

SAN DIEGO: OFFICE FOR THE PREVENTION OF
HARASSMENT & DISCRIMINATION, 0024
LA JOLLA, CALIFORNIA 92093-0024
(858) 534-8298 OR (858) 534-8297

July 11, 2017

Dr. Stephen Cox
Professor, Literature
Mail Code 0306

Re: Allegations of Sexual Harassment against John Hoon Lee

Dear Dr. Cox,

The Office for the Prevention of Harassment & Discrimination (OPHD) received a call on February 27, 2017, from the Associate Dean of Student Affairs for the UC San Diego School of Medicine, who reported that two female undergraduate students had reported to [REDACTED] that a "professor" in Revelle College Humanities was behaving inappropriately with his students. I spoke with the [REDACTED] who reported that two students had experienced inappropriate comments and conduct of a sexual nature. I met with each of the undergraduate students (Complainant A and Complainant B) to conduct an initial assessment of the complaints. Each student alleged inappropriate conduct by John Hoon Lee. After meeting with each of the students and assessing the nature of the allegations, OPHD determined that a formal investigation should be initiated.

On April 10, 2017, Mr. Lee was notified that OPHD initiated a formal investigation into possible violations of the UC Sexual Violence and Sexual Harassment Policy (SVSH Policy) for sexual harassment-hostile environment and/or sexual assault – contact.¹ After a review of evidence, Mr. Lee was sent a revised Notice of Investigation on June 19, 2017, which added a charge of sexual harassment – quid pro quo. I met with both complainants, reviewed text messages and emails submitted by the complainants and Mr. Lee, and met with Mr. Lee. There were no other relevant witnesses. Mr. Lee was provided an opportunity to review all evidence relied upon to reach a conclusion. Based upon my investigation, I find by a preponderance of the evidence that Mr. Lee violated the UC Sexual Violence and Sexual Harassment Policy with respect to sexual harassment (hostile environment and quid pro quo).

I. Background and Parties

Mr. Lee is a Continuing Lecturer and Academic Coordinator, Assistant Director of Revelle Humanities writing program, and has been with UC San Diego since 2000. Complainant A and Complainant B are both undergraduates. [REDACTED]

¹ On the same day, Mr. Lee was placed on investigatory leave by his department due to the severity of the allegations.

II. Summary of Allegations

Complainant A reported that on many occasions, when she went to visit Mr. Lee in his office, Mr. Lee would ask personal questions about her dating and sex life. Complainant A stated that she went to Mr. Lee's office hours because she was hoping to get a letter of recommendation [REDACTED]. Complainant A stated that Mr. Lee also shared very personal details about his divorce and only seemed interested in talking with her if she continued to talk about things of a sexual nature. Complainant A stated that Mr. Lee offered a letter of recommendation without her asking, and that he "made [her] feel [she] had to keep talking to him."

Complainant B reported that on many occasions in his office and at lunch off campus, Mr. Lee asked her about her "sexual history" and about her boyfriend. Complainant B reported that Mr. Lee spoke explicitly about sex and his own sexual history. Complainant B reported that on October 7, 2016, Mr. Lee asked if she wanted to meet him for a meal, and then stated he had a "surprise" for her, and took her to his personal residence. Complainant B reported that Mr. Lee then gave her wine, though she was [REDACTED] years old at the time, and "praised" her, while asking personal questions. Complainant B stated that after she had consumed wine and felt "dizzy," Mr. Lee asked her to stand in front of a mirror, and then pointed to parts of her body that he "liked" and told her she was "so beautiful." Complainant said she laid down on the bed and Mr. Lee "straddled" her, tied her to the bed with wrist and ankle cuffs, and began to kiss her on the lips. Complainant B said Mr. Lee took off her shoes and socks and "sucked on [her] ears," leaving bruises on them. Complainant B said after she mentioned her boyfriend, Mr. Lee stopped.

III. Investigation

A. Complainant A's Statement

I interviewed Complainant A on March 10, 2017. Complainant A reported that Mr. Lee's conduct was "normal in the beginning." Complainant A stated that she was in Mr. Lee's class, and that Mr. Lee would often each lunch with a "big group" of students. Complainant A said during [REDACTED] Mr. Lee would say, "Tell me about yourself" and ask her about music she liked and other interests, and complimented her on her "Doc Marten" boots, saying he wore that kind of boots as well.

Complainant A said that in [REDACTED] while she was Mr. Lee's student, he became "more personal." She stated that she went to lunch on campus with Mr. Lee on March 29, 2016 in connection with the "Dine with a Professor" program, and that after discussing "normal" things, Mr. Lee asked if she was dating anyone, and asked about her past relationships. Complainant A stated that Mr. Lee asked, "Why don't you date?" and she responded that she had dated in high school, but had not dated anyone in college. Complainant A said Mr. Lee asked "who [she] usually dates" and that she responded that she usually dates someone she is friends with. She stated that many of the friends she has are interested in "different types of girls, skinnier girls [than her]" and that Mr. Lee responded, "They don't know what

they're talking about." Complainant A said it seemed like this type of discussion was "the only thing he was interested in talking about" and that she "felt like [she] had to keep talking about it."

Complainant A said "every single time" she spoke with Mr. Lee one-on-one, he would "go back to the subject of dating." Complainant A stated she felt that he was "not interested in any other topics." Complainant A said Mr. Lee stated that he got divorced because he was in a "loveless marriage" but that he "feels free" and that the experience "awakened him" and that this was the "best time of [his] life."

Complainant A said she was hoping to get a letter of recommendation for [REDACTED], and that she went to see Mr. Lee in office hours several times while she was a student, and also when she was no longer his student. Complainant A said when Mr. Lee asked again why she wasn't dating, she said it was "not a priority" and that her priority was [REDACTED]. Complainant A stated that she was "not in a place where [she] wanted to try [dating]," and Mr. Lee responded, "You won't meet someone if you don't try." Complainant A said she "got flustered" at this and that she then "censored" her answers because she did not want to offend Mr. Lee. Complainant A said she had conversations with Mr. Lee that lasted for an hour or an hour and a half, and half to three-fourths of the conversation was about dating. She stated that she felt like she was repeating the same information, and that she "tried to say she was busy and focusing on [REDACTED]."

Complainant A said Mr. Lee offered her a letter of recommendation without her asking for one, and that this made her feel she "had to keep talking to him." Complainant A said that this was when she was the most uncomfortable. She stated that in this conversation she said she does not "sleep with someone right away" and Mr. Lee talked about the "experience" he gained in divorcing his wife. Complainant A stated that Mr. Lee said, "I don't want to make you uncomfortable." Complainant A said Mr. Lee never actually wrote her a letter of recommendation, but "brought it up once or twice in passing when we would talk about me applying to [REDACTED]." Complainant A reported that Mr. Lee said "something along the lines of 'when you're ready to apply I'll write you a letter.'"

Complainant A stated that in the same conversation where Mr. Lee offered her a letter of recommendation, he stated that he makes t-shirts for students that he "has a good relationship with," and he asked her if she wanted him to make her one. Complainant A said she replied "Yes" and Mr. Lee asked her for her t-shirt size. Complainant A responded that she would like a size "Medium," and Mr. Lee responded, "Don't you want something to show off your figure?" Complainant A said that in fall quarter 2016, she went to see Mr. Lee to get her t-shirt. Complainant A said Mr. Lee said, "I want to see you wearing it."

Complainant A said that [REDACTED] (Complainant B) asked who she was asking for letters of recommendation, and Complainant A told Complainant B she was going to get a letter from Mr. Lee. Complainant A said Complainant B asked what her relationship was like with Mr. Lee, and she responded that it was "good, but he asks many personal questions." Complainant A said Complainant B told her about an incident with Mr. Lee, and that Complainant B said she had not told anyone about the incident, except her boyfriend. Complainant A said Complainant B told her that Mr. Lee talked about his "wife" and said his wife "never wanted to have sex" and that he had a "loveless marriage." Complainant A said Complainant B said Mr. Lee asked about her sexual history, and talked about his sexual history. Complainant A said Complainant B told her that Mr. Lee "bad-mouthed" his ex-wife in class, and that other TAs said this too.

Complainant A said she had communication with Mr. Lee during winter quarter of 2017 and that she felt "really uncomfortable and anxious" to speak with him. When interviewed, Complainant A became upset when she spoke about walking around where Mr. Lee's office is located. She stated that she was concerned about her physical safety and was concerned that Mr. Lee would contact her again.

B. Complainant B's Statement

I interviewed Complainant B on March 30, 2017 and April 18, 2017. Complainant B stated that she had [REDACTED] classes total with Mr. Lee. Complainant said that in [REDACTED] when she was in Mr. Lee's [REDACTED] course, Mr. Lee sent her a message that said he "see[s] [her] walking by." Complainant B said Mr. Lee preferred for her not to come during his regular office hours, and that he would set up other times to meet with her. Complainant B said she would be in his office for three to four hours.

Complainant B said she "wanted to get to know" Mr. Lee because she hoped to get a letter of recommendation. Complainant B said at one meeting she had conversation with Mr. Lee where the topic of a letter of recommendation "was the main topic of that meeting, so we talked about that for approximately 1 to 2 hours." Complainant B said that they began talking about letters of recommendation because Mr. Lee asked her if she was planning to go to graduate school. Complainant B said she told Mr. Lee that she was planning to go to graduate school. Complainant B said Mr. Lee told her "very detailed stories of his various students getting fantastic letters of recommendation from him." She said Mr. Lee also told her "how when students ask him for letters of recommendation, he has to privately meet with them and talk to them so that he can write rec letters that are more personal." Complainant B said Mr. Lee also told her how "many of his students meet with him just for the rec letters and that this is disappointing because he would like to be friends with his students too." Complainant B said that since she was only [REDACTED] at the time, she "didn't officially ask for [a letter]" and that because she was not close to applying for graduate school, they did not discuss letters again, nor did Mr. Lee write a letter.

Complainant B said Mr. Lee asked about her "sexual history," and she replied that she "didn't have any." Complainant B said Mr. Lee responded that he knew she was "young," but that he knew of a student who was dating an older man, and that the student now feels "powerful" regarding sex, and "feels like a woman."

Complainant B said Mr. Lee asked her "a lot about sex" and she did not want to say she was uncomfortable. She stated that she "got the feeling he didn't want to talk about anything else," and if they didn't talk about "sexual things," Mr. Lee would "lose interest and steer [the conversation] back" if she tried to "make small talk." Complainant B said that at first she did not have a boyfriend, but when she began dating someone she talked to Mr. Lee about the problems she had with her boyfriend. Complainant B said "every time" she went to Mr. Lee's office, he would say "men wanted [her]" and would say "which parts [of her] were beautiful." Complainant B said Mr. Lee told her things like he was "thinking about [her]" and that he "missed [her]" and he offered her a t-shirt he made for his Humanities class. Complainant B said Mr. Lee talked "a lot about his ex-wife" and stated that they were "not sexually compatible." Complainant B said in one conversation, Mr. Lee asked if she had orgasmed and she said "no." Complainant B said Mr. Lee leaned in close to her and whispered, "I wish I could show you" and also said he "always made [his ex-wife] come." Complainant B said this made her "extremely uncomfortable."

Complainant B said Mr. Lee told her in a meeting on December 10, 2015, that he "still sleeps with two of his former students" and that he began "talking" to them before they graduated. Complainant B said there was one former student who Mr. Lee referred to as [REDACTED]. In response to Mr. Lee's statement, Complainant B said it was Mr. Lee who brought up this student, and that she asked about the student because she was concerned about what Mr. Lee might be doing with other students. Complainant B said Mr. Lee showed her a picture of a former student who went to [REDACTED] for graduate school.

Complainant B said Mr. Lee said he "takes students off-campus" and he asked her to "grab dinner." In response to Mr. Lee's statement, Complainant B said it was "accurate" Mr. Lee took her to lunch about six to eight times, always off-campus. Complainant B said she never asked Mr. Lee to take her off-campus; she said she knew that many other students went off-campus with him. Complainant B said she never paid for any of the meals, though she would "try to pay," and Mr. Lee would "insist on paying." Complainant B said she does not like to have someone pay for her, and she felt like she "had to do something in return."

Complainant B said that on October 7, 2016, she agreed to meet Mr. Lee for lunch. She said Mr. Lee offered to pick her up where she lived. Complainant B said when Mr. Lee arrived, he said he had a "surprise" for her, and took her to his personal residence. Complainant B said Mr. Lee had wine at his apartment, and he poured her wine though she was only [REDACTED] years old at the time. Complainant B said while they drank wine, Mr. Lee asked about "personal things" and "praised" her a lot. Complainant B said Mr. Lee asked if she had seen "50 Shades of Grey" and if she was interested in "that kind of thing." She said Mr. Lee stated he had a sexual encounter with a previous student that involved "chains" and other items like in the movie. Complainant B said Mr. Lee "maybe thought [she] wanted to try the chains and blindfold" because she asked to see them. She said she "went along" with Mr. Lee.

Complainant B said she was "dizzy" because she "had a lot of wine" and she doesn't "drink much." Complainant B stated that they "probably finished the bottle" and Mr. Lee was pouring the wine in her glass "half-full," and she did not know how many times he re-filled her glass but thought it might be four to five times. Complainant B said she asked to go to the bathroom, and that the bathroom was in Mr. Lee's bedroom. Complainant B said Mr. Lee then "made [her] stand in front of the closet mirror" and then he "said which parts of [her] body he liked." Complainant B said Mr. Lee said she should lie down because she was dizzy and "strapped [her] with chains and blindfolded [her]." Complainant B said she has "trouble remembering," but that Mr. Lee straddled her while she was lying on her back and started to kiss her lips and cheeks and began sucking on her ears. Complainant B said she had bruises on her ears from the sucking. Complainant B said Mr. Lee took her shoes off and began to kiss her feet and touch her legs. Complainant B said Mr. Lee complimented her feet and legs. Complainant B said Mr. Lee asked if he should "keep going" and she said "no" because she "[had] a boyfriend." Complainant B said that then Mr. Lee stopped. Complainant B said Mr. Lee made a comment to the effect of, "See, I didn't have to touch your breast," like it was "deliberate" that he did not touch this area.

Complainant B said when she stood up she was "dizzy" and "unaware of the situation." She said she was "pretty drunk" and felt "complicit" and that the incident "really grossed her out." Complainant B said she gets very upset when she thinks of the incident and remembers Mr. Lee "breathing heavily" and being "aroused." Complainant B said she worried because Mr. Lee said he had "previous sexual relationships with students." Complainant B said she gets "creeped out" at Revelle College because she

is scared Mr. Lee will see her, and that he once told her he "love[d] when [she] wears all black" because he could "see her in a crowd."

Complainant B submitted emails and text messages between herself and Mr. Lee. Complainant B stated that the first email was on October 14, 2015. In this email, Mr. Lee told Complainant B he "waves" whenever she walked by his office, and asked Complainant B to "stop by one of these days so that we can get to know each other better." In this email, Mr. Lee asked Complainant B not to "change [her] route" because he liked when she walked by his office. In an email following the meeting on December 10, 2015 where Complainant B said Mr. Lee discussed previous students with whom he had sexual relationships, Mr. Lee wrote, "I assume that you will be very discreet with some of the personal info I shared with you today." Many of the emails are regarding scheduling time to meet in Mr. Lee's office. One email sent April 19, 2016 includes a link on "squirting" (female ejaculation) from "thesexmd.com" and states "in case you are interested." Complainant B said she stopped contacting Mr. Lee during spring quarter 2016 and through summer break. On September 14, 2016, Mr. Lee emailed Complainant B telling her he was "thinking" about her and that he "missed [her] visits." Complainant B said the most recent email was from February 9, 2017. In this email, Mr. Lee invited Complainant to come have lunch with him. Complainant B also submitted a text message from February 12, 2017 where Mr. Lee asked her again about having lunch the following day. Complainant B said that the fact Mr. Lee contacted her again also compelled her to make a complaint. Complainant B stated that she believed that Mr. Lee "made the meeting at this point intentionally because he told [her] that he didn't do anything sexual with his previous students until they stopped being his students."

C. Respondent's Statement

I met with Mr. Lee on April 11, 2017. In response to the above allegations, Mr. Lee said he had a "unique relationship" with Complainant B, and that he had known her for a "really long time," [REDACTED] Mr. Lee said he had about six to eight lunches with Complainant B and would see her in his office, but that this was "dictated" by her. Mr. Lee said he and Complainant B [REDACTED] and talked about their family backgrounds. Mr. Lee said he was "sympathetic" to her and "let her talk about whatever she wanted." Mr. Lee said he would talk to her about her problems with her boyfriend, and that her boyfriend was "emotionally and psychologically abusive." Mr. Lee said he "took it upon [himself] to consult with her about her boyfriend" and that he "felt compassionate to her," and acted as a "sounding board." Mr. Lee said Complainant B talked about how her boyfriend threatened to break up with her if they didn't have sex and "confided" in him. Mr. Lee said that his relationship with Complainant B "developed into a very close relationship" and that most of the conversation they had was about her "destructive" boyfriend.

Mr. Lee said Complainant B was "always curious about sex" and had "held onto her virginity." Mr. Lee said he told Complainant B to "make it into a special moment," and that Complainant B would ask what sexual intercourse felt like. Mr. Lee said he "tried to answer honestly" and would sometimes talk about "examples" so that she knew that sex could be "tender." Mr. Lee said he felt like he wanted to "protect" Complainant B to make sure she was "okay" and "not hurt." Mr. Lee said Complainant B said she looked forward to the meetings, and that she sometimes brought candy.

Mr. Lee said Complainant B brought up "50 Shades of Grey" and he said he had not seen the movie. Mr. Lee said Complainant B said her boyfriend was a "sadist" and "enjoyed hurting her." Mr. Lee said he did

have a "role-playing relationship" and brought this up to Complainant B, but said, "even if you're tied up it doesn't have to be rough," it can be "tender and sensual." Mr. Lee said Complainant B would ask about [REDACTED] a former girlfriend, who was a graduate student at [REDACTED]. He said he "probably shouldn't have discussed 50 Shades of Grey."

Regarding the incident on October 7, 2016, Mr. Lee said Complainant B "wanted to go for a ride in his car," which she said was "cool."² Mr. Lee said they had a "lunch" of cheese and bread at his apartment and drank wine, but that they did not finish the bottle. He stated that Complainant B had, at most "a glass or two" but that they were not full glasses. He stated that they talked about her boyfriend. Mr. Lee said that Complainant B had very low self-esteem, and that on this day her "self-esteem was at its lowest," so he "put her in front of a mirror" and told her she was "smart and pretty." Mr. Lee denied that he pointed to parts of her body, and stated that he was "trying to make her feel special."

Mr. Lee denied asking Complainant to lie down and denied touching or kissing of any kind. Regarding bruises on Complainant B's ears, Mr. Lee said "absolutely not" and stated that she must have "imagined" that something occurred. Mr. Lee suggested that Complainant B may have fabricated the story because her boyfriend may have been upset with her for going to his house, or maybe to make her boyfriend jealous. When asked about removing Complainant B's shoes, Mr. Lee said all visitors remove their shoes at the door. He stated that after awhile, he drove Complainant B home and that the drive home was "uneventful." Mr. Lee confirmed that he had no contact with Complainant B between October 2016 and February 2017.

Mr. Lee denied having sexual conversations with any other students, and was "shocked" that any others had said this. He expressly denied having sexual conversations with Complainant A, stating that this was "mind-boggling." He stated that he may have asked her if she was dating or what she did in her "free time," but did not have any sexual conversations with her. He stated that he never offered Complainant A a letter of recommendation, and had not discussed letters with Complainant B either. He stated that he never said he wrote "really good letters." Mr. Lee stated that he did not know Complainant B was interested in graduate school or a letter of recommendation from him. He stated that he may have mentioned to Complainant B that a letter of recommendation of his was mentioned in his former student's interview, but that the context of this statement was that was sharing something "cool" with her.

Mr. Lee said that both Complainant A and Complainant B had "very low self-esteem" and that he tried to help them. He stated that he remembered telling Complainant A that she should wear Doc Marten boots more often. Mr. Lee said he had discussed his divorce and other sexual details with Complainant B only, and no other students. Mr. Lee said he cared about both students, and that his intention was to "empower" them.

Following his interview, Mr. Lee sent several emails noting his teaching awards and providing other evidence that he is a beloved teacher. He also submitted that there is a "big flaw" in Complainant B's story. He stated that she did not allege force, and that the "process of being tied down requires consent." He stated that he does have "cuffs" that hook onto rings underneath the bed, and that it was

² Text messages submitted by Complainant B and verified by Mr. Lee show Complainant B called Mr. Lee's car "cool" and stated she wanted to see him drive it.

a “cheap thing” he bought for a woman he briefly dated, but that he never tied Complainant B down. Mr. Lee also wrote that he “frequently” had graduate and undergraduate students and former students over to his house for lunches and dinners. He wrote that he has been “known to feed our starving students.” Mr. Lee wrote that he had both male and female students over one-on-one with him or in groups.

IV. Analysis and Findings

The University of California Sexual Violence and Sexual Harassment Policy defines sexual harassment as:

unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:

Quid Pro Quo: a person’s submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program; or

Hostile Environment: such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.

The University of California Sexual Violence and Sexual Harassment Policy defines sexual assault – contact as:

Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed.

In Complainant B’s interviews she stated that while Mr. Lee touched her feet and kissed her mouth, cheeks and ears, he did not touch her on her genitals, anus, groin, breast or buttocks. Complainant B said that Mr. Lee made a comment when the incident was over that he “did not have to touch her breast or buttocks.” Therefore, I do not find that Mr. Lee violated the SVSH Policy with respect to sexual assault – contact.

I find, however, by a preponderance of the evidence, that Mr. Lee violated the SVSH Policy with respect to sexual harassment- hostile environment and sexual harassment – quid pro quo.

A. Sexual Harassment – Hostile Environment

I find both Complainant A and Complainant B credible in their accounts of frequent conversations of a sexual nature with Mr. Lee. Both independently described very similar interactions with him, in that they reported him asking about their dating and sex lives and sharing specific details about his own sexual and romantic relationships. Both complainants describe feeling that Mr. Lee seemed to become disinterested when the conversation was about things not of a sexual or romantic nature, and feeling compelled to keep discussing these matters with him. Both report that these conversations lasted a long time and occurred on several occasions, and contained details that were graphic. Complainant B provided emails and text messages that illustrated the kind of relationship Mr. Lee engaged in with her. Both complainants described feeling very uncomfortable with these conversations, reported emotional

distress, and both reported feeling like they did not want to walk near Mr. Lee's office. Both reported feeling uncomfortable walking around Revelle College. Mr. Lee denied engaging in sexual conversations with Complainant A, but claimed that the sexual conversations with Complainant B were welcomed by Complainant B. I do not find Mr. Lee credible in his assertion that he never discussed things of a sexual nature with Complainant A, nor do I find him credible that his conversations with Complainant B were welcome. Even if either Complainant gave information to him that was of a personal nature, he should have known that his position of power would be a strong reason for the complainants to answer his questions and participate in conversation. Based on the totality of circumstances, I find that these conversations were likely unwanted, pervasive and interfered with both Complainant A and Complainant B's participation in the educational environment on campus due to the emotional distress each reported that they experienced.

In addition, I find that the incident on October 7, 2016 was a "severe" incident that contributed to the hostile environment on campus for Complainant B. I find Complainant credible in her description of the events, and I find it more likely than not that Complainant B felt coerced into the events of that day, due to the nature of the relationship her professor had cultivated, and also due to the fact that she was under the influence of alcohol, when she was underage and not experienced with drinking. I find it likely that Mr. Lee kissed Complainant B, touched her feet and sucked on her ears, leaving bruises, after he had supplied her with wine and she felt "dizzy," "complicit," and had trouble remembering events. I find that Complainant B was significantly impacted by this event with the emotional distress that this caused. Therefore, I find that with respect to Complainant B, Mr. Lee violated the SVSH Policy due to both "severe" and "pervasive" conduct.

B. Sexual Harassment – Quid Pro Quo

Both complainants reported that they wanted to get to know Mr. Lee in order to foster an academic relationship that may result in a letter of recommendation for graduate schools. Both complainants stated that this was the reason they went to Mr. Lee's office and to lunch with him. I find it likely that Mr. Lee indicated through his messages to them that he wanted to get to know them personally, and that it became apparent that with Mr. Lee, this meant discussing details of their dating lives and hearing about Mr. Lee's sexual and relationship history. Both complainants reported that they felt Mr. Lee would become "disinterested" if they did not continue conversations of this nature. I find Complainant A credible in stating that Mr. Lee offered a letter of recommendation, a form of educational "advancement" without her asking for it. I find that Mr. Lee knew Complainant A intended to apply to [REDACTED], because Complainant A reported that she shared this with Mr. Lee during lunch on campus and that they discussed this on other occasions. Complainant A stated that Mr. Lee brought up the letter again when they discussed her applying to [REDACTED], stating something like "when you're ready, I'll write you a letter."

I find that with respect to Complainant B, Mr. Lee likely discussed how he wrote "great" letters of recommendation, gave specific examples of letters for his former students, and that as Complainant B stated, this was likely the "main topic" of conversation during one meeting and that they discussed this for "one to two hours." I find that Mr. Lee likely explained that he has to get to know students and "privately meet with them and talk to them," so that he can write recommendation letters that are "more personal." Complainant B said Mr. Lee also told her how "many of his students meet with him just for the rec letters and that this is disappointing because he would like to be friends with his students

too.” I find it likely that within the nature of the relationship Mr. Lee established, it was implicit that Mr. Lee needed to get to know Complainant A and Complainant B on a “personal” level, and that with Mr. Lee, this meant sexual or intimate conversations. I find it likely that Mr. Lee knew that these letters would be a compelling reason for both students’ continued discussions with him. I do not find his denial of having these conversations with Complainant A or Complainant B credible. Therefore, I find that Mr. Lee violated the SVSH policy with respect to sexual harassment – quid pro quo.

V. Conclusion

The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work together and learn together in an atmosphere free from sexual harassment. Based on the evidence and totality of the circumstances, I find that Mr. Lee violated the UC Sexual Violence and Sexual Harassment Policy with respect to sexual harassment – quid pro quo and hostile environment, but did not violate the SVSH Policy with respect to sexual assault, contact.

I will inform the parties that OPHD’s investigation is complete. The parties will receive a copy of this report, which will be redacted in accordance with University policy. Please advise if I may provide any further information on this matter.

Respectfully Submitted,



Elena Acevedo Dalcourt
Complaint Resolution Officer

Cc: Dr. Barbara Sawrey, Associate Vice Chancellor for Academic Affairs / Dean of Undergraduate Students
Terri Winbush, Director, Labor Relations
Jennifer Broomfield, Title IX Officer, Director of the Office for the Prevention of Harassment & Discrimination