

Nelson, Kent

From: Suarez, Carmen
Sent: Thursday, July 14, 2011 4:41 PM
To: Spink, Nancy
Subject: FW: notice of complaint - Written Response
Attachments: Bustamante Written Response - Complaint by Kathryn Benoit.pdf

Hi Nancy---Attached is the respondent (Ernesto Bustamante) written response that you asked for today.

Also, below is an email from me to the complainant, Katy Benoit, ---she too asked for a copy of the response, to which she is entitled and also, I met with her in person as well as reiterate the need for her to have a safety plan in place. I am sending you a copy of the email for your records too.

Carmen

Carmen Suarez, Ph.D.
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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

From: Suarez, Carmen
Sent: Thursday, July 14, 2011 4:35 PM
To: 'kbenoit@vandals.uidaho.edu'
Subject: FW: notice of complaint - Written Response

Katy,

Per your request, please find attached the written response of Ernesto Bustamante.

I'll be back in touch about another meeting time.

Again, let me reiterate, should you at any time feel in danger, please call the police. Also, as I indicated, the interview with Ernesto Bustamante is scheduled for Tuesday, 7/19 at 9 a.m. here in the Administration building. Since you allege threats of violence against you by him, I would strongly recommend that you have your safety plan in place, and that you perhaps sleep elsewhere for the week. Although I have not yet spoken with the respondent and thus have no first hand knowledge, I must address your allegations of threats of violence by letting you know that for individuals with a capacity for violence, something like an interview on complaint charges against them could trigger a reaction against the complainant. So I encourage you as vehemently as I can to take all precautions necessary as we spoke about today.

Regards,

Carmen

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From: Bustamante, Ernesto
Sent: Monday, July 11, 2011 2:02 PM
To: Suarez, Carmen
Cc: Hendrickson, Mo; Williams, Gary; Aiken, Katherine
Subject: RE: notice of complaint - Written Response

Dr. Suarez,

Per your request, I am sending you my written response regarding the complaint made against me by Ms. Benoit.

If you need any further information, please do not hesitate to contact me.

I look forward to resolving this matter in the most amenable way.

v/r

Ernesto A. Bustamante, Ph.D.
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July 8, 2011

Office of Human Rights, Access and Inclusion

University of Idaho

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I first met Ms. Benoit as a student in my PSYC 218 course in the Fall of 2010. Since the beginning of the semester, Ms. Benoit showed advanced knowledge, skills, abilities, and great potential to succeed in the professional field. As I have done with previous promising students, I approached Ms. Benoit and offered her to join my Cognitive Engineering & Decision Making (CE&DM) Laboratory. After we discussed the nature of the work in which she could be involved, the organizational structure of the lab, and its organizational culture, Ms. Benoit accepted my offer and became an active member of the lab. I also offered to be her academic advisor, and she accepted as well.

During the Fall 2010 semester, her performance was outstanding and showed great promise for future work. Although Ms. Benoit graduated in the Fall of 2010, I encouraged her to continue working in the lab, join our Human Factors and Ergonomics Society Student Chapter, and apply to several graduate schools, including the University of Idaho, to further her training and become more competitive in the job market. I also advised her to take relevant courses during the Spring 2011 semester to be better prepared for graduate school. She chose to take PSYC 372 (Physiological Psychology), PSYC 444 (Sensation and Perception), PSYC 404 (Human Factors in Engineering Design), and PSYC 499 (DS: Human Factors Research).

During the beginning of the Spring 2011 semester, Ms. Benoit asked me for advice regarding her opportunities for graduate school and future career. She made a statement that struck me: "How could anyone like me succeed in the professional world." This statement caught me off guard because the only forms in which I knew her at the time were as a student, colleague, and advisee. I expressed interest in getting to know Ms. Benoit to better understand the potential external factors that could have contributed to her making such statement. I did, however, made it explicit that I was not interested in pursuing any time of romantic involvement. In my impression, she seemed very receptive to developing a friendship in addition to our professional relationship.

Throughout the Spring 2011 semester, Ms. Benoit and I developed a close friendship. We spent a fair amount of time socializing and sharing intimate aspects of our personal lives. Soon after, I realized that Ms. Benoit has had, and continues to have, a history of drug use and distribution. I am by no means an expert in addictions, but it became clear that Ms. Benoit was addicted to control substances, especially marijuana. I witnessed Ms. Benoit use marijuana on a daily basis and often distribute it for profit. I also learned that Ms. Benoit did not only use and distribute marijuana, but other control substances as well, including prescription medications.

Towards the middle of the Spring 2011 semester, Ms. Benoit's academic performance sharply declined to the point that she essentially stopped attending classes, meetings, and being an active member of the CE&DM Lab and the Student Chapter. She received an F in PSYC 372 and PSYC 444. As her advisor and friend, I became concerned and asked her to share with me if she had any extenuating circumstances that could have played a role in her performance. Ms. Benoit communicated to me that, in addition to her substance abuse problems, she was also going to need knee surgery. Given her extenuating circumstances, I offered her the opportunity to take an Incomplete in my course (PSYC 404) so that she could still successfully complete the remaining course requirement during the Summer of 2011. Ms. Benoit accepted my offer, so I proceeded to enter her grade following the UI standard procedures.

Towards the end of the Spring 2011 and beginning of the beginning of the Summer 2011 semesters, our friendship started to deteriorate. There were several personal factors that contributed to the deterioration of our friendship. However, the catalyst factor that resulted in the dissolution of our friendship was due to a very serious incident. Ms. Benoit stole an almost fully filled prescription bottle of mine, and she even had the audacity to try to sell me some tablets at the black market value. I confronted her about it, and she denied it. Nevertheless, I gave her the chance to come forward and return all my medication before reporting her to the police. She finally confessed that she took the prescription, returned it, and apologized.

After this incident, I explicitly communicated to Ms. Benoit that I could not trust her as a friend anymore and that from then on, our relationship was strictly related to school. I also made it explicit that even though our friendship was over, I still considered her to be my colleague, mentee, and promising student with great potential for success.

Although Ms. Benoit and I developed a close friendship, I made it explicitly clear to her, as well as everyone else who has a professional relationship with me, that the former did not have an effect on the latter because I condemn differential academic treatment. I always have, and I always will. I understand that developing close friendships with students is typically considered unwise as a faculty member. However, it is my personal philosophy that as long as people understand the different facets of their relationships and respect their boundaries, it fosters a much more collaborative and productive environment.

I am not entirely sure why Ms. Benoit made such outrageous allegations against me. Perhaps she viewed the termination of our friendship as the termination of our professional relationship despite the fact that I made it clear that our friendship or lack thereof had no impact on our professional relationship. I have never sexually harassed her and most definitely not made any threats of violence. I have no criminal or violent record to support such allegations.

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I by no means take these allegations lightly, and I would like to make a formal complaint against Ms. Benoit for making unfounded complaints that could be detrimental to me regardless of the outcome of this matter. Ms. Benoit's complaint could not only create a potential defamation of my character but of the University of Idaho as well. I trust that you will not take this case lightly either and pursue disciplinary action accordingly.

v/r

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