

Executive Summary

Final Investigation Report

Complainant: former Dartmouth PhD student Maha Hasan Alshawi

Respondent: Professor Alberto Quattrini Li

April 30, 2021

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I. OVERVIEW OF INVESTIGATION

On or about August 5, 2020, Dartmouth College engaged Maureen Holland and Peter Lim of the Institutional Response Group at Cozen O'Connor to conduct an investigation into allegations of Sexual or Gender-Based Harassment and Retaliation made by then-PhD student Maha Hasan Alshawi ("Complainant") against eight Dartmouth employees. At the request of the parties and the College, each of the final investigation reports will be made public.

The first of the final investigation reports concerns Complainant's allegations against Professor Alberto Quattrini Li ("Respondent"). This the final report in that matter.

1. Information Provided by the Parties

Between August 2020 and February 2021, we met regularly with Complainant and her advisor, Wendy Rogovin, Esq., via Zoom. In those meetings, Complainant shared information about her experiences and read us her written summaries of events and email correspondence with various Dartmouth personnel. Altogether, Complainant participated in thirteen audio-recorded interviews totaling 27 hours and 12 minutes. The interviews covered her allegations against Respondent Li and the seven other Respondents. Following her interviews, Complainant provided us with selected email correspondence.

In February 2021, Respondent participated in three audio-recorded interviews totaling 2 hours and 42 minutes. Following his interviews, Respondent provided us with travel receipts, Slack communications, email correspondence, and other relevant documents.

2. Initial Investigation Report and Parties' Opportunities to Review

On March 26, 2021, we prepared an initial investigation report and an appendix which contained all of the relevant information and facts gathered during the investigation and contained our preliminary findings. We shared the initial investigation report with both parties and provided them with the opportunity to respond in writing or orally, to offer additional comments or feedback, to clarify information previously shared, suggest additional witnesses, suggest additional lines of questioning or inquiry, or identify any other relevant information or evidence to assure the thoroughness, sufficiency, and reliability of the investigation.

Respondent reviewed the report on March 26, 2021, and provided a brief written response.

Complainant reviewed the initial investigation report on April 3, 2021. At Complainant's advisor's request, we granted Complainant an extension of time to respond to the report and

scheduled two Zoom meetings to meet with Complainant. Complainant did not attend either Zoom meeting and did not respond to the initial investigation report.

Between April 7 and April 16, 2021, we finalized the investigation report.

II. SUMMARY OF FINDINGS

1. Allegation 1

Complainant reported that, on an unknown date between November 6 and November 11, 2019, in a one-on-one meeting between Complainant and Respondent in his office in Sudikoff Hall, Respondent grabbed or fondled his genitals while making eye contact with Complainant in a “challenging” and “What are you going to do about it?” way. Complainant further reported that the incident took place for 20-30 seconds. Complainant said she told Respondent that she did not feel safe in the laboratory and would not tolerate such conduct.

In response to Allegation 1, Respondent raised four points: First, he said he did not and would never engage in such conduct. Second, he stated that, from November 4 until November 11, 2019, he was in Washington, DC, and then Macau, China, for professional conferences and, therefore, it was physically impossible that the conduct occurred as Complainant described. Third, he stated that, on December 11, 2019, Complainant disclosed to him that her former professor at the American University in Cairo (“AUC”) “touch[ed] his private area inappropriately” whenever Complainant went into that professor’s office. Respondent noted that Complainant’s description about her former professor’s behavior mirrored Complainant’s eventual Title IX complaint against Respondent. Fourth, he stated that his interactions with Complainant in person and online showed that they had a positive professor-student relationship and were inconsistent with the occurrence of inappropriate conduct in the November 6-11 timeframe or at any other time.

We find Respondent not responsible as to Allegation 1. Based on the information Respondent provided, we find that the facts support that Respondent was not at Dartmouth during the relevant timeframe. Moreover, we find that Complainant’s near-identical report against her former AUC professor, her decision not to disclose that report to us on the record, and her decision to withhold the email in which she disclosed that report to Respondent, reflect negatively upon the credibility and reliability of her report. Finally, consistent with Respondent’s account, we note that the parties’ Slack and email communications reflect consistently positive and supportive communications between the parties from the beginning of their interactions in June 2019 through the end of their Slack messages on February 9, 2020. Those communications are inconsistent with Complainant’s statement that Respondent “made [her] fear for [her] safety whenever [she] was in his presence.”

2. Allegation 2

Complainant reported that, on November 12, 2019, after she told Respondent that she did not feel safe in the laboratory, Respondent used his master key to unlock the door to Complainant’s office and allowed another graduate student into the office without Complainant’s permission.

In response to Allegation 2, Respondent acknowledged that the entry occurred but provided additional context. Respondent said that Complainant had been sharing a robot with other student teammates and that Respondent used his master key to enter Complainant's empty office, which she shared with another graduate student, solely to permit Complainant's teammate to retrieve their shared robot. Respondent added that he ensured that the door to Complainant's office was closed and locked afterward.

We find Respondent not responsible as to Allegation 2. The sole issue is whether the entry into Complainant's office constituted Retaliation and/or Sexual or Gender-Based Harassment—i.e. whether it was an adverse action or threat against Complainant to discourage her from reporting prohibited conduct or engaging in other protected activity such that it would qualify as Retaliation, and/or whether it constituted an act of intimidation or hostility based on sex that was sufficiently severe, pervasive, or persistent as to cause a hostile environment such that it would qualify as Sexual or Gender-Based Harassment. We find that there is insufficient information to support a finding that Respondent's entry into Complainant's office was an adverse action or threat against Complainant. We likewise find that there is insufficient information to support a finding that Respondent's entry into Complainant's office was an act of intimidation or hostility on the basis of sex. Instead, we credit Respondent's assertion that the entry into Complainant's office was brief and for the sole purpose of allowing Complainant's teammate to access a piece of shared equipment. Moreover, we note that, prior to Respondent's entry into Complainant's office, Complainant's teammate communicated with Complainant about her need to access their shared robot and Complainant responded that it was in her office. While this communication was not required to justify Respondent opening Complainant's office, it is consistent with Respondent's statement that the entry was brief, reasonable, and for the stated purpose.

3. Allegation 3

Complainant reported that, on an unknown date between November 12 and December 9, 2019, during a one-on-one meeting with Respondent in his office, Respondent told Complainant in an "aggressive" way, "I could dismiss you at any time from the lab if I want."

In response to Allegation 3, Respondent said that he never spoke to Complainant in such a way. Instead, he said that he always provided Complainant with support, recommended on-campus resources to her, and encouraged her to carefully consider important decisions such as dropping out of the PhD program, which she attempted to do on multiple occasions.

We find Respondent not responsible as to Allegation 3. We find that there is insufficient information to support a finding that Respondent made the alleged statement to Complainant. Instead, we find that the parties' communications, as documented over Slack and email, support a conclusion that Respondent took extraordinary steps to support Complainant and to assist her in continuing to access Dartmouth's education program despite the difficulties she was reporting with peers and as related to her previous experiences at the American University in Cairo.

4. Allegation 4

Complainant reported that, on December 9, 2019, in a one-on-one meeting between Complainant and Respondent in his office in Sudikoff Hall, Respondent grabbed or fondled his genitals while,

again, making eye contact with Complainant in a “challenging” and “What are you doing to do about it?” way. Complainant further stated that Respondent stood up and faced her before grabbing his genitals to ensure that Complainant clearly witnessed the act in question. Complainant stated that Respondent grabbed his genitals while making eye contact with her for more than one minute. Complainant said that, after the December 9 incident, she told Respondent that she would not return to the lab until she felt safe and comfortable. Complainant said that she stayed home for approximately three weeks after December 9, 2019, crying much of the time.

In response to Allegation 4, Respondent reiterated that he did not and would never engage in such behavior. Respondent acknowledged that he met with Complainant one-on-one on December 9, 2019, and provided his Slack communications with Complainant before and after that meeting. As to the report that, after December 9, Complainant told Respondent that she would not return to the lab until she felt safe and comfortable, Respondent provided Slack communications with Complainant which support that, at Complainant’s request, he and Complainant met again on December 11, January 7, January 9, January 24, January 27, and January 28 and that Respondent and Complainant were in consistent communication about computer coding and other academic issues between December 13, 2019, and January 27, 2020. As stated above, Respondent provided Slack and email communications showing that, on December 11, 2019, Complainant told Respondent that her former professor in Cairo “touch[ed] his private area inappropriately” whenever Complainant went into that professor’s office. Respondent noted that Complainant’s description about her former professor’s behavior mirrored Complainant’s eventual Title IX complaint against Respondent.

We find Respondent not responsible as to Allegation 4. Consistent with our findings with respect to Allegation 1, we find that Complainant’s near-identical report against her former AUC professor, her decision not to disclose that report to us on the record, and her decision to withhold the email in which she disclosed that report to Respondent, reflect negatively upon the credibility and reliability of her report. Moreover, consistent with Respondent’s account, we note that the parties’ Slack and email communications reflect consistently positive and supportive communications between the parties from the beginning of their interactions in June 2019 through the end of their Slack messages on February 9, 2020.

5. Allegation 5

Complainant reported that Respondent excluded her from an underwater robotics research trip to Barbados that occurred during the 2019-2020 winter break. Complainant reported that 1) she was the only graduate student working in underwater robotics under Respondent’s supervision who was excluded from the trip, 2) Respondent extended additional invitations to other students, some of whom were not working in underwater robotics and who were working with other professors, and 3) the work performed during the trip resulted in published research.

In response to Allegation 5, Respondent said that, at that time, Complainant had not made significant progress on research and, therefore, would not have benefitted from the opportunity to conduct field experiments. Further, Respondent noted that, in that very timeframe, Complainant had expressed an interest in dropping out of the PhD program and had notified Respondent that she wanted to take the winter break to think about whether she wanted to remain in the program. Finally, Respondent stated that Complainant was not the only graduate student working in the

robotics lab who was not on the trip, and that the trip was limited to four students whose active research projects necessitated field trials.

We find Respondent not responsible as to Allegation 5. The sole issue is whether Complainant’s exclusion from the trip constituted Retaliation and/or Sexual or Gender-Based Harassment—i.e. whether it was an adverse action or threat against Complainant to discourage her from reporting prohibited conduct or engaging in other protected activity such that it would qualify as Retaliation, and/or whether it constituted an act of intimidation or hostility based on sex that was sufficiently severe, pervasive, or persistent as to cause a hostile environment such that it would qualify as Sexual or Gender-Based Harassment. We find that there is insufficient information to support a finding that Complainant’s exclusion from the trip constituted an adverse action or threat against Complainant. Rather, we find that the facts support a conclusion that Complainant was not included in the trip for legitimate reasons, including that, less than a month before the trip, she attempted to resign from the PhD program and that, as of the time of the trip, she had expressed a desire to take the winter break to think about whether she would remain enrolled in the program.

6. Allegation 6

Complainant reported that, sometime during the last week of January 2020, she told Respondent that she intended to file a complaint with the Title IX Office. Complainant reported that Respondent said, “I could come with you to report.” Complainant said that she did not respond to Respondent because she was “very uncomfortable” when he said that.

In response to Allegation 6, Respondent said that Complainant never told him that she was going to file a Title IX complaint. He said, however, that whenever Complainant raised concerns, such as those that she raised about her prior experiences in Egypt, Respondent encouraged her to access appropriate on-campus resources and to continue to see him as an available resource and source of support.

We find Respondent not responsible as to Allegation 6. We find that there is insufficient information to support a finding that Respondent told Complainant that he would go with her to the Title IX Office. The parties’ Slack and other communications support Respondent’s account that he was consistently supportive toward Complainant and are inconsistent with Complainant’s report that Respondent attempted to interfere with her reporting to Title IX. We further find that, even if Professor did tell Complainant that he would accompany her to the Title IX Office, it was not an adverse action or threat against Complainant such that it would qualify as a policy violation because, according to Complainant, she did not indicate in any way that she planned to report *his conduct* to Title IX. Instead, Complainant told us that she told Respondent she was going to report “her experiences in the department.”

7. Allegation 7

Complainant reported that, during the 2019-2020 academic year but after December 9, 2019, Respondent actively discouraged Complainant from interacting with her peers. Additionally, Complainant said that during a one-on-one conversation in Respondent’s office, Respondent discouraged Complainant from interacting with anyone outside of the laboratory. According to Complainant, Respondent displayed “anger” and “aggression” toward her every time he saw her

interacting with peers. Complainant said that Respondent's conduct had a deleterious effect on her studies and professional advancement.

In response to Allegation 7, Respondent said this did not happen and, to the contrary, he encouraged Complainant to interact and work with her peers. He noted that, pursuant to Complainant's request, he agreed that Complainant could work by herself, but that the arrangement was solely because Complainant asked that she be permitted to work independently.

We find Respondent not responsible as to Allegation 7. We find that there is insufficient information to support a finding that Respondent discouraged Complainant from interacting with her peers. The parties' Slack and other communications are consistent with Respondent's account that he encouraged and supported Complainant, and are inconsistent with Complainant's report that Respondent attempted to interfere with her relationships or isolate her from her peers. Second, while not a formal allegation, Complainant stated that Respondent sat near her and stared at her during a Machine Learning lecture on March 13, 2020, and that, after the lecture, he followed her out of the classroom and tried to get her to go back to the lab to work. Respondent said that he did not attend the Machine Learning lecture and provided us a receipt showing that he was at a restaurant about thirty miles away from campus near the time of the lecture. Although the receipt does not prove, in and of itself, that Respondent could not have been at the lecture as he theoretically could have driven directly from the restaurant to classroom and attended the lecture, we find that the evidence supports Respondent's position that he was not present, even if it does not conclusively prove the same. We reiterate that the parties' Slack and other communications and inconsistent with Complainant's account that Respondent was not supportive or attempted to isolate her from her peers. Instead, the parties' contemporaneous communications support Respondent's account that he made many efforts to encourage Complainant to build connections in the Dartmouth community.

III. DARTMOUTH'S TITLE IX RESPONSE

Complainant asked that we evaluate the College's Title IX response to her February 2020 report that Respondent touched his genitals in her presence. Complainant stated that the College did not explain why it was not moving forward with a Title IX investigation at that time and did not provide her with written documentation of the College's initial assessment of her report. We interviewed Complainant, the Title IX Coordinator Kristi Clemens, and the Deputy Title IX Coordinator for Response, Gary Sund. We also reviewed the Title IX Coordinator and Deputy Coordinator's contemporaneous handwritten and typed notes from their meetings with Complainant and reviewed Complainant's correspondence with Title IX personnel.

1. Whether the Conduct Constituted a Potential Policy Violation

We find that, based upon the information available to the Title IX Office in February 2020, Title IX made a reasonable determination, based on the information shared with the Title IX Office at that time, that the reported conduct did not constitute a potential violation of the Policy. Complainant's description of the conduct at that time, even if substantiated, did not indicate that the conduct was of a sexual nature. Instead, Complainant's description was limited to the statement that Respondent touched his genitals while in her presence, despite a specific request from the Title IX Office for additional details at the time. Without additional detail, such as the

surrounding context and additional information Complainant later shared during this investigation about the duration, extended eye contact, and facial expression, the conduct was described in such a manner that the Title IX Office inferred that the touching was accidental or incidental. In other words, the conduct, even if substantiated as described in February 2020, would not be sufficient to meet the element that the conduct be an unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature. Moreover, Complainant’s description to Title IX did not include sufficient information to tie the conduct to either hostile environment or quid pro quo harassment. Without the additional details Complainant later provided to us, the report appeared to be as Mr. Sund conveyed it to Respondent in February 2020: that Complainant reported that Respondent was “touching” or “scratching” his genital area while meeting with Complainant on two occasions.

2. Initial Assessment

We find that Title IX followed its written pre-investigation procedures and accurately explained to Complainant why the matter did not result in a written Initial Assessment. We note that Dartmouth’s Process for Resolving Reports Against Faculty provides for a two-step pre-investigation process, the first step of which is a threshold jurisdictional analysis that asks whether the facts set forth in the report, if substantiated, would constitute a policy violation. It is only the second step, called the Initial Assessment, that results in a written communication explaining the College’s analysis. Title IX’s evaluation of Complainant’s report ended at the first step—the threshold jurisdictional analysis—and did not proceed to the second step—the Initial Assessment—because, as noted above, the information Complainant provided did not indicate that the reported conduct, if substantiated, would qualify as conduct “of a sexual nature.” While Title IX’s communications with Complainant could have been clearer by avoiding use of the words “initial” and “assessment” to refer to the threshold jurisdictional analysis, the plain language of the emails made clear that the Title IX Office ended its inquiry at that first step. We find that the Title IX Office followed its procedures, conducted the threshold jurisdictional assessment, determined that—accepting the reported conduct as true—it did not qualify as a potential policy violation, and notified Complainant in writing that it was not moving forward with an investigation.

In sum, we find the Title IX Office’s response reasonable in light of the information available to them at the time. We further find that the Title IX Office provided Complainant with an oral and written explanation that the matter would not proceed to an investigation, which was consistent with the College’s pre-investigation procedures.

IV. CONCLUSION

Upon a consideration of all of the available information, we find that there is insufficient evidence to support, by a preponderance of the evidence, a finding that Respondent engaged in any conduct that would constitute Sexual or Gender-Based Harassment or Retaliation. Therefore, we find the Respondent not responsible for Allegations 1 through 7. We also find that the College followed its procedures and reached reasonable and factually-supported conclusions in evaluating the information available to them at the time.