



Saturday, July 22, 2017

Professor Janice Nerger, Ph.D.  
Dean, College of Natural Sciences  
Colorado State University

Dear Jan,

This letter is concerning your initiation of disciplinary action against me, pursuant to the provisions of Section E.15 of the *Academic Faculty and Administrative Professional Manual*. As you know, this action is being taken as a result of a letter, indicating a competitive offer, and included in your evidence. I appreciate your response to my email yesterday, in which you agreed to meet with me personally, to discuss this issue. In advance of that meeting, this letter serves to describe this issue, provide information about the forces that led to this unfortunate event, and the bad decision I made, and to place it into a broader context. I hope that this letter can provide a framework for our meeting in the coming weeks.

At the outset, I want to say that I am humbled, embarrassed, and deeply regret all actions on my part, which have led to this unfortunate circumstance. Both in this letter, and in person, I will not attempt to explain away actions, or hide behind events. I made a very bad decision, which I deeply regret. As futile as it may be, I do hope to provide some context, which I think is appropriate to consider.

**What happened?** Human beings make mistakes. I made a big one. As your evidence outlines, in January 2015 I delivered a false letter describing an outside offer.

**Why did this happen?** It is my observation, and experience, that bad decisions, including this one, are often the result of people giving in to (often extreme) outside forces. While my intention isn't to excuse away bad a decision that I have made, I do want to describe these outside forces that led to the situation we now find ourselves in. As you know, I divorced relatively recently. Before that, I was married to Stacey McNaughton. When we moved from Cambridge, MA to Fort Collins, we moved into a very nice neighborhood in southern Fort Collins (Fossil Lake Ranch). This was the first time in our lives that both my wife and I had "real" jobs. However, in comparison to our neighbors, my salary was very modest (most of my previous neighbors are medical doctors, lawyers, business owners, and other CSU faculty, who make much more than I did and currently do). Within a year of moving to CSU, my wife began to complain about my salary. This was a constant and significant concern of hers, amplified by the birth of our first child – and then second. As you know, I was not given any relief during the birth of either of our children. As you also know, my initial request to extend my pre-tenure clock by a year, due to the birth of our children, was denied, and this was in contrast to what had happened under previous Department Chair administrations. While this request for extension—should I chose to employ it—was ultimately granted, the stress on me and my wife was significant. On a bi-weekly basis, my wife would

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complain about my salary, and that she was the only woman (mom) on our street who worked. As I hope you can imagine, this was a major source of strain on our marriage. Throughout these discussions, I informed my wife that significant pay raises are only typically associated with reaction to an external offer.

Concomitant with salary-related stresses at home, I took part in a number of informal conversations with senior colleagues, which related to salaries. It was openly stated that multiple former CSU faculty (now either dead or no longer affiliated with CSU) lied about an outside offer as a mechanism to improve their salary, and the capabilities of their laboratory and the Chemistry Department at CSU. I guess that's what they felt like they had to do in order to be treated the way they wanted. I'm not excusing it, and I'm not excusing my own actions, but these factors are real.

As I began to develop my laboratory at CSU, publish papers, receive awards and funding, and give seminars at institutions outside of CSU, it became clear that my lab's research was highly respected by others. On multiple occasions, I was informally asked about interest on my part to leave CSU (and move my lab to another institution). Your evidence indicates an email from the University of Michigan to interview for a position. That is a legitimate email. There were also faculty at multiple other institutions who informally sought me out as a senior hire (including discussions with faculty during my visit to the University of Minnesota). The timing of all of this overlapped with the constant stress on my marriage, an appreciable amount of which was due to my wife's constant complaints about my salary. As you are aware, senior hires are complicated. For multiple reasons, despite informal enthusiasm and verbal commitments, I never received a formal letter that extended an offer to join the faculty at another institution. There are reasons for this (they didn't want to send me a letter unless I agreed to immediately sign it; they wanted me to restart my tenure clock, etc.). Regardless, it didn't happen, and in the context of the strain my salary had on my marriage, I was incredibly frustrated.

Adding to this was the belief that I was misled, with respect to my start-up package at CSU. Specifically, that funds from my start-up, relating to the formation of a mammalian cell culture facility, were ultimately given to a colleague who signed with CSU after I did.

None of what I've written above is meant to excuse away my actions, although I hope it does provide context. At the end of the day, "the buck stops here". I gave in to enormous pressures, frustration, and my own ego, and foolishly delivered the letter featured in your evidence. I made an enormous mistake, one that brings with it the highest level of embarrassment and deepest regret.

**How did the current situation come to be?** Fundamentally, I fully recognize that the current situation came to be because I gave in to pressures, frustrations, and my own ego, and I made an enormous mistake. However, I know of no other instance (at least in my Department) when an outside offer has been validated by directly contacting another institution. *How did this part of this tragic story happen?*

As you know, I relatively recently went through a divorce – and a very bad one at that. Approximately two years ago, after significant discussion, I asked my wife for a divorce. I stated that I want to co-parent our children, but that the other stresses on our marriage had become too great to overcome. On 7/31/15 I was called to my home by my wife. Upon my arrival, I found an empty house. My wife called me outside, told me that ‘everyone was watching’ and that she was going to ‘fuck me up, both personally and professionally’. It was at that point that she first threatened to ‘call CSU to get me fired’, since she had participated in generating the letter you have as part of your evidence. At this point, I contacted the police (see first police report, dated 7/15/15), and informed you and Chuck that my wife was making this threat. As stated in that report, she also told the police that she was ‘afraid I was going to hurt her’, but had no rationale for that, and acknowledged that I had never acted that way before. On the evening of 7/31/2015, after hosting a departmental seminar speaker, I came home and my wife told me that she was “going to call Ellen Fisher and get me fired” (see police report dated 7/31/2015); of personal note, I had no ‘girl friend’ at the time, nor was I communicating with any ‘girl friend’ at the time). Following this event, I again informed you and Chuck that my wife was threatening to get me fired.

As you also know, despite my best efforts, and due to what I would call horrific family law in the state of Colorado, my wife was permitted to move our two young children (ages 4 and 6) to Pennsylvania (despite the fact that the court stated this was not in their best interests). In the context of the final order, I was given certain monies (portions of Roth IRA’s, portions of savings, portions of investments). On 9/17/16, during an exchange of our young children, my ex-wife attempted to blackmail me. As stated in the police report (see police report dated 9/17/16) my ex-wife revealed her forearm to me, which had writing on it. Essentially, it listed financial-related things the judge ordered for me to get, and that if I didn’t give her that money, she would ‘get me fired’. I refused, called the police, and documented the situation as best I could (see below). She was caught lying to the police about the whole thing, but not enough evidence to show blackmail was generated. Having said this, I ask you to think about why an ex-wife would show up with divorce-related financial information written on her forearm, show this to her ex-husband, then run away, remove it, and lie to the police about it. Based on this, it is my belief that after moving to Pennsylvania, my ex-wife contacted Ellen Fisher (in every threat, this is who she said she was going to contact), who she knows I do not have a good relationship with. I believe that that event is what has brought us to this point in time. Again, I’m not trying to excuse away my own decisions and actions, but this is my reality and I believe it is relevant to this situation.

I fully recognize the stupidity and severity of my decision and actions. I take full responsibility for them. Having said that, I do wish that CSU would have handled this situation differently. If Dan Bush, or any other administrator, would have engaged me about these accusations, I would have fully disclosed everything stated in this letter. Instead, from my view point, I was thrown under the bus and made to be embarrassed by emails to a Department Chair and Dean at another institution (an institution, and department, I collaborate with and have published papers with).

**Possible ramifications, and broader context.** During my meeting with Richard Eykholt (University Grievance Officer) on Friday, July 21 of this year, I was told that the Dean is going to pursue “*revocation of tenure and termination*”, and that “*her mind is pretty much made up*” (with respect that pursuing that

outcome). In response to an email to you, on the same day, in which I asked to meet face-to-face to discuss this issue, you told me that *"I'm not pursuing termination, but rather initiating the disciplinary process. I am in hopes you have an explanation that will enable this process to end with a positive outcome"*. Given these conflicting statements, I don't know what to think. However, given the severity of Richard's comments, which have weighed heavily on my heart and mind for the last 24 hours, I am forced to take them very seriously.

I'm a human being. I made a mistake, albeit a big one that I am ashamed of and embarrassed by, and deeply regret. However, I also think it's worth placing this singular mistake into a broader context, which takes into account: (1) my track record as a faculty member at this University, as it pertains to ethics; (2) my track record as an undergraduate teacher; (3) my track record as a research faculty member, and in mentoring researchers, (4) the effect such actions would have on students in my laboratory.

(1) To date, with this single exception, I have never had issues relating to ethics. I have never been accused of, or convicted of, research fraud in any way, or any other ethical violation for that matter. I have never been accused of any inappropriate behavior with students (to the contrary). I gave in to a number of pressures, and made an enormous mistake. This is the only instance of such behavior, and there is no reason to believe that I have a problem (due to multiple instances) when it comes to ethics violations.

(2) My teaching evaluations are very good, I have developed two graduate courses (and largely developed a chemical biology graduate program). I was the recipient of a college-wide award for teaching and mentoring at the undergraduate level.

(3) I have developed a robust (and growing) research program in an area that was virtually non-existent at CSU when I arrived. My laboratory has brought in >\$4.5 million to this University; we have published 27 peer-reviewed papers, and multiple manuscripts are either submitted or will be in the coming months. To date, I have graduated the following students from my laboratory:

Redacted



(4) Of greatest concern to me is the consequence that termination would have on students who have already matriculated through my program, and the 9 researchers who are currently in my lab, and who have entrusted me to mentor them through a Ph.D. and support their future endeavors. These students have invested in me; and through foolish actions, I have put that at risk. I cannot begin to convey the weight that has placed on me, and recognition of the foolishness and severity of my action.

The final issues I want to bring up are consequences of my foolish action, and broader context. Again, I'm not trying to explain away any part of my action. I'm not trying to convey that I don't deserve some disciplinary action. But, I do feel that context is important. As a result of my action, I still went up for tenure *after* Professor Chris Ackerson and Professor Melissa Reynolds (both hired the same year as me). As of this year, I make less than Professor Chris Ackerson and Professor Melissa Reynolds. While I acknowledge fault, and the stupidity and severity of my action, for reasons discussed above, a large part of my incentive was to remove strain on my marriage and personal life. I also asked for things that benefited the Department (an SPR, which my lab oversees but others use, including the Henry lab) and a graduate student lounge to assist in graduate student recruitment.

Two other issues that were brought up, in the context of my conversation with Richard Eykholt yesterday, were CSU contacting the NIH to disclose ethical violation, and CSU contacting the state. It is my opinion that both actions would go well beyond any reasonable punishment. My violation has nothing to do with NIH-funded research. I haven't committed any form of research fraud. It seems inappropriate to try to destroy someone because they made a single (albeit significant) mistake. There have been instances when a Professor overspent an NIH grant (by >\$250,000), and an instance when an NIH-funded Professor was taking a full salary at CSU, and a salary at another institution in China. To the best of my knowledge, no ethical violations were filed against those faculty members. I believe that this context is relevant. I also strongly believe that part of my ex-wife's incentive, and long-term goal, is to get me into legal trouble such that she can claim sole custody of our two young children – to the extent that I don't see my kids anymore. I respectfully ask that CSU not pursue this course of action. Again, I'm not trying to explain away regrettable action on my part, state that I am without fault, or don't deserve some form of punishment. However, destruction of a faculty member who adds to this University, is productive, but made a mistake, seems unnecessary. Irreversibly hurting the students invested in that laboratory, through no fault of their own, also seems unnecessary.

In closing, and most importantly, I want to apologize to you and Chuck. I lied to both of you, and I deeply regret that. I have always had a good personal relationship with you and Chuck, and I respect both of you as good people. To the extent that I have irreversibly diminished that relationship, and mutual respect, I am deeply affected and regretful. I hope that in time both of you can accept my sincere apology.

Sincerely yours,



Brian R. McNaughton