From: Lawrence Krauss <[redacted]>
Sent: Wednesday, September 12, 2018 7:22 PM
To: jeffrey E.; nancy dahl
Cc: Lawrence Krauss
Subject: Fwd: Response to your inquiry

FYI..= Jeffrey, we can talk tomorrow by phone.. re other new =nformation.

Kind of amazed that the fact that the organizer of the =onference indicated the flight had nothing to do with the conference =ad no impact on the cretin who is provost.

LMK

Begin forwarded message:

From: =/b>Mark Searle <[redacted]>

Subject: =/b>Response to your =nquiry

Date: =/b>September 12, 2018 at 12:30:03 =M CDT

To: =/b>Lawrence Krauss <[redacted]>

Lawrence,

Yes, the other party in the dismissal action is the dean who, =y policy, is the academic administrator responsible for making the =ecommendation of dismissal.

My September 4, 2018 email addressed =our procedural question about whether the OEI investigation would be =e-opened. That explanation stands. My September 7, 2017 =mail to you does not contradict this position. That communication =as based upon OEI's verbal report to me that the available =nformation about the allegation was limited to Dr. Thomson's =ccusation and your denial. Without more, there was insufficient =vidence to substantiate a policy violation. You were, thus =leared. My comment about "additional complaints" =egarding the Australia Skeptics Convention, contemplated the likelihood =hat (a) Dr. Thomson would dispute the outcome of the initial review =nd/or (b) other individuals without direct knowledge might write to the =niversity echoing Dr. Thomson's allegation. When a =ituation occurs that involves an ASU faculty member or student, it is =ot an uncommon occurrence for the University to have individuals, from =ithin as well as outside of the university community, contact us and =emand a matter be investigated. Those type of =ommunications differ from situations where individuals with direct =nowledge of an incident become witnesses in an inquiry and the =nvestigator is able to gather additional factual information that goes =o the question of whether certain conduct occurred and, if so, whether =he conduct violates institutional policy.

As I indicated, the arguments you raise =n your August 29 and August 30th emails can certainly be =ade by you in the dismissal process which is the institutional process =ow underway. Having read those communications, I do not see that =hey raise new evidence that impacts my determinations.

- I never =elied on the photograph submitted by Dr. Thomson as proving the =nderlying allegation that you touched the unnamed woman's =reast.
- While the =odcast from Dr. Thomson occurred after she received her copy of my =etermination, her dislike and animus towards you was apparent to the =EI investigators and was already factored in to their =indings.

- OEI was aware =f Dr. Thomson's April 2017 podcast during the course of its =nvestigation and you had the opportunity to share your concerns with =he OEI investigator about Dr. Thomson's statements, including =hat you felt that they were defamatory.
- In my =etermination, I rejected OEI's conclusion in the allegation =ver the "photobombing" incident. That incident is =ot included in the dean's recommendation of dismissal.

- During the =ourse of the investigation, you had the opportunity to provide =nformation to the OEI investigator about other individuals at the =onvention who you wished to have the investigator contact. You =id not identify the writer of the email you attached to the August =9thcommunication.

With respect to your =ugust 30, 2018 email, your argument does not lead me to change my =etermination. The travel expense report lists the purpose of the =rip as: "Speaking at a series of scientific events in aus"=– OEI made a typographical error in referencing "ASU =9D in that statement. The Australia Skeptics Convention was in =ustralia. You chose to submit a request for reimbursement. =ou chose to seek reimbursement for daily allowance ($155/day) for =ovember 25, 26 and 27, 2016 which are the days of the Convention. =ou choose to seek reimbursement of the cost of your Qantas airfare from =anberra, Australia to Melbourne, Australia on November 25, 2016 which =s the flight that brought you to the Australia Skeptics =onvention. My determination that ASU paid a portion of your =ravel expenses for you to attend the Convention is supported by =niversity business records and that conclusion does not need to be =evisited.

President Crow forwarded your September 5th email to me where you =equest that your emails from August 29 and 30th be =ploaded to Blackboard for members of the Conciliation Committee. =his confirms that I will request Elizabeth King in my office to upload =hose documents, together with this response to them.

Mark=S. Searle, Ph.D.
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and
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[redacted]

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