

STRICTLY CONFIDENTIAL

REPORT OF INVESTIGATION

TO: Kellie Brennan, Executive Director of Civil Rights & Whistleblower Compliance;
Acting Title IX Officer
FROM: Ashok Rau, Complaint Resolution Officer (“CRO”), Office for the Prevention of
Harassment and Discrimination (“OPHD”)
RE: iSight Case No. 2021-UCB-00080
DATE: August 13, 2021

I. INTRODUCTION

OPHD investigated whether Respondent, professor at the University of California, Berkeley (“UCB”) engaged in conduct toward Complainant, professor at the University of California, Davis, that violated the University of California’s 2020 Interim Policy on Sexual Violence and Sexual Harassment (“SVSH Policy”).

The April 6, 2021 Notice of Allegations (“NOA”) provided as background:

As [Complainant and Respondent] are aware, OPHD conducted an investigation in 2019 into allegations that [Respondent], a University of California, Berkeley faculty member, engaged in conduct towards Complainant [], a University of California, Davis faculty member, that could violate University policies on sexual harassment, stalking, and retaliation. In a Notice of Outcome issued November 25, 2019, OPHD notified [Complainant and Respondent] that the outcome of that investigation substantiated those allegations and found that [Respondent] engaged in conduct towards Complainant that violated the University of California’s 2016 Sexual Violence and Sexual Harassment Policy (“2016 SVSH Policy”). At that time, the matter was forwarded to Benjamin E. Hermalin, Vice Provost for the Faculty (“VPF Hermalin”), for adjudication. The matter was resolved when the University entered into a Settlement Agreement with [Respondent] which was signed and executed on January 28, 2020.

The signed Settlement Agreement at item number 7 contains a No Contact Directive, which states, “[Respondent] agrees to have no further contact, in person, electronically, telephonically, or otherwise with the Complainant.”

In response to some reported information alleging that [Respondent] engaged in additional contact with Complainant after the Settlement Agreement was signed on January 28, 2020, VPF Hermalin wrote to [Respondent] on May 21, 2020 and documented that he informed [Respondent] of the reported alleged violation of the No Contact Directive by email on May 17, 2020 and [Respondent] responded and said that if [Respondent] did “like” Complainant’s tweet it “was a mistake, a finger mistake.” In the close of his letter, VPF Hermalin wrote, “I also wish to make very clear that following [Complainant] on any social media in a manner that would

reveal [Respondent] doing so to [Complainant], such as, but not limited to, ‘liking’ or commenting on a tweet or post, is a violation [of] the No Contact Directive. So that there are no more ‘finger mistake[s],’ you are strongly advised not to follow [Complainant] at all on any social media.”

On or about September 16, 2020, VPF Hermalin wrote to [Respondent] and warned [Respondent] that any further communication to Commune Press or any other enterprise founded/run by [Complainant] woul[d] be considered a violation of the No Contact Directive provision contained in the Settlement Agreement and he strongly recommended that [Respondent] cease writing [Complainant’s colleague]. [Respondent] wrote back to VPF Hermalin to say that [Respondent] would abide by those requests.

After further additional contacts by [Respondent] towards Complainant were reported to OPHD and VPF Hermalin, on November 12, 2020, Cherie Scricca (“Director Scricca”), who was at that time the Acting Title IX Officer and Director of OPHD, issued to [Respondent] an Interim No Contact Directive on behalf of OPHD. Director Scricca’s November 12, 2020 correspondence to [Respondent] stated, in relevant part:

This No Contact Directive is separate and apart from the No Contact Directive that was made a part of the Settlement Agreement put in place in response to the investigation findings.

Effective as of the date of this letter, [Respondent is] to have absolutely no contact, directly or indirectly with [Complainant]. To be clear, you may not have contact with connect or communicate with [Complainant] or anyone you believe to be [Complainant] (including David Porter), directly or indirectly, by any means or media including, but not limited to: contact or communication in-person, at his residence or place of work, via phone, voicemail, text message, instant messenger, email, Facebook, Twitter or other online communication, social media, social media posts or following or any online platform, notes, cards, letters, flowers, gifts or via a third party which includes but is not limited to family, friends, co-workers, students or acquaintances of [Respondent’s] or [Complainant].

Additionally, [Respondent] will take reasonable measures to maintain a distance of 100 feet away from [Complainant]. If he is present in an area that [Respondent] enter[s], it is [her] responsibility to remove [her]self from the area immediately. It is also [Respondent’s] responsibility to minimize visual contact as much as possible. In addition, [Respondent is] to refrain from all forms of retaliation against [Complainant], including threats, intimidation, and reprisals.

Failure to comply with this directive will be immediately investigated by this office.

The NOA included the following allegations:

Specifically, it is alleged that after OPHD issued the Interim No Contact Directive to [Respondent] on November [12], 2020 [Respondent] engaged in the following conduct in violation of that directive:

- On or about March 1, 2021, [Respondent] wrote a message on the sidewalk in front of Complainant's mother's residence (Complainant's mother is an emerita faculty of UC Berkeley). The message was written in what appeared to be chalk and stated, "For [capitalized first letter of Complainant's mother's first name] [circled]. Is it nice to be the mother of an abusive jerk?" This being the seventh incident of a similar nature directed toward[]s Complainant's mother (the other six occurring on or prior to November 11, 2020).
 - Note for context: The previous six incidents included one on or about November 11, 2020 (the sixth incident) in which [Respondent] left a pile of rotten pineapple with oil on Complainant's mother's front doorstep and [Respondent's] image was captured on surveillance video. Another previous incident (the fifth incident) included leaving a large, uprooted plant on Complainant's mother's front doorstep. Incident number four was another chalked message on Complainant's mother's front sidewalk stating, "MOM AN FREAK." Incident number three was a chalked message, "Shame in Norse?" on Complainant's mother's garage door located two feet from her front door. Incident number two was a chalked message, "SHAME IN NORSE? NO? I KNEW" on the front step of a neighboring residence to Complainant's mother's residence. The first incident included a chalked message, "NO SHAME IN NORSE," near Complainant's mother's residence.
- On or about Febr[u]a[ry] 2021, [Respondent] created and/or used a twitter account "[Complainant's initials in lowercase letters] et loyal friends @[Complainant's initials in lowercase letters]etenablers" which a student of Complainant's encountered online, and the account tried to follow Complainant's student. The account description provides, "Twitter communist, hacker, entitled piece of shit. Didn't choose the institutions, but I chose to hack and stalk. Twitting bombastic idiocies 24/7 7#7." Location is listed as "ucd police and surveillance" and it notes that the account "Joined February 2021" and had 54 followers at the time the screenshot was taken. The account contains content that is signed, "YOURS, [Complainant's initials in lowercase letters]";
- On or about March 13, 2021, [Respondent] sent an email to a number of colleagues and acquaintances of Complainant; and

- On or about March 18, 2021, [Respondent] left two sheets of orange paper near the residence of one of Complainant's mother's townhouse neighbors on which was handprinted, "Book Release: UC Press 'Family matters: I raised a psychopath' [Complainant and Complainant's mother's last name] productions" and "[Complainant and Complainant's mother's last name] Productions 'Family matters: How to create a Psychopath' Release date: ? UC Press."

The allegations if true, could constitute a violation of the University of California Policy on Sexual Violence and Sexual Harassment (8/14/2020) ("2020 Interim SVSH Policy") under Other Prohibited Behavior (failing to comply with the terms of a no-contact order) as defined in Section II.B.3.d.

As explained below, CRO finds that the preponderance of the evidence establishes that Respondent DID engage in the conduct alleged in the NOA. Accordingly, CRO finds that the allegations that Respondent violated the November 12, 2020 No Contact Directive on four separate occasions are SUBSTANTIATED.

II. BACKGROUND

On March 6, 2021, Complainant reached out to OPHD to report that Respondent had violated the November 12, 2020, Interim No Contact Directive ("NCD") by leaving a message at Complainant's mother's (Witness 1's) residence on March 1, 2021. Shortly thereafter, Complainant also reported to OPHD that Respondent violated the November 12, 2020 NCD a further time when she sent an email, dated March 13, 2021, to several peers and colleagues of Complainant's. Complainant also reported that Respondent left additional messages for Witness 1 on March 18, 2021, in violation of the November 12, 2020 NCD.

III. SCOPE OF REVIEW

This investigation sought to determine whether the events occurred as alleged in the NOA and, if so, whether they constitute a violation or violations of the SVSH Policy.

IV. INVESTIGATION STANDARD

Standard of Evidence: Preponderance of the Evidence

The standard applied in determining whether Respondent violated applicable University policy is the preponderance of the evidence. This means that the totality of the evidence must demonstrate that it is more likely than not that the alleged conduct occurred in violation of the applicable policy. The report's findings do not reach conclusions where the alleged conduct violated state or federal laws.

V. APPLICABLE POLICY

The SVSH Policy, under Other Prohibited Behaviors, lists the following as being prohibited conduct: "Failing to comply with the terms of a no-contact orders, a suspension of any length, or any order of exclusion under this Policy."

As mentioned above, on November 12, 2020, the Acting Title IX Officer and Director of OPHD, issued to Respondent an Interim NCD on behalf of OPHD. The directive stated, in relevant part:

This No Contact Directive is separate and apart from the No Contact Directive that was made a part of the Settlement Agreement put in place in response to the investigation findings. Effective as of the date of this letter, you are to have absolutely no contact, directly or indirectly with [Complainant]. To be clear, you may not have contact with connect or communicate with [Complainant] or anyone you believe to be [Complainant] directly or indirectly, by any means or media including, but not limited to: contact or communication in-person, at his residence or place of work, via phone, voicemail, text message, instant messenger, email, Facebook, Twitter or other online communication, social media, social media posts or following or any online platform, notes, cards, letters, flowers, gifts or via a third party which includes but is not limited to family, friends, co-workers, students or acquaintances of yours or [Complainant].

Additionally, you will take reasonable measures to maintain a distance of 100 feet away from [Complainant]. If he is present in an area that you enter, it is your responsibility to remove yourself from the area immediately. It is also your responsibility to minimize visual contact as much as possible. In addition, you are to refrain from all forms of retaliation against [Complainant], including threats, intimidation, and reprisals.

Failure to comply with this directive will be immediately investigated by this office.

VI. INVESTIGATION METHODOLOGY

The investigation included interviews with the following:

Name	Interview Date (s)	Relationship to Investigation
Complainant	April 28, 2021	Complainant
Respondent	May 21, 2021	Respondent
Witness 1	April 28, 2021	Complainant's mother

The following documents were reviewed during the investigation:

Document	Provided by	Attached as
Email sent from Respondent to peers and colleagues of Complainant, dated March 13, 2021	Complainant	Attachment 1
Screenshot taken by Student 1 of activity from the Twitter handles "@abracad8426687" "@[Complainant's	Complainant	Attachment 2

initials in lowercase letters]etenablers” and “@LolaRun10”		
Summary of incidents at Witness 1’s home, from October 7, 2020 to March 1, 2021	Witness 1	Attachment 3
Picture of a message in chalk left on the driveway leading to Witness 1’s home, taken October 7, 2020	Witness 1	Attachment 4
Picture of a message in chalk left by the home of Witness 1’s neighbor, on October 7, 2020	Witness 1	Attachment 5
Picture of a message in chalk written on Witness 1’s garage door, approximately October 13, 2020	Witness 1	Attachment 6
Picture of a message written in chalk, left outside Witness 1’s home on approximately October 20, 2020	Witness 1	Attachment 7
Picture of a large, uprooted, dead plant left on Witness 1’s front porch, on approximately November 4, 2020	Witness 1	Attachment 8
Picture of items left on Witness 1’s front porch: “some pieces of rotten pineapple, with some kind of oil poured over them and elsewhere on the porch and driveway” – on November 11, 2020 at 7 pm.	Witness 1	Attachment 9
Surveillance video of the person who left the items listed in Attachment 9	Witness 1	Attachment 10
Picture of a message written in chalk, left by the driveway leading to Witness 1’s home, on March 1, 2021	Witness 1	Attachment 11
Picture of two sheets of orange paper, left near the residence of one of Witness 1’s neighbors and containing a message, left on March 18, 2021	Witness 1	Attachment 12
Emails Witness 1 has received from Respondent between June 5, 2019 to June 27, 2019	Witness 1	Attachments 13-18
Email from Respondent to CRO clarifying dates mentioned in her interview	Respondent	Attachment 19
Email forwarded from Respondent’s son to Respondent, regarding dates of day trips they took	Respondent	Attachment 20
Screenshots of Respondent’s bank account showing transactions and a payment between Respondent and her son, in March 2021	Respondent	Attachments 21-23

Explanation of Respondent's location during the incidents at Witness 1's residence	Respondent	Attachment 24
Complainant's comments to the materials presented in the Evidence Review	Complainant	Attachment 25
Respondent's comments to the materials presented in the Evidence Review	Respondent	Attachment 26

VII. EVIDENCE REVIEW

CRO gave Complainant and Respondent the opportunity to review and comment on the evidence gathered, including their statements and Attachments 1-24 listed in the above table. The information was shared electronically via Box. Attachments 1 and 2 were redacted to remove Complainant's email address.

The parties had equal access to the evidence and equal time to review it. Complainant and Respondent were given an opportunity to review the information from July 8 to July 15, 2021.

Complainant provided a response to CRO via email on July 15, 2021 (Attachment 25).

Respondent provided a response to CRO via email on July 14, 2021 (Attachment 26).

VIII. INFORMATION GATHERED

The following information, described in detail below, was gathered in this investigation: (A) Statement by Complainant; (B) Statement by Respondent; (C) Statement by Witness 1; and (D) Documentary Evidence (attached separately and briefly summarized below).

A. Complainant's Statement

CRO interviewed Complainant via Zoom videoconference on April 28 2021. Complainant is a faculty member at UC Davis.

Complainant described his experience with Respondent's behavior as behavior that "rises and falls" – as in periods where Respondent engages in stalking behavior that are then followed by periods of time where she leaves him alone. Complainant said he did not know the reasons for the cycle of Respondent's behavior but did think that her behavior was partially in response to when Respondent is "confronted with [the] consequences for her actions." Complainant said he believes that Respondent's actions took "place within a larger cycle that, it seems to me, is driven by psychological disturbance." Complainant said that it seemed Respondent's attempts to interact with him or people he knew fell off whenever OPHD became involved.

Complainant said that Respondent's attempts to interact with him or people he knew, after the November 2020 NCD was issued, were online initially, and then became physical messages left at his mother's residence. Complainant also noted a previous history of Respondent escalating from virtual to physical harassment and noted further "that escalation was a persistent feature of the harassment over this and all other periods since the harassment began."

Complainant said that Respondent directs her messages or communication at his friends, colleagues, students, or other “interlocutors” of his. Complainant said Respondent posts things online accusing him of being a “sexual predator.” Complainant said this occurs whenever someone posts or references him on Twitter. Complainant mentioned an example of Complainant commenting to a Twitter post mentioning him with a comment saying, “why are you publishing something from a sexual predator?” Complainant said Respondent’s behavior is interfering with his ability to conduct his work as a faculty member.

B. Witness 1’s Statement

CRO interviewed Witness 1 via Zoom videoconference on April 28, 2021.

Witness 1 is currently an emeritus professor with UC Berkeley. She is the mother of Complainant. She resides in Berkeley, CA.

Witness 1 said that since fall 2020, messages written in chalk have been left on the sidewalk by her residence. She said that, at first, she did not understand what the messages were about and described them as “cryptic.” She said the messages referenced the field she taught in (Norse related) and said, “Shame in Norse.” Based on the message referencing the field she taught, Witness 1 said she believes the message was directed at her and not any of her neighbors. Witness 1 said this belief was supported by a subsequent message written on her garage door in chalk which mentioned “Mom and freak,” and other subsequent messages also mentioned her son.

Witness 1 said the messages have impacted her and her neighbors, to the point where they are scared.

Witness 1 said the language of the messages left at her house reminded her of the messages she received from Respondent in June 2019, when Respondent had sent Witness 1 a series of emails (Attachments 13-18). Witness 1 said that after the first set of chalk messages, she received emails directly from Respondent, or sometimes Respondent would forward messages between Respondent and Complainant to Witness 1. Witness 1 said she would forward those emails to the CRO after the interview (Attachments 13-18).

Witness 1 said at first she suspected that a former student who studied Old Norse was the person who left the messages, and that this former student was at one point upset with Witness 1’s department. Witness 1 said it was only after the messages stopped saying “Shame in Norse” and started mentioning her son that Witness 1 began to suspect Respondent of leaving the messages.

Witness 1 said she filed a police report with the Berkeley Police Department (“BPD”), but BPD said that because the messages were all written in chalk, a non-permanent medium, there was no actual property damage and therefore no crime had occurred. Witness 1 said that all the messages that were in writing were written in chalk that could be washed off.

Witness 1 said that there were a couple of incidents in which did not include a written message. Witness 1 said, for example, in Incident 5, there was just a “huge dead plant” left on Witness 1’s porch. In Incident 7, Witness 1 described what looked like “chopped up pieces of fresh pineapple with oil poured over the pieces.” Witness 1 said that the pineapple and oil mess destroyed her door mat, but otherwise left no other property damage. Witness 1 said that prior to Incident 7 she installed a video camera, and it captured footage of someone leaving the pineapple on her doorstep.

Witness 1 described the configuration of her residence as including a long brick driveway to seven different residences (one of which is her residence) and a shared courtyard. She said the driveway is approximately 200 feet long and there are no security features, such as a gate or security guard. Witness 1 said that anyone from the public can access the driveway and the courtyard area.

Witness 1 said that no other neighbor had surveillance or video cameras at the times relevant to this investigation. Witness 1 said that after Incident 6, all of the neighbors got together and purchased a security camera and installed it. Witness 1 said she did not recall seeing any suspicious individuals parked by the residence or witness anyone loitering around. Witness 1 said that, to her knowledge, none of her neighbors have witnessed any suspicious activity either.

Witness 1 said that neither of the acts (leaving a dead plant; leaving pineapples covered in oil) held any meaning to her and she did not understand what the perpetrator was trying to communicate. Witness 1 said that she had never personally interacted with Respondent before, other than the June 2019 emails that Respondent sent Witness 1. Witness 1 said she never responded to Respondent’s emails.

Witness 1 said she believes that, after Incident 7, Respondent was aware of the camera Witness 1 had installed. Witness 1 said she believes this because of Respondent’s subsequent behavior in which Respondent stayed farther away from Complainant’s residence and left her messages further up the shared driveway. Witness 1 said that Incident 8 was a message written in chalk and left at around 4 pm on March 18, 2021. Witness 1 said she estimated the time of the message because she passed the spot where she saw the message on her daily walk and did not see any initially see a message there when she left on her walk, but that it was there by the time she returned 30-40 minutes later. Witness 1 said she did not look at the message immediately because her neighbors had gathered to look at it. Witness 1 said she returned to read the message after her neighbors had dispersed.

Witness 1 said the footage from the camera (Attachment 10) is not “clear at all.” She described it as showing someone coming up the driveway from a long way away. She said a bush close to Witness 1’s steps allowed the perpetrator to disappear behind the bush. Witness 1 said the next thing seen in the footage is movement and a hand covering the lens of the camera, and then a jar being placed over the lens to cover it and obscure it. Witness 1 said she could then make out the person going back behind the bush.

Witness 1 said that everyone who has seen the footage agreed that it shows a “woman with long hair wearing what looked like ‘an ethnic cape.’” Witness 1 described the cape as appearing to be Latin American.

Witness 1 said that prior to the incidents at her residence, she did not know the details of her son's experiences with Respondent.

Witness 1 said that based on the later messages describing her son as "abusive" or a "jerk", she is "absolutely certain" the perpetrator was Respondent and not her former student. Witness 1 based this belief on what Witness 1 said was the similarities in the language of the chalk messages and the language in Respondent's June 2019 emails that Respondent sent to Witness 1. Witness 1 did not specify what language in the June 2019 email was similar to the chalk messages. Witness 1 also said that while her former student is also Mexican-American, she did not think that her former student left the messages. Witness 1 said that the former student is now a well-to-do employee at Apple, and Witness 1 is "absolutely sure" it was not her.

Witness 1 also said that she believes that all of the chalk messages were left by the same individual, as the handwriting was the same. Witness 1 said she does not believe that there was more than one person leaving the messages.

C. Respondent's Statement

CRO interviewed Respondent via Zoom videoconference on May 21, 2021.

Respondent is currently a tenure-track Associate Professor at UCB and has been at UCB since 2009.

When asked if Respondent would like to provide a response to the allegations contained in the NOA, she said that she did not do any of the acts mentioned in the NOA except for one. Respondent said she was "not expecting this to happen," (i.e., that Complainant would file a complaint against her). Respondent also said, "this isn't what happened," when asked about the allegations contained in the NOA. Respondent said that she did send the particular email to Complainant's colleagues on March 13, 2021, as alleged in the NOA. When asked why she sent the email, Respondent said that while she regretted sending it, she did not wish to discuss why she did so. Respondent, in her comments to the draft interview summary, further said that, "[t]he reason I sent the email message was stated in the message itself, that's why I thought it was redundant to say it once more. The message was not rude or disrespectful. The materials in the rest of the allegations appear to be very different in nature and tone."

Respondent said she did receive the NCD from OPHD's then-Acting Title IX Officer. Respondent said that she found the NCD to be confusing. Respondent said, "how would I know if someone is in his social circle?" Respondent said she was also confused because the language of the NCD stated that she was not supposed to contact "family, friends, co-workers, students or acquaintances of yours or [Complainant]." Respondent questioned whether the language of the NCD meant that she could not communicate with her own friends and students. Respondent said that "the wording of the NCD makes it impossible for me to be in compliance."

Respondent denied sending messages to anyone on Twitter in February 2021. Respondent said that she used to use Facebook and Twitter years ago but estimated that she stopped using social media around August 2018. Respondent said the reason she stopped was that she believed her computers and her phone were hacked, and that by using social media “I felt that I was exposing people.” Respondent clarified in her comments to the interview summary that, “the reason I stopped using social media--it was not because I was hacked, but because ‘complainant’ was very aggressive to people who interacted with me on social media (Twitter, and public posts on Facebook). His online stalking made me feel embarrassed and intimidated, that is why I closed my accounts at the beginning of August 2018. It was then, when I closed all social media accounts that ‘complainant’ hacked my phone first, and then computer and internet at home. I realized this by mid-August, end of August of 2018.”

Respondent denied using the Twitter account “[Complainant’s lowercase initials] et loyal friends (@[Complainant’s lowercase initials]etenablers)”. Respondent said that there “are other people on Twitter who mention him and his mother who seem ‘weird’, and some of them seemingly use their real names. Just reading Twitter I can see that a lot of people don’t like [Complainant]. Just because someone says something about him doesn’t mean it should be attributed to me. I don’t know the people or accounts where these comments or outreaches are coming from. I am not responsible for this account.”

Respondent also denied using the Twitter account “@abracad9426687” which attempted to follow the same student as @[Complainant’s lowercase initials]etenablers, back in October 2020.

When asked about messages left by the Twitter user “@LolaRun 10,” who left comments on Complainant’s Twitter account in November 2020, Respondent stated that she “will not respond to allegations that are not mentioned in the Notice, but I don’t have any Twitter accounts.”¹

In regards to the allegations that she was responsible for the incidents that occurred at the home of Witness 1 (Complainant’s mother), Respondent denied that she was responsible. Respondent stated in both October/November 2020 and again in March 2021, her son was visiting from out of town and that they both were doing various day trips around the San Francisco Bay area or close by. Respondent said that her son was visiting her for “a couple of weeks,” and that her son’s father was also visiting her for some time, as well as her son’s grandparents.

Respondent says that she does not remember exactly where she was in the October-November 2020 time period, but that she was “probably” in the Bay Area. Respondent said she does not know where Witness 1 lives and that she does not interact with Witness 1 professionally. Respondent said that she does not have any overlapping professional or social ties to Witness 1 or know anyone who knows Witness 1 or where Witness 1 lives.

¹ In her comments to the draft summary of the interview, Respondent said, “Since you did not mention anything about an account ‘LolaRun’ during the interview I don’t understand why this appears in the summary. I never replied to any comments about this because a) it was not part of the allegations and b) you did not mention it.” While the CRO may not have been able to specifically mention the “LolaRun” account, he did attempt to ask Respondent about alleged communication with Complainant not mentioned in the NOA, including “LolaRun,” and Respondent declined to answer that line of questions.

Respondent later stated that she recalled that late last year (2020) she did visit San Diego and Los Angeles. Respondent said she was not sure, but thinks she went to San Diego in October or November and that she stopped by Los Angeles on the way to visit the grandparents of her child (i.e., the parents of her child's father). Respondent said that, additionally, she went to Los Angeles and San Diego another time but could not remember when.

Respondent said that in October/November 2020, she stayed in a hotel in San Diego and with her son's grandparents in Los Angeles.²

Respondent said she has never met Witness 1 and does not know where Witness 1 lives.

When asked if Respondent had discussed the previous investigation conducted by OPHD with anyone else, Respondent stated that she did not think it was relevant and would not provide an answer other than to say she discussed it with two people. When CRO asked Respondent to identify the two individuals, Respondent, declined to do so.

Respondent said that since Complainant made his initial allegations against her, which resulted in the first OPHD investigation, she has maintained that her computers and phone were hacked, and that she was trying to find someone to do a forensic analysis of her devices but that the estimated costs were between \$15,000 and \$20,000, and she could not afford that. Respondent said she was trying to prove that she was hacked but could not pay the money to prove it. Respondent did not state who she thought could be hacking her or their motive. Respondent said that if the UCs could get hacked then it was possible for her to be hacked as well.³ Respondent said she reported the hacking to the police in October 2018 and the police issued a police report. Respondent said she additionally went to the FBI but they told her it was something they would not investigate.

Respondent said she did not "know of anyone who would want to set me up. Other than [Complainant] himself. I don't know who all knows about this situation. I haven't had any interactions with anyone that would lead me to believe they would set me up." Respondent did not state why she thought Complainant wanted to set her up.

² In her comments to the draft summary of the interview, Respondent stated: "As for the relevant dates I was not in town. End of September, beginning of October took my son to San Diego, and stopped in L.A. October 24-27[, 2020] away for my birthday (I was in town, but with company). My son was here March 17 -27[, 2021]. We went to Point Reyes and spent the day there on March 18, then San Francisco and Marin, March 20th; Bolinas, March 23rd. The rest of the time I was at home, with him and sometimes his friends or grandparents."

³ In the spring of 2021, the University of California reported that it had been hacked and that sensitive information of staff, faculty and students had been compromised. Respondent stated in her comments to the draft interview summary that, "I know UC Berkeley was not hacked, but a provider of services. What I said is that I did receive emails threatening to release the information about me hackers had obtained in this way. I understand many other faculty members did receive the same type of messages. If people can send emails to UC Berkeley professors, that means they believe they can do so without being caught/tracked even by an institution such as UC Berkeley, supposed to have top technological services/protection. I said that cybercrimes (hacking, stalking) are very real and very difficult to prove and remediate."

Respondent said that she has “been forthcoming in this case and I admit things when I do them.”

IX. DOCUMENTS OF NOTE

Attachment 1

Emails sent from Respondent to peers and colleagues of Complainant, dated March 13, 2021. Respondent admitted she sent this email. The email was sent to eleven people. It states, “This morning some of you have been summoned. Knowingly.” The email continues and includes Respondent’s statement she is “afraid” and needs “help,” that “Some people are extremely abusive. And their abuse is magnified by the fact that those abused are constantly made to shut up (some people simply refuse to be a victim and be quiet in a corner), while those who can abuse use even social media to do it and are “liked” because of it,” and closes with, “...I need help. Or not me, but if the person who does, is not forced to see how bad he/she is, then all of your lofty ideas about equality and that, are nothing.”

Attachment 2

Screenshot taken by Student 1 of activity from the Twitter handle, “@[Complainant's initials in lowercase letters]etenablers.” The Twitter account description provides, “Twitter communist, hacker, entitled piece of shit. Didn’t choose the institutions, but I chose to hack and stalk. Twitting bombastic idiocies 24/7 7#7.” The location is listed as “ucd police and surveillance,” and it notes that the account “Joined February 2021.” The account contains content that is signed, “YOURS, [Complainant’s initials in lowercase letters].” The screenshot also included activity from an account, “@LolaRun10.” CRO did not consider this information because the tweets sent from the account were before November 12, 2020 NCD.

Attachment 3

Witness 1’s summary of incidents at or near her home from October 7, 2020 to March 1, 2021. The summary includes a list of each message or item left near her and her neighbors’ homes. Witness 1 also described the video footage from her security camera.

Attachments 4-7

Pictures of chalk messages left near the homes of Witness 1 and Witness 1’s neighbors in October 2020 submitted by Witness 1.

Attachment 4: “NO SHAME IN NORSE”

Attachment 5: “SHAME IN NORSE NO? I KNEW”

Attachment 6: “SHAME IN NORSE?”

Attachment 7: “MOM AN FREAK”

Attachments 8-9

Pictures Witness 1 submitted of items left at Witness 1’s home.

Attachment 8: Dead, upturned plant left on Witness 1’s doorstep on November 4, 2020.

Attachment 9: Pieces of pineapple left on Witness’s 1’s driveway on November 11, 2020.

Attachment 10

Surveillance video of the person who left the pineapple in Attachment 9.⁴

Attachment 11

Picture that Witness 1 submitted to OPHD of chalk message left on sidewalk in front of Witness 1's home on March 1, 2021. The message stated, "For [capitalized first letter of Witness 1's name] [circled]. Is it nice to be the mother of an abusive jerk?"

Attachment 12

Pictures Witness 1 submitted to OPHD of two sheets of orange paper with handprinted messages left near the residence of one of Witness 1's neighbors on March 18, 2021. The messages stated, "Book Release: UC Press 'Family matters: I raised a psychopath' "[Complainant and Witness 1's last name] productions" and "[Complainant and Witness 1's last name] Productions 'Family matters: How to create a Psychopath' Release date: ? UC Press."

Attachments 13-18

Emails Witness 1 received from Respondent between June 5, 2019, and June 27, 2019.

Attachment 13: Email from Respondent to Witness 1 dated June 20, 2019 where Respondent discusses Complainant, including Respondent's wish to appeal to Witness 1 "as a mother," her claims Complainant hacked her devices and harassed her, and her accusation that Complainant has "electronic 'lovers' all over the place."

Attachment 14: Email from Respondent to Complainant dated June 1, 2019. Email includes Respondent accusing Complainant of hacking her devices. Respondent also states she "...created several twitter pages denouncing [Complainant]..." Respondent forwarded the email to Witness 1 on June 23, 2019.

Attachment 15: Email from Respondent to Complainant dated May 3, 2109 where she asks him to "unhack" her devices. Respondent forwarded the email to Witness on June 23, 2109.

Attachment 16: Email from Respondent to the University's IT department dated June 5, 2019, regarding her claim Complainant hacked her devices. Respondent forwarded the email to Witness 1 on June 23, 2019.

Attachment 17: Email from Respondent to Complainant dated June 4, 2019. There is no message in the body of the email but the subject line reads,

⁴ Witness 1 stated this item was left on November 11, 2020, but the video is date and time stamped November 5, 2020. As either date preceded the November 12 2020 NCD which specified that Respondent was to not contact Complainant's family, CRO found that the actual date was irrelevant as the investigation focused on incidents that took place after the November 12 2020 NCD was issued. CRO, however, did analyze the video to assess Respondent's credibility and her assertion that she was not the person who left the messages at Witness 1's residence during the period of October to November 2020.

“should I report you again to the FBI prof. [Complainant and Witness 1’s last name]?” Respondent forwarded the email to Witness 1 on June 23, 2019.

Attachment 18: Email from Respondent to Complainant dated June 27, 2019 where she asks him to “Apologize and leave me alone,” states she needs “proof you have unhacked all my stuff,” and tells him “...don’t continue to be a jerk.” Date Respondent forwarded the email to Witness 1 was not provided.

Attachment 19-20

Respondent and Respondent’s son’s emails which outline their travel from March 17-23, 2021. Both indicate they spent the day together in Point Reyes, California, on March 18, 2021.

Attachments 21-23

Screenshots of Respondent’s bank account showing transactions in March 2021, specifically an ATM withdrawal in Albany, California, on March 16, a transfer to Respondent’s son’s account on March 25, and a purchase in Berkeley on March 22, 2021. Transaction times were not indicated on the screenshots.⁵

Attachment 24

Respondent’s email to CRO with explanation of her location from October 7, 2020 to March 18, 2021.

Attachment 25

Complainant’s July 14, 2021 Response to the Evidence Review. Complainant noted that the evidence regarding Respondent’s locations on the dates of the reported incidents does not preclude the possibility that she committed the alleged acts. Complainant also referred to the OPHD 2019 investigation, which involved activity that “echoes, parallels, or repeats identically actions for which [Respondent] was found responsible.” Complainant’s email concludes with his statement that the person captured on the security video is “identical in height, shape, and comportment to the Respondent.”

Attachment 26

Respondent’s July 14, 2021 response to the Evidence Review. Respondent stated, “I don’t know, recognize or have anything to do with any of the Twitter accounts that appear in Attachment 2.” Regarding the security video, Respondent said, “although the video is very fuzzy and the figure in the video cannot be clearly seen, it is not me.” Respondent said, “I was on my computer and in Zoom calls communicating with students from 6 to 9 p.m. on the date in question (Nov.11[

⁵Respondent submitted these documents to refute allegation that she left messages near Witness 1’s home in March 2021. CRO did not rely on these documents because the transaction dates are different from dates of the alleged incidents in question (the March 1 and March 18 messages left at or near Witness 1’s home) and because the proximity of the location of the day trips taken in March 2021 to Witness 1’s home in Berkeley did not preclude the possibility of Respondent going on the day trips and also leaving the messages at Witness 1’s home.

2020]).” Respondent stated she would forward four emails to corroborate that claim and subsequently forwarded three emails to CRO. They are marked as sent from Respondent’s account on November 11, 2020 at 5:53 p.m., 7:33 p.m., and 9:15 p.m. ⁶

X. FINDINGS AND ANALYSIS

In an investigation under the SVSH Policy, a Respondent cannot be found responsible unless, following a thorough and impartial investigation, the preponderance of evidence shows that the conduct, as alleged in the NOA, occurred in violation of the November 12, 2020-issued NCD.

Allegations:

Complainant alleged that Respondent violated a November 12, 2020, NCD by leaving messages and an item at his mother’s (Witness 1) residence, emailing several of Complainant’s peers and colleagues, and using a Twitter account to attempt to follow one of Complainant’s students.

Note, the Notice of Allegations lists four instances of alleged conduct that occurred after November 12, 2020, and only those instances will be analyzed in this report. The six other alleged incidents the NOA refers to occurred before November 12, 2020, and will be considered in determining credibility only.

Undisputed Facts

1. Complainant is an employee of University of California, Davis.
2. Respondent is an employee of UCB.
3. A 2019 OPHD investigation found that Respondent violated the applicable version(s) of the University of California’s Sexual Violence and Sexual Harassment policy by engaging in sexually harassing and stalking conduct towards Complainant.
4. On January 28, 2020, Respondent entered into a Settlement Agreement with UCB. As part of the Settlement Agreement, Respondent agreed to abide by a no contact directive provision that “[Respondent] agrees to have no further contact, in person, electronically, telephonically, or otherwise with the Complainant.”
5. On November 12, 2020, OPHD issued to Respondent an Interim No Contact Directive, which further prohibited Respondent from directly or indirectly communicating with or contacting Complainant by any means, or via a third party, including but not limited to family, friends, co-workers, students or acquaintances of Respondent’s or Complainant’s.

⁶ CRO did not rely upon the emails Respondent forwarded to show she was on her computer on November 11, 2020 for three reasons: 1) the conduct alleged to have occurred before the November 12, 2020 NCD is not part of the investigation; 2) even if considered for determining Respondent’s credibility, this information accounts for only three discrete times on November 11, 2020, and therefore, does not preclude the possibility Respondent had the opportunity to leave the pineapple pieces on Witness 1’s doormat; and 3) it is possible to send emails from a mobile device so the sending of an email at a specific time does not preclude Respondent’s ability to send emails and also be located near Witness 1’s residence at the same time. (Attachment 26).

6. On or about February 2021, Student 1 notified Complainant that a Twitter account “[Complainant’s initials in lowercase letters] et loyal friends @[Complainant’s initials in lowercase letters]et enablers” tried to follow Student 1. The account description provides, “Twitter communist, hacker, entitled piece of shit. Didn’t choose the institutions, but I chose to hack and stalk. Twitting bombastic idiocies 24/7 7#7.” Location is listed as “ucd police and surveillance” and it notes that the account “Joined February 2021” and had 54 followers at the time the screenshot was taken. The account contains content that is signed, “YOURS, [Complainant’s initials in lowercase letters].”
7. On or about March 1, 2021, Witness 1 found a message left on the sidewalk in front of her residence. The message was written in what appeared to be chalk and stated, “For [Capitalized first letter of Witness 1’s first name] [circled]. Is it nice to be the mother of an abusive jerk?”
8. Respondent acknowledged she sent the March 13, 2021 email to Complainant’s peers and colleagues as alleged in the NOA.
9. On or about March 18, 2021, two sheets of orange paper on which was handprinted, “*Book Release: UC Press ‘Family matters: I raised a psychopath’ [Complainant and Witness 1’s last name] productions*” and “*[Complainant and Witness 1’s last name] Productions ‘Family matters: How to create a Psychopath’ Release date UC Press:?’*” were left near Witness 1’s neighbor’s.

Credibility

CRO found Complainant credible. Complainant’s allegations were corroborated by the documentary evidence he provided, Witness 1’s statement and documentary evidence, and by Respondent’s admission that she did email several of Complainant’s peers and colleagues on March 13, 2021. Additionally, the messages sent to Complainant and Witness 1 have similar language to the language in the messages Respondent sent to Complainant previously and that were reviewed in the 2019 OPHD investigation.

Witness 1 is Complainant’s mother and could be potentially biased, but the CRO found that Witness 1 gave weight to other potential possibilities before believing that Respondent was the person leaving the messages, and Witness 1 was forthright in assessing Complainant’s role in her coming to believe that Respondent was ultimately responsible. Witness 1 said she was aware of the previous history between Complainant and Respondent but did not know the specifics of their interactions until October 2020 when messages first began appearing outside her home and Complainant told Witness 1 that the language in the message sounded similar to the language used by Respondent in her past conduct towards him. Witness 1 initially suspected a former student of hers was responsible. Furthermore, after an incident that allegedly occurred on November 11, 2020 (when a chopped pineapple was left on Witness 1’s doormat) and was caught on Witness 1’s security camera, Witness 1 acknowledged the poor quality of the video footage and refrained from asserting that it definitively identified Respondent. Witness 1 added that she and others who viewed the video agreed that it showed one person with “long hair” and who appeared to be a woman. Witness 1 was willing to acknowledge other possibilities, and to acknowledge her own questions regarding some of the evidence on whether Respondent was responsible. Notwithstanding the video’s date discrepancies previously discussed, CRO found Witness 1 to be credible.

CRO did not find Respondent to be entirely credible. Respondent acknowledged she emailed Complainant's peers and colleagues on March 13, 2021, but she denied engaging in any of the other conduct alleged in the NOA. Regarding the Twitter account allegation, Respondent previously admitted to similar conduct. In a June 1, 2019 email to Complainant, Respondent wrote, "...I had created several twitter pages denouncing [Complainant]..." (Attachment 14). Respondent has also provided inconsistent statements about her social media use. In her interview with CRO, Respondent said she has not used social media since 2018; however, in May 2020, when VPF Hermalin notified her of an alleged violation of the January 28, 2020 Settlement Agreement, Respondent replied that if she did "like" Complainant's tweet, it "was a mistake, a finger mistake."

Respondent also showed an unwillingness to address certain issues. For example, other than saying she regretted sending the email to Complainant's peers and colleagues, Respondent refused to discuss why she sent it. Later, in her comments to the draft interview summary, Respondent said she did not think an explanation was necessary because the reason she sent the email "was stated in the message itself." CRO disagreed that the reason for sending the email was "stated." Respondent did not explain why she chose to email the eleven people or what their relationship is to her or to Complainant, she does not name the person she refers to as "some people," "the person," "their," and "he/she." While Respondent admitted that she wrote the email, her refusal to meaningfully discuss it with CRO limited his ability to assess whether Respondent knew those individuals were friends and colleagues of Complainant. CRO therefore relied upon Complainant's observations. It also undercut Respondent's credibility that she declined to discuss related conduct that was not specified in the NOA but was contextually related to the allegations in issue.

CRO placed little weight on Respondent's statements to the effect that she was out of town or engaged in other activities when many of the messages and items were left at Witness 1's residence. While CRO considered them, they cannot be independently verified, and even if so, do not rule out the possibility Respondent had an opportunity to commit such acts, as Respondent's stated whereabouts all were within driving distance of Witness 1's residence. Further, Complainant's denials she left the November 2020 messages at or near Witness 1's home are hard to believe given the messages' similarities to the emails (Attachments 13-18) Respondent previously sent to Complainant and Witness 1 and to the footage captured in the security video.

While the surveillance video is unclear and brief, it does depict a person attempting to cover the camera. Witness 1 reviewed the footage and said she believes the person shown was a person with long hair. Complainant also reviewed the footage and said the person appeared to be Respondent. Those assessments along with CRO's video interview with Respondent, on which he observed her to have features not inconsistent with the figure depicted in the security footage, lead to a finding that more likely that not Respondent is the person captured on the security video footage. And since CRO found that Respondent was on camera, Respondent's credibility is further undermined when she denies knowing where Witness 1 lives, leaving the pineapple on Witness 1's driveway, and more expansively, leaving the March 1 and March 18 messages at or near Witness 1's residence.

Disputed Facts

1. *Did Respondent, in what appeared to be chalk, write “For [Capitalized first letter of Witness 1’s first name] [circled]. Is it nice to be the mother of an abusive jerk?” in on the sidewalk in front of Respondent’s mother’s (Witness 1’s) residence on or about March 1, 2021?*

Based on the evidence, no one saw who left this message, and the act was not captured on security video. Respondent denied leaving the message when directly asked about it and provided CRO with a list of dates and her locations at those times (Attachment 24). For March 1, 2021, Respondent indicated she was cleaning her house and that she “thought [she] was alone.” Without more specifics or any witnesses to corroborate Respondent’s location, this information is of limited value.

Witness 1 provided a photo of the above message (Attachment 11). Witness 1 noted the following similarities between this message and previous messages left near her residence in October 2020 (Attachments 3-7): the message appeared to be in chalk; the handwriting looked the same; the circled [capitalized first letter of Witness 1’s first name] in the March 1, 2021 message seemed to refer to Witness 1’s first name or alternatively the first letter of Witness 1 and Complainant’s shared last name; and the message seemed to refer to Witness 1 and Complainant in similar terms--Witness 1 as a mother, (“mother of an abusive jerk”) and (“Mom An Freak,” Attachment 7) and Complainant negatively, “abusive jerk” and “freak.”

Witness 1 also noted similarities between the March 1, 2020 message and the emails she received directly from Respondent in June 2019 (Attachments 13-18) and from emails between Complainant and Respondent that Respondent forwarded to her, specifically, the use of the word “jerk” to describe Complainant, referrals to Witness 1 as a mother or “mom,” and the overall negative focus on Complainant.

Finally, as CRO found Respondent to be less than credible, CRO considered Respondent’s denial that she left the message to have less weight than the analysis in the similarities in the language found in the message left at Witness 1’s residence compared to the language Respondent was found to have used previously in her communications with Complainant and Witness 1.

Based on the parties and witness’ relative credibility, the similarities described above and the absence of reliable information showing it was impossible for Respondent to have left the message, CRO finds it more likely than not that Respondent left the message on the sidewalk in front of Witness 1’s residence on March 1, 2021.

2. *Did Respondent leave two sheets of orange paper on which was handprinted, “Book Release: UC Press ‘Family matters: I raised a psychopath’ [Complainant and Witness 1’s last name] productions” and “[Complainant and Witness 1’s last name] Productions ‘Family matters: How to create a Psychopath’ Release date: ? UC Press.” near the residence of one of Complainant’s mother’s (Witness 1) neighbors or about March 18, 2021?*

Based on the evidence, no one saw who left this message, and the act was not captured on security video. Respondent denied leaving the message. She and her son emailed CRO that they spent the day in Point Reyes, California, on March 18, 2021 (Attachments 19-20). Absent additional time and location details, this information does not definitively rule out the possibility that Respondent could have left the message, as Point Reyes, per Google Maps, is approximately an hour's drive from Berkeley.

Witness 1 provided a photo of the orange sheets of paper left near her neighbor's home on March 18, 2021 (Attachment 12). The message is consistent with the previous messages left near Witness 1's home earlier that month and with emails Witness 1 received from Respondent in June of 2019, in the following ways: the March 18 message includes Complainant and Witness 1's last name; it refers to a parental relationship ("I raised a psychopath," "mother of an abusive jerk," (Attachment 11), and "appeal to you as a mother," (Attachment 13)); it describes the person "raised" in negative terms ("psychopath" and "jerk," (Attachment 18)); and it cites "UC," where Complainant, Respondent, and Witness 1 all work or are affiliated.

CRO finds that Respondent's location information on the dates of the alleged incidents is not dispositive evidence that she did not engage in the reported conduct. Further, the security video (Attachment 10) is too brief and unclear to identify the person shown. Given those limits, CRO does not rely on this evidence, and therefore, does not rely on Complainant's opinion (or CRO's own independent review of the footage in comparison to his opportunity to view Respondent during the Zoom videoconference interview) as to whom this evidence appears to identify.

Finally, as CRO found Respondent to be less than credible, CRO considered Respondent's denial that she left the message to have less weight than the analysis of the similarities in the language found in the message left at Witness 1's neighbor's residence compared to the language Respondent was found to have used previously in her communications with Complainant and Witness 1.

Based on the similarity in language from the March 18, 2021 message to communications Respondent was found to have made previously, CRO finds that it is more likely than not that Respondent left the messages on two orange sheets of paper near Witness 1's neighbor's residence on March 18, 2021.

3. *Did Respondent create and/or use a twitter account "[Complainant's initials in lowercase letters] et loyal friends @[Complainant's initials in lowercase letters] et enablers" that tried to follow Complainant's student on or about February 2021?*

Complainant submitted an email from his student (Student 1). The email included a screenshot of the Twitter account described above that Student 1 alleged tried to follow him. (Attachment 2). The Twitter account description provides, "Twitter communist, hacker, entitled piece of shit. Didn't choose the institutions, but I chose to hack and stalk. Twitting bombastic idiocies 24/7 7#7." The location is listed as "ucd police and surveillance," and it notes that the account "Joined February 2021." The account contains content that is signed, "YOURS, [Complainant's initials in lowercase letters]."

Respondent denied creating this account and said although she previously used Twitter and Facebook, she stopped using all social media around August 2018. As mentioned in the above credibility assessment, this statement is inconsistent with Respondent's response to VPH Hermalin in May 2020 when she alluded to using Twitter after the January 28, 2020 Settlement Agreement. In addition, in the email Respondent admitted to sending on March 13, 2021, to 11 friends and colleagues and former students of Complainant's, Complainant's interactions with those 11 people were primarily through Twitter. Therefore, Respondent must have been observing Complainant's Twitter interactions in order to identify the 11 people she emailed on March 13, 2021.

While it is beyond the scope of this investigation to conduct a forensic analysis to determine who created the purported Twitter account, a review of the account's description shows language similarities to Respondent's messages, communications, and claims. Words significant to this analysis are: "hacker," "hack," "stalk," "ucd police," and "[Complainant's initials in lowercase letters]." The first three words, *hacker*, *hack*, and *stalk*, could relate to the OPHD 2019 investigation which included Complainant's stalking allegation against Respondent and to Respondent's unsubstantiated accusations that Complainant hacked her electronic devices, stated in the 2019 investigation, in statements to CRO, and in emails to Complainant and the University's IT department. The last two words *ucd police* and *[Complainant's initials in lowercase letters]* could refer to Complainant specifically--Complainant works for UCD, (a fact that is publicly available) and his initials are consistent with those included on the Twitter account. Also, of lesser note, is the February 2021 "joined" date, which was within a month of the other alleged conduct, making it more plausible that it was part of a pattern of activity by Respondent towards Complainant in a cycle of ebbs and flows in activity that has been ongoing for several years as noted by Complainant. Additionally, Respondent stated in a June 2019 email to Complainant that she "...created several twitter pages denouncing..." him (Attachment 14).

The timing, the related language, the claim that the account tried to follow Complainant's student (Student 1), and Respondent's admission in the previous investigation that she created Twitter accounts directed at Complainant suggest more than just a coincidence and another instance in a continuing pattern of conduct. CRO finds it more likely than not that Respondent created the Twitter account that attempted to follow Complainant's student and that, as the creator of that account, was the person who used the account to attempt to follow Complainant's student (Student 1).

Analysis: Did Respondent's conduct violate the terms of the NCD?

The November 12, 2020 NCD, in pertinent part, states, "[Respondent] may not have contact with connect or communicate with [Complainant]...directly or indirectly, by any means or media...which includes but is not limited to family, friends, co-workers, students or acquaintances of [Respondent] or [Complainant]."

Witness 1 (Complainant's mother)

Here, CRO finds by a preponderance of the evidence that it is more likely than not that Respondent left the March 1, 2021 and March 18, 2021 messages for Witness 1 (Complainant's mother). As stated in the NCD, Respondent was instructed that she was not to have contact, connect or

communicate, with any family of Complainant. Witness 1, being Complainant's mother, was a member of Complainant's family. Furthermore, on March 1, 2021, by leaving a message in chalk on the driveway leading to Witness 1's home, Respondent made direct contact with a family member of Complainant. In addition, on March 18, 2021 Respondent left a message on orange poster paper by the house of Witness 1's neighbor, and the message was directed at Witness 1 ("I raised a psychopath."). The content of the messages left on March 1 and March 18, 2021 (identifying Complainant and Witness 1 by stating their last name, calling Complainant a psychopath), show that Respondent maintained a focus on Complainant in the messages left for Witness 1. This is also supported by the fact that Respondent also more likely than not was responsible for the messages left by Witness 1's residence during October-November 2020, and those messages also made similar references to Complainant. In addition, when taken in totality and when considered within the larger context of Respondent's behavior toward Complainant (sending emails to his colleagues, reaching out to his students using social media) also demonstrates that Respondent was attempting to communicate with Complainant through attempts to communicate with his mother, Witness 1. While Respondent stated that she did not know where Witness 1 lived, did not interact with her or have a relationship with her, and did not interact with anyone who would have known, Respondent had previously sent emails to Witness 1 (Attachments 13-18) mentioning Complainant, and indicating that she was aware of the familial relationship between Witness 1 and Complainant. Respondent's emails also demonstrated that Respondent was communicating with Witness 1 regarding Respondent's perception of Complainant's actions toward Respondent. Respondent, therefore, was aware that Witness 1 was a member of Complainant's family, and Respondent therefore made contact with a person that she was instructed not to have contact with. The preponderance of the evidence supports a finding that Respondent left at least one message for Witness 1 at or near her residence and the content of and larger context for that message was about Complainant. This, in totality, constituted Respondent being in contact with Complainant's family about Complainant in violation of the terms of the NCD.

Peers and Colleagues

Respondent does not dispute that she sent the March 1, 2021 email to Complainant's peers and colleagues. The NCD stated that Respondent was not to have contact, or communicate with Complainant directly or indirectly, by any means, including by communicating with Complainant's friends, co-workers, students, or acquaintances. Complainant stated that the recipients of Respondent's March 13, 2021 email were "colleagues, scholars he has engaged with, and former students" of his and that he interacted with them on Twitter "on a regular basis." The recipients, therefore, fell under the category of individuals that the NCD instructed Respondent to not contact or communicate with. It is reasonable to hold that Respondent should have known that these individuals were Complainant's colleagues and students, as she provided no explanation for why she may have had reason to communicate with them, they were individuals that Complainant interacted with often on Twitter, and Respondent's email to them used language that made the recipients recognize that Respondent was referencing Complainant, even though Complainant was not copied on the email ("Some people are extremely abusive. And their abuse is magnified by the fact that those abused are constantly made to shut up (some people simply refuse to be a victim and be quiet in a corner), while those who can abuse use even social media to do it and are "liked" because of it"). While Respondent's email did not specifically name Complainant, Respondent's reference to a person who was "extremely abusive" and who used social media and was "liked"

was reasonably believed by Complainant's friends and colleagues to be about Complainant. As Respondent did not offer a different explanation for what the email meant, or why she sent it to the 11 individuals she did, all of whom were colleagues or students of Complainant, CRO found that Respondent did send the email to the individuals with the intent of connecting or communicating with Complainant or his friends, coworkers, students, or acquaintances, which the NCD prohibited. The preponderance of the evidence therefore supports a finding that Respondent was or should have been aware that the recipients of her March 13, 2021 email were to Complainant's peers and/or colleagues and the content of her email was about Complainant, which, in totality, constituted Respondent being in contact with Complainant's peers and/or colleagues about Complainant in violation of the terms of the NCD.

Complainant's Student (Student 1)

Here, CRO finds by a preponderance of the evidence that it is more likely than not that Respondent created a Twitter account and attempted to follow Complainant's student, Student 1, using that Twitter account, in February 2021. The NCD states that Respondent was to not have contact or communicate with Complainant's students or acquaintances either indirectly or directly, and by any means. As Student 1 is a former student of Complainant, Respondent was prohibited by the NCD from contacting him or communicating with him. Even if Respondent was unaware that Student 1 was a former student of Complainant's, Respondent became aware of Student 1 from observing Student 1's interactions with Complainant on Twitter. Therefore, at the very least, Respondent should have been aware that Student 1 was an acquaintance of Complainant's, which was also prohibited under the terms of the NCD. Respondent, having been instructed to avoid communicating with Complainant's acquaintances, should have erred on the side of caution and avoided communicating with anyone who communicated with Complainant on any social media platform. This is especially so after Assistant VPF Ben Hermalin warned Respondent in November 2020 that: "I also wish to make very clear that following [Complainant] on any social media in a manner that would reveal your doing so to [Complainant], such as, but not limited to, 'liking' or commenting on a tweet or post, is a violation of the No Contact Directive. So that there are no more 'finger mistake[s],' you are strongly advised not to follow [Complainant] at all on any social media." Respondent, therefore, was on notice that she should not have been communicating with anyone who Complainant may have interacted with on Twitter. The preponderance of the evidence supports a finding that Respondent was or should have been aware that Student 1 was Complainant's student and/or acquaintance and the content of her email was about Complainant (in a way that was evident to Student 1 as Student 1 forwarded it to Complainant out of concern) which, in totality, constituted Respondent being in contact with Complainant's students and/or acquaintances about Complainant in violation of the terms of the NCD.

In summary, CRO finds by a preponderance of the evidence that Respondent engaged in conduct on four separate occasions that violated the terms of the NCD issued to her by OPHD on November 12, 2020. As such, CRO finds by a preponderance of the evidence that Respondent's conduct constituted a violation of the SVSH Policy.

XI. CONCLUSION

For the above stated reasons, CRO finds the preponderance of evidence SUBSTANTIATES that Respondent violated the November 12, 2020 No Contact Directive on four separate occasions when she left messages about Complainant near Complainant's mother's (Witness 1) residence

and near Witness 1's neighbor's residence on or about March 1 and again on or about March 18, 2021, emailed Complainant's peers and colleagues on March 13, 2021, and created a Twitter account referencing Complainant that attempted to follow Complainant's student (Student 1) in February 2021.

Respondent's Copy