

From: "jeffrey E." <jeevacation@gmail.com>

To: Lawrence Krauss <[REDACTED]>

Subject: Re:

Date: Wed, 04 Apr 2018 18:26:58 +0000

Inline-Images: image002.png

before you do that ask erin if this is a title iX issue. or not.

On Wed, Apr 4, 2018 at 7:57 PM, Lawrence Krauss <[REDACTED]> wrote:

p.s. I should add that by no means will I intend to have Justin accompany me next Tues.. I want to seek his advice on how to respond to what I hear.

Lawrence M. Krauss

Director, The Origins Project at ASU

Co-Director, Cosmology Initiative

Foundation Professor

School of Earth & Space Exploration and Physics Department

[REDACTED]

origins.asu.edu | twitter.com/lkrauss1 | krauss.faculty.asu.edu



On Apr 4, 2018, at 10:54 AM, Lawrence Krauss <[REDACTED]> wrote:

Jeffrey.. Thanks very much for your advice.. We are not yet in the labor law phase.... nowhere near that yet.. We are in the OEI investigation phase, and I repeat they are tasked merely with deciding what, if any violations of university policy they view as probably having occurred. Moreover, all she was doing was covering her bases.. She didn't indicate whether the allegations that were reported to the University were based on the University reaching out to individuals after the BuzzFeed story who then wrote to the University. There are a host of questions that need to be answered. and wiggle room with questions at or after meeting... Moreover, just because someone from Mongolia complains about me does not mean the University is empowered to investigate that.. In any case, just FYI.. I am sending you the section of the ABOR regulations on Dismissal or Suspension of Tenured faculty, so you will see it is a long process that extends way beyond what I am embarking on next week.

In any case, as a result, I am taking the following action today. I want to continue listen carefully to your advice, believe it or not, but I need to feel I have a legal expert familiar with Title IX to talk with as well, and there is no perfect person.. but Nancy and I have decided to retain Justin, who, while perhaps too eager to be combative at this stage, will work for me, and not vice versa, and has extensive experience with university processes, including at ASU. His main interest is making the process fair, and if it is not, holding the University accountable after the fact. I think that meshes with my goal as well. I do feel much better about him than I did about having Johnny's lawyer, which was delusional on my part. Plus I will be much more critical of advice, as I will be bouncing it off you as well.. I hate spending the money, but Nancy reminds me that in the old days this is less than I would have received for a single lecture.

So, once again, I understand your concerns, frustrations, knowledge, recriminations, etc, but this is what I am going to do. So, I am either going to waste \$15K or get some useful payback for it, and I will either kindly accept your offer to let me waste your \$25K, or my \$25K. If you feel sufficiently strongly that you don't want to follow through on what you so generously offered before, which was to provide \$25K for me to work with however I felt I wanted to do, and perhaps largely for our mental health if necessary, I will not of course hold it against you in any way. You have been so generous with your time and friendship, which in the end is so much more important.

Lawrence

ABOR stuff below:

J. Dismissal or Suspension

1. Tenured Faculty Members

- a. Tenured faculty members shall not be dismissed or suspended without pay except for just cause. Such dismissal or suspension may take effect only following an opportunity for the faculty member to utilize the conciliation/mediation and hearing procedures as prescribed in ABOR Policy 6-201L.3 and L.4 (Conditions of Faculty Service; Hearing Procedures for Faculty, Conciliation/Mediation and Hearing).
- b. Just cause shall include, but not be limited to, demonstrated incompetence or dishonesty in professional activities related to teaching, research, publication, other creative endeavors, or service to the university community; unsatisfactory performance over a specified period of time and a failure to improve that performance to a satisfactory level after being provided a reasonable opportunity to do so by the university, as demonstrated through the board-approved post-tenure review process; substantial neglect of or refusal to carry out properly assigned duties; personal conduct that substantially impairs the individual's fulfillment of properly assigned duties and responsibilities; moral turpitude; misrepresentation in securing an appointment, promotion, or tenure at the university; or proven violation of Board or university rules and regulations (including the code of conduct or any other disciplinary rules), depending upon the gravity of the offense, its repetition, or its negative consequences upon others.

Lawrence M. Krauss

Director, The Origins Project at ASU

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On Apr 4, 2018, at 5:17 AM, jeffrey E. <jeevacation@gmail.com> wrote:

i have reviewed arizona state law. not easy. . my best guess is that you will be given the opportunity to resign rather than be fired. the issue will be pay over what time and how much. . if you take someone it should be a femail lawyer or maybe nancy . so she is in on this. against my very strong advice you called the question re outside vs university, and there is now little wiggle room. I am being very gentle as i know there are other things in your life that is troubling . If you put up a big fight or make a plea the final result will be the same. it will be a negotiation , threats will only cost you money

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