wearing a shirt underneath his jacket when he put the █████ down his shirt; that he wouldn't characterize his touchin █████ shoulder as 'caressing', and that he didn't touc █████ any more than he does any other student. █████ states that he would never send pornographic images to students; he denied ever sending pornographic images to a student or placing a pornographic image within view of a student.

████ also stated that he doesn't remember tucking in █████ shirt. He states that he doesn't remember whether his initial conversations with █████ happened while he was at work. He also stated he doesn't remember whether he said to █████ n Facebook 'I'm thinking of our Grindr conversation'. █████ states he has no other contact with students outside of Facebook, although █████ had told us he has an account on Instagram also.

████ was remorseful and at the end of the interview said that if he made █████ uncomfortable it was unintentional and that he's sorry that █████ had a bad experience. In a subsequent email to investigators providing copies of his Facebook messages with █████ he wrote that he can see now how the Facebook messages may have been perceived as too many.

### INVESTIGATING OFFICER'S CONCLUSIONS

OEDI did find sufficient evidence to show it is likely that █████ violated UW Colleges and UW-Extension policy on Unlawful Discrimination, Sexual Harassment, Protected Status Harassment, and Retaliation or Board of Regents Policy 14-2 on Sexual Harassment and at the very least tha █████ used poor judgement and behaved in an inappropriate manner.

████ clearly initiated contact with a student through a social media dating site and engaged in conduct with the student that the student perceived as uncomfortable. Given the context of their initial exchanges, it is understandable wh █████ would have perceived any subsequent interactions as he did.

████ was also not a credible witness. He claimed to not know what the social media site Grindr was for nor to know how to pronounce it. Without doing any research, it's very clear arriving on the front page of the app, what the app is generally for. He also backtracked a few times during the interview such as saying the only social media platform he used was Facebook, but then admitting he had used Grindr. In regard to several of our questions, he stated that he couldn't remember what had happened.

Even if we were to disregard these discrepancies, many of the most important issues are not in dispute. In cases of sexual harassment, the issue is not what the intent was, but how the actions are being perceived. It's clear that █████ perceived █████ behavior as sexually motivated, and it took place over a period of time such tha █████ no longer felt comfortable in attending █████. It's also understandable, given the context within which their relationship began, coupled with subsequent behavior on the part of █████ that █████ might perceive that he was being treated differently.

It's commendable that [REDACTED] freely sent us copies of the Facebook messages and that he has indicated that he regrets what happened with [REDACTED]. Had he not sent the messages, we would not have received physical copies since the student has stopped responding to requests for additional information.

Given the preponderance of evidence in this case which includes the actions and interactions that are not in dispute, the perception on the part of the student, and the poor recall of events by [REDACTED], the Office of Equity, Diversity and Inclusion recommends that remedies be taken to ensure that future incidents with students or other faculty and staff of this nature do not occur.

Dated this 23<sup>rd</sup> day of January, 2018.

Kelly Thomas

Kelly Thomas

CONFIDENTIAL