

**Subject:** incident record ✓

**From:** Jennifer E Turpin Ph D <turpinj@usfca.edu>

**Date:** Wed, 23 Apr 2008 08:58:39 -0700

**To:** turpinj@usfca.edu

Yesterday (Tuesday, April 24, 2008) I left Harney Science Center at about 3:15 to drive my car, parked in the Harney/Library lot, to Lone Mountain for a meeting.

As I left the building I encountered John Kao (Mathematics), who was outside the building smoking in his usual spot. I had not seen John since hearing that his mother had again taken ill (he had not been able to teach because of this), so I approached him to ask how she was doing.

I meant this to express my support for John. He began to look angry as I approached, but I said "Hello John. How is your mother doing." John got inappropriate close to me, looking angry but with a clenched grin on his face, and said loudly, "fine, fine and how is your family, how are your children?" I backed up a bit and said he must have heard about my daughter's hospitalization, which must have overlapped with his mother's situation. I said "please let me know if there's anything we can do to help" and he again got very close, in my face, and said loudly "Yeah, right, likewise, you let me know if I can help you." He was very puffed up, clenching his fists and angry, and I began to walk away. I was concerned about getting to my 3:30

X5 Lawson

meeting with trustees on the development work group. As I walked away, I felt John again very close to me, hovering over my head. The whole incident felt as if he was about to snap and about to hit me. He was about 1/2 inch from my face and very angry looking. When I got into my car, I looked up and he was standing on his tiptoes with fists clenched, glaring at me. I was quite shaken by the experience and felt that John was not stable. I can't make sense out of his anger, since I was trying to express support for him as I would to any faculty member in his circumstances.

I immediately left a voice message for Martha Peugh-Wade, Director of Human Resources, while I was driving up to Lone Mountain. I also called Brandon Brown, Associate Dean for Sciences so he would know. After finishing my 3:30 meeting and another meeting with the Executive Committee of the Trustees (done at 5:30), I also informed my boss Jim Wisner, the Provost. Later than night I spoke with Martha by phone and also called the Director of Public Safety, Dan Lawson, to request a Public Safety escort in and out of the building the next day, and to ask that a plain clothes officer be posted in my office during the day.

Jennifer Turpin, Dean and Professor  
College of Arts and Sciences

Jennifer Turpin <turpinj@usfca.edu>  
Thursday, June 26, 2008 11:12 am  
peugh@usfca.edu  
davisd@usfca.edu  
Fwd: Incident record

>Martha: Here's a copy of my notes on my recent experience with John  
>Kao. Jenny

>Date: Wed, 23 Apr 2008 08:58:39 -0700  
>From: Jennifer E Turpin Ph D <turpinj@usfca.edu>  
>Subject: Incident record  
>To: turpinj@usfca.edu  
>X-Accept-Language: en  
>Priority: normal  
>Original-recipient: rfc822;turpinj@usfca.edu

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>Jennifer Turpin, Dean and Professor  
>College of Arts and Sciences

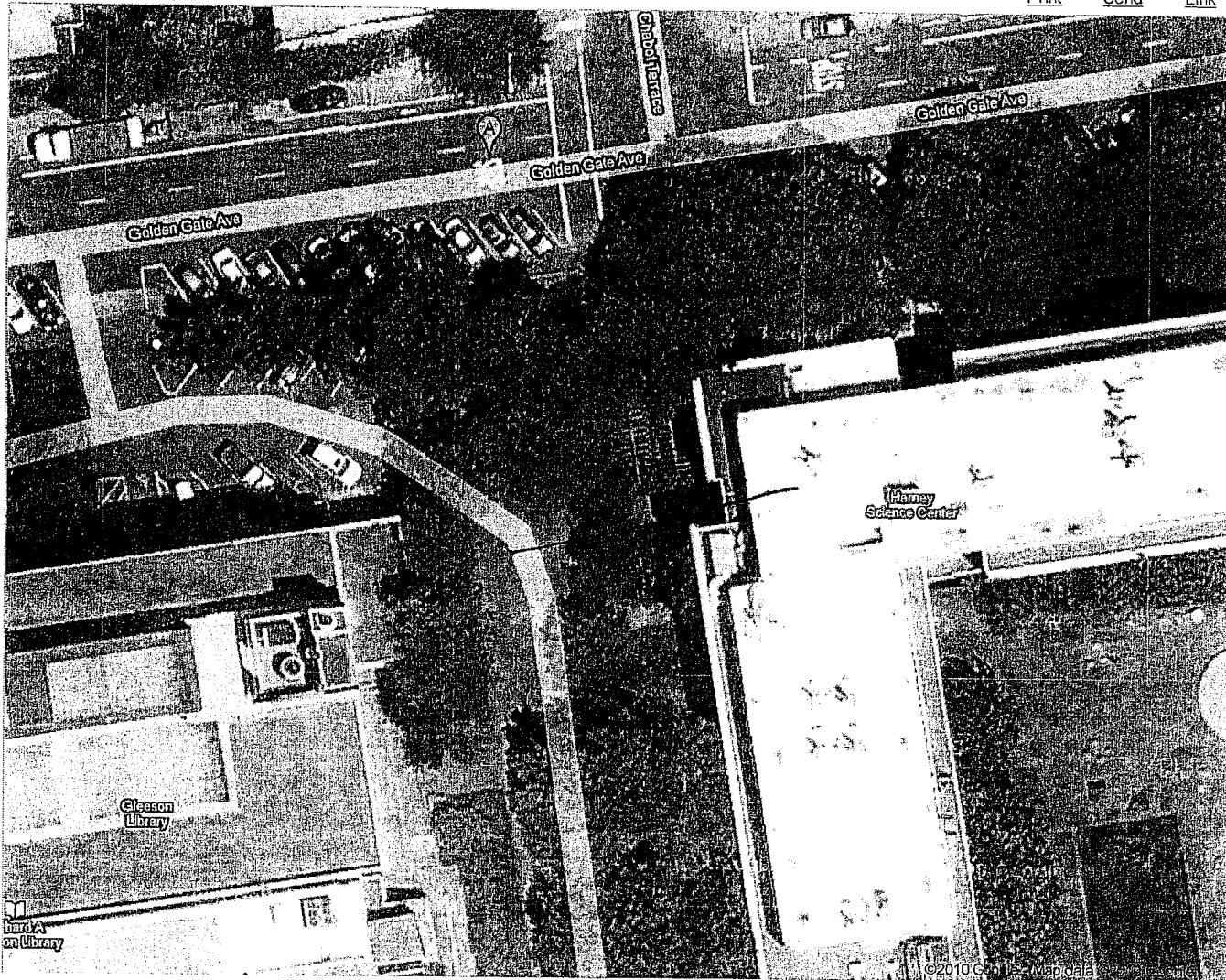
Jennifer Turpin, Dean and Professor  
College of Arts and Sciences  
University of San Francisco

Google maps Address

To see all the details that are visible on the screen, use the "Print" link next to the map.

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 Dependent *[Signature]*  
 Date 7-23-10 Rptr. *[Signature]*  
 WWW.DEPOBOOK.COM

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20-3

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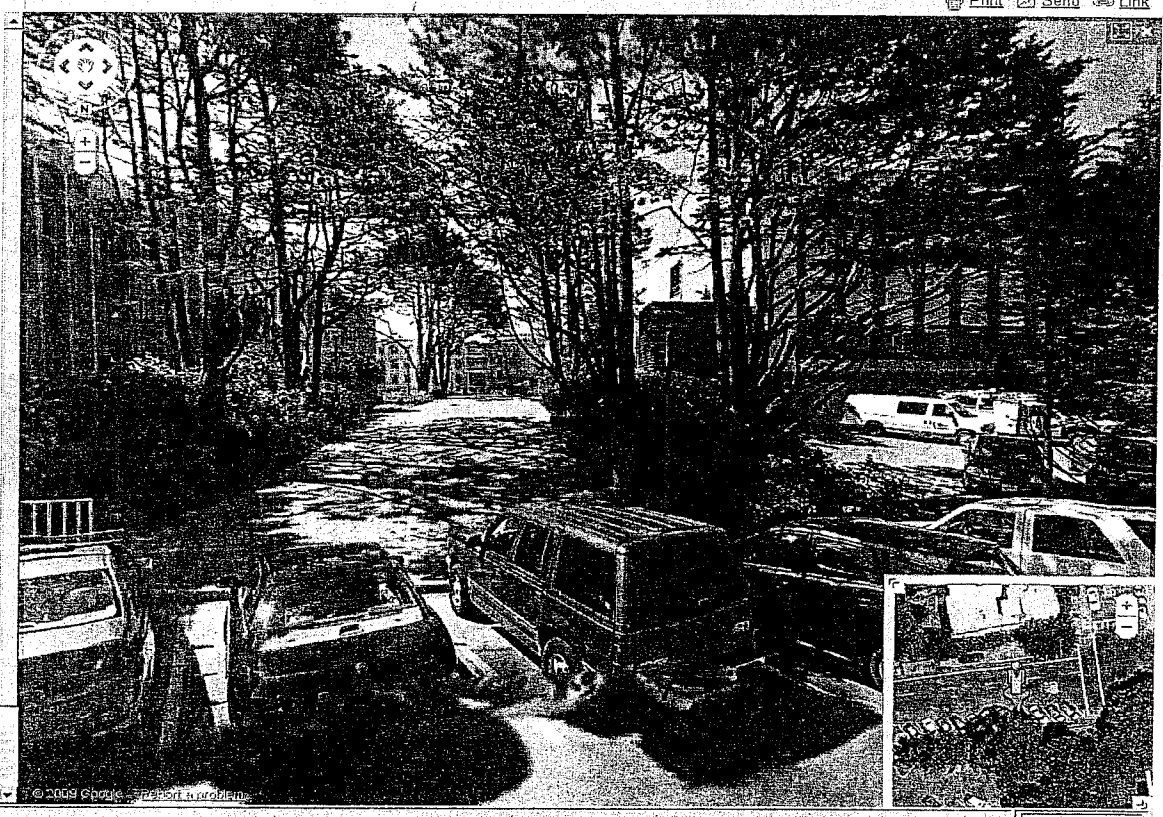
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Read static panorama.com



20-2

1/8/08

from Brandon

re: John Kao

John Kao

1) compl re: search

2) went into Paul Z. office +  
he was shaking w/ anger

obviously very upset -

seems to be lack of logic

+ similar behavior in Brandon's  
office

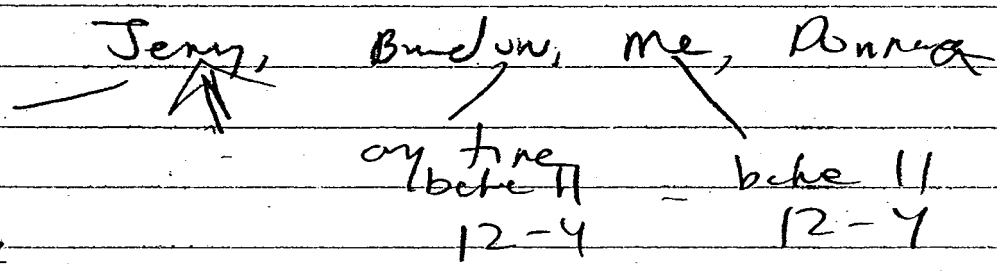
- he is very talented, valuable  
part of community

↓

quick shaking

- duty to raise concerns

Brandon is worried about personal  
ramif - lawsuit or obsessive  
affection (will keep up tonight).



hisa l.  
6496  
9-10 → ~~scribble~~  
11-1 }

cc: lucid

I have complaint about credit of JK

Do you want to file a complaint



1/22/08

J. ...  
From: Gretchen (Hoskins) ...  
Dear Arts & Sci's

Brandenburg 4226179  
422 2342  
- Martha High Wood  
422 2444

For member conc'd abt. Nonverbal threat'g  
beh. No written threat, no verbal threat  
Ho of depression; 1 year of Haller's  
child prod'g; Ph.D. Math and, etc.  
I'm a teacher!  
Repetitive complaint re: procedural issue  
in abt. let's be straight & overheard  
minor issues?  
This even best in an abt. No loss suit yet

Nonverbal beh = 4 embly, as in 1988  
stay too close to people  
stare, agg'ly  
voice raised  
frowning @ mtr.

Concerning too other faculty -  
No student complaints

USF 2747

- Pres's of a.o.c, but response,

- Not ready to fitness  
lead

Members to look

HR, Provost, Gen Counsel, etc.

Jan-July  
single - 40  
12/4/07  
Links up  
Math Dept  
in his city  
500 pages  
old on  
substantial

3.0  
2.0

Wade

1/30/00

- Pal + Mrs

- Pre fit for duty

- For men = # yrs, odd, several  
wounded, beh is local - Postal  
3 indep -

1) Do we have duty to <sup>take a step</sup> help off campus, temp  
sup

2) <sup>the words</sup> Complaints - ~~not~~ ~~discuss~~ re: sexual  
harass policy

(big Council exp - federal title to do  
informal eval)

(HR - would like informal)

3) Have someone talk to him

Ass Den - talk w/ him

Emp - shuddered / from

Prof / or Prof

For Chair.

Brown

1/31/58

1. If an enemy is para, dig non-verbally  
bel that is fighting, what  
could we do with this?
2. ~~what~~ ~~can~~ can be processed.

FFD - Not a great route

How has been off?

hardly, given

of soul eye back disturbs people.

Will this feed his paranoia?

He this is having an eye of closing  
off - shutly down. In  
He is less comfortable (dept,

Obsessed of the he plans paranoia  
Fall - Parker up hill. Univ is bet  
lower camp bet Fulton + O'Connell

2/1/08

USF Talk  
Page 1 of 3.

*Intro self*  
- Viol pred  
- Psych  
- Narc

*Generate hypotheses v. Grounded*  
*Generate the same outcomes*  
- Emer prediction - RAT  
- Fitness for duty

I. Agenda

II. Violence Prediction

A. Clinical Assessment of Risk – 1<sup>st</sup> generation (70s and 80s)

Relied on clin interv, Hx, MSE, Testing -- Opinion

Baxstrom v. Herold (NY) Dixon v. Atty Gen Pennsyl

1000 and 400 civilly comm. Pts. detained for being mentally ill and dangerousness were released. 5 yrs later most were not a prob in comm. MH Profs had greatly over-pred violence

Gen estimates: accurate in 1 out of 3

B. Actuarial Approach to Risk – 2<sup>nd</sup> generation (90s)

Relies on empir relation between risk variables and a criterion variable,

Using multivariate stats- logistic reg, discrimin function

Ind's score on the risk variables is translated into a probability estimate derived from group base rates of violence

Problems with this method: Relies almost exclus on STATIC variables

~~(Handout 1)~~

DYNAMIC (deterior Men dis; med non-comp) or

PROTECTIVE variables (support group, being in Rx)

Actuarials outperform clinical approach

C. Adjusted Actuarial Approach (2000)

Includes clin and actuarial

Act estimate "anchors" risk assess and clin/dynamic factors used to adjust

Eg. Person who is mod risk on actuarial, might on basis of dynamic risk factor (current homic ideation, sub abuse) be adjusted to high risk (Handout 1)

III Psychopathy

Personality disorder with interpersonal, affective and behavior traits

Not same as sociopathy, which = ASPD

75% of crim = ASPD, only 25% of ASPDs are psychopaths

Psychopathy is strongest predictor of violence: major component of actuarials

PCL variables: (Handout 2)

IV Narcissism

Healthy narcissism: bal'd love of oneself, stable sense of self worth, realistic

Appraisal of oneself. Adol narc is dev approp and correctable by life exp.

Path narcissism: no self-worth of his own, therefore, without audience, narc

has no self esteem, no sense of stable ident, feels dead. Narc constantly looking for supply, like addict.

Narc Person Characteristics (Handout 3)

When supply is deficient

Narc decompensate: and bec psychotic if believe their own confabulations or self-delusions, and lose touch with reality

Narc rage: 1) In response to perc'd slight, insult or crit, which activates a deep wound and leads to intense feelings of rage

2) Desire to attack or devalue everyone in vicinity, or subjugate others to his superiority or authority

Causes of Path Narc:

- Failure of empathic attach: leads to feeling defective, unvalued, unwanted
- Absence of self-love, a psychic injury that ~ fear losing one's identity
- Overindulgence or overvaluation by parents
- Parents use child's attributes to enhance their self esteem
- No realistic feedback so develop expect's and poor boundaries

Sub types

- Oblivious: grandiose, arrogant and thick skinned
- Hypervigilant: easily hurt, overly sensitive, ashamed

V. Institutional Responses

A. Violence in the Workplace: Policies and Procedures (UC Santa Cruz)

B. Fitness for Duty Evaluation (Int. Assoc of Chiefs of Police; US Postal Svc)

- Need *objective* evidence that employee *may* be unable to safely or effectively perform defined job; (Objective = "direct observation, credible 3<sup>rd</sup> party report, or other reliable evid)
- A reasonable basis for believing that the cause may be attributable to psychological factors.

"Significant change or deterioration in the emp.'s performace"

"Argumentative behavior toward fellow employees and/or sup"

C. Risk Assessment Teams (Johns Hopkins)

1. A trained group in place and ready to respond quickly;
2. Thorough, systematic and consistent evaluative process;
3. Relationship with security force on campus;
4. Documentation of incidents

D. Threat Assessment

The School Shooter: A Threat Assessment by Mary Ellen O'Toole of the National Center for the Analysis of Violent Crime (FBI)

Personality of the Faculty Member (Leakage, coping, frust tol, anger)

Family Dynamics (Turbulence, lack of intimacy)

School Dynamics and the Faculty's role in those dynamics (Attachment to school, tolerance for dis behave, inequit discipline, inflex culture, pecking order)

Social dynamics (larger culture, peer groups, substance use)

Threat Assessment in Schools: A guide to managing threat situations and to creating safe school climates. US Secret Service and US Dept of Education, 2002

**PAUL GOOD PH.D.**  
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& Forensic Psychology  
CA License PSY 7994**

**Phone 415-346-0607  
Fax 415-346-0639  
Email paulrgood@aol.com**

### **NARCISSISTIC PERSONALITY CHARACTERISTICS**

- Behaviorally, narcissistic individuals are arrogant and can be careless for the personal integrity of others
- Interpersonally there is an exploitive quality to their behavior and a sense of entitlement
- Cognitively, such individuals are often times expansive and have an undisciplined imagination, and a preoccupation with immature fantasies of success
- Rationalization tends to be a defense that is used to create plausible reasons to justify self-centered and inconsiderate behaviors
- Mood is often nonchalant and imperturbable
- Narcissistic individuals tend to present a facade of self-assurance and high self-worth in order to cover up inadequate self-esteem

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### THE PSYCHOPATHIC PROFILE

- Glibness and/or superficial charm
- Grandiose sense of self-worth
- Need for stimulation or proneness to boredom
- Pathological lying
- Conning or manipulative
- Lack of remorse or guilt
- Shallow affect
- Callous and lacking empathy
- Parasitic lifestyle
- Poor aggressive controls
- Promiscuous sexual behavior
- Early behavior problems
- Lack of realistic, long-term goals
- Impulsivity
- Irresponsibility
- Failure to accept responsibility for actions
- Many short-term marital relationships
- Juvenile delinquency
- Revocation of conditional release
- Criminal versatility





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## **RISK FACTORS FOR VIOLENT BEHAVIOR**

### *Historical Variables*

Previous violence  
Young age at first violent incident  
Relationship instability  
Employment problems  
Substance use problems  
Major mental illness  
Psychopathy  
Early maladjustment  
Personality disorder  
Prior supervision failure

### *Clinical Variables*

Lack of insight  
Negative attitudes  
Active symptoms of major mental illness  
Impulsivity  
Unresponsive to treatment

### *Risk Management Variables*

Plans lack feasibility  
Exposure to destabilizers  
Lack of personal support  
Noncompliance with remediation attempts  
Stress

o. agenda

422-6822  
university 4th 421  
Guard Sh  
66A

I. Prod Vial / Risk Asses

- A. 1<sup>st</sup> gen Studies - Clinical
- B. 2<sup>nd</sup> gen " - Actuarial
- C. 3<sup>rd</sup> gen - Adj Actuarial

D. Vial Risk Fortes

VR

I really wonder  
this ~~that~~ will come

- 1. Per lit + prep
- 2. Presentations
- 5 TGS w/ M. Wolfe + D. Brown
- 2.0 Intro call
- 2.0 Meetg @ USF

Same brilliant  
lively + excit  
not surpin Not bull  
alot  
goes w/ ethey  
exc +  
people get bored of it

We want to  
avoid filler -  
colloquialism  
It's like  
it might be  
no filler.

no names  
- It isn't a good comp -  
I + prior work under  
- we help us avoid a formal  
eval.

Members of our community live in close proximity  
a lot of contact with each other  
we need to be fully & candid  
It will be good if sports days  
I get your trust & if you're  
I want to do well about later  
monitor your eyes  
if feel it local → excitement

We expect you to be a grown up  
& enter this. ~~Excuse (me)~~

I can't do it

(or it)

keep it in family

**Paul Good, Ph.D.**  
**Clinical and Forensic Psychologist**  
 CA LIC # PSY7994 TAX ID # 94-3058286  
 1738 Union Street, Suite 300  
 San Francisco, CA 94123  
 (415) 346-0607

To: *Jennifer Turpin*

Re: *Consultation*

Date: *2/12/08*

**Forensic Billing Statement**

Date	Professional Service	Time	Charge	Credit	Balance
<i>1/29/08</i>	<i>Review literature &amp; prepare for mtg</i>	<i>2.0</i>	<i>600 -</i>		<i>600 -</i>
<i>1/30/08</i>	<i>TC w/ M. Wade</i>	<i>.25</i>	<i>75 -</i>		<i>675</i>
<i>1/31/08</i>	<i>TC w/ B. Brown</i>	<i>.25</i>	<i>75 -</i>		<i>750</i>
<i>2/1/08</i>	<i>Late Cancel</i>	<i>2.00</i>	<i>600</i>		<i>1350</i>
<i>2/12/08</i>	<i>Meeting at USF</i>	<i>2.00</i>	<i>600</i>		<i>1950</i>

Billing Rate \$ *300* / per hour

USF 2761

----- Original Message -----

From: Brandon Brown <brownb@usfca.edu>  
To: 'Martha Ann Peugh-Wade' <peugh@usfca.edu>; Donna J Davis  
<davidjd@usfca.edu>; Jennifer E Turpin Ph D <turpinj@usfca.edu>  
Sent: Thu Jun 05 09:26:28 2008  
Subject: attorney-client privileged

Hi Martha & Donna,

I spoke with Jenny about an intake I had yesterday and we think I should share it with you so that you have all data. Tristan Needham came to see me, in a very worried way, about John Kao.

1. Asst. Prof Stephen Yeung is increasingly uncomfortable in the dept, due to John's erratic behavior, and Tristan has urged Yeung to just work at home. Most of the dept. (other than Bob Wolf) is doing this now. Tristan is doing all his work at home now.
2. Yeung reports that, this week, John exited the math copier room, made a theatrical bow in front of Yeung, went into his office, quickly closed the door and started a long bout of "maniacal" laughter.
3. Yeung reports that he once passed John in the hallway last week. John said nothing, but veered across the hallway as if to run into Yeung. At the last moment, Kao avoided contact. When Needham heard this, and Zeitz heard this, they both confirmed that, independently, they had received significant "shoulder bumps" in hallways from John this last semester. Both had assumed these were purely accidental, and that may be the case. Odd coincidence.
3. Needham reports that Kao has been leaving his door open, reclining in his office chair and covering himself with a comforter.

whether or not these items are minor, I thought it best that I pass them along. Needham is very worried, especially with a new hire coming into the department in the fall. He said it is very much as if John has "quit taking a medication."

Thanks and best wishes,  
Brandon

*for info  
as much as you have available  
due to the fact you*

**Math Department Meeting**  
**April 8, 2008**  
**12:25-1:25pm, UC 417**

**Present:** Peter Pacheco, Allan Cruse, John Kao, James Finch, Stephen Yeung, Stephen Devlin, Robert Wolf, Benjamin Wells

**Approval of the minutes:** The minutes from the March 11, 2008 meeting were approved.

**Announcements:**

The department will defer awarding the Batey award until December when we can hopefully award it; none of our top majors is graduating in May or August. Alex Nelson will be nominated for the Lehmann scholarship.

Summa averages for the department are available in the Math office.

Brandon Brown anticipates we can conduct a faculty search next year. There is yet no official approval; we will make up an announcement, and send a list of venues for it. There'll be a hiatus between Jim's retirement and the new search. John K. recommends announcing in the Notices. The ad will run starting September or October, through December. Peter will send around copy from last year's search; let him know suggestions, etc.

John's announcement: He and Bob met with Steve Huxley, Sheryl Barker, and Mike Middleton of SOBAM. The new Math 106 curriculum is approved for Fall 2008. Text: Prentice Hall book by Evans-- Statistics, Data Analysis, and Decision Modeling, to be supplemented by chapters from other books. The department will get copies to review. Bob and John will work on the curriculum the rest of the term. The course is excel based; the Evans book excel-driven. The new course will be predominantly statistics; no more linear programming. A new course proposal need not be submitted as the new curriculum will still fall under the broad description now in the catalog; the title will not change, and the description only a little. If the title is changed, it will be "Business Statistics." Peter will send an announcement about these changes in details to Math 106 instructors.

**Old Business:**

Harney extension: Steve and Peter met with Brandon and some science chairs a couple of weeks ago. There are now floor plans and artists' sketches of various views of the building. Christine has a printout and you can take a look. Disturbing news: formerly estimated cost was \$40 million; now \$70 million. \$20 million raised; May 2009 is still slated for groundbreaking. Item 8 on Brandon's list is most important in Peter's opinion. Rather than talk about it now, look at drawings, think about it, come back in May with suggestions to compile into a proposal for Brandon; also think about layout of second Math room. Architects might want specifics on how we see that layout working. "Our" rooms would be on L2, lining up with current Harney 3rd floor.

The faculty next discussed a computational component to the math major. As a stopgap measure, Peter suggested adding Computational Physics and CS 110 to the major for now and then seeing if anyone wants to come up with a computational Math course. John seconded this move. All in favor. Unanimous.

Course Rotation: Certain terms had disproportionate offerings of applied vs. discrete-oriented courses. Catalog lists 4 of our courses as applied. Two are offered one year, and two the other year. In Fall 2008 most upper-division courses are discrete math types. Move Combinatorics ('08-'09) and Differential Geometry ('09-'10), switch Topology and Real Analysis. Real Analysis first, then Topology. Push Modelling to Spring 2010. Bob will make these changes.

Meeting adjourned 1.05pm.

FINAL VERSION  
June 24 2008 CL

Mathematics Department Meeting  
May 06, 2008  
12:25-1:25pm, UC 417

Present: Peter Pacheco, Stephen Devlin, Tristan Needham, Allan Cruse, Paul Zeitz, John Kao, Robert Wolf, James Finch, Pete Wells, Renee Brunelle, Dayna Soares

Correction: Renee was present at the last meeting. Also: John K. made a motion to advertise in the Notices, and the department voted in favor of that decision. Add those corrections.

New business first for Dayna's sake:

Dayna spoke on a course she'd like to develop and add to the curriculum, after having taken the Service Learning development workshop, that incorporates Math 106 curriculum and other basic CORE math topics, and financial mathematics, probability and statistics, voting theory, fair division, etc.. The faculty discussed components of the course such as students serving as tutors to at-risk youth.

JK asked question abt service learning development workshop. PW asked if course was core. TN asked if other univ had similar courses. DS: yes; some are elem stats only, final project stats based. Depends on community partner. Integration into course itself differs by univ. but no other courses quite like DS's. no list of comm. Partners, but one consists of helping at-risk youths or who've been through system 16-21yo. One thing they need is GED tutoring; good for USF stdts to work with that level for example. Freshmen often don't think of themselves as being good at math, so seeing what's on the GED might hearten them. Seven Tepees for example, or Boys/Girls club. if a stdt not comf with tutoring, could do something project-based. Stats-research project or something. PZ: logistics: stdts in transit? DS: work out w comm. Partner how much they want to do, have respon for. Say they monitor whether stdts are doing what they're supposed to-showing up for tutoring hours, etc. mid-sem meetgs w stdts to see they're on track, etc. due dates mid-sem instead of right at end. PZ: would Serv L people object to journal, CP hours being 15%? DS: final project depends on service work; shabby service work, bad final project. SL people were ok with grade breakdown actually. They liked the overlap. JK: Funding? DS funding for comm. Partner to come here. There are stdts who've done SL before, and can help facilitate with moral/academic suppt.

DS, JK, and PP can discuss further offline? JK wonders can offer the class w/o headache of trying to go through Core curr, and SL. Peter: issues: competes with MA 100, 195, and 101. Do we want FR eng students who would go for this class tutoring math? SD: probably 25% of such stdts would be interested in tutoring. DS: yes, not going for bulk of CR work to be tutoring. Def will be screening; DS will oversee placements. PW support-not see obstacles that can't be overcome by next spring. Reiterations happen all the time. PZ: even with competition w other Math core, this will be a boutique course. SD: curr comm. Will ask: if not tutoring, what will be done? JK maybe test run one-time special topics course. If in catalog, must have further discussion. If Off of SL can stamp it for SL, could launch it in Fall even. Maybe retroactive CORE credit. PP propose temp resolution: DS try to get temp one-shot SL certification; PP talk with Core for one-shot Core B1 certification. If all ok, offer as special topics in Spring.

Next item: Paul's course proposal. Proposed this idea last year; everyone thought it was a good idea. Thought only had to get SL component. But course was not formally approved by dept; depts. Were given that power instead of curr comm.. SD was on curr comm. And helped approve it. Move to approve. PP Q: relation to MA 301? Stdts will be learning problem-solving math which is what math circles are learning. PP: will 301 stay on books? PZ no, mutate it to 314. PP: if not change #, no problem. But PZ felt had to reflect how course will be different. Teaching math as much as learning it; often both at once, but not always. Might as well leave 301 in catalog, but not state that it's offered every other Fall. PP: 301 OR 314 offered every other Fall. Pete moves to approve. Adopt 314 as a new course; list as an alternative to 301. All in favor.

Dept chair item: PP's term expires this month. Willing to continue for one more year; on sabbatical after that. So not for 3 years' term. JK volunteers for starting next AY. Fall 2008. PP slight catch: WASC prefers to talk w chair this summer abt assessment plan, and implementation the next year of the plan. Actual WASC visit is Fall 2009. Added salary over summer, and then one course break off teaching load. Meeting in May. So would drop one course in Fall. PP want to hold election? JF: have to. Goes through COSEC. It's a union office. Actually COSEC is supposed to run this election. PP will tell Greg that Math dept is conducting election for 2 nominations. PP for one more year, JK for starting next year. Revised: PP run for another 3-yr term, no further info on what happens after next year.

Two parties: Thursday: Math Department party, and Friday: Jim's retirement party.

MAA meeting: they wanted 2 speakers who will be busy on dates we have avail. Switch to 2010 at USF. SD agreed to step in and take charge of local events when PP on sabbatical.

Orientation: orientation to major is 2-5 T Aug 26. Dinner with faculty following hour (5-6p) for new stdts with faculty. Want head count of faculty for food.

WASC visit: it doesn't have to be chair who develops assessment plan this summer. Get paid a course for this. Plan developed over summer; implemented next year under direction of chair but together with dept. PW: only chair gets course off? JT maybe willing to negotiate, but strongly prefers chair.

#### Old business:

Catalog copy: will add PZ's new course to it before sending off to Sr. Moser. Location of Math 235 in typical sched: leave in spring of SO yr. Bob no objection; nobody said anything. Ideally in first year; good stdts can handle. Also some jargon abt contracts. PP never used a contract, so propose eliminate that language. Except for last sentence: certain courses in other departments that make extensive use of mathematical techniques may be substituted for mathematics courses with permission of the Department. Make it a bullet. JF seconds. Oh, it is already present as part of a bullet. Get rid of entire paragraph now. Every time 301 is mentioned, add 'or 314.' Add 314 as a classical course.

Peter will send email about search announcement.

PZ: SD and RB having babies in June; might be nice to have a little party for them.

Send emails about Harney extension to Peter. Brandon asked for comments on interaction space, and 2nd room for Math. Not even know what layout of first room is, so not discuss now.

TN: when need job announcement wording settled? PP: Notices deadline July or August; to play safe, get to me by end of month. TN: circulate to all? PZ & TN think the sentence abt lower-div. courses was a problem! PP: that sentence now gone.

Adjourned at 1.31pm.



Meeting Follow-up

**Subject:** Meeting Follow-up  
**From:** Martha Peugh-Wade <peugh@usfca.edu>  
**Date:** Fri, 20 Jun 2008 10:04:51 -0700  
**To:** kao, ckatzenbach@kkcounsel.com  
**BCC:** peugh@usfca.edu

Dear Professor Kao and Mr. Katzenbach,

Thank you for meeting with me on Wednesday.

I want to reiterate that if you have any information you believe the University should consider in making its decision on this matter, please either provide the information to me, or let me know the nature of the information, by Monday, June 23. Additionally, if you want to voluntarily agree to the Independent Medical Evaluation and/or the leave of absence, please provide written notice of such by Monday as well.

With regard to your request for detailed information about the reports that form the basis for concern, I do not believe providing that information would be productive. As I mentioned, this matter does not stem from a complaint against Professor Kao or a complaint under the University's Sexual and Other Unlawful Harassment Policy; and it is not a disciplinary matter.

As to a written policy on fitness for duty evaluations, I refer you to state and federal law (FEHA, EEOC), both of which authorize these evaluations as non-disciplinary actions. See also various sections of the collective bargaining agreement, located on the USF website, including sections 23.3.4 and 15.

Thank you again for meeting with me on this sensitive matter. The University remains committed to working with you on this matter.

--

Martha Peugh-Wade  
Assistant Vice President of Human Resources  
University of San Francisco  
2130 Fulton St.  
San Francisco, CA 94949

415-422-2444

USF 0033

June 18, 2008

CONFIDENTIAL

John S. Kao  
University of San Francisco  
Associate Professor, Mathematics Department  
827 Corbett Ave Apt 202  
San Francisco, CA 94131

DRAFT - DISCUSSION ITEM

Dear Professor Kao:

This letter is to inform you that the subject of our meeting today is a concern about your health which is based on your behavior and actions during the past few weeks.

Specifically, there have been multiple reports from a variety of well-intentioned individuals who are, quite frankly, frightened by your conduct. There are reports of your yelling; exhibiting highly contorted facial expressions that suggest unfeigned anger (staring/glaring, e.g.), impeding or attempting to impede others' physical movements (e.g., sudden movements in the hallways that cause people to believe you will suddenly run into them or impede their pathway), similarly, bumping and/or nearly bumping into people in a manner that suggests intent to do so, rapidly repeating the same words during meetings and conversations, displaying an expression or gesture that indicates you cannot or do not want to listen to what others have to say, and bizarre chuckling in a intimidating tone that conveys the message you are doing so to frighten whomever may hear it.

I have personally spoken with a variety of University personnel, none of whom expressed any animosity toward you. They all, however, expressed concern both for you and for themselves; and they each confirmed the above-described actions. These actions do not appear to be isolated or transient in nature.

Therefore, I am considering making a recommendation to University authorities that will result in one or more of the following:

1. Placing you on a leave of absence, without duties or physical presence at the University;
2. Requiring a health "fitness for duty" evaluation of you by an independent physician ("IP") selected by the University, at the University's expense, with the IP issuing a report to the University regarding your fitness for your faculty functions here at the University. You will be required to cooperate with this process, provide your medical records for the past years to the IP, and meet with the IP cooperatively. The IP, however, would not disclose your medical records, or medical diagnoses of your health professionals, to the University.
3. Other actions yet to be considered.

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**DRAFT - DISCUSSION ITEM**

I want to reiterate that the University is concerned for you; just as we are concerned about maintaining a secure environment throughout the University, including the academic departments.

I have shared the contents of this letter with Donna Davis, the University's general counsel; but no one in your department or the College administration is yet aware of this letter, or has requested the University to take any specific action. Rather we in Human Resources are considering the above options and with input from you, your attorney and our attorney, we will finalize a decision by July 1, 2008 and convey it to you at that time.

In the meantime, you **MUST** refrain from any of the above-described behaviors on campus, or any other behaviors that would likely cause anyone to feel concern for their safety. If you or we believe that you need to be away from campus in order to comply with this directive, then that will happen.

Once again, before making a final decision, the University, through me, would welcome explanations, information or anything else you and/or your attorney wish to provide that may assist us in fulfilling our duties as an institution of higher learning. We want to proceed thoughtfully and with respect for you, as well as for all others on the campus.

Sincerely,

Martha Peugh-Wade  
Assistant Vice President,  
Office of Human Resources

Cc: Dean Turpin

---

**From:** Chris Katzenbach <ckatzenbach@kkcounsel.com>  
**Sent:** Friday, June 20, 2008 4:53 PM  
**To:** 'Martha Peugh-Wade'  
**Cc:** John S. Kao; 'khancock@kkcounsel.com'  
**Subject:** Professor Kao

Ms. Peugh-Wade:

Your email today did not provide any additional information as to the allegations against Professor Kao. I simply cannot understand your statement, "I do not believe providing that information would be productive." You are asking Professor Kao to agree to a detailed medical/psychological examination and to produce all his medical records for that purpose. It is not unreasonable (or unproductive) to ask the University to give more detail as to the events apparently underlying that request so that Professor Kao can evaluate the University's demand in light of the evidence asserted to justify it. The University cannot seriously expect me to be able to advise Professor Kao on this matter when the University withholds the information necessary to provide such advice. To date, all we have is a series of undated events, presented largely in terms of persons' subjective reactions or concerns, rather than any detail as to what actually transpired. All we know for certain is that none of the events involved students or concerned Professor Kao's teaching duties, that nothing Professor Kao is accused of interfered with any of the University's or the Department's operations, and that all these events have occurred since about January 2008.

With regard to your June 23 deadline, telling us Friday of a Monday deadline is totally unreasonable. The University has already waited months before advising Professor Kao of any of these allegations and, at our meeting Wednesday, gave no indication that June 23 would be a potential deadline. To the extent we can respond, I hope to do so. But I can make no commitment that any response will be submitted by your newly-created Monday deadline.

Christopher W. Katzenbach

Katzenbach & Khtikian  
1714 Stockton Street, Suite 300  
San Francisco, CA 94133-2930  
Telephone: (415) 834-1778  
Facsimile: (415) 834-1842

**NOTICE:** The information in this message and contained in documents transmitted with this electronic message is legally privileged and confidential information intended only for the use of the individual or entity to which this message was sent. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

---

**From:** peugh@usfca.edu  
**Sent:** Friday, June 20, 2008 4:53 PM  
**To:** ckatzenbach@kkcounsel.com  
**Subject:** Out of the office

This is an automatic reply. I am out of the office during the week of June 23 and will be accessing email infrequently. If you need immediate assistance please contact Miguel Yrure at [mayrure@usfca.edu](mailto:mayrure@usfca.edu) or Maye-Lynn Gon-Soneda at [gonsonedam@usfca.edu](mailto:gonsonedam@usfca.edu). Thank you.



Confidential

Human Resources  
2130 Fulton Street  
San Francisco, CA 94117-1080  
TEL 415 422-6707

June 24, 2008

John S. Kao  
University of San Francisco  
Associate Professor, Mathematics Department  
827 Corbett Ave Apt 202  
San Francisco, CA 94131

Via Federal Express

Dear Professor Kao:

This letter is to follow up on our meeting of June 18 and the draft letter I shared with you and your attorney at that time.

In particular, there have been multiple reports from a variety of well-intentioned individuals who are, quite frankly, frightened by your conduct. There are reports of your yelling, exhibiting highly contorted facial expressions with fists clenched, that suggest unfeigned anger (staring/glaring, e.g.), impeding or attempting to impede others' physical movements (e.g., sudden movements in the hallways that cause people to believe you will suddenly run into them or block their way), similarly, inappropriate closeness and bumping, and/or nearly bumping into people in a manner that suggests intent to do so, rapidly repeating the same words during meetings and conversations, displaying an expression or gesture that indicates you cannot or do not want to listen to what others have to say, and bizarre chuckling in an intimidating tone that conveys the message you are doing so to frighten whomever may hear it.

I have personally spoken with a variety of University personnel, none of whom expressed any animosity toward you. They all, however, expressed concern both for you and for themselves; and they each confirmed the above-described actions. These actions do not appear to be isolated or transient in nature.

For those reasons, following is the University's non-disciplinary course of action:

1. Effective today, you are on a leave of absence without duties. You are deemed to have requested this leave per section 26.3.4 of the collective bargaining agreement and you may draw sick pay. All of your health and welfare benefits remain in effect.
2. You must participate in a fitness-for-duty evaluation by an independent physician ("IP") selected by the University. You must provide all medical information the IP requests. (The IP will not release your confidential medical information to the University.)
3. The University will pay the entire cost of the evaluation. You are not responsible for any part of Dr. Reynolds's fees; your health insurance will not be billed for his services.
4. Your attending the appointment, as well as any follow-up meetings, and fully cooperating with Dr. Reynolds in a timely manner is a condition of your continued employment.
5. The IP will provide the University a report setting forth his opinion as to your condition and fitness to perform your faculty functions in a manner that is safe and healthy for you, your faculty colleagues and others in the University community;

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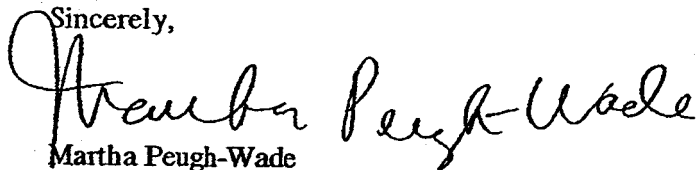
6. The IP is Dr. Norman Reynolds. Dr. Reynolds is a licensed medical doctor experienced in performing employment-related fitness-for-duty evaluations. You will not be Dr. Reynolds's patient, and he will not provide you with medical treatment. To my knowledge, Dr. Reynolds has no prior association with the University administration. Your initial appointment with Dr. Reynolds is 8:30 – 5:30 on July 1, 2008 at his office at: 1730 Hamilton Avenue (between Leigh and Meridian) San Jose, CA 95125 (NOT Campbell, CA).
7. After the IP completes the evaluation, I will notify you of the University's determination regarding your leave of absence.
8. While you are on leave, you may not come on campus and you must refrain from any of the above-described behaviors, or any other behaviors that would likely cause anyone to have safety concerns. If you have a special need to be on campus or need assistance in temporarily relocating anything from your office to your home, please call me or Maye-Lynn Gon-Soneda, in advance. We can also be reached at 422-2444 or 422-2431 respectively.

The Dean or department chair will likely issue a note to the department advising them that you will be on leave for the summer, but reachable by email.

Please be assured that all of the above requirements are to facilitate the evaluation process and to avoid any unexpected conflicts in the interim.

I want to reiterate that the University, including the Dean of the College (who has approved this letter), is concerned for you. We are proceeding thoughtfully and with respect for you, as well as for others on the campus.

Sincerely,



Martha Peugh-Wade  
Assistant Vice President,  
Office of Human Resources

Cc: Jennifer Turpin, Dean  
Dr. Reynolds, via Federal Express  
Chris Katzenbach, Esq., via Federal Express

USF 0019

KATZENBACH AND KHTIKIAN

ATTORNEYS AT LAW  
1714 STOCKTON STREET  
SUITE 300

SAN FRANCISCO, CALIFORNIA 94133-2930  
TELEPHONE (415) 834-1778  
FACSIMILE (415) 834-1842

CHRISTOPHER W. KATZENBACH  
W. KENT KHTIKIAN  
KIMBERLY A. HANCOCK

June 26, 2008

VIA U.S. MAIL & EMAIL

Email: [peugh@usfca.edu](mailto:peugh@usfca.edu)

Martha Peugh-Wade  
Assistant Vice President  
Office of Human Resources  
University of San Francisco  
2130 Fulton St.  
San Francisco, CA 94117

JUN 30 2008  
OFFICE OF THE VICE PRESIDENT  
ACADEMIC AFFAIRS  
USF

Re: Professor John Kao

Dear Ms. Peugh-Wade:

We are in receipt of your letter to Professor Kao placing him on administrative leave as of June 24, 2008 and barring him from the campus.

*First*, this is to advise you that Professor Kao will be initiating a grievance in response to the University's decision to place him on administrative leave. Professor Kao will need to be on campus on occasion during this period in connection with processing the grievance. Pending the resolution of this grievance, we suggest that a system is set-up where Professor Kao may leave a message with the Human Resources to advise that he will be entering campus with at least two hours notice. Please confirm that this is acceptable to the University.

In addition, Professor Kao will not be attending the psychiatric evaluation with Dr. Reynolds that the University has scheduled on July 1, 2008 for the reasons set forth below.

*Second*, this is to address Professor Kao's response to the events in the last week.

In your letter dated June 18, 2008 (copy enclosed herewith) and at our meeting of the same day, you informed Professor Kao that Human Resources was considering recommending actions for the University to take against Professor Kao including an enforced leave of absence, requiring a "fitness for duty" examination, and other actions yet to be considered. You advised that, with input from Professor Kao, myself and your attorney, Human Resources would finalize a decision by July 1, 2008.

USF 0041



At the meeting, we requested that you provide more information regarding the allegations against Professor Kao as outlined in your June 18, 2008 letter. As we noted, the allegations did not give any dates or time frames for the events, locations, persons involved or other matters that might enable Professor Kao to understand these allegations, respond to them in any meaningful way or assess the University's demand for a psychological examination as the University demanded. As Professor Kao noted at our meeting, some of the misperceptions may be culturally-based; for example, Professor Kao noted that he, as is common for persons of Asian origin, frequently chuckles or laughs in response to stress, anxiety or nervousness. Additional information would certainly have assisted in fleshing out this issue.

On June 20, 2008 (Friday), you responded by email refusing to provide any additional details regarding the allegations against Professor Kao. Additionally, in that email, two days after our meeting, you unilaterally created a deadline for Professor Kao to respond by June 23, 2008 (Monday). We responded by email later that day (on June 20, 2008), stating as follows (a copy of your June 20, 2008 email and my response is enclosed herewith):

Your email today did not provide any additional information as to the allegations against Professor Kao. I simply cannot understand your statement, "I do not believe providing that information would be productive." You are asking Professor Kao to agree to a detailed medical/psychological examination and to produce all his medical records for that purpose. It is not unreasonable (or unproductive) to ask the University to give more detail as to the events apparently underlying that request so that Professor Kao can evaluate the University's demand in light of the evidence asserted to justify it. The University cannot seriously expect me to be able to advise Professor Kao on this matter when the University withholds the information necessary to provide such advice. To date, all we have is a series of undated events, presented largely in terms of persons' subjective reactions or concerns, rather than any detail as to what actually transpired. All we know for certain is that none of the events involved students or concerned Professor Kao's teaching duties, that nothing Professor Kao is accused of interfering with any of the University's or the Department's operations, and that all these events have occurred since about January 2008.

With regard to your June 23 deadline, telling us Friday of a Monday deadline is totally unreasonable. The University has already waited months before advising Professor Kao of any of these allegations and, at our meeting Wednesday, gave no indication that June 23 would be a potential deadline. To the extent we can respond, I hope to do so. But I can make no commitment that any response will be submitted by your newly-created Monday deadline.

After sending this email, I received an automatic e-mail reply stating that you would be out of your office *all this week*. Professor Kao confirmed your absence from the office this week by a phone call yesterday to the Human Resources department. Apparently you drafted and signed the June 24, 2008, letter last week, *before the deadline* you had arbitrarily created and *before* you could have received any information from Professor Kao even under that arbitrary deadline. Even more disturbing is the fact that, at our meeting on June 18, you indicated that Professor Kao's dean had not been informed of these allegations, yet the June 24 letter indicates that she had been informed. Again, since you left as of June 20, it appears either that you informed Dean Turpin of these allegations before the deadline you set for receiving Professor Kao's response or you simply decided to proceed against Professor Kao without obtaining any input from his departmental dean.

Your actions and artificial deadlines are even more offensive in light of the fact that the University had never advised Professor Kao of any of these allegations or incidents before our meeting on June 18. Treating Professor Kao as a danger to others is, frankly, bizarre under these circumstances. Surely, if Professor Kao was the danger the University claims, the University would have acted promptly on at least one of these incidents. To allow Professor Kao to continue working through the end of the year, without taking any action or even advising him of these concerns indicates to us that the University's purported concerns about safety are exaggerated, unreal and pretextual.

Your decision to wait until after the end of the school year to commence this sequence of events is further evidence of your lack of good faith in your dealings with Professor Kao. Professor Kao has no contractual obligation to be on campus during the summer months. To require him to attend an immediate psychiatric medical examination during the middle of summer break well before his professional duties commence in the fall is unnecessary and pretextual.

At our June 18 meeting, we proposed some form of letter or meeting to clear the air over these concerns and to assure everyone that the Professor Kao intends no harm to anyone. Given the vagueness of the allegations and the lack of any evidence that Professor Kao posed any real danger to anyone, as well as the professed sincerity of the alleged complainants with respect to Professor Kao's welfare, a "clear the air" meeting or letter seemed appropriate and effective for these circumstances. Once again, and without any explanation, you have apparently rejected this straightforward solution to the apparent problem of people's misperceptions as to Professor Kao in favor of the humiliating demands that he stay off campus entirely and subject himself to an in-depth mental examination.

Indeed, you have been inconsistent in your description of the allegations against Professor Kao. Whereas your June 18, 2008 letter describes reports of Professor Kao "exhibiting highly contorted facial expressions that suggest unfeigned anger", your June 24, 2008 letter adds that he exhibited "highly contorted facial expressions *with fists clenched*, that suggest unfeigned anger" [emphasis added] as well as adding a wholly new report of "inappropriate closeness". We do not understand how Professor Kao is to

respond to vague allegations against him that change from week to week and for which you refuse to provide any additional information.

Despite your assertions, considering the allegations against Professor Kao, there is no basis in state or federal law for the University to require Professor Kao to undergo a psychiatric evaluation. The American With Disabilities Act and the California Fair Employment and Housing Act prohibit medical examinations of employees unless the examination is shown to be "job-related and consistent with business necessity." 42 U.S.C.A. § 12112(d)(4)(A); Gov. Code § 12940. Demanding a psychiatric examination and disclosure of medical records also violates Professor Kao's right to privacy under the California State Constitution and the California Medical Information Act. California Constitution, Article 1, Section 1; Civil Code § 56.20.

The meaning of "business necessity" under the ADA was discussed by the Ninth Circuit in *Cripe v. City of San Jose* (9<sup>th</sup> Cir. 2001) 261 F.3d 877, 890:

The "business necessity" standard is quite high, and "is not [to be] confused with mere expediency." [citation]. ... Such a necessity must "substantially promote" the business' needs. [citation]. Furthermore, the employer must demonstrate that the qualification standard is necessary and related to "the specific skills and physical requirements of the sought-after position." [citation].

In addition, California law has long recognized that the Constitutional privacy rights at stake require using the least intrusive means even where there are legitimate concerns prompting the demands that impact privacy rights. *Planned Parenthood Golden Gate v. Superior Court* (2000) 83 Cal.App.4th 347, 358.

In our meeting, you acknowledged that none of the alleged events involved students or concerned Professor Kao's teaching duties and that nothing Professor Kao is accused of interfered with any of the University's or the Department's operations. As noted above, prior to June 18 the University did not advise Professor Kao of any of these alleged concerns and took no action of any kind to address any alleged issues of safety. Similarly, you have apparently (and without explanation) rejected our suggestion to clear the air on any claimed safety concerns. Accordingly, the request for the examination arising from these alleged behaviors would not seem to be job-related or required for any reason of business necessity. It would also not seem to be the least intrusive means of addressing or resolving any safety issues—issues that appear to be based entirely on subjective responses, none of which were considered serious enough to warrant even the action of advising Professor Kao of the subjective concerns at any time proximate to the alleged events giving rise to the claimed safety concerns.

The collective bargaining agreement does not provide that the University can require a medical examination of a current employee. Article 15 of the collective bargaining agreement referenced in your June 20 email as a basis for requiring a "fitness for duty" evaluation addresses only the general management rights of the University.

The University's general management rights do not trump restrictions on employee medical examinations under federal and state law nor an employee's right to medical privacy.

The University's decision to place Professor Kao on administrative leave based on the reports of his behavior cannot be justified under the collective bargaining agreement. Section 26.3.4 of the collective bargaining agreement provides that, following an attempt to resolve the issue, the Dean may require a leave of absence where a health condition is interfering with a member's professional responsibilities:

If the University believes that a health condition is interfering with the scope or quality of the Association member's professional responsibilities, the Association member shall be consulted in an attempt to resolve the problem. If no agreement is reached, the Dean may require the Association member to request an appropriate leave of absence pursuant to this article, which shall normally be sick leave.

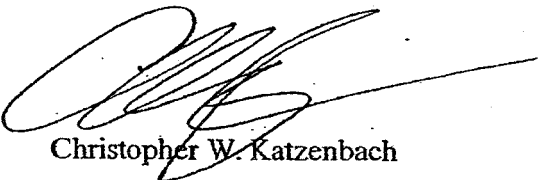
As noted above, the University has acted outside this process. The Dean has not been involved at all and has not been the decision maker on this issue. Professor Kao was not consulted in an attempt to resolve any problems; indeed, the University has declined to identify any specific problem and rejected Professor Kao's "clear the air" proposal without any explanation. The University has not identified any health condition at issue, but only wants to engage in a psychological fishing expedition. The University's delay and unreasonable demands, discussed above, indicate that the University has been acting in bad faith and without any serious desire to resolve these alleged problems at all.

The University's actions appear to be in retaliation for Professor Kao's internal grievances that have alleged, among other things, discrimination and violation of University policies. Indeed, Professor Kao recently filed an informal grievance regarding the department's recent hiring process and had informed your office that he would be making this grievance a formal one.

Sincerely,

KATZENBACH AND KHTIKIAN

By

  
Christopher W. Katzenbach

encl.

cc. Jennifer Turpin, Dean  
Stephen A. Privett, S.J., President

USF 0045

Martha Peugh-Wade  
Office of Human Resources, USF  
June 26, 2008

6

James L. Wiser, Provost  
Gerardo Marin, Vice Provost  
Salvador Aceves, Vice Provost  
Brandon Brown, Interim Dean  
Marcello Camperi, Associate Dean  
Donna J. Davis, General Counsel  
Joe Tackett, Assistant General Counsel  
Maye-Lynn Gon-Soneda, Manager Human Resources

USF 0046



Human Resources  
2130 Fulton Street  
San Francisco, CA 94117-1080  
TEL 415 422-6707

VIA US MAIL AND E-MAIL

June 30, 2008

John S. Kao  
University of San Francisco  
Associate Professor, Mathematics Department  
827 Corbett Ave Apt 202  
San Francisco, CA 94131

Professor Kao,

I have received and reviewed your correspondence of 6/26 and 6/27. Despite your objections, your appointment with the IME remains in effect.

As you have received a direct instruction, approved by the Dean, to attend the IME and to cooperate in good faith, your not attending the IME as directed will be insubordination. Insubordination is subject to discipline.

It is within your rights to file a grievance and correspondence from your attorney on the issue is welcome; however, it does not alter the University's belief in the need for the IME process and for the leave of absence.

You may file a grievance electronically and at this point there is no need for you to be on campus. Therefore, the instruction to remain off campus remains in effect and no exception will be made at this time.

Thank you.

Sincerely,

  
Martha Peugh-Wade

cc: Ms. Jennifer Turpin, Dean, Arts and Sciences  
Ms. Donna J. Davis, General Counsel  
Mr. Christopher Katzenbach, Esq.



Office of the Dean  
**CONFIDENTIAL**

College of Arts and Sciences  
2130 Fulton Street  
San Francisco, CA 94117-1080  
TEL. 415 422-6496  
FAX 415 422-2113

VIA U.S. MAIL & EMAIL

July 8, 2008

John S. Kao  
University of San Francisco  
Associate Professor, Mathematics Department  
827 Corbett Ave Apt 202  
San Francisco, CA 94131

COPY

Dear John,

As you know, the letter to you dated June 24, 2008 from Martha Peugh-Wade, Assistant Vice President, Human Resources (additional copy enclosed herewith), was sent at my direction and with my approval. Those instructions arise from my concern to have a safe and secure campus environment for the Mathematics Department and the College, a concern that includes you as well. The instruction therein was for you to attend the appointment with Dr. Reynolds, an Independent Medical Evaluator (IME), on July 1, 2008 at his office and to cooperate with the IME process in good faith.

I have been notified that you willfully failed to attend the IME appointment, even after Martha Peugh-Wade reiterated this instruction to you. You are thus in non-compliance with supervisory instructions and, under University rules, your failure to follow the supervisory instructions constitutes an act of insubordination.

I am hereby stating, for the final time, the University's instructions as contained in the attached letter of June 24, 2008. You should consider all of the instructions therein as coming from me as your supervisor. In addition, you are now instructed to immediately contact the office of Dr. Reynolds and schedule a new appointment with him so as to begin the process right away. The reason for the urgency is so that the University can make teaching, research, and service assignment decisions as soon as possible and in an orderly manner before the Fall semester begins on August 28, 2008.

If you immediately begin the process in good faith, but the process is not completed when classes resume through no fault of your own, you will be on a leave of absence when your Fall teaching duties would otherwise be scheduled to commence. That would be paid sick pay status per section 26.3.4 of the USFFA agreement.

If, however, you continue to fail to carry out the instructions, we will need to reassign your classes for the Fall semester and when classes begin in August, you will not be placed on paid sick pay status and instead, the University will commence proceedings under USFFA Agreement Article 40, "Discipline and Discharge".

Consistent with the collective bargaining agreement, the University will provide you with supplemental compensation for the actual time you spend going and coming to appointments with the IME and otherwise providing him with information and meeting with him as required. This pay will be calculated based on time reasonably expended this summer and reported to the University by you in that regard.

Please contact your USFFA representative if you wish union representation. If you have questions of the University, Martha Peugh-Wade remains your point of contact.

Sincerely,

Jennifer Turpin  
Dean, College of Arts and Sciences

Enc.

cc: Donna J. Davis, General Counsel  
Christopher Katzenbach, Esq.  
Martha Peugh-Wade, Assistant Vice President, Human Resources  
Norman T. Reynolds, M.D.



Human Resources  
2130 Fulton Street  
San Francisco, CA 94117-1080  
TEL 415 422-6707

June 30, 2008

Norman T. Reynolds, M.D.  
1730 Hamilton Avenue  
San Jose, CA 95125  
Fax: (408) 978-8136

**RE: Associate Professor John Kao  
Comprehensive Psychiatric Fitness-for-Duty Evaluation**

Dear Dr. Reynolds:

On behalf of University of San Francisco, I am requesting that you perform a comprehensive fitness-for-duty evaluation of our employee, Professor Kao. We have agreed that you will begin the evaluation on July 1 at 8:30 at your office.

The University of San Francisco is your client. You are acting as an independent evaluator. The University of San Francisco understands that you have agreed not to establish a treatment relationship with Professor Kao.

Professor Kao has worked for the University of San Francisco since September 1991. Currently Professor Kao holds the title of Associate Professor, Mathematics, Arts & Sciences. A position description and work performance evaluations have been sent under separate cover. Also, other background information was sent under separate cover. Professor Kao is currently on leave from his regular position.

In conjunction with the evaluation, please use Consent Form #1 as attached. Please prepare a report to me of your conclusions. Do not provide me with medical diagnosis or other clinical information. The issues to be evaluated are those stated in my letters to Professor Kao enclosed.

The report and bills for your services should be addressed to:

Ms. Martha Peugh-Wade  
Assistant Vice President, Human Resources  
2130 Fulton St.  
San Francisco, CA. 94117

Sincerely yours,

A handwritten signature in cursive script that reads 'Martha Peugh-Wade'.

Martha Peugh-Wade  
Assistant Vice President, Human Resources

- Attachments: (1) Consent Form #1  
(2) Martha Peugh-Wade Letter to John Kao, dated June 24, 2008  
(3) Attorney Katzenbach Letter to Martha Peugh-Wade, dated June 26, 2008  
(4) Martha Peugh-Wade Letter to John Kao, dated June 30, 2008



ATTACHMENT (1)

**Norman T. Reynolds, M.D.**

American Board Diplomate in Psychiatry  
Distinguished Fellow of The American Psychiatric Association  
1730 Hamilton Avenue San Jose, CA 95125-5424  
Telephone: (408) 264-3064

**CONSENT FORM #1**

**Re: RELEASE OF PSYCHIATRIC/MEDICAL AND ALCOHOL/DRUG ABUSE RECORDS**

The client is \_\_\_\_\_ DOB: \_\_\_\_\_  
I, (name) \_\_\_\_\_

hereby **DO NOT** authorize Norman T. Reynolds, M.D. to release Psychiatric Evaluation Reports and Records to anyone without my prior written permission.

At this time, I **DO NOT** authorize Dr. Reynolds to release records to anyone.

Nevertheless, Dr. Reynolds has discussed with me the fact that, pursuant to California Civil Code, Section 56 (Confidentiality of Medical Information Act), he is permitted to release certain information to my employer without my permission. Specifically, he is permitted to release to my employer a statement that I am fit-for-duty or that I am not fit-for-duty and specify functional limitations. Dr. Reynolds is not permitted to release information regarding causation or any other matters.

To indicate that Dr. Reynolds has explained each of the following items and that I understand and agree to each of them, I have placed my initials after each of them:

- The meetings with Dr. Reynolds are solely for the purpose of evaluation. He is acting in the role of an independent evaluator.
- Dr. Reynolds is **NOT** responsible for providing me with treatment.
- This service does **NOT** constitute outpatient psychotherapy or any form of treatment.
- I am **NOT** a patient or client of Dr. Reynolds.
- \_\_\_\_\_ is responsible for the fees associated with this evaluation.
- Because the evaluation is not treatment or healthcare services, the fees associated with the evaluation are **NOT** billable to insurance plans.
- The evaluation does **NOT** include a physical examination and it is not a physical evaluation.
- This is **NOT** a workers' compensation evaluation.
- Dr. Reynolds will **NOT** provide me, or my designee, with a copy of the psychiatric report or a copy of Dr. Reynolds's records.
- Purpose and need for the Comprehensive Psychiatric Fitness-for-duty Evaluation is to determine whether I am fit-for-duty or not fit-for-duty and any functional limitations that render me not fit-for-duty, if there is a finding of not fit-for-duty.

The Comprehensive Psychiatric Evaluation will consist of:

- Review and analysis of complete history and background, e.g., current difficulties, medical history, legal and financial history, educational and work history, family and social history
- Mental Status Examination
- Psychological test results
- Laboratory results
- Diagnostic assessment
- Analysis of findings, conclusions and recommendations

This statement is effective now and will remain in effect until: \_\_\_\_\_

I understand that I may receive a copy of this form.

**SIGNATURE** \_\_\_\_\_ **Date/Time** \_\_\_\_\_

**SIGNATURE OF WITNESS (if applicable):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**JAMES R. MISSETT, M.D.**  
**A Professional Corporation**  
 1187 University Drive  
 Menlo Park, CA 94025  
 (650) 326-5564

Martha Peugh-Wade, Assistant Vice President of Human Resources  
 University of San Francisco  
 2130 Fulton Street - Lone Mountain 339  
 San Francisco, California 94949

November 13, 2008

RE: Faculty Consultation

<u>Date</u>		<u>Hours</u>	<u>Amount</u>
5/20/08	Review summary of faculty interview	0.50	\$175.00
	Travel Menlo Park to San Francisco University	5.00	1,750.00
	- Consultation with University Staff (12:15 p.m. - 3:15 p.m.)		
	- Return travel San Francisco to Menlo Park office		
6/18/08	Telephone consultation with University Staff	1.00	350.00
7/1/08	Review of faculty documents in Black Binder	4.50	1,575.00
7/2/08	Review of faculty documents in Black Binder	5.25	1,837.50
7/5/08	Review of faculty documents in Black Binder	6.00	2,100.00
7/8/08	Review of faculty documents in Black Binder	5.50	1,925.00
7/11/08	Review of faculty documents in Black Binder	4.00	1,400.00
7/22/08	Review of faculty documents in Black Binder	<u>2.75</u>	<u>962.50</u>
	For professional services rendered	34.50	\$12,075.00
11/13/08	Balance		\$12,075.00
12/3/08	Payment		(12,075.00)
			00.00

TAX ID:  
 A Professional Corporation

USF 2797

Application: Web Access - HTML Document - Microsoft Internet Explorer

File View Document Page Help

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Page 2

Page 3

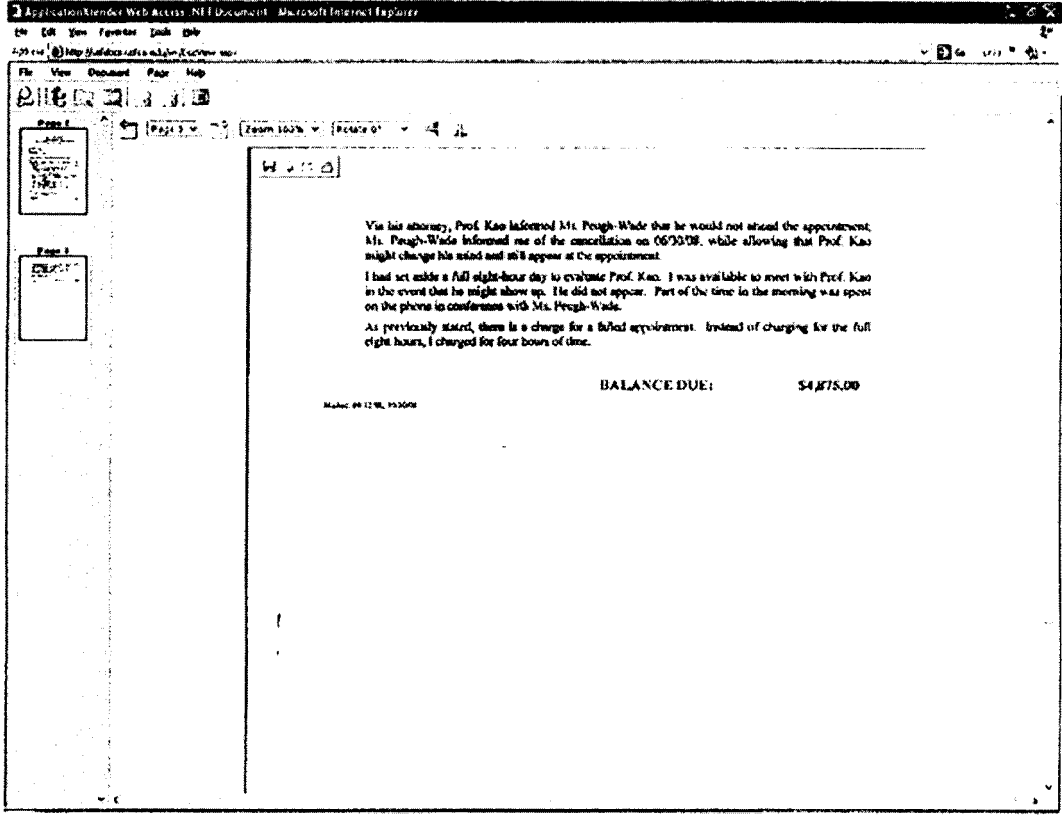
**Norman T. Reynolds, M.D.**  
 a Professional Medical Services Firm  
 1730 MARSHALL AVENUE, SUITE 200, SAN FRANCISCO, CALIFORNIA 94133  
 (415) 422-2444 FAX: (415) 422-2444  
 Corporate Tax ID: 94-2771983

Marjia Prugh-Wade, Assistant VP 415-422-2444  
 Office of Human Resources  
 University of San Francisco  
 2130 Fulton Street  
 San Francisco, CA 94117 - 1080

**COMPREHENSIVE PSYCHIATRIC FITNESS-FOR-DUTY EVALUATION**

RE: KAO, John

Opening of file (including telephone conferences to obtain background information and coordinate the referral)	\$ 500.00
Review of Records:	425 hr. 57,125.00
<ul style="list-style-type: none"> <li>• Letter of Referral to Dr. Reynolds from Marjia Prugh-Wade, 06/30/08</li> <li>• Letter to Dr. Reynolds from Marjia Prugh-Wade, 07/01/08</li> <li>• Letter of Referral to Prof. Kao from Marjia Prugh-Wade, 06/24/08</li> <li>• Letter to Ms. Prugh-Wade from attorney Katzenbach, 06/26/08</li> <li>• Letter to Prof. Kao from Ms. Prugh-Wade, 06/30/08</li> <li>• Summary of a Family Interview Regarding Prof. Kao</li> <li>• "Report and Addendum (PSCAH Policy) Submitted to the Assistant Vice President for Human Resources, University of San Francisco," by Prof. Kao, 09/15/07</li> <li>• Miscellaneous Correspondence</li> <li>• Survey of Student Opinion of Instruction</li> <li>• Collective Bargaining Agreement between the University of San Francisco and USF Faculty Association, 09/25/06</li> <li>• Letter to Dr. Reynolds from Ms. Prugh-Wade, 07/01/08</li> <li>• University Policy &amp; Procedures regarding harassing &amp; violent behavior</li> <li>• Letter to Prof. Kao from Jennifer Turpin, 07/08/08</li> </ul>	
07/28/08:	6.50 hr. \$ 250.00
<ul style="list-style-type: none"> <li>• Review of fax correspondence (read but not abstracted)</li> <li>• Miscellaneous voice mail reconstructions to date</li> </ul>	
Face-to-face interview:	
<ul style="list-style-type: none"> <li>• 07/01/08 No show</li> </ul>	51,000.00





INSTRUCTOR'S NAME		
Kao, John S.		
COURSE TITLE		
INSTRUCTOR SUMMARY OF UNIT CLASSES		
COURSE NUMBER	UNIT	INSTITUTIONAL CODE
	MATH	USF3256.S
REGISTERED STUDENTS	FORMS RETURNED	PERCENT PARTICIPATION
58	38	65.5%

This report summarizes results from the Survey of Student Opinion of Instruction. The first page contains identification items, percent of student participation, and responses from the Instructor's questionnaire.

The second and third pages summarize the distribution of student responses to each questionnaire item using a scale from five to one where five means "Strongly Agree" and one means "Strongly Disagree." In each line, the distribution of responses is a **percent** distribution based upon the total number of responses to each item. Means are based upon the appropriate **total responses** for each identified category.

**FACTOR MEANS \*\*INSTRUCTOR RESPONSES (AND STANDARD DEVIATIONS) FOR INSTRUCTOR, UNIT, INSTITUTION AND NATIONAL SAMPLE.**

THIS PAGE OF THE INSTRUCTOR SUMMARY CONTAINS MEANS AND STANDARD DEVIATIONS FOR EACH OF SIX FACTORS IDENTIFIED BY FACTOR ANALYSIS OF THE FIRST 21 QUESTIONS. THE QUESTIONS COMPRISING EACH FACTOR ARE INDICATED IN ORDER OF FACTOR LOADING. MEANS ARE BASED UPON THE TOTAL RESPONSES WITHIN EACH OF THE INDICATED SUMMARY LEVELS. THE NATIONAL SAMPLE IS COMPRISED OF MORE THAN ONE MILLION (SURVEY OF STUDENT OPINION OF INSTRUCTION TM) QUESTIONNAIRES ADMINISTERED OVER THE PREVIOUS FOUR YEARS.

	INSTRUCTOR MEAN (SD)	UNIT MEAN (SD)	INSTITUTION MEAN (SD)	NATIONAL MEAN (SD)
3. 4.FACTOR 1 INSTRUCTOR COMMITMENT TO STUDENT LEARNING QUESTIONS: 10 , 7 , 20 , 17 , 16 , 8 , 1 , 21	4.56 (0.657)	4.26 (1.040)	4.41 (0.279)	4.36 (0.924)
5. 6.FACTOR 2 INSTRUCTOR PREPARATION AND ORGANIZATION QUESTIONS: 9 , 11 , 3	* 4.60 (0.660)	4.42 (0.940)	4.50 (0.818)	4.39 (0.893)
7. 8.FACTOR 3 INSTRUCTOR/STUDENT INTERACTION QUESTIONS: 4 , 13 , 18 , 14	4.06 (0.967)	3.89 (1.187)	4.15 (0.612)	4.09 (1.084)
9. 0.FACTOR 4 TESTING QUESTIONS: 6 , 5	** 4.60 (0.713)	4.33 (0.936)	4.33 (0.929)	4.27 (0.950)
1. 2.FACTOR 5 COURSE OBJECTIVES QUESTIONS: 15 , 12	4.43 (0.660)	4.28 (0.976)	4.43 (0.837)	4.36 (0.873)
3. 4.FACTOR 6 COURSE ASSIGNMENTS QUESTIONS: 2 , 19	* 4.50 (0.739)	4.31 (0.920)	4.34 (0.884)	4.23 (0.956)
5.				

SIGNIFICANTLY DIFFERENT FROM THE NATIONAL MEAN ..... \* = AT .05 LEVEL / \*\* = AT .01 LEVEL / \*\*\* = AT .001 LEVEL