



October 23, 2019

MEMO TO: Mark Richards, Provost  
Office of the Provost

FROM:  Ian Messerle, Manager  
University Complaint Investigation and Resolution Office

RE: John D. Sahr



## **I. BRIEF OVERVIEW**

I am filing this written report pursuant to University of Washington Faculty Code, Section 28-32, as reasonable causes exist to adjudicate charges that Dr. John D. Sahr, Professor, Electrical and Computer Engineering has violated University of Washington policies prohibiting sexual harassment and conflict of interest.

Dr. Sahr violated Executive Order 31, the University's policy prohibiting, among other things, sexual harassment, because he had sexual contact with a seventeen year-old University student at a time when he had a position of authority over that student. My determination is that he exploited his position as Interim Director of the Robinson Center for Young Scholars to gain that student's consent to sexual activity. He violated the University's conflict of interest policy because he engaged in decision making about a scholarship award for that student and did not disclose his prior sexual activity with the student nor his ongoing friendship nor did he recuse himself from the decision making. Dr. Sahr also violated the University's conflict of interest policy because he was in a sexual relationship with a different student at a time when he was the chair of that student's dissertation committee and responsible for the supervision and evaluation of her academic work. Again, he neither disclosed this sexual relationship nor did he recuse himself from decision making.

The allegations relate to behavior that took place from approximately 2006-2010. The University was not made aware of the concerns until February, 2019. This investigation followed at the request of the College of Engineering.

## **II. SCOPE OF INVESTIGATION**

The scope of UCIRO's investigation was whether Dr. Sahr violated either Executive Order 31 by sexually harassing undergraduate student , who at the time was seventeen years-old, and/or sexually harassing his former Ph.D student, , or whether he violated University conflict of interest policies regarding those same students.

### **III. APPLICABLE POLICIES**

The policies that I applied were Executive Order 31 and the University's conflict of interest policy, which at the time relevant to this investigation was located in a footnote to Faculty Code Section 24-50.

Two earlier versions of Executive Order 31 are relevant, as it was modified on June 23, 2008:

The version in effect until June 22, 2008 provided that sexual harassment:

Means: (1) unwelcome sexual advances or requests for favors by a person who has authority over the recipient when (a) submission to such conduct is made either an implicit or explicit condition of the individual's employment, academic status, or ability to use University facilities and services, or (b) submission to or rejection of the conduct is used as the basis for a decision that affects tangible aspects of the individual's employment, academic status, or use of university facilities; or (2) unwelcome and unsolicited language or conduct by a member of the University community that is of a sexual nature or is based on the recipient's sex and that is sufficiently offensive or pervasive that is could reasonably be expected to create an intimidating, hostile, or offensive University environment.

The version that became effective as of June 23, 2008 provided that sexual harassment:

Is a form of harassment based on the recipient's sex that is characterized by: (1) unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature by a person who has authority over the recipient when: (a) submission to such conduct is made either an implicit or explicit condition of the individual's employment, academic status, or ability to use University facilities and services, or (b) submission to or rejection of the conduct is used as the basis for a decision that affects tangible aspects of the individual's employment, academic status, or use of University facilities; or (2) unwelcome and unsolicited language or conduct that is of a sexual nature or that is sufficiently severe, persistent or pervasive that it could reasonably be expected to create an intimidating, hostile, or offensive working or learning environment, or has the purpose or effect of unreasonably interfering with an individual's academic or work performance.

I also evaluated Dr. Sahr's conduct under the University's conflict of interest policy. In 2019 that policy is contained in Executive Order 54, but in the times relevant to this investigation, it existed as a part of the Faculty Code Section 24-50:

Conflicts of interest resulting from romantic or sexual relationships are detrimental to the functioning of the University because, if present, the professional authority under which decisions are made may be called into question. The University's responsibilities to the public and to individual members of the University community may be compromised if such conflicts of interest are not avoided.

The faculty's decision-making responsibilities should not restrict the faculty's rights as citizens, including the personal rights of association and expression, unless the exercise of those freedoms conflicts with the institutional necessity of impartiality in academic and employment decisions. In that case, the faculty member must restrict his or her participation in such decisions.

State law and University rules preclude a faculty member from participating in decisions which directly benefit a member of his or her family. The same rules should apply to decisions involving sexual or romantic relationships between faculty and students, since these relationships, like formal family relationships, may call into question the ability of the faculty member to assess the performance of another solely on academic or professional merit.

Romantic or sexual relationships between faculty and students may in some instances infringe on the rights of that student or other students or colleagues. The possibility of sexual harassment may arise, if the faculty

member's immediate power to influence a student's academic progress brings into question the ability of the student genuinely to consent freely to the relationship. The possibility of impeding the student's academic or professional progress may also arise if the faculty member is already in a position of significant decision-making authority with respect to the student, since the faculty member must abstain from further participation in such decisions, thereby denying the student access to the faculty member's professional assessment. The possibility of an unwelcome, hostile or offensive academic environment may also arise if the faculty member fails clearly to separate personal interest from his or her personal decision-making.

Faculty members should be aware that the harms listed above do not arise only from existing relationships, but may also arise if an individual in a position of authority to a student makes overt sexual or romantic advances upon that student. Even if the advances are welcome, the faculty member should remove him or herself from the teaching or supervisory role, which may impede the student's academic progress. If the advances are unwelcome, the student may suffer unneeded stress, and the academic relationship may suffer.

*NOW, THEREFORE, BE IT RESOLVED* by the Faculty Senate of the University of Washington, that no faculty member, teaching assistant, research assistant, department chair, dean or other administrative officer should vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the employment, promotion, academic status or evaluation of a student with whom he or she has or has had a familial, sexual, or romantic relationship.

#### **IV. STANDARD OF PROOF**

The standard of proof applied was preponderance of the evidence.

#### **V. TIMING**

UCIRO opened its investigation on February 21, 2019 after receiving a request from the College of Engineering dated February 19. Fact finding continued throughout 2019 until approximately August 30, after which the investigation concluded on October 1, upon the completion of oral report outs, in separate meetings, to the Interim Dean of the College of Engineering, [REDACTED] and Dr. Sahr. Dr. Sahr was accompanied to this meeting, as he was to his interview, with an attorney. Ms. [REDACTED] was accompanied by a victim advocate. Factors affecting the length of the investigation included the significant volume of documentary evidence that was reviewed as well as the attempts to provide an opportunity for the participation of [REDACTED], whose identity was not known when the investigation began. Dr. [REDACTED] did not, ultimately, participate in the investigation, as she did not respond to several attempts to reach her at three different email addresses.

#### **VI. WITNESSES AND DOCUMENTS**

During the course of the investigation I interviewed six individuals, including Ms. [REDACTED] and Dr. Sahr. As noted above, Dr. [REDACTED] did not respond to any of the emails I sent to her. I was unable to determine her current workplace or home address, but believed she likely received some of the emails that I sent as Dr. Sahr indicated to me during his interview that one of the email addresses that I tried was in fact her personal email address.

Although the interviews of Dr. Sahr and Ms. [REDACTED] weighed significantly in my findings, I primarily relied on the text of email and chat communications between the two from a period spanning May 2008 to June 2017. Ms. [REDACTED] provided approximately 580 emails and chat sessions between herself and Dr. Sahr.

Additionally, my review included Dr. Sahr's University email account, which contained about 147,000 email messages dating back to approximately 2010, as well as reports generated from the contents from the hard drives of two University owned computers used by Dr. Sahr and taken from his office. My review included approximately 48,000 image files gleaned from those hard drives as well as a file with approximately 12,000 text, iMessage, or Skype messages. A fuller explanation of my document review methodology is contained in Appendix A. Appendix B is a log I created, as I investigated, of messages and emails. The log is not and is not intended to be a complete record of the messages exchanged between Dr. Sahr and Ms. [REDACTED]. Integrating every single one of the communications between the two would have been an overwhelming and impractical amount of work. I do, however, view Appendix B as containing the passages most significant to my findings and consider Appendix B to reasonably capture the dynamic of the interactions between Dr. Sahr and Ms. [REDACTED]. For those reasons I would encourage readers of this report to also read Appendix B in its entirety. I have retained in UCIRO's investigative file all of the communications that I have between the two should questions arise about the context or transcription of the communications into Appendix B.

The volume of documentary material made it impossible to read every single email or message sent or received by Dr. Sahr or to look at every single image file. See Appendix A for a more complete explanation of my document review approach.

## **VII. SUMMARY OF KEY FACTUAL ISSUES**

### **A. IN MAY 2008, DR. SAHR BEGINS AN ONLINE FRIENDSHIP WITH A SEVENTEEN YEAR-OLD UNIVERSITY STUDENT.**

- 1. Ms. [REDACTED] makes an anonymous post to Craigslist, to which Dr. Sahr responds, also anonymously.**

Dr. Sahr's friendship with Ms. [REDACTED] began on May 6, 2008, after he responded anonymously to her anonymous Craigslist post of a day earlier. Ms. [REDACTED]'s post stated, among other things:

[REDACTED]

Appendix B at 1-3.

The post was not overtly sexual and did not identify Ms. [REDACTED] as a University student or as a minor. Ms. [REDACTED] replied to Dr. Sahr's response and the two struck up frequent correspondence via email and, later, chat.<sup>1</sup>

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<sup>1</sup> Via Gmail's chat/instant messaging feature.

**2. Ms. [REDACTED] and Dr. Sahr disclose their respective identities and Ms. [REDACTED] reveals that she is a minor; the conversation also begins to include sexual topics.**

Subsequently, Ms. [REDACTED] disclosed that she was a student at the University and Dr. Sahr replied that he was a University professor. Appendix B at 4-5. He also suggested that before he responded more in depth, he could let Ms. [REDACTED] decide whether she wanted to know more about him. Appendix B at 5-7. For example:

Promise to think carefully about asking me to tell you whom I am? Whether it's wise (It isn't) Whether it might be worth it (It might very well be.) Whether you have someone you could turn to if I turned out to be an axe-murderer in addition to a professor?

Appendix B at 7.

The conversation was not at this point sexual. Some of Dr. Sahr's messages touched on this topic obliquely, i.e., Appendix B at 6, 10, but it was not until May 13, when Ms. [REDACTED] sent Dr. Sahr a link to a blog<sup>2</sup> she was writing, that their correspondence took a more noticeable sexual turn. Shortly thereafter, they had this exchange via email:

[REDACTED]

JS: It is kind of you to point this out. I had already reached a conclusion about your age. And as a powerful bureaucrat, I'm well aware of the implications of such inappropriate trysts. Fortunately, and despite my numerous limitations, I am quite patient.

Appendix B at 20.

Additionally, in a chat communication on May 14, 2008,<sup>4</sup> the two had the following exchange:

JS: So, how old \*are\* you? I'm guessing that you're just about to turn 18?

[REDACTED]  
JS: How did such a whippersnapper like you come to be at the UW.

[REDACTED]  
JS: You're an EEP'er, aren't you?<sup>5</sup>

[REDACTED]  
JS: You want to hear something \*truly\* hilarious?

[REDACTED]  
JS: As of about Monday noon... I am the de facto director of the Robinson Center.

<sup>2</sup> The content from that blog is no longer available online.

<sup>3</sup> This passage appears to be a response to an email sent earlier the same evening to Ms. [REDACTED] from Dr. Sahr in which he said, "I'm not plotting a strategy to jump your bones, [REDACTED]—although I begin to suspect that the experience would be quite delightful." Appendix B at 19. This was the first reference in their correspondence I could locate that suggested any sexual interaction between the two of them, even indirectly.

<sup>4</sup> Appendix B contains a timestamp reference—this timestamp is most likely Greenwich Mean Time. As I explain in Appendix A, I did not convert timestamp references to Seattle time.

<sup>5</sup> EEP stands for Early Entrance Program.

Appendix B at 21.

The Robinson Center for Young Scholars has several programs for minors.<sup>6</sup> The two Early Entrance Programs are the Transition School, in which students apply after their eighth grade year, then participate in an intensive pre-college curriculum before matriculating as a full-time student and the UW Academy, where students drop out of high school and join the University as a full-time student. Dr. Sahr, in his role at the time as Associate Dean for Undergraduate Affairs, had oversight over the Robinson Center. But more specifically, as he disclosed in his messages to Ms. [REDACTED], he was soon to lead it directly, ultimately holding a position as its Interim Director for approximately two years. Although his official appointment as Interim Director did not become effective until June 16, 2008, Dr. Sahr explained to Ms. [REDACTED] that he was its “de facto” director as of May 19, 2008. Ex. 1; Appendix B at 21.

**3. Dr. Sahr shares information about the Robinson Center with Ms. [REDACTED] about which she has no reason to know and to which she otherwise would not have access.**

Nearly immediately, Dr. Sahr began to share information with Ms. [REDACTED] that he knew only because of his role as Associate Dean and leader of the Robinson Center. For example, he discussed with her the impending removal of its current director, Dr. Kate Noble:

JS: Kate...is a disturbed person who was bringing the RC to it's knees. She had to go.

JS: I have now told you a thing that can get me fired as an associate dean. So there.

JS: She was forced out. By me, frankly.

Appendix B at 23. *See also* Appendix B at 22, 24-27, 29-31, 39-40, 50-51, 55, 58-59.

Dr. Sahr also shared with Ms. [REDACTED] the Robinson Center's financial situation, describing it as being “about a quarter million dollars in debt.” Appendix B at 24.

Ms. [REDACTED] found this sort of information interesting, and told as much to Dr. Sahr, which is captured in this exchange:

JS: Perhaps you and I have an interesting opportunity to engage not only across gender, but power, and generation, eh? Sounds promising.

JS: Oh yeah. There is interesting gossip to share. But, young sweet, not tonight. Let us save that illicit pleasure for another time.

Appendix B at 25.

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<sup>6</sup> The Robinson Center, as far as I know, does not have any programs that are not for minors, although once Robinson Center students become adults they often continue to interact with the Robinson Center in a number of ways and consider the Robinson Center to be “their” community on campus.

And this message:

JS: So, my sweet young underage, [REDACTED]” very smart, uninhibited [REDACTED] lady: what would you like to know? The devastation that you have \*not\* wrought in your blog is putting me into an expansive mood.

Appendix B at 30.

Additionally, Dr. Sahr coupled his sharing of information of insider Robinson Center information with statements suggesting that he was giving Ms. [REDACTED] something of some value—trusting her with information so significant that disclosing it could get him fired:

[REDACTED]

...  
JS: Suppose you could chop off my head once.  
It wouldn't really matter that much if you could chop my head off twice, would it... and you certainly have enough things to chop my head off once.

Appendix B at 39-40. *See also* Appendix B at 29, 38-39, 50.

Dr. Sahr gained Ms. [REDACTED]'s trust by sharing this information. For example, when Ms. [REDACTED] asked him about his responsibilities at the Robinson Center, Dr. Sahr responded in part by asking, “Have I somehow earned your trust tonight?” Appendix B at 24.

Dr. Sahr was seemingly aware of the implications of this type of communication. For instance, in one message to Ms. [REDACTED] he apparently commented on his view of her maturity, recognizing that his comments could be interpreted as grooming behavior:

JS: I genuinely think that Kate is \*not\* rational. Very smart, but not rational.  
[REDACTED]  
JS: \*sigh\* How old are you? 45? 55? Something like that? You're a bit of a quandary, frankly. Are you familiar with the concept of “f of “grooming”? Where an older villainous male utters the right words to coax a sweet young thing into his bed?  
[REDACTED]  
JS: I'm trying to take you seriously, and you're doing a good job of earning my respect. I'm not trying to groom you. Being in your bed might be a kind of paradise, but I \*do\* like talking to you.

Appendix B at 40-41.

Twenty-six minutes later, though, Dr. Sahr did in fact raise the idea of sex with Ms. [REDACTED]

JS: So, if I sent you a note, [REDACTED] ... I could use a big hug sometime, or maybe a righteous fuck, watch the movie ‘Secretary’ with you, and then tie you up, and cuddle for hours...”  
You'd take me seriously, and work me into your life, in a way that works for you...

Appendix B at 41.

And fifteen minutes after that, he broached the topic of meeting in person:

JS: What are your obligations on Thursday evening?  
[REDACTED]  
JS: until....

JS: would you like my company?

JS: well was that what you were looking for? I'm just... thinking. Brainstorming.

Appendix B at 41-42.

**B. DR. SAHR INVITES MS. [REDACTED] TO HIS HOME ON AN EVENING WHEN HIS WIFE AND SON ARE OUT OF TOWN; HE THEN INITIATES SEXUAL CONTACT.**

The next day, Thursday, May 22, 2008, Dr. Sahr did invite Ms. [REDACTED] to his home on a night that he was alone. She stayed the evening; the two had [REDACTED] and he [REDACTED]. See, e.g., 46-53, 75.

When interviewed, Dr. Sahr denied most of this, claiming instead that Ms. [REDACTED] expressed interest in meeting him, that she drove to his house, and that all he could remember of their encounter was that soon after she got there, she took off all of her clothes, got into his bed, where the two of them cuddled, naked. He explained that at the time he didn't know what to do, and he impressed upon me that he immediately regretted his decision to have her over—something he told me on a few occasions during his interview.<sup>7</sup>

I found none of these assertions credible. First, it was Dr. Sahr, not Ms. [REDACTED] who initiated discussions about meeting in person and coming to his home. See, e.g., Appendix B at 28, 36-37, 41-45, 51-52. Second, it was Dr. Sahr, not Ms. [REDACTED] who initiated sexual activity:

JS: I have to say, I was surprised at how calm I was about inviting you, having you over, asking you about "less movie?" and inviting you to my bed. Seemed like there was nothing more natural in the world.

Appendix B at 52.

Moreover, Dr. Sahr's assertion that all he could remember was that they cuddled naked and did nothing else not credible for a number of reasons. First, it is unlikely that a faculty member would wholly forget such an uncommon and risky encounter with a student.<sup>8</sup> Second, Dr. Sahr

<sup>7</sup> Moments before, I began the interview by asking Dr. Sahr if he knew [REDACTED]. He responded by telling me that he knew "who she is." I frankly expected that he would answer "yes"; the question was intended simply to lead into a discussion about his interactions with Ms. [REDACTED]. When I expressed surprise and pointed out that I had had the occasion to view hundreds of emails and chat communications exchanged between the two of them and asked him to explain what he meant by "I know who she is," he repeated this, telling me that he didn't know her as a friend, but "I know who she is." Ms. [REDACTED] provided copies of approximately 580 emails and chat sessions, the majority of which Dr. Sahr initiated. He frequently emailed her out of the blue to wish her happy birthday, happy New Year, or even "Happy July." See, e.g., Ex. 2, Appendix B at 132-36. He offered on many occasions to give her money from his personal funds. See, e.g., Appendix B at 74-75, 88-89, 91-92, 101, 111-15, 117-28. He gave her his cell phone number and at least six different email or chat addresses that she could use to contact him. Appendix B at 78-79. Their acquaintanceship, which Dr. Sahr described as being as "a long time ago" lasted for more than nine years until June 2017, when she asked him to no longer contact him. Ex. 3. A response of "I know who she is" is simply not credible under those circumstances. Handwritten notes from the interview that reflect this conversation are maintained in UCIRO's investigative file. Dr. Sahr's attorney accompanied him to the interview.

<sup>8</sup> Dr. Sahr was sober when this occurred. Appendix B at 52.



has demonstrated a considerable memory for his sexual or erotic encounters with other women, some happening decades ago—many of which he relayed to Ms. [REDACTED]. *See, e.g.* Ex. 4. While it is possible, of course, that he could remember some sexual encounters but not others, it is hard to read Dr. Sahr’s recounting of experiences, many of which had happened twenty years ago or more, with such specificity and understand how his memory of what he did with Ms. [REDACTED] could be virtually non-existent.

As alluded to above, his recollection that nothing beyond cuddling happened conflicts with his own written words. For example:

JS: I liked when you said, “[REDACTED]”

JS: I permit you to [REDACTED] again sometime. I kind of like that.

JS: (enjoyed) (ahem) kissing you [REDACTED]

JS: I was proud of myself for being willing to finish... with [REDACTED]. Took me a little bit to work myself up to trying... but I did it. And it was \*nice\*. That was a completely new thing for me. Also, [REDACTED] None had ever been willing to try that with me.

Appendix B at 49-50, 52-53.

Also very concerning was Dr. Sahr’s repeated representation to me that he regretted this encounter immediately. The table below explains why I did not find this representation genuine:

<b>Time frame</b>	<b>Dr. Sahr’s written words</b>
One day after	You’ve given an old gray haired man a *wonderful* adventure.
Nearly one week after	I spent the rest of the day (and quite a bit of subsequent days) thinking ... “I don’t feel a single atom of guilt, or remorse.”
About eight weeks after	And I was startled by the Complete Absence of Guilt or Whatever that I felt afterwards....Frankly, I still can’t work up a morsel of guilt. I have frequently thought, however,: (that was *really* *nice*).
About twelve weeks after	I ... am surprisingly comfortable, ethically, with my position.
About five months after	There was another [lover], a young woman named [REDACTED] who was *not* allowed, but who came into my presence and helped fill a very important need and longing. A legitimate need, I think. I’ll be grateful to her for quite a long time.
About eight months after	I’d like to remind you that I am grateful for our personal encounter a while back.
About 1.5 years later	I had an interesting encounter with you once that I enjoyed quite a bit, and which (for several reasons) I don’t feel much inclination to repeat. I believe that is consistent with your own inclinations as I understand them. I remain quite grateful for the experience, make no mistake.
About four years later	When I draw my last breath, I know that I’m not going to wish that I didn’t invite you over. That was a wonderful experience.
About 4.5 years later	I occasionally contemplate an interesting encounter that I had with you a while back. My lingering sense is that I enjoyed it immensely, and I treasure that memory; not only of the encounter itself (which was fabulous!), but of my boldness in participating.

Appendix B at 48, 56, 75-76, 85, 89, 95, 99, 131-132.

Also, on one hand, when Dr. Sahr invited Ms. [REDACTED] to his house he represented their meeting as one in which they would not have sex:

JS: I could restart Blade Runner ... I would not have sex with you

JS: But I might put my arm over your shoulder

JS: ... Are you interested? I live north of the UW, seven miles

Appendix B at 45.

Yet on the other, not only did he in fact initiate the sexual contact, but a few days later he described what he had been thinking this way:

A few days ago I invited a (very) young woman over, ostensibly to watch a movie.

Appendix B. at 51.

Dr. Sahr's use of "ostensibly" in this context further reinforces that this was a situation that Dr. Sahr created because he desired sexual interaction with Ms. [REDACTED] not a circumstance in which he made a poor decision in the moment.

Most troubling about Dr. Sahr's statements to me was that he did not merely stop by claiming he did not remember details. Instead, he described events that did not actually happen: he claimed that it was Ms. [REDACTED] who initiated the encounter by taking off her clothes and getting into his bed, that he didn't know how to respond when she did this, and that he immediately regretted the encounter. The reasonable inference from this is that he was attempting to create an impression of something that literally did not occur, not that he was failing to accurately recall something that did.

In sum, I was unable to credit nearly anything Dr. Sahr told me about his sexual contact with Ms. [REDACTED] and concluded that his representations to me reflected an interest in falsely minimizing his culpability: this is why he said "I know who she is" to the simple question of "Do you know [REDACTED]?", this is why he insinuated it was Ms. [REDACTED] not he, who initiated their sexual activity, this is why he denied recalling any sexual contact beyond cuddling, this is why he claimed that he didn't know what to do when he said Ms. [REDACTED] stripped off her clothes, and this is why he repeated his assertion that he immediately regretted their encounter when his many later statements about it make it clear that he did not regret their sexual contact at all.

### **C. DR. SAHR AND MS. [REDACTED] HAVE ONE MORE IN-PERSON SEXUAL ENCOUNTER, THIS TIME AT SIEG HALL ON THE UNIVERSITY CAMPUS.**

Ms. [REDACTED] reported that she and Dr. Sahr had a second in-person sexual encounter. Dr. Sahr denied this, too. Ms. [REDACTED] said that this happened on campus, in his office in Sieg Hall. Dr. Sahr told me that the only two times he could remember that they met on campus they met in public; in any event, he denied a second sexual encounter.



██████████ was in his lab prior to July 23 for some reason other than sex, accounting for her comments about his office, but that possibility requires that Ms. ██████████ would claim a sexual encounter occurred when none had. Ms. ██████████ has no apparent motivation to lie about or embellish what happened; a sexual encounter in a faculty member's lab is also likely the type of thing that a student would remember even years later. Also, the July 23 messaging sequence is consistent with Dr. Sahr's July 18 message suggesting their meeting might have had a sexual component. Indeed, Dr. Sahr's interest in Ms. ██████████ leading up to this point had continued to be sexual—on July 10 he emailed her to tell her:

Technically it's Thursday, and fair ██████████ will be arriving this day. Wish she was here now; I've got blue balls, have had them for the past 8 hours; they sting. Would be satisfying to cum while you watch; a great relief.

Appendix B at 74.

And on July 11:

Let me be clear. It was wonderful to get to share your body with you, and I do hope I get to do that again sometime. But you'd be \*incredibly\* \*interesting\* just for the rest of you.

Appendix B at 75.

Further, against the backdrop of the unreliability of so many of Dr. Sahr's other assertions, I credited Ms. ██████████'s recollection and not Dr. Sahr's. In sum, Ms. ██████████'s recollection of a second in-person sexual encounter with Dr. Sahr is consistent with Dr. Sahr's July 10 and July 11 messages showing continued sexual interest, his messages on July 13 indicating an in-person meeting, his July 18 message describing their interaction as "an encounter" (a term he frequently used to describe their in-person meeting at his home in May 2008<sup>11</sup>), and their exchange discussing her apparent previous presence in his Sieg Hall lab.<sup>12</sup>

#### **D. DR. SAHR AND MS. ██████████ CONTINUE AN ONLINE FRIENDSHIP THAT OCCASIONALLY INCLUDES SEXUAL TALK.**

Dr. Sahr and Ms. ██████████ continued to correspond via email and chat until June 2017, when Ms. ██████████ responded to Dr. Sahr's Facebook message by asking him to no longer message him. Exhibit 3. Prior to that, the two corresponded on a sporadic basis, with their conversation becoming less and less frequent over time. Dr. Sahr initiated almost all of the messaging.

<sup>11</sup> There are no emails or chat messages that precede his July 18 "encounter" email that would indicate that he was referring to a virtual, rather than in-person encounter. This also is consistent with his comment about Ms. ██████████'s red dress, something that would be likely the topic of comment if it were observed personally, not if it were the topic of an online discussion. Under the circumstances it's possible, but very unlikely, that this message referred to a type of online encounter of which there is no apparent record.

<sup>12</sup> I did consider that in Dr. Sahr's continued correspondence with Ms. ██████████ he was much more likely to refer to a singular "encounter" with her than multiple "encounters." Compare Appendix B at 86 with Appendix B at 95, 99, 129. I found this to be the most compelling evidence suggesting there was only a single in-person sexual meeting, especially considering that I have relied heavily on Dr. Sahr's contemporaneous written words rather than his assertions to me during his interview. On the other hand, for the reasons set out above, I find it is nevertheless more likely than not that a second sexual meeting did occur, on July 13, 2008, in Sieg Hall. As I explain in Section VIII.B.1 *infra*, the fact that there was a second sexual meeting has little impact on my overall conclusions.

Their messages occasionally contained some sexual content. *See, e.g.*, Appendix B at 95-101, 122-132, Ex. 5.

Throughout this period, Dr. Sahr made a number of offers of financial assistance to Ms. [REDACTED]. *See, e.g.*, Appendix B at 74, 88-89, 101, 111-15, 117-21, 123-24, 126-28. The vast majority of these were offers of personal financial assistance that didn't suggest the use of Dr. Sahr's position. The few times Dr. Sahr's position was implicated he either expressly disavowed that the offer was related to his position or the topic was not explored further. *See id.*

They communicated less and less frequently, although Dr. Sahr would occasionally send her random messages, for example wishing her a happy birthday. *See, e.g.*, Ex. 2. On a few occasions, Dr. Sahr expressed interest in [REDACTED] Appendix B at 132-136. The last time he reached out to her, in June 2017, via Facebook, Ms. [REDACTED] responded:

[REDACTED]

Ex. 3, Appendix B at 135-36.

The two have had no further contact since.

**E. WHEN SHE WAS A SEVENTEEN YEAR-OLD STUDENT, MS. [REDACTED] WAS A WILLING PARTICIPANT IN SEXUAL ACTIVITY WITH DR. SAHR.**

It is not disputed by Ms. [REDACTED] that when she had sexual contact with Dr. Sahr, she was at the time a willing participant. This is consistent with her Facebook message above, as well as with the overall tenor of their communications. *See generally* Appendix B. Therefore, my factual conclusion is that at the time of Dr. Sahr's sexual contact with and sexual communications to Ms. [REDACTED] she was a willing participant and recipient. She was also, for a significant part of this time, a minor. I discuss in further detail below in Section VIII, *infra*, how this intersects with University policy regarding sexual harassment.

**F. DR. SAHR PARTICIPATES IN DECISION MAKING INVOLVING MS. [REDACTED]**

Ms. [REDACTED] who was supporting herself at the time she was a University student, was a regular applicant for a scholarship administered through the Robinson Center—the [REDACTED]

Scholarship. Although the amount of the scholarship was not especially substantial—\$ [REDACTED]—this was a significant amount of money to Ms. [REDACTED] at the time, and she was keenly interested in the scholarship. For instance, in February 2009, Ms. [REDACTED] asked Dr. Sahr some questions about eligibility for the scholarship (i.e., whether she could spread its use out of several quarters or she had to use it all at once) and in March 2009, the two communicated directly about it:

JS: you totally didn't hear this from me. You're on the short list to get the [REDACTED] scholarship. I'm guessing 80% probability. You totally didn't hear this from me.

[REDACTED]

JS: never fear. I didn't put a thumb on the scales. People in the room had nice things to say about you,...you'll earn this on your own merits, [REDACTED] I'll whisper as soon as I know, asap.

Appendix B at 97-98.

There is not sufficient evidence to conclude that Dr. Sahr did, contrary to his representation to Ms. [REDACTED] influence the outcome. But his statement does suggest that he played some role in the decision—he described how he was “in the room” and how he “didn't put a thumb upon the scales.” Had he not been part of the decision making process, it would not make sense for his reply to suggest that he had been. A more probable reply under those circumstances would have reflected a sentiment such as “don't worry, I wasn't part of the decision.”

In any event, in 2010, when Ms. [REDACTED] again applied for the scholarship, it is even more apparent that Dr. Sahr played a decision making role. For example, in an email sent internally within the Robinson Center, Dr. Sahr sent a table of student names, numerical scores, and a column of other information:

Here is the result of our scoring, ranked from “most favored” to “least favored” The first column is the name of the student. The second column is their “Z-score” (a normalized ranking) The third column is “how much did we disagree?” (small number means “we agreed”; large means “we disagreed”) The rest I can explain when we meet; it's columns 2 and 3 that matter.

Appendix B at 110-11.

This email, sent March 10, 2010, implies that Dr. Sahr played a decision making role. If he did not, it does not make sense why he would send an internal email of this sort to people already familiar with the scholarship, why he would consistently use the terms “we” and “our” in this context, and why he would say “The rest I can explain when we meet; it's columns 2 and 3 that matter.” Those statements make sense, however, if he was one of the scholarship reviewers.

When interviewed, Dr. Sahr denied a decision making role, even after being shown that email. He contended that he relied heavily on his staff, that they were the actual decision makers, and that he was merely a “step-in bureaucrat.” But the most compelling evidence on this point is yet another contemporaneous communication from Dr. Sahr. Five days earlier, Dr. Sahr had sent Ms. [REDACTED] this message:

I'm one of the [REDACTED] Reviewers, of course. Things I look for: maturity, rationality, need and then among those, "who is closest to graduating?" What do you think about that set of principles? A tough question for you, I admit. However, I suspect you're up for it.

Appendix B at 109.

Consequently, I could not conclude that Dr. Sahr was being truthful when he claimed that he was merely a "step-in bureaucrat" who left the decision making up to other Robinson Center staff.<sup>13</sup>

It is not disputed by Dr. Sahr that he neither disclosed his previous sexual activities nor ongoing friendship with Ms. [REDACTED] nor recused himself from the decision making concerning the [REDACTED] Scholarship.

**G. IN [REDACTED] DR. SAHR HAD A SEXUAL RELATIONSHIP WITH A GRADUATE STUDENT WHEN HE WAS THAT STUDENT'S PH.D ADVISOR AND CHAIR OF HER DISSERTATION COMMITTEE.**

Ms. [REDACTED] was not the first University student with whom Dr. Sahr had a sexual relationship. [REDACTED] years earlier, in [REDACTED] Dr. Sahr began a sexual relationship with [REDACTED] who was at time his Ph.D student.

This relationship is not disputed by Dr. Sahr, although what he claimed during his interview again differs significantly from his own, more contemporaneously written words. When interviewed, Dr. Sahr acknowledged that he had a sexual relationship with Dr. [REDACTED]<sup>14</sup> As Dr. Sahr explained it to me, in late February [REDACTED] Dr. [REDACTED] sent Dr. Sahr a note in which she told him that she had been in love with him for years. He said he found the note eye-opening and realized he also had strong feelings for Dr. [REDACTED] At that point, he said the two of them discussed what to do and he raised the possibility of disclosing the situation, but that she preferred not to do this. They also, he told me, spoke about how to proceed in light of this and they agreed that they should put off any physical contact until her dissertation defense. Dr. Sahr told me he believed her dissertation defense occurred in late May or early June [REDACTED] (it was actually on [REDACTED] see Ex. 6).

These, however, are Dr. Sahr's words written in August 2008, before he left town for a [REDACTED]

This same [REDACTED] happened [REDACTED] years ago, but was in [REDACTED] I [REDACTED] with my lover; not knowing she was in love with me. ... We took a tour of [REDACTED] ..a 3wheelcab. The driver asked me, "So, this is your wife...?" And I said, "If only I were so lucky." I didn't realize it, but she heard me....

<sup>13</sup> Also, earlier that year he had participated directly in another [REDACTED] Scholarship-related decision involving Ms. [REDACTED] Ms. [REDACTED] had posed a question to the Robinson Center querying her eligibility for the scholarship. The question was forwarded to Dr. Sahr, who determined that Ms. [REDACTED] would be eligible as a part-time student. Appendix B at 103-09.

<sup>14</sup> I refer to [REDACTED] as Dr. [REDACTED] although during the time periods most relevant to this investigation she had not yet earned her Ph.D.

About [redacted] months later, she told me she loved me. We had fairly amazing kiss the next day. Shared bodies not so long after... and sex a couple of months later, when [redacted]

Appendix B at 82-83.

He also wrote, regarding the year [redacted] that he “took up a lover in June of that year.” Appendix B at 86-87. It is not disputed that these messages refer to Dr. [redacted]

Again, I could not conclude that Dr. Sahr was truthful when his answers to me suggested that he and Dr. [redacted] delayed their physical contact until after her dissertation defense. Not only did they have “a fairly amazing kiss [the] next day” but they “shared bodies not long after” and waited to have sex not because of her dissertation defense date but because they waited for “[redacted].” Appendix B at 83. In other words, Dr. Sahr’s answer to me was not merely a matter of him misremembering the date of Dr. [redacted]’s dissertation defense—it was otherwise wholly at odds with what he wrote to Ms. [redacted] just [redacted] years later.<sup>15</sup> His comments to me minimized his culpability for any conflict of interest by suggesting that he and Dr. [redacted] waited for their academic work together to conclude before engaging in a physical relationship. His written words, on the other hand, make plain that they did no such thing.

Notwithstanding concerns about Dr. Sahr’s veracity, I found no evidence suggesting that Dr. [redacted] found her sexual relationship with Dr. Sahr unwelcome. Although she did not participate in the investigation, I observed several friendly emails exchanged between them over the years (none referencing anything sexual), and all of Dr. Sahr’s written descriptions of his relationship with Dr. [redacted] are consistent with it being fully consensual. Dr. [redacted] was over eighteen at the time.

It is not disputed by Dr. Sahr that he acted as Dr. [redacted]’s advisor and chaired her dissertation committee and neither disclosed his sexual relationship with her to anyone else at the University nor recused himself from decision making regarding her dissertation.

#### **H. DR. SAHR’S SEXUAL RELATIONSHIPS WITH STUDENTS APPEAR TO BE LIMITED TO MS. [redacted] AND DR. [redacted]**

I did not find evidence that Dr. Sahr had sexual relationships with students other than Ms. [redacted] and Dr. [redacted]. I could identify no other complaints at the University raising this possibility, and a review of his communications including nearly 150,000 emails and 12,000 text messages also did not appear to raise this possibility. I acknowledge, however, that Dr.

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<sup>15</sup> Additionally, in response to a question posed to him by Ms. [redacted] about whether any other of Dr. Sahr’s students knew of or suspected their relationship, Dr. Sahr responded that he believed that no one else in the world knew or even suspected and that it was not difficult to hide things right out in the open in situations where people would be stunned by the truth. Appendix B at 83-84. Dr. Sahr had also told me that Dr. [redacted] left immediately after finishing her dissertation for a faculty position at another university. This information is consistent with a physical relationship that lasted for months and began well before her dissertation defense, not one that began after [redacted]. If they *had* waited until after [redacted] there would have been nothing to hide in plain view, because she immediately moved from Seattle after completing her degree. While the most compelling evidence on this issue is Dr. Sahr’s other messages referenced above, this additional information is at the least consistent with a finding that their physical relationship began before her dissertation defense and not after, as he claimed to me.



Sahr did make some concerning statements to Ms. [REDACTED] regarding other students, for example:

The biggest fear that I had when I became a professor, was not that I would fail. It was that I would be distracted by lovely young women, cause a scandal, etc. It didn't happen, for reasons that surprised me. It turns out that almost all gorgeous women who are 18-25 years old...are kids. They are lovely, luscious, but between the ears, ... have got a ways to go.

Appendix B at 32. *See also id.* at 53-54; 93-94.

Although this passage does raise some concern, I inferred after immersing myself in Dr. Sahr's communications that had he had other relationships with students prior to writing this in 2008, he would likely have mentioned them to Ms. [REDACTED]. Dr. Sahr had a propensity to raise with her episodes from his sexual past, especially regarding his former student Dr. [REDACTED]. And if Ms. [REDACTED] was not the last student with whom he had sexual contact, records of that are apparently absent from any of the voluminous materials I was able to review.

He did acknowledge, when reminded of it, a sexual encounter with a staff member—someone he referred to as “[his] [REDACTED]” Appendix B at 76. When asked about this he described it as “a close encounter.” When I then read to him a message that he sent to Ms. [REDACTED] where he said he “wound up ‘getting to 2<sup>nd</sup> base’ with” this employee, he clarified that he did put his hand under her shirt. This likely happened in approximately [REDACTED] and I did not investigate it further.

## **VIII. SUMMARY OF POLICY ANALYSIS**

### **A. SUMMARY OF POLICY CONCLUSIONS.**

Dr. Sahr violated both Executive Order 31 and University policy concerning conflict of interest. Regarding [REDACTED] Dr. Sahr violated Executive Order 31 because although Ms. [REDACTED] was a willing participant in sexual activity with Dr. Sahr when she was a minor, the combination of her underage status and Dr. Sahr's utilization of his position as Associate Dean and leader of the Robinson Center rendered invalid whatever consent he obtained to engage with her sexually. His contact with her was of sufficient seriousness that it could reasonably be expected to interfere with a student's University experience. He violated conflict of interest rules because he participated in decisions that directly affected Ms. [REDACTED] a person he had a history of sexual contact with and an ongoing intimate friendship with. Regarding [REDACTED] Dr. Sahr did not violate Executive Order 31 because the available evidence suggests their relationship was consensual and Dr. [REDACTED] was an adult at all times she and Dr. Sahr engaged in sexual activity. He violated conflict of interest rules because he participated in decisions that directly affected Dr. [REDACTED] a person with whom he was having a sexual and romantic relationship.

**B. POLICY CONCLUSIONS REGARDING MS. [REDACTED]**

**1. Dr. Sahr violated Executive Order 31.**

Dr. Sahr's sexual contact with Ms. [REDACTED] when she was a minor violated Executive Order 31, the University policy prohibiting sexual harassment, because Dr. Sahr took advantage of his position in a way that rendered invalid Ms. [REDACTED]'s consent. Although Executive Order 31 has been revised since May 2008 (including a revision in June 2008, a time in between the two in-person sexual contacts Dr. Sahr had with Ms. [REDACTED]), the key elements of the policy are consistent. Regardless of how it has been articulated, Executive Order 31 prohibits (1) words or acts of a sexual nature (2) that are unwelcome and (3) that are of sufficient magnitude that they could be reasonably expected to negatively and meaningfully affect a person's University experience. At issue in this investigation is only the second element, welcomeness. It is not reasonably in dispute that Dr. Sahr's conduct with Ms. [REDACTED] was sexual in nature nor that were it unwelcome that it could reasonably be expected to have the type of negative impact that affects a person's experience at the University.

Had Ms. [REDACTED] been an adult at the time she and Dr. Sahr had sexual contact, the likely outcome would have been that Dr. Sahr would not have violated Executive Order 31. That is because, as explained in Section VII.E, *supra*, at the time of their physical sexual contact (and much of their online discussion that involved sex), Ms. [REDACTED] was a willing participant. She was, however, a minor. Washington state law criminalizes most sexual contact between minors and people of Dr. Sahr's age. The University formally incorporated this into its own policies when it created Executive Order 51 in 2016. My analysis takes the position that even prior to 2016, the types of sexual contact with children that would otherwise not be considered consensual under Washington law would likewise violate Executive Order 31. Any other interpretation would be an absurdity.

As I looked to Washington law for guidance, the relevant statutes are RCW 9A.44.093 and 9A.44.096 and the corresponding definition section of RCW 9A.44.010. The relevant distinction between RCW 9A.44.093 and RCW 9A.44.096 is that 093 criminalizes "sexual intercourse" and 096 criminalizes "sexual contact." RCW 9A.44.010 defines sexual intercourse to include "any penetration, however slight," and "also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex." The same provision defines sexual contact to mean "any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party." In the case of Dr. Sahr and Ms. [REDACTED] there is sufficient evidence to conclude that his [REDACTED] and the contact with [REDACTED] and [REDACTED] at his home in May 2008 meets the definition of "sexual intercourse" and their interaction at Sieg Hall in July 2008 when Ms. [REDACTED] reports [REDACTED] meets the definition of "sexual contact." In any event, these distinctions are not particularly meaningful for this analysis; the remaining provisions of RCW 9A.44.093 and RCW 9A.44.096 are relevant and are identical. I have attached these statutes as Exhibit 7.

The relevant elements, as I have paraphrased them from the statutes are:

- The perpetrator and victim have either sexual intercourse or sexual contact
- The victim must be over sixteen years of age but younger than eighteen years of age
- The perpetrator must be not married to the victim and at least five years older than the victim
- The perpetrator is in a significant relationship with the victim
- The perpetrator abuses a supervisory position within that relationship in order to cause the victim to engage in the sexual intercourse or sexual contact

A “significant relationship” is “a situation in which the perpetrator is... a person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors.” RCW 9A.44.010. I find that Dr. Sahr was in a significant relationship with Ms. [REDACTED] because as the Robinson Center’s director (whether officially as the interim director or merely “de facto” as he described it to Ms. [REDACTED]), Dr. Sahr is a person who undertook the responsibility to provide education...principally for minors.” Put in very simple terms, the Robinson Center’s mission is to educate minors. While Dr. Sahr had many responsibilities at the University other than educating minors, once he undertook the responsibility for educating minors as the Robinson Center’s director, he met the definition of “significant relationship.”

RCW 9A.44.010 also defines what it means to abuse a supervisory position. This can be done in two ways. First, via coercion—making threats or promises. Second, by exploiting the relationship in order to gain consent.<sup>16</sup> Dr. Sahr abused his supervisory position in this second way. I understand “exploit” to mean “to take advantage of” and interpret this definition as meaning taking advantage of one’s supervisory position in a way that does not involve either promises or threats. Were it necessary to make promises or threats to exploit one’s position, this second clause would be superfluous.

I find that Dr. Sahr did exploit his position and he did so in a way to gain Ms. [REDACTED]’s consent to sexual activity. More specifically, he knew Ms. [REDACTED] was interested in inside Robinson Center information that was available to him only because of his position as its director and as Associate Dean. For instance, he gossiped to Ms. [REDACTED] about the outgoing director, Kate Noble, and the University’s plans to remove her, his musings on Dr. Noble’s mental state, and some information about the Robinson Center’s financial position. *See, e.g.*, Appendix B at 22-25, 27, 29-31, 39-40, 50-51, 55, 58-62. He knew that this information was interesting to Ms. [REDACTED]. *See, e.g.*, Appendix B at 25. He knew it was inappropriate to share. Appendix B at 23, 25, 39-40. He used this information to gain Ms. [REDACTED]’s trust. Appendix B at 24. At one point Ms. [REDACTED] told him that she felt willing to explore sexual activity with such an age disparity “[REDACTED]” Appendix B at 44. This is consistent with something she told me when interviewed, that his position did increase his appeal to her. When I interviewed Dr. Sahr, and asked him questions about discussing his

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<sup>16</sup> "Abuse of a supervisory position" means: (a) To use a direct or indirect threat or promise to exercise authority to the detriment or benefit of a minor; or (b) To exploit a significant relationship in order to obtain the consent of a minor. RCW 9A.44.010 does not define “exploit” further and I could not locate additional Washington authority that interpreted the meaning of “exploit” within the context of this statute.

position with her, including whether he was attempting to appear more attractive to Ms. [REDACTED], one of his responses was to tell me that he hoped she would be “comfortable” with him.

Moreover, as explained in Section VII.A, *supra*, Dr. Sahr used this to his advantage by representing that he was giving Ms. [REDACTED] something else of value: the power to get him fired. *See, e.g.*, 23, 29-30, 38-40, 50. This invokes a principle of reciprocity, the natural consequence of which is that a person feels that they owe something in return.

Finally, Dr. Sahr at other times referred to his position in ways that suggest he was trading on its social currency. For instance, a message in which he referred to himself as “The Associate Dean,” notably capitalizing this as “*The Associate Dean*” (Appendix B at 26) or when he referred in various ways to the amount of power his position had (Appendix B at 11, 14, 21, 25, 33, 39, 51-52, 55, 58, 75).

It is not especially significant to the outcome of this investigation that Dr. Sahr and Ms. [REDACTED] had one sexual meeting or two. Either event—in May 2008 or July 2008—would be sufficient to violate Executive Order 31 on its own. This is because a single unwelcome sexual act like [REDACTED] or [REDACTED] can be sufficiently serious to reasonably and negatively interfere with a person’s University experience.

In summary, rather than avoiding the mention of his position, sharing confidential information, referring to the amount of power he had, or suggesting that he was giving Ms. [REDACTED] information of such significance that it could lead to his firing, Dr. Sahr consistently and repeatedly did these things in ways that deepened the intimate connection between himself and Ms. [REDACTED] in a way that helped gain her trust and perpetuate her interest in him, and in a way that paved the way to her consensual sexual interactions with him. Also significant is evidence that it was Dr. Sahr, not Ms. [REDACTED] who initiated the meeting at his home and initiated sexual contact at that meeting. But because this consent was obtained by taking advantage of his unique role vis-à-vis Ms. [REDACTED] it is not valid. Consequently, regardless of how willingly Ms. [REDACTED] engaged in these activities when she was seventeen, Dr. Sahr’s actions are not “welcome” under Executive Order 31.

## 2. Dr. Sahr violated University conflict of interest policy.

Dr. Sahr also violated University policy when he participated in decisions that directly affected Ms. [REDACTED] a person with whom he had had sexual contact and an ongoing an intimate friendship of sorts. As explained above, current University policy is enshrined in Executive Order 54, but the policy applicable at the time was found in the Faculty Code. The most relevant excerpts are:

State law and University rules preclude a faculty member from participating in decisions which directly benefit a member of his or her family. The same rules should apply to decisions involving sexual or romantic relationships between faculty and students, since these relationships, like formal family relationships, may call into question the ability of the faculty member to assess the performance of another solely on academic or professional merit.

*NOW, THEREFORE, BE IT RESOLVED* by the Faculty Senate of the University of Washington, that no faculty member, teaching assistant, research assistant, department chair, dean or other administrative officer should vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the employment, promotion, academic status or evaluation of a student with whom he or she has or has had a familial, sexual, or romantic relationship.

Former Faculty Code 24-50.

Dr. Sahr participated in decisions regarding the [REDACTED] Scholarship. He had a “sexual...relationship” with Ms. [REDACTED]. Therefore he was prohibited from “in any way participat[ing]” in that decision, as it “directly affect[ed]” the evaluation of Ms. [REDACTED] for the scholarship. His contention that his sexual interactions played no role in his decision making regarding the [REDACTED] Scholarship is irrelevant; the policy wholly bars participation.

### **C. POLICY CONCLUSIONS REGARDING DR. [REDACTED]**

#### **1. Dr. Sahr did not violate Executive Order 31.**

Dr. [REDACTED] was an adult when Dr. Sahr began a sexual relationship with her. Consequently, his conduct with her violates Executive Order 31 only if there is actual evidence of its unwelcomeness. There is not such evidence. Dr. [REDACTED] did not respond to requests to speak to me and, beyond that, the multitude of correspondence and files I reviewed did not suggest she did not welcome sexual contact with him. Certainly, Dr. Sahr believed, I think sincerely, that she did, and what little correspondence I did review between the two of them suggests they remain on good terms. While it is not impossible that Dr. [REDACTED] might view this differently, all of the evidence available to me supports a conclusion that the conduct was welcome and therefore does not violate Executive Order 31.

#### **2. Dr. Sahr violated University conflict of interest policy.**

Dr. Sahr did, however, violate conflict of interest policy. Again, because Executive Order 54 was not in existence at the time of Dr. Sahr’s sexual relationship with Dr. [REDACTED] the previous iteration of that policy, found in the Faculty Code, applies. The same reasoning applies, too. Dr. Sahr was Dr. [REDACTED]’s Ph.D advisor and the chair of her dissertation committee. It is not disputed that he participated in decision making regarding her academic performance and it is not disputed that he did not disclose this or recuse himself from decision making. What Dr. Sahr did dispute was when the sexual contact between he and Dr. [REDACTED] started. Even if Dr. Sahr had been telling the truth about this, once he and Dr. [REDACTED] declared their romantic feelings for one another months before her dissertation defense, he could not continue as a decision maker regarding her academic work, as the policy prohibits relationships that are “romantic” whether or not there is physical sexual contact.

### **IX. CONCLUSION**

In conclusion, I find that Dr. Sahr’s actions violated Executive Order 31 and University conflict of interest policy.