

Investigative Report
Regarding Allegations of Harassment
Conducted By Southern Connecticut State University

Report Prepared By:

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I. Introduction

On October 22, 2023, the Office of Diversity and Equity Programs (“ODE”) at Southern Connecticut State University (“SCSU”) received a formal complaint of sexual harassment from [REDACTED] against Robert Kirsch. [REDACTED] and Dr. Kirsch are both faculty members in the accounting department [REDACTED] complaint alleges sexual harassment by Dr. Kirsch in September and October 2023.

An investigation was conducted by Paula Rice, Director, Office of Diversity and Equity Programs, and Attorney Sarah Gleason of Shipman & Goodwin LLP. The respondent was notified of this investigation via email. Attorney Gleason worked with ODE to conduct the investigation, analyze the evidence collected, and prepare a written report.

As part of the investigation, the investigators met with [REDACTED] to discuss the allegations and supporting documentation she provided. The investigators also interviewed Dr. Kirsch, who was accompanied by union representatives. The investigators also interviewed three other witnesses and reviewed numerous emails and correspondences provided by the Complainant. Dr. Kirsch was invited to provide any additional relevant documentary materials to the investigators to supplement his interview, but no documents were provided.

The investigation focused on (1) clarifying the alleged facts set forth in the complaint; (2) determining whether the alleged facts could be substantiated; and (3) if so, determining whether the alleged facts were inconsistent with SCSU’s nondiscrimination and anti-harassment policies. The results of this investigation follow.

II. Factual Findings

The facts of this matter are largely undisputed, and Dr. Kirsch could not point to any factual inaccuracies in [REDACTED] complaint, although he denied that he sexually harassed [REDACTED] and stated that [REDACTED] mischaracterized the interactions.

[REDACTED] is an associate professor in the [REDACTED] This is her [REDACTED] academic year at SCSU. Dr. Kirsch has been a tenured professor in the accounting department at SCSU for more than thirty years. Both parties agree that before September 2023, they had minimal interaction. Both parties also agree that their interactions changed after September 12, 2023, when members of the accounting department were discussing via email the curriculum for an intermediate accounting class. Dr. Kirsch posed questions to the group, and [REDACTED] offered to meet with him to discuss the curriculum. She proposed that he stop by during her office hours. Dr. Kirsch responded to [REDACTED] and the larger group that he was not available at the time suggested by [REDACTED] but proposed other times to meet. On September 13, 2023, [REDACTED] responded to Dr. Kirsch and the larger group that they “take it offline and find a time. On September 19, 2023, Dr. Kirsch emailed [REDACTED] individually to schedule a meeting and stated, “you have peaked my curiosity.” [REDACTED] responded that, due to other commitments, she would have more time to look at the curriculum in December or January, and proposed they meet then. The next day Dr. Kirsch responded with a lengthy email describing his various projects and he invite [REDACTED] to join him for a cup of coffee in the next couple of months. [REDACTED] responded that they should try to connect after she defended her dissertation

on October 6. On September 24, 2023, Dr. Kirsch sent [REDACTED] a response that included information about his recent urologist appointment [REDACTED] procedure.

Sometime during the first two weeks of October, Dr. Kirsch went to [REDACTED] classroom before class started and stated that he really needed to speak with her and told her not to worry, but it was important that they speak. According to Dr. Kirsch, he went to her classroom in order to understand what [REDACTED] wanted to speak to him about and to schedule a time to speak further. They briefly spoke in the doorway to the classroom. While this interaction itself is not harassment, it is indicative of a pattern of behavior of Dr. Kirsch becoming increasingly persistent about speaking with [REDACTED].

On Tuesday, October 10, 2023, Dr. Kirsch sent [REDACTED] an email requesting to meet with [REDACTED] on Thursday at 1:40 p.m. after her class. Dr. Kirsch stated that “trying to work things out while you are teaching and I am passing your class room in the hall has not resulted in satisfactory communication.” On Thursday, October 12 at 1:39 p.m. [REDACTED] emailed Dr. Kirsch that she “won’t be able to chat today” and asked to do a virtual meeting. Dr. Kirsch responded to her email and emphasized the “today” phrase in her email and provided her with his cell phone number. Dr. Kirsch also stated “Ever since you told me at the beginning of this semester that you were glad that I came back to SCSU, and later we walked together to class one day, and you called out to me repeatedly from your classroom, I think about you often.” He requested that [REDACTED] “get in touch with me and ease my concern for you and yours.” On Saturday, October 14, 2023, Dr. Kirsch sent [REDACTED] another lengthy email about his personal life and asked to “chat next week.” Dr. Kirsch stated in his interview with the investigators that the purpose behind the lengthy emails was to “impress [REDACTED] in both a professional and personal context. Dr. Kirsch also reported to the investigators that he believed [REDACTED] was interested in him in a romantic way. Dr. Kirsch pointed to [REDACTED] “friendly” emails and various interactions where [REDACTED] treated Dr. Kirsch as the basis for this belief. All of the conduct that Dr. Kirsch pointed to, however, is typical of polite and friendly interactions between colleagues.

On Monday, October 16, [REDACTED] responded to Dr. Kirsch’s emails, saying that she could chat on Friday via Teams. [REDACTED] was concerned that his emails were getting increasingly lengthy. She did not want to engage in a long conversation with Dr. Kirsch, so she requested the meeting be virtual. [REDACTED] also shared with the investigators that his emails were so long that she did not read them fully and did not see Dr. Kirsch’s statement of “I think about you often” until she went back and reread the emails after the incidents described below.

Their interactions escalated on the morning of October 17, 2023, when Dr. Kirsch went to [REDACTED] office. According to Dr. Kirsch, he went there to speak with her about his age and his recent medical history. Specifically, he told [REDACTED] that he is 81 because he knew she was considerably younger. He also asked [REDACTED] if she knew what was involved in operating on a male with an enlarged prostate, and told [REDACTED] that when the surgery is over, the semen flows into the bladder and a male cannot ejaculate in a normal way.

According to Dr. Kirsch, he told [REDACTED] about his medical history and recent prostate surgery because [REDACTED] is of childbearing age and if she wants to have kids, he

“can’t help her.” Dr. Kirsch reported t [REDACTED] o be fully informed if she wanted to pursue a romantic relations p w m.

At this point, [REDACTED] nderstood that Dr. Kirsch was interested in a romantic or sexual relationship w t er, an she became uncomfortable. According to Dr. Kirsch, [REDACTED] “didn’t react the way I thought she would,” and [REDACTED] asked him to leave her o ce ecause she had another meeting. [REDACTED] lso told Dr. Kirsch that she just wanted a professional relationship. Dr. Kirsch reported to the investigators that he believed this to be an “after the fact thought,” and told [REDACTED] hat he had heard that before. [REDACTED] eported that Dr. Kirsch was blocking the door during this interaction, which made t more uncomfortable. Dr. Kirsch reported that there was nowhere else in her office to stand except between her desk and the door and the door was open during the entire interaction.

After this interaction [REDACTED] mmediately went to the Dean’s office. Dean Boronico was not in his office, so she s oke with Associate Dean Gantasala. In his interview, Associate Dean Gantasala reported tha [REDACTED] eported her interaction with Dr. Kirsch in her office and also reported the long, persona ema s he was sending her and his visits to her classroom. According to Associate Dean Gantasala, [REDACTED] as trembling and shaking while explaining what had happened [REDACTED] had to get to her next class, so she left quickly but came back later in the day to speak to Dean Boronico about the incident.

Two days later, on October 19, 2023, Dr. Kirsch entered [REDACTED] lass when it finished at approximately 1:40 p.m. According to Dr. Kirsch, he went t ere to apologize for upsetting her on October 17th. A student in the class, Witness A, reported that towards the end of the class, he observed Dr. Kirsch walking back and forth by the classroom door approximately two to three times and actively tr in to look into the classroom before he entered the classroom. Once he entered the classroom [REDACTED] repeatedly told Dr. Kirsch that he needed to leave the classroom and she would not spea w t him without a third-party present and began to raise her voice. At this time, there were numerous students still in the classroom. Dr. Kirsch eventually left the classroom and [REDACTED] ontinued speaking to students.

When [REDACTED] left the classroom, alone, Dr. Kirsch approached her in the hallway and told [REDACTED] that he needed to speak to her. [REDACTED] eported that she felt nervous being stuck in the hallway with Dr. Kirsch. [REDACTED] aga n to d Dr. Kirsch not to speak to her and walked away. Dr. Kirsch continued to try to speak with her and “catch up” with her in the hallwa . At that point, a student, Witness B, returned to the area to retrieve a water bottle, which [REDACTED] had in her hands. Witness B reported that when she approache [REDACTED] she heard [REDACTED] repeatedly tell Dr. Kirsch “leave me alone” and that [REDACTED] as very “frustrated” and “unsettled” and appeared to want nothing to do with Dr. Kirsch. Witness B also reported that [REDACTED] appeared to be trying to get away from Dr. Kirsch, but Dr. Kirsch was following her. Witness B reported that eventually [REDACTED] “got away” and began walking with Witness B, at which point Dr. Kirsch “backed off.”

In his interview with the investigators, Dr. Kirsch put specific emphasis on the fact that, according to him, [REDACTED] said “I don’t want to speak to you, *today*.” Thus, the next da , Dr. Kirsch sent [REDACTED] another letter in which he detailed the reasons why he believe [REDACTED] as interested in him romantically. According to the letter, in one interaction at the

beginning of the semester [REDACTED] stopped talking to another professor and turned to Dr. Kirsch and told him that she was glad he was back this semester. He also stated that he believed [REDACTED] attempts to speak with him about the intermediate accounting curriculum “may have just been a way of trying to get to know [Dr. Kirsch] better.” Dr. Kirsch also pointed to various other interactions between them that are typical of friendly and professional behavior between colleagues. Dr. Kirsch then stated, “having spent many sleepless nights thinking of you, two things occurred to me that I had to tell you to be fair to you: (1) my true age, not my apparent age; and (2) my health problems.” He went on to say “I like you very much. You are very intelligent, have a nice personality and are very good-looking. The thing about you that I like most is your caring ways. I hope you can find it in your heart to forgive me for upsetting you on Tuesday. If I had a chance to do it over, I would do things differently.”

Dr. Kirsch reported that he was “shocked” that [REDACTED] filed a complaint against him. During his investigatory interview, Dr. Kirsch expressed frustration that [REDACTED] did not let him finish telling her about this medical history and that he was not able to tell her that he is unable to “father children.” Dr. Kirsch also told the investigators that [REDACTED] had allowed Dr. Kirsch to finish telling her about his prostate surgery, none of “this would have happened” because, according to Dr. Kirsch, if [REDACTED] is of childbearing age, “getting involved” with Dr. Kirsch does not make any sense. Dr. Kirsch reported that he was “hoping” that [REDACTED] would realize that he is not the “guy for her” and would no longer be interested in [REDACTED] [REDACTED] asked [REDACTED] [REDACTED] had communicated to Dr. Kirsch that she was interested in him romantically, Dr. Kirsch responded that “you don’t always know what the other person thinks,” and “I just knew I liked her and I thought she liked me.”

III. Analysis and Conclusion

SCSU has promulgated a Discrimination and Sexual Harassment Prevention Policy Statement as well as a Sexual Misconduct Reporting, Support Services and Processes Policy. Sexual misconduct is defined as, in part:

Sexual misconduct includes engaging in any of the following behaviors:

- (a) Sexual harassment, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive educational or employment environment. Examples of conduct which may constitute sexual harassment include but are not limited to: sexual flirtation, touching, advances or propositions; verbal abuse of a sexual nature; pressure to engage in sexual activity; graphic or suggestive comments about an individual's dress or appearance; use of sexually degrading words to describe an individual; display of sexually suggestive objects, pictures or photographs; sexual jokes; stereotypic comments based upon gender; threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

Here, the evidence shows that Dr. Kirsch's advances toward [REDACTED] were unwelcomed. All of the conduct that Dr. Kirsch points to in order to support his position that [REDACTED] as "interested" in him is simply typical, polite, and professional interactions between colleagues. Further, [REDACTED] clearly expressed to Dr. Kirsch on October 17 that she was not interested in anything beyond a professional relationship. Yet Dr. Kirsch continued to go to her classroom, approach her in the hallway, and send her a letter about "having spent many sleepless nights thinking of" her and stated: "I like you very much. You are very intelligent, have a nice personality and are very good-looking." Dr. Kirsch's conduct created a hostile or offensive working environment for [REDACTED]. This is evidenced by her reports of being uncomfortable and fearful of Dr. Kirsch's behavior and by numerous witnesses who reported [REDACTED] being upset by Dr. Kirsch's conduct. Further, Dr. Kirsch's conduct affected [REDACTED] staff and students when Dr. Kirsch entered her classroom after being rebuffed by [REDACTED].

After a thorough and comprehensive investigation, the investigators substantiated the facts [REDACTED] alleged in her complaint. The investigation has concluded that the credible evidence indicates that Dr. Kirsch subjected [REDACTED] to conduct that constituted unwanted sexual advances, unwanted sexual attention and pressure to engage in a sexual relationship in violation of this policy. The investigators further determined that Dr. Kirsch's substantiated conduct was a violation of University and BOR policies. Thus, this matter will be referred to the Office of Human Resources for review and appropriate action.