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SUMMARY OF EVIDENCE

Confidential

University of Nevada, Reno

April 2023

Submitted By:  
Leah Reynolds, M.S., Ed.D.

Investigator  
TNG, LLC  
[www.tngconsulting.com](http://www.tngconsulting.com)

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1 **INTRODUCTION**

2  
3 On January 29, 2021, the University of Nevada Reno (hereinafter referred to as “the  
4 University”) received a formal complaint from faculty member Feifei Fan (hereinafter referred  
5 to as “the Complainant”) alleging faculty member Yanyao Jiang (hereinafter referred to as “the  
6 Respondent”) engaged in behaviors that violate the Nevada System of Higher Education  
7 (NSHE)<sup>1</sup> *Policy Against Sexual Harassment, NSHE Policy Against Discrimination and Sexual  
8 Harassment, and the University Administrative Manual.*

9  
10 The Complainant is a tenured Associate Professor of Mechanical Engineering at the University  
11 and has been employed there for seven years. The Respondent is a tenured Professor of  
12 Mechanical Engineering at the University. The Respondent has been employed with the  
13 University for 25 years. The Respondent was the Complainant’s academic advisor while the  
14 Complainant was enrolled as a graduate student in the Department of Mechanical Engineering  
15 from 2006 until 2008. The Respondent served as the Complainant’s mentor<sup>2</sup> from 2015 until  
16 2019.

17  
18 The Complainant and the Respondent were engaged in a sexual relationship from 2006 until  
19 approximately December 2019. The Complainant alleged that the Respondent engaged in  
20 behaviors that constitute:

- 21  
22 A. romantic and/or sexual relations with the Complainant in violation of the University’s  
23 *Administrative Manual*;  
24 B. sexual harassment in violation of the NSHE’s *Policy Against Sexual Harassment*;  
25 C. non-consensual sexual intercourse in violation of *NSHE Policy Against Discrimination  
26 and Sexual Harassment* and *NSHE Policy Against Sexual Harassment*; and  
27 D. coercion in violation *NSHE Policy Against Discrimination and Sexual Harassment.*

28 **SCOPE OF INVESTIGATION**

29  
30 At the time of the formal complaint, Maria Doucettperry was the University’s Title IX  
31 Coordinator. Doucettperry resigned as Title IX Coordinator in July 2022. The original  
32 investigator assigned to investigate the Complainant’s allegations was Stephanie Augdahl  
33 (hereinafter referred to as “Augdahl”). Augdahl investigated in accordance with NSHE’s policies  
34 and procedures which included interviewing the Complainant and witnesses and gathering  
35 additional evidence. Augdahl took a leave of absence from her position at the University in  
36 December 2022. Prior to Augdahl’s leave of absence, Augdahl completed the fact-gathering

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<sup>1</sup> At the time of the formal complaint, the NSHE Policy Against Sexual Harassment (Revised 06/17), NSHE Policy Against Discrimination and Sexual Harassment (Revised 09/19), and the University Administrative Manual were in effect. As such, this investigation is analyzed under those policies that were effective at the time of the formal complaint.

<sup>2</sup> In the Department of Mechanical Engineering, every assistant professor is required to have a senior professor mentor.

1 part of the investigation. Augdahl drafted the investigation report but did not finalize the draft  
2 report, nor did Augdahl send the draft report to the parties for their review.

3  
4 On July 14, 2022, Jeanne Meyer was appointed Interim Title IX Coordinator for the University.  
5 In December 2022, Jeanne Meyer resigned as Interim Title IX Coordinator. In January 2023,  
6 Mikiba Morehead was appointed Interim Title IX Coordinator for the University. On January 9,  
7 2023, the University contracted with TNG Consulting, LLC to provide a professional, trained  
8 external investigator, Leah Reynolds (hereinafter referred to as "Reynolds"), to complete the  
9 investigation. Reynolds completed the investigation under the supervision of Brett A. Sokolow,  
10 a licensed attorney.

11  
12 The University's interim Title IX Coordinator, Mikiba Morehead, determined the scope of work.  
13 Reynolds completed the investigation in accordance with the University's procedures as  
14 outlined in NSHE's *Policy Against Discrimination and Sexual Harassment*, *NSHE Policy Against*  
15 *Sexual Harassment*, and the *University Administrative Manual*.

16  
17 Reynolds emailed the Complainant on January 16, 2023, to request a follow-up interview. The  
18 Complainant responded on January 16, 2023, and said she did not have time to meet with  
19 Reynolds. On January 17, 2023, the Complainant requested that Reynolds get the  
20 Complainant's advisor's availability first. On January 17, 2023, Reynolds emailed the  
21 Complainant's advisor, Ryan Cann, requesting his availability. Neither Cann nor the  
22 Complainant responded to Reynolds' subsequent requests. As a result, Reynolds was not able  
23 to interview the Complainant for this complaint.

24  
25 On March 16, 2023, Reynolds sent the parties the draft investigation report for their review and  
26 response. March 27, 2023, was the original deadline for the parties to submit their responses to  
27 the draft investigation report. On March 20, 2023, the Respondent emailed Reynolds and  
28 requested an extension to the deadline. Reynolds extended the deadline for responses to the  
29 draft investigation report to April 3, 2023. Reynolds notified both parties via email of this  
30 deadline extension date.

31  
32 The Complainant submitted her response to the draft investigation report on April 3, 2023.  
33 Within her response, the Complainant denied all statements allegedly made within the draft  
34 report and referred to two separate complaints the Complainant filed with the Nevada District  
35 Court. Reynolds did not amend the Complainant's statements within the draft investigation  
36 report and included both complaints filed by the Complainant with the Nevada District Court as  
37 evidence for the Decision-maker(s) to consider. The Decision-maker(s) may review and consider  
38 the remainder of the Complainant's response to the draft investigation report in rendering their  
39 decision.

40  
41 On April 2, 2023, the Respondent submitted his response to the draft investigation report. In his  
42 response to the draft investigation report, the Respondent commented that he provided a  
43 response to the Complainant's allegations to Augdahl on September 27, 2021, and November  
44 16, 2021, in addition to the May 27, 2021, date contained within the report. The Respondent

1 attached email evidence corroborating this communication with Augdahl. Reynolds amended  
2 the report to reflect the additions of those dates within the Detailed Summary of Evidence  
3 Section of the report. The remainder of the Respondent's responses to the draft investigation  
4 report did not warrant any substantive changes to the investigation report. The Decision-  
5 maker(s) may review and consider the remainder of the Respondent's responses to the draft  
6 investigation report in rendering their decision.

7  
8 This report will: summarize the investigation; outline the applicable NSHE policies; include and  
9 summarize statements and interviews from the parties; and analyze each allegation.

10 This report will not include a determination as to whether the Respondent violated the policies.  
11 Instead, this report will assist the Decision-maker in making a final determination of any policy  
12 violation based on the preponderance of the evidence standard.

## 13 **OVERVIEW OF ALLEGATIONS**

14  
15 A. The Complainant alleged that from August 1, 2006, until December 31, 2019, the  
16 Respondent engaged in romantic and/or sexual relations in circumstances in which one of  
17 the individuals is in a position of direct authority over another, in violation of the  
18 University's *Administrative Manual*.

19  
20 The Complainant specifically alleged the following conduct:

- 21  
22 1. The Respondent engaged in a romantic and/or sexual relationship with the Complainant  
23 from August 1, 2006, until May 31, 2008. The Respondent served as the Complainant's  
24 advisor while the Complainant was enrolled as a graduate student in the Department of  
25 Mechanical Engineering.
- 26 2. The Respondent engaged in a romantic and/or sexual relationship with the Complainant  
27 from July 15, 2015, until December 31, 2019, while the Respondent served as the  
28 Complainant's mentor as required for all tenured track faculty positions.

29  
30 B. The Complainant alleged that from December 1, 2006, to May 31, 2008, the Respondent  
31 engaged in sexual harassment in violation of the NSHE *Policy Against Sexual Harassment*.<sup>3</sup>

32  
33 The Complainant specifically alleged the following conduct:

- 34  
35 3. The Respondent engaged in nonconsensual sexual intercourse with the Complainant  
36 approximately one to two times per week at various locations, including but not limited  
37 to the Respondent's office at the University, the Respondent's lab at the University, the  
38 Respondent's vehicle, at the Respondent's residence, and at a local casino.

---

<sup>3</sup> Under the NSHE Policy Against Sexual Harassment (Revised 12/06), there is no definition of nonconsensual sexual intercourse. As such, there is no specific charge specifying this alleged conduct. Instead, the conduct is charged as sexual harassment.

1 4. The Respondent created a video recording of sexual intercourse between the  
2 Complainant and the Respondent on one occasion without the Complainant's consent.

3  
4 C. The Complainant alleged that from June 1, 2017, until December 31, 2019, the Respondent  
5 engaged in nonconsensual sexual intercourse with the Complainant in violation of the NSHE  
6 *Policy Against Discrimination and Sexual Harassment* and NSHE *Policy Against Sexual*  
7 *Harassment*.

8  
9 The Complainant specifically alleged the following conduct:

10  
11 5. The Respondent engaged in nonconsensual sexual intercourse with the Complainant  
12 despite the Complainant telling the Respondent "no" and while the Complainant cried  
13 during and/or after several of the non-consensual sexual interactions.

14  
15 D. The Complainant alleged that from June 1, 2017, until December 31, 2019, the Respondent  
16 engaged in coercion in violation of the NSHE *Policy Against Discrimination and Sexual*  
17 *Harassment*.

18  
19 The Complainant specifically alleged the following conduct:

20  
21 6. On numerous separate occasions, the Respondent coerced the Complainant into  
22 unwelcome physical contact that was sexual in nature by threatening to impact the  
23 Complainant's professional career.

24  
25 The Respondent admitted that he engaged in a sexual relationship with the Complainant but  
26 asserted that the sexual relationship was consensual. The Respondent denied all other  
27 allegations.

## 28 **RELEVANT POLICIES & DEFINITIONS**

29  
30 The applicable provisions and definitions used in this investigation are below.

### 31 32 ***Sexual Harassment (NSHE Policy Against Sexual Harassment)***

33  
34 *Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and*  
35 *other visual, verbal, or physical conduct of a sexual nature when:*

- 36 1. *Submission to such conduct is made either explicitly or implicitly a term or condition of*  
37 *an individual's employment or academic status;*
  - 38 2. *Submission to or rejection of the conduct is used as a basis for academic or employment*  
39 *decisions or evaluations or permission to participate in an activity; or*
  - 40 3. *The conduct has the purpose or effect of substantially interfering with an individual's*  
41 *academic or work performance or creating an intimidating, hostile, or offensive*  
42 *environment in which to work or learn.*
- 43

1 **Sexual Harassment- Nonconsensual Sexual Intercourse (NSHE Policy Against Discrimination**  
2 **and Sexual Harassment)<sup>4</sup>**

3  
4 *Sexual harassment under this policy is unwelcome sexual advances, requests for sexual favors,*  
5 *and other visual, verbal, or physical conduct of a sexual or gender bias nature when:*

6  
7 *Workplace Environment:*

- 8 1. *Submission to or rejection of the conduct is used as a basis for academic or employment*  
9 *decisions or evaluations, or permission to participate in an activity (“quid pro quo”); or*  
10 2. *Conduct that is sufficiently severe, persistent, or pervasive so as to create a work*  
11 *environment that a reasonable person would consider intimidating, hostile, or abusive*  
12 *and which may or may not interfere with the employee’s job performance (“hostile*  
13 *environment”).*

14  
15 *Sexual violence is a severe form of sexual harassment and refers to physical sexual acts or*  
16 *attempted sexual acts perpetrated against a person’s will or where a person is incapable of*  
17 *giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion,*  
18 *or similar acts in violation of state or federal law.*

19  
20 **University Administrative Manual**

21  
22 *The University of Nevada, Reno policy prohibits romantic or sexual relations in circumstances in*  
23 *which one of the individuals is in a position of direct professional power over the other.*

24  
25 *Definition of a professional power relationship: a faculty member or supervisor will always be*  
26 *treated as having such direct power if the student is in an educational experience in which the*  
27 *faculty member has authority to assign grades, or the supervisor has any input into the*  
28 *evaluation of the employee’s work performance, promotion, or tenure. A faculty member will be*  
29 *treated as having such direct power in other circumstances as well, e.g., when serving on thesis,*  
30 *dissertation, or scholarship awards committees, or in matters of admission or advisement. The*  
31 *same principles which apply to the faculty-student relationship also govern administrative*  
32 *faculty in their relationships with students.*

33  
34 **Coercion (NSHE Policy Against Discrimination and Sexual Harassment)**

35  
36 *Coercion is the use of violence or threats of violence against a person or the person’s family or*  
37 *property; depriving or hindering a person in the use of any tool, implement, or clothing;*  
38 *attempting to intimidate a person by threats or force, or when committed with the intent to*  
39 *compel a person to do or abstain from doing an act that the person has the right to do or*  
40 *abstain from doing.*

41  

---

<sup>4</sup> This policy defines sexual violence as a form of sexual harassment. The policy does not provide a separate definition for any type of sexual violence, including rape or sexual assault.

1 *In the context of sexual misconduct, coercion is the use of pressure to compel another individual*  
2 *to initiate or continue sexual activity against an individual's will. Coercion can include a wide*  
3 *range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's*  
4 *words or conduct are sufficient to constitute coercion if they impair another individual's*  
5 *freedom of will and ability to choose whether or not to engage in sexual activity.*

## 7 **Consent (NSHE Policy Against Discrimination and Sexual Harassment)**

8  
9 *Consent is defined as:*

- 10 • *An affirmative, clear, unambiguous, knowing, informed, and voluntary agreement*  
11 *between all participants to engage in sexual activity. Consent is active, not passive.*  
12 *Silence or lack of resistance cannot be interpreted as consent. Seeking and having*  
13 *consent accepted is the responsibility of the person(s) initiating each specific sexual act*  
14 *regardless of whether the person initiating the act is under the influence of drugs and/or*  
15 *alcohol.*
- 16 • *The existence of a dating relationship or past sexual relations between the participants*  
17 *does not constitute consent to any other sexual act.*
- 18 • *The definition of consent does not vary based upon a participant's sex, sexual*  
19 *orientation, gender identity, or gender expression.*
- 20 • *Affirmative consent must be ongoing throughout the sexual activity and may be*  
21 *withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity*  
22 *must stop...*
- 23 • *Consent cannot be given when it is the result of any coercion, intimidation, force, or*  
24 *threat of harm.*

## 25 **JURISDICTION**

26  
27 All students, faculty, staff, and other campus community members are subject to the University  
28 policies. At the time of the alleged incidents, the Complainant was a graduate student enrolled  
29 at the University and was later employed as faculty at the University. At the time of the alleged  
30 incidents, the Respondent was and still is a faculty member employed at the University.  
31 Accordingly, the alleged conduct falls within the University's jurisdiction.

## 32 **DETAILED SUMMARY OF EVIDENCE**

33  
34 Below is a comprehensive list of evidence reviewed and analyzed during the investigation. Each  
35 item in the list can be found in the Appendix and/or within the investigation file.

### 37 **Party and Witness Interviews**

38  
39 Augdahl interviewed the Complainant and witness, Petros Voulgaris (hereinafter referred to as  
40 "Voulgaris). Augdahl collected a detailed written response to the allegations from the  
41 Respondent.  
42



1 Complainant

2

- 3 • **Feifei Fan** – Assistant Professor; Department of Mechanical Engineering; University of  
4 Nevada, Reno; Interviewed on March 1, 2021, March 19, 2021, and May 5, 2021

5

6 Respondent

7

- 8 • **Yanyao Jiang** – Professor; Department of Mechanical Engineering; University of Nevada,  
9 Reno; Submitted written response to the allegations on May 27, 2021, September 27,  
10 2021, and November 16, 2021

11

12 Witness Interviewed

13

- 14 • **Petros Voulgaris** (hereinafter referred to as “Voulgaris”); Chair & Founding Aerospace  
15 Program Director; Department of Mechanical Engineering; University of Nevada, Reno;  
16 Interviewed on June 02, 2021

17

18 Complainant’s Evidence

19

- 20 • Work request from the Respondent to the Complainant dated March 2009
- 21 • Video of Complainant and Respondent engaged in sexual intercourse
- 22 • Title IX translation dated March 21, 2021
- 23 • Text messages 2 evidence (no date)
- 24 • Text messages 2 redacted dates May 21, May 22, May 23
- 25 • Text messages 1 (no date)
- 26 • Text messages 1 redacted (no date)
- 27 • Respondent’s application for a protection order against Complainant
- 28 • Photographs 1-4 of a penis and a vagina
- 29 • Email communication from Respondent to Complainant dated 2/12/08
- 30 • Email communication from Respondent to Complainant dated 6/1/08
- 31 • Video recording of an official court hearing on the protection order
- 32 • A written decision on the extension of the protection order filed by the Respondent  
33 against the Complainant
- 34 • Complainant’s exhibits for the protection order hearing
- 35 • Email from Petros to Jill Heaton
- 36 • Email communication between the Complainant and Petros dated January 1, 2021

37

38 Respondent’s Evidence

39

- 40 • Email communication from Respondent to Complainant from July 19, 2020, until  
41 February 28, 2021

- 1 • Text message communication between Respondent and Complainant’s wife regarding
- 2 Complainant’s and Respondent’s sexual relationship
- 3 • WeChat messages from Complainant from July 11, 2020, until July 21, 2020
- 4 • UNR Police Report dated July 21, 2020
- 5 • Text messages from Complainant to Respondent
- 6 • Copies of Complainant’s social media Huaran posts.

## 7 **COMPLAINANT’S SUMMARY OF EVIDENCE<sup>5</sup>**

8

### 9 *Summary of March 01, 2021, Interview*

10

11 The Complainant told Augdahl that she was recruited while in China by the Respondent to join  
12 the University’s Mechanical Engineering graduate program in 2006. The Complainant shared  
13 that she met the Respondent in 2005 when she was recommended by her undergraduate  
14 advisor to the Respondent. The Complainant shared that she was advised by her undergraduate  
15 advisor to attend the University because of her family’s financial status. The Complainant told  
16 Augdahl that her family had limited financial means, so the Complainant could only attend a  
17 school in the U.S. by obtaining a financial stipend. According to the Complainant, the  
18 Complainant’s undergraduate advisor shared this information with the Respondent.

19

20 The Complainant continued by sharing that she began her graduate program at the University  
21 in January 2006. According to the Complainant, the Respondent was on sabbatical when the  
22 Complainant began her graduate studies. The Complainant recalled that the Respondent  
23 returned from sabbatical sometime in July 2006. The Complainant stated that she began  
24 working with the Respondent in July 2006. The Complainant shared with Augdahl that the  
25 Respondent was tough to work with. The Complainant said she felt “nervous and anxious”<sup>6</sup>  
26 when working with the Respondent because of the Respondent’s toughness toward students.  
27 According to the Complainant, the Respondent began to lose his toughness with the  
28 Complainant sometime around August 2006 or September 2006. The Complainant stated that  
29 she believed the Respondent changed his demeanor with the Complainant because the  
30 Respondent realized that the Complainant was academically strong and capable of doing  
31 research.

32

33 The Complainant said that the first time the Respondent physically touched her in a sexual way  
34 was sometime in August 2006 or September 2006. The Complainant recalled that the  
35 Respondent’s hand touched the Complainant’s leg a few times “very quickly and lightly”<sup>7</sup> while  
36 in the Respondent’s lab on campus. The Complainant told Augdahl that the Respondent came  
37 to the lab to do his routine check-in on students in the lab. As part of the Respondent’s routine  
38 check-in with the Complainant, the Respondent would review the Complainant’s experiment by

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<sup>5</sup> The Complainant’s summary of evidence was taken in part from Augdahl’s draft investigation report and Augdahl’s interview notes from the Complainant’s interviews.

<sup>6</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 1.

<sup>7</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 2.

1 looking through a microscope at the experiment. During this particular incident, when the  
2 Respondent went to sit down at the microscope, the Respondent's hand touched the  
3 Complainant's leg a few times. The Complainant told Augdahl that she was unsure if the  
4 Respondent touched her leg accidentally or intentionally. The Complainant continued by  
5 sharing that she felt it "weird"<sup>8</sup> that the Respondent touched her leg, but the Complainant did  
6 not say anything to the Respondent during this incident. The Complainant also shared that  
7 there were other students<sup>9</sup> present during this incident because students typically worked in  
8 the lab on campus from midnight until approximately 2:00 am during the work week.  
9

10 The Complainant told Augdahl that following the leg-touching incident in the lab, the  
11 Respondent asked the Complainant to watch the moon with him. The Complainant recalled  
12 that the Respondent asked her to watch the moon at least twice in October 2006 but could not  
13 recall the specific dates. According to the Complainant, the Respondent did not elaborate any  
14 further on his request to watch the moon. The Complainant declined both October 2006  
15 requests. The Complainant shared that she thought the Respondent invited her to watch the  
16 moon the same way he invited other students<sup>10</sup> out for a beer and to chat and relax.  
17

18 The Complainant shared another incident with Augdahl when the Complainant recalled the  
19 Respondent touched the Complainant's hand and hugged the Complainant without the  
20 Complainant's consent sometime in September 2006. According to the Complainant, this  
21 incident occurred during one of the Complainant's and Respondent's weekly one-on-one  
22 meetings in the Respondent's office on campus. The Complainant said she and the Respondent  
23 discussed research in the Respondent's office. The Complainant said that the Respondent sat  
24 behind his desk, and the Complainant sat in front of the desk during this discussion. According  
25 to the Complainant, the Respondent placed the Complainant's hand on his after the discussion  
26 ended. According to the Complainant, the Respondent then asked the Complainant if he could  
27 hug her. The Complainant shared that she did not answer the Respondent, to which the  
28 Respondent replied, "so, you are not against it?"<sup>11</sup> The Complainant said the Respondent then  
29 proceeded to hug the Complainant. The Complainant did not share how long the hug lasted,  
30 but the Complainant said that she did not verbally or physically respond while being hugged by  
31 the Respondent. The Complainant shared that the Respondent stopped hugging the  
32 Complainant after a short time, and the Complainant left the Respondent's office.  
33 The Complainant also shared that she was fearful to report this incident; however, the  
34 Complainant did not explain why she was fearful. The Complainant said that she thought the  
35 Respondent had a crush on her, so he asked her to hug and touched her hand during this  
36 incident.  
37

38 The next incident the Complainant shared with Augdahl was when the Respondent touched the  
39 Complainant inappropriately sometime in October 2006. According to the Complainant, the

---

<sup>8</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 2.

<sup>9</sup> The Complainant did not provide the names of the other students present during this incident. The Complainant also did not respond to Reynolds' interview requests.

<sup>10</sup> The Complainant did not provide the names of the students that the Respondent invited out for a beer.

<sup>11</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 3.

1 Complainant stayed late one evening in one of the University's labs. The Respondent, who also  
2 stayed late that evening, asked the Complainant if she needed a ride home, to which the  
3 Complainant told the Respondent that she did. According to the Complainant, she and the  
4 Respondent did not converse on the car ride to the Complainant's residence. Once the two  
5 arrived at the Complainant's residence, the Complainant stated that the Respondent followed  
6 her inside her residence without permission and hugged the Complainant. The Complainant  
7 described the hug as "tight."<sup>12</sup> The Complainant said that the Respondent then followed her to  
8 her bedroom. According to the Complainant, neither verbally commented as they walked to the  
9 Complainant's bedroom. Once inside the Complainant's bedroom, the Complainant said she  
10 and the Respondent engaged in conversation. The Complainant could not recall what they  
11 discussed. The Complainant continued by sharing that the Respondent placed one hand under  
12 the Complainant's shirt and the other hand down the Complainant's pants and kissed the  
13 Complainant on the lips. The Complainant did not detail where the Respondent placed his  
14 hands while under the Complainant's shirt and inside of the Complainant's pants. The  
15 Complainant stated that the interaction in its entirety lasted approximately two seconds. The  
16 Complainant told Augdahl that after the interaction, she accompanied the Respondent to the  
17 front door and told the Respondent goodbye. The Complainant stated that one of her  
18 roommates exited from a bedroom and asked the Complainant why the Respondent was inside  
19 their residence. The Complainant said she was embarrassed and did not tell the roommate  
20 what occurred between her and the Respondent while in the Complainant's bedroom. The  
21 Complainant said she did not tell anyone about this particular incident with the Respondent.

22  
23 The Complainant also shared the incident when the Respondent first sexually assaulted the  
24 Complainant. The Complainant said that sometime in October 2006, the Respondent asked the  
25 Complainant if she wanted to tour Lake Tahoe with the Respondent, the Respondent's wife and  
26 kids, and student Xiaowei Hu. The Complainant could not recall the specific date and time of  
27 this incident. The Complainant shared that she did not fear touring Lake Tahoe with the  
28 Respondent, his family, and the other student. The Complainant shared that she enjoyed  
29 herself on the tour and thought the Respondent was a "excellent dad."<sup>13</sup> Later that evening,  
30 after the tour of Lake Tahoe, the Complainant worked in a lab located on campus. The  
31 Complainant could not recall what time she was in the lab but explained that it was past  
32 midnight when the Respondent reached out to the Complainant via MSN<sup>14</sup> and asked the  
33 Complainant if she needed a ride home. The Complainant shared that she eventually went to  
34 the Respondent's office to get a ride home. Upon the Complainant's arrival at the Respondent's  
35 office, the Respondent told the Complainant that he needed to go to the restroom and left his  
36 office. Approximately a minute and half later, the Respondent returned to his office and locked  
37 the office door behind him.

38

---

<sup>12</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 4.

<sup>13</sup> Refer to March 01, 2021, Augdahl interview notes, pg.4.

<sup>14</sup> MSN is a single sign-on Microsoft user account. The Complainant told Augdahl that she no longer had these communications.

1 The Complainant shared that the Respondent hugged and kissed the Complainant after he  
2 locked the office door. The Complainant told Augdahl that the Respondent's actions took her  
3 off guard because she did not expect anything sexual to occur between her and the  
4 Respondent. The Complainant shared that, at this moment, she thought the Respondent would  
5 quickly kiss her the same way he did during the encounter while in the Complainant's  
6 residence. However, the Complainant explained that the Respondent removed her jeans by  
7 unbuttoning them and pulling them down. The Complainant shared that she told the  
8 Respondent "no"<sup>15</sup> several times in Chinese. However, the Respondent ignored her and said  
9 something to the effect of the Complainant not wanting the lights on, so the Respondent  
10 turned the office light off. The Complainant said that the Respondent was in front of the office  
11 door and that the Complainant was between the Respondent and the Respondent's desk. The  
12 Complainant said she could not exit the room because of their positions. The Complainant  
13 stated that the Respondent then laid the Complainant down on his desk with the Complainant's  
14 back pressed down on the desk. The Complainant said she tried using her hands to fight the  
15 Respondent off, but the Respondent took both of the Complainant's arms and pinned them  
16 above the Complainant's head. The Complainant said that the Respondent held her arms down  
17 with one hand while he took the Complainant's jeans completely off with his other hand.  
18

19 The Complainant said she tried to fight the Respondent off by using her legs; however, the  
20 Respondent positioned his body between the Complainant's legs while the Respondent  
21 removed his pants and underwear. The Complainant said that the Respondent moved the  
22 Complainant's underwear to the side without taking them off the Complainant, then inserted  
23 his penis into the Complainant's vagina. The Complainant shared that the Respondent  
24 continued to kiss the Complainant on the lips and hold the Complainant's arms above her head  
25 while the Respondent penetrated the Complainant's vagina with his penis. At some point  
26 during this sexual encounter, the Complainant said that the Respondent changed their position.  
27 According to the Complainant, the Respondent picked the Complainant up from the desk, sat  
28 down at his office chair with the Complainant on top of him, and while the Respondent's penis  
29 remained in the Complainant's vagina. The Complainant now straddled the Respondent in the  
30 chair. The Complainant said that the Respondent continued penetrating her vagina with his  
31 penis for approximately a minute and a half. The Complainant shared that before the  
32 Respondent ejaculated inside of the Complainant's vagina, the Respondent withdrew his penis  
33 from her vagina, reached into his desk drawer and took a condom out of the drawer, put the  
34 condom on, inserted his penis back into the Complainant's vagina, and ejaculated while his  
35 penis was inside of the Complainant's vagina.  
36

37 The Complainant told Augdahl during her interview that initially, she was "scared"<sup>16</sup> when the  
38 Respondent penetrated her vagina with his penis, but when they switched positions to the  
39 chair, the Complainant said that she "enjoyed"<sup>17</sup> the sexual intercourse from that positioning  
40 until the vaginal penetration ended. The Complainant explained that once they changed

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<sup>15</sup> Refer to March 01, 2021, Augdahl interview notes, pg.5.

<sup>16</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 6.

<sup>17</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 6.

1 positions to the chair, the Complainant felt the Respondent's "passion"<sup>18</sup> for her and the  
2 Complainant thought that the Respondent would want to "marry her,"<sup>19</sup> as this is customary for  
3 the Chinese culture. The Complainant also shared that she thought the Respondent "loved"<sup>20</sup>  
4 her because he chose her to have sexual intercourse with.

5  
6 After the Respondent ejaculated and withdrew his penis from the Complainant's vagina, the  
7 Complainant said that the Respondent cleaned himself up and "ignored"<sup>21</sup> the Complainant.  
8 The Complainant said that she told the Respondent that he was "selfish"<sup>22</sup> for ignoring her after  
9 they had sexual intercourse with each other. When asked to explain why she called the  
10 Respondent selfish, the Complainant shared that having sex with the Respondent was a "big  
11 thing"<sup>23</sup> to her, but it did not appear to be the same for the Respondent. The Complainant said  
12 that shortly after this comment, the Respondent drove the Complainant home.

13  
14 The Complainant shared that she became concerned about the sexual intercourse between her,  
15 and the Respondent after the Respondent dropped her off at home. The Complainant shared  
16 that the Respondent did not wait until the Complainant was inside her residence before he  
17 drove off. The Complainant said that once she was inside her residence, she called the  
18 Respondent and asked him, "what will you do to me"<sup>24</sup> and "what happened to us?"<sup>25</sup>  
19 According to the Complainant, the Respondent said he "would never rape anyone."<sup>26</sup> The  
20 Complainant said that she never commented to the Respondent that she thought she was  
21 raped by the Respondent. The Complainant shared that the Respondent's tone on the phone  
22 with her differed from when he engaged in vaginal sexual intercourse with her a few hours  
23 prior. The Complainant said that the Respondent eventually ended their phone call. The  
24 Complainant told Augdahl that she did not share this incident with anyone.

25  
26 The next morning, the Complainant said that the Respondent called the Complainant and asked  
27 her to come to his office. The Complainant said that she went to the Respondent's office. Once  
28 inside the Respondent's office, the Complainant said the Respondent asked her what she  
29 thought about their sexual encounter the night before. The Complainant told the Respondent  
30 that her vagina felt swollen from the sexual activity. According to the Complainant, the  
31 Respondent patted her on the back with his hand and asked her to leave his office.

32  
33 The Complainant shared that the next time she saw the Respondent was approximately a week  
34 later. The Complainant said that the Respondent asked her in person to watch the moon and  
35 the city view with him one evening. The Complainant shared that she agreed to accompany the

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<sup>18</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 6.

<sup>19</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 6.

<sup>20</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 6.

<sup>21</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 6.

<sup>22</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 6.

<sup>23</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 6.

<sup>24</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 7.

<sup>25</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 7.

<sup>26</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 7.

1 Respondent to watch the moon and the city view. Once they arrived at the location where they  
2 viewed the moon and the city, the Respondent exited the car, sat on the ground, and watched  
3 the city. The Complainant said that she joined the Respondent. The Complainant shared that  
4 the two sat silently and watched the city for a short period before the Respondent told the  
5 Complainant to return to the car and get in the back seat of the car. The Complainant went to  
6 the car's back seat, and the two had vaginal sexual intercourse. The Complainant said that she  
7 asked the Respondent why he wanted to engage in sexual intercourse with her again, and the  
8 Respondent said something to the effect that the Complainant's ex-boyfriends weren't good at  
9 making love. The Complainant shared that she "accepted"<sup>27</sup> that this was the relationship  
10 established with the Respondent, but the Complainant acknowledged that the Respondent  
11 "hurt her feelings"<sup>28</sup> by his response to her after the first sexual encounter in the Respondent's  
12 office.

13  
14 The Complainant shared that she and the Respondent continued to engage in sexual vaginal  
15 intercourse with each other from 2006 until 2019. The Complainant explained that from 2006  
16 until 2019, she and the Respondent engaged in vaginal sexual intercourse once or twice weekly  
17 at various locations, including the Respondent's vehicle, office, home, and Circus Circus<sup>29</sup>  
18 casino. The last sexual encounter with the Respondent occurred in December 2019 at Circus  
19 Circus casino. The Complainant shared that she developed strong emotional feelings for the  
20 Respondent by this time. The Complainant stated that the vaginal sexual intercourse with the  
21 Respondent was consensual in 2019 but nonconsensual from 2006 until 2018 because she was  
22 his student during parts of that timeframe. The Complainant explained that once she graduated  
23 with her degree and accepted a full-time position with the university, she felt that she and the  
24 Respondent were equal. Therefore, the Complainant felt that the sexual intercourse between  
25 them was consensual in 2018-2019. The Complainant shared that in 2017 she gave the  
26 Respondent an ultimatum, either the Respondent would leave his wife and continue the sexual  
27 relationship with the Complainant, or the Respondent would stop the sexual relationship with  
28 the Complainant. The Complainant also shared that in 2017 she told the Respondent that she  
29 would disclose their sexual relationship to the Respondent's wife. According to the  
30 Complainant, her relationship with the Respondent became tense from then on. The  
31 Complainant shared that she became worried that other colleagues would find out about her  
32 sexual relationship with the Respondent and that she would be denied promotion to tenured  
33 faculty, so she did not discuss with anyone her relationship with the Respondent.

34  
35 *Summary of March 19, 2021, Interview*

36  
37 The Complainant provided a video that she told Augdahl she recorded of she and the  
38 Respondent engaged in sexual intercourse in 2008 in Circus Circus. The Complainant later  
39 corrected her statement and said the Respondent recorded the video, but she was aware that  
40 the Respondent was recording. The Complainant said that you can hear the Respondent in the

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<sup>27</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 7.

<sup>28</sup> Refer to March 01, 2021, Augdahl interview notes, pg. 7.

<sup>29</sup> Circus Circus is a casino/hotel located in Las Vegas, Nevada.

1 video saying “Mmmmm”<sup>30</sup> which is a Chinese phrase that translates to something similar to  
2 “little sister.”<sup>31</sup> The Complainant explained that the term “Mmmmm” is used to show a more  
3 romantic relationship between two individuals, as opposed to a familial relationship as defined  
4 in the American culture. The Complainant explained to Augdahl that she thought the  
5 Respondent recorded the interaction because the Respondent wanted “to save his memory  
6 with her [Complainant].”<sup>32</sup> The Complainant explained that she felt that she could not tell the  
7 Respondent no because she was still a graduate student.  
8

9 The Complainant went on to explain that after the first sexual intercourse incident between the  
10 parties in October 2006, the parties engaged in sexual activity once or twice a week, but not  
11 every week. In 2007, the Complainant shared that the parties still engaged in sexual intercourse  
12 together, but less frequently.  
13

14 The Complainant shared that during 2007, the parties engaged in sexual intercourse in various  
15 locations that included the Respondent’s house, the Respondent’s vehicle, in the lab on  
16 campus, and in the Respondent’s office. The Complainant described that when she had sexual  
17 intercourse with the Respondent in the Respondent’s home, the Respondent’s family had  
18 traveled to China. The Complainant described the sexual activity as “just sex”<sup>33</sup> and the parties  
19 did not engage in “normal things like couples do when they have sex such as kiss and touch.”<sup>34</sup>  
20 The Complainant shared with Augdahl that it was “very tough”<sup>35</sup> for her to engage in sexual  
21 intercourse with the Respondent because the Respondent was her graduate advisor. The  
22 Complainant shared that she was fearful that the Respondent would “fire”<sup>36</sup> her from her role  
23 as a graduate student if she did not have sexual intercourse with the Respondent.  
24

25 In 2008, the Complainant shared that she and the Respondent “didn’t have much sexual  
26 interaction.”<sup>37</sup> The Complainant shared that the Respondent told her it was too dangerous for  
27 them to continue having sexual intercourse around campus because the campus police drive  
28 around and might see them. The Complainant said that during 2008, she and the Respondent  
29 had sexual intercourse twice in Circus Circus and both times the Respondent told the  
30 Complainant to book the rooms in her name. The Complainant shared that she did what she  
31 was told because she relied on the Respondent a lot because she had no family or friends in the  
32 U.S. The Complainant shared that by this time she felt “mentally controlled by the  
33 Respondent.”<sup>38</sup>  
34

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<sup>30</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 1.

<sup>31</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 1.

<sup>32</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 3.

<sup>33</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 2.

<sup>34</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 2.

<sup>35</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 2.

<sup>36</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 2.

<sup>37</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 3.

<sup>38</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 3.



1 The Complainant shared that by time she graduated with her master's degree from the  
2 university, she had "strong emotions"<sup>39</sup> for the Respondent. The Complainant described her  
3 feelings as an "emotional attachment"<sup>40</sup> to the Respondent. The Complainant described the  
4 relationship with the Respondent as "toxic."<sup>41</sup> The Complainant shared that she communicated  
5 less frequently with the Respondent once she graduated. The Complainant explained that she  
6 moved to the "east part of the country"<sup>42</sup> and pursued her Ph.D. degree at Georgia Tech, while  
7 the Respondent stayed in Nevada. The Complainant shared that she listed the Respondent as  
8 her emergency contact when she fainted in 2011 and was sent to the hospital. The  
9 Complainant explained that she felt she and the Respondent had a "connection"<sup>43</sup> and  
10 considered the Respondent to be the "most important person"<sup>44</sup> in her life in the U.S. The  
11 Complainant told Augdahl that during this time, some of the communication between she and  
12 the Respondent was sexual in nature,<sup>45</sup> but the Complainant said that she does not have any  
13 record of these communications.

14  
15 The Complainant recounted that in 2007 and 2008, when the parties had sexual intercourse in  
16 the Respondent's vehicle or in a hotel room, the Complainant cried because "she did not feel  
17 respected"<sup>46</sup> by the Respondent. The Complainant said that the Respondent never comforted  
18 her when she cried. The Complainant said that the Respondent would continue to engage in  
19 sexual intercourse until he "finished the sex behavior."<sup>47</sup> The Complainant also explained that  
20 when the parties engaged in sexual intercourse in October 2006, the Complainant did not cry  
21 because she thought the Respondent "fell in love with her."<sup>48</sup> The Complainant said that it  
22 wasn't until 2007 that she realized the Respondent only used her for sex and that the  
23 Respondent did not love her. The Complainant shared that she drew this conclusion from a  
24 Thanksgiving party she attended in 2007 at the Respondent's house that included other  
25 individuals. At some point during this party, the Respondent announced his gratitude. In the  
26 Respondent's speech, he "expressed love"<sup>49</sup> for his wife and their marriage. The Respondent  
27 said she questioned why the Respondent would make this declaration in front of the  
28 Complainant if he truly cared for her. Additionally, the Complainant shared that in 2007 when  
29 the two engaged in sexual intercourse, the Respondent would "send"<sup>50</sup> her away immediately  
30 after the sexual intercourse ended.

31  
32 The Complainant shared that she returned to the University in 2015 because she was offered a  
33 tenure-track Associate Professor position in the Mechanical Engineering department. The

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<sup>39</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 4.

<sup>40</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 4.

<sup>41</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 4.

<sup>42</sup> Refer to March 19, 2021, Augdahl interview notes, pg.4.

<sup>43</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 4.

<sup>44</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 4.

<sup>45</sup> The Complainant stated that she and the Respondent engaged in cybersex.

<sup>46</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 5.

<sup>47</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 5.

<sup>48</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 5.

<sup>49</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 5.

<sup>50</sup> Refer to March 19, 2021, Augdahl interview notes, pg. 5.

1 Complainant shared that upon her hire at the university, the Respondent was assigned to be  
2 her mentor because she was considered junior faculty and the Respondent was considered  
3 senior faculty. The Complainant said she felt the relationship with the Respondent was still toxic  
4 because the Respondent still had power over the Complainant, but she felt more like his equal  
5 than she did when she was a graduate student. The Complainant did share that she still feared  
6 her career being impacted by the sexual relationship she had with the Respondent. The  
7 Complainant stated that she worried others would view her as a women who “seduces  
8 powerful men.”<sup>51</sup> The Complainant said it was difficult to describe her feelings at this time  
9 because on one hand she felt that what the Respondent did to her while she was a graduate  
10 student was wrong, but on the other hand, she did not want to ruin the Respondent’s career.  
11 The Complainant stated that from 2016-2019 she and the Respondent had sex “only a few  
12 times”<sup>52</sup> and the Complainant felt more like a “hooker”<sup>53</sup> to the Respondent. The Complainant  
13 explained that during 2016-2019, sex with the Respondent did not include romance or kissing.  
14 To the Complainant it appeared to be “quick sex,”<sup>54</sup> which the Complainant stated was  
15 “rude.”<sup>55</sup>

16  
17 The Complainant shared that in 2019 she and the Respondent continued to engage in sexual  
18 intercourse together, but the Complainant said these occurrences were “more consensual.”<sup>56</sup>  
19 The Complainant explained that she felt the sexual intercourse during this time was more  
20 consensual because she and the Respondent were colleagues. The Complainant said she also  
21 felt the Respondent “really liked her”<sup>57</sup> but was unsure if the Respondent actually liked her. The  
22 Complainant said that the Respondent always initiated the sexual activity that occurred in 2019.  
23 The Complainant continued by sharing that in 2019 the parties engaged in sexual activity  
24 “rarely.”<sup>58</sup> The Complainant shared with Augdahl that sometime in 2019 she decided that if the  
25 Respondent wanted to continue to engage in sexual activity with the Complainant, then the  
26 Respondent would have to divorce his wife and date the Complainant “formally.”<sup>59</sup> The  
27 Complainant stated that during this time in 2019, she felt that she had “more power”<sup>60</sup> and that  
28 she could now tell the Respondent “no.”<sup>61</sup> The Complainant also shared that from 2017-2020,  
29 she told the Respondent often that she was going to disclose their relationship to the  
30 Respondent’s wife. The Complainant said that the Respondent would always get angry with the  
31 Complainant when the Complainant threatened to disclose the relationship to the  
32 Respondent’s wife. The Complainant also shared that the Respondent would frequently

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<sup>51</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 6.

<sup>52</sup> Refer to March 19, 2021, Augdahl interview summary pg. 6.

<sup>53</sup> Refer to March 19, 2021, Augdahl interview summary pg. 6.

<sup>54</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 6.

<sup>55</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 6.

<sup>56</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 6.

<sup>57</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 6.

<sup>58</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 6.

<sup>59</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 6.

<sup>60</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 6.

<sup>61</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 7.

1 comment to the Complainant that she should “appreciate”<sup>62</sup> all of the things that the  
2 Respondent had done for the Complainant since 2006.

3  
4 The Complainant said that the relationship between she and the Respondent became  
5 “intense”<sup>63</sup> sometime in 2019. The Complainant said that every time the Respondent asked her  
6 for sex, she would ask the Respondent about his wife. According to the Complainant, when she  
7 asked the Respondent about his wife, the Respondent would not engage sexually with the  
8 Complainant.

9  
10 In April 2020, the Complainant shared that she received her green card. The Complainant  
11 shared that getting her green card empowered her to tell the Respondent’s wife about her  
12 relationship with the Respondent. On April 25, 2020, the Complainant texted the Respondent’s  
13 wife and told her about the relationship. According to the Complainant, the Respondent  
14 became very upset that the Complainant disclosed the relationship to his wife. The  
15 Complainant said that the Respondent warned her they would both get terminated if the  
16 University found out about their relationship. The Complainant said the Respondent also  
17 threatened to deny the Complainant’s tenure promotion because the Respondent was a part of  
18 the tenure committee. According to the Complainant, the Respondent also commented that his  
19 wife was friends with Eric Wong (Wong), another tenure committee member and that his wife  
20 would disclose the relationship to Wong, which would cause the Complainant to be denied  
21 tenure. According to the Complainant, the Respondent explicitly threatened the Complainant’s  
22 tenure status by saying, “no matter how many grants you have, they<sup>64</sup> hate the third woman in  
23 a family.”<sup>65</sup> Therefore, if committee members knew that the Complainant was in a sexual  
24 relationship with the Respondent, the Complainant would be denied tenure. The Complainant  
25 also said that the Respondent told her “You should know the consequences and what is good  
26 and bad for you.”<sup>66</sup> The Complainant continued by sharing that the Respondent would continue  
27 to make comments such as the “Complainant should consult an attorney,”<sup>67</sup> if the Complainant  
28 disclosed the relationship, her “career would be ruined,”<sup>68</sup> and various other threats against the  
29 Complainant’s career. The Complainant shared that she did not make any formal report or  
30 complaint against the Respondent until her tenured promotion was approved sometime in  
31 December 2020.

## 32 **RESPONDENT’S SUMMARY OF EVIDENCE**<sup>69</sup>

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<sup>62</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 8.

<sup>63</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 8.

<sup>64</sup> The Complainant did not provide names for who “they” are.

<sup>65</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 11.

<sup>66</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 11.

<sup>67</sup> Refer to March 19, 2021, Augdahl interview summary, pg. 11.

<sup>68</sup> Refer to March 19, 2021, Augdahl interview summary pg. 9.

<sup>69</sup> Complainant’s summary was taken in part, and verbatim, from the Complainant’s Response and Counter Complaint to the Title IX Sexual Harassment and Sexual Misconduct Allegations Document, dated May 27, 2021.

1 "I first met the Complainant in the summer of 2005 when I visited Shanghai Jiao Tong University  
2 in China, where she (Complainant) graduated with a bachelor's degree. With recommendations  
3 from her academic advisors, I offered her a Research Assistantship for her master's degree (MS)  
4 study at the University of Nevada, Reno (UNR). She (Complainant) came to UNR in January of  
5 2006, and became an MS student in my research group.

6  
7 I was in Germany for my sabbatical from late January 2006 to the end of July 2006. While I was  
8 away from Reno, Complainant and I communicated via emails about her research in my  
9 laboratory. After returning from Germany, around October 2006, I was invited to stop by her  
10 (Complainant) apartment, where she seduced me, and we first kissed. The first sexual  
11 intercourse occurred in my office one night in October. This relationship continued through the  
12 spring of 2008, and at no time was it ever anything but a consensual relationship between two  
13 adults.

14  
15 During the summer of 2008, she (Complainant) graduated from UNR with her MS degree and  
16 started a job at Shaw Group, Inc. in South Carolina. Between the summer 2008 and May 2009,  
17 she and I did not meet but kept in communication via emails and phone calls.

18  
19 In May 2009, Complainant came to Reno for a visit. I refused to meet her at a hotel, and as a  
20 result, the relationship essentially ended. Complainant described her disappointing Reno trip in  
21 a July 26, 2009, social media post.<sup>70</sup> From May 2009 to June 2010, there was no personal  
22 communication between Complainant and myself.

23  
24 On July 1, 2010, while I was in Hangzhou, China, I received an email from Complainant, telling  
25 me that she was also in Hangzhou and would like to meet me. I called the number she provided  
26 in the email, and we met and resumed our sexual/romantic relationship. At this time, of course,  
27 there was no current academic or professional relationship between us. Between 2010 and  
28 2015, Complainant visited Reno to meet me for about four times, including one time when she  
29 attended a conference in San Francisco. Complainant arranged and paid for all of her trips and  
30 hotels.

31  
32 After earning her Ph.D., Complainant was hired as an Assistant Professor in my Department in  
33 July 2015. Every assistant professor was required to have a mentor who is a senior professor,  
34 and she specifically requested me as her mentor. From July 2015 to October 2019, we  
35 maintained an on-again/off-again sexual relationship, and I was invited to her apartment for  
36 most of our encounters.

37  
38 ...On many occasions I attempted to terminate the relationship with Complainant. However, my  
39 attempt to end the intimate relationship met with her threat to tell my wife about the affair.  
40 Nevertheless, I became insistent that we end things.

41  

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<sup>70</sup> Refer to Exhibit 8, pg. 2 in the Appendix.

1 On April 25, 2020, Complainant sent a text message<sup>71</sup> to my wife, Wei Wu, telling my wife that  
2 she had an intimate relationship with me starting in 2006...Complainant continued sending  
3 rambling text messages to my wife, admitting she had lied about several accusations<sup>72</sup> against  
4 me and expressing remorse, while simultaneously continuing to say angry and hateful things...  
5 From April 25 to July 10, I begged Complainant repeatedly via phone calls and text to stop  
6 harassing my wife, and told Complainant the unstable situation of my wife. At my request,  
7 Complainant and I met and talked in Idlewild Park in Reno in the afternoon of July 10, 2020, the  
8 only time she and I have met and talked from early 2020 up until today.<sup>73</sup> I asked her to cease  
9 and desist.

10  
11 However, instead of stopping her harassments and threats after the meeting, Complainant  
12 intensified her attacks on me, my wife, and my children with threats to kill my whole family.<sup>74</sup>  
13 She (Complainant) sent numerous text messages via iPhone text messages and the app  
14 WeChat.<sup>75</sup> In addition to the threatening content of these messages, the volume of the  
15 message alone became harassing and overwhelming. As an example of this, from 3:10 am July  
16 11 to 6:51 pm July 12, 2020, within less than 40 hours, Complainant bombarded me with 176  
17 WeChat messages...

18  
19 My office in Palmer Engineering Building was PE207 and Complainant's office was the adjacent  
20 PE206. Every faculty member in the Department had a master key that can open any offices in  
21 the Palmer Engineering Building. Complainant used to enter my office with her key, with my  
22 permission, to grab a soda in the small refrigerator in my office without my presence. In the  
23 early afternoon on July 21, 2020, I received an email from my colleague, Professor James  
24 Hanna, saying that by looking through the window to my office he found that my office had  
25 been robbed and that he had reported the apparent break-in to the University Police.<sup>76</sup>

26  
27 The police investigation determined that it was a pure vandalization, as no items were actually  
28 missing. A new computer, a new monitor, and a laser printer were smashed into the floor and  
29 were damaged, and my chair was tipped over. Professor Hanna told the police officers and me  
30 that he had a brief conversation with Complainant in the early night of July 20 in the hall  
31 outside her office. Complainant admitted to the police officer investigating the incident that she  
32 was in her office at work until around midnight that day.

33  
34 It would defy all credulity to believe this was merely a coincidence. The vandalism occurred  
35 mere hours after Complainant received the cease and desist. Mine was the only office entered  
36 and vandalized that night, and in the 25 years I've worked in that building, I've never heard of  
37 any other similar vandalism taking place. The office was entered without forced entry, and

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<sup>71</sup> Refer to Exhibit 2 in the Appendix.

<sup>72</sup> Complainant filed a civil suit against Respondent and Respondent's wife on October 25, 2021, with the United States District Court of Nevada.

<sup>73</sup> The date of this summary was May 27, 2021.

<sup>74</sup> Refer to Exhibit 3 in the Appendix.

<sup>75</sup> See Exhibits 1, 3-4, and 7 in the Appendix.

<sup>76</sup> See Exhibit 6 in the Appendix.

1 nothing was actually stolen. In July 2020, the Palmer Engineering Building was under tight  
2 security with doors locked 24/7 due to the pandemic, and entrance to the building required  
3 special permission from the University. Further, every office has a transparent glass window by  
4 its door. One must walk past Complainant's office to get to my office, and it would therefore be  
5 impossible for anyone to break into my office without Complainant seeing them.

6  
7 At 12:23 am on July 21 – right about the time the vandalism took place – Complainant sent me  
8 an email saying, “Yanyao Jiang, go and report to the police. You know what you have done. You  
9 should be punished with the wrath of heaven.”<sup>77</sup> Shortly afterward, I felt forced to move offices  
10 for my own safety and security. I did not report Complainant as a suspect in the office  
11 vandalization case out of fear of further and escalated retaliation.

12  
13 On July 24, 2020, Complainant forwarded to me the email that my attorney, had sent to her  
14 with the following message: ‘Hi Yanyao, I need to talk with you face to face about the entire  
15 issue before we escalate the issue to the next level. Feifei.’<sup>78</sup> On the same day, she  
16 (Complainant) sent a second email: ‘Hi Yanyao, I have figured out our relationship since 2006. I  
17 will avoid any escalation. No matter if you want to talk with me in person or not, I will stop here  
18 without taking any further action. Feifei Fan.’ Notwithstanding these promises, Complainant  
19 continued to send me insulting and threatening text messages via iPhone Messages.<sup>79</sup>

20  
21 Complainant stopped sending me messages only for 10 days. On August 7, 2020, she started to  
22 send disturbing text messages to both my wife and me in group iPhone Messages.<sup>80</sup> On August  
23 11, 2020, Complainant sent me several more unwanted text messages.<sup>81</sup> On September 13 and  
24 14, 2020, there were yet more harassing messages.<sup>82</sup>

25  
26 Without hearing any response from me, on September 14, 2020, she sent me an ultimatum  
27 message, ‘If you do not reply within 10 minutes, I will consider it as your insistence of war with  
28 me.’<sup>83</sup> After about one hour, I sent her (Complainant) a text message warning her the  
29 consequences of her harassment and threats, and letting her know that I did not request a  
30 TPO<sup>84</sup> mainly considering the impact of the TPO on her life.<sup>85</sup> After receiving more disturbing  
31 messages, I sent her another message on September 15 asking her to stop further harassment  
32 and blackmailing and warning her that I may have to fight back with legal action.<sup>86</sup> Except for

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<sup>77</sup> See Exhibit 1 in the Appendix.

<sup>78</sup> See Exhibit 1, pg. 3, in the Appendix. Complainant translated the email communication to English.

<sup>79</sup> See Exhibit 7, pgs. 1-5 in the Appendix.

<sup>80</sup> See Exhibit 7, pgs. 19-23 in the Appendix.

<sup>81</sup> See Exhibit 7, pgs. 6-8 in the Appendix.

<sup>82</sup> See Exhibit 7, pgs. 9-10 in the Appendix.

<sup>83</sup> See Exhibit 7, pg. 10 in the Appendix.

<sup>84</sup> Temporary Protection Order.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.* Pg. 12 in the Appendix.

1 these two messages, I did not respond to any of her other messages between July 19, 2020, and  
2 now.”<sup>87</sup>

3  
4 The Respondent continued to share in the May 27, 2021, Response and Counter Complaint  
5 document that Complainant continued to send Respondent several additional emails on  
6 January 1, 2021,<sup>88</sup> and January 24, 2021. In the January 1, 2021, email Complainant wrote to  
7 witness Voulgaris, Complainant claimed that Respondent’s wife was the individual responsible  
8 for the vandalism of Respondent’s office that occurred on July 21, 2020. Within this email  
9 communication, Complainant commented that Respondent cheated on his wife and “raped and  
10 slept with his students.”<sup>89</sup>

11  
12 In the January 24, 2021, email communication the Complainant sent to the Respondent, the  
13 Complainant “demanded compensation and threatened to destroy”<sup>90</sup> Respondent’s life. The  
14 Respondent also shared the following accounts that involved the FBI:

15  
16 *“On the same day of January 24, 2021, I received another email without a message but  
17 with two attached files [sic]. The attached files are screenshots of webpages of Zhejiang  
18 University of Technology with my name on [sic] and highlighted by Complainant.”<sup>91</sup>*

19  
20 *This is significant, because January 2021 was a time when there was a report in the news  
21 that a well-known engineering professor at MIT originally from China was arrested by  
22 [sic] FBI for his connection with China. There were other similar reports during that  
23 period.*

24  
25 *On January 25, 2021, Complainant followed a discussion on a Chinese language social  
26 media site, “Huaran”, about the arrests and investigations of professors of China origin  
27 at US universities.<sup>92</sup> The discussion asserted that no solid evidence is needed in order for  
28 the FBI to investigate a case. An example was cited where a professor originally from  
29 China was a suspect of spying but at the end was arrested because the FBI found child  
30 pornographic pictures in this person’s computer. Complainant was clearly inspired by the  
31 incident and wished that her reporting me to [sic] FBI would fine [sic] me wrongdoings.*

32  
33 *On the following day, January 26, 2021, Complainant sought advice on “Huaran” about  
34 how [sic] FBI would process an anonymous report, and how to find a person who  
35 participated in the “Thousand Talent Person Program” in China.<sup>93</sup> [Complainant sent] an  
36 email on January 28, 2021, says [sic] ‘You are safe this time if you are not contacted by*

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<sup>87</sup> Refer to Complainant Response and Counter Complaint to the Title IX Sexual Harassment and Sexual Misconduct Allegations Document dated May 27, 2021.

<sup>88</sup> *Id.* At 8 in the Appendix.

<sup>89</sup> Refer to footnote 21 above.

<sup>90</sup> Refer to footnote 20 above, pg.7.

<sup>91</sup> Refer to Exhibit 1, pgs. 10-11 in the Appendix.

<sup>92</sup> Refer to Exhibit 8, pg. 8 in the Appendix.

<sup>93</sup> *Id.* At 9 in the Appendix.

1           the FBI in two months.<sup>94</sup> On February 27, 2021, Complainant sent me an email saying, ‘  
2           You should have a lawsuit with [sic] FBI.’”<sup>95</sup>  
3

4           The Respondent went on to share that on May 18, 2021, the Respondent was visited by two FBI  
5           agents who questioned him about the “Thousand Talent Person Program”<sup>97</sup> in China. The  
6           Respondent continued by sharing that from January 25-29, 2021, the Complainant sent him 43  
7           emails from Complainant’s university-issued email account.<sup>98</sup>  
8

9           The Respondent shared the following accounts of the Complainant threatening to kill him and  
10          members of his family:<sup>99</sup>  
11

12           *“She [Complainant] purchased two handguns around November 2020 and actively  
13           practiced shooting. On her November 29, 2020, post on huaren.us, she announced that  
14           she ‘went to the store to buy a Glock 48.’<sup>100</sup> The time of the gun purchase was consistent  
15           with her death threats.*

16  
17           *On a December 26, 2020, post, she was looking to buy hollow-point bullets.<sup>101</sup> On  
18           February 6, 2021, post, she said ‘When you pull out your gun, you should shoot, and  
19           must kill the enemy before he approaches close to you.’<sup>102</sup> A very recent post reveals that  
20           she is practicing shooting her guns proactively.<sup>103</sup> The purchase of her guns and these  
21           posts are in the middle of her threats to hurt me and my family.”<sup>104</sup>*

## 22           **WITNESS SUMMARY OF EVIDENCE**

### 23           ***Petros Voulgaris Interview Summary***

24  
25

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<sup>94</sup> Refer to Exhibit 1, pg. 23 in the Appendix.

<sup>95</sup> *Id.*, pg. 42 in the Appendix.

<sup>96</sup> Refer to the Complainant’s Response to Counter Complaint to the Title IX Sexual Harassment and Sexual Misconduct Allegations document, pgs. 7-8 in the Appendix.

<sup>97</sup> According to fbi.gov, the Thousand Talent Person Program is incentivizing members of the Chinese community to steal foreign technologies needed to advance China’s national, military, and economic goals. China recruits science and technology professors, researchers, students, and others – regardless of citizenship or national origin – to apply for talent plans. Individuals with expertise in or access to a technology that China doesn’t have are preferred. Participants enter into a contract with a Chinese university or company – often affiliated with the Chinese government – that usually requires them to: (a) subject themselves to Chinese laws; (b) share new technology developments or breakthroughs only with China (they can’t share this information with their U.S. employer to host without special authorization from China), (c) recruit other experts into the program – often their own colleagues.

<sup>98</sup> Refer to Exhibit 1, pgs. 12-38 in the Appendix.

<sup>99</sup> Refer to Exhibit 3, pgs. 5-6, and Exhibit 1, pgs. 22, 32, 34, and 40 in the Appendix.

<sup>100</sup> Refer to Exhibit 8, pg. 3 in the Appendix.

<sup>101</sup> *Id* at 6 in the Appendix.

<sup>102</sup> *Id.* At 10 in the Appendix.

<sup>103</sup> *Id* at 12 in the Appendix.

<sup>104</sup> Refer to footnote 29 above, pg. 8 in the Appendix.



1 Voulgaris is Chair of the Department of Mechanical Engineering and works with the  
2 Complainant and the Respondent. Voulgaris said that he became aware of concerns between  
3 the Complainant and the Respondent after he received documents from the Complainant  
4 regarding the protection order. Voulgaris said that when the Complainant gave him this  
5 protection order, the Complainant commented that the document was public information.  
6 Voulgaris stated that prior to the Complainant giving him the protection order, he was not  
7 aware of any concerns between the Complainant and the Respondent. Voulgaris told Augdahl  
8 that neither the Complainant nor the Respondent provided him details about what occurred.  
9 Voulgaris also stated that he didn't observe the Complainant and the Respondent together  
10 much. Voulgaris also said he did not observe anything "strange" between the Complainant and  
11 the Respondent.

## 12 CREDIBILITY

13  
14 Credibility is a function of the reliability of the evidence. Certain factors, such as corroboration,  
15 may bolster the reliability of the evidence in the Decision-maker's analysis. Consistency and  
16 plausibility may also bolster or detract from the Decision-maker's assessment of the credibility  
17 of the evidence. In this case, the Decision-maker should evaluate both the credibility of the  
18 evidence presented and the credibility of the parties and witnesses. Minor inconsistencies are  
19 expected, but significant discrepancies or departures can negatively impact the credibility of an  
20 account provided. Physical evidence, such as photographs and text messages, also provides  
21 additional information to determine what happened and can help to measure the parties'  
22 credibility.

23  
24 The decision-maker may consider the following factors as relevant when evaluating the relative  
25 credibility of the parties and witness.

26

### 27 Complainant

28

- 29 • Complainant stated she timed the filing of her formal complaint to ensure Respondent  
30 could not impact Complainant's academic or career progress.
  - 31 ○ However, it should be noted that Complainant was not a student or employee at  
32 the University from 2008 to 2015 and could not be directly impacted by  
33 Respondent during that interval.
  - 34 ○ Complainant accepted a position on the faculty at the University in 2015 with the  
35 knowledge that Respondent was still a faculty member.
  - 36 ○ Complainant continued engaging in a sexual relationship with Respondent from  
37 the time of her graduation until the time she accepted the position with the  
38 University.
  - 39 ○ Complainant's tenure was awarded sometime in December 2020, giving her a  
40 measure of occupational security and protection from Respondent's influence  
41 that she did not have as a graduate student, Ph.D. student, job seeker, or new  
42 hire at the University.

- 1 • Complainant acknowledged that some of the sexual interactions with Respondent were  
2 consensual, particularly when Complainant felt like Respondent's equal, while others  
3 were not consensual. The decision-maker will benefit from distinguishing between  
4 behaviors prohibited by policy because of the power imbalance between the parties  
5 versus sexual assault behaviors that allege non-consent, while also reflecting on  
6 discrepancies in the parties' accounts as to which party initiated various sexual  
7 interactions.
- 8 • Complainant frequently referenced her disappointment that Respondent did not return  
9 her affection and that she felt spurned and disrespected by Respondent.

## 11 Respondent

- 13 • The Respondent acknowledged that he engaged in a sexual relationship with the  
14 Complainant from 2006 until 2008 while the Complainant was a graduate student. The  
15 Respondent also admitted that he engaged in a sexual relationship with the  
16 Complainant from 2015-2019 when the Complainant was a tenure-track faculty  
17 member. Respondent's willingness to acknowledge these facts is potentially detrimental  
18 to the Respondent's career at the University and may bolster the Decision-maker's  
19 assessment of the Respondent's credibility, as statements against his own interests.
- 20 • The Respondent frequently referenced his attempts to end the sexual relationship with  
21 the Complainant. Email and social media evidence may corroborate the Respondent's  
22 accounts, thus calling into question Complainant's credibility with respect to her  
23 assertions that Respondent's attentions were unwelcome.
- 24 • The Respondent also referenced that when he attempted to end the relationship with  
25 the Complainant, the Complainant would threaten to disclose the relationship to the  
26 Respondent's wife. The Complainant's interview statements and text message evidence  
27 may corroborate the Respondent's accounts and bolster the Decision-maker's  
28 assessment of the Respondent's credibility.
- 29 • The Respondent has been employed with the University for at least 25 years. The  
30 Respondent is a tenured, full-professor who stands to lose his career and his  
31 professional reputation if found responsible for the alleged conduct.

## 1 ANALYSIS

2  
3 The Complainant's allegations center around the Respondent engaging in sexual harassment,  
4 coercion, and nonconsensual sexual intercourse. An analysis of the evidence gathered for each  
5 of the allegations follows.

### 6 7 ***Allegation A: Romantic and/or Sexual Relations Involving Direct Professional Power*** 8 ***Allegations***

9  
10 The University's *Administrative Manual* prohibits "romantic or sexual relations in circumstances  
11 in which one of the individuals is in a position of direct professional power over the other."

12  
13 The policy defines a "professional power" relationship as follows: "a faculty member or  
14 supervisor will always be treated as having such direct power if the student is in an educational  
15 experience in which the faculty member has the authority to assign grades, or the supervisor  
16 has any input into the evaluation of the employee's work performance, promotion, or tenure. A  
17 faculty member will be treated as having such direct power in other circumstances as well, e.g.,  
18 when serving on thesis, dissertation, or scholarship awards committees or in matters of  
19 admission or advisement. The same principles that apply to the faculty-student relationship  
20 also govern administrative faculty's relationships with students."

21  
22 This allegation is undisputed by the parties. The Respondent admitted to being in a romantic  
23 and/or sexual relationship with the Complainant beginning in 2006 when the Complainant was  
24 a graduate student in the Respondent's research group. The Respondent also admitted that he  
25 was in a sexual and/or romantic relationship with the Complainant from 2015-2019, when the  
26 Complainant was a tenure-track Assistant Professor and when the Respondent served on the  
27 tenure committee<sup>105</sup> and served as the senior mentor to the Complainant.

### 28 29 ***Allegation B: Sexual Harassment Allegations***

30  
31 NSHE's *Policy Against Sexual Harassment* defines "Sexual harassment" as "unwelcome sexual  
32 advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual  
33 nature when:

- 34 1. Submission to such conduct is made either explicitly or implicitly a term or condition  
35 of an individual's employment or academic status;
- 36 2. Submission to or rejection of the conduct is used as a basis for academic or  
37 employment decisions, evaluations, or permission to participate in an activity; or
- 38 3. The conduct has the purpose or effect of substantially interfering with an  
39 individual's academic or work performance or creating an intimidating, hostile, or  
40 offensive environment in which to work or learn."

41  

---

<sup>105</sup> The tenure committee was comprised of tenured faculty within the department who decided when and if non-tenured faculty would be promoted to tenured.

1 The Complainant alleged that from December 1, 2006, to May 31, 2008, the Respondent  
2 engaged in nonconsensual sexual intercourse, a form of sexual harassment according to the  
3 policy, with the Complainant approximately once or twice a week in various locations. The  
4 Complainant also alleged that the Respondent created a video recording of one of their sexual  
5 interactions without the Complainant's consent.  
6

7 The Respondent denied engaging in nonconsensual sexual intercourse with the Complainant  
8 from December 1, 2006, to May 31, 2008 and contends that each sexual encounter with the  
9 Complainant was consensual. The Respondent did not respond to the video recording  
10 allegation.  
11

12 During her March 1, 2021, interview, the Complainant stated that the first time she and the  
13 Respondent engaged in vaginal sexual intercourse was in October 2006. The Complainant  
14 described first feeling fear and that she attempted to fight the Respondent off using her hands  
15 and legs. The Complainant said she later enjoyed the sexual activity once the parties switched  
16 positions. The Complainant also stated that she told the Respondent "no" several times in  
17 Chinese, but the Respondent ignored her. The Complainant did not allege that this particular  
18 incident was nonconsensual in her formal complaint. During her March 19, 2021, interview, the  
19 Complainant stated that the October 2006 sexual encounter was consensual because she  
20 thought the Respondent loved her. The Respondent stated that the Complainant initiated the  
21 October 2006 sexual encounter.  
22

23 The Complainant alleged that all penetrative sex between she and the Respondent from  
24 December 1, 2006, until May 31, 2008, was nonconsensual because the Complainant was a  
25 graduate student, and the Respondent was her professor and advisor. The decision-maker  
26 should take care here to distinguish the varying policies that are in play. While the Professional  
27 Power Policy allegations disallow the sexual actions and relationships between the parties, that  
28 does not make the conduct automatically non-consensual for purposes of the Sexual  
29 Harassment Policy. If the Respondent raped Complainant, regardless of power differentials,  
30 that would violate the Sexual Harassment Policy. If the Respondent used his power to coerce  
31 the Complainant into a sexual relationship, that would negate her consent under the Sexual  
32 Harassment Policy. While the Complainant did not provide detailed accounts of every sexual  
33 encounter between she and the Respondent during this timeframe, the Complainant described  
34 in her March 19, 2021, interview that she felt she couldn't decline the Respondent's sexual  
35 advances because she was concerned that the Respondent would fire her from her graduate  
36 role. The decision-maker must consider whether this submission was implicitly or explicitly  
37 made a term or condition of Complainant's employment or academic status by Respondent, or  
38 whether she only felt that it was? The Complainant also shared during this same interview that  
39 she felt controlled by the Respondent because she did not have any friends or family in the U.S.  
40 that she could rely upon. The Complainant said that the only person she could rely upon was  
41 the Respondent. The decision-maker should explore how aware Respondent was of these  
42 feelings, and analyze whether he leveraged this to his sexual advantage with Complainant.  
43

1 The Complainant also shared the accounts of the 2008 video recording of she and the  
2 Respondent engaging in sexual activity. The Complainant first told Augdahl that she recorded  
3 the video but later corrected her statement and said that the Respondent recorded the video.  
4 The Complainant also stated that she knew the Respondent recorded the sexual activity. Still,  
5 she felt she could not verbalize to the Respondent that she did not want the interaction  
6 recorded because of her status as a graduate student. The Respondent did not respond to this  
7 specific allegation.

8  
9 In his written statement, the Respondent said that the Complainant seduced him in the  
10 Complainant's apartment in 2006. The Respondent also stated that at no time during this  
11 timeframe was the sexual activity between he and the Complainant nonconsensual. The  
12 Respondent did not provide any details in his response beyond these statements for this  
13 specific timeframe.

14  
15 The Decision-maker must determine whose accounts are more plausible by assessing the  
16 parties' credibility. To assist, the Decision-maker may consider email communication and text  
17 communication between the Complainant and the Respondent and video evidence of the  
18 Complainant and the Respondent to reach their conclusion. The Decision-maker may want to  
19 consider the following email communications:

- 20  
21 • Email communication between the Respondent and the Complainant dated February  
22 12, 2008. In this email communication, the Respondent, from his UNR email account,  
23 emailed the Complainant's UNR email account, "mmmmmm."
- 24 • Email communication between the Respondent and the Complainant dated June 1, 2008  
25 using the parties' UNR email accounts; the Respondent emailed the Complainant his cell  
26 phone number and wrote that he missed the Complainant "all the time."

27  
28 The Decision-maker may also want to consider the power dynamics between the parties during  
29 this time. From 2006 until 2008, the Complainant was a graduate student, and the Respondent  
30 was faculty in the Complainant's graduate program. The Respondent had control over the  
31 Complainant's academic success to some degree. Once the Decision-maker has determined  
32 whose accounts are more plausible, the Decision-maker must determine whether the  
33 Respondent engaged in sexual harassment as defined by the policy above.

34  
35 To reach this decision, the Decision-maker must determine whether the Complainant gave the  
36 Respondent consent by the policy definition above for the sexual activity that occurred from  
37 2006-2008. Consent, as defined by policy, is:

- 38  
39 • An affirmative, clear, unambiguous, knowing, informed, and voluntary agreement  
40 between all participants to engage in sexual activity. Consent is active, not passive.  
41 Silence or lack of resistance cannot be interpreted as consent. Seeking and having  
42 consent accepted is the responsibility of the person(s) initiating each specific sexual act  
43 regardless of whether the person initiating the act is under the influence of drugs  
44 and/or alcohol.

- 1 • The existence of a dating relationship or past sexual relations between the participants  
2 does not constitute consent to any other sexual act.
- 3 • The definition of consent does not vary based upon a participant's sex, sexual  
4 orientation, gender identity, or gender expression.
- 5 • Affirmative consent must be ongoing throughout the sexual activity and may be  
6 withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity  
7 must stop...
- 8 • Consent cannot be given when it is the result of any coercion, intimidation, force, or  
9 threat of harm.

10  
11 Coercion, an element of force, is defined as the use of violence or threats of violence against a  
12 person or the person's family or property; depriving or hindering a person in the use of any  
13 tool, implement, or clothing; attempting to intimidate a person by threats or force, or when  
14 committed with the intent to compel a person to do or abstain from doing an act that the  
15 person has the right to do or abstain from doing.

16  
17 In the context of sexual misconduct, coercion is the use of pressure to compel another  
18 individual to initiate or continue sexual activity against an individual's will. Coercion can include  
19 a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A  
20 person's words or conduct are sufficient to constitute coercion if they impair another  
21 individual's freedom of will and ability to choose whether or not to engage in sexual activity.

22  
23 A Complainant cannot consent to sexual activity if they are forced. The Decision-maker must  
24 decide if the Complainant was coerced into sexual activity with the Respondent during the  
25 alleged timeframe. To assist in this decision, the Decision-maker may want to review both  
26 parties' descriptions of the incidents and consider the following agreed-upon facts:

- 27  
28 • The first sexual encounter between the parties that occurred in 2006 was consensual  
29 and not a part of the Complainant's allegations.
- 30 • Complainant's description of the consensual 2006 sexual interaction with the  
31 Respondent is consistent with Respondent's description.
- 32 • The Complainant described her feelings for the Respondent as very strong and very  
33 dependent on the Respondent during this timeframe.
- 34 • The power dynamics between the parties during this timeframe is a fact that is not in  
35 dispute. The Respondent was a faculty member with direct supervision over the  
36 Complainant, a graduate student.

37  
38 No additional direct evidence speaks to additional words or actions the Respondent engaged in  
39 toward the Complainant beyond the evidence shared above.

40  
41 ***Allegations C and D: Sexual Harassment-Nonconsensual Sexual Intercourse and Coercion***  
42 ***Allegations***

1 The *NSHE Policy Against Discrimination and Sexual Harassment* defines “Sexual harassment” as  
2 “unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical  
3 conduct of a sexual or gender bias nature when:  
4

5 Workplace Environment:

- 6 4. Submission to or rejection of the conduct is used as a basis for academic or  
7 employment decisions or evaluations, or permission to participate in an activity  
8 (‘quid pro quo’); or
- 9 5. Conduct that is sufficiently severe, persistent, or pervasive so as to create a work  
10 environment that a reasonable person would consider intimidating, hostile, or  
11 abusive and which may or may not interfere with the employee’s job performance  
12 (‘hostile environment’).  
13

14 Sexual violence is a severe form of sexual harassment and refers to physical, sexual acts, or  
15 attempted sexual acts perpetrated against a person’s will or where a person is incapable of  
16 giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion,  
17 or similar acts in violation of state or federal law.  
18

19 Consent is:

- 20
- 21 • An affirmative, clear, unambiguous, knowing, informed, and voluntary agreement  
22 between all participants to engage in sexual activity. Consent is active, not passive.  
23 Silence or lack of resistance cannot be interpreted as consent. Seeking and having  
24 consent accepted is the responsibility of the person(s) initiating each specific sexual act  
25 regardless of whether the person initiating the act is under the influence of drugs  
26 and/or alcohol.
- 27 • The existence of a dating relationship or past sexual relations between the participants  
28 does not constitute consent to any other sexual act.
- 29 • The definition of consent does not vary based upon a participant’s sex, sexual  
30 orientation, gender identity, or gender expression.
- 31 • Affirmative consent must be ongoing throughout the sexual activity and may be  
32 withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity  
33 must stop...
- 34 • Consent cannot be given when it is the result of any coercion, intimidation, force, or  
35 threat of harm.  
36

37 Coercion, an element of force, is the use of violence or threats of violence against a person or  
38 the person’s family or property; depriving or hindering a person in the use of any tool,  
39 implement, or clothing; attempting to intimidate a person by threats or force, or when  
40 committed with the intent to compel a person to do or abstain from doing an act that the  
41 person has the right to do or abstain from doing. In the context of sexual misconduct, coercion  
42 is the use of pressure to compel another individual to initiate or continue sexual activity against  
43 an individual’s will. Coercion can include a wide range of behaviors, including intimidation,  
44 manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute

1 coercion if they impair another individual's freedom of will and ability to choose whether or not  
2 to engage in sexual activity.”

3  
4 The Complainant alleged the Respondent engaged in nonconsensual sexual intercourse with  
5 her from June 1, 2017, until December 31, 2019, despite the Complainant telling the  
6 Respondent no and while the Complainant cried during and after several of the interactions.  
7 The Complainant also alleged that from June 1, 2017, until December 31, 2019, the Respondent  
8 coerced her into unwelcome physical contact of a sexual nature by threatening to impact the  
9 Complainant's professional career. The Respondent denied that he engaged in nonconsensual  
10 sexual intercourse with the Complainant or coerced the Complainant into sexual activity from  
11 June 1, 2017, until December 31, 2019, and contends that all sexual activity between he and the  
12 Complainant was consensual.

13  
14 The Complainant's allegations center on two key questions: 1. Did the Respondent coerce the  
15 Complainant into a sexual relationship during this timeframe by threatening the Complainant's  
16 job status as a tenure-track faculty member; and 2. Did the Respondent engage in creating a  
17 hostile environment by having sexual intercourse with the Complainant when the Complainant  
18 told him no and while the Complainant cried?

19  
20 *Quid Pro Quo Allegations*

21  
22 *Did the Respondent coerce the Complainant into a sexual relationship during this timeframe by*  
23 *threatening the Complainant's job status as a tenure-track faculty member?*

24  
25 During this timeframe, the Complainant was employed by the University as a tenure-track  
26 Assistant Professor. The Respondent was a tenured full professor and mentor to the  
27 Complainant. The Complainant said that after the University hired her as an Assistant Professor,  
28 she and the Respondent continued to engage in penetrative sex, a fact not disputed by the  
29 Respondent. The Complainant said that when she returned to the University in 2015 as an  
30 Assistant Professor in the Mechanical Engineering Department, she feared her career would be  
31 negatively impacted by the sexual relationship with the Respondent. The Respondent was  
32 assigned to be the Complainant's senior faculty mentor, and Respondent has asserted that this  
33 was at Complainant's request. The Complainant also shared that she had strong feelings for the  
34 Respondent by this time and wanted more from the relationship with the Respondent. The  
35 Complainant also described the sexual relationship with the Respondent in 2019 as consensual.

36  
37 During the March 19, 2021, interview, the Complainant stated that after the Complainant  
38 texted the Respondent's wife on April 25, 2020, and disclosed the relationship, the Respondent  
39 threatened to deny the Complainant's tenure promotion. The Complainant also said that the  
40 Respondent commented to the Complainant that his wife was good friends with another  
41 colleague who also served on the Mechanical Engineering tenure committee. The Complainant  
42 said that this was why she waited until after she was granted tenure to file a formal complaint  
43 against the Respondent. The Complainant was granted tenure sometime in December 2020.  
44 The Complainant filed the formal complaint in January 2021.



1 The Respondent said that during this timeframe, he and the Complainant had an on-again, off-  
2 again, consensual sexual relationship with each other. The Respondent stated that he  
3 attempted to end the relationship several times with the Complainant during this time period,  
4 however, in doing so, the Complainant would threaten to disclose the relationship to the  
5 Respondent's wife. The Respondent said that the Complainant continued to harass him and his  
6 family and threatened he and his family on numerous occasions.

7  
8 The Decision-maker must determine whose accounts are more plausible in determining  
9 whether the Respondent coerced the Complainant into a sexual relationship as a condition of  
10 the Complainant's tenure promotion.

### 11 *Hostile Environment Allegations*

12  
13  
14 *Did the Respondent engage in creating a hostile environment by having sexual intercourse with*  
15 *the Complainant when the Complainant told him no and while the Complainant cried?*

### 16 17 **Did the Incident Occur as Described?**

18  
19 During this timeframe, the Complainant was employed by the University as a tenure-track  
20 Assistant Professor. The Respondent was a tenured full professor and mentor to the  
21 Complainant. The Complainant said that after the University hired her as an Assistant Professor,  
22 she and the Respondent continued to engage in penetrative sex, a fact not disputed by the  
23 Respondent. In her March 19, 2021, interview, the Complainant said that from 2016-2019 she  
24 and the Respondent engaged in "quick sex." The Complainant shared that she thought this was  
25 not polite on the Respondent's part. The Complainant also said during this interview that the  
26 sexual activity that occurred in 2019 was more consensual because she felt that she was more  
27 of a peer to the Respondent and that she thought the Respondent liked her. The Complainant  
28 told Augdahl that she cried during or after sexual intercourse with the Respondent during this  
29 timeframe because she wanted more out of the relationship with the Respondent than the  
30 Respondent wanted out of the relationship.

31  
32 The Complainant told Augdahl that she felt like a hooker to the Respondent. The Complainant  
33 also shared that she gave the Respondent an ultimatum during this period; either the  
34 Respondent would divorce his wife and formally date the Complainant, or there would be no  
35 more sexual intercourse with the Complainant. The Complainant said that this angered the  
36 Respondent, and the Respondent threatened the Complainant's tenure status. While human  
37 relationships can be perplexing and bewildering, the decision-maker must attempt to make  
38 sense of allegations that appear to assert that she was coerced and forced into sexual activity  
39 with someone with whom she wanted a relationship and marriage. If the Respondent had  
40 agreed to a romantic relationship with her, and potentially marriage, would this complaint have  
41 been filed at all? Does that make a difference?

42  
43 In his written response to the allegations, the Respondent said that during this timeframe, he  
44 and the Complainant had an on-again, off-again sexual relationship. The Respondent said that

1 he tried to end the sexual relationship several times with the Complainant during this  
2 timeframe, however, whenever he did so, the Complainant threatened to disclose the  
3 relationship to his wife. The decision-maker is also faced with this complexity, if true. While the  
4 Complainant alleges the Respondent coerced her into a sexual relationship, this assertion  
5 seems to suggest that she may have threatened or coerced him into continuing the relationship  
6 that she alleges was coercive to her. Of course, both, either, or neither could be true. The  
7 Complainant did not dispute that she threatened to disclose the relationship to the  
8 Respondent's wife. The Respondent provided no additional details or response to the  
9 allegations during this timeframe.

10  
11 The Decision-maker must determine whose accounts are more plausible by assessing which  
12 party is more credible. In doing so, the Decision-maker must decide if the facts support by a  
13 preponderance of the evidence that the Respondent coerced the Complainant into continued  
14 sexual activity with him during the alleged timeframe. The Decision-maker should consider the  
15 totality of the circumstances surrounding the parties' sexual history together and the power  
16 dynamics of the parties during this timeframe. The Decision-maker may want to explore  
17 whether the parties had an ambiguous pattern of consent, established by their long-term  
18 actions, what role traditional Chinese culture may play in the expectations of the parties, if any,  
19 and whether credence should be given to what Complainant almost describes as a 14 year-long  
20 version of some kind of sexual Stockholm Syndrome.

### 21 **Unwelcome Physical Conduct**

22  
23  
24 Unwelcomeness is a subjective standard per NSHE policies and federal Title IX regulations.  
25 Therefore, the Decision-maker may consider the conduct unwelcome because the Complainant  
26 filed a formal complaint with the University's Equal Opportunity and Title IX Office, though her  
27 own admissions may offer a counter-point to that conclusion.

### 28 29 **Of A Sexual Nature**

30  
31 In determining whether the conduct was "of a sexual nature," the Decision-maker may consider  
32 that the Complainant's allegation is specific to conduct of a sexual nature in which the  
33 Complainant and Respondent engaged in sexual activity during the alleged timeframe. The  
34 parties agree that they were in a prior intimate and sexual relationship.

### 35 36 **Severe**

37  
38 Severity is a measure of the egregiousness of an incident, either in isolation or in aggregate.  
39 Typically, threats are more likely to be severe without the need for repetition, but a totality of  
40 the circumstances should be considered in an evaluation. In evaluating the severity of the  
41 conduct, the Decision-maker may consider whether the behavior was directed at a specific  
42 person or group of people, including violence or threats of violence, or whether there was a  
43 degree of inherent abuse, embarrassment, or humiliation to the conduct.

44

1 The Complainant said she feared reporting the Respondent because she did not want her  
2 employment impacted and to be labeled as a woman who seduces powerful men. The  
3 Complainant also stated that when she threatened to disclose the relationship to the  
4 Respondent's wife, the Respondent would verbally threaten to ensure the Complainant's  
5 tenure promotion would be denied. The Complainant said that this interaction occurred  
6 multiple times from 2017-2019, and though the text and other documentary evidence does not  
7 seem to reflect this, that may be either because there were no threats made, or because  
8 Respondent did not put his threats in writing.

9  
10 The Respondent stated that he tried to end the relationship with the Complainant during this  
11 timeframe, and the Complainant threatened him and his family when doing so. The Respondent  
12 stated that he received numerous unwelcome emails, texts, and social media  
13 communications<sup>106</sup> from the Complainant because he tried to end the sexual relationship with  
14 the Complainant.

15

### 16 **Pervasive or Persistent**

17

18 Pervasiveness or persistence is a measure of the widespread nature of the conduct or its  
19 impact. The Decision-maker may determine well-known conduct or openly practiced behavior  
20 to be more pervasive. The Decision-maker may consider the conduct's frequency, intensity, and  
21 duration in evaluating pervasiveness. Typically, incidents occurring in concert or with regularity  
22 are more likely to be deemed pervasive.

23

24 According to the Complainant, the alleged conduct occurred from 2017-2019. The Complainant  
25 shared that she disclosed the relationship between she and the Respondent after she received  
26 her tenure promotion. The Complainant also said that during this alleged timeframe, her  
27 relationship became very intense with the Respondent because she threatened to disclose the  
28 relationship to the Respondent's wife. The Respondent asserts that he tried to end the  
29 relationship with the Complainant, and the Complainant threatened the Respondent and the  
30 Respondent's family due to his trying to end the relationship with the Complainant. The  
31 Decision-maker consider whether these three years of conduct if accurate, amount to pervasive  
32 and persistent conduct.

33

### 34 **Objectively Offensive**

35

36 Several factors weigh into an evaluation of the objective offense of misconduct. The frequency  
37 and severity of the conduct are just a few factors. Conduct that is threatening, humiliating,  
38 intimidating, ridiculing, or abusive may be determined to be objectively offensive.

39

40 In addition to the facts mentioned in the above Severity and Pervasive/Persistent sections, the  
41 Decision-maker may consider the power dynamics and totality of all of the circumstances  
42 surrounding the nature of the party's sexual relationship. Ultimately, objective offense must be

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<sup>106</sup> Refer to evidence file for email, text, and social media communications from the Complainant to the Respondent.

1 assessed based on the question of whether a reasonable person, similarly situated to (in the  
2 shoes of the Complainant), would have been offended by the conduct, especially in light of the  
3 fact that Complainant, herself, has provided potentially contradictory testimony on her own  
4 level of subjective offense.

## 5 **CONCLUSION**

6  
7 This report is intended to provide a comprehensive summary of the relevant evidence related  
8 to the allegations made by the Complainant. It is not intended to draw any conclusions  
9 regarding the accuracy of the allegations or the credibility of the parties and witnesses. The  
10 investigator submits this report for consideration by a Decision-maker appointed by the  
11 University and remains available to answer any questions regarding the investigation or  
12 information in this report.

13  
14 Respectfully submitted,



15  
16 Leah Reynolds, Ed.D  
17 Investigator

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