

**Assessment of Processes in Response to Concerns About David Stachura  
California State University, Chico  
November 21, 2023**

**I. Brief Background and Scope**

**A. Summary of Background Resulting in the Process Assessment**

Briefly, in September 2020, Chico State's Title IX Office found that Professor David Stachura of the Biological Sciences Department had a prohibited consensual relationship with a graduate student in violation of Executive Order 1096 (EO 1096). After a failed appeal, in December 2020, an informal resolution was reached pursuant to the governing collective bargaining agreement of the California Faculty Association (the CBA).

In August 2021, the University was made aware that Dr. Stachura's estranged wife accused him of threatening to kill two female colleagues who participated in the EO 1096 investigation. Dr. Stachura was placed on a temporary suspension while the Campus Violence Consultation Team (CVCT) investigated. The CVCT engaged an external risk assessment consultant and notified Dr. Stachura in October 2021 that they did not find that he posed a threat of violence and he was permitted to return to campus. Chico State employees raised additional concerns about Dr. Stachura's threats of violence from January through June of 2022 and the University did not find cause to conduct additional investigations.

In May 2022, Dr. Stachura was promoted to full Professor effective in Fall 2022.

In December 2022, articles about the University's response to allegations about Dr. Stachura were published, and Dr. Stachura was placed on, and remains on, a paid leave of absence as required by the CBA.

**B. Scope of the Review**

The investigator and author of this report is Nancy Aeling. CSU asked the investigator to make factual findings with respect to the following six questions, divided for clarity into three categories.

First, was the December 2020 informal resolution of the EO 1096 findings reasonable under the circumstances, given the possible outcomes if the University had not settled?

Second, regarding the University's responses to alleged threats of violence:

- Did the University respond appropriately in August 2021 when it learned of the threat allegations raised by Dr. Stachura's wife?

- Did the University respond appropriately to additional concerns about the threat allegations expressed between January and June of 2022?<sup>1</sup>
- Was it reasonable for the University to decide the alleged threats of violence did not call for discipline?
- Did the University act consistently with policy by not notifying the Chico State community of Stachura's alleged threats of violence?<sup>2</sup>

Third, were the appropriate processes followed in the decision to promote Dr. Stachura with respect to consideration of 1) the EO 1096 findings and 2) the alleged threats of violence.

### **C. Review Procedures**

The investigator spoke with 22 witnesses, including current and former members of the Biology Department, members of the University's Campus Violence Consultation Team (CVCT), administrators, attorneys and a union representative. Note that the investigator did not interview Dr. Stachura because the probability that he would have information relevant to a review of the processes followed by the University is low.

To protect witness privacy, witnesses are not identified by name or title.

The investigator reviewed over 100 documents provided by the University and witnesses consisting of notes, emails and memoranda. The investigator also reviewed about a dozen documents pertaining to policies, executive orders, the CBA and retention, the threat assessment report, tenure and promotion procedures.

Note that while the circumstances surrounding David Stachura and Chico State have apparently generated substantial local media attention, the investigator did not read or review media reports or articles because to do so might run the perceived or actual risk of compromising the neutrality of the review.

It is worth bearing in mind that the scope of the review is bound in time to the

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<sup>1</sup> On September 4, 2023, the University provided additional documents indicating that the University was told of alleged threats by Dr. Stachura in November 2021, and the witness who allegedly heard the threats wished to remain anonymous. In the interests of thoroughness, the investigator was asked to consider whether these documents could change the assessment findings. In the Fall of 2023, the investigator re-interviewed five witnesses all of whom were deemed credible. (See Section III.B.1.c.) Relevant witnesses did not remember if they were notified of the specific allegations in 2021, and did not have documents that would assist their recall. Further, in the two years since the alleged threats were raised, there has been substantial publicity concerning Dr. Stachura, increasing the difficulty of witnesses to recall accurately what they heard, when they heard it and from what source. Hence, it is unlikely that the additional documents would change the assessment findings because witness's memories have faded and the investigator did not find documents indicating how the allegations were addressed.

<sup>2</sup> The relevant policy regarding notification is Executive Order 1107 which implements the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act").

decisions made and actions taken by the University at the time they were made and with the information then available. Hence, consideration of information available after decisions were made is likely to be tainted by hindsight bias.

This review applied the preponderance of evidence standard to support the factual findings regarding the six questions constituting the scope of the review. This means evidence on one side outweighs the evidence on the other side, and it therefore more likely than not that the finding either is or is not substantiated.

#### **D. Summary of the Findings**

The factual findings support the following conclusions:

- The December 2020 informal resolution of the EO 1096 findings was reasonable under the circumstances;
- The University responded appropriately in August 2021 when it learned of the threat allegations raised by Dr. Stachura's estranged wife;
- It was reasonable for the University to decide the concerns raised between January and June 2022 did not call for discipline;
- The University acted consistently with policy by not notifying the Chico State community of Stachura's alleged threats of violence;
- The University followed the appropriate processes in the decision to promote Dr. Stachura with respect to consideration of 1) the EO 1096 findings and 2) the alleged threats of violence.

## **II. Informal Resolution of the EO 1096 Findings**

### **A. Factual Background and Relevant Policies**

#### Facts Pertaining to the EO 1096 Investigation

The EO 1096 investigation found by a preponderance of the evidence that David Stachura and student Witness A (or "the student") engaged in a consensual sexual relationship and that as her graduate advisor, Dr. Stachura exercised academic and supervisory control over the student.

The investigation was undertaken by the University in response to concerns brought forward in by Witness B on June 25, 2020, and supported by, among others, Witness C.<sup>3</sup>

Both women observed Dr. Stachura and Witness A spending hours in Dr.

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<sup>3</sup> As discussed in detail below, Dr. Stachura allegedly threatened to kill Witness B and Witness C for their participation in the investigation.

Stachura's office with the door closed, and Witness C, who had the office adjoining Dr. Stachura's office, said she overheard the pair engaging in sexual activity and had seen them kissing.

Dr. Stachura and the student are reasonably close in age, as Witness A was a returning student and was older than the more traditional students who entered the University shortly after graduating from high school. Both Dr. Stachura and the student were married and each has two children.

Dr. Stachura and Witness A denied that they had a sexual relationship, while admitting that they went out for drinks, spent time watching movies in his office and generally 'hung out' together.

### Facts Pertaining to the Settlement Agreement

On September 15, 2020, the Title IX office provided Dr. Stachura with the investigation report finding him in violation of EO 1096. Article X of the Executive Order provides that a party who is not satisfied with the outcome of the investigation may file an appeal. Dr. Stachura filed an appeal that was denied on about October 15, 2020.

On November 3, 2020, a member of the Office of Academic Personnel (OAPL), sent an email to Dr. Stachura, notifying him that the University intended to file a notice of pending disciplinary action based on the findings of the EO 1096 investigation. Disciplinary actions are governed by Article 19.3 of the CBA. Three types of discipline are permitted: dismissal, demotion, or suspension without pay.

Pursuant to Article 19.3 of the CBA, the parties may attempt informal resolution, which they agreed to do in this case. If the matter is not informally resolved, Article 19.10 permits the employee to appeal the pending disciplinary action and to have the appeal heard by an arbitrator. Unless the discipline is a suspension without pay of 30 days or less, the disciplinary action is held in abeyance until the arbitrator issues a final decision.

To summarize, in November of 2020, the University had two choices, to informally settle the matter or to arbitrate imposition of the disciplinary action, and chose to attempt to settle the matter. Procedurally, OAPL represents the University and OAPL reports to the Office of the Provost. A member of OAPL participated in the settlement discussions, advised by the Office of General Counsel. (OGC.)<sup>4</sup> Dr. Stachura was represented by a CFA union representative.

The University sought a one-half semester suspension and Dr. Stachura's CFA

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<sup>4</sup> In arbitrations with faculty, the University is represented by OGC.

representative wanted the suspension to be one quarter of the semester. The negotiations between Dr. Stachura and the University resulted in an agreement, signed December 1, 2020 in which Dr. Stachura was given a .33 suspension for the Spring 2021 semester, and he agreed to withdraw his request for early promotion to full professor. The University agreed that the report of the EO 1096 investigation would be held outside the Personnel Action File (PAF) unless another investigation by the Title IX office found violations within three years of the date the settlement agreement was executed.

Among other matters, the University considered the following factors in reaching the agreement. First, Dr. Stachura engaged in a consensual relationship with a student who is, in terms of age, his peer. Note that the student did not complain and did not admit to the relationship. The investigator reviewed examples of professors accused by students of unwelcome advances, and these professors received harsher discipline, including termination. In contrast, Witness A neither complained nor admitted that a relationship with Dr. Stachura occurred.

Second, the arbitration process is both lengthy and expensive and the University often does not prevail. Again, arbitration procedures are governed by the CBA, Articles 19.10 – 19.24 and the parties must comply with the procedures and timelines set forth in those processes which, in this case, mandates that the sanction must be held in abeyance for as much as 135 days, pending a final decision. (Article 19.12(b).)

Third, the delay caused by arbitration also results in a delayed imposition of discipline, and the University believed that in order for discipline to be effective, it should be imposed as close in time as possible to the event. A relevant question was thus, how the University could impose discipline that would be enforced the following semester.

The investigator was told that the University wanted to impose discipline and therefore considered the likelihood that the discipline would be upheld if challenged in arbitration, and considered the following:

- When faculty exercise their right to arbitrate discipline, frequently the discipline is not upheld. Anecdotally, the arbitrators reduce or deny any suspension more often than not. There are no strict guidelines that link a particular violation to a specific level of discipline. Rather, the discipline selected is based on a case-by-case analysis, and discipline for a consensual relationship appears to be comparatively rare.
- While settlement terms are considered confidential, the terms are at least implicitly known. For example, if a faculty member's teaching load is unexpectedly reduced this can create the perception that the reason is disciplinary, especially since witnesses are aware of the allegations. In

other words, the absence of discipline would likely result in the perception that the University condones professors having consensual relationships with students they supervise.

Finally, at the time – the summer of 2020 – Dr. Stachura was considered a productive member of the faculty, with highly regarded achievements in scholarship, teaching and service. The complaint by members of the Biology Department was the first complaint raised with the Title IX office about Dr. Stachura.

## **B. Analysis**

Given the information available at the time, the findings support the conclusion that the University’s decision to informally resolve the imposition of discipline for Dr. Stachura’s violation of Executive Order 1096 is reasonable. The University contacted OGC, the office that represents them in arbitration and therefore has significant experience in the process.

Hence, the University, at least implicitly, performed a risk-benefit analysis based on the information and assessment of likely outcomes, and reached the conclusion that imposition of swift and certain discipline was preferable to imposing discipline that, at best, would be significantly delayed and, more likely, would not be imposed at all.

## **III. University Responses to Alleged Threats of Violence**

### **A. Alleged Threats in August 2021**

#### **1. Factual Background and Relevant Policies**

On about August 12, 2021, the attorney representing Dr. Stachura’s wife contacted witness B and informed her that she and Witness C had been named in a request Domestic Violence Restraining Order (DVRO) filed by Dr. Stachura’s wife. Witness B requested a copy of the DVRO from the attorney and learned that Dr. Stachura allegedly complained about the two women and said he was going to shoot them and then commit suicide. Although Witness B was on a sabbatical in Europe, she provided a copy of the DVRO to the Title IX Coordinator. Upon receiving the DVRO, the University’s Campus Violence Consultation Team (CVCT) convened the same day to discuss the allegations.

The CVCT is governed by Chico State’s Policy on Campus Behavior and Violence Prevention (Executive Memorandum 12-025) that sets forth procedures regarding threats of violence. Pursuant to the policy, the Chief of University Police, the Director of Labor Relations and the Chief of Staff to the President were among the members of the CVCT.

On August 18, 2021, the CVCT met, confirmed that Dr. Stachura had surrendered his firearms<sup>5</sup> and placed him on a temporary suspension.<sup>6</sup>

After consulting with the Chico State's risk manager on August 23, 2021, the CVCT engaged a third-party risk assessment consultant group, and Threat Assessment Group (TAG) was engaged to perform a risk assessment. The TAG analyst is a retired FBI special agent and has an MA in Forensic Psychology.

Acting under the direction of the TAG analyst, the CVCT conducted interviews with questions provided by TAG, and reported the information to TAG. The interviews took place between September 3 and September 9, 2021.

On September 9, 2021, the request for a DVRO was granted. In addition to the claim that Dr. Stachura threatened his colleagues, the TAG report noted that his wife alleged that she suffered an incident of sexual abuse, that Dr. Stachura regularly drank to excess and that he sent her threatening and intimidating text messages after she filed for divorce.

The TAG analyst interviewed Dr. Stachura and on September 16, 2021, provided his report to the CVCT.

Briefly, the TAG report said Dr. Stachura's wife alleged that on May 11, 2021, Dr. Stachura told her he purchased guns to kill his colleagues, Witness B and Witness C, and then kill himself. She did not report this allegation to the police, the University, or Witnesses B and C, whom she knew socially. Dr. Stachura maintained that he told his wife he had a nightmare about killing his two colleagues and himself. The two were separated and his wife had filed for divorce. They were also involved in a dispute over custody of their twin daughters.

The TAG report noted that Dr. Stachura provided evidence that he purchased the firearms in March 2020, prior to the EO 1096 investigation. The report stated: "David purchased three firearms in March 2020, but he relinquished the weapons to the Chico Police Department on August 4, 2021, pursuant to the DVRO."

The TAG report's Assessment section stated essentially that if the CVCT accepted his wife's allegations about Dr. Stachura's threat to his two colleagues, "it may be appropriate to conclude that David does pose an unacceptable risk of violence to the workplace." On the other hand, the TAG report said Dr. Stachura's version of events, "does not corroborate the

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<sup>5</sup> The firearms were surrendered on August 4, 2021, pursuant to the DVRO.

<sup>6</sup> The University had been on summer break and August 18, 2021 was the first working day following the receipt of the DVRO.

presence of any known risk factors for violence, and he articulated several important protective factors which, all things being equal, reduce the likelihood of violent or disruptive behavior. We caution, however that 'no elevated risk of violence' is not the same as 'no risk of violence.'"

The report added that if the University chose to allow Dr. Stachura to return, "you continue to monitor David's behavior closely, and that others at the University, including the two professors who previously provided derogatory information about David, be instructed to immediately alert appropriate University staff or police if they observe threatening or concerning behavior."

The CVCT found the conclusion of the TAG report ambiguous and lacking sufficient guidance. Consequently, CVCT members asked for a meeting with the TAG analyst to clarify the findings, and met with the analyst on September 20, 2021. According to the notes taken by a CVCT member during the meeting, the TAG analyst reviewed the risk factors for violent behavior and concluded there "is not a lot here to support [a] belief he is a threat." During the meeting, the TAG analyst said that if the University believed Dr. Stachura had homicidal intent he should not be permitted to work there, and added that he did not think Dr. Stachura had such intent.

In September 2021, more meetings were held with the TAG analyst and the University Police Department, and additional documentation was requested from Dr. Stachura. A CVCT member who attended the DVRO hearing reported that Dr. Stachura or his attorney asserted that Dr. Stachura's wife left their two children with Dr. Stachura for a week, going away with friends, shortly after he made the alleged threats.

In early October 2021, the CVCT met to discuss Dr. Stachura's status, and decided that Dr. Stachura would be permitted to return to work subject to conditions. Plans were made to communicate with Witness C and witnesses, and to put practices in place so that Witness C and Dr. Stachura would not be in their shared lab space at the same time.

On October 14, 2021, the CVCT sent a letter to Dr. Stachura notifying him that it determined he did not currently pose a threat of violence to the campus community. The letter set forth the CVCT's expectations of Dr.

Stachura upon his return to the campus. For example, Dr. Stachura was directed to meet with an administrator and the Dean "to discuss expectations of collegial interaction and work space use with Witness C." He was expected to meet biweekly with the Dean, to adhere to the CBA requirement to work "collaboratively and productively with colleagues," to attend training sessions on communication and conflict resolution, and to attend weekly Employee Assistance Program sessions for the rest of the semester.

## 2. Analysis



Given the information available at the time, the University responded appropriately in August 2021 when it learned of the threat allegations raised by Dr. Stachura's estranged wife because a preponderance of the evidence establishes the following.

First, on the same day it received the DVRO and became aware of the alleged threats against the two biology professors, the University convened the CVCT, pursuant to Executive Memorandum 12-025.

Hence, the University acted promptly and in accordance with policy.

Second, the CVCT promptly suspended Dr. Stachura and sought recommendations for an expert to conduct a threat assessment and engaged the consultant who, as a former FBI special agent trained in forensic psychology, appears well qualified to provide the necessary assessment.

Third, when the CVCT found the written report produced by the consultant to be unclear, they met with him to seek additional clarity and guidance.

Fourth, the CVCT obtained not only the information gathered by the consultant, but information provided by other sources as well, including the University Police Department. From this information gathering process the CVCT learned the following:

- The only source for the alleged threats was Dr. Stachura's estranged wife, who had filed for divorce and was seeking legal and physical custody of the couple's two children.
- Although Dr. Stachura's wife alleged that the threats were made in May 2021, she did not bring the information to the police, the University or the two professors at the time she alleges the threats were made. Rather, her attorney informed one of the professors in August 2021. Further, she left the couple's two children with Dr. Stachura for about a week after the alleged threats were made.
- The DVRO allegations stated that Dr. Stachura purchased firearms to kill his two colleagues and himself. However, evidence showed that the TAG report concluded that Dr. Stachura purchased the weapons in March 2020, four months before he was notified of the EO 1096 investigation.<sup>7</sup>

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<sup>7</sup> The evidence that Dr. Stachura purchased all three guns prior to the Title IX investigation is ambiguous as one gun was delivered and paid for in October 2020. The records do not show when the third gun was originally ordered.

- Dr. Stachura relinquished his firearms to the Chico Police Department.

Fifth, the CVCT included conditions for Dr. Stachura's return to campus, including those recommended in the TAG report.

In sum, the CVCT followed governing policy and Executive Memorandum 12-025 because when informed of the alleged threats, the committee retained an expert and sought and considered the information available. When the process ended in October 2021, the University reasonably concluded that Dr. Stachura did not "currently pose a threat of violence to the campus community.

## **B. Concerns Raised Between January 2022 and June 2022**

The investigator considered the University's decisions that concerns raised by three University employees between January and June of 2022 did not require additional discipline. Two of the concerns were raised in January and April 2022 by Witness D. A staff member in the Biology Department (Witness E) brought forward concerns in May 2022, and a CFA representative (Witness F) emailed additional concerns to the President in June 2022.

For clarity, this section separately describes a) the concerns raised and b) an analysis of the reasonableness of the University's decisions not to conduct additional investigations, given the facts and applicable policies. Where there are disputed issues of fact, a credibility analysis is included.

### 1. Concerns Raised by Witness D in January 2022

There is a dispute of fact about the content of the concerns brought forward by Witness D, who described herself as a former friend and confidant of Dr. Stachura.

#### a) Concerns as Recorded by Administrators

Witness D told the investigator that after Dr. Stachura returned to campus in October 2021, she discussed concerns she had about Dr. Stachura's conduct with at least two female faculty members, but that she didn't want to be involved.

On January 3, 2022, Witness D met with members of the College of Natural Sciences, Witness H and an associate. Witness H took notes of the meeting, and his notes reflect the following.

Witness D said that she had been a friend and confidant of Dr. Stachura.

After Dr. Stachura returned to campus in October 2021, the two went for coffee a handful of times. Dr. Stachura expressed his anger toward the two colleagues, who he blamed for instigating the EO 1096 investigation and said he treated them with hostility, glaring at them in the hallway, but stopping short of conduct that he believed would result in complaints.

At one point, Witness D told Dr. Stachura that she needed to remain neutral, and he responded that 'she better not become part of the problem,' or words to that effect. Witness D reported further that Dr. Stachura said something such as, "If I wanted to kill people, you would all be dead."

According to notes taken by OAPL, Witness D also brought her concerns to that office on or about January 5, 2022. According to these notes, Witness D said again that Dr. Stachura was angry with the two colleagues named in the DVRO, that he has subtle ways of showing hostility and that he never forgives or forgets. She added that since she had stepped back from her friendship with Dr. Stachura, he now glares at her. The notes do not mention guns or threats.

On January 6, 2022, Witness D sent an email to Witness H, Witness I and OAPL stating that she had been approached by a faculty member, witness G, who wanted to discuss her meeting with members of the College of Natural Sciences and OAPL.<sup>8</sup> In her email, Witness D said:

- "I said several times that I was uncomfortable discussing the issue in public and that I'd like to keep my involvement private. He completely ignored me and continued with his agenda which was very loud and in a public hallway. Based on this, I would like to withdraw all of my comments regarding Dave. I do not feel like I am being protected, so I am withdrawing myself from this situation."

Witness H responded that he regretted the interaction and that he, Witness I and OAPL had not shared the information she provided with anyone in the department. Witness D replied that she "was only frustrated with [Witness G]," and not with the other meeting participants.

Witness H told the investigator that he anticipated that Witness D would say she had been threatened and was almost disappointed when she did not provide information of a threat that would lead to further investigation. Both the Witness H and Witness I spoke highly of Witness D and her integrity.

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<sup>8</sup> Witness G, is a member of the Biology Department who opposed Dr. Stachura's promotion to Full Professor and against whom Dr. Stachura later filed a grievance.

b) Concerns Described by Witness D in December 2022

On December 8, 2022, a media source published the first in a series of articles about Dr. Stachura, the Title IX investigation and the TAG threat assessment. Shortly thereafter, the Academic Senate held an open forum meeting for members of the campus community to discuss issues raised in the article.

Witness D spoke at the Academic Senate meeting, and repeated what she had shared with Witness H, Witness I and OAPL. She added that in addition to stating that “If I wanted people to be dead, you’d all be dead,” he said, “I’m a doer, but maybe I’ll skip your office.” She maintained that Dr. Stachura told her if she told anyone, she would regret it.

c) Credibility Analysis

Where there is a disputed issue of fact, the investigator conducts credibility assessments. A credibility assessment is not a determination of the honesty of a party or witness. Rather, credibility is akin to ‘reliability,’ not in the sense of statistical reliability, but in the sense that one version of events is more likely than not to be reliable.

In analyzing credibility, the investigator considers several factors including bias and corroboration. Here, the credibility of witness H, Witness I and OAPL is enhanced because it is corroborated by the contemporaneous notes two meeting participants.

The credibility of the Witness H and Witness I is further enhanced by not only a lack of bias, but by their positive feelings towards Witness D. Both said that while they did not recall Witness D discussing the threats she raised at the Academic Senate meeting, they believe her to be honest and that she would not be deliberately misleading. Indeed, both Witness I and Witness D said they are not only colleagues but personal friends of long standing.

In addition, neither Witness H nor Witness I exhibited a bias in favor of Dr. Stachura. To the contrary, his return to campus created tensions and difficulties within the Biology Department, such that Witness H expressed regret that he did not have a basis to take action that would address those tensions and concerns.

Witness D’s credibility is lessened because it is not corroborated and is contradicted by contemporaneous notes. In addition, Witness D’s credibility must be considered in light of the fact that she shared her

concerns with other faculty members, increasing the probability that in December 2022 – nearly a year after her initial report to the Dean – her recollection of what she said to who may be inconsistent.

d) Analysis of the University's Response

Chico State's Policy on Campus Behavior and Violence Prevention (EM 12-025) defines the behaviors prohibited by the policy. Here, the relevant behaviors are:

- Bullying – intentional intimidation or infliction of emotional distress, characterized by verbal abuse, derogatory remarks, insults and epithets, verbal and physical behavior that a reasonable person would find threatening, intimidating.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm or harm to a person's property, job, family, etc.
- Illegal possession, or illegal use or threat of use of a gun, knife or other weapon/s of any kind.

It is more likely than not that in January 2022, the University was informed that Dr. Stachura told Witness D something to the effect that, 1) "she better not be part of the problem," and 2) "If I wanted to kill people, you would all be dead." Two days after reporting her concerns, Witness D sent an email to Witness H, stating that based on what she described loud and public questioning by Witness G, "I would like to withdraw all of my comments regarding Dave."<sup>9</sup>

Dr. Stachura's comments are unlikely to rise to the level of threats prohibited by EM 12-125. There is no threat of bodily harm, use of prohibited weapons or verbal abuse. What is more, a plausible interpretation of the comment, "If I wanted to kill people, you would all be dead," is that he did not want to kill people or he would have done so.

In sum, given the information available in January 2022, the witness's decision to withdraw her statements and the prohibited behaviors found in EM-125, the University's decision not to impose additional discipline is not unreasonable.

2. Concerns Raised by Witness D in May 2022

a) Concerns

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<sup>9</sup> See the text of the email on page 11, Section III.B.1.a.

Witness D told the investigator that in April or May 2022, she again spoke to Witness H to ask if any action was being taken, but was told that it was a personnel matter and he could not discuss it.

Witness H's notes show that he held a meeting with Witness D on April 28, 2022. According to these notes, Witness D complained of "death glares" when she encountered Dr. Stachura in the hallways and that when she suggested they stop the negative interactions, he responded, 'I hate you.' She added that she found Dr. Stachura to be 'hostile' and 'intimidating.'

Witness H found Witness D to be uncomfortable with her interactions with Dr. Stachura. While she maintained that Dr. Stachura was hostile and intimidating, she did not tell Witness H that he threatened her.

b) Analysis of the University's Response

The decision not to impose discipline in response to Witness D's concerns in May 2022 is reasonable based on the following factual findings.

First, in speaking with the investigator, Witness D did not recall her conversation with Witness H as an allegation of threatening conduct.

Second, Witness H's contemporaneous notes show ongoing discomfort with Dr. Stachura's attitudes and communications, both verbal and nonverbal. Again, however, there is no allegation of a threat.

Finally, it is unclear that glaring and saying 'I hate you,' forms a basis for discipline because it would amount to making faculty subject to discipline based on behaviors not included in EM 12-25.

3. Concerns Raised by Witness E in May 2022

a) Concerns

Witness E works in the Biology Department providing administrative support. On May 25, 2022, Witness E responded to an email sent by the University President about the shooting in Uvalde, Texas. In her email, Witness E did not identify Dr. Stachura by name, but referred to "an investigation that involved...weapons on campus," and "a gun on our campus space."

The President forwarded the email to the Title IX Office who

interviewed the witness. A witness from the Title IX Office told the investigator that Witness E did not provide any new information that would form the basis for a complaint. Rather, the information she provided was largely the same as the allegations in the DVRO.

Witness E told the investigator her husband received an anonymous letter about Stachura and campus police, which she recalled as him having a gun or perhaps threatening someone with a gun. These are the allegations she apparently discussed with the member of the Title IX Office.

b) Analysis of the University's Response

When the President sent the email to the Title IX Office with references to guns on campus, the Office investigated to determine if there was a new allegation of a gun on campus. The Title IX Office reasonably determined that Witness E referred to the allegations in the DVRO which had already been investigated by the CVCT, and did not uncover any new or additional prohibited behavior. Thus, the decision not to impose discipline is reasonable because there is no new conduct that would support disciplinary action.

4. Concerns Raised by Witness F in June 2022

a) Concerns

Witness F is a member of the CFA who sent a letter to the President, Provost and OAPL on June 8, 2022 about “faculty members in the biology department who continue to be the object of Dr. Stachura’s angry attention.” The letter said that during the Title IX investigation, “to my knowledge...he brought up the fact [that] he had weapons in his home and expressed his angry responses to their concerns.”

Attached to the letter is an email from Dr. Stachura to OAPL requesting appeal of a grievance he – Dr. Stachura – filed against Witness G, another Biology Professor. Dr. Stachura said he had been the target of “harassing behavior” by Witness G and added, “As we’ve all seen in the news recently in Uvalde and Buffalo, harassment and threats can reach a violent crescendo.”

A member of OAPL responded asking if Dr. Stachura had additional information leading him to make such specific references, and if not, to clarify why he made such references.

Witness F said that he was glad for OAPL's response, and asked that the President and Provost "invoke the powers of their office to intervene in this downward spiral of language."

b) Analysis of the University's Response

Here, Witness F did not allege violence by Dr. Stachura, but objected to the language Dr. Stachura used to characterize alleged harassment he experienced from Witness G. OAPL's response addresses Dr. Stachura's references to specific episodes of violence and did not investigate further, as the letter by Witness F did not provide a threat that would form the basis for discipline.

**C. Duty to Notify the Chico State Community**

CSU campuses are subject to Executive Order 1107 which implements the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). In addition to collecting and reporting specified crime reports and crime statistics, the campuses are required to issue timely warnings and emergency notifications when called for.

1. Timely Warning Policy

When a crime covered by the EO 1107 occurs, campus officials are required to evaluate if there is a serious or ongoing threat to the campus community to determine if a timely warning needs to be issued to all staff and students. The policy states that to determine if a timely warning is called for, the campus must determine whether an incident meets three factors. Unless all three factors are met "then no timely warning will be issued." (EO 1107 Article III, Section C.)

Most relevant here is a determination of whether an incident constitutes "a Clery reportable crime."<sup>10</sup> The Executive Order references the definition of a reportable crime provided in federal law, which defines them as:

- Criminal Homicide – murder, negligent and nonnegligent manslaughter;
- Sex offenses – rape, fondling, incest and statutory rape;
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

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<sup>10</sup> The two additional factors are whether the incident occurred on "Clery geography" and whether it poses a serious or ongoing threat to the community.



- Hate crimes
- Dating violence
- Arrests and referrals for liquor law violations, drug law violations and illegal weapons violations.

Here, Dr. Stachura is alleged to have told his wife that he intended to shoot two of his colleagues and himself. EO 1107 requires that an incident meet “all of the following factors,” including meeting the definition of a Clery reportable crime. (Emphasis in the original.) Allegedly making a threat of violence is not considered a reportable crime. Hence, under the Executive Order, the University was not required – indeed was not permitted – to issue a timely warning.

## 2. Emergency Notification Policy

The policy provides examples of situations that constitute “a significant emergency or a dangerous situation that poses an imminent or immediate threat” that would call for issuance of an emergency notification. One example provided in the policy is “criminal activity with an imminent threat...e.g., active shooter, murder, suspect fleeing with a weapon.”

The policy lists two factors that must be met or no emergency notification is required. First, there must be “a legitimate emergency or dangerous situation” and second, “the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.” (EO 1107, Article III, Section D.)

Recall that Dr. Stachura allegedly threatened his colleagues in a conversation with his wife in May 2021, and that his wife did not notify the police, the University or the colleagues. The University did not learn of the allegations until August 12, 2021. At that point, Dr. Stachura had surrendered his firearms to the Chico Police Department.<sup>11</sup>

It is unlikely, under these circumstances, that the alleged threats would be considered either an emergency or a dangerous situation. It is even less likely that the May 2021 allegations posed “an immediate or imminent threat” to members of the Chico State community in August 2021. Recall as well that the threats were unproven allegations from a single source who was engaged in divorce proceedings with Dr. Stachura.

## **IV. Promotion to Full Professor**

### **A. Policies Governing Promotion**

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<sup>11</sup> The DVRO expired in August 2022 and Dr. Stachura became eligible to retrieve the guns. He did so, but surrendered them voluntarily in December 2022.

The promotion process is governed by the CBA and the Chico State Faculty Personnel Policies and Procedures manual (FPPP). Promotion decisions are based in part on recommendations by Personnel Committees, in this case made up of Professors from the Biology Department. The Dean of the College has approval authority and the promotion decision is then made by the President or his or her designee.

The Personnel Committee considers information available in the Personnel Action File (PAF). The CBA defines the PAF as the “one official personnel file for employment information and information that may be relevant to personnel recommendations or personnel actions regarding a faculty unit employee.”

Faculty employees also have a Working Personnel Action File (WPAF) which is the file specifically generated for use in a performance evaluation cycle. The WPAF includes materials submitted by the employee that they wish to be considered in the evaluation process. Materials placed in the WPAF are incorporated by reference in the PAF.

Hence, the Personnel Committee considering a faculty promotion is to base their decision on the contents of the PAF, which includes by reference, materials the faculty member wants the committee to see. What is more, members of the Personnel Committee are not to consider information that is not in the PAF. Article 11.9 of the CBA says: “Personnel recommendations or decisions relating to retention, tenure, promotion, or termination based upon work performance, or any other personnel action, shall be based on the Personnel Action File.”

The President is the only person who may consider issues “not directly related to the professional qualifications, work performance or personal attributes” of the faculty member. Those reasons must be in writing, placed in the PAF and immediately provided to the faculty member. (CBA, Article 11.9.)

## **B. Considerations in Dr. Stachura’s Promotion to Professor**

In the Fall of 2021, Dr. Stachura was in the process of applying for promotion to Full Professor (generally referred to simply as Professor). He was promoted to Professor in May 2022, effective the following Fall semester.

Bear in mind that the informal resolution of discipline for the EO 1096 violation the investigation findings were not included in the PAF and therefore were not to be considered in the promotion decision. Also relevant is the timing. In the Fall of 2021, the alleged threats raised by Dr. Stachura’s estranged wife were being investigated at the same time his promotion was under consideration.

On October 19, 2021, the day following Dr. Stachura's return from his suspension, Witness G sent a letter to the Personnel Committee saying that he had knowledge of Dr. Stachura's conduct and recent suspension and "I feel it is important to share with everyone, starting with the Personnel Committee." He went on to discuss the "very public affair with one of his students" and added that the week before the semester started, Dr. Stachura's wife reported that he was drinking to excess and had "purchased an assault weapon and threatened to kill two members of the department who he blamed for his troubles."

Witness G said he went to the Butte Superior Court and viewed the documents in the case. He took photos of some of the documents, including the DVRO application, and attached them to the email.

### **C. Analysis of University's Consideration of the EO 1096 Findings and Alleged Threats of Violence in the Promotion Process**

Witness G submitted information outside of the PAF for the Personnel Committee to consider when deciding whether to recommend that Dr. Stachura be promoted to Professor. The University determined that this action was inconsistent with the CBA promotion requirements. As a result, the Personnel Committee was disbanded and another committee formed. The second committee recommended that Dr. Stachura be promoted to Professor.

Witness H told the investigator that he researched his options to see if he had the authority to deny Dr. Stachura's promotion. Pursuant to the CBA and the FPPP requirements, he limited his review to materials in the PAF and approved the promotion.

The President has the authority to consider issues that were not included in the PAF. She considered that Dr. Stachura had engaged in prohibited conduct, as established by the EO 1096 findings. He received and complied with the discipline the University and the CFA negotiated and agreed to. She considered that Dr. Stachura had been accused of making threats of violence against his colleagues and that the CVCT and the expert they retained concluded that he did not pose a threat of violence, and that he complied with the suspension and gave up his firearms to the police.<sup>12</sup> She also considered that he was a highly productive citizen of the academy, with a strong record of teaching, service and research. The President approved Dr. Stachura's promotion to Professor.

Based on the factual findings above, the investigations finds that the University followed the appropriate processes for promotion with respect to the EO 1096 findings and the alleged threats of violence. The CBA sets forth the information that can be considered at the departmental and college level reviews and as

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<sup>12</sup> The investigation did not find evidence that the President was aware of the statements made by Witness D in January 2022.

neither incident was part of the PAF, it was appropriate that they were not factored into the promotion decision.

## V. **Closing**

In closing it is helpful to reiterate what the scope of process assessment is, and what it is not. An assessment of the processes followed by the University is an impartial and objective view of the response to matters – alleged sexual improprieties and threats of violence – that are by their nature, emotionally charged.

The assessment considered the University's responses to allegations and concerns surrounding David Stachura, whether those responses were reasonable given the information available at the time and were consistent with the policies and procedures governing them.

The scope of the assessment did not include, and the investigator did not consider: 1) the appropriateness of Dr. Stachura's actions or communications with his colleagues, 2) his colleagues' responses to Dr. Stachura and his continued presence on campus, or 3) the overall effectiveness of the procedures or policies in place to address the situation presented by Dr. Stachura's actions or communications.

That having been said, based on factual findings established by a preponderance of the evidence, the investigation finds:

- The December 2020 informal resolution of the EO 1096 findings was reasonable under the circumstances;
- The University responded appropriately in August 2021 when it learned of the threat allegations raised by Dr. Stachura's estranged wife;
- It was reasonable for the University to decide the concerns raised between January and June 2022 did not call for discipline;
- The University acted consistently with policy by not notifying the Chico State community of Stachura's alleged threats of violence;
- The University followed the appropriate processes in the decision to promote Dr. Stachura with respect to consideration of 1) the EO 1096 findings and 2) the alleged threats of violence.