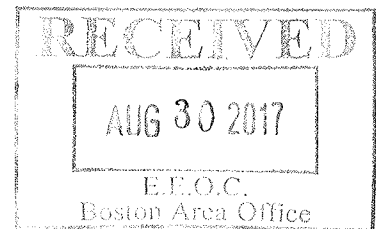


PARTICULARS OF CHARGE OF DISCRIMINATION



Dr. Richard Aslin,
Dr. Jessica Cantlon,
Dr. Celeste Kidd,
Dr. Steven Piantadosi,
Dr. Brad Mahon,
Dr. Ben Hayden,
Dr. Elissa Newport, and
Dr. Keturah Bixby

v.

University of Rochester,
Dr. Florian Jaeger,
Catherine Nearpass, Esq.,
Dr. Greg DeAngelis, and
Dr. Robert Clark

August 2017

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INTRODUCTION

Dr. Richard Aslin (“Aslin”) of 7 Moser Street, Northampton, MA 01060; Dr. Jessica Cantlon (“Cantlon”) of 9 Portsmouth Terrace, Rochester, NY 14607; Dr. Celeste Kidd (“Kidd”) of 82 Merriman Street, Rochester, NY 14607; Dr. Steven Piantadosi (“Piantadosi”) of 82 Merriman Street, Rochester, NY 14607; Dr. Brad Mahon (“Mahon”) of 9 Portsmouth Terrace, Rochester, NY 14607; Dr. Ben Hayden (“Hayden”) of 210 Wyndham Cir W, New Brighton, MN 55112; Dr. Elissa Newport (“Newport”) of 2919 Woodland Drive NW, Washington DC 20008; and Dr. Keturah Bixby (“Bixby”) of 79 Prince St #4, Rochester, NY 14605 (collectively “the Complainants”), each has legal claims against the University of Rochester (“UR”) of 500 Joseph C. Wilson Boulevard, Rochester, NY 14627 based on discrimination and retaliation by UR against them, and legal claims based on discrimination, retaliation and defamation against individual employees of UR arising out of the same operative facts.

This document sets out these charges in much greater detail than is customary in an EEOC Charge. Complainants hope that this will help the University and individuals involved understand how their conduct has violated the law, and provide a basis for constructive discussions and settlement before the Complainants file a lawsuit.

Without prejudice to any other claims they may bring, the Complainants, if the EEOC does not take up their case and instead issues a “right to sue” letter, intend to bring the following claims against UR and relevant individual defendants:

- a. Violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq* (“Title VII”) due to:
 - (1) unlawful retaliation against Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport;
 - (2) unlawfully subjecting Cantlon, Kidd, and Bixby to a hostile work environment on the basis of their sex; and
 - (3) constructively discharging Aslin and Hayden.
- b. Violations of Title IX due to: (1) unlawful retaliation against Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport; (2) unlawfully subjecting Bixby to a hostile educational environment on account of her sex.
- c. Violations of New York State Human Rights Law due to: (1) unlawful retaliation against Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport; (2) unlawfully subjecting Cantlon, Kidd and Bixby to a hostile work environment on the basis of their sex; and (3) constructively discharging Aslin and Hayden.
- d. Violations of New York State Law due to UR’s negligently retaining Jaeger.
- e. Defamation of Aslin, Cantlon, Hayden, Piantadosi, Kidd, Mahon and Newport.

A. THE PARTIES

The Complainants

Richard Aslin

1. Aslin graduated from Michigan State University with high honors in Psychology in 1971 and received his Ph.D. in Child Psychology from the University of Minnesota in 1975. The outstanding quality of Aslin's work was immediately recognized. He received a National Science Foundation Undergraduate Research Fellowship in 1970 and went on to receive support from a Predoctoral Traineeship in Child Psychology from the National Institute of Mental Health, a Research Career Development Award from the National Institute of Child Health and Human Development, the Boyd R. McCandless Young Scientist Award from the American Psychological Association, and the Early Career Award in Developmental Psychology from the American Psychological Association. Aslin has continued to receive international recognition throughout his career. He has taught at Indiana University, the University of Washington, the University of Minnesota, MIT, and Birkbeck College, University of London. Aslin joined the University of Rochester in 1984 and since then he has served as Chair of the Department of Psychology; Dean of the College of Arts and Sciences; Vice Provost of Arts, Sciences & Engineering; Director of the Center for Language Sciences; Director of the Center for Brain Imaging; and Director of Graduate Studies for the Department of Brain and Cognitive Sciences (BCS). Recently he has received national recognition for his long career of outstanding scientific contributions. He received the Lifetime Achievement Award in Graduate Education from UR, the Distinguished Scientific Contributions Award from the American Psychological Association, the Outstanding Achievement Award from the University of Minnesota, the Mentor Award for Lifetime Achievement from the Association for Psychological Science, is a member of the American Academy of Arts and Sciences, and was inducted into the National Academy of Sciences in 2014. Aslin is invited to give numerous colloquia and keynote addresses across the nation each year. He has an extraordinary publication record and has served on the editorial or advisory boards of the most prestigious journals in cognitive science. Aslin is considered a major public intellectual and leading scholar in his field.

Elissa Newport

2. Newport is a professor of Neurology and the Director of the Center for Brain Plasticity and Recovery at Georgetown University. She attended Wellesley College and then graduated from Barnard College of Columbia University in 1969 *magna cum laude*; she received her Ph.D. from the University of Pennsylvania in 1975. Newport has been elected as a fellow of the Association for Psychological Science, the Society of Experimental Psychologists, the Cognitive Science Society, and the American Association for the Advancement of Science, and is an elected member of the American Academy of Arts and Sciences, the American Philosophical Society, and

the National Academy of Sciences. She has received grants from the National Institutes of Health, the National Science Foundation, the James S. McDonnell Foundation, the Packard Foundation, and the American Heart Association. She has received the Benjamin Franklin Medal in Computer and Cognitive Sciences, the Claude Pepper Award for Excellence from the National Institutes of Health, and the William James Lifetime Achievement Award for Basic Research from the Association for Psychological Sciences. Newport has taught at the University of California, San Diego; the University of Illinois; and UR, where she helped found BCS and served as the department chair for 12 years, leading the department to ranking 4th in the nation in its field within ten years of its inception. At the UR she also served for many years as the Chair of the College Curriculum Committee and a member of the Faculty Senate Executive Committee, as well as serving on the search committees for the Dean, the Provost, and the President and on the President’s Task Force on Diversity. At Georgetown University, where she has been on the faculty since 2012, she has also served in many important roles, including chairing the Faculty Philanthropy Committee and serving on the University Research Integrity Committee as well as founding and directing the Interdepartmental Concentration in Cognitive Science. Her research is globally recognized, and she lectures at conferences and universities throughout the U.S. as well as Europe.

Jessica Cantlon

3. Cantlon was recently named by *Science News* as one of the ten scientists slated to “make the next big discoveries” and “transform their research fields over the coming decades.”¹ She graduated from Indiana University in 1999 where she was a Ronald E. McNair Scholar and received her Ph.D. in psychology from Duke University in 2007 where she won a National Science Foundation Graduate Research Fellowship and the Elizabeth Munsterberg Koppitz Child Psychology fellowship from the American Psychological Foundation. She is currently Associate Professor of Brain & Cognitive Sciences and Associate Director of the Rochester Center for Brain Imaging at the University of Rochester. Cantlon has a significant number of highly regarded publications for a scholar at this stage in her career. She continues to bring in substantial federal grant money to UR, having received funding from the National Institute of Health, National Science Foundation, Alfred P. Sloan Foundation, and James S. McDonnell Foundation among other organizations. Cantlon is a widely-known and respected scholar in her field and is invited to give keynote talks at universities and conferences across the nation each year. Her work has been featured in *Science News*,² *National Geographic*,³ *Time*,⁴ *CNN*,⁵ *US News & World Report*,⁶ *The Scientist*,⁷ and *NPR*.⁸

¹ <https://www.sciencenews.org/article/sn-10-scientists-to-watch-2016?mode=pick&context=172&tgt=nr>

² <https://www.sciencenews.org/article/jessica-cantlon-cognitive-neuroscientist-sn-10-scientists-watch?mode=pick&context=172>

³ <http://phenomena.nationalgeographic.com/2013/01/03/how-the-brain-crunches-numbers-brought-to-you-by-se-same-street/>

Celeste Kidd

4. Kidd graduated from the University of Southern California in 2007 with two BA degrees, in Linguistics and Print Journalism, with honors in both. She received her Ph.D. from UR in 2013. As an undergraduate, she received numerous awards, including the Dean’s Award for Excellence in Undergraduate Research. Aslin actively recruited Kidd to UR as a Ph.D. student. She was such an impressive undergraduate that Aslin invited her to come to UR early to begin work in his lab, and considered Kidd to be the best young scholar in developmental science in her cohort. Kidd continued to impress as a graduate student, receiving the National Science Foundation Graduate Research Fellowship and the Glushko Dissertation Prize in Cognitive Science from the Cognitive Science Society. For such a scientist so early in her career, Kidd’s publication and presentation records are outstanding. As a faculty member, she has received funding from the Human Frontier Science Program, the Google Faculty Research Award and the Jacobs Foundation Early Career Research Fellowship. Her work has been featured in *Discover* magazine in the “Top 100 Science Stories of 2012”⁹ and more recently in *Forbes*,¹⁰ the *New Yorker*,¹¹ and the *Economist*.¹² Her work features prominently in dozens of popular books on development and human cognition,¹³ and she gives regular radio interviews as an expert on developmental topics for NPR,^{14,15} the BBC,^{16,17} and the CBC.^{18,19,20} She accepted invitations to be a visiting scientist at Stanford University and MIT before joining UR as an Assistant Professor in 2014.

⁴ <http://healthland.time.com/2013/01/04/your-brain-on-sesame-street-big-bird-helps-researchers-see-how-the-brain-learns/>

⁵ <http://thechart.blogs.cnn.com/2013/01/03/this-is-your-brain-on-sesame-street>

⁶ <http://health.usnews.com/health-news/news/articles/2013/01/03/study-tracks-kids-brain-activity-while-watching-sesame-street>

⁷ <http://www.the-scientist.com/?articles.view/articleNo/35245/title/Big-Bird-Brain/>

⁸ <http://innovationtrail.org/post/images-brain-could-unlock-learning-difficulties>

⁹ <http://discovermagazine.com/2013/jan-feb/86-why-kids-make-rash-decisions>

¹⁰ <https://www.forbes.com/sites/roddwagner/2017/06/07/now-more-than-ever-employees-want-to-know-is-there-a-second-marshmallow/#35efb36e2d6f>

¹¹ <http://www.newyorker.com/science/maria-konnikova/why-are-babies-so-dumb-if-humans-are-so-smart>

¹² <https://www.economist.com/news/science-and-technology/21699433-babies-are-born-helpless-which-might-explain-why-humans-are-so-clever-bairns>

¹³ <https://www.google.com/search?tbm=bks&q=%22Celeste+Kidd%22>

¹⁴ <http://www.npr.org/sections/goatsandsoda/2017/07/03/534743719/want-to-teach-your-kids-self-control-ask-a-cameroonian-farmer>

¹⁵ <http://www.npr.org/sections/health-shots/2011/04/14/135403918/moms-ums-and-uhs-can-help-toddlers-learn-language>

¹⁶ <http://www.bbc.co.uk/programmes/p040s49b>

¹⁷ <http://www.bbc.co.uk/programmes/p02200jw>

¹⁸ <http://www.cbc.ca/radio/quirks/quirks-quarks-for-may-28-2016-1.3603508/helpless-babies-make-for-smart-parents-1.3603740>

¹⁹ <http://www.cbc.ca/news/technology/helpless-babies-intelligence-1.3601312>

²⁰ <http://www.cbc.ca/news/technology/curious-about-curiosity-the-science-behind-enquiring-minds-1.3305551>

Brad Mahon

5. Mahon graduated *magna cum laude* with a BS in Cognitive Neuroscience from Harvard in 2002 and received a Fulbright Scholarship to study in Barcelona. He received his Ph.D. in Psychology from Harvard in 2009. Mahon's research has been supported by a number of organizations including the National Institute of Neurological Disorders and Stroke, the National Science Foundation, and the Schmitt Program on Integrative Brain Research. Mahon joined the faculty at UR in 2011 as an Assistant Professor of Brain and Cognitive Sciences and is jointly appointed in the Department of Neurosurgery. He is Co-Editor-in-Chief of *Cognitive Neuropsychology*. He has a significant number of publications in prestigious journals such as *Neuron*, *Science Translational Medicine*, and *Current Biology*. He is well-known in the field for his theoretical contributions to understanding the organization of conceptual knowledge. His peers consider him a rising leader of his discipline.

Steven Piantadosi

6. Piantadosi graduated from the University of North Carolina at Chapel Hill in 2006 with a BA in Linguistics and a BS in Mathematics, where he received highest departmental awards in both majors. He received his Ph.D. from MIT in 2011, where he received an NSF Graduate Research Fellowship Award; his dissertation received the coveted Glushko Dissertation Prize. In 2012 he came to UR to work with Aslin as a postdoctoral researcher after receiving funding from NIH. In 2012, Piantadosi was featured in *Forbes* magazine's "Top 30 Under 30 in Science and Innovation."²¹ Since being hired as faculty at UR, Piantadosi has continued to produce excellent, cutting-edge work and was recently named a "rising star" by the Association for Psychological Science. This award recognizes outstanding psychological scientists in the early stages of their career whose innovative research has already advanced the field.²² His work has been featured in the *New Yorker*,²³ *Scientific American*,²⁴ the *Economist*²⁵ and *Nature*.²⁶

Ben Hayden

7. Hayden is a young leader in the field of neuroeconomics. After graduating from Rice University in 2000 and receiving his Ph.D. from the University of California, Berkeley in 2005, he worked as a post-doctoral fellow at Duke University until 2011. He joined UR as an Assistant Professor of

²¹ <https://www.forbes.com/pictures/mkg45giif/steven-t-piantadosi-postdoctorate-student-department-of-brain-and-cognitive-sciences-university-of-rochester-27/#deea14d2bbaa>

²² <http://www.rochester.edu/newscenter/steven-piantadosi-named-rising-star-by-association-for-psychological-science-227202/>

²³ <http://www.newyorker.com/science/maria-konnikova/why-are-babies-so-dumb-if-humans-are-so-smart>

²⁴ <https://www.scientificamerican.com/article/does-a-newborn-s-helplessness-hold-the-key-to-human-smarts/>

²⁵ <https://www.economist.com/news/science-and-technology/21699433-babies-are-born-helpless-which-might-explain-why-humans-are-so-clever-bairns>

²⁶ <http://www.nature.com/news/2011/110124/full/news.2011.40.html>

Brain and Cognitive Sciences in 2011 and was promoted to Associate Professor with tenure in 2016, a year earlier than usual. He won the Young Investigator award from the Society for Neuroeconomics the first year it was offered. He has published an extraordinary number of articles in such journals as *Neuron*, *Science*, *Nature Neuroscience*, *Annual Reviews of Neuroscience*, and *Proceedings of the National Academy of Sciences*. His work is supported by grants from the National Institute on Drug Abuse (including 3 active R01 awards), National Science Foundation (including the prestigious CAREER Award), the Klingenstein-Simons Foundation, the Templeton Foundation, the Brain and Behavior Research Foundation, and the Tourette Syndrome Association. His work has received considerable attention in the popular press as well, and has been featured in several media outlets, including *New York Times* and *Wired*. In 2012, he was named a Sloan Research Fellow; in 2013 he was named as a NARSAD fellow and Klingenstein-Simons fellow.

Keturah Bixby

8. Bixby graduated with a B.M. in Harp from the University of Illinois at Urbana-Champaign, where she won the Thomas J. Smith Scholarship, the School of Music String Division Award and was a Bronze Tablet Recipient. She received an M.M. in Harp from Yale University. She recently defended her Ph.D. in BCS at the University of Rochester. Bixby has worked as a researcher at the University of Illinois at Urbana-Champaign, Yale University, and Haskins Laboratories. She is currently a Senior Data Scientist at Measures for Justice.

The Defendants

University of Rochester

9. UR is a private university in Rochester, New York. It was founded in 1850. UR has approximately 6,000 undergraduates and 5,000 graduate students, and more than 20,000 faculty and staff (2,300 tenure-track faculty members).

Florian Jaeger

10. Jaeger received his M.A. in Computer Science and Linguistics from Humbolt University and Technical University in Berlin in 2000 and his Ph.D. in Linguistics with a Cognitive Sciences designation from Stanford University in 2006. Jaeger was hired by the University of Rochester in 2006 and joined BCS at UR in 2007 as an Assistant Professor. He was promoted to Associate Professor in 2013 and full Professor in 2016. From 2014 until late 2016, Jaeger acted as the Director of the Center for Language Sciences at UR.²⁷

²⁷ Jaeger CV: <http://www2.bcs.rochester.edu/sites/fjaeger/>

Catherine Nearpass

11. Nearpass is Associate Counsel for Employment and Labor Relations Issues at UR. She is a graduate of Mt. Holyoke College and a *magna cum laude* graduate of Albany Law School. Her areas of expertise include discrimination and harassment complaints, disability and Family Medical Leave issues, affirmative action, and general employment matters.

Greg DeAngelis

12. DeAngelis has been the Chair of BCS since 2010 and a Professor of Brain and Cognitive Sciences since 2007. He is Associate Director of the Center for Visual Science and is an editor of the *Journal of Neuroscience*. DeAngelis received his Ph.D. from the University of California Berkeley/San Francisco in 1992. His research has been continuously funded by The National Eye Institute.

Robert Clark

13. Clark is currently the Provost of UR. Previously he was the Senior Vice President for Research and the Dean of the Hajim School of Engineering and Applied Science. Before joining UR, Clark spent 16 years at Duke University where he was a Senior Associate Dean of the Engineering School. Clark received his B.S. in Mechanical Engineering from Virginia Polytechnic Institute, as well as his M.S. in 1988 and his Ph.D. in 1992.²⁸

B. SUMMARY OF THE CLAIM

Paragraphs 14 - 32 summarize the Complainants' case.

14. The Department of Brain and Cognitive Sciences ("BCS") at the University of Rochester ("UR") was founded in 1996 and during its first decade, under the visionary leadership of Newport and Aslin, it flourished. BCS built a robust department that was highly collaborative.²⁹ It started its own Ph.D. program focused on interdisciplinary and collaborative work. Its grant applications to the National Institutes of Health (NIH) stressed its collaborative environment, and funding models were structured to allow graduate students to move easily between labs which allowed for more dynamic projects and for students to benefit from the expertise and close instruction of multiple professors. The number of jointly authored papers coming out of BCS at this time was impressive, possibly unmatched by any other comparable program in the world. Under the guidance of Newport and Aslin, in ten years, BCS went from nothing to ranking 4th in the nation on a comprehensive review of graduate programs conducted by the National Research Council

²⁸ <https://rochester.edu/provost/about/index.html>

²⁹ Lockwood statement.

(an arm of the National Academy of Sciences) for the field of psychology/brain and cognitive sciences. Thanks largely to this duo, and their creative and inspirational approach, BCS successfully recruited the best graduate students from MIT, Penn, UCSD, Brown, the University of Wisconsin and others.³⁰

15. Newport and Aslin were also strongly committed to recruiting and mentoring women scientists and ensuring that BCS was an inclusive working and learning environment for both male and female researchers. BCS professors mentored students through rigorous scientific training and gave career advice. When professors socialized with graduate students, they hosted barbecues, dinners or bowling parties.³¹ Before Jaeger joined BCS, if any faculty members sexually harassed or harmed the educational opportunities of students, Newport intervened by making it clear that such behavior would not be tolerated. Graduate students knew they could report unlawful conduct and they knew Newport would protect them; she had (and has) a reputation for protecting and advancing her students.³² In short, for students, BCS was a place to learn, collaborate, and develop into the best scientists and professionals in their field – and to be good friends and colleagues while doing so.
16. By comparison, BCS today is a department in sharp decline. It is divided. Its most renowned senior professor, Aslin, has resigned in protest and frustration at the way BCS and UR have handled complaints of sex discrimination. Six of its most brilliant young scientists are being pushed out of the University along with their substantial federal grant money. Their Ph.D. students are in an impossible position. They may have no choice but to follow their supervisors, on whom years of their work depends, leaving behind the lives they have built in Rochester. They will have to add six months to a year to complete their Ph.D.s either way.³³ Former students and post-docs, now professors themselves, do not send their students to UR.³⁴ Many prospective students are avoiding UR. This year BCS made 12 offers to prospective students. Four accepted. The acceptance rate used to be 50% or higher.³⁵ As faculty members have been turned against each other or pushed out of the department, the collaborations which once defined BCS and set it apart from other programs are now at risk or have already ended.³⁶
17. This stark change can be traced directly back to the hiring and subsequent behavior of Dr. Florian Jaeger (“Jaeger”) in 2007. To senior faculty, Jaeger seemed like the perfect fit. In reality, Jaeger turned out to be a narcissistic and manipulative sexual predator, and a selfish academic

³⁰ Newport testimony.

³¹ Aslin testimony, Hanson statement.

³² In 2010, Newport fired a professor for sexually harassing a student. Before Newport stepped down as Chair BCS in 2010, she worked with the UR administration to revise its policies on student and professor relationships to provide greater protection to students. UR did not implement these policies until four years later.

³³ Hayden testimony.

³⁴ Kramer, Patterson statements.

³⁵ Piantadosi testimony.

³⁶ Kidd, Piantadosi, and Cantlon testimony.

colleague who insisted on taking credit for work to which he was only tangentially connected. Unbeknownst to Aslin and Newport, Jaeger quickly abused his position of power to manipulate graduate students and post-docs until they felt almost wholly under his control or in fear of him.³⁷ He infiltrated the graduate student social scene uninvited, coaxing students into ignoring professional boundaries by telling them that he did not believe in traditional academic hierarchies, and moreover that the UR administration approved of his having sexual relationships with students.³⁸ With the boundaries blurred, Jaeger relentlessly pursued and engaged in numerous sexual relationships with BCS and visiting students, which he flaunted. He had unprotected sex with students, sent unwanted photographs of his genitalia to a female student, lamented to others that he might have sexually transmitted diseases.³⁹ He made it clear that students who wanted to excel needed to please him, socially and sometimes sexually. He used obnoxious and objectifying sexual language, intentionally crossed boundaries with women, including undergraduates, intentionally humiliated female students, and knowingly made women feel physically unsafe; they got the sense that their discomfort excited him.⁴⁰ He used illegal drugs with students and hosted hot tub parties.⁴¹ The lives and careers of BCS graduate students became Jaeger's personal playground. Professionally, Jaeger was in the position of power, an important gatekeeper, but they were additionally vulnerable to his coercion because he influenced every aspect of their lives in BCS. He became the dominant force not only in determining their professional opportunities, but also their day-to-day social lives, gaining access to their personal information which he used to emotionally manipulate and humiliate them.⁴² Jaeger encouraged constant 'collaboration' with him, even when it was unnecessary to the student's progress, so that he could claim credit for their work, which he did often. If any student engaged with topics remotely similar to his area of expertise, he demanded that they cite him or even list him as an author on his work even when the students had not worked with him.⁴³ Those who refused to play his game were either outright attacked or socially and professionally isolated.⁴⁴

18. In the end, this environment became so oppressive to women that at least 11 women students and post-docs actively avoided Jaeger, causing them to lose educational opportunities and valuable training. In some cases, students' experiences of Jaeger, or their efforts to guard against him, took a significant toll on their emotional and mental well-being.⁴⁵

³⁷ Marshall statement, Kidd and Piantadosi testimony, Sanders testimony.

³⁸ Marshall statement; Kidd testimony; Aslin notes on Nearpass Report.

³⁹ Kidd testimony.

⁴⁰ Kidd testimony, Andrews Statement

⁴¹ Kidd, Mahon, and Cantlon testimony.

⁴² Kidd and Marshall testimony.

⁴³ Piantadosi testimony.

⁴⁴ Hanson and Gordon statements; Bixby testimony; Sanders testimony.

⁴⁵ Jackson, Hanson, Patterson, Kramer, Gordon, Andrews, Kidd, and Marshall statements.

19. Senior BCS faculty, including its Chair, Newport, and its Director of Graduate Studies and former Dean, Aslin, were initially in the dark about Jaeger's pattern of abuse. Some students and junior faculty who were aware of it believed that the senior faculty *were* aware, and since nothing was being done to rein Jaeger in, must have condoned it. Indeed, Jaeger told students that the faculty and administration knew all about his predatory sexual behavior and positively approved.⁴⁶ Within this context, for many years no one student felt her individual experiences with Jaeger were so bad as to outweigh the fears associated with bringing a complaint for sexual harassment or retaliation.⁴⁷ How could students bring a complaint to an administration they believed had given Jaeger the green light to abuse them?
20. Across a series of faculty meetings in early 2016, Jaeger expressed a positive view of faculty-student dating, which given his history became a tipping point for discussions among several of his BCS colleagues about his abuses of power over students and staff. In the discussions that ensued, Aslin – and shortly after, Newport – for the first time learned of the long pattern of Jaeger's sexual predations, harassment, and abuse.
21. Aslin and Newport then collaborated with junior faculty, including Cantlon, Kidd, Piantadosi, Mahon, and Hayden, to discuss the best way to ensure that BCS would not remain a hostile environment for women (and, indirectly, for men). This informal group (who now form most of the Complainants in this filing) worried that Jaeger had not stopped harassing students and that the University's persistent inaction had created a hostile environment for women.
22. By March 2016, the Complainants concluded that the right approach was to report Jaeger's pattern of misconduct to UR administration for investigation, followed by practical steps to redress the problems he had created. Aslin and Cantlon, the most senior of the group with faculty positions at UR, took forward the group's complaint in their names. Newport assisted them from her position at another university (Georgetown), by talking with her own prior students about their experiences and adding further information she learned about Jaeger. Aslin told UR's lawyers, including Catherine Nearpass, as well as BCS Chair Greg DeAngelis, that he had consulted Newport.
23. Complaints of sexual harassment are usually brought by its direct victims, usually students with little clout, and are often brushed off or defanged by university officials, as indeed had previously happened to complaints about Jaeger.⁴⁸ Aslin, a former department Chair and Director of Graduate Studies, Vice Provost and Dean of the College of Arts and Sciences and

⁴⁶ Kidd testimony.

⁴⁷ Gordon, Bixby, Jackson, Kramer, Hanson, Andrews statements.

⁴⁸ Bixby testimony; Nichols statement; Newport testimony.

member of the National Academy of Sciences, was not so easily dispensed with.⁴⁹ In response to the Aslin-Cantlon complaint, UR launched an investigation conducted by UR's Associate Counsel for Labor and Employment Catherine Nearpass. Aslin and Cantlon were optimistic at the outset that UR was taking their complaint seriously, but it turned out to be a limp and rushed affair. Nearpass failed to accept and review crucial evidence offered to her, bypassed important witnesses, obfuscated Jaeger's pattern of harassment by highlighting a few individual examples of harassment only, and dismissed significant evidence harmful to Jaeger. Meanwhile - - despite the pending investigation, a request by Aslin to postpone the decision until after the investigation was completed and heedless of the message it would send to the victims who had come forward -- Jaeger was awarded promotion to full professor by Dean Gloria Culver.⁵⁰ Then Nearpass' Report was issued, exonerating him.

24. Aslin and the other Complainants thought the Report was seriously lacking in substance and procedural fairness, and also sidestepped the larger questions they had raised about the hostile environment in BCS that Jaeger's long record of misconduct had created. Aslin and Cantlon appealed Nearpass' findings, and the other Complainants also began to ask BCS and University administrators to take action. They pushed for effective investigative procedures, better policies relating to relationships between students and professors, and for the administration and BCS Chair to publicly address Jaeger's treatment of women, seeking to repair the hostile climate he had created. Rocking the boat at UR like this was not something they did lightly, but they felt a responsibility to past, present and future BCS students and to support important values of UR and the academy. Indeed, many of the Complainants had been personally friendly with Jaeger and had worked productively with him; they had no personal desire to condemn him. In fact, before Aslin learned of Jaeger's abuse of students, he had voted in favor of Jaeger's early tenure and subsequent promotion to full professor.⁵¹
25. Due to the Complainants' continuing sincerity and diligence, UR was faced with a quandary. Taking the appropriate actions they requested would mean admitting that UR and Nearpass had mishandled the investigation of Jaeger, and open the University to further scrutiny and potential liability. Not wanting to implicate itself, but still unable to brush aside the Complainants who were significant faculty members, UR changed tactics and began to try to discredit them. UR portrayed the Complainants' good faith complaints and efforts to promote Title VII and Title IX rights in BCS as breaches of confidentiality and malicious lies against Jaeger and the administrators who backed him. This campaign turned into multiple acts of retaliation by UR in violation of Title VII and Title IX.

⁴⁹ University Intercessor Lynnette Van Slyke told Aslin that UR only pursued his complaint as far as it did because of his stature at the University. In the same meeting she tried to "cut a deal" with Aslin so that he would drop his complaint. See Paragraph 234 below.

⁵⁰ Cantlon and Aslin testimonies.

⁵¹ Aslin, Cantlon, Kidd, Piantadosi, Hayden, Heilbronner, Mahon testimonies.

26. This attitude comes from the top and is consistent with previous efforts by the University to sweep sexual harassment complaints under the rug and blame the victims. See paragraphs 244 to 246 below.
27. Part of the University's retaliation against Complainants was a campaign to disparage them. Seligman met privately with key members of the Language Sciences community to rehabilitate Jaeger's reputation and to condemn the Complainants.⁵² UR administration publicly portrayed the complaints against Jaeger as "rumors" and "misinformation."⁵³ It praised Jaeger's contributions to BCS and UR and painted the Complainants as liars.⁵⁴ UR administration read Complainants' private emails on the University server without requesting their permission or disclosing this to them, and provided a careful selection of this correspondence to BCS Chair DeAngelis, who as a result, but wrongly, described the Complainants as liars, manipulators and bullies in front of the entire BCS faculty.⁵⁵ UR administration prepared a summary of the investigation into Jaeger that obfuscated the evidence even more than the Nearpass Report had, and made it available to select BCS faculty. Some faculty also were given Aslin's private correspondence with Jaeger, without Aslin's consent or knowledge and out of context, in a clear effort to undermine him and harm his reputation among his colleagues.⁵⁶ Jaeger has given scientists outside UR the contact details of University counsel, who he says will clear him, and has also told some that the Complainants have unfairly persecuted him and lied.⁵⁷
28. The University's retaliation campaign has been severe, and now the Complainants find themselves in an even more hostile environment than when they brought their sincere complaint. BCS refused to hire Sarah Heilbronner, an outstanding scientist and Hayden's spouse, despite BCS having a long history of making spousal hires and despite Heilbronner being a first-rate candidate in her own right with a stellar pedigree, prestigious awards, and excellent publication record.⁵⁸ She and Hayden then seriously considered alternative employment offers. Normally the prospect of losing a scholar of Hayden's quality would prompt a serious effort to retain him, but BCS only went through the motions, even though he has brought in an unusual number of grants, had been judged to be so excellent that he received tenure early and he has published cutting edge work that has brought attention and praise to BCS and UR. Both Hayden and Heilbronner are now leaving UR.
29. The Complainants' reputations have been seriously damaged and they are now unwelcome in their own department. They are seen as nuisances, even disloyal. For example, when Cantlon

⁵² Lockwood statement.

⁵³ July 26, 2016 Memo from Deans Culver and Lennie; November 29, 2016 Memo from Provost Clark

⁵⁴ *Id.*

⁵⁵ Cantlon, Kidd, Piantadosi, Mahon testimonies.

⁵⁶ Hayden and Cantlon testimonies.

⁵⁷ Rogers statement.

⁵⁸ Heilbronner CV; Cantlon testimony.

took a small action to advocate for women – suggesting women candidates for a lecture series – she was immediately attacked for her “harangue (i.e., lecture in a sanctimonious, aggressive, and critical manner).” DeAngelis, the chair of BCS, has gone so far as to try to force Cantlon to apologize publicly for “causing damage to the department” even though she and Aslin brought a well-founded, legally protected and necessary complaint, and he had falsely accused her in public of lying.⁵⁹

30. Having made the Complainants’ professional lives at BCS miserable in what appears to be an orchestrated campaign to make them leave UR, UR then actively interfered with their efforts to pursue new professional opportunities at the Rochester Institute of Technology that would have allowed them to continue with their research collaboration and remain in Rochester by saying UR would charge them 2.5 times the rate that it charges UR researchers to use the equipment at the UR Brain Imaging Center.⁶⁰
31. Despite the pervasive retaliatory campaign against them, Complainants have refused to capitulate. Their chief concern remains the safety and educational opportunities of students and post-docs in BCS and more widely. They seek to push back against the messages that flow from women’s mistreatment in BCS: that it is acceptable to abuse a position of power, to harass and groom students to have sex with, and dangerous for victims to complain – messages they fear have prevented and will prevent other victims of harassment from coming forward. They do not want tolerance of such conduct to be the norm in science any more. They have stood by what is right– and lawful – and they have suffered and are still suffering for it.
32. BCS will continue to suffer the consequences of this unhappy saga. It has burned bridges with two of the leading scholars in the world in brain and cognitive sciences, Aslin and Newport, who built BCS from nothing into an internationally renowned powerhouse department. Moreover, UR is losing standing in its field generally. Jaeger’s reputation as a sexual predator is well known among graduate students across the country and among some young faculty as well, but now that this behavior has been uncovered and not punished, it is obvious that UR condones his misconduct. The academic community sees that UR protects sexual harassers while punishing students and faculty who bring good faith complaints. Some Complainants have been deliberately forced out to cleanse BCS of their dissent; those who remain are having to search for new jobs because the environment there is so toxic and there is every indication that their careers there will suffer. BCS appears entirely content to lose seven of its most successful scientists who have brought in tens of millions of dollars in grant money and scientific prestige, leaving it a much diminished place for those who remain. Protecting Jaeger and never admitting error seems to trump all other considerations. DeAngelis, with whom the Complainants pleaded to avoid the wholesale purge of those who have deviated from UR’s party line, acknowledged

⁵⁹ Cantlon, Mahon, Piantadosi testimonies.

⁶⁰ Cantlon, Kidd, Piantadosi testimonies.

that this approach was hurting BCS, but appeared unconcerned; he has said he is confident he can rebuild the department, even if it takes a decade.⁶¹

THE CLAIM

Paragraphs 33 -293 set out the Complainants' case in detail.

C. FLORIAN JAEGER'S LONG PATTERN OF SEXUALLY PREDATORY BEHAVIOR AT THE UNIVERSITY OF ROCHESTER

33. Jaeger was hired in BCS in 2006 and joined the Department as an Assistant Professor in January 2007. BCS had high hopes for him. He came to the Department from an interdisciplinary background after training at Stanford University, with advisors who are internationally distinguished in computational and formal linguistics. His recommendations from those advisors were enthusiastic about the promise and novelty of his work and the distinguished future they expected from him. The Department interviewed him and several other outstanding candidates, but concluded he filled the deficits in the department the best. His fields of expertise included training in formal linguistics and also in sentence processing and production, cross-linguistic comparisons, and advanced statistical and computational methods. For a department with signature programs in language and visual perception with a focus on interdisciplinary training, Jaeger was a good fit. He was strongly recommended as the top candidate by the faculty search committee, in which BCS and the interdepartmental faculty of the Center for Language Sciences concurred.⁶²

Jaeger immediately behaves inappropriately with prospective students

34. In March 2007, when Celeste Kidd (now an assistant professor at BCS) was applying to the Ph.D. program at BCS from her undergraduate program at the University of Southern California, she attended an interview at UR. She was drawn to UR by Aslin's work in particular, but Aslin was out of town during her interview. Although Jaeger was not yet teaching at UR (he was completing a visiting fellowship at another university), he had accepted the position at BCS, people in the field knew he was joining BCS, and he was already involved in graduate student recruitment. He interviewed Kidd. Jaeger flirted with her during the interview. During the interview weekend, Jaeger attended a graduate student party.⁶³ After the party, past midnight,

⁶¹ Cantlon and Mahon testimonies.

⁶² Newport testimony; Jaeger CV.

⁶³ Kidd testimony.

he sent Kidd a Facebook message indicating that she should treat him like a friend, not a professor. This was already crossing a professional line.

35. In late March 2007, Jaeger attended a conference in San Diego. At the conference, Jaeger interacted with two prospective UR Ph.D. students, Kidd and Olivia Owens (“Owens”).⁶⁴ Owens was a Ph.D. student at UCLA, who had been a visiting student at UR and had become sexually involved with Jaeger. Kidd was an undergraduate at USC, and like Owens, had an offer from UR to begin her Ph.D. the following fall. Jaeger spoke to both of them at the conference and was recruiting both of them to work in his lab, though Kidd wanted to work with Aslin. Jaeger told Kidd that if she wanted to learn certain statistical skills, she had to work for him since only he could provide training in cutting-edge statistical techniques.⁶⁵
36. One night at the conference, Jaeger invited Kidd to a party where he said they could talk more about why she should choose UR for her Ph.D. There he introduced Kidd and Owens to each other as potential classmates. Shortly after, Kidd saw Jaeger groping Owens. He had his hand under her shirt and was kissing her. To avoid interrupting them, Kidd left the room and soon sent Jaeger a message saying that she was uncomfortable with the situation. She believed having a relationship with a recruit was unethical due to the conflict of interest. She said that as a result, she would not be coming to Rochester. In fact, she immediately left the conference and drove home to Los Angeles.
37. The next morning, Jaeger sent Kidd a flurry of messages stating that they needed to talk in person and pleading with her to return to San Diego. The next day, Jaeger assured her that the relationship was cleared by UR authorities.⁶⁶ In a Facebook message, he said “I asked the Rochester authorities today about certain student-faculty relations and I am in no danger.” In fact Jaeger had never asked Dr. Newport (then BCS Chair) or Aslin (then Director of Graduate Studies) about whether he could conduct such relationships. They would not have approved. The Faculty Handbook rules then in force stipulated that any sexual relationship with graduate students was “strongly discouraged.”
38. Jaeger continued to sexually harass Kidd during the remainder of her recruitment process. For example, he said that once she had accepted the Ph.D. offer at BCS, he hoped she would read a manuscript to him while he would “lie lazily on the couch” and she “paced around occasionally in front of the fire.”⁶⁷ Kidd was uncomfortable with this blatantly romantic description of their future working relationship. Jaeger also told Kidd that sex was his favorite reading topic.⁶⁸ He

⁶⁴ This is a fictitious name used to protect the individual’s identity.

⁶⁵ Kidd testimony.

⁶⁶ See Facebook messages.

⁶⁷ Facebook messages from Jaeger to Kidd.

⁶⁸ Facebook messages from Jaeger to Kidd

told her that she would enjoy nude hot tub parties that he attended with students.⁶⁹ These sexual advances were unwelcome and Kidd verbally expressed her discomfort to Jaeger, but he persisted.⁷⁰

39. Primarily to work with Aslin, Kidd ultimately decided to accept UR's offer, at the urging of one of her USC advisors who told her that there would be sexual harassment risks wherever she went. She felt that UR was the best option for her research goals, particularly because she would have the opportunity to work with Aslin.⁷¹
40. In summer 2007, between her undergraduate studies and beginning her Ph.D. at UR, Kidd attended the Linguistics Society of American ("LSA") Institute at Stanford University on a scholarship. Jaeger also attended and taught one of her workshops. Jaeger repeatedly sought Kidd out to point out faculty-student sexual partners in attendance. Kidd began to doubt her own views on faculty-student relationships. She was not even yet a graduate student and her soon-to-be professor, who surely knew more about the field and its norms, was assuring her that the UR faculty approved of such relationships and perhaps they were even enthusiastic about them. Kidd was less apprehensive about Jaeger for this reason, but was still not entirely comfortable with him.⁷²

Jaeger pressures a student to live with him

41. Jaeger sought out Kidd's friends at the LSA institute and asked them about her personal life. He learned from them that she was having financial difficulties because she was providing support to family members while also having funded her own undergraduate degrees. They also told him that Kidd had been invited to come to UR early to begin working with Aslin,⁷³ which she considered a big opportunity, but she did not know how she could afford to move to UR before she received her Ph.D. stipend in the fall. Jaeger then approached Kidd with an offer to stay in his spare room at minimal expense while he was away at the end of the summer. Kidd accepted his offer and moved to Rochester in August. He told her he would not be there very often that month, but in fact he was there frequently.⁷⁴
42. At the end of summer, Jaeger pressed Kidd to rent the room at an advantageous rate for the year. He told Kidd that he couldn't afford to rent his place on his own, though he was a tenure-track faculty member, and also that he did not want to live alone. Jaeger also told Kidd that his professional opinion of her would inevitably be tied to his personal opinion of her. He said that when people asked about her, he would have to be honest. Kidd interpreted this as a not-so-

⁶⁹ Facebook messages from Jaeger to Kidd

⁷⁰ Kidd testimony.

⁷¹ Kidd testimony.

⁷² Kidd testimony.

⁷³ Kidd and Aslin testimony.

⁷⁴ Kidd testimony.

subtle threat to keep him happy or she would suffer consequences. She agreed to rent the room from him.⁷⁵

43. As time went on, this same concern about the costs of antagonizing Jaeger led Kidd to tolerate persistent unprofessional behavior, defamation and sexual harassment from him.⁷⁶
44. For example, Jaeger portrayed Kidd's arrangement in renting a room from him as them "living together" as a couple. He gave this impression to individuals in the brain science field outside of Rochester, including a professor at Cornell and Jaeger's former postdoctoral advisor at MIT.⁷⁷ He spoke with other graduate students about their watching movies together on the couch late at night. The impression he gave was so persuasive that Steven Piantadosi, then a Ph.D. student at MIT, initially thought that Kidd and Jaeger were married.⁷⁸
45. Jaeger would violate Kidd's personal boundaries by entering her room without knocking.⁷⁹ He would demand to use her computer even when she was trying to work on it. On one occasion when she objected, he stated that she was supported by his grant money so the computer was partially his and he had rights to it whenever he wanted. In fact, the computer was her own personal computer and had not been purchased with any University funds. Jaeger would go through her personal belongings and flip through her unopened mail. On one occasion he came into Kidd's room while she had a friend visiting to announce that he had stuck his hand in the beans she had been preparing. He remarked, "Your beans feel really weird, Celeste."⁸⁰
46. Jaeger clearly thrived on exerting power over Kidd. He knew that she feared professional consequences from enforcing boundaries with him. He would remind her that he wouldn't be able to give a favorable professional opinion of her if they did not also have a personal relationship. He said his job as a mentor was to mentor her personally and professionally. For him, he explained, the two were connected. He even said "I only want friends in my lab. Are we not friends?" This connection between his professional attention and close personal relations was not genuine friendship, but a method of coercing her (as he did with others) to tolerate his aggressive and transgressive behavior, including repeated sexual harassment.

Jaeger uses his position to influence and then control graduate student social life

47. Jaeger regularly attended graduate student parties and social gatherings, whether or not he was invited. Sometimes he would call or text Kidd to ask where she was and then just show up. A number of students noted that Jaeger was the only faculty member at what were explicitly

⁷⁵ Kidd testimony.

⁷⁶ Kidd testimony.

⁷⁷ Kidd testimony.

⁷⁸ Kidd and Piantadosi testimonies. They started dating in October 2007 and married October 2013.

⁷⁹ Kidd and Jackson testimonies.

⁸⁰ Kidd and Jackson testimony

- graduate student events.⁸¹ When Kidd told him that he shouldn't come to events he was not invited to, Jaeger replied that if she had been invited, they must have meant to invite him, too, because it would be rude to invite one housemate and not the other.⁸²
48. Jaeger regularly crashed a weekly graduate student get-together at a bar called Lux where he was usually the only faculty member present. Many graduate students timed their departure from this event to coincide with Jaeger's arrival, because his presence made them uncomfortable.⁸³
49. Additionally, Jaeger hosted parties at his house. These parties differed from other faculty parties or barbeques. Jaeger was usually the only faculty member present, and he and students would often binge drink and use illegal drugs. In fact, when Jaeger first arrived at BCS, he organized a movie night at his house. When he emailed the department about it, he suggested that people bring their own alcohol or "herbs," referring to marijuana.⁸⁴
50. Socializing with work colleagues always straddles the line between the professional and personal, but Jaeger took this to a more intense level. As he had made clear to Kidd, for him there was no boundary between his social and professional worlds. In order to obtain the teaching and other benefits that should have been automatic for BCS students, they had to participate in Jaeger's social life, and humor him. Students who did not do this were not as successful in working with Jaeger.⁸⁵
51. At Lux, students would "talk shop" with Jaeger. These talks could often lead to informal collaborations and result in papers or projects. Jaeger also organized "lab retreats" which differed markedly from any other lab retreat Ph.D. students attended or heard of. They often took place in the Adirondacks and involved drinking, drugs, music and soaking in a hot tub together. Jaeger's entire lab was not invited – the invite list consisted of people who were socially close with him and students in whom he had a sexual interest. At one such retreat, marijuana and hallucinogens were used. Jaeger's current partner, Chigusa Kurumada, who was a graduate student at Stanford at the time, took an overdose that required emergency medical attention.⁸⁶
52. Jaeger invited visiting professors and speakers to the UR Center for Language Sciences. Jaeger had had undisclosed sexual relationships with some of these speakers, including Frances Fisher⁸⁷

⁸¹ Bixby, Gordon, Rogers, Hanson, Marshall, Jackson, Kidd, Kramer, and Nichols testimonies.

⁸² Kidd testimony.

⁸³ Hanson and Kidd testimony.

⁸⁴ March 11, 2011 Email from Jaeger to BCS.

⁸⁵ Kramer testimony.

⁸⁶ Cantlon, Bixby and Jackson testimony.

⁸⁷ This is a fictitious name used to protect the individual's identity.

and Becky Billings,⁸⁸ in advance of their invitations. He arranged dinners and social events following these lectures and typically invited specific BCS students to attend, which was considered an honor. Students had an opportunity to talk to leaders of their field in a more intimate setting. The invitations usually went to people who were socially close to Jaeger or who had something he wanted.⁸⁹

53. Several students state that Jaeger had developed a “cult-like”⁹⁰ following of Ph.D. students. His lab consequently had a “cool boys, cut-throat, insider” culture.⁹¹ Students who did not conform to this group felt isolated and ostracized.⁹²

Students fear Jaeger’s bullying

54. Jaeger’s following did not coalesce merely out of students’ desire for the professional benefits that he saved for his friends. It also stemmed from their fear of harsh criticism and isolation.⁹³
55. Jaeger could be cruel. He critiqued graduate students’ and post-docs’ performances to other graduate students and post-docs in ridiculing ways.⁹⁴ He told Dr. Polly Patterson,⁹⁵ for example, who has published in top notch journals and whose teaching was then and continues to be highly regarded, that her ideas were terrible and that she would never have a career in science.⁹⁶
56. Jaeger told Kidd and other graduate students that other BCS faculty considered one female graduate student (not being named here) unintelligent and unmotivated. He said she exhibited a general lack of self-control that was evident in her being overweight.⁹⁷
57. Jaeger told one female post-doc, who had graduated from her undergraduate university with a 4.0 and is now a tenure-track faculty member at an excellent university, that she was learning too slowly and was too stubborn. That, he maintained, was the reason that they were not working well together. He asked her, “How can you expect me to ever write you a letter of recommendation?” Jaeger told other graduate students and post-docs that this student was terrible, which corroded her confidence and entire experience of UR. Jaeger’s graduate students, who had previously treated her with normal due respect, began to act as if she was stupid. If she gave a presentation, they would say, “Why do we even need to know this?” in

⁸⁸ This is a fictitious name used to protect the individual’s identity.

⁸⁹ Sanders testimony.

⁹⁰ Inwood testimony.

⁹¹ Kramer testimony.

⁹² Bixby, Hanson, Marshall testimony.

⁹³ Marshall and Kidd testimony.

⁹⁴ Kidd and Marshall testimony.

⁹⁵ This is a fictitious name used to protect the individual’s identity.

⁹⁶ Patterson testimony.

⁹⁷ Kidd testimony.

front of her peers and colleagues.⁹⁸ This is just one example of how Jaeger used his significant influence over students to punish and isolate others.

58. He behaved in this arrogant way to female faculty too, at least those whom he deemed less powerful. Dr. Laurie Lockwood⁹⁹ (“Lockwood”) is a linguistics professor at UR. BCS and Linguistics collaborated and BCS graduate students could earn dual qualifications in Linguistics. Lockwood and Jaeger both studied speech. Jaeger and another BCS faculty member, who was close to Jaeger, admitted graduate students through BCS and would connect them with Lockwood or another linguistics professor if appropriate.¹⁰⁰
59. Once, Lockwood witnessed Jaeger aggressively question one of her female post-docs. She objected to his behavior on the grounds that it was rude and unprofessional. He began screaming at Lockwood aggressively and towering over her, gesticulating angrily. Lockwood immediately removed herself from the situation, but Jaeger followed her down a hallway, continuing to shout and wave his arms. After this, he stopped sending graduate students to her lab. Every student was sent instead to one of her male colleagues, Dr. Jeff Runner or Dr. Greg Carlson. Since she was dependent upon Jaeger for graduate students, this was a serious blow to her lab and career. Lockwood also noticed a distinct shift in the attitudes of BCS students in her classes. They began questioning her and speaking disrespectfully in class, and ignoring her at public events and lectures.¹⁰¹
60. On one occasion, Jaeger found out that he and one of his former collaborators, Neal Snider, then a graduate student at Stanford, had jointly won an award for a project they did together. Jaeger was incensed that this student received recognition in addition to him. He called members of the awarding body and informed them that the ideas and most of the work were in fact his, not Snider’s. Snider was on the job market at the time. Kidd witnessed Jaeger call the institutions that Snider was applying to and tell them he had been insignificant on the project. As Jaeger was a tenure-track faculty member at a respected institution, his badmouthing carried weight. Snider failed to get a job. But apparently Jaeger did not think as poorly of him as his calls led Snider’s potential employers to believe. Jaeger promptly hired Snider as a post-doc at UR, where his considerable talents would continue to reflect well on Jaeger.¹⁰²
61. Jaeger badmouthed his students publicly to control them better. For example, after faculty review meetings, Jaeger told Kidd that the BCS faculty did not think that Jessica Jackson,¹⁰³ a Ph.D. student, was smart. He also told Kidd that the faculty thought that Kidd was really

⁹⁸ Andrews testimony.

⁹⁹ This is a fictitious name used to protect the individual’s identity.

¹⁰⁰ Lockwood testimony.

¹⁰¹ Lockwood testimony.

¹⁰² Kidd testimony.

¹⁰³ This is a fictitious name used to protect the individual’s identity.

struggling and might not make it through the program.¹⁰⁴ In fact, no one on the BCS faculty said this in review meetings. Jaeger made it up to demoralize Kidd.¹⁰⁵

62. Even among his favorites, Jaeger would rank his students publicly. He would jokingly insult them in ways that were cutting. If anyone took offense, he would tell them that they were just too sensitive to take a joke — that any discomfort they felt was due to their own problems, not him. Some students recognized this as “gaslighting.”¹⁰⁶
63. Jaeger has a reputation for taking advantage of BCS’s collaborative atmosphere to get his name on any publication that remotely engaged with his area of work, even when he was not relevant to it.¹⁰⁷ While it is normal for students to publish with their professors, Jaeger’s demand for recognition has gone far beyond normal academic conventions. If a student even casually discussed or mentioned their idea to Jaeger, he has laid claim to their finished product. At least two graduate students refused to work with Jaeger or even discuss projects with him for this reason.¹⁰⁸
64. Jaeger’s narcissism persists. In 2016, the *Rochester Review* wanted to do a story on a project about disappearing languages that Lockwood had been working on with a number of junior researchers. Lockwood asked the reporter to focus on the junior researchers, and one woman in particular who had made major contributions to the project. She felt that the coverage would be more useful to her students at the early stages in their careers than if she took the limelight for herself. She was shocked to receive a draft of the story that featured a massive photo of Jaeger who had had minimal involvement in the project. Lockwood protested. She had stepped out of the limelight in order to champion her students, not so Jaeger could steal their recognition by making himself the very face of a project he had barely contributed to.¹⁰⁹

Jaeger uses his power and influence to take advantage of students

65. Many witnesses reported that Jaeger would garner favors from students such as rides or meals, in quantities very unusual for faculty. He would change the times or locations of meetings last minute and demand that students come to him.¹¹⁰ The students acquiesced. Jaeger was their “friend,” but he was also their professor whom they wanted to please and also feared.
66. Jaeger had Kidd drive him to and from what turned out to be sexual liaisons when they were at professional conferences. Jaeger had his own car, but he insisted that she drive because he did

¹⁰⁴ Kidd testimony.

¹⁰⁵ Aslin, Newport, and Cantlon testimonies.

¹⁰⁶ Marshall testimony.

¹⁰⁷ Piantadosi and Aslin testimonies.

¹⁰⁸ Piantadosi and Aslin testimonies.

¹⁰⁹ Final story: <https://urochester.atavist.com/searching-for-words>; proof received by Lockwood and Jaeger.

¹¹⁰ Marshall, Kidd, Inwood testimony.

not want to put miles on his car. On one such occasion, Jaeger told her that the graduate student he had been intimate with appeared to have oral herpes, which he hadn't noticed until after they had been making out for a while. Immediately afterwards, Jaeger picked up Kidd's water bottle and began to drink from it. When she protested, he accused her of being a "germophobe."¹¹¹

67. Jaeger also insisted on sharing accommodation with Kidd at professional conferences, even though she was often crashing with other graduate students in dorm rooms and he was a salaried, tenure-track professor who could certainly afford his own accommodation. On one occasion, he insisted on staying in the same room with Kidd and her friend, a student who had also interviewed at UR with Jaeger, despite the small size of the room and the availability of a couch in the next room.¹¹²
68. Georgia Gordon,¹¹³ a BCS Ph.D. student, won a scholarship to attend an LSA Institute in summer 2009, which Jaeger also planned to attend. He knew that Gordon was financially pinched. He suggested that she and the other UR students attending LSA share a house with him. He offered to pay half, with the four students splitting the remaining half. Gordon had been going out of her way to avoid Jaeger socially because his overly familiar behavior toward her made her uncomfortable. However, she was in a financial bind and did not want to pass up the professional opportunity to attend LSA, and there would be three other graduate students in the house. A few days before the Institute began, Jaeger told her that he would not pay for half the house. He said he had not realized that by not staying in the free faculty accommodation he would also not have the free faculty meals, so he changed his mind and would only commit to paying the same amount as the other lodgers, who were all students. It was too late for the students to cancel the house reservation. With no other option, Gordon and the other students had to scrape the extra money together. Jaeger engaged in loud sex with a graduate student attendee while other student residents were present. They heard him having sex, and were uncomfortable.

Jaeger uses different tactics to intimidate male and female students

69. Jaeger was emotionally intense with students. He was skilled at sensing their vulnerabilities, what made them uncomfortable, and used that knowledge to push boundaries and intimidate them. For female students, this often involved prying into their sexual lives, being overly familiar

¹¹¹ Kidd testimony.

¹¹² Kidd testimony.

¹¹³ This is a fictitious name used to protect the individual's identity.

and flirtatious, repeatedly using sexual language and innuendos,¹¹⁴ or forcing them to meet with him alone.¹¹⁵

70. Several female students reported that Jaeger used overtly sexual language so often that it made them uncomfortable to be around him.¹¹⁶ One witness acknowledged that it is not uncommon for professionals who socialize together to make some inappropriate jokes, but she felt Jaeger's use of sexualized language was pervasive and constant. She felt he used the language specifically to make women students feel uncomfortable.¹¹⁷ In Kidd's experience, Jaeger did this in order to make her uncomfortable and humiliate her, for example once telling Kidd that the medication that one of his graduate student sex partners was taking made her vagina taste bad.
71. Jaeger questioned Kidd about her past relationships and sex life, which she did not wish to disclose. In order to goad her into sharing information, Jaeger made jokes about her ex-partner's ethnicity and suggested that his ethnicity correlated to his penis size. Jaeger asked Kidd how many sexual partners she had been with. He told her that "blowjobs count" and that "American girls never count blowjobs." These invasions into her private life were unwelcome sexual harassment.¹¹⁸
72. Jaeger frequently evaluated the sexual appeal of other women students in Kidd's presence, putting particular emphasis on their weight. He commented when female graduate students gained weight and warned Kidd against gaining weight and "spoiling her physique." He would scold her if she ate what he considered to be too much. For example, if she served herself a second helping in her own apartment and he happened to be there, he would chastise her. On another occasion, he threw away cheese she had purchased for herself. When she confronted him, he said that he had tasted it, thought it was gross, and she shouldn't be eating it because she had been gaining weight.¹¹⁹
73. Jaeger told Kidd that he wanted to pull one BCS student's hair (because he was having sexual thoughts about her). During a recruitment weekend, he told Kidd that one prospective student had nice lips that he wanted to "suck and bite." Jaeger asked Kidd to arrange for him to meet with a prospective graduate student that she was hosting, alone and outside of the department. He suggested that Kidd invite the student to their house and then leave them alone. He said he sensed a connection with her. Kidd refused. Jaeger told her that she had a professional obligation to comply since he was the faculty member whose research related to the prospective student's research interests. This incident encapsulates how Jaeger employed his

¹¹⁴ Kidd, Gordon, Jackson testimony.

¹¹⁵ Andrews testimony.

¹¹⁶ Gordon, Hanson, Rogers testimony.

¹¹⁷ Jackson testimony.

¹¹⁸ Kidd testimony.

¹¹⁹ Kidd testimony.

status and his power as a UR professor, to whom both Kidd and the prospective student were subordinate, to advance his sex life.

74. On another occasion, Jaeger asked Kidd to facilitate a meeting between himself and the girlfriend (now wife) of another faculty member. He told Kidd that he sensed a connection with her and desired her. He suggested that Kidd invite the woman out to do “girl things” like shop and tell him where they planned to go so he could run into her without her boyfriend present. Kidd refused. He repeated this instruction several times for weeks and grew increasingly agitated and hostile toward Kidd each time she refused. At some point, Jaeger managed to arrange a meeting with the woman without Kidd’s help and made a pass at her.¹²⁰
75. Jaeger did not talk about women students’ sex appeal only in private. In 2008, he attended a small holiday party at the home of another faculty member. A visiting professor, some BCS faculty and a number of graduate students were present, including Georgia Gordon, who was in the first year of her Ph.D. at BCS. Gordon had hoped to meet the visiting professor and speak to him and her colleagues about her research interests. Instead, in front of her colleagues, Jaeger announced that another faculty member had told Jaeger that he found Gordon sexually attractive. She was mortified that her professors had spoken of her in such a way, and was further embarrassed that Jaeger had announced this publicly, and to a group of important people in her field. She excused herself to the bathroom where she cried. She worried that everyone at the party would only remember her as the woman BCS professors found sexually appealing, whereas she wanted them to remember her for her scientific interests, intellectual capacity and accomplishments.¹²¹
76. Jaeger sexually objectified Gordon to other BCS faculty too. At a different faculty dinner party in 2010, at the dinner table in the presence of other faculty, including Cantlon, Jaeger asked a senior BCS faculty member, who sat across from him, “So, what part of Georgia really does it for you?” Cantlon remembers thinking that they discussed Gordon as if she were a piece of meat. At that moment, the host of the party set a plate of chicken pieces, breasts and thighs, onto the table. Jaeger laughed.¹²²
77. Jaeger pressed one female post-doc to come to his home for a work meeting. She said she would prefer to meet in his office and asked if he could meet her there. He said no. She said this would make her uncomfortable and asked to meet at the coffee shop down the street from his house. He still refused and demanded that she come to his house. This student felt that Jaeger was giving her an impossible choice: she could have a professional interaction with him only at the cost of succumbing to his bullying her into a situation where she felt uncomfortable and unsafe. Indeed, she felt he took particular interest and pleasure in making her uncomfortable as

¹²⁰ Kidd, Cantlon, Aslin testimonies.

¹²¹ Gordon testimony

¹²² Cantlon testimony

a woman, to make her feel subordinate. She agreed to go to his house, but was so unnerved by Jaeger's creepy behavior that she told her partner Jaeger's address and requested she be picked up if she did not call within an hour.¹²³

78. On one occasion, Jaeger showed up uninvited to a date that Kidd was on. Jaeger sat down and ordered wine for himself and for Kidd's date. Jaeger told the date that Kidd needed to have sex because she was so tightly wound. He encouraged the date to drink, heavily. At the end of the meal, Jaeger invited the date back to their apartment. When Kidd suggested that the date go home because he was very intoxicated, Jaeger forcefully encouraged him to come to the apartment despite Kidd's protests. The date did come back to the apartment where, after attempting to remove his pants despite Kidd telling him not to, he passed out in her room. Throughout the night the date vomited in her trash can and on her bed. Kidd did not engage in any sexual activity with the man, instead sleeping in a nearby chair. The next day Jaeger made incessant requests for details on "the sex" even when Kidd told him that nothing had happened.¹²⁴

Jaeger uses his influence to sleep with female graduate students

79. In 2008, Jaeger began a sexual relationship with a Ph.D. student, Molly Marshall.¹²⁵ Jaeger told Marshall that their relationship had to be "open," meaning that he would continue to sleep with other women.¹²⁶
80. When they were together, Jaeger was very demanding of Marshall. He would make her feel guilty for spending time with friends instead of him. When she did or said things that did not please him, he would withhold affection from her as punishment. She felt that her happiness depended largely on his mood and whims, and got to the point where she would break down frequently from the stress of the relationship.¹²⁷ Eventually all of her friends outside Jaeger's close social group who knew of the relationship disapproved because it was unhealthy. But because Marshall was spending most of her time with Jaeger and Ph.D. students in his "in-group," she worried that ending the relationship would cause them all to turn against her. He controlled the group; she and the others both sought his approval and feared his retribution. She did not want to be even more isolated than she already felt, so she stayed.¹²⁸
81. Eventually, Marshall learned that Jaeger had slept with a graduate student from another university, Billings, without using protection. Marshall felt betrayed and used. Jaeger had not

¹²³ Andrews testimony.

¹²⁴ Kidd testimony.

¹²⁵ This is a fictitious name used to protect the individual's identity.

¹²⁶ Marshall, Inwood, Jackson testimonies.

¹²⁷ Inwood and Jackson testimony.

¹²⁸ Marshall testimony.

only broken the rules of an open relationship by humiliating her in front of her peers, he had now also put her health at risk.¹²⁹

82. Jaeger had little concern for the health of the students he slept with. For example, one of his partners (not being named here) was injured during a sexual encounter with Jaeger and sought medical attention. She did not have insurance at the time and asked Jaeger for financial help. He refused, despite the cause of the injury.¹³⁰
83. Marshall repeatedly broke things off with Jaeger and told him that she needed space. However, each time he continued to pursue her. He showed up at her house late at night. She asked him to leave, but he would continue to demand that she speak to him until she was sobbing.¹³¹ He continued to send her emails, texts and call her. He sent her unwanted photographs of his penis. He pursued Marshall relentlessly until she gave the relationship another chance.
84. In summer 2009, Marshall learned that Jaeger had continued to see Billings regularly. Specifically she learned that Billings had visited Jaeger in Rochester when Marshall was out of town. Not only that, but the two of them had socialized with Marshall's peers and colleagues at Rochester, all of whom knew that Jaeger and Marshall were dating.¹³² They knew that Billings was staying with Jaeger and that the two were sexually intimate. Marshall was completely humiliated in front of her professional colleagues.¹³³
85. During and after his relationship with Marshall, students were aware of Jaeger's sexual relationship with Billings. He would fly her in for working weekends during which they would have sex and socialize with graduate students. He invited her to lectures and to his lab retreats.¹³⁴ She was a highly capable scientist, but their relationship added to the sense for women students at UR that working with Jaeger was a potentially dangerous experience, where they would always have to be navigating unacceptable demands to blur professional lines, or succumb to him.¹³⁵
86. At the LSA institute in summer 2009, Jaeger met Chigusa Kurumada who was a graduate student at Stanford and one of his students at the Institute. The same week that his relationship with Dr. Marshall ended, Jaeger began a sexual relationship with Kurumada. He brought her back to the house he was sharing with a number of UR students near Stanford and had loud sex with her. Gordon could hear them. She felt embarrassed and that it would not be possible to have a professional relationship with him after she had been forced to hear his exhibitionist sex. Jaeger

¹²⁹ Jackson and Marshall statement.

¹³⁰ Witness 4 testimony.

¹³¹ Jackson testimony.

¹³² Marshall and Jackson testimony.

¹³³ Marshall testimony.

¹³⁴ Gordon and Jackson testimonies.

¹³⁵ Sanders and Jackson testimonies.

and Kurumada continued dating. Eventually she came to UR as a “partner hire” based on her relationship with Jaeger. The two of them are still involved.¹³⁶

87. In 2011, Jaeger began a sexual relationship with Denise Darlington (“Darlington”). Darlington had worked in Jaeger’s lab for two years as an undergraduate and had graduated in May 2010. For a year after graduation, from 2010-2011, Darlington worked as a lab manager with Newport and Aslin. During this period, Jaeger was writing Darlington letters of recommendation for her graduate school applications and they were publishing together. At least one sexual encounter with Darlington involved a threesome with Kurumada. Jaeger frequently treated Darlington poorly. She would often come to the office of Dr. Rachel Rogers¹³⁷ to cry. Jaeger would do something Darlington considered objectionable, but then call and apologize and convince her to carry on the relationship. Rogers believed that Darlington wanted to end the relationship, but also wanted to remain on good terms with Jaeger and feared he would retaliate against her if she left.¹³⁸
88. Students at UR were also aware of Jaeger’s previous relationship with Owens. They understood that he had been on the admissions committee when her application to BCS was reviewed, that she had worked in his lab afterward, and that they had published together. Owens reportedly did not want Jaeger to be on her qualifying exams or dissertation committees, but was too afraid to request that he be excluded.¹³⁹
89. Jaeger slept with so many students at UR or other institutions, and made passes at so many others, that his penchant for having sex with graduate students became well known among Ph.D.s and post-docs. One witness recalls her colleague asking her at the start of an academic year whether Jaeger was “banging any graduate students yet.” He told her such information would allow him to “make a lot of money,” because he and a colleague had a bet about who Jaeger would sleep with first. One of the men had bet on the three female graduate students he thought were most sexually attractive, while his colleague had picked the three women whose offices were closest to Jaeger.
90. Many students thought Jaeger showed professional favoritism to the women he slept with. For example, Billings was invited to collaborate with his lab and attend conferences and lab retreats. Jaeger included her in these professional opportunities and secured prestigious speaking engagements for her despite the fact that he told Kidd that Billings was obviously unintelligent and was not highly thought of by her own advisor, with whom Jaeger said he was well acquainted. He said, at least she has an incredible set of breasts, and that it was too bad that she did not have a brain in each of them. Another example is Fisher, who was a post-doc at UC

¹³⁶ Gordon testimony.

¹³⁷ This is a fictitious name used to protect the individual’s identity.

¹³⁸ Witness 3 testimony.

¹³⁹ Sanders testimony.

San Diego when Jaeger initiated a relationship with her during the 2007 LSA Institute at Stanford, which she attended as a student and him as an instructor. The following academic year, Jaeger pulled for Fisher to be invited to fly in and speak as part of the prestigious Center for Language Sciences Colloquium Series in the department. Jaeger told Kidd to support her candidacy because he wanted to try to reinitiate their relationship during her visit.

91. Kurumada was given a tenure-track position largely because she was Jaeger's partner. UR has a history of making spousal hires and so Kurumada's professional accomplishments, while far below the level of typical BCS hires, seemed satisfactory to senior faculty in BCS at the time. They were unaware that she had been well-known to the graduate students in the department for years as a fellow graduate student who had been having a sexual relationship with a UR professor.
92. To many students and post-docs, it was clear that one had to have a close personal relationship with Jaeger in order to work with him successfully. For women, that meant sleeping with him, or at a minimum tolerating sexually explicit behavior and power plays that made them feel vulnerable as women which they felt he did for that purpose.
93. Indeed, based on their experience with him, many students who worked on graduate recruitment were concerned about Jaeger interacting with prospective students because of sexual harassment and inappropriate behavior that would reflect badly on UR. They had no similar concerns about any other faculty member.¹⁴⁰

Female students avoid Jaeger at the cost of their education

94. At least eleven female students and post-docs at UR actively avoided working with Jaeger because of his constant sexual innuendos, pressure to sleep with students, power plays and other unprofessional behavior, which created a taxing, strange and unequal environment in which to pursue their education. Their experiences with Jaeger are detailed below (and for clarity, each one is given a number, 1-11):
 - a. By winter 2008, Kidd (1) desperately wanted to change her living situation and escape Jaeger. She had started sleeping in Aslin's lab instead of coming home. She knew that the lab entrance was locked and that Jaeger did not have a key.¹⁴¹
 - b. When the lease was up on Jaeger's apartment he began looking for a house. He told Kidd that he wanted her to move to his new house with him. Afraid to tell him no, she helped him house-hunt even as she sorted out alternative housing for herself for the following year. When the time came to move, she asked him to meet her at a cafe, where she told him that

¹⁴⁰ Kramer, Bixby, Kidd testimony.

¹⁴¹ Kidd testimony.

- she would not be living with him. She told him she would no longer be working in his lab and that she wanted no association with any of the work she had been a part of for the past year, including two projects. This was a significant professional sacrifice, but she felt breaking off with him comprehensively was her only option; otherwise he would continue to harass and manipulate her. Unable to gain access to Kidd, he instead spread rumors that she was a liar and in love with him.¹⁴² Jaeger's defamation has harmed Kidd's reputation and followed her for years. Years later, one witness heard from one of Jaeger's undergraduate students that Kidd and Jaeger had had a sexual relationship, which was untrue.¹⁴³ Jaeger told Cantlon in 2010 that he and Kidd used to work together but they no longer interact because Kidd could not handle his criticism and was unstable. Cantlon heard the rumor from students that Kidd was unreliable but was not told why they thought this. When Heilbronner came to UR as a post-doc years later, she heard from a number of people that Kidd was a liar and unreliable, repeating what Jaeger had said.¹⁴⁴ Bixby also heard this about Kidd when she came to UR.¹⁴⁵
- c. After Marshall (2) ended her relationship with Jaeger, she struggled to remain in BCS. She would often avoid lectures, workshops, and department dinners or socials if she knew Jaeger was going to be there. On one occasion, she needed help with a statistical method. Her advisor suggested that she work with Jaeger. Without disclosing her previous relationship, Marshall told her advisor that she was not comfortable working with Jaeger. Instead she sought help from another student. Marshall continued to spend mental and emotional energy on avoiding Jaeger and on worrying about whether she would have to interact with him when she came into her office to work or when she would attend departmental events.
- d. In 2010-2011, a female undergraduate, Emily Evans,¹⁴⁶ who worked in Jaeger's lab and was taking an independent study from him (3) approached Patterson to complain about Jaeger's behavior toward her. The student told Patterson that Jaeger would invite her to his house, then make inappropriate comments about her attractiveness and stand too close to her. Patterson told the student that she did not have to work with Jaeger if she felt uncomfortable. The student left Jaeger's lab and did not list any of the work she had done with him on her CV because she was too afraid of what he would say if anyone contacted him as a reference. When the student applied to graduate school she only got into one program, which would require her to work with a friend of Jaeger's. She did not accept the

¹⁴² Kidd testimony.

¹⁴³ Rogers testimony.

¹⁴⁴ Heilbronner testimony.

¹⁴⁵ Bixby testimony.

¹⁴⁶ This is a fictitious name used to protect the individual's identity.

- offer of admission and instead waited to apply to graduate school again the following year.¹⁴⁷
- e. A second female undergraduate (4) approached Patterson to complain about Jaeger. This student appeared upset. She told Patterson that something inappropriate happened to her at a party at Jaeger's house. Patterson tried to get the student to tell her more about what happened, but she was too uncomfortable to give details. Again, Patterson told the student that she did not have to tolerate Jaeger's treatment and could find someone else to work with.¹⁴⁸
- f. Hailey Hanson¹⁴⁹ (5), a Ph.D. student at BCS from 2007 to 2012, observed that Jaeger spoke inappropriately, particularly to female students. She felt like women had to put up with "consistent unsavory, sexual commentary" in order to be around him. Hanson felt that Jaeger was condescending and demeaning to women students. She attended an end-of-week drinks at Lux during her first semester at UR. Jaeger approached her and made a pass at her, even though she was a Ph.D. student who had come specifically to work under his supervision, and he knew she was in a committed, monogamous relationship. She knew Jaeger had slept with a number of other female graduate students and she watched as he hit on other Ph.D. students at Lux. Hanson did not feel comfortable working with Jaeger because of his blatant misbehavior toward women, so although his research program had played a major role in her decision to come to UR in the first place, she began avoiding him. When she first arrived, she had sought Jaeger's input on her NSF Graduate Research Fellowship, which greatly improved the proposal and reflected ideas that required collaboration with him. However, because of his behavior she did not pursue that line of research until her dissertation, several years later. A chapter of Hanson's dissertation would have benefited from Jaeger's input. However, when she needed computational modeling or data analysis support she sought advice from another faculty member or student, who lacked Jaeger's level of expertise in these particular subjects. She did not include Jaeger on her comprehensive exam committee and so did not have the benefit of his knowledge while preparing for exams. She stopped attending events at Lux, though the opportunity to socialize and talk shop with her colleagues could have resulted not only in friendship, but in potential collaborations. She sometimes avoided departmental events if she knew Jaeger would be there. She avoided social events at conferences because Jaeger would be present even though this meant missing out on the chance to network, which is typically important in the job market.¹⁵⁰

¹⁴⁷ Patterson testimony.

¹⁴⁸ Patterson testimony.

¹⁴⁹ This is a fictitious name used to protect the individual's identity.

¹⁵⁰ Hanson testimony.

- g. Kristi Kramer¹⁵¹ (6), a female BCS Ph.D. student from 2005 to 2010 and post-doc until 2013, knew of Jaeger's sexually aggressive reputation with female students. As soon as Jaeger arrived, she found Jaeger's behavior around students to be highly unprofessional. He was flirtatious, vulgar and often used language with sexual innuendos. For this reason she avoided him as much as possible. She would have liked to have received instruction from him on computational methods, but she deliberately did not seek his assistance; it came with too much baggage. Additionally, when she was preparing to apply for jobs, Jaeger was the faculty member who had most recently been on the market and would have been best poised to give her professional advice. However, she did not feel comfortable interacting with him.¹⁵²
- h. Rogers (7), who was a female post-doc in BCS, also avoided Jaeger. She was doing research that was similar to Jaeger's and he would have been a natural collaborator. He was well known in her sub-field and it would have helped her education, and her career, to work with him. Indeed, several people have later asked Rogers why she did not work with him. Though she has given vague answers to that question, the truth is that Rogers felt uncomfortable working with Jaeger because of the way he interacted with female students. She worried that he would try to cross a professional boundary and she would find herself in a situation in which she would have to reject him, which would make him an enemy. She therefore avoided him at social and professional events.¹⁵³
- i. Georgia Gordon (8) came to UR in part to work with Jaeger and did work with him for the first year, but after the first year she intentionally started working more with her other advisor, a senior BCS professor. She sought to escape Jaeger's offensive, sexually charged language and crude comments about women's body parts and sexual attractiveness, including her own (and she had also had to listen to him having loud sex with a graduate student). Gordon felt that women already have a hard enough time being taken seriously in science. She thought Jaeger's treatment of her and other women undermined her purpose in coming to UR: to do scientific research and complete an original Ph.D. Gordon would have benefited from Jaeger's instruction on computational methods which were complementary to her research, but avoided him to protect her own safety and well-being. She frequently avoided events she knew Jaeger was going to attend, reducing her educational and networking opportunities. Gordon would also have had much more mental and emotional energy to devote to her work, and to developing professional relationships with her peers, if

¹⁵¹ This is a fictitious name used to protect the individual's identity.

¹⁵² Kramer testimony.

¹⁵³ Rogers testimony.

- she did not have to focus on avoiding Jaeger and maintaining firm boundaries with him. She felt she had to be constantly vigilant against his predatory actions.¹⁵⁴
- j. Keturah Bixby (9), a current UR Ph.D. student, has also avoided working with Jaeger. Bixby was immediately put-off by Jaeger’s boundary-pushing, which included standing close behind her without speaking and taking her photograph after she told him not to. She feels the way he speaks is designed to exert power over people, women in particular, by making them uncomfortable. She has observed him regularly talking about sex in front of students and post-docs. For example, on one occasion, Jaeger asked a table full of students and post-docs at Lux how to use a cock ring. Bixby actively avoids Jaeger. She has left social events if Jaeger arrives and asked a fellow graduate student to disinvite him to parties so that she and other graduate students would feel comfortable attending. She has not taken any statistical workshops that he runs, collaborated with him or sought his instruction. She continues to find his presence to be deeply unsettling, so much so that she has spent a significant amount of mental energy worrying about whether he will turn up in her office or at talks she gives in the department.¹⁵⁵
- k. Jessica Jackson (10), another former Ph.D. student, has also avoided Jaeger. When she first met him, he was relentlessly flirtatious with her. His tone and body language was overly familiar. He would touch her arm and stand close to her, as if he were already her sexual partner. He once told her that he was a hedonist and that he was “always seeking pleasure.” Jackson witnessed Jaeger flirt similarly with several other female Ph.D. students. Jaeger’s behavior, particularly his sleeping with numerous students and flaunting it, flirting with her and other students, and constantly using sexual language, made Jackson so uncomfortable that she avoided him. This meant not attending conference events or lectures that he attended. Initially, Jackson was interested in Jaeger’s work and would have been interested in working with him or in seeking computational advice from him, but she became too uncomfortable in his presence to take this normal professional step.¹⁵⁶
- l. Dr. Anna Andrews¹⁵⁷ (11) avoided Jaeger because she did not feel safe around him due to his boundary-pushing and sexualized behavior. She also abandoned a project she had started in order to avoid working with him.¹⁵⁸
95. Jaeger not only targeted students based on their sex in order to intimidate them, but he also targeted their religion and ethnicity. For example, at one graduate student party Jaeger, who is

¹⁵⁴ Gordon testimony.

¹⁵⁵ Bixby testimony.

¹⁵⁶ Jackson testimony.

¹⁵⁷ This is a fictitious name used to protect the individual’s identity.

¹⁵⁸ Andrews statement.

German, made an inappropriate joke about Auschwitz to Dr. John Smith¹⁵⁹ whom Jaeger knew to be Jewish. Smith felt uncomfortable with how Jaeger treated students, especially the way he interacted with and spoke about women. He would often avoid events if Jaeger was there and leave parties when Jaeger arrived, mainly because he was close friends with several women who avoided Jaeger. He would also leave with them from events when Jaeger showed up.¹⁶⁰

It is not surprising that students who feared Jaeger did not report him

96. Jaeger had a reputation for cruelty and retribution, so it is not surprising that students who were afraid of interacting with him were afraid to report him. As stated in Paragraph 94.d above, one student who left Jaeger's lab did not even list the work she did there on her CV out of fear that potential graduate programs or employers would contact him. Other than Kidd, who had little choice because she was then renting a room in his apartment, every female student who avoided Jaeger did so without announcing the fact to him. They wanted to escape him, not draw his attention their way by filing a complaint. Nevertheless, their educations suffered from having repeatedly to avoid and navigate around him.
97. Several witnesses have told us that they now finally feel free to state what they have long felt about Jaeger because they have faculty positions outside UR or have left academia and so are not as vulnerable to retaliation from Jaeger or UR.¹⁶¹ However, many witnesses who are still in junior positions in the same or related fields express fear that he will learn they have criticized him and that use his influence to disparage them to others in the field or that he will give negative reviews of their grant proposals or scientific papers.¹⁶²

Some students had no way of knowing they could or should report Jaeger

98. Some students harassed by Jaeger did not realize until later, when they worked at other universities with better sexual harassment systems than UR's, that Jaeger's predatory behavior was unlawful.¹⁶³ One witness stated that she and other former BCS female graduate students have recently discussed why they never reported Jaeger when they were students. She states that at the time, they were new to academia and that part of the purpose of graduate school was to "socialize" the students into the academy.¹⁶⁴ In other words, they were learning for the first time what was normal academic practice, guided by their professors, including Jaeger, who told people UR approved his sexual promiscuity with students and that any discomfort they felt was a sign of their own prudishness. This is why instead of encouraging students to report

¹⁵⁹ This is a fictitious name used to protect the individual's identity.

¹⁶⁰ Nichols testimony.

¹⁶¹ Jackson testimony.

¹⁶² Darlington, Rogers, and Andrews testimonies.

¹⁶³ Kramer and Patterson testimonies.

¹⁶⁴ Patterson testimony.

Jaeger when he made them uncomfortable, for example, Patterson advised students to navigate around him.

99. Jaeger actively created the perception that his sexual misconduct was normal and accepted. An example of this can be seen in his assurance to Kidd when she was a graduate student that UR knew all about it and it was normal (see paragraph 37). Although Kidd nearly did not attend UR because of Jaeger, he – and her USC advisor’s statement that there was some risk in choosing any department – eventually convinced her that his actions were so commonplace in the field that she would face the same reality no matter where she studied.¹⁶⁵
100. Another witness stated that she did not complain about Jaeger’s sexual relationships with students because she too thought the University did not object. She was uncomfortable with them, which caused her to avoid Jaeger despite the detriment this caused to her education. However, she did not fully appreciate, until she became a faculty member herself, how much power faculty members have over student careers. She believes that if she behaved at her current institution the way Jaeger did at UR, she would unquestionably be fired for sexual misconduct.¹⁶⁶ Several Complainants agree with this assessment. Kidd and Piantadosi were disgusted with Jaeger’s misconduct when they were graduate students, but they became even more aware of the importance of respecting boundaries in faculty student relationships when they became UR faculty members themselves.¹⁶⁷
101. One witness, a friend of Marshall, said he wishes he had reported Jaeger years ago. At the time, he felt that Marshall wanted to extricate herself from a sexual relationship with Jaeger but was afraid to do so largely due to the power and influence Jaeger wielded in the department. He was disgusted by Jaeger’s pursuit of Marshall after she attempted to end the relationship the first time. However, he knew that Marshall was embarrassed by the relationship and did not want senior faculty to learn of it. Out of loyalty to her wishes, he stayed quiet.¹⁶⁸

Bixby formally puts UR on notice of Jaeger’s behavior by complaining to the Chair of BCS, who handles the complaint quietly, privately and without evident result

102. In 2013, Bixby had finally had enough of Jaeger’s harassment, constant pushing of normal professional boundaries, and efforts to humiliate students. Bixby generally tried to avoid Jaeger so she would not have to deal with his constant predatory behavior; however, she could not avoid him at all department events. At one such department event, where graduate students were required to help run a graduate student recruiting weekend, he took her picture after she refused permission. The next month, after she gave a required lunch talk, he took up most of

¹⁶⁵ Kidd testimony, Facebook messages.

¹⁶⁶ Kramer testimony.

¹⁶⁷ Kidd and Piantadosi testimonies.

¹⁶⁸ Nichols testimony.

the question period with his own rambling. Finally, at a conference, a potential post-doctoral student told Bixby that she wanted to come to UR, but had seen Jaeger's predatory behavior at a Language Studies Association conference she attended and was concerned she would have to work with him. Bixby assured the prospective student that she could come to UR and not work with Jaeger and that it was not uncommon for women to avoid him professionally. Bixby wanted to promote UR but recognized Jaeger's unacceptable actions were hurting recruitment. At this point, she decided to report Jaeger's mistreatment of graduate students, and women in particular, to DeAngelis.¹⁶⁹

103. In November 2013, Bixby formally advised DeAngelis of the names of a number of students who had had toxic experiences with Jaeger, including Kidd, Hanson, Sally Sanders,¹⁷⁰ and Andrews.¹⁷¹ Kidd provided DeAngelis with additional names.¹⁷² This is the first formal complaint about Jaeger to UR known to the Complainants. It put the University on notice that he was causing major problems for female students and BCS generally through his predatory behavior.
104. Three months after Bixby reported Jaeger's harassment to DeAngelis, he replied with a single email. Although Bixby had given DeAngelis the names and contact information for Kidd, Hanson, Sanders, and Andrews – with their permission – DeAngelis chose to speak only with Andrews and Kidd. He acknowledged that his conversations with them showed a pattern of undesirable behavior by Jaeger. However, he said he had “spent some time reviewing the University's policies, and concluded that none of the stories that [he] was told were in violation of the university's policies on harassment, etc.”¹⁷³
105. UR's sexual harassment policy at the time of Bixby's notification to DeAngelis had been in force since November 2012 and stated that:
 - a. “Discrimination is (1) any conduct (2) that adversely affects or impacts an individual's or group's ability to function and participate as a member of the University community (3) because of their age, color, disability, ethnicity, marital status, military status, national origin, race, religion, sex, sexual orientation, veteran status, or other status protected by law;”
 - b. “Harassment is (1) any unwanted conduct (2) that is intended to cause or could reasonably be expected to cause an individual or group to feel intimidated, demeaned, abused or fear or have concern for their personal safety (3) because of their age, color, disability, ethnicity, marital status, military status, national origin, religion, sex, sexual orientation, veteran

¹⁶⁹ Bixby testimony.

¹⁷⁰ This is a fictitious name used to protect the individual's identity.

¹⁷¹ Bixby testimony.

¹⁷² Kidd testimony.

¹⁷³ Email from Dr. DeAngelis to Bixby on March 11, 2014.

- status, or other status protected by law or because of their perceived or actual affiliation or association with individuals or groups identified by such characteristics and (4) that could reasonably be regarded as so severe, persistent, or pervasive as to disrupt the living, learning and/or working environment of the individual or group;” and
- c. “Sexual harassment is harassment as defined above that involves unwelcome conduct of a sexual nature. Depending on the circumstances, the following types of behavior may constitute Sexual Harassment:
- i. Unwanted comments about an individual’s body, clothing or lifestyle that have sexual implications or demean the individual’s sexuality or gender;
 - ii. Unwanted sexual flirtations, leering or ogling;
 - iii. Unwanted sexual advances and propositions;
 - iv. Unwanted display of sexually demeaning objects, pictures or cartoons in areas visible to other members of the University community;
 - v. Threats or insinuations that an individual’s refusal or willingness to submit to sexual advances will affect the individual’s status, evaluation, grades, wages, advancement, duties or career development;
 - vi. Stalking, telephone or computer harassment, dating violence, sexual assault or date rape.”
106. The conclusion DeAngelis reached, after consulting only two of the women Bixby reported as having been victimized by Jaeger, was that Jaeger had not violated relevant University policies.¹⁷⁴ This was manifestly not supported by even the facts he had chosen to discover.
107. For example, Andrews told him about Jaeger forcing her to come to his house to meet (see paragraph 77 above) even though she had repeatedly said she did not feel comfortable doing so and had suggested convenient alternatives. Even if Jaeger had required all students, including men, to meet him alone at his residence, such a policy would discriminate against women students, who are more likely to feel unsafe meeting their male professor in his home. In any case, Andrews had told DeAngelis that she felt this was an example of Jaeger exerting power over her specifically to make her feel uncomfortable – that Jaeger knew she would feel uncomfortable with the arrangement because she was a woman and insisted on it anyway. Andrews had made clear, both to Jaeger at the time and later to DeAngelis, that Jaeger’s

¹⁷⁴ It seems evident that DeAngelis did not have a basic understanding of the University’s policies or applicable law and did not bother to consult anyone to learn it.

conduct was unwanted and disturbing. Jaeger's treatment of Andrews led her to eventually drop a project she had been working on with him and to forego asking him for any professional support or letters of recommendation, a clear example of disruption to her education.¹⁷⁵

108. Kidd reported to DeAngelis that Jaeger had intrusively and repeatedly probed into her sex life, used constant sexual language, and had often spoken about female students and prospective students in sexual terms. She told DeAngelis that she had made it clear to Jaeger that his treatment was deeply bothersome. She also reported to DeAngelis that Jaeger's harassment became so severe and pervasive that she slept in Aslin's locked lab because she did not feel safe enough to sleep in her own bed where Jaeger could gain access to her. She told DeAngelis that she eventually left Jaeger's lab, abandoning a year's worth of work on two projects, in order to escape him. These were clear examples of disruption to her education and her working environment. Kidd offered to provide additional information and gave DeAngelis the names of ten other students who had been similarly affected.¹⁷⁶ But DeAngelis declined to contact them or to investigate further.
109. If DeAngelis had concern for women students and faculty in BCS and had spoken to the two other students Bixby identified by name, the ten students identified by Kidd, as well as many others who had encountered Jaeger (in fact Bixby had told him that *nine* other women she knew about avoided working with Jaeger because of his sexual excesses), he would have easily discovered the profuse examples of Jaeger's sexually harassing behavior described above and how his behavior corroded women's educations in his department. As far as the record reveals, DeAngelis did not contact any of those women.¹⁷⁷
110. Noticeably absent from DeAngelis's email to Bixby explaining his decision not to pursue Jaeger further is any mention whatsoever of sex or gender, despite several students or former students providing him with evidence of sexual harassment by Jaeger. It was as if he was deliberately trying to avoid acknowledging this elephant in the room. DeAngelis's email refers to Jaeger exhibiting "undesirable behavior" and says that he raised "the general nature of these issues" with Jaeger. DeAngelis also concludes that Jaeger now had greater sensitivity to "such things." DeAngelis says he spoke to "other people" – who in fact were all women – and that he had told Jaeger to be careful when trying to "be social with students." Although Bixby categorized her interactions with Jaeger as "weird" rather than "sexual," she made clear to DeAngelis that she felt harassed and that other women had felt harassed. She suggested that DeAngelis speak to other women in the department about Jaeger's inappropriate behavior and stated that at least nine other women had avoided working with him.¹⁷⁸ A reasonable reader of Bixby's written statement to DeAngelis would understand that Bixby was particularly concerned about Jaeger's

¹⁷⁵ Andrews statement.

¹⁷⁶ Kidd testimony.

¹⁷⁷ Bixby testimony; March 11, 2014 Email from DeAngelis to Bixby.

¹⁷⁸ *Id.*

treatment of women, and that should have been amplified by the testimony DeAngelis heard from Andrews and Kidd, and the corroborators and victims they recommended to him.

111. But DeAngelis sidestepped this. Indeed, his email demonstrates more concern for Jaeger than for Bixby or the other women who had been affected by Jaeger's sexual pursuits and boundary pushing. He wrote that "Florian took this news pretty hard, even though I tried to present it in a constructive manner." He went on to say "We actually had a second meeting today because he was still bothered and wanted to talk more." He said, "I think it is fair to say that [Jaeger] was unaware about the impact that he had on other people in most of these situations" and "I do think that [Jaeger] learned some things about himself and that he will go forward with a heightened sensitivity to such things. He really did take it very seriously."¹⁷⁹
112. However, Bixby did not confide in DeAngelis just so that Jaeger could have a learning experience. She did so because (1) her education was suffering, (2) she knew prospective female students were foregoing educational opportunities at UR, and (3) the educations of several previous UR female students and post-docs had also suffered. Bixby, and other women in BCS, needed support and protection more than Jaeger needed a teachable moment. In her written statement to DeAngelis, Bixby specifically asked for his intervention on two points. She said that she never wanted to have to interact with Jaeger again, and asked how she should respond to students concerned about working with him. DeAngelis did not meaningfully address either of these requests for help, nor in the absence of any answer did he steer her to possible sources of expertise, such as the UR Title IX office or a Dean.¹⁸⁰ DeAngelis simply told Bixby that she could say whatever she wanted to prospective students, that he could not stop her from warning them away from Jaeger. He told her that she could not prevent Jaeger from interacting with her or attending her talks. In short, he took no action to protect Bixby.
113. In fact, DeAngelis himself had a duty to report Bixby's allegations to Human Resources or to the appropriate administrator. University Policy 106, issued in 2013, states that "a supervisor or person with managerial authority who observes or learns of alleged unlawful harassment, discrimination or retaliation must inform Human Resources and the relevant administrator..."¹⁸¹ At the time, Bixby did not know whether DeAngelis took such action. She was later told by Title IX Coordinator Morgan Levy that DeAngelis had sought advice from the University Counsel's office. If true, then the UR administration generally (beyond DeAngelis) has been on notice of Jaeger's misconduct since 2013.
114. Additionally, DeAngelis did not provide support to Bixby to help her deal with the obviously disruptive and traumatic circumstance she was facing in trying to coexist with Jaeger, such as

¹⁷⁹ *Id.*

¹⁸⁰ March 11, 2014 Email from DeAngelis to Bixby.

¹⁸¹ Page 5, Policy 106, Revised 11/12.

telling her about counseling available through the University or to approach the Title IX coordinator.¹⁸²

115. DeAngelis later told BCS faculty that he had never heard any complaint of unwanted sexual behavior by Jaeger before Aslin and Cantlon's 2016 complaint. He did not mention Bixby's complaint in 2013. When the Complainants confronted DeAngelis about the 2013 complaint, he insisted that her complaint was not sexual in nature.¹⁸³

DeAngelis's inaction with Bixby and others sent a message to female students and faculty

116. When DeAngelis consulted Kidd in response to Bixby's complaint in 2013, Kidd was very surprised to learn that he was just now hearing of Jaeger's repeated sexually predatory behavior toward women students. Nevertheless, the fact that he met with her to learn about it gave her hope that BCS might finally do something about this persistent blight on the department.¹⁸⁴ But Jaeger was not publicly admonished; there was no public acknowledgment of the problem.
117. The conclusion thus reached by Kidd (who by then was a faculty member) and other junior faculty who knew of Jaeger's conduct, including Cantlon, was that BCS leadership and other University administrators condoned it. Kidd was deeply hurt that DeAngelis had heard all of the illegal harassment she had experienced, culminating in having to sleep in Aslin's locked lab to avoid Jaeger, and Jaeger still got a "free pass."
118. DeAngelis's inaction set the stage for years of Kidd and Cantlon suffering a hostile work environment. They did not feel that they could complain when other colleagues made sexist remarks or silenced their views. After all, Kidd had already complained about treatment that was far worse and BCS decided to do nothing.
119. In June 2014, Cantlon attended a small dinner party with Mahon, Jaeger, and other BCS colleagues at DeAngelis's house. A documentary film about her Ph.D. advisor, Dr. Herbert Terrace, had recently aired which depicted him as someone who slept with his students. At the dinner table, a senior professor said to his colleagues, "How many sexual favors has Jessica done to get here?" Cantlon heard this comment and felt humiliated and objectified, but given the dinner party context and her junior status, did not want to upbraid the professor publicly. Mahon, Cantlon's partner, was also shocked that his more powerful colleagues did not know how hurtful and out of line this kind of talk was. But at BCS, this kind of attitude had become normalized, reflecting the hostile environment that Jaeger both heightened and took advantage of for a decade, which has helped render women students and faculty second class citizens, to their detriment and to the detriment of male students as well.

¹⁸² Bixby testimony.

¹⁸³ Cantlon testimony.

¹⁸⁴ Kidd testimony.

120. In fact, Cantlon never slept with Terrace nor any of her professors or mentors. But given the prevailing mores in BCS, Cantlon's success was attributed by its senior male figures not to the quality of her scientific research or her work ethic, but to her female wiles. It is noteworthy that senior BCS faculty could readily conclude that Terrace's (fictional) sexual involvement with Cantlon burdened her academic reputation, but were oblivious to how Jaeger's practice of and reputation for sleeping with numerous students would do the same for female BCS students, even those who did not in fact sleep with him.
121. In February 2011, Jaeger made the inappropriate comments about Dr. Gordon's sexual desirability to senior faculty in front of all her colleagues described in Paragraph 75 above. At the same dinner, Jaeger bragged to Cantlon and Mahon that he accepted a position at UR because of its "legendary" nude hot tub parties with students.
122. In May 2011, a male BCS faculty member asserted in front of DeAngelis, Cantlon, and a visiting faculty member, that "most cases of rape aren't really rape". He contended that many cases of rape occurred between people who were in romantic relationships at some point and alluded to some statistics he had read in the news. His implication was that the victims are confused or lying. DeAngelis was present for this conversation but said nothing.

Following Bixby's complaint, Jaeger does not take students' concerns seriously, despite having convinced DeAngelis otherwise

123. In November 2015, after his conversation with DeAngelis, Jaeger attended a "BCS dinner talk" during which the whole department ate dinner in a lecture hall and listened to a professional talk. The BCS faculty member who was the ombudsperson and Director of Graduate Studies was also present. While sitting at a table with Bixby and this faculty member, Jaeger told the faculty member that he thought the mandatory sexual harassment training the department had recently taken online was "stupid." He said that anyone could just say anything about anybody, implying that people who complained about sexual harassment were likely to be making things up. Bixby was upset by Jaeger's dismissive attitude about sexual harassment, which she thought was typical for him and proved that her complaint about him to DeAngelis and DeAngelis's subsequent talk with Jaeger had changed nothing, contrary to DeAngelis' positive spin. She was also upset that, the department's ombudsperson and Director of Graduate Studies did not contradict Jaeger or at least tell him that it was wrong to disparage sexual harassment training or question the integrity of victims, especially in front of students. Bixby left the dinner to get away from Jaeger and the other faculty member and only returned later for the talk.
124. Bixby later wrote to this BCS Director of Graduate Studies ahead of a graduate student "check-in" meeting to suggest that faculty members should communicate to students that sexual harassment is taken seriously in BCS. She suggested that faculty should not joke about sexual harassment training, especially in front of students or with Jaeger, specifically referring to

Jaeger's statements in front of Bixby and himself. The DGS wrote back to Bixby and admitted she was right.

125. In early 2016, BCS was hiring a new faculty member. It made an offer to a candidate who would accept only if his spouse could also find a position at UR. This led to discussion about the appropriateness of relationships between students and professors. Jaeger stated that there was no problem with students and professors engaging in personal or sexual relationships. Aslin, Cantlon, Mahon, Kidd, Piantadosi and Hayden disagreed and worried that Jaeger's attitude left unchecked would send the message to BCS that professors could and should sleep with their graduate students.
126. Jaeger became very angry with Aslin, Cantlon, Hayden, Piantadosi, Kidd and Mahon. He said there was nothing wrong with professors dating students. When Aslin raised the issue in a faculty meeting, Jaeger stood up and threatened to leave the meeting if this particular discussion of professional ethics continued. DeAngelis supported Jaeger and steered the meeting away from this discussion.
127. It was in the course of discussing this new appointment that Aslin learned of Jaeger's long history of sexual relationships with various former BCS students, and that Jaeger had harassed, humiliated, and pressed to have sex with multiple former students and post-docs, well beyond acceptable limits. He was horrified that Jaeger had been behaving this way, unchecked by his superiors. Aslin was the Director of Graduate Studies during some of this period. He contacted Newport, who had been BCS Chair at the time. She, too, had been unaware of Jaeger's manifold sexual misconduct toward students. Both felt a responsibility to address the detriments and illegalities that students had experienced unbeknownst to them, and the ongoing reputational threat Jaeger's behavior posed to female students, the status of BCS and its ability to recruit the best students. As a result, Aslin and Newport worked with the younger BCS faculty, both men and women, who were aware of and had suffered from Jaeger's behavior – Cantlon, Kidd, Piantadosi, Mahon, Hayden – to find a solution.
128. Most of the Complainants had no personal grievance with Jaeger. For example, Aslin and Newport had both actively recruited him as a solid candidate to BCS in 2006. Before Aslin learned of Jaeger pressuring women for sex and otherwise harassing them, he voted in 2016 to support Jaeger's early advancement to the rank of full professor, and both Aslin and Newport had nominated him for a number of awards and had collaborated with him on research. Even the Complainants who knew and disapproved of Jaeger's treatment of students and post-docs as it was happening had always acted in a respectful professional way towards him. Nevertheless, all the Complainants felt duty bound to ensure that BCS students were safe and had equal access to the educational opportunities it offered. The allegations against Jaeger were deeply troubling and, if true, he had seriously hurt the education of both men and women at BCS and sullied its reputation. The Complainants felt that any students who had been sexually harassed, lost educational opportunities or felt unsafe in BCS because of Jaeger and the hostile

environment that he was pivotal in creating deserved redress, and that current and future students should be protected.

129. Ultimately the group decided that Jaeger's behavior needed to be formally brought to the attention, once again, of UR administrators so that it could be properly investigated and dealt with. As its most senior members, Aslin and Cantlon decided to bring the complaint forward in their names.

D. THE UNIVERSITY RECEIVES A SECOND OFFICIAL COMPLAINT ABOUT JAEGER'S BEHAVIOR, AND CONDUCTS ANOTHER INADEQUATE AND BIASED INVESTIGATION THAT WHITEWASHES HIM

Aslin files a complaint with UR to initiate an official investigation

130. Aslin filed a complaint with the University in order to trigger UR's investigative procedures. On March 10, 2016, he emailed UR's Senior Counsel Richard Crummins:

Over the past few days, I have become aware of some very serious allegations about sexual harassment by a faculty member. I feel obligated to tell you what I know and to initiate a formal investigation.

131. On March 11, 2016, Aslin was told that Crummins had passed the complaint to Catherine Nearpass, Associate Counsel for Employment and Labor Relations. Aslin and Nearpass spoke that same day for an hour. Aslin shared the allegations he had heard:
- a. A number of former graduate students had been intimately involved with Jaeger.
 - b. Jaeger had sexually harassed Kidd when she was a graduate student.
 - c. Jaeger had sexually harassed Gordon.
 - d. Illegal drugs had been used at least once during Jaeger's lab retreats in the Adirondacks. One of the attendees, Kurumada, then a graduate student at Stanford and now a BCS assistant professor and Jaeger's partner, overdosed and required emergency medical attention.
 - e. Jaeger had solicited sex with a visiting graduate student, visiting Ph.D. students, and visiting faculty.
 - f. Jaeger had made demeaning comments of a sexual nature about women in front of students.

132. Aslin was not asserting that these allegations were true. They were what he had collected from colleagues using reasonable diligence, and he felt obliged to report them to University officials charged with conducting investigations about such matters. Similarly, Aslin shared a list of people that Nearpass could contact to begin her inquiries. The list included the names of every female student and post-doc that he thought may have interacted with Jaeger. Aslin was not asserting that all of these individuals had engaged in sexual relationships with Jaeger or experienced sexual harassment. Having heard that Jaeger had engaged in predatory behavior toward female students and post-docs on a systematic and continuous basis over many years, he simply wanted to be sure that anyone who might have had a bad experience was spoken to and given an opportunity to tell their story, suggest other witnesses, and, if appropriate, receive support from the University.
133. On March 15, 2016, Aslin met with Kidd. Kidd had been Aslin's Ph.D. student. He was concerned that she thought he had known for years about what Jaeger had done to her and other women but done nothing. During this conversation, Kidd for the first time gave Aslin a full account of her experiences with Jaeger including:
- a. Jaeger had repeatedly made sexual comments and inquiries;
 - b. She repeatedly made it clear to Jaeger these comments were unwelcome;
 - c. Jaeger would show up at the house she shared with Gordon (after she escaped from living in Jaeger's spare room) in a way she found relentless and oppressive;
 - d. Jaeger had had a sexual relationship with Owens when she was a masters student at UCLA and then encouraged her to apply to UR's Ph.D. program;
 - e. Jaeger's retreats involved illegal drug use;
 - f. Jaeger tried to use Kidd to arrange encounters with women he was interested in, including a prospective student and a faculty member's spouse; and
 - g. Jaeger had engaged in sexual relationships with non-UR graduate students in full view of UR students.¹⁸⁵
- Aslin subsequently shared this information with Nearpass.
134. Aslin notified Nearpass that he was meeting with Kidd and that he had liaised with potential witnesses to aid in the investigation. Nearpass gave no indication that this was not permissible or constituted a violation of confidentiality.

¹⁸⁵ Kidd and Aslin testimonies.

Aslin receives little information about the complaint process

135. Aslin received very little information about the complaint process. While UR has several different complaint processes that might be invoked, involving different offices and policies, he was not told about them or how they differed. He was not told that witnesses, many of whom were possible victims of sexual harassment by Jaeger, would have no right to be informed of the scope of the investigation or its outcome. He was not told what his rights were as a complainant. He was not told that he and witnesses were supposed to be protected from retaliation. Still, through his own persistence, Aslin was better informed than an average complainant because of his own knowledge of the system – as a former Vice Provost and Dean of the College of Arts and Sciences – and because his status allowed him to secure meetings with UR Counsel and administrators and the BCS Chair. He wondered how an average complainant with less influence and power could possibly navigate such a system.¹⁸⁶

UR attempts to complete a “thorough investigation” in two weeks

136. Aslin met with Nearpass on March 22, 2016 to talk about her investigation. Though it had started just a week ago, she told Aslin that she would be finished within the next few days. She told him she only had a few more witnesses to speak to. This surprised him. He had given Nearpass a long list of witnesses and expected that some of them would surely suggest additional people with knowledge of Jaeger’s behavior. Aslin asked Nearpass why she thought the allegations could be addressed so quickly. She replied that all of the harassment presented to her for review had happened years ago. Aslin told Nearpass that victims often do not report harassment until much later, so there was no basis to conclude Jaeger had changed his ways. Nearpass did not respond to this point, but promised a full investigation.¹⁸⁷
137. Aslin met with Crummins, the University’s Senior Counsel, the following day to clarify the investigative process and to reinforce that he felt a comprehensive investigation was needed. He said he was worried that if Jaeger’s behavior ever became public, UR, and BCS in particular, would suffer greatly. He expressed concern that Nearpass’s role meant she had to protect the institutional interests of the University, her employer and client, while also having to elicit difficult testimony from women who felt the University had let them down, and at the same time protect the rights of Jaeger, a University employee – a tangle of conflicting interests. Aslin left the meeting still confused about how the process worked and which policies would be considered during the investigation. He has since wondered if the Counsel’s office intentionally obfuscated the process so that it would be more difficult to challenge procedures and outcomes.¹⁸⁸

¹⁸⁶ Aslin testimony.

¹⁸⁷ Aslin testimony.

¹⁸⁸ Aslin testimony.

Cantlon meets with the Title IX coordinator

138. Because of how the investigation proceeded, in particular the interview questions Nearpass was asking, the Complainants became concerned that she was keeping her focus artificially narrow – solely on whether Jaeger warranted discipline under UR’s sexual harassment policies – to the exclusion of whether his behavior had hurt educational opportunities for female BCS students or created a hostile environment for them. Although students’ experiences considered together showed a clear pattern of Jaeger using his University position to abuse women, Nearpass seemed to want to shut down lines of inquiry that could implicate Jaeger, and by extension the University.¹⁸⁹ She seemed to concentrate almost entirely on whether or not Jaeger had slept recently with one of his direct supervisees.
139. While this was a narrow concern, it was still an important one; but Nearpass clearly wanted the answer to be “no.” For example, Newport, the former BCS Chair now at Georgetown, spoke at length with Nearpass about information she had learned from former BCS students about Jaeger before the complaint was filed. She urged Nearpass to interview Darlington who had worked with Jaeger closely as an undergraduate, and whom Newport learned had had sex with him shortly after graduation and had engaged in a threesome with him and Kurumada.¹⁹⁰ Nearpass responded dismissively, stating that Jaeger’s relationship with Darlington was fine since she had just graduated when the sexual relationship began and was thus no longer covered by the University’s prohibition on professor-undergraduate sex.¹⁹¹ Nearpass did not seem concerned with whether the relationship had affected the educational or working environment of Darlington or other women and thus violated Title IX, or the fact that Jaeger published with Darlington and provided references for her when they were having sex. Nor did she indicate an interest in pursuing whether Jaeger had used his position of power over Darlington to “groom” her while she was his undergraduate advisee, to culminate in a sexual relationship once doing so would no longer be a technical violation of UR policies, or whether Darlington’s information could contribute to a fuller picture of Jaeger’s behavior.
140. Nearpass also declined to interview visiting faculty who Jaeger invited to stay at his house over the years, telling Newport that sexual relationships with them would not violate any University policies. Again, Nearpass did not seem concerned to investigate the effect sexual relationships with a series of professional women visiting the department might have on them or on BCS students, or whether Jaeger might be creating a hostile environment in BCS that extended outside the University. Rather, her approach seemed to be confined to considering each potential relationship individually and not to examine any pattern or hostile environment created if taken together.

¹⁸⁹ Cantlon and Aslin testimony.

¹⁹⁰ Rogers testimony.

¹⁹¹ Newport testimony.

141. By contrast, Aslin, Cantlon and the other Complainants wanted to be sure a complete account of Jaeger’s possible contributions to a hostile environment and sexual harassment at BCS was considered by the University, whether or not that merited disciplining him under its HR policies.

The Title IX office also downplays Jaeger’s misconduct

142. On March 25, 2016, Cantlon asked Title IX Coordinator Morgan Levy whether she could file a complaint separate from Aslin’s with the Title IX office based on the hostile environment that she and other junior faculty, post-docs and students had endured under Jaeger. Levy discouraged this. She told Cantlon that the Nearpass Report would weigh violations of all relevant policies by Jaeger. Cantlon replied that the investigation into Aslin’s complaint seemed to be focusing on sexual relationships between Jaeger and his direct students only, instead of the totality of his actions – his relationships with graduate students he did not directly supervise, with recent students, with students from other universities, his flirtations and constant sexual commentary and grooming students for sex. Levy said that Jaeger’s relationships with non-UR students would probably not be found to be in violation because the policy “doesn’t have any teeth.”¹⁹²
143. Moreover, Levy told Cantlon that in reference to Jaeger sleeping with students, it was not uncommon for less powerful women to seek out more powerful men for sexual relationships, similar to how poor women sometimes enter into a relationship with a rich man for economic benefit. Cantlon was surprised that the person designated to handle sexual harassment complaints at UR was so blasé about these sorts of power imbalances, which in a university context would lead to the sexual harassment of students, and also viewed less powerful women as the primary cause or initiator of such relationships.¹⁹³
144. Levy’s strange and offensive comment about women to Cantlon was not an isolated incident. In September 2016, when Levy met with Bixby, and then again in November 2016 when Levy met with graduate students in BCS, she said that not letting students sleep with their professors would be to deny the students’ agency. Levy was unconcerned about the power differential inherent in a relationship between student and professor.¹⁹⁴
145. Cantlon told Levy that she was concerned about women at BCS having equal access to an education free from discrimination and harassment based on sex or gender, and asked whether she should file a federal Title IX complaint. Levy replied, “If you do that, I will be on the other side.” Cantlon perceived this statement as a threat. It was certainly not supportive of her legal rights. Cantlon wondered how uncomfortable students must feel complaining to Levy if a tenured faculty member like herself felt uneasy making a complaint.

¹⁹² Cantlon testimony.

¹⁹³ Cantlon testimony.

¹⁹⁴ Bixby testimony.

146. Cantlon asked Levy if she could instead file an internal complaint to ensure that her concerns about sexual harassment and hostile environment were in writing. Levy seemed indifferent. She told Cantlon that she could file a complaint if she wanted, and if she did, to focus on the demeaning and objectifying statements Jaeger made to women. Cantlon and Piantadosi submitted a written complaint to Levy and Nearpass a few days later.
147. They never received a response. Perhaps the Title IX office believed the Nearpass Report subsumed the answer due to Cantlon, but the Report does not say this, and Piantadosi never received any response.

Jaeger is promoted to full professor while he is under investigation

148. Before Aslin had learned of Jaeger's long pattern of predatory behavior in BCS, he had voted in favor of Jaeger's case for promotion to full professor. However, he assumed that Jaeger's promotion process would be put on hold during the University investigation into his misconduct, since the allegations of his sexual harassment and misconduct were serious. When he learned that this would not happen, he wrote to DeAngelis on March 23, 2016 to revoke his affirmative vote.¹⁹⁵
149. Aslin asked DeAngelis to request that Dean Culver delay a final decision on Jaeger's promotion until the investigation had been resolved. UR ignored Aslin's request. Jaeger's case for promotion went forward and was approved by the President and Board of Trustees in May 2016, six weeks before the final ruling by the Dean assigned to handle the Aslin-Cantlon complaint against Jaeger.¹⁹⁶
150. Jaeger announced his promotion on social media shortly after, within full view of most of the witnesses. Kidd, Gordon, Cantlon and other witnesses believed this to be an official University seal of approval for Jaeger's lifetime employment and meant the Nearpass investigation would have to be a whitewash. As discussed in detail in Section E below, that prediction was right.
151. It was unclear to Aslin and Cantlon why Jaeger's promotion case could not be postponed pending the outcome of their complaint.¹⁹⁷ Jaeger had already been granted tenure in 2014, so there was no contractual pressure to accept his early promotion case (faculty are typically advanced to full professor 5-10 years after achieving tenure). The conclusion appears to be that UR had already planned to cast a blind eye on Jaeger's misconduct.¹⁹⁸

¹⁹⁵ Email from Aslin to DeAngelis.

¹⁹⁶ Since Culver recused herself since she was dealing with Jaeger's promotion case, Dean Robert Clark provided the University's answer to the Aslin-Cantlon complaint.

¹⁹⁷ UR administration appears to have consolidated Aslin and Cantlon's complaints without consulting either of them.

¹⁹⁸ Aslin and Cantlon testimonies.

Nearpass does not secure crucial evidence

152. Kidd offered Nearpass documentary evidence backing up her allegations in the form of Facebook messages that she received from Jaeger. These messages documented sexual and inappropriate comments he made to her as a prospective student. Nearpass declined to even consider them in her investigation because they were allegedly “not necessary.”¹⁹⁹ Later, University Attorney Gail Norris justified Nearpass’s actions, saying that it was normal in the course of UR investigations to refuse to look at documentation such as messages and emails if the defendant had denied they did anything inappropriate (see paragraph 252 below).
153. Nearpass did not interview a number of significant witnesses to Jaeger’s behavior, including a student who had visited UR during a recruitment weekend and stayed with Jaeger and Kurumada, unlike any other prospective student that year.²⁰⁰ This student (“Jane Doe”) had cried several times during the weekend and behaved strangely. Further, Jaeger revealed in a faculty meeting that he had already guaranteed Doe that she would be admitted in advance of the faculty meeting where student admissions were actually decided. When the faculty voted not to admit her, he threw a public tantrum and initially pushed for the faculty to reconsider, before the department chair eventually required him to email Doe to explain that he should not have made the offer and she would not be admitted to the program. Given this bizarre behavior, Jaeger’s previous behavior toward Kidd when she stayed with Jaeger, the recent history of Jaeger and Kurumada having a threesome with his mentee, and previous extent of Jaeger’s sexual experiences with BCS students, this concern was reasonable. In his interview with Nearpass, Piantadosi focused almost entirely on conveying his concerns about Doe’s experience at UR. But still Nearpass chose not to interview her.
154. Nearpass did not interview Hanson, Kramer or Jackson, all of whom had lost educational opportunities because they had avoided Jaeger due to his disturbing behavior toward female students and post-docs.²⁰¹
155. Nor did Nearpass interview any students who had not attended UR but had relationships with Jaeger that also involved UR, such as Billings, a graduate student from another university who collaborated with Jaeger, was brought to speak at UR by Jaeger and had a sexual relationship with him that was known to UR students.²⁰² Nearpass had been given the names of such students by at least Cantlon, Kidd, Aslin, and Piantadosi.
156. Each omission matters. Jaeger’s misconduct can only be “pervasive” if there is a pattern. The more evidence Nearpass omitted, the greater the likelihood that no pattern would be found.

¹⁹⁹ Kidd testimony.

²⁰⁰ Piantadosi and Kidd testimony.

²⁰¹ Jackson, Hanson, Kramer testimony.

²⁰² Nearpass Report; Kidd testimony.

Nearpass does not approach the investigation with the necessary sensitivity to victims, resulting in witnesses saying less than they knew

157. Nearpass is an experienced lawyer and investigator highly familiar with sexual harassment, but she gave the impression to some of her interview subjects that she was seeking to elicit particular limited answers rather than all relevant information. For example, when she interviewed Marshall, she asked very pointed questions such as “So you were in a relationship willingly?” “He wasn’t your dissertation advisor?” and “He had no direct effect on your education?”²⁰³ Victims of sexual harassment and assault often suffer from feelings of self-doubt, guilt and embarrassment, and need encouragement to open up. Nearpass’s questions instead reinforced negative feelings in Marshall, and focused only on whether Jaeger had violated the University’s policy on sexual relationships between students and professors. She answered the questions asked, but left the interview feeling badly and believing that Nearpass had drawn them narrowly to avoid many important points, so much so that she called to request another interview.
158. During that call, Marshall provided additional information²⁰⁴ that Nearpass had failed to elicit in their first session, including:
- a. Jaeger would evaluate women students’ looks and whether or not he thought they were “hot;”
 - b. Jaeger created a division among graduate students by establishing an “in” and “out” group;
 - c. Jaeger pressured Marshall to communicate with him even when she had asked him to leave her alone;
 - d. Marshall wasn’t sure whether she felt pressure to continue her sexual relationship with Jaeger because of his academic power, but definitely felt pressure because of the social group he had created;
 - e. When they were no longer sexually or romantically involved, Jaeger still sent her unwanted pictures of his penis;
 - f. Marshall believed Jaeger had a manipulative personality and had used his role as a professor to manipulate her.
159. When Gordon told Nearpass that Jaeger had publicly humiliated her by announcing at a BCS dinner that a male BCS professor found her sexually attractive, Nearpass gave the impression of being unconcerned. She did not pursue how deeply that interaction affected Gordon, who in

²⁰³ Marshall testimony.

²⁰⁴ Email between Marshall and Nearpass; Marshall testimony.

fact had found it deeply humiliating. Gordon felt that Jaeger had undermined her as a serious scientist by painting her as a sexual object in front of important professors and other people with whom she wanted to collaborate.²⁰⁵ That incident was not described accurately and was ultimately dismissed in Nearpass' Report.²⁰⁶

E. THE NEARPASS REPORT IN DETAIL²⁰⁷

160. On June 2, 2016, Dean Robert Clark, who handled the complaint in lieu of Dean Culver who recused herself to deal with Jaeger's promotion case, sent a formal disposition letter to Aslin and Cantlon (with a copy to DeAngelis). That letter concluded that Jaeger had not violated any aspects of the UR's Policy 106 on "romantic relationships between faculty and students". The letter also offered Aslin and Cantlon the opportunity to read the 19-page summary report by Nearpass upon which Dean Clark rendered his decision, but stipulated that it was only available to be read in the office of UR Senior Counsel Richard Crummins. Aslin and Cantlon were not allowed to have a copy. Instead they had to read it in a room monitored by employees of the University counsel. When Aslin and Cantlon requested a copy of the report so that they could prepare an appeal, UR refused. While confidentiality was the ostensible reason, this approach made it harder for them to assess the quality of the investigation and analysis that lay behind its exoneration of Jaeger. They retained a lawyer who requested a copy of the report and still UR refused. Nevertheless, they were able to take notes during their reading sessions. The report had multiple inaccuracies and mischaracterizations.

Nearpass justifies, denies, or excludes all of Jaeger's sexual relationships

161. The Nearpass Report states that Jaeger only had one relationship with a UR student, Marshall; that the relationship was consensual; and that Marshall stated that Jaeger had no direct effect on her education. Nearpass omitted to say, however, that Marshall felt pressured to stay in the relationship; that she would have left it sooner had Jaeger not been a professor in her department who exercised control over a larger network of graduate students that were significant for her education; and that after leaving Jaeger, Marshall had given up educational opportunities and avoided instruction from him, despite her supervisor's suggestion, in order to avoid interacting with him. The Nearpass Report also states that Marshall did not raise any concerns during her interviews about whether she freely consented to the relationship, which is false. While Marshall had characterized the relationship as consensual, she had clearly raised concerns to Nearpass about the adequacy of her consent. Instead of reporting what was in fact a complex relationship based on an imbalance in power that did have a harmful effect on

²⁰⁵ Gordon testimony; Nearpass notes on interview with Gordon.

²⁰⁶ Cantlon testimony.

²⁰⁷ Aslin and Cantlon testimony; Aslin and Cantlon notes on Nearpass Report.

Marshall's education, Nearpass presented a tidy oversimplification that allowed her to find no technical violations of University policy by Jaeger.²⁰⁸

162. Another reliance on a technicality in the Nearpass Report comes in its handling of Jaeger's role in the admission of Olivia Owens to BCS. They were sleeping together when she was admitted, which Jaeger did not tell the BCS admissions committee. Nearpass simply states that Jaeger could not have been on Owens's admissions committee because he was not yet a BCS professor at the time that she applied. But this sidesteps the fact that Jaeger was interacting with prospective students, representing UR, and recruiting students to work in his new lab after he was appointed but before he started in Rochester.²⁰⁹
163. Aslin had reported to Nearpass the various accounts of student sexual relationships with Jaeger he had learned from members of his department, so that she could properly investigate them. Her report turned this upside down, stating that these accounts were the result of "widespread speculation by Aslin, Cantlon and others..." Aslin considered it his proper job to provide Nearpass with the full range of reports he had received about Jaeger so she could do her job properly, which was not "speculation" on his part. Because she did not interview all the people whose names he had relayed to her, she was not in a position to dismiss the reports as "speculation" in any event.
164. While recognizing it was difficult for Nearpass to get to the bottom of whether two people engaged in a sexual relationship if neither of them wished to speak about it, the Nearpass Report acts as if her failure to confirm that such a relationship occurred was proof that it did *not* occur. For example, Aslin expressed concern about the visiting graduate student, "Jane Doe," who had stayed with Jaeger and his partner, Kurumada, in 2015, discussed in Paragraph 153 above, who was clearly upset and frequently crying during her visit. Jaeger and Kurumada denied that anything inappropriate happened with the student. Satisfied with a denial from the accused, Nearpass did not bother to contact the student. Indeed, she contends that the fact that Kurumada was present while Doe stayed with Jaeger made inappropriate behavior by Jaeger unlikely, but as Nearpass was aware, Jaeger and Kurumada had previously had a threesome with a recent UR undergraduate.
165. As described above in paragraph 155, the Nearpass Report omitted all discussion of Jaeger's relationships with non-UR graduate students, such as Billings, with whom UR students regularly socialized and collaborated when he brought them to UR, further complicating relationships for them within the discipline.
166. Similarly, it sidestepped the fact that when Jaeger first started his relationship with Kurumada, she was herself a graduate student. She was taking classes from Jaeger at an LSA institute at UC

²⁰⁸ Marshall statement; email between Marshall and Nearpass

²⁰⁹ Kidd testimony; Facebook messages between Jaeger and Kidd.

Berkeley alongside his own graduate students. As mentioned above, his UR graduate students had to listen to Jaeger and Kurumada having loud sex in a shared house shortly after they first met. Nearpass did not consider that although BCS senior faculty and UR administration saw Kurumada as a “partner hire” when she joined BCS, graduate students saw her as a recent peer and Jaeger’s latest conquest.²¹⁰

167. Nearpass did not mention Jaeger’s sexual relationship with Darlington, a recent BCS graduate who was still being mentored by Jaeger and previously worked in Jaeger’s lab as an undergraduate, nor the fact that Kurumada had participated in at least one of their sexual encounters. Darlington had been Jaeger’s direct undergraduate supervisee very shortly before the relationship allegedly began, raising the question whether he had been grooming her with graduation in mind. Jaeger was still working on projects with Darlington which had begun during her undergraduate career. He was writing her letters of recommendation. Although she was no longer an undergraduate student and had a job working for Newport in her lab, Jaeger exercised significant academic and professional influence over Darlington. Witnesses in whom Darlington had confided, and who were on the list provided by Aslin to Nearpass, believe that Darlington was terrified to end the relationship because it would provoke his professional retaliation.
168. Finally, the Nearpass Report did not acknowledge several incidents reported to Nearpass by Kidd in which Jaeger had Kidd pick him up from his sexual liaisons at conferences or asked her to pimp for him by arranging meetings between him and other women he wished to have sex with, including a prospective student and a colleague’s partner.

Nearpass hides Jaeger’s harsh effect on women’s education

169. Even if Nearpass is correct and Jaeger’s sexual relationships did not technically “run afoul” of the faculty handbook, his level of sexual promiscuity with UR students and students from other universities with whom UR students regularly worked or socialized created a hostile environment that seriously harmed women’s access to education at UR and the work life of his female colleagues. This violates federal and New York law.
170. When Nearpass interviewed Newport, Nearpass stated that she had not found convincing evidence that Jaeger had broken University policies. Newport was surprised and asked how Kidd’s testimony, which stated that Jaeger pried into Kidd’s sex life, talked about sex constantly and even invited men to stay the night with her against her wishes (see paragraph 78 above), did not prove that Jaeger had harassed her contrary to UR policy. Nearpass said that Kidd’s testimony had been largely discarded because she was “unreliable.” Newport replied that she had always found Kidd to be reliable and trustworthy. If Nearpass had any objective basis for writing Kidd off as unreliable, the Report did not explain it. This subject is taken up in greater detail at paragraphs 182 to 190 below.

²¹⁰ Sanders testimony.

171. Kidd is now an Assistant Professor at UR and a highly respected member of BCS. It is peculiar that a UR lawyer would write off her opinions so readily and indeed “throw her under the bus” by ostentatiously rejecting Kidd’s testimony to protect Jaeger, without giving any real basis for her opinion. In fact, the origin of the claim that Kidd is not credible was Jaeger himself, who spread this defamatory portrait of her throughout BCS and more widely after she cut off contact with him as described in paragraph 94.b above. The Nearpass Report swallowed this whole and became just one more vehicle for advancing Jaeger’s “gaslighting” strategy against Kidd, with the happy result for the University that both Jaeger’s misconduct is obscured and the University’s liability for it is diminished.
172. Nearpass also told Newport that while some graduate students said they had refused to work with Jaeger because of his behavior, others did not. It was unclear to Newport why the fact that *some* students did not avoid Jaeger negated the hostile environment that other students experienced. Perhaps if only one student had avoided Jaeger and all others had worked with him without incident, Newport could have understood blaming the single student as problematic rather than the professor. But that was not the case at BCS, where as demonstrated in paragraph 94 above, at least eleven women have suffered explicit educational harm because of Jaeger’s misconduct.²¹¹
173. The Nearpass Report acknowledged that Rogers avoided working with Jaeger due to her knowledge of his behavior and sexual misconduct with students. It concludes, however, that “the vast majority of current and former students and post-docs interviewed did not support the suggestion that Jaeger’s past sexual relationships with [Marshall] and [Owens] created an environment that was hostile, or even off-putting, to women.”²¹² How many “current and former students” did Nearpass interview to assess what constituted a “vast majority”? Moreover, this conclusion (1) assumes that Jaeger’s past sexual relationships only with Marshall and Owens were relevant to the hostile environment he created at BCS and (2) glides over the accounts of at least six women who told Nearpass that Jaeger’s sexually predatory behavior towards women had indeed caused them to avoid him in BCS, including Kidd, Andrews, Rogers, Gordon, Bixby and Evans.
174. In addition, had Nearpass interviewed all witnesses readily available to her and suggested by Aslin, she would have known that three additional women, Hanson, Kramer and Jackson, also avoided Jaeger due to his repeated harassment.²¹³
175. Despite a clear pattern emerging from many of the women Nearpass interviewed, she singled out Rogers as though she were the only student put off by Jaeger’s sexual misconduct. But

²¹¹ Newport testimony.

²¹² Aslin notes on Nearpass Report.

²¹³ Hanson, Kramer, Jackson statements.

Nearpass herself knew this to be untrue. Her own notes of her interview with Gordon²¹⁴ state that Gordon “knew about [Jaeger’s] relationships with graduate students (she knew this coming into the department) and that made her want to establish firm boundaries with him from the outset,” and that she had to switch advisors because “[Jaeger] was giving her way too much anxiety due to lack of boundaries.”²¹⁵

176. Nearpass omitted this too from the Report.
177. The Nearpass Report states that some students noted non-sexual reasons they did not want to interact with Jaeger including that he made fun of people and was “a jerk, crass and [had] cruel sense of humor...” It concludes that Jaeger simply pushed boundaries with everyone and this was why so many students were uncomfortable around him. However, this too is an oversimplification that leaves out his especially crass and prurient behavior towards women.²¹⁶ Several witnesses told Nearpass that Jaeger liked to make inferiors feel uncomfortable and was skilled at pinpointing students’ vulnerabilities so he could pick on these vulnerabilities.²¹⁷ With women, he would use sexually explicit language, discuss their bodies, and behave in an overly familiar manner, which did indeed make them uncomfortable. That Jaeger also behaved badly toward some male students does not redeem the fact that he identified and preyed upon women’s vulnerabilities based on their sex, which is illegal.
178. The Nearpass Report suggested that UR should be excused from having full responsibility for Jaeger’s actions because his bad reputation was based not only on his behavior at UR but also as a graduate student at Stanford and at conferences and other activities occurring outside UR.²¹⁸ That argument is not logical. No matter where Jaeger acquired his reputation, its effect was felt on students and faculty at UR. And his behavior at UR was regularly in itself illegal and discriminatory. As Nearpass’ notes from her interview with Rogers document, for example, Rogers did not want to work with Jaeger due to his sexualized and boundary-pushing behavior at UR; that was immediately obvious to her as soon as she arrived at UR, and she was unaware of his previous reputation.²¹⁹
179. Perhaps the Nearpass Report was trying to suggest, inaccurately, that Jaeger developed his reputation as a “playboy” solely as a graduate student at Stanford, and that UR therefore could not properly hold him responsible for that since his subsequent behavior as a professor at BCS had been proper. While it might be convenient for UR if Jaeger’s previous reputation had been

²¹⁴ Nearpass made notes of her conversations with her interview subjects, which she sent to them later for correction and approval. Several of those people, including Rogers, have provided us with a copy.

²¹⁵ Email between Gordon and Nearpass.

²¹⁶ Aslin notes on Nearpass Report.

²¹⁷ Marshall and Kidd testimonies.

²¹⁸ Aslin notes on Nearpass Report.

²¹⁹ Email between Rogers and Nearpass.

the sole cause of women complaining about and avoiding him at UR, all of the sexually obnoxious and abusive incidents described in Section B above occurred when Jaeger was a UR professor or was representing it as a soon-to-start faculty member. Moreover, the “prior reputation” defense is belied by the continual and pervasive pattern of unwelcome behaviors by Jaeger, including examples as recent as July 2017.

Nearpass focuses on complaints from current students and ignores past victims

180. Several times in the Report, Nearpass contended that current students have not avoided working with Jaeger, or that current students have not witnessed Jaeger engaging in sexual relationships with students. It is unclear, however, whether Nearpass interviewed current students who are *not* currently working with Jaeger. Necessarily, for students to be Jaeger’s current students, they must be working with him. There may be other students in BCS who have avoided him, as many have previously, and are scared of crossing him or coming forward; there is no indication Nearpass sought them out. There are certainly recent prospective students who chose to avoid UR because of Jaeger’s reputation; the Nearpass Report does not mention them.
181. Nearpass also failed to obtain evidence showing that Jaeger is still creating a hostile environment in his interactions with students. Jaeger is still crashing graduate student parties at conferences²²⁰ and doing marijuana with students.²²¹

Nearpass shows bias in dismissing Kidd’s testimony as unreliable

182. The Nearpass Report omitted Jaeger’s treatment of Kidd described in detail in Section B above from its assessment of whether he had behaved properly. These were incidents involving Kidd. To explain this, Nearpass simply states that Kidd’s evidence was not credible. To support this conclusion she states the following:²²²
- a. Jaeger denied every incident Kidd had alleged;
 - b. Other witnesses, who she does not name (even by anonymous witness number), called Kidd’s credibility into question;
 - c. Kidd only complained about the alleged incidents eight years later; and
 - d. Several witnesses noted that Kidd “participated freely in the group conversations where Jaeger said things she now objects to.”

²²⁰ Email from Cathy Crawford (this is a fictitious name used to protect the individual’s identity) to Piantadosi.

²²¹ Bixby testimony.

²²² Aslin notes from Nearpass Report.

183. That Nearpass, after her hasty investigation, simply accepted Jaeger as a truth teller and Kidd as a liar is one of the clearest examples of bias in her investigation. Of course Jaeger would deny that he sexually harassed Kidd and others. The incidents Kidd alleged are egregious and he would struggle to frame them in an acceptable way. Furthermore, because Jaeger had such regular unfettered access to Kidd, she alone witnessed several incidents of his sexually predatory and unlawful behavior. That sexual harassment cases often boil down to one person's word against the other was surely not lost on Jaeger when he denied everything she set out.
184. For Nearpass to dismiss Kidd, now a highly respected scholar in BCS and the developmental research community, so completely is surprising on its face, and does not survive scrutiny.
185. Nearpass states that several witnesses called Kidd's credibility into question. She says this with little explanation and no names or anonymous witness numbers that could link the allegations to her interview notes.²²³ Nearpass simply asserts that Kidd is not credible despite knowing that part of Jaeger's mistreatment of Kidd was an attack on her character and credibility after she cut off contact with him, and despite the fact that numerous witnesses told Nearpass that Jaeger is manipulative and retributive. Jaeger's retaliatory and defamatory attack on Kidd's reputation has followed her for years and was believed by some of his closest students. Instead of recognizing this as additional harassment and retaliation contrary to Title VII that Kidd, a UR professor, has been forced to endure for years, the Nearpass Report reinforced it by an attack on her credibility that channels that same hearsay and misogyny. It also ignores that at least one witness, Newport, the founding Chair of BCS and a pre-eminent scholar, told Nearpass that she had always found Kidd to be credible and reliable. Aslin, Kidd's advisor, also vouched for her credibility.
186. Nearpass later told Kidd that any incidents not witnessed by someone other than her and Jaeger could not be included because it could not be verified. This is a common problem in investigations of sexual harassment, sexual assault and other situations where the only witnesses are the two people involved; a standard method of solving it is to seek corroboration via similar patterns involving other witnesses. But the Report ignored the strong correspondence between Kidd's account of Jaeger's abusive treatment and the testimony of his other victims. For example, other victims confirmed to Nearpass the truth of the following statements Kidd made to Nearpass:
- a. Jaeger regularly used highly sexualized language;²²⁴
 - b. Jaeger commented on the physical appearances of female students and assessed their sexual attractiveness;²²⁵

²²³ Aslin notes on Nearpass Report; Newport testimony.

²²⁴ Nearpass notes from Marshall interview.

- c. Jaeger was highly manipulative and was good at identifying students' vulnerabilities in order to exploit them;²²⁶
 - d. Those vulnerabilities for women often differed from men;²²⁷
 - e. Jaeger behaved in an overly-familiar and flirtatious way with female students and post-docs;²²⁸
 - f. Jaeger controlled much of graduate student social life;²²⁹ and
 - g. Students were afraid to cross Jaeger.²³⁰
187. Nearpass's assertion that Kidd did not complain about Jaeger until eight years later is also false. Kidd gave a full account of Jaeger's behavior to DeAngelis in 2013 following Bixby's complaint (paragraphs 102 to 115 above). Moreover, had Nearpass interviewed Jackson as suggested on the list Aslin provided, Jackson would have confirmed that Kidd contemporaneously confided in her friends about Jaeger's abuse while she was still a graduate student and told them she found his conduct toxic.
188. Furthermore, like other former students whose educations were disrupted by Jaeger, Kidd believed that BCS knew about Jaeger's harassing and abusive conduct (as Jaeger had told her, see paragraph 37 above) and, because it took no corrective action, condoned it. So it is not surprising that she did not repeatedly report her concerns or keep seeking protection.²³¹
189. Nearpass dismisses other elements of Kidd's complaints about Jaeger by noting that she was a willing participant in some conversations which she later criticized. She does not describe these conversations, but it would not be surprising for a victim of sexual harassment to go along with a conversation she found to be uncomfortable if she did not feel she was able to extricate herself from the harasser's influence. As described in paragraphs 42, 43 and 46 above, Jaeger threatened Kidd on a number of occasions and pressured her to go along with his antics even after she expressed discomfort.
190. Nearpass attempted to paint Kidd's anger and discomfort with Jaeger's long pattern of sexual harassment as a simple roommate relationship gone wrong.²³² She dismissed any specifically

²²⁵ Nearpass notes from Gordon and Marshall interviews.

²²⁶ Nearpass notes from Marshall interview.

²²⁷ A reasonable interviewer would appreciate that women's examples of Jaeger's misconduct differed from men's, for example: flirting, commenting on their sexual attractiveness, and soliciting sex.

²²⁸ Nearpass notes from Gordon and Rogers interviews.

²²⁹ Nearpass notes from Marshall interview.

²³⁰ Nearpass notes from Marshall interview.

²³¹ Kidd testimony.

²³² Aslin notes on Nearpass Report.

sexual complaints by questioning Kidd's credibility. However, although the most detailed evidence to Nearpass of Jaeger's predatory behavior came from Kidd, she was far from the only former student or post-doc to complain that Jaeger had persistently overstepped sexual boundaries with women in a way that created a hostile environment widely recognized as such at BCS.

Nearpass dismisses the experiences of multiple students despite their clear pattern

191. Nearpass discounted the contributions of many victims by saying that they struggled to recall specific examples of Jaeger's harassment from several years ago.²³³ The lack of detail, however, does not negate the collective weight of their experiences. Unlike Kidd and Bixby, the individuals she discounted have left UR. They have not been encountering or thinking about Jaeger regularly. And, despite not being able to recall many specific examples, many victims still told Nearpass that Jaeger's comments about women's appearances, use of hypersexualized language, and pushing of normal boundaries was objectionable.
192. Where victims did recall specific examples, the Nearpass Report dismisses them. For example, the Report says that Jaeger did not recall announcing that a male BCS faculty member was sexually attracted to Gordon at a department dinner (paragraph 75 above). The implication is that Gordon's account thereof is false, even though it is accurate and validated by other witnesses.
193. The Report acknowledges that Bixby came up with specific examples of behavior by Jaeger that made her uncomfortable, but dismisses them as not sexual in nature.²³⁴ But Bixby's examples clearly involved Jaeger asserting power over her body by taking photos of her when she told him not to and looming over her from behind without speaking. Nearpass's Report consistently does its best to minimize the gravity of Jaeger's offenses and diminish those who object to them.

The Nearpass Report's main conclusions were knowingly or recklessly false

194. In concluding that many of Aslin and Cantlon's concerns were unfounded, Nearpass made multiple false or misleading statements:²³⁵
 - a. *There have been no previous complaints about Jaeger engaging in sexual harassment.*

This is totally false. Bixby, Andrews, and Kidd had all complained of behavior amounting to sexual harassment in 2013 to DeAngelis.²³⁶ He knew that other witnesses were willing to speak to him about their own experiences but he did not contact them.

²³³ Aslin notes on Nearpass Report.

²³⁴ Aslin notes on Nearpass Report.

²³⁵ Aslin notes on Nearpass Report.

b. Jaeger's sexual behavior in the field appears to have been vastly overstated.

Amazingly, Nearpass concludes that there was not enough evidence to corroborate Jaeger's sexual relationships outside of UR. She lacked such evidence because she refused to collect it, not because it does not exist.²³⁷ In the Report Nearpass writes, "Whether or not these relationships/encounters occurred with non-UR students or faculty is well outside the scope of this investigation and, indeed, whether or not these relationships/encounters even occurred is questionable." She goes on to say "Jaeger's sexual behavior vis a vis individuals in the field appears to have been vastly overstated." Nearpass simply cannot make the claim that the relationships may not have occurred or that they have been overstated while simultaneously admitting that she had not even investigated them. That she makes such an assertion without any evidentiary basis is proof of her bias toward exonerating Jaeger.

c. There is no evidence that Jaeger had a sexual relationship with an undergraduate advisee in his lab

This refers to Darlington, and it skews the evidence to make Jaeger less culpable. Although Darlington was not an undergraduate student when they provably engaged in sexual intercourse, she had just recently ceased being an undergraduate, was still receiving his advice, working with him on projects, and seeking letters of recommendation from him.²³⁸ Nearpass did not question whether Jaeger had groomed Darlington while she was still his undergraduate advisee in order to take advantage of her as soon as he was technically "in the clear."

Additionally, another undergraduate advisee left Jaeger's lab due to sexual harassment, which Nearpass does not mention.²³⁹

195. Overall, rather than properly investigate Jaeger's long pattern of misconduct, which was what her duty required, Nearpass focused on debunking the individual examples Aslin and Cantlon had brought to her attention. That made exonerating Jaeger much easier.
196. Nearpass describes Jaeger's treatment of students as merely "colourful" when the victims who had spoken to her had clearly described a pattern of illegal sexual harassment, manipulation and abuse.²⁴⁰

²³⁶ Bixby, Andrews, and Kidd testimonies.

²³⁷ Nearpass does not appreciate that graduate students outside of UR, such as Billings and Kurumada, were part of the UR graduate students' professional and educational environments. They were attending the same conferences and lab retreats.

²³⁸ Rogers testimony.

²³⁹ Patterson statement.

²⁴⁰ Aslin Notes on Nearpass Report.

197. Nearpass concludes that Jaeger merely had a reputation for not maintaining clear personal and professional boundaries and that this general failure caused some female students to feel “uncomfortable.”²⁴¹ She ignores that the behavior which caused so many women, and some men, to avoid him was largely, if not exclusively, sexual in nature.
198. Nearpass’s report was sent to Dr. Robert L. Clark, then the Dean of the School of Engineering and Applied Sciences and Senior Vice President for Research, now the University’s Provost. After reviewing the Nearpass Report, he concluded that Jaeger had not violated Policy 106 concerning faculty-student sexual relationships. On June 2, 2016, Aslin and Cantlon received a two-page decision letter from Clark reiterating the main points of the Nearpass Report, including several false statements.²⁴²

Aslin and Cantlon appeal Provost Clark’s decision

199. On July 15, 2016, Aslin and Cantlon appealed Clark’s decision on all three available grounds: that Nearpass did not consider all evidence available to her (for example, the evidence set out in Section B); that she excluded relevant evidence from the report; and that she mischaracterized evidence to obscure Jaeger’s patterns of misconduct.²⁴³ The appeal was due to be decided by Dr. Mark B. Taubman, the Dean of the School of Medicine and Dentistry, because Dr. Peter Lennie, then Provost, recused himself at Aslin’s request due to Lennie’s past involvement in BCS and his friendship with Aslin.²⁴⁴
200. After Jaeger received Clark’s outcome letter conveying the verdict of the Nearpass Report, he began telling people in BCS that he had been exonerated and that the allegations against him were lies that had been made up by witnesses, in particular by Kidd, defaming her once more to her colleagues in BCS and the wider science community.²⁴⁵ No one in the UR administration stopped him from doing this.
201. Cantlon and Aslin knew Jaeger’s claim that he had been totally exonerated and that Kidd had invented the allegations against him mischaracterized Nearpass’ findings. However inadequate Aslin and Cantlon felt the Nearpass Report to be, they knew it had verified a number of allegations against Jaeger – that he had a sexual relationship with at least one BCS graduate student, that he had an undisclosed sexual relationship with a graduate student just prior to her admission to BCS, that he liked to push boundaries with students, and that some aspects of his behavior had been found to be inappropriate.²⁴⁶ Furthermore, they had decided to appeal the outcome because they knew that important evidence had been excluded or mischaracterized.

²⁴¹ Aslin Notes on Nearpass Report.

²⁴² June 2, 2016 Letter from Provost Clark.

²⁴³ July 2015, 2016 Appeal.

²⁴⁴ Aslin testimony.

²⁴⁵ Kidd, Cantlon, Aslin, Piantadosi, Heilbronner testimonies.

²⁴⁶ Aslin notes on Nearpass Report.

The Complainants felt that BCS faculty should be aware that an appeal was underway on this basis.²⁴⁷

202. After Cantlon and Aslin filed their appeal, DeAngelis chastised Cantlon in a meeting stating, “The more you guys pursue this, the more the department is torn apart.”²⁴⁸ DeAngelis effectively discouraged Cantlon from engaging in protected activity and pressured her to accept Jaeger’s behavior and UR’s mishandling of their complaint. DeAngelis wrongly blamed Cantlon and the other complainants for the damage to the department instead of blaming Jaeger.
203. On July 17, 2016, Brad Mahon, a Complainant and at the time an Assistant Professor at BCS, spoke with another BCS faculty member. This faculty member had already heard about the investigation and had been told, on information and belief by Jaeger, who was his friend, or another friend of Jaeger’s, that the complaint had been “all about Kidd,” that she was unreliable, and that her attack could be explained because she had been in love with Jaeger. This faculty member had also been told that faculty who had complained against Jaeger did so not out of genuine concern for students but out of retribution because Jaeger did not see any problem with students and professors having sexual relationships, as described in paragraph 125 above.²⁴⁹ All of these claims by Jaeger to this faculty member were false.
204. Cantlon and Hayden heard from a new faculty member in BCS who was associated with Jaeger, that the complaint was all about Kidd, Kidd was unreliable and previously had a crush on Jaeger. This professor said “in another world Celeste and Florian could have ended up together.” Heilbronner, Hayden, and Cantlon knew these statements were wrong. They had been friends with Kidd for four years and had always found her to be trustworthy and to act with great integrity.²⁵⁰ More importantly, they knew that the concerns about Jaeger raised in the Aslin-Cantlon complaint were not limited to Kidd’s experiences, but rather to the large number of experiences of many other victims.

Retaliation

205. Nearpass did not maintain confidentiality during the investigation about what she was investigating and the testimony offered. When she interviewed Newport as a witness, for example, she said that several witnesses, whose names she did not disclose, had questioned Kidd’s credibility.²⁵¹ In doing so, Nearpass revealed the identity of a witness to another witness and also disclosed that her credibility had been questioned.

²⁴⁷ Complainants testimonies.

²⁴⁸ Cantlon testimony.

²⁴⁹ Mahon testimony.

²⁵⁰ Heilbronner testimony.

²⁵¹ Newport testimony.

206. This escalated. Kidd quickly became aware that faculty were discussing the testimony she had given confidentially to Nearpass, which concerned her greatly. Neither Kidd nor the Complainants, Aslin and Cantlon, had shared Kidd's testimony to Nearpass with other faculty members.²⁵² Nevertheless, there were stories circulating in the department that Nearpass had judged Kidd to be not credible. Any repetition or escalation of this false trope was wrong and defamatory, and the product of a long campaign by Jaeger to diminish her. But now it was receiving the imprimatur of a University lawyer. Jaeger was one of the few people in BCS who had been allowed to see the Nearpass Report, and these stories about its contents started shortly afterwards. His obvious motivation to discredit Kidd's testimony made him the prime candidate for the source of these harmful rumors.
207. The Nearpass Report referred to every witness anonymously except for Kidd, who was named expressly. Consequently, Kidd's involvement was revealed to anyone who has read it, and has obvious harsh implications for her reputation among the UR administrators who will be making decisions about her tenure and career. By naming Kidd and calling her unreliable in an official report, with no proper basis, Nearpass defamed Kidd and also gave Jaeger ammunition to defame her further with her colleagues, which he did. Because of this, Kidd filed a complaint with Dean Culver on July 20, 2016.

July 26, 2016 Memo

208. After Cantlon and Aslin had filed an appeal and Kidd had filed her retaliation complaint, the Complainants were concerned that the hostile environment at BCS might even get worse, and were disappointed that the Counsel's office seemed to prioritize keeping a lid on a potential scandal over protecting students at BCS. The Complainants therefore sought with their colleagues to counter Jaeger's accusations that the complaint was only about Kidd, and that Kidd was a liar, while still keeping the contents of the Nearpass Report confidential. The group of Complainants who had originally collaborated with Aslin and Cantlon (Kidd, Piantadosi, Mahon, Hayden, Newport) on how to best address Jaeger's sexually aggressive behavior and the hostile environment it had created in BCS already had substantial knowledge of Jaeger's misconduct. Indeed, they provided Aslin and Cantlon with witness names and with specific incidents for Nearpass to investigate. This group – referred to in this complaint as the Complainants – only discussed the investigation with other BCS colleagues when it was clear that UR would take no action to rein Jaeger in nor to protect witnesses, including Kidd.²⁵³
209. The Complainants' actions made it clear to UR that they would not let UR just go through the motions without seriously addressing the hostile environment Jaeger's actions had created for many women students, post-docs and faculty. University administrators did not like this; it

²⁵²Kidd, Cantlon, and Aslin testimonies.

²⁵³ Aslin, Cantlon, Kidd, Piantadosi, Mahon, Hayden, Heilbronner and Newport testimonies.

called their judgment and credibility into question, and meant the controversy he was causing could not be contained.

210. On July 26, 2016, Deans Lennie and Culver sent a memo to all BCS faculty, ostensibly to assert the importance of confidentiality in the face of the kind of concerns raised by Complainants. In reality, the memo chastised Jaeger's critics and praised the Nearpass Report. It stated that the Jaeger investigation had been conducted by experienced and impartial personnel and criticized the faculty for "gossiping" and said they should not "spread rumors or information that they have heard from others," which on its face sounds reasonable, but in practical terms was an attempt to shore up Jaeger's position. The memo, like Nearpass's report, dismissed Cantlon's and Aslin's complaint as mere hearsay – which as people not directly harassed by Jaeger themselves was inevitable, and precisely why they asked the University to conduct a serious investigation.²⁵⁴
211. The July 26 memo was aimed at silencing Aslin, Cantlon, Kidd and those who agreed with them that Jaeger was hurting BCS. It did not criticize Jaeger, who had been discussing the contents of the Nearpass Report and spreading the idea, based on its conclusions, that Kidd was not credible. Indeed, Jaeger had been told by DeAngelis and by Susan Wormer from the UR Counsel's Office that he *would* be able to discuss the case to "clear his name" after the Nearpass Report was issued, contrary to the instructions to the other faculty involved.²⁵⁵
212. If BCS faculty were unsure whom to believe, the July 26 memo showed that the administration supported Jaeger, not the Complainants. They were portrayed as gossips and troublemakers, not as people sincerely concerned to improve the educational environment at UR. This harmed the Complainants' reputations and also demonstrated that the outcome of their appeal was predetermined.
213. On August 15, 2016, Aslin and Cantlon received a response from Dean Taubman to their appeal of Dean Clark's decision letter upholding the Nearpass Report. Taubman's letter stated that it was not his role to second-guess the professional judgment and decisions of Nearpass or Provost Clark. This meant that if Nearpass handled evidence in a way that gave a biased portrayal of Jaeger's conduct, this was not Dean Taubman's concern. In truth, it should have been. Later in a BCS faculty meeting to discuss the complaint, UR attorney Gail Norris stated that the entire purpose of the appeal process is to catch errors with the process. Instead of seriously engaging in this task, Taubman defended Nearpass's decision not to interview several potential witnesses and to exclude Darlington's testimony. Taubman's letter also supported her conclusion that the sexualized behavior Jaeger exhibited was inappropriate but not pervasive,

²⁵⁴ July 26, 2016 Memo.

²⁵⁵ See Curtin Report, interview Jaeger.

because each witness could only recall one or two specific examples which occurred over a period of several years.²⁵⁶

214. Taubman appears to have relied entirely on Nearpass's judgments. He did not deal with Nearpass' strange decision to exclude Kidd's testimony. He cited with approval that Nearpass interviewed 31 witnesses, but there is no way to know how many of them were Jaeger's supporters, and whether Nearpass spoke to the women who were most affected by him such as Hanson and Jackson, whom she did not contact. Nor could Taubman know the manner in which Nearpass asked her questions of the witnesses, which several witnesses portrayed as biased in favor of finding no technical violations of policy by Jaeger.
215. Taubman's cursory response made clear that the appeal process, like the original investigation, was not a serious engagement with how Jaeger's long course of sexually predatory behavior had hurt female students and the learning environment in BCS, but a fundamentally political effort to find Jaeger and the University blameless.
216. It is also worth noting that, by the time of the appeal, Rob Clark (who as Dean made the original decision endorsing the Nearpass Report) had become the Provost. As Chief Academic Officer for the University, the Provost was in important respects Taubman's supervisor, so for Taubman to endorse Aslin and Cantlon's appeal would have meant contradicting the conclusions of his new boss. This is one of many conflicts of interest among the parties handling this complaint. Indeed, the entire harassment investigation was conducted within the Office of University Counsel, who later warned Aslin that they represented the University and not him when Aslin requested a meeting with Crummins to seek advice about the appeal.
217. The Complainants worried that the University's decision to be inert in the face of Jaeger's pervasive misconduct sent a message to students that harassment was the norm and complaining about it was perilous. The Complainants feared, in fact, that the only result of their efforts was that the environment in BCS was even more hostile to women because now Jaeger's actions had been officially endorsed. Kidd and Piantadosi met with DeAngelis on August 19, 2016, to encourage him to investigate Jaeger's potential abuse of all relevant policies, including human resources policies, and to publicly support those who had the courage to complain about Jaeger.²⁵⁷ But DeAngelis made excuses for his inaction – he said that he had been unable to contact HR and that UR counsel had prevented him from making a public statement about Jaeger's behavior.

²⁵⁶ August 15, 2016 Letter from Dean Taubman.

²⁵⁷ Piantadosi and Kidd testimony; Piantadosi and Kidd notes from meeting with DeAngelis.

UR hires outside counsel to investigate Kidd's complaint

218. In July 2016, UR hired outside counsel Cynthia Maxwell Curtin to investigate the retaliation complaint brought after finding out how Nearpass' report had "named and shamed" her (see Paragraphs 206 and 207 above). Curtin issued her report on September 26, 2016 ("the Curtin Report"). Similar to the Nearpass Report, the Curtin Report obfuscates the issues and avoids substantive conclusions. It was another example of UR going through the motions to give the appearance of due process and compliance with Title IX, while ignoring the substance. Also similarly to the Nearpass Report, Kidd was not provided a copy of the report nor was she allowed to provide a copy to her lawyers.²⁵⁸
219. During Curtin's investigation, Kidd wrote to Deans Culver and Lennie and BCS Chair DeAngelis to express her concerns about whether Curtin was truly independent. She was, after all, being paid by UR administration to investigate, in part, the UR administration. Lennie replied on August 29, 2016 dismissing each of her concerns and assuring Kidd that he had every confidence in Nearpass, an experienced investigator, the objectivity of Curtin, and UR's investigative and disciplinary procedures.²⁵⁹
220. But Kidd's concern was borne out by Curtin's report. It turned out that Curtin used wordplay to skirt a central aspect of Kidd's complaint: that the Nearpass Report had portrayed her as "not credible" and had accordingly ignored her testimony about Jaeger. Curtin fudged the question by focusing on whether the witnesses Nearpass consulted had used the precise term "unreliable" (the term Kidd used in her retaliation complaint), rather than the phrase "not credible" found in the Nearpass Report. The phrases are essentially synonymous. Both effectively dismiss Kidd, a highly regarded professor in BCS, as a liar or seriously unhinged. Before issuing her Report, Nearpass did not give Kidd a chance to rebut this devastating conclusion, and the Report offers no factual foundation. Curtin avoided engaging with Kidd's complaint about this outrageous result by taking refuge in an artificial distinction of her own creation between "unreliable" and "not credible." Either way, Nearpass defamed Kidd without any rigorous engagement with the facts and Curtin took no action to prove or correct this.²⁶⁰
221. In other respects, the Curtin Report obfuscates many key points and seems to avoid obvious lines of inquiry. Kidd had objected to the Nearpass Report and considered it retaliatory in the first instance because Nearpass endorsed the idea that Kidd was not credible. Thus figuring out how Nearpass had reached that conclusion – who gave her this idea, when, on the basis of what evidence, and how she tested that evidence – should have been an obvious priority for Curtin. But Curtin, while hinting about the source of these rumors about Kidd, seemed determined not to chase them back to their source. For example, her report says one witness "speculated"

²⁵⁸ However, Kidd was allowed to read the report in the Intercessor's office where she copied it by hand verbatim.

²⁵⁹ August 29, 2016 Letter from Dean Lennie to Kidd.

²⁶⁰ Kidd verbatim notes on Curtin Report.

about Kidd’s lack of credibility, but Curtin apparently did not ask this witness where he got his information or why he thought it was true.²⁶¹ On information and belief, this witness was a confidant of Jaeger. He did not “speculate” about Kidd; he spoke as though he had *been told*, by someone with first-hand knowledge, that Kidd was not credible and had been in love with Jaeger. On this central aspect of Kidd’s complaint, Curtin just looked away.²⁶²

222. Curtin also claimed that although Jaeger had said that the charges against him were “all made up,” there was insufficient evidence to show that he meant Kidd was their source. However, faculty members – such as the one referred to in the previous paragraph – had been given the impression, almost certainly by Jaeger, or a close friend of Jaeger, who was the party most interested, that most of Aslin and Cantlon’s complaint stemmed from Kidd’s testimony.²⁶³ If faculty believed that the complaints against Jaeger were “all made up,” and that they mostly originated with Kidd, they would have to logically conclude that Kidd was a liar. But Curtin sidestepped this by defining the problem as one of dueling perceptions rather than ascertainable truth, which insulated Jaeger, Nearpass and the University from criticism.²⁶⁴
223. However, the Curtin Report did recognize that Kidd and other witnesses had warned Nearpass that they expected complaining about Jaeger would prompt retaliation – and that Nearpass had done nothing to mitigate this risk and failed to follow up with Kidd about it. Remarkably, in her decision letter adopting the Curtin Report dated October 4, 2016, Dean Culver rejected this finding, but gave no justification or explanation. Curtin also confirmed that Kidd’s name was not known to University administrators as a critic of Jaeger and BCS’s handling of him until they read her un-redacted name in the Nearpass Report – meaning that any reputational damage she suffered in its wake was due to the way Nearpass, and UR, handled the matter.²⁶⁵
224. Otherwise, Dean Culver’s decision letter reiterated Curtin’s strange conclusions – that the way Nearpass had framed the report meant that the “unreliable” label she had given to the complaints about Jaeger was not aimed at Kidd; and that there was not enough evidence to conclude that Jaeger had retaliated against Kidd. It also stated that if Jaeger had spoken to other faculty about the Aslin/Cantlon complaint and its outcome (breaching the confidentiality the administration had been seeking to enforce on the Complainants), it was in defense of his own reputation, not out of a desire to retaliate against Kidd, and was thus acceptable.²⁶⁶ Kidd could not believe that Jaeger was allowed to call Kidd a liar in order to advance his own reputation and

²⁶¹ Kidd verbatim notes on Curtin Report.

²⁶² Mahon and Kidd testimonies.

²⁶³ Mahon testimony.

²⁶⁴ Kidd verbatim notes on Curtin Report.

²⁶⁵ *Id.*

²⁶⁶ October 4, 2016 Letter from Dean Culver to Kidd.

that UR would support him; and additionally, that she was supposed to maintain silence while Jaeger did not have to.²⁶⁷

225. Kidd appealed this decision on October 31, 2016, raising concerns that UR's handling of the investigation into Jaeger and her subsequent retaliation complaint would deter victims from coming forward in the future. She had made this point throughout the complaints process, including in her original complaint and in her follow up letter dated August 19, 2016, but the University rejected this appeal too.²⁶⁸
226. In fall 2016, Kidd and Piantadosi met with DeAngelis to discuss the prospect of leaving UR because of the retaliation she had been subjected to, specifically that Nearpass had identified her by name in her report and to other witnesses and that Jaeger had spread lies about her. They expressed concern that the University had not done enough to guard against future retaliation, just as Curtin had concluded that UR had not done enough initially. They told DeAngelis that they feared Jaeger would be involved in their future performance evaluations and that he might become chair of BCS. DeAngelis promised them that Jaeger would not be involved in either of their evaluations and that he was never going to become chair. Nevertheless, DeAngelis permitted Jaeger to be involved in their spring 2017 performance reviews, and also refused to notify Kidd and Piantadosi of this fact after Cantlon asked him to.
227. Jaeger used the reviews as a further opportunity to retaliate. He spoke in support of a suggestion from another faculty member that Kidd's evaluation letter should contain a criticism that most of her publications so far were collaborative which detracted from her independence as a researcher.²⁶⁹ Kidd had achieved many successes in a diverse set of collaborations including a large joint grant on children, primates, and robots, and prestigious collaborative publications, including recent ones in the *Proceedings of the National Academy of Sciences* and *Neuron*. DeAngelis warned Kidd that her letter would contain these criticisms, but did not notify her of Jaeger's involvement. Kidd asked whether she should follow this recommendation and collaborate less because she saw her ability to work across disciplines as one of her primary strengths. DeAngelis said no, she should ignore the comment. Jaeger was thus allowed to advocate for introducing a nonsensical criticism of Kidd into her official record—one that even the department chair did not agree with.

Another student complains about Jaeger

228. After the University finished with the Nearpass and Curtin reports, its implicit endorsement of Jaeger angered some other women to the point of action. On August 23, 2016, five current and

²⁶⁷ Kidd testimony.

²⁶⁸ August 19, 2016 Letter from Kidd to Deans Culver and Lennie; October 31, 2016 Appeal; November 17, 2016 Decision Letter from Provost Clark to Kidd.

²⁶⁹ Cantlon testimony

former students and post-docs, including Bixby, sent a letter to Dean Lennie, Dean Culver, Dean Wendi Heinzelman, and BCS Chair DeAngelis, which stated:

Dear University of Rochester Administration,

I experienced and/or witnessed harassment and inappropriate sexual comments from Florian Jaeger during my time in the BCS department. His behavior created an environment that adversely affected my professional development, including missed educational opportunities at courses/workshops he led, missed networking with my peers at social events he attended, and/or missed academic collaborations with his advisees.

229. In response to this letter, the University yet again worked to minimize the seriousness of the multiple complaints being lodged against Jaeger.
230. First, UR effectively ignored the complaint. No one formally responded for a month until Bixby followed up with UR's Title IX Coordinator, Morgan Levy, who then sought to confirm with Bixby that she did not intend this letter to be a formal Title IX complaint, which she discouraged Bixby from filing. She had previously told Bixby that graduate students would have to leave the program in order for UR to find that the environment had been hostile enough to warrant a finding against Jaeger. She told Bixby that if someone experiencing harassment was still in BCS, the environment was not considered hostile.
231. Levy then emailed the other signatories of the letter. Andrews received Levy's email during a very busy time and it got lost in the fray; Levy did not contact her again.²⁷⁰ Levy told Hanson that her complaint was unlikely to change Nearpass' conclusions – essentially a warning that she would waste her time by coming forward. UR did not formally respond to any of the other signatories of the August 2016 letter.²⁷¹
232. Bixby attempted to meet with UR administrators to raise her concerns not only about Jaeger, but also the obstacles she had encountered while navigating UR's complaints processes. Bixby eventually met with Deans Lennie, Sturge-Apple and Culver who each listened but took no action and offered no support.²⁷²
233. Bixby thereafter confided in Piantadosi that she was upset about how UR had handled her complaint. Piantadosi wrote Culver, Lennie, and University General Counsel Gail Norris on January 5, 2017, criticizing Levy's handling of Bixby. Piantadosi and the other Complainants pressed the administration to take some genuine action to support the students and not hide behind what they considered superficial and defensive responses from UR's attorneys. Norris responded that she would coordinate with DeAngelis about scheduling another meeting to discuss the issues, but a meeting was never scheduled.

²⁷⁰ Andrews statement.

²⁷¹ Bixby testimony.

²⁷² Bixby testimony.

234. If UR would not discipline Jaeger, the Complainants thought that it might at least make a public statement in support of victims and criticizing his conduct. After all, while not finding any violation of its faculty-student sexual contact policies, the administration, based on the Nearpass Report, had concluded that some of Jaeger’s conduct had been inappropriate and unprofessional.²⁷³ The Complainants therefore encouraged UR administration and BCS Chair to take some public stance. In a meeting on November 1, 2016, between Aslin and University Intercessor Lynnett Van Slyke to discuss this possibility, Van Slyke told Aslin that the only reason the investigation had gone on as long as it had was because of Aslin’s stature as a member of the National Academy and as a former Dean. She asked Aslin if they could “cut a deal” that would satisfy Aslin so that everyone could move on. Van Slyke’s admission and request indicated that UR was approaching this matter not fundamentally on its merits or out of concern about how women were being treated in BCS, but to solve a political problem with an important faculty member and minimize controversy. That the Intercessor had said out loud that Aslin had received special treatment reinforced his concern that UR’s system for handling sexual harassment complaints was not fit for purpose, since by definition most complainants would not be senior male professors with international reputations.
235. Apparently hoping the whole problem would go away, the University pressed the Complainants to reach an accommodation with Jaeger rather than the other way around. In late fall 2016, DeAngelis recommended to Aslin that he take the initiative to reconcile with Jaeger because they were colleagues in the same department and it was time to get back to normal. UR no doubt hoped that the Complainants had grown tired of voicing their opinions to no avail and would relent. However, as Aslin told Jaeger directly, he was unwilling to condone Jaeger’s predatory and illegal behavior toward students even if UR did not believe he had technically violated its HR policies, and even if UR was willing to attack Aslin’s own reputation for taking such a firm stance. Aslin believed that Jaeger’s misconduct was predatory, unethical, had prevented female students from having equal access to educational opportunities, and sullied the reputation of a department he had spent two decades building. He believed that UR’s failure to condemn Jaeger’s behavior was a grossly unethical mistake; but that Jaeger himself could still put matters partly right by apologizing. If not, Aslin told him in a letter dated October 29, 2016, they would not be able to maintain a relationship.²⁷⁴
236. When Jaeger finally sent a form of apology to BCS in December 2016, he sent it only to faculty, not to any students, and did not acknowledge that he had harassed or bullied women. He only apologized for his part in “what [the] department has been going through.”²⁷⁵ The students who had complained or come forward as witnesses were left unsupported and in the dark.

²⁷³ June 2, 2016 Letter from Provost Clark to Aslin and Cantlon.

²⁷⁴ Aslin Letter to Jaeger; Aslin testimony.

²⁷⁵ Email from Jaeger to BCS faculty.

UR rehabilitates Jaeger's reputation and disparages Complainants

237. Not only did UR refuse to publicly denounce Jaeger's sexual misconduct, it openly endorsed him. On November 29, 2016, Provost Clark sent a memo in support of Jaeger and the investigative process that had cleared him. The memo condemned the Complainants, saying that Jaeger had been the target of a "wealth of rumors" and "in some instances *misinformation*" (emphasis added), which suggested that the Complainants had deliberately spread false information. It stated that Jaeger had wanted to share the Nearpass findings with the faculty months ago, suggesting that he was the honest and transparent party, not his detractors.²⁷⁶
238. Provost Clark's letter went out of its way to praise and defer to Jaeger, stating:
- I affirm that Jaeger is a valued member of our faculty. He has achieved tremendous academic success since his arrival in 2007, including being promoted with tenure in 2013 and his promotion to full professor in 2016. We look forward to continuing to support Jaeger, as we do all of our faculty, and to Jaeger's continued success as teacher, researcher and scholar here at the University of Rochester.
239. Any reasonable person reading this memo would conclude that Jaeger was innocent and that the Complainants had been lying or seriously delusional. This memo harmed the Complainants' reputations in the eyes of the entire BCS faculty and turned senior faculty in particular against the Complainants.²⁷⁷
240. The memo also stated that the University, with Jaeger's consent, would make a summary of the Nearpass Report available to any faculty members who signed a confidentiality agreement.
241. In fact, when interested faculty members did view the summary, they were given a packet of materials. The packets differed for different recipients, according to a system decided secretly.²⁷⁸ Some also received the private letter that Aslin had written to Jaeger in response to DeAngelis' suggestion that the two reconcile (described in paragraph 235 above). Aslin wrote this letter as a last ditch effort to get Jaeger to take responsibility for his actions and to explain why he did not feel he could ethically reconcile with Jaeger otherwise. The letter was the culmination of a long process, and was in no way a threat to Jaeger, but simply a statement of why Aslin could not let everything "go back to normal." Yet the University provided this private letter, to some faculty but not all, in support of a narrative that Aslin was a bully and Jaeger his victim.²⁷⁹

²⁷⁶ November 29, 2016 Memo from Provost Clark.

²⁷⁷ Cantlon and Piantadosi testimony.

²⁷⁸ Cantlon and Hayden testimony.

²⁷⁹ *Id.*

242. Aslin's letter to Jaeger was sent well after the investigation and appeal process had concluded and was irrelevant to the University's findings about Jaeger. The University did not ask Aslin's permission to give it to others in this way, or even notify him that it was doing so. There is no other fair interpretation but that the University included it in the packet with the Nearpass Report, given only to specially chosen faculty, to discredit Aslin and his analysis of Jaeger's misconduct. This was retaliation against someone who had brought a sexual harassment complaint in good faith.
243. UR's decision to back Jaeger and cast doubt on the credibility of the Complainants came from the top. President Joel Seligman called Dr. Jeffrey Runner, then Chair of Linguistics, now Dean of the College (responsible for undergraduate education), into his office. Runner had been told by Bixby in 2013 that Jaeger's behavior was limiting UR's ability to attract the highest quality female graduate students, and when Aslin and Cantlon filed their complaint, seemed concerned about their allegations. But President Seligman assured Runner that Jaeger was fine and that the graduate students who had complained about him had witnessed nothing.²⁸⁰ This is consistent with UR's other activities in this area.
244. UR has a history of protecting sexual predators and ignoring victims' pleas for help. For example, UR is currently being sued for retaliation under Title IX by Dr. Joseph Irrera, a former graduate student at the Eastman School of Music. Irrera was sexually harassed by his professor Dr. Douglas Humphreys in 2010. Irrera rejected Humphreys' advances. Humphreys retaliated against Irrera, a brilliant pianist who had already played at Carnegie Hall, by failing two of his recitals after repeatedly assuring him that he would do well. Humphreys also threatened to get Irrera kicked out of the program and told him that he would never get a job. Irrera put the UR administration on notice of this harassment, but according to Irrera, UR did not conduct a thorough investigation or take any action against Humphreys. As a result, Humphreys continued to retaliate against Irrera, who applied to 28 positions and did not obtain even a phone interview with a single one. This was unheard of for a graduate of the Eastman School of Music, one of the best programs in the nation.²⁸¹
245. UR's treatment of Irrera's complaint was not surprising to Newport. When Newport was Chair of BCS, an undergraduate student reported that a professor had sexually harassed her. Newport involved the University counsel's office. Nearpass, the Associate Counsel responsible, did not believe the student because the student had not saved all of the messages the professor had sent her.²⁸² UR Senior Counsel Richard Crummins recommended that Newport not fire the professor and instead keep him on and pay out the remainder of his contract, in order to avoid a lawsuit against the University. However, Newport and the University ombudsperson had

²⁸⁰ Lockwood Statement

²⁸¹ <http://www.businessinsurance.com/article/20170615/NEWS06/912313954/Eastman-School-of-Music-retaliation-claim-reinstated-Joseph-Irrera>

²⁸² Newport testimony.

investigated an earlier complaint by a graduate student against this professor. Newport at that time required the professor to attend sexual harassment training and also to sign a letter, which she held in his file, agreeing that he would be terminated if he ever had another inappropriate interaction with a student. Despite a clear history of sexual misconduct toward students, Crummins was recommending no punitive action. However, Newport had been clear with the professor that she would not tolerate such behavior and terminated his employment.

246. Another indication of ignorance or lack of concern among senior administrators about the reality of sexual harassment at UR appeared at a small dinner for major donors on May 19, 2016 at The River Club in New York City with President Joel Seligman, an event hosted by Ed and Barbara Hajim. A dinner attendee asked a question during the Q&A session about whether UR has had any problems with sexual harassment or sexual assault on campus. Mr Hajim, outgoing chair of UR's Board of Trustees, responded in a somewhat joking and cavalier manner that the only real incident they had dealt with was a case of a female student who had sent what he described as inappropriate, sexually provocative emails to several male students. There was chuckling in response. President Seligman smiled approvingly at Hajim's answer and offered no additional comments about what UR might be doing to address the serious issue of sexual harassment, either in terms of training, prevention or protocols for responding to incidents, nor did he share any incidents of genuine concern. The distinct impression given at the donor dinner was that sexual harassment and sexual assault just don't happen at UR.²⁸³

Aslin resigns

247. By early December 2016, Aslin felt he had exhausted all routes within the University to address his concerns about Jaeger's serial sexual misconduct, the University's failure to come to grips with it, and the likelihood that as a result, students experiencing harassment would be reluctant to come forward. The administration's failure to publicly condemn Jaeger's unlawful actions was one thing, but its overt support of Jaeger after so many witnesses had shared their toxic experiences made it impossible for Aslin to remain in an institution that he thought had become complicit in Jaeger's predatory behavior and its cover-up.²⁸⁴ Aslin made a last attempt to explain his views in a letter to President Seligman and Provost Clark on November 30, 2016, responding to Provost Clark's memo that extolled Jaeger and denounced the Complainants. Aslin's letter described his concerns about Title IX and Title VII violations by UR during Jaeger's years-long sexual escapades as well as the current hostile environment in BCS. He also described his fears for the reputation of UR, to which he had devoted most of his career.²⁸⁵
248. At a meeting with BCS faculty on December 2, 2016, Deans Lennie and Culver dismissed Aslin's concerns by defending Nearpass and UR's sexual harassment policies, and side-stepping the

²⁸³ Two witnesses present at the dinner.

²⁸⁴ Footnote about Aslin's current status at UR

²⁸⁵ November 30, 2016 Letter from Aslin to President Seligman and Provost Clark; Aslin testimony.

Complainants' challenging questions. At the end of the meeting, Aslin announced his resignation from BCS, after 32 years of highly regarded service at UR. He confirmed his resignation in writing in a letter to Deans Culver and Lennie.²⁸⁶

249. Cantlon wrote to Provost Clark on December 6, 2017 to express her disappointment with how the complaints against Jaeger had been handled. She knew the disciplinary procedures against Jaeger had ended, but her concerns about the climate in BCS and at UR more broadly remained. In particular, Cantlon raised concerns that she would no longer know what to do if a student came to her with a sexual harassment complaint. She could not in good faith recommend they report it to the administration. She feared that students would be subjected to biased, victim-blaming procedures designed to sweep problems under the rug and might even face retaliation from the perpetrator and UR. Provost Clark merely acknowledged receipt of Cantlon's letter but offered no substantive reply.
250. Cantlon, Mahon, Kidd, Hayden, and Piantadosi wrote to President Seligman on January 5, 2017 to express their frustration with how the University had handled the investigation of Jaeger and Aslin's resignation, to highlight how this had unsettled the women who had come forward to share their experiences with Jaeger, and to promote dialogue about how to do better. Seligman replied on January 10 stating that he looked forward to meeting with BCS faculty to discuss the future of BCS. No such meeting has yet taken place.

F. THE UNIVERSITY STEPS UP ITS RETALIATION CAMPAIGN AGAINST THE COMPLAINANTS

UR doubles down on discrediting the Complainants

251. Aslin's resignation raised the stakes for UR. He is an internationally respected scientist, the leading scholar at BCS, who had devoted much of his professional life to UR and is widely known as its devoted booster. For him to depart in this way was a serious rebuke, with dangerous possible ramifications for UR's reputation. Its response was to double down on its strategy of backing Jaeger and undermining his critics, including Aslin.
252. Dean Culver, Dean Lennie and University Vice President and General Counsel Gail Norris met with BCS faculty on December 16, 2016 to discuss UR's sexual harassment policies and its handling of Jaeger. For many faculty present, Norris's presentation backfired. Determined to defend its conduct in Jaeger's case, Norris cast into question whether it knew how to conduct any fair investigation. For example, she said in the meeting that if an investigator can speak directly to someone who allegedly sent an inappropriate email, there is no need to see the actual email. This nonsensical statement appeared to be in defense of Nearpass's refusal to

²⁸⁶ Aslin testimony; Aslin resignation letter.

look at Facebook messages Kidd offered to substantiate her claims about Jaeger's inappropriate conduct, when Nearpass said she did not want to see them and took Jaeger at his word instead.²⁸⁷ Norris also falsely claimed that support had been provided to all of the victims of Jaeger's, yet no support was provided to Bixby, Kidd, or any of the other Complainants. Norris, Culver, and Lennie also attempted to mislead the faculty, saying that Jaeger had no role in crafting the University's public message about his exoneration, a fact DeAngelis, who had argued with the UR lawyers about this point, corrected when pressed.

253. The actions taken by the University to affirm Jaeger's innocence and to condemn the allegations against him as "rumors" and "misinformation" damaged the Complainants' reputations. One faculty member who had seen the summary of the Nearpass findings which included Aslin's letter to Jaeger told Piantadosi that Aslin was "crazy." Another senior faculty member who had been provided with Aslin's letter to Jaeger expressed similar sentiments to Kidd. Several BCS faculty members told Piantadosi that the Complainants were "crazy." Another BCS researcher told Bixby that Aslin's behavior was "ridiculous."²⁸⁸
254. Jaeger was so certain of the University's backing that he gave out contact information for the University counsel to people who wanted to confirm that he was blameless. He also contacted Dr. William Badecker, Program Director at the National Science Foundation, to say that he had been unfairly persecuted and that the person behind this (Aslin) had resigned from UR because he was wrong.²⁸⁹ This was defamatory. Aslin resigned because of Jaeger's sexual misconduct, UR's refusal to condemn that misconduct and indeed support of Jaeger's gross mistreatment of students, and UR's retaliation against the Complainants. Aslin heard from several faculty members that Jaeger was meeting with anyone who would sit down with him to complain that Aslin and the other Complainants were bullying him by making false allegations against him.²⁹⁰

UR searches the Complainants' private emails seeking to discredit them

255. In late 2016, three senior faculty members wrote to Provost Clark to complain about his November 29 memo, which, despite superficial bows to even-handedness, had backed Jaeger as blameless and disapproved of the Complainants for raising complaints about him. They thought the memo had accentuated divisions in BCS rather than reducing them and had been tone-deaf.
256. Before their meeting with Provost Clark, DeAngelis met with the three professors. He told them that UR administration had given him a stack of emails from the Complainants' UR email

²⁸⁷ Piantadosi testimony.

²⁸⁸ Piantadosi, Cantlon, Kidd, Bixby testimony.

²⁸⁹ Rogers Statement.

²⁹⁰ Aslin and Cantlon testimony.

accounts proving they had acted inappropriately in raising the alarm about Jaeger, which he wanted them to know about before they met with Provost Clark.²⁹¹

257. The University was apparently so angry that the Complainants remained unconvinced by its exoneration of Jaeger that its senior officials decided to trawl through professors' emails stored on the UR server, seeking information to undermine them. This was done without their knowledge or consent. It is extremely unusual for a university to secretly scan the email accounts of academics seeking "dirt" to use against them in an internal dispute. To do so because they raised concerns about sexual harassment and the University's inadequate response thereto is clearly retaliatory.
258. The three professors notified about the clandestine email trawl met with the Provost in late 2016 and became convinced that the Complainants, in particular Aslin, had acted inappropriately. They came to this conclusion despite not having seen any of the allegedly damning emails. One of the professors said that despite not seeing the evidence, the fact the University had seen fit to investigate the Complainants' private email persuaded her that they were suspect. She wrote Cantlon on January 16, 2017, "I was hours away from going to talk with the Provost when I learned of the emails: obviously the administration felt they were of sufficient concern to call Greg's attention to them, and that caused me to feel that the whole faculty should be called on them so that WHOEVER was responsible would just stop. I can't deny that I was angry and felt that an end had to be put to any efforts at deception and/or vague characterizations that created inaccurate perceptions." The emails also apparently reinforced DeAngelis' view that he had been "played" by the Complainants.²⁹²
259. On January 10, 2017, DeAngelis called a BCS faculty meeting and announced that he had in front of him a stack of emails that showed "manipulation and deception of faculty members" and the "smearing" of Jaeger. He stated that the emails showed "definitive proof" that there had been widespread lying, deceit, and manipulation in the complaints against Jaeger. It was clear to everyone present whom he considered responsible: Aslin and Cantlon, who brought the formal complaint, Kidd who was widely believed to be a primary witness in the investigation, plus their supporters who were widely known to be Piantadosi, Mahon and Hayden.²⁹³
260. In fact, DeAngelis' outburst was completely off-beam. Nothing in any of the Complainants' emails shows manipulation, deceit or smearing. In follow-up meetings, DeAngelis was completely unable to substantiate his accusations. Instead, the emails show that the group regularly discussed the problems created by Jaeger and how they could help the University investigate and solve them. Since the complaint was not brought by Jaeger's student victims themselves, the Complainants had to do research and cross-check in order to bring serious

²⁹¹ Piantadosi, Kidd, Cantlon testimonies.

²⁹² Attendees of the meeting spoke or wrote to Piantadosi and Cantlon.

²⁹³ Cantlon, Kidd, Piantadosi, Mahon, and Hayden testimonies.

information forward and to avoid inaccurate allegations. When the University gave Jaeger a clean bill of health, the Complainants discussed – among each other, not with outsiders – what they could do to support women and victims in the face of the University’s unwillingness to do so. The emails contained criticisms of DeAngelis’s passivity in the face of Jaeger’s harassing and predatory behavior, but while DeAngelis may have found that personally upsetting, there was nothing underhanded or inappropriate in such criticism.

261. On a day to day basis, that hostility was largely directed at Cantlon, who was an active presence in the department, rather than at Aslin, whose resignation and physical move out of his BCS office made him a less overt target.²⁹⁴
262. In a meeting on December 13, 2016 to discuss BCS retaining Hayden and hiring Heilbronner (his spouse), DeAngelis chastised Cantlon for her tone – shortly after a senior BCS faculty member had *slammed his fist on the table, shouted at Cantlon, exited the room and slammed the door*. This faculty member received no such reprimand for his tone or behavior.²⁹⁵
263. In a meeting on April 24, 2017, DeAngelis walked over to Cantlon from across the room, stood over her as she sat in a chair and stuck his finger in her face while demanding that Cantlon take responsibility for and apologize to the department for the damage she – not Jaeger – had caused. This was textbook retaliation for Cantlon raising a protected complaint.²⁹⁶
264. The Complainants were excluded from meetings to discuss hiring decisions in BCS. For example, BCS faculty held secret meetings, excluding Kidd, Piantadosi, Cantlon and Mahon, to discuss Heilbronner’s candidacy.²⁹⁷ Later, when another candidate for a role at BCS was visiting, BCS refused to grant Mahon a meeting with the candidate even though Mahon had requested one and despite his research most closely aligning with the potential hire.²⁹⁸
265. Most recently, DeAngelis has tried to increase Cantlon’s teaching load to include two large lecture courses (a load not held by other BCS faculty), which he says is to make up for the ‘light load’ she was granted during her maternity leaves. In truth, her release from teaching during her maternity leaves followed department policy before DeAngelis became chair, and it is improper and retaliatory to require faculty to do additional work to ‘repay’ a maternity leave. In Summer 2016 DeAngelis told Kidd and Piantadosi that Kidd, who was pregnant at the time, was allowed only two weeks of paid maternity leave, in violation of University policy and New York State law, which actually stipulates 6 weeks paid maternity leave after an uncomplicated vaginal delivery and 8 weeks paid maternity leave after a C-section (Kidd subsequently had a C-section). These

²⁹⁴ Cantlon, Mahon, Hayden, Piantadosi, and Kidd testimonies.

²⁹⁵ Cantlon and Mahon testimonies.

²⁹⁶ Cantlon and Mahon testimonies.

²⁹⁷ Kidd, Mahon, Piantadosi, Cantlon testimonies.

²⁹⁸ Mahon testimony.

interactions are either retaliatory or, at minimum, further evidence of a hostile environment for women under DeAngelis' chairmanship.²⁹⁹

UR accuses Aslin of bullying Jaeger in the wider science community

266. At a meeting on March 31, 2017 with Cantlon, Mahon, Kidd and Piantadosi, Deans Culver and Lennie falsely accused Aslin of badmouthing Jaeger to the organizer of the 2017 Georgetown University Round Table (GURT). Jaeger had been invited to speak at the conference. However, when several conference participants approached the organizer with concerns about Jaeger's reputation for inappropriate behavior toward female students, he reached out to Aslin (whom he had met once before) by email to collect more information. Aslin agreed to speak with him by phone out of courtesy. The organizer explained that conference participants had requested that he disinvite Jaeger. Aslin told the organizer that he could not discuss any details of the case against Jaeger. He did not discourage a disinvitation, but neither did he encourage it.
267. UR administrators once more decided to search Aslin's emails to prove their suspicions. They found the brief emails between Lightfoot and Aslin setting up their phone call and assumed that Aslin had been responsible for Jaeger's disinvitation, whereas Jaeger's own reputation had been responsible, and Aslin had been extremely circumspect in what he told the conference organizer.³⁰⁰ Once more, UR administrators in their fury to prove Jaeger blameless and punish his accusers, made reckless accusations unsupported by the facts. This was both retaliatory and defamatory.
268. An additional aspect of how DeAngelis handled this conference disinvitation with BCS faculty was also retaliatory. At the January 10, 2017 faculty meeting, he accused the Complainants of harming BCS students' careers because, he alleged, Jaeger's students had their abstracts rejected at a high rate in response to the Complainants' hostility toward Jaeger. In fact, Jaeger's students had an average or above average acceptance rate compared to other applicants; and in any event, the abstracts were blindly reviewed, so that the reviewers did not know the identity of the authors.³⁰¹ Nonetheless, one senior faculty member was convinced by DeAngelis' denunciation of the Complainants, saying in the meeting that because their behavior had damaged students' submissions, the faculty's behavior had "crossed the line," and another urged that the Complainants apologize for the "consequences of their actions." DeAngelis either did not check how the abstracts were accepted for the conference before falsely accusing the

²⁹⁹ Cantlon, Kidd, Piantadosi, and Newport testimonies; University of Rochester Faculty Handbook Section VI.C. p. 54 and <https://www.rochester.edu/working/work-life/FAQs.html>.

³⁰⁰ Aslin testimony.

³⁰¹ Newport testimony.

Complainants of harming student's careers or did so recklessly, thereby causing significant damage to their professional reputations.³⁰²

269. After a number of meetings with the Complainants (excluding Aslin) in which they requested to see emails that proved manipulation and lying, DeAngelis was unable to produce any.³⁰³ He told Cantlon, Kidd, and Piantadosi that he was mainly referring to Aslin in his claims of deception, manipulation, and smearing because he said that Aslin had forwarded DeAngelis's emails to others without permission. He ultimately admitted that he damaged the Complainants' reputations, apologized to them (except Aslin) for his attack on their integrity at the faculty meeting, and wrote in an email that he recognized that some of his statements, which he did not specify, had been unfair.³⁰⁴
270. However, DeAngelis' apology did not extend to Aslin who had been forced to resign from BCS. DeAngelis' angry (but false) accusation against Aslin, which he claimed was proven by email evidence, was persuasive and deeply disturbing to several BCS faculty who had been on the fence in the dispute between Jaeger and the Complainants. After this incident, the collective attitude in BCS towards the Complainants became much more hostile.

BCS retaliates against Hayden and Heilbronner for complaining about Jaeger

271. Hayden joined BCS in July 2011 as an Assistant Professor. Heilbronner came to UR as a post-doc in Pharmacology and Physiology in March 2012 with the aim of eventually moving to BCS as a faculty member. Because of BCS's history of supporting spousal hires, Heilbronner and Hayden believed that her chances of getting hired at BCS once she finished her post-doc were good. One faculty member told her she just needed to get the right number of publications and the department would back her case. DeAngelis told Cantlon on several occasions, including by email, that the faculty search in neuroscience was being scheduled around Heilbronner. DeAngelis had even told Kidd, before she was hired as faculty, that he was confident a position could be arranged for Heilbronner in the future, since Kidd wanted to stay as faculty at UR in part so she could collaborate with Hayden, Heilbronner's spouse.
272. BCS has a long history of spousal hires.³⁰⁵ For example, as part of its effort to retain Jaeger, it hired Kurumada as an assistant professor, even though she had relatively few publications at the time. Another faculty spouse was offered a supernumerary faculty position in 2016, with

³⁰² Piantadosi testimony.

³⁰³ Kidd, Piantadosi, Mahon and Cantlon testimonies.

³⁰⁴ February 3, 2017 letter from DeAngelis to BCS faculty.

³⁰⁵ Aslin and Newport testimonies.

support from many BCS faculty, even though all the papers that she had published were with her husband (a senior faculty member).³⁰⁶

273. In 2015, BCS needed to hire for two positions, one in neuroscience and another in cognitive science. DeAngelis wanted to make sure that the search was well-timed for Heilbronner to apply, so asked her which position BCS should try to fill first. Heilbronner asked him to recruit for the cognitive position first. That would allow her to spend more time in her current post-doc and finish some publications by the following year, and recover from the birth of her first child, by the time the second position opened, in neuroscience, that would be highly suited to her work. As of early 2016, BCS gave every indication that it planned to hire Heilbronner and retain Hayden.³⁰⁷ In his annual meeting with DeAngelis in March 2015, Hayden made clear that he would leave the UR if Heilbronner was not awarded a position.
274. However, by the time BCS recruited for the neuroscience position in 2016, Hayden and Heilbronner had been associated with the complaint against Jaeger, and DeAngelis and other responsible figures reconfigured the rules to prevent Heilbronner from obtaining a job. First, the search committee was designed to comprise only faculty who supported Jaeger after the January 10 meeting rather than include even one from the other group. Second, the search criteria were changed to focus on an area of research that Heilbronner did not do, despite earlier explicit advice to Hayden, communicated to Heilbronner, which she followed, about how to tailor her research to the department's interests.
275. By every other standard, Heilbronner's CV was impressive, and her quantitative metrics (e.g. h-index, number of paper citations) exceeded not only the other candidates, but four of BCS's junior faculty.³⁰⁸ However, Heilbronner was not hired. The reason given was that she did not match the area of the search, but this was false. In the summer of 2017, DeAngelis and other neuroscience faculty sought out and offered a position to a new candidate, whose research did *not* fall into the area Heilbronner was told it had to when she was excluded. The candidate was a man who had worse quantitative publication metrics than Heilbronner. For example, he had 10 first or last author publications while Heilbronner had 14 despite being a year younger than he was.³⁰⁹ Despite this, Jaeger actively campaigned against Heilbronner's hiring and at least five BCS faculty members claimed that Heilbronner was "below threshold" even though she had better quantitative stats.
276. The high quality of Heilbronner's work was recognized in August 2017 with a Young Investigator award from the Brain and Behavior Research Foundation, which is awarded only to genuine rising stars in the field.

³⁰⁶ Cantlon testimony.

³⁰⁷ Heilbronner testimony.

³⁰⁸ Cantlon, Mahon, Piantadosi, Kidd, Aslin, testimony.

³⁰⁹ Cantlon, Hayden, Kidd, and Piantadosi testimonies.

277. DeAngelis told Heilbronner and Hayden that another position might become available to her. However, later, DeAngelis told Heilbronner that the position no longer had the support of the Deans. DeAngelis told Mahon “I am dealing with this search the way I have been told to deal with it by my Deans. There is no other way to deal with this outside of this search.... I said there might be other options after the search but there aren’t now.”³¹⁰ This strongly implied that after the complaint the Dean’s support for Heilbronner’s hiring ceased.
278. BCS faculty made the following admissions which show that Heilbronner was not hired in retaliation for her association with Aslin and Cantlon after they raised concerns about violations of Title IX and Title VII:
- a. On March 24, 2017, DeAngelis told Heilbronner that he could not hire her for an alternative position because she “did not promote department healing,” in clear reference to the complaints against Jaeger that the University had decided to dismiss at all costs.³¹¹
 - b. In January 2017, DeAngelis asked Cantlon and Mahon whether hiring Heilbronner would promote “departmental healing.”³¹² He asked the same question of Kidd and Piantadosi in March 2017.³¹³
 - c. On April 24, 2017, a senior BCS professor told Cantlon and Mahon that other BCS faculty were upset about the situation with Jaeger and they “don’t want six of you,” meaning BCS did not want six “troublemakers” – so evidently some or all would have to be made to leave.³¹⁴
 - d. In the same meeting, DeAngelis said “That’s what happens when you use the department as a political football and break confidentiality. Even if it’s legal to talk about your experiences it is going to cause damage and you should expect that.”³¹⁵ As a senior university administrator, DeAngelis should know that people who make protected disclosures cannot legally be retaliated against.³¹⁶
 - e. In an April 26, 2017 meeting, DeAngelis said to Mahon and Cantlon, in reference to the private emails he had seen without permission from Hayden and Heilbronner about the Jaeger complaint, “I think it was really stupid for Ben [Hayden] and Sarah [Heilbronner] to get involved in this stuff while Sarah needed a job.”

³¹⁰ Mahon testimony.

³¹¹ Heilbronner testimony.

³¹² Cantlon and Mahon testimony.

³¹³ Kidd and Mahon testimony.

³¹⁴ Cantlon and Mahon testimony.

³¹⁵ *Id.*

³¹⁶ *Id.*

- f. In the same meeting, DeAngelis told Mahon and Cantlon that he previously had planned on hiring Heilbronner – he “had this,” he said – implying that it was the complaints raised about Jaeger’s sexist and predatory behavior that cost her the job.³¹⁷
- g. When Hayden and Heilbronner were considering accepting an alternative offer to her in the Neuroscience department in May 2017, Hayden met with DeAngelis to ask what DeAngelis would do to prevent the BCS faculty from retaliating against him further. DeAngelis said that there was nothing he could do and that Hayden should have no expectations of protection. Hayden and Heilbronner subsequently decided to leave.
279. Aside from Heilbronner’s own widely recognized merits as a scientist, the logic of spousal hires made BCS’s unwillingness to hire her extremely unusual, confirming that its motive was retaliatory. Over the years, BCS had previously hired six faculty pairs (a striking number in a relatively small department). Her husband, Hayden, has been highly valuable to BCS. He has received three NIH Research Grants (RO1s), an impressive number for a scientist at this stage in his career and also by UR standards. He has several high profile publications. He received tenure early. By all accounts, Hayden is someone UR should be trying hard to keep and promote – which is precisely what it did until his involvement with the Complainants. Then it refused to hire his partner who is a formidable, first-rate candidate in her own right, which was an obvious signal that he was no longer wanted. Hayden and Heilbronner necessarily searched for new jobs and secured appointments at the University of Minnesota.
280. Normally, when faculty members receive outside job offers, UR will attempt to retain them by raising their compensation either in research funding or salary. Hayden announced his faculty offer at Minnesota to DeAngelis in November 2016 and provided him details about the offer in January 2017, but was not offered any retention until May 2017, at the 11th hour. Hayden, who had three federal NIH R01 grants, received an unusually low retention offer of only \$150,000 in research funding plus 1.5 years of postdoctoral salary funding, compared to his offer from Minnesota of over one million dollars.³¹⁸ This lowball retention offer was retaliatory. Hayden and Heilbronner have now left UR for the University of Minnesota.
281. In fact, DeAngelis, backed by his superiors, appears to be pushing all of Jaeger’s critics out of BCS. Dean Lennie admitted to Mahon and Cantlon that the central administration was pushing for the Deans to not retain the Complainants. Hayden collaborates with both Kidd and Piantadosi, who are married; thus, losing him makes it nearly certain they will leave (a fact they shared with DeAngelis several times). Piantadosi collaborates with Cantlon who is married to Mahon. Hayden’s departure from UR will by itself have a negative effect on BCS’s productivity, and beyond that will hurt all of the research being done jointly through the easy collaboration

³¹⁷ *Id.*

³¹⁸ Hayden and Heilbronner testimony.

the group has established, which DeAngelis, backed by his superiors, is now upending.³¹⁹ Piantadosi and Cantlon both raised this concern to DeAngelis, who took no serious steps to retain Hayden.³²⁰

282. Moreover, in May 2017, all six of them interviewed at the Rochester Institute of Technology with the goal of starting their own Center for the Origins of Cognition. This would have allowed all of them to stay together to continue their research. However, it would have required the continued use of the scanner at the UR MRI center (which until June 30, 2017 Aslin directed for 14 years), which because it was purchased with federal funds is required to be open to all legitimate researchers. When RIT officials raised with their UR counterparts the possibility of needing access to this equipment on behalf of this new center that would employ some of the Complainants, senior UR administrators said they would charge the Complainants at a rate 2.5 times higher than UR researchers, another example of retaliation.³²¹

Conclusion

283. Newport and Aslin worked to build one of the nation's best brain and cognitive science departments and in ten years took BCS from nothing to ranking fourth in the nation. They created a highly collaborative and inclusive environment in which male and female students both thrived. They worked to build the strongest team possible and based on Jaeger's application, believed he would be a good fit. Unfortunately, Jaeger at first showed his true colors – those of a serial sexual harasser and abuser– only to students, post-docs, and junior faculty. He convinced his victims that BCS leadership knew about and endorsed his sexually charged behavior toward students. This was a lie. Aslin and Newport knew nothing of Jaeger's sexually harassing and predatory behavior. Had either of them known, they would have put a stop to it immediately, as Newport's track record with sexual harassers clearly demonstrates. Now, both Aslin and Newport feel sick that they supported the hiring and professional advancement of a predator, and are concerned that the University refuses to act in any way to undo the damage he has done and is doing to students and the reputation of BCS. Obviously, it is extraordinary, and seriously disrupting, for Aslin to resign from a department he helped to build and nurture for over 20 years, having previously refused multiple offers to leave because of his loyalty and commitment to UR.
284. For years Jaeger exerted power over graduate students and post-docs in BCS. He charmed, manipulated, and sometimes threatened them, becoming gatekeeper to important social and professional opportunities. He flaunted numerous sexual relationships in front of graduate students, used constant and overt sexual language, and behaved flirtatiously and overly familiarly with women students, including when he knew he was making the women feel unsafe.

³¹⁹ Cantlon, Mahon, Kidd, Piantadosi, and Hayden testimony.

³²⁰ Cantlon and Mahon testimony.

³²¹ Cantlon, Mahon, Kidd, Piantadosi, Hayden, and Heilbronner testimony.

He may have avoided blatant rule-breaking, like sleeping with undergraduates, but pushed multiple boundaries and sought to humiliate his students, so much so that at least eleven women students distorted their educations at BCS to escape him. His misconduct created a clear pattern of sexually harassing and abusive behavior that continues to distort the educational environment at BCS.

285. Some junior BCS faculty members were aware of Jaeger's behavior, in particular Kidd and Piantadosi, who had themselves been graduate students or post-docs at BCS and suffered directly from its hostile environment. Kidd has spent a decade in a department where she has feared for her students and for herself, and been systematically defamed by Jaeger with no one stopping him. She was concerned, based on her own experience and that of others, that if she reported her experiences, BCS and UR would not take effective action or protect her from retaliation. UR has since proven those fears were valid.
286. In 2016, prodded by Jaeger's spirited public support for faculty-student sexual relationships, the junior faculty revealed to Aslin what they had known about Jaeger. Aslin contacted Newport to ask if she had known about Jaeger's abuse. She had not. Together the Complainants decided that the best course of action to address the toxic environment was to bring Jaeger's actions to the attention of the administration. Aslin accordingly brought a complaint forward in his name, later joined by Cantlon.
287. UR went through the motions of an investigation and appeals process to satisfy Aslin, who is a well-respected scholar. UR did just enough to check the right boxes, but was careful not to "find" anything that would conclusively condemn Jaeger and require actual action on UR's part, even though that required strenuous efforts to ignore relevant evidence and consigning Kidd, a BCS professor, to ignominy as "not credible." UR thought that would end the matter. It did not appear to anticipate that Aslin and the other Complainants would persist in trying to get UR to uphold women's rights and the law while pointing out the evasions and logical flaws of the Nearpass Report.
288. UR escalated, and retaliated. It accused the Complainants of spreading rumors and misinformation and bullying Jaeger. UR repackaged the Complainants' protected activities – notifying UR about behavior that violated Title IX and Title VII – as a breach of confidentiality. But this was a straw man. Aslin had told University administrators himself that he was consulting with others to provide information for their investigation, to which they had not objected. UR itself had repeatedly breached confidentiality. It made selective aspects of the investigation public – by providing Kidd with the Nearpass Report when she was not an official complainant, by naming Kidd in the Nearpass Report and verbally to third parties (defaming her in the process), by inviting Jaeger to defend himself publicly based on the Nearpass Report, and by disclosing select information from the investigation to key UR faculty members such as Dr. Runner. UR even read the private emails and checked the phone logs of the Complainants, without their knowledge or consent, upending the usual expectation of e-mail confidentiality to

intervene in an internal personnel dispute, publicly claiming as a result that the Complainants had lied when they had done no such thing – as DeAngelis’ inability to provide proof thereof demonstrated. The truth is that UR only cared about confidentiality when it could use it as a shield, to protect itself from scrutiny, or as a sword, to attack the Complainants’ reputations.

289. UR’s campaign against the Complainants has created a hostile environment for them so toxic that they are no longer welcome in their own department. They are treated as troublemakers and liars. Cantlon and Kidd, in particular, suffer on a daily basis. Cantlon is treated with constant derision and as the spokesperson for the “six of them.” Most recently, DeAngelis has pushed her to teach a second large undergraduate lecture course during the present academic year (a teaching load that no other faculty member has), he says to make up for the ‘light load’ she had during her maternity leave but which in truth followed department policy before DeAngelis became chair. His emails to her are rude and derogatory. Kidd’s reputation and credibility have been regularly undermined and, in violation of University policy and New York State law, was granted only two weeks of maternity leave in Fall 2016 after a difficult pregnancy and a complicated C-section. Bixby feels even more unsafe in BCS than before her complaint and took two extra years to finish her Ph.D. UR has made no effort to hide the fact that it wants the Complainants to disappear. It refused to hire Heilbronner against all historical norms, promises to her and the merits of her application, and as a result drove out her husband, Hayden, who is already a leading scientist of his generation in his field. It has actively prevented the Complainants from pursuing opportunities that would allow them to stay together and continue their collaborative research at the Rochester Institute of Technology – blocking rather than promoting scholarship as a university is supposed to do. Morale, reputation, output, recruitment, and grant money at BCS are all suffering as a result of the University’s insistent support for the cause of Florian Jaeger.
290. Aslin and Cantlon, representing the larger group of Complainants, brought their initial complaint in order to protect the rights of women (indeed everyone) in BCS and uphold the law because they believed it was the right thing to do. They have acted out of care for students and for a department and university in which they have been profoundly invested both professionally and personally. BCS has tried to sweep its problem with sexual misconduct and abuse of women under the rug; they have stood their ground. The Complainants do not want to contribute to sexual harassment being acceptable in academic science by sitting by quietly and obediently as their students are harassed and their colleagues are ignored and silenced. They are acting sincerely in UR’s best interests at considerable cost to themselves. Instead of showing respect or even gratitude, UR has made sure they are paying for it.
291. The many students around the country who have suffered from Jaeger directly and the hostile environment to which he contributed at BCS, many of whom gave testimony to Nearpass, now feel justifiably threatened by the prospect that he will retaliate against them for the rest of their careers. He might be asked to review their papers, their grants, their promotions, many of

which involve anonymous voting processes where they may not even be aware of his involvement. UR has not only refused to support and protect these alumni who came forward in good faith, it has supported Jaeger in every attempt to discredit them, and the BCS faculty who did support them.

292. Meanwhile, undeterred by Bixby's complaint and DeAngelis's talk, Jaeger, who is now 42, is still crashing student parties at conferences. Students feel unsafe because he is still drinking late into the night and making passes at female students. In the summer of 2017, a graduate student at a summer institute where Jaeger was teaching contacted Piantadosi by email to say that Jaeger was making her and others "uncomfortable" because he was attending parties in the students' dorms, staying until the early morning. He was the only faculty member to do so. She said that she felt obligated to avoid drinking because she needed to be on guard against him.³²²
293. Complainants are filing this Charge because they no longer see any alternative. UR, an institution they have all loved, has gone seriously astray, and despite their polite requests for constructive action, has simply dug in deeper to protect wrongdoing by Florian Jaeger that has hurt a decade's worth of students at BCS. What should have been a simple problem to solve has metastasized into a long campaign of retaliation by UR administrators who have circled the wagons against the polite entreaties of distinguished faculty who are no longer willing to turn a blind eye to endemic sex discrimination. The result is that a once proud and leading department has been upended by those in charge of it. Good people and excellent scientists are being driven out, for no better reason than to protect a serial sexual harasser. "Groupthink" and defensiveness have replaced clear analysis from UR administrators. The damage they have done to BCS and the Complainants is regrettable, and unnecessary, but it is also real, and must now be redressed.

LEGAL CLAIMS

294. The Complainants intend to bring the following claims against UR and relevant individual defendants:
- a. Violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq* ("Title VII") due to: (1) unlawful retaliation against Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport; and (2) unlawfully subjecting Cantlon and Kidd to a hostile work environment on the basis of their sex and (3) constructively discharging Aslin and Hayden.

³²² Email from Crawford to Piantadosi.

- b. Violations of Title IX due to: (1) unlawful retaliation against Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport; (2) unlawfully subjecting Bixby to a hostile educational environment on account of her sex.
- c. Violations of New York State Human Rights Law due to: (1) unlawful retaliation against Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport; and (2) unlawfully subjecting Cantlon, Kidd and Bixby to a hostile work environment on the basis of their sex and (3) constructively discharging Aslin and Hayden.
- d. Violations of New York State Law due to negligently retaining Jaeger.
- e. Defamation of Aslin, Cantlon, Hayden, Piantadosi, Kidd, Mahon and Newport.

G. UNLAWFUL RETALIATION IN VIOLATION OF TITLE VII AND NEW YORK HUMAN RIGHTS LAW

- 295. Title VII prohibits employers from retaliating against employees who oppose unlawful employment practices or participate in the investigation into such practices. 42 U.S.C. § 2000e–3(a).
- 296. A *prima facie* case of retaliation under Title VII is established where it is shown that: “(1) the employee engaged in protected activity, (2) the employer was aware of this activity, (3) the employer took adverse action against the employee, and (4) a causal connection exists between the protected activity and the adverse action.” *Kessler v. Westchester Cty. Dep’t of Soc. Servs.*, 461 F.3d 199, 205-06 (2d Cir. 2006).
- 297. Opposition to an unlawful employment practice under 42 U.S.C. § 2000e–3(a) has an “expansive definition.” *EEOC v. New Breed Logistics*, 783 F.3d 1057, 1067 (6th Cir. 2015) (quoting *Johnson v. Univ. of Cincinnati*, 215 F.3d 561, 579, 580 n.8 (6th Cir. 2000)).
- 298. Complaints need not be made directly to the employer to garner protection; complaints made about the employer to others that the employer learns about can be protected opposition. *EEOC Enforcement Guidance on Retaliation and Related Issues*, No. 915.004, August 25, 2016, p. 12 (citing 1 B. Lindemann, P. Grossman, & C. Weirich, *Employment Discrimination Law* 15-20 (5th ed. 2012) (collecting cases)).
- 299. The Supreme Court has expressly recognized that harming a third party who is associated with an employee engaged in protected activity can constitute an adverse action against the employee in a Title VII retaliation case. *Thompson v. N. Am. Stainless, LP*, 562 U.S. 170 (2011) (it is “obvious that a reasonable worker might be dissuaded from engaging in protected activity if she knew that her fiancé would be fired.”). In fact, where the third party is a close family member, the standard will “almost always” be met. *Id.* at 178.

300. Communications need not be formal or include any legal terminology or magic words to constitute protected activity. *Okoli v. City of Balt.*, 648 F.3d 216, 224 (4th Cir. 2011) (ruling that it was sufficient to constitute “opposition” that plaintiff complained about “harassment” and described some facts about the sexual behavior in the workplace that was unwelcome, and that she did not need to use the term “sexual harassment” or other specific terminology); *EEOC v. Go Daddy Software, Inc.*, 581 F.3d 951, 964 (9th Cir. 2009) (holding that allegations need not have identified all incidents of the discriminatory behavior complained of to constitute opposition because “a complaint about one or more of the comments is protected behavior”).
301. The University has known, since at least 2013, that reported wrongdoing by Jaeger directly affected University employees, including both full-time and student employees, and the overall environment of the department for female employees.
302. Despite this knowledge, the University took no action to remedy the hostile work environment and protect its student and faculty employees. Instead, the University exacerbated the hostile environment based on sex by chastising and blaming those who had come forward to complain.

Unlawful Retaliation Against Richard Aslin in Violation of Title VII and New York Human Rights Law

303. Aslin was until June 30, 2017, and at all pertinent times was, an employee of the University.
304. Since March 2016, when he learned of Jaeger’s longstanding pattern of harassing and discriminatory behavior towards University students, prospective students and employees, Aslin has continuously engaged in an interconnected set of protected activities, including without limitation:
- a. Reporting Jaeger’s inappropriate sexual behavior to University counsel Crummins and University investigator Nearpass in March 2016.
 - b. Assisting in identifying witnesses and providing information, including information about discrimination and harassment of females employed by the University, to University officials to encourage and assist in their investigation of Jaeger’s misconduct.
 - c. Directly encouraging Nearpass and other officials to conduct a thorough investigation and following up on the investigation process.
 - d. Expressing disapproval of Jaeger’s misconduct and its detrimental impact on the University’s professional and educational environments to UR administration and BCS faculty.
 - e. Collaborating with colleagues about how to ensure that Jaeger’s misconduct was properly investigated, to help those harmed by his actions, and to prevent additional harm from occurring.

- f. Appealing Dean Robert Clark's June 2016 decision regarding Jaeger's conduct.
 - g. Refusing Intercessor van Slyke's request in October 2016 to "cut a deal" under which Aslin would stop opposing Jaeger's misconduct and the University's failure to take appropriate action.
 - h. Meeting with University President Seligman on October 26, 2016, to put him personally on notice of the severity of the problem facing BCS, the misdeeds of the UR legal team, and urge him to protect the University from Jaeger's misconduct.
 - i. On December 2, 2016, resigning from BCS in protest against the University's failure to properly handle the complaints about Jaeger's harassment and the hostile environment that ensued.
305. As a direct result of his protected activities and as retaliation for them, the University took materially adverse actions against Aslin. As the factual narrative details above, the retaliation was not a single, discrete incident but rather an ongoing series of numerous retaliatory actions.
306. The core of the University's retaliatory actions focused on harming Aslin's reputation and status in BCS and the greater academic community by falsely characterizing him as a bully with a vendetta who spread lies about Jaeger. Notable examples of retaliatory actions taken against Aslin include:
- a. Deans Lennie and Culver writing a memo on July 26, 2016 wrongly portraying the complaints against Jaeger as rumors and gossip.
 - b. The November 29, 2016, letter from Provost Rob Clark to BCS faculty that praised Jaeger and characterized the complaints against him as "rumors" and "misinformation." At the time of the letter, department faculty knew that Aslin was a principal figure among the faculty who had complained against Jaeger.
 - c. The January 2017 faculty meeting where DeAngelis announced that some faculty had been bullying Jaeger and that he had a stack of private emails proving that they had spread rumors, deceived and manipulated people. At the time of the meeting, department faculty knew that Aslin was one of the individuals to whom DeAngelis was referring.
 - d. Disclosing Aslin's private letter to Jaeger, without Aslin's knowledge or consent, to select BCS faculty members to give the wrong impression that Aslin bullied Jaeger.
 - e. Continuously, falsely, and publicly blaming Aslin for Jaeger's disinvitation from a conference at Georgetown University, hurting his relationship with his colleagues. This false characterization continued at least until March 31, 2017, when the deans wrongly condemned Aslin for contacting the conference organizer.

- f. Creating and, to date, maintaining the narrative that Aslin and other Complainants have violated confidentiality by engaging in protected activity.
 - g. Violating Aslin's confidentiality by giving at least Kidd, and perhaps others, a copy of the original Nearpass Report.
 - h. Statements made by the President of the University, Joel Seligman, in Spring 2017 to at least one senior faculty member in another department that described the complaints against Jaeger as a smear campaign run by BCS faculty, and claimed that emails proved wrongdoing by faculty members, which included Aslin.
307. UR took materially adverse action against Aslin by constructively discharging him in violation of Title VII and New York Human Rights Law. After Aslin engaged in legally protected activity, UR intentionally made Aslin's environment so hostile that any reasonable person in his position would have resigned. See *Pennsylvania State Police v. Suders*, 542 U.S. 129 (2004) and *Teran v. Jetblue Airways Corp.*, (N.Y. App. Div. 2015).

Unlawful retaliation against Jessica Cantlon in violation of Title VII and New York Human Rights Law

308. Jessica Cantlon is and at all pertinent times was a female employee of the University.
309. Since at least March 2016, when she filed one of the complaints that launched the investigation of Jaeger's longstanding pattern of harassing and discriminatory behavior towards female students, post-docs, faculty members, and prospective students, Cantlon has continuously engaged in an interconnected set of protected activities, including without limitation:
- a. Sharing her personal experiences and knowledge of Jaeger's inappropriate liaisons with graduate students and post-docs, his lewd comments, and the detrimental impact his sexual misconduct had on the women it was directed towards.
 - b. Suggesting witnesses and providing information and evidence (like Jaeger's Facebook posts), including information about discrimination and harassment of female employees, to University officials to encourage and assist in their investigation of Jaeger's misconduct.
 - c. Expressing disapproval and concern about Jaeger's misconduct and its detrimental impact on the University's professional and educational environments.
 - d. Meeting with Levy on March 25, 2016, to express concerns about the sexual harassment and hostile environment prevailing in BCS and to seek Levy's direction about how to proceed.
 - e. Filing a written complaint to Nearpass and Levy about Jaeger's behavior with a focus on his demeaning and objectifying statements about women.

- f. Appealing Dean Robert Clark's June 2016 decision condoning Jaeger's conduct.
 - g. Collaborating with colleagues about how to ensure that Jaeger's misconduct was properly investigated, help those harmed by his actions, and prevent additional harm from occurring.
 - h. Writing to Clark on December 6, 2016, to express her frustration with the case, highlight the harmful impact the University's handling of it had on the women who had come forward to share their experiences, and promote dialogue about how to do better so that current and future students can be protected.
 - i. Writing to the University President, along with fellow Complainants, to encourage the President to listen to Aslin's concerns about how the complaints against Jaeger had been handled and the deleterious effect thereof on BCS.
 - j. Expressing concerns to DeAngelis about Jaeger being permitted to participate in the evaluations of Piantadosi and Kidd in February and March 2017 when both had opposed Jaeger's conduct and Kidd had been sexually harassed by him as a student.
 - k. Expressing concerns to DeAngelis that the decisions not to hire Heilbronner and to not take reasonable and customary steps to retain Hayden would hurt the reputation and vitality of BCS and were retaliatory toward them both and, by extension (via truncated research collaborations), toward Cantlon, Kidd, Piantadosi, and Mahon.
310. As a direct result of her protected activities and in retaliation for them, the University took materially adverse actions against Cantlon. The core of the University's retaliatory actions focused on harming Cantlon's reputation and status in BCS and the greater academic community by falsely characterizing her as a troublemaker who spread lies about Jaeger. The retaliatory efforts were continuous and included, without limitation:
- a. Violating Cantlon's confidentiality by giving at least Kidd a copy of the original Nearpass Report.
 - b. Deans Culver and Lennie writing a memo on July 26, 2016 wrongly portraying the complaints against Jaeger as rumors and gossip.
 - c. The November 29, 2016, letter from Provost Rob Clark to department faculty that praised Jaeger and characterized the complaints against him as "rumors" and "misinformation." At the time of the letter, department faculty knew that Cantlon was one of the people who had complained against Jaeger.
 - d. The January 2017 faculty meeting where DeAngelis wrongly announced that some faculty had been bullying Jaeger and that he had a stack of emails proving that they had spread

rumors, deceived and manipulated people. At the time of the meeting, department faculty knew that Cantlon was one of the individuals to whom DeAngelis was referring.

- e. Creating and maintaining the narrative that Cantlon and other Complainants have violated confidentiality by engaging in legally protected behavior.
 - f. Statements made by the President of the University in Spring 2017 to at least one senior faculty member in other departments that described the complaints against Jaeger as a smear campaign run by faculty, and accused the faculty Complainants (which included Cantlon) of wrongdoing in their emails.
 - g. DeAngelis telling Cantlon, in front of other BCS faculty, that she should “take responsibility for her actions” – meaning her complaint against Jaeger - and aggressively demanding that she apologize to BCS for the trouble she has caused.
 - h. Excluding Cantlon from BCS meetings to discuss whether or not to hire Heilbronner.
 - i. Refusing to retain Hayden despite his clear talent and suitability, knowing that this would hurt the research of Cantlon and others, and damage the vitality and reputation of BCS and the University.
 - j. Sabotaging Cantlon and the other Complainants’ opportunity to move to RIT in order to continue their collaborative research.
 - k. One BCS faculty member telling Cantlon that he did not care if Cantlon and the other Complainants left BCS in the wake of their complaints about Jaeger and UR’s response to them, and that BCS would be fine without her.
 - l. Attempting to require Cantlon to assume a teaching load (with two large undergraduate lecture courses in a single academic year) that is not required of other BCS faculty.
311. The efforts to undermine Cantlon’s reputation were particularly harmful because she is a junior faculty member whose career prospects and professional relationships are more susceptible to undermining than senior faculty.

Unlawful retaliation against Celeste Kidd in violation of Title VII and New York Human Rights Law

312. Kidd has been a female employee of UR since September 2007.
313. Since at least March 2016, Kidd has continuously engaged in an interconnected set of protected activities, including without limitation:

- a. Participating in the investigation of Jaeger by sharing her very personal experience of being sexually harassed by Jaeger as a graduate student;
 - b. Openly expressing disapproval and concern about Jaeger's illegal conduct and its detrimental impact on the University's educational environment;
 - c. Collaborating with colleagues about how to ensure that Jaeger's misconduct was properly investigated, help those harmed by his actions, and prevent additional harm from occurring;
 - d. Filing a retaliation complaint with Dean Culver on July 21, 2016 and a follow-up letter on August 19, 2016;
 - e. Participating in the investigation into her retaliation complaint;
 - f. Appealing the outcome of her retaliation complaint on October 4, 2016;
 - g. Sending an e-mail, with Piantadosi, to DeAngelis in August 2016 directly encouraging him to investigate Jaeger's abuse of all relevant UR policies including human resources policies, and to publicly support those who had the courage to complain about Jaeger and encourage UR to behave lawfully;
 - h. Along with Piantadosi, meeting with DeAngelis in Fall 2016 to discuss (1) the prospect of leaving UR because the Nearpass Report identified and attacked Kidd by name, (2) the possibility of continuing retaliation, (3) Curtin's finding that the University did not do enough to guard against it, and (4) concern that Jaeger would be involved in future evaluations;
 - i. Writing, with Piantadosi, an e-mail to Deans Lennie and Culver on January 3, 2017 with suggestions for improvements to the investigation process for complaints like those against Jaeger, plus evidence that they were needed; and
 - j. Expressing concerns to DeAngelis that the decisions to not hire Heilbronner and to not take reasonable and customary steps to retain Hayden were retaliatory toward them both and, by extension (via truncated research collaborations), toward Cantlon, Kidd, Piantadosi, and Mahon.
314. As a direct result of her protected activities and in retaliation for them, the University took materially adverse actions against Kidd. The core of the University's retaliatory actions focused on harming Kidd's reputation and status in BCS and the greater academic community by falsely characterizing her as a liar who spread misinformation about Jaeger to get back at him. The retaliatory efforts were continuous and included, without limitation:
- a. Violating Kidd's confidentiality by not protecting disclosure of her name as one of the witnesses to Jaeger's misconduct in the Nearpass Report.

- b. Nearpass's refusal to examine written evidence substantiating Kidd's testimony.
- c. Nearpass' assessment of Kidd as not credible, based on undisclosed evidence and without giving Kidd, a UR professor with a reputation for integrity, a chance to rebut that finding.
- d. Nearpass disclosing to another witness Kidd's identity and that Nearpass had concerns about Kidd's credibility.
- e. Deans Lennie and Culver writing a memo on July 26, 2016 portraying the complaints against Jaeger as rumors and misinformation.
- f. Taking no action to prevent Jaeger from continuing to tell people that Kidd was not credible and had criticized him because she had actually been in love with him.
- g. In advance of her October 2016 childbirth, telling her and her husband that she was entitled to only a 2-week paid maternity leave and requiring her return to teaching after a difficult pregnancy and a C-section, though University policy and New York State law state that she should have received at least 8 weeks maternity leave with full pay.
- h. The November 29, 2016, letter from Provost Rob Clark to BCS faculty praising Jaeger and characterizing the complaints against him as "rumors" and "misinformation." Clark knew that Kidd was one of the individuals who had complained against Jaeger.
- i. The January 2017 faculty meeting where DeAngelis announced falsely that some faculty had been bullying Jaeger and that he had a stack of emails in his hand proving that they had spread rumors, deceived and manipulated people. At the time of the meeting, department faculty knew that Kidd was one of the individuals to whom DeAngelis was referring.
- j. In February and March 2017, permitting Jaeger to participate in discussions about Kidd's performance, and the performance of her spouse Piantadosi, without even warning either of the participation.
- k. Creating and maintaining the narrative that Kidd and other Complainants have violated confidentiality by engaging in legally protected behavior.
- l. Refusing to retain Hayden despite his clear talent and suitability, knowing that this would hurt Kidd's research.
- m. Sabotaging Kidd and the other Complainants' opportunity to move to RIT in order to continue their collaborative research.
- n. Excluding Kidd from BCS meetings to discuss whether or not to hire Heilbronner.

- o. Presenting the findings of the investigation as though Kidd was the only witness with substantial claims against Jaeger when in fact numerous women complained to Nearpass about Jaeger's sexual misconduct and boundary pushing.

Unlawful retaliation against Steven Piantadosi in violation of Title VII and New York Human Rights Law

- 315. Piantadosi is, and at all pertinent times was, an employee of the University.
- 316. Since March 2016, Piantadosi has continuously engaged in an interconnected set of protected activities, including without limitation:
 - a. Assisting Cantlon in late March 2016 to file a written complaint to Levy and Nearpass about Jaeger's behavior with a focus on his demeaning and objectifying statements about women.
 - b. Collaborating with colleagues about how to ensure that Jaeger's misconduct was properly investigated, to help those harmed by his actions, and prevent additional harm from occurring.
 - c. Suggesting witnesses and providing information, including information about discrimination and harassment of females employed by the University, to Nearpass and other University officials to encourage and assist in their investigation of Jaeger.
 - d. Along with Kidd, meeting with DeAngelis in August 2016 directly encouraging him to investigate Jaeger's potential abuse of all relevant University policies, including human resources policies, and to publicly support those who had the courage to complain about Jaeger.
 - e. Along with Kidd, meeting with DeAngelis in Fall 2016 to discuss the prospect of leaving the University because of the use of Kidd's name in the Nearpass Report, the possibility of continuing retaliation, Curtin's finding that the University did not do enough to guard against it, and concern that Jaeger would be involved in their evaluations.
 - f. Writing an e-mail to Levy and the deans criticizing the University's response to Bixby's complaint about Jaeger, directly asking her, "Why isn't that information shared with the deans who made the decisions about whether [Jaeger] created a *hostile work environment*?" (emphasis added).
 - g. Writing an e-mail to Lennie on December 1, 2016, criticizing UR's response to the complaints against Jaeger and its treatment of Complainants.
 - h. Writing, with Kidd, an e-mail to Deans Lennie and Culver with a list of improvements to the investigation process for sexual harassment complaints like those against Jaeger, including evidence why they were needed.

- i. Expressing concerns to DeAngelis that the decisions to not hire Heilbronner and to not take reasonable and customary steps to retain Hayden retaliated against the two of them and, by extension (via truncated research collaborations), toward Cantlon, Kidd, Piantadosi, and Mahon.
317. As a direct result of his protected activities and as retaliation therefor, the University took materially adverse actions against Piantadosi. As the factual narrative details above, the retaliation was not a single, discrete incident but rather an ongoing series of numerous retaliatory actions.
318. The core of the University's retaliatory actions focused on harming Piantadosi's reputation and status in BCS and the greater academic community by falsely characterizing him as one of the faculty members that teamed up to spread lies about Jaeger.
319. Notable examples of retaliatory actions taken against Piantadosi include:
- a. Deans Lennie and Culver writing a memo on July 26, 2016 wrongly portraying the complaints against Jaeger as rumors and misinformation.
 - b. The November 29, 2016, letter from Provost Rob Clark to department faculty that praised Jaeger and characterized the complaints against him as "rumors" and "misinformation." At the time of the letter, department faculty knew that Piantadosi was one of their colleagues who had complained against Jaeger.
 - c. In February and March 2017, permitting Jaeger to participate in discussions about Piantadosi's performance as well that of his spouse, Kidd, without even warning Piantadosi or Kidd of the participation.
 - d. The January 2017 faculty meeting where DeAngelis wrongly announced that some faculty had been bullying Jaeger and that he had a stack of emails in his hand proving that they had spread rumors, deceived and manipulated people. At the time of the meeting, department faculty knew that Piantadosi was one of the people to whom DeAngelis was referring.
 - e. Creating and maintaining the false narrative that Piantadosi and other Complainants have violated confidentiality by engaging in legally protected behavior.
 - f. Refusing to retain Hayden despite his clear talent and suitability, knowing that this would hurt Piantadosi's research.
 - g. Sabotaging Piantadosi and the other Complainants' opportunity to move to RIT in order to continue their highly fruitful collaborative research together in Rochester.
 - h. Excluding Piantadosi from BCS meetings to discuss whether or not to hire Heilbronner.

- i. Harming Kidd, Piantadosi's spouse's reputation, and career prospects by characterizing her as unreliable and in love with her harasser Jaeger.

Unlawful retaliation against Brad Mahon in violation of Title VII and New York Human Rights Law

320. Mahon is, and at all pertinent times was, an employee of the University.
321. Mahon engaged in protected activity by, without limitation:
 - a. Reporting to a fellow professor the widespread allegations of sexual harassment by Jaeger, including his sexual relationships with students over whom he had a supervisory role.
 - b. Collaborating with colleagues about how to ensure that Jaeger's misconduct was properly investigated, help those harmed by his actions, and prevent additional harm from occurring.
 - c. Speaking up in opposition to the actions of Jaeger and the University's response thereto.
 - d. Writing to the University President, along with fellow Complainants, to encourage the President to listen to Aslin's concerns about how the complaints against Jaeger and the resulting department environment had been mishandled.
322. As a direct result of his protected activities and as retaliation therefor, the University took materially adverse actions against Mahon. As the factual narrative details above, the retaliation was not a single, discrete incident but rather an ongoing series of numerous retaliatory actions.
323. The core of the University's retaliatory actions focused on harming Mahon's reputation and status in BCS and the greater academic community by falsely characterizing him as one of the faculty members that teamed up to spread lies about Jaeger. Notable instances of retaliatory action include, without limitation:
 - a. The November 29, 2016, letter from Provost Rob Clark to department faculty that praised Jaeger and falsely characterized the complaints against him as "rumors" and "misinformation." At the time of the letter, department faculty knew that Mahon was one of the individuals who had complained against Jaeger.
 - b. The January 2017 faculty meeting where DeAngelis falsely announced that some faculty had been bullying Jaeger and that he had a stack of emails in his hand proving that they had spread rumors, deceived and manipulated people. At the time of the meeting, department faculty knew that Mahon was one of the individuals who DeAngelis was referencing.
 - c. Creating and maintaining the narrative that Cantlon and other Complainants have violated confidentiality by engaging in legally protected behavior.

- d. Refusing to retain Hayden despite his clear talent and suitability, knowing that this would hurt Mahon's research.
- e. Sabotaging Mahon and the other Complainants' opportunity to move to RIT in order to continue their highly fruitful collaborative research together in Rochester.
- f. Excluding Mahon from BCS meetings to discuss whether or not to hire Heilbronner.
- g. Excluding Mahon from decision-making related to the hiring for a position closely related to his own research.
- h. Denying Mahon a meeting with a candidate for a faculty position in BCS despite Mahon's research being the most closely aligned with the candidate.

Unlawful retaliation against Ben Hayden in violation of Title VII and New York Human Rights Law

324. Ben Hayden is until September 2017, and at pertinent times was, employed by the University.
325. Since March 2016, when the investigation into Jaeger's longstanding pattern of harassing and discriminatory behavior towards University students and employees began, Hayden has continuously engaged in an interconnected set of protected activities, including without limitation:
- a. Collaborating with colleagues about how to ensure that Jaeger's illegal conduct was properly investigated, to help those harmed by his actions, and prevent additional harm from occurring.
 - b. Questioning the propriety of the University's response to complaints of sexual harassment against Jaeger including concerns about the deeply flawed Nearpass Report.
 - c. Advocating the fair resolution of BCS's sexual harassment issues.
 - d. In opposition to the ongoing hostile environment that had resulted from Jaeger's harassing conduct and the University's improper response to it, refusing to sign a confidentiality agreement required to read a summary of the Nearpass Report, which he thought would simply perpetuate the University's cover-up.
326. As detailed in the factual narrative above, as a direct result of his protected activities and as retaliation therefore, the University took materially adverse actions against Hayden. Notable retaliatory actions against him include:
- a. The November 29, 2016, letter from Provost Clark to department faculty that praised Jaeger and falsely characterized the complaints against him as "rumors" and "misinformation." At

- the time of the letter, department faculty knew that Hayden was one of the individuals who had complained against Jaeger.
- b. The January 2017 faculty meeting where DeAngelis wrongly announced that some faculty had been bullying Jaeger and that he had a stack of emails proving that they had spread rumors, deceived and manipulated people. At the time of the meeting, department faculty knew that Hayden was among the individuals to whom DeAngelis was referring.
 - c. Permitting Jaeger to participate in a departmental vote against hiring Heilbronner, Hayden's wife, and to lobby against hiring Heilbronner to others in the department.
 - d. Declining to hire his wife Heilbronner, who had previously been widely considered the top candidate for the department's next neuroscience hire, despite her obvious merit and the department's longstanding policy of finding positions for spouses.
 - e. Making Hayden a derisory and insulting offer to retain him after he and Heilbronner secured positions at the University of Minnesota in order to push him out of UR.
 - f. Sabotaging Hayden and the other Complainants' opportunity to move to RIT in order to continue their highly fruitful collaborative research together in Rochester.
327. UR took materially adverse action against Hayden by constructively discharging him in violation of Title VII and New York Human Rights Law. After Hayden engaged in legally protected activity, UR intentionally made Hayden's working conditions hostile by damaging his reputation amongst his colleagues, refusing to make any reasonable efforts to retain him, and refusing to hire his spouse, Heilbronner. See *Pennsylvania State Police v. Suders*, 542 U.S. 129 (2004) and *Teran v. Jetblue Airways Corp.*, (N.Y. App. Div. 2015).

Unlawful retaliation against Elissa Newport in violation of Title VII and New York Human Rights Law

328. Newport was a female employee of UR from 1988 until 2012, when she became a retired UR faculty member.
329. As the chair who built BCS into a high-ranking department and who hired Jaeger, Newport's reputation is inextricably tied to BCS and the damage that Jaeger has done to it. She is still strongly associated with BCS within the wider science community. Newport's reputation has been damaged by Jaeger's sexual misconduct and UR's failure to rein him in. Her reputation has been subsequently attacked by Jaeger and UR for raising concerns about violations of Title VII and Title IX. Her former graduate students and postdoctoral fellows, with whom she continues to collaborate and whose reputations are inextricably bound to hers, are at risk from further attacks by Jaeger.

330. Where there is retaliation against a third party, **both** the employee who engaged in the protected activity and the third party who is subjected to the materially adverse action may state a claim. *Thompson v. N. Am. Stainless, LP*, 562 U.S. 170 (2011). The third party may bring a claim even if the third party did not engage in the protected activity, and even if she has never been employed by the defendant employer. *Tolar v. Cummings*, No. 2:13-cv-00132-JEO, 2014 WL 3974671, at *12 (N.D. Ala. Aug. 11, 2014) (emphasis added) (cited favorably by EEOC Enforcement Guidance on Retaliation and Related Issues, No. 915.004, August 25, 2016).
331. “Employees” protected from retaliation under Title VII includes former employees. *Robinson v. Shell Oil*, 519 U.S. 337, 117 S. Ct. 843, 136 L. Ed. 2d 808 (1997).
332. Since at least March 2016, Newport has continuously engaged in an interconnected set of protected activities, including without limitation:
- a. Participating in the investigation of Jaeger as a witness.
 - b. Collaborating with colleagues about how to ensure that Jaeger’s misconduct was properly investigated, help those harmed by his actions, and prevent additional harm from occurring.
 - c. Identifying potential witnesses to the Complainants and to Nearpass.
 - d. Testifying to Curtin.
333. As a direct result of her protected activities and in retaliation for them, the University took materially adverse actions against Newport. The core of the University’s retaliatory actions focused on harming Newport’s reputation and status in the wider academic community by falsely characterizing her as a dishonest person who spread lies about Jaeger. The retaliatory efforts were continuous and included, without limitation:
- a. The January 2017 faculty meeting where DeAngelis announced that some faculty, including someone no longer in the department, clearly referring to Newport, had been bullying Jaeger and that he had a stack of emails in his hand proving that they had spread rumors, deceived and manipulated people. At the time of the meeting, department faculty knew that Newport was one of the individuals to whom DeAngelis was referring.
 - b. Creating and maintaining the narrative that Newport and other Complainants have violated confidentiality by engaging in legally protected behavior.
 - c. Jaeger wrote to Aslin, complaining that he and his friends were bullying him and noting that he was surprised that two members of the National Academy would do so. The second person he had in mind was obviously Newport. He then told an NSF Program Director as well as at least one additional colleague at another university that he was being bullied. It is unclear how widely he said this and what exactly he has said to his contacts across the field.

H. UNLAWFUL SEX-BASED HARASSMENT IN VIOLATION OF TITLE VII AND NEW YORK HUMAN RIGHTS LAW

334. Title VII of the Civil Rights Act of 1964 prohibits sexual harassment. A plaintiff may establish sexual harassment in violation of the Act by proving that discrimination based on sex has created a hostile or abusive work environment. *Meritor Savings Bank, F.S.B. v. Vinson*, 477 U.S. 57, 106 S. Ct. 2399, 2405, 91 L. Ed. 2d 49 (1986).
335. The EEOC’s “Facts About Sexual Harassment” acknowledges that “The victim [of workplace sexual harassment] does not have to be the person harassed but could be anyone affected by the offensive conduct” (available at <https://www.eeoc.gov/eeoc/publications/fs-sex.cfm>, last accessed 4/28/17).
336. “To state a hostile work environment claim, a plaintiff must plead conduct that (1) is objectively severe or pervasive—that is, creates an environment that a reasonable person would find hostile or abusive; (2) creates an environment that the plaintiff subjectively perceives as hostile or abusive; and (3) creates such an environment because of the plaintiff’s [protected status].” *Ward v. Shaddock*, No. 14-CV-7660 (KMK), 2016 WL 4371752, at *6 (S.D.N.Y. Aug. 11, 2016) (citing *Patane v. Clark*, 508 F.3d 106, 113 (2d Cir. 2007) (per curiam)).
337. Employers are strictly liable for sexual harassment by supervisors and are liable for harassment by non-supervisory co-workers if the employer was negligent in controlling working conditions, such as where it “did not monitor the workplace, failed to respond to complaints, failed to provide a system for registering complaints, or effectively discouraged complaints from being filed.” *Vance v. Ball State University*, 133 S. Ct. 2434, 2439, 2453 (2013). In assessing such negligence, “the nature and degree of authority wielded by the harasser” is also “an important factor to be considered in determining whether the employer was negligent.” *Id.* at 2453. “Supervisor” includes not only employees granted the authority to make employment decisions, but also those placed in charge of the complainant’s daily work activities. *Aguas v. State*, 220 NJ (2015) 494 at 528.

BCS constituted a hostile work environment for female employees

338. Whether a hostile working environment exists is a case-by-case analysis in which the totality of the circumstances, not a single-discrete act or factor, must be considered. *Nat’l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 115 (2002) (“Hostile work environment claims are different in kind from discrete acts. Their very nature involves repeated conduct. The ‘unlawful employment practice’ therefore cannot be said to occur on any particular day. It occurs over a series of days or perhaps years and, in direct contrast to discrete acts, a single act of harassment may not be actionable on its own.”) (internal citations omitted); *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 23

(1993) (“whether an environment is ‘hostile’ or ‘abusive’ can be determined only by looking at all the circumstances.”).

339. Incidents of harassment not specifically directed at or even witnessed by the plaintiff may still be considered in determining whether the plaintiff was subjected to a hostile work environment. *Schwapp v. Town of Avon*, 118 F.3d 106, 111-12 (2d Cir. 1997) (derogatory joke or comment by an employee or supervisor that plaintiff learns of secondhand can impact the work environment); *Varughese v. Mount Sinai Med. Ctr.*, No. 12-CV-8812, 2015 WL 1499618, at *61 (S.D.N.Y. Mar. 27, 2015) (“A plaintiff need not herself be the target of discriminatory comments in order for those comments to contribute to a hostile work environment; nor does the plaintiff need to hear such comments first-hand.”); *Moore v. Metro. Transp. Auth.*, 999 F. Supp. 2d 482, 503 (S.D.N.Y. 2013) (“It is not necessary that offensive remarks or behavior be directed at individuals who are members of the plaintiff’s own protected class for those remarks to support a plaintiff’s claim” (internal quotation marks omitted)).
340. When viewed in its entirety, as it must be for purposes of a hostile work environment claim, the factual narrative in this charge demonstrates that BCS was and remains a hostile working environment for female employees, including Cantlon and Kidd. Both Jaeger’s widespread and longstanding harassing conduct and the University’s responses thereto contributed to creating and endorsing the hostile working environment.

Jessica Cantlon unlawfully subjected to hostile work environment in violation of Title VII and New York Human Rights Law

341. Jaeger has made inappropriate comments that were sexual in nature and demeaned women directly to Cantlon, such as when he told her that he accepted a position at the University because he heard that there were “nude hot tub parties” with women students or when he spoke about the sexual attractiveness of female graduate students and evaluated their body parts.
342. In addition to her direct exposure to Jaeger’s harassing behavior, Cantlon regularly heard stories from University students and employees about additional, similar conduct by Jaeger on and off campus at frat-like parties he hosted at his house for department students and employees.
343. Because of his behavior towards women, Cantlon avoided Jaeger as much as possible and worried about running into him and having to interact with him since they were faculty in the same department. Cantlon also feared for the department’s female students who were subjected on a sustained basis to Jaeger’s illegal acts.
344. When Cantlon, despite her more tenuous status as a junior faculty member, courageously came forward in March 2016, to complain to the University about Jaeger’s illegal conduct and the hostile environment it created for students and employees, including her, her complaints were brushed off and she, not Jaeger, was subjected to adverse actions by the University.

345. The University had a duty to adequately respond to the complaints of Cantlon and others against Jaeger, to remedy the hostile work environment that resulted from Jaeger's sex-based harassment, and to prevent additional harassment by Jaeger. *See Garziano v. E.I. Dupont de Nemours & Co.*, 818 F.2d 380, 388, 43 EPD ¶ 37,171 (5th Cir. 1987) (*Vinson* holds employers have an "affirmative duty to eradicate 'hostile or offensive' work environments"); *Bundy v. Jackson*, 641 F.2d 934, 947, 24 EPD ¶ 31,439 (D.C. Cir. 1981) (employer violated Title VII by failing to investigate and correct sexual harassment despite notice); *Tompkins v. Public Service Electric & Gas Co.*, 568 F.2d 1044, 1049, 15 EPD 7954 (3d Cir. 1977) (same); *Munford v. James T. Barnes & Co.*, 441 F. Supp. 459, 466 16 EPD ¶ 8233 (E.D. Mich. 1977) (employer has an affirmative duty to investigate complaints of sexual harassment and to deal appropriately with the offending personnel; "failure to investigate gives tactical support to the discrimination because the absence of sanctions encourages abusive behavior").
346. Despite its duties and Cantlon's persistence in attempting to get the University to take action, the University failed to address her complaints or similar complaints of others. It took no action to protect Cantlon or other Complainants, witnesses, or victims of the sexual harassment and hostile work environment. It took no action to remedy the conduct by Jaeger or the hostile work environment towards females. It took no sincere action to protect victims of Jaeger's conduct or prevent future sexual harassment by Jaeger.
347. Jaeger's behavior created a working environment that was intimidating, hostile, and offensive to Cantlon and other female employees in the department.
348. Through its failures and treatment of Cantlon and others who complained about sexual harassment and discrimination as adversaries, the University contributed to and exacerbated the hostile working environment for female employees. It gave license to its employees, including DeAngelis and other faculty, to treat Cantlon and other female employees, or employees associated with this group via their complaints, with hostility and disdain.
349. The hostile environment based on sex created a hostile and intimidating work environment for Cantlon and interfered with her ability to do her job to the point that she began to look for other work.
350. Any reasonable person would consider the work environment in BCS, where there were consequences for those who complained about sexual harassment but not those who perpetrated it, to be intimidating, hostile, and abusive.

Celeste Kidd was unlawfully subjected to a hostile work environment in violation of Title VII and New York Human Rights Law

351. The University failed Kidd as a student, and it continues to fail her as a faculty member.

352. Jaeger persistently sexually harassed Kidd while she was a student from 2007 to 2013. She reported this to the University. The harassment was intimidating and virtually unbearable. She spoke up about it in 2013, but the University took no action to protect her or to discipline Jaeger. Instead it cast a blind eye.
353. As a faculty member in the department, Kidd has continued to have to work in proximity to Jaeger and hear about his continued harassment of women.
354. In March 2016, when Cantlon and Aslin decided to file a complaint about Jaeger, Kidd confided her experiences to Aslin. She participated in the investigation by sharing with University officials the emotionally difficult story of her harassment by Jaeger, most notably with Nearpass.
355. The University had a duty to adequately respond to the complaints of Kidd and others against Jaeger, to remedy the hostile work environment that resulted from Jaeger's sex-based harassment, and to prevent additional harassment by Jaeger.
356. Despite its duties, the University took no action to protect Kidd or other Complainants, witnesses, or victims of the sexual harassment and a hostile work environment. It took no action to remedy the conduct by Jaeger or the hostile work environment towards females. It took no action to protect victims of Jaeger's conduct or prevent future sexual harassment by Jaeger.
357. Instead, the University punished Kidd. It labeled her publicly as unreliable to third parties and in an official report written by a University lawyer who made no serious effort to ascertain the facts or check them with Kidd, allowed her to be characterized as a scorned lover of Jaeger (despite their total lack of romantic involvement), failed to properly protect her confidentiality, and clearly aligned itself with Jaeger.
358. Through its failures and treatment of Kidd and others who complained about sexual harassment and discrimination as adversaries, the University contributed to and exacerbated the hostile working environment for female employees.
359. The hostile work environment based on sex created a hostile and intimidating work environment for Kidd and interfered with her ability to do her job to the point that she began to look for other work.
360. Any reasonable person would consider the work environment in the department, where there were consequences for those who complained about sexual harassment, but not those who perpetrated it, to be intimidating, hostile, and abusive.

Keturah Bixby was unlawfully subjected to a hostile work environment in violation of Title VII and New York Human Rights Law

361. Keturah Bixby has been enrolled in the Ph.D. program at BCS since 2010 to August 4, 2017 when she defended her dissertation.
362. Jaeger's relentless harassment of women in BCS created an environment where Bixby has avoided Jaeger so that she would not have to be subjected to his inappropriate behaviors. She felt viscerally unsafe around him.
363. Avoiding Jaeger harmed Bixby's professional prospects because it resulted in her missing networking and learning opportunities when Jaeger was present and not developing a relationship with Jaeger, a senior faculty member whose endorsement has influence in the academic community.
364. The letter Bixby wrote to the Deans with four other students on August 23, 2016, stated: "I experienced and/or witnessed harassment and inappropriate sexual comments from Florian Jaeger during my time in the BCS department. His behavior created an environment that adversely affected my professional development, including missed educational opportunities at courses/workshops he led, missed networking with my peers at social events he attended, and/or missed academic collaborations with his advisees."
365. Bixby also sent a follow-up e-mail to Levy because no one had substantively replied to her for a month and none of the other signatories had been contacted even to acknowledge receipt of their letter. Bixby learned that the letter, which clearly described sexual harassment by Jaeger, was not being considered a formal Title IX complaint but instead an expression of "concerns about the investigative process." Piantadosi asked administrators why Bixby's complaint and any follow-up information obtained by DeAngelis from the five signatories wasn't "shared with the deans who made the decisions about whether [Jaeger] created a hostile work environment?" but apparently no such information was shared. In fact, the Title IX office avoided collecting useful information from the Complainants, and apparently passed on nothing to administrators. Piantadosi received no reply to his question.
366. The University had a duty to respond adequately to the complaints of Bixby and others against Jaeger, to remedy the hostile work environment that resulted from Jaeger's sex-based harassment, and to prevent additional harassment by him.
367. Despite its duties, the University did not investigate the additional complaints raised by Bixby and the other four authors of the letter which raised sexual harassment and hostile work environment concerns. Instead, the University characterized the letter as constructive criticism and not a new complaint, in order to have an excuse for thoroughly ignoring it.

368. The University took no action to protect Bixby or other Complainants, witnesses, or victims of the sexual harassment and hostile work environment. It took no action to remedy the conduct by Jaeger or the hostile work environment for women in the department. It took no sincere action to protect victims of Jaeger's conduct or prevent future sexual harassment by Jaeger.
369. Through its failures and treatment of Bixby and others who complained about sexual harassment and discrimination as adversaries, the University contributed to and exacerbated the hostile working environment for female employees in the department.
370. The hostile work environment based on sex created a hostile and intimidating work environment for Bixby and interfered with her work and ability to pursue professional advancement.
371. Any reasonable person would consider the work environment in the department, where there were consequences for those who complained about sexual harassment, but not those who perpetrated it, to be intimidating, hostile, and abusive.

I. UNLAWFUL DELIBERATE INDIFFERENCE TO THE HOSTILE EDUCATIONAL ENVIRONMENT TO WHICH KETURAH BIXBY WAS SUBJECTED IN VIOLATION OF TITLE IX

372. Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 prohibits any education program or activity receiving federal funding from discriminating on the basis of sex.
373. Title IX is applicable to the University because it received federal financial assistance during the pertinent period.
374. To state a Title IX claim for hostile educational environment based on gender, a plaintiff must allege: 1) she was a student at an education institution receiving federal funds, 2) she was subjected to harassment based on her sex, 3) the harassment was sufficiently severe or pervasive to create a hostile (or abusive) environment in an educational program or activity, and 4) there is a basis for imputing liability to the institution. *Murrell v. Sch. Dist. No. 1, Denver, Colo.*, 186 F.3d 1238, 1246 (10th Cir. 1999) (citing *Davis Next Friend LaShonda D. v. Monroe Cty. Bd. of Educ.*, 526 U.S. 629, 642 (1999)).
375. Liability is imputed to the institution in a Title IX harassment case where "an official who . . . has authority to address the alleged discrimination and to institute corrective measures on the [institutional] recipient's behalf has actual knowledge of discrimination . . . and fails adequately to respond." *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 290 (1998). In other words, a University "intentionally violates Title IX, and is subject to a private damages action, where the recipient is deliberately indifferent to known acts of teacher-student discrimination." *Davis*, 526 U.S. 629 (1999).

376. Bixby directly complained to the University regarding the hostile environment to which she was subjected in her dual role as a student and employee in BCS.
377. The University also received direct, unequivocal complaints of the hostile educational environment that existed while Bixby was a student at the University from other students and faculty.
378. The complaints from Bixby and other students and faculty about the hostile educational environment described an environment riddled with ongoing direct sexual harassment of female students and a failure of administrators to appropriately discipline Jaeger.
379. The University was deliberately indifferent to the repeated, consistent complaints regarding the hostile environment. It not only failed to appropriately address the discrimination, it also *supported* Jaeger while disregarding and, worse, punishing those who complained about his harassing behaviors.

J. UNLAWFUL RETALIATION IN VIOLATION OF TITLE IX OF ASLIN, CANTLON, KIDD, HAYDEN, PIANTADOSI, MAHON, AND NEWPORT

380. Title IX also prohibits schools from retaliating against students and teachers for opposing Title IX discrimination or participating in a Title IX proceeding. *Jackson v. Birmingham Board of Education*, 544 U.S. 167 (2005) (because Title IX prohibits discrimination “on the basis of sex” by recipients of federal education funding, “We conclude that when a funding recipient retaliates against a person because he complains of sex discrimination, this constitutes intentional ‘discrimination’ ‘on the basis of sex,’ in violation of Title IX.”).
381. Title IX claims are analyzed under the same framework as claims arising under Title VII of the Civil Rights Act of 1964. *Papelino v. Albany College of Pharmacy of Union Univ.*, 633 F.3d 81, 91-92 (2d Cir. 2011); *Murray v. New York Univ. College of Dentistry*, 57 F.3d 243, 248 (2d Cir. 1995).
382. “As in the context of Title VII, a plaintiff claiming retaliation under Title IX must first establish a prima facie case by showing: (1) protected activity by the plaintiff; (2) knowledge by the defendant of the protected activity; (3) adverse school-related action; and (4) a causal connection between the protected activity and the adverse action.” *Papelino*, 633 F.3d at 91.
383. Accordingly, for the same reasons set forth in ¶¶ 295 – 333 above. Aslin, Cantlon, Kidd, Hayden, Piantadosi, and Mahon were each subjected to unlawful retaliation in violation of Title IX.
384. Aslin, Cantlon, Kidd, Hayden, Piantadosi, and Mahon’s protected complaints about Jaeger and the resulting hostile environment within BCS implicated concerns about the impact of his conduct and the broader hostile environment on both female students and employees in the

department and, thus, constituted protected activities under both violations of Title VII and Title IX.

385. The adverse actions taken in response to their protected complaints were in retaliation for both the Title VII and Title IX aspects of the complaints.

K. DEFAMATION OF ASLIN, CANTLON, HAYDEN, PIANTADOSI, KIDD, MAHON AND NEWPORT IN VIOLATION OF NEW YORK LAW

386. The elements of a defamation claim under New York law are: (1) a false statement; (2) published without privilege or authorization to a third party; (3) with fault; (4) that caused special harm or constituted defamation per se. *Peters v. Baldwin Union Free Sch. Dist.*, 320 F.3d 164, 169 (2d Cir.2003) (citing *Dillon v. City of New York*, 261 A.D.2d 34, 704 N.Y.S.2d 1, 5 (1st Dep't 1999)).
387. A false statement constitutes defamation per se when it tends to injure another in his or her trade, business, or profession. *Lieberman v. Gelstein*, 80 N.Y.2d 429, 435, 605 N.E.2d 344, 347 (1992).
388. An employer may be liable for compensatory damages caused by false statements maliciously published by its employees in the course of employment. *Loughry v. Lincoln First Bank, N.A.*, 67 N.Y.2d 369, 373, 494 N.E.2d 70, 71 (1986).
389. Defamation need not identify the plaintiff by name so long as it can be shown that the statement referred to the plaintiff. *Cuthbert v. Nat'l Org. for Women*, 207 A.D.2d 624, 626, 615 N.Y.S.2d 534, 536 (1994).
390. Aslin, Cantlon, Hayden, Piantadosi, Kidd, Mahon and Newport were each defamed on at least two occasions: (1) in the November 29, 2016, letter from Provost Rob Clark; and (2) during the January 2017 department faculty meeting where DeAngelis said they had lied and been devious. Kidd additionally was defamed by being deemed "not credible" in the Nearpass Report and by Jaeger telling colleagues that her claims were "all made up" and that she was in love with him.
391. Provost Clark's November 29, 2016 letter falsely characterized those who had complained about Jaeger's misconduct as liars and bullies. It also falsely stated that the Complainants had shared information in violation of an agreement of confidentiality.
- a. The falsity is demonstrated because (1) Nearpass had known that Aslin was contacting possible witnesses about the investigation and discussing Jaeger, and did not object at the time; (2) Aslin did not break confidentiality in any event because he only discussed things he had learned from his colleagues, as he had a perfect right to, not anything about the Nearpass investigation itself which the University might arguably have a basis to declare

- confidential; and (3) all of Aslin's activities in developing information about Jaeger's misconduct and sharing it with the University were protected activities, and seeking to punish him for doing so was retaliatory.
- b. The letter was published to all department faculty.
 - c. At the time the letter was issued, all department faculty would have understood that the Complainants referenced in the e-mail included Aslin, Cantlon, Hayden, Piantadosi, Kidd, Mahon and Newport.
 - d. Aslin, Cantlon, Hayden, Piantadosi, Kidd, Mahon and Newport's professional reputations and relationships with their faculty peers were harmed by the letter.
 - e. While this Charge is directed at UR and not any individuals, Clark should take notice that if the Complainants proceed to a court case; they intend to charge him individually with defamation.
392. During the January 2017 faculty meeting, DeAngelis falsely stated that some faculty had been bullying Jaeger, spreading false rumors about him, and manipulating faculty members. He also falsely stated that he had e-mails that proved that these faculty members had taken these actions.
- a. The statements were made to all faculty present at the meeting.
 - b. At the time of the meeting, all department faculty understood that the faculty DeAngelis referred to included Aslin, Cantlon, Hayden, Piantadosi, Kidd, Mahon, and Newport.
 - c. Aslin, Cantlon, Hayden, Piantadosi, Kidd, Mahon and Newport's professional reputations and relationships with their faculty peers were harmed by these statements.
 - d. While this Charge is directed at UR and not any individuals, DeAngelis should take notice that if the Complainants proceed to a court case; they intend to charge him individually with defamation.

DAMAGES

393. As a result of the retaliation against them in violation of Title VII, Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport each suffered and continue to suffer harm. Without prejudice to any other damages which may become known as this case proceeds, each of these individuals is entitled to recover monetary damages for lost earnings and earning capacity, pain, suffering,

and emotional distress, reputational harm as well as punitive damages and other equitable relief.

394. As a result of the retaliation against them in violation of Title IX, Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport each suffered and continue to suffer harm. Without prejudice to any other damages which may become known as this case proceeds, each of these individuals is entitled to recover monetary damages for lost earnings and earning capacity, pain, suffering, and emotional distress, reputational harm as well as punitive damages and other equitable relief.
395. As a result of the hostile work environment to which they were subjected on account of their gender in violation of Title VII, Kidd and Cantlon each suffered and continue to suffer harm. Without prejudice to any other damages which may become known as this case proceeds, each of these individuals is entitled to recover monetary damages for lost earnings and earning capacity, pain, suffering, and emotional distress, reputational harm as well as punitive damages and other equitable relief.
396. As a result of the retaliation against them, Aslin, Cantlon, Kidd, Hayden, Piantadosi, Mahon and Newport each suffered and continue to suffer harm. Without prejudice to any other damages which may become known as this case proceeds, each of these individuals is entitled to recover monetary damages for lost earnings, pain, suffering, and emotional distress, reputational harm as well as punitive damages and other equitable relief.
397. As a result of the hostile educational environment to which she was subjected on account of her gender in violation of Title IX, Bixby has suffered and continues to suffer harm. Without prejudice to any other damages which may become known as this case proceeds, Bixby is entitled to recover monetary damages for lost earnings and earning capacity, pain, suffering, and emotional distress, reputational harm, damage and delays to her pursuit of her education, as well as punitive damages and other equitable relief.
398. As a result of the defamatory statements made about them, Aslin, Cantlon, Hayden, Piantadosi, Kidd, Mahon and Newport each suffered and continue to suffer harm. Without prejudice to any other damages which may become known as this case proceeds, each of these individuals is entitled to recover monetary damages for lost earnings and earning capacity, pain, suffering, and emotional distress, reputational harm as well as punitive damages and other equitable relief.