

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JILL LANDEBERG-BOYLE           \*     CIVIL ACTION  
VERSUS                           \*     NUMBER 03-3582-I-M4  
STATE OF LOUISIANA, ET. AL.   \*

\* \* \* \* \*

DEPOSITION OF MICHAEL RANDOLPH MOFFETT  
TAKEN FOR AND ON BEHALF OF THE PLAINTIFF  
AT THE ATTORNEY GENERAL'S OFFICE  
BATON ROUGE, LOUISIANA  
ON TUESDAY, MAY 24, 2005

BEGINNING AT 1:38 P.M.

REPORTED BY:

LYNN S. FOLKINS, CERTIFIED COURT REPORTER

PILANT, a Regional Firm of Certified Court Reporters

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18 ALSO PRESENT:

19 Brad O'Hara

20 Jill Landesberg-Boyle

## STIPULATION

1  
2           The deposition of MICHAEL RANDOLPH MOFFETT, it is  
3 stipulated by and between counsel for plaintiff and counsel  
4 for defendants, is taken at the Attorney General's Office,  
5 Baton Rouge, Louisiana, on Tuesday, May 24, 2005, beginning  
6 at 1:38 p.m., before Lynn S. Folkins, Certified Court  
7 Reporter.

8           This deposition is taken by counsel for plaintiff for  
9 the uses as provided for in the Louisiana Code of Civil  
10 Procedure, according to notice as provided by law.

11           The parties hereto waive all formalities in connection  
12 with the taking of this deposition, except the swearing of  
13 the witness, and the reduction of the questions and answers  
14 to typewriting.

15           Counsel for plaintiff and counsel for defendants may  
16 enter objections at the time of the taking of this  
17 deposition, but they also reserve their rights to enter  
18 objections at the time this deposition or any part thereof  
19 may be offered into evidence, with the same rights as though  
20 this deposition were being taken and given in Open Court,  
21 with the exception that any objection as to the form of any  
22 question or as to the responsiveness of any answer must be  
23 made at the time of the taking of this deposition.

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by Ms. Craft

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EXHIBITS: NONE

ADDITIONAL INFORMATION REQUESTED: NONE

ADDITIONAL INFORMATION OFFERED: NONE

1 Micheal Randolph Moffett  
2 408 West Dakota  
3 Hammond, Louisiana 70401

4 MICHEAL RANDOLPH MOFFETT, after being duly  
5 sworn to tell the truth, the whole truth, and nothing  
6 but the truth, was examined and testified as follows:

7 MS. CRAFT:

8 Dr. Moffett, I'm not going to  
9 kind of go back through the ground rules  
10 because I know you've been through  
11 my client's deposition and now Dr.  
12 O'Hara's deposition.

13 But I'll just remind you, if you don't  
14 understand something I'm asking you, just  
15 please tell me, and that makes our life a  
16 lot easier.

17 EXAMINATION BY MS. CRAFT:

18 Q For the Record, would you give me your full  
19 name and address, please.

20 A Micheal, M-i-c-h-e-a-l, Randolph Moffett, M-o-  
21 f-f-e-t-t. I use Randy on a common basis. 408 West  
22 Dakota, Hammond, Louisiana, 70401.

23 Q Would you walk me through the degrees that you  
24 currently hold, and when.

25 A I have a Bachelor of Arts from Louisiana Tech

1 University in social studies and English education. I  
2 have a Master of Education from Northwestern State  
3 University of Louisiana, with a major in student  
4 personnel services and a minor in psychology. And I  
5 have an EdD, a Doctorate of Education, from LSU, 1980,  
6 with a major in education administration and psychology.

7 Q The degree that you hold, the EdD, is the same  
8 degree held by Dr. Boyle, is that correct, Dr.  
9 Landesberg?

10 A Well, the definition EdD is. I'm not sure the  
11 degrees are the same. You'd have to look at course  
12 work, et cetera. But we both hold a Doctorate of  
13 Education, yes.

14 Q You are currently the president of the  
15 university; is that correct?

16 A That's correct.

17 Q And when did you become president of the  
18 university?

19 A On an interim basis on July 1, 2001. And I  
20 think it was a permanent decision made at the December  
21 of 2001 board of supervisors meeting.

22 Q So I'm correct, am I not, that until the Board  
23 decided that you would be the president of the  
24 university, you did not serve in that capacity as a  
25 permanent president, correct?

1           A     I was interim from July through December,  
2 that's correct.

3           Q     I guess my point is, it required Board action  
4 to make you permanent.

5           A     That's correct.

6           Q     And the position of Dr. Landesberg, that she  
7 held, as we had some discussion in Dr. O'Hara's  
8 deposition, I am correct, until the Board met, after  
9 January 3, 2003, the elimination of the Dean of Students  
10 position was not final.

11          A     We had had administrative approval of that  
12 action, yes.

13          Q     Not final until January of 2003; is that  
14 correct?

15                   MR. DECUIR:

16                   Objection, as to form.

17                   MS. CRAFT:

18                   Subject to it.

19 BY MS. CRAFT:

20          A     Her last day of work was January 3, 2003.

21          Q     My question was about the elimination of her  
22 position. It was not final until the Board acted in  
23 January of 2003; is that correct?

24          A     I would assume that's correct, yes.

25          Q     And do you agree with Dr. O'Hara, if at any



1 time between October of 2002 and January of 2003 you all  
2 had changed your mind about eliminating this position,  
3 you could have; am I correct?

4 A That's correct.

5 Q Okay. Now, with respect to Dr. Landesberg,  
6 were you aware of some issues she had regarding her  
7 treatment as a Jewish employee?

8 A Not directly.

9 Q Well, were you aware in any capacity, whether  
10 it's direct, indirect, or from the --

11 A I may have been aware of issues through  
12 grapevine conversations, but I don't know that I had any  
13 direct knowledge, no.

14 Q Well, what issues were you aware through the  
15 grapevine?

16 A That there were issues about she felt like  
17 that perhaps being Jewish, some people had mistreated  
18 her, perhaps.

19 Q And what grapevine are we talking about?

20 A Just campus discussions that occurred. I  
21 don't -- I didn't participate in any of those  
22 discussions.

23 Q Well, when you became aware of it, this was at  
24 a time you were president of the university?

25 A No. These would have been earlier than that

1 Q Did they continue after you were president of  
2 the university?

3 A I don't remember hearing any of those after  
4 that, no.

5 Q What position did you hold when you first  
6 heard about this grapevine information that my client  
7 felt she was mistreated on account of her religion?

8 A I would have probably been the Provost and  
9 Vice President for Academic Affairs.

10 Q As Provost, when you became aware of what you  
11 heard relative to my client feeling mistreated on  
12 account of her religion, what, if any, steps did you  
13 take?

14 A I didn't take any.

15 Q Did the university at anytime, to your  
16 knowledge, have a written policy regarding religious  
17 based harassment or discrimination?

18 A We have harassment policies, sexual  
19 harassment, et cetera. Those are all published in our  
20 faculty staff handbook, and they are also on the  
21 university website.

22 Q When were they published?

23 A They've been published for years. I don't  
24 recall the exact first day.

25 Q And you said there was a sexual harassment

1 policy. My question related to a religious based  
2 harassment or discrimination issue.

3 You do not have one of those policies, do you?  
4 You have a sex one.

5 A Not that I recall.

6 Q Okay. And the university also doesn't have a  
7 nonretaliation policy; am I correct?

8 A I assume you are. I don't recall.

9 Q Well, I know you got a sex one, sexual  
10 harassment.

11 A Okay.

12 Q But can you tell me as the current president  
13 of that university whether you have an anti-retaliation  
14 policy of any kind?

15 A Not that I'm aware of.

16 Q Does the university have any policies  
17 regarding the rights of students who believe that they  
18 have been discriminated against?

19 A Yes, we do. And the policy is published in  
20 the student handbook about where they can report such  
21 issues.

22 Q The Vice President of Student Affairs, is that  
23 position's responsibility to ensure that the policies,  
24 as it relates to students, are enforced on campus?

25 A As it relates to student affairs, I think

1 that's a correct statement, yes.

2 Q Is it the responsibility of the Vice President  
3 of Student Affairs to be familiar with the policies  
4 relating to students on campus?

5 A Yes.

6 Q Is it the duty of the Vice President of  
7 Student Affairs to be familiar with the federal laws  
8 relating to students?

9 A I would say yes.

10 Q During Dr. O'Hara's deposition, did it  
11 surprise you that he told me he didn't know what Title  
12 IX was?

13 A Dr. O'Hara is not an attorney. I'm not sure  
14 that he would necessarily be aware of those by title.

15 Q Do you know what it is?

16 A Title IX deals with gender related issues, if  
17 I'm not mistaken.

18 Q In the education form?

19 A I would assume so, as I've heard it referred  
20 to, yes.

21 Q Well, you've heard the term Title IX, haven't  
22 you?

23 A Yes.

24 Q You've been in education a long time, haven't  
25 you?

1           A     Yes.

2           Q     And you're aware, are you not, that public  
3 universities are required to ensure gender equity in the  
4 provision of good services and educational  
5 opportunities?

6                         MR. DECUIR:

7                         Object, as to the form of the question.

8 BY MS. CRAFT:

9           A     Yes.

10          Q     I'm sorry?

11          A     Yes.

12          Q     And wouldn't you expect some person in a  
13 position, an administrative position at a public  
14 institution, to be familiar with at least, generally,  
15 what Title IX is?

16          A     I think that's correct.

17          Q     When y'all were thinking about resurrecting  
18 football at the university, isn't it true that you had  
19 discussions with Dr. O'Hara about Title IX and football  
20 coming back on campus?

21          A     Not that I recall.

22          Q     Did you have some concerns about Title IX and  
23 football?

24          A     Me personally?

25          Q     Yes.

1           A     There were discussions that dealt with  
2 football that went back several, several years. And I  
3 think probably in some of those discussions I'm sure  
4 Title IX came up and the issue of equity in the  
5 athletics for men and women.

6           Q     Was there some discussion about female  
7 athletics equity as it relates to bringing football  
8 back?

9           A     I'm sure that occurred in the context of all  
10 those discussions related to football. And we had a  
11 Title IX policy approved by the NCAA and had been  
12 approved in our certification process to make sure that  
13 we would stay in balance, correct. I'm sure there were  
14 those discussions.

15          Q     Were you involved at all or familiar with a  
16 case that involved Louisiana State University in gender  
17 inequity under Title IX in their softball and soccer  
18 programs?

19                   MR. DECUIR:

20                   I'm going to enter a general  
21 objection as to relevancy.

22                   MS. CRAFT:

23                   I'm on my way.

24 BY MS. CRAFT:

25           A     Well, first of all, I think you asked me two

1 questions there.

2 Q Were you aware of a case involving Louisiana  
3 State University in gender inequity in the women's  
4 athletics program?

5 A I read some newspaper stories about that, yes.

6 Q And in response to that, didn't the Board,  
7 your board over at the university, direct that your  
8 university and the schools in the system ensure  
9 compliance with Title IX?

10 A I need to clarify Board, because I think  
11 you're confused.

12 Q Go ahead.

13 A If I may. LSU, issue you're dealing with, is  
14 LSU Baton Rouge.

15 Q Got it.

16 A That's under the LSU Board of Supervisors.

17 Q I'm completely familiar. I'm talking about  
18 your board that governs your university.

19 A I don't remember a directive or a statement on  
20 that matter. I'm sure that we're always receiving  
21 advice, counseling others. But I don't remember a  
22 directive on that.

23 Q You don't remember a memo being issued after a  
24 Fifth Circuit decision?

25 MR. DECUIR:

1 I'm going to object. I'm going to  
2 object as to relevancy. I just don't see  
3 where this is going. But if you know, you  
4 can answer.

5 BY MS. CRAFT:

6 A I don't recall.

7 Q Okay. Did my client ever send to you a  
8 memorandum regarding the Clery Act and Title IX?

9 A I don't recall. She may have, but I don't  
10 remember that.

11 Q Did you ever become upset about a memorandum  
12 my client sent to you outlining the university's  
13 responsibilities under the Clery Act?

14 A Not that I recall.

15 Q What was my client's job? What was she  
16 supposed to be doing?

17 A She was hired as Dean of Students.

18 Q Well, what was she supposed to be doing?

19 A At different times in her role in that, she  
20 had various areas that reported to her. She supervised  
21 those areas.

22 Q Well, was she supposed to, as the Dean of  
23 Students, be responsible for making sure that the  
24 university complied with federal laws as it relates to  
25 students?



1           A     I would not consider that a part of her direct  
2 responsibility.

3           Q     Well, whose job was it?

4           A     I would think that we all have that  
5 responsibility. That's why we have policies. But I'd  
6 have to go back and review her job description.

7           Q     Who wrote the policy for the university as it  
8 relates to compliance with the Clery Act?

9           A     I don't know.

10          Q     Tell me when you first became aware -- And I  
11 guess let me back up and ask a better question on the  
12 religious aspect of this. You were installed as  
13 president of the university; is that correct?

14          A     There was an investiture service.

15          Q     And that was a church service, a religious  
16 service; is that correct?

17          A     No, I wouldn't characterize it as that.

18          Q     Was there a religious service in connection  
19 with your ascension to the presidency of the university?

20          A     There was one component in a series of three  
21 or four days of activities that -- I forget the exact  
22 title of it, but there was something, prayer ecumenical  
23 session.

24          Q     You attended them?

25          A     Yes, I did.

1           Q     Do you recall there being some issue about  
2 providing a nondenominational or a Jewish prayer for  
3 your service?

4           A     Don't recall that. Never brought to my  
5 attention.

6           Q     Do you recall there being an issue with  
7 respect to having Jewish prayers as a, I guess, an  
8 alternative to or in addition to prayers being offered  
9 by other religions?

10          A     In reference to when?

11          Q     Any events.

12          A     Please ask your question again.

13          Q     Are you aware of there being an issue that  
14 Jewish people felt excluded from the prayers and they  
15 submitted Jewish prayers?

16          A     Are you referring to the investiture service  
17 or the university events in general?

18          Q     Any university event.

19          A     I was very aware, based on different  
20 conversations that had been raised, about some of the  
21 prayers at events being too Christian. The university  
22 has since changed those issues.

23          Q     When did you first become aware that there was  
24 this concern about the university being too Christian?

25          A     I don't know how to give -- I don't recall a

1 specific date.

2 Q And was that as a result of Dr. Landesberg's  
3 discussion?

4 A I would think that some of that is based on  
5 issues that she brought forth. I think she made some  
6 points about that and we changed.

7 Q When did you change?

8 A I don't remember a date or a time.

9 Q Was this an ongoing issue with Dr. Landesberg?

10 A I think you'd have to ask Dr. Landesberg that.  
11 I don't know that I could speak to that issue.

12 Q Okay. Well, the too Christian business that  
13 you just mentioned, was that something you became aware  
14 of Dr. Landesberg expressing in 2002?

15 A As I told you, I don't recall when I first  
16 became aware of that or heard that.

17 Q And was it your understanding of what you  
18 heard that she was offended by the fact that the  
19 university was appearing too Christian?

20 A That's the gist of what I remember some  
21 conversations being about.

22 Q Conversations with whom?

23 A I'm assuming with people that she reported to.

24 Q Well, okay. Outside of assuming, who do you  
25 recall having discussions with about my client's

1 complaints that the university was too Christian?

2 MR. DECUIR:

3 Jill, if I could borrow one of  
4 your objections. You know the phrase  
5 Christian implies that Jewish people  
6 don't believe Christ existed.

7 MS. CRAFT:

8 No, no. I was concerned about the  
9 phrase non-Christian.

10 MR. DECUIR:

11 Okay.

12 MS. CRAFT:

13 And I'm keying off of his phrase.

14 MR. DECUIR:

15 Okay.

16 BY MS. CRAFT:

17 A Would you mind asking your question again?

18 Q I'd be happy to.

19 A Sure.

20 Q You talked about you had some discussions with  
21 some people about my client's complaints that the  
22 university, in your words, was too Christian. And I'm  
23 trying to get you to identify for me, and you said they  
24 were people she reported to. Who were those discussions  
25 with?

1           A     Well, she reported to Dr. Causey. It could  
2 have been Dr. Causey, Dr. Clausen.

3           Q     Or Dr. O'Hara; am I correct?

4           A     Could have been.

5           Q     And do you recall having some of those  
6 discussions in 2002?

7           A     I don't recall.

8           Q     Do you recall being offended by my client  
9 submitting a Jewish prayer for your religious service in  
10 connection with your investiture?

11          A     I have no knowledge of that.

12          Q     Was there a Jewish prayer said at your  
13 investiture?

14          A     Not that I recall.

15          Q     Was that day of prayer in honor of your  
16 investiture also held on Yom Kippur?

17          A     I don't know.

18          Q     Was my client part of the team planning your  
19 investiture?

20          A     I don't recall. She could have been on the  
21 planning committee, but I can't specifically recall  
22 that.

23          Q     Do you recall my client sending out e-mails to  
24 the university relative to Jewish students attending  
25 class on Rosh Hashanah and Yom Kippur?

1 A I don't recall that.

2 Q Did you, as president of the university, take  
3 any steps to ensure that Jewish students could observe  
4 their two high holidays and not attend class?

5 A No, I did not.

6 Q Anybody make you aware of that?

7 A Not that I recall.

8 Q Did you allow that to happen on campus, that  
9 Jewish students wouldn't have to go to class on Rosh  
10 Hashanah and Yom Kippur?

11 A I never was asked that question.

12 Q Who is Kay McIntyre?

13 A She is a member of our Student Affairs staff.  
14 I think her title is Director of -- Wait, I'm sorry. I  
15 think I'm confusing the face. Ask me again.

16 Q Kay McIntyre?

17 A I think Kay McIntyre -- The reason I was  
18 confused is Kay McIntyre, I think, served as our  
19 librarian. She had a -- she was married right before  
20 she left. I think that's who that is. I think she was  
21 Kay Adams prior to that, if we're talking about the same  
22 person.

23 Q Who's Dr. Al Doucet?

24 A He was the Associate Dean of Arts and  
25 Sciences.

1 Q Who did he report to?

2 A The Dean of Arts and Sciences.

3 Q And who did that person report to?

4 A The provost and vice president for Academic  
5 Affairs.

6 Q And who was that on August 29, 2002?

7 A It would have been Dr. John Crane.

8 Q And Dr. John Crane reported to the provost?  
9 Well, he was provost.

10 A Dr. John Crane was the provost. He reported  
11 to the president.

12 Q Was Dr. Doucet also the Chair of the Diversity  
13 Committee at the university?

14 A He has served as Chair of the Diversity  
15 Committee, yes.

16 Q Are you aware of an e-mail that my client sent  
17 out on Wednesday, August 28, 2002, regarding Jewish  
18 students attending class during Rosh Hashanah and Yom  
19 Kippur?

20 A I don't recall that.

21 Q The Dean's Council is what at the university?

22 A The Dean's Council is made up of academic  
23 deans, the Dean of Graduate School, the Dean of  
24 Continuing Education, Assistant Vice President for  
25 Assessment, I believe. A number of people that meets on

1 a regular basis with the provost and Vice President for  
2 Academic Affairs.

3 Q And do they pass on information to you? Is  
4 that kind of their purpose?

5 A Well, their purpose is to discuss issues, et  
6 cetera, and probably work with -- advise the provost and  
7 vice-versa. He communicates with them. I don't meet  
8 with the Dean's Council.

9 Q Do you recall their being an issue with  
10 respect to Jewish employees at the university not being  
11 allowed to be off on Yom Kippur?

12 A I don't recall that.

13 Q Did it appear to you, at the university, that  
14 as it related to issues of Judaism and respecting the  
15 Jewish faith, that my client was the leader, so to  
16 speak?

17 If there were issues regarding how Jewish  
18 employees were treated or Jewish students were treated,  
19 they came through Dr. Landesberg; is that right?

20 A I wouldn't characterize that role as correct,  
21 no.

22 Q Well, you said you heard through the grapevine  
23 there were problems, and then you mentioned Dr.  
24 Landesberg.

25 What other Jewish employees at the university did



1 you hear had complaints or problems relating to their  
2 treatment as Jews other than Dr. Landesberg?

3 A I don't recall hearing any.

4 Q So, as far as you knew, it was just her,  
5 right?

6 A That could be a correct assumption, I guess.

7 Q How many employees at the university were  
8 Jewish at the time my client worked there?

9 A I don't know.

10 Q How many students at the university were  
11 Jewish?

12 A I don't know.

13 Q You heard Dr. O'Hara testify about the  
14 homecoming court?

15 A Yes.

16 Q Being too dark?

17 A I think that was the term that was used.

18 Q He said that was a term he used; am I right?

19 A If I remember his testimony, yes.

20 Q How did you feel about that?

21 A I think it was in the context as he discussed,  
22 the context of what we do to develop leaders, to get  
23 people involved in leadership roles. That's what we  
24 were trying to do.

25 Q Were you offended by the fact that Dr. O'Hara

1 talked about the homecoming court being too dark and  
2 said there were too many blacks on the homecoming court?

3 A I think as Dr. O'Hara pointed out, we were  
4 also concerned about diversity in other places, such as  
5 cheerleaders, et cetera. So I don't think he meant it  
6 in a context of an offensive way. So I didn't take it  
7 in an offensive way.

8 Q So you weren't offended by that.

9 A It was a statement. He was probably dealing  
10 with what he perceived to be a statement of fact. I  
11 didn't take it in terms of a judgment one way or the  
12 other

13 Q Did you agree, in 2001 and 2002, that the  
14 homecoming court at the university was too dark?

15 A If I remember, we had, I think, a majority of  
16 the members of that court that were probably African-  
17 American.

18 Q Well, did that bother you?

19 A Not that I remember.

20 Q Did you ever express to Dr. O'Hara or anyone  
21 that something needed to be done to have the homecoming  
22 court have more white people on it?

23 A Not that I remember. We talked about getting  
24 some criteria in place to develop members of the court  
25 from a leadership standpoint to get involved in the

1 campus life. It really wouldn't matter who would be  
2 elected to homecoming court.

3 Q Well, let's talk about the elections to the  
4 homecoming court, because here's what I understood from  
5 my client's testimony yesterday.

6 The homecoming court was elected by the student  
7 body and has been every year; is that correct?

8 A That is correct.

9 Q The whole student body, right?

10 A That's correct.

11 Q And so if the whole student body decided that  
12 they wanted four black people on the homecoming court,  
13 why would that be a problem?

14 A I don't think it would be.

15 Q And if the entire student body at that  
16 university thought it was okay to have a majority of  
17 black people on the homecoming court, why would that be  
18 an issue?

19 A I don't think it was an issue.

20 Q And, in fact, if I am correct, the homecoming  
21 court for 2001 and 2002 was predominantly black; am I  
22 right?

23 A To the best of my memory.

24 Q Adopted by the entire student body, I mean  
25 elected by the entire student body.

1 A All who voted, yes.

2 Q What do you mean, all who voted?

3 A Well, everybody may not vote. Elections are  
4 held, as in any campus election, and you won't have all  
5 students vote. So by everybody that voted, yes, that's  
6 who got elected.

7 Q Kind of, in other words, everybody that cared,  
8 because they went out and casted a vote.

9 MR. DECUIR:

10 Objection, as to form.

11 MS. CRAFT:

12 Subject to the objection.

13 BY MS. CRAFT:

14 A Ask that question again.

15 Q I am correct that when you had this majority  
16 black homecoming court in 2001 and 2002, that was voted  
17 on by the entire student body. And if they decided to  
18 vote, yah.

19 A It was open to the entire student body. Who  
20 voted, I don't know.

21 Q The voting was open to the entire student  
22 body.

23 MR. DECUIR:

24 Objection. He's answered that  
25 question.

1 MS. CRAFT:

2 Well, I'm just trying to make sure it's  
3 clear.

4 MR. DECUIR:

5 He's answered that question.

6 MS. CRAFT:

7 That's fine.

8 BY MS. CRAFT:

9 Q The voting was open to the entire student  
10 body.

11 A That is correct.

12 Q So did you have discussions with Dr. O'Hara,  
13 as you've described, getting more of a leadership, I  
14 guess people in leadership roles on the homecoming  
15 court? Did you have those discussions with him about  
16 how to do that?

17 A We talked about leadership in a lot of ways,  
18 not just homecoming. We had had discussions about  
19 criteria for SGA, raising the GPA.

20 He had talked about some of his thoughts and  
21 others about what we needed to do to get our Greek  
22 organizations somewhat revitalized in terms of  
23 leadership and raising the GPA's.

24 So I'm sure we had that conversation. And I  
25 talked about different universities had different

1 processes and we should look at some of those.

2 Q You keep talking about leadership, and Dr.  
3 O'Hara did, too, on this homecoming court, and I hate to  
4 keep going back to the homecoming court thing.

5 But correct me if I'm wrong, nominations for the  
6 homecoming court came from valid recognized student  
7 organizations at that university.

8 A Uh-huh (affirmative response).

9 Q Right?

10 A Right.

11 Q Yes?

12 A Right.

13 Q And the people that were nominated to be on  
14 the homecoming court were nominated as a result of a  
15 student organization.

16 A I think that's correct.

17 Q So how is it that these people who made it,  
18 whether they were black, white, or purple, were not in  
19 leadership roles at that university?

20 A I don't know whether the criteria calls for  
21 them to be a member of that organization that nominated  
22 them.

23 Q So what did y'all do to change the process?

24 A We didn't.

25 Q What did the SGA do to change the process?

1           A     They didn't take any action, if I remember  
2 correctly.

3           Q     Really? They didn't issue some sponsored  
4 memorandum in October of 2002, after my client was  
5 advised her position was eliminated?

6                   MR. DECUIR:

7                   Objection, as to form.

8                   MS. CRAFT:

9                   Subject to the objection.

10          BY MS. CRAFT:

11           A     Rephrase the question or re-ask it.

12           Q     There wasn't a memo issued by the Student  
13 Government Association to the student body as it relates  
14 to the election of the homecoming court in the fall of  
15 2002?

16           A     Not that I'm aware of. It could have been.  
17 I'm not --

18           Q     Did you know whether or not my client objected  
19 to Dr. O'Hara endeavoring to inject himself in the  
20 process of the homecoming court because, according to  
21 him, it was too dark?

22           A     I don't recall being aware of that.

23           Q     Are you aware that it is against the law in  
24 this country, under federal law, to retaliate against  
25 somebody because they protest a practice they believe to

1 be racially discriminatory?

2 A Yes.

3 Q Do you know it is against the law in this  
4 country to retaliate against somebody because they  
5 report sexual harassment?

6 A Yes.

7 Q Do you know it is against the law in this  
8 country to retaliate against someone because they report  
9 racial harassment or discrimination?

10 A Yes.

11 Q Do you know it is against the law in this  
12 country to retaliate against somebody because they  
13 report violations of Title IX?

14 A Yes.

15 Q Do you know it is against the law in this  
16 country to retaliate against somebody because they  
17 report violations of federal law?

18 A I would assume, yes. All of those things you  
19 just mentioned are federal laws.

20 Q And did you know that in October of 2002?

21 A Yes, I think so.

22 Q Okay. Were you aware of my client reporting  
23 sexual harassment in the workplace at the university?

24 A Not that I recall.

25 Q How did you feel about my client voicing



1 objections relating to the prayers that were being said  
2 at the university or, being in your words, too  
3 Christian?

4 A I thought she raised valid points, good  
5 points. And my understanding is, is some of those came  
6 from her, and that's why we changed our process. We  
7 don't have those type of prayers.

8 Q When did you change the process?

9 A Oh, I would think -- I don't remember  
10 specific dates, but I think they go back to, you know,  
11 '99, 2000.

12 Q And you were not the president at that time.

13 A No, I was not.

14 Q Mr. Pregeant, he reported to you?

15 A He reports dually, I think, to the president  
16 and to the provost, the way the organizational chart is  
17 aligned.

18 Q When did he get his job?

19 A I don't recall specifically. I don't  
20 remember the date. He's been with us several years.

21 Q When did you become provost?

22 A In 1996.

23 Q Was Mr. Pregeant in his position when you  
24 became provost in 1996?

25 A Yes.

1 Q And what position did you hold before then?

2 A I served a year, in '95 and '96, as Vice  
3 President for Planning, Research, and Development.

4 Q Was Mr. Pregeant in his position, the EEO  
5 officer position, at that time?

6 A Yes. To my memory, he was.

7 Q Were you aware of allegations regarding  
8 sexual assault of female students at SLU?

9 A I was aware of some of those, yes.

10 Q Which ones?

11 A Well, I think I was aware of the issue that  
12 was mentioned yesterday, the one in '98, with Sig Tau.

13 Q Any others?

14 A Well, I'm sure I was aware of them. I don't  
15 specifically remember all of them, which ones, no.

16 Q Mr. Pregeant, by the way, he's the EEO-ADA,  
17 whatever we called his position. Isn't he also an  
18 advisor to a fraternity?

19 A Yes, he is.

20 Q Which house?

21 A Pardon?

22 Q Which house?

23 A Which fraternity?

24 Q Yes, sir.

25 A Delta Tau -- Delta Tau Delta.

1 Q And exactly how long has Mr. Pregeant been  
2 the advisor to the Delta Tau Delta house on the  
3 university campus?

4 A I don't know the answer to that.

5 Q As long as you can remember?

6 A I think that's correct.

7 Q The incident you referred to in 1998, the  
8 sexual assault, that actually involved the Delta Tau  
9 Delta house; is that correct?

10 A May I ask you to please clarify your terms?  
11 Are you saying the Delta Tau Delta house, meaning the  
12 Delta Tau Delta fraternity?

13 Q Or its members.

14 A Or its members.

15 Q Yes.

16 A Not a physical structure.

17 Q Well, is there some difference in that sexual  
18 assault, actually rape, that occurred in '98?

19 MR. DECUIR:

20 Objection, as to form.

21 MS. CRAFT:

22 Subject to the objection.

23 BY MS. CRAFT:

24 A Please ask your question again.

25 Q Well, was there some distinction in your mind

1 as to where the sexual assault/rape occurred as it  
2 relates to Delta Tau Delta in 1998?

3 A I don't remember the details of that.

4 Q Does it make a difference that it occurs in  
5 the actual fraternity house as opposed to some annex it  
6 has?

7 A I don't -- I don't know the answer to that.

8 Q What involvement did Mr. Pregeant have in any  
9 investigation or disciplinary sanctions relating to the  
10 Delta Tau Delta fraternity house?

11 A I don't remember specifically what  
12 involvement he had.

13 Q You were present during Dr. O'Hara's  
14 deposition, were you not?

15 A Yes.

16 Q When he said that, you know, he had some  
17 issues and he went and talked to Mr. Pregeant about it  
18 to get some advise.

19 A Yes.

20 Q Well, if it involved Delta Tau Delta, do you  
21 think Mr. Pregeant should have been giving advise?

22 MR. DECUIR:

23 Objection, as to form.

24 MS. CRAFT:

25 Subject to the objection.

1 BY MS. CRAFT:

2 A You have to ask your question again. I'm not  
3 sure I follow you.

4 Q Let's talk about the Courtney Garza incident,  
5 the girl that committed suicide.

6 A Okay.

7 Q There's an allegation that she was sexually  
8 assaulted by Delta Tau Delta people; am I correct?

9 A That is an allegation, yes.

10 Q And Mr. Pregeant is still and was at the time  
11 this girl committed suicide the advisor to Delta Tau  
12 Delta; am I correct?

13 A That's correct.

14 Q That he was actually involved in the Courtney  
15 Garza situation, wasn't he?

16 A What do you mean by involved?

17 Q Well, did he have any role with respect to  
18 the investigation, anything relating to this incident?

19 A Not that I remember.

20 Q Was he involved in any meetings?

21 A He may have been involved in an initial  
22 meeting on that Sunday afternoon when we became aware  
23 of the death. But not after that, to the best of my  
24 memory.

25 Q You're aware, are you not, that there are

1 some allegations that Dr. O'Hara was made aware of the  
2 rape allegation, as it relates to Ms. Garza, in March  
3 of 2001, before the girl committed suicide.

4 A I've heard that discussion in the deposition,  
5 yes.

6 Q As a university president, would you expect  
7 your Vice President of Student Affairs, if he has heard  
8 something has occurred, to at least try to find out  
9 what's going on?

10 A Well, I think he asked, as he stated in the  
11 deposition, for someone to bring information, bring the  
12 names. It would be a normal request.

13 Q What about if he had also heard from Laney  
14 Vogel about the same allegation of rape?

15 A Ask me your question again.

16 Q What if on the heels of talking to Mary Ann,  
17 who according to at least my client's testimony and  
18 perhaps that in the future of Mary Ann, they told Dr.  
19 O'Hara specifically what they had heard and what had  
20 gone on, they knew who the victim was and which  
21 fraternity was involved.

22 Less than a week later, the Panhellenic president  
23 goes and meets with Dr. O'Hara and repeats the same  
24 allegations that she's heard at a Panhellenic function  
25 relating to Delta Tau Delta and the same girl.

1                   What would you have expected your Vice President  
2 of Student Affairs to do at that juncture?

3                   MR. DECUIR:

4                   I'm going to object. You've asked  
5 a compound question that assumes a  
6 hypothetical, and I'm not sure, you know,  
7 it makes any sense.

8                   MS. CRAFT:

9                   No problem.

10 BY MS. CRAFT:

11                   Q     What would you have expected him to do? If  
12 I'm right, if he got two reports, same rape, same  
13 fraternity, the one he happens to advise, same girl?

14                   MR. DECUIR:

15                   I'm going to make the same objection.

16                   MS. CRAFT:

17                   Good. Subject to the objection.

18 BY MS. CRAFT:

19                   Q     What would you have expected him to do in  
20 March, before this girl committed suicide?

21                   MR. DECUIR:

22                   Same objection.

23 BY MS. CRAFT:

24                   A     I'm not trying to be obstinate. He didn't  
25 advise that fraternity. Are you talking about Dr.

1 O'Hara?

2 Q I'm talking about Pregeant. Sorry, you're  
3 right. Take that out.

4 A Okay. I'm going to ask you to start over and  
5 rephrase that because you have me confused on which  
6 person. I apologize.

7 Q Let's assume for the sake of argument we're  
8 at trial and Mary Ann testifies she went to Dr. O'Hara  
9 and told Dr. O'Hara that Delta Tau Delta had raped this  
10 girl, identified the girl, told him the specifics of  
11 the situation, less than seven days later, let's assume  
12 Ms. Vogel testifies on the witness stand that she also  
13 told Dr. O'Hara that this girl had been raped by Delta  
14 Tau Delta. Let's assume those two things happen.

15 What, as the president of the university, would  
16 you have expected Dr. O'Hara to have done?

17 MR. DECUIR:

18 I'm going to make the same objection,  
19 as to the form of the question.

20 MS. CRAFT:

21 Fine.

22 BY MS. CRAFT:

23 A I would have assumed we would have  
24 investigated that matter.

25 Q And you are aware, were you not, in March of



1 2001, my client was out on maternity leave; is that  
2 correct?

3 A That's correct.

4 Q And ordinarily the obligation to investigate  
5 sexual assaults on campus would have been my client's;  
6 am I correct?

7 A I don't know that that was her sole -- she  
8 had sole responsibility for that, no.

9 Q But in her absence or when she was there, she  
10 was the person who at least should make sure this is  
11 done; is that correct? It's her job.

12 A I don't know that I would agree that that's  
13 her sole responsibility.

14 Q I'm not saying it's her sole responsibility.  
15 And as far as the chain is concerned, she's right under  
16 Dr. O'Hara.

17 A I would assume Mr. McHodgkins and Mr. Love,  
18 who are usually involved in investigating those things,  
19 would be the ones gathering information on those  
20 matters.

21 Q And as the chain goes, they report to Dr.  
22 Landesberg, and who reports then to Dr. O'Hara.

23 A If that was the structure at that time,  
24 that's correct.

25 Q Were you present during meetings following

1 Ms. Garza's suicide?

2 A I was.

3 Q And were you present during a meeting on  
4 Sunday, April 8, 2001, at 1:00 in the afternoon, where  
5 you learned that Dr. O'Hara and Gene Pregeant knew  
6 about the rape allegation?

7 A I was present at a meeting that afternoon.

8 Q Do you recall --

9 A I'm not sure that I would agree to the second  
10 part of your statement.

11 Q Do you recall asking Dr. O'Hara and Mr.  
12 Pregeant why there was no investigation?

13 A I don't recall asking that question or not  
14 asking that question.

15 Q Do you recall asking Mr. Pregeant why there  
16 was no investigation?

17 A As I just stated, I don't recall asking, but  
18 I don't recall not asking.

19 Q Do you recall my client telling you on  
20 Sunday, April 4, 2001, that as a matter of federal law  
21 investigations must follow after the university becomes  
22 aware of a sexual assault?

23 A I don't recall that.

24 Q Was Dr. Clausen also present during this  
25 meeting?

1           A     She was there for parts of the meeting.  
2     Whether she was there the entire meeting, I don't  
3     really remember.

4           Q     Do you recall my client during this meeting  
5     saying that there had been a previous allegation  
6     regarding a sexual assault against Delta Tau Delta?

7           A     I don't recall that.

8           Q     Do you recall Dr. Clausen asking my client  
9     when?

10          A     I don't recall those specific questions.

11          Q     That's fine. And do you recall Mr. Pregeant,  
12     in a very angry tone, turning to my client and saying,  
13     you should know, Jill?

14          A     I don't remember that.

15          Q     What investigation, if any, has the  
16     university at this point done relative to the  
17     allegation of rape of Courtney Garza?

18          A     We've completed an investigation, gathering  
19     up information over the course of the spring semester.  
20     I think we -- and I don't remember if we did this in  
21     that afternoon, but I think we did, based on some  
22     points that were raised, that you talked about earlier,  
23     about parties involved, we separated out Mr. Pregeant  
24     from any discussions and Ms. Callais.

25          Q     Why was she separated?

1                   A     Because there was this implication that she  
2 may or may not have known something. So we separated  
3 that out and moved forward, investigated over the next  
4 few months.

5                   The people involved were Mr. Marek, the Chief of  
6 Police, I'm sure two members of his staff. Captain  
7 Todd was usually involved, Dr. Landesberg was involved,  
8 Mr. McHodgkins, probably Mr. Love.

9                   Q     How far did the investigation proceed? How  
10 far did it proceed?

11                   A     Do you mind defining for me what proceeds  
12 means?

13                   Q     How far did y'all get? We learned about the  
14 videotapes, erased videotapes.

15                                 MR. DECUIR:

16   Objection.

17                                 MS. CRAFT:

18   Subject to the objection.

19 BY MS. CRAFT:

20                   Q     How far did this investigation go?

21                   A     We brought it to conclusions, with some  
22 recommendations for actions.

23                   Q     What was the conclusion of the investigation?

24                   A     There was some actions, disciplinary and  
25 other, taken against the fraternity. They're all in

documents at the university. I don't specifically  
2 remember every single item.

3 Q What did the investigation find?

4 A Define that for me a little bit.

5 Q Did this thing actually go to a hearing?

6 A No, it did not.

7 Q Were they charged with sexual assault, the  
8 fraternity?

9 A You'd have to go back and look at the  
10 documents. I don't think so, but I'd refer you back to  
11 the final charges that were brought against them.

12 Q Well, did the matter resolve, as it relates  
13 to Delta Tau Delta, at a pre-hearing conference?

14 A That's my recollection, yes.

15 Q And Kappa Alpha, there were some issues with  
16 them as well; is that correct?

17 A In relation to this matter or at other times?

18 Q Another sexual assault, September of 2002.

19 A I think so.

20 Q And you heard the testimony about Senator  
21 Hainkel?

22 A Uh-huh (affirmative response).

23 Q Did you talk to Senator Hainkel?

24 A About what?

25 Q Kappa Alpha.

A Not that I recall.

2 Q Did he ever talk to you about the  
3 fraternities on campus?

4 A Senator Hainkel had multiple conversations on  
5 multiple occasions about multiple topics. I can't sit  
6 here and say we did or didn't. I specifically --

7 If you ask me what you want. Are you asking a  
8 specific question or did we ever have a discussion?

9 I'm not trying to be evasive.

10 Q Here's why I'm asking

11 A Okay.

12 Q -- during Dr. O'Hara's deposition, he told me  
13 that he was aware that this fraternity believed they  
14 got some sort of, in his word, immunity because of  
15 their affiliation with Senator Hainkel.

16 And I'm just wondering, I guess, as it relates to  
17 any discussions you had with Senator Hainkel, whether  
18 that came up.

19 A Never.

20 Q Did Dr. O'Hara share that with you, this  
21 whole fraternity thinks they're immune from anything  
22 because they know Senator Hainkel?

23 A He could have. I don't specifically recall,  
24 but he could have.

25 Q Senator Hainkel sat on what committees in the

legislature, if you know?

2 A In different times or at a specific time?

3 Q Let's talk about while you are president.

4 MR. DECUIR:

5 You're going to have to be more  
6 specific. He's president now.

7 MS. CRAFT:

8 Okay.

9 MR. DECUIR:

10 Senator Hainkel is not sitting  
11 anywhere.

12 MS. CRAFT:

13 I understand.

14 BY MS. CRAFT:

15 A I don't know all the committees that he was  
16 on.

17 Q Was he ever on Appropriations, as it relates  
18 to the university?

19 A He served on the Senate Appropriations  
20 Committee.

21 Q Which oversaw your budget, right?

22 A Indirectly.

23 Q When did he serve on the Senate  
24 Appropriations Committee which indirectly oversaw the  
25 budget for your university?

1 A I don't remember those dates.

2 Q How about 2002?

3 A I would think so. I'd have to go back and  
4 look at the membership of committees. But I would  
5 think so.

6 Q Dr. O'Hara, in his deposition, described the  
7 handling of the Kappa Alpha and Sig Tau situations,  
8 which were apparently right at around the same time,  
9 this being a unique solution proposed for these  
10 fraternities. Did you have any involvement in that?

11 A I remember Dr. O'Hara coming and talking  
12 about wanting to look at some ways to deal with  
13 fraternities because some of the processes that we  
14 seemed to have in place didn't seem to be working in  
15 terms of resolution of disciplinary actions, et cetera.

16  
17 Dr. O'Hara is a very pro-student-type person, very  
18 oriented to supporting students, wanting to grow  
19 students. I think that's probably one of the issues  
20 that is an asset for him. So, yes, we discussed that.

21 Q The KA allegations that we were talking about  
22 in September of 2002, you understood that that involved  
23 two women who believed they had been drugged, one of  
24 whom was fondled? A sexual assault; am I correct?

25 A I don't remember the specifics, but vaguely



1 that may be true. I mean, I didn't see a report or  
2 anything of that nature.

3 Q Over the course of the university history,  
4 isn't it true that fraternities were typically  
5 suspended when a sexual assault occurred on their  
6 premises?

7 A I don't think I could answer that question.  
8 I'm not familiar with every issue or incident over the  
9 university's history.

10 Q Was there some concern or thought given to  
11 establishing a pattern of behavior? In other words, if  
12 we have this sanction, we're going to do this? For  
13 consistency.

14 A I don't know that I'm aware of that. I'm not  
15 participating in any discussions to that effect.

16 Q Why in the instance of KA, and just so I'm  
17 clear, if KA and Sig Tau, as I understand it, also got  
18 one of these pre-hearing conference agreements, did you  
19 understand that too?

20 A I think that's correct.

21 Q Sure. Why in the instance of Kappa Alpha,  
22 when the allegation was -- and there are two  
23 allegations actually, the first being that these two  
24 women were fed some sort of something and were fondled,  
25 sexually fondled, and there was a second incident of

1 somebody getting drunk in a truck right on the heels of  
2 that, why was the sanctioning posed so minor?

3 A You'd have to ask the parties that imposed  
4 the sanctions. I wasn't involved in the decision of  
5 the sanctions.

6 There are many things that occur on a daily basis  
7 that people in their roles and responsibilities  
8 administer and deal with.

9 Q Why in the instance of the kid -- and I don't  
10 remember which fraternity it was -- that fell over the  
11 banister, why was that fraternity suspended from  
12 campus, and one where they have two instances within 48  
13 hours of each other, one which involves some drugging  
14 and a sexual assault, they basically don't get  
15 anything?

16 A First of all, I don't remember what sanctions  
17 were and were not leveled against KA. So your question  
18 is, they didn't get anything, I'm not saying that I  
19 agree or differ with that because I don't know what  
20 sanctions.

21 I didn't participate in the other final decisions  
22 or discussions. I was in some of those. But that's  
23 based on the information brought forward and the best  
24 judgment based on what you have available to you to  
25 make a decision.

1 Q My client testified that she tried to go  
2 forward with the disciplinary process as it related to  
3 the sexual assaults of women on the campus, as you  
4 know, from her deposition.

5 A Right.

6 Q And that she was told not to investigate  
7 those by Dr. O'Hara, and she further testified that Dr.  
8 O'Hara told her that you, Dr. Moffett, had told him to  
9 tell her don't do it because we have football coming.

10 MR. DECUIR:

11 Objection. I didn't hear a question.

12 MS. CRAFT:

13 That's fine.

14 BY MS. CRAFT:

15 Q Did you ever say those things to Dr. O'Hara?

16 A Well, rephrase your question.

17 Q Did you ever tell Dr. O'Hara to instruct Dr.  
18 Landesberg to stop investigations, to not talk about  
19 sexual assault issues, to not issue timely notices on  
20 the campus because you all have football?

21 MR. DECUIR:

22 Objection. That's a compound  
23 question. Why don't you break it  
24 down.

25 MS. CRAFT:

1 Subject to it.

2 BY MS. CRAFT:

3 A No.

4 Q Did you ever tell Dr. O'Hara to tell Dr.  
5 Landesberg to do or stop doing anything because you had  
6 football coming?

7 A No.

8 Q Was that a big concern? If you had  
9 fraternities who were suspended from campus, was it a  
10 big concern that your football would be affected when  
11 it came out in 2003? When you started anyway.

12 A We never discussed it as a concern. We  
13 discussed the issue of bringing back football and  
14 trying to be successful. But I don't think we ever  
15 discussed that this action would create this action or  
16 this is a concern, if I'm answering your question.

17 Q Did you ever have a discussion about you need  
18 the Greek system or you need the fraternities to be on  
19 campus so football will be successful?

20 A We had discussions about all organizations,  
21 including Greeks, and that the return of football would  
22 help reunite us with certain alumni, friends of the  
23 university. We thought it would help us with the Greek  
24 life.

25 But we never had a discussion that says you can't

1 do this or you can't follow up on an action or whatnot  
2 because it would impact football.

3 Q Is the lawsuit by Ms. Garza's family still  
4 pending?

5 A To my knowledge, it is.

6 Q Now, with respect to my client, did Dr.  
7 O'Hara ever tell you that my client had been adamant  
8 about the university's reporting requirements under the  
9 Clery Act?

10 A Not that I recall.

11 Q Did he ever come to you and say, Dr.  
12 Landesberg is pushing our reporting requirements under  
13 the Clery Act?

14 A I don't recall that.

15 Q Did he ever tell you anything about Dr.  
16 Landesberg insisting that y'all comply with federal law  
17 and that you take certain actions or don't take certain  
18 actions?

19 A Not that I specifically recall.

20 Q How about generally?

21 A Generally, in what sense?

22 Q Do you ever recall Dr. O'Hara sharing with  
23 you information, like Dr. Landesberg is really pushing  
24 certain issues? Anything like that?

25 A Not -- No, I don't recall that.

1 Q Who at the university is ultimately charged  
2 with the responsibility, ultimately charged with the  
3 responsibility that the university comply with federal  
4 law?

5 A I would assume the president.

6 Q Which would be you; is that correct?

7 A That's correct.

8 Q Do you recall a meeting on April 19, 2002,  
9 regarding Delta Tau Delta, where my client gave you the  
10 Delta Tau Delta disciplinary history since 1991 and she  
11 was recommending that DTD be suspended?

12 A Please rephrase that and give me the dates.  
13 I'm sorry.

14 Q April 19, 2002, a meeting with you, Dr.  
15 O'Hara, Milas, Paul, and my client during which she  
16 gave interview things, she gave out questions, she gave  
17 you the DTD disciplinary history since 1991, and  
18 recommended that this fraternity be suspended.

19 A I don't recall that.

20 Q And you told her during this meeting, correct  
21 me if I'm wrong, or have you ever told my client during  
22 any meeting that she should not suspend the DTD  
23 fraternity?

24 A I don't recall that.

25 (Mr. Sanders exits.)

1 (Mr. O'Hara exits.)

2 Q Let me go back to this one. Did you during a  
3 Student Government Association meeting ask the SGA how  
4 the homecoming process change was coming along?

5 A Ask that question again.

6 Q Did you during a Student Government -- I got  
7 Student Government Senate meeting -- ask the Student  
8 Government Senate how the homecoming change process was  
9 coming along?

10 A What's the date of your question?

11 Q Originally, September of 2001.

12 A I don't recall doing that.

13 Q Did you ever ask my client how the homecoming  
14 process change was coming along?

15 A I don't recall that.

16 Q As provost, what involvement did you have in  
17 the disciplinary process as it related to fraternities?

18 A I didn't have any.

19 Q My client was asked a question yesterday as  
20 to whether or not she had some bias against the Greek  
21 system.

22 Were you ever aware of my client having any bias  
23 against the Greek system?

24 A Not that I'm aware of.

25 Q Anybody ever talk to you about that or make

1 any comments about it, or anything like that,  
2 grapevine?

3 A Not that I'm aware of.

4 Q Did you ever in a discussion you had with Dr.  
5 O'Hara about the Garza suicide and incident, did you  
6 ever turn, look out the window and say, I don't know if  
7 this is a good time to be suspending fraternities with  
8 football coming back?

9 (Mr. Sanders reenters.)

10 A Not that I recall.

11 Q Have you ever uttered those words?

12 A Not to the best of my knowledge.

13 Q Are you aware of a rape that occurred by the  
14 library?

15 MR. DECUIR:

16 Objection, as to form.

17 MS. CRAFT:

18 Subject to it.

19 (Mr. O'Hara reenters.)

20 BY MS. CRAFT:

21 A I think I remember something about that. I  
22 don't remember the dates, times, or specifics. I'm not  
23 trying to avoid your question. I'm just --

24 Q How about words to that effect or any  
25 incident at all like that?



1           A     I just said I think I remember a situation, I  
2 think. But there are lots of things that come across  
3 my desk and to my attention in the course of a day, and  
4 I don't know that I can remember every single one, so.

5           Q     Well, how many of them involve a rape?

6           A     That wasn't my point. I said lots of  
7 information comes across. You asked me if I knew that  
8 in relation to the library. I said I may have a faint  
9 recollection, but I don't remember any details.

10          Q     But, again, you said because a lot of stuff  
11 comes across your desk. How many times does anything  
12 relating to rape come across your desk as it relates to  
13 that campus?

14          A     I don't know that I could answer that  
15 question. I don't keep a tally.

16          Q     Are you aware that the university is supposed  
17 to keep a tally?

18          A     We do. We do keep those records. We publish  
19 them in the Lions Roar, we publish them on the web, and  
20 we file the annual reports, yes.

21          Q     Since when have you started publishing them?

22          A     To my knowledge, we've published them for  
23 many years. I don't know that I could tell you the  
24 exact year. But I could say more than -- I'm not going  
25 to be held to a date. I'd say more than seven or eight

1 years, nine years. I don't know a specific date.

2 Q Did you become aware of the potential of the  
3 Department of Education investigation as it relates to  
4 the Garza incident?

5 A I think Dr. O'Hara mentioned something to me  
6 about that.

7 Q What did he tell you?

8 A Much what you just said, that he had been  
9 informed, I think, by Dr. Landesberg that there might  
10 be an investigation. That's all I knew.

11 Q Well, what was your response to that?

12 A I think my response was I would suggest that  
13 he call our counsel, make them aware of that, seek  
14 their advise, and then go to the next step, which we do  
15 in many legal matters.

16 Q And do you recall what the outcome of that  
17 was?

18 A I think he made contact with Mr. DeCuir, and  
19 Mr. DeCuir advised him to wait and see what occurred in  
20 legal actions and if an inquiry occurred.

21 Q But you understood that the Department of  
22 Education investigation was supposed to be about the  
23 Garza incident; is that correct?

24 A I think that's probably correct, yes.

25 Q And so did you tell Dr. O'Hara to relay the

1 attorney's advice to Dr. Landesberg?

2 A I don't recall.

3 Q And precisely, so I understand, was it your  
4 understanding the direction was do nothing about  
5 investigating the Garza deal until the Department Ed  
6 comes here or the civil actions are resolved?

7 A If I remember the timing, we had already  
8 completed our on-campus review and investigation on the  
9 Garza case. I think this occurred after that. I think  
10 I'm correct. I don't remember the exact dates.

11 MS. CRAFT:

12 I might have asked you this before,  
13 and I apologize. I don't mean to repeat.  
14 I'm trying to get you out of here and  
15 get me out of here shortly.

16 THE WITNESS:

17 And I understand.

18 MR. DECUIR:

19 And I was going to point out, I  
20 need a few minutes too.

21 MS. CRAFT:

22 Well, I've definitely got to --

23 MR. DECUIR:

24 I don't know what you're going to  
25 do. I need a few minutes, I mean,

1 maybe five.

2 MS. CRAFT:

3 We might have to recess and just  
4 finish him up in the morning. That's  
5 my only concern. I mean, I'm pretty  
6 up front. I've got to get out of here.

7 MR. DECUIR:

8 If you don't mind me finishing  
9 him for about five minutes in the morning.  
10 But I need an opportunity to put some  
11 things on the Record.

12 MS. CRAFT:

13 Okay. Why don't we do this, because I  
14 don't have too much more with him, why don't  
15 we recess. Do y'all want to start at,  
16 maybe, 8:30? And we can start him at  
17 8:30 and just be done with you.

18 MR. DECUIR:

19 The first person will be here for  
20 9:00. So if you want to finish up with  
21 him --

22 MS. CRAFT:

23 That's what I'm thinking, at 8:30.

24 MR. DECUIR:

25 Yes, I'll let Michelle know.

1 MS. CRAFT:

2 Would that be better for you? You  
3 don't mind?

4 THE WITNESS:

5 I'll do whatever you want to do.

6 MS. CRAFT:

7 Why don't we just recess until 8:30.

8 MR. DECUIR:

9 Okay. We can do that.

10 MS. CRAFT:

11 And I won't be long with him.

12 MR. DECUIR:

13 That's not a problem.

14 (Deposition concluded at 2:25 p.m.)

C E R T I F I C A T I O N

This certification is valid only for a transcript accompanied by my original signature and original raised seal on this page.

I, Lynn S. Folkins, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that MICHAEL RANDOLPH MOFFETT, after having been first duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing 61 pages;

That this testimony was reported by me in the Stenomask method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That I am not related to counsel or to the parties herein; am not otherwise interested in the outcome of this matter; and am a valid member in good standing of the Louisiana State Board of Examiners of Certified Shorthand Reporters.

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