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FINAL SUMMARY OF EVIDENCE

Confidential

University of Nevada, Reno

February 2023

Final Investigation Report

COMPILED BY:
Leah Reynolds, M.S., Ed.D.

Investigator
TNG, LLC
www.tngconsulting.com

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Final Investigation Report

1 INTRODUCTION

2
3 On May 28, 2021, the University of Nevada Reno (hereinafter referred to as “the University”)
4 received a formal complaint from faculty member Yanyao Jiang (hereinafter referred to as “the
5 Complainant”) alleging faculty member Feifei Fan (hereinafter referred to as “the Respondent”)
6 engaged in behaviors that violate the Nevada System of Higher Education (NSHE)¹ *Policy*
7 *Against Unlawful Discrimination and Harassment*.

8
9 The Complainant is a tenured Professor of Mechanical Engineering at the University. The
10 Complainant has been employed with the University for 25 years. The Respondent is an
11 Associate Professor of Mechanical Engineering at the University and has been employed with
12 the University for seven years. The Complainant served as the Respondent’s mentor² from 2015
13 until 2019.

14
15 The Complainant and the Respondent were engaged in a consensual sexual relationship from
16 2006 until approximately October 2019, when the Complainant ended the sexual relationship
17 with the Respondent. The Complainant alleged that the Respondent engaged in behaviors that
18 constitute sexual harassment, dating violence, and stalking in violation of the NSHE’s *Policy*
19 *Against Unlawful Discrimination and Harassment*.

20 SCOPE OF INVESTIGATION

21
22 When the Complainant filed the formal complaint, Maria Doucettperry was the University’s
23 Title IX Coordinator. Maria Doucettperry resigned as Title IX Coordinator sometime in July 2022.
24 The original investigator assigned to investigate the Complainant’s allegations was Hannah
25 Belleau (hereinafter referred to as “Belleau”). Belleau investigated in accordance with NSHE’s
26 policy and procedures which included interviewing the Complainant, the Respondent, and
27 witnesses and gathering additional evidence. Belleau resigned from her position at the
28 University sometime in September 2022. Prior to Belleau’s resignation, Belleau completed the
29 fact-gathering part of the investigation. Belleau did not draft the investigation report.

30
31 On July 14, 2022, Jeanne Meyer was appointed interim Title IX Coordinator for the University.
32 On September 28, 2022, the University contracted with TNG to provide a professional, trained
33 external investigator, Leah Reynolds (hereinafter referred to as “Reynolds”), to complete the
34 investigation. Reynolds completed the investigation under the supervision of Brett A. Sokolow,
35 a licensed attorney.

36

¹ The University of Nevada, Reno is a part of the Nevada System of Higher Education. All colleges and universities in the Nevada System of Higher Education must adapt and follow the Nevada System of Higher Education’s Policy Against Unlawful Discrimination and Harassment.

² In the Department of Mechanical Engineering, every assistant professor is required to have a senior professor mentor. The Respondent requested the Complainant to serve as her senior professor mentor in 2015.

1 The University's interim Title IX Coordinator determined the scope of work. Reynolds
2 completed the investigation in accordance with the University's procedures as outlined in
3 NSHE's *Policy Against Unlawful Discrimination and Harassment*.
4

5 On January 5, 2023, Reynolds sent the draft report to the parties for their first 10-day review.
6 The parties were originally given until January 16, 2023, as a deadline to submit their response,
7 comments, edits, etc., to the draft investigation report. On January 6, 2023, the Respondent
8 requested an extension to the first 10-day review deadline via email. On January 9, 2023,
9 Reynolds extended the review deadline to January 20, 2023. Reynolds communicated this
10 extension via email to both parties on January 9, 2023. The Respondent submitted her response
11 to the draft report on January 20, 2023. Both parties provided significant responses to the draft
12 report. Below is a summary of each party's response to the draft report and Reynolds'
13 comments on each party's response.
14

15 *Complainant's Responses to the Draft Report:*

- 16 ■ The Complainant corrected the date on pg. 3, line 16. Reynolds made the change above.
- 17 ■ The Complainant corrected the dates on pg. 4, line 12. Reynolds made the change
18 below.
- 19 ■ The Complainant corrected the dates on pg. 6, lines 26 and 30. Reynolds made the
20 change below.
- 21 ■ The Complainant edited the total number of text messages the Respondent sent to the
22 Complainant on pg. 13, line 39. Reynolds made the change below.
- 23 ■ The Complainant edited the total number of WeChat messages the Respondent sent to
24 the Complainant on pg. 14, line 18. Reynolds made the change below.
25

26 *Respondent's Responses to the Draft Report:*

- 27 ■ The Respondent's first four comments and last 2 comments on the draft investigation
28 report are the Respondent's comments regarding a cross-complaint the Respondent
29 filed against the Complainant with UNV-Reno on a separate occasion. The Respondent's
30 formal complaint against the Complainant was investigated separately and was not a
31 part of the scope of this investigation. Therefore, Reynolds made no substantive
32 changes to the report based on these comments.
- 33 ■ The Respondent commented that Reynolds' statement on pg. 15, lines 27-29 was not
34 true because the Respondent "did not admit to sending these emails or text messages in
35 particular, only that she sent some emails and text messages."³ Reynolds used email
36 evidence dated December 17, 2021, from Respondent using the Respondent's university
37 issued email address to investigator Belleau, under Belleau's university issued email
38 address, where the Respondent wrote the following: "Below is my response to the
39 allegations: 1. I did send Complainant texts and emails from 2020 08 to 2021 02, 2. I did
40 send Wu, who is Respondent's wife texts in 2020 08 per Wu's request in 2020 08."⁴ The

³ Refer to Respondent's response to the draft investigation report in the investigation file.

⁴ Refer to Email Correspondence from UNR Equal Opportunity & Title IX (Feifei Fan) email dated December 17, 2021, in the investigation file.

1 Decision-maker can draw their own conclusions on the Respondent's inconsistent
2 statements about this evidence. However, Reynolds agreed with the Respondent's
3 argument, in part, that the Respondent did not admit to any conduct that the
4 Respondent is being accused of. Therefore, Reynolds rephrased the following statement
5 within the report "Subsequently, the Respondent admits to the content within these
6 communications to the Complainant and the Complainant's wife."

- 7 ■ The Respondent's remaining comments did not warrant any additional substantive
8 changes to the investigation report; however, the Decision-maker may consider the
9 Respondent's comments to determine whether or not the Respondent violated UNV-
10 Reno's policy.

11
12 This report will: summarize the investigation; outline the applicable NSHE policy; summarize
13 and include statements and interview summaries from the parties; and analyze each allegation.
14 This report will not include a determination as to whether the Respondent violated the NSHE
15 policy. Instead, this report will assist the Decision-maker in making a final determination of any
16 policy violation based on the preponderance of the evidence standard.

17 **OVERVIEW OF ALLEGATIONS**

18
19 The Complainant alleged that from April 2020 until February 28, 2021, the Respondent engaged
20 in behaviors that constitute sexual harassment, dating violence, and stalking in violation of the
21 NSHE's *Policy Against Unlawful Discrimination and Harassment*.

22
23 The Complainant specifically alleged the following sexually harassing conduct:

- 24
25 1. Respondent engaged in unwelcome email and text message communication with
26 Complainant where Respondent remarked about Complainant's family and sexual
27 encounters with the Complainant

28
29 The Complainant specifically alleged the following dating violence conduct:

- 30
31 2. Respondent threatened physical violence toward Complainant and Complainant's family
32 via email and text message communication

33
34 The Complainant specifically alleged the following stalking conduct:

- 35
36 3. Respondent engaged in behaviors that caused the Complainant to fear for their safety
37 and the safety of their immediate family via text message and email communication

38
39 The Respondent admitted that she sent several texts and email communication to the
40 Complainant and the Complainant's wife from August 2020 to February 2021. The Respondent

1 declined to participate in an interview and did not respond to the remaining allegations⁵ but
2 denied all allegations in the Respondent's response to the draft investigation report.

3 **RELEVANT POLICIES & DEFINITIONS**

4
5 The applicable provisions and definitions used in this investigation are below.

6 7 **Sexual Harassment**

8 *Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the*
9 *following:*

- 10
11 a. *Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and*
12 *objectively offensive that it effectively denies a person equal access to the institution's*
13 *education program or activity...*

14 15 **Stalking**

16
17 *Stalking is defined as engaging in a course of conduct directed at a specific person that would*
18 *cause a reasonable person to fear for the person's safety or the safety of others or suffer*
19 *substantial emotional distress. For the purpose of this definition, course of conduct means:*

- 20
21 a. *Two or more acts, including, but not limited to, acts in which the respondent directly,*
22 *indirectly, or through third parties, by any action, method, device, or means follows,*
23 *monitors, observes, surveils, threatens or communicates to or about, a person or*
24 *interferes with a person's property.*

25 26 **Dating Violence**

27
28 *Dating violence is defined as violence committed by a person who is or has been in a social*
29 *relationship of a romantic or intimate nature with the victim, and where the existence of such a*
30 *relationship shall be determined based on a consideration of the following factors: the length of*
31 *the relationship, the type of relationship, and the frequency of interaction between the person*
32 *involved in the relationship.*

33 **JURISDICTION**

34
35 The *Policy Against Unlawful Discrimination and Harassment* applies to all conduct in any
36 academic, employment, educational, extra-curricular, or other university program and activity,
37 whether those programs and activities occur in university facilities, on or off campus,
38 committed by a stranger or non-stranger, or a third party.

39

⁵ See email evidence dated December 17, 2021 from Respondent to Investigator Hannah Belleau in the investigation file.

1 The alleged incidents occurred in the following ways: on university property and/or using the
2 university email system. Therefore, the University is exercising jurisdiction over each of these
3 allegations. Additionally, the Respondent is a current faculty member at the University and is
4 subject to the provisions outlined in the *NSHE's Policy Against Unlawful Discrimination and*
5 *Harassment*.

6 DETAILED SUMMARY OF EVIDENCE

7
8 Below is a comprehensive list of evidence reviewed and analyzed during the investigation. Each
9 item in the list can be found in the Appendix and/or within the investigation file.

10 11 Party and Witness Interviews

12
13 Belleau interviewed the Complainant, as well as witnesses, in person. Belleau took notes
14 electronically for each interview. Belleau's interview notes are included in the Appendix.

15 16 Complainant

- 17
18 • **Yanyao Jiang** – Professor; Department of Mechanical Engineering; University of Nevada,
19 Reno; Interviewed on September 30, 2020

20 21 Respondent

- 22
23 • **Feifei Fan** – Assistant Professor; Department of Mechanical Engineering; University of
24 Nevada, Reno; Declined to interview via email to Belleau

25 26 Witnesses Interviewed

- 27
28 • **Miles Greiner** (hereinafter referred to as "Greiner"); Foundation Professor; Department
29 of Mechanical Engineering; University of Nevada, Reno; Interviewed on March 21, 2022
- 30 • **James Hanna** (hereinafter referred to as "Hanna"); Associate Professor; Department of
31 Mechanical Engineering; University of Nevada, Reno; Interviewed on March 25, 2022
- 32 • **Petros Voulgaris** (hereinafter referred to as "Voulgaris"); Chair & Founding Aerospace
33 Program Director; Department of Mechanical Engineering; University of Nevada, Reno;
34 Interview date unknown

35 36 Complainant's Evidence

- 37
38 • Email communication from Respondent to Complainant from July 19, 2020, until
39 February 28, 2021
- 40 • Text message communication between Respondent and Complainant's wife regarding
41 Complainant's and Respondent's consensual sexual relationship

- WeChat⁶ Messages sent from Respondent from July 11, 2020, until July 21, 2020
- UNR Police Report dated July 21, 2020
- Text messages from Respondent to Complainant
- Copies of Respondent’s social media “Huaren⁷” posts

Additional Evidence

- WeChat screenshots of Respondent’s private WeChat page
- Translation of incident timeline by TransPerfect⁸

COMPLAINANT’S SUMMARY OF EVIDENCE⁹

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

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

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

In May 2009, Respondent came to Reno for a visit. I refused to meet her at a hotel, and as a result, the relationship essentially ended. Respondent described her disappointing Reno trip in a July 26, 2009, social media post.¹⁰ From May 2009 to June 2010, there was no personal communication between Respondent and myself.

⁶ According to wechat.com, WeChat is a free messaging and calling app available on IOS, Android, Windows, and MacOS.

⁷ According to google.com, the Huaren.us social media platform is for influential members of the Chinese community in North America to communicate and connect via social media.

⁸ TransPerfect is a neutral translation company secured by UNV-Reno for the purpose of translating evidence for this investigation.

⁹ 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.

¹⁰ Refer to Exhibit 8, pg. 2 in the Appendix.

1 On July 1, 2010, while I was in Hangzhou, China, I received an email from Respondent, telling
2 me that she was also in Hangzhou and would like to meet me. I called the number she provided
3 in the email and we met and resumed our sexual/romantic relationship. At this time, of course,
4 there was no current academic or professional relationship between us. Between 2010 and
5 2015, Respondent visited Reno to meet me for about four times, including one time when she
6 attended a conference in San Francisco. Respondent arranged and paid for all of her trips and
7 hotels.
8

9 After earning her Ph.D., Respondent was hired as an Assistant Professor in my Department in
10 July 2015. Every assistant professor was required to have a mentor who is a senior professor,
11 and she specifically requested me as her mentor. From July 2015 to October 2019, we
12 maintained an on again/off-again sexual relationship, and I was invited to her apartment for
13 most of our encounters.
14

15 ...On many occasions I attempted to terminate the relationship with Respondent. However, my
16 attempt to end the intimate relationship met with her threat to tell my wife about the affair.
17 Nevertheless, I became insistent that we end things.
18

19 On April 25, 2020, Respondent sent a text message¹¹ to my wife, Wei Wu, telling my wife that
20 she had an intimate relationship with me starting in 2006...Respondent continued sending
21 rambling text messages to my wife, admitting she had lied about several accusations¹² against
22 me and expressing remorse, while simultaneously continuing to say angry and hateful things...
23

24 From April 25 to July 10, I begged Respondent repeatedly via phone calls and text to stop
25 harassing my wife, and told Respondent the unstable situation of my wife. At my request,
26 Respondent and I met and talked in Idlewild Park in Reno in the afternoon of July 10, 2020, the
27 only time she and I have met and talked from early 2020 up until today.¹³ I asked her to cease
28 and desist.
29

30 However, instead of stopping her harassments and threats after the meeting, Respondent
31 intensified her attacks on me, my wife, and my children with threats to kill my whole family.¹⁴
32 She (Respondent) sent numerous text messages via iPhone text messages and the app
33 WeChat.¹⁵ In addition to the threatening content of these messages, the volume of the
34 message alone became harassing and overwhelming. As an example of this, from 3:10 am July
35 11 to 6:51 pm July 12, 2020, within less than 40 hours, Respondent bombarded me with 176
36 WeChat messages...
37

¹¹ Refer to Exhibit 2 in the Appendix.

¹² Respondent filed a civil suit against Complainant and Complainant's wife on October 25, 2021, with the United States District Court of Nevada.

¹³ The date of this summary was May 27, 2021.

¹⁴ Refer to Exhibit 3 in the Appendix.

¹⁵ See Exhibits 1, 3-4, and 7 in the Appendix.

1 My office in Palmer Engineering Building was PE207 and Respondent's office was the adjacent
2 PE206. Every faculty member in the Department had a master key that can open any offices in
3 the Palmer Engineering Building. Respondent used to enter my office with her key, with my
4 permission, to grab a soda in the small refrigerator in my office without my presence. In the
5 early afternoon on July 21, 2020, I received an email from my colleague, Professor James
6 Hanna, saying that by looking through the window to my office he found that my office had
7 been robbed and that he had reported the apparent break-in to the University Police.¹⁶
8

9 The police investigation determined that it was a pure vandalization, as no items were actually
10 missing. A new computer, a new monitor, and a laser printer were smashed into the floor and
11 were damaged, and my chair was tipped over. Professor Hanna told the police officers and me
12 that he had a brief conversation with Respondent in the early night of July 20 in the hall outside
13 her office. Respondent admitted to the police officer investigating the incident that she was in
14 her office at work until around midnight that day.
15

16 It would defy all credulity to believe this was merely a coincidence. The vandalism occurred
17 mere hours after Respondent received the cease and desist. Mine was the only office entered
18 and vandalized that night, and in the 25 years I've worked in that building, I've never heard of
19 any other similar vandalism taking place. The office was entered without forced entry, and
20 nothing was actually stolen. In July 2020, the Palmer Engineering Building was under tight
21 security with doors locked 24/7 due to the pandemic, and entrance to the building required
22 special permission from the University. Further, every office has a transparent glass window by
23 its door. One must walk past Respondent's office to get to my office, and it would therefore be
24 impossible for anyone to break into my office without Respondent seeing them.
25

26 At 12:23 am on July 21 – right about the time the vandalism took place – Respondent sent me
27 an email saying, "Yanyao Jiang, go and report to the police. You know what you have done. You
28 should be punished with the wrath of heaven."¹⁷ Shortly afterwards, I felt forced to move
29 offices for my own safety and security. I did not report Respondent as a suspect in the office
30 vandalization case out of fear of further and escalated retaliation.
31

32 On July 24, 2020, Respondent forwarded to me the email that my attorney, had sent to her
33 with the following message: 'Hi Yanyao, I need to talk with you face to face about the entire
34 issue before we escalate the issue to the next level. Feifei.'¹⁸ On the same day, she
35 (Respondent) sent a second email: 'Hi Yanyao, I have figured out our relationship since 2006. I
36 will avoid any escalation. No matter if you want to talk with me in person or not, I will stop here
37 without taking any further action. Feifei Fan.' Notwithstanding these promises, Respondent
38 continued to send me insulting and threatening text messages via iPhone Messages.¹⁹
39

¹⁶ See Exhibit 6 in the Appendix.

¹⁷ See Exhibit 1 in the Appendix.

¹⁸ See Exhibit 1, pg. 3, in the Appendix. Complainant translated the email communication to English.

¹⁹ See Exhibit 7, pgs. 1-5 in the Appendix.

1 Respondent stopped sending me messages only for 10 days. On August 7, 2020, she started to
2 send disturbing text messages to both my wife and me in group iPhone Messages.²⁰ On August
3 11, 2020, Respondent sent me several more unwanted text messages.²¹ On September 13 and
4 14, 2020, there were yet more harassing messages.²²

5
6 Without hearing any response from me, on September 14, 2020, she sent me an ultimatum
7 message, 'If you do not reply within 10 minutes, I will consider it as your insistence of war with
8 me.'²³ After about one hour, I sent her (Respondent) a text message warning her the
9 consequences of her harassment and threats, and letting her know that I did not request a
10 TPO²⁴ mainly considering the impact of the TPO on her life.²⁵ After receiving more disturbing
11 messages, I sent her another message on September 15 asking her to stop further harassment
12 and blackmailing and warning her that I may have to fight back with legal action.²⁶ Except for
13 these two messages, I did not respond to any of her other messages between July 19, 2020, and
14 now."²⁷

15
16 The Complainant continued to share in the May 27, 2021, Response and Counter Complaint
17 document that Respondent continued to send Complainant several additional emails on
18 January 1, 2021²⁸, and January 24, 2021. In the January 1, 2021, email Respondent wrote to
19 witness Voulgaris, Respondent claimed that Complainant's wife was the individual responsible
20 for the vandalism of Complainant's office that occurred on July 21, 2020. Within this same
21 email communication, Respondent commented that Complainant cheated on his wife and that
22 Complainant "raped and slept with his students."²⁹

23
24 In the January 24, 2021, email communication the Respondent sent to the Complainant, the
25 Respondent "demanded compensation and threatened to destroy"³⁰ Complainant's life. The
26 Complainant also shared the following accounts that involved the FBI:

27
28 *"On the same day of January 24, 2021, I received another email without a message but*
29 *with two attached files. The attached files are screenshots of webpages of Zhejiang*
30 *University of Technology with my name on [sic] and highlighted by Respondent."³¹*

²⁰ See Exhibit 7, pgs. 19-23 in the Appendix.

²¹ See Exhibit 7, pgs. 6-8 in the Appendix.

²² See Exhibit 7, pgs. 9-10 in the Appendix.

²³ See Exhibit 7, pg. 10 in the Appendix.

²⁴ Temporary Protection Order.

²⁵ *Id.*

²⁶ *Id.* Pg. 12 in the Appendix.

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

²⁸ *Id.* At 8 in the Appendix.

²⁹ Refer to footnote 21 above.

³⁰ Refer to footnote 20 above, pg.7.

³¹ Refer to Exhibit 1, pgs. 10-11 in the Appendix.

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

5
6 *On January 25, 2021, Respondent followed a discussion on a Chinese language social*
7 *media site, “Huaran”, about the arrests and investigations of professors of China origin*
8 *at US universities.³² The discussion asserted that no solid evidence is needed in order for*
9 *the FBI to investigate a case. An example was cited where a professor originally from*
10 *China was a suspect of spying but at the end was arrested because the FBI found child*
11 *pornographic pictures in this person’s computer. Respondent was clearly inspired by the*
12 *incident and wished that her reporting me to [sic] FBI would fine me wrongdoings.*

13
14 *On the following day, January 26, 2021, Respondent sought advice on “Huaren” about*
15 *how [sic] FBI would process an anonymous report, and how to find a person who*
16 *participated in the “Thousand Talent Person Program” in China.³³ [Respondent sent] an*
17 *email on January 28, 2021, says [sic] ‘You are safe this time if you are not contacted by*
18 *the FBI in two months.’³⁴ On February 27, 2021, Respondent sent me an email saying, ‘*
19 *You should have a lawsuit with [sic] FBI.’³⁵³⁶*

20
21 The Complainant went on to share that on May 18, 2021, the Complainant was visited by two
22 FBI agents who questioned him about the “Thousand Talent Person Program”³⁷ in China. The
23 Complainant continued by sharing that from January 25-29, 2021, the Respondent sent him 43
24 emails from Respondent’s university issued email account.³⁸

25
26 The Complainant shared the following accounts of the Respondent threatening to kill him and
27 members of his family³⁹:
28

³² Refer to Exhibit 8, pg. 8 in the Appendix.

³³ *Id.* At 9 in the Appendix.

³⁴ Refer to Exhibit 1, pg. 23 in the Appendix.

³⁵ *Id.*, pg. 42 in the Appendix.

³⁶ 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.

³⁷ 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.

³⁸ Refer to Exhibit 1, pgs. 12-38 in the Appendix.

³⁹ Refer to Exhibit 3, pgs. 5-6, and Exhibit 1, pgs. 22, 32, 34, and 40 in the Appendix.

1 *“She [Respondent] purchased two handguns around November 2020 and actively*
2 *practiced shooting. On her November 29, 2020, post on huaren.us, she announced that*
3 *she ‘went to the store to buy a Glock 48.⁴⁰ The time of the gun purchase was consistent*
4 *with her death threats.*

5
6 *On a December 26, 2020, post, she was looking to buy hollow-point bullets.⁴¹ On*
7 *February 6, 2021, post, she said ‘When you pull out your gun, you should shoot, and*
8 *must kill the enemy before he approaches close to you.⁴² A very recent post reveals that*
9 *she is practicing shooting her guns proactively.⁴³ The purchase of her guns and these*
10 *posts are in the middle of her threats to hurt me and my family.”⁴⁴*

11 **RESPONDENT’S SUMMARY OF EVIDENCE**

12
13 On December 17, 2021, the Respondent wrote to Belleau that the Respondent wanted to
14 proceed to the hearing and not provide a full response to Complainant’s allegations. Within this
15 December 17, 2021, email, Respondent admitted to sending the Complainant emails from
16 August 2020 to February 2021. The Respondent also admitted to sending the Complainant’s
17 wife text messages in August 2020 but contends she did so at the Complainant’s wife’s request.
18 The Respondent stated within this December 17, 2021, email that she stopped conversing with
19 the Complainant’s wife in August 2020.

20 **WITNESSES' SUMMARY OF EVIDENCE**

21 22 *Miles Greiner Interview Summary*

23
24 Greiner is a Foundational Professor of Mechanical Engineering at the University. Greiner stated
25 that the Complainant did not disclose the incidents involving the Respondent to him, so he does
26 not know of the incidents. Greiner did comment that he had never observed the Respondent
27 verbally threaten anyone in the office.

28 29 *James Hanna Interview Summary*

30
31 James Hanna is a colleague of both the Complainant and the Respondent. Hanna stated that he
32 does not work regularly with either the Complainant or the Respondent. Hanna explained his
33 recollection of the incident that entailed the Complainant’s office being broken into and
34 vandalized. Hanna stated that he did not recall who reported the office break-in, but he
35 recalled “seeing something strange through the Complainant’s office window but when he tried

⁴⁰ Refer to Exhibit 8, pg. 3 in the Appendix.

⁴¹ *Id* at 6 in the Appendix.

⁴² *Id.* At 10 in the Appendix.

⁴³ *Id* at 12 in the Appendix.

⁴⁴ Refer to footnote 29 above, pg. 8 in the Appendix.

1 to go into the office, the door was locked so he had to call the Complainant to tell him that
2 something was wrong with the Complainant's office."⁴⁵

3
4 Hanna stated that at some point, someone opened the Complainant's office door. Hanna could
5 not remember who, but he did recall that the office looked like someone had thrown things
6 around. Hanna stated that the break-in had to have occurred overnight because he noticed the
7 office first thing in the morning. Hanna did not provide the time he arrived at the office the
8 morning he noticed the break-in. Hanna also shared that the day before the office break-in, he
9 walked past the Complainant's office and didn't observe anything of concern regarding the
10 Complainant's office. Hanna did not provide the time he made this observation the day before
11 the office break-in. Hanna shared that after his initial report to the Complainant about the
12 Complainant's office being broken into, he did not speak to the Complainant or the Respondent
13 about the office break-in incident any further. Hanna did share that almost everyone who
14 works in the building that the Complainant and the Respondent work in has the same key that
15 can open multiple offices. Aside from this, Hanna did not have any further knowledge of the
16 Complainant's allegations against the Respondent.

17 18 *Petros Voulgaris Interview Summary*

19
20 Voulgaris is Chair of the Department of Mechanical Engineering and works with the
21 Complainant and the Respondent. Voulgaris shared that he did not have specific knowledge of
22 the Complainant's allegations against the Respondent. Voulgaris said that at one point, the
23 Complainant told him that he felt the University's Title IX Office was not taking his allegations
24 seriously and that he was tired of having to go to court because of the Respondent's civil suit
25 against the Complainant and the Complainant's wife. Voulgaris also shared that within this
26 same conversation with the Complainant, the Complainant shared that the Respondent
27 threatened the Complainant and the Complainant's wife with a gun. Voulgaris concluded his
28 statement by sharing that this was the extent of his knowledge regarding the allegations
29 involving the Complainant and the Respondent.

30 **CREDIBILITY**

31
32 Credibility is a function of the reliability of the evidence. Certain factors, such as corroboration,
33 may bolster the reliability of the evidence in the Decision-maker's analysis. Consistency and
34 plausibility may also bolster or detract from the Decision-maker's assessment of the credibility
35 of the evidence. In this case, the Decision-maker should evaluate both the credibility of the
36 evidence presented as well as the credibility of the parties and witnesses. Minor inconsistencies
37 are expected, but significant discrepancies or departures can negatively impact the credibility of
38 an account provided. Additionally, physical evidence, such as photographs, and text messages,
39 if available, provide additional information to not only determine what happened but also to
40 measure the credibility of the parties.

⁴⁵ Refer to James Hanna interview summary in the Appendix.

1 Because Reynolds did not complete the fact gather stage of the investigation, nor did Reynolds
2 interview any of the parties or witnesses, Reynolds cannot properly provide the Decision-maker
3 with considerations for determining the parties' and witnesses' credibility.

4 ANALYSIS

5
6 The Complainant's allegations center around the Respondent engaging in stalking, dating
7 violence, and sexual harassment. An analysis of the evidence gathered for each of the
8 allegations follows.

9 10 **Stalking Allegation**

11 Stalking, as defined by the NSHE policy, is, engaging in a course of conduct directed at a specific
12 person that would cause a reasonable person to fear for his or her safety or the safety of
13 others; or suffer substantial emotional distress. A course of conduct is defined as two or more
14 acts, including but not limited to acts in which the Respondent directly, indirectly, or through
15 third parties, by any action, method, device, or means, follows, monitors, observes, surveils,
16 threatens, or communicates to or about a person, or interferes with a person's property.

17
18 This allegation is disputed by the parties. The Respondent admitted to sending text and email
19 communication to the Complainant from August 2020 until February 2021. The evidence
20 demonstrates that the Respondent communicated to the Complainant from June 1, 2020,
21 through February 28, 2021, as follows:

22 23 *Text Messages*

- 24 ▪ Total number of days the Respondent texted the Complainant: 14
- 25 ▪ Total text messages: 77

26 *Emails*

- 27 ▪ Total number of days the Respondent emailed the Complainant: 29
- 28 ▪ Total number of emails the Respondent sent to the Complainant: 60

29
30 The Decision-maker should consider whether the preponderance of the evidence supports that
31 the methods of communication the Respondent directed at the Complainant are sufficient to
32 establish the course of conduct defined in the policy. To assist, the Decision-maker may want to
33 consider the content of some of these text and email communications. For example, the
34 Respondent made the following statements to the Complainant in either a text message or an
35 email during the admitted timeframe, as translated by TransPerfect:

- 36
37 ▪ "I am going to destroy everything you enjoy. I will first make you lose your job and then
38 your income. I am also going to destroy your daughters."⁴⁶
- 39 ▪ "I am going to buy a gun. Your whole family deserves death."⁴⁷

⁴⁶ Refer to Exhibit 1 in the Appendix.

⁴⁷ Refer to Exhibit 1 in the Appendix.

- 1 ▪ “Your whole family should pay a price.”⁴⁸
- 2 ▪ “I am going to run you over.”⁴⁹

3
4 In addition to the text messages and emails, the evidence supports that the Respondent also
5 sent the Complainant over 180 WeChat social media messages.

6
7 Additionally, the Complainant testified in an email to university employee Stephanie Augdahl,
8 that the Complainant was fearful for his safety and the safety of his family.

9 10 **Dating Violence Allegation**

11 Dating violence, as defined by NSHE policy, is violence committed by a person who is or has
12 been in a social relationship of a romantic or intimate nature with the Complainant, and where
13 the existence of such a relationship shall be determined based on a consideration of the
14 following factors: the length of the relationship; the type of relationship; and the frequency of
15 interaction between the persons involved in the relationship.

16
17 The parties neither dispute nor deny that they were in such a relationship. The Respondent
18 admitted to sending the Complainant text messages and emails from August 2020 until
19 February 2021. The Decision-maker must determine whether the text and email evidence
20 constitutes dating violence as defined by NSHE policy. To assist, the Decision-maker may want
21 to consider the statements above in the stalking section, as well as the following statements
22 made by the Respondent to the Complainant that was transcribed by TransPerfect⁵⁰:

- 23
24 ▪ “I regret that I believed in you and trusted your lie about really loving me afterwards,
25 was used by you to vent your animal desires repeatedly in 2006-2008 and had sex with
26 you after meeting you in your office.”⁵¹
- 27 ▪ “I love you, you never loved me.”⁵²

28
29 The Decision-maker may also want to consider the Complainant’s evidence regarding his
30 interaction with the FBI. The Decision-maker may find it salient that federal regulations that
31 define dating violence also clarify that “Dating violence includes, but is not limited to, sexual or
32 physical abuse or the threat of such abuse.”

33 34 **Sexual Harassment Allegations**

35
36 The Complainant’s allegations that the Respondent engaged in unwelcome email and text
37 message communication with the Complainant that were sexual in nature implicate the NSHE’s
38 policy prohibiting sexual harassment.

39

⁴⁸ Refer to Exhibit 1 in the Appendix.

⁴⁹ Refer to Exhibit 1 in the Appendix.

⁵⁰ [TransPerfect](#) is a third-party, neutral translation company.

⁵¹ Refer to Exhibit 1, pg. 14, in the Appendix.

⁵² Refer to Appendix 1.

1 Sexual harassment as an offense is defined as conduct on the basis of sex that satisfies one or
2 more of the following:

3
4 ...b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive,
5 and objectively offensive that it effectively denies a person equal access to the
6 University's education program or activity.⁵³

7
8 This form of sexual harassment is referred to as hostile environment sexual harassment. An
9 analysis of the evidence gathered is below.

10
11 **Did the Incident Occur as Described?**

12
13 The Respondent admitted to sending the Complainant and the Complainant's wife text
14 messages and emails from August 2020 until February 2021.

15
16 **On the Basis of Sex**

17
18 In determining whether the conduct was based on sex, the Decision-maker may consider that
19 the Complainant's allegation is specific to conduct of a sexual nature in which the Respondent
20 always referred to the prior sexual and intimate relationship between the parties. The parties
21 don't dispute that they were in a prior intimate and sexual relationship with each other.

22
23 **Unwelcome Conduct**

24 Unwelcomeness is a subjective standard per NSHE policy and federal Title IX regulations.
25 Therefore, the Decision-maker may consider that the conduct was unwelcome because the
26 Complainant filed a formal complaint with the University's Equal Opportunity and Title IX
27 Office. Additionally, in the May 27, 2021, written statement to employee Stephanie Augdahl,
28 the Complainant stated that the text messages and emails were unwelcome.

29
30 **Severe**

31
32 Severity is a measure of the egregiousness of an incident, either in isolation or in aggregate.
33 Typically, threats are more likely to be severe without the need for repetition, but a totality of
34 the circumstances should be considered in an evaluation. In evaluating the severity of the
35 conduct, the Decision-maker may consider whether the conduct was directed at a specific
36 person or group of people, including violence or threats of violence, or whether there was a
37 degree of abuse, embarrassment, or humiliation inherent to the conduct.

38
39 The text message, email, and social media evidence demonstrate that the Respondent told the
40 Complainant that she would harm the Complainant and the Complainant's family.

41
42 **Pervasive**

⁵³ This definition also includes employment.

1
2 Pervasiveness is a measure of the widespread nature of the conduct or its impact. Openly
3 practiced or well-known conduct may be determined by the Decision-maker to be more
4 pervasive. The Decision-maker may consider the conduct's frequency, intensity, and duration in
5 evaluating pervasiveness. Typically, incidents occurring in concert or with regularity are more
6 likely to be considered pervasive.

7
8 The text messages, emails, and social media posts show that the Respondent communicated
9 regularly to the Complainant in an eight-month span. The Decision-maker may also consider
10 that on July 11, 2020, the Respondent sent the Complainant over 180 social media messages in
11 less than 40 hours.

12 13 **Objectively Offensive**

14
15 Several factors weigh into an evaluation of the objective offense of misconduct. The frequency
16 and severity of the conduct are just a few factors. Conduct that is threatening, humiliating,
17 intimidating, ridiculing, or abusive may be determined to be objectively offensive. If the
18 Decision-maker concludes that all or some of the Complainant's allegations are supported by a
19 preponderance of the evidence, then the Decision-maker should consider the totality of all of
20 the circumstances surrounding those facts in determining whether the incidents meet the
21 standard of objectively offensive by a reasonable person standard (someone similarly situated
22 to or in the shoes of the Complainant).

23
24 In addition to the facts mentioned in the above Severity section, the Decision-maker may
25 consider that the Respondent directly and specifically told the Complainant, in email and
26 through text messages, that she was going to harm the Complainant and the Complainant's
27 family with a gun.

28 **CONCLUSION**

29
30 This report is intended to provide a comprehensive summary of the relevant evidence related
31 to the allegations made by the Complainant. It is not intended to draw any conclusions
32 regarding the accuracy of the allegations or the credibility of the parties and witnesses. The
33 investigator submits this report for consideration by a Decision-maker appointed by the school
34 and remains available to answer any questions regarding the investigation or information
35 contained in this report.

36
37 Respectfully submitted,

Leah Reynolds

38
39 _____
Leah Reynolds, Ed.D

Final Investigation Report