



**HARTNELL COLLEGE**  
OFFICE OF THE VICE PRESIDENT  
STUDENT AFFAIRS

March 11, 2016

Augustine Nevarez  
Personal Delivery

Re: Letter of Reprimand and Return from Administrative Leave

Dear Augustine,

This letter will serve three purposes:

1. Advise you of the results of our investigation into a complaint of professional misconduct lodged against you.
2. Announce that you are to return to work on Monday, March 14, and that all restrictions imposed during your paid administrative leave are immediately lifted.
3. Serve as a letter of reprimand for unsatisfactory performance, neglect of duty, and violation of board policy indicative of unprofessional conduct occurring since at least May 2015 and continuing through at least December 2015 in relation to the performance of your duties as Director of Student Affairs, Student Life.

On January 11, 2016, the college received a credible complaint of misconduct against you involving allegations of both inappropriate and potentially illegal behavior committed by you during the performance of your job, including at a college-sponsored event in June 2015. This complaint included allegations that you had engaged in activities prohibited by college policies and that would tend to endanger students in our programs.

You were placed on paid administrative leave on January 15, 2016, so that the college could protect its students from possible further misconduct while conducting a thorough investigation of the facts surrounding the complaint. The college retained the investigative services of Karen Kramer, of Kramer Workplace Investigations, and advised you of this fact by letter of January 25, 2016.

Ms. Kramer interviewed several people, including the complainant, several people who were identified as potential witnesses to the misconduct, an additional person who identified [REDACTED] as an interested party, and you. Your interview was held on March 1, after Ms. Kramer's request for an earlier date was rejected by you because you said you were out of town. The college received the final investigative report on March 8, 2016.

This final report details conflicting testimony about key allegations of misconduct, and concludes that the most serious allegations of illegal conduct involving alcohol--procuring alcohol for a minor, providing and consuming alcohol at a student government event, and assisting a minor student with getting a fake ID--could not be sustained. Ms. Kramer's Summary Findings and Conclusion are attached to this letter.

While the report found insufficient credible evidence to substantiate certain claims of misconduct, requiring that we give you the benefit of the doubt on those issues, it is not an exoneration of culpability. We are still concerned that one witness stated that [REDACTED] drank alcohol during the June retreat and thought others did, too, and another witness believed that a student was drinking during the retreat because [REDACTED] seemed drunk. This behavior, if it occurred, would violate the Code of Student Conduct, which it is your duty to enforce and uphold.

Your own statements during your interview reveal several facts that constitute cause for serious concern, in that they call into question your ability to exercise sound judgment and to act professionally with students, when your job requires you to be a mentor and advisor to student leadership groups:

These facts are:

1. You engaged in an intimate relationship with a student worker in your office who was in your chain of command during the relationship and who also was a student leader in groups you advised.
2. You shared a bedroom with two students and a bed with one during a student government retreat in Santa Cruz in June 2015.
3. You were undressed and engaged in sexual activity with this student in an unsecured bedroom during the retreat such that other students could, and did, walk in.
4. You went to bars with this underage student who was both a student worker and student leader, and acknowledged seeing [REDACTED] drink at these bars.
5. You failed to investigate whether students or staff had violated the no alcohol rule after you heard rumors that there had been alcohol at the June 2015 student retreat that you supervised.

We are mindful of the evidence that your relationship with the student worker was completely consensual, and that there were no complaints by any students against you. We also acknowledge that it is not a violation of college rules to engage in such a relationship. However, our administrative procedure, AP 3430: Prohibition of Harassment address staff and student relationships:



January 11, 2016

Dr. Willard Lewallen  
Superintendent/President  
Hartnell College  
411 Central Avenue  
Salinas, CA 93901

Re: Formal Human Resources complaint against Augustine Nevarez, Director of Student Affairs, Office of Student Life, Hartnell College

Mr. Augustine Nevarez has used his position at Hartnell College to cultivate relationships with students with whom he sometimes subsequently engages in inappropriate sexual relations. Some of these students are under his purview either as direct employees at the Office of Student Life or in that they serve the College as student representatives on Hartnell College Student Affairs Council (SAC). This complaint focuses on Mr. Nevarez's inappropriate and illegal actions regarding one student in particular, [REDACTED]. [REDACTED] serves both as an employee of Mr. Nevarez at the Office of Student Life and as a representative on the SAC. Other evidence is included regarding his interactions and relationships with another student [REDACTED] to show that this is an inappropriate pattern of behavior demonstrated by Mr. Nevarez.

## Summary

1. Mr. Nevarez supplied beer and hard alcohol to Hartnell students [REDACTED] (who is under 21 years of age with birthdate [REDACTED]), [REDACTED], and possibly other students on the night of Thursday, June 4, 2015 while at a retreat in Santa Cruz for student representatives on Hartnell's SAC.
2. After putting them under the influence of alcohol in a hot tub at the retreat, Mr. Nevarez engaged in unprotected sexual intercourse with both [REDACTED] and [REDACTED] on the night of June 4, 2015.
3. Mr. Nevarez has accompanied and assisted [REDACTED] in gaining entrance to 21-and-over bars on multiple occasions, while [REDACTED] was under the legal age. Mr. Nevarez assisted [REDACTED] in obtaining a false identification card stating that he was over 21 for these purposes.
4. Mr. Nevarez's actions appear to violate Hartnell College's BP 3430 and AP 3430 regarding Prohibition of Harassment. They also violate state law. (California Penal Code 470b PC regarding possession of a fake driver's license or identification card and Business and Professions Code 25658 regarding furnishing any alcoholic beverage to a person under 21 years of age. Both are misdemeanors.)

## Details and Sources of Information

I, the complainant, know all of the people referenced in this document and listed below under "Personal Testimony." I have personal and direct knowledge of Mr. Nevarez assisting [REDACTED] in gaining access to 21-and-over bars. I was told directly by Mr. Nevarez's then-[REDACTED] (now [REDACTED]), [REDACTED] that Mr. Nevarez assisted [REDACTED] in obtaining a fake ID and that they would frequent bars together.

On December 21, 2015, I learned from [REDACTED], the [REDACTED] of [REDACTED], of what happened at the Hartnell retreat. Two days later, December 23, 2015, I spoke with both [REDACTED] and [REDACTED] personally. [REDACTED] explained in detail that Mr. Nevarez furnished both [REDACTED] and [REDACTED] with beer and hard alcohol while they were in a hot tub. [REDACTED] was present in the hot tub, as well. [REDACTED] explained how Mr. Nevarez proceeded to have sexual intercourse with [REDACTED] and [REDACTED] at the lodging for the retreat.

Hartnell College's Prohibition of Harassment Policy AP 3430 states "Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol."

## Personal Testimony

The persons listed below have not been notified of this complaint.

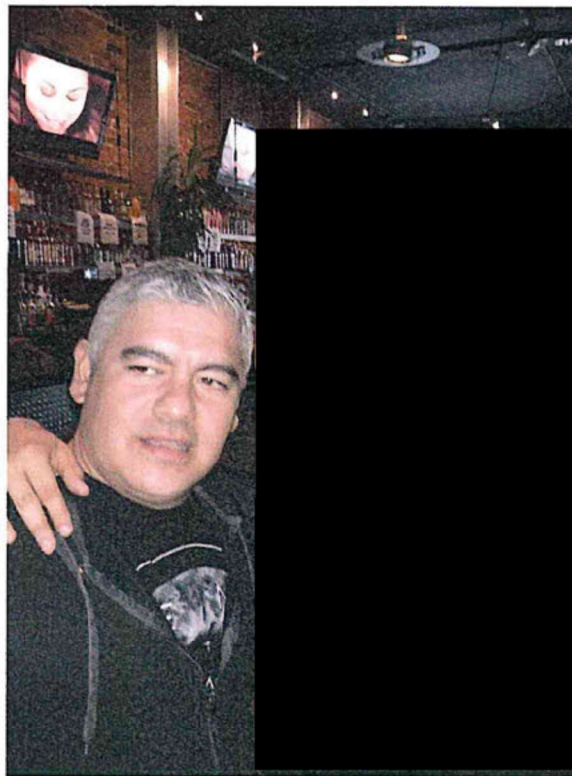
- [REDACTED] principal complainant. Cell phone: [REDACTED]
- [REDACTED], recent Hartnell College graduate. Active with OSL and SAC. Cell: [REDACTED]
- [REDACTED], current [REDACTED] of [REDACTED]. Phone number available upon request.
- [REDACTED]. Current Hartnell student, active with SAC. Cell: [REDACTED]
  - Can attest to underage drinking at the Hartnell Retreat in Santa Cruz. While [REDACTED] is an honest person, [REDACTED] may not be honest to protect Mr. Nevarez. [REDACTED] lived with Nevarez during 2015, at Nevarez's invitation.
- [REDACTED], [REDACTED] of [REDACTED]. Phone number available upon request.
  - Can attest that Mr. Nevarez enabled and accompanied [REDACTED] to a bar, while [REDACTED] was under age.
- [REDACTED], then-[REDACTED] (now [REDACTED]) of Augustine Nevarez. Phone number available upon request.
  - Can attest that Mr. Nevarez enabled and accompanied [REDACTED] to bars, while [REDACTED] was under age.
  - Can attest that Mr. Nevarez assisted [REDACTED] in obtaining a false identification card.
- [REDACTED]. Current Hartnell College student, active with OSL and SAC where [REDACTED] reports to Mr. Nevarez. Cell: [REDACTED]
- **Augustine Nevarez.** Director of Student Affairs, Office of Student Life, Hartnell College. Cell: [REDACTED]  
[REDACTED]

I declare that the statements contained within this complaint are true and accurate to the best of my knowledge. Further, I attest that the supporting documents contained herein are genuine and not altered.

[REDACTED]  
January 11, 2016

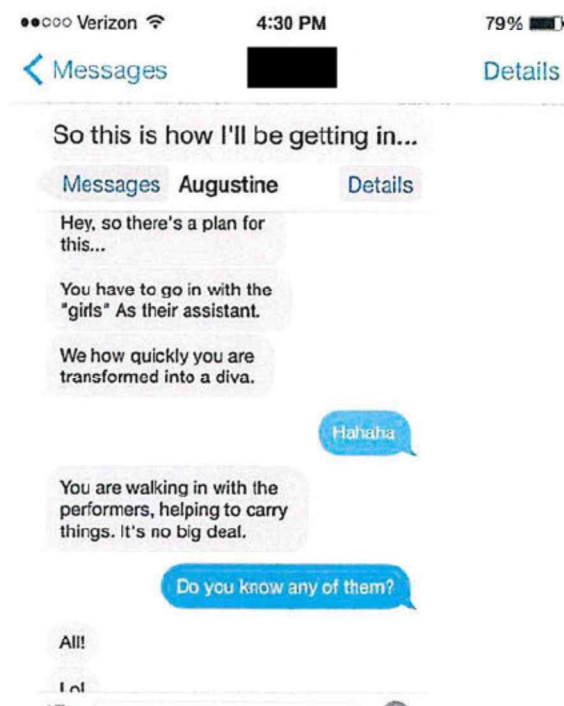
### Exhibit 1:

Photograph of Augustine Nevarez, [REDACTED], and [REDACTED] in a bar on May 24, 2015. (Note: bottles of alcohol in background.)



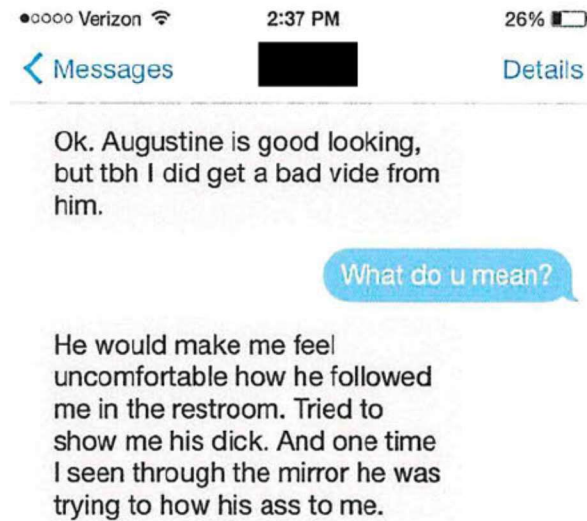
### Exhibit 2:

Screenshot of text message from Augustine Nevarez to [REDACTED], explaining how Narvaez was going to sneak [REDACTED] into a bar in Castroville on the night of May 29, 2015



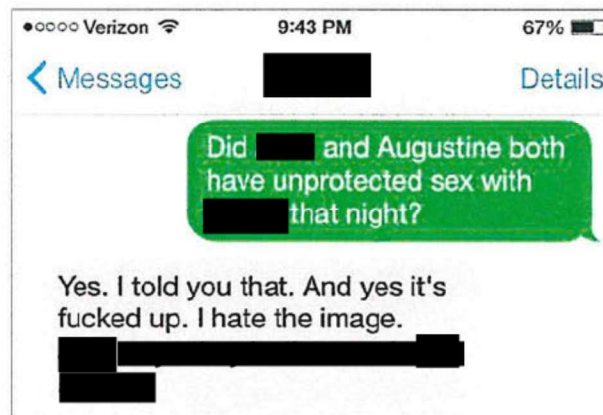
### Exhibit 3:

Text from another student, [REDACTED] about Mr. Nevarez's behavior following [REDACTED] into the bathroom on Hartnell campus on more than one occasion.



### Exhibit 4:

Text from [REDACTED], [REDACTED] of [REDACTED] on December 23, 2015 confirming that Mr. Nevarez had sexual intercourse with [REDACTED] and [REDACTED] at the Hartnell retreat in Santa Cruz. This corroborates but is independent of a subsequent conversation with [REDACTED], and [REDACTED] in which [REDACTED] explained the details of the alcohol furnishment and sexual interactions.





**March 8, 2016, Confidential Personnel Investigation Report**

**Kramer Workplace Investigations, by Karen Kramer**

**Excerpts: Executive Summary and Conclusion**

**I. SUMMARY OF FINDINGS**

It is undisputed that Mr. Nevarez and [REDACTED] were engaged in a consensual sexual relationship between approximately March 2015 and January 2016. It is further undisputed that [REDACTED] was a student worker in the Office of Student Life while [REDACTED] and Mr. Nevarez were romantically involved.

Insufficient credible evidence was presented to substantiate [REDACTED] claim that Mr. Nevarez provided [REDACTED] with alcoholic beverages or that Mr. Nevarez assisted [REDACTED] with gaining entry into a 21 and over bar. No credible evidence was presented supporting [REDACTED] claim that Mr. Nevarez obtained a fake ID for [REDACTED].

**VII. CONCLUSION**

[REDACTED] claim that Mr. Nevarez abused his "position of power" and manipulated [REDACTED] into having a sexual relationship is not substantiated, as the credible evidence presented establishes that more likely than not, the sexual relationship between Mr. Nevarez and [REDACTED] is consensual. It is also more likely than not that Mr. Nevarez was in [REDACTED] chain of command when their consensual sexual relationship commenced in approximately March or April of 2015 until August 2015, although [REDACTED] was not employed in the Office of Student Life when the June 2015 retreat in Santa Cruz was held, as there was a break in [REDACTED] employment between May 29, 2015 and June 14, 2015.

[REDACTED] claim that Mr. Nevarez provided alcohol to [REDACTED] who is under 21 years old, is also unsubstantiated, as insufficient credible evidence was presented to establish Mr. Nevarez ever giving or buying [REDACTED] an alcoholic beverage. Additionally, insufficient credible evidence was presented to establish that more likely than not, [REDACTED] consumed alcoholic beverages while on the student government retreat in Santa Cruz in June 2015.

February 29, 2016

I spoke with [REDACTED], the now [REDACTED] of Augustine Nevarez, on the evening of Tuesday, February 16, 2016. [REDACTED] confirmed information and added more pertinent details of [REDACTED] relationship with Mr. Nevarez. [REDACTED] also supplied additional information and evidence regarding the relationship between Mr. Nevarez and [REDACTED].

Additional evidence:

- A photograph of Mr. Nevarez in a bar in which he accompanied [REDACTED], with numerous alcoholic drinks he procured in front of them. The photo was taken in the Badlands bar in San Francisco on May 17, 2015.
- A video from the same day with a clearly-intoxicated [REDACTED] standing shakily at the bar, with Mr. Nevarez holding [REDACTED] up and appearing to dance behind [REDACTED]. While the video is somewhat unclear, one can see that the clothing worn by each is the same as in the photograph shared above. Also, [REDACTED] took the video [REDACTED] and corroborates that it is Mr. Nevarez with [REDACTED]. This is a private, unpublished link: [REDACTED]

Additional information:

- Mr. Nevarez was in a position to do so and indeed sometimes hired his sexual partners to work under his purview. He hired [REDACTED] with whom Mr. Nevarez had engaged in group sex on multiple occasions. [REDACTED] stated that [REDACTED] was very displeased when he learned of this. It is not known whether Mr. Nevarez engaged in sexual encounters with [REDACTED] after he hired [REDACTED], nor whether they engaged in sexual relations with students or with [REDACTED].
- Mr. Nevarez attended the CCCSAA Student Leadership Conference 2015 in San Jose, CA from October 23-25, 2015 where he supervised a number of students, including [REDACTED]. [REDACTED] asserted that a Snapchat image was taken of Mr. Nevarez kissing [REDACTED]. That Snapchat image was circulated among other students at Hartnell College. According to [REDACTED], another Hartnell faculty member (Jason Hough) met with Nevarez to warn him that such a photo existed and was "making the rounds." Mr. Nevarez was allegedly very concerned about this. I do not possess this image, nor have I seen it personally. I have shared an image of Mr. Nevarez and [REDACTED] at the conference, conspicuously standing at opposite ends of the photograph.
- While they were [REDACTED] [REDACTED] lived with Mr. Nevarez. Their romantic relationship ended in approximately August 2015, after the events alleged in this claim. A neighbor commented to [REDACTED] that Mr. Nevarez had provided a key to his residence to [REDACTED] because that neighbor would see [REDACTED] entering the residence with a variety of other [REDACTED] at times when Mr. Nevarez was not home. The neighbor's presumption is that Mr. Nevarez provided the use of his residence for [REDACTED] to engage in sexual activities.
- [REDACTED] has stated that [REDACTED] preferred not to offer testimony directly to the investigator in this claim as "it was too hard [for [REDACTED]]" At your request, I can talk to [REDACTED] and [REDACTED] may reconsider offering [REDACTED] testimony directly to you.



I will give you my word on this:

If you respect [REDACTED] and don't ever cross the line of romance/kissing/sex with [REDACTED], then I will do nothing and this will go away as a lesson learned in prudence.

I won't mention anything to Hough or anyone else. I recommend you not tell [REDACTED] or anyone else about our discussion. The good thing is that all the power resides in your hands. Nothing has to come of this. I feel badly being so direct with you but I would do anything to protect [REDACTED].

[REDACTED] I don't know what your true motivation is, however, I should let you know that I am concerned about your threat. So in an effort to protect my family,



recommend you not tell [REDACTED] or anyone else about our discussion. The good thing is that all the power resides in your hands. Nothing has to come of this. I feel badly being so direct with you but I would do anything to protect [REDACTED]

[REDACTED], I don't know what your true motivation is, however, I should let you know that I am concerned about your threat. So in an effort to protect my family, my job, and my reputation, I will be seeking legal advice.

Delivered

I don't hold ill will against you. Really, I don't. I'd recommend you consider it further before going down a path of escalation. If I were you, I would hear what I said and just let this end quietly. You don't have to acknowledge

this stays between us

2018-02-27 10:04:29

but my mom doesnt get anything in return from this

**Augustine Nevarez**, 2018-02-27 10:04:29

Sorry if I created an issue for you, not my intention. So please don't worry about it. We will work on the event, and we will move on.

2018-02-27 10:04:47

nothing from customers or promotion

**Augustine Nevarez**, 2018-02-27 10:04:52

I completely understand.

2018-02-27 10:04:56

okay

**Augustine Nevarez**, 2018-02-27 10:05:40

The only reason I mentioned it was because you told me you might not come, and we need to move forward with the event. Does that make sense?

**Augustine Nevarez**, 2018-02-27 10:06:15

Nothing against you, but the show must go on, right? and we need to put together a plan B.

**Augustine Nevarez**, 2018-02-27 10:07:05

I a totally OK, and understand both your stance and your mom's.

**Augustine Nevarez**, 2018-02-27 10:07:13

Who loves you?



**Subject:**

**From:** [REDACTED]

**Date:** 2/28/2018 11:22 AM

**To:** Augustine Nevarez <anevarez@hartnell.edu>

[REDACTED], 2018-02-28 11:22:42

what do you mean?

[REDACTED], 2018-02-28 11:22:57

in regards to your final question from yesterday.

**Augustine Nevarez**, 2018-02-28 11:23:14

That I don't want you to be upset

[REDACTED], 2018-02-28 11:23:43

so when you said who loves you then my response is you

**Augustine Nevarez**, 2018-02-28 11:26:14

Duh...

**Augustine Nevarez**, 2018-02-28 11:26:34

I was trying to make you feel better about this situation.

[REDACTED], 2018-02-28 11:28:26

I love you alot too, yesterday i was bombarded with 5 texts from [REDACTED] and i know her very very well and when shes upset she is upset. Unfortunately for me i cant afford to lose her as a contact/mentor because of the opportunities she given myself and for my moms shop.

[REDACTED], 2018-02-28 11:28:44

it just honestly caught me off guard.

**Augustine Nevarez**, 2018-02-28 11:30:06

But I want you to know that I didn't go to the meeting and blast you, I simply said that you might not be coming. she got all worked up.

[REDACTED], 2018-02-28 11:34:00

Yes i understand that now, im not upset with you. It was a loss in communication. I had called [REDACTED] when she texted me months ago. She said thay there was \$0 for budget so the next day i took action and notified her that i couldnt help, and of course the other reason as well. Honestly i need the money very badly but not under those circumstances.

**Augustine Nevarez**, 2018-02-28 11:59:06

I understand.

[REDACTED], 2018-02-28 11:59:39

yea, th nk you

**Augustine Nevarez**, 2018-02-28 12:18:01

So I'm thinking about visiting one of these days, can I stay at your place?

[REDACTED], 2018-02-28 12:20:42

Of course! did i tell you i moved? new apartment

**Augustine Nevarez**, 2018-02-28 12:40:36

No, who do you live with?

[REDACTED], 2018-02-28 12:53:47

[REDACTED]

**Augustine Nevarez**, 2018-02-28 12:57:14

[REDACTED]

**Augustine Nevarez, 2018-02-26 15:48:50**

Hey, what time will you be here for WEC

 2018-02-26 16:03:22

I might not do it

 2018-02-26 16:03:30

my mom is no longer donating items

 2018-02-26 16:03:38

and im super busy with classes and work

**Augustine Nevarez, 2018-02-26 16:04:23**

We have you on, we are giving you a stippend



great!

**Augustine Nevarez, 2018-02-21 10:01:25**

Don't be buying [REDACTED] shit

[REDACTED] 2018-02-21 10:20:29

hell no

[REDACTED] 2018-02-21 10:20:39

shit i want to be kept

**Augustine Nevarez, 2018-02-21 10:23:33**

what you mean?

[REDACTED] 2018-02-21 10:29:20

what i mean is that i want someone who will pay for the meal once in a while

[REDACTED] 2018-02-21 10:29:33

so doesnt mind getting me small gift here an there

[REDACTED] 2018-02-21 10:29:37

lol my last one did

**Augustine Nevarez, 2018-02-21 10:36:34**

did pay or minded

[REDACTED] 2018-02-21 10:36:57

im sorry?

**Augustine Nevarez, 2018-02-21 10:37:16**

me confundiste

**Augustine Nevarez, 2018-02-21 10:37:47**

YOur last one paid for meals and gifts or not?

reverting them to [REDACTED]

**Augustine Nevarez, 2018-02-21 10:40:39**

gurl, I have to teach you some skills

**Augustine Nevarez, 2018-02-21 10:42:18**

I'm joking [REDACTED] shit happens

[REDACTED] 2018-02-21 10:45:23

hahah teach me wahtver you can or guide me to it lol

[REDACTED] 2018-02-21 10:45:31

• • • • •

**Augustine Nevarez, 2018-02-21 10:46:05**

Religion, figures

[REDACTED] 2018-02-21 10:46:17

yea its whatever

[REDACTED] 2018-02-21 10:46:28

[REDACTED] was a horrible fuck anyways

**Augustine Nevarez, 2018-02-21 10:46:33**

lol

[REDACTED] 02-21 10:47:05

on to the new!

**Augustine Nevarez, 2018-02-21 10:48:08**

Bloop

[REDACTED] 10:57:20

haha dork!

want with others, We just have a strong connection that keeps us together. Probably unhealthy, but it's going to take time to let go.

[REDACTED] 2018-02-14 10:02:07

I agree about the time and of course you two love each other. Without a doubt i know that, unfortunately the circumstances don't allow for appropriate monogamy

**Augustine Nevarez, 2018-02-14 10:04:14**

Yup. You and I talked about this, that you guys are so young and need to experience so many things.

[REDACTED] 2018-02-14 10:04:38

yes I do remember that conversation.

**Augustine Nevarez, 2018-02-14 10:04:51**

I acknowledge this, and as hard it is for me to let him experience things, I have to

[REDACTED] 2018-02-14 10:05:28

Unfortunately for me i had higher hopes for a longer lasting relationship that involves loyalty with each other..

[REDACTED] 2018-02-14 10:05:58

However I know how [REDACTED] is so i can comprehend [REDACTED] and I know how you are.

**Augustine Nevarez, 2018-02-14 10:06:04**

With someone you were dating?

**Augustine Nevarez, 2018-02-14 10:06:13**

Oh about [REDACTED]

[REDACTED] 2018-02-14 10:06:24

yes about [REDACTED]

**Augustine Nevarez, 2018-02-14 10:06:32**

yes, [REDACTED] a horny kid, and likes to experiment



[REDACTED] 8-02-14 10:07:51

As we rightfully are, what I hope in my mind is that the conversation was mutual in living your own lives and not resulting from an individuals actions.

**Augustine Nevarez, 2018-02-14 10:08:48**

Well it was more one sided [REDACTED] wants to experiment, and I have to accept it.

**Augustine Nevarez, 2018-02-14 10:09:04**

It is what it is

[REDACTED] 2018-02-14 10:09:44

Yes, I have had that feeling for quite some time now. But youve always been aware of this for a while now.

**Augustine Nevarez, 2018-02-14 10:10:48**

I have good days and bad ones, but I am surviving.

[REDACTED] 2018-02-14 10:11:35

Well if theres one thing and only one thing that i can take from you was your strength to overcome hard times.

[REDACTED] -02-14 10:12:50

Youv'e always had a beautiful soul and God knows that. With time you'll come to be with someone that will want the exact same things you do.

**Augustine Nevarez, 2018-02-14 10:15:16**

I don't want to get into another relationship anytime soon

[REDACTED] 2018-02-14 10:15:40

Well in the future then

[REDACTED] 2-14 10:15:46

for now focus on YOU

[REDACTED] 2018-02-14 10:15:54

on your health

on your haor

hair\*\*\*

**Augustine Nevarez**, 2018-02-14 10:16:07

If it happens I want it to be an incredible person

**Augustine Nevarez**, 2018-02-14 10:16:24

My hair?... lol

Your already fucking incredible, Augie your honesty the most amazing individual i know. Take pride in knowing that if it wasnt for you I would be the [REDACTED] I am today.

[REDACTED] 2018-02-14 10:18:51

GUUURRRLLL

Now that your focusing on you! Lets dye that hair Black with some grey on the sides

**Augustine Nevarez**, 2018-02-14 10:22:43

Silly, I&#39;m coming to terms with my grays... I&#39;m good.

Hahaha aww darn, well i tried.

So do you go to the In\_Shape on Davis

**Augustine Nevarez**, 2018-02-14 10:23:55

I am also being selective with who I hook up with...

[REDACTED]

Have you ever heard of the name [REDACTED]

**Augustine Nevarez**, 2018-02-14 10:24:10

Yes, and also do a turbo kick class at home

**Augustine Nevarez**, 2018-02-14 10:24:21

Yes I have, why?

[REDACTED]

mexican looking

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Well we linked up and are now friends and apparently [REDACTED]



**Augustine Nevarez**, 2018-02-14 10:25:42

Text me the details...

[REDACTED]

Ugh its alot

[REDACTED]

well thats basically it

**Augustine Nevarez**, 2018-02-14 10:26:47



Did [REDACTED] mention me?

[REDACTED] 10:26:52

NVM<br>ill text you

[REDACTED] 10:26:57

and yes [REDACTED] did

**Augustine Nevarez, 2018-02-14 10:27:14**

lets text or talk about it, not here