

**UNIVERSITY OF CENTRAL FLORIDA  
OFFICE OF INSTITUTIONAL EQUITY**

**IN THE MATTER OF:  
OIE CASE NO. 2019-01225**

**INVESTIGATIVE REPORT**

**January 13, 2021**

SUBMITTED BY: Nancy Fitzpatrick Myers, J.D.  
Director, Office of Institutional Equity

## **I. INTRODUCTION**

From June 4, 2020 through August 2020, the Office of Institutional Equity (OIE) received reports from multiple sources (including phone calls, emails, IntegrityLine reports,<sup>1</sup> Just Knights Response Team (JKRT) reports,<sup>2</sup> and Office of Student Conduct reports) wherein individuals alleged that the Respondent, an Associate Professor in the Department of Psychology, had subjected students to discriminatory harassment in the classroom based on race, ethnicity, national origin, sex, sexual orientation, gender identity, disability, and religion; subjected students to sexual harassment; subjected students to *quid pro quo* harassment based on religion; engaged in unprofessional conduct; and, failed to appropriately report and respond to a student's disclosure of a sexual assault to the University. Some reports indicated support for the Respondent and denied misconduct in the classroom, while others shared their reactions to the Respondent's social media activity and did not identify specific classroom or workplace misconduct. Specifically, OIE initially reviewed approximately 400 hundred emails, over 100 IntegrityLine reports, 10 Just Knights Response Team reports, and two Office of Student Conduct reports related to the Respondent.

Based upon the information provided, OIE initiated an inquiry and contacted multiple witnesses in this matter. OIE is a neutral investigatory office responsible for investigating claims of discrimination and harassment based on protected classifications, as well as retaliation. When investigations reveal the presence of discriminatory, harassing or retaliatory behavior, OIE is responsible for making recommendations to mitigate the effects of the discriminatory conduct. Accordingly, OIE conducted an investigation into this matter, and this investigative report summarizes the investigation, factual background, and findings of OIE arising from this investigation.

As set forth in detail below, on December 19, 2019 and June 4, 2020, the university received multiple reports alleging that the Respondent had made discriminatory statements on his personal Twitter account, which individuals believed constituted cause to terminate the Respondent's employment. OIE reviewed the Twitter account and posts of concern (both in December 2019 and again during this investigation) and analyzed whether those statements constituted protected free speech. In this regard, it is important to note that the First Amendment protects a public employee's right to speak as a citizen addressing matters of public concern as "a citizen who works for the government is nonetheless a citizen." The courts have noted that it is their "responsibility" to "ensure that citizens are not deprived of fundamental rights by virtue of working for the government."

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<sup>1</sup> UCF's IntegrityLine is a secure reporting system administered by an independent third party, NAVEX Global, that is available 24 hours a day for 365 days a year. NAVEX Global uses their case management system, EthicsPoint, to provide individuals (who may be reluctant to report suspected misconduct through university administrative or central offices) a way to report with complete anonymity. IntegrityLine reports are processed by EthicsPoint and sent to the University Compliance, Ethics, and Risk Office (UCER) to address appropriately. Hereinafter, the IntegrityLine will be referred to as "IL."

<sup>2</sup> UCF's Just Knights Response Team (JKRT), which is made up of UCF faculty, staff, and students, provides assistance in the event that an individual has experienced or witnessed a hate or bias related incident at UCF. In this role, the JKRT will receive, monitor, refer, and, as necessary, coordinate university resources to these incidents that impact the university community.

Although witnesses alleged that the Respondent's Twitter posts were integrated into the course curriculum and, accordingly, did not merit First Amendment protection, OIE found that there was insufficient evidence in the current record to support this allegation. OIE also analyzed whether the Twitter posts, however controversial or repugnant, addressed a matter of public concern as described in First Amendment jurisprudence. OIE found that the Respondent's Twitter posts involved matters of public concern and, accordingly, were protected by the First Amendment and could not be the basis for a finding of misconduct or disciplinary action.

Turning to the allegations regarding classroom misconduct, it is important to note that in matters involving in-class comments by professors, any analysis of statements that are alleged to constitute discriminatory harassment must consider whether the speech was protected under the doctrine of academic freedom. "Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment." It consists of "the right of an individual faculty member to teach ... without interference from ... the university administration, or his fellow faculty members." That said, it is important to take into "account the unique context in which a college professor speaks such that his students are a 'captive audience' who may find themselves intimidated by the person who has the ability to pass upon them a poor grade." The "principle of academic freedom under the First Amendment serves to protect the utterances in question only if they are germane to course content."

After reviewing the 94 undisputed facts and analyzing which of the 84 disputed facts as captured below were substantiated by the evidence, OIE conducted an in-depth analysis of whether the undisputed and substantiated conduct was protected by academic freedom utilizing the course objectives as described by the Respondent during his OIE interview and each course's syllabus (see Section VIII(B) below). OIE determined that 50 of the Respondent's behaviors were protected by academic freedom, and thus were not subject to the analysis of whether the Respondent had engaged in misconduct. For instance, OIE determined that the following were protected by academic freedom: Respondent's discussion that gender is not a total social construct, Respondent's discussion related to a tribe's practices related to sexual conduct, Respondent's presentation of statistics related Muslims' opinions and statistics related to education and income based on race, Respondent's use of particular videos (*By the Numbers*, *Consent*, *Frederick Wilson II*), Respondent's discussion related to the lack of a necessity for affirmative action and the ineffectiveness of diversity initiatives, and Respondent's presentation in his Cross Cultural Psychology course that the U.S. no longer has systemic racism.

Turning to the remaining behavior that OIE found was not protected by academic freedom, OIE found that there was sufficient evidence to support finding that the Respondent created a hostile learning environment for students in violation of the University's *Non-Discrimination Regulation UCF 3.001*, *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy UCF 2-004.1* and *Code of Conduct*. This conduct included, but was not limited, to the following: The Respondent told students in his General Psychology courses and Cross Cultural Psychology courses that God did not exist and was not real, God was a figment of their imagination, religion was all make-believe, believers were delusional, childish, irrational, unintelligent and ignorant, and believing in religion was like believing in flying elephants, fairy tales, and Santa Clause. The Respondent also told students that raising children with a religious upbringing was a form of child abuse and issued an exam question that asked:

According to any *reasonable* and *rational* person, telling children that someone is watching them 24/7 and knows every “move they make” and every thought they have, represents essentially: A. a good moral upbringing, B. child abuse, C. parental love, or D. parental protection. Students needed to select option “B. child abuse” to receive credit for answering this question correctly. The Respondent told students that Islam was the fastest growing religion in the world, which just baffled him as to why anyone would want to be a “slave to such toxic mythology.” He also stated that with regard to Islam, the “crackpots who run the cult called Islam will kill you”, and it would be hard to convince him that Islam is a religion of peace. OIE also found that when discussing Frederick Jones, a Black inventor of the portable refrigerator, the Respondent said, “First off, he’s not that Black, he’s more White than Black.” He also told students that Black men have the biggest penises, followed by Whites and Hispanics, followed by Asians. In addition, on at least one occasion, the Respondent made reference to the difference in penis sizes and then high fived a Black male student. He also told students that minorities should be thanking Whites for creating a modern society. The Respondent said to students, “I wish we would eliminate corporal punishment. I wish those of you who are concerned with racism were just concerned with child abuse but unfortunately, you’re not because you don’t get anything out of it. Showing yourself as antiracist, you can look in the mirror and get a little boner.” He also said that a woman was kind of like a Ford pickup truck, built to take a pounding, as well as that most people referred to women who slept with a lot of men as whores and sluts, but he just called them his best friends. The Respondent further told students that “all men are a little bit gay because if someone was sucking their dicks and they were going to cum and they then realized that it was a guy doing the sucking, they would still finish.”

OIE further found that the Respondent violated *UCF Regulation 3.001 Non-Discrimination; Affirmative Action Programs* in February 2014 when he failed to report and appropriately respond to a student’s disclosure of having been sexually assaulted by one of his teaching assistants. In particular, OIE found that the Respondent attempted to dissuade her from pursuing her allegations against the teaching assistant, placed responsibility for the incident on the student, determined that the teaching assistant must have misinterpreted her actions without speaking with him, and, rather than providing resources to the student, advised her to be “more conscientious when choosing” her friends.

The Respondent also violated the University’s *Reporting Misconduct and Protection from Retaliation Policy, No. 2-700.1* by deterring students from filing complaints related to his classroom conduct. Specifically, the Respondent repeatedly told students that he was untouchable because he was tenured, that the university had previously investigated student complaints against him that were dismissed, that he “laughs the whole way” when the University investigates complaints, and that the only way he could be fired was if he raped a student.

The Respondent further violated both the University’s *Reporting Misconduct and Protection from Retaliation Policy, No. 2-700.1* and *Code of Conduct (Honesty and Integrity)* by providing false information during OIE’s investigation (see Section VII *Consistency* subsection).<sup>3</sup>

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<sup>3</sup> OIE would note that the office of University Compliance, Ethics and Risk (UCER) participated in the Respondent’s interview and reviewed the evidence and findings set forth herein related to policies identified above

In addition to the discriminatory comments supporting the hostile learning environment finding, the Respondent violated the University's *Code of Conduct* when he mocked students, repeatedly used profanity, and made inappropriate comments related to sexual assault during class such as telling students that there were many false rape accusations that plagued college campuses, campuses were unfairly treating men accused of sexual assault, and there was an epidemic of men being kicked out of the university because of false allegations under Title IX even though he admitted during his OIE interview, "I don't know the specifics of Title IX." He also referenced the arrest of Robert Kraft, NFL Patriots owner, and said that Mr. Kraft had done nothing wrong as it was not rape if you had sex with a victim of human trafficking.

OIE's investigation further revealed that the Respondent violated the *2010-2012 UCF BOT-UFF Collective Bargaining Agreement* when he bribed a health clinic representative to provide him with a falsified yellow fever vaccination certificate in 2011 while in Peru for a UCF study abroad program. Based on the totality of the record and findings, OIE recommends that management consider effective disciplinary action, up to and including termination.

Furthermore, upon reviewing the evidence related to the history of reports pertaining to the Respondent, OIE would note that the record did not support that management or central University offices had been notified of the full nature and scope of the allegations against the Respondent until June, 2020. Nevertheless, OIE reviewed the current reporting options and messaging regarding how to report concerns of this nature, including the University-wide *Let's Be Clear* campaign and website related to reporting sex-based and sexual harassment concerns, the University-wide *Speak Up* campaign related to reporting any concerns of misconduct via the IntegrityLine, the required trainings provided to students that cover how to report concerns of discrimination (*Let's Be Clear* training), and the information provided to students during their orientations. Based on this review, OIE recommends that the university continue the current messaging and providing the available reporting avenues to students. That said, based on the information related to students' discussions with academic advisors, OIE recommends that additional training be provided to academic advisors regarding how to respond to and how to report concerns of this nature. Furthermore, during the investigation, OIE noted that the student grade appeal form combines the "other reasons" basis for an appeal with the discrimination basis for an appeal, which may cause students and administrators some confusion. Accordingly, OIE will work with the appropriate university officials to make these separate grounds for appeal on the form.

Lastly, throughout the course of this investigation, students reported that the Respondent used time in class to espouse his opinions rather than teach relevant course content, provided students with misinformation, failed to provide a complete picture of the issues presented or presented misleading, outdated and inaccurate information (particularly with regard to race), and failed to issue appropriate exam questions. OIE notes that the findings above do not address these concerns. Although OIE acknowledges students' understandable concerns related to these allegations of the Respondent's performance as an instructor, course curriculum and course

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outside of the Nondiscrimination Policy and Nondiscrimination Regulation (i.e. *Code of Conduct and Reporting Misconduct and Protection from Retaliation Policy*, No. 2-700.1). UCER supports the findings under these policies as noted herein.

structure, those concerns are more appropriately reviewed by the College of Sciences and, accordingly, have been referred to the college.

## **II. APPLICABLE STANDARDS OF REVIEW & EVIDENTIARY STANDARD**

In the present case, current and former students claimed that the Respondent subjected them to sexual harassment and/or created a hostile environment based on race, ethnicity, national origin, sex, sexual orientation, gender identity/expression, disability, and/or religion. OIE also received allegations that the Respondent subjected students to *quid pro quo* harassment based on religion; engaged in unprofessional conduct; and, failed to appropriately report and respond to a student's disclosure of sexual assault to the University. During the course of the investigation, OIE received allegations that the Respondent discouraged students from filing complaints regarding his classroom conduct and bribed a health care clinic representative during a UCF study abroad trip. A review of the relevant University policies and regulations below provides the framework used by OIE in its analysis of the allegations.

### **Nondiscrimination Policy & Regulation:**

The University of Central Florida's *Non-Discrimination Regulation UCF 3.001* and *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy UCF 2-004.1* (hereinafter *Nondiscrimination Policy*) provides in relevant part:<sup>4</sup>

The University does not unlawfully discriminate in any of its education or employment programs and activities on the basis of an individual's race, color, ethnicity, national origin, religion, ... sex (including pregnancy and parental status, gender identity or expression, or sexual orientation), ... physical or mental disability ... or membership in any other protected classes as set forth in state or federal law. ... Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability where the accommodations do not impose an undue hardship.

...

The university prohibits discrimination, as well as discriminatory harassment ... Discriminatory harassment consists of verbal, physical, electronic or other conduct based upon an individual's race, color, ethnicity, national origin, religion, non-religion, ... sex (including pregnancy and parental status), gender identity or expression, sexual orientation, ... physical or mental disability ... or membership in other protected classes set forth in state or federal law that interferes with that individual's educational or employment opportunities, participation in a university program or activity, or receipt of legitimately-requested services

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<sup>4</sup> This University policy and regulation are considered to provide similar protections against sexual harassment and discriminatory harassment as those afforded under the Florida Civil Rights Act of 1992 (§760.10 et seq., §110.1221), Title VI of the Civil Rights Act of 1964 (Title VI), Title VII of the Civil Rights Act of 1964 (Title VII), and Title IX of the Education Amendments of 1972 (Title IX). While not a mirror image of these statutory counterparts, the examination of sexual harassment and discriminatory harassment claims under the University regulation and policy are similar to that under these relevant laws.

meeting the description of either *Hostile Environment Harassment* or *Quid Pro Quo Harassment*.

...

*Hostile Environment Harassment* is defined as discriminatory harassment that is so severe or pervasive that it unreasonably interferes with, limits, deprives, or alters the terms or conditions of education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing), when viewed from both a subjective and objective perspective.

...

*Quid Pro Quo Harassment* is defined as discriminatory harassment where submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing).

...

Sexual harassment is defined as any unwelcome sexual advances, request for sexual favors, and other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, or otherwise, when the conditions for *Hostile Environment Harassment* or *Quid Pro Quo Harassment*, as defined above, are present.

...

Responsible employees are required to immediately report to the University's Office of Institutional Equity all relevant details (obtained directly or indirectly) about an incident of sex/gender-based discrimination or harassment, sexual harassment, Title IX sexual harassment, sexual assault, sexual exploitation, relationship violence, and/or stalking (as defined herein) that involves any student as a complainant, respondent, and/or witness, including dates, times, locations, and names of parties and witnesses.<sup>5</sup>

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<sup>5</sup> As set forth in the Respondent's *Notice of Investigation* and OIE's July 31, 2020 letter, OIE received allegations that the Respondent engaged in misconduct from 2005 through the 2020 Spring semester, with a higher volume of allegations related to conduct alleged to have occurred between 2016 and 2020. Although UCF's *Nondiscrimination Policy* was initially issued and became effective on June 16, 2017, UCF's *Nondiscrimination Regulation* (UCF-3.001) was in effect during the relevant time period and, similarly, prohibited sexual harassment and discriminatory harassment, as well as required employees to report discrimination concerns. Specifically, prior versions of the *Nondiscrimination Regulation* stated that the "University shall not discriminate in offering access to its educational programs and activities ... on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, and veteran status." The Regulation further prohibited sexual harassment defined as "unwelcome sexual advances, or requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) Submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement; (b) Submission to or rejection of such conduct or request by an individual is used as the basis for employment or academic decisions affecting such individual; or (c) Such conduct or request has the purpose or effect of unreasonably interfering with an individual's employment or academic performance and of creating an intimidating, hostile work or academic environment." The Regulation further stated that any employee "who has actual knowledge by ... receipt of a complaint of discrimination involving any of those employees he or she supervises or over whom he or she has managerial authority, and who does not investigate or report the matter to an appropriate university official with authority to take action with regard to the matter, shall be subject to disciplinary action up to and including dismissal or expulsion."

## **Code of Conduct Expectations:**

The University of Central Florida's *Code of Conduct* states in relevant part:

**UCF Ethical Standards.** UCF is founded on integrity and expects members of the university community to demonstrate an unwavering commitment to the highest standards of excellence and ethical behavior.

...

**Honesty and Integrity.** We are fair and honest in all of our activities and avoid actual or perceived conflicts of interests or commitments. We strive for transparency in our actions and do not allow plagiarism, lying, deliberate misrepresentation, theft, fraud, or cheating.

...

**Respect.** We treat everyone with respect and dignity; we embrace, celebrate, and value diversity and inclusion. We respect the ideas of others, even when they differ from our own. We do not tolerate harassment, mistreatment, belittling, harming, or taking advantage of others.

...

**Responsibility and Accountability.** We comply with all applicable laws, regulations, and policies, ensuring that all of our decisions are legal and ethically sound. We recognize our obligation to report unethical and illegal conduct.

...

**Dignity and Respect.** Here at UCF, we treat each other with dignity and respect. We embrace, celebrate, and value diversity, equity and inclusion and that means that we respect the ideas of others, even when they differ from our own.

...

**Engaging, Exploring, and Advancing an Inclusive Culture.** We are strongest as an educational institution, employer, and community leader when we bring diverse thought and experience to our decision-making, teaching, research, and interactions with community members. Accordingly, all members of our university community have a responsibility to treat each other with consideration and respect.

...

**Complying with laws of other countries.** Through our international partnerships and study abroad programs, some of our actions and activities will be subject to the laws of other countries. In addition to following the Employee Code of Conduct, we are required to know and follow these laws.

...

**Anti-corruption and Bribery.** Each of us has an obligation to comply with the U.S. Foreign Corrupt Practices Act and all country-specific anti-bribery and anticorruption laws. These laws generally state that you may not give, promise, or offer anything of value, no matter how small, to anyone for the purpose of improperly influencing a decision, securing an advantage, avoiding a disadvantage, or obtaining or retaining business.



### **Reporting Misconduct and Protection from Retaliation Policy:**

The University of Central Florida's *Reporting Misconduct and Protection from Retaliation Policy*, No. 2-700.1, states in relevant part:

It is prohibited under this policy for an individual to engage in identifiable actions with the intention of preventing or deterring a reasonable person from submitting a report of potential misconduct or participating in a misconduct investigation.

...

Failure to cooperate with University of Compliance, Ethics and Risks or providing false information in an investigation could result in disciplinary action up to and including termination.

### **Textbook Adoption:**

The University of Central Florida's Regulation UCF-2.032, *Textbook Adoption*, states in relevant part:

(12) Requiring the use of a textbook ... by the instructor of the course, ... where the author/instructor anticipates receiving royalties from books ... purchased by students enrolled in her/his course is considered a conflict of interest. The author/instructor must report the use of his/her educational materials under these circumstances with the action taken to mitigate the conflict of interest created in the online Potential Outside Activity, Employment, and Conflict of Interest and Commitment Disclosure (AA-21). Mitigation actions include offering the materials to UCF students at reduced or not cost or donating the royalties to a non-profit organization.

### **Academic Freedom Doctrines at UCF:**

The University's *Collective Bargaining Agreement 2018-2021* (as ratified on September 19, 2019) provides in relevant part:

**5.2 Academic Freedom.** Academic freedom is the freedom to teach, both in and outside the classroom, to conduct research, and to publish the results of that research. Consistent with the exercise of academic responsibility, employees shall have freedom to present and discuss their own academic subjects, frankly and forthrightly, without fear of censorship, and to create and select instructional and course materials, and to determine grades in accordance with University grading policy. Objective and skillful exposition of such subject matter, including the acknowledgment of a variety of scholarly opinions, is the duty of every employee. Employees are also free to address any matter of institutional policy or action. As individuals, employees are free to express their opinions to the larger community on any matter of social, political, economic, or other public interest, without institutional discipline or restraint due to the content of those messages. Unless specifically authorized by the administration, employees' opinions do not reflect the policies or official positions of the University of Central Florida.

**5.3 Academic Responsibility.** Academic freedom is accompanied by corresponding responsibility on the part of employees. University faculty are members of a learned profession. As scholars and educators, they should remember that the public may judge their profession and their institution by what they say and do. Accordingly, they shall:

- (a) Be forthright and honest in all professional settings, including teaching, advising, service, and the pursuit and communication of scientific and scholarly knowledge;
- (b) Observe and uphold the ethical standards of their disciplines in the pursuit and communication of scientific and scholarly knowledge;
- (c) Adhere to their proper roles as teachers, researchers, intellectual mentors, or counselors;
- (d) Respect students, staff, and colleagues as individuals; treat them in a professional manner; and avoid any exploitation of such persons for private advantage;
- (e) Respect the integrity of the evaluation process, by evaluating students, staff, and colleagues fairly according to the criteria the evaluation process specifies;
- (f) Contribute to the orderly and effective functioning of their academic unit i.e., program, department, school and/or college and/or the University;
- (g) Observe the regulations of the University, provided they do not contravene the provisions of this Agreement; and
- (h) Indicate when appropriate that one is not an institutional representative unless specifically authorized as such.<sup>6</sup>

### **Evidentiary Principles:**

The standard of proof utilized in OIE’s investigations is “preponderance of the evidence,” which is defined as that degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true. The burden of persuading the investigator that a decision or action was based on a protected class always rests on the complaining parties and because discrimination cannot be presumed, the investigator may not find discrimination when the evidence is sharply conflicting, unclear or equivocal.

### **III. OIE INVESTIGATION**

Although the summary of OIE’s investigative steps is typically set forth in detail in this section of OIE’s Investigative Report, due to the length of the summary in this matter (25 pages), this summary has been set forth in Attachment A.

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<sup>6</sup> Nearly identical language is set forth in prior agreements, i.e. University’s *Collective Bargaining Agreement 2015-2018* (as ratified on December 8, 2015): <https://www.collectivebargaining.ucf.edu/proposals/2015-2018FB/2015-11-12AllTAdArticlesBOOK.pdf>; University’s *Collective Bargaining Agreement 2012-2015* (as ratified on August 26, 2014): [https://www.collectivebargaining.ucf.edu/CBA/2015-2015CBA\\_wReopeners2014-15.pdf](https://www.collectivebargaining.ucf.edu/CBA/2015-2015CBA_wReopeners2014-15.pdf); University’s *Collective Bargaining Agreement 2010-2012* (as ratified on January 27, 2011): [https://www.collectivebargaining.ucf.edu/CBA/2010-12\\_FINAL.pdf](https://www.collectivebargaining.ucf.edu/CBA/2010-12_FINAL.pdf); University’s *Collective Bargaining Agreement 2004-2007*: <https://www.collectivebargaining.ucf.edu/CBA/2004-07CBA.pdf>.

#### **IV. SUMMARY OF DISCRIMINATION & FAILURE TO REPORT ALLEGATIONS AGAINST THE RESPONDENT**

##### **A. Respondent's Twitter Postings**

On December 19, 2019, an unidentified concerned citizen reported to UCF's University Audit that they had reviewed the Respondent's posts on his personal Twitter account and believed that the Respondent had made "misogynistic, transphobic, racist, anti-immigrant and religiously discriminating comments." The concerns were referred to OIE for further review. OIE reviewed the information provided and the Respondent's Twitter account information. On January 10, 2020, OIE advised that although it was understandable why the reporter found some of the posts concerning and offensive, no further OIE action could be taken as the site was not affiliated with UCF and appeared to be a personal social media platform wherein the speech was protected by the First Amendment. Also, there was no allegation that the Respondent had subjected students or employees to discrimination or discriminatory harassment. Accordingly, OIE advised that it was closing the matter and would re-open it if further information developed in this regard. On June 4, 2020, the university received multiple reports alleging that the Respondent had made additional discriminatory statements on his Twitter account, which individuals believed constituted cause to terminate the Respondent's employment. The university also received allegations that the Respondent's Twitter posts were part of the Respondent's course curriculum. Based on this information, OIE's December 2019 matter related to the Respondent was re-opened for further investigation.

##### **B. Respondent's Alleged Discriminatory Comments in the Classroom**

Former and current students and anonymous individuals (hereinafter referred to as "witnesses") alleged that the Respondent had engaged in misconduct in the classroom that had been occurring for multiple years. Specifically, they alleged that the Respondent used derogatory terms and made derogatory statements based on protected classes (race, ethnicity, national origin, sex, sexual orientation, gender identity/expression, disability, and/or religion), made unwelcome comments of a sexual nature, subjected students to *quid pro quo* harassment based on religion; failed to provide disability-related student accommodations; and, failed to appropriately report and respond to a student's disclosure of a sexual assault to the University.

It is important to note that multiple students, who had been enrolled in the Respondent's courses, indicated that they did not have concerns regarding the Respondent's conduct in the classroom. Rather, for some, the Respondent's course was their favorite class at UCF and caused them to think in a more critical way. These students stated that they never observed the Respondent engage in discriminatory conduct, and they believed that his lectures were professional, appropriate and thought provoking. *E.g., Witness 1 Phone Log, Witness 2 Phone Log, Witness 3 Phone Log, Witness 4 Phone Log, Witness 5 Phone Log, Witness 6 Phone Log, Witness 7 and Witness 8 Climate Check Notes (KB), Witness 9 Witness Statement, Witness 10 Climate Check Note (KB), Witness 11 Climate Check Note (KB), Witness 12 Climate Check Note (KB), Witness 13 Climate Check Note (KB), Witness 14 Climate Check Note (LW), Witness 15 Climate Check Note (LW), Witness 16 Climate Check Note (LW), Witness 17 Climate Check Note*

(LW), Witness 18 (Student Google Form)<sup>7</sup>, Witness 19 Climate Check Note (MK), Witness 20 Climate Check Note, Witness 21 Climate Check Note (MK), Witness 22 Climate Check Note (MK), Witness 23 Climate Check Note (MK), Witness 24 Climate Check Note (MK), Witness 25 Climate Check Note (MK), Witness 26 Climate Check Note (MK), Witness 27 Climate Check Note (MK), Witness 28 Climate Check Note (MK), Witness 29 Climate Check Note (MK), Witness 30 Climate Check Note (MK), Witness 31 Climate Check Note (MK), Witness 32 Climate Check Note (MK), Witness 33 Climate Check Note (MK). This dichotomy of students' perceptions of the classroom experience also was reflected in the Respondent's Student Evaluations of Instructor Summaries. See *Respondent's Student Evaluations Summer 2015-Spring 2020*.

Below is a brief summary of the allegations of misconduct against the Respondent, which will be analyzed in further detail throughout this report.

### **1. Unwelcome Comments of a Sexual Nature**

With regard to sexual harassment, witnesses alleged that during the Respondent's courses, he made unwelcome comments of a sexual nature that were not germane to the subject matter of the courses. In his General Psychology courses, the Respondent is alleged to have made the following comments: I was married to a woman, then found out I was sexually interested in men, and am now married to a man; sex with my husband is good and fun, I enjoyed it when men flirted with me; alluded to my partner and ex-wife being swingers; I have visited nudist beaches; I am not circumcised and have a clean penis; I'd have sex with some of you; and, Don't give a teenage girl a check book (i.e., don't give her permission to have sex), because she will have sex with everyone to get them to like her. Also during this course (as well as his other courses), the Respondent was alleged to have talked about practices of a sexual nature of the Sambia tribe and Hopi tribe.

Witnesses alleged that during the Sexual Behavior course, the Respondent made the following statements: You're in this class because you either want to know more about sex or just like sex. I'm in the category that just likes sex; I had sex with women and men from other countries and they are a lot freer when it comes to sex, which is why I want students to travel abroad; Brazilians are always a fun fuck; and, used the word "cunt" to refer to female genitalia.

Witnesses also alleged that during the Cross Cultural Psychology course, the Respondent stated the following: Asians are superior but Black men having bigger penises; You (Black people) may not have everything, but at least you have bigger penises (Respondent then hopped off the stage, found some Black males and high fived them); Black men have the biggest dicks, followed by Whites and Latinos who are similar in size, and Asians have the smallest dicks; I am not circumcised; and, I am a nudist and nudity isn't accepted in society, but I wouldn't mind if

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<sup>7</sup> On June 9, 2020, two witnesses created a Google form called "Report UCF Professor [Respondent]" and this form was published in a *Knight News* article and on Twitter. The form, which will hereinafter be referred to as the Student Google Form, was designed to provide concerned individuals with an avenue to report their concerns directly to those witnesses rather than the University. These witnesses, in turn, agreed to relay the information provide by others to OIE. These witnesses provided two lists based upon responses they received – a list of anonymous (unnamed by request) reports and a list of named individuals with concerns. These lists were initially provided to OIE on June 15, 2020.

you (the students) practiced nudity in the lecture hall. The allegations regarding sexual comments are explored more fully below in the material facts sections.

## **2. Sex-Based Comments**

Witnesses alleged that the Respondent made derogatory sex-based comments during his courses that were not germane to the subject matter of the courses. For instance, OIE received an allegation that during a Psychology of Prejudice course, the Respondent said that most people refer to women who sleep with a lot of men as “whores and sluts, but I just call them my best friends.” During his Cross-Cultural Psychology courses, the Respondent allegedly commented that sex workers were “whores”, and when someone’s feelings were hurt, he “bet their vagina hurts.” OIE also received an allegation that during class, the Respondent said that women were just like a pickup truck because they were pretty and “good for ramming”. Similarly, witnesses alleged that in the Sexual Behavior course, when students raised their hands that they would let a woman build their house and let a man take care of their child, the Respondent replied, “well you guys are just weird” as “most normal people would not allow a man to take care of children.” In his General Psychology course, the Respondent allegedly said that it is in a man’s nature to move onto a newer model (i.e., a younger significant other), indicated that it was nauseating to even look at his former wife, and referred to a female student as a “cunt” when she disagreed with exploring the origins of the word. The allegations regarding sex-based comments are explored more fully below in the material facts sections.

## **3. Gender Identity/Expression-Based Comments**

Witnesses alleged that the Respondent made derogatory gender identity/expression-based comments during his courses that were not germane to the subject matter of the courses. Specifically, witnesses alleged that in his Cross-Cultural Psychology course, the Respondent stated that transgender is not an “actual thing” because if someone was a transman, they are not a man, they are “actually a woman and a man dressing as a woman is still a man.” Respondent further allegedly stated that individuals that identify as transgender are doing so for the attention. Similarly, in his General Psychology course, the Respondent allegedly made comments such as the following: People who claim to be gender fluid are mindless sheep; people who are transgender have extreme body dysmorphia or are mentally ill; “You can’t alter your body to become female and you can’t change your gender like that” and the only thing that can help those who are transgender is to learn to be the sex they were born with; and, as to individuals that identify as non-binary, “well, those people are just confused.” Witnesses further alleged that during the Sexual Behavior course, the Respondent misgendered a panelist from the course’s LGBTQ+ panel on an exam. The allegations regarding gender identity/expression-based comments are explored more fully below in the material facts section.

## **4. Sexual Orientation-Based Comments**

Witnesses alleged that the Respondent made derogatory comments based on sexual orientation during his courses that were not germane to the subject matter of the courses. For instance, OIE received an allegation that during a Psychology of Prejudice course, the Respondent stated, “All men are a little bit gay because if someone was sucking their dicks and

they were going to cum and they then realized that it was a guy doing the sucking, they would still finish.” During a Sexual Behavior course, the Respondent allegedly stated that bisexual people are bisexual because they want to have sex with a lot of people. The Respondent also allegedly stated that lesbians did not have a “big sexual appetite.” Similarly, during his Cross-Cultural Psychology course, the Respondent allegedly stated that he used to have a wife and “now I am a fag,” as well as, “you can call me a fucking fag but it doesn’t mean racism is real.” The Respondent also allegedly stated that people who participated in PRIDE parades clearly had histrionic personality disorder. The allegations regarding sexual orientation-based comments are explored more fully below in the material facts sections.

## **5. Disability-Based Comments**

Witnesses alleged that the Respondent made derogatory comments based on disability during his courses that were not germane to the subject matter of the courses. For instance, the Respondent allegedly stated that people with mental health issues, like PTSD, were inherently weaker than those without mental health issues; people with mental disorders had a “defect”; and, people with autism will not amount to anything and aren’t capable of achieving anything. The allegations regarding disability-based comments are explored more fully below in the material facts sections.

## **6. Comments Based on Religion**

Witnesses alleged that the Respondent made derogatory comments based on religion during his courses that were not germane to the subject matter of the courses. Specifically, OIE received allegations that during his General Psychology course, the Respondent stated that believing in the Bible and other religious texts was like believing in unicorns, flying elephants, Santa Clause or a fairytale, those that believed in a religion were of a “weaker mind” and childish, God did not exist, and “only idiots would place beliefs in a superior being because they’re afraid.” Witnesses alleged that in his Psychology of Prejudice course, the Respondent referred to believers as “deluded” and “mentally ill.” Similarly, in his Cross Cultural Psychology course, the Respondent allegedly stated that Christians were “assholes” and “idiots”, there was no God, and people who believed in God were stupid, dumb, unintelligent, delusional, and small-minded. As to Christianity, witnesses further alleged that in both his General Psychology course and Cross Cultural Psychology course, the Respondent described Jesus as being a schizophrenic. He also equated the teaching of religion to children with child abuse. As to the Virgin Mary, the Respondent allegedly stated in both courses that it was scientifically impossible to be pregnant without having sex, and that “for all we know, she could have been raw-doggin it across town” having had sex with various men. The Respondent further allegedly stated that the Virgin Mary was not a virgin and she told the story about the angel and carrying the song of God as a way to save her life after she had been “whoring around.” With regard to Islam, the Respondent allegedly stated that it was a myth that followers of Islam were peaceful because the religion was founded on violence and remains violent today, and that it is a “terrorist culture”. He further allegedly referred to Muhammad as a “con man”, “child rapist,” and “pedophile.” The Respondent also allegedly equated female students wearing a hijab with having been brainwashed by their religion and country of origin because wearing the hijab was submission to the culture’s stereotypes about women being servants. In other words, hijabs were oppressive to

women. Furthermore, students alleged that the Respondent issued exam questions that forced students to select statements contrary to their religious beliefs to receive credit for answering the exam question correctly. The allegations regarding religion-based comments are explored more fully below in the material facts sections.

## **7. Comments Based on Race/Ethnicity**

Witnesses alleged that the Respondent made derogatory comments based on race/ethnicity during his courses that were not germane to the subject matter of the courses. For instance, witnesses alleged that during his General Psychology course and Cross Cultural Psychology course, the Respondent stated that Black people should thank White people for creating our modern society because nothing important was ever invented by someone who wasn't White. In both courses, the Respondent allegedly stated that affirmative action was racism against White people and oppressed White people, and constituted "Black privilege." Also in both courses, the Respondent allegedly said that African Americans and Native Americans did not have cerebral cortexes, and were thus inferior to White people, as well as that minorities were predisposed by nature to be poor and have babies which is why they utilized welfare and food stamps. The Respondent further allegedly stated that systemic racism didn't exist so "Black people just need to get over it," and that Black people suffer problems of their own making and not as a result of years of oppression. Witnesses also alleged that the Respondent stated in class that Asians and Whites were smarter than Blacks because they were more educated.

Witnesses alleged that, during class, the Respondent explained that White people gave Black people the nickname "porch monkey" because it made sense in that Black people were being "lazy and hanging out on the porch". He further allegedly stated that people call him a "wet back" so why can't he call Black people a "porch monkey." He further compared people referencing President Donald Trump as an orangutan with referencing Former President Barack Obama as a monkey. The allegations regarding race/ethnicity-based comments are explored more fully below in the material facts sections.

### **C. Respondent's Alleged Quid Pro Quo Based on Religion**

OIE received an allegation that the Respondent, who identified as an atheist, offered students extra credit in the course if they would denounce their religious beliefs in front of the class. It was further alleged that the Respondent offered extra credit to students if they wrote a paper wherein they denounced their own religion. Students also alleged that the Respondent issued what he referred to as "[Respondent's Last Name]'s Challenge," which is when he challenged students to go 24 hours without believing in their God or their religion. The allegations regarding *quid pro quo* harassment are explored more fully below in the material facts sections.

### **D. Respondent's Alleged Response to Student's Sexual Assault Disclosure**

A former student (Witness 34) alleged that in February-March, 2014, she and another female student (Witness 35) disclosed to the Respondent that one of his graduate teaching

assistants (Witness 36) had sexually assaulted them. In response, the Respondent allegedly demanded that the students explain the incidents in detail to him. When they shared that they had been friends with Witness 36 and he had been to their houses, the Respondent rolled his eyes, laughed and said that Witness 36 must have misinterpreted the situations and thought that they wanted more. He further allegedly said, “Well, that’s what happens when you bring boys to your apartment.” When they requested assistance so that they could take the class exam, the Respondent replied that there was nothing he could do about removing Witness 36 from class, and the only way he would do anything was if a police officer advised him that Witness 36 was a criminal. The students also alleged that the Respondent told them that Witness 36 did not “cross the line” and the only way that they would have a case was if they fabricated information to the police, which he wouldn’t recommend as they would get in trouble for falsifying evidence. He then suggested that they pick better friends moving forward. The Respondent advised Witness 34 that he would not allow her to take the course exam elsewhere or remove Witness 36 from the room during the exam, and said that the best he could do was have her not sit in an aisle seat so that Witness 36 did not have to hand her anything directly. Thereafter, the Office of Student Rights and Responsibilities allegedly spoke with the Respondent, who refused to allow Witness 34 take the exam in the testing center but allowed her to take the exam in his office. When Witness 34 arrived, the Respondent allegedly did not recognize her and then said, “Oh you’re the one with an issue with my TA.” The allegations regarding this alleged sexual assault disclosure are explored more fully below in the material facts sections.

#### **E. Non-Discriminatory Misconduct**

In addition to the above, witnesses alleged that the Respondent actively discouraged students from filing complaints because he was tenured, engaged in repeated and offensive unprofessional conduct (such as mocking students, using profanity, and treating students with disrespect); used time in class to espouse his opinions rather than teach relevant course content, provided students with misinformation, and failed to provide a complete picture of the issues presented or presented misleading and inaccurate information.

In addition to the above, witnesses alleged that the Respondent made numerous inappropriate comments related to sexual assault during class. Specifically, the Respondent stated that women alleged that they were raped rather than admitting to themselves that they chose to have sex, which may violate a virtue they hold. The Respondent also allegedly stated that women “make up” stories about being sexually assaulted and like to accuse men of sexual assault for fun, to get attention, and to ruin men’s lives. He further stated that there are so many false rape accusations that plague college campuses, and that the statistic of one in four is just a feminist stunt. The allegations regarding Respondent’s other alleged misconduct are explored more fully below in the material facts sections.

### **V. SUMMARY OF THE RESPONDENT’S RESPONSE TO ALLEGATIONS**

As set forth in detail below, the Respondent did not dispute some of the allegations made against him, provided context to some of the statements made, and denied numerous allegations made against him. The Respondent’s response to the allegations is set forth in detail below in sections VI and VII, as well as in his OIE interview summary.



## **VI. MATERIAL FACTS NOT IN DISPUTE**

With regard to audio recordings, OIE reviewed approximately 37 hours of recordings of the Respondent's lectures during the 2019 Summer Cross Cultural Psychology course, as well as the 2018 General Psychology course, which captured a portion (not all) of the class lectures. OIE's investigation revealed that the following facts, which are material to determining whether the Respondent violated the University regulation and/or policy, are not in dispute based on the testimonial, audio recording and/or documentary evidence:

### **Respondent's Employment & Teaching Assignments**

1. In 1998, UCF hired the Respondent as an Assistant Professor with the Department of Psychology in the College of Sciences. In 2001, the Respondent received tenure. At the time of this report, the Respondent was an Associate Professor with the Department of Psychology.

2. For the last five years, the Respondent received an overall rating of "outstanding" on his annual evaluations. *See Respondent's 2014-15, 2015-16, 2016-17, 2017-18, and 2018-19 UCF Annual Evaluations of In-Unit Faculty Performance.* During 2003, 2009 and 2015, the Respondent received a UCF Teaching Incentive Program (TIP) Award.<sup>8</sup>

3. In the Respondent's Student Evaluation of Instructor Summaries, students provided both positive and negative feedback regarding their experiences in the Respondent's classroom. *See Respondent's Student Evaluation of Instructor Summaries 2015 Fall.*

a. For example, the 2015 Fall summaries noted the following: class discussions "made for a welcoming and interesting learning environment, encouraging me to come to class even on those days I really didn't want to"; Respondent's "class is the only class that I took this semester that made me feel like I was being exposed to new and exciting ideas... [Respondent] is such an important professor to have at UCF because he really makes you think about why you believe in the things that you believe and he teaches you valuable critical thinking skills"; Respondent was "passionate" and "very enthusiastic about what he taught"; student liked the Respondent's "sense of humor and the way he presented information [which] made the class enjoyable"; "eye opening course" and "best so far".

b. For example, the 2015 Fall summaries also noted the following: "instructor was very rude to students when they asked questions. Would call them out and disrespect them"; Respondent was "very degrading and disrespectful when students answered questions"; "very condescending to students"; "when students got the courage to raise their hands, he seemed to either make fun of what they had to say, make them sound stupid, or cut them off completely"; Respondent "should know that not everybody thinks the same way as he does and just because he feels completely oblivious to other people's thoughts, beliefs and feelings, it doesn't mean he can disrespect them for not sharing his own beliefs. It is part of maturity to accept that not every human being will believe in the same thing as we do therefore we should know that as adults we

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<sup>8</sup> The UCF TIP award rewards "teaching productivity and excellence", and "recognizes in-unit employee contributions to UCF's key goals of offering the best undergraduate education available in Florida and achieving international prominence in key programs of study." To be eligible for the award, the employee must be (1) classified as in-unit; (2) hold a full-time appointment; (3) have four years of continuous non-OPS service immediately prior to the current year; and, (4) not have received the award during the previous five years. For more information, see: <https://facultyexcellence.ucf.edu/award/teaching-incentive-program/>.

can't fall into a childish behavior and disrespect somebody else's beliefs and behaviors for not being the same as ours. If he wants to speak about how he feels about certain topics it's more than fine, it's his right to freedom of speech, but is not a valid excuse to intentionally offend other people."

c. Of particular relevance to OIE's investigation, the 2015 Fall summaries noted the following: Respondent disgraces and disrespects all Christian religions; "instructor was rather inconsiderate of different cultures"; "he would repeatedly and openly mock religious views and beliefs"; student felt "a bit sorry for those with religious beliefs who he looked down upon multiple times in the course – although his reasoning was logical to me. Loved how he fought back against the African American girl who was claiming that he was an 'old white man', albeit I do not think that that entertainment was necessarily appropriate, as it discouraged me from participating in class out of being nervous"; Respondent "is a terrible teacher who preaches racist and sexist undertones, no concern for students, and rambles on and on about sex the whole time"; "he has a way in diminishing religion when he teaches it simply because he doesn't believe in it"; "he poked fun at religious views"; Respondent "is a brainwashing atheist and forces his beliefs on students"; wished Respondent "would communicate his racism in a less confrontational fashion"; "I love that [Respondent] was open to speaking his opinion about religion"; "lack of respect for students of faith is unnecessary"; "really enjoyed how open he was about religion and culture and how he allowed the class to share their views"; Respondent was "extremely harsh on those that may be religious. Bigotry I feel works both ways and the professor, while interesting, was not very kind".

4. During the Respondent's employment with UCF, he was assigned to teach multiple courses.

a. Initially, he taught both undergraduate and graduate courses. The enrollments in Respondent's courses ranged from less than 20 students (i.e. Honors Thesis) to hundreds of students (i.e. General Psychology).

b. With regard to graduate courses at UCF, the Respondent previously taught Cross Cultural Psychotherapy and a course pertaining to intellectual assessments.

c. In approximately 2010-2011, the Respondent stopped teaching graduate courses after being denied promotion to full professorship.

d. The Respondent taught the following undergraduate courses at UCF: General Psychology (also referred to as Introduction to Psychology), Cross Cultural Psychology, Sexual Behavior (also referred to as Human Sexuality), and, Theories of Personality and Research.

e. For at least one Summer session in 2009, the Respondent taught Psychology of Prejudice and used his materials from his Cross Cultural Psychology course. (The Respondent recalled having taught this course for only one semester but student records (Witness 37 and Witness 38) indicated that he was the professor on record for this course during the summer of 2009 and summer of 2010.)

f. The Respondent also supervised students' Honors thesis.

g. Since approximately 2010, the Respondent has led a study abroad program to Peru during the summer with the exception of the 2020 Summer semester due to the COVID-19 pandemic.

5. The syllabus for the Respondent's Cross Cultural Psychology course stated that the course objectives were as follows: The overall goal of this course is to assist students in

obtaining a broader perspective on humanity by means of critically examining life within other cultural contexts and within one's own cultural context. Learning about other lifestyles and cultures provide various benefits to students, such as: (a) learn how to think independently of how society or various social groups want you to think. (b) have a better appreciation of the complexities of humanity, (c) become more aware of how arbitrary much of human behavior is, (d) become more sensitive and understanding with others (if warranted), (e) become less egocentric and ethnocentric, (f) realize the availability of behavioral options that were previously unrecognized. Please note that we will be examining course material in both therapeutic and non-therapeutic contexts. Specific ways by which we will accomplish these objectives include: 1) Obtain exposure to the theoretical/descriptive literature written about various cultural groups (nationally and internationally). 2) View and discuss in class approximately six short- to medium-length videos on issues related to various cultural groups. 3) Have five (5) quizzes or exams.

6. The syllabus for the Respondent's Sexual Behavior course stated that the course objectives were as follows: The overall purpose of this course is to explore numerous aspects of human sexual behavior, sexuality, and contemporary United States' attitudes toward sex and sexuality. Some of the topics we will cover include, but are not limited to: male and female anatomy, how to maximize one's sexual pleasure with a partner(s), by one's self (masturbation), gender identity, sexual identity, contraception, pregnancy, sexual health, sexual dysfunctions, and prostitution. Please note the following:(1)This course delves into sexually explicit material and information.(2) In this course, we will view educational videos that portray sexually graphic images and sexual activity during class.(3)Sexually explicit language is used in this class.(4)A student who enrolls in this class is voluntarily consenting to view and hear sexually explicit material and information.(5)Anyone not officially enrolled in this course is NOT permitted to "sit in" the course. No "visitors" allowed without Instructor's permission. This course is taught from the perspective that sexual behavior—in many of its forms—is a natural part of life. The fact that some societies, including the United States, have "demonized" and "moralized" many facets of sexual behavior that does not conform to society's standards does not mean that sexual behavior necessarily is pathological, immoral, or "sinful." In fact, one specific goal of this course is to help students develop healthy, appropriate, and positive views about sexual behavior and sexuality *based on the best medical and scientific information available*. Another goal is to help students recognize how free they are to express their sexuality by critically examining the large number of "sexual rules" that society has created—in many instances, arbitrarily—in order to control and suppress human sexual activity. Specific ways by which we will accomplish these objectives include: 1) Obtain exposure to the theoretical, descriptive, and empirical literature written about various aspects of human sexual behavior. 2) View and discuss in class approximately ten short- to medium-length videos on issues related to various aspects of human sexual behavior. 3) Consider alternative views on various aspects of human sexual behavior by means of in-class discussions and of guest presentations. 4) Have four (4) quizzes or exams.

7. The syllabus for the Respondent's General Psychology course stated that the course objectives were as follows: This course introduces you to the fields of study in modern psychology. After this course, you will be able to answer the following questions: What is psychology? What do psychologists study? What are the methods of investigation in psychology? How do psychologists apply their findings to contribute to human welfare? This

introductory course will allow you to sample many subfields of Psychology by providing you a “bird's eye-view” of this large and complex discipline. General Psychology is a course that meets the General Education Program Diversity Requirement at UCF. As such, topics related to gender, ethnicity, sexual orientation, and so on will be discussed as relevant. Humans, in various and sometimes complex ways, are shaped by their cultural and social heritage. Our cultural heritage influences how we view life and interact with others, and even affects how others perceive and interact with us. Learning about other cultures requires an openness to new perspectives and requires respect for other people’s views, particularly on controversial topics. Please note that respecting the views of others does not mean one has to agree with them; respecting others’ views also does not mean that their views cannot be challenged or questioned. Another idea worthy of contemplation is differentiating opinions that are based on some evidence, logic, or history versus opinions that are merely personal beliefs. People generally struggle to appreciate that distinction and most people think the fact that they believe something makes the belief “real” or valid. One of your goals as a developing student should be to learn to distinguish between beliefs you hold that have some basis, evidence, or logic, etc. versus beliefs you hold simply because either the belief is comforting or simply because you’ve never questioned the origin of your beliefs. In this class, you will have the opportunity to think about issues that you might not think about otherwise and...by the end of the course, you may perceive humans differently than you currently see them.

8. The syllabus for the Respondent’s Personality Theory course stated that the course objectives were as follows: This course is an upper-division introductory course in the subfield of psychology called Personality Psychology. During this semester, you will learn how psychologists investigate personality, the major theories of personality (including information about the theorists themselves), and about some of the latest empirical research on personality. Also, you will gain exposure to some personality tests or inventories that purport to measure various aspects of personality (note: only you will know the results).

9. The following individuals previously were enrolled as a student in one or more of the Respondent’s courses: Witness 39 (2020 Spring Sexual Behavior and 2020 Spring Cross Cultural Psychology); Witness 40 (2018 Spring General Psychology); Witness 41 (2019 Fall Cross Cultural Psychology); Witness 1 (2019 Spring Cross Cultural Psychology); Witness 42 (2015 Fall Sexual Behavior); Witness 43 (2014 Fall General Psychology); Witness 44 (2019 Summer Cross Cultural Psychology); Witness 45 (2012 Spring Sexual Behavior); Witness 46 (2018 Spring Sexual Behavior and 2018 Fall Cross Cultural Psychology); Witness 47 (2020 Spring Cross Cultural Psychology); Witness 48 (2018 Fall General Psychology); Witness 49 (2013 Fall General Psychology); Witness 50 (2014 Spring Cross Cultural Psychology); Witness 51 (2012 Fall General Psychology); Witness 52 (2019 Spring Cross Cultural Psychology); Witness 53 (2019 Summer Sexual Behavior); Witness 54 (2020 Spring Cross Cultural Psychology); Witness 55 (2018 Fall Sexual Behavior); Witness 56 (2019 Spring Cross Cultural Psychology); Witness 57 (2018 Spring Sexual Behavior and 2018 Spring Cross Cultural Psychology); Witness 58 (2018 Fall General Psychology); Witness 34 (2012 Spring Sexual Behavior and 2014 Spring Cross Cultural Psychology); Witness 59 (2018 Fall General Psychology); Witness 60 (2009 Fall Sexual Behavior & 2010 Fall Cross Cultural Psychology); Witness 37 (2009 Summer Psychology of Prejudice); Witness 61 (2018 Spring Cross Cultural Psychology); Witness 62 (2019 Spring Cross Cultural Psychology); Witness 63 (2019 Spring Cross Cultural Psychology);

Witness 64 (2019 Spring Cross Cultural Psychology); Witness 65 (2016 Spring Cross Cultural Psychology); Witness 4 (2009 Fall Cross Cultural Psychology); Witness 66 (2019 Spring Sexual Behavior); Witness 67 (2012 Fall Cross Cultural Psychology); Witness 68 (2016 Fall Cross Cultural Psychology); Witness 69 (2020 Spring Sexual Behavior); Witness 70 (2013 Fall General Psychology); Witness 71 (2020 Spring Sexual Behavior); Witness 72 (2017 Fall Cross Cultural Psychology); Witness 73 (2019 Spring Cross Cultural Psychology); Witness 74 (2016 Fall Sexual Behavior); Witness 75 (2005 Fall General Psychology); Witness 76 (2015 Spring General Psychology); Witness 77 (1999 Fall General Psychology); Witness 78 (2018 Spring Sexual Behavior); Witness 38 (2010 Summer Psychology of Prejudice); Witness 79 (2019 Spring Sexual Behavior and 2020 Spring Cross Cultural Psychology); Witness 5 (2019 Summer Cross Cultural Psychology); Witness 80 (2018 Fall Cross Cultural Psychology); Witness 81 (2018 Spring Sexual Behavior and 2018 Spring Cross Cultural Psychology); Witness 82 (2014 Fall Cross Cultural Psychology); Witness 83 (2017 Fall Sexual Behavior); Witness 84 (2015 Fall Cross Cultural Psychology); Witness 85 (2016 Fall General Psychology); Witness 86 (2018 Spring Cross Cultural Psychology); Witness 87 (2017 Spring Cross Cultural Psychology); Witness 88 (2016 Fall Sexual Behavior and 2017 Spring Cross Cultural Psychology); Witness 89 (2011 Fall Sexual Behavior and 2012 Spring Cross Cultural Psychology); Witness 90 (2018 Spring Sexual Behavior and 2019 Spring Cross Cultural Psychology); Witness 91 (2016 Spring Cross Cultural Psychology); Witness 92 (2018 Spring Cross Cultural Psychology); Witness 93 (2020 Spring Cross Cultural Psychology); Witness 94 (2012 Spring Cross Cultural Psychology); Witness 95 (2018 Fall General Psychology); Witness 18 (2014 Spring Cross Cultural Psychology); Witness 96 (2005 Fall General Psychology); Witness 97 (2018 Spring Cross Cultural Psychology); Witness 98 (2017 Fall Sexual Behavior & 2019 Spring Cross Cultural Psychology); Witness 99 (2012 Fall General Psychology); Witness 100 (2018 Spring Sexual Behavior and 2019 Summer Sexual Behavior); Witness 101 (2020 Spring Sexual Behavior); Witness 102 (2011 Fall General Psychology); Witness 103 (2018 Spring Cross Cultural Psychology); Witness 104 (2019 Summer Cross Cultural Psychology); Witness 105 (2016 Fall Cross Cultural Psychology and 2019 Fall Personality Theory and Research); Witness 106 (2019 Fall Sexual Behavior); Witness 107 (2018 Fall General Psychology); Witness 108 (2019 Spring Cross Cultural); Witness 109 (2020 Spring Sexual Behavior); Witness 110 (2019 Summer Cross Cultural Psychology); Witness 111 (2017 Fall General Psychology); Witness 112 (2018 Spring Sexual Behavior & 2019 Spring Cross Cultural Psychology); Witness 113 (2011 Fall Sexual Behavior and 2012 Fall Cross Cultural Psychology); Witness 114 (2013 Fall General Psychology); Witness 115 (2019 Spring General Psychology); Witness 116 (2019 Summer Cross Cultural Psychology); Witness 117 (2019 Spring Cross Cultural Psychology); Witness 118 (2018 Spring Sexual Behavior); Witness 119 (2010 Fall Sexual Behavior and 2013 Spring Cross Cultural Psychology); Witness 120 (2019 Spring Sexual Behavior); Witness 121 (2018 Fall General Psychology); Witness 122 (2013 Fall General Psychology); Witness 123 (2013 Spring Cross Cultural Psychology); Witness 124 (2018 Fall General Psychology); Witness 125 (2019 Summer Cross Cultural Psychology and 2020 Spring Sexual Behavior); Witness 126 (2010 Spring General Psychology); Witness 127 (2017 Fall Sexual Behavior and 2018 Spring Cross Cultural Psychology); Witness 128 (2003 Fall General Psychology); Witness 129 (2020 Spring Personality Theory and Research); Witness 130 (2016 Fall General Psychology); Witness 131 (2019 Fall Sexual Behavior); Witness 132 (2020 Spring Sexual Behavior); Witness 133 (2018 Fall General Psychology); Witness 134 (2020 Spring Sexual Behavior); Witness 135 (2014 Fall Sexual Behavior and 2015 Spring Cross Cultural Psychology); Witness 136 (2006 Spring

General Psychology); Witness 137 (2019 Fall Cross Cultural Psychology); Witness 138 (2015 Spring Cross Cultural Psychology); Witness 139 (2015 Fall General Psychology); Witness 140 (2018 Fall Cross Cultural Psychology); Witness 141 (2017 Spring Sexual Behavior); Witness 142 (2007 Fall General Psychology); Witness 143 (2019 Summer Cross Cultural Psychology); Witness 144 (2017 Fall Cross Cultural Psychology); Witness 145 (2005 Spring Honors Special Topics); Witness 146 (2010 Spring Sexual Behavior and 2010 Fall Cross Cultural Psychology); Witness 147 (2009 Fall Sexual Behavior and 2010 Fall Cross Cultural Psychology); Witness 148 (2016 Fall Sexual Behavior); Witness 149 (2018 Spring Cross Cultural Psychology); and, Witness 150 (2019 Fall Cross Cultural Psychology).

### Tenure Discussion

10. Generally, at the beginning of the Respondent's courses and at various other points in the Cross Cultural Psychology courses, the Respondent referenced that he had tenure. The Respondent told students that tenure allowed him to say "outrageous controversial things" without the students or administration "castigating me in some way." *See Respondent's Interview Summary.*

11. During his August 28, 2018 General Psychology course (*see Recording*), the Respondent told students, "I can say what I said, and that is the way it goes. No one cares, UCF will not say a thing to me. I can talk about racial issues, which I do a lot. We both have freedom of speech and academic freedom. I am not saying that we can call each other names, that is aggressive. But the same things you might find offensive, I can say anything I want as long as I am being polite."

12. During his 2019 Summer Cross Cultural Psychology course (*see Recording – 15; Indentured Slaves Recording*), the Respondent told the students, "At [the] university, we happen to have [a] system called the tenure system, so that once you have tenure, like I have at the university, unless I rape you—which I won't, I promise—the university can't fire me. They just can't fire me."

a. The Respondent continued that termination would be against contract and that the tenure protected him from "some of you because you don't like the things I say" and "protects me from my colleagues and administrators."

b. The Respondent then discussed a former work colleague, who the Respondent described as being a Christian from Texas. The Respondent shared that this individual "hated my guts and hated what I said in class about religion," and did "everything he could to try and get me fired". The Respondent stated, "In the end, I finally had enough of it, and I went to the Dean. I said this is what he has been doing to me all this time. You better do something about it, or I'll see you in court soon." The Respondent then said, "And he [the Dean] cut that guy's dick off. And I hope that guy—he's retired now—I hope he is having a miserable time."

13. During his 2019 Summer Cross Cultural Psychology course (*see Recording*), a student asked to photograph one of the Power Point slides. The Respondent said yes, his life was an open book, and he has had students at UCF complain about him, which gets investigated and he "laughs the whole way through".

14. During his 2019 Summer Cross Cultural Psychology course (*see Recording*), the Respondent told students, "Not only my ideas but the things I say to you, maybe you find

offensive. ... I have a little bit of social skills. I know not to go shopping in Pine Hill and say, hey, can we talk about slavery? I am a professor and I can say what I want as long as I defend what I say. You can go cry a river if you want.” He then mentioned that a previous student complained and tried to get him in trouble, but the claim was dismissed “in 15 minutes”.

Classroom Comments – Sex-Based & Sexual

15. During the Respondent’s General Psychology and Cross Cultural Psychology courses, he told students that he visits a beach for nudists in Florida.

a. When asked about this during his OIE interview, the Respondent stated, “Florida is the capital of nude beaches. We have nudist communities, beaches, etc. I do mention that I go there. This is discussed during the sexuality segment of General Psychology.”

b. Witness 111 also noted this when she told OIE that during the 2018 General Psychology course, the Respondent talked about a nude beach, how he frequently visited a nude beach, and that nudity is normal in other cultures.

16. During his 2019 Summer Cross Cultural Psychology course, the Respondent told students that he identified as a nudist, being a nudist was “very fun”, and “you can’t imagine how liberating it is”. He further asked whether the students had heard of Haulover Beach,<sup>9</sup> which he identified as his “favorite hangout”, and indicated that “every chance I get, I go there”. After discussing this, he said to an unidentified student, “I didn’t mean to get you so excited”.

17. During the Respondent’s courses, he regularly shared with his students that he identifies as gay today, was previously married to a woman for 30 years, and is now married to a man.

18. During the Respondent’s Sexual Behavior course, the Respondent discussed genitals from a biological standpoint and started the class by asking students to identify the latest terms used to refer to human genitals. On occasion when the students did not respond, the Respondent said “dick” or “puss” to start the exercise.

19. During the Respondent’s 2020 Spring Sexual Behavior course, the Respondent referenced the Gräfenberg spot (G-spot) and described where it was supposedly located and how it supposedly had a high concentration of nerves. He explained that when that spot is stimulated, a woman has an orgasm and ejaculates, and the chemistry of the liquid is similar to urine. The Respondent then stated, “When a woman is ejaculating, she may just be taking a pee.”

20. During the Respondent’s Sexual Behavior course for at least one semester, the Respondent joked with the students that a woman is “kind of like a Ford pickup truck, built to take a pounding.”

a. During the Respondent’s OIE interview, he explained that he made this joke when there was a Ford commercial out around this time that used a similar phrase. Specifically, the Respondent stated, “That was a commercial that was going on that semester. I said it with a humorous smile, some of the class laughed.”

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<sup>9</sup> Haulover Beach, which is located in South Florida, is described as one of the “best nude beaches in the world” according to its website: <https://www.hauloverbeach.org/>.

b. OIE inquired of this because an anonymous reporter alleged that during the fall of 2015, the Respondent told students “women were just like a pickup truck” because they are “pretty and good for ‘ramming.’” See *Student Google Form – Anonymous*.

21. During the Respondent’s General Psychology course, the Respondent told students about the Sambia tribe in New Guinea. The Respondent advised the students that when boys in the group turn age 7, the group has a ceremony in the village and the boys say goodbye to their families. The boys are then taken out of the village to be cared for by only males for a period of ten years. The Respondent further advised the students that this group believes that consuming semen helps the boys grow into men. Accordingly, when the men are raising these boys, they have the boys perform oral sex on the men. When the boys turn 17, the group has another ceremony and are officially declared men, and then are married to women. On at least one occasion, shortly after discussing this practice, the Respondent talked about how “semen is high in protein, it’s a protein drink.”

a. During the Respondent’s OIE interview, he stated, “I only cover this in General Psychology in the portion of the course combining culture and sex.”

b. OIE notes that there is literature indicating that by the end of the 1980s, the ritual of boy-insemination had been abandoned by the Sambia tribe.

22. During the Respondent’s General Psychology and Cross Cultural Psychology courses, the Respondent told students about the Hopi tribe in Arizona. The Respondent advised the students that there is a crevasse in the earth where they are located that looks like a vulva. Once a year, the men are expected to put their penis in that crevasse, and it is a symbolic sex act as though they are copulating with the earth.

a. During the Respondent’s OIE interview, he stated that he explains to the students that “the earth is considered like a mother to them, and they want the earth to be fertile.”

b. This was consistent with the recorded November 27, 2018 General Psychology lecture.

23. During all of his courses, except Theories of Personality and Research, the Respondent told students that with regard to the Hopi tribe, when a male child is upset anyone nearby touches his penis.

a. During the Respondent’s OIE interview, he stated that he further advised the students that this was “not meant to arouse” the child “but rather to distract him”, and that this was not considered inappropriate or a form of child abuse in that culture. The Respondent further stated that he shared this as an example of things that “appear to diverge from our point of view, but which those groups don’t perceive them as abnormal”. This context was corroborated by Witness 111 (2017 Fall General Psychology).

b. Two students (Witness 88 and Witness 75) and an anonymous reporter (IL #850) alleged that when the Respondent discussed this practice, he stated that the tribe members were “jerking them off”. Respondent denied using this term and stated that he said the tribe members stroked the penis. Two students (Witness 122 and Witness 111) alleged that the Respondent said “rubbing the child’s penis”. None of the audio recordings captured this discussion to resolve what terminology was used by the Respondent.



24. In his Cross Cultural Psychotherapy course (doctoral course) and undergraduate Cross Cultural Psychology course (*see Recording*), the Respondent told the students that every group has a culture, not just ethnic or racial groups. For instance, Republicans have a culture, Democrats have a culture, New Yorkers have a culture that is different than Texans' culture. In this context, the Respondent joked that even the Girl Scouts have a culture, and he didn't know what they did besides selling their cookies and preserving their virginity.

25. In his Sexual Behavior course, the Respondent presented a counterargument to the theory that gender is socially constructed.<sup>10</sup> During class, the Respondent showed two videos. The first video presented a story from the 1960s or 1970s about two boys who were twins. When the boys were circumcised, the doctor accidentally cauterized one of the boy's penises and, as a result, instructed the parents to raise him as a girl. The video indicated that although the child was dressed as a girl and given a girl's name, he was odd in the way he walked and talked, which led to kids making fun of him. When he was 15, his parents told him that he had been born a boy and he later died by suicide. The second video was about a man, who identified as heterosexual, was married to a woman, was very allergic to bee stings and had Klinefelter's syndrome.<sup>11</sup> He received a bee sting and was provided with hormones as part of the treatment. This impacted his hormones which resulted in him wanting to become a woman. He chose to divorce his wife and become a woman. The videos indicate that the idea that gender is a social construct and that we can just be however society teaches us lacks evidence. Respondent shared with his classes that there are people who do not have any training in biology, and they go around saying that gender is a total social construct. He further stated that the students can either listen to them or listen to neurologists and biologists who actually study this issue. The Respondent further told students that even though he did not have training in biology, his best opinion was that the part of gender identity that is constructed is how society treats us, but that we already come into the world with a predisposition and a tiny fraction may be something in between (meaning transgender). *See also Announcement January 28, 2020 Re Gender & Social Construct.*

26. In his General Psychology course, the Respondent discussed society's viewpoint that teenagers should not have sex because they could be emotionally hurt from the experience. The Respondent used a checkbook as an analogy to make the point that rather than prohibiting sex, individuals should not have secondary reasons to engage in sexual activities.

a. The Respondent explained to the students that a person, often a female but not always, who wants to be in a loving relationship with someone who may not want to have sex may give in to having sex in the hopes that the relationship will continue. There are cases where a male will have sex and then lose interest in the female. "Some people will say, 'see?' to indicate that they said that would happen."

b. The Respondent continued and told the students to imagine this analogy: "give a girl a checkbook to teach her to manage money, and she is in love with some guy, so she allows him to have access to her checkbook, and he goes on a shopping spree and then leaves her with a

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<sup>10</sup> The social construction of gender is a theory of knowledge that holds that characteristics typically thought to be immutable and solely biological, such as gender, are products of human definition and interpretation shaped by cultural and historical contexts.

<sup>11</sup> Klinefelter's syndrome is a genetic condition that results when a boy is born with an extra copy of the X chromosome.

balance of \$0, and she is crushed. Imagine if someone says, ‘See? That’s why we shouldn’t let girls have checkbooks.’”

c. The Respondent then stated that no one would say that girls should have checkbooks. Turning back the subject of teenagers and sex, people should not have sex for any secondary reason (like hooking them into a relationship). Rather, if someone wants to have sex, it should just be that they want to have sex.

27. On April 29, 2018, the Respondent sent an email to two students who served as Graduate Teaching Assistants (GTAs) for his General Psychology course. Therein, the Respondent referenced the male’s coverage of scoring scantrons for the female GTA and said, “I hope [Witness 45] is compensating you well for this!!! But .... it’s none of my business...” See *Announcement, April 29, 2018 Message to Witness 151 & Witness 45*.

28. During Respondent’s Fall 2018 Sexual Behavior course (and one or two other semesters for this course), the Respondent told the students, “You’re in this class because you either want to know more about sex or just like sex. I’m in the category that just likes sex.”

29. During his August 28, 2018 General Psychology course (*see Recording*), the Respondent discussed the reasons why people get married and stated, “Maybe they have a family that you like. Or maybe you like them because they make a lot of money, you can relate to that ladies? I am talking about heterosexual women, not lesbians. You may find a charming and attractive man, but you find out he is a Walmart greeter. You need to get out of that. Or you might find someone that is not as attractive, but he is going to law school, there is a chance he might just work out.”

30. During the August 28, 2018 General Psychology course (*see Recording*), the Respondent discussed Sigmund Freud’s theory that humans are driven by two feelings – sex and aggressiveness. When discussing sexual instinct and the students dieting or controlling their weight, the Respondent stated, “Yeah, and working out in the gym. I work out in the gym for different reasons. Postponing death. You young people are there because you are a piece of meat trying to put yourself on the meat market. Right? I love it when I see mostly guys at the gym working out and looking at themselves in the mirror as they are working out. I am tempted to tell them to masturbate in the bathroom with the mirrors.”

31. During the September 4, 2018 General Psychology class (*see Recording*):

a. Respondent discussed sensory information and asked students if they had to give up all their senses except one, which one would it be. After students provided different responses, the Respondent said, “You guys are really weird, at least the ones that participated so far.” He then stated, “The people who say they want ‘skin’ [referring to the sense of touch] usually say it because they like sex.” There was uncomfortable laughter and the Respondent replied, “And oh my god, you guys are asexual.”

b. Respondent then discussed how individuals can associate a song or the smell of a particular perfume with a specific person or a specific time in one’s life. He referenced how he could hear a song that reminded him of his senior year in high school, which was 40 years ago, because learning is permanent. He then referenced how one could smell a perfume or cologne which triggers them to think about a specific person, like when one is walking through the mall.

He asked, “Does anyone have that experience or is it just me? Some of you have, okay.” He then said to a student, “Really, you haven’t had that experience? Have you even had an erection before? I’m sorry, fine be that way.” During his Cross Cultural Psychology lecture regarding Blacks, the Respondent made a similar offhand comment when discussing parent’s use of corporal punishment when raising children and the impact on those children. The Respondent shared that these children manifest problems later in life such as antisocial behavior (criminal behavior), problems with those with authority (bosses, teachers, police, etc.), and having higher levels of anxiety. The Respondent also stated that there were a couple studies showing that Black parents reported using corporal punishment more than White parents. The Respondent then stated, “I wish we would eliminate corporal punishment. I wish those of you who are concerned with racism were just concerned with child abuse but unfortunately, you’re not because you don’t get anything out of it. Showing yourself as antiracist, you can look in the mirror and get a little boner.”

32. During his 2019 Summer Cross Cultural Psychology course (*see Recording – Peru - 13*), the Respondent discussed verses from the Bible, referred to a verse on a slide, and said, “And of course Muhammad violated this by marrying his daughter in law. And to make this prohibition, it must have meant that people were having sex with animals, which humans do all over the world.” A student asked, “Do they really?” The Respondent replied, “Yes, you can go on YouTube and find” this.

33. During the Respondent’s 2019 Summer Cross Cultural Psychology course, the Respondent discussed how Muhammad was 25-years-old when he got married to a 40-year-old woman, which was strange, and that “there aren’t many 25-year-old men anywhere in the world, even today, who would like to be involved in a romantic relationship with a 40-year-old woman.” The Respondent made a similar comment about older women during his November 27, 2018 General Psychology lecture when describing the Hopi tribe’s ritual of having men line up to have sex with the eldest female. After describing the practice, the Respondent stated, “Who would want to bang an 80-year-old woman?”

*Classroom Comments – Gender Identity/Expression:*

34. In his Sexual Behavior course, the Respondent made comments about transgender men after gender reassignment surgery and how their penises are either not pretty, not attractive or didn’t look right. During his OIE interview, the Respondent stated that he made these comments “not in a derogatory way, but in a factual way. Artificial penises crafted out of stomach tissue are bizarre. I never said ‘gross’ or ‘disgusting.’ I may have said they are not attractive. I don’t know. If ever you were to see one, they are not anything close to a real penis. They are bizarre.”

35. In his Sexual Behavior course, the Respondent hosted a LGBTQ+ panel each semester.

36. During the 2020 Spring semester, the panel included one individual that identified as cisfemale, one individual that identified as cismale, and one transgender male (Witness 132).

a. During the panel, Witness 132 stated that he would get upset when people misgender him. The Respondent replied, “Just looking at you, I would assume you were a girl and refer to you as such.” During his OIE interview, the Respondent stated that this individual “explained to the class that he identifies as a male, but totally – and I mean totally – looks like a

woman and made no effort to appear as a male. I am looking at someone who by any account is a female, but who reports he is a male. I'm fine with that – totally respect that.”

b. Following the panel, the Respondent issued an exam with a question that required students to misgender Witness 132 in order to receive credit for answering the question correctly. Specifically, the test asked how many males were on the panel. The Respondent's answer key identified that the correct response was “one” even though there had been two panelists that identified as male.

c. Thereafter, Witness 132 spoke with the Respondent about the error.

d. When the Respondent initially was notified of the error, he sent the following message to his students:

*Potentially bad items on Exam 3...*

Okay. I'm on it... I see that I had keyed the wrong answer for the pregnancy question. I will give everyone a point for that. Someone mentioned two other potentially problematic items that I will have to look at later today and make some decisions about. For now, let me say that the very last item--asking you to identify who showed up during our sexual minority panel--was intended to be a straightforward question, that would be an easy question, to reward those who showed up for that day's class. There was no underlying, unconscious, implicit maliciousness on my part about the item. Please.... Apparently one of the panelists interpreted the item as problematic and I am in discussion with that student to better understand what the problem or concern is. I'll let give you an update later tonight about if I need to accommodate your grades anymore due to problematic items. Stay tuned (and...relax, damn it!) Ha...

37. On March 31, 2020, the Respondent sent the following message to his students:

Dear Sexual Behavior students:

I just reviewed the test items causing concern. Let me start with the more difficult one. I now see--in a huge way--what an insensitive and misguided item the last question was. It just shows you what a socially inept brute I am capable of being. Seriously, to any of the panelists who felt “dissed” by that item, please accept my sincere apology for that blunder. To all students, I'll be giving 2 points to this particular exam. One point for the fraternal twin question, and one point for the last item. I'll add those two points soon. Finally, one student raised the concern about the item asking which country had the most HIV cases. The student said S. Africa should have been an option. Agreed. BUT...you had to choose among the countries provided. So, the U.S. was the correct answer. I do not see a problem with that item. I owe you two points. Stay safe.

*See Announcement March 31, 2020 Re Exam & Apology.*

a. Witness 100 alleged that something similar occurred during the Respondent's 2018 Fall Cross Cultural Psychology class. Specifically, Witness 100 alleged that one panelist identified as nonbinary and there was a bonus question on the exam asking how many men had been on the panel. When the issue was raised, the Respondent allegedly sent an email saying that the question was just for extra credit so no corrections were made.

b. The record demonstrates that Witness 100 was not a student in the Respondent's 2018 Fall Cross Cultural Psychology class. Rather, she was a student in the Respondent's 2018

Spring and 2019 Summer Sexual Behavior courses. Also, the record supports that the LGBTQ+ panels were held during the Sexual Behavior course rather than the Cross Cultural Psychology courses. Lastly, no other students from the 2018 and 2019 Sexual Behavior courses identified this incident as having occurred, and a review of the exams from that semester also do not include such an exam question. Accordingly, there is insufficient evidence to support Witness 100's allegations in this regard.

*Classroom Comments – Sexual Orientation:*

38. In his Sexual Behavior course, the Respondent stated that the way people participated in gay parades did not garner support for gay people. He further stated that the people he had seen in gay parades who were dressed up “like it’s Mardi Gras” and imitated “quasi-sex acts on floats” did not help people like himself (“regular vanilla people”) be respected. He further shared his opinion that the individuals who participated in Pride parades who “act[ed] as though they want[ed] a lot of attention” had histrionic personality disorder tendencies. *See Respondent’s Interview Summary*. (IL #859 (Witness 54) (spring 2020) alleged that the Respondent told the students that “people, who participates in the LGBT parades, have a histrionic personality disorder. Also, [the Respondent] said if a person from the LGBT community displays an eccentric personality, that person should know that he or she would not be accepted.”)

39. In his Sexual Behavior course, the Respondent challenged the theory that the LGBTQ+ community is oppressed. The Respondent shared that as someone who was born in the 1960s, the culture has changed so much in favor of sexual minorities. Although people can still be discriminated against, it’s very rare and it’s nothing compared to what life was like in the 1960s and 1970s based on his personal experience. The Respondent indicated that he may have said that some young gay people exaggerate their victimhood, because they don’t know what life was like previously. In his OIE interview, the Respondent stated that “[a]nyone who is a sexual minority can encounter mistreatment, but nowhere in the world do sexual minorities have it better than in the United States. I do not minimize a specific experience someone shares, but the general assertion that we are oppressed, I do challenge that.” *See Respondent’s Interview Summary*.

40. During his Sexual Behavior course, the Respondent required students to view a video that was less than 10 minutes related to consent for sexual activity (*Consent (2004)*; <https://www.youtube.com/watch?v=5B5NMN7GBA4>). Therein, a male and female are about to engage in sexual activity, begin to discuss a consent form, and each have their lawyers on the side of the bed to negotiate the activities that they both consent to engaging in. *See Respondent’s Interview Summary & Consent (2004) Video*.

41. When talking about sexual assault during his Sexual Behavior course, the Respondent told students that the statistics related to sexual assault experiences on college campuses is skewed because the way the data was collected was skewed and the researchers equated being kissed without consent to rape. The Respondent further told students that the statistic that one in four women experience sexual assault in college is highly inflated. He then referred the students to the Department of Justice statistics, which stated that the statistics are more like 1 in 100 women are raped on campus and 1 in 40 are sexually assaulted. He then asked students, “Can you imagine if one in four female students were sexually assaulted, yet, people kept sending their

daughters to college.” He further asked, “If during an interview for a job they were told that one in four employees were sexually assaulted on the job, would they continue pursuing that job? No.” *See Respondent’s Interview Summary.*

### Classroom Comments - Religion

42. During Respondent’s courses, he presented information related to religion.

43. During the Respondent’s classes, he told students that there is no evidence of a God, all religions are mythologies, believing in religion is a delusion as believing in things for which there is no evidence constitutes a delusion, religion is a cultural delusion, and believing in religion is like believing in a flying elephant. *See Respondent’s Interview Summary.* (See also Interview Statement of Witness 125, who was a student in Respondent’s 2019 Summer Cross Cultural Psychology and alleged that the Respondent was “adamant that all religions are mythology. That would not have been a problem if he posed it as an idea or his opinion, but he presented it as a fact. All religions were included as mythology – Christianity, Judaism, Islam, etc., all were included.”)

a. The Respondent further told students that the difference between religion and mythology is that mythology is just religion that is no longer alive today. *E.g. Respondent’s Statement & Recording – Peru - 6.*

b. For instance, in his 2019 Summer Cross Cultural Psychology course (*see Recording*), the Respondent told students, “we call people’s religion mythology who are no longer alive today so they won’t get upset or insult them. We call people’s mythology religion today if they are still alive. ... Well, one point is there is no difference, all religions are mythologies. But it is insulting. If I tell you right now as I have that those of you who believe in say Christianity, it is a mythology, it is not real - that’s insulting to you. My goal is not to insult you, I am being an educator here. If I were to go down the street and tell people that your religion is mythology, that is insulting.”

44. The Respondent told his students how “for most people who believe in religion, their parents take them to church weekly or monthly, but don’t take them to multiple other types of religions and let them decide. I tell them that would be an example of religious education, but what we call religious education is really indoctrination, taking them to the same church and reading the same book.”

45. In 2012, the Respondent sent the following message to students in his Cross Cultural Psychology course:

Hello, Cross-Cultural students, I am writing to express my views on how some of you have conducted yourself in this university course you are taking with me. It is not uncommon for some-to-many American students, who typically, are first-generation college students, to not fully understand, and maybe not even appreciate the purpose of a university. Some students erroneously believe a university is just an extension of high school, where students are spoon-fed “soft” topics and dilemmas to confront, regurgitate the “right” answers on exams (right answers as deemed by the instructor or a textbook), and then move on to the next course. Not only is this not the purpose of a university (although it may feel like it is in some of your other courses), it clearly is not the purpose of my upper-division course on Cross-Cultural Psychology. The

purpose of a university, and my course in particular, is to struggle intellectually with some of life's most difficult topics that may not have one right answer, and try to come to some conclusion about what may be "the better answer" (It typically is not the case that all views are equally valid; some views are more defensible than others). Another purpose of a university, and my course in particular, is to engage in open discussion in order to critically examine beliefs, behaviors, and customs. Finally, another purpose of a university education is to help students who typically are not accustomed to thinking independently or applying a critical analysis to views or beliefs, to start learning how to do so. We are not in class to learn "facts" and simply regurgitate the facts in a mindless way to items on a test. Critical thinking is a skill that develops over time. Independent thinking does not occur overnight. Critical thinkers are open to having their cherished beliefs challenged, and must learn how to "defend" their views based on evidence or logic, rather than simply "pounding their chest" and merely proclaiming that their views are "valid." One characteristic of the critical, independent thinker is being able to recognize fantasy versus reality; to recognize the difference between personal beliefs which are nothing more than personal beliefs, versus views that are grounded in evidence, or which have no evidence. Last class meeting and for 15 minutes today, we addressed "religious bigotry." Several points are worth contemplating: 1. Religion and culture go "hand in hand." For some cultures, they are so intertwined that it is difficult to know with certainty if a specific belief or custom is "cultural" or "religious" in origin. The student in class tonight who proclaimed that my class was supposed to be about different cultures (and not religion) lacks an understanding about what constitutes "culture." (of course, I think her real agenda was to stop my comments about religion). 2. Students in my class who openly proclaimed that Christianity is the most valid religion, as some of you did last class, portrayed precisely what religious bigotry is. Bigots—racial bigot or religious bigots—never question their prejudices and bigotry. They are convinced their beliefs are correct. For the Christians in my class who argued the validity of Christianity last week, I suppose I should thank you for demonstrating to the rest of the class what religious arrogance and bigotry looks like. It seems to have not even occurred to you (I'm directing this comment to those students who manifested such bigotry), as I tried to point out in class tonight, how such bigotry is perceived and experienced by the Muslims, the Hindus, the Buddhists, the non-believers, and so on, in class, to have to sit and endure the tyranny of the masses (the dominant group, that is, which in this case, are Christians). 3. The male student who stood up in class and directed the rest of the class to "not participate" by not responding to my challenge, represented the worst of education. For starters, the idea that a person student or instructor— would instruct other students on how to behave, is pretty arrogant and grossly disrespects the rights of other students who can and want to think for themselves and decide for themselves whether they want to engage in the exchange of ideas or not. Moreover, this "let's just put our fingers in our ears so we will not hear what we disagree with" is ... appallingly childish and exemplifies "anti-intellectualism." The purpose of a university is to engage in dialogue, debate, and exchange ideas in order to try and come to some meaningful conclusion about an issue at hand. Not to shut ourselves off from ideas we find threatening. Universities, including UCF, have special policies in place to protect our (both professors' and students') freedom to express ourselves. Neither students nor professors have a right to censor speech that makes us uncomfortable. We're adults. We're at a university. There is no topic that is "off-limits" for us to address in class, if even only remotely related to the course topic. I hope you will digest this message, and just as important, will take it to heart as it may apply to you. *See No. Announcement January 2012.*

46. UCF administrators were made aware of the Respondent's 2012 message to students and did not issue any discipline against the Respondent related to this message. *See Complaint History section below.*

a. In fact, according to an *Inside Higher Education* article related to this incident, then-department chair, Witness 152, "said in an e-mail that he supported [the Respondent's] perspective. 'I view [the Respondent's] discussion as protected by the fundamental principles of academic freedom,' he said. 'I am encouraged by the worldwide positive response to his letter, because if critical thinking and debate were not permitted in our public universities, I believe the future of all human rights would be at risk.'"

b. Also, then-Provost, Witness 153, "said in an e-mail that the university encouraged faculty members to have classroom discussions that help students think critically. 'We also hope our students will arrive at their own opinions based on those thought-provoking discussions,' he said."

47. On January 10, 2018, the Respondent sent the following email to his students:

Because my time is limited (there is so much to cover in this course), I must rely occasionally on communications with you via "letters" (or messages). I hope you will read all of this and digest it. Yesterday, I had described for you the culture found within the country of Saudi Arabia. Specifically, I said: women who are accused of sex outside of marriage can be (and are) decapitated, in public. ... And, ... if a daughter or sister is sexually assaulted, OR caught dating a man, OR having pre-marital sex, OR refuses to marry the man her father has ordered her to marry, she may be murdered by her own family (known as "honor killings"). Someone in the class refuted that there are honor killings in Saudi Arabia. ... [Respondent then describes his consultations with four UCF colleagues who are from Saudi Arabia, Bangladesh and Iran, and sets forth that they confirmed that honor killings continue to occur in Saudi Arabia, but they are private rather than public matters.] Honor killings occur in the United States on occasion. ... In Muslim dominant countries, police will rarely, if ever, prosecute anyone for an Honor killing, and people remain silent about them. ... [Respondent asked students to guard "against being defensive about your group."] ... Last, most of you have never lived anywhere else besides the United States. You have no idea what life is like in other countries, especially non-White countries. And for those of you who are immigrants in my class, the odds are you only know your family's country of origin *as a child*. As a child, you led a protected, sheltered life. You were not out doing surveys among people in your country, nor were you out critically examining your community. With all due respect (and I say that sincerely), please do not think you are an authority on your parents' culture just because you lived there as a child. Again, odds are, you've never conducted any real critical analysis of your culture of origin, because...you simply lived there as a child."

*See Announcement - January 10, 2018 Re Honor Killings.*

48. During his August 28, 2018 General Psychology course (*see Recording*), the Respondent discussed the purpose of a university and then said, "You just take me on a merry-go-round of little synonyms. It is not real. Heaven. We have the best astronomers in the world. They have identified stars, planets, galaxies that you have never heard of. They have never said, oh there's a heaven with gold and people dancing. You do not know where it is. You just believe it because



someone tells you it is real. Hell. We have oil companies that dig miles below. They never said that there were people down there and a guy with a tail and horns. No, another childish idea.”

a. Further stated, “To celebrate the life of a man you’ve never met, you’ve never heard from before, by killing a tree and putting it in your house and narcissistically giving gifts to each other. It is called Christmas. If you stop to think about it, it is pretty bizarre.”

b. Later in the lecture, the Respondent referenced freedom of speech and a student referenced limitations on speech in countries like North Korea and Saudi Arabia. The Respondent replied, “I may say something that will offend you. I do not enjoy offending you, I just have some opinions on things. I have a bachelor’s, master’s, PhD. I have opinions. It does not mean I am right. You mentioned Saudi Arabia. Most Muslim countries are not bastions for free speech. The crackpots who run the cult called Islam will kill you. So that is where they have the least amount of free speech.”

49. During the 2019 Summer Cross Cultural course (*see Recordings*):

a. The Respondent indicated that he personally changed in terms of his beliefs when he “encountered someone who changed my way of thinking”. He identified this person as Muhammad.<sup>12</sup> He then said that when he learned about Muhammad, he concluded that religion was “all make believe.”

b. The Respondent stated that there was a trend during the last ten years where people are leaving the Catholic church and joining some type of evangelical religion. He referenced the priest sexual abuse scandals as a reason and then said that it also was happening “because evangelical religions are more exciting and energetic, and they have music and they sometimes have dance and stuff. Where the Catholic church, have you ever been to a Catholic sermon? It’s like taking two tranquilizers and being given a cup of vodka. All it does is put you to sleep, it is boring.” Later in the discussion, a student stated that a lot of people in Peru had said that they were not religious and were trying to figure it out. The Respondent stated, “A lot of people are Catholic in name only. ... It’s just when they are confronted with death is when they are in church.”

c. Respondent had a discussion with the students about religion and said that “religion has never solved a single social problem”. When a student began to react to this statement, he said, “I am talking about believing in an imaginary God and you are talking about social aspects”. He then said, “Let me go on please, let me go on. I know we are not going to agree on this”. As his lecture progressed, he stated that “people who believe in religion tend to be irrational.” The Respondent then explained how religion serves to provide humans with hope during a time of crisis.

d. Respondent told students that when he had told other classes that “all religions are mythologies”, students “respond saying, like hell, my God is real.” Respondent then said, “No, he is a figment of your imagination.”

e. Respondent shared a passage about the Muslim equivalent to tithing, and stated, “I’m sorry, but Allah does not exist. There’s nobody giving anything to Allah. There’s no one

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<sup>12</sup> Muhammad is believed to be the seal of the Messengers and Prophets of God in all the main branches of Islam. Muslims believe that the Quran, the central religious text of Islam, was revealed to Muhammad by God, and that Muhammad was sent to restore Islam, (which they believe did not originate with Muhammad but is the true unaltered original monotheistic faith of Adam, Abraham, Moses, Jesus, and other prophets). The religious, social, and political tenets that Muhammad established with the Quran became the foundation of Islam and the Muslim world.

passing money up in the sky to Allah. It's like Christian churches who tell you to tithe your money to God. No, it's going into the preacher's pockets."

f. Also, Respondent referenced religion being a mythology and stated that being raised in a religious upbringing "is a form a child abuse." He also stated, "Teaching children to believe that there is someone watching them all the time, I would say that is child abuse. ... You are telling your kid that someone is watching you all the time and if you do not behave well, they are going to punish you and, in fact, even if you are behaving well outwardly, that person knows what you are thinking and feeling and if you have bad thoughts or bad feelings you are going to be punished. And, if you are really bad in life, which really translates into not conforming to parental or social expectations, you are going to end up in a place where you are going to burn forever. It does not occur to Christians and Muslims how bizarre and abusive that is to tell children that when they are growing up. People just think that is normal and you do not understand how pathological that is. You don't believe or understand how pathological that is. Talk about creating neurotic people, people who suffer from anxiety, chronic anxiety, it's incredible."

g. Respondent referenced *The Myth of Mental Illness* by Thomas Szasz, and said that therapy is like missionary work, and "therapists are servants of mainstream society and trying to get everyone to conform to mainstream society's values."<sup>13</sup> He asked the class if they knew what missionaries are. He then stated that he wanted to point out that "missionaries, rarely, if ever, go to upper class neighborhoods because the people in those neighborhoods are more educated and would tell them to leave us alone". Rather, the missionaries go to "countries and communities where there are poor and uneducated and undereducated people". After referencing a group of missionaries in Peru, the Respondent stated that the poor people already have their own religious beliefs, but the missionary's goal is to get them to adopt or modify their own views to views that align with the views of the missionary. He then told the students that the missionaries will "wave a drumstick" in front of the poor person, and when the poor person tries to reach out for it, the missionary pulls it back. The missionary then tells the poor person that he wants them to understand that "my God is the real God". The Respondent then said that the poor person does not want to "let go of their own religious beliefs, but that they are hungry and want the chicken" so they reluctantly agree to "your God is the correct God". The missionary "holds out the drumstick but again pulls it back when the poor person reaches for it", and "tells them to say it one more time before finally giving them the drumstick". The Respondent then stated that the missionary "has the audacity of patting himself or herself on the back thinking they are helping them and that they are such a good person", and then equated this to a therapist exploiting vulnerable people as "missionaries exploit poor people". In a separate lecture about this topic, the Respondent said that missionary work was "pretty unethical". He then stated that everyone has their own religion, yet "missionaries do like therapists and take advantage of vulnerable people". Therapists impose their ideologies on clients and missionaries impose their religion on poor people.

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<sup>13</sup> A missionary is a member of a religious group sent into an area to promote their faith or perform ministries of service, such as education, literacy, social justice, health care, and economic development. The word was used in light of its biblical usage; in the Latin translation of the Bible, Christ uses the word when sending the disciples to preach the gospel in his name. The term is most commonly used for Christian missions, but can be used for any creed or ideology.

50. On September 12, 2019, the Respondent sent a message to his Cross Cultural Psychology students wherein he discussed the need for students to engage in critical thinking and stated, “let me say something quickly about religion (mythology). I’m a simple man. Let’s just take one fundamental tenant of Christianity and Islam: Heaven. For those of you who believe, please tell me precisely where is heaven? Some of you think you’re going there after you die, yet I bet you can’t tell me where it is. Isn’t that...shocking? to believe you’re going somewhere so important, yet you are unable to tell me where it is? Do you recognize the absurdity of that?” See *Announcement, September 12, 2019 Re Religion*.

51. On April 8, 2020, the Respondent sent the following message to his Cross Cultural Psychology students regarding *By the Numbers – The Untold Story of Muslim Opinion & Demographics* video: Please be sure to view this short youtube segment in preparation for your upcoming final exam (on Thursday, April 23rd at 4:30 p.m.).

<https://www.youtube.com/watch?v=pSPvnFDDQHk>

a. When attempting to access this video on YouTube, YouTube first sends a message stating, “This video may be inappropriate for some users.”

b. To continue, a user must click on a button that states, “I understand and wish to proceed.” YouTube sends a second message stating “The following content has been identified by the YouTube community as inappropriate or offensive to some audiences.” To access the video, a user must again click on a button that states, “I understand and wish to proceed.”

c. The video, which is less than 30 minutes, is narrated by Raheel Raza and states, “Every day we’re are told that Islamic terrorism has nothing to do with Islam.” It then shows clips of statements made by Hillary Clinton (“Muslims are peaceful and tolerant people and have nothing whatsoever to do with terrorism.”) and Barack Obama (“Al-Qaeda’s cause is not Islam.”). Ms. Raza continues, “And we are told that Muslims reject the extremists. ... What would you say if scientific polls by major research organizations have repeatedly shown a very different picture?”

d. The remainder of the video is Ms. Raza’s presentation of the viewpoint that “most of the terrorism in the world today involves Muslims in one way or another, and because it directly affects our lives and security,” she believes that “we need to be able to have an open, honest and fact-based conversation about [the growing threat of radical Islam].” See also *Summary of Video By the Numbers – The Untold Story – Muslims*.

e. The Respondent summarized this video as being “about a Muslim lady in particular that wants reformation of Islam. She lays it out very clearly, all the aspects of Islam that need to be reformed.”

f. The Respondent indicated that he has assigned viewing of this video for approximately the last two years. During his OIE interview, the Respondent stated, “One among many pedagogical goals of the Cross Cultural Psychology course is to expose people to voices that are silenced within the U.S. within each group, including perspectives that tend to be dismissed in the U.S. ‘By the Numbers,’ that is an incredible point of view shared by many Muslims but are dismissed by those that want to coddle or protect them.”

52. During his 2019 Summer Cross Cultural course, the Respondent told students the following:

a. “Islam is [the] fastest growing religion in the world, which just baffles me why anyone would want to be a slave to such toxic mythology.” Later in the lecture, the Respondent

discussed data related to the percentage of Muslims who support Sharia law, which meant support for public lashings, cutting off hands for theft, public execution and murder if one leaves the religion. He then said, “This is so, so, so shocking and toxic and pathological that I can’t believe all the people in the United States who don’t want to address this and want to defend Islam and [are] quick to call someone like me an Islamophobe just for pointing this out. ... What a toxic cult, what a toxic cult.” *See Recordings – 2019 Summer – 13 & Power Points for Arabs and Muslims Lectures.*

b. “There is nowhere in the Muslim world where marital rape is illegal. Men have full rights over their women’s bodies. They can have sex whenever they want to. I pulled that for you, it’s in the Quran.” He then showed Power Point slides with versus from the Quran, and stated, “This is Sharia law as well. ... So, I have given you about five verses in the Quran which I think makes it pretty clear the idea that, in Islam, when they say that in the Quran that women are supposed to be treated equally, that is just total nonsense. Total nonsense from the defensive Muslims.” *See Recordings – 2019 Summer – 13 & Power Points for Arabs and Muslims Lectures.*

53. The Respondent issued an exam question to students in the Cross-Cultural Psychology course that asked the following question: According to any *reasonable* and *rational* person, telling children that someone is watching them 24/7 and knows every “move they make” and every thought they have, represents essentially: A. a good moral upbringing, B. child abuse, C. parental love, or D. parental protection. Students needed to select option “B. child abuse” to receive credit for answering this question correctly. *See Respondent’s August 14, 2020 Email to OIE.*

54. During his Cross Cultural Psychology course, the Respondent issued an exam question asking: Only one of the following statements is a fact. Which one? (a) “Souls” (or “spirits”) are real. (b) “Souls” (or “spirits”) are not real. (c) There is no credible evidence that “souls” (or “spirits”) are real. To receive credit, students needed to select option (c). *See Respondent’s August 14, 2020 Email to OIE.*

55. During his Cross Cultural Psychology course, the Respondent issued an exam question asking students what Muhammad and Jesus had in common. To get credit for a correct answer, the students needed to select the option that stated there was no evidence of them being who they claimed to be. *See Respondent’s Interview Summary.*

56. During the Respondent’s General Psychology and Cross-Cultural Psychology courses, the Respondent told students that Muhammad was a con artist/con man, as well as a sociopath and/or psychopath. During his 2019 Summer Cross Cultural Psychology course (*see Recording – 13*), the Respondent referred to Muhammad as a “scam artist”. *See also Review of Arab and Muslim Americans Lecture 1.* During the *Arabid Diaspora* recording, the Respondent can be heard stating that “Muhammad’s a sociopath ...he’s playing people... if you’re a reasonable person, this guy was a sociopath, ... a crackpot, a liar.”

57. During his General Psychology and Cross Cultural Psychology courses, the Respondent told students that Jesus was a schizophrenic. *See Recordings, including 8/21/18 Gen Psych and Arab and Muslim Americans Lecture 1.* During his OIE interview, the Respondent stated that “at

the end of my course, I cover Arabs and Muslims. I do a comparison and contrast between Muhammad and Jesus. I do say that in all likelihood - and if he existed because we don't know much about him aside from the four books in the Bible - in all likelihood he was a schizophrenic. *The Dogma of Christ* by Eric Fromm, which is on the library shelves at UCF, says something similar." The Respondent's lecture in this regard further told students that "Jesus believed that he was sent to this earth to save the whole world. When they came to take him, he said, 'Take me, that's part of the whole plan.' Jesus ran around the desert thinking he was talking to a God but, in reality, he was just talking to himself. ... That was a common delusion that schizophrenics in mental hospitals have, that they are a son of God and here to save the world." See *Respondent's Interview Summary*. The Respondent also told students that Jesus did not have a "virgin birth", was a prophet, and did not come into the world to die for everyone. See *Recording – Peru – Summer 2019 – 13 and Arabid Diaspora Recording*.

58. During his Cross Cultural Psychology course, after sharing versus from the Quran, the Respondent told students that it would be hard to convince him that Islam is a religion of peace. See *Respondent's Interview Summary*.

59. On November 15, 2018, the Respondent sent a letter to students in response to a discussion pertaining to PEW data and oppression of Muslim women. Therein, the Respondent stated, "Let me translate: Muslim women are just as 'guilty' of creating oppressive Muslim societies as are men. YES. YES. One can speculate that the women are just doing what they must do in response to men's authority. True. But we might also speculate that many Muslim women adhere to Sharia values on their own (give Muslim women some credit for being able to think for themselves please). ... Again, Muslim women often are complicit in maintaining and enforcing oppressive beliefs and behaviors among those around them." See *Announcements Nov. 15, 2018 Re PEW data & Muslim Women*.

60. During his Cross Cultural Psychology course, the Respondent told students to take the "[Respondent's] Challenge" wherein he challenged students to go 24 hours without believing in their God or religion. It was a rhetorical challenge as there was no follow up by the Respondent with students about whether they had performed the challenge. See *Respondent's Interview Summary & Recordings*. During his OIE interview, the Respondent stated, "I told my students - and none of my students think this is anything but rhetorical -to just be a human for 24 hours, stop being White or Black, man or woman, and see how it feels, and they might find it quite liberating. I told them if they went for 24 hours without believing in God, then they can go back to being a believer. It's not a serious challenge." The recordings of his lecture during the 2019 Summer Cross Cultural Psychology course (#5 & #8) are consistent with the Respondent's description of this challenge.

#### *Classroom Comments – Race/Ethnicity*

61. On October 21, 2016, the Respondent sent the following message to students in his Cross Cultural Psychology course:

Good morning, Cross-Cultural Psychology students, Yesterday (10-20-16), we had a small "melt-down" in my Cross Cultural class. Such days seem to occur about once every 3 or 4 years. The last one that occurred was about 4 years ago when a small number of "Christian warriors"

refused to hear anything negatively about their mythology and thought they could band together and silence speech that was inconvenient for them to hear—speech containing information they were unable to refute. Yesterday, it was déjà vu for me. As you were told on the first day of class, my course is not a “self-esteem boosting” course, whereby you get to hear how glorious your ethnic group is and blame any problems afflicting your group on other people. You can find those types of courses in other departments. My course is about applying a critical analysis to distinct groups, particularly one’s own group. Being able to examine—in a critical way—the good, the bad, and the ugly about cultural groups (including one’s own) is how we learn about ourselves, improve ourselves, and understand how we contribute to the quality of the social interactions we have with dissimilar others. A small number of you expressed disapproval for my coverage of some specific challenges that afflict a sub-group of African Americans in the U.S. Assuming all that I expressed was factually accurate (and you let me know if I ever say anything that is factually inaccurate), we must be willing to confront unpleasant realities that ail some segments of our communities if we are ever going to improve the quality of life for those who reside in those communities. The level of defensiveness manifested by a small number of you was stunning. I’m reminded of that famous line from some movie, “You can’t handle the truth.” One student said he was offended by seeing the short YouTube by Frederick Wilson—an African American man whose message to African Americans was to recognize that in 2014, if their lives were “messed up,” it’s because they have messed it up, and that African Americans must accept responsibility for their lives and become educated in order to improve themselves. My goodness, what on earth was “offensive” about that message? That’s a message that all people need to hear and accept. A small number of you are stuck in the past, claiming that Jim Crow laws (that happened in the first part of the last century) and slavery (which ended in the middle of two centuries ago) explain why a minority of African Americans struggle with poverty. You cannot prove that. That is a belief that some of you hold onto for your own reasons. We in psychology cannot even prove—as some “Freudians” assert—that what happened to us in childhood explains how we are as adults. That’s just a theory. So, imagine how untenable it is to try and explain individuals’ behaviors today based on events that happened to people that they never knew from other centuries. A pretty absurd idea, despite how popular that idea is in contemporary United States. There are more proximal causes for the poverty experienced by African Americans—causes that equally explain poverty among Whites, Hispanics, and Asians. Those who are poor (if they are born in the U.S. and are 60 years of age or younger) make bad decisions in life, starting with their conscious decision to quit school. That is a decision they made. No one made them quit school. For the majority of people from poor backgrounds (irrespective of ethnicity), that is the beginning of the end in terms of achieving upward social mobility. Now, add to that bad decision (quitting school) having unprotected sex that can lead to teen pregnancy (and sometimes HIV). Or getting involved in crime. Or using or selling drugs. Those behaviors are behaviors individuals choose to do and the only solution to those problems is to encourage people to: (a) accept responsibility for their lives and (b) make wise decisions. As I said in class, when you misidentify the causes of problems (as religion has done for 1000s of years), you can never solve any problem. As long as people in the U.S. want to explain poor people’s problems based on nebulous notions such as “White privilege” and “racism,” the problems that afflict such individuals will never be solved. And by the way, for those of you who are “believers” in systematic racism and White privilege, you must explain why the majority of African Americans and Hispanics are doing well in society. How did they achieve relative success in the U.S. while a subgroup of African Americans (and Hispanics, Whites, and Asians) cannot? You must explain

how systematic racism causes a minority of African Americans to be poor yet does not stop the majority of African Americans from attaining a middle and upper class life style. No logic can explain such a selective wrath of systematic racism. You must explain why Asian Americans, as a group (that is, on average), are more educated, earn more money, and are less involved in the criminal justice system than the other major ethnic groups if there is rampant systematic racism and White privilege. How did they do it? Millions of people from around the world continue coming to the U.S. legally and illegally. In 2014, 1.3 million came to live in the U.S. legally, and Department of Homeland Security estimates that 1.2 million came to live here illegally. Every year, people worldwide want to live in the U.S. and the vast majority of them are “people of color.” Those of you who are believers in systematic racism and White privilege—why do so many people of color from around the world want to live here? Wouldn’t word have gotten out and reached their native lands that the U.S. is a horrible place to live due to racial oppression? But they keep on coming, many of them, desperately. What is it that you know about the U.S. that millions of immigrants do not understand? I hope you will give serious consideration to the ideas I’ve conveyed in this message. For me, a truly educated person is one who can distinguish reality from beliefs—particularly beliefs that are held on to solely because they make you feel good. It’s a lifelong process to develop that ability and being in college is just the starting point. *See Announcement October 21, 2016 Re Lack of Systemic Racism.*

62. The following major points of the Respondent’s October 21, 2016 message set forth above were consistently taught by the Respondent during his Cross Cultural Psychology course:

- Respondent’s course was not a “self-esteem boosting” course for students.
- Black people who are struggling to succeed in the U.S. must accept responsibility for their lives and become educated in order to improve their lives rather than blaming their struggles or challenges entirely on systemic racism. During this discussion, the Respondent told students that there are likely multiple factors that contribute to the problems and struggles that Black individuals experience and although racism is “certainly in the picture”, it is not the sole or primary reason. *See Indentured Slaves Recording.*
- The U.S.’ history related to Jim Crow laws and slavery do not explain why a minority of Black people struggle with poverty. Their poverty is not the result of systemic racism. Rather, their poverty is caused by their own bad decisions, such as quitting school, having unprotected sex that leads to teenage pregnancy and/or contracting HIV, using or selling drugs, or getting involved in crime. This causation also applies to White, Hispanic and Asian people that experience poverty.
- The only solution to this poverty problem is to encourage people to accept responsibility for their lives and make wise decisions.
- The concepts of systemic racism and White privilege do not explain why Black people experience poverty and reliance on these concepts as being the cause of the poverty prevents the U.S. from solving this issue.
- The concept of systemic racism is inconsistent with Black individuals attaining middle-class and upper-class lifestyles in the U.S.
- The concept of systemic racism is inconsistent with people from around the world coming to live in the U.S. (legally or illegally).

- The concept of systemic racism is inconsistent with data showing that Asian Americans, on average, are more educated, earn more money, and are less involved in the criminal justice system than the other major ethnic groups.

63. During his General Psychology course, the Respondent taught students about stereotypes, including that not all stereotypes are negative. The Respondent taught students that some stereotypes are positive and some are neutral.

a. During his 2018 Fall General Psychology course, the Respondent stated that some stereotypes, such as Black people liking watermelon and being good at basketball and Italians liking spaghetti, are not harmful. (When asked to respond to allegations that during his 2017 Fall Sexual Behavior course, he asked the students to raise their hand if they played basketball (which resulted in all Black men but one raising their hand) and then asked the students to raise their hand if they were majoring in a STEM field (which resulted in all the Asian students raising their hands), the Respondent told OIE, “Zero - I have no exercises like this in my courses.”)

b. The Respondent further stated that there is nothing wrong with people liking certain foods, but Americans have been taught that if someone says something about the foods Hispanics or Blacks like, then this is wrong. The Respondent explained that this discussion had taken place when he discussed the social psychology portion of the course. *Also see 2019 Recording #5 Review* corroborating this discussion.

64. During the Respondent’s classes, the Respondent told students that Black people started the slave trade, the slave trade existed for thousands of years before European contact and Black people advocated for slavery with Europeans. Respondent also said that people who complain about Whites for the slave trade curiously get a pass for Black Africans who were equal partners in the slave trade. The Respondent further taught students that the slave trade was initiated based on business reasons (need for physical labor) rather than based on racism, and that approximately 100 years after slaves started coming to what was to become the U.S., pathological racism (which he described as hate for an entire group of people) emerged. *See Respondent’s OIE Interview Statement & Indentured Slaves Recording.*

65. During the Respondent’s Cross Cultural Psychology courses, he taught students about various paradoxes related to Whites. For instance, during his 2019 Summer Cross Cultural Psychology course:

a. The Respondent referenced Whites in the U.S. not knowing the identity of the Prime Minister of England and that there was a White paradox. He then stated that from this group of people (Whites), “the world encountered the most creative and cutting-edge inventions – far more than any other group on the planet.” He then stated that people in the U.S. actively try to suppress this information and, apparently in response to reactions students are having, said, “just relax, just relax, this is a university and you can talk about anything”. He then discussed the progress humans had made over the last two hundred years with regard to the ability to travel. He then referred to the refrigerator and how prior to this invention, humans had to go out and find fresh meat every day. He then told the class that he suspected that some students in the class believed that an African American invented the refrigerator – specifically, Frederick Jones. The Respondent then said, “First off, he’s not that Black, he’s more White than Black.”

b. The Respondent then explained that Mr. Jones did not invent the refrigerator, but instead made the refrigerator (which had already been invented by a White person) portable and



“kudos to him” because people previously could not transport food from one place to another, but he shouldn’t get credit for inventing the refrigerator. He then walked through the items listed on a Power Point slide as having been invented by White people (camera, telephone, cellphone, and automobile) and said that these were “incredible inventions that changed our life the way we know it”. He then discussed the inventions of planes, the television, satellites and the internet. He stated that these inventions were found in other countries, and that “White culture brought all of this to the rest of the world”. He then said to the students, “I told you this is suppressed.” Later in the lecture, the Respondent stated, “We don’t have a White month heritage”, but we do have months to celebrate the contributions of Blacks, Hispanics and Asians. He then said, “And it’s because if you compare what Whites have contributed to the world compared to all the non-Whites, it’s embarrassing, it’s embarrassing the discrepancy”. *See Recordings – 2019 Summer – 15.*

c. In another lecture during the 2019 Summer course, the Respondent told students that they will find almost all of the literature on racism to be about White racism, which has created the image that only Whites are prejudiced. A student asked whether the focus was on White racism because people in power, like Congress, were “mainly White.” The Respondent replied, “No, there are people in the U.S. who that fall under different categories, liberal, progressive, left people, Democrats, who feel guilty over European conquest and the fact that the whole modern world has been created by Whites.” *See Recordings – 2019 – 9.*

66. During the Respondent’s Cross Cultural Psychology course, the Respondent told students that the fact that we don’t have a White History Month is because it makes people feel bad, and that if every other group can have an ethnic student organization that exists to celebrate their culture and race, Whites ought to have that same right as well. *See Respondent’s Interview Summary.*

67. During the Respondent’s classes, the Respondent told students that he had an opinion regarding systemic racism and affirmative action that he would share and the students did not have to agree with his opinion. During this discussion, the Respondent shared that prior to the Civil Rights Act of 1964, there was race-based discrimination in the U.S. and then even when we had the Civil Rights Act of 1964 which legally prohibited discrimination, there were still people who did not hire Blacks, which was why he was supportive of affirmative action in the 1970s. However, now today, he does not think there is systemic racism in the U.S. and, thus, there is no need for affirmative action.

68. During his classes, the Respondent showed students a YouTube video of Frederick Wilson, who is a Black male (<https://www.youtube.com/watch?v=O2H3MW4G9GM>). Therein, Mr. Wilson directed the video to “my Black people” and stated the following:

a. “Yes, slavery was one of the most horrific things to ever happen in human history. Yes, racism still exists, probably is always gonna exist, just get over that. And yes, there are law enforcement officers out there that take things too far, abuse their power. They’re humans, we’re a flawed species.”

b. “With that being said, today we’re gonna be talking about personal responsibility. Black people, it is 2014, hate to break this to you, if your life is messed up, it ain’t cause of slavery. Your ass was never a slave, you probably ain’t know anybody that was a slave.

You probably don't know nobody that knew nobody that was a slave. Slavery ended a long time ago. Yes, it put us in a big hole in this country, but guess what, dig your way out of it."

c. For the remainder of the video, Mr. Wilson referenced winning the Civil Rights movement, individuals needing to look in the mirror if their life is "messed up" to figure out what they're doing or not doing, and to take responsibility for themselves and their community ("clean your neighborhood up and start keeping it clean"). Mr. Wilson referenced crime, the justice system, police shooting incidents, and misperceptions about Black people.

69. On March 18, 2018, the Respondent sent the following announcement to his Cross Cultural Psychology students:

I endeavored to offer an--as objective portrayal as possible--of the broad group called "Whites." I was covering some "paradoxes" about Whites and when I started discussing the "intellectual paradox" of Whites, I informed you that, on one hand, the majority of Whites are rather unsophisticated intellectually speaking (the vast majority have not graduated from a university, believe in "Satan," blah, blah, blah). And, on the other hand, I told you that despite that most Whites are quite mundane intellectually, from that group the world's brightest and most creative inventors have emerged to date. As I told you, every single modern invention that changed life as we know it has been invented by a White person. The train, automobile, using electricity for appliances, the light bulb, refrigerator, radio, television, telephone, computer, satellite, internet, rockets, and actually, many more things (microscope, telescope, camera, etc.) I just described your entire modern life, didn't I? THAT SAID, apparently, some of you heard, "Non-Whites never contributed anything to humanity..." I did not say that. I said, every modern invention that changed life as we know it has been invented by a white person (as of today).

Many non-Whites have invented many things. Many non-Whites improved upon things that were already invented. The light bulb (something most of you would agree changed life in a huge way) was invented by Thomas Edison (a white man). However, one of his African American assistants (Lewis Latimer) invented a filament for a light bulb that made the light bulb brighter and last longer than the one Edison had created. Kudos to Latimer. Refrigerators were first invented by a white European in Scotland (William Cullen), but it was not terribly useful. A white American (Oliver Evans) made the first useful (functioning) refrigerator in 1805.

However, an African American (Fred Jones) improved the refrigerator by making it portable (about 140 years after the refrigerator had been invented and in use). Kudos to Jones. Again, non-Whites have invented lots of things, on a smaller scale, that have improved our lives. The traffic light had been invented by the British (for trains) and had been improved in various ways by other (American) whites, such as William Potts, who in 1920 added the yellow light to serve as a "warning." Yet, the traffic light was improved by an African American (Garrett Morgan). Morgan patented the first automatic electric traffic light that caused cars in both directions to stop for a couple of seconds to reduce accidents at intersections. By the way, Morgan sold the rights to his electric traffic light in 1923 to General Electric for \$40,000. That's \$591,000 in today's money! Dinesh D'Souza--an immigrant from India--in his book "The End of Racism," argued that the reason the United States does not permit Whites to celebrate their culture (either in the form of ethnic student organizations, or with a "White History Month") is because the differential racial achievements would be glaring and embarrassing. As painful as it is to consider his opinion, his view is...true, I think. Last, all of us--no matter what our ethnic group is--should not rely on others' achievements to make ourselves feel good about ourselves. That is

called “reflected glory” (or “basking in the glory of others”) in social psychology and, essentially, when we do that, we’re trying to use others’ successes to enhance our own self-esteem. It doesn’t work that way. Real self-esteem comes from one’s own accomplishments and achievements (and character), not those from others. We can discuss this more in class if there is a need to discuss it more.

*See Announcement, March 18, 2018 Re White Accomplishments.*

70. On April 4, 2018, the Respondent sent the following announcement to students in his 2018 Spring General Psychology course:

Hello, Gen. psychology students, As it is often the case, I’m a bit fatigued by the time I get to your Tuesday evening class and I may not have expressed myself well when I was discussing the perils of “political correctness.” I will elaborate a bit on this here, if I may, just to make sure you get my point. I’ve already explained to you how “PC” came in to existence in the mid-1980s. So, won’t repeat that. I want you to understand the situation we are in today thanks to “PC.” As I also said last night – but did not elaborate on – it’s all around you. You guys have grown up with it so you don’t even notice it. You know, for example, on college campuses, every single racial group *except Whites* are permitted and encouraged to have their own student organization specifically for the purpose of celebrating their ethnic/racial heritage. If Whites were to dare ask to do the same thing, people would pounce upon them for being “racist.” How dare those Whites embrace and cherish their ethnic heritage, all the while we minorities have that freedom to openly cherish and embrace our ethnic identities. On every t.v. commercial, if there is a Black and a White person in the commercial, the White person is the “butt of the joke.” The “dufus.” The one who is portrayed to be dumb, while the Black person is portrayed as the “sane” one. Every single commercial. No exception. If there are a man and a woman, the woman is the “normal” one; the man is the butt of the joke. The dumb one. We offer (in this society) scholarships specifically for specific minority groups. I donate money every now and then to the Hispanic Scholarship Fund for this purpose. We cannot have a “White Scholarship Fund.” How “racist” that would be. Entertainers on t.v. (comedians, like Bill Maher) have called President Trump an “orange orangutan.” Audiences laugh. If he or others would have referred to, in a joke, President Obama as the “black chimpanzee,” he (or they) would be fired. Career over. We have a very small number of White individuals who hate others, called “White Nationalists.” (or “Nazis”). We are obsessed with worrying about them. Yet we have other “hate groups” that are not White, such as the Nation of Islam, or the New Black Panthers. There’s an estimated 20,000 to 50,000 members of the Nation of Islam. These are Muslim African Americans who openly hate Whites, Jews, and gay people. The New Black Panthers openly hate Whites. But CNN and other news outlets, as well as Sociologists who study “hate groups” rarely if ever want to talk about non-White racists. We are, again, focused only on White racists. Today, we cannot have a discussion over whether or not illegal immigration is fair to legal immigrants who have asked for permission to come into our country and play by the rules. People will accuse of us being “xenophobes” or “racists.” We cannot debate why we continue lowering standards at competitive universities for only two ethnic groups (Blacks and Hispanics) and not for the other two ethnic groups (Whites and Asians) without people calling us “racist.” I mentioned last night, that if anyone, such as myself, point out with facts (I can walk you through the Quran) that Islam is not a religion of “peace.” Islam is very misogynistic, and very racist against Jews and Christians, and even advocates killing non-believers (of Islam) – it’s all in the Quran – without

having someone try and silence us with the new buzzword “Islamophobe.” We must embrace “diversity” because it is our strength. Yet when I ask my classes why don’t we demand “diversity” in the NBA or the NFL (the NBA is 85% Black. If you look at starting players, it jumps up to around 90% Black), no one wants to address that. Why does that profession get to select employees who are only the best.? NO consideration is given to “diversity” on the court or on the field. And finally, professors think twice (and actually, more than twice) before they say anything critical about ethnic groups. Rare is the professor (or anyone on the news) who wants to address the disproportionate murder rates among specific ethnic groups. The number one cause of death among adolescent and young adult African American males in the U.S. is being murdered by another African American (it’s the number 2 cause of death for African American females in the same age group). No other ethnic group has that distinction (the number one cause of death for all of other ethnic groups in that age range is a car accident. The number two cause of death is suicide. NOT being murdered by your fellow-ethnic member. But, few people want to talk about that because they’ll be accused of simply being a “racist,” despite typically wanting to try and do something to stop the high rates of murders in low-income African American communities. So, I’ve written you a lot here. Do you get my point? This is all the longterm effects of political correctness that started in the 1980 (with a good goal), but very bad ramifications in the manner they achieved their goals. *See Announcement April 4, 2018 Re Political Correctness.*

71. On October 26, 2019, the Respondent sent the following announcement to students in his 2019 Fall Personality Theory and Research, Cross Cultural Psychology, and Sexual Behavior courses:

Just expressing an opinion here, which I am entitled to do once in a while... Finally—Perhaps my beloved Latinos will grow a pair and push back on the “hipper-than-thou-because-we-so-woke” Hispanic a—holes who think they can decide for 500+ million people how they ought to be called. <https://www.usatoday.com/story/opinion/2019/10/25/latinx-race-progressives-hispanic-latinos-column/4082760002/?fbclid=IwAR0t5CpqVUx0XkB5m05biNIU1cto8b7aZv9fR9u1ozA9s3CG0b1HfwvdNQ> (Links to an external site) If you want to be called “Latinx”, great. Just don’t impose your idiocy on the rest of us(!). Have a blessed day (lol...). *See Announcements Oct. 26, 2016 Re Latinx.* This link connected students to an article titled “Progressives, Hispanics are not ‘Latinx.’ Stop trying to Anglicize our Spanish language” and stated that “Hispanic Americans face plenty of challenges as it is. The last thing we need are English-speaking progressives ‘wokesplaining’ how to speak Spanish.”

72. On July 15, 2019, the Respondent sent the following announcement to students in his 2019 Summer Cross Cultural Psychology course:

Hello, Cross-Cultural Psychology students: Today, I pointed out to you that judging the behavior of people from other epochs according to *contemporary* ethics is a questionable practice. And, as I’m accustomed to, when I mention “abortion,” I tap into people’s emotionally-laden beliefs about “abortion” (on both sides of the issue). Before I say the following, let me state that we (you and me) will not agree on everything. That’s fine. We’re not getting married (I’m already married...). So, if we don’t agree on things, that’s not a problem unless the data on some topic is

pretty clear in favor of a particular position on some topic. Let me ramble: Humans who engage in questionable behaviors are renown for “**rationalizing**” (**justifying**) why their attitudes are good or acceptable. AND...they often use euphemisms to “soften” their questionable behaviors: People who kill innocent animals for fun like to call it “hunting,” and a “sport.” (sounds so benign...). People who abandon their aging parents in institutions where they will be neglected and sometimes abused like to call it “placing them in a nursing home.” (as if they will be “nursed” there, sucking on a breast 24/7...). And, people who don’t want their zygote/fetus/baby and want to kill it will call it “an abortion.” And to top it off, “abortion” has strategically been framed as a “woman’s issue” as a means to shield the practice from scrutiny and criticism. **My point** was...it’s easy to be judgmental about people from the past but we (many people; not me) don’t realize there’s a chance in the future people will look back on OUR civilization and characterize us quite pejoratively all because of practices we support and engage in today. If you don’t like the abortion example, I’ll try another: perhaps when the earth is on the brink of destruction environmentally in 100 or 200 years, those still alive may look back at us and declare us to have been the most selfish, greedy, and materialistic people the world has ever known—causing THEIR demise(!) Why might they denigrate us and claim we were “evil?” Hmm...let me count the ways: Most of us refuse to take a bus. We want our own car. Not just one car. Each family strives for multiple cars. We’re not happy with one television set. We want a t.v. in every room. We’re not happy with the phone we have. We salivate over the arrival of the latest I-phone. We’re not happy having one bathroom (how inconvenient...). No, we want, 2, 3 or more bathrooms. Single-car garage? Not enough. Double-car garage at 2 the bare minimum. A/C, heat, access to hot water 24/7...all that consumes energy and pollutes. **BUT...WE DON’T CARE.** I promise you: If you lived in 1600 and were wealthy, no matter what your race or country was, you probably would have been just fine owning slaves. You would have been just fine allowing “children” to work in fields and in factories. Bottom line: Throwing great, visionary leaders like George Washington and Thomas Jefferson under the bus because they owned slaves....is misguided. I promise you (although I can’t prove this): If MLK, Jr., were not black, the social justice warriors who are influenced by the “me-too” movement would be throwing him under the bus. But...black privilege protects him. **Political correctness at its best.** If you don’t agree, no problem. It won’t be the first time or the last time we disagree. *See Announcement, July 15, 2019 Re Judging Past with Contemporary Standards & Black Privilege Reference.*

73. During a 2019 Fall Cross Cultural Psychology course, the class discussed financing for college. A student made a statement related to African Americans being disadvantaged and oppressed, and the Respondent replied, “You know me, I don’t have tolerance for silliness, show me an African American student with a 3.8 GPA and I’ll show you an African American who is dedicated to their studies and will go to college.”

74. During a 2019 Summer Cross Cultural psychology course (*see Recording – 7*), when discussing data related to different racial groups’ earnings, the Respondent stated, “Right now we are talking about Hispanics and you should write down \$42,000 for Hispanics. Notice that, on average, that the group that earns the most in the United States is Asians. So, we hear a lot of talk about white privilege and how the system was created to advantage Whites and yet people just gloss over that fact that on average Asian Americans in the United States are more educated

than any other group, they earn more than any other group, but that does not fit the narrative of White privilege.”

75. During a 2019 Summer Cross Cultural Psychology course (*see Recording – 12*), the Respondent discussed how some Black individuals sabotage other Black individuals from performing well in school by accusing them of “trying to be White” if they perform well. The Respondent explained that this is counterproductive to changing the status of their life (i.e. poverty). The Respondent then stated, “We also have a subgroup of African Americans who think that society owes them something. Owes them something because of slavery that happened in the United States and they refuse to work and they live off welfare. ... Again, you can find people in every group. ... Whites, Hispanics, Black, Natives, but there is a slightly higher percentage of Africans who live off welfare than the other groups. ... so moving on here, please don’t walk away from my class thinking that the majority of African Americans are on welfare, they are not.”

76. During a 2019 Summer Cross Cultural Psychology course (*see Recording – 12*), the Respondent said, “It is my opinion, that I have already expressed to you before, that I think collectively that Black people in the United States experience collectively the most rejection from society overall. And I am not saying, an African American who stays in school, does well in school and avoids committing crimes will have as good a life as you and I will have. There are tons of them who do that. We have Black police officers, we have Black professors, engineers, in every occupation you will find Black people.”

*Classroom Comments – Profanity, Opinions & Generalizations:*

77. During his 2019 Summer course, the Respondent told students that he would be talking about multiple groups and that “there is good and bad in every group and I treat them all like shit”.

78. During the Respondent’s courses, he routinely used profanity, including the terms “fuck,” “shit,” “ass”, and “bitch.” *See Respondent’s Interview Summary & 2019 Peru Recordings.* During the Respondent’s OIE interview, he stated, “I am known to use cuss words on occasion in class. I never use the F word to talk about sex or directed at anyone in the class. I have been known to say, ‘Oh f---’ when using the computer and trying to set it up correctly. I don’t deny that I’ve said it but it’s sporadic, never directed in a hostile way, and more an expression like ‘damn’ for me. Director Myers asked about the frequency of my use of foul language. I say the word ‘shit’ once or twice in a semester. I’d be lying to you if I said I didn’t say anything else. I wouldn’t put it past me. But they are expressions, not directed at students. For instance, if I made a mistake on an exam and had to give credit for two items, I might say ‘son of a bitch’ or something like that.”

a. For example, during his 2018 Fall General Psychology course (*see Recording*), the Respondent discussed how humans learn certain behavior, such as needing to brush their teeth every morning. As another example of learned behavior, he referenced having assigned seating and tied this back to how students have assigned seating when they enter kindergarten. He described how parents bring their children to class and the kindergarten teacher greets the child, shows them to their seat with their name, and then says, “you sit your little ass down.”

b. For example, during his 2019 Summer Cross Cultural Psychology course (*see Recording*):

i. While discussing religion being a mythology, someone interrupted the class and apologized (apparently having inadvertently entered the classroom). When they left, the Respondent stated, “Bitches!”

ii. The Respondent discussed welfare and said, “I worked three years in a grocery store in the largest Mexican ghetto in the United States ... and to see so many people paying for food with food stamps and they would have a separate order of things they couldn’t buy with food stamps and they would pay for it with their welfare check, and here I am working and I am thinking, ‘Why aren’t you fucking working.’”

iii. The Respondent advised students that he would be talking about different groups and “keep in mind, I am not here to denigrate them. There is good and bad in every group and I treat them all like shit.”

iv. When discussing practices in Saudi Arabia, the Respondent asked, “How on earth can people in the U.S. proclaim that all cultures are equally good?” He then responded, “The answer is, they are just fucking crazy”.

v. When discussing families encouraging a female family member to die by suicide after they were sexually assaulted, the Respondent asked, “Is this fucking for real? This is just barbaric as shit.”

vi. After referencing being tenured, the Respondent stated, “Those who are not tenured are kissing your ass by letting you take tests multiple times to get the grade you want, giving you access to power point slides and doing other things to make you happy.”

vii. When discussing that one of the motivations for believing in a religion is denial that we can die at any minute, the Respondent said, “‘Life is a bitch and then you die’” is my motto.”

viii. While referencing the Biblical story about Noah and the Ark and having a pair of every animal on a boat, the Respondent said, “Can you imagine a pair of every animal on a boat for 40 days. You would be shoveling shit 24/7.”

ix. While discussing his viewpoint that there is no systemic racism and giving an opportunity for students to challenge this viewpoint, a student referenced Casey Anthony. The Respondent replied, “I hate that bitch but go ahead.”

x. While discussing bakers that refused to make cakes for a gay couple’s wedding, the Respondent indicated that he would have told the baker, “Sir, you are not invited to the fucking wedding or to be a part of the party. You aren’t celebrating shit. Do your job and make the cake.”

xi. When talking about how stereotypes can be negative, positive or neutral, the Respondent said, “Because many of you are not independent thinkers, you buy into all this bullshit of political correctness.”

79. During the Respondent’s 2019 Summer course in Peru, the Respondent discussed relativism vs. absolutism during which he referenced a female student he previously had taught who identified as a feminist. He said that this woman tried to promote feminism all she could and endorsed all of its ideas. He then told her that since everyone is equal, the next time she uses the bathroom and finds blood in the toilet, she should not call a doctor but instead should go and ask someone at Walmart about her issue.

80. During the Respondent's Sexual Behavior course, he discussed sexually transmitted infections, including HPV. On April 14, 2020, the Respondent sent the following message to his Sexual Behavior course students:

Hello, Sexual Behavior class.

Today, emotions started running a tad high once we delved into the topic of HPV and cancer (likely due to "cancer" being involved). A lot was said, and I think there is a chance some of you may have not grasped what I had said with 100% accuracy, so I will reiterate here what I said: 1) It is my best educated opinion that, overall, HPV is "not that big of a deal." Think of your parents, grandparents, great-grandparents, etc. They ALL were sexually active (in various degrees) and they did not have any option to obtain a vaccination against HPV. Yet, almost ALL of them never suffered "penile cancer," or "anal cancer," or even "cervical cancer." Yes, a tiny (tiny) percent did, but the vast majority did not. 2) As I stated, if you've already had sex, the odds are you've already been "infected" or exposed to one or more HPV strands. But for about 90% of us, we'll never know we have HPV AND (AND...) the virus will "clear up" within two years, especially in young people such as yourselves who typically have healthy immune systems. 3) The CDC \*thinks...\* once you've been infected with a strand of HPV AND (AND...) it has not affected you AND (AND...) cleared up within a 2 year period, it appears that you will never be "affected" by that HPV strand again in your life. The CDC may change their position on that, but that was their latest position. 4) I did not say "cervical cancer is no big deal" (just in case you heard that). I said, "if one is going to have cancer, cervical cancer is one of the best cancers to have." Why? Because unlike other types of cancers (such as breast cancer), cervical cancer is: (a) easily detectable; (b) easy to treat in the early stages [simply by removing abnormal, or even cancerous cells], and (c) it's a very slow-growing cancer. One has many years in which some form of intervention or treatment can be obtained. **If someone is diagnosed with cervical cancer, that IS a big deal--as are all cancers!** 5) About 12,000 women are diagnosed each year in the U.S. with cervical cancer. We have about 165 million women in the U.S. (130 million women who are 18 yrs of age or older). Those 12,000 women are unfortunate cases, that is for sure, but the odds of any woman (teenager or adult) actually having cervical cancer is very, very low. IT DOES OCCUR, but not for the vast majority of women. 6) If you have a concern over cervical cancer or genital warts, then you are free to obtain those vaccines. Note: If you've already had sex, then the odds are the vaccine will be of no use to you (which is why they want children ages 7, 8, or 9 to obtain the vaccines, because we presume they've not had sex yet). It is true that if you've had sex, you may NOT have been exposed to any (or all) strands of HPV and thus, getting vaccinated \*may\* still offer you some level of protection. But any benefit from the vaccine will be minimized if you've already been infected by HPV. To obtain or not to obtain a vaccine for HPV is entirely \*your\* decision. If you are worried about cervical/anal/penile cancer and genital warts then you can obtain the vaccination and \*feel\* safer. 7) A few years ago, I was in the UCF Health Clinic and I noticed many displays of posters addressing HPV. There were many statements on those posters such as, "You may not know if you are infected with HPV." And, "HPV can cause various types of cancer." And, "Both women and men can equally be infected with HPV...." Personally, I thought the posters were a bunch of fear propaganda (imagine someone saying with a serious tone: "You know men and women equally are killed in car accidents...") **Duh....** So, I thought, Who is behind such a fear-propaganda campaign? And in small letters at the bottom of the posters were the words "Merck Pharmaceuticals." They're one of the companies that produces and sells the vaccines. Such an



effective way to enrich themselves: Make the public fearful of a virus that does not affect 90% of us...

I hope this helps. Please feel free to get other people's opinions on this. Dr. Elizabeth Rash will give you a lecture on Tuesday about contraceptives and she is an advocate of the vaccine. So, you can hear her opinion on those vaccines.

*See Announcement April 14, 2020 Re HPV & Cancer.*

Classroom Comments – Disability:

81. During his August 28, 2018 General Psychology class, the Respondent showed a video related to beliefs and said that he wanted to discuss autism. He then said, "We had autistic people and Asperger's syndrome. Speaking of IQs, they tend to be in the normal range. About 75 to 85% of individuals with autism also have what we used to call mental retardation. It is now called cognitive or intellectual impairment. 75-80 have some level of that. If you let me use old terms, it is not correct but I am not being nasty. Autism is a social retardation. They vary. Some have mental retardation as well. ... The interventions might do some things like stop the outrageous behaviors like head banging. But helping them to become an average functioning adult is never going to happen."

Respondent's Book, White Shaming:

82. The Respondent wrote a book titled "White Shaming."

83. On March 11, 2019, the Respondent sent an announcement to his General Psychology, Sexual Behavior and Cross Cultural Psychology students which indicated that he was working on a book that he hoped to get published in Fall of 2019, and announced that he had a Twitter account that they could follow.

84. The electronic version of the Respondent's book titled "White Shaming" was released during the fall of 2019, and the paper version was released during the spring of 2020.

85. During December 2019, the Respondent used UCF's resources to send an email to students for the 2020 Spring term that *White Shaming* would be an assigned reading for the Cross Cultural Psychology course, they would be required to "write a reaction paper to the book fairly early in the Spring semester", and provided the information on how to obtain the book "now in case you wanted to read it over the holidays."

86. On March 7, 2020, the Respondent sent an email to his students reminding them that their reaction papers were due in class on March 17, 2020.

87. On March 13, 2020, the Respondent used UCF resources to identify current students and students from the last year and a half of his courses and sent them an email through UCF's email titled, "From the desk of [Respondent]", which stated, "Blast from the past from [Respondent]... I hope all of you are staying safe during this hysterical time in our history. I write to you because some of you had asked me when the book, *White Shaming: Bullying based on Prejudice, Virtue-Signaling, and Ignorance*, was going to be available in paperback version. It is now available on both Amazon <https://www.amazon.com/White-Shaming-Prejudice-Virtue-signaling->

[Ignorance/dp/1792407858/ref=sr\\_1\\_1?keywords=white+shaming&qid=1584144365&sr=8-1](https://www.barnesandnoble.com/w/white-shaming-charles-negy/1136281230?ean=9781792407857) and B&N <https://www.barnesandnoble.com/w/white-shaming-charles-negy/1136281230?ean=9781792407857> Just in case you wanted to obtain a copy of the book. Take care!”

88. On March 13, 2020 (same day as message to students about his book), the Respondent advised the Department Chair, Witness 154, that he sent a message to students over the last year and a half letting them know that his book had been published. The Respondent advised that he had received both positive and negative responses from students to his message. The Respondent “confess[ed]” that he knew “this was serving in some ways as ‘advertisement,’” that his “primary motive was to reach the students from the classes who had asked to be informed” if the book was published, apologized “if this was a problem,” and indicated that he would “not be sending out any more messages about this.” Witness 154 replied, “Thank you for the emails. I don’t think it’s a problem, but if someone complains, I’ll let you know.” See *Email March 13, 2020 Respondent & Dept Char Re Book Outreaches*.

89. On March 16, 2020, the Respondent sent an email to his students asking them to hold off on sending their reaction papers since, due to COVID19, they were not meeting in person as expected and the Respondent was “not thrilled at the thought of receiving 130 emails or canvas messages with papers attached.” He then extended the due date to March 31, 2020.

90. The Respondent required students in his 2019 Fall Cross Cultural Psychology and 2020 Spring Cross Cultural Psychology courses to read *White Shaming*.

91. With regard to using his book *White Shaming* as required course material, the Respondent complied with University policy by completing UCF’s Potential Outside Activity, Employment, and Conflict of Interest and Commitment Disclosure (AA-21), which was approved by UCF. The Respondent has represented that proceeds from the book were donated to St. Jude and Make a Wish as required by University policy when a professor’s book is assigned as required course material.

*Respondent’s Twitter:*

92. The Twitter handle associated with the Respondent was initiated in 2019. The Respondent posted to this Twitter account numerous times, including making comments related to issues of race and religion.

93. On March 11, 2019, the Respondent sent an announcement to his General Psychology, Sexual Behavior and Cross Cultural Psychology students that said, in part, “I just started a Twitter account (wouldn’t want our President to out-do me... ha ha ha...). Feel free to follow me if you’d like!”

94. On January 7, 2020, the Respondent sent an announcement to his current students titled “Follow me on Twitter (optional, of course)”. Therein, the Respondent stated, “Students, If you are interested, you may follow me on Twitter (@CharlesNegy). In class, I try hard to be a-political and I try to stay focused on the course subject matter. Of course, my twitter account is

my personal account and I comment on various social issues, including politics on occasion (I'm a registered Independent and I despise all politicians...)."

## **VII. MATERIAL FACTS IN DISPUTE & RESOLUTION OF DISPUTED MATERIAL FACTS**

OIE received differing accounts or conflicting evidence as to some material facts. Since the questions are material to the resolution of whether the Respondent violated University regulation or policy, OIE must resolve the disputed facts based on the testimonial and documentary evidence.

The Equal Employment Opportunity Commission (EEOC) has identified five factors to consider when resolving disputed issues of fact that require credibility assessments: 1) the inherent plausibility of the testimony; 2) the demeanor of the person offering the testimony; 3) whether the individual has a motivation to lie; 4) whether the remarks or conduct could be corroborated; and 5) whether the Respondent has a history of similar behavior. None of these factors are necessarily determinative of credibility.<sup>14</sup> Courts have recognized that in a case which involves close questions of credibility and subjective interpretation, the existence of corroborative evidence or lack thereof is likely to be crucial.

The following analysis resolves the disputed facts considered material to determining whether the Respondent violated University policy and/or regulation based upon testimonial, audio recordings, and documentary evidence provided in this matter. Before discussing each disputed material fact below, it is important to note that, along with the factors identified by the EEOC, OIE assessed the following factors in assessing the credibility of the parties and witnesses based on the record.

**Consistency:** As previously indicated, OIE received reports from multiple sources (phone calls, emails, IntegrityLine reports, JKRT reports, and OSC reports) wherein individuals reacted to the Respondent's Twitter posts and/or made allegations of misconduct against the Respondent. As set forth in detail in OIE's Investigation summary (Attachment A), OIE spoke with over 300 individuals during the course of this investigation (see witness interview summaries, OIE phone logs, climate check call responses), including the Respondent. OIE's analysis of this matter included reviewing the original communications from witnesses about their experiences with the information provided during OIE's interviews. OIE's analysis also included reviewing approximately 37 hours of audio recordings of the Respondent's lectures. As a general matter, witnesses remained relatively consistent with what they initially reported and what was described during their OIE interviews.

However, with regard to the Respondent, although he was cooperative and responsive to OIE's questions throughout the investigation, some of the information that he provided was refuted by documentary evidence, as well as audio recordings of his classroom. These inconsistencies weakened his credibility and drew into question whether he was being truthful

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<sup>14</sup>See *U.S. Equal Employment Opportunity Commission: Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors* (June 18, 1999) at <http://www.eeoc.gov/policy/docs/harassment.html>.

with regard to his other statements to OIE. Specifically, during the course of the investigation, OIE identified the following significant instances wherein the documentary or audio evidence clearly conflicted with what the Respondent had represented to OIE:

1) During his OIE interview, the Respondent “completely” denied that he had told students that unless he raped a student, there was nothing that could be done about what he said in class due to him being tenured. However, an audio classroom recording captured the Respondent telling his students, “At [the] university, we happen to have [a] system called the tenure system, so that once you have tenure, like I have at the university, unless I rape you – which I won’t, I promise – the university can’t fire me. They just can’t fire me.”

2) During his OIE interview, the Respondent denied the allegation that, in 2011, he bribed a health clinic representative to issue a vaccination certificate related to yellow fever so that he could board a flight, stated “[t]hat’s a total fabrication”, and claimed that he had “actually received a vaccination shot.” However, the Respondent admitted in his book *White Shaming* that he “had never even been vaccinated against yellow fever”. Also, an audio classroom recording captured the Respondent telling his students that the health clinic person “agreed to give me the vaccination certificate for \$17.00, and she dated [it] so that I had gotten one dosage 10 days before and the second dose today [day of his trip].”

3) During his OIE interview, the Respondent denied that he told students that God did not exist. Rather, he told them that there was no evidence that God existed. However, audio recordings captured the Respondent telling students that “Allah does not exist”, God was a “figment of their imagination”, and religion was “make believe”.

4) During his OIE interview, the Respondent denied that he told students that minorities never invented anything that impacted society (rather, he said that non-Whites had invented things on a smaller scale or improved upon things that were already invented). However, in his March 18, 2018 email to his students, the Respondent stated that “*every single modern invention* that changed life as we know it has been invented by a white person”. Also, an audio recording captured the Respondent telling students that it was a “fact that the *whole modern world* has been created by Whites”.

5) During his OIE interview, the Respondent denied that he ever used the term “Black privilege” in his classes. However, in his July 15, 2019 message to students, the Respondent stated, “If MLK, Jr., were not black, the social justice warriors who are influenced by the ‘me-too’ movement would be throwing him under the bus. But...black privilege protects him.”

6) During his OIE interview, the Respondent denied that he had told a male GTA, who was covering proctoring an exam for a female GTA, that he hoped the female GTA “was compensating him but that is none of my business”. The Respondent said that the allegation was “a complete fabrication.” However, OIE located the email wherein the Respondent said, “I hope [the female GTA] is compensating you well for this!!! But ... it’s none of my business...”

7) During his OIE interview, the Respondent denied ever using the term “faggot”. However, an audio recording captured the Respondent using this term in class while describing the January 2019 Covington Catholic High School incident in Washington D.C. (OIE notes that the Respondent used the term to describe how this, and other negative terms, were yelled at the

high school students prior to the incident that made national news. The Respondent did not direct the term at any students.)<sup>15</sup>

8) During his OIE interview, the Respondent denied discussing the sexual assault allegations against Brett Kavanaugh and related congressional hearings. Specifically, the Respondent stated, “I never brought up that case in my classes.” However, an audio recording of his class captured the Respondent initiating a discussion about the hearings, the alleged triggering of the accuser’s memory during couple’s therapy, and Respondent’s perception of Justice Kavanaugh being “a squeaky clean conservative person.”

9) During his OIE interview, the Respondent denied ever discussing cerebral cortices during his class lectures (“I never talked to my students about cerebral cortices”). However, an audio recording of his class captured him telling students, “Our cerebral cortex is very distinct from other animals’ cortexes. It is much more complicated and much more complex. That allowed us to do things that all the other animals can’t do.”

In addition to the above, the Respondent noted that many of the allegations against him had not been noted in his Student Evaluations of Instructor Summaries, and accordingly, lacked credibility. In other words, he argued, the students were inconsistent in representing that the Respondent had engaged in misconduct by not noting the misconduct in his evaluations at the time of the classes. He further argued that, instead of the allegations being truthful, they were being launched in reaction to the media attention received related to his Twitter posts. The Respondent insinuated that the allegations were brought forward at this time as an attempt to censor his conservative and controversial views set forth in his Twitter posts and were part of “a politically motivated witch hunt”.

However, the Respondent is mistaken that the mere absence of the allegations in the evaluations demonstrates that the allegations are false. First, the record clearly shows that the Respondent discouraged reporting and gave an impression that he was essentially bullet-proof to complaints about his conduct in the classroom. As set forth in more detail below, the Respondent repeatedly made clear to his students that tenure and the First Amendment protected him and that anything short of raping a student, the University could not discipline him. Second, the Respondent told the students stories of prior students having failed at launching complaints about his classroom conduct and how he “laughed all the way through” the process when complaints had been made. Such stories likely contributed to the lack of reporting on the forms as students would be left with the desired impression – namely, that nothing would be done in response to the complaint so what would be the point of noting their concerns in the evaluations. Third, students (like many Complainants in investigations of this nature) are generally highly concerned about being subjected to retaliation, particularly when launching a complaint against a tenured professor. Accordingly, although it is important to consider the timing of allegations and other missed opportunities to report, OIE is not persuaded that the mere absence of the detailed allegations in the student evaluations equates to untruthfulness.

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<sup>15</sup> The Covington Catholic High School incident took place on January 18, 2019 and involved a confrontation among different groups near the Lincoln Memorial in Washington D.C. The incident received widespread media attention, particularly the interaction between a White male high school student and a Native American activist. Videos released days later showed that initial media reports had omitted key details of the incident and many stories falsely portrayed the high school students as the aggressors.

**Motive/Benefit/Bias:** OIE also takes into consideration that on June 4, 2020, there was a significant student and community reaction to the Respondent’s Twitter posts, including a [change.org petition](#) calling for the Respondent’s termination that, as of the time of this report, had over 30,000 signatures and was initiated by one of the witnesses who participated in this investigation. (E.g. [New York Times article titled “University to Investigate Professor Who Tweeted About “Black Privilege”](#); [Knight News article titled “UCF Professor’s Controversial Tweets Claim Black Privilege Exists in America”](#); [Orlando Sentinel article titled “UCF Protestors Demand Professor Be Fired for Racist Tweets”](#)). Multiple witnesses indicated a desire in the Respondent not remaining a UCF faculty member – either in reaction to the Respondent’s Twitter posts on important social issues, in response to the Respondent’s conduct in the classroom, or both. See *Facebook Post by Student (redacted) (7-16-20)*. That said, for many witnesses, they had no apparent motive to fabricate the information they relayed to OIE as they had no relationship with the Respondent, were no longer enrolled at UCF, and/or did not have any benefit to gain from participating in OIE’s process. When OIE asked about the individuals who had shared concerns with OIE, the Respondent stated that he did not recognize 99% of the names provided to him by OIE since he taught a large number of students each year. When asked if he was aware of any reason why the students listed would have reason to lie about their experiences, the Respondent replied, “Because I don’t know all of them, I don’t know.” He then indicated that he identified one student (Witness 53) who had taken the Respondent’s course, made a public records request during the summer of 2020, was active on social media to recruit individuals to “get me fired”, and had “failed my course very badly.” With regard to the Respondent, he had a motive to resolve these allegations in his favor to protect his status as a tenured professor, as well as his reputation.

**Interest/Lack of Interest:** As set forth in detail in Attachment A, multiple witnesses and the Respondent participated in substantive interviews with OIE. They were willing to discuss aspects of this case and responded to Investigators’ questions. OIE also was advised by some individuals that they did not wish to participate in OIE’s investigation or chose not to respond to OIE’s outreach after having submitted emails or reports to the university about their experiences with the Respondent. In terms of overall participation, the majority of participants (over 300) were individuals that had been enrolled in at least one of the Respondent’s courses from 2018 through Spring 2020. The remaining individuals had been enrolled in at least one of the Respondent’s courses between 1999 and 2017. When looking at the specific courses and participation, OIE spoke with approximately 100 individuals from each of the Respondent’s General Psychology, Sexual Behavior, and Cross Cultural Psychology courses, approximately 20 that had taken Personality Theory and Research with him, and two that had taken the Psychology of Prejudice course with him.

**Capacity to Recollect or Perceive:** As set forth above, the university received allegations regarding experiences with the Respondent over the course of a number of years, some more than a decade ago. Accordingly, OIE took into consideration the gaps in time between the incidents at issue and reporting, which understandably caused some difficulty in recollecting details (for both witnesses and the Respondent). Due to the scope of allegations made, both in terms of the timeframe and nature of allegations, it is to be expected that there may be some nuance among the descriptions of the statements, as well as the Respondent not recollecting specific details (particularly considering that he has taught these courses multiple times since

1998 to thousands of students). No other factors, other than the timeframe, were identified as having impacted the Respondent's and witnesses' ability to perceive or recollect the events. The Respondent questioned whether most of the individuals that had shared their experiences with the university were ever enrolled in his courses, implying that the reports were not based on personal experiences and were instead a reaction to his Twitter posts. As set forth in detail in No. 9 of Section VI (Material Facts Not in Dispute section), OIE confirmed witnesses' enrollment data and used university class rosters when making outreach.

OIE notes that the University received a large volume and multiple types of allegations against the Respondent. Just about all of these allegations are captured herein. However, some allegations are not analyzed herein because the alleged conduct would not violate University policies and regulations, was captured in the essence and nature of the allegations analyzed below, pertained to the Respondent's approach to classroom structure, or lacked any corroborating evidence or similar allegation from others. For example, the analysis below does not include an analysis of the allegations that the Respondent's exam questions asked obscure facts about a video shown in class (such as what was someone wearing or eating) rather than substantive course content; Respondent gave either full credit or no credit for writing assignments; Respondent answered his cell phone during class; Respondent raised his voice in class; Respondent joked that students' grades would be lowered if they disagreed with him; Respondent disagreed with the effectiveness of diversity initiatives in bringing communities together; Respondent made mental health diagnosis of family members, politicians, and a student without treatment; and Respondent discussed how therapy can be an attempt to bring conformity to social norms.

OIE's investigation revealed that the following facts, which are material to determining whether the Respondent violated University policies and/or regulations, are in dispute:

#### Respondent's Twitter Posts

##### **1. Whether the Respondent required students to follow and/or review his Twitter account posts as part of his course curriculums.**

As set forth above, on December 19, 2019, an unidentified concerned citizen reported to UCF's University Audit that they had reviewed the Respondent's posts on his personal Twitter account and believed that the Respondent had made "misogynistic, transphobic, racist, anti-immigrant and religiously discriminating comments." On June 4, 2020, the university received multiple reports alleging that the Respondent had made additional discriminatory statements on his Twitter account, which individuals believed constituted cause to terminate the Respondent's employment.

The citizen in the December 2019 report provided the following examples of the Respondent's Twitter posts:

- Only 21% of African Americans and 31% of Hispanics taking the SAT showed "readiness" for college-level work. Most African Americans and Hispanics attend integrated schools and live in mixed neighborhoods. Something is terribly wrong here (it's not just "lack of resources...") (September 24, 2019);

- I once sent our university President (the one who recently resigned over scandal) a message telling him there is no evidence that an African American student struggling in a math class will improve his math ability due to a Pakistani student sitting two rows over. No response.. (September 25, 2019);
- At Univ. of Central Fl., they're hired a "diversity promoter" who has forced that term on the rest of us Latinos/as. I've polled my 200+ Hispanic students in my 3 classes. NONE of them uses that term. It's a term for zealots, who always want to impose their views on everyone else (October 4, 2019);
- I think \*real\* racism needs to make a comeback in the U.S., so black folks will stop fabricating they're victims of discrimination (sarcasm... are you listening, Jussie?) (October 5, 2019);
- I have bat-sh\*t crazy woke students in my classes who have said publicly that if one is not willing to have sex with every type of race/ethnicity that exists, then one is a "racist." (I told them to knock themselves out, but I have a preferred "look" on my menu..) (October 26, 2019);
- A tragic state of affairs, for sure. But one that contradicts the liberal, romantic notion that Native Americans are all peaceful pacifists, living in harmony with nature. (November 22, 2019) (response to [article](#) titled "William Barr to Announce Plan Addressing Crisis of Missing and Murdered Indigenous People");
- I wish I could be as optimistic about this as you, but I'm not. I anticipate a lot of arrogant (minority) students thinking they "earned" their way into elite institutions while calling us doubters "racists." This has no end...(my opinion). (November 24, 2019);
- It also says, "I'm a mindless dote who does whatever my father or husband tells me to do..." (November 25, 2019) (response to tweet about wearing the niqab<sup>16</sup>);
- Yeah, that's what we need. More people and immigrants in the U.S. So we can clear more trees to make room for apartment complexes, Walmarts, strip malls, schools, etc. To hell with the quality of life for those of us who live here already (legally, I should add). (November 27, 2019) (response to Mayor Bloomberg calling for more immigrants in the U.S. rather than less);
- Great article. But...I'm not optimistic about this situation changing anytime soon. Universities are obsessed (to use the authors' words) with diversity and employ all machiavellian maneuvers possible to hire and admit conspicuously less qualified Afr. Americans and Hispanics. (December 5, 2019);
- Could this happen in the U.S.? Sure. Would this happen in the U.S.? Highly unlikely. Not all cultures are equal. (December 5, 2019) (response to [article](#) titled "Woman Heading to Testify at Rape Trial Set on Fire in India")
- Ha...If this is what Europe (and the U.S.) wants, let them see how it works out for them in the end. Any religion teaching its members that defectors must be murdered is very disturbing. (December 7, 2019);
- The individuals in that photo are \*not\* simply people who want to be the opposite sex. If we were to still have any capacity for critical thinking, we'd recognize that they suffer from some combination of narcissistic or histrionic personality disorders. (December 7, 2019);

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<sup>16</sup> A niqab is a veil worn by some Muslim women in public, covering all of the face apart from the eyes.



- You nailed it(!) (maybe not 100% of the time, but 95% of the time! Can we add journalism to the shelf alongside the social sciences? And ethnic studies? Women/Queer studies...? (December 7, 2019);
- You know, if black people want to pursue science “the black way,” let them do it. Let’s see what they contribute to humanity. (it’s easy to write a “woke” article. Let’s see what they produce beyond their cheap talk.) (December 8, 2019);
- Kudos to Florida. Seems like the rest of the country is determined to lower academic standards in the name of “diversity” (December 9, 2019);
- So...only straight actors can play straight roles. Gay actors need not apply....(!) (December 10, 2019) (response to tweet wherein an actor said that for acting to be truly progressive only gay actors should play gay characters);
- If anyone were to sexually assault me, I’d want that POS to go to prison. But I see Harvey Weinstein’s accusers are settling for \$25 million among them. Is that (\$...) what it was all about? If so, isn’t that prostitution? Just asking. (December 11, 2019);
- “Inclusive grading...” I have proposed in my forthcoming book that U.S. universities not oblige unqualified students to improve their math/reading abilities before applying for admission. Just mail them a diploma the moment they apply. It’s much easier. (December 12, 2019);
- I have a hunch that they won’t migrate to any Muslim-dominant country... (December 16, 2019); and,
- We should expect many of these kids to eventually sue their parents and/or the clinics that screwed up their biology in the name of “wokeness.” (December 17, 2019).

The concerned citizen did not allege that the Respondent had engaged in discriminatory conduct in UCF’s workplace or educational environment.

On December 20, 2019, University Audit referred the report to OIE for review. On January 10, 2020, OIE advised University Audit that the social media posts had been reviewed. The Respondent’s Twitter site set forth the Respondent’s name and described the Respondent as: “Author of ‘White Shaming: Bullying based on Prejudice, Virtue-Signaling, and Ignorance.’ (available Jan 2020). Opinions are my own.” The site further indicated that the Respondent joined in March 2019. There was no reference on the home page to the Respondent’s affiliation with UCF. *See Respondent’s Twitter Page*. Based on the Twitter account not being affiliated with UCF, the Twitter account being a personal social media platform, the posts constituting protected free speech, and there being no evidence or allegations that the Respondent had subjected students or employees to discrimination or discriminatory harassment in the workplace or classroom, OIE determined that further action could not be taken at that time with regard to the posts. On June 4, 2020 when allegations regarding the Respondent’s classroom conduct were received, OIE received allegations that the Twitter account had been integrated into the classroom curriculum – namely, that students had been required to read the Respondent’s Twitter posts as part of their course assignments. Accordingly, in addition to opening an investigation regarding the 2020 summer allegations about classroom misconduct, OIE re-opened its December 2019 matter related to the Twitter posts.

During the summer of 2020, the university received multiple reports that the Respondent had posted discriminatory statements on his personal Twitter account, including the following:

- If Omar is found to have had an extramarital affair, shouldn't she be stoned to death according to Sharia Law? Just asking ... (August 28, 2019) [The Respondent's post was in reference to a news report pertaining to Ilhan Omar allegedly breaking campaign finance laws in relation to pursuit of an affair.]
- If what is being reported about her were to be true, shouldn't she be stoned by her standards? (just asking...) (October 21, 2019)
- Assuming (like I said "assuming...") there is no man present in most of those children's lives, that \*alone\* explains much of the observed "inequality" with respect to family income between, say, Blacks vs. Whites. (January 15, 2020) [The Respondent's post was in reference to a post about the percentage of U.S. births to unwed mothers based on ethnicity/race.]
- Blacks/Hisps. perform badly on the SAT. Then get rid of the tests. Blks/Hisps. rarely selected for Gifted Programs. Eliminate the Programs. What's next? Because Whites struggle to make the NBA we'll be eliminating the NBA...? (January 25, 2020) [The Respondent's post was in response to another Twitter user's post that stated, "After a long and protracted battle, Seattle Public Schools approved a proposal that will begin dismantling its gifted program over concerns of racial inequity."]
- If non-black women with braided hair are guilty of "cultural appropriation," Will anyone be accusing black women who "press" their hair "straight" of cultural appropriation? Don't hold your breath. (March 3, 2020) [The Respondent's post was in reference to an article titled "Kim Kardashian accused of cultural appropriation over braids at Yeezy show."]
- When I tell students that not all cultures are equally good and give them ample examples, I must prepare for complaints of "racism" by students & conflicts with colleagues, etc. We're supposed to believe that non-Western cultures are just as good as Western cultures (wink, wink). (March 17, 2020)
- Fine. My course takes a critical look at different major cultural groups with \*no\* attempt to romanticize or glorify them. At the end of the course, most brutally honest (i.e., non-defensive) students conclude: not all cultures are equally good. Good luck in med school. (March 17, 2020)
- They should tie her to a tree and give her 50 lashes with a whip. Where's the Saudi government when we need them? (March 26, 2020) [The Respondent's post was in reference to an article titled "Woman who coughed on \$35K worth of grocery store food faces felony charges".]
- I don't know why gay/bisex. men don't like restrictions on them donating blood. About 20-25% of men who have sex with men are HIV+ (compared to <1% of the rest of the population). And it still takes tests 4 to 6 weeks to indicate if one is HIV+ after having been infected. (April 2, 2020) [The Respondent's post was in response to an article titled "The FDA is Easing Its Ban on Blood Donations from Gay and Bisexual Men."]
- "Critics argue that the SAT and ACT are heavily influenced by race, income, and education levels of parents; question their value in predicting college success and express concern about inequitable access to test prep." No. The REAL goal is to allow ill-prepared H.S. students from two ethnic group to attend a UC school, at the expense of better-prepared H.S. students from two other ethnic groups. Just come out and say it, please. (May12, 2020) [The Respondent's post was in reference to a *L.A. Times* article titled "SAT should be suspended for UC admissions, Napolitano says."]

- Last I had checked, 40-50% of the student bodies at UCLA, Berkeley, Irvine, etc. were Asian Americans. They will be the ones most screwed by this duplicitous move to sneak more less-qualified Blacks and Hispanics into the UC system. So much for “equity...”
- I’m not the 1st one to call this out: Isn’t it curious that “transgender males” don’t appear to want to compete in men’s sports? Just “transgender females” want to compete in women’s sports... I wonder why the discrepancy... (May 17, 2020) [The Respondent’s post was in reference to a *Newsweek* article titled “Who has the right to be called a girl |Opinion”.]
- Hilarious. Okay Whiteys. Get on your knees and start atoning for being white. While you’re at it, start sharing your paycheck with random POC and donate your house to a POC. LMAO...
- I’m sorry, Ladies. But not all of you are saints... (May 21, 2020) [The Respondent’s post was in reference to a *Fox 9* article titled “Law professor falsely accused of rape, wins defamation case.”]
- Forgive me for being audacious. It’s not going to fix the fact that on average, not all ethnic groups value education the same, or are as dedicated to their studies. Reality is ugly. Only some of us are willing to confront it. (May 26, 2020)
- This was a racist, hate crime committed by Blacks. Not only will they probably never be tried for murder, this won’t ever count in the column of hate crimes committed by Blacks (thus, contributing to a false image of “hate crimes”) RIP.
- This is the most perverse and bizarre country in the world. Black teens needlessly stab to death a white college student and no one cares. NO ONE cares. When a white person (cop or Georgia rednecks) kill a black man (which certainly were awful), the world comes to an end. [The Respondent’s post was in reference to the murder of Tessa Majors, who was a student at Barnard College at the time of her death.]
- “The State has Failed Black People.” Yeah, it’s not like black people have any agency of their own, to stay in school, be the best student, abstain from crime, gangs, unwanted pregnancies, etc. It’s all the state’s fault. (May 29, 2020) [The Respondent’s post was in reference to a *New York Times* article titled “Opinion | Of Course There are Protests. The State is Failing Black People.”]
- Wouldn’t it be nice if we could locate the address of each of those looters/vandals, etc. and burn their homes and possessions to the ground? (May 29, 2020) [The Respondent’s post was in response to another user’s post that stated, “The ease that so many politicians and commentators have at encouraging this anarchy signals a pathology and wickedness, in my opinion. People’s lives are not yours to play with. If you support “burning it down,” volunteer your home. Don’t volunteer on behalf of others.”]
- Dear Rioters: Please go to HER house and loot it first and then burn it to the ground. I have a sneaky suspicion she’ll change her attitude 180s degrees within seconds. (June 1, 2020) [The Respondent’s post was in reference to an article titled “You’re On Your Own: Raleigh Police Chief Says She Will Not Put Officers in Harm’s Way to Protect Property.”]
- I’ve often said something similar: People who think “whites are the problem” would find if whites suddenly disappeared from earth, most social/academic problems experienced by some/many Blacks and Hispanics would still exist. They’re confused about the causes of their problems. (June 2, 2020) [The Respondent’s post was in response to another user’s post that stated, “Assume there’s a vaccine against white racism. Would 70% of black kids STILL be raised in fatherless homes? Would 50% of blacks STILL dropout of many urban

high schools? Would 25% of young black urban men STILL have criminal records? Would blacks STILL kill 7K blacks every yr.?”]

- I would like EVERYONE to register in a deep way what society would be like if the Police did not exist. There’s a lot of animals among us that we pretend are humans. (June 2, 2020)
- “(a) Black people can’t be racist.”. (b) “Diversity is our strength” (c) “multiculturalism is beautiful.” The three biggest lies or half-truths of the 21<sup>st</sup> century. (June 2, 2020)
- More black individuals asserting themselves against the dubious BLM message. They’re raising legitimate questions: Do blk lives matter ONLY when a white person kills them?
- Slaves? LMAO. We’re in 2020, Jey. Apparently you need a calendar or appt. book. (June 2, 2020)
  - “Jey” responded, “it’s not like you can just easily ignore over 100 years of racist keeping you as slaves and taking away your rights.”
  - Respondent replied, “Yes you can. What happened to people you don’t know has no bearing on your life decisions. If I would have adopted the ‘school is for chumps’ attitude, or put a gun to people’s head to car jack them, do you think I can blame ‘those Conquistadors for having subjugated the Aztecs?’”
- That’s right. Minority idolatry and the new religion of diversity have perverted logic, fairness, and true equality. (June 3, 2020) [The Respondent’s post was in reference to a user’s post that stated, “If you have always believed that everyone should play by the same rules and be judged by the same standards, that would have gotten you labeled a radical 60 years ago, a liberal 30 years ago and a racist today.”]
- Sincere question: If Afr. Americans as a group, had the same behavioral profiles as Asian Americans (on average, performing the best academically, having the highest income, committing the lowest crime, etc.), would we still be proclaiming “systemic racism” exists? (June 3, 2020)
- Here’s a suggestion to those that who think they are being “screwed” and oppressed in the U.S.: Stay in school. Be the best students possible. Avoid crime. Avoid gangs. Avoid unwanted pregnancy. Avoid drugs and alcohol. Amazing what a little common sense can do you for your destiny. (June 3, 2020)
- This article is spot on (will infuriate folks). Black privilege is real: Besides affirm. action, special scholarships and other set asides, being shielded from legitimate criticism is a privilege. But as a group, they’re missing out on much needed feedback. (June 3, 2020) [The Respondent’s post was in reference to an article titled “Instead, The Establishment views blacks as our Sacred Cows, above criticism, but beneath agency”.]
- I fear that our leaders shove “Diversity is our strength” down our throats because they know privately what is more likely to happen to us: tribalism will have us fighting non-stop over EVERYthing. We may learn “Diversity is divisive.” (June 3, 2020)
- How many times can someone tell “You Whites” to shut the f’ up before people start to realize: Maybe there’s a lot of racism against Whites in this country (and it doesn’t matter if some comes from self-loathing Whites). Just asking.

Following their review of the Respondent’s Twitter postings, numerous individuals contacted the University and alleged that the postings demonstrated that the Respondent was racist, sexist, homophobic, transphobic, and spreading hate (i.e. IL #768 (Witness 155), Anonymous IL #769-771, Anonymous IL #774-780, IL #781-782 (Witness 156), Anonymous IL #784, Anonymous IL #786-788, IL #837 (Witness 157), Anonymous IL #840-841, Anonymous

IL #843, Anonymous IL #852, Anonymous IL #863, Anonymous IL #869, Anonymous IL #873, Anonymous IL #902, JKRT Report # 00047696, and JKRT Report #00047707 (Witness 47)). For instance, the anonymous reporter in IL #788 stated, “[I]t’s impossible to ignore his implicit (or in some cases, explicit) bias against black students, Christians and Muslims, Democrats and other left-leaning people, overweight people, immigrants (aside from Asians, who he appears to uphold as the model minority), sexual assault survivors, and transgendered individuals.” In contrast, the anonymous reporter in IL #970 stated, “[The Respondent] did nothing wrong! It’s sick to know a school would rather stand behind the lies of the left and condone people’s feelings of real matter than support their Professors in the matter of fact and reality. UCF needs to check their priorities.” Numerous individuals indicated that the Respondent’s comments were not representative of UCF; were inconsistent with UCF’s messaging regarding diversity, equity and inclusion; were particularly offensive in light of the national issues related to police and the Black Lives Matter movement; and likely were reflected in the Respondent’s course teachings. These individuals further demanded that UCF terminate the Respondent and condemn his Twitter comments.

On September 3, 2020, the University received a JKRT report (#00048928) alleging, “On May 28th, he posted a slanderous comment about Bill Gates when he referred to him as ‘Epstein’s b\*tch’. On May 29th, he glorified violence by stating that it would be nice to find the addresses of looters and burn their houses down. He commented on a video on May 30th referring to the subjects in the video as ‘Thugs’. On 31st, he stated that he approved an act of violence. Also on May 31st, he compared a woman to herpes. On June 1st, he again glorified violence by asking rioters to go to the police chief’s house and burn her house down. Lastly, on June 3rd, he responded to an apparent student on Twitter, accusing her of being a fascist.”

In assessing the social media posts, it is critical to determine whether the Respondent’s Twitter comments were part of the course curriculum or outside the classroom and protected by the First Amendment. In this regard, OIE received allegations that the Respondent required students to follow and/or review his Twitter account posts as part of his course curriculums. Specifically, an anonymous reporter (IL #788) alleged that the Respondent *asked* students to subscribe to his personal Twitter account. Another anonymous reporter (IL #852) alleged that the Respondent was “forcing students to follow his twitter page.” Witness 158 alleged that an unidentified person indicated that the Respondent had lectured for half of his course time and then told students to go home and read his Twitter feed for the remainder of the class time.

However, during the course of OIE’s investigation, students repeatedly advised OIE that the Respondent did not require review of his Twitter account as part of any of the courses that he taught, did not require students to follow him on Twitter, and did not test students about what he had posted on Twitter. Students also advised OIE that, at most, the Respondent referred to having a Twitter account and offered his Twitter information for them to review. He presented this as optional and not as a required reading for the course. *E.g. Summary Interview Statements of Witness 54, Witness 233, Witness 111, Witness 85, Witness 159, Witness 82, Witness 110, Witness 73, Witness 81, Witness 104, Witness 116, Witness 47, Witness 106, Witness 1, Witness 160, and, Witness 125; Climate Check Notes.* Also, the Respondent denied that he told students to leave class early and to read his Twitter feed for the remaining class time. Rather, the “only

thing I've done is that I put in a course announcement or syllabus that they are free to follow me on Twitter if they want to, but I've never let the class go early for that reason.”

In addition to speaking with students that had taken his courses and the Respondent, OIE reviewed the Respondent's written messages to students about his Twitter account (*see Section VI Material Facts Not in Dispute*). These messages did not reveal any evidence to support that the Respondent required students to review his Twitter account as part of the course's curriculum. Similarly, none of the audio recordings reviewed by OIE supported that the Respondent required students to read his personal Twitter account.

As set forth above, only one individual (Witness 158) advised OIE that during one of the Respondent's courses, he lectured to the students for approximately half the class time and then told the students to go home and read his Twitter feed for the remaining class time. Witness 158 could not identify the student(s) that reported this to her nor the class in which it was alleged to have occurred. All students that participated in OIE's investigation denied that the Twitter account was required reading material for the course or that class time had been provided for students to review the Respondent's Twitter account. Taking the record as a whole into consideration, including the lack of corroboration by witnesses, lack of information from Witness 158 about the source of the allegation, lack of documentary or audio recording support for the allegations and the Respondent's denial, OIE finds that there is insufficient evidence to support finding that the Respondent required students to follow and/or review his Twitter account posts as part of his course curriculums.

### Unwelcome Comments of a Sexual Nature

#### **2. Whether, during class, the Respondent used the term “cunt.”**

Witness 111 alleged that during the 2017 Fall General Psychology course, the Respondent used the word “cunt” when talking about arousal and said that “words are just words” as part of the discussion. He further stated that with regard to this term, “We as a society have become too politically correct” and “people are too afraid to say things”. Similarly, Witness 78 alleged that during the 2018 Fall Sexual Behavior course, the Respondent used the word “cunt” when referencing female genitalia. Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent explained the origins of the term “cunt” and a female student in the front row stated that the class should not be learning about the term. Witness 95 alleged that the Respondent then called this student a “cunt” for arguing with him. Witness 69 alleged that during the 2020 Spring Sexual Behavior class, the Respondent asked students for all of profane terms to describe anatomy and sex. He then said, “like I don't mean pussy, or cock or cunt”, and then said he had no filter. No other students that OIE spoke with provided evidence that the Respondent used the term “cunt” during his courses.

When asked if and how the word “cunt” is used in his courses, the Respondent replied, “In my Sexual Behavior class, when I cover genitals from a biological standpoint, I often like to start the class by finding out what the latest terms are for human genitals. I've taken two classes myself and incorporated them into how I teach my classes, and this is one of those activities. I let them tell me what the most recent, pop, risqué terms are for these things. The whole class is about sex. They start with all kinds of things, and I'm fine with that. They enjoy the exercise. On

occasion, they don't say anything, so I start with – whether it is men or women – I say 'dick' or 'puss,' but if I had said 'cunt', I'm not opposed to that, and that starts the class discussion. I'm not opposed to that." When asked if he ever used the term "cunt" in his General Psychology course, the Respondent replied, "I never used that word in General Psychology. I never even use it in Sexual Behavior except to start that one exercise."

OIE's review of audio recordings of the Respondent's classes did not reveal the Respondent using the word "cunt" during lectures. With regard to the available 2018 General Psychology course audio recordings, there was no evidence that the Respondent called a student a "cunt" as alleged by Witness 95. As set forth above, OIE spoke with over 120 students in the Sexual Behavior courses and close to 100 students from the General Psychology courses, who did not corroborate these allegations. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent used the term "cunt" during class or directed the term at a female student. If the term had been used, it likely was as part of the activity described by the Respondent in his Sexual Behavior courses.

### **3. Whether the Respondent used the word "cunt" while leading an activity at new faculty orientation in 2006 or 2007.**

Witness 164 alleged that in 2006 or 2007, during new faculty orientation, the Respondent gave a brief presentation during which he shared that during his classes, he asked his students to say out loud words that we as a culture consider unspeakable. He indicated that one of the words he used in this exercise was the word "cunt." The Respondent then said to the group of about 50 faculty, "Okay, now everybody yell out cunt" (or similar words to this effect), and a "bunch" of people responded by yelling out "cunt." The Respondent denied having engaged in this conduct. Respondent stated, "I've only attended one new faculty [orientation] meeting ever in 1988, and I've never been asked to talk at one, and I would never start this activity with faculty."

OIE reviewed the agendas for the 2006 and 2007 faculty orientation schedules, which set forth the identities of the various presenters. The Respondent was not identified on either year's agenda as being a presenter. The 2006 and 2007 faculty orientation schedules did have a presenter from the Department of Psychology, but again it was not the Respondent. UCF was able to locate the list of expected attendees for the 2007 faculty orientation, but not the 2006 orientation. The 2007 list did not include Witness 164 so it appears she may have attended the 2006 orientation. Witness 164 indicated that the orientation was the only time she believed that she had interacted with the Respondent, which means there is a possibility of misidentification. Taking the record as a whole into consideration, including the gap in time between the event and reporting, the orientation documents provided and the infrequent interaction between Witness 164 and the Respondent, there is insufficient evidence to support finding that the Respondent used the word "cunt" while leading an activity at new faculty orientation in 2006 or 2007.

**4. Whether, during class, the Respondent told students that all men are a little bit gay because if someone was sucking their dicks and they were going to cum and they then realized that it was a guy doing the sucking, they would still finish.**

Witness 37 alleged that during the 2009 Psychology of Prejudice course, the Respondent told students that all men “are a little bit gay because if someone was sucking their dicks and they were going to cum and they then realized” that it was “a guy” doing the sucking, “they would still finish”. In response to this allegation, the Respondent stated, “I never made a statement like that in my lifetime. I don’t cover this in Cross Cultural Psychology, but I talk about transgender people in El Salvador in my Sexual Behavior course, and it’s nowhere near this statement.” OIE did not have audio recordings related to this course to review for corroboration and recognizes the significant time delay between the course (2009) and reporting (2020), thereby making this a close question on whether there is a preponderance of evidence. That said, taking the record as a whole into consideration, including Witness 37’s lack of motivation to fabricate this allegation, the specificity with which Witness 37 could recall the statement due to its impact when the statement was made, and the Respondent’s motivation to deny this allegation coupled with his lack of candor on some other statements attributed to him (*see Consistency section above*), OIE finds that there is sufficient evidence to support finding that in 2009, during his Psychology of Prejudice course, the Respondent told students that all men “are a little bit gay because if someone was sucking their dicks and they were going to cum and they then realized” that it was “a guy” doing the sucking, “they would still finish”.

**5. Whether, during class, the Respondent stated that he had sex with women from other countries (who were a lot freer when it comes to sex and was a reason why students should travel broad), stated that he only attended the study abroad program to have sex with women in other countries (and once had his sons come for this reason), and discussed having sex with women and men while abroad.**

Witness 88 alleged that during the Respondent’s 2016 Fall Sexual Behavior course, the Respondent stated that he had sex with women from other countries who were a lot freer when it comes to sex (which was why he wanted students to travel abroad), and that he talked about having sex with women and men abroad. Similarly, the anonymous reporter in IL #802 alleged that in 2012-2013, the Respondent “made inappropriate comments regarding what occurs on his study abroad trips (he stated he only goes to have sex with women in other countries and once had his sons come for the same reason).” Similarly, Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent shared, “I had sex with women”. During his OIE interview, the Respondent denied these allegations.

OIE did not have audio recordings related to the identified courses to review for corroboration. However, OIE did review available audio recordings of the Respondent’s lectures for his 2019 Summer Cross Cultural Psychology course and 2018 General Psychology course and no statements of this nature were identified. Also, OIE spoke with three students from the 2016 Fall Sexual Behavior course and 16 students from the 2018 Fall Cross Cultural Psychology course. Witness 140 was the only witness that made this specific allegation. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that he had sex with women from other countries (who were a lot



freer when it comes to sex and was a reason why students should travel broad), stated that he only attended the study abroad program to have sex with women in other countries (and once had his sons come for this reason), and discussed having sex with women and men while abroad.

**6. Whether, during class, the Respondent talked about how good the sex was with his husband, stated that he had “fun sex” with his husband, and enjoyed when men flirted with him.**

The anonymous reporters in IL #794 and #810 alleged that in 2018, the Respondent told the class “how he married a woman for 18 years, then met a man in Costa Rica”. Witness 85 alleged that during the Respondent’s Fall 2016 General Psychology course, the Respondent discussed this in more detail and stated that he was married to a woman, found out he was sexually interested in men, now was married to a man, and talked about “how good the sex was with his husband”. Witness 48 alleged that during the Respondent’s 2018 Fall General Psychology course, the Respondent told students that he had fun sex with his husband. Witness 121 alleged that during that same course, the Respondent stated that he enjoyed it when men flirted with him.

In response to these allegations, the Respondent stated, “I do tell students that I am gay today, that I was married to a woman for 30 years but now I’m married to a man, but I never talk about my sex life with anyone at UCF, except for Witness 158.” The Respondent denied having told students in any of his courses about how good the sex was with his husband, having had “fun sex” with his husband, or enjoying when men flirted with him. The Respondent indicated that he never made statements of this nature to his students.

OIE did not have audio recordings related to Respondent’s Fall 2016 General Psychology course to review for corroboration. However, OIE did review audio recordings of some of the Respondent’s lectures for his 2018 General Psychology course wherein no statements of this nature were identified. Also, OIE spoke with two students from the 2016 Fall General Psychology course and 52 students from the 2018 Fall General Psychology course. Witness 85, Witness 48 and Witness 121 were the only witnesses that made these kinds of allegations. Also, although Witness 48 and Witness 121 were enrolled in the same course, they alleged different statements were made by the Respondent (fun sex with husband v. enjoying men’s flirting). Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students how good the sex was with his husband, he had “fun sex” with his husband, and he enjoyed when men flirted with him.

**7. Whether, during class, the Respondent indicated that certain races or ethnicities, like Brazilians, were “always a fun fuck”.**

The anonymous reporter in IL #791 alleged that when they were a student in the Respondent’s 2017 Sexual Behavior course, the Respondent indicated that certain races or ethnicities, like Brazilians, were “always a fun fuck”. The Respondent denied these allegations during his OIE interview.

OIE did not have audio recordings related to the Respondent's 2017 Sexual Behavior course to review for corroboration. However, OIE spoke with three students from two of the Respondent's 2017 Sexual Behavior courses (Spring and Fall) – namely, Witness 83, Witness 127 and Witness 141. None of these students identified the alleged “fun fuck” comment as having been said during the course. In fact, Witness 83 indicated that the Respondent had talked about how the culture in Brazil was accepting of gay people. She also shared that the Respondent talked about his personal life – namely, that he had an ex-wife and a boyfriend in South America. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that certain races or ethnicities, like Brazilians, were “always a fun fuck”.

**8. Whether, during class, the Respondent asked students about their genitalia, referenced his own genitalia, and/or described his penis as being uncircumcised.**

Witness 49 alleged that during the 2013 Fall General Psychology course, the Respondent talked about not being circumcised. Similarly, Witness 82 alleged that during his 2014 Fall Cross Cultural Psychology course, the Respondent told the class that he was not circumcised.

UCF also received allegations from anonymous reporters via the Integrity Line alleging similar behavior. Specifically, in IL #791, the anonymous reporter alleged that during the Respondent's 2017 Sexual Behavior course, the Respondent asked people about their genitalia, spoke of his often and told students that he was uncircumcised. In IL #847, the anonymous reporter alleged that during the Respondent's 2019 Fall Sexual Behavior course, the Respondent “[s]poke about his own genitals to the class.” Specifically, during one class, the Respondent “spoke about how one’s genitals should always be clean— this statement itself was not very concerning considering it was a Sexual Behavior class. He then followed that statement by explaining to the class how he ‘doesn’t wash his hands’ because of ‘how clean’ his own genitals were.” OIE spoke with thirteen students from this course, including Witness 106, who alleged that during that course, “we were talking about STD’s. I don’t remember the specific STD that we were discussing. [The Respondent] made comments about how if you are interacting with a sexual partner, get tested before you engage and make sure that your partners are clean. [The Respondent] then commented that you don’t need to wash your hands if you have clean genitals. [The Respondent] then commented that his genitals were so clean that he didn’t need to wash his hands. It was super awkward and uncomfortable”.

In response to these allegations, the Respondent stated, “I have never discussed this with students.”

Although OIE did not have audio recordings related to the four identified courses (2013 Fall General Psychology, 2014 Fall Cross Cultural Psychology, 2017 Sexual Behavior and 2019 Fall Sexual Behavior) to review for corroboration, it is important to note the consistency of the allegation by individuals in different courses at different timeframes. Equally important, OIE communicated with four students from the 2013 course (Witness 49, Witness 70, Witness 114 and Witness 122), three students from the 2017 course (Witness 83, Witness 127, and Witness 141), and thirteen students from the 2019 course (including Witness 106). Witness 49 and Witness 106 were the only individuals in these courses to identify this concern. Similarly,

Witness 82 was the only individual from the 2014 course that spoke with OIE about concerns of this nature. Moreover, of the more than 300 individuals spoken to in regard to this investigation, these three identified students and the two anonymous reporters were the only ones to identify these as statements made by the Respondent. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent asked students about their genitalia, referenced his own genitalia, and/or described his penis as being clean and uncircumcised.

**9. Whether during a class discussion about why people go to the gym or workout, the Respondent told a student, who had shared that they had lost 100 pounds due to health concerns, that they did so because they just wanted to get laid.**

An anonymous reporter (*Student Google Form - Anonymous*) alleged that during a General Psychology course, the Respondent “tried to break me” when discussing why people go to the gym or workout. This student mentioned to the class that he had lost 100 pounds “due to health concerns (literal death) and [the Respondent] boiled it down to [the student] just wanted to get laid.” The Respondent denied this allegation and said, “This is a total fabrication. I would never talk to students like that, neither in my office nor in class.”

Although OIE reviewed audio related to some of the 2018 Fall General Psychology course lectures and found no evidence of a statement of this nature, it is unclear from the anonymous report when the statement was allegedly made. Without knowing the identity of the individual, OIE was limited in terms of making outreach to the student. That said, OIE did communicate with almost 100 students that had taken a General Psychology course with the Respondent. None of these students identified that Respondent as having made a comment of this nature to a student. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that during a class discussion about why people go to the gym or workout, the Respondent told a student, who had shared that they had lost 100 pounds due to health concerns, that they did so because they just “wanted to get laid”.

**10. Whether, during classes other than General Psychology, the Respondent referenced the Sambia tribe wherein “boys are used to suck the penises of somewhat older males before the older males are married”; and, “said it like it was a fun fact”.**

Witness 88 alleged that during the 2016 Sexual Behavior course, the Respondent discussed the Sambia tribe’s practice where “boys are used to suck the penises of somewhat older males before the older males are married”, and how this practice was not weird as it was a rite of passage there (New Guinea), but here it would be considered rape. Witness 111 alleged that the Respondent had a similar discussion during the 2017 Fall General Psychology course, and Witness 92 alleged that he discussed this during the 2018 Fall Cross Cultural Psychology course. Witness 83 alleged that the Respondent had a similar discussion during in the 2017 Fall Sexual Behavior class and “said it like it was a fun fact”. In addition, the anonymous reporters in IL #794 and IL #810 alleged that during the spring/summer of 2018, the Respondent “spoke about a tribe that made their boys suck the penises of men until they were of a certain age.”

As set forth above in Section VI (Material Facts Not in Dispute), the Respondent did not dispute that he discussed the Sambia Tribe's practice of having boys perform oral sex on older men in the tribe. However, he stated that this discussion only took place in his General Psychology courses. With regard to the allegation that he referred to this like it was a fun fact, the Respondent stated, "I have never referred to this as a 'fun fact'. I understand that this is child sexual abuse by our standards. I would never talk about that issue in any humorous way." Taking the record as a whole into consideration, including the consistency of this allegation in multiple reports over different timeframes from students in different courses, the overlap of some of the information throughout his multiple courses, and his corroboration that he discussed the Sambia tribe's prior practice in his General Psychology courses, OIE finds that there is sufficient evidence to support finding that during classes other than General Psychology, the Respondent periodically referenced the Sambia tribe's practice wherein boys performed oral sex on older males in the tribe. However, the record is insufficient to make a finding that he talked about this practice like it was a fun fact. That said, OIE would note that during the November 27, 2018 General Psychology lecture recording, although the Respondent taught the students about this practice in the manner he described, shortly after discussing this practice, the Respondent talked about how "semen is high in protein, it's a protein drink."

**11. Whether, during class, the Respondent alluded to his partner and ex-wife being swingers.**

Witness 121 alleged that during the 2018 Fall General Psychology course, the Respondent alluded to his partner and his ex-wife being swingers.<sup>17</sup> The Respondent denied ever making a statement of this nature to students.

OIE's review of the available audio recordings related to this course did not corroborate this allegation. Also, OIE communicated with 52 students from this particular semester, as well as students from multiple other semesters of the Respondent's courses. None of the students other than Witness 121 alleged that the Respondent made a comment of this nature. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that during class, the Respondent alluded to his partner and ex-wife being swingers.

**12. Whether, during class, the Respondent frequently referred to himself being a nudist, and that on one occasion when he was talking about how nudity isn't accepted in society, the Respondent stated that he wouldn't mind if the class practiced nudity in the lecture hall.**

Witness 47 alleged that during the 2020 Spring Cross Cultural Psychology course, the Respondent frequently told students that he was a nudist and, on one occasion while talking about how nudity isn't accepted in society, stated that he wouldn't mind if the students practiced nudity in the lecture hall. *See Witness 47 Interview Summary Statement & Witness 47's JKRT Report #00047707.*

As set forth above, it is undisputed that, during the Respondent's General Psychology and Cross Cultural Psychology courses, he told students that he identified as a nudist and visited a

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<sup>17</sup> A "swinger" is a person who engages in group sex or the swapping of sexual partners.

beach for nudists in Florida. When asked about Witness 47's allegation, the Respondent replied, "This is a distortion of what I said. The context of this – I'm giving them three criteria by which to judge whether a behavior is acceptable or not. One is cultural norms, and I walk through the pros and cons of this approach, with examples. I then talk about statistical deviation – the more unusual, statistically speaking, a behavior is the more likely it is that it is not acceptable and use an example of how few people own iguanas. The third criterion is behavioral functional analysis and the consequences of the behavior. You ignore whether it is culturally appropriate, and whether it is common. The example I give is shopping while naked. I may have said I am a nudist on one occasion or two. ... I tell them that if I had a client that came in and said they were a nudist, and they were going to go shopping while naked, I would say I agree with you and that I'm a nudist, but there is a reality and consequences and you will get arrested. That is the context. When I said, 'I'm a nudist,' I said that if anyone in the class were to come into the class without clothes, I would call the police because you are violating legal and social norms, not because it would bother me personally them coming to class nude. It is not the case that I'm encouraging it or would get a thrill out of it."

OIE communicated with five students from the 2020 Spring Cross Cultural Psychology course (Witness 39, Witness 47, Witness 54, Witness 79 and Witness 93). Witness 47 was the only one of the five students to identify a discussion about nudity as problematic during the 2020 course.

Importantly, during OIE's review of the Respondent's 2019 Summer Cross Cultural Psychology audio recordings, the following discussion took place, which is consistent with the context described by the Respondent during his OIE interview: While discussing three standards by which you can evaluate whether a behavior or belief is normal (cultural norming, statistical deviation and behavioral functional analysis), the Respondent analyzed three situations (polygamy, drinking alcohol and shopping without clothes) under each standard. After analyzing the first two (polygamy and drinking alcohol), he then mentioned shopping while naked. He asked the class if anyone identified as a nudist. He went on and defined a nudist as someone who enjoyed going to a public area where clothing was optional. The Respondent shared that he identified as a nudist but did not make any comments similar to the one alleged by Witness 47.

Taking the record as a whole into consideration, OIE finds that the context for the Respondent's reference to not minding if any of the students were to come into the class without clothes was discussed in the context of explaining the three standards by which students can evaluate whether a behavior or belief is normal – namely, cultural norming, statistical deviation and behavioral functional analysis. The Respondent's reference was that he would not personally be bothered by their nudity in the classroom as he identifies as a nudist, but the behavior would not be acceptable as it violates legal and social norms.

**13. Whether, during the 2018 Spring semester, the Respondent inquired as to the nature of the relationship between a male GTA and female GTA, and, after the male GTA covered one of the female GTA's exams, told the male GTA that the female GTA "should do a lot more than that [take him out to dinner for covering the exam], if you know what I mean", and he hoped the female GTA was compensating him but that it was "none of my business".**

Witness 45, who was a GTA for the Respondent's 2018 Spring General Psychology course, alleged that she requested that another GTA, Witness 151, cover for her with the Respondent's final exam because she had an out-of-state trip on the exam date. Witness 45 alleged that the Respondent asked about the nature of she and Witness 151's relationship. Also, when Witness 151 advised the Respondent that Witness 45 was going to take him to dinner as a thank you for covering the exam, the Respondent stated, "She should do a lot more than that, if you know what I mean."

During his OIE interview, the Respondent did not recognize the names of Witness 45 or Witness 151 and was advised that they were previous GTAs for his course. The Respondent replied, "I don't really remember the names of people who have served as GTAs for me." When asked whether he inquired as to the nature of their relationship or, when Witness 151 covered an exam for Witness 45, told Witness 151 that Witness 45 "should do a lot more than that [taking him out for dinner for covering one of her exams], if you know what I mean" and he hoped Witness 45 was compensating him but that was "none of my business", the Respondent denied "the whole thing" and indicated that the allegations were "a complete fabrication."

As part of the investigation, OIE also spoke with Witness 151. Witness 151 confirmed that he had served as a GTA for the Respondent's General Psychology course during the same semester as Witness 45. Witness 151 shared that Witness 45 had an opportunity to go on a trip to Hawaii, and the only thing that was preventing her from going was her responsibility for the proctoring, grading, and entering of the Respondent's final exam. Witness 151 explained that he and Witness 45 were friends so he offered to take over her final exam responsibilities so she could take the trip. Witness 45 and Witness 151 then discussed this arrangement with the Respondent, who agreed to Witness 151 covering the exam. Witness 45 then went on her trip. Witness 151 stated that the Respondent asked him why he was helping Witness 45 so much. Witness 151 responded that they were friends and lab mates. The Respondent then asked Witness 151 if they were dating. Witness 151 responded that they were not dating and were just friends. The Respondent replied that he hoped Witness 151 "was getting something for helping". When Witness 151 responded that Witness 45 would take him to lunch or dinner, the Respondent said, "Really, that's all? You should be getting a lot more than that." Witness 151 explained to OIE that although the Respondent did not expressly state it, he was "clearly implying" that Witness 45 "owed me something sexual." Witness 151 later told Witness 45 about this interaction.

OIE also obtained copies of correspondence from the Respondent to Witness 151 and Witness 45 that further corroborates the allegations. Specifically, on April 28, 2018, the Respondent sent an email to Witness 151 and Witness 45 confirming that Witness 151 was covering tasks related to the General Psychology course. Specifically, the email stated, "Again,

just so I know what is happening, [Witness 151] is ‘volunteering’ to (a) scan all the scantrons and (b) enter their scores in the Grade roster? Do you even access, [Witness 151], to my PSY 2012 grade roster?” *See Announcement – April 28, 2018 Message to Witness 151 & Witness 45.* The following day, the Respondent sent an email to Witness 151 and Witness 45 that stated, “Hi, [Witness 151], Okay. So...now...we need to find a way that will allow you to have access to my grade roster. What are you doing, Wednesday, May 2<sup>nd</sup> at 10:30 a.m.? Could you have the scantrons scored that morning, and then in my office, at 10:30 a.m., while I’m there, you could enter them on my office computer? (I hope [Witness 45] is compensating you well for this!!! But...it’s none of my business...). Let me know. Thanks.” *See Announcement – April 29, 2018 Message to Witness 151 & Witness 45.*

Taking into consideration the record as a whole, including Witness 151’s corroboration of Witness 45’s allegations and the email evidence, as well as the Respondent’s complete denial of the matter despite clear documentary evidence, OIE finds that there is sufficient evidence to support finding that during the 2018 Spring semester, the Respondent inquired as to the nature of the relationship between a male GTA and female GTA, and, after the male GTA agreed to cover one of the female GTA’s exams, told the male GTA that he “should be getting a lot more than” a lunch or dinner for covering the exam (implying that the female GTA owed a sexual favor to the male GTA), and then sent an email to the male GTA that stated, “I hope [the female GTA] is compensating you well for this!!! But...it’s none of my business...”

**14. Whether, during class, the Respondent said, “You may think you know a lot about sexual behavior but compared to me, you know jack!”**

Witness 161 (*MK Climate Check Note*) alleged that during the first day of class of the Respondent’s 2018 Fall Sexual Behavior course, he stated, “You may think you know a lot about sexual behavior but compared to me, you know jack!” The Respondent denied saying this or something of a similar nature.

OIE did not have audio recordings of this class to review for corroboration of this allegation. Also, Witness 161 was the only student that shared this allegation in response to OIE’s outreach to students in this particular course. Twelve students responded, including Witness 161, but none of the other students identified this statement as having occurred. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence that at the beginning of the 2018 Fall Sexual Behavior course, the Respondent said, “You may think you know a lot about sexual behavior but compared to me, you know jack!”

**15. Whether, during class, the Respondent referenced a website where people discussed their sexual fantasies or desires and shared that he was part of the website, which was described as a sexual hookup site.**

Witness 121 alleged that during the 2018 Fall General Psychology course, the Respondent referenced a website where people discussed their sexual fantasies or desires, and shared that he was part of this sexual hook-up website. The Respondent denied this allegation and stated, “That is a complete fabrication. Anyone who knows me knows, I’m about to turn 60

and I am horrible at technology. I've heard of things like Grindr and other apps you can use but I don't use them and don't know how to use them."

OIE's review of the available audio recordings related to this course did not corroborate this allegation. Also, OIE communicated with 52 students from this particular semester, as well as students from multiple other semesters of the Respondent's courses. None of the students other than Witness 121 alleged that the Respondent made a comment of this nature. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that during class, the Respondent referenced a website where people discussed their sexual fantasies or desires and shared that he was part of the website, which was described as a sexual hookup site.

**16. Whether, during class, the Respondent told the students that some would say he was living the dream because he was in a room full of 18-year-old girls.**

The anonymous reporter in IL #818 alleged that during the 2011 General Psychology course, the Respondent told students that he was "living the dream because he was a 40 year old man in a room full of 18 year old girls." Similarly, Witness 133 alleged that during the 2018 Fall General Psychology course, the Respondent stated that some would say he was living the dream because he was in a room full of 18 years old girls. Witness 95 made a similar allegation regarding this same course. The Respondent denied this allegation and stated, "No offense, but I don't have much interest in women and girls and wouldn't say that. It is a complete fabrication."

Although OIE did not have access to audio recordings related to the 2011 course, OIE did have access and reviewed the available audio recordings related to the 2018 course. However, this review did not corroborate this allegation. Also, OIE communicated with 52 students from this particular semester, as well as students from multiple other semesters of the Respondent's courses. None of the students other than the anonymous reporter, Witness 133 and Witness 95 alleged that the Respondent made a comment of this nature. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that during class, the Respondent told the students that some would say he was living the dream because he was in a room full of 18-year-old girls.

**17. Whether, during class, the Respondent told students, "I'd have sex with some of you".**

Witness 95, who participated in an OIE interview, alleged that during the 2018 Fall General Psychology course, the Respondent was discussing the psychology of different perspectives, and how there are cultural barriers in America that prohibit him from having sex with students. However, in some cultures (such as Middle Eastern cultures), that conduct is acceptable. During this discussion, the Respondent said, "I'd have sex with some of you." Similarly, Witness 60, who was a student in the Respondent's 2009 Fall Sexual Behavior and 2010 Fall Cross Cultural Psychology courses, sent an email to the Provost alleging that during class, the Respondent once told class, "I'd have sex with some of you". Witness 60 did not provide further context to this statement nor did she respond to OIE's outreach. The Respondent denied this allegation and said, "I never have ever dated or wanted to date or wanted to have sex



or tried to have sex with any student. I've had students of both sexes try to convince me to have sex with them and they are crazy – this is a complete fabrication.”

OIE's review of the available 2018 General Psychology course recordings did not reveal evidence corroborating this allegation. Also, as noted with other allegations related to this particular course and semester, OIE communicated with 52 students from this course, as well as students from multiple other courses, and Witness 95 and Witness 60 were the only two that shared this concern. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that, during class, the Respondent told students, “I'd have sex with some of you.”

**18. Whether, during class, the Respondent asked a female student whether “she wants to get fucked from the top side or bottom side.”**

An anonymous reporter from the Respondent's Cross Cultural Psychology course alleged that an unidentified female student told the reporter that the Respondent asked her whether “she wants to get fucked from the top side or bottom side”. *See Student Google Form – Anonymous*. The Respondent denied having made that statement. There was no other evidence in the record supporting that a statement of this nature had been made by the Respondent. Accordingly, taking the record as a whole into consideration, including the anonymity of the reporter and the lack of corroboration, OIE finds that there is insufficient evidence to support finding that the Respondent made this statement.

**19. Whether, during class when discussing different body parts, the Respondent told students that women's bodies were made for sex with men; and during his 2020 Spring Sexual Behavior course, he told students that sex was for a man's pleasure and the woman's purpose in sexual relations was impregnation.**

Witness 134 alleged that during the 2020 Spring Sexual Behaviors course, while discussing different body parts, the Respondent “said something like women's bodies are made for sex with men and something like sex with a woman's vagina is the best for a man.” Similarly, Witness 69 alleged that during that same course, the class was not conducive to open discussion and the Respondent “shut people down” when they felt differently or disagreed with him. As an example of this, Witness 69 shared that the Respondent told students how, biologically, sex is only fun for the man and is only made for a man's pleasure. He said that women are not biologically made to enjoy sex and that a woman's purpose in sexual relations is impregnation. A girl in the class disagreed with him. She pointed out that women have a clitoris which is a sexual organ which provides pleasure. When she said this, he basically argued with her that it is a scientific fact that sex is not meant to be pleasurable for women and just completely shut her down.”

When asked about the alleged statement about women's bodies being made for sex with men, the Respondent stated, “This is what this may be referring to, but the way it's reported is wrong. The context is HIV infection, and according to the CDC, if a woman is having unprotected sex with a man who is HIV infected, she is 10 times more likely to contract HIV through anal sex than through vaginal sex. The anal tissue is not as flexible as vaginal tissue, and

there is no natural lubrication. It's not shocking; it's toward the end of the semester and is very appropriate pedagogically. The vagina is meant biologically for sex unlike the anus." When asked about the alleged statement that sex was for a man's pleasure, the Respondent replied, "The only thing I can think of that approximates with that allegation is when I talk about the Kama Sutra, which is a book written by Hindus. I said that I've never read the Kama Sutra, and even though people say it's like a sex manual, that critics say it's a manual about how women can pleasure men. That's the only thing I can recall that's comparable to the allegation."

First, it is important to note that Witness 134 indicated that she had a vague recollection of the details of the course ("There were other comments but I can't recall the exact comments."), and although she recalled some information, she could not provide a lot of details or context despite her interview having occurred shortly after the semester at issue. Specifically, Witness 134 was interviewed by OIE on June 11, 2020. In contrast, Witness 69, who spoke with OIE on July 9, 2020, was able to provide detailed information about this class discussion. Witness 69's description of the discussion varies substantially from the Respondent's description of this conversation, particularly with regard to another student's statement about women having a clitoris which is a sexual organ that provides pleasure. OIE finds that there also is consistency in how Witness 134 and Witness 69 described the discussion (although Witness 69 was able to provide more details).

OIE spoke with 18 students, including Witness 134 and Witness 69, from this course. Of those students that responded to OIE's outreach and were able to provide detailed information about the course (Witness 39, Witness 69, Witness 101, Witness 109, Witness 125 and Witness 132), Witness 134 and Witness 69 were the only students that described this discussion and having a concern about the information therein. Taking the record as a whole into consideration (including the students' lack of motivation to fabricate the allegation, the specificity that Witness 69 provided, and the Respondent's motivation to deny this allegation coupled with his lack of candor on some other statements attributed to him (see *Consistency* section above), OIE notes that this a close question on whether there is a preponderance of evidence. That said, OIE finds that there is sufficient evidence to support finding that during the 2020 Spring Sexual Behavior course, the Respondent told students that biologically, sex is only fun for the man and is only made for a man's pleasure, women are not biologically made to enjoy sex, and a woman's purpose in sexual relations is impregnation.

**20. Whether, during the 2020 Spring Sexual Behaviors course, the Respondent told the male students in the class, "So men when she orgasms, she's urinating on you."**

Witness 134 alleged that during the 2020 Spring Sexual Behavior course, the Respondent told students that women can ejaculate some urine-like substance during orgasm and said, "So men, when she orgasms, she's urinating on you".

When asked about this allegation at his OIE interview, the Respondent stated, "Here's what I said. The context is a discussion about the Gräfenberg spot (G-spot). I described where it is supposedly at, and how it supposedly has a high concentration of nerves. When that spot is stimulated, a woman has an orgasm and ejaculates. The chemistry of the liquid is similar to urine, and then I said, but not sure if I said this to the guys in the class, that when a woman is

ejaculating, she may just be taking a pee. Something like that. It's meant to be measured humor. It's not to be discriminative or derogatory."

As indicated above, OIE spoke with 18 students from this course, and Witness 134 was the only student that made this allegation as set forth herein. Witness 69 (who was able to provide support to #19 above) did not reference this incident during her detailed interview. Also, as set forth above, Witness 134 indicated that she had a vague recollection of the details of the course ("There were other comments but I can't recall the exact comments."), and although she recalled some information, she could not provide a lot of details or context despite her interview having occurred shortly after the semester at issue. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that during the 2020 Spring Sexual Behavior class, the Respondent told the male students in the class, "So men when she orgasms, she's urinating on you." Rather, as set forth by the Respondent, the more likely discussion was that the Respondent told the students that when a woman's G-spot is stimulated and the woman has an orgasm and ejaculates, the chemistry of the liquid is similar to urine. The Respondent then said, that when a "woman is ejaculating, she may just be taking a pee".

**21. Whether, during class, the Respondent told students that most people refer to women who sleep with a lot of men as "whores" and "sluts," but "I just call them my best friends."**

Witness 37 alleged that during the 2009 Psychology of Prejudice course, the Respondent joked that most people referred to women who slept with a lot of men as "whores" and "sluts, but I just call them my best friends". In response to this allegation, the Respondent stated, "In my General Psychology class, 18 years ago maybe, I recall saying how society judges women who like sex, and how we have a double standard which is unfair to women, and we have derogative terms for women who like sex. I said you know what those terms are, but do not recall saying the terms myself. One semester I added that I have a name for them too. I call them friends, then moved on." For similar reasons set forth above in reference to disputed fact #4, OIE finds that there is sufficient evidence to support finding that during the 2009 Psychology of Prejudice course, the Respondent joked with the students that most people refer to women who sleep with a lot of men as "whores" and "sluts, but I just call them my best friends".

*Sex-Based Comments and Conduct*

**22. Whether, during class, the Respondent referred to women and sex workers as "whores" or shamed sex workers by referring to them as "whores."**

Witness 82 alleged that during the 2014 Fall Cross Cultural Psychology course, the Respondent used the word "whore" in reference to certain nationalities of women and their likelihood of turning to sex work. When asked about these allegations, the Respondent replied, "Number one, I deny the whole thing. I have no negative attitudes toward men or women who are prostitutes. I think prostitution should be legal as long as it's consenting adults – I do say that in my Sexual Behavior class. What is reported, though, I deny." OIE did not have access to recordings for this particular course nor other corroborating evidence to support that the Respondent made this statement in the 2014 course or other courses. Taking the record as a

whole into consideration, OIE finds that there is insufficient evidence that the Respondent referred to women and sex workers as “whores” during class.

**23. Whether, during class, the Respondent said, “I bet their vagina hurts” or similar phrases, when men expressed disagreement with his lecture.**

Witness 137, who participated in an interview with OIE and submitted Integrity Line #877, alleged that she was a student in the Respondent’s 2019 Fall Cross Cultural Psychology course and that on several occasions in class, the Respondent “referred to a part of a woman’s anatomy when referring to men in disagreement with his ideas” or if someone’s feelings were hurt. With regard to comments about women’s body parts, such as “I bet their vagina hurts”, the Respondent allegedly used “this comment often. He would make these comments if someone’s feelings were hurt, though he only used the comment at one student on one occasion. More so, he would make the comment about whichever group we were learning about in class, similar to if someone were to make a comment about someone ‘being butt-hurt’, which I find similarly offensive. I can’t recall the specific dates and times when this comment was made, but I did not appreciate it when he would make this comment.” The Respondent denied this allegation and stated, “This is a total fabrication, and I’ve never used this comment in my life.”

OIE did not have access to audio recordings of this course but did speak with 22 students that had been enrolled. Three students provided detailed information about their experience in the class, Witness 137 being one. The other two students (Witness 41 and Witness 150), did not provide information that corroborated Witness 137’s experience. In fact, Witness 41 stated that the Respondent had not made any “outright discriminatory” comments, but he did say “stupid things”. Witness 41 provided examples of the “stupid things” being related to ethnicity and race, as well as the Respondent being “biased in terms of looking down on anyone who believed in religion”. However, he denied that the Respondent made any “overtly sexual” comments. Witness 150 provided detailed allegations about her experience in the classroom, including that the Respondent engaged in repeated misconduct. However, Witness 150 did not identify the behavior described by Witness 137 as having occurred. Similarly, of the 22 students that responded to OIE’s outreach for this course, four students declined to participate, five indicated that they had a negative experience but did not provide detailed information (let alone an allegation of conduct as described by Witness 137), and the remaining ten students indicated that they did not have any concerns with how the course was conducted. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence that during the 2019 Fall Cross Cultural Psychology course, the Respondent said, “I bet their vagina hurts” or similar phrases, when students disagreed with his lecture content.

**24. Whether, during class, the Respondent said that “it was in men’s nature to divorce their old wives and move onto a newer model”, and it was nauseating to even look at his former wife.**

The anonymous reporter in IL #880 alleged that during the 2015 Fall semester, the Respondent “said that it was in men’s nature to divorce their old wives and move on to a ‘newer model’. I remember plenty of my female classmates feeling offended after that lecture concluded.” Witness 42, who identified as having been the anonymous reporter in IL #880, told

OIE that during the 2015 Fall Sexual Behavior course, the Respondent told students that it was a man's instinct to leave his old wife and get a newer model. Witness 95 similarly alleged that during the 2018 Fall General Psychology course, the Respondent told students that it was a man's nature to move onto a newer model (i.e., a younger significant other) and it was nauseating to even look at his former wife.

In response to this allegation, the Respondent stated, "The first half of the statement about a newer model was somewhat close to what I have said in class since I cover some studies that found across many countries that heterosexual men want attractive wives, and women on average want men who are good providers. I deny the second half of the allegation about what I allegedly said about my ex-wife. I show a video in [the] Sexual Behavior [course] where a psychiatrist, who wrote a book about the *Myth of Monogamy*, reports that males across species like variety. That comes up in discussions in class. But the way this is being described sounds off. I don't use the word 'model' since that implies that women are models. Many studies indicate that men may be biologically programmed for variety."

Of the more than 300 students spoken to by OIE, no other students alleged that the Respondent referenced it being in a man's nature to move onto a "newer model" or that it was nauseating to even look at his former wife. Of the available audio recordings reviewed by OIE, including the 2018 General Psychology course, none contained a comment of this nature having been made. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that during class, the Respondent said that "it was in men's nature to divorce their old wives and move onto a newer model" or that it was nauseating to even look at his former wife.

**25. Whether, during class, the Respondent told students that they were "weird" if they would allow an all-female construction team to build their house and an all-male daycare to look after their children, and that a man wanting to spend time with children was "inherently strange."**

Witness 42 alleged that during the 2015 Fall Sexual Behavior course, the Respondent asked the students, "How many of you would let a woman build your house or let a man take care of your child." When about ten students raised their hands, the Respondent said, "Well you guys are just weird. Most normal people would not allow a man to take care of their children." These allegations were also set forth in IL #880, which was filed by Witness 42, wherein Witness 42 further stated, "In the end, I stopped going to his class altogether even though it was past the withdrawal date and I got a failing grade because damaging my GPA was preferable to hearing more of that man indoctrinating other students into his narrow, regressive mindset."

Witness 95 and Witness 40 alleged that during the 2018 Fall General Psychology course, the Respondent asked a similar question related to an all-female construction team and an all-male childcare team, called the students that raised their hands "weird" and further stated that they were weird "because a man wanting to spend time with children was 'inherently strange'."

In response to this allegation, the Respondent stated, "That is a gross distortion of what I said, which is much more appropriate. I am covering gender roles in class, and so I said, 'Here is

a hypothetical question: What would you think if you were having a house built and you discovered that every single construction worker was a woman, and what would you think if you dropped off your child at a daycare the first time and noticed every employee was a male?’ They all say different things. All I am saying is this would be countercultural. I did not say anything about the students being weird. I may have said that consistent with our culture, many people would not feel comfortable going into a daycare and finding that every employee was a male. I don’t attack them and say they are weird or anything. I have never said anything about how a male wanting to spend time with children is strange, but back to the example of the daycare center, many parents would be concerned if there was a daycare center staffed by all men.”

OIE’s review of the available audio recording of this course revealed that this discussion occurred within the context provided by the Respondent and did not include referencing the students as “weird” or stating that men wanting to spend time with children was “inherently strange”. Also, of the 52 students spoken to by OIE, Witness 95 and Witness 40 were the only students to make this allegation. Taking the record as a whole into consideration, OIE finds that there is sufficient information that, while discussing gender roles in class, the Respondent asked students about what they thought about having a house built by an all-female construction team or having their child cared for by an all-male daycare facility. However, there was insufficient information that, during this same discussion, the Respondent told students that they were “weird” if they were comfortable with this scenario or that men wanting to spend time with children was “inherently strange”.

**26. Whether, during class, the Respondent told female students that the only reason they ever dress up and put on make-up is for male attention.**

Witness 139 submitted an email alleging that prior to May 2018, the Respondent told female students that the only reason they ever dressed up and put on make-up was for male attention. Witness 139 declined to participate in an interview with OIE regarding her allegation. When asked about this allegation, the Respondent replied, “I guess there’s a context where I would have said this in my General Psychology course. When I cover Freud’s view that sex and aggression is the motivation behind all things, I give examples of things we do that might express our interest in trying to attract another person. I talk about working out at a gym, cosmetic surgery, and going to the store to pick out clothes rather than asking a clerk to provide them for us so we can find things that help us look attractive.” None of the other students with whom OIE spoke made an allegation similar to the one submitted by Witness 139. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told female students that the only reason they ever dress up or put on make-up is for male attention. Rather, the Respondent led a class discussion regarding things people do to attract another person, including improvements to one’s physical appearance.

**27. Whether the Respondent gave preference in his treatment of male students over female students, including saying that female students would not be able to keep up in the class, using the term “feminazi” in class, and upon seeing a student wearing a shirt that said, “THE FUTURE IS FEMALE”, laughed at the student and said, “Your shirt is a joke, right? Because it’s a man's world” and walked away.**

An anonymous reporter alleged that the Respondent preferred his male students over his female students and said that female students would not be able to keep up in his class. *See Student Google Form – Anonymous*. The anonymous reporter in IL #833, who identified as a former teaching assistant, alleged that the Respondent preferred male students over female students. Witness 111 alleged that during the 2017 Fall General Psychology course, the Respondent “usually called on guys first in class.” Similarly, Witness 92 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent called on males before females in class. Witness 134 alleged that the Respondent used the term “feminazi” during a 2020 Spring Sexual Behavior course. Witness 134 stated that the Respondent did not directly call someone this term, rather, he said that if people say “this” they are “feminazis”.

The Respondent denied these allegations and stated, “My classes are majority women. My last three or four study abroad trips have been 100% women. I don’t know what they’re referring to. This is a very subjective appraisal on their part. Maybe since they know I’m gay, they are seeing things I don’t think are real.”

Also, an anonymous reporter in IL # 864, who identified as a graduate student in the Psychology Department at UCF in February 2020, alleged that the reporter, “was wearing a black shirt that had white lettering. The lettering said, ‘THE FUTURE IS FEMALE’. I was talking to a friend outside of the faculty suite when [the Respondent] walked past me. I had never met him or seen him before (I had to ask the office assistant who he was after the encounter). He turned to me and said something along the lines of, ‘I’m pretty sure the future is male if you take a look at the government’ and then immediately laughed. In shock, I responded, ‘Excuse me?’. He then said, ‘Your shirt is a joke, right? Because it’s a man’s world’ then walked away.” During his OIE interview, the Respondent replied to this allegation as follows: “Unless I’m living a double life, I don’t ever remember this. I never initiate engagements with students.”

Turning to the evidence in the record, with regard to IL #833, in support of the allegation regarding differential treatment, the reporter referenced the Respondent’s rejection of the reporter’s proposed dissertation topics. However, the reporter did not provide any comparator evidence to support differential treatment related to dissertation topics or any evidence supporting the allegation of preference for male students. Similarly, although students referenced that Respondent called on men more than women during class, this was not a claim that frequently appeared during discussions or reports to OIE. Rather, those that complained had a general allegation that, due to the manner in which the Respondent replied to students’ disagreement with his lectures, many students did not feel empowered to participate during class and many students stopped participating. Also, this generalized allegation is difficult to assess without more specificity regarding the demographics of each course, time allotted for class discussion, and tracking of Respondent’s record of calling on students. As set forth above, OIE reviewed a number of class recordings during which the Respondent called on both male and

female students. No noticeable discrepancy was observed during this review. Furthermore, no other students reported that the Respondent said that female students would not be able to keep up in his class.

With regard to the term “feminazi”, which was alleged by Witness 134, no other students made this allegation, including the other 17 students that OIE spoke to from this course. However, as set forth in Section IV above (Material Facts Not in Dispute), the Respondent demonstrated disagreement with feminist ideas. Specifically, during his 2019 Summer course in Peru (*see Recording*), the Respondent discussed relativism vs. absolutism during which he mentioned a female student he previously had who identified as a feminist. He said this woman tried to promote feminism all she could and endorsed all of its ideas. He said that he told her that since everyone is equal, the next time she uses the bathroom and finds blood in the toilet, she should not call a doctor but instead should go and ask someone at Walmart. That said, the record did not contain any corroborating evidence of the Respondent having used the term “feminazi” during class. Accordingly, OIE finds that there is insufficient evidence to support finding that the Respondent used the term “feminazi” during class, exhibited preference for his male students over his female students (either through oversight of dissertation topics or calling on students during class), and said that female students would not be able to keep up in his class.

With regard to the incident described by the anonymous reporter in IL #864, OIE notes that the reporter is anonymous, the reporter had to rely on an unknown witness to identify the Respondent, the basis of the unknown witness’ ability to identify the Respondent is unclear other than they were an “office assistant”, witnesses to the incident were not identified to provide OIE with an opportunity to make outreach, and the Respondent denied that the incident took place. On the other hand, the report contains very specific and detailed information about a limited interaction with the Respondent, one a student is more likely to recall than the Respondent who has interacted with thousands of students. Also, unlike other reports in this matter, the report was made relatively close in time to the date of the alleged incident. Since the evidence, at most, is even when considering the scales for preponderance of evidence, OIE finds that there is insufficient evidence in the record to support finding that in February 2020, upon seeing a student wearing a shirt that said, “THE FUTURE IS FEMALE”, the Respondent laughed at the student and said, “Your shirt is a joke, right? Because it’s a man's world” and walked away.

**28. Whether, during class, the Respondent belittled a female student because she said she had a high sex drive, replied that only men do and said that she was just weird.**

An anonymous reporter alleged that in 2017, the Respondent belittled a female student because she said she had a high sex drive, said that only men have a high sex drive, and she’s just weird. *See Student Google Form – Anonymous*. In response to this allegation, the Respondent stated, “One, I deny having said that. Two, that’s factually inaccurate. All people, man or woman, have testosterone, and it varies among people. Less testosterone means less libido, and higher testosterone means more libido.” None of the more than 300 students with whom OIE communicated with shared that the Respondent made a statement of this nature, including the eight individuals that had been enrolled in the Respondent’s 2017 courses (Witness 87, Witness 88, Witness 141, Witness 72, Witness 83, Witness 111, Witness 127, and Witness 144). Taking the record as a whole into consideration, OIE finds that there is insufficient



evidence to support finding that the Respondent belittled a female student because she said she had a high sex drive, replied that only men do and said that she was just weird.

*Gender Identity/Expression-Based Comments*

**29. Whether the Respondent inappropriately asked students to share their gender identity or sexual orientation.**

The anonymous reporter in IL #833 alleged that Respondent asked a teaching assistant to share their gender identity. The Respondent denied asking for personal information from students. OIE contacted the last two years of GTAs assigned to the Respondent, and none alleged that the Respondent had asked them to share their gender identity. Also, none of the over 300 students that OIE spoke with alleged that the Respondent had inappropriately inquired about students' gender identity. The record does show that the Respondent asked students to volunteer on the LGBTQ+ panel each semester but it was an invitation to the class to participate, and students could choose to participate and share both their gender identity and sexual orientation. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent asked students to share their gender identity in an inappropriate manner.

The anonymous reporter in IL #833 made a similar allegation – namely, that the Respondent “asked about [a teaching assistant’s] sexual orientation.” Similarly, Witness 158, who was the Director of the Psychology Advising Center, alleged that the Respondent questioned people/students about their sexual orientation which “feels uncomfortable and invasive”. When asked if he ever asked students to share their own sexual orientation identities, the Respondent stated, “Just the LGBTQ+ panel – I would never ask that of anyone not on the panel.” For the reasons that there is insufficient evidence to support that the Respondent asked students to share their gender identity, there is insufficient evidence to support that the Respondent asked students to share their sexual orientation outside the context of the LGBTQ+ panel activity.

**30. Whether the Respondent told students in class that “if you are born male, there is nothing you can do to not be male”; if someone identified as a transgender man, they are not a man, they are actually a woman; a man dressing as a woman is still a man; transgender was not an actual thing; people who are transgender have extreme body dysmorphia; “you can’t alter your body to become female and you can’t change your gender like that”; and, “the only thing that can help those who are trans is to learn to be the sex they were born with”.**

Witness 96, who submitted IL #783, alleged that during the Fall/Spring semester 2005-2006 General Psychology course, the Respondent repeatedly referenced transgender individuals in a negative way, such as, “if you are born male, there is nothing you can do to not be male”. Similarly, Witness 82 alleged that during the 2014 Fall Cross Cultural Psychology course, the Respondent “made fun” of transgender individuals, said that being transgender is “not a thing,” and “if you are born with a penis, you are a man and if born with a vagina, you are a woman”. Likewise, Witness 138 alleged that during the Spring 2015 Cross Cultural Psychology course, the Respondent told students that if someone was a transman, they are not a man, they are

actually a woman. He also allegedly said that a man dressing as a woman is still a man, and that transgender was not “an actual thing”. Similarly, Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent told students that people who are transgender have extreme body dysmorphia, “you can’t alter your body to become female and you can’t change your gender like that”, and, the “only thing that can help those who are trans is to learn to be the sex they were born with”.

In response to these allegations, the Respondent stated, “The whole thing is a fabrication. I never said any of that. ... I acknowledge they [transgender individuals] exist, and it’s my best opinion based on other’s research that there is probably a biological element. I think transgender is a thing – I never said it wasn’t.” The Respondent also stated, “I don’t bring up transgender issues in General Psychology. I only bring transgender issues up in my Sexual Behavior course. I walk students through the surgery process, which suggests that people can change their anatomy. What was reported about statements I have allegedly made is a total fabrication.”

OIE notes that there is consistency in the allegations among multiple students in different courses for different timeframes (2005-06, 2014, 2015 and 2018) and specificity with the allegations, which lends to the credibility of the allegations. The record also lacks evidence of these students having a motivation to fabricate allegations whereas the Respondent has motivation to lie (i.e. protect his status as a faculty member and his reputation) and has demonstrated inconsistency in some of the information provided during his OIE interview (see *Consistency* section above). On the other hand, OIE reviewed recordings from the Respondent’s courses, including some from the 2018 General Psychology course, and did not hear the Respondent make statements of this nature, including that “transgender is not a thing”. Also, the Respondent denied making these statements and claimed that he did not discuss transgender issues during the courses identified by the witnesses. Aside from the four students that made these allegations, none of the other students that OIE communicated with identified these problematic transgender comments, which included 54 other students from the courses identified by these witnesses. Also, the four witnesses could not corroborate each other’s experiences because they were enrolled in four separate courses. Taking the record as a whole into consideration, OIE finds the consistency of the allegations among students from different courses and timeframes, the detailed nature of the information provided, and the Respondent’s noted inconsistencies to be persuasive. According, OIE finds that there is sufficient evidence to support finding that the Respondent told students that “if you are born male, there is nothing you can do to not be male”; if someone identified as a transgender man, they are not a man, they are actually a woman; a man dressing as a woman is still a man; transgender was not an actual thing; people who are transgender have extreme body dysmorphia; “you can’t alter your body to become female and you can’t change your gender like that”; and, “the only thing that can help those who are trans is to learn to be the sex they were born with”.

**31. Whether the Respondent told students in class that “those who are gender fluid are ‘mindless sheep’”.**

Witness 133 alleged that during the 2018 Fall General Psychology course, the Respondent told students that individuals who claim to be gender fluid are “mindless sheep.” Similarly, the anonymous reporter in IL #785 alleged that they had reviewed the Respondent’s

Twitter posts and ratemyprofessor.com, which showed that the Respondent “called those who are gender fluid ‘mindless sheep’”.

The Respondent denied having referred to individuals that identify as gender fluid as “mindless sheep.” The Respondent also denied discussing this subject during General Psychology. Rather, he discussed being gender fluid in his Sexual Behavior course and shared that he and a researcher at UCLA had “talked about how many young adults are claiming to be gender fluid, and that there has been an increase in this during the past few years. We don’t know if that has to do with greater freedom to claim that or if it’s vogue to claim that, and we need to have future studies to determine if it is a real phenomenon or a fad that is occurring right now.”

OIE’s review of the available 2018 General Psychology course recordings did not reveal the Respondent referring to individuals as “mindless sheep” if they identified as gender fluid. Also, Witness 133 was the only student that reported this conduct during OIE’s outreach to over 300 students. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that individuals who identified as gender fluid were “mindless sheep”.

**32. Whether the Respondent told students that individuals that identified as gender-neutral or non-binary were “lost”, “most young people [were] confused about that kind of stuff”, and “transgender people [were] mentally ill”.**

The anonymous reporter in IL #833 alleged that when they mentioned that they thought they were gender-neutral or non-binary, the Respondent replied, “[S]he’s lost and said most young people are confused about that kind of stuff it doesn’t surprise me he would also go on to say that transgender people are mentally ill.” The report in IL #833 did not provide a timeframe for the alleged conduct nor identify any witnesses. Witness 95 also alleged that during the 2018 Fall General Psychology course, the Respondent told students that transgender people are mentally ill and individuals that identify as non-binary “are just confused”. The Respondent denied having said made these statements and referenced his discussion with the UCLA researcher (see disputed fact #31 above). OIE’s review of the available 2018 General Psychology course recordings did not reveal that the Respondent made the alleged statements. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that individuals that identified as gender-neutral or non-binary were “lost”, “most young people [were] confused about that kind of stuff”, and “transgender people [were] mentally ill”.

**33. Whether, during class, the Respondent told students that transgender individuals were identifying as such “for attention” and that some transgender individuals were “not really trans”; as well as that transgender children are “confused” and pressured by their parents to be transgender so that they would feel more special, and people only are transgender because they want to feel special.**

Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students that transgender people were just doing it for attention and some transgender individuals were not transgender. Similarly, Witness 162, who participated in an

OIE interview, submitted an anonymous IL report (#827), and was a student in the Respondent's 2019 Fall Personality Theory and Research course, alleged that "[o]ne time during a lecture, [the Respondent] stated that transgender people were coming out for attention and that some trans people are not really trans." The Respondent then allegedly stated that "attention seeking is a mental illness." The Respondent's statements caused Witness 162 to withdraw from the class as they identified as transgender and no longer felt welcome in the class. Witness 69 alleged that during the 2020 Spring Sexual Behavior course, the Respondent told students that transgender children were "confused", the children were pressured by their parents to be transgender so that the child would feel more special, and people only are transgender because they want to feel special. Also, the anonymous reporter in IL #976, who did not provide a timeframe for their interaction with the Respondent, alleged that while the Respondent identifies as "a member of the LGBTQ community, he is only respectful of his own experience as a white bisexual man but talks down on other types of people like queer and transgender folk."

In response to allegations that he said transgender individuals were identifying as such for attention and some were "not really trans", the Respondent indicated, "I never said that – as I mentioned, it's possible that gender fluid is a fad to some extent, and I've shared that with students, and future studies will have to explore this." In response to allegations that he said that transgender children were "confused" and pressured by their parents to be transgender so that they would feel more special, and people only are transgender because they want to feel special, the Respondent stated, "I tell them that there is a growing body of clinical anecdotes both in England and in the US that children who seem to be manifesting the opposite gender interests with parents who want to be sensitive to the transgender phenomenon, these parents have almost encouraged these kids to accept that they will be transgender and take them to therapists who further reinforce that they are transgender. There are then clinical results that show that the bulk of these kids end up simply being gay, not transgender. Because it's a trend to be talking about transgender people today and accepting them, parents are prematurely encouraging a transgender lifestyle, possibly for the parents' own reasons. Let the kids be who they want to be and let them figure out who they really are. That's what I really say about that." The Respondent also denied that he referred to transgender individuals as "confused", and indicated that he told students that "the parents are confused more than the kid."

OIE notes that there is consistency in the allegations among multiple students in different courses for different timeframes (2018, 2019 and 2020) and specificity with those allegations (particularly the impact of the statements causing Witness 162 to withdraw from the course), which lends to their credibility. The record also lacks evidence of these students having a motivation to fabricate allegations whereas the Respondent has motivation to lie (i.e. protect his status as a faculty member and his reputation) and has demonstrated inconsistency in some of the information provided during his OIE interview (see *Consistency* section above). On the other hand, OIE reviewed recordings from the Respondent's courses and did not hear the Respondent make statements of this nature. That said, none of the recordings reviewed pertained to the three witnesses' identified courses. Also, the Respondent denied making these statements and claimed that he did not discuss transgender issues during two of the courses identified by the witnesses (Cross Cultural Psychology and Personality Theory). Aside from the three students that made these allegations, none of the other students that OIE communicated with identified these problematic transgender comments. Also, the three witnesses could not corroborate each other's

experiences because they were enrolled in three separate courses. Taking the record as a whole into consideration, OIE finds the consistency of the allegations among students from different courses, the detailed nature of the information, the shorter timeframe between the alleged misconduct and report to OIE and the Respondent's noted inconsistencies to be persuasive. According, OIE finds that there is sufficient evidence to support finding that the Respondent told students that that transgender individuals were identifying as such "for attention" and that some transgender individuals were "not really trans"; as well as that transgender children are "confused" and pressured by their parents to be transgender so that they would feel more special, and some people only are transgender because they want to feel special.

**34. Whether, during class, the Respondent told students that if someone wanted to cut off their arm or another body part, we would think it was crazy so why do we think it is okay for transgender people to do it.**

Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students that if someone wanted to cut off their arm or another body part, we would think it was crazy so why do we think it is okay for transgender people to do it. The Respondent indicated that he "never said this." OIE's review of class recordings did not reveal the Respondent having made a statement of this nature. Also, no other students made allegations of this nature to OIE, including the 15 other students from this course that OIE communicated with regarding their experience. Also, it is important to note that, as set forth above (#30 and #33), students shared multiple allegations related to the Respondent's comments pertaining to transgender individuals, but did not indicate that the Respondent had made a statement of this nature. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that if someone wanted to cut off their arm or another body part, we would think it was crazy so why do we think it is okay for transgender people to do it.

*Sexual Orientation-Based Comments*

**35. Whether, during class, the Respondent used the term "fag", including referring to himself as a "fag", and said "you can call me a fucking fag, but it doesn't mean racism is real."**

Witness 88 alleged that during either the 2016 Spring Sexual Behavior course or the 2017 Fall Cross Cultural Psychology course, the Respondent referred to himself as a "fag" or "faggot". Witness 144 alleged that during the 2017 Spring Cross Cultural Psychology course, the Respondent told students on the first day of class that he used to have a wife and "now I am a fag". Witness 95 alleged that the Respondent made a similar comment during the 2018 Fall General Psychology course. Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students, "You can call me a fucking fag but doesn't mean racism is real". Also, Witness 115 alleged that during the 2019 Spring General Psychology course, the Respondent used the terms "fag", "fucking homosexual", and "fucking lesbian".

In contrast, Witness 1, who was a student in the Respondent's 2019 Spring Cross Cultural Psychology course, stated that the Respondent may have used the term "fag" or "faggot" and if he did, it was not in a derogatory way. Witness 1 stated that he might have heard the Respondent

use the term “fucking homosexual,” but it would have been a rephrase or quote of someone else. Witness 1 shared that he identified as gay and did not take any offense to the terminology that the Respondent used during the course. Similarly, Witness 41, who was a student in the 2019 Fall Cross Cultural Psychology course, stated that the Respondent did not use terms like “faggot.”

In his OIE interview, the Respondent stated, “Someone in the letter [OIE Notice of Investigation] said I used the word f-a-g and I’ve never used this, nor the word faggot.” The Respondent denied ever using the term “fag” in class. The Respondent stated, “I never even use that term in my personal life.” As to the allegation that he said “you can call me a fucking fag, but it doesn’t mean racism is real” during his 2018 Fall Cross Cultural Psychology course, the Respondent stated, “The whole thing is nonsense. Racism is real. What we can debate, and I’m willing to in my classes, is the extent to which racism permeates our culture and holds people back. This whole comment is fabrication.”

Turning to the recordings that OIE reviewed (*see 2019 Peru R – 9*), OIE noted that when the Respondent talked about how Whites were not the only group that had racists and how he believed racism from other groups is ignored, a female student asked why some groups are permitted to be racist. The Respondent replied asking, “Are you not aware that Black and Hispanics can make disparaging remarks openly about whites and no one seems to want to condemn them. Are you familiar with the Covington Kids?” (*See footnote 15*). When the student indicated that she was aware of the incident, the Respondent replied, “Okay does that not register with you that here in open space in Washington D.C., a group of crazy Black men who belong to some crazy group were calling White kids *faggots*...called them in front of other, a mix group of people, tourists, look at those *faggots*, look at those incest babies, look at those future school shooters, and no one turned to these Black individuals and say what the hell are you doing, stop being so racist.” (Emphasis added.) Of the recordings reviewed by OIE, this was the only instance in which the Respondent used the term “faggots” and it was within the context of describing what had occurred with the Covington high school students.

OIE notes that there is consistency in the allegations among multiple students in different courses for different timeframes (2016, 2017, 2018 and 2019), which lends to their credibility. As set forth above, the record lacks evidence of these students having a motivation to fabricate allegations whereas the Respondent has motivation to lie and has demonstrated inconsistency in some of the information provided during his OIE interview (*see Consistency section above*), including specifically whether he ever used the term “faggot” in the classroom. In his OIE interview, the Respondent emphatically denied ever using the terms “fag” and “faggot” both inside and outside the classroom. Yet, the 2019 recording showed that he was willing to use the term in the limited nature of describing the conduct that triggered the Covington incident. That said, although these five students alleged that he used the term, two students (in different courses) denied that he had done so and the remaining students that OIE communicated with did not identify these problematic terms as having been used by the Respondent in the classroom. Also, the five witnesses could not corroborate each other’s experiences because they were enrolled in five separate courses. Taking the record as a whole into consideration, OIE finds the consistency of the allegations among students from different courses, the detailed nature of the information, and the Respondent’s noted inconsistencies, particularly with regard to use of these

terms, to be persuasive. According, OIE finds that there is sufficient evidence to support finding that the Respondent used the term “fag” and “faggot” in the classroom, including referring to himself as a “fag”. However, there is insufficient evidence to support finding that the Respondent told students in the 2018 Fall Cross Cultural Psychology course, “You can call me a fucking fag but doesn't mean racism is real” as there was no corroboration of this phrase in the record.

**36. Whether, during class, the Respondent told students that, due to him now being married to a man, he was going to hell because he was a sinner.**

Witness 121 alleged that during the 2018 Fall General Psychology course, the Respondent told the students during the first class that he grew up in a “normal” household, then married a woman, and now is married to a man so he’s “going to hell because he’s a sinner”. In response to this allegation, the Respondent stated, “No, I don’t think I said that. It was an off-handed humorous comment if I said it. I wouldn’t put it past me. If I said it, and I don’t remember saying it, it would be a passing silly comment.” Taking the record as a whole into consideration, including that OIE’s review of the 2018 Fall General Psychology recordings did not reveal the Respondent having made this statement and no other students identifying this comment of concern, OIE finds that there is insufficient evidence to support finding that the Respondent told students in his 2018 Fall General Psychology course that, due to him now being married to a man, he was going to hell because he was a sinner.

**37. Whether the Respondent told students that lesbians did not have a big “sexual appetite” and a student was weird for being sexually active because “lesbians don’t have a lot of sex”.**

The anonymous reporter in IL #833 alleged that the Respondent told an unidentified teaching assistant at an unknown timeframe “that lesbians did not have a big ‘sexual appetite’ and that for someone like me to have sex as often as I do is an anomaly he would also go on to say that he would want to do a study on my ‘type of lesbian’ because it has to be so rare that someone had a sexuality like mine. He would use the excuse that he was a gay man in order to put down my sexual identity.” Similarly, Witness 135, who was a student enrolled in the Respondent’s 2014 Fall Sexual Behavior and 2015 Spring Cross Cultural Psychology courses, alleged that the Respondent told one of her “queer friends that she was weird for being sexually active because ‘lesbians don’t have a lot of sex’”. *See Email – Witness 135 6-4-2020*. Although Witness 135 initially agreed to speak with OIE further about her allegation, she ultimately chose not to participate in the investigation. With the exception of Witness 135, none of the more than 300 students that OIE communicated with claimed that the Respondent had made a statement of this nature.

As to these allegations, the Respondent stated, “This is a gross distortion of what I said. In the context of covering testosterone, I give lots of data in that lecture that seems to explain sex drive, such as studies of monkeys and people in prison populations. Studies have shown based on self-reported information that the couples who have the most sex are gay men, followed by heterosexual couples, followed by lesbian couples. I say to them that we’ll come back to this point after we cover the studies. At the end I say what we should conclude is that testosterone

controls the sex drive, and then I put the slide back up with the order of couples who have the most sex to the least, and I say the studies probably explain this data.” Taking the record as a whole into consideration, including the anonymity of one reporter, the lack of participation by the identified witness, and the lack of corroboration by those that did participate in OIE’s process, OIE finds that there is insufficient evidence to support finding that the Respondent told students that lesbians did not have a big “sexual appetite” and a student was weird for being sexual active because “lesbians don’t have a lot of sex”.

**38. Whether, during a class panel, the Respondent attempted to mislabel a student’s sexual orientation.**

The anonymous reporter in IL #847 alleged that during the Respondent’s 2019 Fall Sexual Behavior course LGBTQ+ panel activity, the Respondent asked four students to participate and answer questions from the class “about the LGBTQ+ community, their sexualities, and experiences as a LGBTQ+ individuals. Despite [the Respondent] being bisexual himself (so he had proclaimed), he proceeded to invalidate a bisexual girl who agreed to be on the panel because she said she ‘had a preference towards girls.’ He asked ‘so you’re a lesbian then?’ She said ‘no, I’m bisexual.’ He said ‘but you just said you like girls more.’ Another bisexual girl on the panel spoke up against him, saying that the other girl’s identity was still valid. He quickly shut her down and moved on to the next question. He was very rude and unprofessional about the exchange.” Witness 106 provided a similar description of this panel discussion. This incident was similarly reported by an anonymous reporter on the Student Google Form. *See Student Google Form – Anonymous.*

In response to this allegation, the Respondent stated, “It never happened. I’m bisexual, I just now have a husband. It’s a valid phenomenon. I know gay people and heterosexual people who deny that bisexual people exist. The literature supports the existence of bisexual people. I am one of them.” It is possible that Witness 106 is the anonymous reporters for the Integrity Line report and Student Google Form rather than there being three separate reporters of this incident. OIE also spoke with 13 students from the 2019 Fall Sexual Behavior course, including Witness 106, and none of the other students reported this panel activity as having been problematic. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent attempted to mislabel a student’s sexual orientation during the 2019 Fall Sexual Behavior LTBTQ+ panel activity.

**39. Whether, during class, the Respondent stated that bisexual people are bisexual just because they wanted to have sex with a lot of people.**

Witness 88 alleged that during the 2016 Spring Sexual Behavior course, the Respondent told students that bisexual people were bisexual because they “wanted to have sex with a lot of people”. In response to this allegation, the Respondent stated, “I have never said this.” No other students shared an allegation of this nature with OIE and none of the recordings reviewed by OIE resulted in this statement having been corroborated. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent stated that bisexual people are bisexual just because they wanted to have sex with a lot of people.



**40. Whether, during class, the Respondent told students that gay individuals were the source of AIDS, and that gay individuals at the start of the AIDS epidemic were dirty and that is why they got AIDS.**

Witness 95 alleged that during the Respondent's 2018 Fall General Psychology course, the Respondent told students that gay individuals were the source of AIDS, gay people were more likely to have AIDS, and that gay individuals at the start of the AIDS epidemic were dirty and that is why they got AIDS. The Respondent stated, "There have been some semesters in General Psychology where I covered STIs, but I don't in most General Psych courses. I do cover HIV, and it is a fact that HIV in the U.S. originated with male gays, but the other things that were elaborated on I did not say. I did not refer to gay individuals as dirty." OIE's review of the available 2018 General Psychology recordings did not provide corroborating evidence, and no other students made an allegation of this nature in communications with OIE. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence that the Respondent told students that gay individuals were the source of AIDS, and that gay individuals at the start of the AIDS epidemic were dirty and that is why they got AIDS.

*Disability-Based Comments*

**41. Whether, during class, the Respondent told students that mental health issues were a "defect", someone with post-traumatic stress disorder (PTSD) was "weak", and people with mental health issues, like PTSD, are inherently weaker than those without mental health issues.**

The anonymous reporter in IL #805, who identified as having been enrolled in the Respondent's 2017 Fall Cross Cultural Psychology course, alleged that the Respondent said that "having mental health issues is a defect and that someone with a disorder like PTSD is weak." Similarly, Witness 111 alleged that during the 2017 Fall General Psychology course, the Respondent told students that people with mental disorders have a "defect." In response to these allegations, the Respondent stated, "I have no training in PTSD, so I never talk about it. I stay close to what I'm trained on. Everybody has emotional challenges every now and again, some more than others; we are all humans. What was reported I said is totally a fabrication."

OIE reviewed the available recordings pertaining to the Respondent's 2018 General Psychology and 2019 Cross Cultural Psychology courses which did not reveal the Respondent having made a comment of this nature. Although these were not the specific classes identified by the anonymous reporter in in IL #805 or Witness 111, if this was part of the Respondent's typical lecture, it likely would have appeared in the recordings reviewed. Equally important, no other students that communicated with OIE described the Respondent as having made comments of this nature. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that mental health issues were a "defect", someone with post-traumatic stress disorder (PTSD) was "weak", and people with mental health issues, like PTSD, are inherently weaker than those without mental health issues.

**42. Whether, during class, the Respondent referenced his ex-wife and former sister-in-law as examples of individuals as having mental health disorders.**

Witness 126, who submitted IL #904 and participated in an OIE interview, alleged that, during the 2010 Spring General Psychology course, the Respondent referenced his ex-wife and former sister-in-law as examples of individuals who had mental health disorders. The Respondent told OIE, “I never shared anything about my wife or sister.” As set forth herein, OIE reviewed multiple recordings pertaining to the Respondent’s courses. In none of these recordings did the Respondent reference that his ex-wife and former sister-in-law had mental health disorders. However, at the beginning of one of the recordings (*2019 CCP Recording 20190101013334-015*), the Respondent said, “Ok so, I think I was in the middle of telling you, I think I was telling you about my ex-sister-in-law.” He then discussed the negative messaging in television commercials related to parents. There is no further reference to his ex-sister-in-law. Also, no other students shared that a comment of this nature had been made by the Respondent. Although this recording certainly calls into question the Respondent’s statement that he *never* shared *anything* about his wife and sister, without the substance of what had been discussed in regard to his ex-sister-in-law, no corroborating evidence, and a long delay between the alleged incident and reporting, the current record has insufficient evidence to support finding that the Respondent referenced his ex-wife and former sister-in-law as examples of individuals as having mental health disorders.

**43. Whether, during class, the Respondent told students that people with autism will not amount to anything and aren’t capable of achieving anything.**

An anonymous reporter in the Student Google Form alleged that during the 2014 Fall semester, the Respondent told students that people with autism will not amount to anything and aren’t capable of achieving anything. *See Student Google Form – Anonymous*. Similarly, Witness 163 alleged in an email to the University that the Respondent told students in either 2017 or 2018 that “autistic individuals would never be able to live independently”. *See Email – Witness 163 6-12-2020*. During OIE’s discussion with Witness 163, she acknowledged that she had never been a student in one of the Respondent’s courses and her allegation was based on information provided to her by her boyfriend who had taken a course with the Respondent and what she had read on the Respondent’s Twitter page. *See Phone Log 6-30-2020 Witness 163*.

In response to these allegations, the Respondent stated, “For five years, I had worked as a clinical psychologist specifically testing and diagnosing people with autism. ... Up to 75-80%, based on studies, of everyone who has an autistic diagnosis also has the diagnosis of cognitive impairment. Their level of cognitive impairment varies from light, to moderate, to severe, to profound. I tell the class that any person that has the dual diagnosis of autism and cognitive impairment, the vast majority will always need adult supervision in their lives. I worked in a school and in a community mental health center. In the school setting, I pulled students out of class to determine if they were autistic and whether they had cognitive impairment. While at the community center, down the road, the same students that I diagnosed in the schools, once they turned 21, were turned out of the school and the parents were looking for services since the adult kids can’t function on their own. I evaluated them again and confirmed again they had autism and some level of cognitive impairment, and it’s just a fact. I know it doesn’t sit well with the

students, especially if they have autistic relatives – and I do. The majority of people with autism and a cognitive impairment will have to have adult supervision. I’ve had students in the past who have wanted to work with autistic kids who are very discomforted to hear that, and they complain, but I’m entitled to share my clinical experience and the research on this area. What someone has reported I said is derogatory and judgmental and insulting, and that’s not what I said.”

As set forth in Section VI (Material Facts Not in Dispute) above, OIE’s review of the August 28, 2018 General Psychology class recording revealed that the Respondent showed a video related to beliefs and said that he wanted to discuss autism. He then said, “We had autistic people and Asperger’s syndrome. Speaking of IQs, they tend to be in the normal range. About 75 to 85% of individuals with autism also have what we used to call mental retardation. It is now called cognitive or intellectual impairment. 75-80 have some level of that. If you let me use old terms, it is not correct but I am not being nasty. Autism is a social retardation. They vary. Some have mental retardation as well. ... The interventions might do some things like stop the outrageous behaviors like head banging. But helping them to become an average functioning adult is never going to happen.”

Taking the record as a whole into consideration, include the anonymity of one of the reporters, the second-hand information provided by Witness 163, the delay between the alleged incident and report, and the Respondent’s detailed description of the context of his discussions regarding individuals with autism, OIE finds that there is insufficient evidence to support finding that the Respondent told students that people with autism will not amount to anything and aren’t capable of achieving anything.

**44. Whether, during class, the Respondent equated Spanish-speaking adolescents to individuals with learning disabilities.**

Witness 53 alleged that during the 2019 Summer Sexual Behavior course, the Respondent equated Spanish-speaking adolescents to individuals with learning disabilities. In response to this allegation, the Respondent replied, “Never. That’s not factually accurate, either.” OIE’s review of class recordings did not reveal any statements of this nature and none of the other approximately 300 students that communicated with OIE made an allegation of this nature. Taking the record as a whole into consideration, including the lack of corroboration, OIE finds that there is insufficient evidence to support finding that the Respondent equated Spanish-speaking adolescents to individuals with learning disabilities.

**45. Whether, during the 2014 Fall semester, the Respondent refused to implement a disability-related accommodation approved by Student Accessibility Services (SAS).**

Witness 82, who submitted IL #868 and participated in an OIE interview, alleged that during the 2014 Fall Cross Cultural Psychology course, the Respondent refused to allow her to have access to his class notes as part of her disability-related approved accommodations. Specifically, Witness 82 stated that SAS approved her to receive the following accommodations: enlarged print on exams, taking the exam in a separate environment (SDES), extended time, access to professor’s notes and having a student note-taker. She alleged that she visited the

Respondent in his office to discuss her accommodations with him. The Respondent agreed to all of them except granting her access to his class notes. She alleged that he told her, "I don't give out my notes." When Witness 82 replied that "it's the law", the Respondent allegedly looked at her and said, "I don't do that." She continued to point out that denying a student an accommodation with a documented disability was against the law, and the Respondent replied, "I don't do that. Is there anything else I can help you with?" Once again, Witness 82 pointed out that denying any student with a documented disability is against the law. With "a smug look on his face", the Respondent allegedly made a statement about having tenure, which discouraged Witness 82 from following up with anyone regarding the accommodation. Witness 82 stated that she did not argue with the Respondent anymore as she "did not think it was worth it." She stood up and as she was walking out of his office, the Respondent stated, "Good luck."

The Respondent stated, "That never happened. I know by law they are entitled to these services, and the only thing I can think of is that there have been a few times that the office wanted me to provide a transcript of the videos that I show for the hearing impaired, and I have resisted and said, 'don't you guys get paid to sit down and transcribe those videos?' But not complying? Never."

OIE contacted SAS, who confirmed that they did not have any records related to the Respondent not implementing accommodations for Witness 82. SAS also shared that typically they would arrange for class notes to be obtained from another student in the course or volunteer note-taker rather than requesting that the professor's notes be provided to the student since the professor's notes were not being provided to the other students in the course. Although the detailed nature of Witness 82's allegations lend credibility to her allegations and the record lacks any motivation for Witness 82 to fabricate her allegations, without any corroborating information and the delay between the alleged incident and the report, OIE finds that there is insufficient evidence to support finding that the Respondent refused to implement Witness 82's disability-related accommodations approved by SAS.

#### Religious-Based Comments

#### **46. Whether, during classes, the Respondent insulted students that had religious beliefs and told them that God did not exist.**

- a. Specifically, whether the Respondent told students that anyone who believed in God, Jesus, a higher power or religion was childish, ignorant, stupid, dumb, unintelligent, a fool, an idiot, delusional, disillusioned, of a weaker mind, crazy, brainwashed, small-minded or mentally ill.**

Witness 142, who submitted IL #875 and was a student in the Respondent's 2007 Fall General Psychology course, alleged that the Respondent "said that he was indoctrinated because his parents took him to church and that he would not talk to people who believe in something 'stupid.'" Witness 37 alleged that during the 2009 Summer Psychology of Prejudice course, the Respondent told students that those who believed in religion were "deluded" and "mentally ill." Similarly, an anonymous reporter alleged that early in the 2009 Fall semester for the General Psychology course, the Respondent "devoted a lecture to discussion of religion. What started as a topic relevant to psychology quickly devolved into targeting and attempting to humiliate individuals identifying as religious, particularly as Christian. Those identifying as Christian were

asked to identify themselves by standing in the classroom (myself included). [The Respondent] then accused those standing of being ‘ignorant,’ ‘gullible,’ and ‘childish,’ berating them to denounce their religion.” See *Student Google Form – Anonymous*. Witness 147, who submitted IL #815, alleged that during either the 2009 Fall Sexual Behavior course or the 2010 Spring Cross Cultural Psychology course, the Respondent told the students that “anyone with any kind of religious belief is both delusional and unintelligent, because they cannot separate fantasy from reality”. The anonymous reporter in IL #829 alleged that during the 2010 Summer General Psychology course, the Respondent “was antagonistic and generally insulting to Christianity in a way that had nothing to do with class and showed a complete lack of respect for any Christians (and really anyone religious) in the room. It was extremely uncomfortable and way over the line for a professor to behave this way in a classroom setting.”

Witness 99 alleged in her Student Google Form that during the 2012 Fall General Psychology course, the Respondent told students that if they believed in religion, they “were of a weaker mind” and “only idiots would place beliefs in a superior being because they’re afraid”. Witness 82 alleged that during the 2014 Fall Cross Cultural Psychology course, the Respondent told students that Christians were “idiots” and “assholes” because they think that they are right. Witness 138, who submitted an IL report (#811) and participated in an OIE interview, alleged that during the 2015 Spring Cross Cultural Psychology course, the Respondent told students that there was no God and people who believed in God were stupid, dumb and small-minded, and one time “akined a girls religious belief to believing in ‘ghosts’”. Similarly, Witness 84 alleged that during the 2015 Fall Cross Cultural Psychology course, the Respondent stated that believers were dumb.

Witness 91, who submitted IL # 824, alleged that during the first day of class for the 2016 Spring Cross Cultural Psychology course, the Respondent “said something along the lines of ‘I am not here to coddle your beliefs, I am here to piss you off’. And then he proceeded to ask what religious beliefs the class held. When a young girl raised her hand and said she was a Christian, he went off on her and spent 15 minutes condemning her religious identity. The girl walked out of the class in tears and his response was that ‘I know I have done my job when someone leaves crying’”. When asked about this alleged student interaction, the Respondent stated, “That is a complete fabrication. I would not spend 15 minutes engaging with a student. I also don’t ask students what they believe. I don’t talk to them unless they want to engage with me individually. I’ve never seen a student walk out crying, but it’s a large class.”

The anonymous reporter in IL #796 alleged that during the 2017 Fall General Psychology course, the Respondent told students that “anyone who believed in the Bible or heaven was a fool and a religious bigot as they could not possibly believe in such a thing.” The anonymous reporter in IL #797 similarly alleged that on first day of that same course, the Respondent told students that “anyone who believed in God, Jesus, or any higher power was ignorant”. Similarly, Witness 111 alleged that during the 2017 Fall General Psychology course, the Respondent told students that if they believed in God, they were an idiot. Witness 88 alleged that during the 2017 Fall Cross Cultural Psychology course, the Respondent called students who believed in God “stupid” and “idiots”, and told students that believing in religion was like believing in ghosts and was outdated; they were “slow” if they believed in a religion; and, Muslims, Hindus and Christians were “stupid”. Witness 88 further alleged that during the 2017 Fall Cross Cultural

Psychology course, the Respondent showed a video pertaining to abstinence and then “made fun of” this Christian view and said that is why Christians are hypocrites, have venereal diseases and have anal sex. Although the Respondent denied having said that Christians were hypocrites, had venereal diseases and had anal sex, he affirmed that he previously showed such a video to students and stated, “I stopped showing that video because of a lack of time, but yes, I did previously show this to students in class. The video is ‘A Silver Ring,’ which is a 60 Minutes segment.” Witness 144, who also was in the 2017 Fall course, alleged that the Respondent told students that believers were delusional.

Similarly, with regard to more recent courses, the anonymous reporter in IL #894 alleged that during the 2018 Cross Cultural Psychology course, the Respondent told students “that people who believed in god were ‘stupid’”. Witness 86 alleged that during the 2018 Spring Cross Cultural Psychology course, the Respondent told students that he did not like Muslims or Christians because they were “ignorant”, and all religious people were “brainwashed”. Witness 86 recalled that some students that identified as Muslim, as they were wearing hijabs, then left the class.

Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent told students that “if you believe in religion, you are stupid” or “childish”, and had been brainwashed. Witness 133 alleged that during this same 2018 course, the Respondent told students that religion is “crap and makes no sense”, if you believe in any religion, you are kind of crazy, and students had been “brainwashed” to believe in religion. Witness 112, who was enrolled in the Respondent’s 2018 Spring Sexual Behavior and 2019 Spring Cross Cultural Psychology courses, alleged that the Respondent said that believers were “delusional”. Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students that believing in God was stupid.

Witness 56 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent said that Muslims were “crazy” and have “mental issues”. The University also received an allegation that during the 2019 Fall Cross Cultural Psychology course, the Respondent stated, “if you believe in God you should revisit your priorities”, “educated people don’t believe in God, and that if you believe in God, you can’t be an intellectual”. Witness 137, who submitted IL #877, alleged that during the 2019 Fall Cross Cultural Psychology course when the Respondent “was discussing Christianity, he commented to a student, ‘You’re here to learn how to think critically but if you want to continue to believe in a make believe childish god, that is your choice.’” Witness 137 also alleged that during this course, the Respondent told students that the Christian God was a “fairy God” and believers had “childish personalities”. The anonymous reporter in Integrity Line #832 alleged that the Respondent made a similar statement during the 2019 Spring Cross Cultural Psychology course (“if they believe in God then they’re stupid”). Witness 52 alleged that during this same 2019 course, the Respondent told students that those that believed in religion were “disillusioned”. Similarly, Witness 117 alleged that during this same course, the Respondent told students that God was dead, they should believe in science, and people who believed in God were stupid and delusional. Witness 120 alleged that during the 2019 Spring Sexual Behaviors course, the Respondent said that religion and Christianity were dumb. Witness 100 alleged that during the 2019 Summer Sexual Behavior

course, the Respondent told students that people were weak minded, stupid, less than, or scared if they subscribed to a religion.

Witness 54 alleged that during the 2020 Spring Cross Cultural Psychology course, the Respondent stated that people who prescribed to a religion did not have critical thinking skills. Witness 39, who was enrolled in this same course, alleged that he made a statement about believers being delusional.

In contrast, Witness 76, who was a student in the 2015 Spring General Psychology course, alleged that the Respondent did not call the students derogatory names. Witness 160, who was a student in the 2018 Spring General Psychology course, similarly stated that the Respondent did not call the students derogatory names. Rather, “if you had a view that did not align with his views, he was dismissive or would look down on you without any justification.” Witness 165 and Witness 166 stated that during the 2018 Summer Sexual Behavior course, the Respondent did not call students derogatory names. Witness 3, who was a student in the 2018 Fall Sexual Behavior course, stated that the Respondent did not mock students or call them names. Rather, he might have used terms like “moron” but “not directed at anyone, just used in general discussions or storytelling”. Witness 167, who was a student in the 2018 Fall Cross Cultural Psychology course, stated, “I did not witness [the Respondent] to directly insult students, to call them dumb or similar. To me, personally, I felt that [the Respondent] was always respectful.” Witness 6, who also was enrolled in the 2018 Fall Cross Cultural Psychology course, stated that the Respondent never called religion stupid, and never commented about Jesus, Mary, Muhammad or any other religious figures. Witness 6 further stated, “I liked how he would show both sides of things. ... He never asked students to give up their religious beliefs... he caused people to ask questions and asked to see articles and facts to support their views as opposed to their opinion.” Witness 48, who was enrolled in the 2018 Fall General Psychology course, stated that the Respondent called a particular culture or practice that he was describing as “dumb”, rather than a particular student.

Similarly, Witness 1, who was a student in the Respondent’s 2019 Spring Cross Cultural Psychology course, stated that he did not recall the Respondent making derogatory comments about religion. Witness 1 stated that the Respondent “was very opinionated with his beliefs. He was open and honest about his beliefs. He was not derogatory about other religions or beliefs. I did not feel that he was trying to attack anyone, he would try to get us to think through things. I’m Roman Catholic. A lot of my friends were in the class with me, and they and I actually enjoyed his class.” Although Witness 98, who also was a student in the 2019 Spring course, was disappointed with the way the Respondent approached discussions in this course, particularly with regard to race, she corroborated that he did not directly call students “stupid” or “dumb”. Rather, it “was more his demeanor, his facial expressions, his body language and his responses ... he would pick apart everything you would say and you would feel less than.” Witness 104 stated that during the 2019 Summer Cross Cultural Psychology course, the Respondent did not call his students names, like moron or idiot, but he did use those terms to discuss some of the people that he taught about, like religious figures. Witness 5, who also was a student in the same 2019 Summer course, stated that the Respondent did not mock students or call them names. Rather, he said, “You are not correct” or “That argument is not correct.” Witness 106 similarly stated that during the 2019 Fall Sexual Behavior course, she did not witness the Respondent call

a student or their ideas “stupid” or “dumb” or similar terms. However, he countered students’ comments with things like, “I am older than you”, “I have more experience”, “I know more than you”, “we are not getting into this” or “moving on” and he proceeded forward with his lecture. Witness 2, who also was a student in the 2019 Fall Sexual Behavior course, stated that the Respondent did not call students derogatory names. Rather, he used those terms in the general sense like, “I was talking to some moron who believed X,” but this was not directed at any specific student.

In response to these allegations, the Respondent denied that he stated “whomever believes in God is ignorant and needs a reality check” or a statement of a similar nature. As to being deluded or mentally ill, the Respondent stated, “I never said this. It’s a human need that we have and we need to understand that people will be taken care of after they pass, that we will see our loved ones again after they pass.” As to saying that if people believed in a religion, they “were of a weaker mind” and that “only idiots would place beliefs in a superior being because they’re afraid”, the Respondent replied, “I categorically deny that.” The Respondent also denied that he said that people who believed in God were stupid, dumb or small-minded, and “categorically” denied referencing Christians as “idiots” and “assholes”. He also denied that he said that Muslims were “crazy” and had “mental issues.” In response to the allegations that during the 2017 Fall Cross Cultural Psychology class, he called students who believed in God “stupid” and “idiots” and stated that believing in ghosts and God was outdated, they were “slow” if they believed in religion; and Muslims, Hindus and Christians were “stupid”, the Respondent stated, “These allegations are a total fabrication. I would take this opportunity to note that no one made that comment in any of the course feedback.” As to the allegation that he told students that “if you believe in religion, you are stupid” or “childish”, the Respondent stated, “I think I said something about how Einstein characterized it as childish, but I don’t recall saying anything like this.” As to the allegation that during a Summer Sexual Behavior course, he said that people were weak minded, stupid, less than, or scared if they subscribed to a religion, the Respondent stated, “There is no way in hell I said that, and they can search the entire course, which is online, and see that I never said that.” As to the allegation that during his Fall 2019 Cross Cultural Psychology course, he stated that the Christian God was a “fairy God” and believers had “childish personalities”, the Respondent stated, “This is total nonsense. ... This allegation is total fabrication.”

When asked about the allegation that during the 2019 Spring Cross Cultural Psychology course, he said that those who believed in religion were disillusioned, the Respondent stated, “Half the things that have been reported by students are insulting, I’ve never ever said. Also, this is incidentally discussed in General Psych or Sexual Behavior since this isn’t part of the course content, but I’d respond to a student if it comes up. I spend one week – two class meetings – in Cross Cultural talking about religion. I do assert that it is a cultural delusion to believe in religion, but I do not use the derogatory terms. I want to believe I would see my family again after they die; these are deep human needs. My opinion is these students are offended by my views and they are walking away forming the idea that I’ve said these things in a much more pejorative and insulting way than I have.”

As to the allegation that he referred to believers as “delusional”, the Respondent stated, “Like Richard Dawkins, I support the idea that believing in a religion is a cultural delusion. The



way it was reported sounds unacceptable. What I would say is that believing in a religion is a delusion, a cultural delusion – a whole culture that believes in the religion. I would say that I am not the only one who thinks this way. Richard Dawkins does as well. It is well within my course content and relevant to the topic I am covering, and I am being as scientific as I possibly can about that.” As to saying that anyone with a religious belief was unintelligent and delusional, the Respondent replied, “I categorically deny that allegation.” As to the allegation that during his 2020 Spring Cross Cultural Psychology course, he referred to believers as delusional, the Respondent stated, “I would make a statement that believing in religion is a delusion. In General Psych, it would be an incidental comment in response to what someone else is saying; same in Sexual Behavior. It is front and center in the Cross Cultural course. Yes, this same type of discussion has occurred across the sections of Cross Cultural. I have not said they were unintelligent. I still say and hold the position that believing in things for which there is no evidence constitutes a delusion. I am not personalizing it the way some of the students are alleging I am.”

During his OIE interview, the Respondent was asked about the allegation that during his Fall 2018 General Psychology course, he said that religion was crap and makes no sense; and similarly stated that if you believed in any religion you were kind of crazy and that students had been brainwashed to believe in religion. The Respondent replied, “I deny it all and all those words. I do believe that many of us who believe in religion have been indoctrinated by our parents. Even then, I elaborate on it. I talk about how for most people who believe in religion, their parents take them to church weekly or monthly, but don’t take them to multiple other types of religions and let them decide. I tell them that would be an example of religious education, but what we call religious education is really indoctrination, taking them to the same church and reading the same book. I don’t use the word ‘crap’ or ‘brainwashing.’”

In addition to speaking with the Respondent and students that had been enrolled in his courses, OIE reviewed recordings of the Respondent’s lectures. During one of the 2019 Summer Cross Cultural Psychology recordings (*see Recording - Peru – Summer 2019 -3*), the Respondent indicated that he personally changed in terms of his beliefs when he “encountered someone who changed my way of thinking”. He identified this person as Muhammad. He then said that when he learned about Muhammad, he concluded that religion was “all **make believe**.” In the class recordings (*see Recording 2019 – 8*), the Respondent shared the story of Sodom and Gomorrah from the Bible (Genesis 19:1-36) and stated, “The Bible doesn’t say that he’s going to destroy the city because people are turning gay – it’s kind of implied that – it’s just that they’re disobeying God.” He then described that “Lot’s wife turned around and God turned her into a pile of salt” and that this was “a **pretty childish** story”. *See also Power Point Arab & Muslim Americans Lecture 1, slide 49*, (referred to passage from the Bible as a “childish story”). Similarly, in a recording from this same course (*see Recording – Peru – Summer -2019 – 13*), the Respondent talked about religion providing an answer to our origin and referenced the Adam and Eve story from the Bible. He then said that this was a “**childish story**”, students “latch onto the childish story”, we are “narcissistic for believing we are so special that someone is looking after us and has our back”, and people who believe in religion have a **lack of education**. Also, a recording of the Respondent’s November 6, 2018 General Psychology course revealed that the Respondent told students the following: “With all due respect to you, I say this very sincerely,

many of you struggle to separate fantasy from reality. You think Satan is real, many of you in here, and you understand that is a childish concept. There's no such thing as a Satan or devil."

Turning to the documentary evidence, OIE reviewed the Respondent's September 12, 2019 message to his Cross Cultural Psychology students wherein he discussed the need for students to engage in critical thinking and stated, "let me say something quickly about religion (mythology). I'm a simple man. Let's just take one fundamental tenant of Christianity and Islam: Heaven. For those of you who believe, please tell me precisely where is heaven? Some of you think you're going there after you die, yet I bet you can't tell me where it is. Isn't that...shocking? to believe you're going somewhere so important, yet you are unable to tell me where it is? Do you recognize the absurdity of that?" *See Announcement – Sept. 12, 2019 Re Religion; see also Announcement Jan. 2012 Re Religious Bigotry.* Also, in his March 18, 2018 message to his students wherein he discussed "intellectual paradoxes," the Respondent stated, "I informed you that, on one hand, the majority of Whites are **rather unsophisticated intellectually** speaking (the vast majority have not graduated from a university, **believe in "Satan,"** blah, blah, blah). *See Announcement – March 18, 2018 Email Re White Accomplishments.*

In the student's 2015-2019 evaluations of the Respondent's courses, students provided the following relevant feedback:

- "When students ask questions, more than 75% of the time the question is not actually answered; rather the student is mocked and/or the answer given has no clear link to the question. If a student would point out a flaw in his logic or even claim that he's showing a clear bias, he would argue that he's not biased and that we students are being hypersensitive and/or are 'just plain dumb'." *See Respondent's Student Evaluation 2016 Fall.*
- "We understand your personal view on matters. Please stop degrading people for having a different opinion. Ex: 'You snowflakes', 'You're all delusional', etc. You can express your view without insulting everyone." *See Respondent's Student Evaluation 2017 Fall.*
- Respondent told the students that "whomever believes in God is ignorant and needs a reality check." *See Respondent's Student Evaluation 2018 Spring.*
- When asked, "What suggestions do you have for improving the course and/or how the instructor taught it, a student responded, "not call people who believe in religion childish maybe?" *See Respondent's Student Evaluation 2019 Fall.*

First, as noted above, OIE does not find the lack of a large number of reports about this alleged conduct represented in the student evaluations to be persuasive evidence that the conduct did not occur. Second, OIE notes that there is consistency, although not verbatim, in the allegations among multiple students in 15 different semesters capturing a lengthy timeframe (2009-2020) - namely, that the Respondent directed derogatory terms and statements at those with religious beliefs. Also, the students provided detailed information about the comments. This consistency and detailed nature of information lend strong credibility to the allegations. On the other hand, multiple students over a portion of this same timeframe (2015-2020) denied that the Respondent called students derogatory names, such as stupid, moron, idiot, etc. Rather, they stated that the Respondent used some of the derogatory terms when referring to an idea he disagreed with or a specific religious person that was the focus of his lecture. They also said that the Respondent used those terms in a "general sense like, 'I was talking to some moron who

believed X.” It is important to note that these students’ experiences only overlapped with two of the fifteen semesters discussed herein (specifically, 2018 Fall General Psychology and 2019 Spring Cross Cultural Psychology). This raises the question of why students appeared to have experienced the classes differently when the Respondent discussed religion. As set forth above, the record lacks evidence of any of these students having a motivation to fabricate allegations whereas the Respondent has a motivation to lie and demonstrated inconsistency in some of the information provided during his OIE interview (see *Consistency* section above).

With regard to some of the allegations, it is possible that when the Respondent stated that believing in a religion is delusional and that religion is a cultural delusion, both of which are undisputed by the Respondent, students understandably interpreted these statements as him saying that believers were delusional. Or when he referred to a religious story as a “childish story”, which the documentary evidence supports he did, or referred to the existence of hell as “another childish idea”, students interpreted these statements as him saying that believers were childish. The distinction in semantics that the Respondent is making is a distinction without a difference as he clearly equated those with religious beliefs to being delusional and believing in childish stories. This is consistent with the Respondent’s student evaluations and OIE’s witness interviews where students, including those that were generally positive in their review of the Respondent, repeatedly noted that the Respondent treated religious beliefs with disrespect throughout his courses. The class recordings demonstrated some of this disrespect, such as when the Respondent referred to a belief in an afterlife as “absurd” and noted that people who believed in religion lacked an education. Correlating having religious beliefs to being uneducated, as well as correlating believing in Satan to being intellectually unsophisticated, is not that far from saying that a religious individual is ignorant and unintelligent. Also, he did not dispute that he told students that believing in a religion was like believing in flying elephants, which was a derogatory jab toward those with religious beliefs. Furthermore, as set forth in more detail in Section VI (Material Facts Not in Dispute) above, during his 2019 Summer course, when discussing his belief that religion had never solved a single social problem and a student was having a reaction to this statement, the Respondent flippantly stated, “People who believe in religion tend to be irrational.” Similarly, during this course, he joked that attending a Catholic sermon was “like taking two tranquilizers and being given a cup of vodka. All it does is put you to sleep, it is boring.” Accordingly, taking the record as a whole into consideration, OIE finds that there is sufficient evidence to support finding that throughout three of the Respondent’s courses (General Psychology, Sexual Behavior, and Cross Cultural Psychology), the Respondent repeatedly made derogatory statements about individuals with religious beliefs, including that they were delusional, childish, unintelligent and ignorant.

However, the record does not support finding that the Respondent specifically stated that believers were “stupid”, “dumb” or “idiots” as none of the recordings support him having made comments of this nature, including during the 2018 Fall General Psychology course where one of the students alleged that the Respondent said, “If you believe in religion, you are stupid.” That said, according to those students that denied he called students derogatory names, the Respondent referred to religious figures, religious practices or religious ideas as stupid, dumb, or idiotic. One of the recordings demonstrated that the Respondent referred to the Christmas tradition of exchanging gifts and having a Christmas tree in one’s house as “pretty bizarre”. Accordingly, the record supports that it is more likely than not that the Respondent used the

derogatory terms (stupid, dumb, idiot, absurd) during some of his courses in reference to specific religious practices or religious figures.

Lastly, the record does not support finding that the Respondent had students identify themselves as believers and stand up while the Respondent ridiculed them. Only one student made this allegation out of the more than 300 students spoken with by OIE, and none of the recordings or documentary evidence supported that such an activity had been engaged in by the Respondent. Similarly, the record does not support finding that the Respondent told students that Christians are hypocrites, have venereal diseases and have anal sex.

**b. Whether the Respondent told students that believing in God was like believing in fairy tales, and the Bible was a “joke” or “crazy book”.**

Witness 37 alleged that during the 2009 Psychology of Prejudice course, the Respondent equated religious faith to fantasy. Witness 122 alleged that during the 2013 General Psychology course, the Respondent told students that believing in the Bible and other religious texts was like believing in unicorns. Witness 85 alleged that during the 2016 Fall General Psychology course, the Respondent told students that if anyone believed in God or any other religion, they were believing in a fairy tale and were not ready for college-level classes because their thought process was based on fairytale-like beliefs. He allegedly further stated that they should leave the class if they believed in God, and some people left. The anonymous reporter in IL #797 alleged that on first day of the 2017 Fall General Psychology course, the Respondent told students that “believing in God was like believing in a purple elephant flying around the room.” Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students that belief in God was a fiction. Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent told students that believing in religion was like believing in a flying elephant or Santa Claus. An anonymous reporter alleged that during a 2019 Fall course, as students left for the holiday break, the Respondent said something to the effect of “have a great Christmas. Enjoy praying to a fake man who lives in the sky”. *See Student Google Form – Anonymous.*

Similarly, Witness 54 alleged that during the 2020 Spring Cross Cultural Psychology course, the Respondent described religious books and the Bible as works of fiction. Witness 83, who submitted IL #881 and participated in an OIE interview, alleged that during the 2017 Fall Sexual Behavior course, the Respondent told a student during class “that the Bible was a joke that it couldn’t be taken seriously. The student had already expressed that she was offended but [the Respondent] kept going and laughing while talking directly to this student about it. He called the Bible ‘that crazy book’”. Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent told students that the Bible was a “fairytale”, “stupid”, and “that crazy book full of fairy tales”. Witness 98 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent told the students that the Bible was a joke.

As to the allegation that he told students that if anyone believed in God or religion, they were believing in a fairy tale or mythology and were not ready for college-level classes because their thought process was based on fairytale-like beliefs, the Respondent replied, “I deny the whole thing with one exception: I do say that all religions are mythologies.” As to the allegation

that in his 2018 Fall Cross Cultural Psychology course, he said that believing in God was a fiction, the Respondent stated, “I never said what was reported.” As to the allegation that he stated that believing in religion was like believing in a flying elephant or Santa Claus, the Respondent stated, “Wouldn’t you want to ask what the evidence is? If someone claimed angels or devils exist, wouldn’t you want to ask about what the evidence is? I don’t remember anything about Santa Claus but did refer to a flying elephant.” As to the allegation about unicorns, the Respondent stated, “I did not make that statement. I’ve never used unicorns as an analogy. I don’t know why I would be saying that in General Psychology because we don’t talk about religion. I don’t have a formal lecture on religion in General Psychology. I’ve never said that.” As to the allegation that he referred to the Bible as “that crazy book full of fairy tales” during his Fall 2017 Sexual Behavior course, the Respondent stated, “I’m not sure why I’d be talking about the Bible in Human Sexuality, but I do think the Bible and similar books are mythological and have no connection to reality. Making gratuitously insulting comments, I would not have said that.” As to the allegation that during his Spring 2019 Cross Cultural Psychology course, he said that the Bible was a “joke”, the Respondent stated, “I don’t think I said that. I have said some of the stories are funny.” As to the allegation that during his Spring 2020 Cross Cultural course, he described religious books and the Bible as works of fiction, the Respondent stated, “Mythological, sure. I may have used ‘fiction’.”

Turning to the other evidence in the record, as set forth in Section VI (Material Facts Not in Dispute) above, OIE’s review of the Respondent’s 2019 Summer Cross Cultural Psychology course recordings revealed that the Respondent had a discussion with the students about how “religion has never solved a single social problem”, and then stated, “I am talking about believing in an **imaginary** God and you are talking about social aspects”. Similarly, the Respondent told students that God was “a **figment of your imagination**”, and he had come to the conclusion that religion was “all **make believe**.” Likewise, in his 2019 Spring student evaluation, a student noted the following: “I strongly did not like how he let us know his views. He is a strong atheist and I am a Christian. He gives all the information but also jokes that God **isn’t real**. Very disrespectful.” *See Respondent’s Student Evaluation 2019 Spring*. Furthermore, as noted above, a recording of the Respondent’s November 6, 2018 General Psychology course revealed that the Respondent told students, “With all due respect to you, I say this very sincerely, many of you struggle to separate fantasy from reality. You think Satan is real, many of you in here, and you understand that is a childish concept. There’s no such thing as a Satan or devil.”

Taking the record as a whole into consideration, including the Respondent’s admission that he compared believing in religion to believing in flying elephants and likely referred to the Bible as fiction, the consistency in allegations from multiple students over multiple courses, the recordings demonstrating that the Respondent referred to religion as “make believe” and God being “imaginary” and a “figment of your imagination”, OIE finds that there is sufficient evidence to support finding that throughout the Respondent’s courses (particularly, Cross Cultural Psychology and General Psychology), the Respondent repeatedly told students that believing in God was like believing in fairy tales, purple flying elephants, and Santa Clause; told students that the Bible was a joke and fiction; and, as students left for the holiday break during the 2019 Fall semester, the Respondent said something to the effect of “have a great Christmas. Enjoy praying to a fake man who lives in the sky”.

**c. Whether the Respondent told students that God did not exist or was not real.**

Witness 94, who submitted IL #842 and had enrolled in the Respondent's 2012 Spring Cross Cultural Psychology course, alleged that during every "class, [the Respondent] would rant about his religious beliefs. It was more than just ranting though. He would consistently put down other religions and beliefs, and talk about it the entire 2 hour and 50 minute class period. He NEVER covered the material in the class yet he would always say 'we will get to the chapter on religion' when a student would challenge his point of view. I wound up withdrawing from the course because I could not stand his comments anymore and how he never covered the material. Since it was in Spring 2012, I do not remember any specific comments he made but I can 100% back up the fact that he only ever talked about his religious beliefs and continuously put all other religious beliefs down." Similarly, the anonymous reporter in IL #976 alleged that during "almost every single lecture [the Respondent] aimed to discredit anyone who had religious beliefs starting off his first lecture ever with 'Can anyone tell me where heaven is? Exactly, because it doesn't exist.' While he may be an atheist, which I can respect, he constantly looked down upon 'believers' and made them out to be ignorant and less than." Similarly, Witness 50, who submitted IL #845 and was enrolled in the Respondent's 2014 Spring Cross Cultural Psychology course, alleged that the Respondent "seemed to imply that the only reason any of his students were religious was simply because they refused to think critically about their beliefs."

Witness 87 alleged that on the first day of the 2017 Spring Cross Cultural Psychology course, the Respondent told students that if they were Christians, they would not do well in the course and God was not real. Similarly, Witness 144 alleged that during the 2017 Fall Cross Cultural Psychology course, the Respondent told students that God was not real.

Witness 168, who served as a GTA for the Respondent, alleged that either during the 2018 Fall or 2019 Spring semester, a student visited the Respondent during office hours about an exam question regarding the existence of God. The Respondent told the student that "the correct answer is that there is no God." When the student stated that they were not comfortable marking that as the answer due to their personal religious beliefs, the Respondent reiterated that the correct answer was that there is no God.

Similarly, Witness 121 alleged that during the 2018 Fall General Psychology course, the Respondent discussed his beliefs on atheism and sexuality and said that God didn't exist. It was further alleged that he then had the following exchange with a female student: Student: "I believe in God"; Respondent: "How do you know God exists?"; Student responded with her thoughts on this; Respondent: "You're wrong, God doesn't exist." Witness 48, who also took the 2018 Fall General Psychology course, alleged that the Respondent further stated that by doing simple research and thinking on your own, you would come to the conclusion that there is no God just like he did. Similarly, Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students that if they were Christian or religious in some way, "you are just doing it because you need to believe in something and can't deal with [the] real world." The anonymous reporter in IL #799 alleged that during 2018 Fall General Psychology class, the Respondent said within the first hour of class, "People who love their little Jesus don't realize all he was, was schizophrenic. And if that offends you, it's because you won't accept it because you need it to make you feel better about your life."

Witness 110, who was enrolled in the 2019 Summer Cross Cultural Psychology, alleged that he told students that religion was not real, religion was created to satisfy people, and the idea of religion was funny. Witness 63 similarly alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent told students that God and heaven were not real. Witness 48 alleged that during the 2019 Fall Cross Cultural Psychology course, after the Respondent stated that Jesus was a schizophrenic, “If that offends you, it’s because you won’t accept it because you need it to make you feel better about your life.”

During his OIE interview, when asked about the allegation that he told students that there was no God, the Respondent stated, “I say that there is no evidence for a God. I don’t know if there is a God or not. Students will tell me that is my opinion, but I say no, that’s a fact because there is no evidence. If I said there was no God, that would be my opinion.” As to the allegation that during his Fall 2018 Cross Cultural Psychology course, he said that if you are Christian or religious in some way “you are just doing it because you need to believe in something and can’t deal with real world”, the Respondent stated, “I can’t recall that. If I were to say it, I would not tell a student that God does not exist. About 8-10 years ago, I had a controversy in my class that became national news about religious bigotry. An Orlando Sentinel person came to my office and said, ‘do you tell students there is no God?’ I told him there is no evidence of God. I told him it was not my opinion; there is no evidence of a personal God. I do say there is no evidence of a soul or angels or a devil or personal God, but that’s what I say – there is no evidence.” Further, “I said something like, we’re all humans, we’re all afraid of death, and talked about the psychological needs that are satisfied through believing in a religion. We all need that emotional attachment to our loved ones, and I walked them through these motives. Even if they don’t like what I said, I did so in a professional, pedagogical way, not the way it’s been reported.”

During his OIE interview the Respondent also was asked about the allegation that on the first day of his Fall 2018 General Psychology course, he discussed his beliefs on atheism and sexuality and said that God didn’t exist, as well as the allegation about his exchange with a female student wherein he told her that God did not exist. In response, the Respondent stated, “I deny this allegation. I let them know where I’m coming from and I don’t elaborate. If the student were to say that to me on the first day of class, I just can’t imagine myself wanting to debate that since it’s so out of place. I would have said ‘more power to you’ or something like that.” As to the allegation that he told students that by doing simple research and thinking on their own, they would come to the conclusion that there is no God just like he did, the Respondent stated, “If someone is bringing up religion in General Psych, I could see myself saying that is how I arrived at my conclusions, but I can’t see myself telling students that they should do that.”

When asked about an exam question requiring students to select that there is no God to get credit, the Respondent stated, “If there is any item, it would say something like, whether there is evidence for a god, which is different from proclaiming there is or is not a god. Proclaiming there is a god is an opinion; posing there is no evidence of god is a fact.”

During OIE's discussion with Witness 13, who was a student in the Respondent's 2019 Cross Cultural Psychology, she indicated that she had a positive experience in the course and that he did not engage in discriminatory behavior. That said, Witness 13 acknowledged that during class, the Respondent said that God was not real. On the other hand, Witness 4 shared with OIE that he identified as a Christian and his Dad had died of early onset Alzheimer's disease. He shared this with the Respondent and his frustrations about why God would have such a disease. In response, the Respondent did not reply that there was no God. Instead, he said, "If you are a believer, go all the way. In your beliefs, your Dad is going to heaven and will see God." Witness 4 stated, "He was right. I need to take comfort in that in my struggles to understand. Even though he's an atheist, he was right."

Turning to the 2019 Summer course recordings (*see Recordings*), the Respondent discussed his concerns about the threat of war. During this discussion, he stated, "I think religion is a problem for humanity," and referenced that he understood that many in the class had religious beliefs. He then stated, "You are free to believe how you want. I won't try to change your mind", but then said that "all religions are make-believe". He explained that there was no evidence to support the religion and that people had invented religion and souls. In these recordings, the Respondent can be heard sharing a passage about the Muslim equivalent to tithing, and stated, "I'm sorry, but **Allah does not exist**. There's nobody giving anything to Allah. There's no one passing money up in the sky to Allah. It's like Christian churches who tell you to tithe your money to God. No, it's going into the preacher's pockets." Similarly, in the 2020 Spring lecture regarding Muslims recordings (*see Recordings Arabs & Muslims Lecture 3*), the Respondent is heard reviewing information related to Muslim women and stated, "**I am telling you from a non-believer point of view that Allah does not exist**, someone is making this up and claiming that it is Allah that is saying this."

Although the Respondent attempted to distinguish that his classroom statements were that there was no evidence of a God rather than having said that there was no God, God is not real or God did not exist, the record demonstrated that he did not limit these comments to there is no evidence. The recordings showed that he said that "Allah does not exist", God was a "figment of their imagination", and religion was "make believe". According, taking the record as a whole into consideration, including the undisputed statements in the recordings, the consistency in the students' allegations, and the Respondent's statements being inconsistent with the record, OIE finds that there is sufficient evidence to support finding that during two of the Respondent's courses (General Psychology and Cross Cultural Psychology), the Respondent repeatedly told students that there was no God, God was not real and God did not exist. However, there is insufficient evidence to support finding that the Respondent told students that if they were Christians, they would not do well in the course or that by doing simple research and thinking on their own, they would come to the conclusion that there is no God just like he did.

**d. Whether the Respondent told students that religion was evil, harmful, or ridiculous, or that anyone who was not an atheist ought to be dead.**

The anonymous reporter in Integrity Line #803 alleged that during the 2017 Spring Cross Cultural Psychology course, the Respondent told students that "religion is evil, harmful, ridiculous...." The Respondent shared with OIE that on one of his evaluations (2019 Fall Cross



Cultural Psychology course), a student alleged that he told the class that “anyone who was not an atheist ought to be dead”. The Respondent denied having made this specific statement or a statement of this nature. No other students made such allegations throughout the course of this investigation nor was a statement of this nature heard on the recordings available to OIE. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that religion was evil, harmful, or ridiculous, or that anyone who was not an atheist ought to be dead.

**e. Whether the Respondent told students that teaching Christianity, Islam or any religion to children constituted child abuse.**

Witness 37 alleged that during the 2009 Psychology of Prejudice course, the Respondent equated being raised with religion to child abuse. Witness 103 alleged that during the 2018 Spring Cross Cultural Psychology course, the Respondent told students that teaching children about hell, which is a concept of Christianity, is child abuse. During his OIE interview, the Respondent advised OIE that he issued an exam question to his Cross Cultural Psychology students “asking them, from a secular point of view, whether the idea that someone was watching a child 24/7 and, even though they are behaving outwardly, this person knows their inner thoughts would constitute child abuse. It was about religion in general, not Christianity in specific.” He also stated, that during class, it was “a general comment on religion”.

As set forth in Section VI (Material Facts Not in Dispute) above, the Respondent issued an exam question that asked: According to any *reasonable* and *rational* person, telling children that someone is watching them 24/7 and knows every “move they make” and every thought they have, represents essentially: A. a good moral upbringing, B. child abuse, C. parental love, or D. parental protection. Students needed to select option “B. child abuse” to receive credit for answering this question correctly. Also, as set forth in Section VI, OIE’s review of the 2019 Summer recordings pertaining to the Cross Cultural Psychology course revealed that, while discussing the purpose of religion, the Respondent referenced religion being a mythology and stated that being raised in a religious upbringing “is a form a child abuse.” He also stated, “Teaching children to believe that there is someone watching them all the time, I would say that is child abuse. ... It does not occur to Christians and Muslims how bizarre and abusive that is to tell children that when they are growing up.” *See Recordings – 2019 Summer - #6 & #8.* Accordingly, taking the record as a whole into consideration, OIE finds that there is sufficient evidence that the Respondent repeatedly told his Cross Cultural Psychology students that providing children with a religious upbringing, including Christians and Muslims, constitutes child abuse.

**47. Whether, during class, the Respondent told students that the Virgin Mary was not a virgin when she got pregnant with Jesus, did not get pregnant by immaculate conception, and got pregnant by “raw-doggin it across town”, by “being a whore” or by “being a slut”.**

An anonymous reporter (IL #828) alleged that during the 2017 Fall Cross Cultural Psychology course, the Respondent said that “the way the Virgin Mary really got pregnant was because she was ‘raw-doggin it across town’”. Witness 88 alleged that during that same course,

the Respondent stated that “Mary had to come up with some story so that she did not get killed for being pregnant.” Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent told students that with regard to the Virgin Mary, it was scientifically impossible to be pregnant without having sex, “for all we know, she could have been raw-doggin it across town,” and she could have been having sex with various men. Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students that the Virgin Mary was not a virgin, and she just saw a way that she could save her life after she had been “whoring” around. Witness 167, also in this 2018 course, recalled that the Respondent said that “Mary had probably had intercourse with someone else and made the story of the immaculate conception up to protect herself. He said she then proceeded to raise Jesus according to this narrative.” Similarly, Witness 56 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent said that Mary, the mother of Jesus, was “just a slut who got pregnant outside of marriage and, to avoid being stoned to death and killed, she lied and said it was God who got her pregnant”.

In response to these allegations, the Respondent stated, “She [Mary] hardly ever comes up in my lectures. Any time she does, this is what I say. First, it is true that you cannot get pregnant without sex. Second, consistent with her culture at the time, if Mary had gotten pregnant out of wedlock, her people would have considered her ‘a whore’ (with air quotes) and murdered her. Someone got the idea to concoct the story that she was impregnated divinely. I say this in a disinterested and dispassionate way, no smile or smirk on my face. I have never said ‘raw-doggin it across town’ to a student. The term ‘raw-dogging’ is awful. ‘Whore’ is a legitimate word used in the Bible several times. I say exactly what I just said. The words ‘raw-dogging’ or ‘slut’ have never come out of my mouth in reference to the Virgin Mary.”

OIE’s review of the available 2018 General Psychology course recordings did not reveal the Respondent referring to the Virgin Mary as “raw-doggin it across town” nor as a slut or a whore. A review of the 2019 Summer Cross Cultural Psychology recordings similarly did not reveal the Respondent having made these comments. As set forth above, OIE spoke to numerous students from both the General Psychology courses and Cross Cultural Psychology courses. With regard to the 2018 General Psychology course, OIE communicated with 44 students from this course and Witness 95 was the only student to identify the “raw-doggin” comment as having been made. With regard to the 2017 Cross Cultural Psychology course, OIE spoke with two students from that course – neither of whom corroborated the anonymous reporter’s allegation. With regard to using the term “whoring” or “slut”, Witness 140 and Witness 56 were the only witnesses to allege use of those terms with regard to the Virgin Mary. Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told either his General Psychology or Cross Cultural Psychology students that the Virgin Mary got pregnant by “whoring”, “being a slut”, or “raw-doggin it across town”. Instead, the record supports that with regard to the Virgin Mary, the Respondent taught students that you cannot get pregnant without sex, and, consistent with her culture at the time, if Mary had gotten pregnant out of wedlock, her people would have considered her ‘a whore’ (with air quotes) and murdered her. Someone then got the idea to concoct the story that she was impregnated divinely.

**48. Whether, during class, the Respondent told students that Muslims largely support terrorism and violence, and that Islam was not a religion of peace.**

The anonymous reporter in IL #817 alleged that in 2018, the Respondent told students that there was “some truth to Muslims being terrorists.” Witness 107 alleged that on the first day of class in the 2018 Fall General Psychology course, the Respondent stated that with regard to Islam, it was a myth that they were peaceful, the religion was founded on violence, they remain violent today, and they force people to convert to Islam. Witness 95 alleged that, during this same course, the Respondent stated that radical Islam was evil and caused people to do evil things. When a student in the front row got upset, the Respondent called her culture a “terrorist culture”, said she “was just as brainwashed as the terrorists were,” and said “maybe you are a terrorist”. Witness 160, who was student in the 2018 Spring General Psychology course, alleged that the Respondent criticized Muslim culture and said that what they did was wrong. Witness 160 further stated that the Respondent generalized all Middle Eastern people as in the case of female castration. He said, “All Muslim people do this or that, and it’s all bad.” He compared Western values to Middle Eastern values and said their values are bad. Witness 57 alleged in an email to the University that in 2018-19, the Respondent told students multiple times that Muslims were most likely to be terrorists. Witness 167 stated that during the 2018 Fall Cross Cultural Psychology course, the Respondent said, “I don’t like Islam.”

Similarly, the anonymous reporter in IL #803, who indicated they had been a student in the Respondent’s 2019 Spring Cross Cultural Psychology course, alleged that the Respondent told students that “people should criticize the teachings of Islam. He tries to convince the class that Muslims (in the US) largely support terrorism ideology or believe in violent tactics.” The anonymous reporter in IL #832, who indicated that they were a student in the same course, alleged that the Respondent told students that all Muslims “are terrorists, he backed this claim by saying fundamentalists are all terrorist which is not true. Fundamentalism in religion is following religious text as it is written. There is fundamentalism in every religion that has a scripture. When I tried to mention this fact [the Respondent] told me that I condone terrorism and that I should be ashamed. He then asked me to name one religiously charged terrorist attack that wasn’t done by Muslims, so I answered. Being Jewish, it is not difficult to think of multiple terror attacks.” Witness 73, who also took Cross Cultural Psychology during the 2019 Spring semester, alleged that the Respondent told students that 40% of Muslims support terrorism. Witness 116, who was a student in the 2019 Summer Cross Cultural Psychology course, alleged that the Respondent told students that Islam was a cruel religion, referenced language from the Quran,<sup>18</sup> and then said that the passage was “advocating for violence” and “advocating for lowering the position of women.” Similarly, Witness 125 alleged that during this same course, the Respondent told students that Islam was the worst or most harmful religion and “he’s going to show us why.” He “showed videos and materials that highlighted fundamentalist Islam and went into detail on things we hear about, like honor killings and terrorist groups. He focused on the extremism of that religion but did not focus on what the majority of that religion practices.” Witness 137 alleged that during the 2019 Fall Cross Cultural Psychology course, the Respondent told students that the Islamic faith was terrorist.

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<sup>18</sup> The Quran is the Islamic sacred book, believed to be the word of God as dictated to Muhammad by the archangel Gabriel and written down in Arabic.

In support of these allegations, students referenced how the Respondent posted a link to a video called *By the Numbers – The Untold Story of Muslim Opinion & Demographics* and instructed students to review the video. OIE received a copy of the Respondent’s April 4, 2020 message to students about this video. Therein, the Respondent stated: Please be sure to view this short youtube segment in preparation for your upcoming final exam (on Thursday, April 23rd at 4:30 p.m.). <https://www.youtube.com/watch?v=pSPvnFDDQHk>. As set forth in Section VI (Material Facts Not in Dispute) above, this video presents Dr. Raheel Raza’s viewpoint that “most of the terrorism in the world today involves Muslims in one way or another, and because it directly affects our lives and security,” she believes that “we need to be able to have an open, honest and fact-based conversation about the growing threat of radical Islam.”

When asked to respond to allegations that he told his General Psychology students that it was a myth that Muslims were peaceful and that their religion was founded on violence, the Respondent replied, “In General Psychology? If it did come up in General Psychology, the subject came up from someone else, and I might have commented on it. I typically don’t address this content in General Psychology. I spend a lot of time on the topic of Muslims in my Cross Cultural Psychology course.” When asked about the allegations that he said that Islam was not a religion of peace and most Christians and Muslims ignore their religious texts, the Respondent replied, “Again, what I say over a 15-minute period is now being reduced to three seconds. During my Cross Cultural Psychology classes where I am discussing Muslims, I’m walking the students through verses in the Quran. If anyone has read this book, and many Americans have not, they would be abhorred by the verses therein such as that Jews should be murdered, Christians should not be friends, and infidels should be killed. There are many verses like this. ... After I covered these horrific verses with the students, I said that Muslims nevertheless claim that Islam is a religion of peace. I don’t get that sense from the text. I explained to the students that the people who say that Islam is a religion of peace are individually peaceful people, but they are overlooking these horrific verses and mandates from the Quran. During these classes, I also walked the students through how Christians also ignore most of the Bible. You don’t find Christians anywhere today who look at their neighbor who mows their lawn on Sunday and decide to go kill them since that’s what is said in the Bible.<sup>19</sup> Muslims are advocating that Islam needs a reformation because too many Muslims are adhering to Islam in its original intent.”

When asked if he discussed Islam as a violent religion, the Respondent replied, “I already covered how there are aspects of Islam that advocate killing anyone who is not a Muslim. There are verses that advocate killing Jews, beheading infidels, and not trusting Christians. I tell students to fact check those verses, and said that it would be hard to convince me that this is a religion of peace.”

When asked about the allegations that he told students that Islam was evil, Islam caused people to do evil things, called the Muslim culture a “terrorist culture”, and said that a student “was just as brainwashed as the terrorists were” and “maybe you are a terrorist”, the Respondent replied, “During my Cross Cultural Psychology courses, when it’s time to cover Arabs/Muslims, I start out by pointing out many things to the students. I point out how there is over 1.5 billion

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<sup>19</sup> During the 2019 Summer Cross Cultural Psychology recording (*see Recordings 2019 Summer -13*), the Respondent told students, “The Bible instructs Christians if you see your neighbor mowing his lawn on a Sunday, you are supposed to go kill him.”

Muslims in the world and that most of them are regular people like you and me, but there is another smaller group (hundreds of thousands) that some people call Islamists, and some might call them jihadists or radical Muslims. Those Muslims will kill and die for their religion. Fundamental Muslims would not kill anyone, but they want Sharia law, and they are in the tens of millions. I make the case for students to keep separate these various groups of Muslims. Having said all that, I never said that maybe a student is a terrorist - this is totally false. ... I tell the students that there are very troubling aspects of Islam. There is a lot to Islam. I don't spend much time pointing out the love your neighbor parts. I'm pulling out things that Americans don't want to face up to." When asked if he lectured about these details about Islam in his General Psychology courses, the Respondent replied, "Never, not because I'm opposed, but because it's not relevant to the General Psychology course curriculum."

OIE's review of the 2019 Summer Cross Cultural Psychology recordings and Power Point slides related to this lecture revealed the following: The Respondent stated, "Despite that there are hundreds of millions of Muslims who are nice people, there are also hundreds of millions of Muslims who have some very disturbing attitudes. We are going to look at some data, and of course you can form your own opinion about this situation." On one of the slides, the Respondent defined fundamentalists as "not violent, nor political, but desire Sharia Law as 'law of the land'". With regard to one of the slides, the Respondent stated, "We are fortunate in the United States in that the majority of Muslims who come to the U.S. from other countries are vetted at some level from the U.S. government, so we haven't had tons of refugees, Muslims, just pouring into the U.S. without knowing who they are and what their motives are for coming to the U.S. ... This Pew survey found that 1 out of 4 Muslims [in slide, 26%] between the ages of 18 and 29 think that suicide bombs are sometimes justified in order to defend Islam. When I say suicide bombs, I'm talking about random acts of violence toward innocent people, like in malls or driving trucks through crowded malls." When reviewing versus from the Quran, including versus about Muhammad instructing Muslims to be harsh towards disbelievers and that wherever you find non-Muslims, you kill them ("You should put terror into non-Muslims and strike off their heads."), the Respondent stated, "Another idea that defensive Muslims will say that Islam is a religion of peace and a religion of love (slight laugh). I don't feel the love, I don't know about you."

The Respondent's Power Point slides also set forth PEW survey data from 2013 regarding the opinion that honor killings are justifiable for women (ranging from Morocco being 35% in support to Iraq being 78% in support); PEW data from 2013 regarding the belief that homosexuality is immoral (ranging from 77% in Uganda and Iraq in support to Cameroon and Ethiopia being 99% in support); PEW data from 2013 regarding Muslims that want Sharia law (ranging from Tunisia with 56% support to Afghanistan with 99% support); PEW data from 2013 regarding Muslims who support Sharia Law that favor "stoning to death" as punishment for adultery (ranging from Turkey being 29% in support to Pakistan being 89% in support); PEW data from 2013 regarding Muslims who support Sharia Law that also support "corporal punishment" for theft and other crimes (ranging from Tunisia with 44% in support to Pakistan with 88% support); and, PEW data from 2013 regarding Muslims who support Sharia Law that also support "death" as punishment for apostasy (ranging from Turkey being 17% in support to Egypt being 86%). His slides further presented PEW survey data from 2015 regarding countries' populations that have an "unfavorable view" of Jews (ranging from Turkey with 60% support to

Jordan with 100% support), an “unfavorable view” of Christians (ranging from Lebanon being 7% in support to Morocco being 61% in support), and, an “unfavorable view” of Muslims (ranging from Britain with 14% support to the Netherlands with 51% in support).

When discussing the slide related to homosexuality and Sharia law, the Respondent stated that the slide regarding homosexuality also included a few African countries that are not Muslim-majority, and explained that while these statistics only reflected the views of Muslims within those countries, “all these Black African countries, sub-Saharan African countries, are terribly anti-gay”. He continued and said, “I’m not an authority, obviously, on Sharia Law, but I do know that some of these laws are regular laws... like how you should handle inheritances, but also in Sharia Law is the idea that anyone who has sex outside of marriage should be murdered, if you steal a loaf of bread you should get your hand cut off... look at the number of people in these countries who would like to have Sharia Law” When covering the slide related to Muslims who support death for apostasy under Sharia Law, he stated, “This should be a red flag for people, for this particular religion-slash-myth...” Later in the lecture, the Respondent stated, “I know for many of you, this is the first time you’re being exposed to these attitudes that are held by many people in the Muslim world... at some point, I want you to forget about the numbers and just let it sink in how so many Muslims in the world have so many disturbing attitudes that are not compatible with our values in the Western world.” *See Recordings – Spring 2020 Arab and Muslim Lecture 2.*

The Respondent’s Power Point slides included verses from the Quran, some of which he titled “advice for jihadists”, including the following:

- When the four forbidden months are over, wherever you encounter idolaters, kill them, seize them, besiege them, wait for them at every lookout post; but if they turn (to Allah), maintain the prayer, and pay the prescribed alms, let them go on their way, for Allah is most forgiving and merciful (Qur’an: 9:5).
- O you Jews to whom the Scripture has been given, believe in what We have (now) revealed, confirming and verifying what was possessed by you, before We destroy your faces beyond all recognition (“we’ll wipe out your sense of direction” in 2004 version), turning you on your backs, and curse you as We cursed the Sabbath-breakers, for the decision of Allah must be executed. (Qur’an: 4:47)
- Remember when Allah revealed His will to the angels: “I am with you; so give courage to the believers. I shall cast terror into the hearts of the infidels [non-Muslims]. Strike off their heads (“strike them above their necks” in 2004 version), strike off the very tips of their fingers!” That was because they defied Allah and his Messenger; and he that defies Allah and his Messenger shall be sternly punished by Allah. “That is it: taste it.” (Qur’an 8:12-14)
- If you suffered a defeat, so did the enemy. We alternate these vicissitudes among mankind so that Allah may know the true believers and choose martyrs from among you (Allah does not love evil-doers); and that Allah may test the faithful and annihilate the infidels. (Qur’an: 3:140)
- Whoever changes his religion, execute him.

- If you find anyone doing as Lot’s people did, kill the one who does it, and the one to whom it is done.<sup>20</sup>

With regard to the available 2018 General Psychology recordings, OIE’s review did not reveal the Respondent having said that with regard to Islam, it was a myth that they were peaceful, the religion was founded on violence, they remain violent today, and they forced people to convert to Islam. The available recordings also did not capture the Respondent stating that radical Islam was evil and caused people to do evil things, nor the Respondent telling a Muslim student that her culture was a “terrorist culture”, she “was just as brainwashed as the terrorists were,” and “maybe you are a terrorist”.

Taking the record as a whole into consideration, OIE finds that there is sufficient evidence to support finding that, during his Cross Cultural Psychology courses, the Respondent spent a portion of the course discussing Muslims and Islam and that, during this portion, the Respondent told students that despite there being hundreds of millions of Muslims “who are nice people”, there are also “hundreds of millions of Muslims who have some very disturbing attitudes”. He then shared 2013 and 2015 PEW survey data related to opinions from Muslim populations that honor killings are justifiable for women, homosexuality is immoral, Sharia law was desirable, “stoning to death” was appropriate punishment for adultery, “corporal punishment” for theft and other crimes was acceptable, and, “death” was appropriate punishment for apostasy. The Respondent also shared verses from the Quran to illustrate the difficulty in convincing him that Islam is a religion of peace. Furthermore, the Respondent conceded that during his lectures regarding Muslims and Islam, he did not present a full picture of the teachings of Islam or Muslim opinions (“I don’t spend much time pointing out the love your neighbor parts. I’m pulling out things that Americans don’t want to face up to.”). It also is undisputed that the Respondent required students to review *By the Numbers – The Untold Story of Muslim Opinion & Demographics* video as part of the course curriculum, wherein the narrator presented her viewpoint that most of the terrorism in the world today involved Muslims. This limited and generalized presentation of Islam and Muslims was understandably upsetting and offensive to a number of students and corroborated by multiple students throughout OIE’s investigation (both those that said they had a positive experience in the course and those that said they had a negative experience in the course) who indicated that the Respondent was “harsh” in his treatment of Muslims and Islam. For instance, Witness 52 alleged that during the 2019 Spring Cross Cultural course, the Respondent only presented bad developments related to Muslims, such as radicalized factions, and failed to present a balanced or complete view of this religion (referring it to as a “lop-sided view” of Muslims). Witness 117 recalled that during this course, the Respondent said that “Muslims like to bomb stuff”. Witness 73 described the presentations regarding Muslims as “misleading”. However, there was insufficient evidence to support that he targeted particular students or referred to them as terrorists if they were Muslim as this evidence did not appear in any of the recordings reviewed by OIE.

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<sup>20</sup> The Power Point slides continue with versus pulled from the Bible.

**49. Whether the Respondent told female Muslim students that they were oppressed, and insulted Muslim women when they provided information different from this opinion.**

Witness 123, who was a student in the Respondent's 2013 Spring Cross Cultural Psychology course, stated in her post related to the Change.org seeking the Respondent's termination that the Respondent told a Muslim woman in the class that was wearing hijab that she was oppressed and that's why she doesn't lead prayer, which caused the student to cry. Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent told a female student, who was wearing a hijab, that she had been brainwashed by her religion and country of origin, and the wearing of the hijab was her submitting to her culture's stereotypes about women being servants. Witness 95 further alleged that when this student stated a very personal reason why she wore a hijab, the Respondent replied that was not really the reason why women wear hijabs and that she was wrong about her reason for wearing one. Witness 58, who was in this same course, recalled a female student wearing a hijab being offended by something the Respondent said about her culture or race. Witness 58 could not recall specifically what had been said, but recalled that she and the Respondent had a conversation during which the student "was distraught." Similarly, Witness 58 and Witness 107 alleged that the Respondent also told students that Saudi Arabia still oppressed its people and oppressed its women especially. When a Saudi Arabian student responded that her country was not like that, the Respondent replied, "You're wrong and you've been brainwashed by your government".

Similarly, Witness 137, who submitted an Integrity Line report (#877) and participated in an OIE interview, stated that during the 2019 Fall Cross Cultural Psychology course when "a Muslim student in the class tried to correct [the Respondent] and help the remainder of the class understand why Muslim women wear" a hijab, he "was very disrespectful toward her telling her she really had no understanding. He was rolling his eyes the entire time she was speaking disregarding her ideas." When the student finished, the Respondent allegedly said, "If you want to believe that, that's fine, but that's not really the reason why they wear those." Witness 169 expanded on this and alleged that during this course, the Respondent had the following exchange with this female Muslim student: Respondent said that Muslim women were ashamed of their bodies which was why they wore a hijab; the female student stated that she wore the hijab for her own values and not because men told her to do so; the Respondent replied, "that's what you do but not all do", "you're not following the faith because it says here that women are less" [referencing text in the Quran], and "your religion doesn't respect you as a woman ... that's what your faith is telling you"; she then explained that religious texts can be interpreted in many ways; he replied, "That's not what I'm teaching right now" and ended the discussion.

During his OIE interview, when asked if a Muslim student wearing a hijab or any other student ever walked out of class due to being offended, he stated, "My classes are large, typically anywhere from 100-450 students, and students intermittently walk out for all sorts of reasons, but I don't know because I don't ask. I tell them I don't take attendance, and if they come in late or leave early to do so quietly. I have no idea why they leave." In response to the allegation that during his 2018 Cross Cultural Psychology course, he said that he thinks all religious people are brainwashed and referred to Muslims wearing hijabs and said they were "socialized", the Respondent stated, "If it comes up about the hijab, most women have been socialized that they



have to do this starting at the age of 9. I deny using the term ‘brainwashed.’” When asked about allegations related to discussions with female students that wore a hijab, the Respondent replied, “I never talk to any one specific group or student like that. Rather, I talked to a broad group of students across race, gender, and religion. I’m not talking to any specific group as has been alleged. In my Cross Cultural Psychology classes, I do make the case - and I’m defending them somewhat-that women who wear the hijab to represent their religion have been socialized to do so. I pointed out that all students wearing clothes have been socialized to do that. There is a good chance that when they were children, they liked playing naked in the tub or outside, and at some point, their parents told them that they needed to wear clothes. Most people today would not feel comfortable walking around without clothes on. This same logic applies to women wearing the hijab.” When asked if any students ever challenged him on this assertion, the Respondent replied, “I don’t recall a single time. I maybe have had one or two students wearing a hijab at most in my classes. I think that they appreciated the discussion that we are all products of our culture and are conforming. No one has ever complained in my student evals or to my chair about this discussion point, until now.”

When asked to respond to allegations that during his 2013 Cross Cultural Psychology course, he told a Muslim woman wearing hijab that she was oppressed, which caused the student to cry and leave the class, the Respondent replied, “No, I walked the students through aspects of different customs within the Middle Eastern world, which clearly suggest that women are oppressed as a group. There are Muslims who claim that women are not oppressed, but I tell my students that I just presented facts of oppression when I showed that women in Saudi Arabia can’t leave their home without a male escort, and cannot initiate a divorce. I tell the students that they can fact check those facts. I tell them that they then can decide for themselves if women are oppressed or not. I’m not there to force students to buy into what I say, I’m there to get them to come to their own conclusions and think independently.” Similarly, when asked about the exchange with a student about Saudi Arabia, the Respondent stated, “I don’t remember having that conversation. However, if it occurred, I would have pointed out to the student the specific examples about whether they could go out alone, divorce their husbands, drive a car, and then ask her to provide examples of her views that would refute mine. I would not say that the student was wrong and had been brainwashed by their government.”

When asked if he recalled having an argument with a student about wearing a hijab during his 2019 Fall Cross Cultural Psychology course, the Respondent replied, “[I]n Fall 2019, there was a woman who was totally covered who prayed outside my classroom and reacted strongly to the things I said about Islam. She raised her hand and started proclaiming what she believed, and I told her I had to stop her because I was teaching from a secular point of view and not a believer’s point of view.” The Respondent was then asked about the alleged exchange as described by Witness 169. In response, the Respondent stated, “That’s a very personal back and forth that I would unlikely ever engage in with a student. What’s being reported to you is something that – that’s lot. I want to comment on each point. I didn’t personalize anything to her, and I didn’t mention anything about Muslims being ashamed of their bodies. I have already shared my perception that she didn’t like me saying negative things about Islam, and she almost started proselytizing. I don’t remember what she said, and the class was looking at me like, how long are you going to let this go on? I said, ‘You’re a Muslim and that’s fine, but I’m not teaching this from a believer’s point of view.’ Students can look up the verses themselves and

form their own opinions. I'd say 70% of the things that she reported, I did not say." The Respondent then denied that he said that "women are ashamed of their bodies which is why they wear a hijab", denied that he responded to the student saying that she wore the hijab for her own values and not because men told her to do so, and denied that he told the student "you're not following the faith because it says here that women are less" and "your religion doesn't respect you as a woman ... that's what your faith is telling you." He also stated that he could not recall referencing text from the Quran during this exchange. During his OIE interview, the Respondent further stated, "There is a tiny grain of truth to what the students are saying, but they are gross distortions of what I said. There are several verses from the Quran that clearly say that women are not equal to men. There are verses that point out that women are not the same as men, and they are counted as half. These are the texts that I referenced in my courses."

The Respondent's Power Point slides also set forth information related to "Is Middle Eastern Culture Oppressive to Women?" The slides thereafter indicated that this question has "diverse views" and is "debatable". The slides then noted that, depending on the country of origin, community or family, head (and to a lesser extent, face) coverings are required for women, polygyny is legal in most Muslim countries, women may or may not be permitted to work outside home, women may or may not be permitted to drive, most women, but not all, are permitted to attend school, women may or may not be permitted to vote, women's testimony counts as "half" as men's testimony, and, women may or may not be permitted to travel alone. The slides then note a discussion regarding virginity tests for women, the concept of "marital rape" being non-existent, honor killings, and "Compensation marriages". When covering the honor killings data, the Respondent told his students, "This is one of the most bizarre things that exists among some to many Muslim people. The idea that a female's value is so linked to her virginity that if anyone defiles that, or she does, then she needs to be killed. But please understand that even if your sister or your mom or your wife was sexually assaulted by others, for some Muslim families the thing to do is to kill her as though she has brought shame to the family." See *Recordings – Spring 2020 Arab and Muslims Lecture 2*. The slides also set forth the following versus from the Quran:

- In the Qur'an, women are to be treated equally as men...
- Men have authority over women because Allah has made one superior to the other, and because they spend their wealth to maintain them. Good women are obedient. They guard their unseen parts because Allah has guarded them.
- If you fear high-handedness from your wives, remind them [of the teachings of Allah], then forsake them in beds apart, then beat them ("hit" in newer version). Then if they obey you, take no further action against them. (Qur'an, 4:34).
- Concerning your children, Allah commands you that a son should have the equivalent share of two daughters. (Qur'an, 4:11) (in reference to inheritance).
- And do not give your women in marriage to idolaters until they believe... Qur'an: 2:221
- Women are your fields: go then, into your fields and plow them as you please. Qur'an: 2:222

In the recordings related to this lecture, the Respondent referred to marital rape and stated that there was no such thing as marital rape (as a social construct) in the Muslim world and that it did not exist in the majority of Latin American, African, or Asian countries as well. The

Respondent explained that, “Any time a woman is sexually assaulted, if she were to go and complain to the police and press charges, they are going to find the man and bring the man in with her. The man will say he did not sexually assault her ... it was consensual. Her testimony only counts as half of his... they will turn and accuse her of having sex with someone who is not her husband, and there are severe consequences for her... for the police station and for her family. She will most likely end up dead as a consequence. ... A lot of women in the Muslim dominated world experience sexual abuse and they never come forward about it.”

Taking the record as a whole into consideration, OIE finds that there is sufficient evidence to support finding that the Respondent spent a portion of his General Psychology and Cross Cultural Psychology courses discussing Muslims and Islam and that, during this portion, discussed whether Muslim women are oppressed. He then shared information related to head and face coverings, polygyny, the weight of women’s testimony, and restrictions on working outside the home, driving, attending school, voting, traveling, and filing for divorce. The Respondent also presented information related to virginity tests for women, marital rape, honor killings, and compensation marriages. When students challenged him on the concept that Muslim women were oppressed, he relied on this information and asked students to provide information that refuted what he presented. With regard to Muslim women wearing a hijab, the Respondent taught students that Muslim women had been socialized that they have to do this starting at the age of 9.

With regard to the allegation that in 2013, the Respondent told a Muslim woman wearing a hijab that she was oppressed and that’s why she didn’t lead prayer, taking into consideration the lack of corroboration of this specific incident and the length of time between the incident and reporting, OIE finds that there is insufficient evidence in the current record to support that this occurred as alleged. However, with regard to the allegations related to interactions with students in the 2018 General Psychology course and 2019 Cross Cultural Psychology course, this is a closer question as there are two witnesses in each course that corroborated the events. That said, when OIE spoke with multiple other students from these courses, they did not identify. Notwithstanding, taking the record as a whole into consideration, including the corroboration of the students in those courses, the specificity provided regarding the alleged incidents, the students’ lack of motivation to lie, and the Respondent’s inconsistencies (as set forth in the *Consistency* section above), OIE finds that there is sufficient evidence to support finding that: (1) During the 2018 General Psychology course, the Respondent told a female student who was wearing a hijab that she had been brainwashed by her religion and country of origin, and the wearing of the hijab was her submitting to her culture’s stereotypes about women being servants; and that when this student provided a personal reason for why she wore a hijab, the Respondent replied that was not really the reason why women wear hijabs; (2) During the 2018 General Psychology course, the Respondent told students that Saudi Arabia still oppressed its people and especially oppressed its women and when a Saudi Arabian student responded that her country was not like that, the Respondent replied, “You’re wrong and you’ve been brainwashed by your government”; and, (3) During the 2019 Cross Cultural Psychology course, when a female Muslim student who wore a hijab stated that she wore the hijab for her own values and not because men told her to do so, the Respondent replied, “that’s what you do but not all do”, “you’re not following the faith because it says here that women are less” (referencing text in the Quran), and “your religion doesn’t respect you as a woman ... that’s what your faith is telling

you”; she then explained that religious texts can be interpreted in many ways and the Respondent replied, “That’s not what I’m teaching right now” and ended the discussion.

**50. Whether the Respondent told students that there was no “ism” for Jewish people.**

Witness 80 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent stated that there was no “ism” for Jewish people. Witness 80 indicated that this statement ignored antisemitism. In response to this allegation, the Respondent stated, “That’s not true as there’s antisemitism. What I said to the students was that there are twice as many hate crimes directed at Jews as there are directed at Muslims. However, we tend to ignore the hate crimes directed at Jews and focus only on Muslims. That’s what I said. I’m acutely aware of the term ‘antisemitism’.” OIE’s review of the 2019 Summer Cross Cultural recording (*see Recordings – 3*) revealed that the Respondent discussed hate crimes and said that there were twice as many hate crimes against Jews than there were against Muslims, and that antisemitism was more prevalent. No other students, including the 16 students spoken to from the 2018 course, alleged that the Respondent stated that there was no “ism” for Jewish people. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that there was no “ism” for Jewish people.

**51. Whether the Respondent issued lower grades to individuals with religious beliefs.**

The anonymous reporter in IL #802 alleged that the Respondent “would intentionally ensure that anyone with a different religious belief system than him would either be humiliated or receive a lower grade.” The Respondent denied this allegation and no evidence in the record supports that the Respondent lowered the grades of individuals with different religious belief systems. Rather, the record demonstrates that the Respondent issued multiple choice exams to students, which the GTAs handled and entered the grades for the Respondent. None of the GTAs interviewed supported the allegation that the Respondent handled students’ grades differently based on their religion. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent issued lower grades to individuals with religious beliefs.

**52. Whether, during class, the Respondent told students that Muhammed was a “pedophile” or “child rapist”.**

Witness 73 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent told the students that Muhammad was a “child rapist”. Witness 64 alleged that during this same course, the Respondent stated that Muhammad was a “pedophile”. In response to the allegation that he called Muhammad a “child rapist”, the Respondent stated, “I don’t use that word. I hate to admit it, but in this case, I defend him. In my classes, I share that when Muhammad was 50 years of age, he was given a six-year-old child to marry, and he married her. As part of their custom at the time, he wasn’t supposed to consummate the marriage until she had her first period. She had her first period, supposedly, at age 9. The nutrition was not that good living in the desert back then so it’s doubtful she got her period at age 9. Now, here is a 53-year-

old man having sex with a 9-year-old girl. Muslims tell this story as if it's nothing. I almost defend Muhammad on this point, and I also defend slave owners in that I share with students that we have this bad habit of judging people in the past based upon the current social norms. People who owned slaves did not think they were doing anything bad. The conversation is much more nuanced than the students are claiming. We used to have children working in factories, and we now judge the people who used to let their children work in factories as evil people. I have told my classes that what Muhammad was doing at the time 1400 years ago was probably not perceived as something wrong. Of course, today that would be child sexual abuse. There are people who are not as dispassionate in this treatment of Muhammad's conduct as I am, and rather call him a pedophile, but I do not do this. Instead, I explained to the students that his conduct at the time may not have been judged as bad." When asked if he referred to Muhammad as a pedophile, the Respondent replied, "Well, I've already explained that. My position is that he was consistent with his culture at the time. However, by today's standards, in our culture, he would be viewed as a pedophile, except maybe not so much in Saudi Arabia."

OIE's review of the 2020 Spring Cross Cultural recordings revealed that the Respondent stated the following with regard to Muhammad: "Now, there are some strange things about Muhammad **in light of his culture during his time**. One thing that was strange about him was he got married at the age of 25... the typical person during that time and in that location would get married at 13 or 14 or 15... if that weren't strange enough, he married to a woman who was...widowed and... 40 years of age... I'm telling you from different angles, there aren't many 25-year-old men anywhere in the world, even today, who would like to be involved in a romantic relationship with a 40-year-old woman. I'm not saying it never exists, but to go forward with a marriage like that, that was strange, but especially strange during his time." In the *Arabid Diaspora* recording reviewed by OIE, the Respondent referred to Muhammad's marriage to a 40-year-old woman as being odd and said, "Why is that odd? Because there aren't many men who want to be married to an old hag." In none of the other recordings reviewed by OIE was there a reference by the Respondent that Muhammad was a pedophile or child rapist. In the *Arabid Diaspora* recording reviewed by OIE, the Respondent discussed the sources he relies on with regard to Muslims wherein he referenced that he ignores information from those that hate Muslims and refer to Muhammad as a pedophile. The Respondent did not himself refer to Muhammad as a pedophile during this discussion. Also, of the 31 students from the Spring Cross Cultural Psychology course, Witness 73 and Witness 64 were the only students to have made an allegation of this nature and they alleged different terms (one said "child rapist" and the other said "pedophile"). Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that Muhammed was a "pedophile" or "child rapist".

### Race/Ethnicity-Based Comments

#### **53. Whether the Respondent told students that he hated Black people.**

An anonymous reporter alleged that on the first day of class, the Respondent said that he hated Black people. In response to this allegation, the Respondent stated, "Absolutely not. I have never made that statement." None of the individuals that OIE communicated with as part of this investigation alleged that the Respondent stated that he hated Black people. OIE's review of

the class recordings also did not reveal the Respondent having made a statement of this nature. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that he hated Black people.

**54. Whether the Respondent told students about “people as primates” and said, “he [the primate] had the personality of a person of color” and named the primate “Leroy”.**

Witness 53, who was a student in the Respondent’s 2019 Summer Sexual Behavior course, alleged that the Respondent talked about “people as primates” and said, “he [the primate] had the personality of a person of color” and named the primate “Leroy”. When asked if he made a statement of this nature, the Respondent replied, “Never, I have no idea what this is.” Aside from Witness 53, none of the individuals that OIE communicated with as part of this investigation alleged that the Respondent made a statement of this nature.

OIE’s review of the class recordings also did not reveal the Respondent having made a statement of this nature. Rather, the closest reference to this was a discussion during the Respondent’s 2019 Summer Cross Cultural Psychology course wherein the Respondent discussed how isolated humans were during the 1800s and the origins of religion – namely, humans’ awareness of death. During this discussion, the Respondent stated, “We supposedly share, and I can’t defend this, we share 95 to 98% of our genes with Chimpanzees, which is pretty incredible. But we have enough distinction in our genes to make us different. How are we different from our closest relatives? Well, Chimpanzees ... and other types of primates don’t do anything other than eat, drink, screw – I am sorry – have sex and fight. That’s pretty much all they do. They do not ever make plans for the future or travel any place else unless they are following a food source. I mean, what are the odds that chimpanzees sitting on a tree chatting with each other saying, **hey Leroy**, remember last year when we almost fell off that tree and an alligator bit you on the ass and they were laughing about that. The odds are they only think about the past. Maybe I am wrong, but they did not plan for anything. You and I plan, you planned to come on this trip to Peru, and not planning to go somewhere else. There is no evidence that they (chimps) plan for anything – just eat, drink, have sex and fight.” There was no reference in this recording of the Respondent saying that a primate had the personality of a person of color.

Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent talked about people as primates and said that the primate, who he named Leroy, had the personality of a person of color.

**55. Whether, during class, the Respondent used negative race-based terms during lectures, such as “coon”, “porch monkey” and “wetback”.**

Witness 47, who submitted JKRT Report #00047707, participated in an OIE interview and was a student in the Respondent’s 2020 Spring Cross Cultural Psychology course, alleged that the Respondent “attempted to start arguments in class by deliberately making people uncomfortable, such as in the use of listing off racial slurs for shock value, specifically including ‘coon’ and ‘porch monkey’”. Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent said that White people gave Blacks the nickname “porch monkey”

because it made sense in that Blacks were being lazy and hanging out on the porch. Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent said that people called him a “wet back” so “why can’t I call them a ‘porch monkey’”.

The Respondent denied all these allegations. When asked if there was any context for use of these terms in his courses, the Respondent replied, “It would be a rare event for this term to ever come up in my classes. If it were to come up, it would be me pointing out that other African Americans who don’t like the views of conservative African Americans use the terms ‘porch monkey’, ‘porch n-----’, or ‘coon’. You gave an example in the letter, but no one has ever called me a ‘wetback,’ and I’ve never called others ‘coon’ or made the alleged statement that people call me a ‘wetback so why can’t I call them a porch monkey’”.

Witness 1, who was a student in the Respondent’s 2019 Spring Cross Cultural Psychology course, stated that the use of the term “porch monkey” sounded familiar as having been used by the Respondent, but in the context of explaining how some people use the term. Similarly, Witness 41, who was a student in the Respondent’s 2019 Fall Cross Cultural Psychology course, stated that the Respondent did not use terms like “coon” or “porch monkey”.

OIE’s review of the 2019 Summer Cross Cultural Psychology recordings (*see Recording – 12*), demonstrated that while discussing survey data related to opinions about why Black individuals are not successful in the U.S., the Respondent stated that the surveyors “asked the question of Whites, Blacks and Hispanics about Blacks, the question is about Blacks, okay? They ask Whites, Hispanics and Blacks about Blacks. If a Black person in the United States is not successful, do you think that it is due to discrimination or their own personal shortcomings? And these are the percentages of the ethnic groups that think if you are Black in the United States and you are not successful, it is because of you and your own problems, not because of racial discrimination. (Pause) So, we have kind of a bi-polar group of African Americans in the United States. And, just so you know, the African American who seems to be really bounced upon in the United States by Blacks is the conservative African American. The conservative African American, they have nasty names for them, ‘coon, porch monkey, Uncle Tom.’”

None of the other recordings reviewed by OIE had an incident of the Respondent using the terms “coon”, “porch monkey” or “wetback”. Also, with the exception of Witness 47 and Witness 95 (who were in different courses), no other students corroborated the use of these terms outside the context of the Respondent describing how these terms are used by some Black individuals against other Black individuals. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent used the term “wetback” during his classes, including that he said that people called him a “wet back” so “why can’t I call them a ‘porch monkey’”. Although the record supports that the Respondent used the terms “coon” and “porch monkey” during his Cross Cultural Psychology courses, OIE finds that they were used in the context of the Respondent discussing data related to opinions about the cause of some Black individuals’ lack of success in the U.S. and how some in the Black community use those terms in reference to other Black individuals.

**56. Whether the Respondent stated that Black and Native American people are inferior to other races because they did not have cerebral cortices.**

The anonymous reporter in IL #805, who allegedly was a student in the Respondent's 2017 Fall Cross Cultural Psychology course but withdrew, alleged that the Respondent "claimed that Black and Native American people did not have cerebral cortices and were therefore inferior to White people. This is blatantly false as you can see the cerebral cortex of a Black or Native American person on a brain scan. Claiming that certain 'inferior' races are missing a fundamental part of the brain - a claim that's easily disproved- is incredibly racist and ignorant." Witness 88, who was a student in this same course, alleged that the Respondent made this statement about cerebral cortices. Similarly, Witness 95 alleged that during the 2018 Fall General Psychology course, while the Respondent talked about the evolution of homo sapiens, he stated that Blacks and Native Americans did not have cerebral cortices, Blacks and Native Americans were inferior to White Europeans, being White was superior because they had cerebral cortices, and Black people and Native Americans were inferior from an evolutionary standpoint. The Respondent denied these allegations and stated, "I have never used the words inferior or superior in my classes when discussing these issues, and I never talked to my students about cerebral cortices."

When reviewing the recordings available to OIE, only one instance was identified wherein the Respondent made a reference to a cerebral cortex. Specifically, during the 2019 Summer Cross Cultural Psychology course (*see Recordings – 6*), the Respondent discussed how isolated humans were during the 1800s and the origins of religion – namely, humans' awareness of death. During this lecture, he stated, "Our cerebral cortex is very distinct from other animals' cortices. It is much more complicated and much more complex. That allowed us to do things that all the other animals can't do." He then discussed how humans make plans in their life in a way that other species do not, and how humans' closest relative, the chimpanzee, only plans "to eat, drink, have sex and fight. So, one thing that distinguishes us from our closest relative is our cerebral cortex. It allows us to be aware that we exist. That we have a past." Witness 95 and the anonymous reporter in IL #805 were the only individuals out of the more than 300 individuals that OIE spoke with that alleged that the Respondent told students that Black and Native American people were inferior to other races because they did not have cerebral cortices. Although the Respondent's statement that he "never talked to my students about cerebral cortices" is clearly inconsistent with the recordings, the recordings demonstrated that the context for the discussion was humans' awareness of death and thus, the possible origins of religion, rather than in the context of racial inferiority. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that Black and Native American people were inferior to other races because they did not have cerebral cortices.



**57. Whether, during class, the Respondent correlated penis size with race, including that he told students that “Asians were superior but Black men have bigger penises”; while discussing circumcision in class, told students, “Good for Black guys that they have a bigger penis”; told students about research that found, on average, that the claim that Black males have larger penises than other races was valid; told students, “You (in reference to Black people) may not have everything, but at least you have bigger penises”, hopped off the stage, approached some Black male students, and high fived them; told students, “Black men have the biggest dicks, followed by Whites and Latinos who are similar in size, and Asians have the smallest dicks”; and, asked the class to identify “good stereotypes” that they know about Black people and when someone raised their hand and said, “they have big man parts”, he responded “that was the one I was looking for”.**

Witness 99, who submitted a Student Google Form, alleged that during the Respondent’s 2012 Fall General Psychology course, he told students “you (black people) may not have everything, but at least you have bigger penises”. He then hopped off the stage, found some black male students and high fived them. Witness 88 alleged that during his 2017 Fall Cross Cultural Psychology course, the Respondent told students that Asians were superior but Black men having bigger penises. Also, while discussing circumcision, he said, “Good for Black guys that they have a bigger penis”. Witness 83 stated that the Respondent made a similar comment about Black men having bigger penises during his 2017 Fall Sexual Behavior course.

Witness 117 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent told the class that African Americans had the largest penises, followed by Hispanics and Caucasians, and that Asians had the smallest penises. Witness 117 further alleged that this discussion had nothing to do with class at the time and the Respondent instead referenced that he taught a sexuality class that they could take to learn more about penis size. Witness 73 alleged that the Respondent told students in this same course that “Black men have the biggest dicks”, followed by “Whites and Latinos who are similar in size”, and “Asians have the smallest dicks”. Witness 56 stated that during this same course, the Respondent asked the class to identify “good stereo types” that we know about Black people. When one person raised their hand and said, “They are good at sports”, the Respondent replied that this was not the one he was looking for. Someone else raised their hand and said, “They have big man parts”. The Respondent replied, “That was the one I was looking for.” He allegedly then stated that this stereotype was true and commented that Black males have the largest penises compared to other races. Similarly, Witness 119, who was enrolled in the Respondent’s 2010 Fall Sexual Behavior course and 2013 Spring Cross Cultural Psychology course, alleged that the Respondent talked about research that found, on average, that the claim that Black males have larger penises than other races was valid. Witness 45 alleged that the Respondent told an Asian student that he “should be happy there are certain stereotypes. Don’t we all wish we were part of the group that is stereotyped as well-endowed.” The Respondent denied ever saying this.

When asked during his OIE interview whether he had made reference to the size of penises as correlated to race during his classes, the Respondent stated, “As a general rule, I never have, but it might be the case that I have said that on average, different ethnic groups differ on all sorts of human qualities and there may have been one semester that I shared a study that said that

on average there are differences in penis size by ethnicity. It would be among other examples of human qualities such as height, running ability, etc. I am not averse to talking about sex. One of my missions in teaching human sexuality is to get students to understand sexuality as a normal part of life. I generally use professional terms.” The Respondent further stated that with regard to making a statement that Black men have bigger penises, “I don’t think it’s part of my normal lecture but some student might have asked me that question, and I would tell them that there are different studies, including one from a condom company that recruited people from various backgrounds to make sure their condoms were appropriately sized and they incidentally discovered that African Americans have larger penises than other groups. I was not trying to get a reaction from people. It was not gratuitously provocative.”

The Respondent specifically denied that he stated that Asians were superior but Black men have bigger penises. The Respondent indicated, “I never use the word ‘superior’ when comparing groups. Superior is a very judgmental term. Whatever behavior specifically I’m discussing, I talk about statistics or how they (Asians) get higher points. I never use the terms ‘superior,’ ‘inferior,’ ‘worse,’ or ‘better’”. The Respondent also denied that, while discussing circumcision in class, he said, “Good for Black guys that they have a bigger penis.” The Respondent indicated that this allegation was a “complete fabrication.” As to the allegation that he talked about research that found, on average, that the claim that Black males have larger penises than other races was valid, the Respondent replied, “I don’t want to misrepresent myself. It might have come up. I’ve taught over 30,000 students over 22 years. I can assure you it was in the context of the conversation, and that I used appropriate language. I don’t try to be provocative just to get a crowd riled up, but I am controversial and willing to discuss topics other professors are not. I use data and I use professional terms.”

Further, with regard to the allegation the Respondent said “you (in reference to Black people) may not have everything, but at least you have bigger penises”, hopped off the stage, approached some Black male students and high fived them, the Respondent stated that the statement attributed to him (“you may not have everything, but at least you have bigger penises”) was a “total fabrication”. As to the remainder of this allegation, the Respondent stated that when he covered how people varied in class, he “mentioned at the end ‘even in penis size.’ I did, during a summer course, walk over and high five an African American student after making this reference about penis size. He laughed and the whole class laughed.” As to the allegation that Respondent told students that “Black men have the biggest dicks, followed by Whites and Latinos who are similar in size, and Asians have the smallest dicks,” the Respondent stated, “This is a complete fabrication. I don’t address this in cross-cultural. I don’t address this in general, but it comes up occasionally. No one alleged that in my class comments. I did not make comments about the sizes of ethnic groups ‘dicks’”. When asked about the allegation that he asked students to identify stereotypes, the Respondent replied, “I’m talking about stereotypes. I’m letting them know that there are positive stereotypes, not just negative stereotypes. I asked them to provide examples of positive stereotypes. I don’t ask about any group specifically, I let them tell me. They will offer that Black people are better athletes, and Asians are smart at math. I’m sure I said at least on one occasion that there are other positive stereotypes about Blacks, and they all snicker and they know exactly what I’m talking about, but I never say it (Black men having bigger penises). My opinion is measured. It’s not grotesque like it’s being portrayed. This

is a distortion: I say that there is a grain of truth to all stereotypes, both negative and positive. I don't start focusing on the Black penis.”

In addition to speaking with the Respondent and witnesses, OIE reviewed course recordings. In one recording during the 2019 Summer course, the Respondent told students that stereotypes are very hard to avoid and that all of us, no matter what group we belong to, have stereotypes. He further stated that, in the U.S., we are taught that stereotypes are bad but they are not. He then asked the class to provide examples of stereotypes. The students appeared to be hesitant to respond so the Respondent said, “We are big boys and girls,” asked what were negative stereotypes about Americans, and suggested that American are rude and materialistic. He told the class to not censor their ideas and asked for positive stereotypes. He then asked for a positive stereotype about Asians and a student responded that they are good at math. The Respondent then asked what a popular stereotype about black men was, and a student responded with “sexual performance”. The Respondent then said, “Someone said it—they have large penises, right?” The Respondent then moved on to discussing neutral stereotypes.

Although OIE did not have audio recordings related to the five identified courses (2010 Fall Sexual Behavior or 2013 Spring Cross Cultural Psychology, 2012 Fall General Psychology, 2017 Fall Cross Cultural Psychology, 2017 Fall Sexual Behavior, and 2019 Spring Cross Cultural Psychology) to review for corroboration, it is important to note the consistency of the allegation by individuals in different courses at different timeframes, as well as the detailed nature of the allegations. These factors both lend credibility to the allegations. Equally important, Witness 117 and Witness 73 corroborated that this kind of statement was made during the 2019 Spring Cross Cultural Psychology course. Furthermore, the Respondent acknowledged that, on one occasion *during a Summer course*, he covered how people varied in class and mentioned “even in penis size”, and then walked over and high fived a Black student. It also is important to note that Witness 119, Witness 99, Witness 88, Witness 83, Witness 117, and Witness 73 were never enrolled in one of the Respondent’s *Summer courses*. Accordingly, taking the record as a whole into consideration, OIE finds that there is sufficient evidence to support finding that during some of the Sexual Behavior, General Psychology and Cross Cultural Psychology courses, the Respondent told students that Black men have the biggest penises, followed by Whites and Hispanics, followed by Asians. In addition, the record supports that on at least one occasion, the Respondent made reference to the difference in penis sizes and then high fived a Black male student.

**58. Whether, during class, the Respondent told students that minorities should be thanking White men for creating a modern society for them because nothing important was ever invented by someone who was not White.**

Witness 122 alleged that during the 2013 Fall General Psychology course, the Respondent told students that Black people should thank White people for our modern society. Similarly, an anonymous reporter alleged that during the 2015 Spring Cross Cultural Psychology course, the Respondent “informed the class that White people are the sole contributors to progress and that minority populations would still be ‘uncivilized’ if white colonizers didn’t make the contributions they had, ignoring a myriad of human achievements originating outside of Europe. In his chapter about white people, he said that their Protestant work ethic made them

work too hard and caused anxiety, and didn't touch on pathologies like addiction, mental illness, and antisocial behaviors like the chapters for minorities did." *See Student Google Form – Anonymous.*

Witness 68, who submitted IL #851, similarly alleged that during the 2016 Fall Cross Cultural Psychology course, the Respondent said that "minorities should be thanking white men for creating a modern society for them." Witness 88 alleged that during the 2017 Fall Cross Cultural Psychology course, the Respondent said that minorities should thank Whites for creating a modern society for them, we should have a White History Month to acknowledge these contributions, and Whites had created and made more than minorities. Witness 144, who also was a student in the 2017 Fall course, alleged that the Respondent stated that cultures other than White culture had problems, but because Whites had introduced technology and other inventions to the world, Whites represented a better culture. Witness 133 alleged that during the 2018 Fall General Psychology course, the Respondent said that minorities in general should thank Whites for paving the way for minorities. The anonymous reporter in IL #924/925 alleged that during the 2018 Spring Cross Cultural Psychology course, the Respondent told students "how everything valuable that has ever been made is all thanks to a white person." A Black female student then raised her hand and "countered this (respectfully) to which he asked her to name one thing Black people have made that is beneficial to society. ... The student could not name a specific person or invention but she began to talk about hair products that cater to Black hair, which are obviously important. But this was not a good enough response for the professor, and he essentially started laughing and said something along the lines of 'let me know when hair products are as important as planes'". Witness 103 also alleged that during this 2018 Spring course, the Respondent told students that "nothing important was ever invented by someone who wasn't White". Similarly, Witness 81 alleged that during this same course, the Respondent stated that African Americans had not contributed to any life changing inventions or contributions in society. Witness 150 alleged that during the 2019 Fall Cross Cultural Psychology course, when discussing things invented by Blacks, the Respondent attributed them to White people and said that "many people think a Black person invented" that, "but really it was" this White person.

When asked whether he said that minorities should thank Whites for creating a modern society for them, the Respondent stated, "I've never said that. I think I overheard a Hispanic student say that when talking with a group of other people at one point in my class. I know how hard that comment would be to discuss with the class so I chose to ignore it." When asked to respond to allegations that he stated that there should be a White History Month and Whites have created and made more than other ethnicities/races, the Respondent replied, "Here's a situation where I have covered some things that you alluded to but presented them vastly differently in class. During this part of my Cross Cultural Psychology class, I'm covering the paradoxes of Whites. I have shared with the students that one of the other paradoxes is the intellectual paradox. As a group, the majority of Whites are pretty uncultured and unsophisticated. About 70% of Whites don't own a passport. Despite the U.S. making it so easy to attend college compared to other countries, including community colleges for people who aren't quite ready for real college, grants for low income, etc. - despite all that, the majority of Whites do not graduate from a university. Some Whites advocate for English-only as if they don't understand that people who are truly cultured speak more than one language. Nevertheless, from that particular group

(Whites) have come some of the world's most creative inventors who invented all of the most innovative things in the world. I'm not saying minorities never invented anything. I show them a PowerPoint of inventions by White Americans or White Europeans. I have never said that minorities owe White people anything, or that they should thank them." The Respondent denied saying that Whites were a "better culture."

When asked if he told students that minorities never invented anything that impacted society, the Respondent replied, "No, I have said that non-whites have invented things on a smaller scale or improved upon things that were already invented. However, the major inventions that changed the world the way we know it were all invented by white individuals, and those are facts - computers, cell phone, planes, trains, automobiles. I have told my students that the fact that we don't have a White History Month is because it makes people feel bad. I'm sure I've said at some point that if every other group can have an ethnic student organization that exists to celebrate their culture and race, Whites ought to have that same right as well. I wouldn't put it past me, but I don't recall saying there should be a White History Month."

Turning to the documentary evidence, on March 18, 2018, the Respondent sent an announcement to students wherein he stated the following: I was covering some "paradoxes" about Whites and when I started discussing the "intellectual paradox" of Whites, I informed you that, on one hand, the majority of Whites are rather unsophisticated intellectually speaking (the vast majority have not graduated from a university, believe in "Satan," blah, blah, blah). And, on the other hand, I told you that despite that most Whites are quite mundane intellectually, from that group the world's brightest and most creative inventors have emerged to date. As I told you, **every single modern invention that changed life as we know it has been invented by a White person.**" See *Announcement – March 18, 2018 Email Re White Accomplishments*. Also, in Respondent's Power Point presentation related to Whites, slide 63 appears to list the inventions the Respondent referred to as inventions by Whites that were major inventions that changed the world. See *Power Point White American*. Therein, the Respondent listed the train, refrigerator, camera, computer, telephone, cell phone, automobile, radio, air conditioner, planes, television, communication satellites, and the world wide web (internet).

Turning to the recordings (see *Recordings – 2019 Summer – 15*), as set forth in Section VI (Material Facts Not in Dispute) above, during the Respondent's 2019 Summer course, the Respondent referenced Whites in the U.S. not knowing the identity of the Prime Minister of England and that there was a White paradox. He then stated that from this group of people (Whites), "the world encountered the most creative and cutting-edge inventions – far more than any other group on the planet." He then stated that people in the U.S. actively try to suppress this information and, apparently in response to reactions students were having, said, "just relax, just relax, this is a university and you can talk about anything". He then discussed the progress humans had made over the last two hundred years, such as with regard to the ability to travel. He then referred to the refrigerator and how prior to this invention, humans had to go out and find fresh meat every day. He then told the class that he suspected that some students in the class believed that an African American invented the refrigerator – specifically, Frederick Jones. The Respondent then said, "First off he's not that black, he's more White than Black." The Respondent then explained that Mr. Jones did not invent the refrigerator, but instead made the refrigerator (which had already been invented by a White person) portable and "kudos to him"

because people could now transport food from one place to another, but he shouldn't get credit for inventing the refrigerator. He then walked through the items listed on his slide as having been invented by White people (camera, telephone, cellphone, and automobile) and said that these were "incredible inventions that changed our life the way we know it". He then discussed the inventions of planes, the television, satellites and the internet, and stated that these inventions were found in other countries, and that **"White culture brought all of this to the rest of the world"**. He then said to the students, "I told you this is suppressed." Later in the lecture, the Respondent stated, "We don't have a White month heritage", but we do have months to celebrate the contributions of Blacks, Hispanics and Asians. He then said, "And it's because **if you compare what Whites have contributed to the world compared to all the non-Whites, it's embarrassing, it's embarrassing the discrepancy**".

In another lecture during the 2019 Summer course (*see Recordings – 2019 – 9*), the Respondent told students that they will find almost all of the literature on racism to be about White racism, which created the image that only Whites were prejudiced. A student asked whether the focus was on White racism because people in power, like Congress, were "mainly White". The Respondent replied, "No, there are people in the U.S. who that fall under different categories, liberal, progressive, left people, Democrats, who feel guilty over European conquest and **the fact that the whole modern world has been created by Whites**".

Taking the record as a whole into consideration, including the consistency of the allegations in multiple reports over different timeframes from students in different courses, the corroboration of multiple students in the same course (such as 2018 Spring Cross Cultural Psychology), the corroboration of the statements as set forth in the Respondent's March 18, 2018 email and the audio recordings as set forth above, the lack of students' motivation to lie and the Respondent's motivation to do so, and the Respondent's inconsistencies as noted in the *Consistency* section above, OIE finds that there is sufficient evidence to support finding that, in the context of discussing the paradoxes of Whites, the Respondent told his Cross Cultural Psychology students that, as a group, the majority of Whites are pretty uncultured, unsophisticated and fail to graduate from universities despite resources available to them to do so. He further told students that, nevertheless, the world's most creative and cutting-edge inventions were from Whites, every single modern invention that changed life as we know it has been invented by a White person, the whole modern world was created by Whites, modern inventions were invented by Whites "far more than any other group on the planet", White culture brought all of this (planes, the television, satellites and the internet) to the rest of the world, and that the reason why there is not a White heritage month like there is for other races and ethnicities is because when comparing Whites' contributions to the world with non-Whites' contributions to the world, it would be an embarrassing discrepancy. During this discussion, he showed students a Power Point slide listing inventions by White Americans or White Europeans. For the reasons set forth above, OIE further finds that there is sufficient evidence to support finding that, during these discussions, the Respondent told students that minorities should be thanking Whites for creating a modern society.

OIE would note that this lecture failed to acknowledge numerous significant contributions by non-Whites. For instance, it failed to acknowledge Black inventors, including but not limited to Mark Dean (who was a Black male, worked as a chief engineer for IBM and

was part of a 12-person team that developed the first IBM PC, the color monitor, the first gigahertz processor, and the technology that enables printers, keyboards, and mice to communicate with computers), Mary Van Brittan Brown (who was a Black female and devised an early home security unit), James West (who was a Black male and invented the foil electret microphone, which are included on most telephones, hearing aids, tape recorders, and baby monitors), Garrett Morgan (who was a Black male and expanded on the current traffic light by adding a “yield” component), Granville Morgan (who was a Black male and invented the induction telegraph system, which allowed traveling trains to communicate with one another while also allowing dispatchers to locate them), Charles Richard Drew (who was a Black male and has been dubbed “the Father of the Blood Bank” as his research led to the effective long-term preservation of blood plasma), and, Shirley Jackson (who is a Black female and whose telecommunications research led to products such as the touch-tone phone, portable fax, fiber optic cables, and caller ID).

**59. Whether the Respondent stated that affirmative action constituted racism against White individuals and constituted “Black privilege”.**

Witness 96, who submitted IL #783, alleged that during the 2005 Fall General Psychology course, the Respondent told students that affirmative action was a form of racism against White people. Witness 88 alleged that he made a similar statement during the 2017 Fall Cross Cultural Psychology course. Witness 103 alleged that during the 2018 Spring Cross Cultural course, the Respondent said that White people were oppressed and he did not support affirmative action programs. Witness 40, Witness 111, Witness 92, Witness 140, Witness 144, Witness 52 and Witness 54 alleged that the Respondent told students in the 2017 and 2018 Spring General Psychology course, as well as the 2018 Fall, 2019 Spring and 2020 Spring Cross Cultural Psychology courses, that affirmative action was “Black privilege”. Witness 115 alleged that during the 2019 Spring General Psychology course, the Respondent said that affirmative action was “Black privilege”, minorities were abusing the privilege to get into college, and Whites were being shamed and were now the minority. Witness 125 alleged that during the 2019 Summer Cross Cultural Psychology course, the Respondent gave his opinion that Martin Luther King, Jr. had “Black privilege” that protected him from ethical scrutiny. The anonymous reporter in IL #827, who allegedly was a student in the Respondent’s 2019 Fall Personality Theory and Research course, similarly alleged that the Respondent told students that “Black privilege is a thing”.

When asked to respond to these allegations, the Respondent stated, “If someone asked me whether affirmative action was racism against Whites, I would say yes, but this isn’t part of my regular lecture. ... The students can express their views, and I can express my displeasure on affirmative action. [As to use of the term ‘Black privilege’,] I’ve only done that in my Twitter account, not in class, but I’m also not opposed to saying that.”

Turning to the documentary evidence, on July 15, 2019, the Respondent sent an announcement to students in his 2019 Summer Cross Cultural Psychology course, which stated, in part, “I promise you (although I can’t prove this): If MLK, Jr., were not black, the social justice warriors who are influenced by the “me-too” movement would be throwing him under the bus. But...**black privilege** protects him. Political correctness at its best.” *See Announcement,*

*July 15, 2019 Re Judging Past with Contemporary Standards & Black Privilege Reference.*

Taking the record as a whole into consideration, including the consistency of allegations among multiple students across multiple semesters, the documentary evidence contradicting the Respondent's denial of using the term "Black privilege" in his classes, and the Respondent's agreement that he agreed with the nature of the comment regarding affirmative action, OIE finds that there is sufficient evidence to support finding that the Respondent repeatedly told students in his General Psychology and Cross Cultural Psychology courses that affirmative action constituted racism against White individuals and constituted "Black privilege".

**60. Whether, during class, the Respondent told students that people of color tended to not perform as well in math or standardized testing as Whites, told students that Whites were more educated than Blacks, and questioned how diversity efforts could make UCF stronger if we were inviting students in who didn't do well on math tests.**

Witness 82 alleged that during the 2014 Fall Cross Cultural Psychology course, the Respondent said that White people were more educated than Black people. Witness 111 alleged that on the first day of class in the 2017 Fall General Psychology course, the Respondent stated that Whites were more educated than Blacks and that his class "would not be self-esteem building and that most students do not usually graduate from college, especially not African Americans". Witness 133 alleged that during the 2018 Fall General Psychology course, the Respondent stated that Asians were smarter than minorities (Blacks) because they were more educated. Witness 95 alleged that, during this same course, the Respondent stated that all Asians were smart, and that Whites were more educated than Black people who were also traditionally poorer than Whites. Witness 92 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent stated that Whites were more educated than Black people and Black people will not stay in college. Witness 81 alleged that during the 2018 Spring Cross Cultural Psychology course, the Respondent sent the class a copy of a letter to John McWhorter about African Americans being anti-intellectuals and that not being related to slavery, Jim Crow laws and colonialism. Witness 53 alleged that during the 2019 Fall Cross Cultural Psychology course, the Respondent told students that colleges should just give African Americans and Hispanics a degree if they're going to let them in because they are not educated. Similarly, Witness 73 alleged that during the 2019 Spring Cross Cultural Psychology course, while discussing affirmative action, the Respondent told students that people of color tended to not perform as well in math or standardized testing, and questioned how diversity efforts could make UCF stronger if we were inviting students in who didn't do well on math tests.

When asked to respond to these allegations, the Respondent replied, "They (those making this allegation) have taken something I've said and added to it things I haven't said. In my Cross Cultural Psychology classes, I have a lecture that I tell the students is a tough lecture, which is titled 'How do we know it's racism?' I put on the screen ... charges that Black kids are referred more for discipline than White kids, expelled more than White kids, police shoot more Blacks than Whites, and three or four other claims that people think reflect systemic racism. I explain to the students that unless you do a study on any one of these issues, you can't know for sure that racism explains these differential outcomes. I then walk the students through some of the examples. For instance, if I wanted to do a study to determine if racial discrimination is happening in public schools, we could look at whether Black kids are referred to the office more



than White kids. I then tell them how I would do that. I would find what constitutes a misbehavior, then find a White grad student and a Black grad student so there was no bias, and then train them to look for behaviors according to the handbook that constitute a violation. I would send them to a classroom, have them make note of the students' behavior, the students' race, and whether or not the student was sent to the office. They'd bring me the data, and I'd subject the data to interrater reliability to ensure they are in agreement and that the observations are not junk data. If the two judges are in agreement, then I put on the screen a graph that shows one bar for Blacks and one for Whites. If the reality is what they are looking at, that the two bars are equal and both Black and White students commit the same number of behavior infractions, but Blacks are referred more than Whites, then there is evidence of racial discrimination. If Blacks are actually misbehaving more than Whites, then this is just reflecting the reality of the situation. I explain to the students that unless you conduct a study like I just described, you can't just look at a discrepant outcome and assume it was discrimination."

When asked again whether he asserted that people of color do not perform well on math or standardized tests, the Respondent replied, "I have told my students that you can't just look at a discrepant outcome and assume it's due to racial malfeasance. I show them data from the National Council on Education and the College Board and show them the average scores on math and reading by race. On average, I tell them as they look at the data, I want them to know there are Black people who get PhDs in math and Asians who can't do math at all. However, on average, on verbal and math tests, Asians score highest, followed by Whites, followed by Hispanics, followed by African Americans. I showed the student that on high school exit exams and SATs, the pattern remains the same. You need to understand that discrepant outcomes are tied to performance in school. We all talk about the need to diversify STEM fields, but this data is the reason why there are less Blacks in STEM fields because, on average, from day one African Americans on average are underperforming in reading skills. I have told the students don't always assume a discrepant outcome is due to race. Look at the NBA - no one says this reflects Black racism or Black privilege. Just because you observe a disparate outcome, there is an assumption in this country that there is racial malfeasance, but unless you do a study you don't know what is causing that disparity. One of my big missions is to get them to understand that evidence matters, and we should be trying to ground our assertions in evidence not feelings. That was the whole message to the students about people of color's performance in math and standardized tests." As to the allegations that he said Asians were smarter than Blacks, the Respondent stated, "I never used the word 'smart' or 'smarter'. That's a value judgment. I used the term 'more educated'."

When asked to respond to the allegation that he told students that White people were more educated than Black people, the Respondent stated, "when I give that lecture and I look at stats, throughout my whole Cross-Cultural class, when I'm describing groups, I put on the screen for every group I'm covering the average years of education for all those groups. I bold the group that I am talking about at that time. It's the same data reordered depending on which group I'm covering, the latest educational statistics for Asians, Whites, Hispanics, and Blacks. It's just a descriptive statistic. I think the "graduated from college" statistic is the one I cover. The way I am alleged to say it out of the blue sounds derogatory. Again, if you look at my slides, for every group I cover, I get into descriptive information from a variety of sources, such as annual incomes, and put them all up together. It's the same data for every group. When I cover

Hispanics, I cover a slide that shows what their annual income is, and what the annual income is for Blacks, Whites, and Asians. It's the same data." When asked about the allegation that he told students that Whites were more educated than Black people and Black people will not stay in college, the Respondent stated, "When I'm covering that tough lecture in my class, I mentioned a bunch of facts, including that on average, African Americans drop out of high school more so than Whites, on average they attend college less than Whites, on average have lower GPAs than Whites, and on average drop out of college more than Whites. These are the facts shared in my classes."

With regard to the McWhorter letter allegations, the Respondent stated, "I don't have any letter from John McWhorter - he is a brilliant man who wrote the book *Losing the Race*. He makes an argument that there is a victim mentality that holds Black people back. He also argues that there is an anti-intellectualism among Black Americans. There is a third assumption which is that they are special. My students were assigned to read that book, but I don't share a letter with them." With regard to the allegation that he said that colleges should just give African Americans and Hispanics a degree if they're going to let them in because they are not educated, the Respondent stated, "No, I deny saying this to any of my classes. However, in my book *White Shaming*, I'm quoting some administrators from one or more universities who stated that the reason they want to get rid of the SAT or ACT is to make it easier for minorities to get into college. In my *White Shaming* book, I said something along the lines of, why not just avoid the whole hassle of college and just give them degrees when they apply and put sarcasm after this statement in parentheses.

Turning to the documentary evidence, OIE's review of the *White Shaming* book revealed the following statements by Respondent: "Increasingly, universities are devising clever ways to increase their enrollments of African-Americans and Hispanics without the hassle of demanding more scholastic dedication from such students to make themselves more competitive for admission. Lowering admission standards for African-American and Hispanic applicants is the norm at competitive institutions and is rationalized as necessary for a diverse student body. Other universities have given up and now have eliminated entry tests such as the SAT. A report on the University of Chicago after it eliminated the SAT and ACT stated, 'It continues a years long effort by the university to make it easier for first-generation, low income and minority students to apply and get into the school.' Really? Make it easier for minorities to get into college? How patronizing. I ask, tongue-in-cheek, why not skip that whole college hassle and just mail minorities a university degree whenever they apply for admission?"

In addition, OIE received a copy of the Respondent's March 18, 2018 announcement to his Cross Cultural students wherein he stated, "I also hope you've been reading John McWhorter's book, 'Losing the Race: Self-Sabotage in Black America.' I've communicated with him a few times (he responded once)(he's a big fish at Columbia University; I'm a small fish at UCF...:( I've attachment my latest communication with him that I thought I'd share with you." In his attached letter, the Respondent stated, "At the risk of possibly offending you (which is not my intent), I disagree with one point you made in the book, where you said you did not blame African Americans for being 'anti-intellectual' because their anti-intellectualism was related to having been deprived an education during the slavery years here in the U.S. I—like you—know very well, that there are many African Americans (and Africans) who do not fit that

description, so as I say what I'm about to say, please know I'm fully aware of the great variation among Black people (i.e., I'm not stereotyping Africans or African Americans). That said, as someone who has been studying culture for over three decades, I assure you—despite beliefs that are popular to espouse in the U.S., -- not all cultures value science and education equally.” The letter then referenced practices in Africa and Haiti, such as putting curses on others, voo-doo and treatment of albino children. Therein, the Respondent stated, “Sub-Saharan Africans and Haitians, on average, are very ‘anti-intellectual.’” Following this paragraph, the Respondent stated, “The Black African culture has an anti-science (or anti-intellectual) history that is independent of colonialism, slavery, Jim Crow laws, etc.” *See Announcement – March 18, 2018 Letter to Dr. John McWhorter & Attachment.*

Turning to OIE's review of the recordings (*see Recordings – 2019 Summer – 16*), during the Respondent's 2019 Summer course, he discussed statistics related to grades and success in college and emphasized that the data represented groups' performance, on average, and that every group had variation. Therein, the Respondent referred to Black people holding less college degrees than White people; on average, in K-12 schools, African American students received lower grades than White students; on average, Black students graduated from high school at a lower rate; on average, Blacks attend college less than Whites; on average, in college, Black students had a lower GPA; and, on average, Blacks fail out of college more than Whites. He further told the students that, on average, in terms of disciplines and areas of study, African American students chose areas of study that were less rigorous than those chosen by White students. The Respondent then advised students that Blacks end up earning less money than Whites. At this point, he reminded students to “take a deep breath” and offered to give them “a hug after this.” The Respondent continued and said that, on average, Whites earn less than Asians; on average, in K- 12 schools, Whites have lower GPAs than Asians; Whites graduated from high school less than Asians; Whites attended college less than Asians; in college, Whites had lower GPAs than Asians; and that Whites were more likely to gravitate towards softer majors than Asian students. The Respondent further told the students to step into a computer science, physics, or biochemistry class at the senior level and “you will see a lot of Asians”. The Respondent then said, “I will do something I probably shouldn't do. I am going to pretend to speak for all White people. You don't hear White people running around saying this is Asian privilege and structural racism.” Rather, “Whites accept that Asians are more dedicated to their studies than Whites”.

The lecture continued with the Respondent mentioning standardized testing and the SAT, and that he had received training in that part of his doctoral research focused on the SAT and potential biases therein. He also mentioned that he taught this issue at the graduate level for four years. The Respondent referenced that some people say that the SAT is biased. The Respondent told students that “just because you don't like the outcome of your group's results doesn't make it [the test] biased”; that metric studies have been performed to measure whether there is bias; and, the SAT is not biased against any group. The Respondent continued and said that “the SAT is telling you where you are, at that point in your life, at math and reading”. He then shared information related to how earnings and unemployment numbers were impacted based on the amount of education a person received. The Respondent then stated, “Instead of looking at the data that is based on education and based on a person's ability to do math and read well, people waste their time blaming White privilege”. The Respondent continued and stated that the

“solution is to work with an individual, no matter what color they are”. The Respondent concluded with stating that “as long as they are barking up the wrong tree going after White privilege, things will not improve.”

During another class related to the 2019 Summer course (*see Recordings – 2019 Summer – 12*), the Respondent stated, “It is my opinion, that I have already expressed to you before, that I think collectively that Black people in the United States experience collectively the most rejection from society overall. And I am not saying, an African American who stays in school, does well in school and avoids committing crimes will have as good a life as you and I will have. There are tons of them who do that. We have Black police officers, we have Black professors, engineers, in every occupation you will find Black people.”

Taking the record as a whole into consideration, including the detailed recording set forth above, OIE finds that there is sufficient evidence to support finding that during the Respondent’s Cross Cultural Psychology courses, he shared statistical data about Blacks’, Whites’, and Asians’ performance, on average, in high school and college, and a correlation between earnings and the amount of education individuals received. Specifically, he shared data that, on average, Black people hold less college degrees than White people, Black students received lower grades than White students in K-12, Black students graduated from high school at a lower rate than White students, Blacks attended college less than Whites, Black students had a lower GPA than Whites in college, and Blacks failed out of college more than Whites. He also stated that Black students, on average, chose areas of study that were less rigorous than White students. He then shared statistical data that, on average, Whites had lower GPAs than Asians in K-12; Whites graduated from high school less than Asians, Whites attended college less than Asians, Whites had lower GPAs than Asians in college, and Whites were more likely to gravitate towards softer majors than Asian students. During this lecture, the Respondent shared that, on average, Blacks earned less than Whites and Whites earned less than Asians. The Respondent concluded with despite the underperformance of Whites compared to Asians, society does not refer to this as “Asian privilege” and “Whites accept that Asians are more dedicated to their studies than” them.

Furthermore, taking the record as a whole into consideration, including the detailed recording set forth above, OIE further finds that there is sufficient evidence to support finding that during the Respondent’s Cross Cultural Psychology course, he told students that the SAT was not biased against any racial or ethnic group and showed them data from the National Council on Education and the College Board of the average scores on math and reading by race. The Respondent explained that, on average, with regard to verbal and math tests, Asians scored highest, followed by Whites, followed by Hispanics, followed by Blacks. He also showed students’ performance on high school exit exams and SATs where the pattern remained the same. He told students that they needed to understand that discrepant outcomes were tied to performance in school, and this data showed that the reason why there were less Blacks in STEM fields was because, from day one, Blacks, on average, were underperforming in reading skills. The Respondent concluded that, instead of looking at the data that was based on education and a person’s ability to do math and read well, people were wasting their time blaming White privilege, which will not improve things, and that the solution was to work with an individual, “no matter what color they are”.

With regard to the allegation that the Respondent questioned how diversity efforts could make UCF stronger if we were inviting students in who didn't do well on math tests, although no other students described this besides Witness 73 and OIE's review of the available recordings did not reveal that the Respondent made such a statement, the Respondent's book clearly made a statement to this effect. Accordingly, taking the record as a whole into consideration, including that the Respondent's book was required reading for some of his Cross Cultural Psychology courses, OIE finds that there is sufficient evidence that the Respondent made a comment of this nature to students.

Lastly, with regard to the allegation about the John McWhorter letter, the record established that on March 18, 2018, the Respondent provided his Cross Cultural Psychology students with a copy of his letter to John McWhorter wherein he stated that "Sub-Saharan Africans and Haitians, on average, are very 'anti-intellectual'" and that the "Black African culture has an anti-science (or anti-intellectual) history that is independent of colonialism, slavery, Jim Crow laws, etc."

**61. Whether, during class, the Respondent said that Black individuals who reference being oppressed were "making it up"; systematic racism wasn't real so "Black people should get over it"; Black people needed to "get over slavery"; Black individuals were fully responsible for their struggles, including being in poverty; and White privilege did not exist.**

With regard to racism in the U.S., the anonymous reporter in IL #785 alleged that the Respondent told students that if Blacks acted the same as Asian Americans with performing "best academically, having highest income, committing the lowest crime", systematic racism would not occur. Witness 37 alleged that during the 2009 Psychology of Prejudice course, the Respondent told students that Blacks had advantages and were given extra privileges in society, yet they created a self-narrative that they were disadvantaged. He further stated that racism was a myth and lie. The anonymous reporter in IL #813 alleged that the Respondent told students that minorities were inferior, believed that White people "do not cause the problems that African Americans and Hispanics go through", and White people had been "vaccinated" against racism. The anonymous reporter in IL #828 alleged that the Respondent said that "racism wasn't real anymore in the U.S., that it used to be, but not anymore and not for a long time (his words)". Witness 208 alleged (via email) that during the 2016 Fall Cross Cultural Psychology course, the Respondent said that Black people in America suffered problems of their own making and not as a result of 400 years of oppression. The anonymous reporter in IL #828, who allegedly was a student in the Respondent's 2017 Fall Cross Cultural Psychology course, similarly alleged that the Respondent told students that there was "no such thing as systemic racism" and "that the problems with the African-American community were solely due to their nature and that White Americans were just as disadvantaged as minorities". The anonymous reporter in IL #801, who allegedly was a student in one of the Respondent's 2017 Spring courses and withdrew from the class, alleged that the Respondent "made it seem as if the societal problems were created solely by that race instead of the systematic oppression that has been ongoing for centuries." Witness 111, who was enrolled in the 2017 Fall General Psychology course, alleged that the Respondent stated that Blacks can only blame themselves for living in poverty.

In addition, Witness 140, who submitted IL #871 and #874 and participated in an OIE interview, alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students that “racism wasn’t real” and “showed racist propaganda in class like videos of people saying how police brutality is deserved and violence against Black people is Black peoples fault.” Witness 92 alleged that the Respondent made similar comments in this 2018 Fall course. Witness 140 further alleged that the Respondent stated in this course that “if minorities claim they can’t get a job they are just being lazy – it’s only a small amount of people who may discriminate against them”, and claimed that students were “inflating racism”. The anonymous reporter in IL #832, who allegedly was a student in the Respondent’s 2019 Spring Cross Cultural Psychology course, alleged that the Respondent told students that systematic racism was not “real” and “Black people should get over it.” Witness 150 and Witness 159 (via email) alleged that during the 2019 Fall Cross Cultural Psychology course, the Respondent said that there was no racism and Black people just “need to get over it”. Witness 54, who submitted IL #859 and participated in an OIE interview, alleged that during the 2020 Spring Cross Cultural Psychology course, the Respondent told students that there was no racism in the U.S.; the struggles that Black people faced were not the fault of White people; if you believed differently, then you were misguided, misinformed and brainwashed; and, our generation couldn’t look at culture critically because we had been brainwashed by political correctness.

With regard to alleged statements about slavery, the anonymous reporter in IL #976 alleged that “on the topic of race, [the Respondent] told the class that Black people had to ‘get over slavery’. It happened 400 years ago. ... His emphasis on the ideas that Black people need to ‘catch up’ with other groups and that is their own fault fails to acknowledge years of oppression, violence and systematic silencing of an entire people.” Witness 88 alleged that during the 2017 Fall Cross Cultural Psychology course, the Respondent stated that, with regard to racism, Black people “need to get over it” by now and they were wasting time still being upset over slavery and past discrimination. Witness 95 alleged that the Respondent made a similar statement during the 2018 Fall General Psychology course. Witness 117 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent stated that Blacks shouldn’t bring up slavery like they are victims and that they choose their lifestyle.

With regard to alleged statements about White privilege, Witness 96, who submitted Integrity Line #783, alleged that during the 2005 Fall General Psychology course, the Respondent insisted that White privilege was made up. Witness 68, who submitted IL #851, alleged that during the 2016 Fall Cross Cultural Psychology course, the Respondent “spoke about how Black people are the problem with their own communities, and they can only blame themselves for living in poverty”, as well as that “white privilege does not exist.” Witness 144 alleged that during the 2017 Fall Cross Cultural Psychology course, the Respondent stated, “If we have systematic racism and White privilege - why do so many people of color from around the world want to live here?” Witness 40, who was enrolled in the 2018 Spring General Psychology course, recalled that the Respondent told students that White privilege did not exist.

With regard to students sharing their personal experiences of racism during class, students alleged that during the discussions regarding systemic racism and White privilege, the Respondent disregarded students described experiences of racism. Specifically, the anonymous reporter in IL #796 alleged that the Respondent told students that Black people “who feel they

are oppressed are simply making it up. He challenged the class to prove him wrong. A student explained a situation when he was younger and a police officer followed him around the store at a distance as if to signal that they thought he was going to steal something. It was a store with several other people inside who were clearly not being followed. [The Respondent] condemned this as a misconstrued idea of what oppression is and said that he probably did something suspicious to prompt such an action.” Another anonymous reporter alleged that at the end of the 2015 Spring Cross Cultural Psychology course, the Respondent asked students “to give examples of racism because he believed that systemic racism was a myth, and proceeded to condescend and invalidate the experiences of every person of color in the classroom, going so far as to suggest that unarmed Black men were getting shot not because of the police but because of some ‘Black pathology’ that made Black communities terrible places to live.” Witness 107 alleged that during the 2018 Fall General Psychology course when a Black student discussed having experienced racism and oppression, the Respondent disagreed and said, “Only idiots still believe that propaganda from the liberal media”.

When asked if he taught about systemic racism in his courses, the Respondent stated, “I have an opinion about this topic and tell my students that they don’t have to share the same opinion as me. I have told my students that I was born in the 1960s in Texas. I didn’t see this because it was all gone, but in the U.S., there were separate restrooms for Blacks and Whites, and separate hotels for Blacks and Whites. By the time I came of age, Black people were everywhere, in the stores where we shopped. I have told my students that we (my family) were poor. Black people were all around me on the bus. I attended integrated schools all my life. I tell the students that even when we had the Civil Rights Act of 1964 that legally stopped formal discrimination, there were still people who did not hire Blacks, which is why I was on board with affirmative action in the 1970s. However, now today I don’t think there is systemic racism and there is no need for affirmative action. I asked my students if there is systemic racism, how did you get into UCF? How would you expect to get a job after UCF? You got here on your own merit and you are here to get a job corresponding to your education after you graduate.”

The Respondent shared that when students have countered his opinion about systemic racism, they typically referenced police brutality or the criminal justice system as current examples of systemic racism. In response, “I tell them that is the one that I’m not sure of, I have a question mark about it. I tell them that I could talk about data, but I don’t delve into those studies, so I don’t talk about them. I do share that I am aware of a statistic that more White people are shot by police than Black people. But I tell them that’s the one area I am not qualified to get into. I share with students that in terms of buying houses, I live in a neighborhood where houses are \$600K and one third of the residents are Black so where is the systemic racism?” The Respondent denied having said that racism is not real, and denied having said that people who claim they were treated differently based on race isn’t true.

When asked if he asserted that White people were not responsible for Black people’s struggles and referred to the students who resist this idea as “misguided”, the Respondent stated, “I don’t remember having such a direct comment or conversation with students about that. Again, my position, which comes out in one way or another in lectures, is that all of us, especially Blacks, are going to encounter sporadic mistreatment, but the systemic part, I don’t find the evidence for that. Some students I ask to give me an example, and they provide

something that happened in another state as evidence - I point out to them that they had to travel across states for an example.” When asked if he called the students “brainwashed” or being “politically correct” when they disagreed with his presentation regarding systemic racism, the Respondent stated, “It sounds like the way it was just presented that I tell the students that if you don’t accept what I say, you’re misguided or confused. If I did that, I’m psychoanalyzing and judging them, which is not true. I explain my position to the students as to why I don’t think there’s much systemic racism. I don’t start judging them, but they do me a lot - they dismiss me by describing me as White-privileged. I tell them to please stop that and express why they think my views are incorrect, in detail. I’m trying to model for them not to do that. I don’t dismiss them. I talk about the issue at hand.” Also, the Respondent denied that he told students that Whites should have the power, minorities are inferior, and Whites do not cause the problems that African Americans and Hispanics go through as Whites have been “vaccinated” against racism. He also denied that he told a student that “only idiots still believe that propaganda from the liberal media” in response to them sharing an experience of discrimination.

When asked whether he told students that Black people “need to get over” slavery and discrimination, the Respondent stated, “My position, which I have said in class, is that sporadic racism exists because humans are always going to be human. All groups experience it from all other groups in any different direction. In terms of slavery and Jim Crow laws, it is my opinion that slavery does not explain anything happening today. I have told my classes, who are mostly psychology majors, that a popular opinion held by Freud was that anything that you experience as children influences you as an adult. That’s just a theory, and we can’t test that. I have told the students now, imagine asserting that something that happened hundreds of years ago impacts people today-we can’t prove that. It’s absurd. It doesn’t explain why African Americans don’t perform as well in school or why they commit more crimes. I don’t think I used the phrase ‘get over it’ with the students, but I’m sure my point of view comes across that way. Frederick Wilson, in that YouTube video, does tell them that they are not slaves, they don’t know anyone who is a slave, and if your life is messed up today, you’re the reason it’s messed up.”

In response to allegations that he told students that “if minorities claim they can’t get a job, they are just being lazy” because it’s only a small amount of people who experience discrimination, the Respondent stated, “You know, I didn’t say the lazy part. I think I’ve said to the students that in the past, my sons - I have adult sons - they are 75% Hispanic, but they have my surname, which doesn’t indicate that they are Hispanic, and they got the genes that they look White. There is nothing to indicate that they are Hispanic. I told them at age 16 that although they don’t have to work, I wanted them to have a job so that they can learn a work ethic. I told my classes that, although they appear as White, it took them about 20 different applications and interviews to get a job at Publix as a bagboy and cleaning tables at a restaurant. They look White and have a European last name. The few times I’ve told this story, minority people who look like a minority, they probably have to apply for a job 10 or 20 times, and it’s easy for them to walk away saying that they didn’t get a job because they are minority, but there is a lot of competition for jobs. I don’t remember the context for sharing this story, but it may be in the conversation about systemic racism.” In response to the allegations that he suggested that unarmed black men were getting shot not because of the police but because of some “black pathology” that made black communities terrible places to live, the Respondent stated, “That is complete nonsense and I deny saying that.” Respondent denied that he stated that individuals “are inflating racism.”



Respondent also denied that he said that racism was a myth and lie, and stated “No, again, racism is real. What we differ on is its prevalence.”<sup>21</sup>

When asked to respond to allegations that during his 2018 Fall Cross Cultural Psychology course when students indicated that they knew a Black person who had experienced racism every day, he sarcastically said, “Life must be really hard!”, the Respondent stated, “There’s a context for that statement, and it wasn’t directed at any specific student. Rather, while talking about racism, I told the students that I am sure some of you know of individuals who think they’ve experienced racism every day in their life. This is to the whole class, not directed at a student. I said that if someone is experiencing racial mistreatment every day of their life, that must really suck to be them. I then showed data from national data sets that the majority of them cannot recall being racially mistreated in the last three months. That’s what I’ve said in a broad way but not directed at specific students.”

Turning to the documentary evidence in the record, Witness 170, who was a GTA for the Respondent’s 2016 Fall Cross Cultural Psychology course and submitted IL #825, provided OIE with following statements from a message that Respondent had sent to his students on October 21, 2016 class:<sup>22</sup>

- A small number of you are stuck in the past, claiming that Jim Crow laws (that happened in the first part of the last century) and slavery (which ended in the middle of two centuries ago) explain why a minority of African Americans struggle with poverty. You cannot prove that. We in psychology cannot even prove—as some “Freudians” assert—that what happened to us in childhood explains how we are as adults. That’s just a theory. So, imagine how untenable it is to try and explain individuals’ behaviors today based on events that happened to people that they never knew from other centuries. A pretty absurd idea, despite how popular that idea is in contemporary United States.

- There are more proximal causes for the poverty experienced by African Americans—causes that equally explain poverty among Whites, Hispanics, and Asians. Those who are poor (if they are born in the U.S. and are 60 years of age or younger) make bad decisions in life, starting with their conscious decision to quit school. That is a decision they made. No one made them quit school. For the majority of people from poor backgrounds (irrespective of ethnicity), that is the beginning of the end in terms of achieving upward social mobility. Now, add to that bad decision (quitting school) having unprotected sex that can lead to teen pregnancy (and sometimes HIV). Or getting involved in crime. Or using or selling drugs. Those behaviors are behaviors individuals choose to do and the only solution to those problems is to encourage people to: (a) accept responsibility for their lives and (b) make wise decisions. As I said in class, when you misidentify the causes of problems (as religion has done for 1000s of years), you can never solve any problem. As long as people in the U.S. want to explain poor people’s problems based on nebulous notions such as “White privilege” and “racism,” the problems that afflict such individuals will never be solved.

- For those of you who are “believers” in systematic racism and White privilege, you must explain why the majority of African Americans and Hispanics are doing well in society. How did they achieve relative success in the U.S. while a subgroup of African

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<sup>21</sup> In his book *White Shaming*, the Respondent stated, “Racism against non-Whites still exists in various degrees.” (pg. 6)

<sup>22</sup> This letter also appeared in the Respondent’s book *White Shaming*, pp. 23-24.

Americans (and Hispanics, Whites, and Asians) cannot? You must explain how systematic racism causes a minority of African Americans to be poor yet does not stop the majority of African Americans from attaining a middle and upper class life style. No logic can explain such a selective wrath of systematic racism.

- Those of you who are believers in systematic racism and White privilege—why do so many people of color from around the world want to live here? Wouldn't word have gotten out and reached their native lands that the U.S. is a horrible place to live due to racial oppression? But they keep on coming, many of them, desperately. What is it that you know about the U.S. that millions of immigrants do not understand?

In addition, in his book *White Shaming*, the Respondent stated, “By holding onto the myth that all groups are equal in every human quality, we may misattribute some groups’ underachievement or relatively low socioeconomic status to incorrect causes, such as white racism or white privilege. And if we misidentify the real causes of social disparities, we will not direct our interventions at the true causes of inequalities and thus, never reduce them.” (pg. 102)

Turning to OIE’s review of audio recordings, during the 2019 Summer course (*see Recordings - 2019 Summer -7*), the Respondent discussed Hispanics and stated, “Right now we are talking about Hispanics and you should write down \$42,000 for Hispanics. Notice that on average that the group that earns the most in the United States is Asians. So, we hear a lot of talk about White privilege and how the system was created to advantage Whites and yet people just gloss over that fact that, on average, Asian Americans in the United States are more educated than any other group, they earn more than any other group, but that does not fit the narrative of White privilege.”

In another lecture in this course (*see Recordings – 2019 summer - 12*), the Respondent discussed surveys related to Blacks indicating whether they experienced discrimination in the last 30 days in different contexts (restaurants, employment, police, etc.). When discussing the medical question context, the Respondent said, “I am sure that you American students have heard that at least once in a while an African American who claimed that living in the United States that they experienced racism all the time. I have too, and of course I tell them, ‘It must suck to be you.’” *See Power Point African – African (Black) American.*

During that same class, the Respondent discussed the correlation between individuals that were hit as children by their parents (corporal punishment) and those individuals having problems later in life, such as experiencing anxiety, difficulty with relationships, and depression. He then shared that “there is a little bit of evidence showing that African Americans hit their kids on average more than Whites do. Of course, we have some problems with African Americans who are involved in crime and delinquency and also being hit by parents often causes people to have problems with authority figures. ... Teachers, professors, police officers, supervisors at the place of employment, etc. ... Look at how many African Americans in the United States are having encounters with police officers. Again, the majority of African Americans do not, but we see on the news and you watch the news and it does not matter in which city you live, there are African Americans arguing with the police. ... In every ethnic group, in every ethnic group, you will find people who do not value education. You will find people in every ethnic group who do not value education. But this is something that is unique to African Americans I think, in

addition to finding African Americans whose parents have not taught them the value of education, you will find a sub-group of African Americans who think education means that you are trying to be White. So, they purposely want to sabotage and do poorly in school and any African American when one of their peers tries to do well in school, they will ridicule that person and accuse that person of trying to act like they are White.” The Respondent further told students that this was counterproductive to changing the status of their life. He went on and stated, “We also have a subgroup of African Americans who think that society owes them something. Owe them something because of slavery that happened in the United States and they refuse to work and they live off welfare. Again, you can find people in every group. ... So moving on here, please don’t walk away from my class thinking that the majority of African Americans are on welfare, they are not.”

In his September 4, 2018 General Psychology course (*see Recordings - 9/4/18 (2nd)*), the Respondent gave a similar lecture regarding the correlation of physical punishment to later problems. Specifically, the Respondent stated that there is a “fairly large body of literature in social sciences that show young adults that were previously spanked or hit when [they] misbehaved, on average, they suffer a lot of things, which varies, sometimes anxiety, sometimes depression, sometimes difficult relationships. One common consequence of hitting kids is kids form hostile attitudes towards adults. Kids when you mistreat them and hit them, they want to hit you back but realize they can’t strike back and must endure it. They carry hostility with them and displace it on other adults, like fights with police officers, teachers, bosses at work and lose their job. ... All races use corporal punishment.” The Respondent then discussed his experience providing therapy to low income minority families in Texas and asked parents who used corporal punishment how they would feel if their boss came over and slapped them when they didn’t perform well, and how this wasn’t inconsistent with hitting their child. He then suggested using other forms of discipline.

With regard to comments on slavery, during the 2019 Summer courses (*see Recordings – 2019 Summer – 9*), the Respondent discussed the hypocrisy of some individuals position with regard to illegal immigration -namely, if an individual is an illegal immigrant in the U.S., they advocate for a humanitarian response but in that individual’s own country, they would not allow illegal immigration and deport people that enter illegally. He then stated that Blacks “were fine with slavery, no problem with slavery until they themselves were put on a ship and sold to be a slave. Now all of a sudden slavery is horrible, unethical, it’s cruel, it’s inhumane. Do you see the hypocrisy there?”

Lastly, it is important to again note that during the 2019 Summer course (*see Recordings – 2019 Summer – 12*), the Respondent stated, “It is my opinion, that I have already expressed to you before, that I think collectively that Black people in the United States experience collectively the most rejection from society overall. And I am not saying, an African American who stays in school, does well in school and avoids committing crimes will have as good a life as you and I will have. There are tons of them who do that. We have Black police officers, we have Black professors, engineers, in every occupation you will find Black people.”

Taking the record as a whole into consideration, OIE finds that there is sufficient evidence to support finding that during the Respondent’s Cross Cultural Psychology and General

Psychology courses, the Respondent told students that although he believed that Black individuals in the U.S. continue to experience racism, he did not believe that White privilege and systemic racism existed and were the causes of struggles that the Black community experiences such as poverty. The Respondent further told students that Jim Crow laws and slavery did not explain why some African Americans struggle with poverty. Rather, the Respondent explained that individuals' experiences with poverty were the result of making bad decisions in life, which he identified as the decision to quit school, have unprotected sex (which can lead to teen pregnancy and sometimes HIV), get involved in crime, and use or sell drugs. The Respondent further told students that these behaviors were behaviors that individuals had chosen to do rather than these being imposed by a system, and thus, the only solution was to encourage people to accept responsibility for their lives and make wise decisions. These concepts were reinforced with the Respondent's showing of the Frederick Wilson II 2014 video. He also taught that as long as people in the U.S. wanted to explain poor people's problems based on "nebulous notions" such as White privilege and systemic racism, the problems that afflict such individuals will never be solved. That said, OIE finds that here is insufficient evidence to support finding that during the 2015 Spring Cross Cultural Psychology course, the Respondent suggested that unarmed Black men were getting shot not because of the police but because of some 'Black pathology' that made Black communities terrible places to live."

**62. Whether, during class, the Respondent taught students that minorities were predisposed to be inferior to Whites and, to demonstrate this, showed students the high incarceration rate for Blacks and told students that Blacks just needed to stop committing crimes; showed students data that most single parent households were Black households and told students that Blacks just needed to stop getting divorced; and, told students that "Black people should stop having babies."**

The anonymous reporter in IL #813 alleged that since 1998, the Respondent told students that "70 percent of the African American children would be raised in fatherless homes, that 50 percent of the African American community would drop out of high school, and that 25 percent of the African American community would have criminal records. [The Respondent] also said that African Americans would kill 7,000 African Americans per year. These statistics are actually related to the African American community being constantly oppressed." Witness 122 alleged that during the 2013 Fall General Psychology course, the Respondent told students that Black people who want to get ahead should stop having babies, and that Black people only have themselves to blame for the impoverished situation they find themselves in. Witness 82 stated that during the 2014 Cross Cultural Psychology course, the Respondent stated that Whites were better than other ethnicities. In support of this, the Respondent referred to the story set forth in *Sun Chief* where even though the individual was raised in White culture, he returned to his native culture. The Respondent then said that some people were predisposed to be a certain way.

Also, the anonymous reporter in IL #834, who allegedly was a student in the Respondent's 2015 Fall Cross Cultural Psychology course, alleged that the Respondent "touched on the subject of African Americans' high incarceration rate for 'committing crimes', stating his opinion was to 'Just stop doing them' if they wanted things to change. This appeared on one of his tests, in which a question was asked something along the lines of 'What did your professor say his solution to reduce the amount of crimes African Americans are committing?'" Witness

88, who submitted IL #800, JKRT report #00047725 and participated in an OIE interview, alleged that during the 2017 Spring Cross Cultural Psychology course, the Respondent told students that minorities were predisposed by nature to be poor and have babies, which was why they utilized welfare and food stamps. Further, the Respondent remarked in class that “Black people should stop having babies” to try to control the population and stop making the income levels go down. Witness 111 alleged that on the first day of class in the 2017 Fall General Psychology course, the Respondent stated that Blacks should just stop committing crimes to improve their lives. Witness 57, who was enrolled in the Respondent’s 2018 Spring Cross Cultural Psychology, alleged (via email) that the Respondent told students that “if minorities tried harder, they would do better.”

Witness 73 alleged that the Respondent made a similar statement during the 2019 Spring Cross Cultural Psychology course, and stated that the reason for the achievement gap between races was Blacks growing up in single parent households, their love for being on welfare, and not wanting to work. Witness 116, who was a student in the Respondent’s 2019 Summer Cross Cultural Psychology course, alleged that the Respondent sometimes “would present things that are true, but his conclusions based on those things did not make sense. For example, he would present two different facts – first that most single parent households are Black households, and second that most people in prison are Black, and then he would conclude that if the Black population would stop getting divorced, there would be less crime.” Witness 116 alleged that the Respondent also said that if Blacks had the same education rate as Asian Americans, there would not be the type of problems that we see with the unemployment rate and the crime rate. Witness 169, who was enrolled in the 2019 Fall Cross Cultural course, alleged that the Respondent said that minorities were not doing enough to be successful and blamed Whites as the oppressor, and Hispanics and Blacks would have a better future but they were stuck in gang violence, teen pregnancy, government welfare and not getting jobs. Accordingly, these shortcomings were based off their own actions. Witness 169 further alleged that the Respondent then stated that Blacks had the least amount of effort towards making their lives successful compared to Whites.

When requested to respond to allegations that he said minorities were built or predisposed to be poor and have babies, the Respondent stated, “All of that is 100% a fabrication.” When asked to respond to the allegations about minorities’ predisposition to be a certain way, e.g. to not perform well in life, the Respondent stated, “Never. I’m a data driven person. Who has measured a predisposition?” When asked to respond to the allegations related to single parent households, welfare and not wanting to work, the Respondent stated, “OK, so here is a case that someone is taking little bits and pieces from other lectures and trying to tie them together in a bullet point. What I have shared with students is that about 70% of African Americans live in single-parent households, and that alone ought to explain social inequality because they only have one adult with income. I don’t get into welfare in my lectures and I never said that minorities don’t want to work. I’m sorry- there is a segment in the course when I cover challenges to the different ethnic groups. When I talked about African Americans, I talked about things that are disproportionately found in a subgroup of African Americans. One is the idea that working is the same as modern slavery. I’ve had Black parents tell me this. I address the idea that some Black people have that doing well in school is tantamount to trying to be like a White person, and I have had numerous Black students say that they’ve been told this. I shared with students that some Black people ridicule any Black student who tries to do well in school and tell

them that they are trying to act White. So, there are some things that I cover that might tap into what you said was alleged.”

When asked about the allegations that he said minorities were not doing enough to be successful, and Hispanics and Black would have a better future but they are stuck in gang violence, teen pregnancy, government welfare and not getting jobs, the Respondent replied, “I never said that. That statement would only apply to a subgroup of Blacks or Hispanics”. When asked whether he had told students that African Americans had made the least amount of effort towards making their lives successful compared to Whites, the Respondent replied, “No, I did not say that to students. However, I can see myself telling the class on day one that every group is equal and open to scrutiny, and if you think your group is immune to scrutiny, you think your groups is superior, that is not the case. Many individuals in each group make good decisions but all are subject to scrutiny. That is a very different statement than what was reported.”

In response to allegations the he stated that Blacks who want to get ahead should stop having babies, issues faced by Blacks are not the fault of Whites, and Blacks only have themselves to blame for the impoverished situations that they find themselves in, the Respondent stated, “Everything you said is totally false. The last comment about blaming others - I don’t have a formal lecture that addresses that, except when I point out the slide that 50% of African Americans and 60-something percent of Hispanics and 70-something percent of Whites think that if someone is unsuccessful in life, it’s not due to racism, it’s due to their own bad decisions. I cover it just like I just said it.”

In response to the allegation that he had an exam question asking that the resolution of high crime rates was for Blacks to just stop committing crime, the Respondent stated, “That has never been an exam item. What I recall on one occasion was an African American student who was being nice, not antagonistic, engaged me in class about the criminal justice system being biased against Blacks. We talked for 15 seconds or less about what would be the solution to that. I said, ‘I don’t have experience in criminal justice,’ and asked her what she thought would be the solution to the overrepresentation of African Americans in the criminal justice system. She asked what my solution would be, and I said if individuals stopped committing crime, they wouldn’t have to worry about being accused of committing a crime or not.”

Turning to the documentary evidence, the Respondent’s book, *White Shaming*, which was used as course material for the 2019 Fall semester and 2020 Spring semester, set forth in the chapter titled “Can the United States Keep It Together? Is There Hope for the Future?”, that “some groups, on average, may be relatively less motivated to excel academically or achieve occupationally and may even differ in the value they place on education” (p. 101). He further stated, “Does anyone really believe that non-Asian ethnic groups, on average, are as equally dedicated to their studies as are Asian Americans?” In the Chapter titled “Are All Cultures Equally Good”, the Respondent stated, “Two ethnic groups, on average, commit disproportionate crime, including murders, compared to the two other ethnic groups. There are ethnic differences in the United States, on average, with respect to teenage pregnancies, HIV infection, high school and college dropout rates, and so on. Suspect readers have noticed that I didn’t even have to name which ethnic groups are, on average, afflicted by this array of social ills.” (p. 72) In addition, as set forth in Section VI (Material Facts Not in Dispute) above, the Respondent told

his 2019 Summer course students, “We also have a subgroup of African Americans who think that society owes them something. Owes them something because of slavery that happened in the United States and they refuse to work and they live off welfare. ... Again, you can find people in every group. ... Whites, Hispanics, Black, Natives, but there is a slightly higher percentage of Africans who live off welfare than the other groups. ... so moving on here, please don’t walk away from my class thinking that the majority of African Americans are on welfare, they are not.”

Taking into consideration the record as a whole, OIE finds that there is sufficient evidence to support finding that during his Cross Cultural Psychology and General Psychology courses when he discussed racial issues, the Respondent told students that 70% of Blacks lived in single-parent households; that some groups were less motivated to achieve academically or occupationally, including a subgroup of Blacks who claim that working is the same as modern slavery, and doing well in school is tantamount to trying to be like a White person; that Blacks and Hispanics, on average, committed disproportionate crime (including murders) compared to Whites and Asians; that Blacks and Hispanics, on average, had a higher rate of teenage pregnancies, HIV infection, and high school and college dropout rates compared to Whites and Asians; and, that Blacks should stop having babies and committing crimes to improve their lives. However, OIE finds that there is insufficient evidence to support finding that the Respondent told students that minorities did not want to work or that the achievement gap existed because of minorities love of welfare and not working. With regard to an alleged exam question asking that the resolution of high crime rates was for Blacks to just stop committing crime, no other students besides the anonymous reporter in IL #834 made this allegation. Also, OIE’s review of exam questions and answers during the last three years did not reveal a question of this nature. Accordingly, OIE finds that there is insufficient evidence to support finding that the Respondent issued an exam question of this nature.

**63. Whether, during his Fall 2018 Cross-Cultural Psychology class, the Respondent said that in White culture, sex is taboo; Latin Americans don’t see sex that way and have a lot of children because they like sex; and Blacks just don’t use birth control.**

Witness 92 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent said that in White culture, sex is taboo; Latin Americans don’t see sex that way and have a lot of children because they like sex; and Blacks just don’t use birth control. The Respondent denied this allegation and stated, “The whole thing in its entirety is a complete fabrication. When I cover Whites in my Cross-Cultural [Psychology] class, I share that there are paradoxes about Whites. One is that as a group they tend to love and hate sex, and I provided multiple examples of how Whites try to prevent teenagers from getting medically accurate information about sex and are told that they should wait for sex until marriage. However, in this country, which is predominantly White, there are sex scenes in movies and sex lyrics and pornography, and it’s illegal to produce pornography but in every state it’s legal to buy it. That’s what I said. I just don’t know how to respond to this. This is what I cover about Whites and sex.” Similar to this statement here, Witness 47 alleged during the 2020 Spring Cross Cultural Psychology course when discussing White Americans, the Respondent “went off on a tangent about how porn is illegal in Alabama, but sex toys are legal.” Also, as to stating that Blacks don’t use birth control, the Respondent denied this allegation and stated, “I know nothing about this,

and I did not say anything about this. I bring in a UCF ex-professor who is a nurse to give the lecture on birth control in my Sexual Behavior course. I know nothing about birth control.”

No other students, including 15 students from this particular course, who communicated with OIE made allegations similar in nature to the allegations made by Witness 92. Also, none of the recordings reviewed by OIE revealed the Respondent making statements of this nature. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support that during the 2018 Fall Cross Cultural Psychology course, the Respondent told students that in White culture, sex is taboo; Latin Americans don't see sex that way and have a lot of children because they like sex; and Blacks just don't use birth control.

**64. Whether the Respondent told students that there was evidence of Native Americans killing each other before White people came to America, Native Americans weren't peaceful prior to colonization, and Native Americans had no problem having sex in the presence of their children.**

Witness 81 alleged that during the 2018 Spring Cross Cultural Psychology course, the Respondent told students that Native Americans weren't peaceful prior to colonization. Witness 73 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent said that Native Americans were very sexual people who had no problem having sex in front of their children. The University also received an allegation that during the 2020 Spring Cross Cultural Psychology course, he said that there was evidence of Native Americans killing each other before White people came to America.

When asked to respond to allegations that during his classes, including the 2020 Spring 2020 Cross Cultural Psychology course, he said that there was evidence of Native Americans killing each other before White people came to America, the Respondent stated, “That's another lecture and a different topic when I cover Native Americans. I told my students that Native Americans are the most romanticized ethnic group in the U.S. I can give you lots of evidence and books. I've interviewed tons of anthropologists who are scholarly, not activist anthropologists. As a group, Native Americans were slaughtering each other, enslaving each other, and raping women they took from other tribes. I told the students that the Native Americans are not worse than any other group, but rather that they are the same as all other groups.”

When asked to respond to the allegation that he told students that Native Americans were very sexual people who have no problem having sex in front of their children, the Respondent stated, “This is a conversation/lecture that I have that has lots of context to it. Rather, I shared with the students that the Native Americans are a group that is opposite of Middle Eastern people in their attitudes about sex and sexuality. Middle Eastern people have many rigid and restrictive views on nudity and sexuality. As part of the course, the students read *Sun Chief*, written by a Hopi Indian, and the book is saturated with sexual scenes, even though the book has nothing to do with sex. In my classes, I covered that Native Americans do not perceive sex as sinful or evil prior to European contact.”

Turning to the audio recordings, during the 2019 Summer course (*see Recordings – 2019 Summer -9*), the Respondent discussed that almost all of the literature regarding racism talks only



about White racism and that there are people who feel guilty over that. He then discussed how there is a fight among anthropologists who are battling Anti-Western Culture's portrayal of Native Americans as "warm [and] fuzzy loving until those mean Europeans came along" and individuals who "don't want to acknowledge that Indians Native Americans were slaughtering, conquering, taking territories from other Native Americans just like every other group" before Europeans' arrival. Equally important, the Respondent shared a CNN article and his response to the article with students wherein he stated, "Native Americans -- depending on their size and strength of their military -- raided and attacked other tribes, stealing their women, seizing their territory (keep in mind how expansive the Maya and Inca territories were), and even enslaved people. In that process, they engaged in torture and slaughtered Native Americans from other tribes." There was no reference to having sex in the presence of children. That said, during the November 27, 2018 General Psychology recording, the Respondent discussed the practices of the Hopi tribe and stated, "The kids routinely see their parents having sex."

Taking the record as a whole into consideration, OIE finds that there is sufficient evidence that the Respondent told students that there was evidence of Native Americans killing each other before Europeans came to America and Native Americans were not peaceful prior to colonization. However, there is insufficient evidence that the Respondent told students that all Native Americans had no problem having sex in the presence of their children. Rather, the record supports that a comment of this nature was made with regard to the Hopi tribe.

**65. Whether the Respondent told students that other cultures were "savage" and "barbaric", and White people never started out that way with the exception of the Vikings.**

Witness 51 alleged that during the 2012 Fall General Psychology course, the Respondent talked about his trips to Peru, referred to the population as "barbaric", and stated that it was "like watching a freak show" because of the ways that the Peruvians had sex. Witness 82 alleged that during the 2014 Fall Cross Cultural Psychology course, the Respondent told students that certain Blacks were "savage" and "barbaric". Witness 111 alleged that during the 2017 Fall General Psychology course, the Respondent stated that Islam was "savage", and that Jews and Muslims were "savage" for circumcising sons. Witness 88 alleged that during the 2017 Fall Cross Cultural Psychology course, the Respondent told students that other cultures are "savage" and "barbaric", and that White people never started out that way except the Vikings. During that same course, Witness 144 alleged that the Respondent talked about Islam, Saudi Arabia and Afghanistan's culture being "savage" and "barbaric", and after watching a documentary regarding an indigenous tribe in South America, the Respondent commented that the people were "savage" and "barbaric". Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, he said that different cultures were savages and barbaric, Islam was barbaric, and Blacks were more violent. For this same course, Witness 92 alleged that the Respondent referred to Native Americans as "savages". Also, for this same course, Witness 167 recalled the Respondent saying that Islam was barbaric. Witness 167, who indicated that she was raised in an Islamic household, further shared that the Respondent "tried to use the Quran to say that people who don't follow the religion deserve to be punished. It does contradict what I have learned being raised in an Islamic household. I was raised to be loving and accepting of people. While it is nice to get converts, we still accept others with different beliefs." Witness 47 alleged that during the 2020

Spring Cross Cultural Psychology course, the Respondent repeatedly referred to Arabs or Muslims as “savage”, “barbaric”, or “barbarians”.

When asked to respond to the allegation that he stated that other cultures were “savage” and “barbaric” and that White people never started out that way with the exception of Vikings, the Respondent stated, “That is a gross distortion of what I said. What I have said is that based on Spanish chroniclers, when they found Native Americans, they were doing things that surprisingly shocked European Americans, such as human sacrifice and torture. All groups practice torture and barbaric practices, but Europeans saw human sacrifices as well as the fairly extensive nudity or partial nudity and they (Europeans) ended up labelling them as savages or barbaric people. That’s the only time I used those terms in my classes.” The Respondent denied the remaining allegations.

Turning to the audio recordings, OIE’s review revealed that during his 2019 Summer course, the Respondent told students that some Muslims will pressure a family member who has been sexually assaulted to commit suicide and asked, “Is this fucking for real? This is just barbaric as shit”. Taking the record as a whole into consideration, including the general consistency of the allegations among multiple students over different timeframes (2014, 2017, 2018 and 2020), the recollection of multiple students in the same course recalling the use of the terms “savage” and “barbaric” outside the context provided by the Respondent, the students’ lack of motivation to lie, the Respondent’s motive to do so and previous noted inconsistencies in testimony, and the audio recording evidence, OIE finds that there is sufficient evidence to support finding that the Respondent told students, primarily who were in the Cross Cultural Psychology courses, that other cultures were savage and barbaric, including in reference to Muslims and Islam. However, there is insufficient evidence to support finding that the Respondent told students that White people never started out that way except the Vikings, that Blacks were savage and barbaric, and that it was like watching a freak show in Peru because of the ways that the Peruvians had sex.

**66. Whether the Respondent told students that Trayvon Martin “was a thug and deserved to be killed”.**

Witness 135, who was a student in the Respondent’s 2014 Sexual Behavior course and 2015 Cross Cultural Psychology course, alleged via email that the Respondent said that Trayvon Martin “was a thug and deserved to be killed”. In response to this allegation, the Respondent stated, “That’s a distortion of what I said. If the Trayvon Martin incidents comes up once in a class, I have told students that putting emotions aside, the reason why Eric Holder, an African American Attorney General who investigated George Zimmerman - the reason they could not press charges against George Zimmerman was because there was evidence that Trayvon Martin initiated a physical attack on George Zimmerman and was banging his head on the concrete, and George Zimmerman had a legal right to defend himself and had a legal weapon. Eric Holder could not press charges as a result. I mentioned this in response to someone who brought this case up. I did not refer to Trayvon Martin as a thug or state that he deserved to be killed.” No other students made an allegation of this nature and no statements of this nature were noted in the audio recordings reviewed by OIE. Accordingly, taking the record as a whole into

consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students that Trayvon Martin was a thug and deserved to be killed.

**67. Whether the Respondent told students that he was cheating on his wife, who was a professor in the department at the time; said that infidelity was “common for Hispanic males and they can’t help themselves”; and, referenced men from Central America and South America as being “hypersexual” and that he himself, who was from this group, was “hypersexual”.**

Witness 37 alleged that during the 2009 Psychology of Prejudice course, the Respondent joked that he was cheating on his wife, who was a professor in the department at the time, and said that infidelity was “common for Hispanic males and they can’t help themselves”. Witness 37 further alleged that during this same course, the Respondent referenced men from Central America and South America as being “hypersexual” and that he himself, who was from this group, was “hypersexual”.

In response to these allegations, the Respondent stated, “I don’t talk much about my personal life and wouldn’t talk about it this way. Of all the ethnic groups that I have covered, the one group that I am considered to be an expert on is the Hispanic culture. George Bush Jr. commissioned a group of people to come together and discuss how to fortify Hispanic families. A lot of my past research focused on Hispanics. I got flown to [Washington] D.C. and participated in the discussion on how to fortify Hispanic families. A number of months later I got to fly out to San Antonio to participate in a follow up to this conversation. Even though I don’t have the final word on Hispanics, it’s an area of my expertise. When I discussed Hispanics in class, I told the students that there is a much more relaxed attitude in general toward male infidelity. To be honest with you, the whole world including Western Europe has less rigid views on male infidelity. That’s what I said, not what the student reported.” The Respondent also denied both comments related to hypersexual. Taking the record as a whole into consideration, although the detailed nature of the allegations lends credibility, in light of the context provided by the Respondent and the delay between the incident and reporting, OIE finds that there is insufficient evidence that the Respondent told students that he was cheating on his wife, who was a professor in the department at the time; said that infidelity was common for Hispanic males and they can’t help themselves; and, referenced men from Central America and South America as being hypersexual and that he himself, who was from this group, was hypersexual.

**68. Whether the Respondent awarded grades based on race.**

Witness 76, who submitted IL #836 and participated in an OIE interview, alleged that he had been a student in the Respondent’s 2015 Spring General Psychology course. He further alleged, “Prior to the final exam of an undergraduate psychology class instructed by [the Respondent], I mathematically calculated what grade I would need to achieve on the exam to get a B. Mathematically it wasn’t possible, even factoring in perfect marks on all ungraded works, my final grade would be a C. Following the final exam and end of the semester I noticed my reported grade was indeed a B. I didn’t think twice about it. But in light of [the Respondent’s] recent remarks [on social media] showing prejudice against students of color it’s become clear to me I (a white male) might be the beneficiary of discriminatory behavior that students of color are

not.” To assess this generalized claim, OIE reviewed and analyzed the grades of 1,814 students in 12 different classes taught by the Respondent during four different semesters. Based on this analysis, OIE found that there was insufficient evidence to support finding that student grades in the Respondent’s courses were impacted by their sex or race (separately or in combination). *See Attachment B OIE Grade Analysis Memo.*

Quid Pro Quo Based on Religion

**69. Whether the Respondent offered extra credit to students who would renounce their faith.**

The anonymous reporter in IL#802 alleged that the Respondent “offered extra credit if students would renounce their faith in front of the class.” No timeframe was provided for this alleged conduct. Similarly, Witness 138 alleged in her IL report (#811) that the Respondent “often offered students extra credit for renouncing religious beliefs”. During her OIE interview, Witness 138 elaborated and stated that she had heard that someone (unidentified) in one of the Respondent’s classes (not Witness 138’s course) was offered extra credit if they would denounce their religious beliefs in front of the class. Witness 138 did not know which class nor the identity of the student involved. Witness 138 did not witness this, and it did not occur in her class. The rumor Witness 138 heard was that a student went up in front of the class and said, “I am now atheist and am no longer religious,” and supposedly got extra credit. Witness 233 indicated that she also heard a similar rumor, but did not witness this occur or know the identity of the student involved. Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent offered extra credit for writing a paper that denounced one’s own religion. Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent made a joke and said something about if students renounced their faith, he would give them extra points.

On the other hand, Witness 235, who stated that she was a student in the Respondent’s course during the 2008 Spring semester, denied that the Respondent required or encouraged students to renounce their faith. Similarly, Witness 4 (2011 Cross Cultural Psychology), Witness 76 (2015 Spring General Psychology), Witness 160 (2018 Spring General Psychology), Witness 3 (2018 Fall Sexual Behavior), Witness 167 (2018 Fall Cross Cultural Psychology), Witness 1 (2019 Spring Cross Cultural Psychology), Witness 110 (2019 Summer Cross Cultural Psychology), Witness 104 (2019 Summer Cross Cultural Psychology), Witness 116 (2019 Summer Cross Cultural Psychology) Witness 5 (2019 Summer Cross Cultural Psychology), and Witness 2 (2019 Fall Sexual Behavior) denied that the Respondent required or encouraged students to publicly denounce their religion. During OIE’s outreach to more than 300 students, none identified an instance in which the Respondent required or offered extra credit if a student denounced or renounced their faith. Also, none of the recordings reviewed by OIE captured the Respondent offering extra credit to students who denounced or renounced their faith.

When asked to respond to allegations that he offered extra credit for students to denounce their religious beliefs in front of the class, the Respondent stated, “This never happened. Not even as a joke. I did not say anything like this to my students.” When asked to respond to allegations that he had offered extra credit for students to write a paper that denounced their religion, the Respondent replied, “Never. I never did that. Remember, I advocate for everyone to believe how they want to believe - freedom of speech and freedom of religion are important. I’m

a double minority and a religious minority. I support each person’s right to believe whatever they’d like.”

Taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent required or offered extra credit to students to renounce or denounce their religious faith.

**70. Whether the Respondent issued exam questions that forced students to select statements contrary to their religious beliefs to receive credit.**

The anonymous reporter in IL#802, alleged that during 2012-2013, the Respondent “included test questions to force those who believe in a religion to either select his beliefs were the correct answer otherwise receive a penalty on the exam.” Witness 50, who submitted IL #845 and was a student in the Respondent’s 2014 Spring Cross Cultural Psychology course, alleged, “I thought that some of the ways he phrased certain questions regarding religion in his tests were designed to anger and upset his religious students, although as it has been quite some time I cannot remember the exact phrasing, however.” In response to this allegation, OIE reviewed the quiz questions and answers for the Respondent’s courses between 2017 and 2020. Therein, OIE located the following questions related to religion:

- Whether Jesus and Muhammad were well-received by people when they began to proclaim they were “prophets” of God (answer was false);
- Whether according to Jesus, except in cases of adultery, divorce is not permitted (answer was false);
- Who Muhammad married (answer was his son’s wife);
- What animal did Muhammad report that he rode to Jerusalem (choices were donkey, camel, horse with wings, white horse, black horse);
- What did Lot and his daughters do when living in the mountain in the Sodom and Gomorrah story (answer was engaged in incest);
- Whether many Muslims throughout the world believe that if any Muslim “defects” from Islam, they should be murdered (answer was true);
- Various verses in the Quran appear to promote prejudice, or even hatred, toward which group(s) of people (answer was Christians, non-Muslims, and Jews).

*See Quiz Questions and Answers 2017-2020.* Also, as set forth in Section VI (Material Facts Not in Dispute) above, the Respondent issue the following exam question: According to any *reasonable* and *rational* person, telling children that someone is watching them 24/7 and knows every “move they make” and every thought they have, represents essentially: A. a good moral upbringing, B. child abuse, C. parental love, or D. parental protection. Students needed to select option “B. child abuse” to receive credit for answering this question correctly. Also, the Respondent issued an exam question asking students what Muhammad and Jesus had in common. To get credit for a correct answer, the students needed to select the option that stated there was no evidence of them being who they claimed to be.

Upon review, OIE finds that some of the Respondent’s test questions required students to select an answer that was contrary to their religious beliefs in order to receive credit for answering correctly. For instance, Christians who believe that there is a God watching over

them at all times and believe that it is important to teach their children about God would have to select that teaching their faith in this manner to their children is child abuse.

Comments Related to Validity of Sexual Assault Reports

**71. Whether, during class, the Respondent referenced that sexual assault victims lie about their attackers, which inflates sexual assault statistics; that the statistic that one in four women are raped was fabricated by feminists as less than 1% of women are in fact raped; and, blamed victims for the sexual assault.**

In addition to the above, Witness 37 alleged that during the 2009 Psychology of Prejudice course, the Respondent said that women make up the allegation of having been raped because it helps them from a virtue perspective. Specifically, rather than admitting to themselves that they chose to have sex (which may violate a virtue they hold), they allege that they were raped. An anonymous reporter alleged that during one of the Respondent's 2014 Fall semester courses, the Respondent shared "his belief that rape was inherent to human and animal behavior". See *Student Google Form – Anonymous*. The anonymous reporter in IL #801 alleged that friend who took one of the Respondent's courses during the 2016 Fall semester said the Respondent "made a remark in class that blamed rape victims for their assault." Witness 111 alleged that during the 2017 Fall General Psychology course, the Respondent stated that women liked to accuse men of sexual assault for fun and to ruin their lives. Witness 133 alleged that during the 2018 Fall General Psychology course, the Respondent said that women make up stories about sexual assault. Witness 95, who also was a student in the same course, alleged that the Respondent told students that women claim to have been sexually assaulted or raped to ruin men, and there usually is so little evidence to prove the rape. Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent asked, "Do you know how many times women lie about sexual assault?", and then stated that they lied to get attention.

Similarly, Witness 120, who submitted IL #790 and participated in an OIE interview, alleged that she took Respondent's 2019 Spring Sexual Behavior course wherein the Respondent made comments that insinuated that sexual assault victims lie about their attackers, thereby causing an inflation of the statistics of sexual assault. Witness 66, who was enrolled in this same course, submitted IL #789 wherein she alleged that the Respondent said that "rape is extremely rare and that statistics that 1 in 4 women are raped are fabricated by feminists (google ACEs study and you'll find that 1 in 4 PEOPLE experience sexual violence before age 18, let alone women and rape in their lifetimes). He had no statistics to back up his statement that less than 1% of women are raped. He went off on a tangent about how false rape allegations ruin careers and how boys have their lives ruined by allegations at universities. He said that men are afraid to ask women out now, and opened the floor to men to share about that." During her OIE interview, Witness 66 alleged that the Respondent told students that kissing someone without their consent was not an assault, there were so many false rape accusations that plague college campuses, the statistic of one in four was just a feminist stunt, Title IX doesn't let you have a lawyer and they're unfairly treating men accused of sexual assault, less than 1% of people may experience sexual assault, and there is an epidemic of men being kicked out of the university because of false allegations under Title IX. The Respondent then allegedly opened the floor to male students who have said they were afraid to ask women out nowadays since they were afraid of being accused of sexual misconduct. Witness 66 also alleged that the Respondent discussed the

arrest of Robert Kraft, NFL Patriots owner, and said that Mr. Kraft had done nothing wrong as it was not rape if you had sex with a victim of human trafficking.

The University also received allegations of a general overall insensitivity to sexual assault issues. For example, Witness 106 alleged that during the 2019 Fall Sexual Behavior course, “we were speaking about sexual assault. [The Respondent] asked the class their thoughts and a girl in my class spoke up about her experience. When she stated that she had been assaulted when she was 15, [the Respondent] rolled his eyes, made a face, and made a quick remark about it was ‘off topic.’” When asked about this allegation, the Respondent replied, “I don’t remember that, and if someone were to tell me that in my office or in a class, I would not react this way.” Also, Witness 88 alleged that during the 2016 Spring Sexual Behavior course when the Respondent showed the *Consent (2004)* video, he joked, “Oh take me now” or “You can have sex with me now”. Witness 100 alleged that in her 2019 Summer course, the *Consent* video was sent to students on the day that Harvey Weinstein was sued for sexual assault. With regard to this video, the Respondent denied that he made a joke out of it with comments like “oh take me now” or “you can have sex with me now.” Rather, “I told the students that this is the way we’re heading.”

During his OIE interview, when asked to respond to allegations that he said that women make up the allegation of having been raped because it helps them from a virtue perspective, the Respondent stated, “I think I have had discussions with my students along that line. I think it was in my Sexual Behavior courses, but I’m not sure. It’s not like how it was presented though. It sounds like I said that I’m claiming people who say they were raped are not being honest, and that’s not true. I did say that there are individuals who regret having sex and the way they deal with that is to say that they were forced into it. That came up once in the context of a Dear Colleague Letter and we had a brief conversation about, that when it came out. I’m sure I mentioned that there are individuals who claim they have been sexually assaulted when they really just regretted having sex. One student started telling me that she knew someone who was raped and it really happened, and I said in front of everyone that she’s talking about something that really happened and I’m talking about cases where it didn’t happen but it was reported, and let’s not conflate the two. That was in response to the Dear Colleague Letter.”

The Respondent denied that he told students that women liked to accuse men of sexual assault for fun and to ruin their lives; denied saying “do you know how many times women lie about sexual assault?” and that they lied to get attention; denied saying that less than 1% of people may experience sexual assault; denied saying that Robert Kraft did nothing wrong; and denied saying that it was not rape if you have sex with a victim of human trafficking. In response to the allegation that he said the statistic of one in four women had been sexually assaulted was just a feminist stunt, the Respondent stated, “I didn’t say it was a stunt, but that it was conducted by a feminist activist.” When asked if he told students that rape was inherent to human and animal behavior, the Respondent replied, “I think somewhere in some context, but I don’t remember the context or in what class, I said that if we look at the animal world, rape is a part of mammals’ behaviors.”

When asked if he opened the floor to male students who have said that they were afraid to ask women out nowadays since they were afraid of being accused of sexual misconduct, the

Respondent replied, “I deny as this is alleged. Rather, this is a reference to an exercise I do in the Sexual Behavior class, during which I ask - starting with one of the groups, either men or women, and clarify it’s a heterosexual exercise - for those of you who are heterosexual, and I assume most of you are based on statistics, I start with one of the groups and say I want to hear personally, since I’m so removed from the current dating scene, what the norms are for dating these days. I ask if they prefer to have a man initiate a date, and different women debate different things. Then I ask the men are you OK with women asking you out for a date or do you feel you ought to be the one asking, then they debate. That is pretty much the extent of the exercise. It sounds like someone does not recall this exercise well.”

When asked to respond to the allegations that he said that Title IX doesn’t let you have a lawyer and they’re unfairly treating men accused of sexual assault, and that there is an epidemic of men being kicked out of the university because of false allegations under Title IX, the Respondent replied, “I deny this as I don’t know the specifics of Title IX. I do know that males accused of sexual assault are not given permission to have a representative on their behalf that is able to speak in the process.”

OIE’s review of the available recordings did not reveal the Respondent having made comments of this nature. Taking the record as a whole into consideration, including the inconsistency as to the specific statements (women “make up” allegations, women lie to get attention, women lie for fun and to ruin men’s lives) and lack of corroboration, OIE finds that there is insufficient evidence to support finding that the Respondent blamed victims of sexual assault for the assault and said that all sexual assault victims lied about their attackers. However, based on the Respondent’s response to the allegations, OIE finds that there is sufficient evidence to support finding that the Respondent told his Sexual Behavior students that if we look at the animal world, rape is a part of mammals’ behaviors; there are individuals who regret having sex and the way they deal with that is to say that they were forced into it; and that a study finding that one in four women experienced sexual violence before age 18 was conducted by feminists. Lastly, although denied by the Respondent, OIE found the detailed nature of Witness 66’s testimony persuasive (particularly when considering her lack of motive to lie, the Respondent’s motive to lie, and the Respondent’s other inconsistencies in testimony noted herein), and, thus, finds that there is sufficient evidence to support finding that during the 2019 Spring Sexual Behavior course, the Respondent criticized the manner in which data had been collected for the study (such as counting kissing without consent as an assault) and the study’s conclusion (arguing that rather than 25%, the number was more like less than 1%), stated that there were many false rape accusations that plagued college campuses and the campuses were unfairly treating men accused of sexual assault, and there was an epidemic of men being kicked out of the university because of false allegations under Title IX. OIE further finds that there is sufficient evidence (for the reasons noted above) that during the 2019 Sexual Behavior course, the Respondent referenced the arrest of Robert Kraft, NFL Patriots owner, and said that Mr. Kraft had done nothing wrong as it was not rape if you had sex with a victim of human trafficking.<sup>23</sup>

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<sup>23</sup> On February 22, 2019, Robert Kraft was arrested for solicitation of prostitution in connection with alleged visits to the Orchids of Asia Day Spa located in Jupiter, Florida. In September, 2020, Florida prosecutors dropped the charges.



**72. Whether, around the time of the Congressional hearings related to Brett Kavanaugh being nominated to the U.S. Supreme Court, the Respondent told students that the accuser was just imagining things.**

The anonymous reporter in IL #794, who allegedly was a student in one of the Respondent's 2018 courses, alleged that "when the Brett Kavanaugh controversy was going on. He came forward alleging the accuser was just imagining things." A similar allegation was made by another anonymous reporter (IL #810) for the same timeframe. When asked about this allegation, the Respondent stated, "I never brought that up in my classes."

However, OIE's review of the September 18, 2018 recording of the Respondent's General Psychology course revealed that in response to a student's question about guided therapy to help recover memories, the Respondent stated that the following: "I am going to make some vague comments. My colleagues and I are probably divided on this. Some people think that memories of trauma can come out later for various reasons, and others in my profession think that if someone experiences trauma they can't get it out of their heads. .... Two pools of people – experience trauma and can't recall it and others that can't stop thinking about it... So I don't know what the reality is as I don't do anything with memory. We have a situation right now, not sure if you're aware of it where... and I'm very apolitical, remember I hate all politicians, okay so keep that in mind. We have a judge who is trying to become confirmed to become the ninth judge on the Supreme Court. How many of you know about this? ... I've seen him on TV and he seems to be a squeaky clean conservative person but a lady has come forward that knew him in high school about 35 years ago and reports that (she is in her 50s and so is he) that when they were in high school, he sexually assaulted her. And he was drunk and that she forgot all about it until 2012 which is um about 30 something years later. She was in couple's therapy and she claims that, as a result of couple's therapy, she recalled that this guy that is now trying to become a judge on the Supreme Court had sexually assaulted her 30 something years earlier. So now the politics are going to get involved. ... He may not get confirmed... don't really care. Another situation where if you're claiming something that happened traumatic ... trauma has come to the surface. Again, I don't know what the reality is."

Taking the record as a whole into consideration, including the anonymity of the two reports and the inconsistency between the Respondent's statement to OIE that Brett Kavanaugh's confirmation hearings (which occurred on September 4-7, 2018) were not referenced in class and the class recording, OIE finds that there is sufficient evidence to support finding that in September 2018, the Respondent referenced the Brett Kavanaugh's hearings in his General Psychology course during a discussion about therapy, memories, and the impact of trauma. However, the record does not support that the Respondent stated that the accuser was just imagining things.

**73. Whether, during class, the Respondent told students that Brock Turner got off easy because he had so much ahead of him, he had a 4.0 GPA, there was little evidence to prove the rape, and it appeared that the victim had been lying.**

Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent stated that Brock Turner (the Stanford swimmer) got off easy because he had so much ahead of

him, he had a 4.0 GPA, there was little evidence to prove the rape, and it appeared that the victim had been lying. When asked about this during his OIE interview, the Respondent did not recall the Brock Turner case, including after OIE provided a brief summary, and stated, “I just don’t know this case, and what this student reported goes way beyond what I know about the case and they added some nefarious things.” No other students shared allegations of this nature with OIE. Also, OIE’s review of the available recordings related to this course did not reveal statements of this nature having been made. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told his 2018 Fall General Psychology students that Brock Turner got off easy because he had so much ahead of him, he had a 4.0 GPA, there was little evidence to prove the rape, and it appeared that the victim had been lying.

*Student’s Sexual Assault Report*

**74. Whether in February 2014, Witness 34 disclosed to the Respondent that she had been sexually assaulted by one of the Respondent’s teaching assistants, Witness 36.**

The anonymous reporter in IL #844, alleged that a student “was sexually assaulted by a TA. When she went to her professor ([the Respondent]) he told her to not report it because she would not be believed, and tried to convince her that due to medications she was taking at the time she was partially at fault.” The reporter further alleged that following the sexual assault, the student “approached [the Respondent] after class to request a discussion on the topic. He initially refused to hear her experience, and after her persistence scheduled an office hour meeting to discuss. During office hours she told him the story and [the Respondent] told her that she shouldn’t file charges and that ‘no one would believe you let him come over just for that.’ He also insinuated that due to her taking anxiety medications (benzodiazepines) she should have been more ‘on guard.’ His only accommodation was to allow her to take exams in his office instead of in class (where the TA would be). Even with this accommodation he scheduled them so she had to run into the TA leaving [the Respondent’s] office when she arrived to take the exam. ... I did not witness [the Respondent’s] exact words, but I met with my friend after the meeting and was the one who encouraged her to disregard what he said and still file a report.”

After a review of University records, OIE was able to determine that this IntegrityLine report likely referred to Witness 34, who had been enrolled in the Respondent’s 2012 Spring Sexual Behavior and 2014 Spring Cross Cultural Psychology courses. OIE contacted Witness 34 and she agreed to participate in an interview. Witness 34 stated that in February 2014, she and another female student, Witness 35, met with the Respondent and disclosed that they had been sexual assaulted by one of his teaching assistants, Witness 36 (“we explain[ed] the whole scenario to him”). Specifically, Witness 34 advised the Respondent that on February 14, 2014, she had talked with Witness 36 about her disappointment with her boyfriend having to work on Valentine’s Day, but she nevertheless planned to bake him a cake. Witness 36 indicated that he was disappointed with his recent breakup with his girlfriend. They agreed that Witness 36 could come to Witness 34’s apartment to “hang out” while Witness 34 baked the cake. After baking the cake, Witness 34 and Witness 36 watched television, and Witness 36 attempted to kiss Witness 34 multiple times without consent. Witness 34 told the Respondent that, thereafter, she fell asleep on the couch and woke up to Witness 36 running his hands along and in between her legs and her butt without her consent.

During his OIE interview, the Respondent denied that Witness 34 told him that she had been sexual assaulted by Witness 36 during that initial meeting. Rather, he recalled that “two young ladies in general psych came to me on the day of an exam and they told me that they were at some gathering - and I don’t remember if it was a party or off or on campus - they told me that my undergrad TA sat right next to them, and he started talking to them in a way indicating that he wanted to have some romance with them. I asked if he touched them and they both said no, he did not. I said I don’t know what I can do about that. I said for today’s test, and this was in a large auditorium full of 460 students, that they could sit up front and I would send the TA to the back of the classroom to monitor for cheating. I said if they felt he did something to them, they could go talk to the Office of Student Conduct. I asked them one more time if he touched them, and they said he did not. A day or two later, I got a call from someone in your office or the Office of Student Rights and Responsibilities asking what they said and what happened. This person said he actually touched them, and I said they did not tell me that and I can only go by what they told me. This person said that the two young ladies were afraid of telling me that my TA had touched them. This person might have said to me that if someone is sexually assaulted, I had to report, and I said I was not aware of this. I never heard anything more about this case. I had never been trained in the Clery Act like I have now. One, they told me that he never touched them. Two, your office never contacted me again about that. Three, I had never been trained on the Clery Act.”

Although outreach was made to Witness 35, she did not respond or participate in OIE’s investigation. However, OIE was able to connect with Witness 171, who appears to have been the anonymous reporter in IL #844, and was friends with Witness 34 at the time of the alleged report. Witness 171 stated that with regard to the incident between Witness 34 and Witness 36, Witness 34 “was uncomfortable going to class, so she went to [the Respondent] to discuss the incident and to ask if she could take the exams outside of class since the TA would be present. She shared with me that [the Respondent] responded that none of this would hold up in court. Her takeaway from the conversation was that [the Respondent] said that she shouldn’t report it to the authorities because [the Respondent] did not believe she was assaulted based upon what she shared with him. I encouraged her to report regardless, and she did.”

In addition, Witness 34 provided OIE with a document titled “UCF Timeline” that included copies of communications she had with Victim Services, other UCF offices and the Respondent in February and March, 2014. Therein, Witness 34 set forth a copy of her February 28, 2014 message to Victim Services wherein she stated, “The perpetrator is a TA and I was told last time that I should meet with my professor to discuss the situation since he is the one who hands out and collects my exams and I wanted the professor to be aware. He didn’t respond very positively at all (‘I don’t understand why you’re telling me this.’ ‘There’s really nothing I can do.’ **He was probably confused about the situation and thought you wanted it.** ‘I can only hope that in the future you can prevent this from happening again by being more conscientious when choosing your friends.’ etc.) Needless to say, I don’t completely feel comfortable in my class at the moment because I don’t feel like my professor is on my side at all and now I feel like he has a negative attitude about me. I don’t believe that the perpetrator is present in my (fairly large) class except on test days, but my professor has already made it clear that he will continue to be in the class during our exams, one of which is next Tuesday. Is there any provision for

accommodations in a situation like this where I might be able to take my exam somewhere else if I decide that it will make me too uncomfortable?” (*Emphasis added.*)

Witness 34 also set forth a copy of her March 11, 2014 email to the Respondent reminding him that she had spoken to him “before Spring Break about an issue that I had with one of the TAs. Since I knew he would be present in your class during the exams, I’ve been working on trying to get an alternative testing area through student disability services.” She acknowledged having not been present for the exam scheduled that day and stated that she and Victim Services had “determined that it was best for me not to come in contact with that individual at all, so one of their representatives will be emailing you soon with more information.” Witness 34 then set forth a copy of the Respondent’s response (also dated March 11, 2014) that stated, “The best way to have handled this is to communicate with me about this before the exam, not afterwards. You could have come to my office at 3 p.m. today to have taken the test right outside my office. I will work with you on this exam, but please note that the way to handle these matters (particularly the situation as I understand it) is to go through the professor.” The following day, Witness 34 submitted a report of the sexual assault to Student Development and Enrollment Services (SDES).

Witness 34 further set forth a copy of her March 23, 2014 email to the Office of Student Conduct (which OIE confirmed viewing the matter in the Maxient Database). Therein, she stated, “[T]he first time that I went to Victim Services, they told me that I needed to bring up the issue with my professor since it involves his TA and I turn my exams into him on exam day. I went to his office hours and brought along a girl named [Witness 35] as support since she’s also filing against the same individual (along with 2 other girls). The professor was [the Respondent], a psychology instructor. We brought up the issue and he basically kept asking why we were even telling him and saying that he couldn’t do anything about the situation. **He asked us for more details and then when it came out that we had been friends and he’d been at our houses, he sort of rolled his eyes laughed, and acted like of course something would have happened. He said the guy must have misinterpreted the situations and thought we’d wanted more.** We told him that we had been very clear. He said that there was nothing that he could do to remove him from the class and that the only way he would do anything was if a police officer came straight to him and said that his TA was a criminal, but that from what we were saying, he didn’t cross any lines and that the only way we’d have a case would be if we were to ‘fabricate information’ to the police, which he ‘wouldn’t recommend.’” (*Emphasis added.*)

Taking the record as a whole into consideration, including the corroboration provided by Witness 171 that close to the time of the conversation between Witness 34 and the Respondent, Witness 34 advised him that she had alerted the Respondent to having been sexually assaulted, as well as the documentation at the time capturing Witness 34’s detailed description of her conversation with the Respondent, OIE finds that there is sufficient evidence that in February 2014, prior to reporting to SDES, Witness 34 disclosed to the Respondent that she had been sexually assaulted by one of his teaching assistants, Witness 36, and the Respondent did not report this disclosure to the University.

**75. Whether the Respondent asked Witness 34 to provide details about her interactions with Witness 36, and then responded by blaming Witness 34 for Witness 36's misinterpretation of the situations and initially refused to assist with limiting interactions with Witness 36 for the remainder of the semester.**

Witness 34 alleged that following the disclosure of her sexual assault, the Respondent demanded that she provide him with details about the interactions with Witness 36. When she told Respondent that she had been friends with Witness 36 and he had been to her house, the Respondent allegedly rolled his eyes, laughed and said Witness 36 must have misinterpreted the situation and thought that she wanted more. The Respondent then said, "Well, that's what happens when you bring boys to your apartment". In response to these allegations, the Respondent stated, "Those two students said that? ... I'm shocked. I could tell they were upset about this. I put on my clinical psychologist hat and tried to be very empathic when something came up. There is no evidence that this was reported then? This is only happening now? I told you I did not report it because they said he didn't touch them, I hadn't been trained, and I deny that I dismissed them like has been described."

Witness 34 further alleged that when she requested assistance with limiting interactions with Witness 36, the Respondent said that there was nothing he could do about removing Witness 36 from the class, and the only way he would do anything is if a police officer came and said that Witness 36 was a criminal. The Respondent further told Witness 34 that Witness 36 had not crossed the line; that the only way she would have a case against Witness 36 is if she fabricated information to the police, which he wouldn't recommend as she would get in trouble for falsifying evidence; and that if she brought her allegations to the police, they would have to twist around what happened since there was no evidence of the assault. He ended with suggesting that they pick better friends moving forward. With regard to these allegations, the Respondent denied having made the statements attributed to him and the conversation having occurred as described by Witness 34.

Witness 34 further alleged that the Respondent initially refused to allow her to take his exams elsewhere or remove Witness 36 from proctoring the exams. The Respondent told her that the best he could do was tell her not to sit on an aisle seat so that Witness 36 did not have to hand her anything. Witness 34 stated that she then spoke with UCF's Office of Student Rights and Responsibilities, who contacted the Respondent. Witness 34 alleged that the Respondent refused to allow her to use the testing center for exams but allowed her to take the exam in his office. When she arrived, the Respondent did not recognize her and then said, "Oh you're the one with an issue with my TA". When asked about the refusal to use the testing center and comment on his arrival to his office, the Respondent stated that he did not remember Witness 34 taking the exam in his office, and his recollection was telling her to sit in the front "of the huge auditorium" while he made sure Witness 36 was in the back.

In her March 23, 2014 email to the Office of Student Conduct, Witness 34 stated, "the first time that I went to Victim Services, they told me that I needed to bring up the issue with my professor since it involves his TA and I turn my exams into him on exam day. I went to his office hours and brought along a girl named [Witness 35] as support since she's also filing against the same individual (along with 2 other girls). The professor was [the Respondent], a psychology

instructor. We brought up the issue and he basically kept asking why we were even telling him and saying that he couldn't do anything about the situation. He asked us for more details and then when it came out that we had been friends and he'd been at our houses, he sort of rolled his eyes laughed, and acted like of course something would have happened. He said the guy must have misinterpreted the situations and thought we'd wanted more. We told him that we had been very clear. He said that there was nothing that he could do to remove him from the class and that the only way he would do anything was if a police officer came straight to him and said that his TA was a criminal, but that from what we were saying, he didn't cross any lines and that the only way we'd have a case would be if we were to 'fabricate information' to the police, which he 'wouldn't recommend.' We thought that was pretty rude and dismissive from a professor, especially one with a psychology background. We made a point to explain that the TA seemed to be doing this repeatedly to many females and that our goal was to stop it and he said that he hopes that what we get out of this is that it won't happen again...because hopefully we'll start 'picking better friends.' We were very frustrated with this especially, as he seemed to be blaming the whole situation on the fact that we were friends with the individual in the beginning. We left feeling kind of defeated and upset."

As set forth above, although outreach was made to Witness 35, she did not respond or participate in OIE's investigation. However, OIE did speak with Witness 171, who stated that Witness 34 told him that after sharing what had occurred with Witness 36 with the Respondent, he told her "that none of this would hold up in court" and he "did not believe she was assaulted based upon what she shared with him." Also, documentation around the time of the conversation noted Witness 34's description of the Respondent's reaction to her disclosure – namely, telling Witness 34 that he didn't understand why she was telling him this, there was nothing he could do, Witness 36 was probably confused about the situation and thought she wanted it, her claim lacked evidence, he couldn't remove the TA unless the police instructed him on this, and "I can only hope that in the future you can prevent this from happening again by being more conscientious when choosing your friends."

Taking the record as a whole into consideration, OIE finds that there is sufficient evidence to support finding that in February 2014, when Witness 34 disclosed to the Respondent that one of his teaching assistants had sexually assaulted her, the Respondent asked why she was telling him, asked for details about the incident, denied that the teaching assistant had "crossed the line", said that the teaching assistant must have misinterpreted the situation and thought she wanted more, said that the only way she would have a case would be to fabricate information to the police (which he didn't recommend), said that he could "only hope that in the future" she could "prevent this from happening again by being more conscientious when choosing" her friends, and denied that he could do anything about the situation (such as removing the teaching assistant from the class during exams) as the only way he would do anything was if a police officer came straight to him and said that his teaching assistant was a criminal. The record further supports that, thereafter, the Respondent allowed Witness 34 to make up an exam she missed by taking it in his office and when she arrived, he did not recognize her and then said, "Oh, you're the one with the issue with my TA."

Tenure-Related Comments

**76. Whether the Respondent told students that he could say whatever he wanted in class without repercussions because he was tenured.**

Witness 147, who submitted IL #815 and was a student in the Respondent's 2009 Fall Sexual Behavior course and 2010 Fall Cross Cultural Psychology courses, alleged that the Respondent used "his tenure like a child, repeatedly chanting, 'you can't touch me'." Witness 37 alleged that during the 2009 Psychology of Prejudice course, the Respondent often arrived late for the course and reminded students that he was tenured so "what are you going to do". Witness 91 alleged that during the 2016 Spring Cross Cultural Psychology course, the Respondent told students that he couldn't be touched because he was tenured. Witness 88, who submitted IL #800 and participated in an OIE interview, alleged that during 2016 Fall Sexual Behavior and 2017 Spring Cross Cultural Psychology courses, the Respondent "discouraged students from reporting him to UCF higher ups because 'they won't do anything because I'm tenured'. He presented himself as untouchable." Witness 85 similarly alleged that during the 2016 Fall General Psychology, the Respondent brought up being tenured all the time and told students that they could complain but he was pretty much "untouchable" because he was tenured. Witness 111 alleged that during the 2017 Fall General Psychology, the Respondent said that he can't be touched because he's tenured. Witness 87 alleged that during the 2017 Spring Cross Cultural Psychology course, the Respondent said that some students had complained about the way he treated them but, "I'm tenured, and you can't get rid of me." Similarly, Witness 144 alleged that during the 2017 Fall Cross Cultural Psychology course when the Respondent advocated for a White history month and students challenged him, the Respondent said the students could "complain to whatever office you want, but I am tenured". Witness 144 further alleged that the Respondent mentioned being tenured in "just about every class".

In addition, the anonymous reporter in IL #794, who allegedly was a student in one of the Respondent's 2018 courses, stated, "I kept my mouth shut, because [the Respondent] said he could say whatever he wanted whenever he wanted because he had tenure". Witness 160 alleged that during the 2018 Spring General Psychology course, the Respondent said that he was tenured and "I can do what I want." Similarly, Witness 172, who was a student in this 2018 Spring course, alleged that the Respondent "told class that there were previous complaints filed against him but that he was tenured so they couldn't do anything about it." Witness 121, Witness 107, Witness 133, Witness 95 and Witness 57 (via email) alleged that during the 2018 Fall General Psychology course, the Respondent said that UCF was not able to fire him and boasted how UCF couldn't get rid of him and he could say whatever he wanted with no repercussions. Witness 92 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent stated that he was tenured so he could say what he wanted. Witness 167, who also was a member of the 2018 class, alleged that the Respondent made it "a point to tell us how people have tried to report him to higher authorities. He basically said there is not anything you can do. He would say that the department and the university knew how he teaches and know his teaching methods. He said they can't take action against him because he is tenured faculty. He mentioned how students have tried to report him in the past and it won't work." Witness 56 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent made his comments about Mary and Jesus (as set forth above), showed the class an email he received from a former student about this type of conduct, and commented that "if we were offended, we can report it to UCF but added

they can't do anything about it". Witness 56 and Witness 117 recalled that the Respondent also told students that "the school can't touch me" and "there is not much the school can do because I am tenured". Witness 98 recalled that during this discussion, the Respondent stated that if UCF tried to fire him, they would have to pay a hefty lawsuit.

Witness 115 recalled that during the 2019 Spring General Psychology course, the Respondent said, "I am a fucking tenured professor and nobody can fucking touch me. I dare them to even try." Witness 120 recalled that during the 2019 Spring Sexual Behaviors course, the Respondent told the students, "Just try and go tell someone about me – I have tenure, and no one can touch me." Witness 66, who also was a student in this 2019 course, alleged that on the first day of class, the Respondent said that people complain about him every year and try to get him removed, but that it never works. Witness 53 alleged that during the 2019 Summer Sexual Behavior course, the Respondent made a similar statement that tenure protected him from repercussions. Witness 116 alleged that during this same course, the Respondent made a comment about being tenured while discussing something related to religion. The Respondent referenced an old Reddit post by a student who had been upset with him a few years prior, and said that people had tried to stop him from talking about certain things, but "I can say these things because I have freedom of speech and tenure," and that the things he said would not get him removed from his position. Witness 129 alleged that during the 2020 Spring Personality Theory class, the Respondent said he was tenured so he could not get in trouble.

In contrast, an anonymous reporter, who allegedly was a student in the Respondent's 2008 Spring General Psychology course, stated that the Respondent did not make any comments about being tenured or untouchable, or that left the impression that complaining about him would be a waste of time. *See Phone Log 7-22-2020 Witness 235.*

When asked if he talked to his students about being tenured during his courses, the Respondent replied, "I do talk about this with the students. I do this to encourage students to say anything they want in class. Someone on Twitter, an African American student, said that 'this guy said that in class that because he has tenure, he can rape the students and get away with it.' This is one of those occasions where I just couldn't let it go. Instead of ignoring it, I said, 'did it ever occur to you that I didn't say such a vile thing?' She wrote back and said, 'I don't care, I've heard what other students have said.' I do let students know that I have tenure and that allows me to address these controversial issues - or at least I thought until now - and express my beliefs that are in data and are not popular in the orthodoxy in higher education and protect me from critique from administrators and others. It gives me the freedom to address issues that others don't want to express and to express unpopular views." The Respondent denied that while discussing tenure, he said, "You can't touch me," "I'm untouchable" or similar statements. He also denied that he told students that if they wanted to reach out to UCF about him, nothing would be done because "I am tenured"; denied that he told students that they could "complain to whatever office you want, but I am tenured"; denied that he told students that "UCF was not able to fire me, boasted how UCF couldn't get rid of me, and I could say whatever I wanted with no repercussions"; denied that he said that if UCF tried to fire him, they would have to pay a hefty lawsuit; and, denied that he said, "I am a fucking tenured professor, and nobody can fucking touch me. I dare them to even try." When asked whether when some students complained in class about the way he treated them, he replied, "I'm tenured, and you can't get rid of me", the Respondent replied,



“I might have said, when this has come up, that it’s hard to get rid of a tenured professor unless they do something egregious.”

With regard to allegations that he showed the students letters of prior students’ complaints, the Respondent stated, “What I showed students was, and you may recall in 2009 I think, I had a student in my large class who stood up and told the whole 450 students, I invite all of you in the name of Jesus to ignore this man and not pay attention. I was furious but just told him to sit down. I left that day still angry and wrote a letter to my students about religious bigotry and the purpose of the university. It got a lot of national attention. In response to this incident, which went national and I got interviewed by news agencies, a few people wrote negatively to me. One sent a letter that I was going to burn in hell, etc. For a couple of semesters after that incident, I read this letter about burning in hell to the class during the first day of the semester. When I showed the letter, I said that I would be covering controversial things, and had endured the fact that people think I should be punished for my views. That was the purpose of sharing the letter. ... No other complaints about me like this were shared with students.” *See Announcement Jan. 2012 Re Religious Bigotry.*

As set forth in Section VI (Material Facts Not in Dispute) above, OIE’s review of the 2019 Recordings revealed that at one point, a student asked if she could take a picture (presumably of his slide) and the Respondent replied in the affirmative stating, “my life is an open book”. He then said that he had students at UCF complain, he has gotten investigated, and he “laughs the whole way through”. Also, the Respondent stated, “At [the] university, we happen to have [a] system called the tenure system, so that once you have tenure, like I have at the university, unless I rape you—which I won’t, I promise—the university can’t fire me. They just can’t fire me.” On another day when talking about how U.S. universities operated and students are customers, the Respondent referenced professors who are not tenured, but how he is tenured “which means they can’t fire me unless I do something outrageous”. Similarly, in the August 28, 2018 General Psychology course, the Respondent told students, “I can say what I said, and that I the way it goes. No one cares, UCF will not say a thing to me.”

Taking the record as a whole into consideration, including the general consistency of allegations among multiple students over different timeframes (2009, 2010, 2016, 2017, 2018, 2019 and 2020), corroboration of allegations within the same courses, and the Respondent’s questionable credibility on this point after denying that he referenced rape while discussing tenure (which was refuted by the audio recordings), OIE finds that there is sufficient evidence to support finding that for multiple years, the Respondent told his students in each of his Sexual Behavior, General Psychology and Cross Cultural Psychology courses that he was tenured, which meant that he could not be touched, he was untouchable, he could not be fired, he could not be gotten rid of, nothing would be done if students complained about him to administrators or offices at the University, and he could say what he wanted to say in class without repercussions, as well as that other students had complained about him and were unsuccessful because of the protections provided by tenure.

**77. Whether, during class, the Respondent told students that, due to be tenured, he could not be fired unless he raped them.**

Witness 95 and Witness 58 alleged that during the 2018 Fall General Psychology course, he told the students that unless he engaged in sexual assault or rape, there was nothing that could be done about what he says because he has tenure. The anonymous reporter in IL #832, who allegedly was a student in the Respondent's 2019 Spring Cross Cultural Psychology course, stated, "I wanted to report him sooner but he told the class that unless he rapes us that he could not be fired so I felt hopeless." Witness 125 alleged that during the 2019 Summer Cross Cultural Psychology course, the Respondent said that he "was tenured, which gave him protections, and that the only way he could have his tenure revoked is if he did something like rape a student." Witness 110 and Witness 104, who also were students in the 2019 Summer course, corroborated that he made a statement that essentially he could do anything except rape a student and remain tenured. Witness 5 stated that the Respondent referenced the attention that he had received in 2012 related to a letter he sent to students about his discussion pertaining to religion. He then stated that in the end, "he had tenure, so they [the University] didn't do anything. He said the department told him, 'We got your back', and said 'unless I hit a kid or something, I'm good.'" The Respondent may have referenced rape but Witness 5 was not sure. Similarly, Witness 137, who submitted IL #877 and participated in an OIE interview, alleged that during the 2019 Fall Cross Cultural Psychology course, the Respondent "discuss[ed] tenured professors and he made the statement that he cannot be fired. Several students have tried unsuccessfully. He state[d] 'I cannot be fired, basically I would have to rape one of you to be fired and that's not happening.' He left the students feeling there was no recourse if anyone was in disagreement with his discriminatory statement." Witness 150, who was a student in this same 2019 Fall course, stated that the Respondent said "that because he is tenured the university can't get rid of him unless he 'raped us'. It just felt hopeless at that point." Witness 173 similarly alleged that the Respondent made a statement of this nature.

When asked to respond to the allegations that he told students that unless he engaged in sexual assault or rape, there was nothing that could be done about what he said in class because he was tenured, the Respondent replied, "I say unless I do something egregious, but not this." When asked to respond to allegations that during a summer trip to Peru, he said the only way he would lose tenure is if he raped a student, the Respondent said, "I deny that completely."

As set forth in Section VI (Material Facts Not in Dispute) above, during the 2019 Summer audio recordings, the Respondent is heard saying, "At [the] university, we happen to have [a] system called the tenure system, so that once you have tenure, like I have at the university, unless I rape you—which I won't, I promise—the university can't fire me. They just can't fire me."

Taking the record as a whole into consideration, including the general consistency of allegations among multiple students over different timeframes (2018 and 2019), corroboration of allegations within the same courses, and the Respondent's questionable credibility on this point after denying that he referenced rape while discussing tenure (which was refuted by the audio recordings), OIE finds that there is sufficient evidence to support finding that during 2018 and

2019, the Respondent told his students in each of his General Psychology and Cross Cultural Psychology courses that, due to being tenured, he could not be fired unless he raped them.

*Mocking of or Being Condescending Toward Students:*

The record has evidence of students having enjoyed the Respondent's classes, including the content of the course and the manner in which the content was delivered. That said, the record also has evidence that at least a portion of students found the Respondent to have been disrespectful and condescending towards students throughout his courses and described him as not allowing space for debate of the issues he presented, such as rolling his eyes in response to students disagreeing with him, laughing at students' statements, and telling students that they were not using their brains or lacked experience to refute the issues he presented. *E.g.* IL#803 (anonymous) (when students attempted to refute Respondent's statements, he seemed "to find entertainment in watching students become frustrated and upset", laughed "at their statements," and did not engage in thoughtful debate); IL #871/#874 (Witness 140) (Respondent "constantly made fun" of students); IL #894 (anonymous) (Respondent often insulted, belittled and made fun of students that spoke about their religious views); IL #924/925 (anonymous) (laughed at student's questions); Witness 51 Witness Interview Summary (Respondent made fun of students); and, Witness 233 Witness Interview Summary (when students countered his opinions regarding affirmative action, he said "you're so young" or "talk to me again after you've worked in the field for 20 years").<sup>24</sup> Below, OIE assesses out some of the specific examples of these alleged concerns.

OIE also notes that during his interview, OIE asked the Respondent if when a student shared a different viewpoint than him, did he act hostile, laugh, chuckle, cross his arms, roll his eyes, put his hand out for students to stop talking, not give students a chance to defend themselves or tell the students they were childish, the Respondent replied, "It depends on the issue, the comment, the mood of the class - all kinds of things. I am used to those negative comments in my student evaluations. All I can say is that I am a blunt person, with a certain personality, and you've gotten a little taste of it during these interviews. There are some students who have an issue with that. I don't allow my students to proclaim something or pound their chest. I tell them they are wasting class time and it's a large class, so you have to be pithy and focused on the evidence. I'm sure those individual students walk away thinking I dismissed them and was rude or condescending to them. Those are subjective evaluations of my handling of the situation."

It is important to note that the audio recordings reviewed by OIE did not support the allegations that the Respondent disallowed questions or challenges from students. *E.g.* *Recordings – 2019 Summer – 16* (after discussing why he does not believe systemic racism exists in the U.S., the Respondent stated, "I am trying to be anti-racist. I wish racism would go away," and then said, "I am going to get off my soap box and will let you tell me how wrong I am," and opened the issue up to class discussion).

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<sup>24</sup> This is not meant to be a full list of where this nature of allegations was made. Rather, these kinds of allegations were a common theme throughout the investigation when speaking with many students.

**78. Whether the Respondent called students derogatory names such as “stupid”, “absolute idiot”, “baby”, “morons”, “idiots”, “weird”, or “jackass”.**

Witness 37 alleged that during the 2009 Psychology of Prejudice course, a Black female student shared her personal experiences with racism, and the Respondent told her that she was an “absolute idiot” if she believed that her experiences were because she was Black. Witness 37 further alleged that when students asked him a question about his opinion or made a statement that the Respondent disagreed with, he responded by calling them “stupid” or an “idiot”. The Respondent also told one of his teaching assistants, “You’re too stupid to answer questions so don’t email the students back.” Witness 37 also shared that the Respondent called students who advocated for safe space for Black people “idiots” and “crazy”.

Witness 51 alleged that during the 2012 Fall General Psychology course, when students provided their opinions on class discussion, the Respondent told them that their response, idea or opinion was “so stupid or silly” or “that they have nothing to base the views on”. Also, when Witness 51 needed to take the final exam early to return home due to illness, the Respondent allegedly told her she was a “baby” and “physical illness is in your brain”. He then required her to take the exam sitting in the front of an upper level Psychology class with approximately 100 juniors and seniors, and referenced that she “was a baby and wanted to go home early”. Witness 43 alleged that during the 2014 General Psychology course, the Respondent had an exchange with a student that led to the student walking out of class. When the student left, he called the student a “jackass”.

Witness 88, who submitted IL #800 and JKRT report #00047725 and participated in an OIE interview, alleged that during the Fall 2016 Sexual Behavior course and 2017 Spring Cross Cultural Psychology course, the Respondent “called students ‘idiots’” (including that they were “idiots” for having their beliefs) and said that he knew he was doing his “job when people leave”. Witness 85 alleged that during the 2016 Fall General Psychology course, the Respondent belittled students using the terms “stupid” or “idiotic”. Witness 87 alleged that during the 2017 Spring Cross Cultural Psychology course, the class, which was approximately nine months after the Pulse shooting in Orlando, were discussing the LGBTQ movement. During the class, a Muslim female student stood up and discussed support for the LGBTQ community because Muslims knew what it felt like to be hated and for people to be hard on you. The Respondent allegedly replied that what she said was “dumb”, he is a gay man, “we don’t need anyone’s help,” and “who wants hugs from Muslims”. Witness 111 alleged that during the 2017 Fall General Psychology course, when students challenged him, he responded that this was an example of people being “idiots” or “stupid”. Witness 140 alleged that during the 2018 Cross Cultural Psychology course, the Respondent called students “stupid” or “ridiculous” when they disagreed with him. Witness 174 stated that during the 2018 Spring Sexual Behavior course, the Respondent “bragged” about previously arguing with a female Muslim student leading to her leaving the class, and then referred to her as a “dummy”.

Similarly, Witness 63 alleged that during the 2019 Spring Cross Cultural Psychology course, the Respondent told students who shared their ideas that their ideas were “stupid”. Witness 63 further alleged that Respondent said, “Put your hand down if you are offended, because we are not going to waste class time on you. I am right and you are wrong”. Witness 73

stated that during this same course when people did not agree with his perspective, particularly with regard to religion, the Respondent said that their ideas were “stupid”. Witness 52 alleged that during that same course, the Respondent showed letters or emails from previous students wherein they had complained about his conduct. He then refuted their allegations, and said that the students were “morons”, “idiots” and “ignorant”. Witness 117 corroborated that the Respondent showed previous students’ emails, and said it was “ridiculous” that the students were defending a non-existent God. Witness 115 alleged that during the 2019 Spring General Psychology course when students didn’t respond to him, the Respondent mumbled into his microphone, “Oh, these are just a bunch of fucking morons”. Witness 131 alleged (via email) that during the 2019 Fall Sexual Behavior course, the Respondent called students an “idiot” if they disagreed with his opinions.

In contrast, an anonymous reporter, who alleged having been a student in the Respondent’s 2008 Spring General Psychology course, stated that the Respondent did not mock students or call them names. Witness 4, who was a student in the Respondent’s 2011 Cross Cultural Psychology course, stated that he did not recall the Respondent using any derogatory terms at all in class, just the terms “silly” or “ridiculous.” Witness 175, who was enrolled in the 2018 Spring Sexual Behavior course, stated that the Respondent did not engage in calling students derogatory names. Witness 6, who was enrolled in the 2018 Fall Cross Cultural Psychology course, stated that the Respondent “didn’t call students stupid and he never implied this.” Witness 104 stated that during the 2019 Summer Cross Cultural Psychology course, the Respondent did not call his students derogatory names, like moron or idiot, but he did use those terms to discuss some of the people that he taught about, like religious figures. Similarly, Witness 125 stated that during the 2019 Summer Cross Cultural Psychology and 2020 Spring Sexual Behavior courses, the Respondent did not call students any derogatory names or mock them. Witness 110, who was enrolled in the 2019 Summer Cross Cultural Psychology, stated that the Respondent did not use these terms directed at a specific person. Rather, he said, “You have to be a moron to believe ...” Witness 116 corroborated that during that same course, the Respondent did not call students names, like moron or idiot or anything like that.

When asked whether he called students derogatory names as alleged, the Respondent replied, “No, I would never do that.... I never called students ‘stupid’ or ‘idiot’.” He also denied that he said “these are just a bunch of fucking morons” as alleged by Witness 115. With regard to the incident described by Witness 37 about calling a Black female an “absolute idiot” when she described an experience of discrimination, the Respondent said, “I never did this.” The Respondent also denied that he ever called a student “stupid”, “idiot” or something similar when they challenged his lectures, and denied telling a teaching assistant, “You’re too stupid to answer questions so don’t email the students back.” When asked if he referred to students who advocated for a safe space for Black people as “idiots” and “crazy”, the Respondent replied, “No, I explained to them how it reflected that they are not into diversity. I did not use those terms (idiots or crazy).” With regard to the incident described by Witness 51, the Respondent stated, “No, I deny all of that with the exception that I have had students take an exam in a different class because of some legitimate reason. I’m pretty rigid about not letting people stray from my set exam times. I would’ve made a decision that I rarely make for people.” When asked about the incident described by Witness 87 pertaining to the LGBTQ discussion with a female Muslim student, the Respondent stated, “This is completely false. To stand in front of an audience and

say what was just reported is so outrageous, especially after the Pulse massacre; surely someone would have gone and complained about that if I had done that.”

With regard to the allegation that he said he knew he was doing his job when people leave the class, the Respondent stated, “[I]n these large classes, students come and go for all types of reasons, and I’ve already told them on day one that I don’t take attendance, and to minimize noise if they have to come in late or leave early. I’m in my own world lecturing and not paying attention to what’s on their face if they leave. I can’t imagine I ever said that.” With regard to the allegation that he referred to a student as a “jackass” after they walked out of his class, the Respondent stated, “This never happened. Respectfully, if I were to tell any student or the whole class that they were ‘stupid’ or ‘idiots’ or ‘jackass’, I assure you that students would have complained, and there is no evidence that they reported this in the course evaluation comments. If I’d said this, others would have complained. I’ve said less things that made students go to the chair. If I’d said these more egregious things, I assure you I would have heard about it then.”

Turning to the audio recordings, the Respondent was never heard calling a student or referring to a student’s idea as stupid, idiot, baby, morons, idiots, or jackass. As to the term “weird”, the only statement heard in the recordings related to the Respondent’s September 4, 2018 General Psychology class wherein he asked students if they had to give up all their senses except one, which one would it be. After students provided some different responses, he replied, “You guys are really weird, at least the ones that participated so far.” Taking the record as a whole into consideration, including the lack of evidence on the audio recordings, the mixed information from student witnesses, the students’ lack of motivation to lie, and the Respondent’s motive to lie and inconsistent information during this investigation (see *Consistency* section), OIE finds this to be a close question as to whether there is a preponderance of evidence that the Respondent directed derogatory names (such as stupid, moron, idiot or jackass) at students or their ideas. Accordingly, OIE finds that the current record is insufficient to support finding that the Respondent engaged in this conduct. Notwithstanding, OIE finds that there is sufficient evidence to support finding that when Witness 51 needed to take the final exam early to return home due to illness, the Respondent told her she was a “baby”, told her that “physical illness is in your brain”, required her to take the exam sitting in the front of an upper level Psychology class with approximately 100 juniors and seniors, and then referenced that she “was a baby and wanted to go home early”. Similarly, OIE finds that there is sufficient evidence to support finding that during one of the 2017 Spring Cross Cultural Psychology classes, which was approximately nine months after the Pulse shooting in Orlando, the class discussed the LGBTQ movement and a Muslim female student discussed support for the LGBTQ community because Muslims knew what it felt like to be hated and for people to be hard on you. The Respondent then replied that what she said was “dumb”, he is a gay man, “we don’t need anyone’s help,” and “who wants hugs from Muslims”.

**79. Whether during the 2013 Fall semester when a General Psychology student visited him during office hours to discuss an exam, the Respondent “made fun” of her answers on the test and told her, “If you can’t even pass this class, you’re not going to be smart enough to graduate at UCF, and will eventually fail at life”.**

Witness 70 alleged that she had been a student in the Respondent’s 2013 Fall General Psychology course and had visited him during office hours to discuss an exam. At this meeting, the Respondent “made fun” of her answers on the test and said, “If you can’t even pass this class, you’re not going to be smart enough to graduate at UCF, and will eventually fail at life.” *See Student Google Form Report.* In response to these allegations, the Respondent stated, “I never said this. By the way, just for the record, I, for personal reasons, leave my office door wide open, and when students close my door, I tell them, ‘no, leave the door open.’” Witness 70 did not respond to multiple outreaches from OIE to discuss her allegations. Without any further information or witness corroboration, OIE finds that there is insufficient evidence that during the 2013 Fall semester when a General Psychology student visited him during office hours to discuss an exam, the Respondent “made fun” of her answers on the test and told her, “If you can’t even pass this class, you’re not going to be smart enough to graduate at UCF, and will eventually fail at life”.

**80. Whether, during a Spring 2019 Sexual Behavior class, a female student raised her hand while the Respondent was discussing rape allegations at universities, and the Respondent yelled at the student, “Can you let me finish? No? You can’t let me finish?”; and, when the student lowered her hand, the Respondent said, “Oh did I hurt your feelings?” and repeatedly referred to the student’s “hurt feelings” later in the class.**

Witness 66, who submitted IL #789 and participated in an OIE interview, alleged that during the 2019 Spring Sexual Behavior course – specifically, on February 19, 2019, the class was having a discussion regarding sexual assault and Title IX. While the Respondent was presenting his lecture, a female student raised her hand. She did not say anything or “make a face” when she raised her hand. The Respondent allegedly “screamed” at the student to let him finish his sentence. The student’s mouth opened but she did not say anything. He then mocked her and said, “Oh, did I hurt your feelings?” The student responded, “I raised my hand. This is a class and I’m allowed to raise my hand”. The Respondent then told her to “chill out” and referred to her “hurt feelings” later in the class.

In response to these allegations, the Respondent stated, “I don't know that student’s name, but I know who she is. She came to my office and unloaded on me and told me she had been sexually abused and she had refused to give me her name. I spoke with a male person in your office [OIE] and asked what I needed to do, and no one ever got back to me. As to what happened in class, she raised her hand, and I only said, ‘Can you relax/chill out and let me finish my sentence first?’” First, OIE notes that this report was received on February 27, 2019, and was reviewed by the Title IX Coordinator, who made outreach to and spoke with the Respondent. Second, although denied by the Respondent, OIE found the detailed nature of Witness 66’s testimony persuasive (particularly when considering her lack of motive to lie, the Respondent’s motive to lie, and the Respondent’s other inconsistencies in testimony noted herein), and, thus,

finds that there is sufficient evidence to support finding that on February 19, 2019, the Respondent's Sexual Behavior class had a discussion regarding sexual assault and Title IX. While the Respondent was presenting his lecture, Witness 66 raised her hand. The Respondent screamed at the student to let him finish his sentence, and then mocked her and said, "Oh, did I hurt your feelings?" Witness 66 responded, "I raised my hand. This is a class and I'm allowed to raise my hand". The Respondent then told her to "chill out" and referred to her "hurt feelings" later in the class.

**81. Whether, during class, the Respondent mocked a student when she provided an example of a religiously charged terrorist attack that was not committed by Muslims – namely, in a higher pitched voice said, "Oh look, she was able to answer, awe, wow, good for her."**

The anonymous reporter in IL #832, who alleged they were a student in the Respondent's 2019 Spring Cross Cultural Psychology course, alleged that the Respondent stated that "all Muslims are terrorists, he backed this claim by saying fundamentalists are all terrorist which is not true. Fundamentalism in religion is following religious text as it is written. There is fundamentalism in every religion that has a scripture. When I tried to mention this fact [the Respondent] told me that I condone terrorism and that I should be ashamed. He then asked me to name one religiously charged terrorist attack that wasn't done by Muslims, so I answered. Being Jewish, it is not difficult to think of multiple terror attacks. He then mocked me for answering the question he proposed. He made his voice higher pitched and mockingly said 'Ohhh look she was able to answer awww woow good for her'." Witness 150, who was a student in the Respondent's 2019 Fall Cross Cultural Psychology course, alleged that after watching a video regarding the Muslim religion and fundamentalism, she stated that there was fundamentalism in most religions, and the text allowed for interpretations and different translations. The Respondent then allegedly replied, "Oh, so what I'm hearing is that you support terrorism" and asked me to name one non-Muslim terrorist attack. Witness 150, who identified as Jewish, responded with identifying the New Zealand attack on the synagogue. She alleged that the Respondent then mocked her saying, "Oh look, she had an answer, oh wow..."

In response to these allegations, the Respondent stated, "So, the first half of what you said (statement of 'oh, so what I'm hearing is that you support terrorism'), that is not accurate. I deny it. Rather, a student was claiming that White nationalists or White supremacists have attacked people more than Muslims in the U.S., and I replied that is not accurate and asked for an example. The student mentioned an example, I think it was Dylan, the guy who walked into a Black church and started gunning down people, and I said that's one example, but what is another example of a person doing this. I shared that the guy in Las Vegas, there was no indication that there was motivation based on race so that's not an example. That student couldn't give me another example of White nationalists/supremacists' attacks. That was the end of the discussion. I did not mock with 'oh look, s/he had an answer, oh wow ...' I assumed that the student got mad at me. They were claiming that more White people, in the name of being White, killed more people than Muslims. I can only speculate that this student felt humiliated, but I am not there to allow inaccurate things to be said. The last part is very personalized, and I don't characterize my correcting people's inaccurate statements as mocking them, but they may characterize it that way."



Although the specificity of the student’s description of the incident lends credibility to the allegation, the Respondent’s specific recollection of the interaction also has credibility. Taking the record as a whole into consideration, including that none of the other 21 students spoken to from this course corroborated either version of this incident, OIE finds that there is insufficient evidence to support finding that during this class discussion, the Respondent mocked the student by saying, “Oh look, she had an answer, oh wow...”

Repeated Use of Profanity:

**82. Whether the Respondent repeatedly used profanity throughout his lectures.**

Witness 158, the Director of the Psychology Advising Center, alleged that some students said that the Respondent used foul language and the “F” word “too much” in class leading them to withdraw from the course. Witness 88, who was a student in the Respondent’s 2016 Spring Sexual Behavior and 2017 Cross Cultural Psychology courses, alleged that the Respondent used profanity “all the time in class”, including having used the terms “fucking homosexual” and “fucking lesbian”. Witness 111 alleged that during the 2017 General Psychology course, the Respondent said “fuck a lot” and recalled that he referred to Peru as a “shithole”. Witness 144 alleged that during the 2017 Fall Cross Cultural Psychology course, the Respondent used the “F” word “every now and then”. Witness 151, one of the Respondent’s GTAs for 2018 Spring Cross Cultural Psychology, stated that the Respondent “frequently used profanity. It occurred regularly in our conversations in his office and in our conversations in the classroom in front of students – it was frequent. One of his favorite words was ‘bullshit,’ which he used very frequently, and also ‘bitch’ and ‘fuck’ which he used more occasionally.” Witness 151 also recalled the Respondent referring to a female faculty member as a “bitch”. Witness 121 and Witness 95 alleged that during the 2018 Fall General Psychology course, the Respondent used profanity but not the “F” word. However, with regard to this same course, Witness 107 alleged that the Respondent used profanity in the classroom every time the class met, including words like “fuck”, “shit,” and “asshole”. Witness 48 who also was enrolled in this same course, the Respondent used profanity in class including “shit”, “fuck”, “that’s a bitch” and “stop bitching around”. Witness 140 alleged that during the 2018 Fall Cross Cultural Psychology course, the Respondent used the term “fucking homosexual”. For the same course, Witness 92 recalled that the Respondent referred to Peru as a “shithole”. Witness 78 recalled that during the 2018 Fall Sexual Behavior course, the Respondent used the word “fuck”. Witness 81 recalled that during the 2018 Spring semester when the Respondent spoke about a Voodoo priest in West Africa, he said that everything the priest said was “bullshit” and that he couldn’t believe people actually believe in this.

Similarly, Witness 115 alleged that during the 2019 Spring General Psychology course, the Respondent said “fuck this”, “fuck that” or this “fucking institution” at least twice during every class. He also allegedly referenced the Colbourn Hall issue and said, “You should be fucking angry at the fucking morons you have leading your university. Speak up! Don’t just sit there like fucking morons yourselves without questioning what they are doing.” Witness 41 recalled that during the 2019 Fall Cross Cultural Psychology course, the Respondent referred to the U.S. Supreme Court case involving a bakery that refused to make a wedding cake for a gay couple and stated that the bakers were “assholes” and “shitheads”. Witness 2, who was enrolled in the 2019 Fall Sexual Behavior course, stated that the Respondent used profanity in class,

which she described as simple cuss words like “F-bombs and stuff like that.” Witness 47 recalled that during the 2020 Spring Cross Cultural Psychology course, the Respondent referred to Peru as a “shithole”.

In contrast, Witness 4, who was a student in the 2011 Cross Cultural Psychology course, stated that he did not hear the Respondent use profanity. Witness 1, who was a student in the Respondent’s 2019 Spring Cross Cultural Psychology course, stated that the Respondent may have used some profanity in the classroom but could not recall specific examples. Witness 104, who was a student in the Respondent’s 2019 Summer Cross Cultural Psychology course, stated, “The only profanity I recall him using was the ‘B-word,’ but it was done in a joking manner during a story to make a point, and all the students thought it was funny.” Similarly, Witness 110, who was in the same course, stated that the Respondent used some profanity during his lectures but “it was not overt or excessive. He used profanity to emphasize his point.” Witness 5, who also was in the 2019 Summer course, stated that she did not specifically remember the Respondent using profanity during lectures. There “might have been a time or two that he cursed by accident. We’re in class three hours a day and then taking tours ... so it was a more personal, friendly environment, more casual.” Witness 3 had a similar experience in the 2018 Fall Sexual Behavior course.

During his OIE interview, when asked to respond to the above allegations, including that he repeatedly used profanity in class, the Respondent stated, “I’ve never said the first 90% of what is alleged, but on occasion I have said the F word. It’s rare, but it does come out every now again.” With regard to the Colbourn Hall allegations, the Respondent stated, “I didn’t even address the Colbourn Hall issue. I’m not that passionate about what UCF does with its money. I deny all of that.” When asked to describe how often he used profanities in the classroom, the Respondent stated, “Once in a while. Remember, I’ve been teaching 22 years, over 30,000 students, and I’ve said a lot. I’ve said those things my entire career, but it’s sporadic and not aimed at any student.” When asked what he meant by “sporadic”, the Respondent replied, “Maybe once a week, but I don’t keep track.” As to the phrases “that’s a bitch” and “stop bitching around”, the Respondent stated, “I don’t say that directed at students, but I’ve said sometimes ‘son of a bitch’, and I have on occasion said when people bitch about something, I’ve used that phrase.” The Respondent denied that he referred to Peru as a “shithole”, and denied that he referred to the bakers as “assholes” and “shitheads”. The Respondent did not recall making the statement related to voo doo, but indicated that he would not deny it. OIE notes that the Respondent used the phrase “son of a bitch” during his OIE interview when asked to respond to the allegation he said, “I am a fucking tenured professor, and nobody can fucking touch me. I dare them to even try.” In response, the Respondent stated, “What a cocky son of a bitch I would be if I said that. I deny this allegation.”

Turning to the audio recordings available for OIE’s review, during the 2019 Summer course, the Respondent told students that he would be talking about multiple groups and that “there is good and bad in every group and I treat them all like shit”. Later, when discussing practices in Saudi Arabia, he asked, “How on earth can people in the U.S. proclaim that all cultures are equally good?” He then responded, “The answer is, they are just fucking crazy”. On another day, the Respondent told students that some Muslims will pressure a family member who has been sexually assaulted to commit suicide and asked, “Is this fucking for real? This is

just barbaric as shit”. On another day, the Respondent discussed the amenities available at American Universities, including fancy apartments, restaurants, stores for shopping and “shit like that.” He added, “American students bitch about how much they have to pay in tuition.” Later in the discussion, the Respondent stated that those who were not tenured were “kissing your ass” by” letting students retake tests, access Power Point slides, and other things. When discussing the motivation to believe in religion, the Respondent stated that “life is a bitch and then you die” was his motto in life. In another lecture, when discussing the story of Noah’s ark, he referred to the individuals on the boat “shoveling shit 24/7”. In another recording, the Respondent discussed whether systemic racism existed in the U.S. and noted that if he was at a party, he “wouldn’t be saying this shit because it’s upsetting.” In a separate discussion regarding systemic racism, a student mentioned Casey Anthony, and the Respondent replied, “I hate that bitch but go ahead.” On another day, the Respondent discussed the U.S. Supreme Court case related to bakers that refused to make a wedding cake for a gay couple. The Respondent told students that if he had encountered such a baker, he would have told the baker, “Sir, you are not invited to the fucking wedding or to be a part of the party. You aren’t celebrating shit. Do your job and make the cake.” Lastly, when talking about how stereotypes can be negative, positive or neutral, the Respondent provided the example of Italians liking pasta and stated, “Because many of you are not independent thinkers, you buy into all this bullshit of political correctness.” During the Indentured Slaves recording, the Respondent discussed Whites and how there are sub-groups that think they are better than other groups of Whites (i.e. California Whites, Southern Whites, etc.) and stated, “We humans are a fucked up group. We have a pathological need to see ourselves as superior to someone.”

OIE would note that its review of the audio recordings did not reveal lectures inundated with Respondent’s profanity nor would the use of profanity be characterized as infrequent or rare. That said, taking the record as a whole into consideration, OIE finds that there is sufficient evidence to support finding that the Respondent repeatedly used profanity throughout his course lectures, including the words “fuck”, “bitch” and “shit.”

### Misinformation Regarding HPV Vaccine

#### **83. Whether the Respondent told students to not get the vaccination for HPV.**

Witness 111 alleged that during the 2017 General Psychology course, the Respondent told students that they should not get the HPV vaccine and that the vaccine was just a way of discouraging sexual activity. In response to this allegation, the Respondent stated, “I recall discussing this vaccine. I talked about this during a discussion on STIs at the end of general psych and during the sexual behavior course. I told students the pros and cons of getting the vaccine. I told the students that the virus infects almost everyone who has ever had sex, it’s considered the common cold of STIs, and it won’t cause any problems for 90% of those infected. The facts come from the CDC website, and I said that if they are that concerned about getting cervical cancer, which is very rare, to get the vaccine but otherwise I don’t think it’s necessary.”

Witness 120, who submitted IL #790 and participated in an OIE interview, alleged that during Spring 2019 Sexual Behavior course, the Respondent encouraged the students “to not get a vaccination for HPV (if we hadn’t already) because ‘HPV won’t kill you, you’ll likely never have symptoms’”. Witness 120 raised her hand and responded, “Well, you may not know you

have HPV, but it could cause cervical cancer.” He allegedly replied, “Yeah, but you’ll die of old age before you ever die of cervical cancer.” Witness 120 noted that it was a slow killing cancer, but if you could prevent cancer, why wouldn’t you? She also noted that cervical cancer can cause infertility, and having children is important to a lot of people and this could take their options away for having children later. The Respondent then said something to the effect of, “Whatever, why would anyone want kids anyway?” When asked to respond to these allegations, the Respondent stated, “No, I said that about prostate cancer in men (you’ll die of old age before you ever die of prostate cancer). If you get cervical cancer, you need to get that addressed, but it is slow as it takes 10-20 years for it to kill someone.” When asked about the alleged comment about infertility and children, the Respondent replied, “That is total nonsense. I have kids.”

Although the detailed nature of the two students’ allegations lends credibility to their allegations, the Respondent’s response provides a different context. OIE would note that no other students identified these discussions as areas of concern nor provided information that corroborated either the students’ or Respondent’s version of these discussions. The audio recordings reviewed by OIE did not corroborate either version. Accordingly, taking the record as a whole into consideration, OIE finds that there is insufficient evidence to support finding that the Respondent told students to not get the vaccination for HPV.

Alleged Bribe:

**84. Whether while traveling out of Peru, where he had been located for the UCF study abroad program, the Respondent paid a health clinic representative \$17.00 to issue a certificate falsely stating that he had received the yellow fever vaccine.**

Witness 80, who had been enrolled in the Respondent’s 2018 Fall Cross Cultural Psychology course, vaguely recalled that the Respondent shared an alleged bribery story related to Venezuela and that there was a question on the exam related to this. Also, in the Respondent’s *White Shaming* book, he referenced that during his study abroad trip to Peru, he paid a health clinic representative in Peru \$17 in exchange for a certificate falsely stating that he had received the yellow fever vaccine so that he could travel to El Salvador unencumbered. *See White Shaming, pp. 78-79.* Specifically, therein, the Respondent stated, “I’ll disclose another example in which I partook in the corruption permeating much of Latin America. In 2011, after having lived in El Salvador, I immediately went to Lima, Peru for a month with a group of university students (I was leading a study abroad program there). Peru was having a 3-day weekend due to their Independence Day celebration and I wanted to take a quick excursion back to El Salvador to visit friends. With my plane ticket in hand, an airlines employee at the Lima Airport told me I could not fly to any Central American country without showing proof of vaccination against yellow fever. I panicked, as I had no such proof (**and I had never even been vaccinated against yellow fever**). After some back-and-forth with that employee, he told me to visit the Health Clinic on the Airport premise. I walked in, and being familiar with how things operate in Latin America, I audaciously (but with a facade of humility and respect) asked the attending nurse if I could pay her 60 soles (the equivalence of \$17 U.S. at that time) to provide me with a certificate indicating I had received not one, but two doses of the yellow fever vaccine (the vaccine required two doses spaced 10 days apart). She said she had to consult with someone about that, and returned within minutes with a certificate in hand, willing to pre-date the recording of a **vaccine I had never received**. All for just \$17 (to show what a farce all of this was, when I arrived in

San Salvador, El Salvador, I pulled out my vaccination certificate to present to the Immigration officer only to be told he didn't care to see it)." *Emphasis added.*

When asked to respond to allegations that he had bribed a health clinic representative to travel, the Respondent replied, "That's a total fabrication and I deny this allegation. In my *White Shaming* book, I discussed the corruption endemic to Latin America. In that anecdote, I shared how an airport employee in Peru erroneously informed me, just before I was set to board a plane for El Salvador, that I could not travel to any Central American country without proof of a yellow fever vaccination. I further shared how I offered a nurse at the airport health clinic the equivalent of \$17.00 to provide me with a vaccination certificate. **I actually had received a vaccination shot and never bribed anyone.** As further proof of the corruption, I related the fact that it appeared that I fell prey to a scam because I was never even required to present the certificate to enter El Salvador."

In addition to reviewing the Respondent's *White Shaming* book, OIE reviewed the audio recordings related to his 2019 Summer course (*see Recordings – 2019 Summer – 9*). During one of his classes, the Respondent told the students how when he was teaching his first study abroad program in Peru, there was a four day weekend and he didn't want to stay in Peru. He wanted to go back to El Salvador to see his husband so he bought an airline ticket to El Salvador. When he arrived at the airport, the "Copa airline person asked for a certificate for vaccination for yellow fever" and said that the Central America countries would not allow anyone to fly from South America countries without a vaccination certificate because of yellow fever problem in certain parts of South America. The Respondent then told the students, "I told him I don't have that. He said well you can't fly. I asked where can I go quickly in Lima to get that vaccination" as his flight was scheduled to leave in two hours. The airline person "said you can't do that because it's given to you on two separate days – two dosages 10 days apart. I said who can I talk to about this. The man replied, 'I'm the person you need to talk to.' We argued about whether I needed the vaccine. The man said at the end of the Lima airport is a health clinic, go talk to them, maybe they can help you. I went to the health clinic, advised that I am about to fly to El Salvador and being told that I need a yellow fever vaccination certificate. If I were to give you \$17, can you give me that certificate? She **agreed to give me the vaccination certificate for \$17.00, and she dated [it] so that I had gotten one dosage 10 days before and the second dose today.** Then immigration at El Salvador said he didn't care about seeing the vaccination certificate."

During this same recording, the Respondent shared a story about when he was teaching at a different university and planned to drive into Mexico, four hours south of Texas. He explained that he didn't know that he needed permission to take his vehicle into Mexico at the time. Once they stopped him and asked for his proof of permission, which he did not have, he asked if he could "pay a fine here" and admitted that this was a bribe. Rather than saying it's a bribe (which is offensive to the person), he offered to "pay the fine here." He provided \$10 and they let him continue on "without that piece of paper."

The documentary evidence and audio recordings clearly demonstrate that, while in Peru for a UCF study abroad program in 2011, the Respondent paid an individual at a health clinic located in the airport in Peru to provide him with a certificate falsely indicating that he had been

vaccinated against yellow fever in exchange for \$17.00 so that he could board a plane for a personal trip to El Salvador.

## VIII. FIRST AMENDMENT & ACADEMIC FREEDOM

### A. Respondent's Twitter Posts & First Amendment

The First Amendment protects a public employee's right to speak as a citizen addressing matters of public concern as "a citizen who works for the government is nonetheless a citizen."<sup>25</sup> The courts have noted that it is their "responsibility" to "ensure that citizens are not deprived of fundamental rights by virtue of working for the government."<sup>26</sup> Courts also have noted that the First Amendment reflects our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open."<sup>27</sup> "Speech involves a matter of public concern when it can fairly be considered to relate to 'any matter of political, social, or other concern to the community.'"<sup>28</sup> The "essential question is whether the speech addressed matters of public as opposed to personal interest."<sup>29</sup> If an employee has not spoken as a citizen on a matter of public concern, then there is no First Amendment protection for the speech.<sup>30</sup>

In the present matter, although many of the reports received in this matter pertained to sharing negative experiences with the Respondent and requesting his termination, the University also received reports acknowledging the importance of First Amendment protections. For instance, the anonymous reporter in IL #831 stated, "As a UCF graduate and former employee, I want to express my concern and urge that UCF unconditionally support faculty/staff/students in their personal lives to be afforded protection under the First Amendment of the U.S. Constitution. UCF stands for diversity, this doesn't mean just skin color, it includes different opinions and perspective." Similarly, the anonymous report in IL #839 alleged that they were a former student of the Respondent's Cross Cultural Psychology course, they believed that the class taught them "to learn how to defend what I believe while also being willing to listen to another view point", and, "I do not believe [the Respondent's] voice should be removed [from] the classroom. [The Respondent] isn't a racist."

Witnesses alleged that the Respondent's Twitter posts were integrated into the course curriculum and, accordingly, do not merit First Amendment protection. As set forth above, there is insufficient evidence in the current record to support finding that the Respondent required students to follow and/or review his Twitter account posts as part of his course curriculums. Although he advised students of the existence of his Twitter account, his messages were clear that reviewing them was optional. Equally important, no exam questions or classroom assignments required students to review the Twitter posts. In other words, the Twitter posts themselves were not integrated into the classroom curriculum.

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<sup>25</sup> *Garcetti v. Ceballos*, 547 U.S. 410, 419 (2006)

<sup>26</sup> *Connick v. Myers*, 461 U.S. 138, 147 (1983).

<sup>27</sup> *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

<sup>28</sup> *Johnson v. Multnomah County*, 48 F.3d 420, 422 (9th Cir. 1995) (quoting *Connick v. Myers*, 461, U.S. 138, 146 (1983) (whether an employee's speech addresses a matter of public concern must be determined by the content, form and context of a given statement).

<sup>29</sup> *Desrochers v. City of San Bernardino*, 572 F.3d 703, 709 (9th Cir. 2009)

<sup>30</sup> *Pickering v. Board of Educ.*, 391 U.S. 563, 568 (1968).

That said, the question remains whether the content in the Respondent’s Twitter posts are subject to review for the hostile environment harassment analysis below or remain protected by the First Amendment. This question turns on whether the Twitter posts, however controversial or repugnant, addressed a matter of public concern as described in First Amendment jurisprudence. OIE’s review of the Respondent’s Twitter posts supports the conclusion that they involve matters of public concern and, accordingly, are protected by the First Amendment. It is important to note that this question does not turn on whether the Respondent’s posts are offensive as the First Amendment protects speech that may be offensive and distasteful to listeners. In other words, the “inappropriate or controversial character of a statement is irrelevant to the question of whether it deals with a matter of public concern.”<sup>31</sup> OIE would further note that this analysis also does not take into consideration the Respondent’s tenure status as that is irrelevant to whether the Twitter posts are protected by the First Amendment. This analysis would be applied to any UCF employee in this situation, tenured or not. The sole question is whether the posts involve matters of public concern. A review of the Twitter posts demonstrates that the Respondent commented on a variety of social and political issues, including but not limited to issues related to racial tensions in the U.S., sexual harassment in the workplace cases that were receiving national attention, gender issues, religious issues, immigration policies, education trends, effectiveness of affirmative action programs, and, effectiveness of diversity initiatives. The posts did not focus on a personnel issue related to the Respondent’s employment with UCF or a matter of personal interest. Also, the manner in which the messages were distributed reinforces the conclusion that the posts addressed matters of public concern as they were not distributed to a limited audience, but rather were part of a public social media platform unaffiliated with UCF. Accordingly, OIE finds that the Respondent’s Twitter posts are subject to First Amendment protection.

#### B. Classroom Conduct & Academic Freedom

In matters involving in-class comments by professors, any analysis of statements that are alleged to constitute harassment must consider whether the speech was protected under the doctrine of academic freedom. “Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment.”<sup>32</sup> It consists of “the right of an individual faculty member to teach ... without interference from ... the university administration, or his fellow faculty members.”<sup>33</sup> That said, it is important to take into “account the unique context in which a college professor speaks such that his students are a ‘captive audience’ who may find themselves intimidated by the person who has the ability to pass

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<sup>31</sup> *Rankin v. McPherson*, 483 U.S. 378, 387 (1987).

<sup>32</sup> *University of California Regents v. Bakke*, 438 U.S. 265 (1978). *See also Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957) (“The essentiality of freedom in the community of American universities is almost self-evident. ... To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. ... Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.”)

<sup>33</sup> *Dow Chemical Co. v. Allen*, 672 F.2d 1262, 1275 (7th Cir. 1982) (citations omitted).

upon them a poor grade.”<sup>34</sup> The “principle of academic freedom under the First Amendment serves to protect the utterances in question only if they are germane to course content.”<sup>35</sup>

As part of this investigation, the Respondent shared the *UCF Faculty Resolution 2017-2018-6 Endorsement of University of Chicago Statement on Freedom of Expression*, which was approved by the Faculty Senate on January 25, 2018 and approved by the UCF Provost on February 26, 2018. Specifically, the Respondent highlighted the following language therein: Of course, the ideas of different members of the University of Central Florida community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. ... The University of Central Florida’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. *See Respondent’s Letter to OIE 8-4-20*. OIE would note that this resolution also contains the following language: Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community. The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University of Central Florida may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University.

During the investigation, OIE received feedback from students similar to what the anonymous reporter in IL #828 alleged, which was that the Respondent’s “class wasn’t about cross-cultural psychology, superficially it was about him getting off on trashing people, gaslighting them about their personal experiences with discrimination and ridiculing their beliefs, but beneath that it was about trying to convince, even brainwash us, into believing that racism wasn’t real anymore in the U.S.” During his OIE interviews, the Respondent acknowledged that he made some of the statements that were attributed to him by witnesses, but explained that these statements were relevant to the course content, arose from his efforts to make the subject matter relevant and engaging for the students, and constituted protected speech. Thus, before analyzing whether the statements established above created a hostile learning environment, OIE must first determine which statements were protected expressions of academic freedom and which statements fell outside of this protection. To make this determination, OIE must analyze which of the

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<sup>34</sup> *Bonnell v. Lorenzo*, 241 F.3d 800, 819 (6<sup>th</sup> Cir. 2001) (quoting *Martin v. Parrish*, 805 F.2d 583, 585-585 (5<sup>th</sup> Cir. 1995)).

<sup>35</sup> *Bonnell v. Lorenzo*, 241 F.3d 800, 804 (6<sup>th</sup> Cir. 2001). (Emphasis added.) In addition to the First Amendment, academic freedom is grounded in contract law and the custom of the academy. *See, e.g., Greene v. Howard Univ.*, 412 F.2d 1128 (D.C. Cir. 1969) (faculty handbooks and contracts); *Browzin v. Catholic Univ. of America*, 527 F.2d 843, 848 n8 (D.C. Cir. 1970) (interpreting academic contracts in light of “widely shared norms in the academic community,” such as jointly issued statements by AAUP and higher education organizations on academic freedom).



substantiated or undisputed statements were germane to the content of the Respondent's courses.<sup>36</sup> As part of this analysis, OIE examines the age and sophistication of the students, the relationship between the teaching method used and a valid educational objective, and the context and manner of the presentation.<sup>37</sup>

Guided by this framework, OIE first reviewed the learning objectives set forth in each course's syllabi as well as the Respondent's descriptions of each learning objectives. Specifically, as to the Sexual Behavior course, the Respondent stated, "The goal of the course is to learn more about the social aspects of sex from a scientific perspective, with minimal coverage of biology. I talk about the social context of relationships, adolescent and adult sexuality, paraphilias and other proclivities that fall outside mainstream, and STIs." As to the learning objectives of the General Psychology course, the Respondent stated, "My hands are somewhat tied because I need to cover a certain amount of content that one would normally have in such a course as set forth by the college; however, I do use my academic freedom to cover cross-cultural issues and human sexuality during the last portion of the semester (about three weeks)." When asked about the learning objectives of the Theories of Personality course, the Respondent stated, "The course primarily covers the salient theories of personality and the theorists that have shaped the practice. I add some empirical research that fits with each theory."

Lastly, with regard to the learning objectives of the Cross Cultural Psychology course, the Respondent stated, "Many people across the country and at UCF would typically teach this course from a point of view that minorities are victims of racism and Whites have perpetrated racism, which is a very political point of view. I have travelled to many countries and lived in three countries, and being that I am data-driven with my teaching, I do not teach the course that way. All cultures have their pros and cons, not necessarily in equal amounts, and all ethnic groups have their pros and cons. I tell the students that we'll take a critical look at these issues and most of the content I share is neutral. I reserve a portion at the end of each of the four sections (Hispanics/Latinos, Native Americans, African/African Americans and Arabs/Muslims) to cover challenges and problems that are relatively unique to that group. I try to tie all that information to national surveys or data to the best I can. ... At the end of the first section [during which Respondent has trained students that "scientifically that evidence matters"], I cover religious bigotry and religion. ... Then I talk about Hispanics, Native Americans, African Americans, Whites, White Europeans, and Arabs/Muslims." When asked why he selected these groups to

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<sup>36</sup> See, e.g., *Hardy v. Jefferson Community College*, 260 F.3d 671 (6th Cir. 2001) *cert. denied*, 535 U.S. 970 (2002) ("Reasonable school officials should have known that ... speech, when it is germane to the classroom subject matter and advances an academic message, is protected by the First Amendment."); *Bonnell v. Lorenzo*, 241 F.3d 800 (6th Cir.), *cert. denied*, 534 U.S. 951 (2001) ("While a professor's rights to academic freedom and freedom of expression are paramount in the academic setting, they are not absolute to the point of compromising a student's right to learn in a hostile-free environment" and the professor's vulgar language was "not germane to the subject matter.") See also American Association of University Professors – [Academic Freedom of Students and Professors, and Political Discrimination](#).

<sup>37</sup> See *Silva v. University of N.H.*, 888 F.Supp. 293 (D.N.H. 1994). For example, in a challenge to an English professor's use of sexual analogies in a creative writing class, a court determined that the language was protected by academic freedom. In reaching this decision, the court noted that college students were older and sophisticated enough to handle such speech, the metaphors were connected to an educational objective trying to convey principles related to the subject matter, and the statements were presented in a class lecture in a professionally appropriate manner.

structure this course, the Respondent stated, “These are the groups that are most visible and prevalent in our society.”

Taking the above into consideration, OIE finds that the following statements from the Material Facts Not in Dispute section (Section VI) and Disputed Material Facts section of this report (Section VII) are protected expressions of academic freedom because they were germane to the subject matter of the courses at issue:<sup>38</sup>

- Disputed Fact No. 10 (story related to Sambia tribe and oral sex)
- Disputed Fact No. 12 (nudity in the classroom comment)
- Undisputed Fact No. 18 (latest terms of genitals exercise in Sexual Behavior course)
- Undisputed Fact No. 19 (G-spot comments)
- Undisputed Fact No. 21 (comments related to Sambia tribe)
- Undisputed Facts Nos. 22-23 (comments related to Hopi tribe)
- Undisputed Fact No. 24 (Girls Scouts comment)
- Undisputed Fact No. 25 (argument against social construct theory related to gender)
- Disputed Fact No. 25 (question regarding all-female construction crew and all-male daycare facility)
- Undisputed Fact No. 26 (girls and checkbooks comment)
- Disputed Fact No. 29 (asking students to participate on LGBTQ+ panel and voluntarily share sexual orientation and gender identity)
- Undisputed Fact No. 38 (PRIDE parade participant comments)
- Undisputed Fact No. 39 (prevalence of discrimination based on sexual orientation comments)
- Undisputed Fact No. 40 (showing of *Consent (2004)* video)
- Undisputed Fact No. 41 (sexual assault statistics being highly inflated comments)
- Undisputed Fact No. 43 (no evidence of God and religion being a mythology comments in Cross Cultural Psychology courses)
- Undisputed Fact No. 44 (indoctrination comments)
- Undisputed Fact No. 45 (2012 letter to Cross Cultural Psychology students)
- Undisputed Fact No. 47 (portion of Jan. 10, 2018 message regarding honor killings)
- Disputed Fact No. 48 (statistics regarding Muslims and not being a religion of peace comments)
- Disputed Fact No. 49 (oppression of Muslim women and wearing hijab comments in Cross Cultural Psychology classes)
- Undisputed Fact No. 49(g) (comments related to missionaries)
- Undisputed Fact No. 51 (showing of *By the Numbers* video)
- Disputed Fact No. 55 (use of terms “coon” and “porch monkey”)
- Undisputed Fact No. 56 (comments related to Muhammad being a con artist/conman, sociopath, psychopath, crackpot and liar)
- Undisputed Fact No. 57 (comments related to Jesus being schizophrenic)

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<sup>38</sup> OIE notes that this section does not consider the comments described in Nos. 2-3, 5-11, 14-18, 20, 22-29, 31-32, 34-44, 46(a), 46(d), 47, 49-56, 62-67, 71-73, 78-79, 81 and 83 of the Disputed Material Facts Section of this report because the current record did not substantiate that the comments had occurred as alleged.

- Undisputed Fact No. 58 (comment that it would be hard to convince him that Islam is a religion of peace)
- Undisputed Fact No. 59 (November 15, 2018 message related to some Muslim women supporting oppression)
- Disputed Fact No. 59 (Black privilege comment in Cross Cultural Psychology course)
- Undisputed Fact No. 60 (the Respondent's 24-hour challenge)
- Disputed Fact No. 60 (statistics regarding education, income and race comments; White privilege not being responsible for statistical differences comments; affirmative action comments; McWhorter letter)
- Undisputed Facts Nos. 61-62 (October 21, 2016 letter to Cross Cultural Psychology students)
- Disputed Fact No. 61 (lack of systemic racism comments in Cross Cultural Psychology course)
- Disputed Fact No. 62 (statistics regarding single parent household, crime rate data, teenage pregnancy data, and college dropout rate data comments in Cross Cultural Psychology course)
- Undisputed Fact No. 63 (stereotypes being good, bad and neutral comments)
- Undisputed Fact No. 64 (Black people's historical involvement in the slave trade comments)
- Disputed Fact No. 64 (Native Americans not being peaceful before Europeans' arrival comments)
- Undisputed Disputed Fact No. 66 (White History Month should be permitted comment)
- Undisputed Fact No. 67 (lack of systemic racism and lack of need for affirmative action comments)
- Undisputed Fact No. 68 (showing of Frederick Wilson video)
- Disputed Fact No. 71 (comments regarding rape being a part of mammals' behavior, false rape allegations, and prevalence of false accusations against men on college campuses; criticism of study regarding prevalence of rape)
- Disputed Fact No. 72 (Brett Kavanaugh comments)
- Undisputed Fact No. 72 (July 15, 2019 announcement regarding standards and Black privilege)
- Undisputed Fact No. 73 (comment regarding scholarships)
- Undisputed Fact No. 74 (statistics related to Asians and White privilege)
- Undisputed Fact No. 75 (discussion regarding a sub-group of Blacks and welfare)
- Undisputed Fact No. 76 (Blacks and racism)
- Undisputed Fact No. 81 (autism related comments)

After excluding statements that fell within the protections of academic freedom, OIE considers whether the remaining statements relating to protected classes created a hostile learning environment for students in the Respondent's courses because these statements were not germane to the subject matter of the courses at issue. Specifically, OIE found the following statements to not be protected by academic freedom:

- Disputed Fact No. 4 (all men are a little bit gay comment);

- Disputed Fact No. 13 (hope you're getting compensated comment to GTA)
- Undisputed Facts Nos. 15-16 (nudist beach comments)
- Undisputed Fact No. 17 (identity as a gay man previously married to a woman)
- Disputed Fact No. 19 (sex is only fun for men and is for men's pleasure comment)
- Undisputed Fact No. 20 (women were like a Ford pickup truck comment)
- Disputed Fact No. 21 (women who sleep with a lot of men are my best friends comment)
- Undisputed No. 21 (semen is high in protein, it's a protein drink comment)
- Undisputed Fact No. 27 (email to GTA regarding compensation comment)
- Undisputed Fact No. 28 (likes sex comment)
- Undisputed Fact No. 29 (women attracted to those with money comment)
- Undisputed Fact No. 30 (gym, piece of meat, and masturbation comments)
- Disputed Fact No. 30 (transgender-related comments)
- Undisputed Fact No. 31(b) (asked if student had an erection before comment and comment regarding getting a boner when antiracist and looking in the mirror)
- Undisputed Fact No. 32 (humans have sex with animals comment)
- Undisputed Fact No. 33 (25-year-old men not wanting 40-year-old women comment; Muhammed being married to an "old hag" comment; and who wants to bang an 80-year-old woman comment))
- Disputed Fact No. 33 (transgender-related comments)
- Undisputed Fact No. 34 (transgender male penis being unattractive comment)
- Disputed Fact No. 35 (use of terms "fag" and "faggot")
- Undisputed Fact No. 36 (misgendered LGBTQ+ panelist)
- Undisputed Fact No. 43 (believing in a religion is delusional and like believing in flying elephants)
- Undisputed Fact No. 43 (religion being a mythology comments in General Psychology courses)
- Disputed Fact No. 46(a) (derogatory names for believers)
- Disputed Fact No. 46(b) (believing in God is like believing in fairy tales, purple flying elephants and Santa Claus comments; and during a 2019 Fall course, as students left for the holiday break, the Respondent said something to the effect of "have a great Christmas. Enjoy praying to a fake man who lives in the sky")
- Disputed Fact No. 46(c) (God does not exist comments)
- Disputed Fact No. 46(e) (religious upbringing constitutes child abuse comments)
- Disputed Fact No. 47 (Virgin Mary comments)
- Undisputed Fact No. 48 (Aug. 21, 2018 General Psychology comments regarding no heaven, no guy with tail and horns, childish idea, crackpots who run the cult called Islam)
- Undisputed Fact No. 49(a)-(g) (religion is make-believe, Catholic church is boring, imaginary God, believers are irrational, figment of imagination comments, Allah does not exist, religious upbringing is child abuse, teaching religion to children is bizarre, abusive and pathological comments)
- Disputed Fact No. 49 (oppression of Muslim women and wearing hijab comments in General Psychology courses; comment to student that she was brainwashed by religion; comment to student that she was wrong about her country of Saudi Arabia; comment to student that was wearing a hijab that her religion doesn't respect her)

- Undisputed Fact No. 50 (existence of heaven being absurd comment)
- Undisputed Fact No. 52 (Islam being a toxic mythology and toxic cult comments)
- Undisputed Facts Nos. 53-54 (exam questions regarding religious upbringing being child abuse, souls not being real and Jesus and Muhammad not being who they claimed to be)
  - Undisputed Fact No. 57 (comments that Jesus did not have a virgin birth and did not come into the world to die for everyone)
  - Disputed Fact No. 57 (penis size related to race comments)
  - Disputed Fact No. 58 (Whites being uncultured and unsophisticated but responsible for all modern inventions comments)
  - Disputed Fact No. 59 (Black privilege comment in General Psychology course)
  - Disputed Fact No. 61 (lack of systemic racism comments in General Psychology course)
  - Disputed Fact No. 62 (statistics regarding single parent household, crime rate data, teenage pregnancy data, and college dropout rate data comments in General Psychology course; Blacks should stop having babies and committing crimes comments)
    - Undisputed Fact No. 65 (a)-(b) (Whites invented far more than any other group, White culture brought all of this to the rest of the world, no White history month because it would be embarrassing to other races, and whole modern world was created by Whites comments)
    - Undisputed Fact No. 65(a) (Frederick Jones comment of “not that Black, he’s more White than Black”)
    - Disputed Fact No. 65 (barbaric and savage comments)
    - Undisputed Fact No. 69 (March 18, 2018 email comments that Whites are unsophisticated intellectually speaking and every single modern invention comments)
    - Undisputed Fact No. 70 (April 4, 2018 email to General Psychology students regarding White History Month, orange orangutan v. black chimpanzee comment, political correctness, Islam is very misogynistic and very racist and not a religion of peace, African American’ murder rate and political correctness)
      - Disputed Fact No. 70 (exam questions contrary to religious beliefs)
      - Undisputed Fact No. 71 (announcement regarding Latinx)

OIE further notes that the following statements also are not protected by academic freedom: Undisputed Facts Nos. 10-14 (tenure-related comments); Undisputed Fact No. 31(a) (called students weird and asexual during senses activity); Undisputed Fact No. 47 (portion of Jan. 10, 2018 message commenting on students having only lived a sheltered life); Disputed Fact No. 71 (Robert Kraft arrest comments); Disputed Fact No. 76 (tenure-related comments); Undisputed Fact No. 77 (treat all groups like shit comment); Disputed Fact No. 77 (tenure comment related to rape); Undisputed Fact No. 78 (use of profanity); Undisputed Fact No. 29 (blood in the toilet comment); Undisputed Fact No. 80 (HPV-related message); Disputed Fact No. 80 (mocking of student that raised her hand); and, Disputed Fact No. 82 (use of profanity). Since these comments do not constitute protected-class-based statements, they are not included in the discriminatory harassment analysis below.

## **IX. ANALYSIS RE: DISCRIMINATORY HARASSMENT**

In IntegrityLine #833, the anonymous reporter, who identified as a former teaching assistant, alleged that the Respondent preferred male students over female students. In support of this allegation, the reporter referenced the Respondent's rejection of the reporter's proposed dissertation topics. However, the reporter did not identify any comparator evidence to support differential treatment related to dissertation topics or any evidence supporting the allegation of preference for male students. Based on the lack of details and evidence, as well as the anonymity of the reporter, OIE's investigation of this claim was limited and resulted in there being insufficient evidence in the record to support this claim. Throughout OIE's investigation, no other substantiated claims were set forth pertaining to a disparate treatment claim (including that the Respondent issued grades based on religion or race). Accordingly, the analysis below is limited to analyzing whether the Respondent subjected students to discriminatory harassment (hostile environment harassment).

In analyzing a claim of discriminatory harassment, OIE is guided by UCF Regulation 3.001 and UCF Policy 2-004.1 which prohibit discriminatory sexual harassment and harassment...based upon an individual's race, ... ethnicity, national origin, religion, ... sex (including gender identity and sexual orientation) ... disability...or membership in other protected classes set forth in state or federal law that interferes with that individual's educational opportunities, participation in a University program or activity, or receipt of legitimately requested services meeting the description of hostile environment harassment. Sexual harassment is any unwelcome sexual advances, request for sexual favors, and other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, or otherwise, when the conditions for hostile environment are present.

Hostile environment harassment is discriminatory harassment that is so severe or pervasive that it unreasonably interferes with, limits, deprives, or alters the terms or conditions of education (e.g., admission, academic standing, grades, assignment) ... or participation in a university program or activity (e.g., campus housing), when viewed from both a subjective and objective perspective, meaning "that a reasonable person would find hostile or abusive, and one that the victim in fact did perceive to be so." In applying the objective standard, OIE must "adopt the perspective of a reasonable person's reaction to a similar environment under similar or like circumstances." In evaluating whether a hostile environment exists, the university will consider the totality of known circumstances, including, but not limited to: 1) the frequency, nature and severity of the conduct; 2) Whether the conduct was physically threatening; 3) The effect of the conduct on the complainant's mental or emotional state; 4) Whether the conduct was directed at more than one person; 5) Whether the conduct arose in the context of other discriminatory conduct or other misconduct; 6) Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or University programs and activities; and 7) Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is

physical. However, an isolated incident, unless sufficiently serious, does not amount to hostile environment harassment. In evaluating the severity and pervasiveness of the conduct on the part of the Respondent described in this Investigative Report, OIE must consider all relevant circumstances, i.e. “the constellation of surrounding circumstances, expectations and relationship which are not fully captured by a simple recitation of the words used or the physical acts performed” using “common sense and an appropriate sensitivity to social context” to determine “conduct which a reasonable person... would find severely hostile or abusive.”

Turning to the present matter, the conduct subject to analysis must first be discriminatory, meaning that the conduct is biased, negative or derogatory with regard to a protected class. Clearly, many of the Respondent’s comments satisfy this definition.

With regard to evidence of individuals having been subjectively offended, multiple students alleged that, due to the impact of the Respondent’s derogatory statements, they dropped the Respondent’s class. Others expressed difficulty enduring the course but remained and completed the course. Also, many students indicated a hesitancy to participate in class because of the Respondent’s classroom conduct. Although the cause of their understandable offense was based on a number of comments set forth above that are protected by academic freedom, the students also expressed discomfort with the comments outside the protections of academic freedom. Accordingly, the record satisfies the requirement that students were subjectively offended by the Respondent’s conduct.

Turning to whether the Respondent’s classroom conduct was severe or pervasive, the record here demonstrated that the Respondent made multiple unwelcome comments of a sexual nature, such as on at least one occasion told students that all men were a little bit gay because if someone was sucking their dicks and they were going to cum and they then realized that it was a guy doing the sucking, they would still finish. In one or two semesters during 2018, the Respondent joked with his Sexual Behavior students that, “You’re in this class because you either want to know more about sex or just like sex. I’m in the category that just likes sex.” During his 2018 Fall General Psychology course, the Respondent said to his students, “I work out in the gym for different reasons. Postponing death. You young people are there because you are a piece of meat trying to put yourself on the meat market. Right? I love it when I see mostly guys at the gym working out and looking at themselves in the mirror as they are working out. I am tempted to tell them to masturbate in the bathroom with the mirrors.” During this course, the Respondent also discussed sensory information and how a smell can trigger thinking about a specific person and said to a student, “Really, you haven’t had that experience? Have you even had an erection before?” Also, during the 2018 Spring semester, he insinuated to a male GTA that he should be compensated with sexual favors by a female GTA when the male GTA covered her exam proctoring tasks. The Respondent routinely advised his General Psychology and Cross Cultural Psychology students that he visited a beach for nudists in Florida. In this regard, during his 2019 Summer course, he told students that he identified as a nudist, being a nudist was “very fun” and “liberating”, and he tried to get to Haulover Beach, his favorite hangout, every chance he got. He then told a student, “I didn’t mean to get you so excited.” He also made an off-hand comment about humans having sex with animals during this course and another offhand comment about individuals who are antiracist getting a “boner” when they looked in the mirror. During his 2020 Sexual Behavior course, he told students that, biologically, sex was only fun for

men and was only made for a man's pleasure whereas women were not biologically made to enjoy sex as their purpose in sexual relations was impregnation.

With regard to sex-based comments, on at least one occasion during a 2009 Summer course, the Respondent joked with students that most people referred to women who slept with a lot of men as whores and sluts, but he just called them his best friends. Also, on at least one occasion during the 2015 Fall semester, the Respondent told students that a woman was kind of like a Ford pickup truck, built to take a pounding. During his 2019 Summer course, the Respondent discussed the reasons why people get married and said, "Or maybe you like them because they make a lot of money, you can relate to that ladies? I am talking about heterosexual women, not lesbians." He later commented that a 24-year-old man was unlikely to be romantically interested in a 40-year-old woman.

With regard to gender-identity comments, the Respondent made offensive comments related to individuals that are transgender (such as a transgender man is a woman, transgender is not a thing, transgender individuals should learn to be the sex they were born with, transgender penises are unattractive, and people are only transgender because they want to feel special), which were made sporadically during courses in 2005-2006, 2014, 2015, 2018, 2019 and 2020. Also, during the 2020 Spring semester, the Respondent misgendered one of the LGBTQ+ panelists on an exam question. With regard to sexual orientation, from 2016-2019, the Respondent used the term "fag" or "faggot" during his courses on a sporadic basis, including referring to himself as a "fag." Although the record indicated that the Respondent discussed his sexual orientation with students, OIE did not further analyze herein as his statement of identifying as a gay man and having previously been married to a woman is not derogatory.

With regard to religion, the Respondent regularly shared with his General Psychology students that religion was a mythology and there was no evidence of a God. Also, the Respondent routinely told students throughout his courses over multiple years that believing in religion was delusional and like believing in flying elephants, fairytales, and Santa Claus; stated that believing in heaven was absurd; repeatedly made derogatory statements about believers being delusional, childish, unintelligent, irrational and ignorant; and, repeatedly told students that there was no God, God was not real, God was imaginary, God was a figment of their imagination, and God did not exist. He also regularly taught students that having a religious upbringing constituted child abuse and designed exam questions so that, in order to receive credit, some students had to state things counter to their beliefs such as that a religious upbringing constituted child abuse or Jesus and Muhammad were not who they claimed to be. On occasion, the Respondent discussed the Virgin Mary and told students that she could not get pregnant without sex, got pregnant out of wedlock, and then concocted a story about being impregnated divinely so that she was not killed due to the culture at that time regarding premarital sex. He also told students that Jesus did not have a virgin birth and did not come into the world to die for everyone. During the 2018 Fall General Psychology course, the Respondent told students that there was no heaven, mocked the idea of Satan, and referred to the "crackpots who run the cult called Islam." He also referred to Islam as a toxic mythology and toxic cult. At the end of the 2019 Fall semester as students were leaving, the Respondent said, "have a great Christmas. Enjoy praying to a fake man who lives in the sky." Moreover, as set forth in detail above, the Respondent also directed comments at Muslim women about them being brainwashed



and not wearing their hijab for the reasons they identified. He used the terms “barbaric” and “savage” when referring to other cultures, including in reference to Islam, and stated that Islam was not a religion of peace.

With regard to race, during some of the Sexual Behavior, General Psychology and Cross Cultural Psychology courses, the Respondent told students that Black men have the biggest penises, followed by Whites and Hispanics, followed by Asians. In addition, on at least one occasion the Respondent referred to the difference in penis sizes and then high fived a Black male student. During his Cross Cultural Psychology courses, the Respondent taught students that the majority of White people were pretty uncultured, unsophisticated intellectually and failed to graduate from universities despite resources available to them to do so. However, every single modern invention that changed life as we know it has been invented by a White person, the whole modern world was created by Whites, and that the reason why there is not a White heritage month like there is for other races and ethnicities is because when comparing Whites’ contributions to the world with non-Whites’ contributions to the world, it would be an embarrassing discrepancy. The Respondent further told students that minorities should be thanking Whites for creating our modern society. During his 2019 Summer course discussion on this issue of inventions, the Respondent referred to Frederick Jones, who was a Black inventor, and said, “First off he’s not that Black, he’s more White than Black.” Also, following his discussion regarding his belief that systemic racism and White privilege did not exist, he told his General Psychology students that Blacks should stop having babies and committing crimes.

Based on the information herein, including the highly offensive and derogatory protected-class statements combined, the pattern and frequency of derogatory protected-class statements that were outside the protections of academic freedom, and the significant impact this had on students, who were a captive audience to the Respondent’s conduct, OIE finds that the Respondent’s conduct meets the threshold of pervasive conduct and therefore, constitutes discriminatory harassment in violation of *UCF’s Nondiscrimination Policy and Regulation*. Had this conduct fell short of the threshold for discriminatory harassment, it nevertheless would have violated UCF’s *Code of Conduct* as the Respondent’s conduct fell woefully short of UCF’s expectations regarding respect, inclusion and professionalism.

#### **X. ANALYSIS RE: FAILURE TO REPORT AND APPROPRIATELY RESPOND TO STUDENT’S SEXUAL ASSAULT DISCLOSURE**

In analyzing a claim of a failure to report and appropriately respond to a student’s sexual assault disclosure, OIE is guided by UCF Regulation 3.001, which was in effect during the relevant time period (February 2014), and set forth that an employee “who has actual knowledge by ... receipt of a complaint of discrimination involving any of those employees he or she supervises or over whom he or she has managerial authority, and who does not investigate or report the matter to an appropriate university official with authority to take action with regard to the matter, shall be subject to disciplinary action up to and including dismissal...” As set forth above, OIE found that in February 2014, a student (Witness 34) disclosed to the Respondent that she had been sexually assaulted by a male teaching assistant (Witness 36) over whom the Respondent exercised managerial authority, and requested accommodations related to an exam. It is undisputed that the Respondent failed to report this to any university official with the

authority to take action (either the Title IX Coordinator or the Office of Student Conduct). Rather, the Respondent asked Witness 34 why she was telling him about the incident, asked for details about the incident, denied that the teaching assistant had “crossed the line” during the incident, said that the teaching assistant must have misinterpreted the situation and thought she wanted more, said that the only way she would have a case would be to fabricate information to the police (which he didn’t recommend), said that he could “only hope that in the future” she could “prevent this from happening again by being more conscientious when choosing” her friends, and denied that he could do anything about the situation (such as removing the teaching assistant from the class during her exams) as the only way he would do anything was if a police officer came straight to him and said that his teaching assistant was a criminal.

During his OIE interview, the Respondent claimed that he “might” not have been aware of his reporting obligation until he received a phone call from a person in SDES about Witness 34 wherein the person “might” have advised him of this reporting obligation. The Respondent stated, “I had never been trained in the Clery Act like I have now.” The Respondent further stated that the person from SDES indicated that Witness 34 had alleged a sexual assault and had been afraid to share this with him. The Respondent claimed that he then replied that he had not known that Witness 34 was claiming that she had been touched. First, OIE’s review of SDES’ file related to this case did not reveal any notes supporting the Respondent’s version of events with regard to his communications with the person from SDES. Second, as set forth in detail in the disputed facts section of this report, the documentary evidence also does not support that Witness 34 chose not to share that she had been sexually assaulted with the Respondent. In fact, the evidence demonstrates the opposite in that she shared with the Respondent that she had been sexually assaulted by his GTA. Third, the university had notified the Respondent in both October 2013 and January of 2014 of his “Title IX obligations relating to students who experience sexual violence”, offered him a training that covered the definitions of discrimination and his reporting obligations, and set forth “Seven Steps to Assist Students” when dealing with harassment concerns. *See Emails Re UCF Actions to Prevent and Correct Discrimination (10-2013 & 1-2014) & 2008 Training*. Taking the record as a whole into consideration and the substantiated facts found herein, OIE finds that the Respondent violated UCF Regulation 3.001 in February 2014, when he failed to report, but more importantly, failed to appropriately respond to a student’s disclosure of having been sexually assaulted by one of his teaching assistants - namely, he attempted to dissuade her from pursuing her allegations against the teaching assistant, placed responsibility for the incident on the student, determined that Witness 36 must have misinterpreted her actions without speaking with Witness 36, and, rather than providing resources to the student, advised her to be “more conscientious when choosing” her friends.

## **XI. ANALYSIS RE: OTHER MISCONDUCT**

### **A. Respondent’s Deterrence of Filing Complaints**

As set forth in detail above, OIE found that for multiple years, at the beginning of each of his courses, and at multiple other times throughout the Cross Cultural Psychology course, the Respondent referenced that he had tenure, which meant that he could not be touched, he was untouchable, he could not be fired or gotten rid of, and he could say what he wanted to say in class without any repercussions. The Respondent further told his students that previous students

had complained about him and were unsuccessful because he was tenured. During 2018 and 2019, the Respondent also told his students in his General Psychology and Cross Cultural Psychology courses that, due to being tenured, he could not be fired unless he raped them.

Turning to UCF's *Reporting Misconduct and Protection from Retaliation Policy, No. 2-700.1*, it is prohibited under this policy for an individual to engage in identifiable actions with the intention of preventing or deterring a reasonable person from submitting a report of potential misconduct or participating in a misconduct investigation. Throughout OIE's investigation, multiple students indicated that Respondent's tenure-related statements did in fact deter them from sharing their concerns about the Respondent's classroom conduct with university administrators. OIE is not persuaded by the Respondent's statement that his intent behind making the tenure-related statements was to bolster students' comfort to engage in controversial class discussions. Rather, his references to prior unsuccessful student complaints and "laughing all the way" through the process clearly demonstrated active discouragement on his part to deter students from filing complaints about him. Accordingly, OIE finds that the Respondent violated *UCF's Reporting Misconduct and Protection from Retaliation Policy, No. 2-700.1*.

## **B. Respondent's Alleged Unprofessional & Uncivil Classroom Conduct**

As set forth in detail above, the *Code of Conduct* states that employees are required to "treat everyone with respect and dignity ... We do not tolerate harassment, mistreatment, belittling, harming, or taking advantage of others." (*Respect*) "Here at UCF, we treat each other with dignity and respect. We embrace, celebrate, and value diversity, equity and inclusion and that means that we respect the ideas of others, even when they differ from our own." (*Dignity and Respect*) The *Code of Conduct* further states, "We are strongest as an educational institution, employer, and community leader when we bring diverse thought and experience to our decision-making, teaching, research, and interactions with community members. Accordingly, all members of our university community have a responsibility to treat each other with consideration and respect." (*Engaging, Exploring, and Advancing an Inclusive Culture*)

In addition to claims of discriminatory behavior and other misconduct allegations described above, witnesses alleged that the Respondent engaged in unprofessional and uncivil conduct in the classroom. As set forth above, the record supports that the Respondent told students that he would be talking about multiple racial, ethnic and religious groups during his Cross Cultural Psychology course and that "there is good and bad in every group and I treat them all like shit". Respondent repeatedly used profanity throughout his course lectures, including the terms "fuck", "bitch", and "shit". The Respondent also told students in his Sexual Behavior courses that the study representing that one in four women experience sexual assault by the age of 18 was not an accurate representation of the prevalence of sexual assault and the number was more likely less than 1%. He also told students that many women on college campuses were making false allegations of rape, which was leading to an epidemic of men being kicked out of universities. Shortly after the arrest of Robert Kraft (NFL Patriots owner), the Respondent told students that Mr. Kraft had done nothing wrong and it was not rape if someone has sex with a victim of human trafficking.

Also, witnesses alleged that the Respondent resorted to “humiliation tactics” if students challenged the viewpoints he shared with the class. (See *IL #824 (Witness 91)*). For instance, the anonymous reporter in *IL #828* alleged that during 2017 Fall Cross Cultural Psychology course, the Respondent was “deliberately combative with students and would then accuse them of being too sensitive and immature. Yet it was obvious that his intent wasn’t an adult conversation about difficult topics as he would often claim, but instead to ‘trigger’ people with not only the content of his statements but the delivery. I have never witnessed a more crass, callous and deliberately unprofessional professor.” Similarly, the anonymous reporter in *IL #828* alleged that the Respondent’s “loved to chastise and berate students for being too sensitive to his nonsensical and deliberately tactless statements.” Witness 68 (*IL #851*) stated, “Any time someone in the class would oppose what he was saying, he would immediately shut them down and act as if they were the ignorant ones ... He was not able to have a civil debate with the very people he was talking so poorly about without demeaning them, and as a psychology major, I find it disgusting that he was not able to understand someone else’s standpoint. It was not an effective form of education.” Witness 38 (*IL #838*) alleged that there “were several times in class [the Respondent] would voice his biased opinions without being open to healthy discussions with other students. There was one student in our class who would disagree with him and he would belittle and embarrass her for speaking up.” Similarly, the anonymous reporter in *IL #820* stated, “As a result of his insults to the gender, sex, religion and race, I decided to withdraw myself from the course. It was not a healthy environment. It never allowed for respectful debates or a learning environment.” Similarly, Witness 50 (*IL #845*) stated that the Respondent “was consistently rude towards his students. He says he encourages dialogue and challenges people, but anyone who disagreed was basically told in front of the entire class of 400+ people that they were wrong, and closed minded.” See also *IL #872* (anonymous) (Respondent “uses his position of power to berate and abuse students’ beliefs” and “chooses to invalidate rather than empower students”). Similarly, Witness 167 stated that there “were students who disagreed and tried to comment but he would respond by laughing them off and basically telling them that they don’t know what they are talking about. He would say things like, ‘I don’t have time for this’, ‘it doesn’t matter’, ‘provide evidence of this’ or ‘I am going to move on’ and he would do so. His responses were, like, almost pretentious.”

In contrast, the University also received positive feedback regarding the manner and content of the Respondent’s courses. For instance, Witness 104 stated, “Overall, I think that [the Respondent] is a very nice individual. He’s knowledgeable, and I enjoyed both classes and learned a lot in them. His Cross-Cultural Psychology class challenged me in a way – a good way – that no other Psychology class did. [The Respondent] gave us a lot of hard numbers and statistics that most people don’t realize, and he made us think out of the box. He’s a great professor, but his Twitter is unfortunate.” Witness 235 stated that she “appreciated him encouraging students to get outside of what celebrities, etc. would tell you to think or the media tells you to think. You might only be hearing one side. I appreciated his teaching style. You should not be offended by this teaching style. All of this is just a character assassination attempt.” Also, Witness 106 stated, “In terms of my personal experience, I have seen other people insinuate that the opinions reflected upon [the Respondent’s] Twitter effected his class and their grades. I want to say that in my experience, his online opinions were not expressed blatantly throughout his class. Regardless, students’ grades were not impacted by [the Respondent’s] views or opinions as a student’s overall grade was based strictly upon exams

administered over scantron. There were no other graded assignments or activities that could have been influenced in this regard.”

In his OIE interview, the Respondent stated, “If you look at the student comments, about 80% are all positive, and 10-20% are negative. Of the negative comments, they are not the egregious one that we are discussing. They are things like I am rude, that I shut students down, that I am opinionated, etc. I get their point, but you also need to understand that my class is not a class where we’re going to have a group therapy session or sit around and talk about how we feel. If they have a point they can back up with facts or logic, I give them time. If they present their own opinions or feelings, I say to them, ‘Stop.’ I’m sure that hurts their feelings. I think people walk away feeling shut down, which is why they report this. My class is not a free-for-all where people get to say what they want to say. I will give them due time if they have evidence. I don’t tell them to shut up, but I tell them they can express their sentiment, but they have no data, so we move on.”

Witnesses also alleged that the Respondent utilized the classroom more as a space to air his personal opinions rather than a place of learning. OIE’s review of audio recordings of his Cross Cultural Psychology classes captured the Respondent talking about poor White parents who don’t use their money for intellectual outings, and instead use the money for a TV, cell phones, and gas to go fishing. Later in the class, the Respondent shared his view that prostitution should be legal (*see – Recordings – 2019 Summer - 20190101013334-015*). In another lecture, the Respondent talked about corruption existing all over the world, and how “anyone who wants to be a leader is a magnet for psychopaths.” He referenced Barack Obama who people think “is a really nice guy” but who was part of the corrupt system. He then told the students that, within two weeks of leaving office, Obama received \$400,000 for a 50-minute speech on Wall Street, which he insinuated was a payout that they held onto until he left office because if he took the check while still serving as President, the corruption would be “obvious”. He stated, “All politicians do it but it’s such corruption how they enrich themselves right after they get out of office. Because while they are in office, they are doing things that favor corporations, the pharmaceutical industry, the oil industry, lottie dottie da. And if the industries paid them while they were in office, it’s total corruption and they’d be arrested so they wait until after they leave office and then they go give a little presentation and they get a big check.” (*See – Recordings - Summer 2019 Recording – 9*). During this same class, the Respondent shared his opinion that Obama discontinued the wet foot dry foot policy for Cubans two weeks before he left office “because he was mad at Hispanics in Florida for voting for Trump rather than Hillary.” He then stated that Obama wanted to “castigate” and “punish” Hispanics. When a student asked, “With the Obama thing, are you just assuming that he’s pissed, I’m just asking, is that your personal assumption?” The Respondent replied, “You’re correct.” Following this class, the Respondent sent an announcement to his students that said, “I’ve tried to state whenever relevant when some idea is (was) my opinion. Today, a student pointed out that the idea that ‘Obama was pissed and wanted to punish Floridian Cubans’ was my opinion. She was correct, and I applaud her willingness to single me out on that (I hate her guts, but I applaud her HA HA HA HA HA). Just kidding about the guts part 😊 ... I will step up my efforts to make disclaimers when I present my educated opinions (most of my opinions are not simply pulled out of my @#\$\$%! On the spur of the moment...)” *See Announcement, July 22, 2019, titled “Opinions v. data...”*

In another recording (*see – Recordings – 2019 Summer – 5*), the Respondent referenced the lack of criticism of Martin Luther King and said, “The dude was a horn dog—he slept with everyone he could get his hands on”.

Some witnesses alleged that the Respondent provided misinformation during his courses (*e.g. Witness 66 Interview Summary*). OIE’s review of the 2019 Summer recordings captured an example of this. Therein, the Respondent discussed Trump’s Muslim ban related to immigration and how “many Muslims come from cultures that have values which are in conflict with our modern liberal values.” He stated that, unlike many Muslim countries, in the U.S. there is freedom of speech, an ability to access pornography, an ability to purchase alcohol and cigarettes, an ability to visit nude beaches as recreational places and women are permitted to vote, drive, work and have abortions. He then stated, “I used to be able to say that female circumcision is illegal in the United States, but now it is legal.” However, this is not an accurate representation of the law as female circumcisions is illegal in 39 of the 50 states.<sup>39</sup> Also, the Respondent went on and said, “So that is the case of female circumcision in the U.S. because a federal judge decided that that is part of their religion and they should be able to do that if they want to. I am opposed to male circumcision. I wish they would make that illegal too.” (*See Recording – 2019 Summer – 13*).

Taking the record as a whole into consideration, OIE finds that the Respondent violated the *Code of Conduct* with regard expectations of professionalism, including those set forth in the *Code’s* sections designated as Respect, Dignity and Respect, and Engaging, Exploring, and Advancing an Inclusive Culture.

### **C. Providing False Information During a University Investigation**

As set forth in detail above, during OIE’s investigation, OIE identified instances wherein the documentary or audio evidence clearly conflicted with what the Respondent had represented to OIE. Specifically, the Respondent provided false information with regard to the tenure-related comment about the university being unable to fire him unless he raped a student, denied having bribed a health clinic representative while in Peru for UCF’s study abroad program, denied having told students that God did not exist, denied having told students that minorities never invented anything that impacted society, denied that he ever used the term “Black privilege” with his students, denied that he told a male GTA that he hoped the female GTA “was compensating him but that is none of my business”, denied ever using the term “faggot” in class, denied discussing the sexual assault allegations against Brett Kavanaugh and related congressional hearings, and denied ever discussing cerebral cortices during his class lectures. Turning to UCF’s *Reporting Misconduct and Protection from Retaliation Policy, No. 2-700.1*, employees are required to provide truthful information during university investigations as “providing false information in an [university] investigation could result in disciplinary action up to and including

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<sup>39</sup> It appears that the Respondent was referring to the Female Genital Mutilation Act (1996), which made performing FGM on anyone under age 18 a felony in the U.S. In 2018, the act was struck down as unconstitutional by a U.S. federal district judge in Michigan, who argued that the federal government did not have authority to enact legislation outside the “Interstate commerce” clause. As part of the ruling, the judge ordered that charges be dropped against eight people that had performed FGM. The Department of Justice decided not to appeal the ruling; however, the US House of Representatives has appealed it.

termination.” Accordingly, in light of the false information provided, OIE finds that the Respondent violated UCF’s *Reporting Misconduct and Protection from Retaliation Policy, No. 2-700.1* and *Code of Conduct (Honesty and Integrity)*.

#### **D. Bribe of Health Care Clinic Representative**

As set forth in detail above, during OIE’s investigation, OIE found that while in Peru for a UCF study abroad program in 2011, airport personnel instructed the Respondent that regulations prohibited him from traveling from Peru to El Salvador without a yellow fever vaccination certificate. The Respondent then paid \$17.00 to an individual at a health clinic located in the airport in Peru to provide him with a certificate falsely indicating that he had been vaccinated so that he could board a plane for his personal trip to El Salvador.

Per the university’s *Code of Conduct*, employees are required “to comply with all applicable laws, regulations, and policies” to ensure “that all of our decisions are legal and ethically sound.” (*Responsibility and Accountability*) Also, “[t]hrough our international partnerships and study abroad programs, some of our actions and activities will be subject to the laws of other countries. In addition to following the Employee *Code of Conduct*, we are required to know and follow these laws.” (*Complying with laws of other countries*). Furthermore, “[e]ach of us has an obligation to comply with the U.S. Foreign Corrupt Practices Act and all country-specific anti-bribery and anticorruption laws. These laws generally state that you may not give, promise, or offer anything of value, no matter how small, to anyone for the purpose of improperly influencing a decision, securing an advantage, avoiding a disadvantage, or obtaining or retaining business.” (*Anti-corruption and Bribery*) Although the *Code of Conduct* was first issued by the University in 2017, these ethical obligations were captured by other applicable provisions, including the 2010-2012 UCF BOT-UFF Collective Bargaining Agreement – namely, Article 5.3(a)(responsibility of employee to “observe and uphold the ethical standards of their disciplines in the pursuit and communication of scientific and scholarly knowledge); Article 5.3(f) (responsibility of employee to “observe the regulations of the University, provided they do not contravene the provisions of this Agreement”); and, Article 5.3(g) (responsibility of employee to “be forthright and honest in the pursuit and communication of scientific and scholarly knowledge”). Based on the current record, OIE finds that the Respondent violated the 2010-2012 UCF BOT-UFF Collective Bargaining Agreement when he bribed a health clinic representative to provide him with a falsified yellow fever vaccination certificate in 2011.

#### **E. Respondent & *White Shaming* Book**

During the course of OIE’s investigation, it was confirmed that during the summer of 2019, the Respondent requested a Graduate Teaching Assistant assigned to his Sexual Behavior course to perform a research project related to the book he later authored titled *White Shaming*. In March 2019, December 2019 and March 2020, the Respondent also distributed announcements regarding his book using UCF resources (i.e. Canvas) to current and former students. In the December 2019 and March 2020 messages, the Respondent provided details on how students could purchase a copy of the book. OIE finds that both matters were resolved at the time by the Chair of the Department and no further action is required.

In addition, during the course of OIE's investigation, witnesses alleged that the Respondent had assigned his book *White Shaming* as required reading material for the courses and was keeping those related profits. It is undisputed that the Respondent required students in his 2019 Fall Cross Cultural Psychology course and 2020 Spring Cross Cultural Psychology course to read *White Shaming* as part of the course materials. It also is undisputed that the Respondent completed the required AA-21 form disclosing this activity, which was reviewed and approved by UCF. The Respondent, who represented that he recently donated proceeds to St. Jude and Make a Wish, has complied with the requirements set forth in university regulation and procedures. Accordingly, no further action is required at this time.

#### **F. Respondent's Alleged Performance as an Instructor**

In addition to the above, the university received reports regarding the Respondent's overall performance as an instructor. Below is a summary of these allegations but no further analysis will be provided by OIE as that is outside the scope of OIE's role. The appropriate content and structure of courses is within the authority of faculty, the Department, College and Provost. However, this information is being captured herein to alert management of the remaining concerns receiving during the investigation that have not been addressed above.

Some witnesses alleged that the Respondent failed to teach appropriate content for the General Psychology and Cross Cultural Psychology courses or give any context or in-depth review of the information presented (particularly with regard to the statistics related to race and religion). For instance, the anonymous reporter in IL #924/925 alleged that while the Respondent taught Cross-Cultural Psychology, "it felt like the material had more to do with statistics on what race participated in what more (such as attend college, or teen pregnancy, etc.) rather than the actual psychological aspect. Second, none of his class material contained any history." Witness 47 alleged that the Respondent based "his curriculum on racial groups in the US, rather than cultural groups as they course indicates (Cross-cultural psychology). ... [The Respondent] [d]id not teach anything about cultures throughout the entirety of the Cross-Cultural psychology course." See also IL #809 (Witness 49) ("information we learned was HIS opinion on the matter, not the scientific specifics").

Similarly, Witness 122 (IL #877) alleged that the Respondent "taught us that certain stereotypes (whether based in race, gender, creed, etc.) are not harmful. The problem is that they most certainly are. His argument was that 'Italians like spaghetti' or 'black people are good at basketball' isn't harmful since it isn't the same as 'black people are rapists.' However, stereotypes are bad because they create a divide and barrier between people. They prevent people from getting to know an individual personally because they base their knowledge on stereotypes. An Italian with a gluten allergy doesn't necessarily like spaghetti. A black software engineer isn't necessarily good at basketball. I could go on forever, but my point is that by assuming these things about these people, we ignore the individual's value. We also uphold a system of racism and prejudice by permitting the spread and belief in stereotypes, whether or not [the Respondent] believes they are harmful or not. He's a terrible educator spreading misinformation based in his own racism and prejudice."



Witness 66 alleged that during the 2019 Spring Sexual Behavior course, the Respondent minimized the harm caused by child sexual abuse. In support of this allegation, Witness 66 explained that when the Respondent talked about the age of consent, he talked about age of consent around the world, how it's much lower in other parts of the world, and how one is not a pedophile if one has sex with teenagers because of their sexual maturity. He then cited a study "that was bad". Witness 66 indicated that the Respondent "said it was censored, but if you look at it, it is not methodologically sound and was over 20 years old". Also, it only sampled college students (those who are most traumatized may never get to college), and only looked at victims whose abuser was more than five years older than them. When asked to respond to these allegations, the Respondent stated, "I don't minimize or maximize the effect of childhood sexual abuse. ... What I do in class is that I go over the age of consent around the world and tell the students that the age of consent varies by state even. I have told my students that the idea of when an 'adult' can have sexual relations with a 'minor' seems to be somewhat arbitrary because of all these different ages. I explained that the word 'pedophilia' does not refer to an adult having sex with a teenager, but rather that term means someone having sex with a prepubescent child. I also have shared multiple studies that have shown that there are variables that influence to what extent someone would be adversely affected by childhood sexual misuse or abuse. ... I explained that it's impacted by variables such as the relationship the perpetrator has with the minor, whether they are family or a stranger, whether the perpetrator is threatening - that alone is traumatizing - and the child's resiliency (such as when a family loses a whole house when it burns down; and one kid is fine while the other is devastated). ... Then I shared an APA journal article that detailed how 20,000 college students reported that when they were a minor, they had some kind of sexual contact with an adult. There were two major findings in the article. One is that the majority felt like the incident did not have much of an impact on them, the other is that women on average reported being more adversely harmed than the men. So, I shared that with the students, then I said that three years later the public learned of the study and they went crazy ... and denounced them [the researchers] all for political reasons."

Witness also alleged that the Respondent's exams asked about irrelevant material rather than the pertinent subject matter of the course, and were poorly structured for the courses. For instance, the anonymous reporter in IL #794 alleged that "test questions were absurd and incredibly specific. In one of his 10 question exams, he asked what a lady in one of the 3 movies he showed us was eating in a food court." Similarly, the anonymous reporter in IL #801 alleged that "[h]is tests didn't make sense. They were mainly statistics that proved his points and his comments. The questions were too specific and random that it made no sense." *See also* IL #802 (anonymous) (Respondent "would tailor tests and class room participation to support his agenda"); IL #810 (anonymous) (test questions asked about irrelevant details from videos); IL #845 (Witness 50)(Respondent's "tests were poorly structured - 5 20 question tests for the entirety of the grade. I don't think that getting 1 question wrong should = 1% of a grade"); IL #894 (anonymous) (Respondent "would put a lot of questions that were completely unrelated to the course material, such as specifics about his personal experiences traveling in different countries"); IL #881 (Witness 83) (Respondent "also made exams difficult by not giving clear instruction of what students needed to know").

## **XI: PRIOR COMPLAINTS & UNIVERSITY RESPONSE**

In addition to the concerns noted above, the university received multiple reports alleging that it was well-known among students that the Respondent made discriminatory statements during his courses, which deterred students from taking the Respondent's courses. Specifically, the university received the following anonymous reports: IL #792 (student reported that they never took Respondent's courses because other students had shared that he made discriminatory statements); IL #798 (student knew he had discriminatory views way before the Twitter posts and "strayed from taking his classes because of it"; further stated that it was well known among students that he was discriminatory so students strayed from taking his class); and, IL #858 (student knew he had these [racially discriminatory] views and strayed from taking his classes because of it; it was indeed well known among students that he had these views and many students strayed from taking the classes he taught because of it). Similarly, Witness 177 (IL #855) alleged that the Respondent "has had a problematic and racist history at the school for as long as I attended the school 2011-2017 and perhaps even longer. [T]here have been a variety of comments made to myself and my friends included about refraining to take courses offered by [the Respondent] being that I, and my friends, are people of color. We had been warned in taking his courses for the sheer fact that we would not be treated equally to how white students and we would be talked down to and disrespected constantly."

Equally important, in multiple reports, individuals alleged that complaints had previously been submitted to the University regarding the Respondent's classroom conduct, the response to the complaints had been ineffective, and this ineffectiveness deterred individuals from reporting further misconduct. For instance, the University received multiple reports from anonymous individuals alleging that prior complaints had been submitted and ignored – specifically, IL #769 (Respondent "had complaints made against him before"), IL #787 ("This is not the first time it happens (there have been past complaints I believe)"), IL #796 ("hateful conduct was reported on" the 2017 Fall General Psychology student evaluation form, "but was either ignored or never read"), IL #803 ("It has been brought to UCF's attention that [Respondent] is disrespectful to his students many times, and they have done nothing about it. This has been said by [Respondent] himself, who gloated to my class that students have tried to get him fired before but UCF ignores it and allows him to continue teaching there), IL #817 (students "complained about [the Respondent] to administration, which made [the Respondent] apologize by email about the statements he said, but [the Respondent] has continued to say his statements), IL #823 ("He has been reported multiple times and nothing has happened."), IL #833 (former teaching assistant spoke "to other professors who's seen him be inappropriate and unprofessional but because of his status as a professor they decided to ignore it"), and IL #883 (student shared concerns with a former Assistant Director of OIE in 2016/2017). OIE would note that the Respondent's student evaluations set forth mixed reviews regarding his performance, and included concerns related to discriminatory comments.

Similarly, Witness 68 (IL #851) alleged, "I know for a fact other people did report him back in 2016 and it probably wasn't the first time, and yet nothing has been done to correct it, why is that?" Witness 85 alleged that several student athletes had complained during the 2016 Fall semester to two academic advisors, but no tangible action was taken except that student athletes avoided registering for the Respondent's classes. Witness 87 alleged that a student spoke

with the Psychology Department’s advisors about the Respondent during the 2017 summer, and the advisors responded, “We know that students don’t like him, but he’s tenured so we really can’t do anything.” Witness 4 told OIE, “I knew that some students that every semester would file complaints, because he told me from time to time that there was ‘another’ complaint that had been filed. He was accustomed to getting complaints, usually from Christians. He’s extremely, extremely opinionated.”

Witness 129 posted a message on Facebook along with a link to a change.org petition demanding the Respondent’s termination wherein she stated, “For those of you that are impressed by the universities prompt public response to this, it is simply for show. I have photos of emails i have sent out and received from UCF admin stating that there was no discrimination evident, and no harm done, my concerns and worries were dismissed. Only now is it being considered after things were made public. But, plot twist, UCF has been receiving complaints for nearly a decade over this man and nothing has been done. He has physically grabbed girls, has forced them to watch pornography for lectures, has humiliated students for being committed to their beliefs and not cowering to his. Don’t for a second think this is any different unless we apply the utmost pressure to this situation. Attached is the petition.” In addition to the Facebook message, it appears that Witness 129 submitted IL#862 anonymously wherein she alleged that the Respondent was dismissive of a doctor’s note and related information that she had provided. She further alleged that she had spoken with the department chair about the issue, and “NOTHING WAS DONE.” She further alleged that she had “written documentation of no discrimination being evident.”

OIE reviewed the grade appeal documentation submitted by Witness 129. Although she checked the box titled “alleged lowering of grades for non-academic reasons including discrimination”, the narrative document accompanying her appeal did not include any statement that she or other students had been subjected to discrimination. Instead, she made allegations related to the Respondent’s attitude and style of communications, bias that students were cheating, and lack of empathy under COVID 19. Accordingly, since the appeal did not include discrimination concerns, the department correctly moved forward with assessing the appeal rather than forwarding it for OIE’s review. *See Student Grade Appeal, Student Grade Appeal – Administrator Email, and Student Grade Appeal – Chair Decision.* Although OIE acknowledges that the grade appeal decision referred to there being no evidence of discrimination, since the appeal was determined to not be a discrimination case, it would be preferable to not have such language in the final decision. That said, OIE acknowledges that the “other reasons” basis for an appeal is combined with the discrimination basis for an appeal on the grade appeal form, and likely led to the language having been included therein. To reduce confusion moving forward, OIE will work with the appropriate university officials to make these separate grounds for appeal on the form.

Notwithstanding, based on the other allegations referenced in the Facebook post, OIE contacted Witness 129 for an interview. During her OIE interview, Witness 129 described her experience in the Respondent’s 2019 Spring Personality Theory and Research course. When asked if the Respondent ever directed hostile or discriminatory statements in the classroom, Witness 129 responded, “Not that I remember. ... My main concern wasn’t the racial comments that were made on Twitter. My main concern was [the Respondent’s] response to COVID.”

When asked about the allegation that the Respondent “physically grabbed girls”, Witness 129 stated that she had seen this allegation in a tweet wherein someone alleged that a female student had to leave class due to a doctor’s appointment, and the Respondent grabbed her by the arm demanding to know why she was leaving. Other than this tweet, no other evidence in support of this allegation was provided by the more than 300 individuals that communicated with OIE. Accordingly, OIE finds that there is insufficient evidence to support finding that the Respondent physically grabbed any student. When asked about the allegation that the Respondent forced students to watch pornography, Witness 129 stated that other unidentified students had shared this and she believed that the pornography was shown in the Respondent’s Cross Cultural Psychology course. However, the record in this matter demonstrates that pornography was only shown during the Respondent’s Sexual Behavior courses, which is germane to the subject matter of that course, and thus, not a violation of University policy.

In addition, Witness 66, who submitted IL #789, participated in an OIE interview, and was a student in the Respondent’s 2019 Spring Sexual Behavior course, alleged that “[a]t the end of the semester (May 2019), I complained about everything to an administrator in the department. Not long before, he direct messaged us through either UCF email or Webcourses (can’t remember which) to follow him on Twitter and included his username. I cited his racist tweets in my complaint more than a year ago. I was told that nothing would be done because the university protects his free speech above all else”. During her OIE interview, Witness 66 indicated that she had provided a verbal report to Witness 178 (Associate Chair for Instruction & Students, Director of the Bachelor’s in Psychology Program) wherein she shared her concerns that the Respondent provided misinformation about childhood sexual abuse, the prevalence of rape, college campuses being plagued with false accusations of sexual assault, and human trafficking, and failed to discuss consent despite it being a sexual behavior course. Witness 66 believed that the Respondent was propagating the myth that sexual assault allegations are generally false. Witness 66 stated that when she shared this information, Witness 178 took notes, said she would pass the concerns onto Witness 154, advised her that the Respondent had “academic freedom and freedom of speech, plus twenty years of experience, he could say what he wanted and teach what he wanted”, and asked if she wanted to submit her concerns to the Title IX office (OIE). Witness 66 declined as she “didn’t feel like [she] had enough of a case.”

When OIE spoke with Witness 178, she acknowledged that students had brought concerns about the Respondent to her attention, which she stated were “usually based on a class conversation where something he said bothered them”, and that he had made “comments about women or comments about religion” that bothered them. Witness 178 stated that the students “usually just say, he said something in class that I did not care for. They’ve never asked to formally file a complaint. They would come to my office hours and throw out a general concern, and most don’t share their names. When I would ask if they wanted to file a complaint, they would say no.” OIE also spoke with Witness 154, who had been Chair of the Department of Psychology since August 2017. Witness 154 indicated that, prior to June 4, 2020, during his time as Chair, he was “never advised of any students complaining that [the Respondent] subjected them or others to discrimination.” He further stated that he “was never advised of concerns that [the Respondent] was engaging in racist, homophobic, sexist, anti-Semitic, or any other ---ist or ---phobic discriminatory behavior. ... June 4, 2020 was the first time I became aware of discrimination concerns related to [the Respondent].”

In addition to speaking with the individuals above, OIE reviewed university records related to prior complaints about the Respondent. This review demonstrated the following:

- In July 2006, the Respondent's supervisor (Witness 179) issued a written reprimand to the Respondent for failing to be physically present to perform his duties as Clinical Director of Training and instructor of record for a General Psychology course during the 2006 Summer session, and assigning his course duties to a graduate assistant in his absence.
- In August 2006, the Respondent's supervisor (Witness 179) issued a letter of instruction to the Respondent for violating IRB protocols by asking students under the age of 18 to obtain a letter from their parents granting them approval to participate in experiments, and then show the letter to the experimenter in the studies in which they wished to participate. The Respondent was instructed that, moving forward, he was to instruct students under the age of 18 that separate parental approval is required for each experiment in which they participate.
- In December 2006, two students (one identified and one unidentified) reported that the Respondent "bashed Christianity" multiple times in the classroom, which led to one of the students withdrawing from the Respondent's course. The report was shared with various administrators at that time. It appears that the Chair spoke with the Respondent regarding the concerns raised, and the Respondent explained that he lectured on the psychological needs underlying religious beliefs and the lack of evidence supporting many religious beliefs. No disciplinary action was taken at that time. During his OIE interview, the Respondent indicated that he did not recall the 2006 complaint and noted that the phrase "bashing" is someone's "subjective view of the situation. What I call offering a critical analysis of religion, including Christianity, a believer is likely to interpret as me bashing Christianity."
- In August 2012, the university was alerted to an email that the Respondent sent to the students of his Cross-Cultural Psychology course following a January 2012 class discussion regarding religious bigotry that got posted to Reddit in August. *See Announcement Jan. 2012 Re Religious Bigotry*. Both the then-Chair (Witness 152) and then-Provost (Witness 153) supported the Respondent's response and took no disciplinary action. Witness 152 said in an e-mail, "I view [the Respondent's] discussion as protected by the fundamental principles of academic freedom. I am encouraged by the worldwide positive response to his letter, because if critical thinking and debate were not permitted in our public universities, I believe the future of all human rights would be at risk." Witness 153 said in an e-mail that the university encouraged faculty members to have classroom discussions that help students think critically and, "We also hope our students will arrive at their own opinions based on those thought-provoking discussions."
- In September 2013, a student reported to the former Director of OIE (formerly named Equal Opportunity and Affirmative Action Programs Office; Witness 180) that the Respondent made inappropriate comments of a sexual nature. Specifically, the student reported that on the first or second day of class, after discussing gay men, anal sex, and safe sex, he stated, "Technically, abstinence is the best protection, but who's going to do that. We like sex, or okay, I like sex." He then shared that he had been married, was divorced, and now had a sexual partner. Also, during the first week of class, some students in the back of the room were having trouble hearing him, so they requested that the Respondent raise the microphone higher to his mouth. He allegedly then responded, "But I don't like having something so close to my mouth because then I can't suck." In a later class, the student reported that there was a discussion "on sensory information, so he asked if one could give up all their senses but one,

which one would it be. Every student that raised their hand and told their honest opinion, he ridiculed, except one girl who said she would give up every sense but touch, for sex. He gave her a high five. One girl said she would give up everything but taste. When he asked her why, she said it was because she liked food. He said, 'I would ask you to stand up so we could take a look at you (he was referring to her weight), but I won't.' Then after he had finished asking the class their opinions, he said he was between sight and touch, but he was leaning more towards touch because he liked sex. He said he didn't particularly care who it was with or what they looked like; they could wear a paper bag over their heads for all he cared." The student also reported that the Respondent frequently used profanity in the class, including "son of a bitch, shit and ass". Based on the limited nature of the conduct reported, OIE referred the matter to the Respondent's supervisor at the time (Witness 152), who agreed to work with Witness 178 on how to address this with the Respondent. Neither the Respondent nor Witness 178 had a recollection of this complaint or a follow up.

- In November 2016, a student reported to the former Interim Director of OIE (formerly named Equal Opportunity and Affirmative Action Programs Office; Witness 181) that the Respondent had sent a discriminatory message to students. *See Announcement Oct. 21, 2016 Re System Racism*. Witness 181 met with the Respondent individually to discuss the concerns raised and his course objectives. Witness 181 then met with students in the Respondent's 2016 Fall Cross Cultural Psychology class to discuss that concerns had been raised. Thereafter, Witness 181 was a guest speaker during one of the Respondent's 2017 Fall classes. When OIE spoke with Witness 154, he indicated that he had observed one of the Respondent's Cross Cultural Psychology classes during the 2017 Fall semester in which the Respondent and a Civil Rights attorney presented opposing views on topics of religion and race. It is believed that Witness 181 was the attorney that presented. Witness 154 stated that the presentation was professional and appropriate, and that he was not aware that the presentation had been arranged in connection with a prior student complaint. During his OIE interview, the Respondent stated, "OIE investigated me in 2016 because a group of students complained, I presume, about racism. OIE sent an attorney to investigate me, and OIE sent the attorney to my class, who interviewed all my students, interviewed me, and reviewed all my material, and dismissed the case in 15 minutes. I asked her (the attorney) what the students were complaining about, and she said they simply didn't like my views." The record does not contain any formal OIE finding or there having been any discipline issued to the Respondent as a result of the report.
- In May 2019, Student Accessibility Services (SAS) alerted OIE that they were getting some resistance from the Respondent with allowing a student, Witness 44, to attend the 2019 study abroad trip to Peru because she had disclosed having previously been diagnosed with bipolar disorder. OIE advised SAS that the student could not be prohibited from attending based on assumptions about her medical condition. SAS and the Respondent discussed the concerns and developed a plan thereby allowing the student to attend the program in Peru.
- As set forth in detail above, in December 2019, OIE received a report related to the Respondent's Twitter posts. Although OIE did not contact the Respondent as part of this review, he learned of the report. Witness 154 stated that in December 2019, he was alerted by UCF's Communications and Marketing Department and the Provost's Office that the university had been contacted by media regarding comments that the Respondent had made on his personal Twitter account. Thereafter, Witness 154 was advised that although the views did not represent the university's position, no further university action was being taken

as this was the Respondent's personal account. Witness 154 then advised the Respondent about what had occurred and the Respondent "responded positively about the university's support for free speech protected by the First Amendment." Following OIE's review, the matter was initially closed in January 2020 and was re-opened on June 4, 2020.

The record demonstrates that students had the perception that multiple complaints were submitted and had not been addressed effectively by the university. Part of that perception was created by the Respondent delivering the message during his courses that there had been complaints against him, but nothing came of them because the university can't fire him due to his tenure. Part of that perception was created by noting their concerns in the student evaluations on the understandable assumption that they would be reviewed and acted upon. Taking the record as a whole into consideration, OIE found that the record did not support that management or central University offices had been notified of the full nature and scope of the allegations against the Respondent until June, 2020. Nevertheless, OIE reviewed the current reporting options and messaging regarding how to report concerns of this nature, including the University-wide *Let's Be Clear* campaign and website related to reporting sex-based and sexual harassment concerns, the University-wide *Speak Up* campaign related to reporting any concerns of misconduct via the IntegrityLine, the required trainings provided to students that cover how to report concerns of discrimination (*Let's Be Clear* training), and the information related to how to report provided to students during their orientations. Based on this review, OIE recommends that the university continue the current University-wide messaging and providing the available reporting avenues to students. That said, based on the information related to students' discussions with academic advisors, OIE recommends that additional training be provided to academic advisors regarding how to respond to and how to report concerns of this nature.

## **XII: OIE FINDINGS**

After carefully reviewing the testimonial and documentary evidence and in light of the evidentiary principles discussed in this report, OIE makes the following findings:

1. OIE finds that the Respondent violated the University's *Non-Discrimination Regulation UCF 3.001* and *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy UCF 2-004.1* as his conduct created a hostile learning environment for students.
2. OIE finds that the Respondent violated *UCF Regulation 3.001 Non-Discrimination; Affirmative Action Programs* when in February 2014, he failed to report and appropriately respond to a student's disclosure of having been sexually assaulted by one of his teaching assistants, including that he attempted to dissuade her from pursuing her allegations against the teaching assistant, and, rather than providing resources to the student, advised her to be "more conscientious when choosing" her friends.
3. OIE finds that the Respondent violated the *University's Reporting Misconduct and Protection from Retaliation Policy, No. 2-700.1* by deterring students from filing complaints related to his classroom conduct.
4. OIE finds that the Respondent violated UCF's *Reporting Misconduct and Protection from Retaliation Policy, No. 2-700.1* and *Code of Conduct (Honesty and Integrity)* by providing false information during OIE's investigation.

5. OIE finds that the Respondent's classroom conduct also violated the University's *Code of Conduct*.

6. OIE finds that the Respondent violated the *2010-2012 UCF BOT-UFF Collective Bargaining Agreement* when he paid bribed a health clinic representative to provide him with a falsified yellow fever vaccination certificate in 2011.

OIE would remind all parties of their obligation pursuant to the University's *Reporting Misconduct and Protection from Retaliation Policy* and *Nondiscrimination Policy*, which strictly prohibit retaliation "against anyone who, in good faith, reports misconduct, or who participates in an investigation of misconduct."

#### **APPENDIX: MATERIALLY RELEVANT DOCUMENTS**

Although the Appendix' list of evidentiary material is typically set forth in detail in this section of OIE's Investigative Report, due to the length of the Appendix in this matter (approximately 10 pages), this summary has been set forth in Attachment C.



# **ATTACHMENT**

## **A**

### **SECTION III: OIE INVESTIGATION**

### **III. OIE INVESTIGATION**

1. From June 4, 2020 through August 2020, OIE received reports from multiple sources (including phone calls, emails, IntegrityLine reports, Just Knights Response Team (JKRT) reports, and Office of Student Conduct reports) wherein individuals alleged that the Respondent, an Associate Professor in the Department of Psychology, had subjected students to discriminatory harassment in the classroom based on race, ethnicity, national origin, sex, sexual orientation, gender identity, disability, and religion; subjected students to sexual harassment; subjected students to *quid pro quo* harassment based on religion; engaged in unprofessional conduct; and, failed to appropriately report and respond to a student's disclosure of a sexual assault to the University. Some reports indicated support for the Respondent and denied misconduct in the classroom, while others shared their reactions to the Respondent's social media activity and did not identify specific classroom or workplace misconduct. Specifically, OIE initially reviewed approximately 400 hundred emails, over 100 IntegrityLine reports, 10 Just Knights Response Team reports, and two Office of Student Conduct reports related to the Respondent.

2. As part of OIE's procedures, on June 4-5, 2020, OIE obtained class roster data pertaining to the prior two years of courses taught by the Respondent, and assigned class rosters to investigators to make outreach to a portion of students in each course inquiring whether they had experienced or witnessed discrimination in the classroom, and to describe their experiences in the Respondent's classroom. Specifically, OIE made outreach to students in the following courses taught by the Respondent: Honors Thesis; Cross Cultural Psychology; Sexual Behavior; and Personality Theory and Research.

3. Also, on June 4, 2020:

a. OIE requested the identities and contact information of the former Graduate Assistants/Teaching Assistants that were assigned to work with the Respondent during the prior two years. That same day, the Psychology Department provided the requested data. On June 7, 2020, this list was assigned to an investigator to make outreach to the students.

b. OIE requested copies of the Respondent's Performance Evaluations and Student Evaluation of Instructor Summaries for the previous five years, as well as any complaint and disciplinary history related to the Respondent. That same day, the Psychology Department and Academic Affairs provided the requested data.

c. OIE requested copies of the Respondent's class exams and grading keys related to his UCF courses for the last two years. The data was provided on June 8, 2020.

d. OIE sent an email to Witness 115, who had advised President's Office personnel that she previously had been a student in the Respondent's course and had concerns, and requested her to participate in a substantive interview. That same day, Witness 115 participated in a substantive interview. Witness 115 was informed of her rights and options as a witness in this matter, and Witness 115 was afforded an opportunity to review her statement. After making minor changes, Witness 115 signed and submitted her statement to OIE on June 11, 2020.

e. OIE made outreach to Witness 135, who had contacted the President, Academic Services and the College of Sciences regarding the Respondent. Witness 135

responded via email on July 5, 2020 indicating interest in making an appointment with OIE but did not respond to OIE's subsequent attempts to schedule an interview.

4. On June 5, 2020:
  - a. OIE began an in-depth review of social media connected to the Respondent.
  - b. OIE observed students' and employees' participation in *UCF's Virtual Conversation about Race and Unity*. Based on the information provided, an investigator was assigned to make outreach to some of the participants.
  - c. OIE requested that the Registrar's Office gather the following data for the prior two years: the identities and dates of each course taught by the Respondent; course enrollment number on the first day of each course; course enrollment number on the last day of each course; and, whether the withdrawal/dropout rate was consistent with other comparable psychology courses. The Registrar's Office provided this data on June 8, 2020.
  - d. OIE began gathering data related to grades assigned by the Respondent and students' demographics for the 2019 Fall semester and 2020 Spring semester. Data was gathered to determine whether there were any statistical patterns based on sex and/or race.
  - e. OIE made outreach to Witness 66, who contacted the President and UCF's Board of Trustees about the Respondent and submitted an IntegrityLine report, and invited her to participate in a substantive interview. On June 8, 2020, Witness 66 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 9, 2020, Witness 66 was afforded an opportunity to review her statement and she provided an addendum to her statement.
  - f. OIE made outreach to Witness 173, who had shared concerns about the Respondent during a June 4, 2020 student forum, and invited her to participate in a substantive interview. OIE made additional outreach to Witness 173 on June 9 and June 24, 2020. Witness 173 did not respond to OIE's outreach.
  - g. OIE made outreach to Witness 53, who had shared concerns about the Respondent with Faculty Excellence, and invited her to participate in a substantive interview, which was scheduled for June 8, 2020. Witness 53 indicated that her roommate, Witness 100, would be present. On June 8, 2020, Witness 53 requested to reschedule her interview for June 10, 2020. On June 10, 2020, Witness 53 and Witness 100 called to reschedule their meeting to June 12, 2020. On June 12, 2020, Witness 100 contacted OIE to reschedule their meeting to June 15, 2020. Witness 100 and Witness 53 participated in a substantive interview on June 15, 2020. Both were provided with their rights and options as witnesses in this matter. Both were provided with an opportunity to review their statement on June 18, 2020. Neither responded to OIE's request to review their statements, and their unsigned statements were adopted into the record. However, both subsequently provided additional documentation to OIE on June 22, July 14, August 4 and August 5, 2020, including audio recordings of class lectures. Witness 53 contacted OIE on July 30, 2020 by email for a status update regarding the investigation and to provide additional information obtained from their Google form (this information was provided on August 4 and 5). OIE called Witness 53 and Witness 100 to provide this update. In response to this phone call, wherein Witness 53 expressed that she wanted to interview with OIE separately regarding her concerns about Respondent, OIE contacted Witness 53 on July 31, 2020 by email and offered multiple available times to meet. Witness 53 was unresponsive to this outreach and no additional interview was conducted.

h. On this date, witnesses provided OIE with a list of named individuals with concerns about the Respondent and a list of anonymous reports that they received in response to a Google form they posted online.<sup>40</sup>

5. Between June 5, 2020 and June 26, 2020, OIE made outreach to all twenty-three graduate and undergraduate teaching assistants previously identified as having been assigned to the Respondent during the prior two years to request information about their experience in that role. The following thirteen individuals responded to OIE's outreach.

a. On June 5, 2020, OIE made outreach to Witness 233, who also had sent an email to the President and the Office of Diversity and Inclusion (ODI) about concerns related to the Respondent. OIE invited Witness 233 to participate in a substantive interview. On June 8, 2020, Witness 233 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 9, 2020, Witness 233 was afforded an opportunity to review her statement. On June 11, 2010, Witness 233 signed her statement.

b. On June 5, 2020, OIE made outreach to Witness 150, who also had contacted the College of Sciences and UCER about the Respondent, and invited her to participate in a substantive interview. On June 10, 2020, Witness 150 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 22, 2020, Witness 150 was afforded an opportunity to review her statement. On June 27, 2020, Witness 150 signed her statement

c. On June 9, 2020, OIE made outreach to Witness 45, who also had submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 10, 2020, Witness 45 was provided with her rights and options as a witness in this matter and participated in a substantive interview. Witness 45 was afforded an opportunity to review her statement. On July 21, 2020, Witness 45 signed her statement.

d. On June 11, 2020, OIE made outreach to Witness 168 and invited her to participate in a substantive interview. On June 12, 2020, Witness 168 was provided with her rights and options as a witness in this matter and participated in a substantive interview. Witness 168 was provided with an opportunity to review her statement. Witness 168 did not respond, and her unsigned statement was adopted into the record.

e. On June 19, 2020, OIE made outreach to Witness 1 and invited him to participate in a substantive interview. Witness 1 participated in a telephone call with OIE on June 24, 2020. This information was captured in OIE's phone log and incorporated into the record.

f. On June 19, 2020, OIE made outreach to Witness 182 and invited him to participate in a substantive interview. On June 24, 2020, Witness 182 participated in a telephone call with OIE. This information was captured in OIE's phone log and incorporated into the record.

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<sup>40</sup> On June 9, 2020, these witnesses created a Google form called "Report UCF Professor [Respondent]" and this form was published in a *Knight News* article and on Twitter. The form, which will hereinafter be referred to as the Student Google Form, was designed to provide concerned individuals with an avenue to report their concerns directly to these witnesses rather than the University. These witnesses, in turn, agreed to relay the information provide by others to OIE. These witnesses provided two lists based upon responses they received – a list of anonymous (unnamed by request) reports and a list of named individuals with concerns. These lists were initially provided to OIE on June 15, 2020.

g. On June 23, 2020, OIE made outreach to Witness 183 and invited her to participate in a substantive interview. That same day, Witness 183 participated in a telephone call with OIE but she did not have detailed information to contribute to this matter.

h. On June 25, 2020, OIE made outreach to Witness 184, Witness 185, Witness 186, Witness 110 and Witness 2, and invited them to participate in a substantive interview. That same day, Witness 184, Witness 185, Witness 110 and Witness 2 participated in separate telephone calls with OIE. On June 26, 2020, Witness 186 participated in a telephone call with OIE. This information was captured in OIE's phone logs and incorporated into the record.

i. On June 26, 2020, OIE made outreach to Witness 3 and invited her to participate in a substantive interview. That same day, Witness 3 participated in a telephone call with OIE. This information was captured in OIE's phone log and incorporated into the record.

6. On June 6, 2020, OIE made outreach to Witness 164, who submitted an IntegrityLine report of concerns regarding the Respondent, and invited her to participate in a substantive interview. On June 9, 2020, Dr. Witness 164 was provided with her rights and options as a witness in this matter and participated in a substantive interview. That same day, Witness 164 was afforded an opportunity to review her statement. On June 25, 2020, Witness 164 signed her statement.

7. On June 7, 2020:

a. OIE requested copies of the Respondent's class Announcements for the last three years. The requested data was provided on June 8, 2020.

b. OIE requested documentation from the Psychology Department pertaining to the Respondent allegedly issuing a written apology to students. That same day, the Department responded to OIE's request.

8. Between June 8, 2020 and June 10, 2020, OIE contacted 6 students in the Respondent's Summer 2018 Cross Cultural Psychology Class to request information about their experience in the course. Two (2) students responded to OIE's outreach, and neither could remember any misconduct during the course.

9. Between June 8, 2020 and June 10, 2020, OIE contacted fourteen (14) students in the Respondent's Fall 2019 Personality Theory and Research Class to request information about their experience in the course. Nine (9) responded to OIE's outreach. Of the students who responded, seven (7) indicated that they had observed some negative conduct in the course, one (1) just referred to the Respondent's email about the term "Latinx", and one (1) provided detailed information about her experience, which is set forth in an interview summary (Witness 162). With the exception of Witness 162, most of the information provided by the students was generalized recollections.

10. Between June 8, 2020 and June 11, 2020, OIE contacted thirteen (13) students in the Respondent's Spring 2020 Sexual Behaviors course to request information about their experience in the course. Eleven (11) students responded to OIE's outreach. Of the eleven students, seven (7) provided detailed information about their experience that is summarized in a witness statement (*see* Witness 39, Witness 71, Witness 101, Witness 187, Witness 109, Witness

132, Witness 134 interview summaries) and four (4) indicated that they did not have any concerns with how the course was conducted but did not have detailed information to provide.

11. On June 8, 2020:

a. OIE made outreach to Witness 188, Witness 189, and Witness 190 regarding their concerns expressed during UCF's June 5, 2020 *Virtual Conversation about Race and Unity*. Witness 188, Witness 189 and Witness 190 advised OIE that they had no direct information related to this investigation and declined to provide the identities of students who they believed had relevant information. Accordingly, summary interview statements were not prepared for the record.

b. OIE made outreach to Witness 191, who participated during UCF's June 5, 2020 *Virtual Conversation about Race and Unity*, and invited her to participate in a substantive interview. On June 9, 2020, Witness 191 spoke with OIE but indicated that she had no direct relevant information related to this investigation. Accordingly, a summary interview statement was not prepared for the record.

c. OIE made outreach to Witness 192 and Witness 193, who participated during UCF's June 5, 2020 *Virtual Conversation about Race and Unity*, and left voicemails for each of them. On July 14, 2020, OIE attempted to contact Witness 192 and Witness 193 again. Witness 192 spoke with OIE but indicated that he had no direct information related to this investigation. Accordingly, a summary interview statement was not prepared for the record. On July 20, 2020, OIE sent an email to Witness 193 requesting to speak with her. Witness 193 did not respond to OIE's outreach.

d. OIE made outreach to Witness 194, who participated during UCF's June 5, 2020 *Virtual Conversation about Race and Unity*. On June 12, 2020, Witness 194 provided information related to the Respondent's study abroad program including student applications and survey responses by students who completed the 2019 program. However, he did not provide direct information about his experiences. Accordingly, a summary interview statement was not prepared for the record.

e. OIE made outreach to Witness 120, who had submitted an IntegrityLine report and email to the College of Sciences regarding concerns with the Respondent. OIE invited Witness 120 to participate in a substantive interview. This same day, Witness 120 contacted OIE to ask to schedule an interview for later the same week, and available times were provided. Witness 120 participated in a substantive interview on June 18, 2020 and was provided with her rights and options prior to participating. On June 18, 2020, Witness 120 was provided with an opportunity to review her statement and on this same day, Witness 120 signed her statement.

f. OIE made outreach to Witness 177, who submitted an IntegrityLine report regarding the Respondent. OIE made outreach first by phone and then by email. OIE made outreach to Witness 177 again on June 18, 2020. On June 20, 2020, Witness 177 replied indicating that she did not wish to participate further.

g. OIE made outreach to Witness 38, who had submitted an IntegrityLine report regarding the Respondent. Witness 38 responded on June 9, 2020, indicating her willingness to participate as a witness, if needed. However, Witness 38 did not reply further to OIE outreach attempting to schedule her interview.

h. OIE made outreach to Witness 39, Witness 14, and Witness 71, who were identified in class rosters. OIE invited each student to participate in a substantive interview on

this same date. All three students were provided with their rights and options as a witness in this matter and participated in separate substantive interviews. On this same date, all three students were afforded an opportunity to review their respective statements. On this same date, Witness 14 reviewed and provided an addendum to her statement. Witness 39 and Witness 71 did not respond to OIE, and their unsigned statements were adopted into the record.

i. OIE made outreach to Witness 176, who had sent an email to ODI regarding a student's experience with the Respondent and invited her to participate in a substantive interview. On June 11, 2020, Witness 176 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 11, 2020, Witness 176 was afforded an opportunity to review her statement. Witness 176 did not respond, and her unsigned statement was adopted into the record.

j. OIE made outreach to Witness 195, who had contacted the College of Sciences regarding the Respondent, and invited her to participate in a substantive interview. OIE made additional outreach to Witness 195 on June 11, 2020. Witness 195 did not respond to OIE's requests for a substantive interview.

k. OIE made outreach to Witness 67, who had contacted the President, College of Sciences and Risk Management regarding the Respondent. OIE invited Witness 67 to participate in a substantive interview. OIE made additional outreach to Witness 67 on June 11, 2020. Witness 67 did not respond to OIE's requests for a substantive interview.

l. OIE made outreach to Witness 196, who contacted the President and ODI regarding the Respondent, and invited her to participate in a substantive interview. On June 11, 2020, Witness 196 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 11, 2020, Witness 196 was afforded an opportunity to review her statement. On June 11, 2020, Witness 196 signed her statement.

m. OIE made outreach to Witness 114, who contacted the President, Provost and College of Sciences regarding the Respondent, and invited her to participate in a substantive interview. OIE made additional outreach to Witness 114 on June 11 and 19, 2020. Witness 114 did not respond to OIE's outreach.

n. OIE made outreach to Witness 37, who contacted OIE and ODI regarding the Respondent, and invited her to participate in a substantive interview. After not receiving a response, OIE followed up on June 11, 2020. Witness 37 responded and agreed to participate in a substantive interview. On June 15, 2020, Witness 37 was provided with her rights and options as a witness in this matter and participated in a substantive interview. That same day, Witness 37 was afforded an opportunity to review her statement. Witness 37 did not respond, and her unsigned statement was adopted into the record.

o. OIE made outreach to Witness 49, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 9, 2020, Witness 49 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 9, 2020, Witness 49 was afforded an opportunity to review her statement, and signed her statement.

p. OIE made outreach to Witness 111, who had reported concerns about the Respondent to the media, and invited her to participate in a substantive interview. On June 10, 2020, Witness 111 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 10, 2020, Witness 111 was afforded an opportunity to review her statement. On June 11, 2020, Witness 111 signed her statement.

q. OIE made outreach to Witness 82, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 10, 2020, Witness 82 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 15, 2020, Witness 82 was afforded an opportunity to review her statement. On June 23, 2020, Witness 82 signed her statement.

r. OIE made outreach to Witness 144, who contacted Human Resources regarding the Respondent, and invited her to participate in a substantive interview. On June 9, 2020, Witness 144 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 9, 2020, Witness 144 was afforded an opportunity to review her statement. On June 10, 2020, Witness 144 signed her statement.

s. OIE made outreach to Witness 197, who submitted an IntegrityLine report alleging that her former co-worker had complained to her about the Respondent's classroom conduct. OIE invited Witness 197 to provide OIE with her former coworker's name and contact information. On June 30, 2020, Witness 197 informed OIE that she had been unable to reach her former coworker and did not want to give OIE her name without first obtaining permission from the former coworker.

t. OIE made outreach to Witness 198, who contacted the Department of Psychology regarding his brother's experiences in the Respondent's class. On June 8, 2020 and June 23, 2020, OIE reached out to Witness 198 and requested that he provide OIE with his brother's contact information or that he ask his brother to contact OIE. Witness 198 did not respond to OIE's requests.

u. OIE made outreach to Witness 102, who submitted an IntegrityLine report regarding the Respondent, and invited him to participate in a substantive interview. OIE made a second outreach on June 23, 2020. Witness 102 did not respond to OIE's outreaches.

v. OIE made outreach to Witness 199, who was identified on a class roster and initially agreed to participate in an OIE substantive interview, which was scheduled for June 12, 2020. Witness 199 did not participate in her interview as scheduled. OIE made additional outreach to Witness 199 on June 12, 2020 and June 19, 2020, but Witness 199 did not respond to OIE's requests for a substantive interview.

w. OIE made outreach to Witness 118, who had contacted the College of Sciences about the Respondent, and invited her to participate in a substantive interview. On June 18, 2020, OIE made a second outreach. Witness 118 did not respond to OIE's outreaches.

x. OIE made outreach by phone to Witness 147, who submitted an IntegrityLine report regarding the Respondent, and invited him to participate in a substantive interview. Witness 147 did not respond to OIE's outreach.

y. OIE reviewed university grant funding records and determined that no federal agencies with reporting requirements regarding sexual and discriminatory harassment provided funding to the Respondent as an investigator or key personnel.

12. Between June 8 and June 30, 2020, OIE contacted 90 students in the Respondent's 2018 Fall General Psychology course to request information about their experience in the course. Forty-four (44) students responded to OIE's outreach. Of the forty-four (44) individuals that responded, five (5) could not recall their experience in the class, twenty-six (26) indicated that they did not have any concerns with how the course was conducted but did not have detailed information to provide, seven (7) provided detailed information about their experience that is summarized in a witness statement (*see* Witness 58, Witness 95, Witness 107,



Witness 121, Witness 133 Interview Summaries, and Witness 48, Witness 200 Phone Log Summaries), and six (6) indicated they had negative experiences in the course but could not provide detailed information.

13. Between June 9, 2020 and July 7, 2020, OIE contacted 22 students in the Respondent's online 2018 Summer Sexual Behaviors course to request information about their experience in the course. Eleven (11) students responded to OIE's outreach. Of the eleven students, six (6) indicated that they did not have any concerns with how the course was conducted but did not have detailed information to provide, four (4) indicated that they could not recall their experience in the class, and one (1) indicated that they had a negative experience in the class but could not provide detailed information.

14. Between June 9, 2020 and June 24, 2020, OIE contacted 61 students in the Respondent's 2018 Spring Cross Cultural Psychology class. Of the 20 students that responded to OIE's outreach, one (1) student could not recall the class, eight (8) students responded that they did not have any concerns or detailed information to share, and eleven (11) students responded that they had concerns with how the course was conducted. Of these eleven students, two indicated that they could provide detailed information and would participate in a further interview on a different date. Witness 234's interview was scheduled for June 12, 2020, but Witness 234 did not respond to OIE contact. The second student, Witness 103, participated in an interview on June 18, 2020 (*see* interview summary).

15. On June 9, 2020:

a. OIE conducted a substantive interview with Witness 170, Witness 84, and Witness 137, who each submitted IntegrityLine reports related to the Respondent. All three students were provided with their rights and options as a witness in this matter and participated in a substantive interview. On this same date, Witness 170 and Witness 84 were afforded an opportunity to review their respective statements. Witness 137 was afforded an opportunity to review her statement on June 10, 2020. Witness 170 provided OIE with a syllabus for the Respondent's Fall 2016 Cross-cultural Psychology course. Witness 137 stated that she would provide audio recordings of the Respondent's course lectures from Fall 2019. Also on June 10, 2020, Witness 170 provided an addendum to his statement, and Witness 137 signed her statement. Witness 84 did not respond, and her unsigned statement was adopted into the record.

b. OIE made outreach to Witness 89, who contacted the College of Sciences about the Respondent, and invited her to participate in a substantive interview. OIE made additional outreach to Witness 89 on June 11 and 19, 2020. Witness 89 did not respond to OIE's outreach.

c. OIE made outreach to Witness 145, who contacted the President and College of Sciences regarding the Respondent, and invited her to participate in a substantive interview. On June 12, 2020, Witness 145 was provided with her rights and options as a witness in this matter and participated in a substantive interview. That same day, Witness 145 was afforded an opportunity to review her statement. On June 15, 2020, Witness 145 signed her statement.

d. OIE made outreach to Witness 107, who was identified on a class roster, and invited him to participate in a substantive interview. On June 18, 2020, Witness 107 was provided with his rights and options as a witness in this matter and participated in a substantive

interview. On June 19, 2020, Witness 107 was afforded an opportunity to review his statement. Witness 107 did not respond, and his unsigned statement was adopted into the record.

e. OIE made outreach to Witness 88, who submitted an IntegrityLine report and Just Knights Response Team report regarding the Respondent, and invited her to participate in a substantive interview. On June 10, 2020, Witness 88 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 15, 2020, Witness 88 was afforded an opportunity to review her statement. Witness 88 did not respond, and her unsigned statement was adopted into the record.

f. OIE made outreach to Witness 140, who submitted an IntegrityLine report regarding the Respondent, and invited him to participate in a substantive interview. On June 11, 2020, Witness 140 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On June 15, 2020, Witness 140 was afforded an opportunity to review his statement and signed it on June 16, 2020.

g. OIE made outreach to Witness 92, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 11, 2020, Witness 92 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 16, 2020, Witness 92 was afforded an opportunity to review her statement and she signed her statement on June 17, 2020.

h. OIE requested that the Department Chair provide contact information related to employees who worked closely with the Respondent. That same day, the Chair responded with the requested information.

i. OIE made outreach to Witness 101, who was identified on a class roster, and invited her to participate in a substantive interview. On this same date, Witness 101 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On this same date, Witness 101 was afforded an opportunity to review her statement. Witness 101 did not respond, and her unsigned statement was adopted into the record.

j. OIE made outreach to Witness 162, who was identified on a class roster, and invited her to participate in an interview. On June 12, 2020, Witness 162 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 15, 2020, Witness 162 was afforded an opportunity to review her statement and subsequently signed her statement on June 18, 2020 with a minor edit.

k. OIE made outreach to Witness 58, who was identified on a class roster, and invited her to participate in a substantive interview. On June 19, 2020, Witness 58 was provided with her rights and options as a witness in this matter and participated in a substantive interview. Witness 58 was provided with an opportunity to review her statement. On June 25, 2020, Witness 58 signed her witness statement.

16. On June 10, 2020:

a. OIE made outreach to Witness 201, who reported concerns about the Respondent to the media, and invited him to participate in a substantive interview. On June 21, 2020, Witness 201 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On June 24, 2020, Witness 201 was provided with an opportunity to review his statement. Witness 201 did not respond, and his unsigned statement was adopted into the record.

b. OIE made outreach to Witness 202, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 10,

2020, Witness 202 was provided with her rights and options as a witness in this matter and participated in a substantive interview. At that time, it was determined that Witness 202 had inadvertently identified the incorrect person as the Respondent. Witness 202 had not taken a course with the Respondent in this matter.

c. OIE made outreach to Witness 203, who sent an email to the Provost regarding the Respondent, and invited him to participate in a substantive interview. OIE made additional outreaches to Witness 203 on June 12, 2020 and June 13, 2020. Witness 203 did not respond to OIE's outreach.

d. OIE made outreach to Witness 54, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 10, 2020, Witness 54 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 15, 2020, Witness 54 was afforded an opportunity to review her statement. On June 18, 2020, an addendum was completed. On June 18, 2020, Witness 54 advised OIE that she was unable to sign the statement and addendum but reported that both were accurate and complete. Accordingly, her unsigned statement was adopted into the record.

e. OIE made outreach to Witness 187 (who was identified on a class roster), Witness 132 (who contacted the President and JKRT) and Witness 109 (who was identified on a class roster), and invited each of them to participate in a substantive interview. On this same date, all three students were provided with their rights and options as a witnesses in this matter and participated in separate substantive interviews. On this same date, Witness 187 and Witness 109 were afforded an opportunity to review their statements. On June 11, 2020, Witness 132 was afforded the opportunity to review his statement. All three students did not respond, and their unsigned statements were adopted into the record.

17. June 11, 2020:

a. OIE made outreach to Witness 130, who was identified by another witness (Witness 196) as having information relevant to the investigation, and invited her to participate in a substantive interview. Witness 130 did not respond to OIE's outreach.

b. OIE made outreach to Witness 85, who was identified by another witness (Witness 196) as having information relevant to the investigation, and invited her to participate in a substantive interview. On June 16, 2020, Witness 85 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On August 4, 2020, Witness 85 was afforded an opportunity to review her statement. On October 30, 2020, Witness 85 signed her statement.

c. OIE made outreach to Witness 87, who was identified by another witness (Witness 196) as having information relevant to the investigation, and invited her to participate in a substantive interview. On June 15, 2020, Witness 87 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On July 23, 2020, Witness 87 was afforded an opportunity to review her statement. Witness 87 did not respond, and her unsigned statement was adopted into the record.

d. OIE made outreach to Witness 60, who had contacted the Provost, and invited her to participate in a substantive interview. Witness 60 did not respond to OIE's outreach.

e. OIE made outreach to Witness 178, who was identified as the Respondent's coworker, and invited her to participate in a substantive interview. Witness 178

participated in an interview that same day. Witness 178 was provided with her rights and options as a witness in this matter. On June 12, 2020, Witness 178 was afforded an opportunity to review her statement. Witness 178 did not respond, and her unsigned statement was adopted into the record.

f. OIE made outreach to Witness 75, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 12, 2020, Witness 75 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 24, 2020, Witness 75 was afforded an opportunity to review her statement. Witness 75 did not respond, and her unsigned statement was adopted into the record.

g. OIE made outreach to Witness 68, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. OIE made additional outreach to Witness 68 on June 12, 2020 and June 15, 2020. Witness 68 did not respond to OIE's requests.

h. OIE made outreach to Witness 91, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 18, 2020, Witness 91 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 24, 2020, Witness 91 was afforded an opportunity to review her statement. Witness 91 did not respond, and her unsigned statement was adopted into the record.

i. OIE made outreach to Witness 134, who was identified on a class roster, and invited her to participate in a substantive interview. On this same date, Witness 134 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 15, 2020, Witness 134 was afforded an opportunity to review her statement. Witness 134 did not respond, and her unsigned statement was adopted into the record.

j. OIE made outreach to Witness 124, who contacted the College of Sciences about the Respondent. On June 15, 2020, Witness 124 spoke with OIE about her experience in the Respondent's General Psychology course. Witness 124 did not have detailed information to contribute to this matter.

18. On June 12, 2020:

a. OIE made outreach to Witness 86, who participated during UCF's June 5, 2020 *Virtual Conversation about Race and Unity*, and invited her to participate in a substantive interview. On June 16, 2020, Witness 86 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 18, 2020, Witness 86 was afforded an opportunity to review her statement. That same day, Witness 86 affirmed the accuracy of her statement (other than "typos") via email.

b. OIE made outreach to Witness 204, who participated during UCF's June 5, 2020 *Virtual Conversation about Race and Unity*, and invited her to participate in a substantive interview. That same day, Witness 204 was provided with her rights and options as a witness in this matter and participated in a substantive interview. Witness 204 expressed general concerns regarding her experience at UCF, which were unrelated to the present matter. Accordingly, a summary interview statement was not prepared for the record.

c. OIE made outreach to Witness 129, who expressed concerns regarding the Respondent on social media, and invited her to participate in a substantive interview. That same day, Witness 129 was provided with her rights and options as a witness in this matter and

participated in a substantive interview. That same day, Witness 129 was afforded an opportunity to review her statement. Witness 129 did not respond, and her unsigned statement was adopted into the record.

d. OIE made outreach to Witness 138, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 12, 2020, Witness 138 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 15, 2020, Witness 138 was afforded an opportunity to review her statement. Witness 138 did not respond, and her unsigned statement was adopted into the record.

e. OIE made outreach to Witness 65, who contacted the College of Sciences Academic Services about the Respondent, and invited her to participate in a substantive interview. OIE made additional outreaches to Witness 65 on June 16, 2020 and June 30, 2020. Witness 65 responded on July 1, 2020 and advised that she did not wish to be interviewed regarding this matter.

f. OIE made outreach to Witness 139, who contacted the College of Sciences, and invited her to participate in a substantive interview. OIE made additional outreaches to Witness 139 on June 16, 2020 and June 23, 2020. On June 23, 2020, Witness 139 contacted OIE and explained that she changed her mind and did not wish to be interviewed or provide a statement.

19. Between June 15, 2020 and July 21, 2020, OIE contacted 37 students in the Respondent's 2018 Spring Sexual Behavior course to request information about their experience in the course. Twenty-one (21) students responded to OIE's outreach. Of the 21 students, two declined to participate, three (3) provided detailed information about their experience that is summarized in a witness statement (*see* Witness 46, Witness 78 and Witness 81 interview summaries), six (6) indicated that they did not have any concerns with how the course was conducted but did not have detailed information to provide, and ten (10) indicated that they had a negative experience in the class but did not have detailed information to provide.

20. On June 15, 2020:

a. OIE made outreach to Witness 158 and Witness 43, who the Psychology Department identified as both having experience working with the Respondent, and invited them to participate in a substantive interview. On June 17, 2020, both were provided with their rights and options as a witness in this matter and both participated in separate substantive interviews. On June 18, 2020, Witness 158 and Witness 43 were afforded an opportunity to review their respective statements. On June 18, 2020, Witness 158 signed her statement with notations. On June 19, 2020, Witness 43 signed her statement with minor corrections.

b. OIE made outreach to Witness 46, who was identified on a class roster, and invited him to participate in a substantive interview. On this same date, Witness 46 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On this same date, Witness 46 was afforded an opportunity to review his statement. Witness 46 did not respond, and his unsigned statement was adopted into the record.

c. OIE made outreach to Witness 103, who had been identified in a class roster, and invited her to participate in an interview. On June 18, 2020, Witness 103 was provided with her rights and options as a witness in this matter and participated in a substantive

interview. On July 16, 2020, Witness 103 was afforded the opportunity to review her statement. Witness 103 did not respond, and her unsigned statement was adopted into the record.

21. On June 16, 2020:

a. Between June 16, 2020 and July 24, 2020, OIE contacted 40 students in the Respondent's 2019 Spring Cross Cultural Psychology course to request information about their experience in the course. Twenty-one (21) students responded to OIE's outreach. Of the 21 individuals, four (4) students declined to participate in the investigation, three (3) students tentatively scheduled to speak with OIE but were unresponsive to OIE's subsequent follow-up outreach efforts, five (5) students indicated that they did not have any concerns with how the course was conducted and did not have detailed information to provide, and nine (9) students provided detailed information about their experience that is summarized in witness statements (*see* statements summaries of Witness 52, Witness 56, Witness 63, Witness 62, Witness 64, Witness 9, Witness 73, Witness 98 and Witness 117).

b. OIE made outreach to Witness 56, who was identified on a class roster, and invited her to participate in a substantive interview. On June 19, 2020, Witness 56 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 25, 2020, Witness 56 was afforded an opportunity to review her statement. On July 2, 2020, Witness 56 responded indicating that she approved of the accuracy of the statement.

c. OIE made outreach to Witness 63, who was identified on a class roster, and invited her to participate in a substantive interview. On June 17, 2020, Witness 63 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 26, 2020, Witness 63 was afforded an opportunity to review her statement. On July 3, 2020, Witness 63 responded indicating that she was unable to sign the statement but advised that she approved of the accuracy of the statement.

d. OIE made outreach to Witness 62, who was identified on a class roster, and invited her to participate in a substantive interview. On June 17, 2020, Witness 62 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 25, 2020, Witness 62 was afforded an opportunity to review her statement. On June 29, 2020, Witness 62 signed her statement.

e. OIE made outreach to Witness 64, who was identified on a class roster, and invited her to participate in a substantive interview. On June 23, 2020, Witness 64 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 24, 2020, Witness 64 was afforded an opportunity to review her statement. On June 25, 2020, Witness 64 signed her statement.

f. OIE made outreach to Witness 9, who was identified on a class roster, and invited her to participate in a substantive interview. On June 18, 2020, Witness 9 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 25, 2020, Witness 9 was afforded an opportunity to review her statement. Witness 9 did not respond, and her unsigned statement was adopted into the record.

g. OIE made outreach to Witness 73, who was identified on a class roster, and invited him to participate in a substantive interview. On June 18, 2020, Witness 73 was provided with his rights and options as a witness in this matter and participated in a substantive

interview. On June 25, 2020, Witness 73 was afforded an opportunity to review his statement. Witness 73 did not respond, and his unsigned statement was adopted into the record.

h. OIE made outreach to Witness 117, who was identified on a class roster, and invited her to participate in a substantive interview. On June 16, 2020, Witness 117 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 26, 2020, Witness 117 was afforded an opportunity to review her statement. On June 28, 2020, Witness 117 signed her statement.

i. OIE made outreach to Witness 126, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 18, 2020, Witness 126 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 18, 2020, Witness 126 was afforded an opportunity to review her statement. On June 26, 2020, Witness 126 signed her statement.

j. OIE made outreach to Witness 122, who submitted an IntegrityLine report regarding the Respondent, and invited him to participate in a substantive interview. On June 19, 2020, Witness 122 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On June 23, 2020, Witness 122 was afforded an opportunity to review his statement. On June 23, 2020, Witness 122 signed his statement.

k. OIE made outreach to Witness 95, who was identified in a class roster, and invited her to participate in a substantive interview. On June 18, 2020, Witness 95 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 22, 2020 and June 29, 2020, Witness 95 was afforded an opportunity to review her statement. Witness 95 did not respond, and her unsigned statement was adopted into the record.

l. OIE made outreach to Witness 133, who was identified on a class roster, and invited him to participate in a substantive interview. On June 23, 2020, Witness 133 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On June 24, 2020 and July 13, 2020, Witness 133 was afforded an opportunity to review his statement. Witness 133 did not respond, and his unsigned statement was adopted into the record.

m. OIE made outreach to Witness 123, who posted comments about the Respondent to a Change.org petition, and invited her to participate in a substantive interview. OIE made a second outreach to Witness 123 on June 23, 2020. Witness 123 did not respond to OIE's outreach.

n. OIE made outreach to Witness 127, who posted comments about the Respondent to a Change.org petition, and invited her to participate in a substantive interview. Witness 127 did not respond to OIE's outreach.

o. OIE made outreach to Witness 108, who contacted the College of Sciences, and invited him to participate in a substantive interview. On June 25, 2020, Witness 108 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On July 29, 2020, Witness 108 was afforded an opportunity to review his statement. Witness 108 did not respond, and his unsigned statement was adopted into the record.

p. OIE made outreach to Witness 52, who was identified on a class roster, and invited her to participate in a substantive interview. On July 14, 2020, Witness 52 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On July 17, 2020, Witness 52 was afforded an opportunity to review her statement. Witness 52 did not respond, and her unsigned statement was adopted into the record.

q. OIE made outreach to Witness 131, who contacted OIE about the Respondent, and invited her to participate in a substantive interview. Witness 131 did not respond to OIE's outreach.

r. OIE made outreach to Witness 78, who was identified on a class roster, and invited him to participate in a substantive interview. On this same date, Witness 78 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On July 14, 2020, Witness 78 was afforded an opportunity to review his statement. Witness 78 did not respond, and his unsigned statement was adopted into the record.

s. OIE made outreach to Witness 159, who responded to the Student Google Form, and invited her to participate in a substantive interview. On June 18, 2020, Witness 159 participated in a phone call with OIE but did not have substantive information to contribute to this matter. Accordingly, a summary interview statement was not prepared for the record.

t. OIE made outreach to Witness 51, who was identified by another witness (Witness 100) as having relevant information. Witness 51 participated in a phone call with OIE but did not have detailed information to contribute to this matter at that time. On June 17, 2020, OIE followed up with Witness 51, provided with her rights and options as a witness in this matter. Witness 51 chose to participate in a substantive interview. On June 20, 2020, Witness 51 was afforded an opportunity to review her statement. Witness 51 did not respond, and her unsigned statement was adopted into the record. On June 30, 2020, OIE made a follow up outreach to Witness 51 regarding her Student Google Form submission. OIE made additional outreaches to Witness 51 on July 14, 2020 and July 15, 2020, but Witness 51 did not respond.

u. OIE made outreach to Witness 205, who contacted OIE about the Respondent, and invited her to participate in a substantive interview. OIE made additional outreach on June 19, 2020. Witness 205 did not respond to OIE's outreach.

v. OIE made outreach to Witness 163, who had contacted ODI about her partner's experience with the Respondent, and invited her to participate in a substantive interview. On June 30, 2020, Witness 163 participated in a telephone call with OIE. This information was captured in OIE's phone log and incorporated into the record.

22. On June 17, 2020, OIE made outreach to Witness 206, who responded to the Student Google Form, and invited her to participate in a substantive interview. On June 30, 2020, OIE made a second outreach to Witness 206. On June 30, 2020, Witness 206 responded and declined to be interviewed.

23. On June 18, 2020:

a. OIE made outreach to Witness 93, who had responded to the Student Google Form, and invited her to participate in a substantive interview. On June 30, 2020, Witness 93 participated in a phone call with OIE but did not have detailed information to contribute to this matter.

b. OIE made outreach to Witness 121, who was identified on a class roster, and invited him to participate in a substantive interview. That same day, Witness 121 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On July 20, 2020, Witness 121 was afforded the opportunity to review his statement. Witness 121 did not respond, and his unsigned statement was adopted into the record.

c. OIE made outreach to Witness 207, who had responded to the Student Google Form, and invited her to participate in a substantive interview. On June 26, 2020, OIE



made additional outreach to Witness 207 via telephone and left a voicemail. Witness 207 did not respond to OIE's outreach.

d. OIE made outreach to Witness 57, who contacted OIE about the Respondent. On June 24, 2020, Witness 57 denied witnessing the Respondent engage in discrimination against or singling out students and did not have further detailed information to provide.

24. On June 19, 2020:

a. OIE made outreach to Witness 47, who had provided information regarding the Respondent to the JKRT, and invited her to participate in a substantive interview. On June 23, 2020, Witness 47 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 24, 2020, Witness 47 was afforded an opportunity to review her statement. Witness 47 affirmed her statement, with minor corrections, on June 29, 2020. Witness 47 also provided a copy of *White Shaming* to OIE for review.

b. OIE made outreach to Witness 183, who was identified on a class roster, and invited her to participate in a substantive interview. On June 23, 2020, Witness 183 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On July 23, 2020, Witness 183 was afforded an opportunity to review her statement. On July 23, 2020, Witness 183 signed her statement.

25. On June 22, 2020:

a. OIE made outreach to Witness 136, who had contacted Human Resources regarding the Respondent, and invited her to participate in a substantive interview. On June 22, 2020, Witness 136 was provided with her rights and options as a witness in this matter and participated in a substantive interview. Witness 136 had taken Respondent's class during the summer of 2005-06 and did not recall many of the specific statements made by Respondent. Accordingly, a summary interview statement was not prepared for the record.

b. OIE made outreach to Witness 48, who was identified on a class roster, and invited him to participate in a substantive interview. On June 22, 2020, Witness 48 participated in a telephone call with OIE. This information was captured in OIE's phone log and incorporated into the record.

26. On June 24, 2020:

a. OIE made outreach to Witness 83, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On June 25, 2020, Witness 83 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On June 29, 2020, Witness 83 was afforded an opportunity to review her statement. On June 30, 2020, Witness 83 signed her statement.

b. OIE made outreach to Witness 59, who contacted the President regarding the Respondent, and invited her to participate in a substantive interview. On June 25, 2020, Witness 59 was provided with her rights and options as a witness in this matter. Witness 59 declined to participate in a substantive interview with OIE but agreed to provide information to OIE regarding transcripts of some of Respondent's class lectures obtained as part of her approved accommodations from Student Accessibility Services (SAS). On June 25, 2020, OIE obtained and reviewed two SAS transcripts related to the Respondent's General Psychology course, which met on Tuesdays from 6:00 PM to 08:50 PM – namely, the transcripts for classes

held on August 21, 2018 and August 28, 2018. SAS also advised that they did not have the transcripts for the remaining classes that semester.

c. OIE made outreach to Witness 42, who had contacted the President regarding the Respondent, and invited him to participate in a substantive interview. On June 30, 2020, OIE made additional outreach to Witness 42. On July 1, 2020, Witness 42 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On July 1, 2020, Witness 42 was afforded an opportunity to review his statement. On July 7, 2020, Witness 42 signed his statement.

d. OIE made outreach to Witness 128, who had contacted the Provost regarding the Respondent, and invited her to participate in a substantive interview. OIE made a second outreach on June 30, 2020. Witness 128 did not respond to OIE's outreaches.

e. OIE made outreach to Witness 149, who had contacted the College of Sciences, and invited her to participate in a substantive interview. OIE made a second outreach on June 30, 2020. Witness 149 did not respond to OIE's outreaches until November 18, 2020. On November 30, December 1 and 2, 2020, OIE invited Witness 149 to participate in a substantive interview and thereafter did not hear further from Witness 149 regarding her participation in a substantive interview.

f. OIE made outreach to Witness 208, who had contacted ODI, and invited her to participate in a substantive interview. OIE made additional outreach on June 29, 2020. Witness 208 did not respond to OIE's outreaches.

g. OIE made outreach to Witness 4, who had contacted the President, Provost and College of Sciences regarding the Respondent, and invited him to participate in a substantive interview. On June 26, 2020, Witness 4 participated in a telephone call with OIE. This information was captured in OIE's phone log and incorporated into the record.

h. OIE made outreach to Witness 76, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. On July 10, 2020, Witness 76 participated in a telephone call with OIE. This information was captured in OIE's phone log and incorporated into the record.

27. Between June 24, 2020 and July 6, 2020, OIE made outreach to ten (10) students in the Respondent's Summer 2019 Cross-Cultural Psychology Class to request information about their experience in the course. Four (4) students responded to OIE's outreach and each provided detailed information about their experience that is summarized in a witness statement or phone log (*see* Witness 5, Witness 104, Witness 110, and Witness 125 Witness Statements or OIE Phone Logs)<sup>41</sup>.

28. Between June 25, 2020 and July 1, 2020, OIE contacted thirty-four (34) students in the Respondent's 2019 Fall Cross Cultural Psychology course to request information about their experience in the course. Nineteen (19) students responded to OIE's outreach. Of the 19 students, four (4) declined to participate, five (5) indicated that they had a negative experience but did not have detailed information to provide, and ten (10) indicated that they did not have any concerns with how the course was conducted but did not have detailed information to provide.

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<sup>41</sup> Witness 110 was contacted by OIE as part of OIE's outreach to prior GTAs, as well as having been enrolled in the 2019 Summer Cross Cultural Psychology course.

29. On June 25, 2020, OIE made outreach to Witness 70, who had responded to the Student Google Form, and invited her to participate in a substantive interview. OIE made a second outreach on June 30, 2020 and a third outreach on July 2, 2020. Witness 70 did not respond to OIE's outreach.

30. On June 26, 2020:

a. OIE made outreach to Witness 44, who had submitted an email to [PsychologyFeedback@ucf.edu](mailto:PsychologyFeedback@ucf.edu) about the Respondent, and invited her to participate in a substantive interview. OIE made a second outreach on June 30, 2020 and a third outreach on July 2, 2020. Witness 44 responded and declined to be interviewed.

b. OIE attempted to make outreach to Witness 209, who had responded to the Student Google Form. However, OIE was unable to locate a working phone number or email address to make contact.

31. On June 29, 2020:

a. OIE made outreach to Witness 34, whose experience was referenced in an anonymous IntegrityLine report, and invited her to participate in a substantive interview. On July 2, 2020, Witness 34 was provided with her rights and options as a witness in this matter and participated in a substantive interview. Witness 34 was provided with her statement for review on the same day. On July 10, 2020, Witness 34 affirmed her statement via email and provided a timeline of events regarding her interactions with the Respondent and other UCF offices.

b. OIE made outreach to Witness 35. Witness 35 did not respond to OIE's outreach.

32. On June 30, 2020:

a. OIE made outreach to Witness 146, who had contacted the President regarding the Respondent, and invited her to participate in a substantive interview. OIE made additional outreaches to Witness 146 on July 2, 2020 and July 8, 2020. Witness 146 did not respond to OIE's outreach.

b. OIE made outreach to Witness 69, who had contacted ODI and the President's Office regarding the Respondent, and invited her to participate in a substantive interview. On July 2, 2020, OIE made a second outreach to Witness 69. On July 9, 2020, Witness 69 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On July 11, 2020, Witness 69 was afforded an opportunity to review her statement. Witness 69 submitted clarifications to the statement on July 17, 2020, which have been adopted into the record.

c. OIE made outreach to Witness 18, who had responded to the Student Google Form, and invited her to participate in a substantive interview. On July 2, 2020, OIE made second outreach to Witness 18. That same day, Witness 18 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On July 11, 2020, Witness 18 was afforded an opportunity to review her statement. Witness 18 did not respond, and her unsigned statement was adopted into the record.

d. OIE made outreach to Witness 210, who had responded to the Student Google Form, and invited her to participate in a substantive interview. Witness 210 declined to be interviewed.

e. OIE made outreach to Witness 77, who had responded to the Student Google Form, and invited her to participate in a substantive interview. OIE made additional outreaches on July 2, 2020 and July 8, 2020. Witness 77 did not respond to OIE's outreach.

f. OIE made outreach to Witness 211, who submitted an IntegrityLine report regarding the Respondent, and invited her to participate in a substantive interview. OIE made additional outreaches on July 2, 2020 and July 8, 2020. Witness 211 did not respond to OIE's outreach.

g. OIE made outreach to Witness 212, who had contacted the President regarding the Respondent, and invited him to participate in a substantive interview. OIE made a second outreach to Witness 212 on July 2, 2020. Witness 212 did not respond to OIE's outreach.

33. On July 2, 2020:

a. OIE made outreach to Witness 40, who had been identified on a class roster, and invited him to participate in a substantive interview. On July 8, 2020, Witness 40 was provided with his rights and options as a witness in this matter and participated in a substantive interview. Witness 40 took Respondent's class during the spring of 2018 and did not recall many of the specific statements made by Respondent. This information was captured in OIE's phone log and incorporated into the record.

b. OIE made outreach to Witness 169, who had been identified on a class roster, and invited her to participate in an interview. On July 8, 2020, Witness 169 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On July 17, 2020, Witness 169 was afforded the opportunity to review her statement. Witness 169 did not respond, and her unsigned statement was adopted into the record.

c. OIE made outreach to Witness 98, who had been identified on a class roster, and invited her to participate in a substantive interview. On July 7, 2020, Witness 98 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On July 24, 2020, Witness 98 was afforded an opportunity to review her statement. Witness 98 did not respond, and her unsigned statement was adopted into the record.

d. OIE made outreach to Witness 160, who had been identified on a class roster, and invited him to participate in a substantive interview. On July 8-9, 2020, Witness 160 participated in telephone calls with OIE. This information was captured in OIE's phone log and incorporated into the record.

34. Between July 2 and July 10, 2020, OIE contacted 36 students in Respondent's 2018 Spring General Psychology course to request information about their experience in the course. Twenty (20) students responded to OIE's outreach. Of the twenty (20) individuals that responded, one (1) could not recall their experience in the class, thirteen (13) indicated they did not have any concerns with how the course was conducted but did not have detailed information to provide, three (3) provided detailed information about their experience that is summarized in a witness statement (*see* Witness 169 Interview Summary, Witness 40 and Witness 160 Phone Log Summaries), and three (3) indicated that they had a negative experience in the course but could not provide detailed information.

35. On July 6, 2020:

a. OIE made outreach to Witness 41, who was identified as a prior GTA for the Respondent, and invited him to participate in a substantive interview. Witness 41

participated in a telephone call with OIE on July 14, 2020. This information was captured in OIE's phone log and incorporated into the record.

b. OIE made outreach to Witness 213, who was identified on a class roster, and invited her to participate in a substantive interview. OIE made additional outreach to Witness 213 on July 9, 2020. Witness 213 did not respond to OIE's outreach.

c. OIE made outreach to Witness 72, who was identified on a class roster, and invited her to participate in a substantive interview. On July 14, 2020, OIE made additional outreach to Witness 72. Witness 72 did not respond to OIE's outreach.

d. OIE made outreach to Witness 5, who was identified on a class roster, and invited her to participate in a substantive interview, which was initially scheduled for July 14, 2020 but had to be postponed. On September 8, 2020, Witness 5 participated in a telephone call with OIE. This information was captured in OIE's phone log and incorporated into the record.

e. OIE made outreach to Witness 125, who was identified on a class roster, and invited her to participate in a substantive interview. On July 10, 2020, OIE made additional outreach to Witness 125. On July 28, 2020, Witness 125 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On August 14, 2020, Witness 125 was afforded an opportunity to review her statement, and she provided corrections and clarifications. On September 2, 2020, Witness 125 was afforded an opportunity to review a revised witness statement, and she provided additional clarifications. On September 14, 2020, Witness 125 was afforded an opportunity to review a second revised witness statement. On September 14, 2020, Witness 125 signed her statement.

f. OIE made outreach to Witness 116, who was identified on a class roster, and invited her to participate in a substantive interview. On July 9, 2020, Witness 116 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On August 13, 2020, Witness 116 was afforded an opportunity to review her statement. On October 28, 2020, Witness 116 signed her statement.

g. OIE made outreach to Witness 104, who was identified on a class roster, and invited her to participate in a substantive interview. On July 13, 2020, Witness 104 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On August 13, 2020, Witness 104 was afforded an opportunity to review her statement. On August 17, 2020, Witness 104 signed her statement.

36. Between July 6, 2020 to July 15, 2020, OIE contacted 31 students in the Respondent's 2019 Spring General Psychology class to request information about their experience in the course. Of the eight (8) students that responded to OIE's outreach, two (2) had no information to share, one (1) student responded positively about her experience, and five (5) indicated having a negative experience. Of the six students that recalled their experience, most could not provide detailed information.

37. On July 7, 2020, OIE made outreach to Witness 55, who was identified on a class roster, and invited him to participate in an interview. Witness 55 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On July 20, 2020, Witness 55 was afforded the opportunity to review his statement. Witness 55 did not respond, and his unsigned statement was adopted into the record.

38. Between July 7 and July 22, 2020, OIE transcribed three (3) recordings of lectures that Respondent gave during the summer of 2019 while teaching in Peru (lectures 3, 4, and 5). During this time, OIE transcribed three (3) recordings of lectures that Respondent gave during his online Spring 2020 course (lecture regarding Arab and Muslim Americans, parts 1, 2, and 3).

39. On July 8, 2020, OIE made outreach to Witness 97, who had contacted the College of Sciences, and invited her to participate in a substantive interview. On July 14, 2020, OIE made a second outreach. On August 7, 2020, Witness 97 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On August 11, 2020, Witness 97 was afforded an opportunity to review her statement. Rather than sign her statement, Witness 97 submitted an addendum to her statement to be incorporated into the record. Her unsigned statement and addendum were adopted into the record.

40. Between July 9 and July 15, 2020, OIE made outreach to 18 students in Respondent's 2020 Spring Personality Theory & Research course to request information about their experience in the course. Thirteen (13) students responded to OIE's outreach. Of the thirteen (13) individuals, twelve (12) indicated that they did not have any concerns with how the course was conducted, and one (1) indicated that they had a negative experience. The individuals did not have detailed information to provide.

41. On July 10, 2020, OIE made outreach to Witness 214, who had contacted the President regarding the Respondent, and invited him to participate in a substantive interview. OIE made additional outreach to Witness 214 on July 13, 2020. Witness 214 did not respond to OIE's outreach.

42. On July 13, 2020, OIE obtained a series of messages posted by Witness 100 on Twitter. This thread included additional documentation regarding the Respondent's syllabus, textbook requirement, and comparisons between the Respondent's assertions on Twitter and in his textbook with other data points.

43. On July 14, 2020:

a. OIE made outreach to Witness 113, who had contacted the Provost regarding the Respondent, and invited him to participate in a substantive interview. On July 20, 2020, OIE made a second outreach to Witness 113. On August 6, 2020, Witness 113 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On August 7, 2020, Witness 113 was afforded an opportunity to review his statement. On August 11, 2020, Witness 113 signed his statement.

b. OIE made outreach to Witness 148, who had contacted the Board of Trustees regarding the Respondent, and invited him to participate in a substantive interview. On July 20, 200, OIE made a second outreach to Witness 148. Witness 148 did not respond to OIE's outreach.

c. OIE made outreach to Witness 61 and Witness 74, who had contacted the President regarding the Respondent, and invited them to participate in a substantive interview. On July 14, 2020, Witness 74 requested dates to schedule an interview. On July 15, 2020, OIE provided dates to schedule but did not receive a response. On July 20, 2020, OIE emailed Witness 74 again but did not receive a response. On July 20, 2020, Witness 61 scheduled an

interview for July 28, 2020. On July 28, 2020, Witness 61 was provided with her rights and options as a witness in this matter and participated in a substantive interview. That same day, Witness 61 was afforded the opportunity to review her statement. Witness 61 did not respond, and her unsigned statement was adopted into the record.

44. Between July 15 and July 31, 2020, OIE transcribed five (5) recordings of lectures that Respondent gave during the summer of 2019 while teaching in Peru (lectures 6, 7, 8, 12, and 13).

45. Between July 16, 2020 and July 22, 2020, OIE contacted 21 students in Respondent's 2018 Fall Sexual Behavior Class to request information about their experience in the course. Eleven (11) students responded to OIE's outreach. Of the eleven (11) individuals, nine (9) indicated that they did not have any concerns with how the course was conducted and two (2) indicated that they had a negative experience in the course. However, detailed information could not be provided.

46. Between July 16, 2020 and July 22, 2020, OIE contacted 23 students from Respondent's 2019 Fall Sexual Behavior course to request information about their experience in the course. Eleven (11) students responded to OIE's outreach. Of the eleven (11) individuals, nine (9) indicated that they did not have any concerns with how the course and two (2) indicated that they had a negative experience in the course. However, detailed information could not be provided.

47. On July 16, 2020, OIE made outreach to Witness 79, who responded to the Student Google Form, and invited him to participate in a substantive interview. On August 13, 2020, Witness 79 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On August 13, 2020, Witness 79 was afforded an opportunity to review his statement. Witness 79 did not respond, and his unsigned statement was adopted into the record.

48. On July 17, 2020, OIE issued a Notice of Investigation to the Respondent.

49. On July 20, 2020, OIE made outreach to Witness 119, who had contacted OIE about the Respondent, and invited him to participate in a substantive interview. On July 23, 2020, Witness 119 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On July 27, 2020, Witness 119 was afforded an opportunity to review his statement. Witness 119 provided OIE with a signed statement on August 12, 2020.

50. On July 21, 2020, OIE made outreach to Witness 81, who was identified on a class roster, and invited her to participate in a substantive interview. That same day, Witness 81 was provided with her rights and options as a witness in this matter, participated in a substantive interview, and was afforded the opportunity to review her statement. On July 23, 2020, Witness 81 provided OIE with clarifications which were adopted into the record.

51. Between July 22 and August 11, 2020, OIE transcribed four (4) recordings of lectures that Respondent gave during Cross Cultural Psychology in 2019 (lectures 5, 8, 15, 16).

52. Between July 22 and August 11, 2020, OIE transcribed three (3) recordings of lectures that Respondent gave during the summer of 2019 while teaching in Peru (lectures 9, 10, and 11).

53. On July 23, 2020, Witness 105, who had contacted OIE about the Respondent, and invited him to participate in a substantive interview. That same day, Witness 105 was provided with his rights and options as a witness in this matter, participated in a substantive interview, was afforded the opportunity to review his statement, and subsequently provided a signed edited statement to OIE.

54. On July 27, 2020 OIE contacted eighteen (18) students in the Respondent's 2019 Spring Sexual Behavior course to request information about their experience in the course. Of the ten (10) students that responded, nine (9) recalled generalized experiences of the Respondent being dismissive of students and stating that he was tenured. The remaining student reported a positive experience but could understand how others might have been impacted.

55. Between July 31, 2020 and August 4, 2020, OIE contacted 40 students in the Respondent's 2018 Fall Cross Cultural Psychology course to request information about their experience in the course. Thirteen (13) students responded to OIE's outreach. Of the 13 individuals, one (1) student declined to participate, two (2) students tentatively scheduled to speak with OIE but were unresponsive to OIE's subsequent follow-up outreach efforts, two (2) students indicated that they did not have any concerns with how the course was conducted but did not have detailed information to provide, four (4) students indicated they had concerns but did not have detailed information to provide, and four (4) provided detailed information about their experience that is summarized in witness statements (*see* statements summaries of Witness 215, Witness 216, Witness 80, Witness 167).

56. On July 31, 2020:

a. OIE made outreach to Witness 80, who was identified on a class roster, and invited him to participate in a substantive interview. On August 3, 2020, Witness 80 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On August 4, 2020, Witness 80 was afforded an opportunity to review his statement. Witness 80 did not respond, and his unsigned statement was adopted into the record.

b. OIE made outreach to Witness 216, who was identified in a class roster, and invited him to participate in a substantive interview. On August 3, 2020, Witness 216 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On August 4, 2020, Witness 216 was afforded an opportunity to review his statement. On August 6, 2020, Witness 216 signed his statement.

c. OIE made outreach to Witness 167, who was identified on a class roster, and invited her to participate in a substantive interview. On August 4, 2020, OIE made additional outreach to Witness 167. On August 13, 2020, Witness 167 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On



August 14, 2020, Witness 167 was afforded an opportunity to review her statement. On August 17, 2020, Witness 167 sent a response via email affirming her statement.

d. OIE made outreach to Witness 215, who had been identified on a class roster, and invited him to participate in a substantive interview. On August 3, 2020, OIE made additional outreach to Witness 215. On August 13, 2020, Witness 215 was provided with his rights and options as a witness in this matter and participated in a substantive interview. On August 18, 2020, Witness 215 was afforded an opportunity to review his statement. Witness 215 did not respond, and his unsigned statement was adopted into the record.

57. Between July 31, 2020 and August 6, 2020, OIE contacted 28 students in the Respondent's 2019 Summer Sexual Behavior course to request information about their experience in the course. Thirteen (13) students responded to OIE's outreach. Of the 13 individuals, two (2) students tentatively scheduled to speak with OIE but were unresponsive to OIE's subsequent follow-up outreach efforts, six (6) students indicated that they did not have any concerns with how the course was conducted but did not have detailed information to provide, two (2) students indicated they had concerns but did not have detailed information to provide, and three (3) students could not recall their experiences in the class.

58. On August 5, 2020, OIE made outreach to Witness 106, who was identified on a class roster, and invited her to participate in a substantive interview. On August 12, 2020, Witness 106 was provided with her rights and options as a witness in this matter and participated in a substantive interview. On August 14, 2020, Witness 106 was afforded an opportunity to review her statement. On August 14, 2020, Witness 106 signed her statement.

59. On August 21, 2020, OIE made outreach to Witness 154. On August 25, 2020, OIE invited Witness 154 to participate in a substantive interview. Witness 154 was provided with his rights and options as a witness in this matter and participated in a substantive interview. That same day, Witness 154 was afforded the opportunity to review his statement. On September 15, 2020, Witness 154 supplemented and signed his statement.

60. Throughout September through December, 2020, OIE continued its review of the evidence in the record, including but not limited to the review of multiple class recordings totaling approximately 37 hours (2018 General Psychology classes on September 4 & 18, 2018, October 9 & 23, 2018, and November 6, 13 & 27, 2018, Indentured Slaves recording, Arabid Diaspora recording, 2019 Peru recordings) and verification of witnesses' enrollment in the Respondent's courses, as well as OIE's preparation of the lengthy OIE Investigation Report and assembly of its related Appendix materials.

61. On December 7, 2020, OIE made outreach to Witness 151. On December 8, 2020, OIE invited Witness 151 to participate in a substantive interview, was provided with his rights and options as a witness in this matter, and participated in a substantive interview. On December 15, 2020, Witness 151 signed his statement.

62. On December 7, 2020, OIE contacted Faculty Excellence to determine whether UCF maintained any records related to the identities of the presenters or attendees at new faculty orientation in 2006 and 2007. On that same date, OIE contacted Student Accessibility Services

and requested a copy of any records pertaining to implementation of accommodations for Witness 82 in the Respondent's 2014 course. On December 8, 2020, Faculty Excellence and SAS responded to OIE's requests and provided relevant information.

63. On December 13, 2020, OIE requested three documents from CDL related to the Respondent's courses – namely, two course syllabi and one extra-credit questionnaire. The documentation was provided to OIE the next day.

64. On December 14, 2020, OIE made outreach to Witness 217, Witness 218, and Witness 219, who were identified by Witness 158 as possibly having relevant information, and invited them to participate in a substantive interview. Witness 218 agreed to participate. On December 16, 2020, Witness 218 was provided with her rights and options as a witness in this matter, and participated in a substantive interview. That same day, Witness 218 was afforded the opportunity to review her statement and subsequently signed her statement. On December 15, 2020, Witness 217 declined to participate in a substantive interview with OIE. Witness 219 did not respond to OIE's outreach.

65. On December 16, 2020, OIE made outreach to Witness 171, who was identified by Witness 151 as possibly having relevant information and invited him to participate in a substantive interview. Witness 171 agreed to participate. On December 18, 2020, Witness 171 was provided with his rights and options as a witness in this matter, and participated in a substantive interview. That same day, Witness 171 was afforded the opportunity to review his statement and did not respond prior to issuance of this report. Accordingly, his unsigned statement was adopted into the record.

# **ATTACHMENT B**

## **OIE GRADE ANALYSIS MEMORANDUM**



UNIVERSITY OF CENTRAL FLORIDA

**Office of Institutional Equity**  
12701 Scholarship Drive, Suite 101  
Orlando, FL 32816-0030

## MEMORANDUM

To: Nancy Myers, Director, Office of Institutional Equity

From: OIE EEO Investigator

Date: August 12, 2020

Re: OIE File No. 2019-01225 – Grade Analysis

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### I. Summary

To determine whether there was an indication that student grades in the Respondent's classes were impacted by their membership in certain protected classifications,<sup>42</sup> I reviewed and analyzed the grades of 1,814 students in 12 different classes taught by the Respondent during four different semesters. I also interviewed 11 Graduate Teaching Assistants (GTA) for the Respondent, with at least one GTA from each class taught by the Respondent during the last 5 semesters during which he used a GTA.

Based on this analysis of student grades and the GTA interviews, I find that there is insufficient evidence to indicate that student grades in the Respondent's classes were impacted by their sex or race (separately or in combination).

### II. Methodology

My grade analysis was based on records provided by the Registrar's Office containing the name, sex, race, and final grade of each student in the following classes taught by the Respondent:

1. Cross-Cultural Psychology: Spring 2018, Fall 2018, Fall 2019, Spring 2020
2. Sexual Behavior: Spring 2018, Fall 2018, Fall 2019, Spring 2020
3. General Psychology: Spring 2018, Fall 2018
4. Personality Theory and Research: Fall 2019, Spring 2020

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<sup>42</sup> Although UCF's policies prohibit discrimination based on a wide variety of protected classifications, the University does not actively track student membership in most of those classifications, such as religion, non-religion, gender identity or expression, sexual orientation, etc. Accordingly, my analysis was focused on sex and race (separately and in combination), which are classifications regularly maintained in the University's records.

In addition, for each student who received a failing grade in or withdrew from the Respondent's class, I reviewed the grades/withdrawal status for that student for all other classes during the same semester that they received a failing grade in or withdrew from the Respondent's class. Similarly, I spot checked the overall semester performance for other students where I believed it would be helpful to my understanding of the issues.

The GTAs were asked to describe their duties, including their participation in the grading process. The GTAs provided a consistent description of a grading process where the Respondent took no active role. According to these interviews, student grades were based on a set number of exams (usually 4) plus an optional extra credit assignment. According to the interviews, students in each class took their exams on scantrons, with no free response section. At the end of the exam, the GTA would either take the scantrons from the classroom or pick them up in the Respondent's office, run them through the grading machine, and enter the grades in Webcourses. The extra credit assignment for each class was to prepare a three-page paper on any topic related to the course, so long as it was based on research material outside of the required class material. According to the interviews, the Respondent instructed the GTAs to provide full credit to any student who completed the assignment, without concern for the quality of the content. Several GTAs described being instructed by the Respondent to provide one extra credit point per page completed, up to three extra credit points.

### **III. Key Data Points and Limitations**

#### **a. Analysis based on student sex**

Total students: 1814

- female students: 1183 (65.2%)
- male students: 631 (34.8%)

Students withdrawing:<sup>43</sup> 111

- female students: 74 (66.6%)
- male students: 37 (33.3%)

Total number of A grades: 384

- female students: 274 (71.4%)
- male students: 110 (28.6%)

Total number of F grades: 96<sup>44</sup>

- female students: 61 (63.6%)

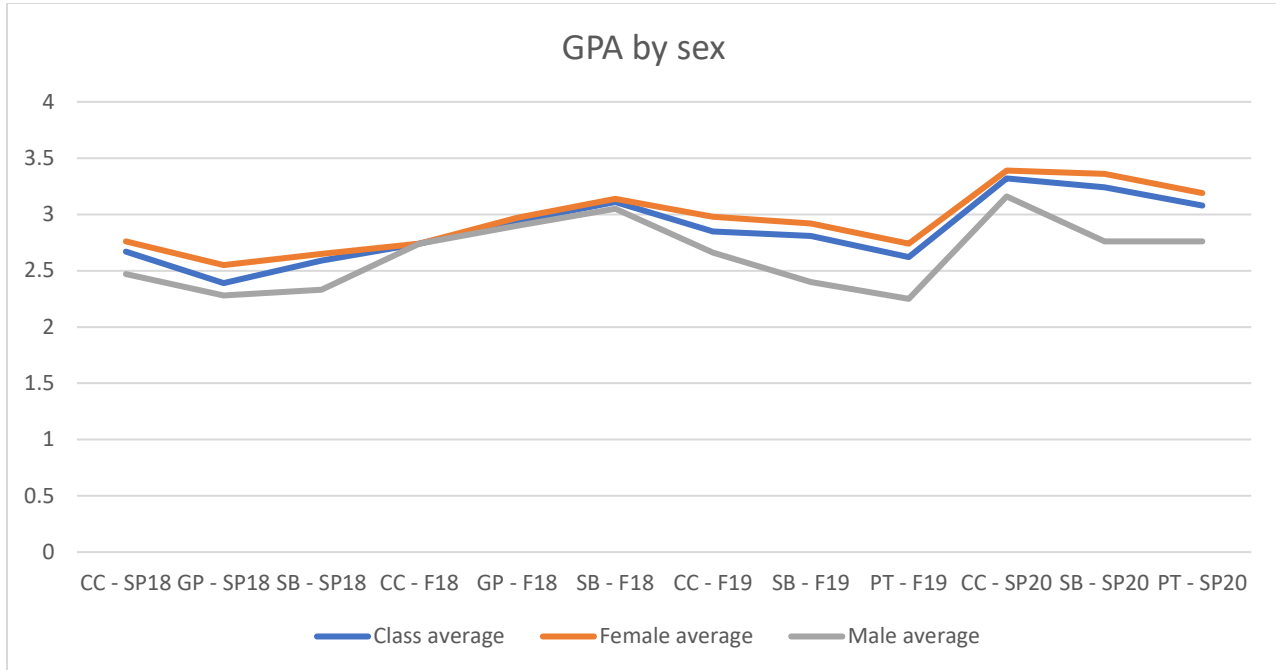
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<sup>43</sup> The data reviewed included information on students being marked as withdrawing from the class, but it did not include students who left the class during the add/drop period.

<sup>44</sup> 72 of the 96 students receiving a grade of F in [the Respondent's] class received multiple grades of F, U, NC, W, or D in that same semester. The remaining 24 students were well-distributed in terms of sex and race. I therefore concluded that receiving an F in [the Respondent's] class was a better indicator that the student experienced academic distress during that semester than it was an indicator of whether disparate treatment occurred. Accordingly, grades of F were not included when analyzing GPA performance based on sex and race (separately or in combination).

- male students: 35 (36.5%)

With regard to GPA, female students received incrementally higher grades (on average 0.32 grade points) in 11 of the 12 classes analyzed, with the greatest differential being 0.6 grade points in Sexual Behavior Spring 2020. See chart below for additional details.

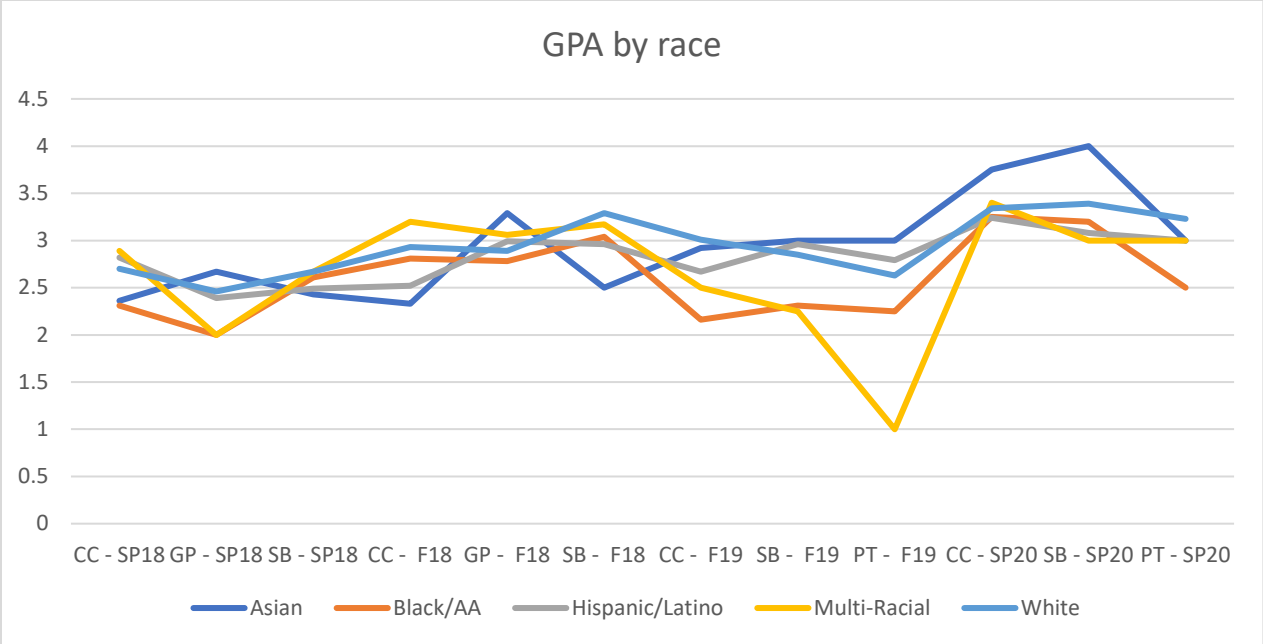


### b. Analysis based on student race

The overall distribution of grades by race showed fluid change between classes, with no clear patterns emerging suggestive of differential treatment based on race.

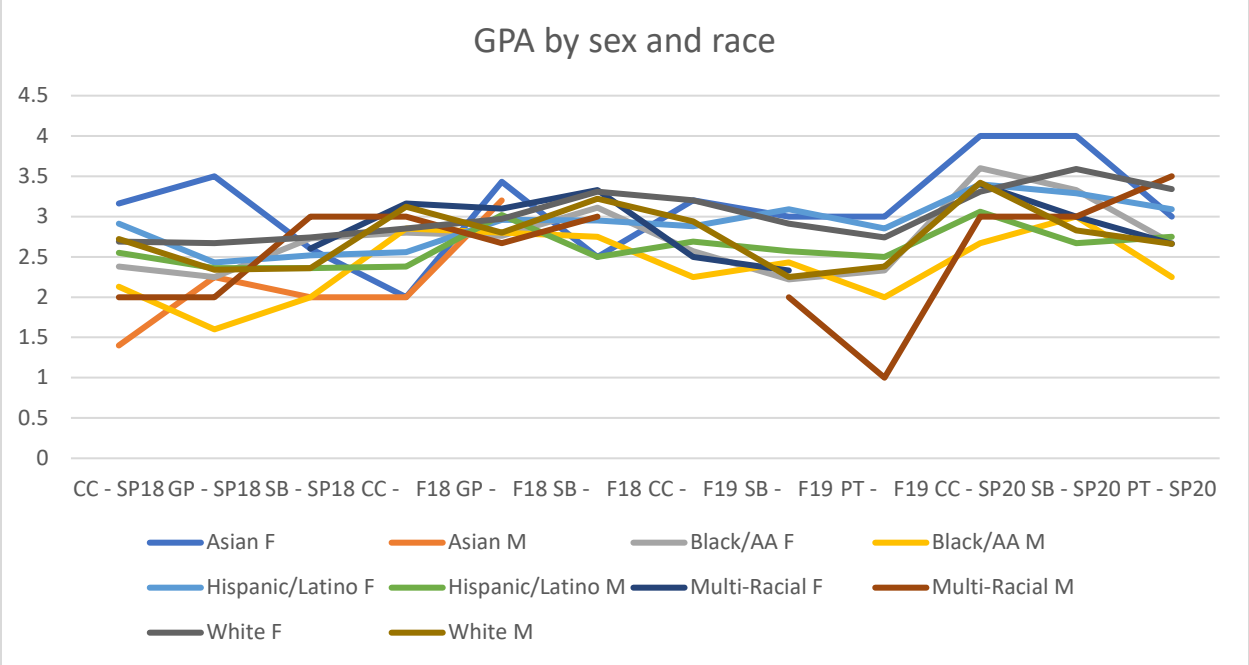
Several different race populations had an insufficient number of students in a given class to enable meaningful or statistically significant comparison. For example, there was never more than 1 Native American/Pacific Islander in a class and there was an average of 1.67 students who did not specify a race. Accordingly, those two populations are not represented in the chart below. Further, with regard to the students who identified as Asian or Multi-Racial and received a grade, there were five or fewer members of that group in a majority of the classes analyzed.

It was noted that Black/African American students, as a group, scored slightly lower than White students, as a group, in every class that was analyzed, but given the small number of Black/African American students in many classes, the differential could not be determined to be statistically significant. It was also noted that in many classes, the percentage of Black/African American students receiving an A was equivalent to the percentage of White students receiving an A. For example, in Cross Cultural Psychology Fall 2018, 22.7% of Black/African American students received an A while 22.4% of White students did, and in General Psychology Fall 2018 24.2% of Black/African American students received an A while 24.5% of White students did.



**c. Analysis based on student sex and race**

The overall distribution of grades by sex and race also showed fluid change between classes, with no clear patterns emerging suggestive of differential treatment based on sex and race. The small number of students in particular groups discussed above with respect to race was magnified when further analyzing groups by combining sex and race. In many classes, there were only 1-3 members of a given sex/race group, and in several instances, there was not a single member of a particular sex/race group. For example, there were no students who identified as Asian males who received a grade in Sexual Behavior in three of the four semesters examined.



#### **IV. Conclusion**

For the reasons discussed above, I find that there is insufficient evidence to indicate that student grades in the Respondent's classes were impacted by their sex or race (separately or in combination).



# **ATTACHMENT C**

**APPENDIX: DOCUMENTS REVIEWED  
DURING OIE INVESTIGATION**

## **APPENDIX: MATERIALLY RELEVANT DOCUMENTS**

Numerous documents were submitted by the witnesses and Respondent, as well as gathered by OIE, during this investigation. OIE is limiting this list to those documents that were materially relevant to the allegations involved.

### *Witness/Party Statements:*

1. June 4, 2020, OIE Interview Statement of Witness 115
2. June 8, 2020, OIE Interview Statement of Witness 66
3. June 8, 2020, OIE Interview Statement of Witness 233
4. June 8, 2020, OIE Interview Statement of Witness 14
5. June 8, 2020, OIE Interview Statement of Witness 71
6. June 8, 2020, OIE Interview Statement of Witness 39
7. June 9, 2020, OIE Interview Statement of Witness 164
8. June 9, 2020, OIE Interview Statement of Witness 137
9. June 9, 2020, OIE Interview Statement of Witness 144
10. June 9, 2020, OIE Interview Statement of Witness 49
11. June 9, 2020, OIE Interview Statement & Addendum of Witness 170
12. June 9, 2020, OIE Interview Statement of Witness 84
13. June 9, 2020, OIE Interview Statement of Witness 101
14. June 10, 2020, OIE Interview Statement of Witness 45
15. June 10, 2020, OIE Interview Statement of Witness 88
16. June 10, 2020, OIE Interview Statement of Witness 150
17. June 10, 2020, OIE Interview Statement of Witness 82
18. June 10, 2020, OIE Interview Statement of Witness 54
19. June 10, 2020, OIE Interview Statement of Witness 111
20. June 10, 2020, OIE Interview Statement of Witness 132
21. June 10, 2020, OIE Interview Statement of Witness 109
22. June 10, 2020, OIE Interview Statement of Witness 187
23. June 11, 2020, OIE Interview Statement of Witness 178
24. June 11, 2020, OIE Interview Statement of Witness 58
25. June 11, 2020, OIE Interview Statement of Witness 176
26. June 11, 2020, OIE Interview Statement of Witness 92
27. June 11, 2020, OIE Interview Statement of Witness 134
28. June 11, 2020, OIE Interview Statement of Witness 140
29. June 11, 2020, OIE Interview Statement of Witness 196
30. June 12, 2020, OIE Interview Statement of Witness 162
31. June 12, 2020, OIE Interview Statement of Witness 168
32. June 12, 2020, OIE Interview Statement of Witness 129
33. June 12, 2020, OIE Interview Statement of Witness 138
34. June 12, 2020, OIE Interview Statement of Witness 75
35. June 12, 2020, OIE Interview Statement of Witness 145
36. June 15, 2020, OIE Interview Statement of Witness 46
37. June 15, 2020, OIE Interview Statement of Witness 53 & Witness 100
38. June 15, 2020, OIE Interview Statement of Witness 37
39. June 15, 2020, OIE Interview Statement of Witness 87

40. June 16, 2020, OIE Interview Statement of Witness 117
41. June 16, 2020, OIE Interview Statement of Witness 86
42. June 16, 2020, OIE Interview Statement of Witness 85
43. June 17, 2020 OIE Interview Statement of Witness 62
44. June 17, 2020, OIE Interview Statement of Witness 63
45. June 17, 2020, OIE Interview Statement of Witness 158
46. June 17, 2020, OIE Interview Statement of Witness 43
47. June 18, 2020, OIE Interview Statement of Witness 54
48. June 18, 2020, OIE Interview Statement of Witness 95
49. June 18, 2020, OIE Interview Statement of Witness 9
50. June 18, 2020, OIE Interview Statement of Witness 73
51. June 18, 2020, OIE Interview Statement of Witness 91
52. June 18, 2020, OIE Interview Statement of Witness 107
53. June 18, 2020, OIE Interview Statement of Witness 120
54. June 18, 2020, OIE Interview Statement of Witness 126
55. June 18, 2020, OIE Interview Statement of Witness 121<sup>45</sup>
56. June 19, 2020, OIE Interview Statement of Witness 56
57. June 19, 2020, OIE Interview Statement of Witness 122
58. June 22, 2020, OIE Interview Statement of Witness 201
59. June 23, 2020, OIE Interview Statement of Witness 133
60. June 23, 2020, OIE Interview Statement of Witness 64
61. June 23, 2020, OIE Interview Statement of Witness 47
62. June 23, 2020, OIE Interview Statement of Witness 183
63. June 25, 2020, OIE Interview Statement of Witness 83
64. June 25, 2020, OIE Interview Statement of Witness 108
65. July 1, 2020, OIE Interview Statement of Witness 42
66. July 2, 2020, OIE Interview Statement of Witness 34
67. July 2, 2020, OIE Interview Statement of Witness 18
68. July 7, 2020, OIE Interview Statement of Witness 55
69. July 7, 2020, OIE Interview Statement of Witness 98
70. July 8, 2020, OIE Interview Statement of Witness 169
71. July 9, 2020, OIE Interview Statement of Witness 69 & July 17, 2020 Addendum
72. July 9, 2020, OIE Interview Statement of Witness 116
73. July 13, 2020, OIE Interview Statement of Witness 104
74. July 14, 2020, OIE Interview Statement of Witness 52
75. July 17, 2020, OIE Interview Statement of Witness 51
76. July 21, 2020, OIE Interview Statement of Witness 81 & Addendum
77. July 23, 2020, OIE Interview Statement of Witness 119
78. July 23, 2020, OIE Interview Statement of Witness 105
79. July 28, 2020, OIE Interview Statement of Witness 125
80. July 28, 2020, OIE Interview Statement of Witness 61
81. August 3, 2020, OIE Interview Statement of Witness 80
82. August 6, 2020, OIE Interview Statement of Witness 113
83. August 6, 2020, OIE Interview Statement of Witness 216

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<sup>45</sup> This statement was inadvertently titled “Witness Statement of Witness 55” but captured the information provided by Witness 121 and is titled as such in the Appendix documents.

84. August 7, 2020, OIE Interview Statement and August 20, 2020 Addendum of Witness 97
85. August 7, 2020 and August 14, 2020, OIE Interview Statements of the Respondent & August 24, 2020 Addendum
86. August 12, 2020, OIE Interview Statement of Witness 106
87. August 13, 2020, OIE Interview Statement of Witness 215
88. August 13, 2020, OIE Interview Statement of Witness 167
89. August 13, 2020, OIE Interview Statement of Witness 79
90. August 25, 2020, OIE Interview Statement of Witness 154
91. December 8, 2020, OIE Interview Statement of Witness 151
92. December 16, 2020, OIE Interview Statement of Witness 218
93. December 18, 2020, OIE Interview Statement of Witness 171

OIE Phone Logs:

94. Phone Log 6-4-2020 3:01 PM
95. Phone Log 6-5-2020 Witness 53
96. Phone Log 6-8-2020 Witness 100
97. Phone Log 6-9-2020 Witness 49
98. Phone Log 6-9-2020 Witness 144
99. Phone Log 6-10-2020 Witness 82
100. Phone Log 6-10-2020 Witness 88
101. Phone Log 6-10-2020 Witness 100
102. Phone Log 6-10-2020 Witness 111
103. Phone Log 6-11-2020 Witness 92
104. Phone Log 6-11-2020 Witness 196
105. Phone Log 6-11-2020 Witness 140
106. Phone Log 6-11-2020 Witness 176
107. Phone Log 6-12-2020 Witness 168
108. Phone Log 6-12-2020 Witness 145
109. Phone Log 6-17-2020 Witness 206
110. Phone Log 6-18-2020 Witness 95
111. Phone Log 6-18-2020 Witness 126
112. Phone Log 6-19-2020 Witness 122
113. Phone Log 6-22-2020 Witness 136
114. Phone Log 6-22-2020 Witness 48
115. Phone Log 6-23-2020 Witness 133
116. Phone Log 6-24-2020 Witness 1
117. Phone Log 6-24-2020 Witness 182
118. Phone Log 6-25-2020 Witness 2
119. Phone Log 6-25-2020 Witness 185
120. Phone Log 6-25-2020 Witness 110
121. Phone Log 6-25-2020 Witness 83
122. Phone Log 6-25-2020 Witness 184
123. Phone Log 6-25-2020 Witness 59
124. Phone Log 6-26-2020 Witness 4
125. Phone Log 6-26-2020 Witness 3
126. Phone Log 6-26-2020 Witness 186

- 127. Phone Log 6-29-2020 Witness 34 Parent
- 128. Phone Log 6-30-2020 Witness 163
- 129. Phone Log 7-1-2020 Witness 42
- 130. Phone Log 7-8-2020 Witness 40
- 131. Phone Log 7-8-2020 Witness 160
- 132. Phone Log 7-10-2020 Witness 76
- 133. Phone Log 7-14-2020 Witness 41
- 134. Phone Log 7-22-2020 Witness 235
- 135. Phone Log 7-30-2020 Witness 220
- 136. Phone Log 7-30-2020 Witness 53 & Witness 100
- 137. Phone Log 7-30-2020 Witness 5
- 138. Phone Log 7-31-2020 Witness 221
- 139. Phone Log 7-31-2020 Witness 222
- 140. Phone Log 7-31-2020 Witness 223
- 141. Phone Log 7-31-2020 Witness 224
- 142. Phone Log 7-31-2020 Witness 225
- 143. Phone Log 7-31-2020 Witness 226
- 144. Phone Log 7-31-2020 Witness 227
- 145. Phone Log 8-3-2020 Witness 6
- 146. Phone Log 8-4-2020 Witness 7
- 147. Phone Log 8-11-2020 Witness 228

OIE Climate Checks:

- 148. OIE Outreaches (Individual & 2019 Spring CCP Climate Check Notes)
- 149. OIE Climate Check Notes (2018 Spring Sexual Behavior, 2018 Summer Sexual Behavior, 2019 Fall Cross Cultural Psychology, 2020 Spring Sexual Behavior)
- 150. OIE Climate Check Notes (2019 Fall Sexual Behavior)
- 151. OIE Climate Check Notes (2018 Fall Sexual Behavior)
- 152. OIE Climate Check Notes (2020 Spring Personality Theory)
- 153. OIE Climate Check Notes (2018 Spring General Psychology)
- 154. OIE Climate Check Notes (2018 Fall General Psychology)
- 155. OIE Climate Check Notes (2019 Fall Sexual Behavior)
- 156. OIE Climate Check Notes (2019 Summer Sexual Behavior)
- 157. OIE Climate Check Notes (2019 Sexual Behavior)

IntegrityLine Reports:

- 158. IntegrityLine #768 (June 4, 2020)
- 159. IntegrityLine #769 (June 4, 2020)
- 160. IntegrityLine #770 (June 4, 2020)
- 161. IntegrityLine #771 (June 4, 2020)
- 162. IntegrityLine #772 (June 4, 2020)
- 163. IntegrityLine #774 (June 4, 2020)
- 164. IntegrityLine #775 (June 4, 2020)
- 165. IntegrityLine #776 (June 4, 2020)
- 166. IntegrityLine #777 (June 4, 2020)
- 167. IntegrityLine #778 (June 4, 2020)

168. IntegrityLine #779 (June 4, 2020)
169. IntegrityLine #780 (June 4, 2020)
170. IntegrityLine #781 (June 4, 2020)
171. IntegrityLine #782 (June 4, 2020)
172. IntegrityLine #783 (June 4, 2020)
173. IntegrityLine #784 (June 4, 2020)
174. IntegrityLine #785 (June 4, 2020)
175. IntegrityLine #786 (June 4, 2020)
176. IntegrityLine #787 (June 4, 2020)
177. IntegrityLine #788 (June 4, 2020)
178. IntegrityLine #789 (June 4, 2020)
179. IntegrityLine #790 (June 4, 2020)
180. IntegrityLine #791 (June 4, 2020)
181. IntegrityLine #792 (June 4, 2020)
182. IntegrityLine #794 (June 4, 2020)
183. IntegrityLine #795 (June 4, 2020)
184. IntegrityLine #796 (June 4, 2020)
185. IntegrityLine #797 (June 4, 2020)
186. IntegrityLine #798 (June 4, 2020)
187. IntegrityLine #799 (June 4, 2020)
188. IntegrityLine #800 (June 4, 2020)
189. IntegrityLine #801 (June 4, 2020)
190. IntegrityLine #802 (June 4, 2020)
191. IntegrityLine #803 (June 4, 2020)
192. IntegrityLine #804 (June 4, 2020)
193. IntegrityLine #805 (June 5, 2020)
194. IntegrityLine #806 (June 5, 2020)
195. IntegrityLine #807 (June 5, 2020)
196. IntegrityLine #809 (June 5, 2020)
197. IntegrityLine #810 (June 5, 2020)
198. IntegrityLine #811 (June 5, 2020)
199. IntegrityLine #813 (June 5, 2020)
200. IntegrityLine #814 (June 5, 2020)
201. IntegrityLine #815 (June 5, 2020)
202. IntegrityLine #817 (June 5, 2020)
203. IntegrityLine #818 (June 5, 2020)
204. IntegrityLine #819 (June 5, 2020)
205. IntegrityLine #820 (June 5, 2020)
206. IntegrityLine #821 (June 5, 2020)
207. IntegrityLine #822 (June 5, 2020)
208. IntegrityLine #823 (June 5, 2020)
209. IntegrityLine #824 (June 5, 2020)
210. IntegrityLine #825 (June 5, 2020)
211. IntegrityLine #826 (June 5, 2020)
212. IntegrityLine #827 (June 5, 2020)
213. IntegrityLine #828 (June 5, 2020)

- 214. IntegrityLine #829 (June 5, 2020)
- 215. IntegrityLine #830 (June 5, 2020)
- 216. IntegrityLine #831 (June 5, 2020)
- 217. IntegrityLine #832 (June 5, 2020)
- 218. IntegrityLine #833 (June 5, 2020)
- 219. IntegrityLine #834 (June 5, 2020)
- 220. IntegrityLine #836 (June 5, 2020)
- 221. IntegrityLine #837 (June 5, 2020)
- 222. IntegrityLine #838 (June 5, 2020)
- 223. IntegrityLine #839 (June 5, 2020)
- 224. IntegrityLine #840 (June 5, 2020)
- 225. IntegrityLine #841 (June 5, 2020)
- 226. IntegrityLine #842 (June 5, 2020)
- 227. IntegrityLine #843 (June 5, 2020)
- 228. IntegrityLine #844 (June 5, 2020)
- 229. IntegrityLine #845 (June 5, 2020)
- 230. IntegrityLine #847 (June 5, 2020)
- 231. IntegrityLine #849 (June 5, 2020)
- 232. IntegrityLine #850 (June 5, 2020)
- 233. IntegrityLine #851 (June 5, 2020)
- 234. IntegrityLine #852 (June 5, 2020)
- 235. IntegrityLine #853 (June 5, 2020)
- 236. IntegrityLine #855 (June 5, 2020)
- 237. IntegrityLine #856 (June 5, 2020)<sup>46</sup>
- 238. IntegrityLine #858 (June 5, 2020)
- 239. IntegrityLine #859 (June 5, 2020)
- 240. IntegrityLine #862 (June 6, 2020)
- 241. IntegrityLine #863 (June 6, 2020)
- 242. IntegrityLine #864 (June 6, 2020)
- 243. IntegrityLine #865 (June 6, 2020)
- 244. IntegrityLine #866 (June 6, 2020)
- 245. IntegrityLine #868 (June 6, 2020)
- 246. IntegrityLine #869 (June 6, 2020)
- 247. IntegrityLine #870 (June 6, 2020)
- 248. IntegrityLine #871 (June 6, 2020)
- 249. IntegrityLine #872 (June 6, 2020)
- 250. IntegrityLine #873 (June 6, 2020)
- 251. IntegrityLine #874 (June 6, 2020)
- 252. IntegrityLine #875 (June 7, 2020)
- 253. IntegrityLine #877 (June 8, 2020)
- 254. IntegrityLine #878 (June 8, 2020)
- 255. IntegrityLine #880 (June 8, 2020)
- 256. IntegrityLine #881 (June 8, 2020)
- 257. IntegrityLine #883 (June 9, 2020)

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<sup>46</sup> Although the Respondent was identified as the individual who allegedly engaged in misconduct in this IntegrityLine report, the reporter later clarified that her allegations pertained to another individual.

- 258. IntegrityLine #886 (June 9, 2020)
- 259. IntegrityLine #894 (June 11, 2020)
- 260. IntegrityLine #902 (June 12, 2020)
- 261. IntegrityLine #904 (June 12, 2020)
- 262. IntegrityLine #924 (June 18, 2020)
- 263. IntegrityLine #925 (June 18, 2020)
- 264. IntegrityLine #943 (June 25, 2020)
- 265. IntegrityLine #970 (July 19, 2020)
- 266. IntegrityLine #976 (July 22, 2020)

Just Knights Response Team Reports:

- 267. JKRT Report, #00047696 (June 3, 2020) (Witness 229)
- 268. JKRT Report, #00047703 (June 4, 2020)
- 269. JKRT Report, #00047706 (June 4, 2020) (Witness 230)
- 270. JKRT Report, #00047707 (June 4, 2020) (Witness 47)
- 271. JKRT Report, #00047712 (June 4, 2020) (Witness 231)
- 272. JKRT Report, #00047713 (June 4, 2020)
- 273. JKRT Report, #00047716 (June 4, 2020)
- 274. JKRT Report, #00047719 (June 4, 2020)
- 275. JKRT Report, #00047725 (June 4, 2020) (Witness 88)
- 276. JKRT Report, #00048928 (September 1, 2020)

Office of Student Conduct Incident Reports:

- 277. Office of Student Conduct Incident Report, #00047701 (June 4, 2020)
- 278. Office of Student Conduct Incident Report, #00047709 (June 4, 2020)

Initial Communications from Community Regarding Respondent:

- 279. Reports of Personal Experiences (58 Emails, 6 Audio Voicemails, 1 President's Office Excel Sheet Summary List, 4 Social Media Posts, and Witness 100 Twitter 7-13-2020)
- 280. Reports of Reactions to Social Media (314 Emails)
- 281. Student Google Form – Anonymous
- 282. Student Google Form – With Names
- 283. Equity & Inclusion Forum – OIE Emails
- 284. Equity & Inclusion Forum (CC Transcript Inclusion Conversation Zoom) (text)
- 285. Equity & Inclusion Forum Q&A Report (excel)
- 286. Change Org Petition titled “Diversity, Equity, Justice and Inclusion #UCFfirehim”
- 287. Change Org Petition Email (Witness 123 & Witness 127)

Respondent's Communications to Students:

- 288. Announcement Re Headlines & Race
- 289. Announcement Re CNN Letter Re Native Americans & Respondent's Response Letter
- 290. January, 2012 Email to “Cross-Cultural students” (Re Religious Bigotry)



291. Announcement, September 20, to Sexual Behavior students, titled “Follow up to Gender and Biology Discussion”
292. Announcement, Jan 7 titled “Quick follow up” re Religious Discussions
293. Announcement, Jan 16 Re Yellow Hammer Article
294. Announcement, October 23, 2013 Re Religion & Rape
295. Announcement, October 21, 2016 Re Lack of Systemic Racism
296. Announcement, January 10, 2018 Re Honor Killings
297. Announcement, February 19, 2018 Re Invitation for LGBTQ Panel
298. Announcement, March 18, 2018 Re White Accomplishments
299. Announcement, March 18, 2018 Re Letter to John McWhorter
300. Announcement, March 18, 2018 Re Letter to John McWhorter Attachment
301. Announcement, April 4, 2018 Re Political Correctness
302. Announcement, April 28, 2018 Message to Witness 151 & Witness 45
303. Announcement, April 29, 2018 Message to Witness 151 & Witness 45
304. Announcement, Nov. 15, 2018 Re PEW data & Muslim Women
305. Announcement, Nov. 15, 2018 Letter Re PEW data & Muslim Women
306. Announcement, Jan. 7, 2020 titled “Follow me on Twitter (optional, of course)”
307. Announcement, March 11, 2019, titled “Follow me on Twitter”
308. Announcement - Twitter
309. Announcement, July 15, 2019 Re Judging Past with Contemporary Standards & Black Privilege Reference
310. Announcement, July 22, 2019, titled “Opinions v. data...”
311. Announcement, September 12, 2019 Re Religion
312. Announcement, October 26, 2019, titled “re: Latinx” (1)
313. Announcement, October 26, 2019, titled “re: Latinx” (2)
314. Announcement, October 26, 2019, titled “re: Latinx” (3)
315. Announcements, December 10, 2019, March 7, 2020, March 16, 2020 Re Book Assignment
316. Email, January 28, 2020, titled “Follow up to Gender and Biology Discussion: SOP2772-20Spring 0001”
317. Emails, March 13, 2020 (Re Book Promotion)
318. Undated message, titled “Potentially bad items on Exam 3...”
319. Email, March 31, 2020, titled “Exam 3 updates: SOP2772-20Spring 0001” (Exam & Apology)
320. Announcement, April 6, 2020 Re Free Speech & Muslims
321. Announcement, April 8, 2020, titled “Important Youtube to watch” (*By the Numbers* video)
322. Email, April 14, 2020, titled “Follow up on HPV, Vaccines, and Cancer: SOP2772-20Spring 0001”
323. Course Announcements 2017-2020

Respondent’s Course Recordings & Materials:

324. Recordings – 20190101013334-015
325. Recordings – 20190101013334-015 Review
326. Recordings – 20190106023050-016
327. Recordings – 20190106023050-016 Review

- 328. Recordings – 20190910163446-005
- 329. Recordings – 20190910163446-005 Review
- 330. Recordings – 20190912163436-008
- 331. Recordings – 20190912163436-008 Review
- 332. Recordings – Arabid Diaspora
- 333. Recordings – Gen Psych 8-21-2018 SAS Transcript
- 334. Recordings – Gen Psych 8-28-2018
- 335. Recordings – Gen Psych 8-28-2018 SAS Transcript
- 336. Recordings – Gen Psych 9-4-2018
- 337. Recordings – Gen Psych 9-4-2018 (2)
- 338. Recordings – Gen Psych 9-18-2018 (2)
- 339. Recordings – Gen Psych 9-18-2018 (3)
- 340. Recordings – Gen Psych 10-9-2018
- 341. Recordings – Gen Psych 10-23-2018
- 342. Recordings – Gen Psych 11-6-2018
- 343. Recordings – Gen Psych 11-13-2018
- 344. Recordings – Gen Psych 11-27-2018
- 345. Recordings – Indentured Slaves
- 346. Recordings – Peru – Summer 2019 - 3
- 347. Recordings – Peru - Summer 2019 - 3 Review
- 348. Recordings – Peru – Summer 2019 - 4
- 349. Recordings – Peru - Summer 2019 - 4 Review
- 350. Recordings – Peru – Summer 2019 - 5
- 351. Recordings – Peru - Summer 2019 - 5 Review
- 352. Recordings – Peru – Summer 2019 -6
- 353. Recordings – Peru - Summer 2019 - 6 Review
- 354. Recordings – Peru – Summer 2019 - 7
- 355. Recordings – Peru - Summer 2019 -7 Review
- 356. Recordings – Peru – Summer 2019 – 8
- 357. Recordings - Peru - Summer 2019 -8 Review
- 358. Recordings – Peru – Summer 2019 -9
- 359. Recordings – Peru - Summer 2019 -9 Review
- 360. Recordings – Peru – Summer 2019 - 10
- 361. Recordings – Peru - Summer 2019 - 10 Review
- 362. Recordings – Peru – Summer 2019 – 11
- 363. Recordings – Peru – Summer 2019 – 11 Review
- 364. Recordings – Peru – Summer 2019 - 12
- 365. Recordings – Peru - Summer 2019 - 12 Review
- 366. Recordings – Peru – Summer 2019 - 13
- 367. Recordings – Peru - Summer 2019 - 13 Review
- 368. Recordings – Spring 2020 Arab and Muslim Americans Lecture 1
- 369. Recordings - Spring 2020 Arab and Muslim Americans Lecture 1 Review
- 370. Recordings – Spring 2020 Arab and Muslim Americans Lecture 2
- 371. Recordings - Spring 2020 Arab and Muslim Americans Lecture 2 Review
- 372. Recordings – Spring 2020 Arab and Muslim Americans Lecture 3
- 373. Recordings - Spring 2020 Arab and Muslim Americans Lecture 3 Review

- 374. Summary of Video *By the Numbers – The Untold Story - Muslims*
- 375. Power Point White Americans
- 376. Power Point Arab & Muslim Americans Lecture 1
- 377. Power Point Arab & Muslim Americans Lecture 2
- 378. Power Point Arab & Muslim Americans Lecture 3
- 379. Consent (2004) Video
- 380. Fredrick Wilson II 2014 Video
- 381. A copy of the book *White Shaming*, written by the Respondent
- 382. Syllabus for Cross Cultural Psychology 2016 Fall
- 383. Syllabus for Cross Cultural Psychology 2018 Spring
- 384. Syllabus for Cross Cultural Psychology 2019 Summer
- 385. Syllabus for Cross Cultural Psychology 2019 Fall
- 386. Syllabus for Cross Cultural Psychology 2020 Spring
- 387. Syllabus for Sexual Behavior 2020 Spring
- 388. Syllabus for General Psychology 2017 Fall
- 389. Syllabus for General Psychology 2018 Spring
- 390. Syllabus for Personality Theory & Research 2020 Spring
- 391. Quiz Questions & Answers 2017-2020
- 392. Respondent's August 14, 2020 Email to OIE Re Exam Questions
- 393. Power Point African – African (Black) American
- 394. Power Point White – White American

*Respondent's Evaluations and Student Evaluation of Instructor Summaries:*

- 395. Respondent's Annual Evaluation 2014-2015
- 396. Respondent's Annual Evaluation 2015-2016
- 397. Respondent's Annual Evaluation 2016-2017
- 398. Respondent's Annual Evaluation 2017-2018
- 399. Respondent's Annual Evaluation 2018-2019
- 400. Notifications of TIP Awards 2003 & 2009
- 401. Notification of TIP Award 2015
- 402. Respondent's Student Eval 2015 Summer
- 403. Respondent's Student Evaluation 2015 Fall
- 404. Respondent's Student Evaluation 2016 Spring
- 405. Respondent's Student Evaluation 2016 Summer
- 406. Respondent's Student Evaluation 2016 Fall
- 407. Respondent's Student Evaluation 2017 Spring
- 408. Respondent's Student Evaluation 2017 Summer
- 409. Respondent's Student Evaluation 2017 Fall
- 410. Respondent's Student Evaluation 2018 Spring
- 411. Respondent's Student Evaluation 2018 Summer
- 412. Respondent's Student Evaluation 2018 Fall
- 413. Respondent's Student Evaluation 2019 Spring
- 414. Respondent's Student Evaluation 2019 Summer
- 415. Respondent's Student Evaluation 2019 Fall
- 416. Respondent's Student Evaluation 2020 Spring
- 417. Respondent's Evaluation from Witness 232 3-21-2019

- 418. UCF Student Abroad Return Survey 2019 Summer
- 419. Respondent's Discipline History
- 420. Email Re Allegation of Respondent Apology

Other:

- 421. Respondent's Twitter Page
- 422. Respondent's Twitter Posts
- 423. Respondent 2018 Spring Schedule
- 424. Respondent 2018 Summer Schedule
- 425. Respondent 2018 Fall Schedule
- 426. OIE Grade Analysis Memorandum
- 427. Inside Higher Education 2012 Article
- 428. Email August 13, 2020 Re Witness Name Recognized from Witness List Provided to Respondent
- 429. Email March 13, 2020 Respondent & Dept Chair Re Book Outreaches
- 430. Agenda 2006 New Faculty Orientation
- 431. Agenda 2007 New Faculty Orientation
- 432. 2007 New Faculty Orientation Participants
- 433. Course Drop Comparison Data
- 434. Witness 34 UCF Timeline
- 435. Witness 34 SDES Correspondence
- 436. Respondent's Letter to OIE 8-4-20
- 437. UCF Faculty Senate Resolution about Free Speech (2017-2018)
- 438. Facebook Post by Student (redacted) (7-16-20)
- 439. Student Grade Appeal
- 440. Student Grade Appeal – Administrator Email (5-2020)
- 441. Student Grade Appeal – Chair Decision
- 442. Email Re UCF Actions to Prevent and Correct Discrimination (1-27-2014) & 2018 Training
- 443. Rate My Professor Reviews
- 444. Student Grade Data
- 445. Witness 100 Transcript Notes & Responses to Recordings