

GC-Search

From: Suarez, Carmen
Sent: Wednesday, July 06, 2011 10:30 AM
To: Bustamante, Ernesto
Cc: Hendrickson, Mo; Aiken, Katherine
Subject: notice of complaint
Attachments: complaint-psych-respondent notice of complaint July 2011.pdf

Dr. Bustamante,

This office has received a complaint of sexual harassment against you filed by Ms. Katy Benoit. The notice of complaint and complaint content is attached and is also being sent by regular mail to your home address on file with the University.

In the letter, I request a time to meet with you to discuss the complaint investigation process, answer questions you may have and ask you questions regarding the complaint so that you may respond. You may also wish to respond in writing and are encouraged to do so.

I am hoping you might be free to meet this Friday, July 6 at 2 p.m. in the Administration Building room 207---please advise if you can accommodate this time.

Additionally, the letter notes that the complaint investigation and resolution process is difficult for all involved, but we are all reminded that we must continue to act as professionally as possible and do nothing that would appear to constitute intimidation, harassment or retaliation against the complainant, anyone interviewed and/or a part of the process.

In particular, you are to have no contact of any kind with Ms. Katy Benoit during this investigation process.

Please contact me at your earliest convenience, by email or phone, regarding the possibility of meeting this Friday.

Carmen Suarez

Carmen Suarez, Ph.D.
Director
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University of Idaho
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"To do nothing about the conflict between the powerful and the powerless is not to remain neutral, it is to side with the powerful." Paulo Freire

Mr. Ernesto Bustamante
1433 W. A Street, Apartment 4
Moscow, ID 83843

July 5, 2011

Mr. Bustamante,

On June 12, 2011, Ms. Katy Benoit filed a complaint of sexual harassment with this office. The complaint states the following:

I am charging Ernesto Bustamante with the following charges:

- 1) Sexual Harassment – from the end of Fall 2010 semester through the middle of May, Spring 2011 semester.
- 2) Threats of Violence to my person – on three separate occasions, Professor Bustamante held a fully loaded gun to my head, and detailed the manners in which he would use it.
 - 1st time: the end of January, 2011
 - 2nd time: the week after Spring Break, 2011
 - 3rd time: the second week of May, 2011 (this event caused the termination of the relationship)

I began taking Psychology 218 with Professor Bustamante in the Fall semester of 2010. Towards the middle of the semester, he requested more students for advising (per instigation of the university), which I accepted within a couple weeks of the request. He began flirting right away, and pursued an intimate relationship. He constantly complimented me and my work and ability, promised good results with applications to graduate schools *including* the University of Idaho and lots of help with further studies. By the end of that semester, he and I were in a sexually active relationship.

During this entire time, I witnessed a plethora of inappropriate sexual comments in the Cognitive Engineering and Decision Making Lab, along with threats and unpredictable behavior. If students wanted to question him, or defy him in any way, he would always premise his response with 'It's never a good idea to piss me off'.

While alone, he has threatened to kill me, and himself. Further, he has claimed to have five different personalities, all with different names and identities. I've witnessed these personalities firsthand, or at least him portraying them. They include the names: Ernesto, E., Ernie, The Beast, and The Baby. During our entire relationship, I was constantly reminded of what would happen if I 'pissed him off'. I feel *extreme* concern for my safety, the safety of those being mentioned in this document, and the safety of the investigative team.

Further, he has a Utah concealed weapons permit, and at least five guns that I've seen. He carries them everywhere, including to campus (on every occasion). He answers his door with them, travels with them, sleeps near them, EVERYWHERE. He has revealed to me that he believes there are several people out to 'get him', or hurt. He

says this may be due to his claim to have murdered approximately fifty people in his earlier years. He has also claimed that this University is out to get him, claiming he has a lawsuit pending against the University for visa-related contract issues.

I finally ended the relationship after the third time of having a gun put to my head (mid-May). I had finally 'pissed him off'. I wanted to come forward, but I was scared for my personal safety *and* my academic career (as he is my professor, advisor, and committee director of my educational pursuits at the University of Idaho). Further, he was extremely persuasive regarding our future, my academic future, and my safety.

The University of Idaho takes such allegations very seriously and this office is charged with conducting a thorough investigation to determine if the sexual harassment and threats of violence occurred.

As part of the University's investigation process, after a complaint has been lodged, I am charged with meeting with the respondent (you) to begin the process. I will want to explore with you your recollection of events and any information you can share so that we can resolve this situation. At the time of the interview, I will explain in detail the complaint investigation process, my role and that of the co-investigator, and the steps that are taken towards resolution.

Would you be available to meet this Friday, July 8, at 2 p.m.? The co-investigator and I are free at this time and if convenient for you, we would like to review the charges and your response. Please contact me at csuarez@uidaho.edu or 885-4285 to confirm your ability to meet at this time or arrange another time.

You are encouraged to submit comments in writing regarding these charges and the response can be mailed or emailed to the address(es) above.

Workplace misconduct allegations investigation and resolution is difficult for those of us undergoing the process, but we are all reminded that we must continue to act as professionally as possible and in particular do nothing that would appear to constitute intimidation, harassment or retaliation against anyone interviewed and/or a part of the process.

In particular, you are to have no contact with Ms. Katy Benoit during this investigation process. This includes by phone, by email, by text message or social messaging, in person or through a third party or any other means not herein identified.

There are two primary University policies relevant to these charges and they are as follows:

Sexual Harassment FSH 3220

A. Policy

A-1. The university must maintain a learning and work environment for students and employees that is fair, humane, and responsible. Sexual discrimination, including sexual harassment, interferes with the educational process and with the productivity of the faculty and staff; thus, it is inimical to the university.

A-2. Like discrimination on the basis of race, color, national origin, religion, sex, age, disability, or status as a Vietnam-era veteran, sexual harassment violates federal and state laws and the policies of the Board of Regents of the University of Idaho. It is, therefore, the policy of the University of Idaho to condemn sexual harassment.

Retaliation FSH 3810

It is a violation of University policy for any employee to engage in retaliatory conduct, which includes conduct that intimidates, threatens, coerces, or retaliates against any individual because that individual reports a perceived wrongdoing, inequity, or violation of law or UI policy, files a complaint alleging illegal or prohibited discrimination, participates in a grievance or appeals procedure, or participates in a dispute resolution through Human Resources or the Office of the Ombuds.

As stated above, the full investigation process will be detailed to you. Please contact me by email or phone to confirm a meeting for Friday, July 8 at 2 p.m.

Sincerely,

A handwritten signature in blue ink that reads "Carmen Suarez". The signature is written in a cursive style with a large initial "C".

Carmen Suarez
Director

Cc: Dr. Kathy Aiken, Dean

