

CONFIDENTIAL REPORT

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UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN



Office of Diversity, Equity, and Access
Suite 310
1004 South Fourth Street
Champaign, IL 61820

August 17, 2016

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I. Summary

This matter involves allegations by a student, [REDACTED], against Professor Gary Xu, professor and former department head of East Asian Languages and Cultures (EALC), over the period from April 25, 2014 through the present. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In follow-up, the College of Liberal Arts and Sciences determined that it was necessary and appropriate to counsel Professor Xu regarding his failure to exercise good judgment and engage appropriate emergency services and/or campus resources in responding to the situation. As Dean Wilson was preparing to meet with Professor Xu in August 2014, the campus learned of social media posts and private messages between an anonymous user and a social media website administrator that raised concerns that

[REDACTED]

[REDACTED]

On September 15, 2014, Dean Wilson informed Professor Xu about the allegations against him, explicitly directed him to have no contact with [REDACTED] pending an investigation into the allegations, authorized campus information technology services to conduct a forensic review of Professor Xu's computers to look for evidence of the alleged relationship and physical abuse, and directed campus human resources and ODEA to investigate [REDACTED] new allegations. In a letter dated September 19, 2014, Professor Xu was again told he was "to have no contact with

⁸ Note that a previous draft of this report indicated that the primary allegations of abuse occurred in July 2014; however, a re-review of all documents that reference the abuse, including [REDACTED] own narrative (Exhibit A), indicate that the alleged abuse occurred in August.

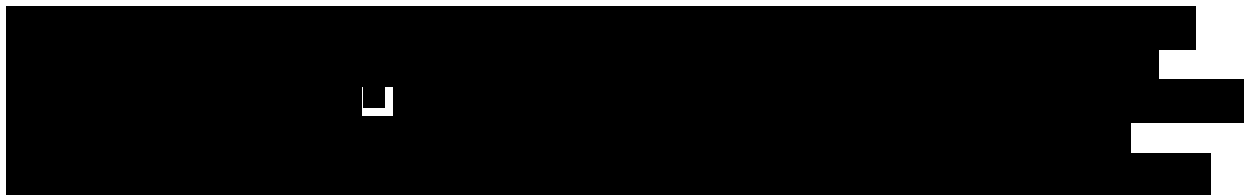
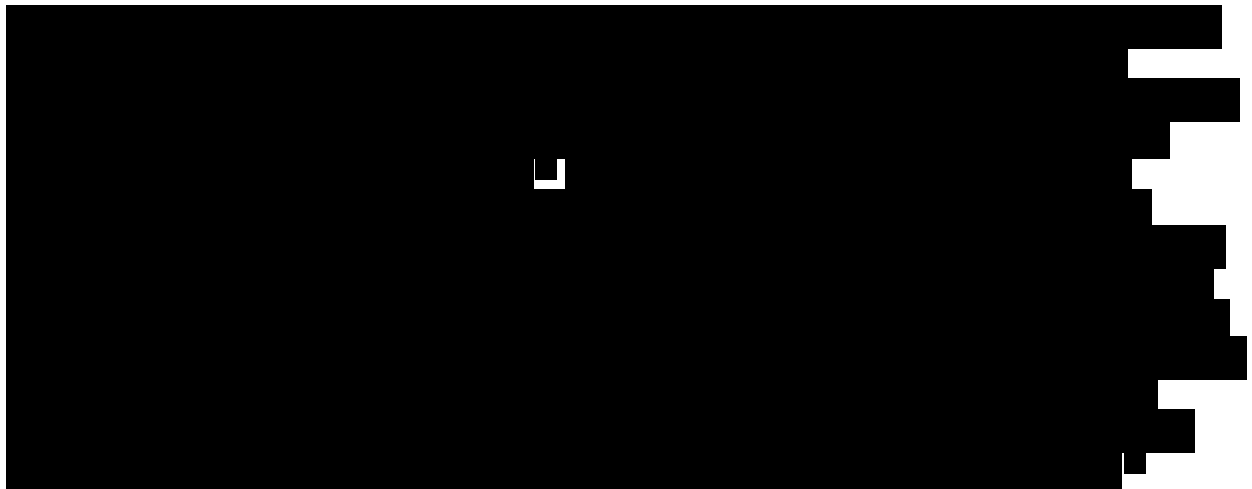
⁹ Exhibit F.

¹⁰ Exhibit G.

¹¹ Exhibit H.

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██████████ including communications via email, through other intermediaries, or in any other manner” during the investigation.¹²



¹² Exhibit I. As detailed in this report, Professor Xu violated this no contact directive on multiple occasions. In particular, he permitted ██████████ to enroll in a course he was teaching during spring 2015 which, when discovered by the Director of his School and Dean of the College of Liberal Arts & Sciences, resulted in the issuance of a letter of expectations dated April 7, 2015 that again reiterated he was to have no contact with the student.

¹³ Exhibit J.

¹⁴ Exhibit A.

¹⁵ Exhibit K.

¹⁶ Exhibit L. Each text message exchange and image that include Chinese text is followed by a document that provides English translation of the Chinese text within the text message or image.

¹⁷ Exhibit A.

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[REDACTED] written allegations, Professor Xu was placed on administrative leave pending completion of this investigation.¹⁸

[REDACTED]

[REDACTED]

[REDACTED]

Finally, the investigation established by a preponderance of the evidence that Professor Xu violated, on a number of occasions, the clear, unequivocal directives he was given to have no further contact with [REDACTED] during the pendency of the investigation.

II. Applicable Policies

The campus’ *Sexual Misconduct* Policy prohibits all forms of sexual misconduct, which includes sexual assault, sexual exploitation, stalking, sexual harassment, dating violence, and domestic violence. Due to the nature of the allegations, this investigation considers the dating violence provision of the Policy. The Policy defines dating violence as:

“Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and the existence of such a relationship shall be

¹⁸ Exhibit QQ.
¹⁹ Exhibit M.
²⁰ Exhibit B, pages 14-64.
²¹ Exhibit RR.

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determined based on the reporting party's statement and with consideration of the length of relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship."²²

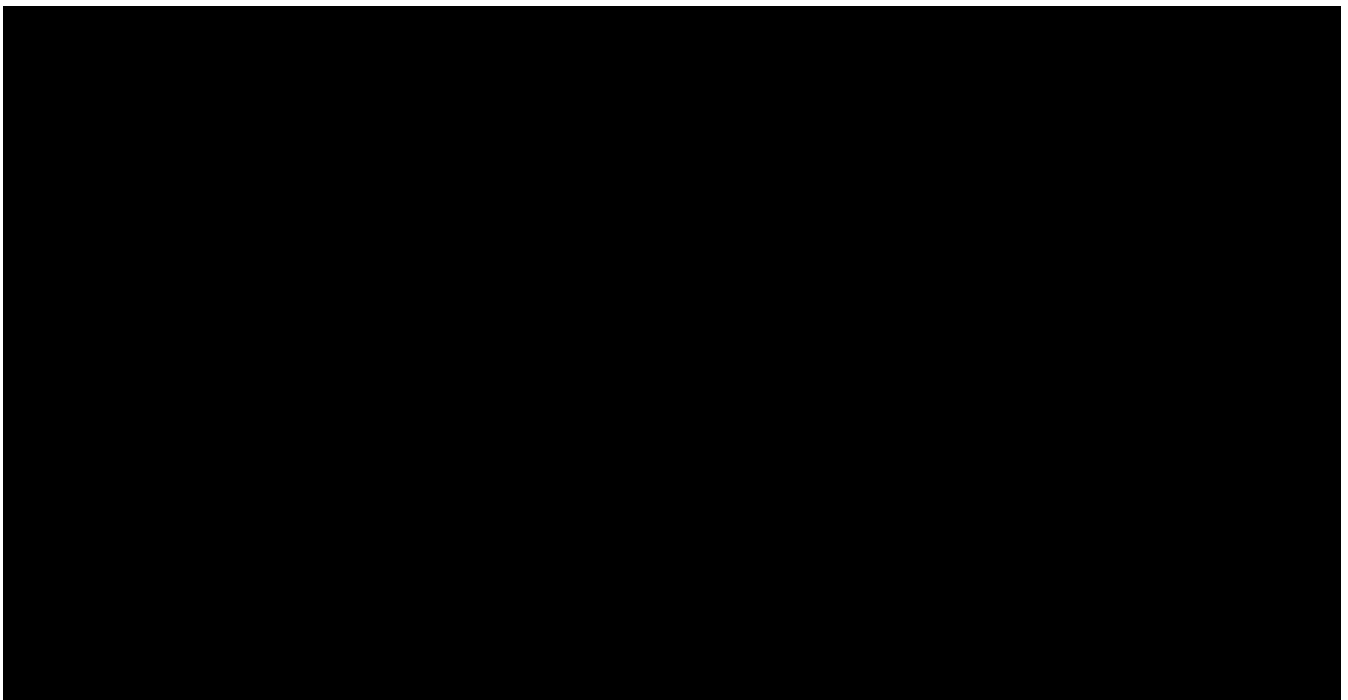
The campus' *Statement on Consenting Sexual Relationships* Policy delineated in Section 1-109 of the *Student Code* stipulates that no individual can participate in institutional or educational decisions of a person with whom that individual has or has had a sexual relationship. Where such a relationship exists, it is the responsibility of the supervising individual to notify his/her supervisor so that appropriate arrangements can be made.²³

The University's *Code of Conduct* imparts a general duty on those acting on behalf of the University to conduct themselves in a manner that will maintain and strengthen the public's trust and confidence in the integrity of the University and take no actions incompatible with their obligations to the University.

This investigation uses a Preponderance of the Evidence standard in its analysis.

III. Allegations & Responses

A. [REDACTED] Allegations

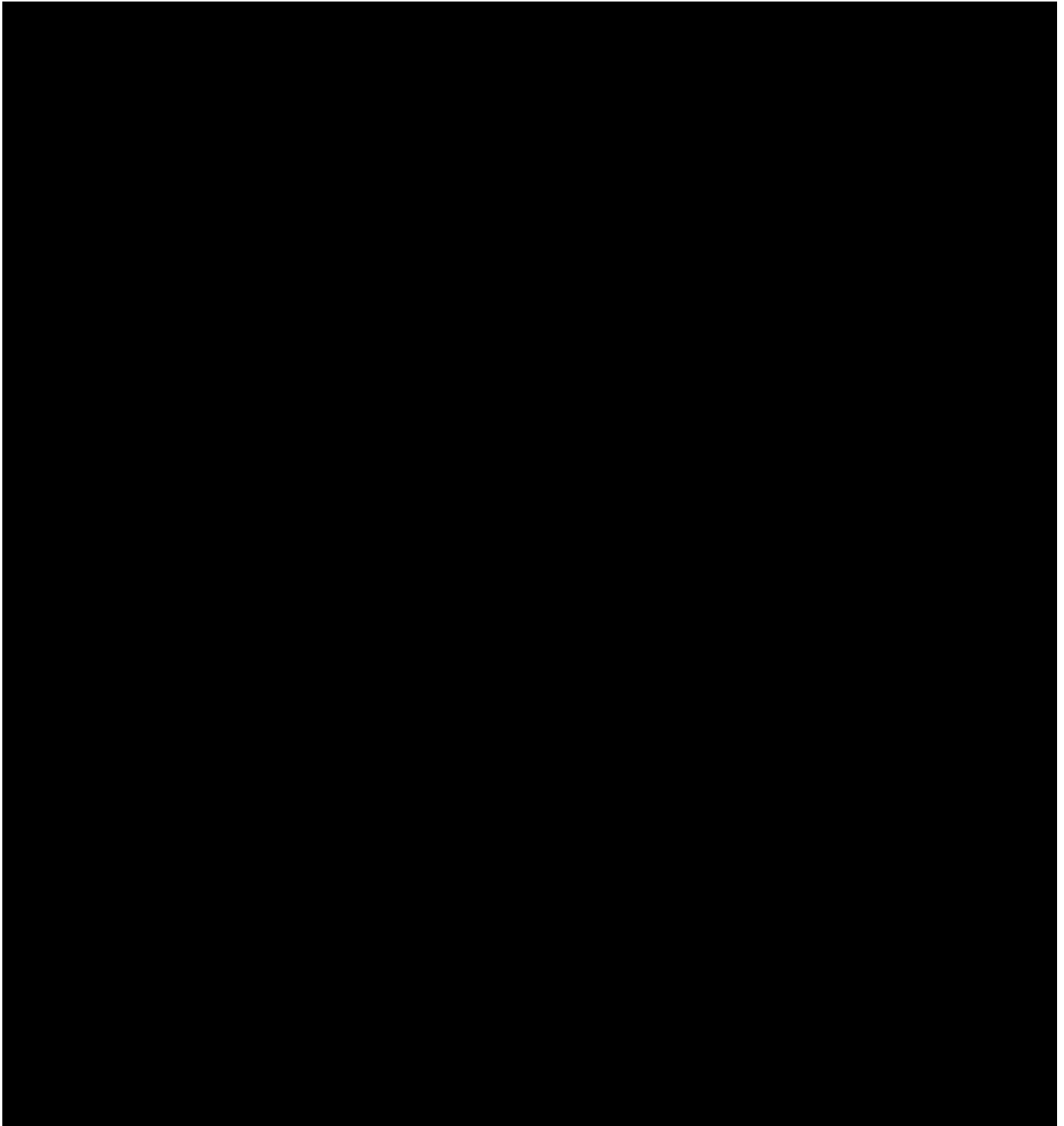


²² Exhibit N.

²³ Exhibit O.

²⁴ Exhibit C.

²⁵ Exhibit P.



²⁶ Exhibit Q.

²⁷ Exhibit Q.

²⁸ Exhibit R.

²⁹ Exhibit R.

³⁰ Exhibit R.

³¹ Exhibit R.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

³² Exhibit R.

³³ Exhibit S.

³⁴ Exhibit D.

³⁵ Exhibit T.

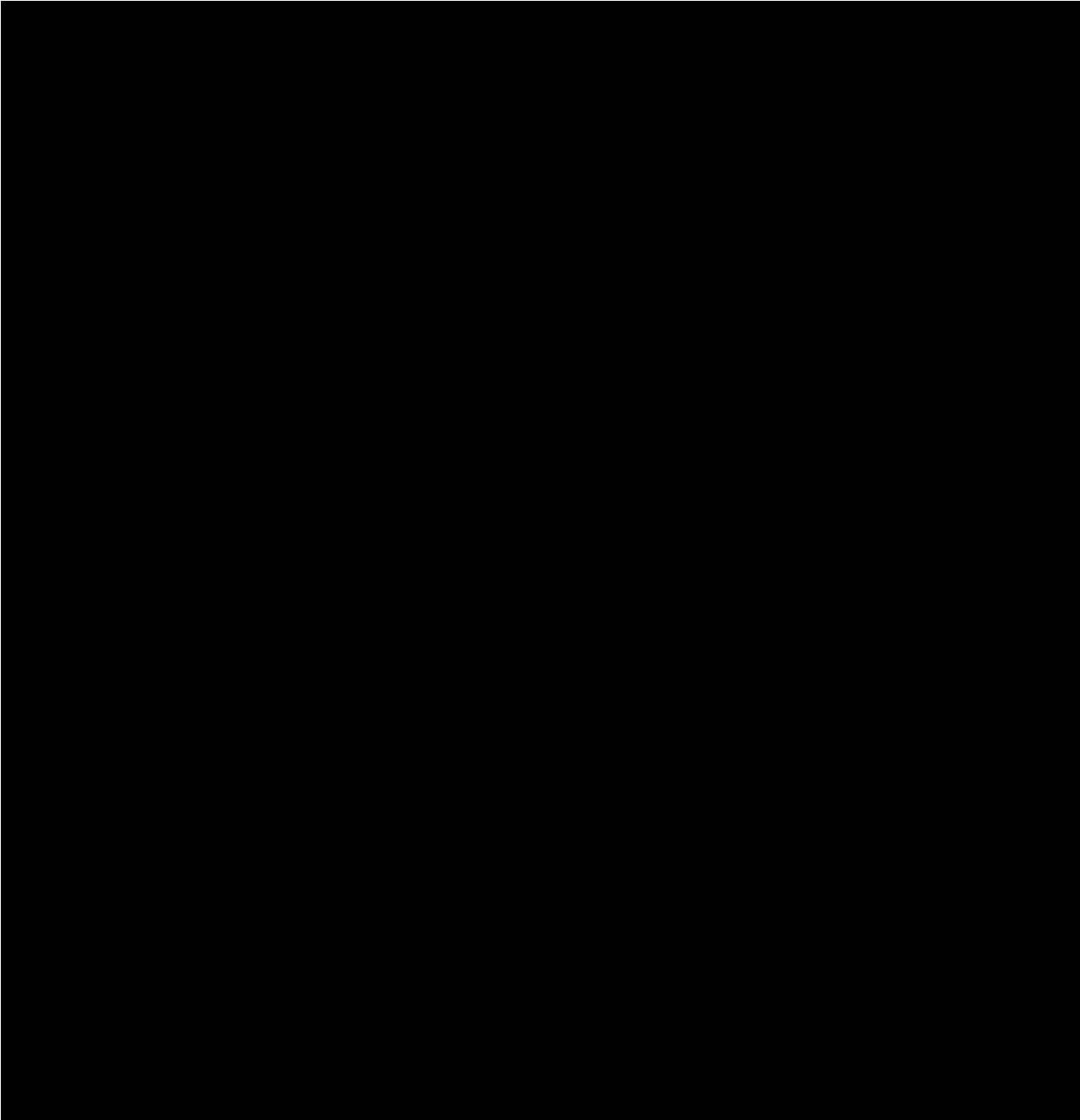
³⁶ Exhibit G.

³⁷ Exhibit G.

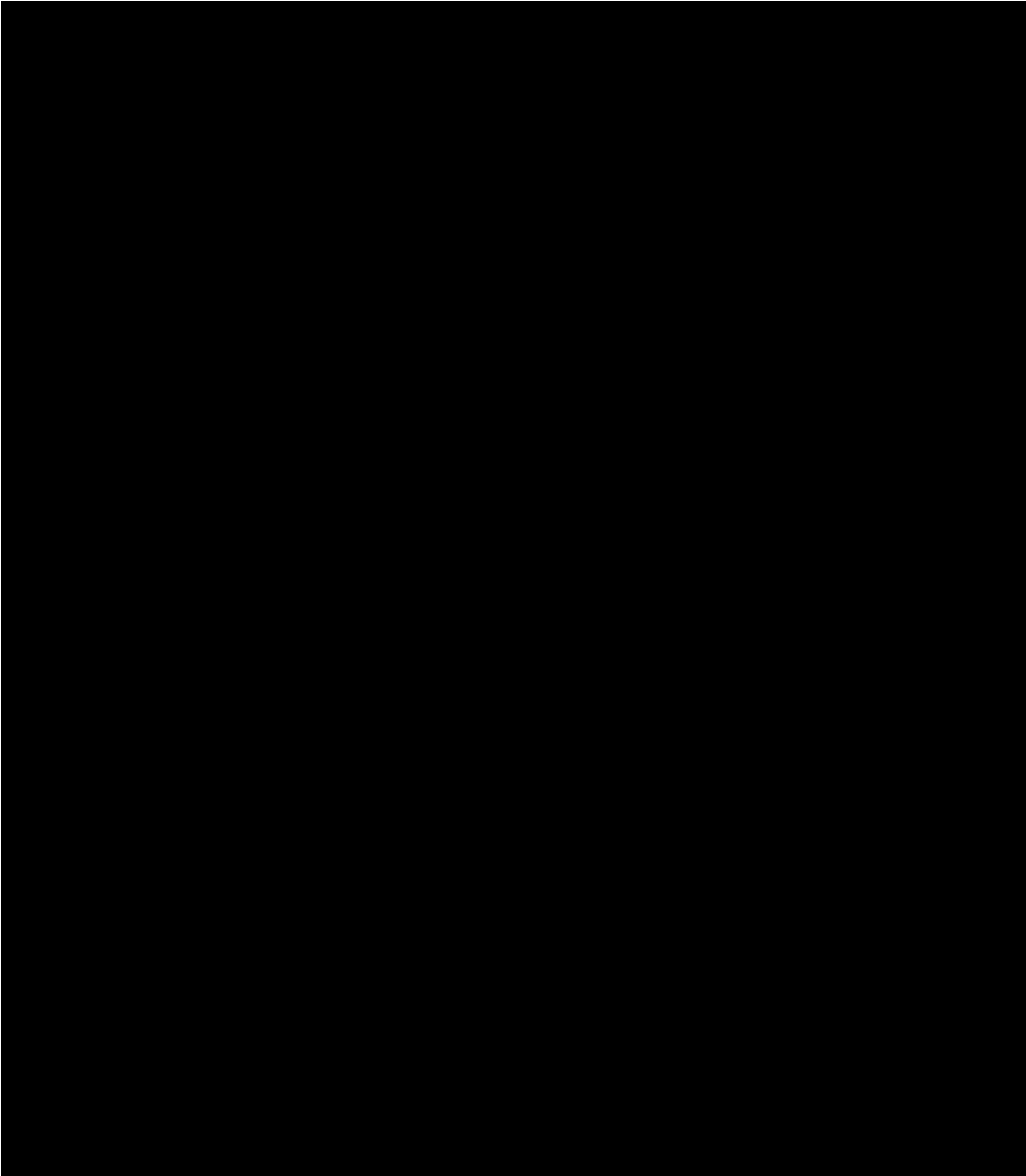
³⁸ Exhibit U.

³⁹ Exhibit V.

⁴⁰ Exhibit U.



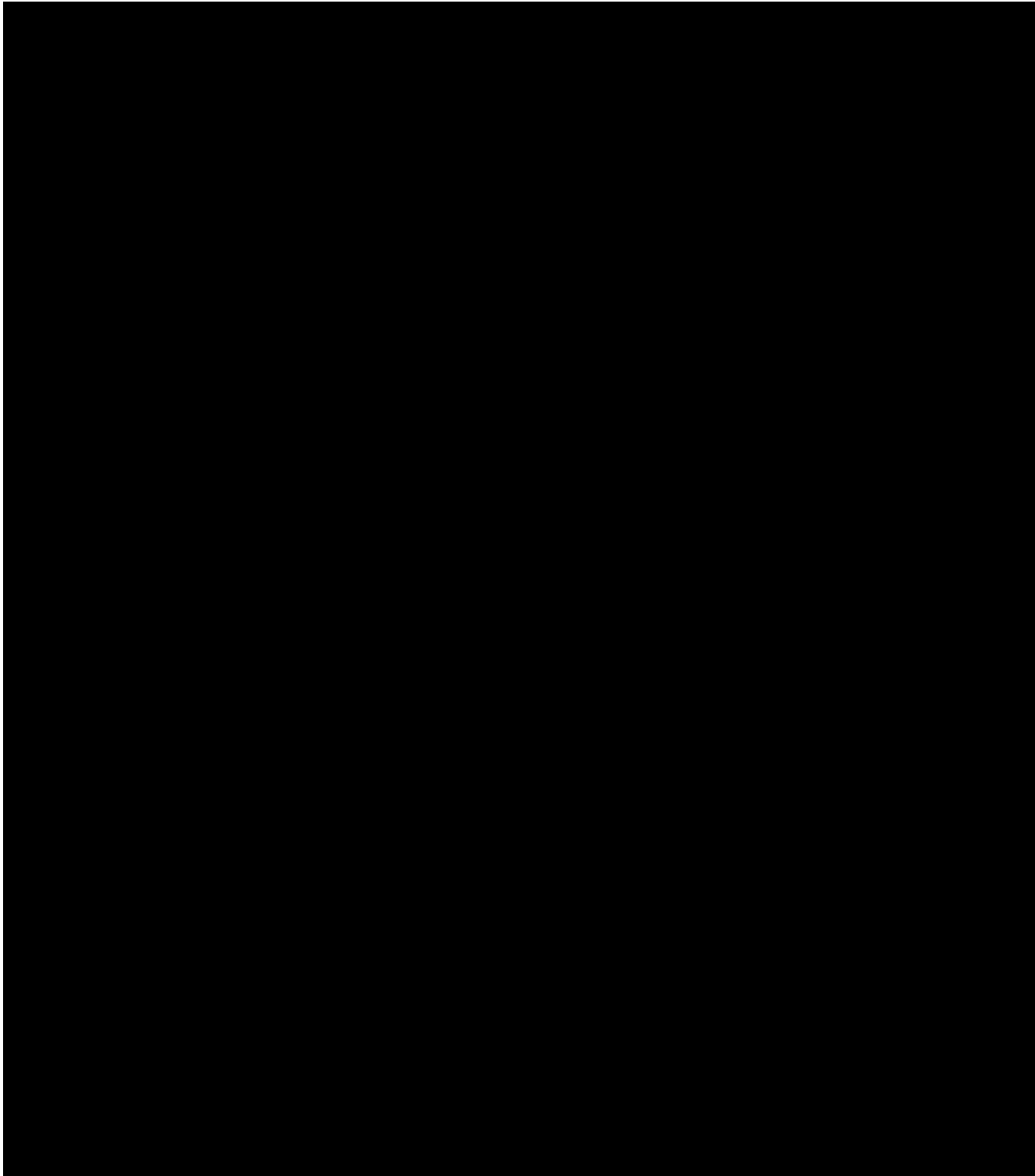
- ⁴¹ Exhibit W
- ⁴² Exhibit X.
- ⁴³ Exhibit H.
- ⁴⁴ Exhibit H.
- ⁴⁵ Exhibit Y.
- ⁴⁶ Exhibit A.
- ⁴⁷ Exhibit Z.



⁴⁸ Exhibit Z.

⁴⁹ Exhibit AA.

⁵⁰ Exhibit K.



⁵¹ Exhibit BB.

⁵² Exhibit CC.

⁵³ Exhibit DD

⁵⁴ Exhibit M.

⁵⁵ Exhibit EE.

⁵⁶ Exhibit EE.

⁵⁷ Exhibit RR.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

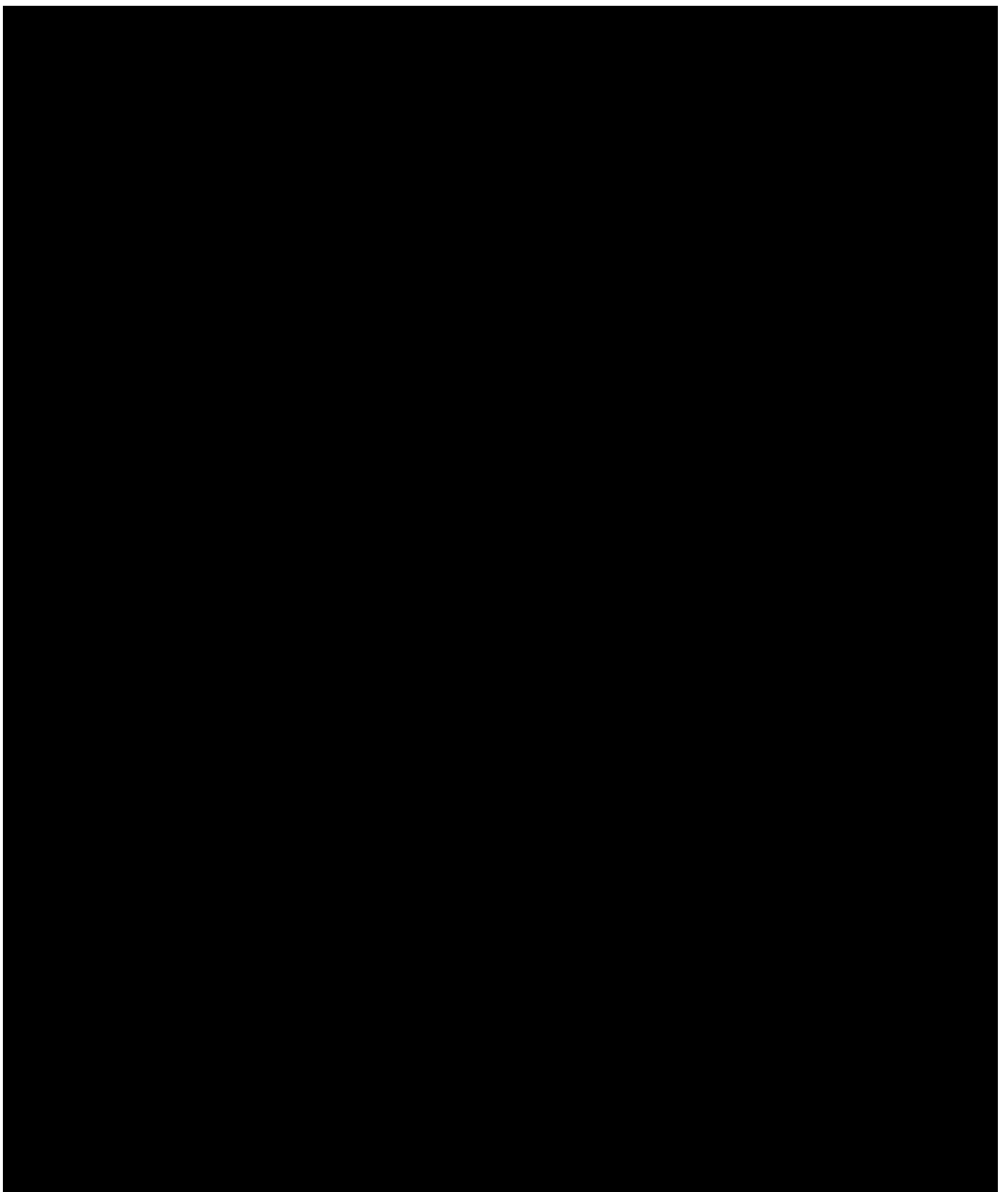
B. Gary Xu's Response to Allegations:

[REDACTED]

⁵⁸ Exhibit RR.

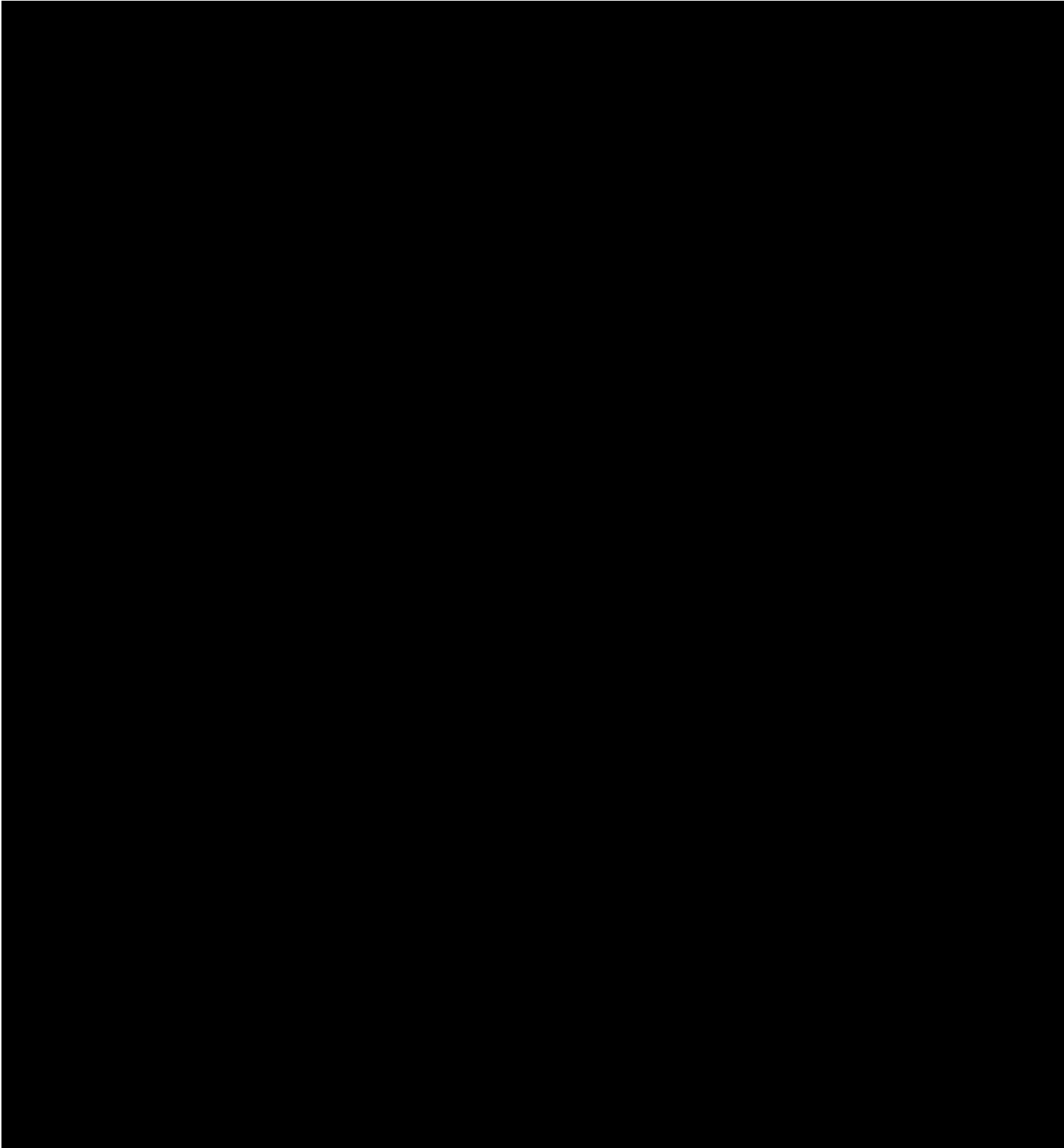
⁵⁹ Exhibit E.

⁶⁰ Exhibit B.



⁶¹ Exhibit JJ.

⁶² Exhibit B, page 17.



⁶³ Exhibits U and X.

⁶⁴ Exhibit I.

⁶⁵ Exhibit FF.

⁶⁶ Exhibit GG.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IV. Analysis and Findings

A. Dating Violence

The University prohibits and will not tolerate sexual misconduct, which includes sexual harassment, sexual assault, sexual exploitation, stalking, dating violence and domestic violence.⁶⁹ [REDACTED]

⁶⁷ Exhibit K.

⁶⁸ Exhibit HH.

⁶⁹ Exhibit N.

[REDACTED]

[REDACTED]

[REDACTED]

1. Violence

[REDACTED]

⁷⁰ Exhibit N.

⁷¹ Exhibits A, G, and T.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁷² Exhibit F.

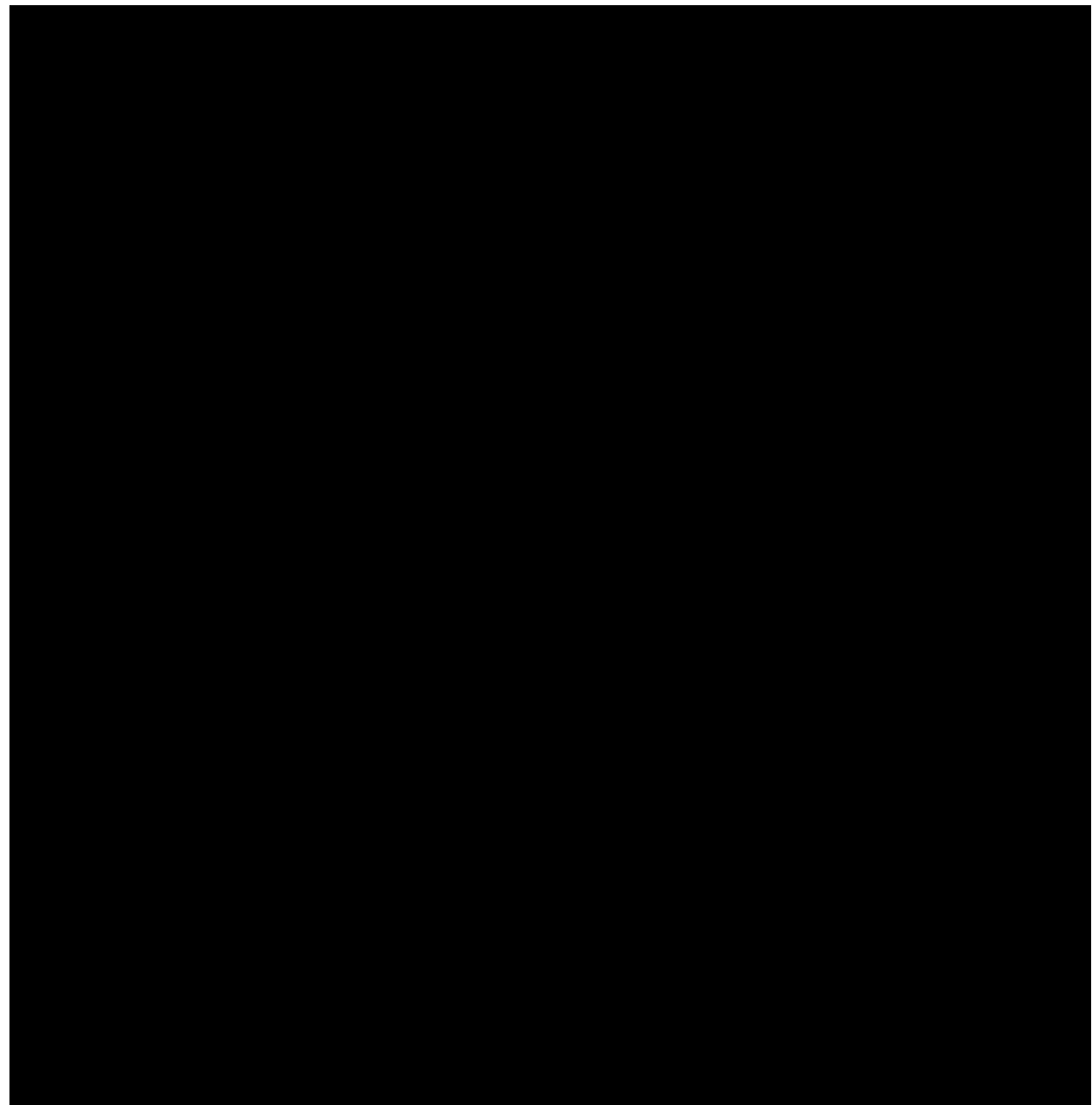
⁷³ Exhibit F and G.

⁷⁴ Exhibit G.

⁷⁵ Exhibit H.

⁷⁶ Exhibit II.

⁷⁷ Exhibit Q.



⁷⁸ Exhibit T, pages 263-265.

⁷⁹ Exhibit T, pages 266 and 267.

⁸⁰ Exhibit JJ.

⁸¹ Exhibit G.

⁸² Exhibit G.

⁸³ Exhibit G.

⁸⁴ Exhibit G.

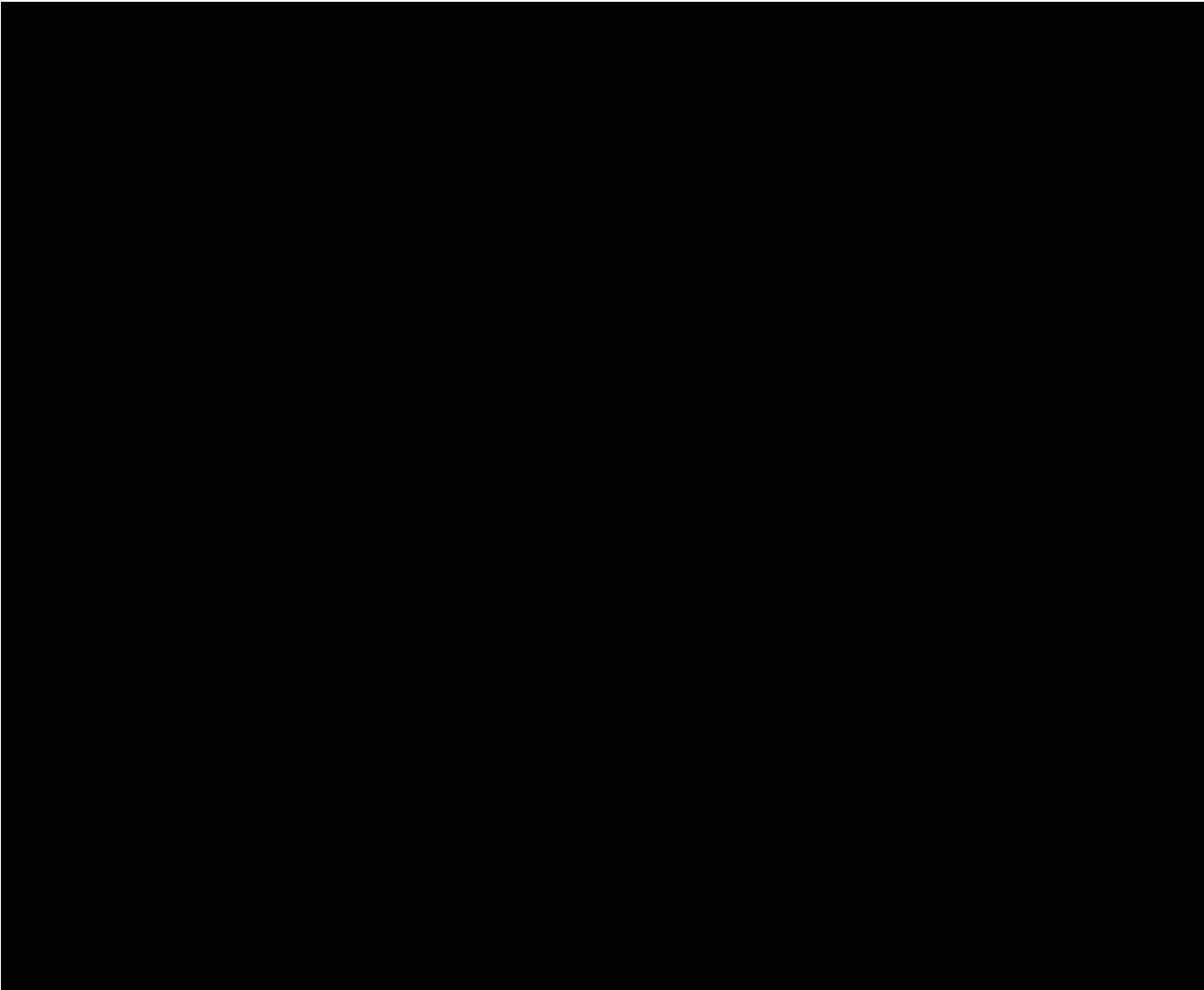
⁸⁵ Exhibit G.

⁸⁶ Exhibit G.

⁸⁷ Exhibit H.

⁸⁸ Exhibit J.

⁸⁹ Exhibit A.



2. A social relationship of a romantic or intimate nature

The Policy defines a relationship as a social relationship of a romantic or intimate nature. It establishes that the criteria that one might employ in determining whether a relationship is a romantic or intimate relationship include: the reporting party's statement, the length of the relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.⁹² A review of these criteria balanced against the evidence support the existence of a romantic and/or intimate relationship between Professor Xu and [REDACTED]

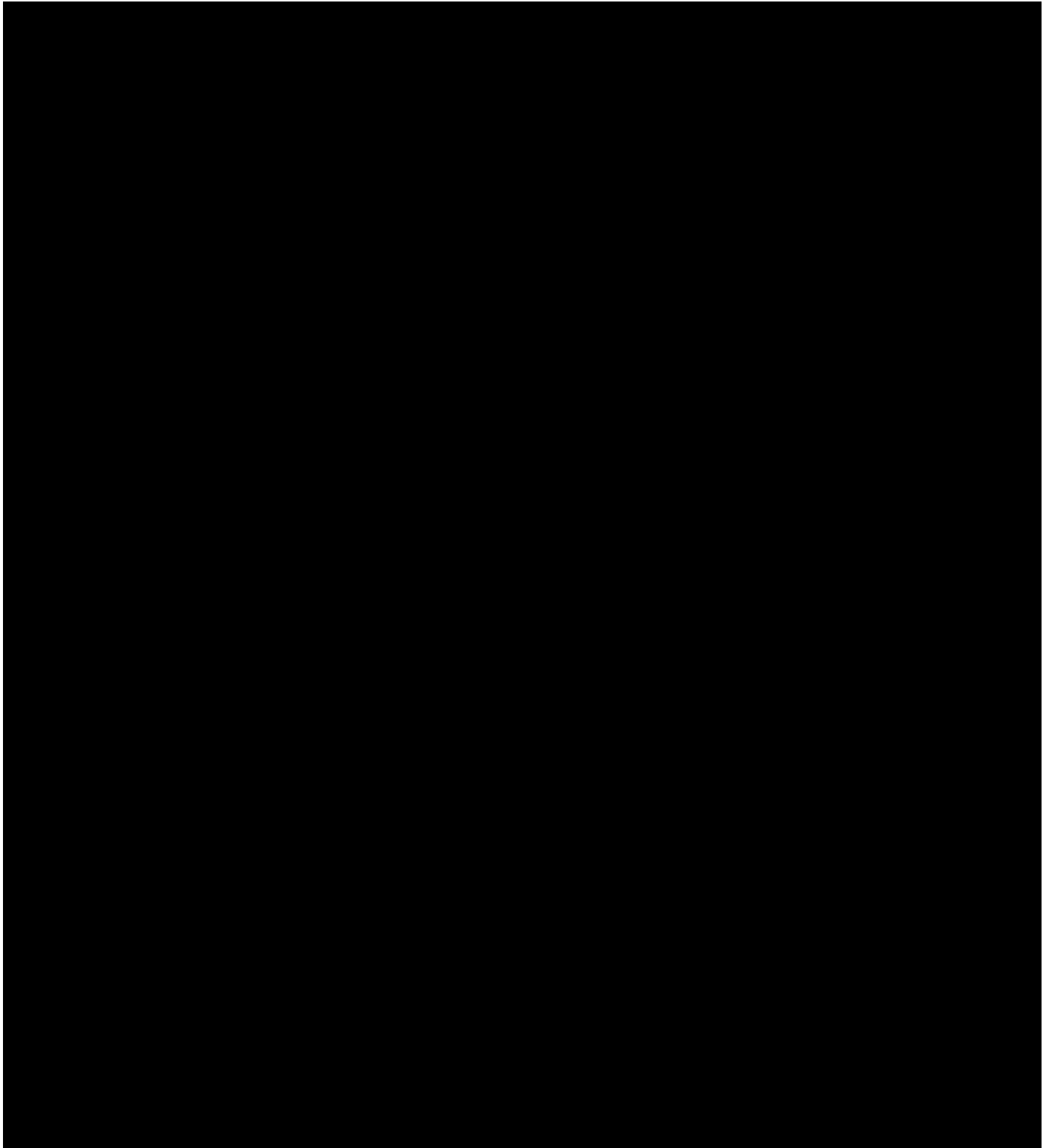
[REDACTED]

[REDACTED]

⁹⁰ Exhibit G.

⁹¹ Exhibits U, W, and X.

⁹² Exhibit N.



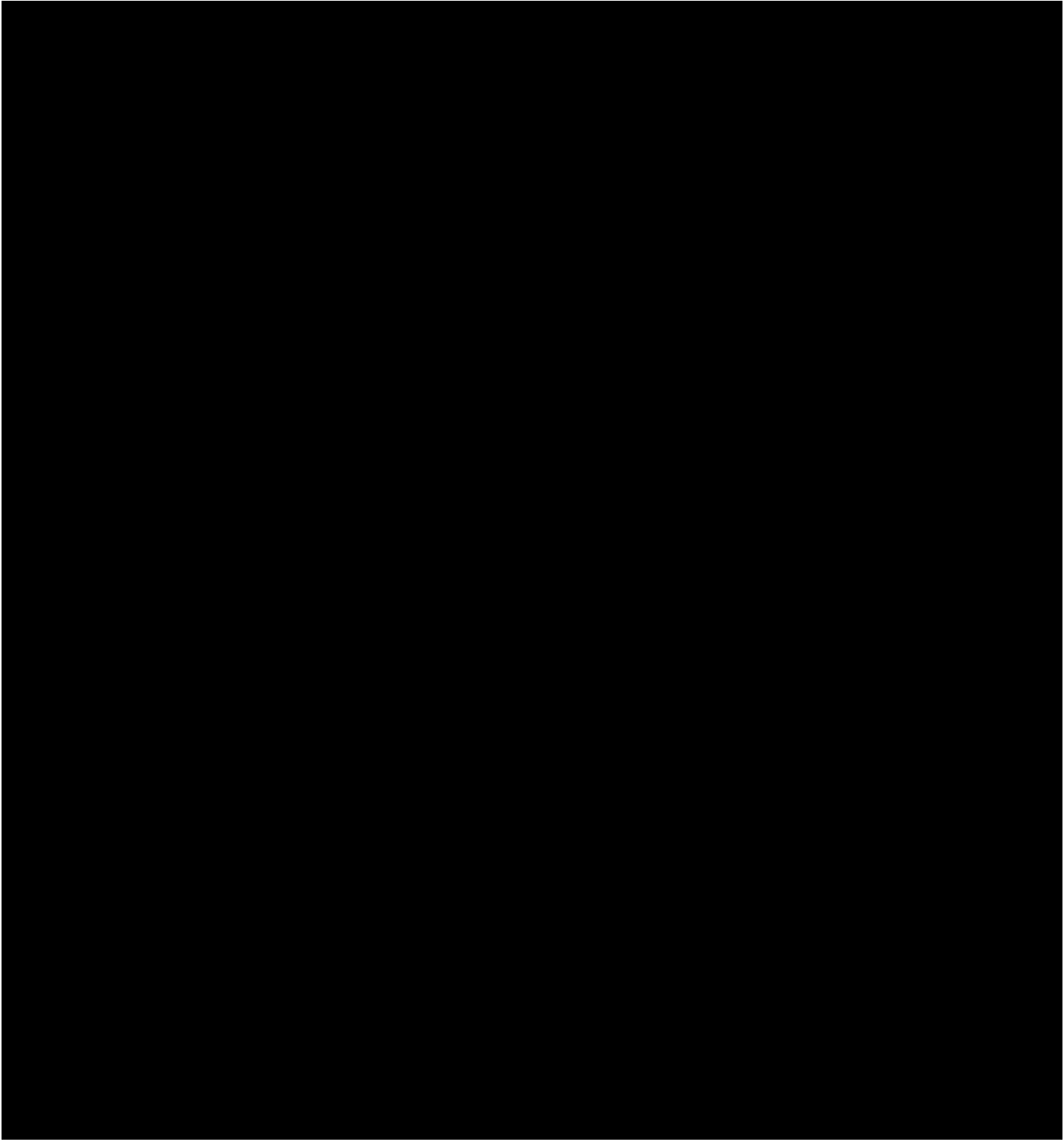
⁹³ Exhibit L.

⁹⁴ Exhibits L and BB.

⁹⁵ Exhibit LL.

⁹⁶ Exhibit LL.

⁹⁷ Exhibit L.



⁹⁸ Exhibit K.

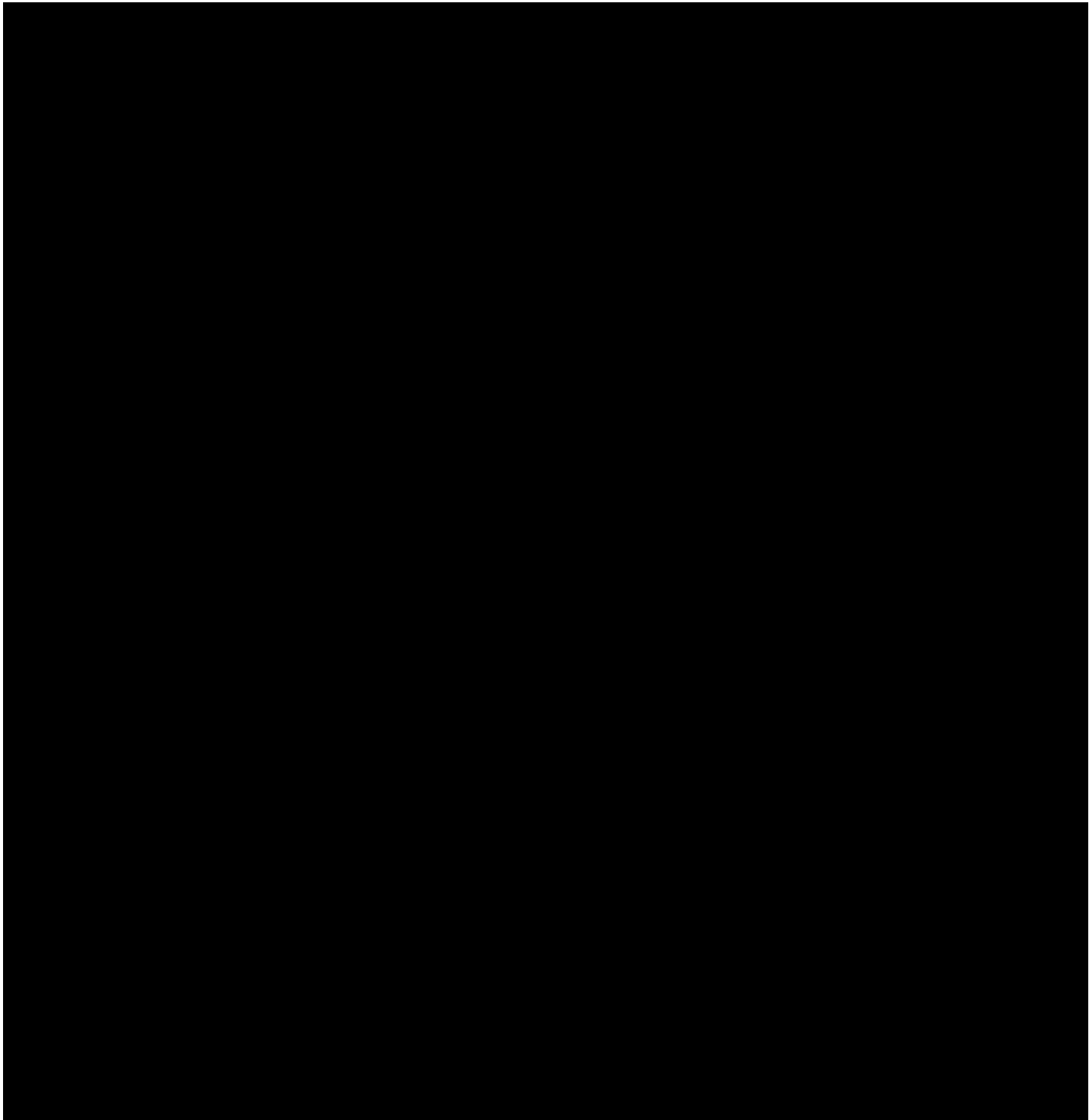
⁹⁹ Exhibit U.

¹⁰⁰ Exhibit KK.

¹⁰¹ Exhibit B, page 17.

¹⁰² Exhibit X.

¹⁰³ Exhibit MM.



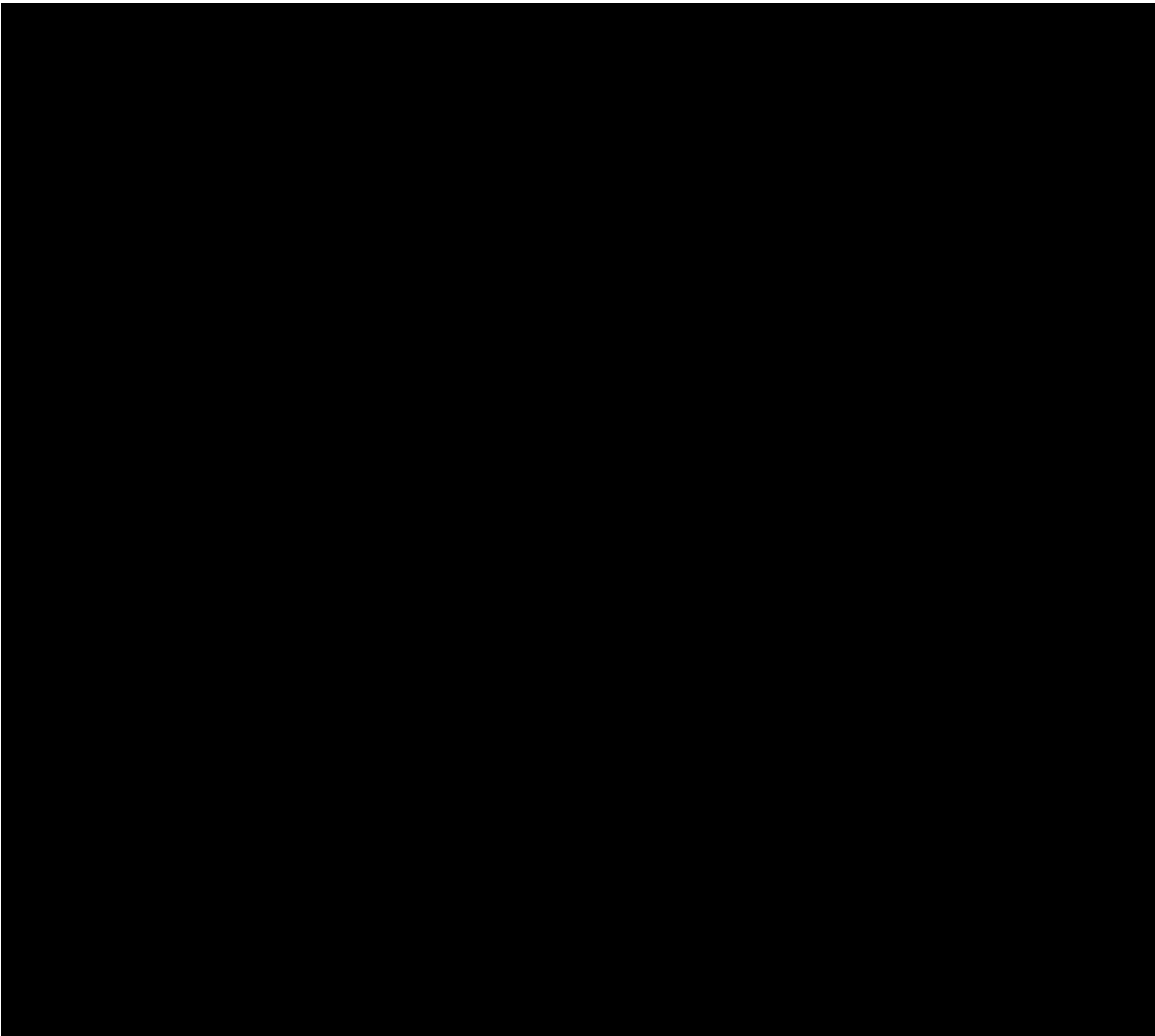
¹⁰⁴ Exhibits SS and TT.

¹⁰⁵ Note that the consumer GPS (such as the GPS capability of a personal mobile phone) provides an approximate location of the device.

¹⁰⁶ Exhibit VV.

¹⁰⁷ Exhibit VV.

¹⁰⁸ Exhibit UU.



B. Conflict of Interest Policy

The campus' *Statement on Consenting Sexual Relationships* Policy stipulates that that no individual can participate in institutional or educational decisions of a person with whom that individual has or has had a sexual relationship. Where such a relationship exists, it is the responsibility of the supervising individual to notify his/her supervisor so that appropriate arrangements can be made.

¹⁰⁹ Exhibit VV.

¹¹⁰ Exhibits L (pages 216-219) and VV (page 437).

¹¹¹ Exhibit L.

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1. Participation in institutional or educational decision

[REDACTED]

2. Existence of a sexual relationship

[REDACTED]

[REDACTED]

This investigator therefore concludes that Professor Xu violated Section 1-109(c) of the *Student Code*, Statement on Consenting Sexual Relationships.

C. Violation of “No Contact” Directives

¹¹² Exhibits A and B.

¹¹³ Exhibit GG.

¹¹⁴ Exhibits A and K.

¹¹⁵ Exhibits D, J, M, and II.

¹¹⁶ Exhibits I, K, L, Q, S, Y, AA, GG, LL, and MM.

UNIVERSITY OF ILLINOIS
AT URBANA - CHAMPAIGN

Department of East Asian Languages and Cultures
2090 Foreign Languages Building
707 South Mathews Avenue
Urbana, IL 61801-3675



September 29, 2016

Kaamilyah Abdullah-Span, JD

Office of Diversity, Equity, and Access


Suite 100, 1004 South Fourth Street

Champaign, IL 61820

Dear Kaamilyah,

The Department of East Asian Languages and Cultures accepts the findings of fact and the conclusions of the ODEA report on the [REDACTED]/Xu Investigation. We have lost confidence and trust in Professor Xu's ability to carry out his duties as a faculty member. It is in the best interest of the University that Professor Xu resigns from his faculty position. If this is not forthcoming, we recommend that the University take action under Article 9 or 10 in disposition of this case.

Sincerely,



Robert Tierney

Head, Department of East Asian Languages and Cultures



Jean-Philippe Mathy

Director, School of Literatures, Cultures, and Linguistics

FW: Proof of Employment - ATTY Client Privileged Work Product

Reynolds, Sharon L

Sent: Friday, March 17, 2017 5:02 PM

To: Tierney, Robert

Cc: Mathy, Jean-Philippe R; Bernhard, William T; Hofer, Craig James; Reynolds, Sharon L

Dear Bob,

[REDACTED]

[REDACTED] S.

Best,
Sharon

---DRAFT MESSAGE---

Dear Gary,

[REDACTED]

[REDACTED] ter.

Sincerely,

Bob

From: Xu, Gary Gang

Sent: Monday, February 27, 2017 8:22 PM

To: Reynolds, Sharon L

Cc: Mathy, Jean-Philippe R; Tierney, Robert

Subject: Re: Proof of Employment

Dear Sharon,

Your email made me realize that I should seek permission for attending a conference at the University of Stockholm on May 23. The conference is on Chinese literature, cinema and art in the context of world literature. I do not use the U of I funds for traveling, but can I use the U of I as my affiliation since this is still my only employment? Also, I teach on July 9 and 10 at Indiana University to high school teachers on how to teach Chinese literature. I have been leading the summer seminar for the past 8 years. Besides these two activities, I have no other engagements that ask for academic affiliations. Thanks.

Gary

Gary G. Xu, PhD
Associate Professor
Department of East Asian Languages and Cultures
University of Illinois, Urbana-Champaign
707 S. Mathews, #2090
Urbana, IL 61801

From: "Reynolds, Sharon L" <sreynlds@uillinois.edu>
Date: Monday, February 27, 2017 at 8:03 PM
To: "Xu, Gary Gang" <garyxu@uillinois.edu>
Cc: Jean-Philippe Mathy <jmathy@uillinois.edu>, "Tierney, Robert" <rtierney@uillinois.edu>, "Reynolds, Sharon L" <sreynlds@uillinois.edu>
Subject: RE: Proof of Employment

Dear Professor Xu,

Department Head Bob Tierney has shared with me the letter you prepared requesting verification of your employment with the University of Illinois. You explain in your email message (below) to Professor Tierney that you need “proof of employment” for [access] Chinese libraries and archives.

Effective January 1, 2016 you were placed on administrative leave pending the outcome of an investigation alleging serious acts of misconduct. The October 23, 2015 administrative leave notification to you clearly communicates, in pertinent part, that: you are not to resume your University duties; you are not to have contact with University employees, students or others regarding this matter or any other official business; and your University pay and benefits will remain unchanged. Please be notified that if you are conducting University business or engaged in non-University activities without appropriate disclosure or approval, you may be in violation of the terms of your administrative leave and the *University Policy on Conflicts of Commitment and Interest*, and thus, you may be subject to related employment action.

So that additional information on this matter can be obtained and until further notice, I remind you that the terms of your administrative leave prohibit you from conducting any business on behalf of the University or from engaging in outside activities without complying with appropriate reporting requirements.

I remain available should you have questions or comments.

Sincerely,

Sharon Reynolds

From: Xu, Gary Gang
Sent: Wednesday, February 22, 2017 8:59 PM
To: Tierney, Robert
Subject: Proof of Employment

Dear Bob,

Several Chinese archives and libraries I am working at ask for proof of employment. I drafted a short letter on our Department letterhead. The Chinese on the letter is a rough but nevertheless accurate translation of the English text. I'd appreciate it if you could e-sign the letter and send it back to me. Please also print it out on a hardcopy and bring it to me on Friday. Thanks,

Gary

Gary G. Xu, PhD
Associate Professor
Department of East Asian Languages and Cultures
University of Illinois, Urbana-Champaign
707 S. Mathews, #2090
Urbana, IL 61801

RE: Attorney Client Communication FW: Draft of letter to Gary Xu

Tierney, Robert

Sent: Tuesday, September 27, 2016 9:15 PM

To: Mathy, Jean-Philippe R; Reynolds, Sharon L; Clower, Laura; Hoefer, Craig James

[REDACTED]

Sincerely,

Bob

Robert Tierney

Associate Professor and Head of East Asian Languages and Cultures,

Comparative and World Literatures

University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>

<http://www.ucpress.edu/book.php?isbn=9780520265783>

From: Mathy, Jean-Philippe R

Sent: Tuesday, September 27, 2016 3:26 PM

To: Reynolds, Sharon L; Clower, Laura; Hoefer, Craig James

Cc: Tierney, Robert

Subject: RE: [REDACTED]

-----Original Message-----

From: Reynolds, Sharon L

Sent: Tuesday, September 27, 2016 12:07 PM

To: Clower, Laura; Hoefer, Craig James

Cc: Mathy, Jean-Philippe R; Tierney, Robert; Reynolds, Sharon L

Subject: [REDACTED]

Dear All,

[REDACTED]

Best,

Sharon Reynolds

-----Original Message-----

From: Clower, Laura

Sent: Tuesday, September 27, 2016 8:42 AM

To: Hoefer, Craig James; Reynolds, Sharon L

Cc: Mathy, Jean-Philippe R; Tierney, Robert

Subject: [REDACTED]

Dear Bob and Jean-Philippe:

[REDACTED]

Best,

Laura

Laura D. Clower, JD | Senior Associate University Counsel | Office of University Counsel | University of Illinois at Urbana-Champaign | 258 Henry Administration Building, MC-340 | 506 South Wright Street | Urbana, Illinois 61801 | Vox: 217.333.0560 | Fax: 217.244.2370 | clower@uillinois.edu

Confidential Communication. The information contained in this message may be privileged and/or confidential and protected from disclosure.

-----Original Message-----

From: Tierney, Robert
Sent: Monday, September 26, 2016 5:25 PM
To: Mathy, Jean-Philippe R; Clower, Laura
Subject: RE: [REDACTED]

Dear Laura and Jean-Philippe,

[REDACTED]

I

Sincerely,

Bob
Robert Tierney
Associate Professor and Head of East Asian Languages and Cultures, Comparative and World Literatures University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>
<http://www.ucpress.edu/book.php?isbn=9780520265783>

From: Mathy, Jean-Philippe R
Sent: Wednesday, September 21, 2016 12:34 PM
To: Abdullah-Span, Kaamilyah
Cc: Clower, Laura; Tierney, Robert; Hoefer, Craig James; Reynolds, Sharon L
Subject: [REDACTED]

Dear Kaamilyah,

[REDACTED]

Best,

Jean-Philippe

RE: Deadline for Notice of Non-Reappointments

Tierney, Robert

Sent: Wednesday, June 14, 2017 6:05 PM

To: Reynolds, Sharon L

Cc: Hoefer, Craig James

Dear Sharon,

Thanks for letting me know.

Best,

Bob

Robert Tierney
Professor and Head of East Asian Languages and Cultures,
Comparative and World Literatures
University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>

<http://www.ucpress.edu/book.php?isbn=9780520265783>

<https://kpfa.org/episode/against-the-grain-august-31-2016/>

From: Reynolds, Sharon L

Sent: Wednesday, June 14, 2017 3:17 PM

To: Tierney, Robert

Cc: Hoefer, Craig James; Reynolds, Sharon L

Subject: RE: Deadline for Notice of Non-Reappointments

Good Afternoon Bob,

I understand Dr. Xu will effectively resign under the terms of the resignation agreement which includes a waiver of his tenure rights. Therefore, no action is needed relative to this announcement. Thank you for reaching out.

Sharon

From: Tierney, Robert

Sent: Wednesday, June 14, 2017 12:20 AM

To: Reynolds, Sharon L

Subject: FW: Deadline for Notice of Non-Reappointments

Dear Sharon,

I was sent this mail today, and was wondering whether I need to do anything in the case of Gary Xu. Martin

Camargo contacted me to tell me that Gary's separation agreement had been finalized. I have not seen this document, however, and am uncertain about whether I need to send a notice of non-appointment. I would appreciate your advice in this matter.

Sincerely,

Bob

Robert Tierney
Professor and Head of East Asian Languages and Cultures,
Comparative and World Literatures
University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>

<http://www.ucpress.edu/book.php?isbn=9780520265783>

<https://kpfa.org/episode/against-the-grain-august-31-2016/>

From: Associate Provost for Human Resources [No_Reply_HR@uillinois.edu]

Sent: Tuesday, June 13, 2017 2:40 PM

To: Tierney, Robert

Subject: Deadline for Notice of Non-Reappointments

[Click
here
to
see
this
online](#)

TO: All Human Resource Contacts
FROM: Elyne G. Cole
Associate Provost for Human Resources
DATE: June 13, 2017
RE: Deadline for Notice of Non-Reappointments

I write to remind you of the deadlines that will ensure that proper notice is given to employees when the intent is to issue a terminal year contract for AY17-18.

Notice of Nonreappointment for probationary faculty:

If you have not already done so, please immediately forward to Bill Bernhard, Vice Provost for Academic Affairs, copies of letters to probationary faculty who should receive a Notice of Nonreappointment for Academic Year 2017-18 (Bill Bernhard, Office of the Provost, Swanlund Administration Building, MC-304).

Notice of Nonreappointment for academic professionals and notice-eligible specialized faculty:

A twelve-month notice period is required for:

1. Permanent (non-visiting) academic professionals whose full-time service to the University is more than four years and who are paid from state funds or other accounts considered "hard" funds.
2. Permanent academic professionals whose full-time service to the University is at least ten years, and whose current Notification of Appointment indicates that "...employment and payment is contingent upon receipt of funds for the project on which you are assigned."
3. Full-time clinical associates, teaching associates, research associates (including post-doctoral research associates), and research faculty A) paid completely from state accounts or other accounts considered "hard" funds, and B) less than six months away from their Notification of Appointment end dates.

Academic Human Resources (AHR) must be

ihr@illinois.edu • <http://humanresources.illinois.edu>

RE: Draft of letter to Gary Xu

Tierney, Robert

Sent: Monday, September 26, 2016 5:24 PM

To: Mathy, Jean-Philippe R; Clower, Laura

Attachments: [REDACTED]

Dear Laura and Jean-Philippe,

[REDACTED]

Sincerely,

Bob

Robert Tierney

Associate Professor and Head of East Asian Languages and Cultures,

Comparative and World Literatures

University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>

<http://www.ucpress.edu/book.php?isbn=9780520265783>

From: Mathy, Jean-Philippe R

Sent: Wednesday, September 21, 2016 12:34 PM

To: Abdullah-Span, Kaamilyah

Cc: Clower, Laura; Tierney, Robert; Hoefer, Craig James; Reynolds, Sharon L

Subject: [REDACTED]

Dear Kaamilyah,

[REDACTED]

Best,

Jean-Philippe

Galvin, Katherine C

Sent: Friday, October 14, 2016 12:11 PM

To: Tierney, Robert

Cc: Callaway, Mary A

Great. I'll call at 1.

Sent from my iPhone

On Oct 14, 2016, at 11:34 AM, Tierney, Robert <rtierney@illinois.edu> wrote:

Dear Katherine,

Thanks for getting back to me, and 1 o'clock will work. My cell number is [REDACTED], and my office number is 333-8879. I am on campus running a conference today, but I will be in my office at 1.

all the best,

Bob

Robert Tierney
Associate Professor and Head of East Asian Languages and Cultures,
Comparative and World Literatures
University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>

<http://www.ucpress.edu/book.php?isbn=9780520265783>

From: Galvin, Katherine C

Sent: Friday, October 14, 2016 10:32 AM

To: Tierney, Robert

Cc: Callaway, Mary A

Subject: Re: [REDACTED]

Bob,

Glad to help. Would a call around 1pm today work for you? If so, please send me your number and I'll give you a call. Could make later times work if you don't mind talking to me while on drive (using Bluetooth, but sometimes there is road noise)

Thanks,
Katherine

Sent from my iPhone

On Oct 14, 2016, at 9:35 AM, Tierney, Robert <rtierney@illinois.edu> wrote:

Dear Katherine,

Thanks very much for suggesting our next steps. Kaamilyah and I have both informed Gary Xu about the appeal procedures. If you would be available in the afternoon, I have a few other questions about this case that I would like to talk to you about.

Sincerely,

Bob Tierney

Robert Tierney
Associate Professor and Head of East Asian Languages and Cultures,
Comparative and World Literatures
University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>

<http://www.ucpress.edu/book.php?isbn=9780520265783>

From: Ross, Brian H
Sent: Friday, October 14, 2016 6:15 AM
To: Feser, Edward; Clower, Laura; Galvin, Katherine C; Abdullah-Span, Kaamilyah; Reynolds, Sharon L; Hoefler, Craig James; Johnson, Heidi
Cc: Tierney, Robert; Camargo, Martin; Benmamoun, Elabbas; Mathy, Jean-Philippe R; Kempfues, Debbie A; Callaway, Mary A; Ross, Brian H
Subject: Re: [REDACTED]

[REDACTED]

Brian

Brian H. Ross
Executive Associate Dean
College of Liberal Arts and Sciences
University of Illinois
217 333 0817

From: <Feser>, Edward Feser <feser@illinois.edu>
Date: Thursday, October 13, 2016 at 11:18 PM
To: Laura Clower <clower@Uillinois.edu>, Katherine Galvin <kagalvin@illinois.edu>, Kaamilyah Abdullah-Span <kabdulla@illinois.edu>, Sharon Reynolds <sreynlds@uillinois.edu>, "Hoefler, Craig James" <choefer@uillinois.edu>, Heidi Johnson <johnso19@illinois.edu>
Cc: "Tierney, Robert" <rtierney@illinois.edu>, Martin Camargo <mcamargo@illinois.edu>, Elabbas Benmamoun <benmamou@illinois.edu>, Jean-Philippe Mathy <jmathy@illinois.edu>, Brian Ross <bhross@illinois.edu>, "Kempfues, Debbie A" <dkempfue@illinois.edu>, "Callaway, Mary A" <mabrown5@illinois.edu>
Subject: [REDACTED]

[REDACTED]

From: Clower, Laura
Sent: Thursday, October 13, 2016 6:10 PM
To: Galvin, Katherine C <kagalvin@illinois.edu>; Abdullah-Span, Kaamilyah <kabdulla@illinois.edu>; Reynolds, Sharon L <sreynlds@uillinois.edu>; Hoefer, Craig James <choefer@uillinois.edu>; Johnson, Heidi <johnso19@illinois.edu>
Cc: Tierney, Robert <rtierney@illinois.edu>; Camargo, Martin <mcamargo@illinois.edu>; Benmamoun, Elabbas <benmamou@illinois.edu>; Mathy, Jean-Philippe R <jmathy@illinois.edu>; Ross, Brian H <bhross@illinois.edu>; Feser, Edward <feser@illinois.edu>; Kemphues, Debbie A <dkemphue@illinois.edu>; Callaway, Mary A <mabrown5@illinois.edu>
Subject: [REDACTED]

LDC

Laura D. Clower, JD
Office of University Counsel
University of Illinois
258 Henry Administration Building
506 South Wright Street
Urbana, IL 61801
217.333.0560
clower@uillinois.edu

From: Galvin, Katherine C
Sent: Thursday, October 13, 2016 5:49 PM
To: Clower, Laura; Abdullah-Span, Kaamilyah; Reynolds, Sharon L; Hoefer, Craig James; Johnson, Heidi
Cc: Tierney, Robert; Camargo, Martin; Benmamoun, Elabbas; Mathy, Jean-Philippe R; Ross, Brian H; Feser, Edward; Kemphues, Debbie A; Callaway, Mary A
Subject: [REDACTED]

Katherine

From: Galvin, Katherine C
Sent: Thursday, October 13, 2016 10:28 AM
To: Clower, Laura <clower@Uillinois.edu>; Abdullah-Span, Kaamilyah <kabdulla@illinois.edu>;

Reynolds, Sharon L <sreynlds@uillinois.edu>; Hoefler, Craig James <choefer@uillinois.edu>
Cc: Tierney, Robert <rtierney@uillinois.edu>; Camargo, Martin <mcamargo@uillinois.edu>;
Benmamoun, Elabbas <benmamou@uillinois.edu>; Mathy, Jean-Philippe R
<jmathy@uillinois.edu>; Ross, Brian H <bhross@uillinois.edu>; Feser, Edward
<feser@uillinois.edu>; Kempfues, Debbie A <dkempfue@uillinois.edu>

Subject: [REDACTED]
[REDACTED]n

Dear all,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks all,
Katherine

From: Clower, Laura
Sent: Thursday, October 13, 2016 9:41 AM
To: Abdullah-Span, Kaamilyah <kabdulla@illinois.edu>; Reynolds, Sharon L <sreynlds@uillinois.edu>; Hoefer, Craig James <choefer@uillinois.edu>
Cc: Galvin, Katherine C <kagalvin@illinois.edu>
Subject: [Redacted]

PRIVILEGED AND CONFIDENTIAL

[Redacted]

[Redacted]

LDC

From: Abdullah-Span, Kaamilyah
Sent: Wednesday, October 12, 2016 6:48 PM
To: Clower, Laura; Reynolds, Sharon L; Hoefer, Craig James
Subject: [Redacted]

Hello All,

[Redacted]

KAS

From: Clower, Laura

Sent: Wednesday, October 12, 2016 6:34 PM
To: Reynolds, Sharon L <sreynlds@uillinois.edu>; Hoefer, Craig James <choefer@uillinois.edu>; Abdullah-Span, Kaamilyah <kabdulla@illinois.edu>
Subject: [REDACTED]

[REDACTED]

LDC

LDC

Laura D. Clower, JD
Office of University Counsel
University of Illinois
258 Henry Administration Building
506 South Wright Street
Urbana, IL 61801
217.333.0560
clower@uillinois.edu

From: Reynolds, Sharon L
Sent: Wednesday, October 12, 2016 5:59 PM
To: Clower, Laura; Hoefer, Craig James; Abdullah-Span, Kaamilyah
Subject: [REDACTED]

All,

[REDACTED]

Sharon

“The decision of the Department of East Asian Languages and Cultures communicated to you on October 3, 2016 was based on the investigative report issued by the Office of Diversity, Equity and Access and was made after appropriate consultation. In accordance with the *Policy and Procedures for Addressing Harassment and Discrimination at the University of Illinois at Urbana-Champaign*, a complainant or respondent may file an appeal of the disposition in writing to <insert appeal agent.> To be timely, the appeal must be received by <insert date.>”

From: Clower, Laura
Sent: Friday, October 07, 2016 6:05 PM
To: Tierney, Robert; Abdullah-Span, Kaamilyah
Cc: Mathy, Jean-Philippe R; Hoefer, Craig James; Reynolds, Sharon L
Subject: [REDACTED]

Dear Bob:

[Redacted]

Best,

Laura

Laura D. Clower, JD
Office of University Counsel
University of Illinois
258 Henry Administration Building
506 South Wright Street
Urbana, IL 61801
217.333.0560
clower@uillinois.edu

From: Tierney, Robert
Sent: Friday, October 07, 2016 4:44 PM
To: Abdullah-Span, Kaamilyah; Clower, Laura
Cc: Mathy, Jean-Philippe R
Subject: [Redacted]

Dear Laura and Kaamilyah,

[Redacted]

Sincerely,

Bob
Robert Tierney
Associate Professor and Head of East Asian Languages and Cultures,
Comparative and World Literatures
University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>
<http://www.ucpress.edu/book.php?isbn=9780520265783>

From: Xu, Gary Gang
Sent: Friday, October 07, 2016 4:45 AM
To: Tierney, Robert
Cc: Mathy, Jean-Philippe R
Subject: Re: EALC/ SLCL response to ODEA report

Dear Bob,

Since the letter is not directly addressed to me, I do not quite know how to respond. I guess I will wait for the University officials to make a move. But I'd like you to clarify several facts if you can: 1. If you agree with the investigative report, then I am only guilty of the third out of the three accusations, which is to keep in touch with the student after I was told not to. On what ground does the alleged violation warrant the dismissal of a tenured professor? 2. Whose decision is this? Yours and Jean-Philippe's? Or of the SLCL's executive committee? Or of the EALC's advisory committee? Whom do I talk to if I am to appeal the decision? 3. What do you mean that you "have lost confidence and trust" in my ability to carry out my duties as a faculty member? What parts of my record indicate my "inability"? In teaching, research, or administration?

I am extremely disappointed to read your message. Please make clarifications so that I can decide on my next step of action. Thank you.

Gary
Gary G. Xu
Associate Professor
Department of East Asian Languages and Cultures
University of Illinois, Urbana-Champaign
707 S. Mathews, #2090
Urbana, IL 61801

From: "Tierney, Robert" <rtierney@illinois.edu>
Date: Monday, October 3, 2016 at 10:01 PM
To: "Xu, Gary Gang" <garyxu@illinois.edu>, "Abdullah-Span, Kaamilyah" <kabdulla@illinois.edu>, Jean-Philippe Mathy <jmathy@illinois.edu>
Cc: "Benmamoun, Elabbas" <benmamou@illinois.edu>, "Reynolds, Sharon L" <sreynlds@uillinois.edu>, "Ross, Brian H" <bhross@illinois.edu>, "Wilson, Barbara Jan" <bjwilson@uillinois.edu>, "Clower, Laura" <clower@Uillinois.edu>
Subject: RE: [REDACTED]

Dear Gary,

I am attaching the EALC/SLCL response to the ODEA investigative report.

Sincerely,

Bob

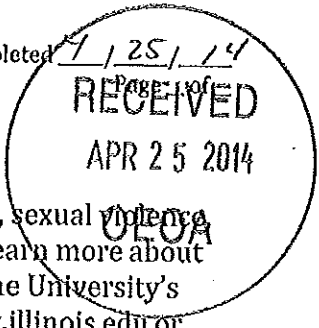
Robert Tierney
Associate Professor and Head of East Asian Languages and Cultures,
Comparative and World Literatures

University of Illinois at Urbana Champaign

<http://www.ucpress.edu/book.php?isbn=9780520286344>

<http://www.ucpress.edu/book.php?isbn=9780520265783>

Date Completed 7/25/14



SEXUAL HARASSMENT INCIDENT REPORT FORM

Use this form to report incidents of sexual harassment (including sexual assault, sexual violence and other sexual misconduct) and other incidents that may invoke Title IX. To learn more about what constitutes sexual harassment and/or a Title IX violation, please review the University's *Policy and Procedures for Addressing Discrimination and Harassment* at diversity.illinois.edu or contact the Office of Diversity, Equity and Access at (217) 333-0885. **This form should be completed and submitted to ODEA immediately.**

Incident Information:

Person Reporting (Name, Title, Contact, and Relationship to Parties):



Names of Parties Involved (Alleged Victim, Alleged Respondent, Witnesses, Other):

Gary G. Xu - Alleged Respondent



Description of Incident (Detailed Account of Incident(s), Date(s)/Time(s) of Occurrence(s), Location(s), University Affiliation (student, staff, faculty, alumni), Other). Be Specific. Use additional sheets if necessary. Please attach documentation (emails, photos, text messages, etc.) if available.



Resource Referral Information:

To whom or what resources has the alleged victim(s) been referred?

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Counseling Center | <input checked="" type="checkbox"/> Dean of Students | <input checked="" type="checkbox"/> Women's Resource Center |
| <input checked="" type="checkbox"/> McKinley Health Center | <input type="checkbox"/> College Office | <input type="checkbox"/> Student Conflict Resolution |
| <input type="checkbox"/> UIPD | <input type="checkbox"/> CPD | <input type="checkbox"/> UPD |
| <input checked="" type="checkbox"/> PODEA/Title IX Coordinator | | <input type="checkbox"/> Other _____ |

Follow Up

What, if any, steps have you taken (or do you intend to take) following submission of this report. Please check all that apply.

- Contact Instructors
- Assist with academic considerations (withdrawal, course load reduction, Incomplete, other)
- Investigate allegations
- Pursue charges
- Issue no trespass order
- Issue no contact order
- Provide advocacy or other support
- Residence hall or room change
- Arrange full or partial escort service
- Other *referred to appropriate offices to get assistance with academic considerations & support. scheduled mtg w/ ODEA Sr. director to discuss concerns.*

Information About Individual Completing Report Form

Name: Phyllis Tate
Title: HR Associate
Department: ODBA
Phone Number: 3-0885
Email Address: _____

Please submit this form and all relevant documentation to:

Office of Diversity, Equity and Access
100 Swanlund Administration Building, MC-304
diversity@illinois.edu
FAX (217) 244-9136



Individual Report Form

IR#

00062-001-2014

Reported On

October 30, 2014 4:59 PM

Reported By

[REDACTED]

Status

Closed/No Violation

Nature of Concern

Title IX/Sexual Misconduct

Contact Information

Name

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Brief Description

Sexual Harrassment

Time, Location, and Description

Date/Time of Incident

April 25, 2014 12:00 pm

Incident Description

Title IX (sexual harassment) - faculty to student

Title IX Incident Information



Intake Form

IR#

00062-2014

Reported On

October 30, 2014 4:59 PM

Reported By

[REDACTED]

IR Status

Completed

Nature of Concern

Title IX/Sexual Misconduct

Reporter Contact Information

Anonymous Reporting

No

Reporter's Name

[REDACTED]

Reporter's Affiliation

[REDACTED]

Reporter's University Identification No. (UIN)

[REDACTED]

Reporter's Phone

[REDACTED]

Reporter's Email

[REDACTED]

Reporter's Department Affiliation/Program of Study

[REDACTED]

Complainant/Employee/Victim Contact Information

Complainant/Employee/Victim information same as reporter?

[REDACTED]

Complainant/Victim Name

[REDACTED]

Complainant/Employee/Victim Name

[REDACTED]

Complainant/Employee/Victim UIN

[REDACTED]

Complainant/Employee/Victim Phone

[REDACTED]

Complainant/Employee/Victim Email

Complainant/Employee/Victim Department Affiliation/Program of Study

Respondent Contact Information (If known)

Respondent Name

Gary Xu

Respondent(s)

Xu, Gary (-)

Respondent UIN

Respondent Phone

Respondent Email

garyxu@uillinois.edu

Respondent Department Affiliation/Program of Study

College of Liberal Arts and Sciences/Comparative and World Literature

Sex Based Discrimination or Harassment

Sexual Misconduct Categories:

Sexual Harassment

Time, Location, and Description

Complainant/Respondent Affiliation

Employee-on-Student

Date/Time Incident Occurred

2014-04-25

Date/Time of Incident

April 25, 2014 12:00 pm

Brief Summary

Title IX (sexual harassment) - faculty to student

Incident Description

Title IX (sexual harassment) - faculty to student

Clery

Resource Referral Information

Resource Referral Options:

Counseling Center, ODEA, University Police (UIPD), Victim's Rights and Resources Brochure/We Care Brochure, Women's Resources Center

Additional Information:

Referred to appropriate offices to get assistance with academic considerations and support. Scheduled meeting with ODEA.

Attachment(s)

Title IX Incident Information



Individual Report Form

IR#

00242-001-2015

Reported On

April 10, 2015 2:18 PM

Reported By

[REDACTED]

Status

Closed/No Violation

Nature of Concern

Harassment

Contact Information

Name

[REDACTED]

Complainant's Name

[REDACTED]

UIN - Identification #

[REDACTED]

Phone

[REDACTED]

Time, Location, and Description

Date/Time of Incident

April 25, 2014 12:00 pm

Additional Location

On Campus

Incident Description

Title IX? (sexual harassment) - faculty to student



Tuesday, July 30, 2019 | 2:04 pm

User: Heidi Johnson, Staff

Intake Form

IR#
00242-2015

Reported On
April 10, 2015 2:18 PM

Reported By
[REDACTED]

IR Status
Completed

Nature of Concern
Harassment

Reporter Contact Information

Anonymous Reporting
No

Reporter's Name
[REDACTED]

Reporter's Affiliation
Student

Reporter's University Identification No. (UIN)
[REDACTED] -

Reporter's Phone
[REDACTED]

Reporter's Email
[REDACTED]

Reporter's Department Affiliation/Program of Study
College of Media/Media and Cinema Studies

Complainant/Employee/Victim Contact Information

Complainant/Victim Name
[REDACTED]

Complainant/Victim Affiliation
Student

Complainant/Employee/Victim UIN
0

Respondent Contact Information (If known)

Respondent(s)

Xu, Gary (-) [REDACTED]

Respondent Affiliation

Faculty

Respondent UIN

0

Discrimination or Harassment Concerns

Sex Based Discrimination or Harassment

Sexual Misconduct Categories:

Domestic Violence, Sexual Harassment

Time, Location, and Description

Complainant/Respondent Affiliation

Employee-on-Student

Date/Time Incident Occurred

same as below

Date/Time of Incident

April 25, 2014 12:00 pm

Incident: Additional Location

On Campus

Brief Summary

Faculty to student

Incident Description

Faculty to student



306 West Church Street
Champaign, IL 61820

Phone 217-352-1800

Fax 217-352-1083

www.meyercapel.com

ROCHELLE A. FUNDERBURG
rfunderburg@meyercapel.com

November 10, 2015

VIA ELECTRONIC MAIL

Kaamilyah Abdullah-Span
kabdulla@illinois.edu

Re: Gary Xu

Dear Ms. Abdullah-Span:

Enclosed please find my client's response. It was done last week but inadvertently not sent to you, and I apologize for the oversight. If you need anything in addition to this, please let me know.

I would appreciate it if you would advise as to when the University completes its investigation.

Very truly yours,


Rochelle A. Funderburg

RAF:sp

cc: Laura Clower

Response of Gary Xu to Written Statement of [REDACTED]

I am writing to formally respond to [REDACTED] written allegations against me. The allegations were filed with the University of Illinois on October 21 2015.

Please allow me to establish a context before I proceed to responding to the allegations. I became a U of I faculty member in 2001 after earning a PhD degree from Columbia University. I was promoted to the rank of Associate Professor with Tenure in 2007. In the past 14 years, I have taught numerous classes to undergraduate and graduate students; I also led ten groups to study abroad trips to China. Throughout these years, I had been known for my dedication to teaching and for my generosity with my time. My class ratings from students have been consistently among the highest in the University, and I had never received any complaint about me in any form of misconduct, including sexual discrimination or violence. Among the graduate students I trained, nine of them have become tenure-track professors at American institutions. It is not hard to see the significance of these placement records in this age of shrinking humanities. To train such a large number of students requires far more than excellence in scholarship and teaching: I have to write countless recommendation letters and to care for my students' every need; I promoted my students tirelessly in my fields.

I became the Director of Graduate Studies for the Department of East Asian Languages and Cultures in 2010 and the Head of the Department in 2012. Because of my administrative roles, I came into contact with many international students from China during a period that saw rapidly increasing enrollment of Chinese students. At various occasions, I called attention to the importance of integration: all of us must have a sense of urgency in teaching the international students about psychiatric health and lawfulness. In particular, I proposed that the female students be given trainings about fending off sex violence and harassment. I have told my students repeatedly that what may not be viewed as sexual harassment in other cultures may well be strictly forbidden in this country. Workshops were provided to EALC students on annual basis about ethics and about seeking protection from all forms of discrimination.

In September 2013, Mengchen Huang, a graduate student in art history, was brutally murdered by a stalker who had a brief relationship with her. Although Ms. Huang was officially a student in the College of Arts and Design, she took most of her classes in EALC. Many of my colleagues (Professor Zong-qi Cai and Professor Brian Ruppert, for instance) had taught her and many of my students were classmates with her. Everybody was shocked and deeply saddened by the tragic event. In addition to helping with funeral services, comforting Ms. Huang's parents, and referring our students to professional counseling, I also talked to various student organizations and encouraged a Chinese student film society to document the event in order to raise awareness about violence against women.

[REDACTED]

[REDACTED] Knowing that she liked filmmaking, I encouraged her to take part in the documentary project. For some reason that I did not know, she did not join the project. During the process, however, I talked to her at several meetings about being aware of violence and sex exploitation against women. I asked her to read about sexual discrimination and the illegality of physical abuses of women. Unfortunately and ironically, what I have taught her is now being used against me.

About [REDACTED] allegations, I do not need to point out one by one how preposterous they are. This is what we literary critics call the typical "unreliable narrative," full of speculations, imaginations, unfounded accusations, and false statements. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] e

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Gary Xu's Response to the Draft Report by ODEA

April 18, 2016

I have found the ODEA report incredibly subjective, perfunctory, and speculative. It is full of factual mistakes, logical inconsistencies and fallacies. I protest in the strongest terms the condescending tone in which the report was written. The entire report relies on [REDACTED] words that were thrice recanted; all of the evidences that has been used to corroborate [REDACTED]'s accounts is entirely false or can easily be disputed as I show below. The Report's conclusion opens by making an apology: "[REDACTED] repeated disclosures and recantations, false accusations, and refusal to fully cooperate rendered this investigation difficult, lengthy, and less than ideal. Nevertheless, we employed measures not typically used to ensure that we conducted a thorough and comprehensive investigation using all the resources and information available to us." (p. 21) In a report that most severely condenses a faculty member and calls for the tenured professor's resignation/dismissal, numerous questions in regard of whether the investigation is thorough or not must be addressed.

First, in a relationship that is characterized by ODEA as sexual and lasted from [REDACTED]

[REDACTED]

Second, Xu is condemned by ODEA for having a sexual relationship with a student. I am not certain whether there is a study of the patterns of sexual relationships between college professors and students. There ought to be one. From the recent literature I read about these relationships, however, an immediate impression is that the professor who preys on his/her students usually acts in a serial fashion: there are always multiple accusers of illicit behaviors from a professor. A recent Title IX case involving a philosophy professor of Northwestern University and another case involving a history professor of UCLA are two immediate examples. To either give me the benefit of the doubt or to prove that I am guilty, at the very least my undergraduate students and graduate students should be interviewed. Have I said anything inappropriate to my students? Have I ever made sexual advances to my students? Have I ever touched any of my students in inappropriate fashions? Why aren't my previous and current graduate students

RECEIVED

APR 18 2016

interviewed?

[REDACTED]

[REDACTED]

[REDACTED]

The report apparently concludes that [REDACTED] accounts are not reliable and on the other hand asserts that Xu has no credibility. In the end, [REDACTED] unreliable accounts are believed to be more reliable than Xu's because of the so-called evidences ODEA has found that are said to corroborate some of [REDACTED] allegations, which have now been withdrawn. It does not take any "reasonable person," the venerable protagonist in the report, to find how absurd and even illegal this methodology is. Below are solid evidences to dispute those so-called evidences:

1. About the lack of emails from November 5, 2013 through December 31, 2013 (p. 19): I was using Gmail to consolidate all my email accounts before I

decided on January 1, 2014 to separate my private email accounts from the U of I account. I did not delete a single non-spam mail from that period, and I have no computer skills to delete everything without a trace. The Gmail setting might have been such that all U of I mails were "grabbed" without keeping a duplicate on the server. Please see a sample of screen shots of my Gmail account for that period (Exhibit 2). One can clearly see that garyxu@illinois.edu is the email address in the work-related emails. If needed, I can forward all these emails to the investigator.

This portion of the allegation is particularly ridiculous and speculative. First of all, I was notified by Dean Wilson of the immediate commencing of investigation on the early evening of Sept 15, 2014. On the morning of Sept 16, 2014, my two desktop computers, one in the EALC Head's office and the other in the office of 2040, were seized and had their hard drives removed. I was also told to bring in my MacBook the next morning, which I did. I did not have "several days" to tamper with my email accounts. All my communications on the University email account with [REDACTED] were strictly professional. When personal problems were mentioned in her email to me, I simply did not respond. The lack of communication should have proven my innocence; on the contrary, it is now used to speculate that I tried to conceal evidences.

2. Alleged by the IT specialist, the search of my computers also did not yield any finding of email correspondence between me and [REDACTED] regarding the Independent Study for Fall 2013. Again, this must have to do with the Gmail consolidation. Please see Exhibit 3 for the emails I have found on my Gmail account. Some of the emails are in Chinese and I provide in the Exhibit my translations into English.
3. According to Exhibit G in the report, [REDACTED] first sought help from the U of I's Chinese weibo manager on July 15, 2014, and the correspondences reach a high point when [REDACTED]
[REDACTED] But as my travel records clearly indicate, I was not in China in July 2014: I did not arrive in Beijing until August 1, and I left China for Champaign on August 12, 2014. I did send [REDACTED] information about the show I curated at Shanghai's Long Museum of Art because she was curious about my work in curating. I sent many friends and students invitations to the show. But the dates just simply did not add up. In fact, the show's opening date was changed to Aug 11, 2014 (Exhibit 4). To state that I was in China in June and July for the show's opening is obviously based on the outdated information about the show. To reiterate: I was NOT in China when she contacted the U of I weibo manager about being physically abused by me. I never denied that I was doing a show in China in summer 2014 and that I was physically present in Shanghai for the first two weeks of August.

4.

[REDACTED]

5. It makes no sense at all that I would want to help her return to the States if I had battered her. Knowing that she had withdrawn from school and had invalidated her I-20, I would have been ecstatic if I was guilty of beating her just weeks before.
6. Exhibit L: the first picture, sitting on a sofa, was a selfie I took in China when I jokingly applied my friend's facial mud mask to my face. I posted the picture on my wechat circle and apparently [REDACTED] downloaded the picture and had fun photo-shopping it. I do not know what doodling app she used.
7. The pictures on the beach are used as one of the key evidences by the OEDA to prove that I violated the no-contact decree and that I was with [REDACTED] on the beach. They are cited for three times in the report. The pictures were indeed taken in Miami Beach, Miami, on December 4, 2014, but they were taken by my phone and by my friend the artist Fan Yaping, who was exhibiting at the Miami Basel. I was attending Miami Basel from December 2 to 5, 2014. Please see the itinerary in Exhibit 5. [REDACTED] did not travel with me. I can send the original photo to the investigator. I used that photo as my weibo profile picture for several weeks, and [REDACTED] apparently once again had fun playing with the photo. The report says (on p.19), "In particular, [REDACTED] phone captured pictures of Professor on a beach. This photo establishes that [REDACTED] phone was present at Professor Xu's location and was used to take a picture of Professor Xu during winter break, presumably by [REDACTED], several months after Professor Xu was directed to have no contact with [REDACTED]." This is simply NOT true. The photos were taken by MY iPhone and [REDACTED] did not travel with me. Please see the images in the enclosed USB drive. One can easily determine that these photos were taken BY my phone. Provided in Exhibit 5 are a group of pictures taken by my phone in Miami, including the picture of me with the artist in front of her work, the picture of me helping install the artwork, and the picture of me with Shen Wei, the renowned Chinese-American dancer/ink artist who was having a solo show in Miami at which I gave a talk. One can easily determine that these were taken by my phone.
- [REDACTED] insists that the photos were taken by her, please ask her to produce evidences of her traveling to Miami from December 2 to 5, 2014. It was finals week for Fall Semester 2014. Flights, car rental, or credit charges of gasoline along the way between Champaign and Miami.

8. There is only one photo that shows myself with [REDACTED]. I have taken multiple pictures with my graduate and undergraduate students. Not a single one of them is inappropriate. This picture with [REDACTED] is no exception. In this day and age of easy photo taking, a reasonable person can easily deduct that far more intimate pictures must have been taken if the two were indeed in a sexual relationship.
9. The picture showing me eating a bowl of rice was probably taken by [REDACTED], for I had lunch with her at several occasions. In the picture, I do not even lift my head and have no knowledge of being pictured. I often have lunch or coffee with my students at the campus town restaurants.
10. The most incriminating of evidences are the alleged we-chat conversations between myself and [REDACTED]. As I have demonstrated to Ms Abdullah-Span at our meeting on Aug 14, 2015, several months before [REDACTED] submitted her written allegation, one can easily create any character in we-chat by using downloaded profile pictures and then have a conversation with that created character. We-chat is notoriously insecure because of this flaw.

[REDACTED]

I have deleted that weibo post precisely for the fear that someone could download it.

The report argues that, "a reasonable person could conclude that the personal, comfortable, and occasionally argumentative, nature of the messages are not consistent with someone who seeks to present a false reality due to obsessions or intent to deceive." This stunningly subjective assertion takes into no account of the fact that [REDACTED] is a screenwriter, and a very good one at that, at least in Chinese. I have read two of [REDACTED] screenplays. In fact, I originally agreed to supervise [REDACTED] independent study because of the impression her screenplays left me. Judging from the scripts and the film she directed, [REDACTED] is good at writing dialogues. The very nature of the we-chat conversations between [REDACTED] and the alleged Xu is that of a shot-and-reverse shot. No matter how smooth the dialogues seem to be, there are visible traces of a fabrication. In one dialogue, Xu says, "Today is a reading day. I need to spend time reviewing." Apparently this is a line that is supposedly from the student [REDACTED] but gets grafted onto Xu's part. And then there is the part of Xu being "de-tenured" or having been suspended of pay (in Fall 2014, way ahead of my leave without pay in Fall 2015).

11. Exhibit M: The phone records of [REDACTED] phone show the extent of her obsession. Please note that the 86 calls, between December 2014 and May 5 2015, are all outgoing from [REDACTED] phone to my phone; none is incoming. Almost all the calls are only seconds long; many of them are in quick succession. Only two calls last more than one minute: one lasts 33 minutes and 48 seconds, the other 13 minutes and 4 seconds. The two longer calls happened because I could not let the phone ring all day and just simply answered the call while leaving my phone in my desk drawer. In May 2015, I contacted my phone carrier to have [REDACTED] number blocked. Please see Exhibit 6, for a screen capture of "Smart Limit," an AT&T app, which shows that [REDACTED] phone number, 2 [REDACTED], is on the blocked list. All the other numbers belong to [REDACTED] friends; she used those numbers to call me after her own number was blocked. I am willing to authorize AT&T to release my phone records to the investigators.

12. P. 10 of the report, I am accused of sending a threatening message to [REDACTED] via an email account [REDACTED]. I have never had this email address. My yahoo address is [REDACTED] and my Gmail address is g [REDACTED]. Please ask [REDACTED] to produce that piece of message from the alleged [REDACTED]

13. P. 18 of the report, police record is cited to show that my car was towed on Friday, January 22, 2015 at 8:10 am from [REDACTED] apartment complex. I dropped my car off to Ms [REDACTED] on that morning because she wanted to borrow the minivan for moving furniture. I walked on foot to my office after dropping off the car and later, upon learning of the car's being towed, had to call an Uber to get to the impound site. This incident happened the second day after [REDACTED] [REDACTED] came to apologize to me and told me that she had registered for my course [REDACTED] for Spring Semester 2015. The semester was to start on January 26. Her apology was a relief to me; I thought that I could go on with my normal teaching and research activities without having the burden of scrutiny. As I explained in my email in September 2015 to Dean Wilson, I did not think that I needed to report to the campus of [REDACTED] registration in my course, for I thought that everything I was doing, including all the emails, was transparent to the administration. I agreed to help [REDACTED]. That my car was towed proves that I was not familiar with that parking lot. Had I been in a relationship with [REDACTED], I would have known where to park my car in that apartment complex.

In summary, 1) I did not batter [REDACTED] in Shanghai in summer 2014; neither have I [REDACTED] her. 2) I have not had a sexual relationship with [REDACTED]. 3) I did follow the "no-contact" order demanded by Dean Wilson in September 2014 with a few exceptions. That I was contacted by [REDACTED] and that she enrolled in my class in Spring Semester 2015 were beyond my control. I understand

now that by allowing the contacts I put myself in danger, but I hope that the administration can understand the tremendous difficulty in dealing with a troubled student. Everything I did was out of a sense of obligation to help my student. I wish I had involved the administration more rather than to address these issues myself.

Exhibit 1: Timeline

Drafted by Gary Xu based on information extracted from the draft report, or developed from other sources and my own documents. The timeline outlines incidents from the first contact between Xu and [REDACTED] up to the meeting of April 6, 2016.

April 22, 2013, [REDACTED], writes the first email to Xu, asking to do an independent study with Xu.

April 22, 2013, Xu writes back and states that he is too busy to do an independent study, but he welcomes the student to stop by his office and chat.

April 28, 2013, [REDACTED] writes to Xu and sends him a link to one of her film projects. Impressed, Xu agrees to an independent study in Fall Semester 2013.

July 17, 2013, [REDACTED] sends Xu a film script in Chinese that she has written, asking for comments.

Aug 13, 2013, [REDACTED] sends Xu a film script in Chinese, asking for comments.

Fall semester, 2013, [REDACTED] comes to Xu's EALC Head's office every two to three weeks for the independent study. The office door is always open or ajar when [REDACTED] present. The readings include Xu's book *Sinascape: Contemporary Chinese Cinema*, Gilles Deleuze's *Cinema 1: The Movement Image*, and *Cinema 2: The Time Image*, as well as Tom Gunning's classic writings on early cinema. Discussions are focused on [REDACTED] film scripts and filming projects. [REDACTED] turns in book reports on the three monographs. Xu is satisfied with the reports and gives them back to [REDACTED] after line-by-line editing. For the independent study, [REDACTED] receives an A as the final grade.

Sept 29, 2013, Art History and EALC graduate student Mengchen Huang was brutally murdered by her ex-boyfriend. Xu writes emails to EALC faculty and graduate students about the tragedy. [REDACTED]

Nov 14, 2013, [REDACTED]

March 2014, [REDACTED]

[REDACTED]
[REDACTED]
April 24, 2014, [REDACTED]
[REDACTED].

April 25, 2014, [REDACTED] goes to the College of Media to reveal that she and Xu have been in a romantic relationship.

May 6, 2014, [REDACTED] writes to Abdullah-Span, stating that she has "deleted all the paper evidence" and that she "decided to give up all my pursuit of his punishment."

Aug 1, 2014, Xu goes to China to install and open an art show, "The Heart of the Matter," that he curates.

Aug 11, 2014, the show opens in Long Museum of Shanghai.

Aug 12, 2014, Xu returns from China.

Aug 13, 2014, Xu receives a call from [REDACTED] from China about helping her get the police report; Xu asks Undergraduate Services of SLCL to contact the Champaign Police Department.

Aug 13, 2014, [REDACTED] writes to the University Group to have Xu pick up the keys to her [REDACTED]

Aug 18, 2014, [REDACTED] writes an email to Xu, again asking Xu to help her get her visa renewed. Xu uses a check she sent to him to pay the first month's rent. Please check with the University Group, which should be able to produce at least a copy of the old check.

Aug 19, 2014, Xu forwards an email from Lynn Stanke to [REDACTED] regarding having her I-20 reinstated.

Aug 22, 2014, Xu picks up [REDACTED]'s I-20 from ISSS after producing his ID and stating that he is helping a student in his Department. He has the I-20 sent to [REDACTED] home address in China via FedEx right away.

Aug 22, 2014, [REDACTED] writes an email to Xu, asking his opinion on which parking spot she should reserve for her new apartment. She receives no reply from Xu.

Sept 15, 2014, Xu meets with Barb Wilson and David Tewksbury. He is informed of [REDACTED] and of the start of an investigation.

Sept 17, 2014, Abdullah-Span meets with [REDACTED], at 9:30 AM (per Abdullah-Span's email on Sept 18). At the meeting, [REDACTED] states clearly that she made up everything [REDACTED]

Aug 4, 2015, Xu helps [REDACTED] move. She runs to Champaign Public Library after reading messages from Xu's phone. Police is called.

Aug 6, 2015, a post appears on weibo.com, at the portal of "North America Trash Bin." The post alleges that a Chinese American professor is having an affair with a student from China, and that [REDACTED] The post goes viral. [REDACTED]

Aug 7, 2015, Xu posts a comment on his weibo, responding to the online attacks. Attached to the post is a screen capture of a we-chat message from "Round Face," who threatens to use a knife to kill Xu and his entire family if he does not pick up the call from her. The post is later deleted by Xu.

Aug 14, 2015, Xu meets with Sharon Reynolds, Abdullah-Span, with the presence of Xu's attorney Rochelle Funderburg and Laura Clower from the University's attorney office.

Aug 16, 2015, Xu flies to Hong Kong.

Oct 21, 2015, [REDACTED] submits a written allegation against Xu to OEDA.

Nov 3, 2015, [REDACTED] writes to Abdullah-Span, indicating that she is withdrawing her allegations against Xu about the [REDACTED].

Jan 1, 2016, Xu flies back from Hong Kong.

April 6, 2016, at 1:30 pm, Provost Ed Feser meets with Xu in the Provost's Office. Sharon Reynolds of the Human Resources is also present. Provost Feser presents Xu with the draft report, demanding a response from Xu before April 18, 2016.

Abdullah-Span, Kaamilyah

Subject: FW: recent incident

From: "Xu, Gary Gang" <garyxu@illinois.edu>

Date: Thursday, August 6, 2015 at 6:38 PM

To: Barbara Wilson <bjwilson@illinois.edu>

Subject: Re: recent incident

Dear Dean Wilson,

My apologies for not following the instruction in your letter. [REDACTED]

[REDACTED] In order not to ruin a young person's future, I chose not to report to the campus or the police. Instead, I gave in to the demand of the young person and helped her move. What followed must be well documented by the police. I must apologize for my inappropriate choices and await for whatever action the campus deems necessary.

[REDACTED] I have applied for leave without pay for one semester, hoping for your approval. If you do not approve my leave request, I will go on with my sabbatical plan and turn down the teaching job offered by Lingnan University.

Thank you for your attention to this matter. Best,

Gary

To: Gary Xu <garyxu@illinois.edu>

Cc: Jean-Philippe Mathy <jmathy@ILLINOIS.EDU>, "Reynolds, Sharon L" <sreynlds@uillinois.edu>

Subject: recent incident

Dear Professor Xu,

I have learned that an incident occurred this week (August 4, 2015) between you and [REDACTED] [REDACTED]. As you know, you were notified in a September 19, 2014 letter to have no contact with [REDACTED] while the campus investigated allegations she made against you. I then learned in April that she was enrolled in your [REDACTED] class during spring semester. When we met on April 6, 2015, I emphasized that you should not have contact with [REDACTED] any matter other than her classroom participation in [REDACTED]. In a subsequent letter to you on April 7, 2015, I reiterated:

"Other than during her attendance in class and any attendance at the limited office hour meetings pertinent to [REDACTED], you are to have no contact with [REDACTED] including communications via email, through other intermediaries, or in any manner during this investigation."

I am very sorry to learn that you did not follow these expectations. As a campus, we are looking into this matter. I reiterate that you should have no contact with [REDACTED] at the present time.

Sincerely,

Barbara Wilson, Dean

~~~~~  
Barbara J. Wilson, Harry E. Preble Dean  
Kathryn Lee Baynes Dallenbach Professor  
College of Liberal Arts & Sciences  
2090 Lincoln Hall, MC-448  
University of Illinois at Urbana-Champaign  
Urbana, IL 61801  
Phone: 217-333-1350  
~~~~~

From: [Reynolds, Sharon L](#)
To: [Abdullah-Span, Kaamilyah](#)
Subject: FW: Notice of Investigation - ATTY Client Privileged Work Product
Date: Friday, September 19, 2014 4:33:34 PM
Attachments: [REDACTED]

Kaamilyah,

Attached for your office records is a copy of the electronically delivered letter. Below is the response from Dr. Xu, acknowledging receipt.

Best,
Sharon

-----Original Message-----

From: Xu, Gary Gang
Sent: Friday, September 19, 2014 4:00 PM
To: Wilson, Barbara Jan
Cc: Reynolds, Sharon L
Subject: Re: Notice of Investigation - ATTY Client Privileged Work Product

Dear Dean Wilson,

Thank you for forwarding me the letter that commences the investigation of my conduct. I pledge full corporation with the University. I hope this matter can come to a conclusion soon so that I can get back to my normal work routine. This is the busiest time of the academic year.

Dear Ms. Reynolds,

I will strictly follow the instructions detailed in your letter. I won't be in contact with [REDACTED] and will be happy to let the investigators check all my email correspondences or my phone or text records. I do have a serious concern, however. In today's digital age, everything we do bears digital imprints and our private matters can be easily mixed with our professional activities in these digital imprints. I am worried that my privacy and my individual rights might be violated in this process. I retain the rights of seeking legal counseling.

Before you proceed, please do show me the physical evidence of the allegations. I am still not clear about the nature of the allegations. To whom were the allegations made? How and when was the allegation made? If you decide not to tell me of the nature of the allegation, please explain the reasons to me. Thank you!

Yours,

Gary G. Xu, PhD
Associate Professor and Head
Department of East Asian Languages and Cultures University of Illinois, Urbana-Champaign
707 S. Mathews, #2090
Urbana, IL 61801

On 9/19/14, 2:30 PM, "Wilson, Barbara Jan" <bjwilson@illinois.edu> wrote:

>Dear Professor Xu,

>

>Attached is the letter I just mentioned. We will send it in campus
>mail, marked confidential, as well. Please let me know if you have any
>questions.

>

>Barb

>

>~~~~~

>Barbara J. Wilson, Harry E. Preble Dean Kathryn Lee Baynes Dallenbach
>Professor College of Liberal Arts & Sciences
>2090 Lincoln Hall, MC-448
>University of Illinois at Urbana-Champaign Urbana, IL 61801
>Phone: 217-333-1350

>~~~~~

>

>

>-----Original Message-----

>From: Reynolds, Sharon L

>Sent: Friday, September 19, 2014 12:11 PM

>To: Wilson, Barbara Jan

>Cc: Clower, Laura; Galvin, Katherine C; Reynolds, Sharon L;

>Abdullah-Span, Kaamilyah; Geis, Thomas J

>Subject: [REDACTED]

[REDACTED]

>Dear Barb,

>

[REDACTED]

>

>Best,

>Sharon

>

>

>-----

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>Sharon L. Reynolds |Associate Director, Academic Labor and Employee
>Relations |Office of Academic Human Resources |University of Illinois
>at Urbana-Champaign |Ph: 217.333.0033 or 333.6747 |e-mail:
>sreynlds@illinois.edu

>

>

>

UNIVERSITY OF ILLINOIS
AT URBANA - CHAMPAIGN

Office of Academic Human Resources
Suite 420 Illini Union Bookstore Building
807 S. Wright Street, MC - 310
Champaign, IL 61820



HAND DELIVERED

September 19, 2014

Dr. Gary Xu, Head
East Asian Language and Cultures
Foreign Language Building
707 S. Mathews
Urbana, IL 61801

Dear Professor Xu,

The Office of Diversity, Equity and Access (ODEA) has informed the Office of Academic Human Resources (AHR) of allegations that you committed serious acts of misconduct involving a University of Illinois student. Given the nature and severity of the claims, an investigation into this matter will commence immediately.

As the representative of AHR, who will be assisting with the investigation, I want to emphasize some of the expectations of you during this investigation.

- You are to have no contact with [REDACTED] including communications via email, through other intermediaries, or in any other manner during this investigation. Please know any interactions at all could give the appearance of attempting to improperly interfere with the investigation and/or to intimidate [REDACTED]. Such actions are disruptive and unacceptable; therefore, please take this directive very seriously and do not have contact with [REDACTED].
- You are expected to cooperate fully throughout the investigation, and to be completely honest in answering questions and providing information. This includes surrendering items such as computers or cell phones upon request. You are not to delete, remove, alter or otherwise tamper with or destroy materials that may be present in any University-owned or personal devices (computers, cell phones, etc.) that may be relevant to the investigation. This includes, but is not limited to, any correspondence, including emails, instant messages or texts, between you and the student (or with others where the student is discussed or mentioned, or with anyone who has served as an intermediary between you and the student); any photographs or other digital images in which the image of the student appears; and any and all other materials that would be probative of issues in the investigation.
- You are expected to be available and to devote appropriate effort to bringing this matter to closure.
- You are not to discuss this investigation with anyone who does not have a legitimate business need to know this information.

Until further notice, you may maintain your usual work routine during the investigation. Though, I again stress that you should have no contact with [REDACTED]. If you have questions or concerns about any of these expectations, please contact me. I can be reached by telephone at (217)333-6747 or via email at sreynlds@illinois.edu.

Sincerely,

[REDACTED]
Sharon L. Reynolds

Associate Director for Academic Labor and Employee Relations

Cc: Office of Diversity, Equity and Access
Dean, College of Liberal Arts and Sciences
Office of University Counsel

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

P
XU

Office of the Dean
College of Liberal Arts and Sciences
2090 Lincoln Hall
702 South Wright Street
Urbana, IL 61801-3631



April 7, 2015

Professor Gary Xu
Hand delivery

Dear Professor Xu:

On September 15, 2014, I met with you and Associate Dean Dave Tewksbury to discuss allegations that you had committed serious acts of misconduct involving a University of Illinois student. At that meeting, I verbally instructed you to have no contact with the [REDACTED]. On September 19, 2014, you were given the attached letter notifying you that an investigation into these allegations would occur. The September 19th letter reiterated the directive that you have no contact with the student, stating:

You are to have no contact with [REDACTED] including communications via email, through other intermediaries, or in any other manner during this investigation. Please know that any interactions could give the appearance of attempting to improperly interfere with the investigation and/or to intimidate [REDACTED]. Such actions are disruptive and unacceptable; therefore, please take this directive very seriously and do not have contact with [REDACTED].

The September 19th letter noted that although you may maintain your usual work routine during the investigation, it expressly stated that "you should have no contact with [REDACTED]."

It has recently been brought to my attention that [REDACTED] is currently enrolled in your course, [REDACTED]. [REDACTED] enrollment in this course necessarily requires that you be in contact with her. As you acknowledged in our meeting yesterday, you did not report her enrollment in [REDACTED] to me or to Director Jean-Philippe Mathy. Your decision to not seek guidance regarding this situation reflects a violation of the no-contact directive as well as poor professional judgment.

As you know, the focus of the ongoing investigation is the allegation that you are or were involved in an intimate relationship with [REDACTED]. The requirement that you have no-contact with [REDACTED] was made in order to protect you, the university and the student, as well as the integrity of the investigation. In addition to constituting misconduct, your actions have made the department, school, college, campus and yourself vulnerable to further allegations of wrongdoing and potential claims of legal liability.

You are responsible for safeguarding the well-being of students to the best of your ability, in your personal conduct as well as in your role as a unit executive officer. Based on the facts known at this time, your conduct has displayed a significant lack of good judgment and has violated my clear directions to

you. Accordingly, I am sharing with you the following formal expectations regarding your conduct and your performance:

1. I expect that you will cooperate with Director Mathy as he develops a plan to manage Ms. [REDACTED]. This plan will need to include, at a minimum, a process for a review of your assessment and grading of [REDACTED] performance in the course by Director Mathy or another appropriate faculty member designated by him.
2. You will not have any contact with [REDACTED] on any matter other than her classroom participation [REDACTED]. If [REDACTED] requests to meet with you regarding [REDACTED], you shall *only* do so during regular office hours and in your departmental office, Room 2090D. During any office hours meetings with [REDACTED] you will keep the doors to your office open at all times and confine your interactions to matters related to [REDACTED].
3. Other than during her attendance in class and any attendance at the limited office hour meetings pertinent to [REDACTED] referenced above, you are to have no contact with [REDACTED] including communications via email, through other intermediaries, or in any other manner during this investigation.
4. I expect you to be aware of the resources available for faculty and students in crisis and that you access those resources in appropriate situations. You have acknowledged that last Spring, when [REDACTED] required emergency medical treatment arising out of a reported suicide attempt, you took her to the hospital yourself, rather than calling 911 and contacting the Emergency Dean. Given the student's state at the time, it was inappropriate for you not to seek immediate professional emergency assistance and the help and expertise of University offices charged with protecting student safety and well-being. I ask that you meet with Associate Vice Chancellor and Dean of Students Kenneth T. Ballom to learn more about the programs and services available to students through his office. Dean Ballom is aware that you will be contacting him to schedule a meeting.

As we discussed yesterday, your behavior raises significant questions about your ability to serve as a department head. I will consult further with the School Director about your appointment and get back to you.

Sincerely,

[REDACTED]

Barbara J. Wilson
Dean, College of Liberal Arts and Sciences

c: J. Mathy



A PROFESSIONAL
CORPORATION

306 West Church Street
Champaign, IL 61820

Phone 217-352-1800
Fax 217-352-1083

www.meyercapel.com

ROCHELLE A. FUNDERBURG
rfunderburg@meyercapel.com

September 26, 2014

Sharon Reynolds
Associate Director for Academic Labor and Employment relations
Office of Academic Human Resources
University of Illinois

Re: Gary Xu


Dear Ms. Reynolds:

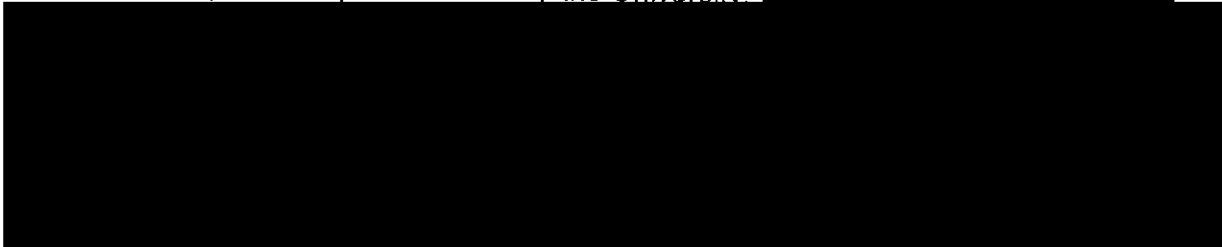
I represent **Dr. Gary Xu**. He forwarded to me your letter of September 19, 2014.

Please make sure that all further communication on this subject goes to him via my office.

I understand that the University has seized his University-issued equipment for investigation and review. Please provide me copies of anything that the University located on that equipment involving this particular situation.

While I understand that the University needs to investigate allegations against students and faculty, **I am shocked by the tone of your letter, particularly under these circumstances.**

As you know, Dr. Xu has already cooperated by providing a statement in response to questions posed to him by the University. 



As you can imagine, this has been very stressful to Dr. Xu. Again, he will cooperate with the University's investigation, but given the circumstances, I expect the University **to bring this to a swift conclusion**, at which time we will have to talk about how to handle any damage done to his reputation.

Dr. Xu will be on a preapproved trip to China but, again, will cooperate with any investigation as he expects any such investigation to clear his name in total.

If you have any questions, please feel free to contact me at the above number.

Very truly yours,



Rochelle A. Funderburg

RAF:ljd

cc:

Laura Clower

Dean Barbara Wilson
2090 Lincoln Hall
702 South Wright Street
MC-448
Urbana, Illinois 61801

Jean-Philippe Mathy
Center for East Asian and Pacific Studies
230 International Studies Building
910 S. Fifth Street
Champaign, Illinois 61820

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

School of Literatures, Cultures and Linguistics

Office of the Director
4088 Foreign Languages Building, MC 171
707 South Mathews Avenue
Urbana, IL 61801 3675
USA



October 23, 2015

VIA ELECTRONIC DELIVERY

Dr. Gary Xu
East Asian Language and Cultures
Foreign Language Building
707 S. Mathews
Urbana, IL 61801

Dear Professor Xu,

I am in receipt of the October 21, 2015 written complaint filed against you under the *Policies and Procedures for Addressing Discrimination and Harassment at the University of Illinois at Urbana-Champaign*. The complaint alleges you committed serious acts of misconduct involving a University of Illinois undergraduate student who was enrolled in your courses. If true, the allegations represent potential violations of State law and University policy, including but not limited to the above policy, *Student Code of Conduct*, *University Code of Conduct* and *Campus Violence Threat Assessment Policy*.

These are very serious matters and an investigation that includes your opportunity to respond has commenced. Given that you are in Hong Kong on leave without pay until December 31, 2015, I understand you have requested to respond to the complaint by electronic means and that this request has been approved. Please know this does not preclude you from responding in person at any time during the investigation.

Leave records show that following your leave without pay you are expected to return to the University of Illinois and resume service on January 1, 2016. Therefore, given the sensitive nature of the complaint and to facilitate the investigation, you will be placed on administrative leave with pay effective January 1, 2016, pending the outcome of the investigation.

Upon your return and while on administrative leave your pay and benefits are unchanged; however, you are not to be present at the Foreign Language Building at 707 S. Mathews, Urbana, Illinois, effective immediately. Additionally, you are not to contact University of Illinois employees, students or donors regarding this matter or any other official business. Consistent with University administrative leave procedure, you are required to surrender any and all P-Cards, T-Cards and University-issued keys, including duplicates to me. Please contact me when you return to Illinois on or before January 1, 2016 so we can make the appropriate arrangements for you to turn over these items.

I consider this a confidential personnel matter and I will not discuss or disclose details regarding this matter except as necessary and in accord with University policy and practices. Likewise, you are also expected to keep this investigation confidential and to fully cooperate in bringing this matter to closure.

If you have any questions or desire additional information, you can contact me or you can contact Sharon Reynolds, Associate Director of Academic Human Resources, at 333-6747.

Sincerely,



Jean-Philippe Madry
Director, School of Literatures, Cultures and Linguistics
Professor of French and Comparative & World Literature

Cc: Personnel File
Sharon Reynolds, AHR

October 11, 2016

Professor Robert Tierney
Head, Department of East Asian
Languages and Cultures
rtierney@illinois.edu

Professor Jean-Phillipe Mathy
Director, School of Literatures, Cultures, and Linguistics
jmathy@illinois.edu

CC: Professor Gary Gang Xu, garyxu@illinois.edu
Office of Diversity, Equity, and Access, diversity@illinois.edu

RE: Graduate Students Letter of Support for Professor Gary Gang Xu

Dear Professors Tierney and Mathy:

We are past graduate students of the University of Illinois, Urbana-Champaign from the departments of East Asian Languages and Cultures and Comparative & World Literatures. We write to voice our united, unequivocal support for our teacher, advisor, mentor, and friend, Professor Gary Gang Xu. We write with deep concern for the well being of our departments and our alma mater. We are baffled and distraught by the failure of our institution to stand by someone who has given so much to our community of academics, who has devoted himself to our wellbeing, education, and professional success.

While we recognize the importance and grave duty the university has undertaken in fully investigating any and all claims of misconduct between student and teacher, we are deeply concerned by the devastating impact false accusations can have on the professional career and private life of the accused. For these reasons, we offer our voice so that you may benefit from those of us who know him best. The allegations made against Professor Xu are wholly and categorically out of character with the man we know. Here are some of the reasons why our faith and confidence in Professor Xu is so strong.

As a teacher, Professor Xu has devoted himself to his students. His classes have been the most popular and well-attended. Drawing on his extensive network of some of the most important Chinese writers, artists, and directors, Professor Xu brings to life the subjects of study. He has generously brought several of China's most prominent writers and artists to our campus, eager to share with his students the rare opportunity to meet and interact with those who produced the very works we have studied in class. During our graduate seminars with Professor Xu, he has given countless hours of his time working with us one-on-one and in small groups to foster our intellectual curiosity, encourage us to delve deeper into the materials, and to develop us into the academics we are today. He has made us better readers, better writers, and better thinkers.

Professor Xu has also shown us what it means to serve the university outside of the classroom. Many of us have traveled with him internationally, attended conferences, worked with him on joint publications, and collaborated with him to host special events promoting our department. Time and time again,

Professor Xu has demonstrated his professionalism and tireless dedication to his students, his two departments, and our university.

Professor Xu has also served as our academic advisor and we have watched our research and dissertation projects take shape under his guidance. No matter how busy Professor Xu is, he always makes his students a priority. We have all benefited tremendously from his valuable feedback, edits, and encouragement. Collectively, our research stands out as among the very best our departments have produced. Equally remarkable is the wide success we, as students of Professor Xu, have enjoyed in the job market. As a group, we are the most successful graduates of EALC and CWL, holding assistant and associate professor positions at major research universities and colleges across the USA and abroad. Our remarkable job placement has added to the prestige of our departments and to the university as a whole. We are all indebted to Professor Xu for giving so much to us and for making us the scholars we are today.

As Professor Xu's graduate students, we have enjoyed a special place in his heart. This is best evidenced by the degree he has opened up to us his home and family. Over the years, we have enjoyed countless dinners and events at Professor Xu's home. We have all come to know and love [REDACTED] and have watched [REDACTED] grow up to be the amazing, engaged leaders they are today. The tradition of Thanksgiving dinners with Professor Xu and his family is a fundamental part of our graduate school experience.

We respectfully ask that the department and university hear our voice and join us in support of Professor Gary Gang Xu. Each of us have our own examples of how and why Professor Xu has earned our respect and admiration and is deserving of our faith and confidence. Please contact us to hear these personal testimonials. Professor Xu has stood by us and we are humbled by this opportunity to stand by him.

Sincerely,


I-In Chiang
Ph.D 2016
Assistant Professor of Chinese Studies
Rhodes College
chiangi@rhodes.edu

Mei-Hsuan Chiang
Ph.D 2013 (with distinction)
Assistant Professor, Department of Filmmaking
Taipei National University of the Arts
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Ph.D 2012
Instructor in English and Foreign Languages
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Liyu Li
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ROCHELLE A. FUNDERBURG
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August 17, 2015

VIA ELECTRONIC MAIL

Laura D. Clower
Office of University Counsel
University of Illinois
258 Henry Administration Building
506 South Wright Street
Urbana, IL 61801

Re: Gary Xu

Dear Laura:

Per our agreement of last week, I enclose a copy of the letter Joe Murphy sent to Weibo.

Very truly yours,

Rochelle A. Funderburg

RAF:sp



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JOSEPH D. MURPHY
jmurphy@meyercapel.com

A PROFESSIONAL
CORPORATION

August 11, 2015

Beimei tucao jun - [REDACTED]
Sina.Com' Legal Chief Staff - zhangzhe2@staff.sina.com.cn

Re: Potential Libel Claims against Weibo

Ladies and Gentlemen:

I represent Dr. Gary Xu. A post you anonymously published to (http://weibo.com/shenqiUSA?is_search=0&visible=0&is_tag=0&profile_ftype=1&page=3#feedtop) on August 6, 2015, falsely and libelously accuses Dr. Xu of kidnapping and domestic violence. Although the author asked that the original message be posted without identifying anyone involved, the author has gone on to add comments explicitly identifying Dr. Xu as the perpetrator of these actions. It also includes screenshots of mobile phone messages falsely attributed to Dr. Xu. The person who posted the messages continues to attack Dr. Xu in follow-up comments, and invades his family's privacy by disclosing the names of Dr. Xu's wife, son and daughter.

The post also falsely claims that Dr. Xu has been fired by his University and that the post outrageously claims that it's author received permission from the University to publicize the story.

This post in combination with its comments constitutes a serious and damaging libel to Dr. Xu and, in invading his family's privacy, poses substantial danger to his minor children. The continued existence of this post and its comments on your website reflect a reckless disregard for the truth and an invasion into the privacy of Dr. Xu's family.

I hereby demand that you take down the posts and comments immediately. Otherwise Dr. Xu will pursue all available remedies, including monetary damages for the injury done to Dr. Xu and his family. Please also provide me assurances by no later Friday, August 14 that the posts are permanently deleted and that you will monitor the posting account to delete any similar posts.

Sincerely,

[REDACTED SIGNATURE]
Joseph D. Murphy

JDM:kal

Abdullah-Span, Kaamilyah

Subject: FW: recent incident

From: "Xu, Gary Gang" <garyxu@illinois.edu>

Date: Thursday, August 6, 2015 at 6:38 PM

To: Barbara Wilson <bjwilson@illinois.edu>

Subject: Re: recent incident

Dear Dean Wilson,

[REDACTED]
[REDACTED]. In order not to ruin a young person's future, I chose not to report to the campus or the police. Instead, I gave in to the demand of the young person and helped her move. What followed must be well documented by the police. I must apologize for my inappropriate choices and await for whatever action the campus deems necessary.

[REDACTED]. I will be away for the fall semester, for I do not want to be anywhere near that young student. I have applied for leave without pay for one semester, hoping for your approval. If you do not approve my leave request, I will go on with my sabbatical plan and turn down the teaching job offered by Lingnan University.

Thank you for your attention to this matter. Best,

Gary

To: Gary Xu <garyxu@illinois.edu>

Cc: Jean-Philippe Mathy <jmathy@ILLINOIS.EDU>, "Reynolds, Sharon L" <sreynlds@uillinois.edu>

Subject: recent incident

Dear Professor Xu,

I have learned that an incident occurred this week (August 4, 2015) [REDACTED]
[REDACTED]. As you know, you were notified in a September 19, 2014 letter to have no contact with [REDACTED] while the campus investigated allegations she made against you. I then learned in April that she was enrolled in your [REDACTED] class during spring semester. When we met on April 6, 2015, I emphasized that you should not have contact with [REDACTED] on any matter other than her classroom participation in [REDACTED]. In a subsequent letter to you on April 7, 2015, I reiterated:

"Other than during her attendance in class and any attendance at the limited office hour meetings pertinent to [REDACTED] you are to have no contact with [REDACTED] including communications via email, through other intermediaries, or in any manner during this investigation."

I am very sorry to learn that you did not follow these expectations. As a campus, we are looking into this matter. I reiterate that you should have no contact with [REDACTED] at the present time.

Sincerely,

Barbara Wilson, Dean

~~~~~  
Barbara J. Wilson, Harry E. Preble Dean  
Kathryn Lee Baynes Dallenbach Professor  
College of Liberal Arts & Sciences  
2090 Lincoln Hall, MC-448  
University of Illinois at Urbana-Champaign  
Urbana, IL 61801  
Phone: 217-333-1350  
~~~~~

May 11, 2015

CONFIDENTIAL

Informal Resolution Disposition - Unresolved

On April 25, 2015, [REDACTED], a student, was referred to the Office of Diversity, Equity, and Access by the Women's Resources Center (WRC). The Complainant reported that she was involved in a personal relationship with her professor and that she was also sexually assaulted by an acquaintance. Per the *University Policy and Procedures for Addressing Discrimination and Harassment*, ODEA followed up on the incidents reported.

The Complainant identified Gary Xu, Professor and Department Head in East Languages and Cultures (EALC), as the Respondent.

Complainant's Allegations

On April 29, ODEA staff met with the Complainant to further discuss her concerns. The Complainant stated that she was a sophomore taking a program in EALC when she had met the Respondent. Complainant maintained that on or around September 11, 2013, she had a meeting with the Respondent for an independent study. Complainant asserted that she also met the Respondent on a separate occasion at Espresso Royale. Complainant stated that during one of those meetings the Respondent told her that if he was twenty years younger, he would fall in love with her. Subsequently, the Respondent invited the Complainant to his office and kissed her. Complainant stated that this is when her relationship with the Respondent had begun.



Problem-Solving Efforts

Due to the nature of the allegations and the complexity of the issues, ODEA decided to proceed with an investigation into the matter. ODEA provided the Complainant with campus and community resources. ODEA also contacted UIPD to obtain a copy of any police reports pertinent to the allegations. In addition, ODEA contacted the Respondent to inform him of the allegations and to obtain his response. The Respondent denied that was involved in a personal relationship with the Complainant. Through ODEA's investigation it was determined that the Respondent's behavior and interaction with the student was not considered appropriate faculty-student contact; however, the Complainant did not wish to pursue the matter. In an effort to minimize such reoccurrences, ODEA in conjunction with the Office of the Provost provided the Respondent with a letter of expectation. The Respondent is expected to acclimate himself to the programs and services available to students through is office and refer students, when deemed necessary. Moreover, the Respondent is reminded of and should comply with the University guidelines on responsible professional conduct, Statement of Consenting Sexual Relationships, Part 1, Section 109 (c) of the *Student Code*.

Conclusion

Based on the foregoing, this matter has not been resolved. This dispositional report is, however, a clarification of the issues pursuant to the complaint received by ODEA. No further action in this matter is necessary at this time.

Kaamilyah Abdullah-Span
Senior Associate Director

Date

APRIL 6, 2016

**CONFIDENTIAL DRAFT REPORT
FOR REVIEW BY PROFESSOR GARY XU**

PLEASE BE ADVISED THAT:

- **THIS REPORT SHALL NOT BE SHARED WITH ANYONE OTHER THAN LEGAL REPRESENTATION**
- **YOU CONTINUE TO BE PROHIBITED FROM HAVING ANY CONTACT WITH [REDACTED]**
- **YOU ARE NOT TO TAKE ANY ACTION TO RETALIATE AGAINST [REDACTED]**
- **YOU ARE NOT TO ASK OTHERS TO HAVE CONTACT WITH [REDACTED] ON YOUR BEHALF.**
- **ANY ACTIONS THAT YOU TAKE IN VIOLATION OF THESE DIRECTIVES WILL BE ADDITIONAL GROUNDS FOR EMPLOYMENT ACTIONS AGAINST YOU.**

Dear Dr. Smith,

Regarding the disposition you sent me, I understand that it is final. I do have several brief points to make:

First, I never denied the fact that I had contact with [REDACTED] after receiving the “no-contact” decree from the college of LAS. I had only hoped that the University administration can understand why the contacting took place. As I explained to you during our meeting, it is precisely the unnecessarily long process of investigation filled with mistakes that was taken advantage of by [REDACTED] in hopes of securing a personal relationship with me.

[REDACTED]

[REDACTED]

My review request to you is not to deny the conclusion of the ODEA’s report. I was hoping to clarify the circumstances in which the contacting took place. I was hoping that you could look into the process of the investigation and address my concerns about the mishandling. To my surprise, however, you are equally inconsistent and careless in your report. The first inconsistency is that you on the one hand agree with the findings of the ODEA report but on the other hand do not seem to agree with the ODEA conclusion that there is no sexual misconduct. In other words, the ODEA report clears me of wrongdoings in two of the three allegations while you suggest that I can be only cleared of the first allegation, which is about the battery.

The second inconsistency in your report is making mistakes on dates. You point out, for instance, that I corresponded with [REDACTED] while she was in China in summer 2014 in an effort with having her visa renewed and that the correspondence violated the no-contact order. In fact, the correspondence took place BEFORE my meeting with Dean Wilson. The student had already come back to campus with my help BEFORE that meeting. Once again, I helped her without knowing that she was already in contact with the U of I web manager to accuse me of the battery. I hope you see the irony here.

The third inconsistency is regarding the photo showing me in bed. The ODEA report points out the tech analysis finds it possible that the photo is not altered. It is only POSSIBLE. You speak, however, with certainty. A photo with only 90 KB resolution and is heavily covered by doodles, how can anyone speak with certainty that it was not altered? The photo cannot be genuine. We can argue about this in any court of law through forensic analysis.

I acknowledge that I violated the no-contact order, but it was done only with a strong sense of obligation in helping the student and under heavy pressure created by the unnecessarily long investigation process. I can only hope that the campus administration give a full and fair assessment to my service to the U of I for the past 15 years and that the circumstances of the chain reaction be taken into consideration.

Thank you for your time.

Yours,

Gary Xu, PhD
Associate Professor of Chinese Studies

UNIVERSITY OF ILLINOIS

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Equal Opportunity and Human Resources
Illini Union Bookstore, Suite 440, MC-312
807 South Wright Street
Champaign, IL 61820-6219

December 12, 2016

Dr. Gary Xu
Associate Professor
608 S. Mathews
M/C 146
Urbana, IL 61801

Dr. Xu:

This is the final disposition of your request for a review of the findings contained in the investigation report prepared by Kaamilyah Abdullah-Span in the Office of Diversity, Equity, and Access (ODEA). In her findings, Ms. Abdullah-Span concludes that a preponderance of the evidence collected during her investigation led to her determination that you had a personal relationship with [REDACTED], who was an undergraduate student at the time of the investigation was initiated. Ms. Abdullah-Span also concluded that the evidence unequivocally showed that you violated the college dean's directive not to have contact with [REDACTED] while the investigation was underway. Insufficient evidence existed to support a [REDACTED]. Ms. Abdullah-Span concluded that your relationship with [REDACTED] violated the Student Code and that your interactions with [REDACTED] while the investigation was ongoing violated the dean's "No Contact" directive. Therefore, this review will address your appeal of the Ms. Abdullah-Span's conclusions regarding the existence of a personal relationship with [REDACTED], the violation of the dean's no contact directive, and whether you violated University policy.

Existence of a Personal Relationship

At the heart of Ms. Abdullah-Span's conclusion that a personal relationship existed between you and [REDACTED] are the documents, photographs, and correspondence between you and [REDACTED] that were provided or obtained during the course of her investigation. In addition, it is clear to me that your own behavior throughout the investigation process was a factor in the conclusion that a personal relationship existed between you and [REDACTED].

During the time period in which the investigation took place, [REDACTED] alleged that she was in a personal and sexual relationship with you and also recanted her statements several times. In deed, it was [REDACTED] initial contact with ODEA that raised concerns about your relationship. But it wasn't until she made claims that your relationship turned violent that a formal investigation ensued. Even so, [REDACTED] allegations that a relationship existed do not prove that to be the case. However, when considered in light of other evidence collected during the investigation, it is clear that a personal relationship did indeed exist. For example, there are several photographs of you that were received from [REDACTED]. This picture in particular was examined by university IT professionals who concluded that it had the characteristics an original photograph and was not altered. And even though you claimed that [REDACTED] fabricated the picture, it is unlikely that she is skilled enough to deceive professional IT staff.

The mere fact that you continued to have contact with [REDACTED] after you were directed not to, also suggests that your relationship was well beyond that of a professor and his student. Of particular concern is why you continued to interact with [REDACTED] given her allegations jeopardized you both personally and professionally. There is no dispute that your interactions were not simply happenstance but were deliberate. For instance, allowing [REDACTED] to register for your class during the 2015 spring semester; loaning [REDACTED] your vehicle; helping her move her belongings from one apartment to another; and assisting her with the issues surrounding her visa – which also involved you ensuring that she would not lose her apartment until she was able to return to the states. In addition, there is substantial evidence that you continued to correspond with [REDACTED] while the investigation was underway. In my opinion, it is the preponderance of the evidence, which include the files secured during the investigation and the nature of your interactions with [REDACTED], in spite of her allegations, that would lead a reasonable person to believe a personal relationship existed between you and [REDACTED]. Therefore, I concur with Ms. Abdullah-Span's conclusions regarding the nature of your relationship with [REDACTED].

Violation of the No Contact Directive

A straightforward analysis of your actions after receiving instructions from the college dean not to have any contact with [REDACTED] is sufficient to determine whether Ms. Abdullah-Span's conclusion is valid. All parties acknowledge that after being notified of [REDACTED] allegations, the dean of the College of Liberal Arts and Sciences met with you on September 15, 2014 to inform you of the allegations. During that meeting, she directed you not to have any contact with [REDACTED] while the investigation was ongoing. Additionally, in a letter from Sharon Reynolds dated September 19, 2014, you were again informed not to have any contact with [REDACTED]. You subsequently via email acknowledged receipt of that letter as well as your understanding of the no contact directive. Despite these notices, the dean found it necessary to write you a Letter of Expectations in April 2015 reiterating the directive after learning that you allowed [REDACTED] to register for one of your classes that semester. Thus, there were at least three occasions when you were given instructions not to have contact with [REDACTED] which were acknowledged by you. Yet the evidence shows that you clearly did not follow the directive. The behaviors that suggest you had a personal relationship with [REDACTED] are the same behaviors that demonstrate that you violated the directive not to have contact with her. Below is a sample of those behaviors:

- You loaned [REDACTED] your car to move her belongings
- You allowed [REDACTED] to enroll in your class during the 2015 Spring semester
- You assisted [REDACTED] with moving her belongings which resulted in her taking your phone and fleeing to the Champaign Public Library
- You continued to correspond with [REDACTED] while she was in China in an effort to assist her with renewing her visa and secured her apartment until she returned.

While you explain that you engaged in the above behaviors and several others out of an obligation as a professor to ensure the well being of your student, it does not negate the fact that you clearly violated the directive not to have contact with [REDACTED]. Thus based on these facts, I concur with Ms. Abdullah-Span's conclusion.

Conclusion

Given these findings I concur with Ms. Abdullah-Span that you violated Section 1-109(c) of the Student Code and the dean's no contact directive. It is also evident that your interaction with Ms. ■■■ impeded your judgment and in some cases created a liability for the University. Hence, I agree with Ms. Abdullah-Span's recommendation that the campus administration take appropriate action to address the issues that were identified in her report.

Sincerely,

Eric A. Smith, MBA, SPHR, SHRM-SCP
Assistant Vice President, Equal Opportunity & Human Resources

Cc: Katherine Galvin
Kaamilyah Abdullah-Span

Dear Vice President Eric Smith,

I am writing to respond to the investigative report filed by the ODEA on August 17, 2016. This report, written by Ms Abdullah-Span, concludes the 2-year investigation of my relationship with [REDACTED]. An earlier version of this report was handed to me on April 6, 2016 by Interim Provost Ed Feser. That version has a much harsher tone than this final version. Both versions are poorly written with incredibly obvious mistakes. [REDACTED]

[REDACTED] and she had been in contact with the U of I's Chinese web administrator since May, but it could not have been clearer that I did not arrive in China until early August. I submitted a written response that easily overturns all the allegations in the April draft. As part of the procedure, my response was shared with [REDACTED] by Ms Abdullah-Span in order to solicit her response. To my relief, [REDACTED] response, made on the eve of her graduation, verifies entirely what I have said in my response. After Ms Abdullah-Span sent me [REDACTED] response, I asked that the case be dismissed based on [REDACTED] final admission that she made up the allegations, which she had also previously tried to withdraw for three times. Unfortunately, Ms Abdullah-Span did not heed my advice and came up with this new version that is even more deductive and speculative than the previous one.

There is no apology in the final report about the earlier mistakes, and Ms Abdullah-Span reluctantly threw away the physical abuse allegation, concluding, "Due to concerns about both parties' credibility and the absence of sufficient corroborating evidence for either party, this investigator is unable to establish by a preponderance of the evidence that Professor Xu committed the alleged abuse." (p. 18, The Final Report) The ODEA is also correct in asserting that "this investigator is unable to conclude that Professor Xu violated the Sexual Misconduct Policy." I must still, however, question the real motivation behind the baseless allegations that Ms Abdullah-Span has so zealously tried to establish despite the withdrawal of the allegations by [REDACTED], not once, not twice, not thrice, but four times!

In [REDACTED] final response, she concludes, "I never saw Professor Xu again afterwards. I withdrew my count [sic] order case in November and told OEDA [sic] that I wanted to withdraw my charges of him. Now I see this report. Everything Professor Xu says in the report is true. He never beat me. He never really had sex with me. He had always been really nice to me. I am sorry for giving him so many troubles. But I don't like the OEDA [sic] call me a liar and said that I made false accusations. Yes, I made accusations, but that was mostly under their pressure and when I was talking medication. They made me feel that they were always on my side. I believed they wanted me to say that Professor Xu had sex with me and had sex with me by force. They said that that will make everything easy. Please do not retaliate against me for telling the truth now." **This confession sends a chilly message about the fear for retaliation [REDACTED] was under, and she could only make this confession after she made sure that she could graduate. Why would the ODEA want the student to accuse me of sex by force? Why would the ODEA**

keep encouraging the student in making false accusations? The falsehood of the accusations was even openly acknowledged by Ms Abdullah-Span.

This is not the first time [REDACTED] expresses concerns about withdrawing the wild accusations. In her email to Ms Abdullah-Span on November 3, 2015, [REDACTED] wishes to withdraw the written allegation, adding that "I was under the impression that it would be easier for everyone if I told you that Professor Xu had sex with me by force." I am sure that the interview of [REDACTED] by Ms Abdullah-Span was videotaped. Please check the tape to verify [REDACTED] words. If what she says in both cases is true, then Ms Abdullah-Span has committed a serious crime of framing. I reserve the rights to take legal action, pending the result of the tape inspection.

[REDACTED]

[REDACTED]. I was yelled at by Dean Barbara Wilson, who demanded that I resign from the head position upon learning that [REDACTED] had enrolled in my cinema class. I had my sabbatical taken away from me despite its having been approved by the executive committee of SLCL. I was balked at by Interim Provost Ed Feser, who threatened to fire me when he handed me the mistake-laden draft report. I had my computers confiscated, taken apart, and thoroughly examined. I was denied access to my office and to the building of FLB. All these abuses were done to a valuable member of the faculty who had had a stellar teaching, research, and administrative record when the allegations were clearly questionable. The unnecessarily long two-year investigation has proven to be an unbearable psychological and financial burden to me and my family for I have raked up a legal fee exceeding \$15,000. To make the matter worse, Anna Tsai of the Chancellor's Office has been leaking the case to the local Chinese-American community. She's been telling people that she was the translator of the we-chat messages from [REDACTED] phone and that Professor Gary Xu was about to be fired. I was told not to discuss the case with anyone, and I heeded the warning closely. I did not even discuss the case with my wife. But what are my rights as a faculty member? Where is my support as a colleague? I feel that I have become a victim of witch-hunt under the pretense of protecting our students, and yet I am the one who has truly helped a student in a meaningful way and who has saved the student's life despite the extraordinarily difficult circumstances.

In spite of the thorough searches of my computers and phone records, nothing has turned up. There is no suspect emails, no phone calls, no text messages that can verify what is accused of me. In this day and age of electronic communication, it is impossible not to have any traces if two people are having a sexual relationship. When there are indeed records, they only indicate the opposite: that the student was stalking me and that she had psychiatric problems. In No. 11 of my response to the draft report, I point out that the 86 calls that the ODEA uses to accuse me of

having a relationship with █████ were all from █████ to me, and were almost **all one or two-second calls in quick succession.** “Any reasonable person,” the famous protagonist in Ms Abdullah-Span’s speculative report, can understand that I hung up the phone when I was being harassed by █████. I NEVER called her. I eventually sought help from AT&T that gave me a Smart-limit tool that blocked not only █████ phone number but also the other four numbers of her friends’ that she used at different times to harass me.

There is no eyewitness report. No interview of the key figures named in █████ written allegation. Also, █████ alleges in her accusation of my physical abuse that she filed a report with the Chinese police. She even mentions the specific hotel that I allegedly stayed in. Why is there no record of approaching the hotel and the police station? The very detailed-ness of her accusations made them feel real while they couldn’t have been more fabricated. It turns out that the ODEA now exclusively relies on the so-called technical analysis of the photos downloaded from █████ iPhone.

In my response to the draft report and the ensuing interview with Ms Abdullah-Span, I have made clear how wrong these technical analyses could be. In the draft report, I was accused of being on the beach with █████ because her phone has a picture of me on Miami Beach. As I have sufficiently demonstrated, that picture was taken in my phone by my artist friend. I have not one, but fifty similar photos in my computer, all with the same coordinates and metadata that clearly indicate that they were taken by my phone. **What’s tale-telling about Ms Abdullah-Span’s eagerness to implicate me, in the final report she refuses to acknowledge that obvious mistake. She even argues that the reason that █████ phone has my picture’s metadata has to do with the possibility that I sent the picture to her.** This is beyond ridiculous. I don’t know how the picture ended up in █████ phone. The possible explanation is that she downloaded my phone’s photos to her computer. After all, █████ seized control of my phone for more than four hours on Aug. 4, 2015.

The same possibilities explain why █████ has pictures of scenes in Bloomington, Indiana, from July 2015 when I was teaching at an Indiana University workshop. I was the one who took those photos! Having those in her phone does not support the hypothesis that she was with me in Bloomington. It must have been the case that she downloaded my entire photo album before I had a chance to clean up my phone in August 2015. I can go to any court of law to easily dispute the reliability of these technical analyses. (Please see attached photos that I took in Bloomington, Indiana.)

As for the terribly and obviously manufactured images that Ms Abdullah-Span now uses as her main evidence against me, even Technology Services are uncertain in their words, using such wording as “lends some credibility to the notion that they are part of the same original photograph.” █████ used an iPhone 6 plus, so do I. How similar the photo metadata are might have to do with the phone

similarity as well. [REDACTED] once told me that she covered one of her walls with photos of the two of us that she copied and pasted together. I did an experiment: I laid two images with a neutral grey background together in a superimposed way. I then took a photo of the superimposed images. The result is very similar to the one in which my eyes are completely shut: the image does not appear to be photo-shopped because the shading is consistent while in fact these are two images pasted together.

The only credible picture of [REDACTED] with me was the one in Chicago, when I went to one of the Chicago Film Society's talks. I always forward talk announcements to my graduate students and undergraduate students in my classes. [REDACTED] went to the talk and caught me sitting on a bench drinking coffee. She asked a passerby to photograph us. I had not given the picture any thought until it appears in the investigation report. I had pictures taken with my students in public all the time. There is absolutely nothing unusual about that picture.

The kitten is not in any of the photos that I am clearly in. That the we-chat conversation between [REDACTED] and the fabricated "Little Flower Xu" mentions adopting a kitten is consistent with the chattiness of the conversation. Here, copied and pasted, is my explanation in my response to the draft report about the we-chat conversation:

The most incriminating of evidences are the alleged we-chat conversations between myself and [REDACTED]. As I have demonstrated to Ms Abdullah-Span at our meeting on Aug 14, 2015, several months before [REDACTED] submitted her written allegation, one can easily create any character in we-chat by using downloaded profile pictures and then have a conversation with that created character. We-chat is notoriously insecure because of this flaw.

[REDACTED]

The report argues that, "a reasonable person could conclude that the personal, comfortable, and occasionally argumentative, nature of the messages are not consistent with someone who seeks to present a false reality due to obsessions or intent to deceive." This stunningly subjective assertion takes into no account of the fact that [REDACTED] a screenwriter, and a very good one at that, at least in Chinese. I have read two of [REDACTED] screenplays. In fact, I originally agreed to supervise [REDACTED] independent

study because of the impression her screenplays left me. Judging from the scripts and the film she directed, [REDACTED] is good at writing dialogues. The very nature of the we-chat conversations between [REDACTED] and the alleged Xu is that of a shot-and-reverse shot. No matter how smooth the dialogues seem to be, there are visible traces of a fabrication. In one dialogue, Xu says, "Today is a reading day. I need to spend time reviewing." Apparently this is a line that is supposedly from the student [REDACTED] but gets grafted onto Xu's part. And then there is the part of Xu being "de-tenured" or having been suspended of pay (in Fall 2014, way ahead of my leave without pay in Fall 2015).

[REDACTED] explains in her final response to my response:

I did a profile of him on my phone, calling him "my little flower Xu", and I talked to this profile everyday. The little flower in my imagination comforted me, was intimate with me.

I do not know why these clear evidences are ignored by the ODEA. I question many of its methodologies and conclusions, including the one that accuses me of neglecting the no-contact decree. As I have repeatedly explained, the student was not given order to stop contacting me, and there is nothing I could do to stop her from contacting me. She was given the strong impression that the campus administration was behind her in her pursuit of a romantic relationship with me. And I had the impression that everything I did after May 2014 was transparent to the campus administrator. I helped a troubled student under a strong sense of obligation.

In September 2014, when I was actively helping [REDACTED] reapply for her visa, I went to the ISSS to pick up her I-20 form. Ms Abdullah-Span accuses me of interfering with the normal campus procedure. What I did was to write the student's address in Chinese, sent to me by her in email, and then had the envelope fedexed. Both actions were not part of the ISSS procedure, but my actions certainly expedited the process. To put a human face behind the cold bureaucratic procedure is what we educators must do, especially for international students who were often impeded by language and communication barriers. I take pride in helping not only [REDACTED] but many international students.

I am a special teacher: almost all of my graduate advisees have become tenure-track or tenured processors. This is unheard of when the humanities as a whole have had tremendous difficulty placing the PhD recipients in academic jobs. It is not difficult to imagine the kind of hard work and dedication I put in helping my graduate students. I met with them one on one on daily basis, and always conscientiously kept my door open. [REDACTED]

[REDACTED] I helped [REDACTED], two of the students, move in my minivan. Only by trusting them and mentoring them on a daily basis can I produce confident and capable young scholars

and teachers. I have never had any improper behavior with my students, graduate or undergraduate.

Throughout this investigation, the University administrators are visibly angry and upset, in their meetings with me or in their correspondences. It is not hard to understand the anger or the frustration: I, too, have had hard times reading through the reports. The accusations are horrifying and embarrassing for anyone associated with the incidents. It is almost impossible not to bring feelings of resentment into the reading of the entire event. But we have been trained to raise reasonable doubts. How I wished that one of my colleagues would yell out in amidst all the negative feelings: "Wait a minute! Could it be wrong that we have tried so hard to prove one of our colleagues guilty when he may in fact deserve some credit for helping selflessly a troubled student?" That's why I felt a sense of relief when the ODEA sent the investigation report to my Department/School. And that's why I was terribly disappointed that the Department Head and School Director forwarded me their recommendation in an extraordinarily brief message: that they agree with the findings in the report and that they recommend that I resign. If they agree with the findings, I reasoned, then they should have recommended my reinstatement because the report finds no fault in the first two of the three accusations. I asked them who made the decision and how I should appeal their decision, but I received no response. The decision, coming from my own Department, makes the "resign" recommendation appear more of a faculty decision. But, in fact, it is a violation of shared governance principles because the decision was made behind closed doors without consulting the School's Executive Committee or the Department's Advisory Committee.

I had not talked to anyone about the case until I received the most disappointing and unprofessional message from my Department Head and School Director. I notified my graduate students of the Department's decision. They collectively wrote a letter of support and sent it to the School Director and Department Head. I was cced on their email. Attached is that letter from my former graduate advisees. I do hope that the letter can give you a sense of what kind of teacher, person, father, and husband I am. It truly takes something extraordinary to produce these many PhD recipients in my fifteen years with the University of Illinois. Maybe the negative sentiment can be reversed and someone can ask the question: are all these accusations justified and just?

If the University still wishes to punish me for making bad judgments, I accept a short period of leave without pay. But I will not resign, and I will fight the injustice to the very end by working with my colleagues. I love teaching, and my teaching makes a difference in my students' lives. Please allow me to go back to teaching soon so that our students can suffer less from lacking courses in the indispensable area of modern Chinese studies.

Respectively Yours,



Gary Xu

Oct 28, 2016

Abdullah-Span, Kaamilyah

Subject: FW: E-Ticket Confirmation-OUZJIS 01AUG

----- Forwarded message -----

From: **American Airlines@aa.com** <notify@aa.globalnotifications.com>

Date: Tue, Jul 8, 2014 at 8:12 PM

Subject: E-Ticket Confirmation-OUZJIS 01AUG

To: [REDACTED]



[Reservations](#)

[Redeem Miles](#)

[My Account](#)

[Deals](#)



Ticket Issued: Jul 8, 2014

Gary Xu,

Thank you for choosing American Airlines / American Eagle, a member of the **oneworld®** Alliance. Below are your itinerary and receipt for the ticket(s) purchased. Please print and retain this document for use throughout your trip.

You may check in and obtain your boarding pass for U.S. domestic electronic tickets within 24 hours of your flight time online at AA.com by using www.aa.com/checkin or at a Self-Service Check-In machine at the airport. Check-in options may be found at www.aa.com/options. For information regarding American Airlines checked baggage policies, please visit www.aa.com/baggageinfo.

For faster check-in at the airport, scan the barcode below at any AA Self-Service machine.

You must present a government-issued photo ID and either your boarding pass or a priority verification card at the security screening checkpoint.

You can now [Manage Your Reservation](#) on aa.com, where you can check in and purchase additional items to customize your journey. A variety of seating options are also available for purchase to enhance your travel with features such as convenient front of cabin location, extra legroom and early boarding.

As American and US Airways merge, many changes are taking place at our airport locations. Visit [Find Your Way](#) to assist with your journey.



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Record Locator



OUZJIS



Itinerary

Carrier	Flight #	Departing	Arriving	Fare Code
 American	3170	CHAMPAIGN FRI 01AUG 7:30 AM	CHICAGO OHARE 8:25 AM	Q
OPERATED BY ENVOY AIR AS AMERICAN EAGLE CHECK-IN WITH AMERICAN EAGLE				
Gary Xu	Seat 1A	Economy	FF#: K95C484 EXP	Food For Purchase
 American	289	CHICAGO OHARE FRI 01AUG 10:35 AM	SHANGHAI PUDONG 2:05 PM	Q
Gary Xu	Seat 22H	Economy	FF#: K95C484 EXP	Lunch/Dinner
 American	288	SHANGHAI PUDONG TUE 12AUG 4:10 PM	CHICAGO OHARE 5:00 PM	H
Gary Xu	Seat 22B	Economy	FF#: K95C484 EXP	Dinner/Snack
 American	3319	CHICAGO OHARE TUE 12AUG 7:15 PM	CHAMPAIGN 8:00 PM	H
OPERATED BY ENVOY AIR AS AMERICAN EAGLE CHECK-IN WITH AMERICAN EAGLE				
Gary Xu	Seat 2A	Economy	FF#: K95C484 EXP	Food For Purchase

Receipt

Passenger	Ticket #
 Gary Xu	0012339215598
 Gary Xu - Additional Fare Collection 2304.00	
Flight Discount, Visa XXXXXXXXXXXXX7600	

You have purchased a NON-REFUNDABLE fare. The itinerary must be canceled before the ticketed departure time of the first unused coupon or the ticket has no value. If the fare allows changes, a fee may be assessed for changes and restrictions may apply.

Electronic tickets are NOT TRANSFERABLE. Tickets with nonrestrictive fares are valid for one year from original date of issue. If you have questions regarding our refund policy, please visit www.aa.com/refunds.

To change your reservation, please call [1-800-433-7300](tel:1-800-433-7300) and refer to your record locator.

Check-in lines will vary by departure location. In order to determine the time you need to check-in at the airport, please visit www.aa.com/airportexpectations.

If you are traveling internationally, please ensure that you have the proper documentation. All necessary travel documents for the countries being visited must be presented at airport check-in. Check with the consulate of these countries to determine the documents required. Additional information can be found at [International Travel](#).

Many international airports in the Caribbean, Central and South America inhibit the transport of boxes and excess or overweight baggage. Please confirm the baggage allowance and charges for your destination before you travel. For more information, please visit [www.aa.com/Box Embargo](http://www.aa.com/BoxEmbargo).

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NOTICE OF INCORPORATED TERMS OF CONTRACT

Air Transportation, whether it is domestic or international (including domestic portions of international journeys), is subject to the individual terms of the transporting air carriers, which are herein incorporated by reference and made part of the contract of carriage. Other carriers on which you may be ticketed may have different conditions of carriage. International air transportation, including the carrier's liability, may also be governed by applicable tariffs on file with the U.S. and other governments and by the Warsaw Convention, as amended, or by the Montreal Convention. Incorporated terms may include, but are not restricted to: 1. Rules and limits on liability for personal injury or death, 2. Rules and limits on liability for baggage, including fragile or perishable goods, and availability of excess valuation charges, 3. Claim restrictions, including time periods in which passengers must file a claim or bring an action against the air carrier, 4. Rights on the air carrier to change terms of the contract, 5. Rules on reconfirmation of reservations, check-in times and refusal to carry, 6. Rights of the air carrier and limits on liability for delay or failure to perform service, including schedule changes, substitution of alternate air carriers or aircraft and rerouting.

You can obtain additional information on items 1 through 6 above at any U.S. location where the transporting air carrier's tickets are sold. You have the right to inspect the full text of each transporting air carrier's terms at its airport and city ticket offices. You also have the right, upon request, to receive (free of charge) the full text of the applicable terms incorporated by reference from each of the transporting air carriers. Information on ordering the full text of each air carrier's terms is available at any U.S. location where the air carrier's tickets are sold or you can click on the Conditions of Carriage button below.

If you have a customer service issue, please [Contact AA](#).

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[Special Assistance](#)

[Flight Check-in](#)

[Flight Status Notification](#)

NRID: 2531665019290820112606300

From: [Galvin, Katherine C](#)
To: [Abdullah-Span, Kaamilyah](#); [Clower, Laura](#)
Subject: FW: [REDACTED]
Date: Tuesday, March 01, 2016 3:40:46 PM

FYI

From: Geis, Thomas J
Sent: Tuesday, September 02, 2014 4:41 PM
To: Galvin, Katherine C <kagalvin@illinois.edu>
Subject: RE: Student Faculty Matter

He flew out of Chicago to Beijing on 08/01/14 and returned on 08/12/14.

No FOID. No criminal background. The only police contacts is the one where [REDACTED] went to his house and was beating on his door.

[REDACTED]

Welcome GEISTJ

day night

POL32005

Police Name Contacts

Name: XU, GARY G

Jurisdiction: C



F5=view A,O

F12=Previous Screen

F3=exit



Sexual Misconduct Policy

Purpose

To provide a safe and welcoming educational and work environment and to establish standards of conduct for all members of the campus community; and to comply with Title IX of the Education Amendments of 1972 ("Title IX"), [20 U.S.C. § 1681 et seq.](#), its implementing regulations, [34 C.F.R. Part 106](#); Section 304 of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), [20 U.S.C. 1092\(f\)](#), and its implementing regulations, [34 C.F.R. Part 668.46](#); Title VII of the Civil Rights Act of 1964, ("Title VII"), [42 U.S.C. 2000e et seq.](#); and relevant Illinois laws regarding sexual violence and discrimination.

Scope

This policy applies to

1. all students, Registered Organizations, Registered Student Organizations, and others subject to student discipline pursuant to the Student Code;
2. all University employees;
3. other affiliated individuals, including but not limited to, for purposes of this policy, visiting faculty, visiting scholars, and post-doctoral fellows; and
4. third parties, including but not limited to contractors, subcontractors, volunteers, and visitors.

Any person asserting a violation may invoke this policy. This policy applies regardless of actual or perceived sexual orientation or gender identity. This policy covers conduct that occurs on University premises or property, as well as conduct that does not occur on University premises or property that substantially affects the University community's interest.

Authority

Office of the Chancellor.

Policy

The University of Illinois at Urbana-Champaign ("University") is committed to providing a safe and welcoming campus environment free from discrimination based on sex, which includes sexual assault, sexual exploitation, stalking, sexual harassment, dating violence, and domestic violence (collectively referred to as sexual misconduct). The University prohibits and will not tolerate sexual misconduct because such behavior violates the University's institutional values, adversely impacts the University's community interest, and interferes with the University's mission. The University also prohibits retaliation against any person who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates in an investigation, proceeding, complaint, or hearing under this policy. Once the University becomes aware of an incident of sexual misconduct, the University will promptly and effectively respond in a manner designed to eliminate the misconduct, prevent its recurrence, and address its

effects.

The Lead Title IX Coordinator is responsible for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits sex discrimination, including sexual misconduct, in education programs and activities for institutions that receive federal financial assistance, as well as retaliation for the purpose of interfering with any right or privilege protected by Title IX. The Lead Title IX Coordinator oversees the University's response to all reports and complaints of sexual misconduct to monitor outcomes, identify and address any patterns or systemic problems, and to assess their effects on the campus climate. The Lead Title IX Coordinator also evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the University's responsibility to provide a safe and welcoming campus environment for all students free from discrimination based on sex. Following a report or complaint of sexual misconduct, the University is required to conduct an adequate, reliable, impartial, equitable, and prompt investigation, including:

1. determining whether the report or complaint alleges conduct that may, upon further investigation, constitute prohibited sexual misconduct;
2. appointing an investigative team to conduct that investigation;
3. determining whether reports and complaints are handled properly in a prompt and timely manner;
4. informing all parties regarding the disciplinary process;
5. confirming that all parties have been notified of a decision and the right to, and procedures for, an appeal, if applicable;
6. maintaining information and documentation related to the investigation in a secure manner, consistent with the University's obligations to disclose information as required by law; and
7. monitoring compliance with timeframes set forth in the applicable procedures.

Amy Thomson, Assistant Dean of Students, serves as the University's Lead Title IX Coordinator and can be contacted at the Office of the Dean of Students, 610 East John Street, Champaign, IL 61820; by phone at (844) 616-7978; or by email at titleixcoordinator@illinois.edu. The University has Deputy Title IX Coordinators who can be contacted in person at the Title IX Office (Office of Diversity, Equity & Access), Champaign, IL 61820; by phone at (844) 616-7978; or by email at titleixcoordinator@illinois.edu.

A person should contact the Lead Title IX Coordinator or a Deputy Title IX Coordinator to:

1. seek information or training about rights and available actions to resolve reports or complaints involving potential sex discrimination, including sexual misconduct;
2. file a complaint or make a report of sex discrimination, including sexual misconduct;
3. notify the University of an incident, policy or procedure that may raise potential Title IX concerns;
4. get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct; and
5. ask questions about the University's policies and procedures related to sex discrimination,

including sexual misconduct.

Definitions

Sexual misconduct

Sexual misconduct includes sexual harassment, sexual assault, sexual exploitation, stalking, dating violence and domestic violence.

Sexual assault

Any sexual activity that does not involve the knowing consent of each person, including

- A. any form of sexual penetration without consent; and
- B. any intentional or knowing touching or fondling by either person, directly or through clothing, of the sex organs, buttocks, or breasts of either person for the purpose of sexual gratification or arousal of either person without consent.

Consent

Informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. A person can withdraw consent at any time. There is no consent when there is force, threats, intimidation, or duress. A person's lack of verbal or physical resistance does not constitute consent. Consent to past sexual activity with another person does not constitute consent to future sexual activity with that person. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to sexual activity if such person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances including without limitation the following:

- A. the person is incapacitated due to the use or influence of alcohol or drugs;
- B. the person is asleep or unconscious;
- C. the person is under the legal age to provide consent; or
- D. the person has a disability that prevents such person from having the ability or capacity to give consent.

Sexual exploitation

The use of another person's nudity or sexual activity without consent for the purpose of sexual gratification, financial gain, personal benefit, personal advantage, or any other non-legitimate purpose. Sexual exploitation includes, but is not limited to:

- A. without the knowledge and consent of all participants, observing, recording, or photographing nudity or sexual activity of one or more persons in a location where there is a reasonable expectation of privacy, allowing another to observe, record, or photograph nudity or sexual activity of one or more persons, or otherwise distributing recordings, photographs, or other images of the nudity or sexual activity of one or more persons;
- B. exposing one's genitals without consent of the other person(s); and

- C. sending sexually explicit materials to another person without consent of the recipient.

Sexual harassment

Sexual harassment is defined by University policy and set forth in the Student Code.

Stalking

Two or more acts directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress, and includes, but is not limited to, following, monitoring, surveilling, or threatening a person; initiating or continuing contact with a person without consent; or interfering with or damaging a person's property.

Dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.

Domestic violence

Felony or misdemeanor crimes of violence committed by:

- A. a current or former spouse or intimate partner of the alleged victim;
- B. a person with whom the alleged victim shares a child in common;
- C. a person who is cohabitating with, or has cohabitated with, the alleged victim as a spouse or intimate partner;
- D. a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the State of Illinois; or
- E. any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.

Retaliation

Any action, or attempted action, directly or indirectly, against any person(s), who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates in an investigation, proceeding, complaint, or hearing under this policy. Retaliation includes, but is not limited to harassment, discrimination, threats, job termination, adjustment in pay or responsibilities, or negative impact on academic progress. Actions are considered retaliatory if they have a materially adverse effect on the working, academic, or living environment of a person; or if they hinder or prevent the person from effectively carrying out their University responsibilities. Any person or group within the scope of this policy who engages in retaliation is subject to a separate complaint of retaliation under this policy.

Processes/Procedures/Guidelines

For information about the university's sexual misconduct support, response, and prevention

resources, visit <http://www.wecare.illinois.edu/>.

Refer to the links below for more specific information:

For Students

- **Reporting Options** <http://www.wecare.illinois.edu/help/report/>
 - University Reporting Options
 - <http://www.wecare.illinois.edu/help/report/#university>
 - <http://www.wecare.illinois.edu/resources/students/#campus>
 - Police Reporting Options
 - <http://www.wecare.illinois.edu/help/report/#police>
 - <http://www.wecare.illinois.edu/faq/police/>
 - Student Disciplinary Process <http://www.wecare.illinois.edu/faq/discipline/>
 - Frequently Asked Questions about Reporting Options <http://www.wecare.illinois.edu/faq/reporting/>
- **Resources** <http://www.wecare.illinois.edu/help/talk/#support>
 - Confidentiality and Confidential Resources <http://www.wecare.illinois.edu/resources/students/#confidential>
 - Medical Resources <http://www.wecare.illinois.edu/resources/students/#medical>
 - Accommodations and Interim Measures
 - <http://www.wecare.illinois.edu/faq/university/>
 - <http://www.wecare.illinois.edu/resources/students/#morecampus>
- **Disciplinary Procedures**
 - Disciplinary Officer and Subcommittee Hearing Procedures http://conflictresolution.illinois.edu/student_discipline/article_2.asp
 - Student Conduct Protocol for Allegations of Sexual Misconduct http://conflictresolution.illinois.edu/student_discipline/appendix_d.asp
 - Sanctions http://www.conflictresolution.illinois.edu/student_discipline/article_2.asp#204
- **Prevention and Training Programs** <http://www.wecare.illinois.edu/prevention/students/>

For Employees

- **Resources** <http://www.wecare.illinois.edu/resources/employees/>
- **Employees' Responsibility to Report Sexual Misconduct** <http://www.wecare.illinois.edu/faq/employees/>
- **Disciplinary Procedures for Employees**
 - Procedures for Addressing Discrimination and Harassment http://diversity.illinois.edu/SupportingDocs/complaint_procedures.pdf
- **Prevention and Training Programs** <http://www.wecare.illinois.edu/prevention/employees/>

Exceptions:

There are no exceptions to this policy.

Contact

Lead Title IX Coordinator
Title IX Office (Office of Diversity, Equity & Access)
1004 S. Fourth Street
Champaign, IL 61820
(844) 616-7978
titleixcoordinator@illinois.edu.

Date Issued: June 30, 2015

Date Revised:

Approved by: Office of Diversity, Equity and Access

Personnel Policies: Section IX/B - 6

Contact Campus Administrative Manual staff to request an addition or revision to the Campus Administrative Manual.

- Coordinator in the Office of Equal Opportunity and Access.
- (f) If a student is harassed or discriminated against because of his/her disability, the student should contact the ADA Coordinator in the Office of Equal Opportunity and Access to institute the complaint procedures.
- (g) Information for faculty regarding accommodations may be obtained at www.disability.illinois.edu.

§ I-111 Sexual Misconduct Policy

- (a) The University of Illinois at Urbana-Champaign (“University”) is committed to providing a safe and welcoming campus environment free from discrimination based on sex, which includes sexual assault, sexual exploitation, stalking, sexual harassment, dating violence, and domestic violence (collectively referred to as sexual misconduct). The University prohibits and will not tolerate sexual misconduct because such behavior violates the University’s institutional values, adversely impacts the University’s community interest, and interferes with the University’s mission. The University also prohibits retaliation against any person who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates in an investigation, proceeding, complaint, or hearing under this policy. Once the University becomes aware of an incident of sexual misconduct, the University will promptly and effectively respond in a manner designed to eliminate the misconduct, prevent its recurrence, and address its effects.
- (b) This policy applies to (1) all students, Registered Organizations, Registered Student Organizations, and others subject to student discipline pursuant to § 1-301 of the Student Code; (2) all University employees; (3) other affiliated individuals, including but not limited to, for purposes of this policy, visiting faculty, visiting scholars, and post-doctoral fellows; and (4) third parties, including but not limited to contractors, subcontractors, volunteers, and visitors. Any person asserting a violation may invoke this policy. This policy applies regardless of actual or perceived sexual orientation or gender identity. This policy covers conduct that occurs on University premises or property, as well as conduct that does not occur on University premises or property that substantially affects the University community’s interest.
- (c) **Definitons:**
- (1) Sexual misconduct includes sexual harassment, sexual assault, sexual exploitation, stalking, dating violence and domestic violence.
 - (2) Sexual assault is any sexual activity that does not involve the knowing consent of each person, including (A) any form of sexual penetration without consent; and (B) any intentional or knowing touching or fondling by either person, directly or through clothing, of the sex organs, buttocks, or breasts of either person for the purpose of sexual gratification or arousal of either person without consent.
 - (3) Consent is informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. A person can withdraw consent at any time. There is no consent when there is force, threats, intimidation, or duress. A person’s lack of verbal or physical resistance does not constitute consent. Consent to past sexual activity with another person does not constitute consent to future sexual activity with that person. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to sexual activity if such person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances including without limitation the following: (A) the person is incapacitated due to the use or influence of alcohol or drugs; (B) the person is asleep or unconscious; (C) the person is under the legal age to provide consent; or (D) the person has a disability that prevents such person from having the ability or capacity to give consent.
 - (4) Sexual exploitation is the use of another person’s nudity or sexual activity without consent for the purpose of sexual gratification, financial gain, personal benefit, personal advantage, or any other non-legitimate purpose. Sexual exploitation includes, but is not limited to: (A) without the knowledge and consent of all participants, observing, recording, or photographing nudity or sexual activity of one or more persons in a location where there is a reasonable expectation of privacy, allowing another to

- observe, record, or photograph nudity or sexual activity of one or more persons, or otherwise distributing recordings, photographs, or other images of the nudity or sexual activity of one or more persons; (B) exposing one’s genitals without consent of the other person(s); and (C) sending sexually explicit materials to another person without consent of the recipient.
- (5) Sexual harassment is defined by University policy and set forth in § 1-109 of the Student Code.
 - (6) Stalking is two or more acts directed at a specific person that would cause a reasonable person to fear for her, his, or others’ safety, or to suffer substantial emotional distress, and includes, but is not limited to, following, monitoring, surveilling, or threatening a person; initiating or continuing contact with a person without consent; or interfering with or damaging a person’s property.
 - (7) Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and the existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.
 - (8) Domestic violence is felony or misdemeanor crimes of violence committed by: (A) a current or former spouse or intimate partner of the alleged victim; (B) a person with whom the alleged victim shares a child in common; (C) a person who is cohabitating with, or has cohabitated with, the alleged victim as a spouse or intimate partner; (D) a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the State of Illinois; or (E) any other person against an adult or youth alleged victim who is protected from that person’s acts under the domestic or family violence laws of the State of Illinois.
- (d) Retaliation is any action, or attempted action, directly or indirectly, against any person(s), who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates in an investigation, proceeding, complaint, or hearing under this policy. Retaliation includes, but is not limited to harassment, discrimination, threats, job termination, adjustment in pay or responsibilities, or negative impact on academic progress. Actions are considered retaliatory if they have a materially adverse effect on the working, academic, or living environment of a person; or if they hinder or prevent the person from effectively carrying out their University responsibilities. Any person or group within the scope of this policy who engages in retaliation is subject to a separate complaint of retaliation under this policy.
- (e) The Lead Title IX Coordinator is responsible for coordinating the University’s efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (“Title IX”), which prohibits sex discrimination, including sexual misconduct, in education programs and activities for institutions that receive federal financial assistance, as well as retaliation for the purpose of interfering with any right or privilege protected by Title IX. The Lead Title IX Coordinator oversees the University’s response to all reports and complaints of sexual misconduct to monitor outcomes, identify and address any patterns or systemic problems, and to assess their effects on the campus climate. The Lead Title IX Coordinator also evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the University’s responsibility to provide safe and welcoming campus environment for all students free from discrimination based on sex. Following a report or complaint of sexual misconduct, the University is required to conduct an adequate, reliable, impartial, equitable, and prompt investigation, including: (1) determining whether the report or complaint alleges conduct that may, upon further investigation, constitute prohibited sexual misconduct; (2) appointing an investigative team to conduct that investigation; (3) determining whether reports and complaints are handled properly in a prompt and timely manner; (4) informing all parties regarding the disciplinary process; (5) confirming that all parties have been notified of a decision and the right to, and procedures for, an appeal, if applicable; (6) maintaining information and documentation related to the investigation in a secure manner, consistent with the University’s obligations to disclose information as required by law; and (7) monitoring compliance with timeframes set forth in the applicable procedures.
- (f) Menah Pratt-Clarke, Associate Chancellor and Associate Provost for Diversity, serves as

the University's Lead Title IX Coordinator and can be contacted in person at the Office of Diversity, Equity & Access, 100 Swanlund Administration Building, 601 E. John Street, Champaign, IL 61820; by phone at (217) 333-0885; or by email at diversity@illinois.edu. The University has Deputy Title IX Coordinators who can be contacted in person at the Office of Diversity, Equity & Access 100 Swanlund Administration Building, 601 E. John Street, Champaign, IL 61820; by phone at (217) 333-0885; or by email at diversity@illinois.edu.

- (g) A person should contact the Lead Title IX Coordinator or a Deputy Title IX Coordinator to: (1) seek information or training about rights and available actions to resolve reports or complaints involving potential sex discrimination, including sexual misconduct; (2) file a complaint or make a report of sex discrimination, including sexual misconduct; (3) notify the University of an incident, policy or procedure that may raise potential Title IX concerns; (4) get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct; and (5) ask questions about the University's policies and procedures related to sex discrimination, including sexual misconduct.

PART 2. GENERAL RESPONSIBILITIES OF STUDENTS

§ 1-201 Responsibilities of Students

- (a) Students are responsible for knowing and complying with the regulations of the University, their college, and the departments from which they take courses, and for fulfilling the requirements for a particular degree. Regulations applicable to given colleges may be obtained from the respective deans.
- (b) It is expected that students enrolled in the University will conduct themselves at all times in accordance with accepted principles of responsible citizenship and with due regard for the rights of others.

PART 3. STUDENT DISCIPLINE

§ 1-301 Basis for Discipline—Source and Jurisdiction

- (a) By authority of the Board of Trustees, the Urbana-Champaign Senate Committee on Student Discipline is responsible for the administration of student discipline for acts involving the violation of campus or University regulations. These regulations are formulated by a variety of sources, including, but not limited to, the Conference on Conduct Governance, the Senate, the Chancellor, the President, and the Board of Trustees.
- (b) It is in the best interest of the University and all those who are students or who may desire to become students at the Urbana-Champaign campus that the basis for discipline at this campus be clearly defined. The University discipline system recognizes that not all violations of law affect the interests of the University community, and the discipline system accepts jurisdiction only in those instances in which the University community's interest is substantially affected. On the other hand, the University may take disciplinary action for incidents that violate the University's rules of conduct even though such conduct is not prosecuted in the courts. All members of the University community are expected to observe high standards of integrity and ethical behavior. The University discipline system may take action only upon the following basis:
- (1) all actions that are violations of law or Board of Trustees' action or any University rule of conduct and that occur on University premises or property
 - (2) all actions that violate any of the laws or regulations cited in section (a) above and that substantially affect the University community's interest, even though such actions do not occur on University premises or property (for further information about the criteria used by the Senate Committee on Student Discipline in determining the kinds of conduct covered by this jurisdiction, see www.conflictresolution.illinois.edu or contact the Office for Student Conflict Resolution)
 - (3) all cases referred to the discipline system following interim suspension by the Chancellor

- (4) academic violations
 - (5) appeals and referrals from student judiciaries arising from violations of regulations
 - (6) violations of University vehicle or bicycle regulations
- (c) Individuals subject to student discipline include but is not limited to all persons:
- (1) taking courses at the University;
 - (2) who cancel, withdraw, or graduate after committing behavior which may violate the code;
 - (3) who are not officially enrolled for a particular term but have a continuing relationship with the University; and
 - (4) who have been notified of and accepted their admission.

This definition includes but is not limited to individuals between academic terms and persons who consent to participating in the student discipline process.

- (d) The actions of a Registered Organization and Registered Student Organization in University-approved activities or University-sponsored activities that are in violation of University regulations for organizations may result in disciplinary action against that organization. In addition, individuals involved may also receive disciplinary action as well.
- (e) The University reserves the right to deny admission to any person because of previous misconduct that may substantially affect the interest of the University, or to admit such a person on an appropriate disciplinary status. The admission of such a person will not be approved or denied until the case has been heard by the appropriate disciplinary committee. (This applies to a person not now enrolled in the University who might apply for admission, or to a person who has pre-enrolled whether or not the applicant has paid a deposit.) A favorable action of the appropriate disciplinary committee does not abrogate the right of any dean or director to deny admission on the basis of scholarship. (See § 1-303.)
- (f) The University reserves the right to withhold authority to register to any student or former student because of previous misconduct that may substantially affect the interests of the University or to assign appropriate disciplinary status to the student or former student. Permission to register will not be approved or denied until the case has been heard by the appropriate disciplinary committee. A favorable action by the appropriate disciplinary committee does not abrogate the right of any dean or director to deny the authority to register on the basis of scholarship. (See § 1-303.)
- (g) Students admitted to or enrolled in the Graduate College or any of the professional schools or colleges are subject to any additional conduct regulations of those units. Regulations will be available in printed form to those students.
- (h) The University will take disciplinary action for conduct violating §§ 1-302 to 1-311 below. Disciplinary action also may be taken for violations of other sections. Examples include but are not limited to: (1) § 1-102(d) (Orderly Conduct of Classes); (2) § 2-402 (Library Regulations); (3) § 2-404 (Picketing); (4) § 2-405 (Solicitation and Commercial Activity in University Residence Halls); (5) § 2-406 (Posting and Distribution of Handout Materials); and (6) § 2-606 (Use of In-line Skates, Roller Skates, and Skateboards).
- (i) Alleged violations of the *Student Code* noted in (h) above are resolved through procedures developed and approved by the Senate Committee on Student Discipline, its Subcommittees on Student Conduct, and Disciplinary Officers approved by the Senate Committee on Student Discipline. These procedures include: Disciplinary Officer Procedures (informal resolution); Procedures for Appeal from the Action of Disciplinary Officers; Procedures for the Subcommittee on Undergraduate Student Conduct; and Procedures for Appeal to the Senate Committee on Student Discipline. These procedures may be found at www.conflictresolution.illinois.edu or by contacting the Office for Student Conflict Resolution. Other procedures available at the Office for Student Conflict Resolution include procedures for the subcommittees for graduate students, law students, and veterinary medicine students. Among other rights delineated in these procedures, the right to written notice of charges and an opportunity to respond to those charges are guaranteed.

is conducted in a manner appropriate to an academic community. The University's control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.

§ 1-107 Religious Beliefs, Observances, and Practices

- (a) Illinois law requires the University to reasonably accommodate its students' religious beliefs, observances, and practices in regard to admissions, class attendance, and the scheduling of examinations and work requirements. (See § 1-501; Article 3, Part 2.)
- (b) Any student may appeal in writing an instructor's decision on a request based on religious beliefs, observances, and practices to the dean of the academic unit offering the course. Before taking action, the dean or director should request that the instructor explain his or her decision in writing.

§ 1-108 Nondiscrimination Policy

- (a) The commitment of the University to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on individual merit and be free from invidious discrimination in all its forms.
- (b) It is the policy of the University not to engage in discrimination or harassment against any person because of race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation including gender identity, arrest record status, unfavorable discharge from the military, or status as a disabled veteran or a veteran of the Vietnam era and to comply with all federal and state nondiscrimination, equal opportunity, and affirmative action laws, orders, and regulations. This nondiscrimination policy applies to admissions, employment, and access to and treatment in the University programs and activities. Complaints of invidious discrimination prohibited by University policy are to be resolved within existing University procedures.
- (c) For additional information on the equal opportunity, affirmative action, and harassment policies of the University, or information on Title IX, ADA, or 504, please contact: the Lead Title IX Coordinator at the Office of Diversity, Equity and Access (ODEA), 100 Swanlund Administration Building (MC 304), 601 East John Street, Champaign, IL 61820, (217) 333 0886 or visit www.diversity.illinois.edu.

§ 1-109 Sexual Harassment Policy

- (a) Sexual harassment is defined by law and includes requests for sexual favors, sexual advances or other sexual conduct when submission is either explicitly or implicitly a condition affecting academic or employment decisions; or (1) the behavior is sufficiently severe or pervasive as to create an intimidating, hostile, or repugnant environment; and (2) the behavior persists despite objection by the person to whom the conduct is directed. The University considers such behavior, whether physical or verbal, to be a breach of its standards of conduct. It will seek to prevent such incidents and will investigate and take corrective actions for violations of this policy. Further, retaliation against those who seek remedies under this policy is prohibited.
- (b) The University will not tolerate sexual harassment of students or employees and will take action to provide remedies when such harassment is discovered. The University environment must be free of sexual harassment in work and study.
 - (1) In order to ensure that the University is free of sexual harassment, appropriate sanctions will be imposed on offenders in a case-by-case manner.
 - (2) The University will respond to every case of sexual harassment reported. Reporting and grievance procedures are published on the Web sites of the Office of Diversity, Equity and Access at <http://diversity.illinois.edu/> and the Office of the Dean of Students at www.odos.illinois.edu.

- (3) Incidents of alleged sexual abuse or sexual assault are included under § 1-302(b).
- (c) Statement on Consenting Sexual Relationships
University guidelines on responsible professional conduct (in the *Academic Staff Handbook*) state that individuals assessing the work of others should base their assessments on appropriate professional criteria. Due to the inherent conflicts of interest, no individual should initiate or participate in institutional or educational decisions involving a direct benefit or penalty to a person with whom that individual has or has had a sexual relationship. Where supervisory or student-teacher relationships exist between husband and wife, or members of a couple, whether married or not, it is the responsibility of the teacher or supervisor to alert his/her supervisor so that appropriate arrangements can be made.

§ 1-110 Policy for the Provision of Reasonable Accommodations for Students with Disabilities

- (a) The following guidelines state the manner in which reasonable accommodations are provided to students with disabilities admitted to study at the University. For the purpose of these guidelines, "reasonable accommodations" refer to those academic adjustments, services, and aids that are provided to ensure that otherwise qualified students with disabilities have equal access to University programs and activities. Coordination of the University's efforts in this area is through the Division of Disability Resources and Educational Services (DRES).
- (b) In general, it is the responsibility of students to make their status as a person with a disability and their need for accommodations known. All requests for reasonable accommodations should be directed to the DRES Student Services Office (333-4603 or disability@illinois.edu). The determination of reasonable accommodations will be based upon an individual student's needs. Academic accommodations shall be developed in consultation with the faculty member for whose course the accommodations are sought. Accommodations that impose an undue hardship on the campus or that require the fundamental alteration of academic standards, programs, or coursework may be declined.
- (c) In order to be considered for reasonable accommodations, the student must meet the following requirements:
 - (1) The student must complete and return the DRES Application for Services. Applications may be obtained from the Division, which is located in the Rehabilitation-Education Center at 1207 South Oak Street, Champaign IL, or via the Web at www.disability.illinois.edu.
 - (2) The student must have a disability and provide documentation of a disability in accordance with DRES documentation criteria.
- (d) To help ensure that a student's accommodations are enacted in a timely manner, the student or prospective student who believes he or she will need accommodations to access University programs and activities must complete the DRES Application for Services and return it as soon as possible. Some accommodations, such as interpreter, real-time captioning services, or the conversion of print-based educational materials to alternative accessible formats can require substantial lead time to schedule or prepare. Therefore, it is recommended that the student return the DRES Application for Services and discuss accommodation needs with DRES personnel at least six weeks before the accommodations will first be required. Such notice will allow the applicant and DRES personnel a reasonable period of time in which to ascertain whether the requirements of sections (c)(2) above have been fulfilled and, if so, to identify and implement the reasonable and effective accommodations that are identified as necessary to afford the student equal access to University educational opportunities, programs, services, and activities in the most integrated setting.
- (e) Accommodation recommendations of DRES personnel that the student deems to be ineffective may be appealed to the Director of DRES. Determinations of the DRES Director may be appealed to the Dean of Applied Health Sciences. Students may take similar action in circumstances wherein the enactment of DRES accommodation recommendations by a campus unit is deemed to be unsatisfactory. Accommodation decisions of DRES or other campus units with which students are dissatisfied may also be appealed to the ADA





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