

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No. 21CV02828

DR. DAVID M. SABATINI,)
)
Plaintiff/Defendant-in-Counterclaim,)
)
v.)
)
WHITEHEAD INSTITUTE FOR)
BIOMEDICAL RESEARCH and)
DR. RUTH LEHMANN,)
)
Defendants)
)
DR. KRISTIN A. KNOUSE,)
)
Defendant/Plaintiff-in-Counterclaim.)
)

RECEIVED

12/7/2021

KRISTIN KNOUSE, M.D., PH.D.'S COMPLAINT IN COUNTERCLAIM¹**INTRODUCTION**

This case is about David Sabatini, M.D., Ph.D. (“Sabatini” or “Counter-Claim Defendant”), a tenured professor at the Massachusetts Institute of Technology (“MIT”), who – up to the summer of 2021 – believed himself so important and so influential that, no matter what his misconduct, he would suffer no consequences.

It is about what Sabatini has done over time, given that presumed privilege: his creation of a highly sexualized and offensive lab environment in the laboratory he maintained at the

¹ Knouse’s Complaint in Counterclaim is being filed consistent with the requirements of Massachusetts Rule 13 of the Massachusetts Rules of Civil Procedure and the rulings of this Court and the Single Justice of the Appeals Court, which, taken together, deem all claims filed as of December 7, 2021 to have been filed as of April 15, 2021. See infra at ¶ 4. Because this Court has otherwise stayed proceedings, no other responsive pleadings are due at this time and they shall be seasonably furnished consistent with any further orders of this Court.

Whitehead Institute of Biomedical Research (“Whitehead”), his manipulation and improper grooming of young women who have sought him out for training and support, and his threats of retaliation against anyone who has dared to cross him.

This case is also about those women and men who – after suffering and witnessing Sabatini’s abuse of authority – came forward despite Sabatini’s warnings when Whitehead did what the law required and investigated concerns expressed by multiple women about the environment in which they worked. And it is about what that investigation found: that Sabatini had created, encouraged and condoned a toxic and sexually charged lab environment and had engaged in otherwise impermissible conduct, including threatening those who dared to expose him, findings that were of such severity that the Howard Hughes Medical Institute, which supported his research, fired him as one of their investigators, Whitehead accepted his resignation and he was placed on administrative leave by MIT, while that institution decides whether to revoke his tenure.

It is in this context that this case is also about Kristin Knouse, M.D., Ph.D. (“Knouse” or “Counter-Claim Plaintiff”) who decided that she had to joined others to speak candidly when asked to participate in Whitehead’s investigation. Knouse is a young woman Sabatini had groomed while she was a graduate student under his mentorship, inviting her to social events at his lab where alcohol flowed freely, where, as Knouse observed at the time, “[a]ll of the conversations were ...85% sexual 15% science,” and where a young woman like her had to “accept it and take it for what it is and do” her science. She is the person Sabatini asked, before supporting her advancement, whether or not she was “fun,” “f-cked around” and had sex.

Knouse is the person Sabatini coerced into having sex with him. He did so at a time when she was concluding her graduate studies and excited about becoming a Whitehead Fellow,

in a program Sabatini would direct and serve formally as her mentor. And he did so at a time when he knew Knouse was dealing with devastating news: her beloved mentor, Prof. Angelika Amon, had just been diagnosed with cancer and her prognosis was poor.

But the case is about more than that as well. It is about the abusive dynamic – flatly prohibited by institutional policies and decades of jurisprudence under state and federal anti-discrimination laws, particularly in the context of educational institutions – that followed during Knouse’s fellowship years. It is about the searing costs of that abuse to Knouse.

This case is also about an unfolding story of retaliation as Sabatini has lashed out in response being called to account for his own misconduct involving men and women at all levels of university training. It is about the punitive campaign Sabatini launched immediately upon realizing that Knouse no longer was following his direction and keeping his secret, with his initially taking steps to isolate Knouse professionally and smear her reputation at Whitehead and with his then escalating his campaign by filing of a frivolous lawsuit where he publicly revealed Knouse’s identity and home address and peddled falsehoods and fanciful conspiracy theories with no basis in fact. In this context, Sabatini has chosen to take aim not only at Knouse but also Ruth Lehmann, the Director of Whitehead whose commitment to leveling the playing field for women in the sciences is strangely cast by Sabatini as malice against him personally.

This case is thus about a paradigm too long pervasive in the sciences, where a young woman, seeking mentorship and training, is subjected to an implicit quid pro quo and a hostile work environment, where she is victimized by a powerful man and when she seeks redress, she faces tired tropes and caricatures of women, women scientists and women leaders, all designed to denigrate her and damage her prospects. Knouse now comes to this Court seeking redress.

PARTIES

1. Plaintiff-in-Counterclaim Kristin Knouse, M.D., Ph.D. (“Knouse” or “Plaintiff”) is a resident of Boston, Massachusetts.

2. Defendant-in-Counterclaim David Sabatini, M.D., Ph.D. (“Sabatini” or “Defendant”) a resident of Cambridge, Massachusetts.

JURISDICTION

3. This court has jurisdiction over the claims at issue pursuant to G.L. c. 212, § 3. All administrative prerequisites to bringing this action in the superior court have been met. Knouse timely filed a Charge of Discrimination with the Massachusetts Commission Against Discrimination on November 12, 2021.

4. The Parties entered into a Tolling Agreement with an effective date of April 15, 2021 and, by operation of that Tolling Agreement, as amended over time, any claim filed on or before November 14, 2021 in any forum was deemed filed on April 15, 2021. By subsequent orders of the Superior Court (dated November 10, 2021) and the Single Justice of the Appeals Court (dated December 1, 2021) that time period was enlarged and any claims filed by Knouse on or before December 7, 2021, are likewise deemed filed as of April 15, 2021.

FACTS

A Self-Described Brilliant Scientist of Worldwide Renown and Global Influence: David Sabatini, M.D., Ph.D.

5. Sabatini obtained his MD and his Ph.D. at the Johns Hopkins School of Medicine. He joined the Whitehead Institute as a Whitehead Fellow in 1997 and remained in that position for five years.

6. In 2002, Sabatini became an Assistant Professor at MIT. He was promoted to the status of professor and received tenure at MIT in 2006. Sabatini is employed by MIT and

receives benefits as an MIT faculty member involved not only in research but in MIT's educational mission.

7. During times relevant, Sabatini also ran a laboratory at Whitehead ("the Sabatini Lab" or the "Lab") and was a faculty member at Whitehead. He served as the Director of the Fellows Program at Whitehead from the summer of 2018 to the summer of 2021.

8. Sabatini's research was supported by the Howard Hughes Medical Institute ("HHMI") where he was an investigator and an employee.

9. By his own description, Sabatini is a "prominent" and "brilliant scientist" whose renown is international in reach and whose influence within the field has put him in line for the Nobel Prize. He has successfully engaged in corporate endeavors. Given this extraordinary position of influence, as he would have it, his every professional move is deemed newsworthy by major scientific journals.

10. In August of 2021, Whitehead received the report from the independent investigators who had been tasked with investigating the training and work environment in the Sabatini Lab. See infra at ¶¶ 99 – 105. Investigators determined that Sabatini had engaged in conduct in violation of multiple Whitehead policies, including its prohibition on sexual harassment and retaliation.

11. The conduct was so severe as to warrant HHMI's immediate termination of Sabatini's employment. He resigned from his post at Whitehead and was placed on administrative leave by MIT.

12. At that time, MIT announced that it takes "complaints regarding harassment seriously" and that the "senior administration is reviewing the report and determining next steps in response to these findings, up to and including revocation of tenure proceedings."

13. Sabatini's tenure status has not yet been determined, with MIT's processes apparently ongoing, and Sabatini remaining on leave.

Institutional Policies Proscribing Sabatini's Conduct

14. During times relevant, Sabatini thus had three overlapping affiliations at MIT, HHMI and Whitehead.

15. These institutions had various affiliate agreements between and among them with respect to their shared faculty and employees. On information and belief, in these agreements, *inter alia*, the three entities pledge to enforce each other's policies and share information relevant to their faculty and investigators.

16. And, at all times, Sabatini was subject to the rules and regulations of all three institutions. Failure to adhere to any of the policies of each institution could result, respectively, in the revocation of tenure at MIT, the ending of his affiliation with Whitehead and the termination of his employment with HHMI.

17. During all times relevant, Sabatini was aware of the potential consequences of failing to adhere to the institutional policies set out by MIT, Whitehead or HHMI.

18. On information and belief, Whitehead, MIT and HHMI each and all have policies, consistent with legal requirements under state and federal law, that prohibit discrimination, harassment, and retaliation in the workplace and in educational institutions.

19. MIT's Policies include policies contained in the Mind & Hand Book.

20. MIT's policies strictly prohibit sexual harassment. *Id.* at (6). Sexual harassment is defined, *inter alia*, to exist where submission to conduct of a sexual nature is made, either explicitly or implicitly, a term or condition of an individual academic standing or "[s]ubmission

to or rejection of such conduct by an individual is used as the basis for significant academic decisions (such as ... letters of recommendation) affecting that individual.” Id.

21. Consistent with its prohibition on sexual misconduct and harassment, MIT policies also strictly prohibit even consensual relationships between its faculty or principal investigators and those over whom such faculty or principal investigators have direct or indirect authority.

22. This policy was strengthened in January of 2018. When rolling it out, MIT Provost Martin Schmidt explained as follows: “the Consensual Sexual or Romantic Relationships in the Workplace or Academic Environment policy expands MIT’s current policy to avoid potential abuses of authority or conflicts of interest because one person in a relationship holds a position of power or authority over the other person.” See “New Consensual Relationships Policy,” Statement by Martin Schmidt, Provost, MIT Organization Chart, available at https://orgchart.mit.edu/node/5/letters_to_community/new-consensual-relationships-policy.

23. MIT strictly prohibits relationships with graduate students or other learners where the faculty member “might reasonably be expected to have academic authority over that individual.” See id. at Sections 9.5.1 and 9.5.3.2. MIT also strictly prohibits relationships between principal investigators and postdoctoral scholars where the principal investigator has “direct or indirect authority” over that scholar. See id. at Sections 9.5.1 and 9.5.4. In addition, MIT also strictly prohibits faculty supervisors from having sexual relationships “with anyone they supervise, evaluate, or otherwise have direct or indirect influence or authority” over. See id. at Sections 9.5.1 and 9.5.5.

24. Moreover, a faculty member who has supervisory authority over another faculty member or post-doctoral scholar “is prohibited from having a sexual or romantic relationship with that subordinate.” Id. at Section 9.5.5.

25. Section 9.5.5 of MIT’s Policies further states that, if any relationship develops, the faculty member “must recuse themselves from any supervisory or evaluative functions for that subordinate and must notify their own department head or other supervisor. Even if a direct supervisory role does not exist, one person in a relationship may not evaluate the other’s work or exercise direct or indirect influence or authority over the other person’s work or positions, including ... sitting on or writing a letter of reference to a hiring ... committee considering that other person. In such cases, the senior person in the relationship must recuse themselves and must notify their own supervisor.” Id.

26. Pursuant to MIT Policy, a “sexual or romantic relationship” is defined as “any ... sexual relationship whether casual or serious, short or long term, and whether or not consensual. A single sexual encounter is considered a sexual relationship the relationship does not have to include physical intimacy if a romantic relationship exists that is beyond the reasonable boundaries of a collegial or professional relationship.”

27. MIT Policy defines “academic authority” to include “mentoring, evaluating, ... participating in decisions on academic status ... writing a letter of reference or otherwise recommending for ...employment, fellowships or awards.” Id. at Section 9.5.2.

28. The Mind & Hand Book also contains a prohibition on sexual misconduct, defined to include “a range of behaviors including sexual harassment [and] nonconsensual sexual contact.” As for consent, the Mind & Hand Book requires that members of the MIT

community secure “effective consent.” See MIT Mind & Hand Book, Section II(24)(A)(1) – (2).

29. MIT requires that “effective consent be given” so that sexual activity may be deemed consensual under its policies. Id. at (2). MIT policies set out circumstances where “[b]y definition, effective consent cannot be obtained” and such circumstances include where “unreasonable pressure [exists] ... to ‘give in’ to sexual activity,” including “whether the person initiating the sexual activity held a position of power over the other person,” as well as circumstances where “emotional intimidation” is used to secure consent. Id. at (2).

30. MIT also strictly prohibits retaliation against those who raise concerns about discrimination or harassment or participate in investigations into such concerns. Id. at Section II (21).

31. Whitehead’s Anti-Harassment Policy renders “[h]arassment of any exercised kind [] not acceptable behavior at Whitehead.” The Policy broadly defines harassment as any verbal or physical conduct, which may or does offend an individual based, among other things, on sex.

32. Specifically, and as relevant here, sexual harassment includes sexual advances or verbal/physical conduct of a sexual nature where 1) submission or rejection of such advances is made explicitly or implicitly a term of employment or basis for employment decision; or 2) where such advances have the purpose or effect of interfering with an individual’s employment or creating an intimidating or sexually offensive environment.

33. The policy also defines unwelcome sexual harassment to include “[a]sking about another’s or discussing one’s own sexual activities, fantasies, preferences, or history,” “[s]uggestive or sexually insulting comments, epithets or jokes or name-calling, and “[t]urning

discussions at work or in the academic environment to sexual topics.” Whitehead Institute, Policy on Respect and Against Harassment.

34. Additionally, Whitehead’s Family Employment Policy prohibits Whitehead employees from directly or indirectly, supervising or being in a reporting relationship with, among other things, a “close personal relation.” A close personal relation includes persons who have either a “close personal friendship or association with an employee.”

35. The policy also provides that “[w]ithout exception, employees should not initiate, participate in, nor seek to influence decisions involving the hiring, retention, promotion ... of a close personal relation.” The protections afforded by the Employment Policy are broadly construed “to ensure propriety and equity in all areas of employee relations and supervision.” For this reason, the Policy significantly curbs professional input a Whitehead employee may have over a broad class of persons to whom the employee bears a strong allegiance – whether it be family members or others with associations that impede the employee’s objectivity.

36. Moreover, as of August 30, 2018, Whitehead adopted the Consensual Relationships Policy designed to track MIT’s policy, as strengthened earlier that year.

37. HHMI “strictly prohibits and does not tolerate discrimination or harassment.” Moreover HHMI “strictly prohibits and does not tolerate any form of reprisal or retaliation for good faith reporting of incidents that are believed to constitute discrimination or harassment.” The consequences of engaging in any prohibited conduct may be significant, as HHMI states that “[a]ny HHMI employee ... who is found to have engaged in conduct that violates this policy *will be* subject to disciplinary action, up to and including termination.” HHMI People &

Culture, Workplace Behavior, Prohibition against Discrimination, Harassment and Retaliation (emphasis added).

38. HHMI further makes “inappropriate” any sexual relationship between an HHMI supervisor and anyone who reports to him. The policy states as follows: “Such relationships have the potential to create difficult working environments deterioration of the relationship may give rise to perceptions of harassment or retaliation.” Id. HHMI also prohibits any romantic relationships between a Laboratory Head and *any* trainee for whom that Laboratory Head has mentoring responsibilities. Id.

39. During all times relevant, Sabatini was aware of the policies outlined above at Paragraphs 19 – 38, and he understood that he was obligated in his capacity as a member of the tenured faculty at MIT, a member of Whitehead and then Director of its Fellows Program and an employee and investigator of HHMI to adhere to each and all of the institution’s policies outlined above.

40. During all times relevant, Sabatini was equally aware that engaging in any conduct in violation of such policies could result in the revocation of tenure at MIT, the ending of his affiliation with Whitehead and the termination of his employment with HHMI.

The Sabatini Lab Environment

41. Yet Sabatini appeared to believe that he stood above the rules and could conduct himself in a way that violated the letter and spirit of the institutional policies of MIT, Whitehead and HHMI.

42. Sabatini created a training and work environment where, to get ahead and to secure his much sought-after approval, undergraduate and graduate students as well as post-doctoral fellows were not only expected to work on scientific projects but also to indulge a highly sexualized lab environment. An environment where talk about sex and who was

“fucking” whom abounded and inappropriate conduct was the norm – all to Sabatini’s delight. He reveled in talk about sex and the sexual escapades of those in his Lab. He sought out young women he believed were attractive for grooming, and he shamed individuals who had the temerity not to play along.

43. In the name of “fun,” Sabatini required of those who wished his approval a troubling level of sexualized discourse and fealty to his desires and practices, whether they were compliant with the rules or not.

44. When women joined the Sabatini Lab, it happened more than once that Sabatini tried to engage them in unwelcomed discussions about their private, sexual lives and he groomed them, exploring just how far he could go with those under his authority.

45. For example, Sabatini asked a female master’s student in his lab if she was “fucking” another lab member, and then asked her to rank the male lab members whom she would “fuck.” As she would write a friend, Sabatini told her that he “doesn’t like the typical American because they are so uptight (sic) and that he likes about me that I am european and europeans can talk openly about sex.” In her text, this master’s student would go on to compare Sabatini to a “12 year old teenager” in terms of his need to brag about things sexual.

46. Sabatini asked a post-doctoral fellow if she was dating or if she used dating apps. The conversations occurred during one-on-one meetings that were supposed to provide her an opportunity for mentorship on scientific projects as well as openly in the lab.

47. On another occasion, at a retreat in 2016, Sabatini took a woman post-doctoral fellow aside and asked her to “choose” between two male postdoctoral fellows for sex.

48. At some point, Sabatini’s brother, a scientist at Harvard University, attended alcohol tastings in the Sabatini Lab, where conversations quite frequently veered to the sexual.

After a female post-doctoral fellow had spoken to his brother at some events, Sabatini came up to the fellow and asked her if she was attracted to his brother. He then started to tease her about her purported interest in the Harvard scientist as she tried to work in the Lab. The interactions made her extraordinarily uncomfortable.

49. Other graduate students came to understand that, as a woman, it would help them get resources and support from Sabatini if they would deliberately flirt with him. As one woman who worked in Sabatini's lab would put it in a text to a colleague, "the only way to get [Sabatini] to like you as a woman is to sexually appeal to him" that is, "if you act in a way that suggests that you find him in some way attractive" While she would say that theoretically women could try to succeed by being "extremely smart," in that instance, she observed, Sabatini would find "other ways to make fun of" a woman who appears not to play along.

50. Lab members who worked under Sabatini were aware of this dynamic. At least one male member of Sabatini's lab, after observing Sabatini's conduct at the social events he organized, where alcohol flowed freely, wrote that he believed that Sabatini orchestrated these events so that he could "drool" over attractive women.

51. In this setting, the message to female trainees was clear: to get Sabatini's attention and the professional benefits that flow from that attention, you were to seem pleased by and yourself engage in sexualized conduct and banter with him.

52. As for those who do not participate, the message was also clear: They were to be left to one side or embarrassed until they, at least, played along.

53. For instance, Sabatini asked women in his lab to pick up a visiting post-doc whom Sabatini referred to as a "Catholic virgin" and carry him across a figurative "virgin to non-virgin" finish line. Sabatini snapped a picture of the event and sent it around.

54. On information and belief, the young man whom Sabatini targeted felt embarrassed and uncomfortable with the cruel jest in which all were made to participate. Sabatini, however, was delighted.

55. Also, on information and belief, Sabatini excluded another post-doc, a devout Christian, from a Sabatini Lab retreat because she was viewed as “not fun” and someone who would “ruin everything.”

56. Additionally, in or around the spring of 2019, Sabatini began the inappropriate and disturbing grooming of a woman who was an *undergraduate* working in his Lab under the mentorship of a female post-doctoral fellow.

57. Even before the young woman arrived, male members – in Sabatini’s presence – talked about her as the “hot model/girl” who was joining them.

58. When the young woman started in the Lab, she was greeted with advice as to how to get Sabatini’s attention and approval: She was told to “play hard to get,” “entertain him a little” then push him away. She viewed these and other comments as part of a “toxic” culture, one where women trainees were viewed as objects for sexual pleasure, not young scientists looking for training.

59. But the banter was not the end of it for this young woman. At a time when her mentor was away, Sabatini approached. He engaged in repeated, one-on-one, closed-door sessions with her in his office. He went for coffee with her and spent time walking along the Charles with her. Their conversations were strangely long in duration and nearly always devolved into discussions about sexual relationships in the Lab.

60. During her time in the Lab, the young woman traveled abroad, visiting another lab in which she had worked. She noted that Sabatini was giving a talk. The two communicated about this fact and she noted that she would miss his talk.

61. Sabatini then took a disturbing step towards a very inappropriate relationship with this undergraduate: he offered to pay for a change in her flight – and her hotel room – so that she could greet him when he arrived, attend his talk and spend time with him afterwards. She declined.

62. On information and belief, Sabatini usually did not provide such junior members of his Lab much attention at all.

63. When the post-doctoral fellow who served as this undergraduate's mentor learned of this attention, she confronted Sabatini. He lied. He did not confess to initiating any of the contact – or to the exceedingly intense and personal nature of the attention he paid and the inappropriate topics discussed. And at no time did Sabatini tell this post-doctoral fellow – or others – that his grooming of this undergraduate included his offering to pay the young woman's flight and hotel so that he could spend time with her when he traveled abroad.

64. The grooming of young women who had not even been admitted as Ph.D. students has occurred more than once.

65. As recently as late 2020 – early 2021, on information and belief, Sabatini spent several hours, over time, with another young woman who had reached out about the possibility of working in his lab, although she was not a student at MIT—far from his standard practice.

66. She was excited and honored to be in conversations about science with such an important scientific leader.

67. In this context, she was unsettled but did not confront Sabatini when, during one of their many hours of discussion, Sabatini changed the conversation's course from talking about serious scientific projects to the saying the following, using words to this effect: "I have always wanted to do a project trying to figure out why pubic hair is the length that it is."

68. Sabatini's suggestion that he wanted to study the length of pubic hair was shocking and bore no relationship to any legitimate topic under discussion. The young woman froze and left the discussion deeply disturbed by its sexual overtones.

69. In addition to the sexualized nature of discussions within his Lab, Sabatini also often aired his grievances as a white man. As one male member of the Lab has described it, Sabatini's "the white man has it so bad" refrain was common in the Lab, as Sabatini bemoaned the cost for white men of the progress for women and other underrepresented groups. He was heard, on more than one occasion, to suggest that one has to be "gay" or have some other protected characteristic even to get into medical school or to secure a faculty position "these days."

70. In this context, where issues arose in the Sabatini Lab that were reported to Human Resources, Sabatini – more than once – indicated that he wanted to know who was responsible and that person would – for daring to have crossed him or done anything that could be viewed as critical of him – lose his professional support.

71. In fact, with respect to the undergraduate on whom Sabatini had showered uncomfortably personal attention, when questions arose about Sabatini's conduct "[a]lmost all of the male grad students were marched [in] one-by-one" and questioned to identify who had dared to raise concerns about his conduct.

72. As one male member of the Lab would write, Sabatini was “so inappropriate ... he kept trying to get me to say someone had slept with her. It was so bizarre.” Another male member worried that “someone’s head is on the block,” and assuming that “if/when there is department/university scrutiny. Someone will go if it means he saves himself.”

73. Later reflecting on his experience in the Sabatini Lab, the same male member of the Sabatini Lab commented: “If this is what science looks like, then I am getting out of here and not looking back ... This past year has taught me that you can do all the right science and still fail, that the integrity of data doesn’t matter if it makes your PI look good, and that the boss will throw anyone under the bus the moment somebody squints in his direction.”

74. And Sabatini has done just that.

75. When asked about his relationship with a young undergraduate woman in his Lab, Sabatini would simply double down on his bizarre defense: It was a member of his Lab, he asserted, who had engaged in sexual relations with the undergraduate and so it was she – a scorned woman – who had begun bogus rumors suggesting that Sabatini had acted inappropriately.

76. This was false, and Sabatini knew it.

77. Also, after a woman raised concerns about gender bias and sexism in the Lab, Sabatini reacted in a way that was – according to one male member of his Lab -- “INSANE.” Another male member of the Lab put it bluntly: “People are scared of David and know he’s vindictive.”

78. Even when the conduct at issue was about compliance with basic health and safety rules, where the Sabatini Lab’s conduct was questioned, Sabatini threatened to withdraw support from anyone who had dared to raise concerns outside of the Lab.

79. As described above and as it existed in fact, the Sabatini Lab created and perpetuated a training and work environment that was sexually charged, discriminatory and hostile. He also created a lab environment where members feared punishment if they dared to speak out about the discrimination they experienced or witnessed.

Change at Whitehead and Sabatini's Misconduct Identified

80. In the summer of 2020, Whitehead installed a new Director, Ruth Lehmann, Ph.D. (“Lehmann”).

81. Lehmann has long been committed to leveling the playing field for women in science.

82. On information and belief, upon her hire, Whitehead’s Board of Directors specifically embraced that commitment and charged Lehmann with working to ensure that Whitehead met its own institutional goal and created an environment free of discrimination where *all scientists* – irrespective of gender or other status – can thrive.

83. Lehmann’s tenure began at a time when the National Academies of Sciences, Engineering and Medicine (the National Academies) had focused the discussion in the academic sciences on the persistent gender gap in science caused, *inter alia*, by the persistence of sexual harassment in the environment in which women trained.

84. In 2018, the National Academies of Sciences, Engineering and Medicine released a consensus report: *Sexual Harassment of Women: Climate Culture and Consequences in Academic Sciences, Engineering and Medicine* (hereinafter the “*Sexual Harassment Report*”). The *Sexual Harassment Report* represented an evidence-based study, with consensus findings of a broad committee. It was endorsed by the National Academy of Sciences, a non-governmental organization founded in 1863 by an Act of Congress to advise the nation on issues related to science and technology.

85. The *Sexual Harassment* Report noted as follows: “Through our work it became clear that sexual harassment is a serious issue for women at all levels in academic science, engineering, and medicine, and that these fields share characteristics that create conditions that make harassment more likely to occur. Such environments can silence and limit the career opportunities in the short and long terms for both the targets of the sexual harassment and the bystanders—with at least some leaving their field. The consequence of this is a significant and costly loss of talent in science, engineering, and medicine.”

86. The *Sexual Harassment* Report noted three categories of sexually harassing conduct: “(1) gender harassment (verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender), (2) unwanted sexual attention (verbal or physical unwelcome sexual advances, which can include assault), and (3) sexual coercion (when favorable professional or educational treatment is conditioned on sexual activity). Harassing behavior can be either direct (targeted at an individual) or ambient (a general level of sexual harassment in an environment).”

87. The Report further found that “[f]our aspects of the science, engineering, and medicine academic workplace tend to silence targets of harassment as well as limit career opportunities for both targets and bystanders: (1) the dependence on advisors and mentors for career advancement; (2) the system of meritocracy that does not account for the declines in productivity and morale as a result of sexual harassment; (3) the “macho” culture in some fields; and (4) the informal communications network, through which rumors and accusations are spread within and across specialized programs and fields.”

88. Moreover, the Report observed, several factors tend to create conditions where sexual harassment is more likely to occur, including where there is a “perceived tolerance” for

it, and “when power is highly concentrated in a single person, perhaps because of that person’s success in attracting funding for research (i.e., academic star power),” as in that context “students or employees are more likely to feel as if revealing the harassing behavior will have a negative impact on their lives and careers.”

89. To respond to these structural and organizational challenges within the sciences, the National Academies recommended that options be provided to trainees and those who work in such environments for confidential, anonymous, and informal reporting to prevent victims from experiencing or fearing retaliation in academic settings.

90. The *Sexual Harassment* Report also recommended that rigorous data collection is an important step in the effort to reduce and prevent sexual harassment and called for academic institutions to work with researchers to evaluate and assess their efforts to create more inclusive, diverse, and respectful cultures, noting that an important tool in this effort is the organization-wide survey, which can help institutions understand the frequency and nature of sexual harassment that is occurring and the progress they are making in reducing it.

91. Upon information and belief, as a member of the National Academy of Sciences, Sabatini was aware of the consensus Report, its findings and its recommendations.

92. Upon Lehmann’s arrival at Whitehead in the summer of 2020, she undertook the very sort of survey NAS recommended. Whitehead hired an outside firm to conduct the survey and its development, on information and belief, began by September of 2020, with individual one-on-one meetings with all faculty and fellows.

93. On information and belief, Sabatini understood the Whitehead initiative to be responsive to the National Academies’ call. He participated in a one-on-one meeting in or around August or September of 2020.

94. After months of planning and interviews with stakeholders, the organization-wide survey was rolled out in late 2020 (“Survey”).

95. Sabatini was aware that the Survey was designed to ensure confidentiality and the anonymity of those who filled it out.

96. Nevertheless, he called in a post-doctoral fellow in his Lab into a meeting. He drilled her: Had she responded to the survey? Who else responded? She was rattled, frightened that he would blame her for any problems that would be revealed. She tried to assure Sabatini that she had only said good things about him, fearing that he would punish her if he ever learned otherwise.

97. In or around March of 2021, the DEI Survey results were finalized. On information and belief, they suggested that Sabatini either personally engaged in sexually explicit and inappropriate discussions or fostered an environment that tolerated—or promoted—such inappropriate discussions and that he threatened those who might report his conduct.

98. The Survey’s findings amplified complaints from two women (not the Plaintiff-in-Counterclaim here) to Whitehead Human Resources in or around January of 2021.

99. Whitehead responded by hiring a legal team trained in conducting serious and sophisticated investigations – indeed trained in professionally conducted governmental investigations – to investigate the concerns expressed. The team was from the law firm of Hinckley Allen LLP and was led by William Sinnott, Esq.

100. Sinnott is an experienced litigator and counselor, who has served in private practice and government. He also has a military career spanning over thirty years with the United States Marine Corps, from which he retired as a Colonel.

101. Graduate students and post-doctoral fellows, generally, rely heavily on the mentorship of lead scientists in the laboratory in which they do their research for support. They look to publish with them, seek them out for letters of recommendation for faculty positions and rely on them to provide entries to the academic world and to funding for their own research projects.

102. This practical reliance – matched with the powerful recognition that Sabatini is “vindictive” – created challenges in the investigation. Privately, members noted that the “lab does need reform,” but the people who will suffer are the trainees, and that, while an inquiry into the Lab “is good for no one,” the Lab does “need an overhaul” to prevent more “competent women” from being “pushed out.”

103. Ultimately, by the summer of 2021, the investigators spoke with forty-three witnesses and reviewed over a thousand pages of text and Slack messages, as well as other documents. In the end, they issued a report that was 229 pages in length.

104. Whitehead, HHMI and MIT were informed of the results of an investigation into the atmosphere in Sabatini’s laboratory at Whitehead. The investigation found multiple violations of Whitehead policies, including its policies prohibiting sexual harassment and retaliation. The findings included the following:

- a. Sabatini engaged in and otherwise tolerated sexist and sexualized discussions with his lab, and engaging in sexualized discussions “was an implicit part of succeeding in” Sabatini’s Lab;
- b. There was a “culture of fear and retaliation” within the Sabatini Lab;
- c. Sabatini attempted to and did interfere with the investigation, including by discussing the investigation with lab members, suggesting to lab members what they should say to investigators and threatening lab members – directly and indirectly – not to raise concerns; and,
- d. Sabatini’s conduct, engaging in sexual relations with a Whitehead Fellow, violated several Whitehead policies, including its policy on sexual harassment. This

finding was *not* based on an assessment of whether the sexual encounters amounted to assault each time or were, instead, consensual, a matter the investigators viewed as beyond the scope of their investigation.

105. The investigation's findings were based on complaints from and interviews with multiple participants and upon a written record of communications involving members of Whitehead's community and Sabatini himself.

Sabatini's Relationship with Knouse

106. Knouse is an Assistant Professor in the MIT Department of Biology. She assumed this, her first faculty position, just months ago, in the summer of 2021.

107. Knouse received a Bachelors in Science in Biology from Duke University in 2010 and then enrolled in a joint Harvard-MIT MD-Ph.D. program, where, in 2017, she earned a Ph.D. through the MIT Department of Biology; and, in late May of 2018, she earned a medical degree through a specific joint program, called the Harvard-MIT Division of Health Sciences and Technology.

108. Knouse conducted her doctoral research in the laboratory of MIT Biology Professor Angelika Amon ("Amon"), where she developed tools to characterize large-scale somatic copy number alterations in mammalian tissues and then used diverse approaches to reveal the importance of tissue architecture for chromosome segregation fidelity in epithelia.

109. After receiving her Ph.D., Knouse continued to work in Amon's lab through her graduation from the Harvard-MIT joint program.

110. In June of 2018, Knouse became a fellow at the Whitehead Institute for Biomedical Research and was honored with the NIH Director's Early Independence Award. In July 2021, she became an Assistant Professor in the MIT Department of Biology and Koch Institute for Integrative Cancer Research.

111. Knouse first met Sabatini in 2012 when he was one of her instructors at MIT, teaching her in a small class with about ten students.

112. In or around 2013, Sabatini began to serve on Knouse's dissertation committee, with which she met both formally and informally.

113. Over the years, she began to worry that Sabatini had a romantic or physical interest in her, as he sometimes stood uncomfortably close to her when they spoke or would ask to meet one-on-one and there would ask personal questions. Although Amon had warned Knouse that she believed Sabatini had engaged in a sexual relationship with another trainee, Knouse tried to brush aside the concerns.

114. It is common that those who serve on a graduate student's thesis committee not only help shape that project but also serve as an important reference as the graduate student moves forward. Sabatini offered and Knouse gladly accepted him in that role.

115. Starting in 2016, Sabatini began asking Knouse to attend social events at his lab, chiefly whiskey tastings organized by him.

116. Knouse was knowledgeable about whiskey. While she hoped that this was why she was included in the Sabatini Lab's events, she quickly came to realize that these occasions often included sexualized and crude conversation initiated or encouraged by Sabatini. And she worried that Sabatini's designs were inappropriate.

117. Her concerns appeared well-founded. In May of 2016, at a whiskey tasting in his Lab, things became more raucous than at prior events attended by Knouse. At the end of the event, Sabatini put out all of the bottles for people to finish off.

118. Predictably, drunken and inappropriate conversation followed, with Sabatini as its cheerleader.

119. At some point, Sabatini told one of his male graduate students not to “settle down” early because, once the student becomes established and successful (like Sabatini), he could “fuck” whoever he wants.

120. At another point, Sabatini looked at a ring on Knouse’s finger and asked if she was engaged. When she responded that she was not, he asked whether she was “gay.”

121. Later that evening, Sabatini asked Knouse to accompany him out of the Lab so that he could ask her something. She followed him. Sabatini began discussing when she would be ready to apply to the Whitehead Fellows Program. He offered to speak to the then Director of that Program on Knouse’s behalf, which Knouse believed could have a tremendous impact.

122. The conversation continued as the two approached the garage where Sabatini’s vehicle was parked. Then, as they entered the garage, Sabatini spoke of concerns Amon purportedly had relayed to him about Knouse, namely that she was too serious and worked too hard.

123. Sabatini then turned to Knouse. He asked her pointedly whether she ever has “fun,” “fuck[s] around” or has sex.

124. Knouse was shocked. She tried to laugh it off, said nothing about how inappropriate the question was and tried to reassure him that she had fun. She rushed out quickly.

125. That very evening, Knouse texted a friend telling him how upset she was by what had happened. She wrote: “[a]ll of the conversations were like 85% sexual 15% science, as if the latter even applies to me ...”

126. Knouse then added her own – terribly sad – conclusion, the same conclusion reached by generations of women who seek entrance into a field dominated by powerful men

who have constructed sexualized work and training environments that suit them just fine: “I just need to accept it and take it for what it is and do my ... science.”

127. Over the days that followed, Knouse felt anxious and worried about how to handle the dynamic with Sabatini.

128. Knouse disclosed Sabatini’s comments to her to a few friends and to Amon. In light of this interaction and what she saw in the Sabatini Lab, she expressed her concern about pursuing a Whitehead Fellow position because she did not trust Sabatini’s intentions.

129. Amon admitted that she thought Sabatini was attracted to Knouse, but the senior MIT faculty member urged her student not to change her plans and to give up on the possibility of the incredible opportunity that is the Whitehead Fellows Program just because of one person’s questionable behavior. Amon told Knouse that she hoped that Sabatini would not cross the line with her.

130. Amon did not tell Knouse to report what occurred, nor did she tell Knouse that she intended to do so. Whatever the formal rules about when an MIT faculty must report misconduct, Amon wanted to protect Knouse and worried that escalating matters would harm Knouse’s career, while little would be done about Sabatini.

131. Knouse has learned that, less than two weeks after Sabatini confirmed that Knouse would be “fun,” Sabatini contacted the then Director of the Fellows Program at Whitehead to advocate for Knouse’s candidacy.

132. The message was clear: in exchange for his support and the ability to move forward with the scientific projects she loved, Knouse had to put up with sexualized banter and seem “fun” – which clearly, to Sabatini, meant engaging in inappropriate sexual banter.

133. From the summer of 2016 into 2018, Knouse continued to be invited to alcohol tastings – and to be asked to be involved in unsavory and sexually charged conduct initiated and encouraged by Sabatini.

134. From that time through early 2018, Sabatini remained involved in matters relating to Knouse’s studies and future. He sat on Knouse’s thesis committee, heard her thesis defense in the fall of 2016, and served as a senior faculty mentor thereafter.

135. As he embraced his role as Knouse’s mentor, Sabatini also began inviting her – with increasingly personal notes – to the tastings he hosted at his Lab. On these occasions, more than once, he made sexual comments towards her or towards others in her presence.

136. For instance, at one point Sabatini commented that Knouse clearly was in “Tanner Stage 4 puberty,” a remark made in reference to the size of her breasts.

137. Knouse was uncomfortable with the setting and the comments, but she tried to brush them aside.

138. In the spring of 2017, Amon and Knouse talked about Knouse’s future plans. Although Amon was aware of (and shared) Knouse’s concerns about Sabatini, she suggested that Knouse follow up with him to ask him to serve as a reference for her as she applied to the Whitehead’s Fellows Program. Knouse asked him to do so. He agreed.

139. In June of 2017, Knouse interviewed at Whitehead and met with Sabatini in the context of that process. She was offered a position as a Whitehead Fellow less than three weeks later. She received her formal offer letter in August of 2017, with a start date in June of 2018. She signed and returned the offer.

140. On information and belief, Sabatini lobbied for Knouse to be placed in the space adjacent to his Lab. He told her to “lobby for the sixth floor!”

141. In August of 2017, Sabatini wrote a letter of reference for Knouse for a National Institutes of Health early investigator award.

142. The essence of the fellowship was to permit select junior scientists a unique post-doctoral training experience, where fellows are mentored and supported but have independence in their scientific projects. Whitehead has described the Whitehead Fellows Program as a program that is “at the heart of the Whitehead’s educational mission.” See “Whitehead Fellows Program,” available at <https://wi.mit.edu/whitehead-fellows-program>.

143. Fellows are appointed for a three-year term with the expectation that it will be extended to five years. Id.

144. The Whitehead Fellows Program “provides support to young scientists of exceptional promise enabling them to initiate their own independent research program before completing postdoctoral training.” See Whitehead Appointments Process Manual (as revised on 10/1/2018). While at Whitehead, Fellows have a unique opportunity to engage in her post-doctoral training with a degree of scientific independence.

145. Whitehead Fellows are employed by Whitehead but are *not* faculty members of Whitehead.

146. Mentors to Whitehead Fellows provide early-stage career advice to Whitehead Fellows, invite their mentee to attend lab meetings to expose them to more scientific voices and to how one runs a lab, and serve as a resource within Whitehead. They also proactively offer their mentees advice on non-scientific matters, such as navigating the publication process or managing lab finances.

147. These mentors evaluate the fellow and report on their performance at the annual Whitehead faculty retreat. In their role as mentor, faculty reasonably can expect to write letters

of recommendation for a Fellow's faculty job search. Where applicable, and relevant here, a mentor's role will extend to sharing an evaluation of the Fellow at meetings held by MIT and or other MIT-affiliated institutes, should they apply for a faculty position.

148. Relevant to Knouse, in her application for a National Institutes of Health early independent investigator award, Whitehead represented that Fellows are evaluated by Whitehead and, specifically, that the "performance of the Fellows is also discussed during the annual Faculty retreat, which is not attended by Fellows" and that their performance is judged by a specific set of criteria. In this application and as late as 2021, Whitehead formally listed Sabatini as the mentor at Whitehead who would provide the "review" of Knouse.

149. Through 2017 into 2018, Sabatini remained involved in Knouse's training and fellowship, as her mentor and as someone who retained authority over her.

150. In March of 2018, while Knouse was still a graduate student in the joint program and continuing research in Amon's Lab, she learned that her extraordinary mentor had been diagnosed with cancer and faced a very poor prognosis.

151. The weeks that followed were very emotional for Knouse and for many who cared about Amon. Knouse worried terribly about a woman who was – and remains – her role model. She had a hard time imagining what it would be like to continue in the field without Amon's mentorship.

152. Knouse communicated with Sabatini about Prof. Amon's condition, expressing her concern for her and dismay about what she faced.

153. Sabatini was aware that Knouse was very emotional about this announcement and concerned that she would lose a strong supporter early in her career.

154. It was in this context of their discussions about Amon that, on March 11, 2018, Knouse said that she hoped to be able to shut out everything to perform well in the context of an interview with the National Institutes of Health regarding her grant application.

155. In response to Sabatini texting her about her interview, Knouse reiterated the challenges of Amon's recent diagnosis and Knouse's hope that she would be able to deliver in a pressured situation, as she clearly had done when, a year prior, she had interviewed at Whitehead and written her NIH early independent investigator proposal, while working overnight shifts in the course of her medical training.

156. Sabatini responded by reminding her of his support – and his authority. He wrote: "That's why we hired you."

157. Sabatini thus positioned himself as someone with authority over her at Whitehead as well as MIT. And he positioned himself as the person on whom she could rely as a mentor, in Amon's absence, and someone who would open doors for her going forward.

158. In early April of 2018, Sabatini offered to introduce Knouse to others in his professional network at a conference in Washington, D.C. Knouse was flattered. She agreed to meet Sabatini and looked forward to the visit.

159. When her plans with a friend fell through, Sabatini offered to pay for her hotel – or "to let her crash with" him. She declined. She flew into town for the purpose of meeting with Sabatini and being introduced to his professional colleagues.

160. Contrary to what he had promised, there was no introduction to anyone else, let alone luminaries in her field.

161. Instead, Sabatini told Knouse he was "not doing the lysonerd dinner." He invited Knouse to join him for drinks and dinner. Knouse agreed and they went out for drinks and

dinner. They talked about science and about Amon. Sabatini seemed sympathetic but warned Knouse that, of course, she could be at a distinct disadvantage if Amon passed away, because Amon would not be able to champion and vouch for Knouse early on in her career, something that is essential for young scientists. Sabatini reiterated what he had before, that he would step into the breach, assuring Knouse that he would be there for her.

162. After the dinner, Sabatini suggested that Knouse come with him to his room to continue a scientific conversation they were having. When they arrived, Knouse stood at the door, as he lay down on his bed, instructing her to lie down next to him. When she told him she was not comfortable doing that, Sabatini started talking about how he and another established woman scientist do some of their best thinking together in this fashion. He pressed her to enter the room. She did not – by word or conduct – indicate that she welcomed his advances.

163. Sabatini began his advances and, realizing that she was not responsive, he told her to “relax,” and proposed that they have a relationship where they have casual sex on the side. Knouse got visibly upset. She tried to resist his advances, telling him, among many things, that Sabatini was her mentor and thus had control over her career. She told him that any sexual relationship between them would be against the rules. Sabatini brushed aside her concerns and warned Knouse not to tell anyone about what he was doing.

164. Sabatini persisted in his advances and got angry as she continued to tell him why he should not proceed. He ultimately said that he was so aroused that she either needed to submit or “get out.”

165. Knouse felt trapped. If she ran out, she would lose his support and gain his ongoing ire.

166. In the end, although she never consented, he had his way. Afterwards, he forbade Knouse from telling anyone about what had occurred – most particularly Amon and Knouse’s closest friends.

167. The next day, Sabatini seemed to revel in the fact that he, and older man, had a young conquest. In a text exchange with Knouse, he talked about her as a “young chick” who was not as “fucking tired” as he was.

168. After what happened on April 18, 2018, Knouse continued to feel trapped. Telling people – even her mentor, Angelika Amon – of what had happened that evening was not a realistic option if she wanted to preserve her career. Sabatini had explicitly instructed her not to do so, and she feared what would happen if she did not heed that warning. Nor could she put distance between Sabatini and herself, given her commitment to Whitehead, where she was due to be stationed adjacent to the Sabatini Lab and where he was viewed as one of her key supports and mentors.

169. Then in mid-May of 2018, while Knouse remained an MIT graduate student working in Amon’s Lab, Sabatini offered to come to Knouse’s apartment to pick up some of the whiskey procured for one of his Lab events.

170. Knouse talked with him about why him engaging with her sexually was inappropriate. She spoke of wanting to be taken seriously as a scientist and not wanting to have her contributions diminished by any perception that he was helping her along because of a sexual relationship. She tried to explain to him why they could *not* be in a sexual relationship.

171. Sabatini dismissed her concerns and told her that their sexual encounters would be fine as long as she did not tell anyone. He told her that he was “offended” that she had gotten so upset during the previous sexual encounter and that she worried he advocated for her

employment merely so that he could sleep with her.

172. Although she tried to explain to him why a sexual relationship was not appropriate, he would not listen to her concerns. Sabatini instead spoke about wanting to see Knouse for “casual sex,” and that she should not expect anything of him. Again, Sabatini sought sex from Knouse.

173. After Knouse formally joined Whitehead and Sabatini became the Director of the Fellows Program and her mentor, his demands for sex did not stop. They occurred more than ten times between 2018 and around the end of 2019.

174. Within months of Knouse’s becoming a Whitehead Fellow, in September of 2018, she was to attend a Whitehead retreat in New Hampshire. She had never attended the retreat before. Prior to arriving, Sabatini texted her asking for sex and then demanded sex repeatedly while they attended the function. When Knouse expressed hesitation about the setting and in light of her status, Sabatini pursued her nonetheless. It was there that he, among other things, texted her about his need to have sex because he had a “raging boner.”

175. Indeed, Sabatini’s sexual advances were often laced with vulgar, sexualized language. He texted her that he was all “revved up,” and, if she would not meet up with him immediately, he would have to take matters “into [his] own hand,” and that he had a “half-chub in [his] pants.”

176. On more than one occasion, Sabatini looked for sex with Knouse at Whitehead, even in the former office of a deceased faculty member.

177. Knouse tried to avoid the most crude and inappropriate of Sabatini’s requests for sex at Whitehead, telling him that she was not comfortable with his demands; but other times she worried that her hesitation would risk his anger.

178. Knouse believed that she could not exit the relationship without repercussions. Their laboratories were next to one another; he served as her mentor and thus a reviewer of her performance. Although she believed in the value of her work, she also knew of the importance of maintaining good rapport with mentors for career advancement. With Amon confronting a terminal illness, her career was even more dependent on Sabatini.

179. Knouse thus tried to embrace the relationship, play along, even convince herself that it was meaningful and mutual. But she struggled. Ultimately, she felt dirtied, embarrassed and demeaned.

180. Knouse tried to raise concerns with Sabatini himself about the impact of their dynamic on her. He brushed her aside.

181. Knouse tried repeatedly to reset the corrosive dynamic in a way that might not risk Sabatini's anger and the loss of his support, including telling him about the struggles she was having personally. On more than one occasion, when she did so, he belittled her concerns and – again – asked for sex.

182. In mid-2019, Knouse shared with a colleague that she felt manipulated by Sabatini, as though she was a “little toy he picked up and plays with when he wants But he runs the show ... so what ... am I supposed to do ...”

183. For the first time since Knouse had identified science as the endeavor in which she was most passionate and thus the prime source of meaning in her life, to which she was singularly devoted, she began to withdraw from the scientific community and experience debilitating feelings of entrapment and hopelessness.

184. Knouse began to raise concerns about what she was facing with others and whether she should report it. She reported the sexual encounters with Sabatini to Amon in 2019

and again in 2020. Each time, Amon told her not to do *anything* until she could get out of Whitehead. Others at MIT gave Knouse the same advice.

185. Knouse asked to cut ties with Sabatini. She explained to him the pain of what had occurred, and the damage done by the unequal dynamic between Sabatini and her; she tried to put her unease *on herself* and on her needs. He responded by telling her she was “crazy.”

186. Finally, Sabatini secured the interest of his next sexual partner. Sabatini had tried to have *another* Whitehead faculty member bring this young woman on as a “Visiting Scientist” although she was not qualified, and, when that did not work, he brought her into his own Lab so that he could woo her.

187. At that time, Sabatini told Knouse that they should be “friends.” Knouse reiterated the need to cut ties which Sabatini, finally, seemed to accept.

188. While Sabatini no longer looked to Knouse for sex after early 2020, he continued to make unwanted sexualized comments to her.

189. For instance, he told members of his lab, and Knouse, that another trainee “comes to the lab because living out his crush on” Knouse “is more fun than being at home with a 1 year old,” using words to this effect.

190. Additionally, one day in the summer of 2020, Sabatini ran into Knouse as he was coming into work. He looked her up and down. Then he snidely commented on what she was wearing, suggesting that she was dressed in way that made him look at her sexually. She felt worn down by him – and by the environment.

191. The unique opportunity provided by Whitehead’s Fellows Program is, in significant measure, defined by not only the extraordinary level of support given to a junior

scientist to delve into her science and leave with a high level of demonstrated success, but also by the time period given for that work: five years.

192. The architecture of the Fellows Program, designed to enable extraordinary young scientists to embark on their own independent research program without completing traditional postdoctoral training, and within a mentored context, provides not only support but the gift of time.

193. Whitehead Fellows often leave the Institute with a substantial body of work, developed over the course of five years, and with the benefit of dedicated mentorship on the part of Whitehead faculty.

194. At this point, Knouse understood that this was not possible. The cost of doing what Sabatini has seemed to require for his support had been grave. Her focus and productivity had suffered because of the dynamic with Sabatini. Even coming to her own Lab, located adjacent to his (as he had requested), was painful.

195. Although she had pressed forward, Knouse knew she had to get out – even though it would mean leaving behind the tremendous gift promised by the Whitehead Fellows Program of protected time just to focus on her research and leaving her in a position of having to explain why she had rushed her exit from the prestigious program.

196. Knouse went on the job market two years earlier than she would have were it not for Sabatini's interference in her Fellowship and the hostility of the environment in which she was training and working.

197. In October of 2020, Lehmann, Whitehead's new Director, asked to speak to Knouse. She had learned that Knouse was on the job market, seeking her first faculty appointment, and she asked why Knouse was not looking to Whitehead for a position. Knouse

told Lehmann that she had felt harassed in the context of her fellowship but that she did not want to talk about it further. She did not.

198. Lehmann appeared to recognize how difficult it would be for Knouse to speak more freely until she had another position. She suggested that, once Knouse had secured another position, she should talk more openly so that Lehmann could address whatever her concerns were.

199. When Whitehead announced that it was engaging Hinkley Allen LLP to investigate the educational and work environment in the Sabatini Lab, its representatives asked to speak with Knouse.

200. Knouse hesitated. She feared Sabatini's punishment. She heard about Sabatini's ire when it was reported that his Lab was not in compliance with Whitehead protocols and policies having nothing to do with discriminatory or harassing conduct but simple compliance with the rules (such as when he asked people to gather for cake to celebrate his birthday during a time when COVID-protocols prohibited such a gathering).

201. And Sabatini had taken steps to remind Knouse of his power over her.

202. At the start of 2021, Sabatini reached out to her to remind her that he was the one who would comment on her performance at the Whitehead retreat. And, just as the investigation began, he reached out again and told her he would weigh in on her candidacy for a faculty position at MIT.

Faced with Consequences Related to His Own Misconduct,
Sabatini Launches A Punitive Campaign

203. Although Knouse had determined that something ultimately would need to be done about Sabatini's conduct, she was worried about her own future and Sabatini's penchant for threatening to act out against those who challenged him or spoke ill of him.

204. Knouse felt as though she could not simply move on from what occurred, thinking about what might happen to others if Sabatini continued to believe he had a free pass to graze among his trainees – and even unaffiliated young undergraduates -- for young women from whom he would feel free to demand “casual sex.”

205. In April of 2021, Knouse sat – alone, without counsel – for a day-long interview with the investigators. She spoke about what she experienced and its emotional toll.

206. Sabatini remained in place, gathering lab members and playing to their fears for their own careers should anything happen to him.

207. Knouse felt exposed and made further vulnerable by the ongoing inquiry. Although the investigation focused on his misconduct, to shield Sabatini from consequences for his funding during the pendency of the investigation, he was permitted to remain in place, running his Lab.

208. Knouse became even more uncomfortable coming to work and increasingly avoided coming into her Lab.

209. Knouse learned (from Sabatini himself) that, as the investigation started, he set up one-on-one meetings with Lab members to discuss Whitehead’s investigation.

210. Sabatini’s conduct was entirely outside of the conduct required by Whitehead’s investigation. He had been warned *not to discuss* the investigation at all with others; but, again, Sabatini decided to ignore the rules.

211. When Sabatini became aware that Knouse was participating candidly in the investigation, he went on the offensive and began a retaliatory campaign against her.

212. On information and belief, among other things, Sabatini met with lab members and told them that it was Knouse who had pursued him, that he had rejected her, and that, afterwards, she had embarked on a vendetta against him.

213. Sabatini went further, calling Knouse, among other things, a “crazy” and “resentful” “bitch,” using those words and/or words to that effect, as he worked to rally her colleagues and his post-doctoral fellows against her, by suggesting falsely that she was intent upon ruining “their” Lab.

214. Sabatini’s conduct was malicious, punitive and contrary to Whitehead’s instructions to him with respect to the investigation. It was itself steeped in gender stereotypes and bias.

215. Indeed, Sabatini moved from seeing Knouse as a young woman – one of many, it appears – whom he believed he was entitled to use to make himself feel attractive or to satisfy himself sexually. Now he saw her in another – equally biased and equally damaging – way: she was the woman scorned – the “resentful bitch” – scheming to take him down.

216. As facts have come out, Sabatini’s punitive and gender-stereotyped attacks on Knouse sharpened further: He began questioning her qualifications for the first faculty job she had sought, qualifications he previously had acknowledged repeatedly over time and reaffirmed (certainly in a way that may have been designed to keep her quiet).

217. This too had echoes of the sort of biased and punitive comments he had often made about women and other power minorities in terms of hiring patterns in science.

218. Eventually, with the assistance of counsel, Knouse continued her participation and provided the investigators, among other things, with some real-time texts from members of

the Sabatini Lab, in which they had expressed their own concerns about his conduct and their fears of retribution.

219. The fear of retribution was real: Sabatini made sure members of his Lab understood that he would remain in place, telling them that he had spoken with senior faculty at MIT and members of Whitehead's Board of Directors claiming that they had told him that – whatever the findings – he would remain in place. He was, he wanted to convey, just too big to fail.

220. And so, with the investigation ongoing, he continued to orchestrate social events for the Lab. One member who had considered speaking candidly to investigators became increasingly concerned that her participation would not yield any results in terms of improving the lab environment but would result in harm to her career going forward, as Sabatini would find out what she had said and punish her professionally.

221. It was not until July of 2021, on information and belief, in the context of this sort of interference, that Sabatini was asked not to be present in his Lab during the remainder of the investigation.

222. In August of 2021, the report was finalized and presented to Whitehead.

223. Sabatini's conduct was deemed to violate key policies related to maintaining training and workplace environments free of discrimination and retaliation. While his was terminated from HHMI and resigned his post at Whitehead, MIT placed Sabatini on administrative leave – where he remains to this day – pending their own investigative and deliberative process which has yet to conclude.

224. It shall be ultimately for MIT's President to decide whether to excuse Sabatini's violation of several of its own policies relating to sexual harassment, discrimination, retaliation and the abuse of power by faculty.

225. In this context, starting in the late summer of 2021, Sabatini escalated his retaliatory campaign against Knouse.

226. On information and belief, Sabatini tried to peddle his fiction about Knouse and her purported responsibility for what had befallen him to notable members of Knouse's professional community.

227. Sabatini went further, organizing former members of his Lab to pressure people who had provided information to investigators to change their stories.

228. For instance, the undergraduate whom Sabatini had groomed (offering to pay her hotel room and flight when she was abroad so that she could listen to him give a talk and spend time with him afterwards), has felt targeted after being approached by multiple people on Sabatini's behalf to change what she had said to investigators and now claim that Sabatini had done nothing wrong and been entirely appropriate. This was not true and she declined.

229. Although Sabatini had been asked by MIT and Knouse, through counsel, not to spread malicious and false statements about Knouse, he continued to do so.

230. On October 20, 2021, Sabatini escalated his campaign yet further, filing a retaliatory lawsuit.

231. Critically and sensibly, MIT's policies require confidentiality and mandate that "[a]ll participants in the Complaint resolution process are expected to maintain confidentiality to protect the privacy of all involved." See MIT's Policies and Procedures, at Section 9.8.5.3, "Confidentiality."

232. Sabatini is aware that the confidentiality commanded by MIT's Policies apply to Knouse's complaint about his misconduct.

233. This language mirrors the requirements of Title IX, which state that, in the course of any internal investigation relating to allegations of sexual harassment, participants must "keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report ... of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness..." See 34 CFR § 106.71(a).

234. Sabatini is aware that Knouse made a report of sexual harassment to MIT.

235. MIT's policies also enshrine the requirement of non-retaliation by prohibiting retaliation against any person who "raises concerns about a possible violation of MIT policy or other wrongdoing" See MIT's Policies and Procedures at Section 9.7, "Non-Retaliation." Retaliation is, by policy, defined as conduct "that would discourage a reasonable person from making a report or participating in a complaint review process." Id. As Sabatini is well aware, Knouse had made a report under this policy.

236. Relevant here, among other things, it is defined to include "publishing personally identifiable information about an individual." Id. Further, MIT's policies make clear that retaliation includes "charges against an individual for policy violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination." See MIT's Institute Discrimination and Response Office, Title IX Sexual Harassment; MIT's Policies and Procedures, at Section 9.4.1.4, "Title IX Sexual Harassment."

237. Sabatini is aware that Knouse has raised concerns about a possible violation of MIT policy on his part.

238. Although, consistent with MIT policy, the confidentiality of a complainant it to be maintained, Sabatini named Knouse and provided her exact home address. Although, consistent with MIT policy, Sabatini was not to retaliate by filing his own charge, he did just that.

239. Sabatini's complaint – filed as MIT's was engaged in its own process of assessing the complaints of sexual misconduct against Sabatini – contains malicious, false and damaging statements about Knouse.

240. The complaint contains entirely baseless allegations and is driven by Sabatini's malicious desire to harm Knouse and chill the participation of others in an ongoing investigative process at MIT, where the revocation of Sabatini's tenure is at issue.

241. For instance, Sabatini's complaint falsely claims that Knouse was his "peer" when, while she was still a graduate student at MIT, he demanded sex from her. That assertion is bogus. And he knows it.

242. Additionally, Sabatini asserts that Knouse was, in part, responsible for the DEI survey conducted and that she somehow orchestrated its results.

243. He knows that this, too, is patently false, as he in fact was aware of its genesis and participated, on information and belief, in the early planning for the survey.

244. Also, Sabatini has suggested that what occurred to him was the result of some cabal between Lehmann and Knouse, keying this theory to the allegation that Lehmann rallied women at Whitehead at a purported dinner in the fall of 2020 attended by Knouse and women faculty.

245. Knouse attended no such dinner, and no such dinner even took place.

246. Sabatini also asserts – with no factual basis – that from 2020 into 2021, Knouse had repeated, secret communications with Lehmann, hatching a scheme to bring him down.

247. That is nonsense. In 2020 – 2021, Knouse had a single meeting with Lehmann where the work environment came up, but Knouse declined to speak about it with specificity. Sabatini’s allegations are without any factual basis.

248. Moreover, Sabatini has alleged that Knouse was somehow advantaged in the context of the investigation, because Knouse had secured counsel to assist her.

249. This too is nonsense. Throughout the investigation, Sabatini was represented by counsel who, on information and belief, was in regular contact with Whitehead and with the investigators.

250. He sat down with investigators without counsel initially, as did Knouse. Indeed, in April of 2021, Knouse sat for around eight hours with interviewers without counsel present. She had one other interview and counsel was present at that interview, as counsel was also present at Sabatini’s final interview.

251. Finally, Sabatini has suggested that it was *Knouse* who caused the problems he now has through fabrications about what occurred. Yet Sabatini is aware that what actually occurred was that Knouse provided *Sabatini’s own writings and his own words* to investigators, who weighed them against his statements and made damning – and correct – determinations about his credibility and his conduct.

252. In short, Sabatini’s complaint is without any factual basis and is instead filled with implausible conspiracy theories designed to excuse Sabatini’s own misconduct.

253. Yet Sabatini did not care. His purpose was to smear Knouse to save himself. So he retained a press relations firm and had his press agent not only contact the media but, on information and belief, send copies of his Complaint to influential scientists across the country.

254. Sabatini's suit itself, along with his defense of his overall conduct since the spring of 2021, have perpetuated and escalated his biased conduct, adding to it his desire to punish Knouse for daring to speak candidly about what occurred.

255. Sabatini's conduct, from 2016 to present, has violated the Commonwealth's anti-discrimination laws and its prohibition against retaliation for those who engage in conduct protected under those laws.

256. Sabatini's conduct has caused – and continues to cause –Knouse tremendous emotional distress as well as other consequential and financial damages.

COUNT I

Sexual Harassment – Violation of M.G.L. c. 214, § 1C/M.G.L. c. 151C

257. The Plaintiff-in-Counterclaim repeats the above paragraphs as if fully incorporated herein.

258. From 2010 – 2018, Knouse was a graduate student in a joint program of Harvard Medical School and MIT. She was engaged in research as an MIT graduate student through May of 2018, working in the Laboratory of Prof. Angelika Amon.

259. MIT is an educational institution as defined by M.G.L. c. 151C, § 1(b).

260. From June of 2018 through July of 2021, Knouse served as a fellow at the Whitehead Institute, where Sabatini continued to exercise authority over her as her faculty mentor.

261. While Knouse was a graduate student at MIT, Sabatini was among her professors, serving on her thesis committee and then as a recommender and reference both for her position at Whitehead, in 2017, and her NIH grant.

262. Sabatini, while working in the Sabatini Lab at Whitehead, remained a faculty member at MIT, subject to its rules and regulations.

263. While Knouse was a graduate student at MIT and also while she was a fellow at Whitehead, Sabatini subjected her to frequent and severe unwelcome and offensive sexual conduct, including sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature.

264. Knouse's submission to or rejection of Sabatini's advances and requests was made explicitly and implicitly a term or condition of the provision of the benefits and privileges of her education and fellowship training and as a basis for his evaluation and support of her academic and scientific achievement.

265. Such conduct had the purpose or effect of creating a hostile, humiliating, or offensive work environment and interfered with Knouse's education and ability to perform academically and scientifically.

266. As a result of Sabatini's conduct, Knouse has endured a sexually hostile environment, which has caused and which continues to cause her to suffer emotional distress, as well as damages including but not limited to financial losses, reputational harm, pain and suffering.

267. Sabatini's misconduct is outrageous and warrants the imposition of punitive damages.

COUNT II

Sexual Harassment/Hostile Work Environment – Violation of M.G.L. c. 151B, §§ 4(4A), 4(5)

268. The Plaintiff-in-Counterclaim repeats the above paragraphs as if fully incorporated herein.

269. From June 2018 through July 2021, Knouse was employed as a Whitehead Fellow.

270. From July of 2021 to present, Knouse has been employed by MIT.

271. At all times relevant, Sabatini has been employed by MIT as a member of its faculty. His conduct as MIT faculty is governed by MIT policies, as well as the policies of HHMI and Whitehead, in the context of his work at Whitehead.

272. In or around April/May of 2018, Sabatini was asked to become Director of the Whitehead Fellows Program. He assumed that position in July of 2018 and held it until he resigned in August of 2021.

273. Sabatini received a stipend from Whitehead to compensate him for his administrative duties and was an agent of the Whitehead for purposes of c. 151B.

274. Sabatini also served as Knouse's formal mentor at Whitehead and for the purposes of Knouse's National Institutes of Health early investigator award.

275. In Sabatini's role at Whitehead, he was responsible for, among other things, evaluating Knouse at Whitehead's annual faculty meetings.

276. Sabatini, in addition, in his role as a tenured member of the MIT faculty, was expected to comment on Knouse's candidacy for a faculty position at MIT.

277. The Whitehead is an employer within the definition of M.G.L. c. 151B, § 1.

278. Sabatini subjected Knouse to frequent and severe unwelcome and offensive sexual and gender-biased conduct and comments.

279. Through his conduct, Sabatini coerced, intimidated, threatened, and/or interfered with Knouse's right to be free of gender discrimination and sexual harassment and aided, abetted, incited, and compelled the perpetuation of gender discrimination, as well as a hostile work environment.

280. Knouse's submission to or rejection of Sabatini's advances and requests was made explicitly and implicitly a term or condition of her employment.

281. Such conduct had the purpose or effect of creating a hostile, humiliating, or offensive work environment and interfered with Knouse's ability to perform her job.

282. Sabatini's discriminatory conduct and his creation of a continually sexually hostile environment, pervaded by sexualized conduct and comments, has continued from 2018 to present, with sexually hostile and unwelcomed comments and conduct regarding Knouse continuing to the present time.

283. Sabatini has engaged in biased and harassing misconduct as a member of MIT's faculty and as a now former member of Whitehead.

284. As a result of Sabatini's conduct, Knouse has endured a hostile work environment, which has caused and continues to cause her to suffer damages including but not limited to emotional distress, financial losses, reputational harm, and pain and suffering. Sabatini's misconduct is outrageous and warrants the imposition of punitive damages.

COUNT III

Retaliation – Violation of M.G.L. c. 151B, § 4(4)

285. The Plaintiff-in-Counterclaim repeats the above paragraphs as if fully incorporated herein.

286. Knouse has engaged in reasonable and legally protected conduct.

287. Knouse reasonably and in good faith believed that Sabatini was engaged in wrongful discrimination and/or retaliation.

288. Sabatini has engaged in a series of retaliatory measures in violation of M.G.L. c. 151B, §§ 4(4), 4(4A) and 4(5), including without limitation his retaliatory conduct in the course of Whitehead's investigation as well as his filing of a frivolous and retaliatory lawsuit in October of 2021.

289. As a result of Sabatini's retaliatory conduct, Knouse has suffered and continues to suffer damages including but not limited to financial losses, reputational harm, pain and suffering, and emotional distress.

290. Sabatini's misconduct is outrageous and warrants the imposition of punitive damages.

COUNT IV

Assault & Battery

291. The Plaintiff-in-Counterclaim repeats the above paragraphs as if fully incorporated herein.

292. In April and May of 2018, Sabatini committed assault and battery on Knouse when he coerced her into having sex with him despite her protests. Over time, in light of his authority over her and as defined by relevant policies, Sabatini continued to engage in batteries against Knouse.

293. By these actions, Sabatini intended to cause harmful and offensive, unjustified contact with Knouse and apprehension of imminent contact, and through his use of force and coercion, such contact in fact resulted.

294. As a result of Sabatini's conduct, Knouse has suffered and continues to suffer damages, including pain and suffering and emotional distress.

COUNT V

Intentional Infliction of Emotional Distress

295. The Plaintiff-in-Counterclaim repeats the above paragraphs as if fully incorporated herein.

296. Through his conduct, described above – including without limitation the April of 2018 incident in which he forced and coerced Knouse to have sex with him, repeatedly proposing that Knouse have sex with him at the Whitehead Institute despite her protests, and propositioning Knouse for sex at the Whitehead annual retreat where Knouse's performance was being judged – Sabatini intended to cause Knouse emotional distress or knew or should have known that emotional distress was the likely result of his conduct.

297. Sabatini's conduct was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

298. Sabatini's actions have caused and continues to cause Knouse severe emotional distress of a nature that no reasonable person could be expected to endure.

COUNT VI

Tortious Interference with Advantageous Relations

299. The Plaintiff-in-Counterclaim repeats the above paragraphs as if fully incorporated herein.

300. Knouse had an advantageous relationship with Whitehead and with prospective employers, institutions and other funding entities of which Sabatini was aware.

301. Through his intentional perpetuation of sex discrimination, a hostile work environment and retaliatory campaign against Knouse, Sabatini knowingly caused Knouse to

leave Whitehead sooner than she otherwise would have and has knowingly interfered with Knouse's advantageous relationships, including, *inter alia*, with future collaborators, colleagues and funders.

302. Sabatini's interference was improper in both motive and means.

303. As a result of Sabatini's conduct, Knouse has suffered economic harm, as her shortened term at Whitehead will have long-term impact on her career and future business relationships, as well as other consequential damages to reputation and emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff-in-Counterclaim Kristin Knouse, M.D., Ph.D. respectfully prays that this Court:

- a) Enter judgment in her favor on all counts of her Counterclaim;
- b) Award her all damages she proves at trial to have suffered, including, *inter alia*, compensatory and consequential damages, harm to reputation, and damages for emotional distress, physical and mental suffering, and medical bills;
- c) Award her attorneys' fees, costs and interest;
- d) Award her appropriate equitable relief;
- e) Award her punitive damages; and
- f) Award her such other relief as the Court deems just and proper.

**PLAINTIFF-IN-COUNTERCLAIM REQUESTS A TRIAL BY JURY ON ALL
MATTERS SO TRIABLE.**

Respectfully submitted,
Defendant/Plaintiff-in-Counterclaim
Kristin Knouse, M.D., Ph.D.,
By Her Attorneys,

/s/ Ellen J. Zucker
(Ret.) Judge Nancy Gertner (BBO #190140)
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Date: December 6, 2021

CERTIFICATE OF SERVICE

I, Ellen J. Zucker, hereby certify that on December 6, 2021, I caused the foregoing document to be served by electronic mail upon all counsel of record.

/s/ Ellen J. Zucker
Ellen J. Zucker, Esq.