



SAN DIEGO STATE  
UNIVERSITY

Office of Employee Relations  
and Compliance  
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August 21, 2014



Subject: **CONFIDENTIAL** Notice of Investigation Outcome

Dear 

The Office of Employee Relations and Compliance has completed the investigation of your August 19, 2013 complaint against SDSU professor Vincent Martin. I want to express my appreciation for your cooperation and patience through this lengthy investigation process.

The investigation included interviews with you, Dr. Martin, three other members of the SDSU faculty, eleven other current or former SDSU graduate students, and three SDSU undergraduate students. Additionally, the investigation considered documentary evidence revealed through the course of the investigation. Investigation findings were based on the preponderance of evidence. Where necessary, credibility assessments factored into investigation findings.

**RELEVANT POLICY**

Per Executive Order 1074:

**Sexual Harassment**, as defined in California Education Code §212.5, consists of both non-sexual conduct based on sex or sex-stereotyping and conduct that is sexual in nature, and includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature where:

- a. Submission to, or rejection of, the conduct by the Student is explicitly or implicitly used as the basis for any decision affecting the Student's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
- b. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Student, and is in fact considered by the Student, as limiting the Student's ability to participate in or benefit from the services, activities or opportunities offered by the University.

## **RELEVANT FINDINGS AND CONCLUSION**

While the investigation yielded many findings, in the interest of protecting the privacy interests of those involved, including witnesses, only those findings directly related to your complaint are addressed in this Notice of Investigation Outcome.

The investigation found:

1. **Martin attended the symposium in his capacity as an SDSU professor.**
2. **[REDACTED] and others attended the symposium in their capacity as SDSU students.**
3. **Martin brought [REDACTED] with him to secretly take wine from the symposium hospitality suite. While in the hospitality suite with [REDACTED] Martin was in close physical proximity to [REDACTED] and made her uncomfortable. When [REDACTED] stepped back from Martin, he stepped forward.**
4. **Martin, who was in a position of authority, encouraged the students to drink by securing alcohol, inviting them to his room and joining the students in another room, with at least one student drinking to the point of drunkenness.**
5. **Martin informed a student that he really likes [REDACTED] in an implied sexual or romantic way.**
6. **Martin sent a text message to a student, asking him, 'Are you fucking [REDACTED]?'**

Based in part on Findings 3, 5 and 6, the investigation concluded that Dr. Martin engaged in conduct of a sexually oriented nature. Within the context of a professor-student relationship, this conduct was deemed sufficiently severe to constitute sexual harassment in violation of Executive Order 1074.

## **REMEDY**

In accordance with your statements, your interest in filing this complaint was to ensure that no student is subject to sexually harassing behavior. To remedy the issues revealed by the investigation, the Office of Employee Relations and Compliance has issued the full investigation report to the SDSU Title IX Coordinator and Faculty Affairs for appropriate intervention.

## **APPEAL RIGHTS**

If you are dissatisfied with the outcome of this investigation, you may appeal this matter in writing to the Office of the Chancellor. Please note that your appeal shall be in writing and shall detail your specific disagreements with this response. Appeals must be filed with the Office of the Chancellor, Equal Employment Opportunity and Whistleblower Compliance Unit, Systemwide Human Resources, 401 Golden Shore, 4<sup>th</sup> Floor, Long Beach, CA 90802. For more

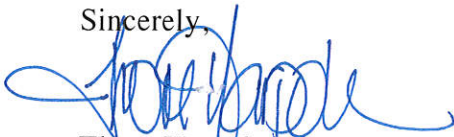
information regarding appeal procedures, please refer to Executive Order No. 1074, at <https://www.calstate.edu/eo/EO-1074.html>.

### **NON-RETALIATION**

It is prohibited for any member of the University community to retaliate against persons who have raised discrimination or harassment issues with the Office of Employee Relations or Compliance or who have participated in any investigation conducted by this office. If you experience any acts you believe to be retaliatory, please promptly contact the Office of Employee Relations and Compliance at (619) 594-6464.

Thank you again for your cooperation and patience. Should you need any further assistance from me on this matter or others, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thom Harpole", written over a horizontal line.

Thom Harpole  
Director  
Office of Employee Relations and Compliance

cc: Edith Benkov, Ph.D., Associate Vice President of Faculty Affairs  
Jessica Rentto, J.D., Associate Vice President of Administration; Title IX Coordinator