

During the review period, Professor Ronell provided statements and additional evidence (via email) annexed hereto, as Attachments AA, CC, and EE. Mr. Reitman also provided a statements and additional evidence (via email) annexed hereto as Attachments BB, DD, and FF.

With his 2<sup>nd</sup> draft response, Mr. Reitman also submitted two exhibits including medical records. These exhibits were hand delivered to the Office Of Equal Opportunity. Professor Ronell had the opportunity to review these records under the supervision of the Office of Equal Opportunity and in accordance with the HIPAA waiver provided by Mr. Reitman. These documents have not been reproduced and are maintained in the Office of Equal Opportunity.

#### **V. ALLEGATIONS PRESENTED**

As noted above, the Complainant alleges that:

(1) from approximately spring of 2012 until June of 2015, at various locations, the Respondent subjected the Complainant to sexual harassment, non-consensual sexual contact, and stalking; and,

(2) from approximately spring of 2015 until present, the Respondent has subjected the Complainant to retaliation by negatively impacting his professional career in academia after his graduation from NYU.

#### **VI. APPLICABLE POLICIES**

Under the applicable procedures, the Investigators are required to make a determination as to whether there is "sufficient information, by a preponderance of the evidence," to support a finding of responsibility for a violation of the applicable policy. Additionally, the current policy in effect, Sexual Misconduct, Relationship Violence, and Stalking Policy, effective date, August 25, 2017, holds that the issue of whether there is a violation will be determined under the policy in effect at the time that the alleged conduct occurred, but that the procedures under the current policy will apply. In the instant matter, the duration of the alleged conduct spans multiple iterations of NYU's sexual misconduct policy. As such, the discussion of the applicable policies and corresponding analysis has been summarized by allegation below.

#### **VII. ANALYSIS & DETERMINATION**

##### **1. Sexual Harassment**

###### **i. Summary of Allegations**

According to Mr. Reitman, the non-consensual physical contact by Professor Ronell began in May 2012, in her Paris apartment, before she became his PhD advisor in fall

2012. Mr. Reitman alleges that, during this visit and on approximately three occasions, Professor Ronell touched his body, including his upper chest, face, hands – both over and under his clothing – without his consent. Mr. Reitman alleges that Professor Ronell kissed him on his face, specifically his cheeks and lips, during these encounters. Furthermore, Mr. Reitman alleges that he responded to Professor Ronell's advances by moving his body away from hers, and "stiffen[ing]" and "flex[ing]" his body.

Mr. Reitman alleges that, over the next three years (i.e. until spring of 2015), at various times and locations, including at his apartment in October of 2012 during Hurricane Sandy, at their private work sessions, and at public events/conferences, Professor Ronell continued to touch his body, kiss him on his face, and hold his hand, "over [his] repeated objections." He also stated that, Professor Ronell would "massage" him on various parts of his body, including his feet, temples, head, upper body, and lower back; similarly, Professor Ronell would request that Mr. Reitman massage or "rub" her body, "hold" her, and "force" him to kiss her. Mr. Reitman stated that he verbally expressed to Professor Ronell that he was not comfortable with this touching, but that Professor Ronell would continue, despite his objections.

In addition to the above-described physical contact, Mr. Reitman alleges that Professor Ronell consistently subjected him to verbally harassing language that was sexual or intimate in nature during the tenure of their relationship and, correspondingly, "insisted" that he use affectionate language with her. Specifically, Mr. Reitman stated that Professor Ronell required him to engage in "rhetorical cushioning" in their communication, and express his affection for her, even if he "[did not] mean it."

Mr. Reitman has claimed that, if he refused to comply with Professor Ronell's requests, or tried to limit his time with her, she would become upset and impede their work together, such as, by not responding to his emails or refusing to review his writing.

Moreover, Mr. Reitman alleges that, throughout his three years at NYU, Professor Ronell would inquire about and make comments regarding his romantic life and sexuality, and use "profane language about [his] body." He stated that, in response, he told her that he found her comments to be "completely inappropriate." He provided some correspondence he believed corroborated such efforts. See examples provided in the Final Report, page 13:

- From Professor Ronell to Mr. Reitman: "When for instance you said the other day that you felt that we spoke enough, or even a lot, on the phone, the incommensurateness of my demande began to dawn on me, and I thought that you were asking that I dial it down. Very reasonably." (see Attachment C, dated October 4, 2012 at 3:07 p.m.);
- From Mr. Reitman to Professor Ronell: "I am your best friend, and I intend to be that person as long as you will accept it. This is not something we have to talk about again and again. . . . I do not think, and here, we always seem to diverge, that there is constant need for verbalization and reassurance of my friendship

and my feelings again and again." (see Attachment C, dated December 24, 2012, at 11:34 p.m.); and,

- From Mr. Reitman to Professor Ronell: "I was scared; I am scared, as you yourself have said in the in the [sic] beautiful phone call we have had that you are feeling like a 'jealous husband,' and though this is always taken with a smile, there is that aspect of husband jealousy that is nonetheless present and that I fear and must have dictated the way I read what you have written. I am scared when there is a talk of 'us' in relation to new or old love, and even though I know that you are aware of our 'limits,' I think that we tend to forget." (see Attachment C, dated June 18, 2013 at 5:59 p.m.).

Mr. Reitman alleges that, over the course of their working relationship together, Professor Ronell required that he take her to the opera, Carnegie Hall, out to dinner, to visit her mother, and also required him to do yoga with her (during which she would allegedly touch his body), and paint his fingernails and toenails.

Professor Ronell denies Mr. Reitman's allegations of inappropriate physical contact, and alleges, in essence, that her use of "flamboyant" language with Mr. Reitman was consensual, as she was "responding in kind" to his "dialect" and "constant dotting [of her]."

As to Mr. Reitman's above-summarized allegations of sexual harassment, the applicable University policies are: NYU's Non-Discrimination and Anti-Harassment Policy, effective date, August 2011; NYU's Policy on Sexual Assault, Harassment, and Other Forms of Sexual Misconduct, effective date, August 15, 2012; NYU's Policy on Sexual Assault, Harassment, and Other Forms of Sexual Misconduct, effective date, August 15, 2013; and, NYU's Sexual Misconduct, Relationship Violence, and Stalking Policy, effective date, September 30, 2014. While the language defining the prohibited conduct of sexual harassment has varied amongst these policy iterations, all provide that, at a minimum, sexual harassment includes unwelcome verbal or physical conduct of a sexual nature, where such conduct interferes with an individual's academic or work performance, is an explicit or implicit term or condition of the supervisory relationship, or creates an intimidating, hostile, or offensive work or academic environment.

#### ii. Analysis

After a thorough investigation, careful review of the testimonial and documentary evidence, and consideration of the totality of circumstances, the investigators have determined that there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility that Professor Ronell violated the applicable University's Sexual Misconduct Policies as it relates to sexual harassment, as noted below.

#### a. Verbal Contact

First, as to Mr. Reitman's allegations of inappropriate verbal contact, the Investigators have determined there is sufficient evidence to demonstrate such contact occurred. Professor Ronell's general denial, by itself, does not end the Investigators' inquiry in this matter.

It should go without saying that a faculty member's repeated use of pet names and utterance of statements, of an intimate or sexual nature, to a student, where such conduct is unwanted, is inappropriate and violates the policies. To support his allegations, Mr. Reitman provided a sampling of *dozens* of emails from Professor Ronell during which she referred to him by pet names and made statements of an intimate or sexual nature; the Investigators find that this conduct crossed professional boundaries and, for the reasons discussed below, was unwanted by Mr. Reitman. The sampling of emails support Mr. Reitman's allegations that the inappropriate verbal contact was not isolated in nature but, instead, regularly occurring, thereby demonstrating a pattern of inappropriate behavior. See examples provided in the Final Report, pages 10-12:

- "My most darling" (see Attachment C, dated July 22, 2012, at 4:52 a.m.);
- "Baby love angel" (see Attachment C, dated February 7, 2015, at 9:05 p.m.);
- "My sacred" (see Attachment C, dated June 10, 2012, at 10:40 a.m.);
- "Awesome warrior angel" (see Attachment C, dated June 11, 2012, at 7:43 p.m.);
- "My astounding and beautiful" and "my darling" (see Attachment C, dated June 12, 2012, at 11:40 p.m.);
- "Honig" (German for "honey") (see Attachment C, dated June 8, 2012, at 3:09 p.m.);
- "Honey" (see Attachment C, dated May 25, 2014, at 5:04 a.m.);
- "My angel glory" (see Attachment C, dated June 30, 2014, at 12:05 a.m.);
- "Baby" (see Attachment C, dated June 30, 2014, at 12:16 a.m.);
- "My love" and "sweet baby" (see Attachment C, dated August 1, 2014, at 4:07 p.m.);
- "Milk & Honey" (see Attachment C, dated June 17, 2012, at 10:52 p.m.);
- "Sweet cuddly Baby" and "my cherished" (see Attachment C, dated September 29, 2014, at 1:21 a.m.);
- "My extreme beloved" (see Attachment C, dated October 1, 2014, at 7:01 p.m.);
- "My sweetest, most transcendent" (see Attachment C, dated July 20, 2012, at 3:58 a.m.);
- "My joy" (see Attachment C, dated July 12, 2012, at 3:07 p.m.);
- "Mon adore" (French for "my love") (see Attachment C, dated July 12, 2012, at 6:02 p.m.);
- "My treasured" (see Attachment C, dated June 21, 2012, at 4:04 a.m.);
- "My most adored one" (see Attachment C, dated October 4, 2012, at 3:07 p.m.);
- "Most Honey-bunny" (see Attachment C, dated June 22, 2013, at 10:26 p.m.);
- "My most divine miracle" (see Attachment C, dated July 18, 2013, at 4:32 p.m.);

- "Sweet-companion prince" (see Attachment C, dated August 26, 2012, at 1:51 p.m.);
- "Most cherished" (see Attachment C, dated August 21, 2012, at 1:09 p.m.);
- "Love of lives" (see Attachment E); and
- "Cock-er spaniel" (see Attachment G).
- "I am overcoming my extreme form of intimacy, cocooning with you, sealing myself into you . . ." (see Attachment C, dated June 10, 2012, at 10:40 a.m.);
- "Endless trail of kisses" (same);
- "Sweetest honey-kisses" (see Attachment C, dated June 11, 2012, at 7:43 p.m.);
- "Sweet kisses and champagne" (see Attachment C, dated June 12, 2012, at 11:40 p.m.);
- "I am so connected to u" and "loving u tremendously" (see Attachment C, dated June 30, 2014, at 12:05 a.m.);
- "Your throne in my heart" (see Attachment C, dated June 30, 2014, at 12:16 a.m.);
- "I bestow a kiss upon you, as we used to, mid-day and afternoons." (see Attachment C, dated August 1, 2014, at 4:07 p.m.);
- "Loving you downtown and all around the town!" (see Attachment C, dated October 1, 2014, at 7:01 p.m.);
- "Time for your midday kiss. My image during meditation: we're on the sofa, your head on my lap, stroking you [sic] forehead, playing softly with yr [sic] hair, soothing you, headache gone. Yes?" (see Attachment C, dated July 3, 2012, at 7:27 p.m.);
- "Pls hold me a little tighter." (see Attachment C, dated July 20, 2012, at 3:58 a.m.);
- "Please do not threaten me or yourself with 'shattering us.'" and "I do not like to be in the position of supplicating for more of your attention or time." (see Attachment C, dated December 25, 2012, at 12:30 a.m.);
- "I wish I could kidnap you . . ." and "Baby, let me massage your feet." (see Attachment C, dated July 18, 2013, at 5:19 p.m.);
- "I miss you greatly and announce that I now am on a need to hear from you basis." (see Attachment C, dated July 29, 2013, at 4:53 a.m.);
- "I haven't told you enough how much I truly am in awe of you . . . you have engraved in me an image of you that is ineffaceable." (see Attachment C, dated August 21, 2012, at 1:09 p.m.);
- "Now let's cuddle like cubs." (see Attachment C, dated May 10, 2014, at 4:16 a.m.);
- "You looked gorgeous. Couldn't keep my eyes off you!!!" (see Attachment C, dated September 30, 2014, at 5:04 a.m.);
- "I am having a hard time letting you go and want, if possible, to retrieve the idea of a 'date' that we agreed upon months ago." (see Attachment C, dated December 17, 2012, at 3:58 p.m.);
- "Loving you all around the universe and university!" (see Attachment C, dated October 1, 2014, at 7:58 p.m.); and,

- "I am aglow, devoted to you, to us – and our daughter! Adoring you." (see Attachment E).

Contrary to Professor Ronell's claim that her use of language with Mr. Reitman was consensual, Mr. Reitman has provided documentary evidence demonstrating that, at least on several occasions, (1) he tried to establish boundaries with Professor Ronell<sup>56</sup> and (2) she nonetheless insisted that he use "flowery" language with her. See Attachment G (Voicemails from Professor Ronell to Mr. Reitman: "Please next time add some layers of warmth"; "I love you too does not cut it, darling."). Even if Mr. Reitman had not verbally objected to Professor Ronell's language, the Investigators find that the conduct was unwanted under the circumstances here, including the nature and extent of the communications; evidence that Professor Ronell requested that Mr. Reitman engage in this type of communication; and, the power differential between Professor Ronell, a senior tenured faculty member who was cognizant of her own influence and reputation in her field, and Mr. Reitman, a then-graduate student in the same department as Professor Ronell.<sup>57</sup>

In order to establish a hostile environment, the conduct must be sufficiently severe or pervasive as to alter the terms and conditions of the learning environment. This often depends upon the totality of the circumstances, and takes into consideration the frequency and severity of the conduct, as well as many other factors. Under the applicable policy, incidents, unless sufficiently severe, must be more than episodic; they must be sufficiently continuous and concerted in order to be deemed pervasive so as to unreasonably interfere with the learning environment. The language employed by Professor Ronell when addressing Mr. Reitman, in its totality, rises to the level of a policy violation, as these actions over a three-year period were both objectively and subjectively sufficiently pervasive to alter the terms and conditions of Mr. Reitman's learning environment.

#### b. Physical Contact

Second, as to Mr. Reitman's allegations of inappropriate physical contact, the Investigators have determined there is sufficient evidence to demonstrate such contact occurred and was unwanted. Mr. Reitman largely claims that the inappropriate physical contact occurred during private interactions with Professor Ronell, with the exception of limited interactions between the two that Mr. Reitman indicated were observed on separate occasions by others. At Mr. Reitman's suggestion, the Investigators interviewed nineteen witnesses. A number of these witnesses corroborated that Mr. Reitman shared with them that he felt "harassed" or otherwise had conflicts with Professor Ronell. Only two of the witnesses stated that they observed Professor Ronell

<sup>56</sup> See, e.g., Attachment C, dated October 4, 2012 at 3:07 p.m.; Attachment C, dated December 24, 2012, at 11:34 p.m.; Attachment C, dated June 18, 2013 at 5:59 p.m.

<sup>57</sup> That Professor Ronell may have employed similar language with friends or professional colleagues does not excuse or diminish her behavior. See Attachment CC, Exhibits B, C, D. If anything, it highlights her failure to appreciate her supervisory role over students and the high standards of professional conduct expected of her as a faculty member.

engage in inappropriate physical contact with Mr. Reitman; however, it should be noted that these two witnesses have a close familial relationship with Mr. Reitman (i.e., Ms. Pincus is Mr. Reitman's mother; and, Professor Andrews is Mr. Reitman's husband). Additionally, two other witnesses with a close relationship with Mr. Reitman (i.e., Mr. Israeli and Ms. Borer, both "close friends" of Mr. Reitman) indicated that Mr. Reitman reported to them that Professor Ronell engaged in inappropriate physical contact with him (i.e., kissing and/or hugging). Further, the written verbal communication, discussed above, references physical contact on multiple occasions:

- "I bestow a kiss upon you, as we used to, mid-day and afternoons." (see Attachment C, dated August 1, 2014, at 4:07 p.m.);
- "Time for your midday kiss. My image during meditation: we're on the sofa, your head on my lap, stroking you [sic] forehead, playing softly with yr [sic] hair, soothing you, headache gone. Yes?" (see Attachment C, dated July 3, 2012, at 7:27 p.m.);
- "Pls hold me a little tighter." (see Attachment C, dated July 20, 2012, at 3:58 a.m.);
- "I wish I could kidnap you . . ." and "Baby, let me massage your feet." (see Attachment C, dated July 18, 2013, at 5:19 p.m.);
- "Now let's cuddle like cubs." (see Attachment C, dated May 10, 2014, at 4:16 a.m.);
- "I am having a hard time letting you go and want, if possible, to retrieve the idea of a 'date' that we agreed upon months ago." (see Attachment C, dated December 17, 2012, at 3:58 p.m.).

While Professor Ronell claims that her language was merely "flamboyant" and not reflective of actual physical contact that had occurred between the two, the Investigators find that it was more likely than not that her language was demonstrative of inappropriate physical contact that had transpired in the past between the two.<sup>58</sup>

In sum, the Investigators find, based on the preponderance of the evidence, that the physical contact between Professor Ronell and Mr. Reitman – as corroborated by some witnesses and some of the very language used by Professor Ronell – rises to the level of a policy violation, as these actions over a three-year period were unwanted and sufficiently pervasive to alter the terms and conditions of Mr. Reitman's learning environment, particularly when combined with the unwanted verbal contact discussed above.

<sup>58</sup> Professor Ronell provided video footage of a videotaped interaction between her and Mr. Reitman during which she can be observed in the process of reaching out to touch Mr. Reitman's collar area before she stops herself and says, "I don't touch." See Attachment AA. The Investigators find that it is more likely than not that the only reason Professor Ronell stopped herself from touching Mr. Reitman on that occasion was because she realized she was being videotaped.

## 2. Sexual Assault: Non-Consensual Sexual Contact

### i. Summary of Allegations

Mr. Reitman alleges that, in addition to the above-described physical contact he experienced by Professor Ronell, she also engaged in non-consensual sexual contact on several occasions, from approximately spring of 2012 until June of 2015. Mr. Reitman stated that her touching of his buttocks began during the above-referenced May 2012 Paris trip, when Professor Ronell purportedly required him to lie in bed with her in a "spoon[ing]" position and touched his "crotch" over his clothes, with her buttocks, by pushing her body into his. He stated that, during this visit, Professor Ronell also grabbed his hands and had him touch her breasts, by placing Mr. Reitman's hands on her breasts and holding her hands over his hands.

Additionally, Mr. Reitman alleges that, over the next three years (i.e. until spring of 2015), including in October of 2012 during Hurricane Sandy, Professor Ronell touched his body (as noted above), and specifically, touched his buttocks, without his consent.

As to Mr. Reitman's above-summarized allegations of sexual assault, the applicable University policies are: NYU's Non-Discrimination and Anti-Harassment Policy, effective date, August 2011; NYU's Policy on Sexual Assault, Harassment, and Other Forms of Sexual Misconduct, effective date, August 15, 2012; NYU's Policy on Sexual Assault, Harassment, and Other Forms of Sexual Misconduct, effective date, August 15, 2013; and, NYU's Sexual Misconduct, Relationship Violence, and Stalking Policy, effective date, September 30, 2014. While the language defining the prohibited conduct of sexual assault has varied amongst these policy iterations, all provide that, at a minimum, sexual assault is a sexual act against the will and without the consent of an individual.

### ii. Analysis

After a thorough investigation, careful review of the testimonial and documentary evidence, and consideration of the totality of circumstances, the Investigators have determined that there is insufficient information, by a preponderance of the evidence, to support a finding of responsibility that Professor Ronell violated the University's Sexual Misconduct Policies as it relates to non-consensual sexual contact.

Similar to the allegations of inappropriate physical contact discussed above, Mr. Reitman largely claims that the inappropriate sexual contact occurred during private interactions with Professor Ronell, with the exception of limited interactions between the two that Mr. Reitman indicated were observed on separate occasions by others. Of the four corroborating witnesses discussed above, only the two witnesses with a close familial relationship with Mr. Reitman (i.e., Ms. Pincus, Mr. Reitman's mother; and, Professor Andrews, Mr. Reitman's husband) corroborated observing some of Mr. Reitman's allegations regarding inappropriate physical contact; however, neither of these individuals purport to have observed any contact that would rise to the level of



sexual contact under the policy. Further, of the two other witnesses who indicate that Mr. Reitman disclosed to them that Professor Ronell touched him inappropriately, neither stated that Mr. Reitman ever reported to them that Professor Ronell touched his breasts, buttocks, groin, or genitals; rather, as indicated in their statements, they indicated hand-holding, kissing, hugging and touching of the torso. In sum, none of the witnesses identified by Mr. Reitman, including those with whom he has a close familial relationship, corroborated his allegations of sexual contact. As such, the Investigators have determined that there is currently insufficient evidence to find, by a preponderance of the evidence, that Professor Ronell engaged in prohibited non-consensual sexual contact.

### 3. Stalking

#### i. Summary of Allegations

Mr. Reitman alleges that, during their working relationship, Professor Ronell contacted him, in various ways (e.g., via phone, email, Skype), often on a daily basis, and multiple times a day, and demanded – both verbally and in writing – that she needed him to be in contact with her. Mr. Reitman stated that, if he ignored Professor Ronell's calls, she would persistently attempt to reach him until he answered her, and that once they were on the phone together, their calls would often last for several hours, were primarily one-sided (i.e., Professor Ronell did a majority of the speaking), and the substance of their conversation was mostly personal in nature. Moreover, in addition to this correspondence, Mr. Reitman has claimed that Professor Ronell demanded/required that he meet with her, in person, on weekends, at her apartment, and outside of regular/business hours.

As to Mr. Reitman's above-summarized allegations of stalking, the applicable University policies are: NYU's Policy on Sexual Assault, Harassment, and Other Forms of Sexual Misconduct, effective date, August 15, 2012; NYU's Policy on Sexual Assault, Harassment, and Other Forms of Sexual Misconduct, effective date, August 15, 2013; and, NYU's Sexual Misconduct, Relationship Violence, and Stalking Policy, effective date, September 30, 2014. Under the 2012 and 2013 policies, stalking was prohibited as an example of sexual harassment, and did not have a definition as a separate prohibited act. Subsequently, in the 2014 policy, stalking was identified as an independent prohibited act, and defined as occurring, "when a person engages in a course of conduct toward another person under circumstances that would cause a reasonable person to fear bodily injury or experience substantial emotional distress."

#### ii. Analysis

After a thorough investigation, careful review of the testimonial and documentary evidence, and consideration of the totality of circumstances, the Investigators have determined that there is insufficient information, by a preponderance of the evidence, to support a finding of responsibility that Professor Ronell violated the University's Sexual Misconduct Policies as it relates to stalking.

Both Mr. Reitman and Professor Ronell have provided documentary evidence demonstrating that the volume of correspondence between the two was significant, and that both parties frequently initiated such correspondence. Additionally, there is insufficient information to suggest that the correspondence was largely unrelated to their working relationship.

While Mr. Reitman provided some limited medical records to demonstrate he subjectively experienced emotional distress as a result of Professor Ronell's conduct, these records were incomplete and therefore of questionable reliability.<sup>59</sup> Furthermore, the Investigators do not find, based on the preponderance of the evidence, that a reasonable person under like circumstances would have experienced substantial emotional distress or feared bodily injury.

#### 4. Retaliation

##### i. Summary of Allegations

Mr. Reitman alleges that Professor Ronell has subjected him to retaliation by negatively impacting his professional career, since his graduation from NYU in spring of 2015. Specifically, Mr. Reitman has claimed that he has been unable to find adequate work in academia, because Professor Ronell has not provided the requisite support as his advisor and has actively thwarted his job prospects, including by not providing sufficiently tailored recommendation letters.

As to Mr. Reitman's above-summarized allegations of retaliation, the applicable iterations of the University sexual misconduct policy are those effectively dated: September 30, 2014; September 30, 2015; October 13, 2016, and August 25, 2017. All policies utilize identical language for the prohibited act of retaliation, which is defined as, "any adverse action taken against an individual for making a good faith report of Prohibited Conduct or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy."

In assessing whether retaliation, under this definition, has occurred, the Investigators must determine: (1) if there is a protected activity; and, (2) if any adverse action was taken against the Complainant for engaging in such protected activity (e.g. termination, demotion, or any other materially adverse action that would dissuade a reasonable

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<sup>59</sup> It should be noted that the limited medical records that were provided by Mr. Reitman were delivered to the OEO as two hard copy exhibits. One of these exhibits included six pages of handwritten and illegible records that were then purportedly read by the original doctor to Mr. Reitman who transcribed the content of the records. This exhibit included three unexplained redactions. The second exhibit included one page of a medical record from NYU's Wellness Center and contained two sections of redactions, also with no explanation.

employee from making a charge of discrimination). Additionally, there must be a causal connection between the protected activity and the adverse action taken.

ii. Analysis

After a thorough investigation, careful review of the testimonial and documentary evidence, and consideration of the totality of circumstances, the Investigators have determined that there is insufficient information, by a preponderance of the evidence, to support a finding of responsibility that Professor Ronell violated the University's Sexual Misconduct Policies as it relates to retaliation.

As an initial matter, Mr. Reitman does not claim that he previously reported Professor Ronell's behavior to the OEO prior to the instant investigation, or that he otherwise participated in an investigation or proceeding under the policy prior to this investigation. Instead, Mr. Reitman claims that he engaged in protected activity by complaining directly to Professor Ronell about her prohibited conduct. Even assuming arguendo that he did, there is insufficient information to demonstrate that Professor Ronell took any adverse action against him for engaging in such activity. As Mr. Reitman concedes, he secured two post-graduate fellowships with the assistance of Professor Ronell who, contrary to Mr. Reitman's subjective belief, prepared recommendations letters for him that were comparable to those for other former students. Equally important, Mr. Reitman acknowledged the "saturated [job] market" – a legitimate, non-retaliatory factor relevant to his search for a position in academia. Furthermore, as corroborated by Professor Wood, Professor Ronell had spoken to him about securing Mr. Reitman a teaching position in the Department, which Professor Wood ultimately declined due to lack of Department resources.

**VII. CONCLUSION**

After a thorough investigation, careful review of the testimonial and documentary evidence, and consideration of the totality of circumstances, the Investigators have determined, in accordance with the analysis above, that there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility that Professor Ronell engaged in sexual harassment of Mr. Reitman over a three-year period, and thereby violated the applicable University policies. Accordingly, this matter will be referred to the Office of the Provost and to the Dean of the College of Arts & Science for further action, as per the applicable procedures.