

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 BRAD O'HARA  
TAKEN FOR AND ON BEHALF OF THE PLAINTIFF  
AT THE ATTORNEY GENERAL'S OFFICE  
BATON ROUGE, LOUISIANA  
ON TUESDAY, MAY 24, 2005  
  
BEGINNING AT 9:19 A.M.

REPORTED BY:  
  
LYNN S. FOLKINS, CERTIFIED COURT REPORTER

PILANT, a Regional Firm of Certified Court Reporters  
  
(985)809-1600

1 APPEARANCES:

2 ATTORNEY FOR PLAINTIFF

3 MS. JILL CRAFT

4 ATTORNEY AT LAW

5 8702 JEFFERSON HIGHWAY, SUITE B

6 BATON ROUGE, LOUISIANA 70809

7

8 ATTORNEYS FOR DEFENDANTS

9 MS. MICHEAL L. PENN

10 ASSISTANT ATTORNEY GENERAL

11 LOUISIANA DEPARTMENT OF JUSTICE, LITIGATION DIVISION

12 P.O. BOX 94005

13 BATON ROUGE, LOUISIANA 70804-9005

14

15 MR. WINSTON DECUIR

16 DECUIR, CLARK & ADAMS

17 1961 GOVERNMENT STREET

18 BATON ROUGE, LOUISIANA 70806

19

20 MR. T. JAY SEALE, III

21 SEALE & ROSS

22 200 NORTH CATE STREET

23 HAMMOND, LOUISIANA 70404

1 MS. KAREN GODWIN  
2 OFFICE OF ATTORNEY GENERAL, 3RD FLOOR  
3 1885 NORTH THIRD STREET  
4 BATON ROUGE, LOUISIANA 70802

5  
6 MS. KAY KIRKPATRICK  
7 UNIVERSITY OF LOUISIANA SYSTEM  
8 1201 NORTH THIRD STREET, SUITE 7-300  
9 BATON ROUGE, LOUISIANA 70802

10  
11  
12 ALSO PRESENT:

13 Michael Randy Moffett

14 Jill Landesberg-Boyle

## STIPULATION

1  
2 The deposition of BRAD O'HARA, it is stipulated by and  
3 between counsel for plaintiff and counsel for defendants, is  
4 taken at the Attorney General's Office, Baton Rouge,  
5 Louisiana, on Tuesday, May 24, 2005, beginning at 9:19 a.m.,  
6 before Lynn S. Folkins, Certified Court Reporter.

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

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

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

INDEX

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

Appearances page 2, 3  
Also Present page 3  
Stipulation page 4

EXAMINATION: pages 6 - 204

by Ms. Craft 6 - 195, 201 - 203

by Mr. DeCuir

196 - 200

EXHIBITS: NONE

ADDITIONAL INFORMATION REQUESTED: NONE

ADDITIONAL INFORMATION OFFERED: NONE

1 Brad O'Hara  
2 904 South Madison Street  
3 Covington, Louisiana 70433

4 BRAD O'HARA, after being duly sworn to tell  
5 the truth, the whole truth, and nothing but the truth,  
6 was examined and testified as follows:

7 MS. CRAFT:

8 Dr. O'Hara, as you're aware, my  
9 name is Jill Craft and I represent Dr.  
10 Boyle in connection with some litigation  
11 pending in Federal Court in New Orleans.

12 It's very important during the  
13 course of this deposition that you  
14 understand the questions I'm asking  
15 you, and if at any time you do not,  
16 tell me to stop and rephrase and I'll  
17 be happy to do that for you.

18 THE WITNESS:

19 I will.

20 MS. CRAFT:

21 It's also important, nods of the  
22 head yes or no cannot be taken down  
23 by our court reporter, so you need to  
24 make sure to give a verbal response  
25 to my questions. Is that fair enough?

1 THE WITNESS:

2 Fair enough.

3 MS. CRAFT:

4 And I believe we're reserving all  
5 objections, except as to the form of  
6 the question and responsiveness to the  
7 answer; is that correct?

8 MR. DECUIR:

9 Yes.

10 EXAMINATION BY MS. CRAFT:

11 Q Dr. O'Hara, would you give me your name and  
12 address, please.

13 A My name is Brad O'Hara. I live at 904 South  
14 Madison Street, in Covington, Louisiana, 70433.

15 Q And with whom are you currently employed?

16 A Southeastern Louisiana University.

17 Q Would you tell me when you began your  
18 employment with SLU.

19 A I started at Southeastern in August of 1990.

20 Q And what position did you begin in as at the  
21 university?

22 A I started as Assistant Professor of Marketing.  
23 Visiting.

24 Q A visiting assistant professor.

25 A Right.

1 Q And was that a tenure track position?

2 A At that time, a visiting position is not.

3 Q Okay. Walk me through the positions that  
4 you've held at SLU and give me the dates that you held  
5 those.

6 A 1991, visiting position became a tenure track  
7 position, Assistant Professor of Marketing. In 1993, I  
8 became the MBA Director, in addition to Assistant  
9 Professor of Marketing. I think it was '95 I was  
10 promoted to Associate Professor of Marketing.

11 Q Did you obtain tenure at that time?

12 A Yes.

13 Q And can you tell me who was on your tenure  
14 review committee?

15 A Oh, let's see. Dr. John King, I believe, Dr.  
16 Sandra McKay, and maybe Dr. Uday Tate.

17 Q Dr. Tate?

18 A Yes, T-a-t-e.

19 Q And the first name?

20 A Uday, U-d-a-y.

21 Q Can you tell me in connection with your  
22 attainment of tenure whether or not you had to submit  
23 any documents for review?

24 A Yes.

25 Q Tell me about that.



1 (Ms. Kirkpatrick enters.)

2 A I had to submit a copy of all articles  
3 published. I had to demonstrate excellence in teaching.  
4 So syllabi and the like were submitted with my  
5 application.

6 Q Okay. At this juncture you had been at SLU,  
7 at least in a visiting capacity, since August of 1990,  
8 and we're talking about through 1995. Did you publish  
9 any works between August of 1990 and 1995?

10 A Yes, I did.

11 Q And would you tell me generally the subject  
12 matter of those works.

13 A They were all marketing related.

14 Q And in what journals and/or publications had  
15 you published in that five-year period of time?

16 A Oh, I can't recall all of them, but one that  
17 comes to mind is the Journal of Professional -- Journal  
18 of Sales Management, I believe it was. And there are a  
19 series of others.

20 Q You were granted tenure in 1995 at SLU and  
21 became an associate professor, that was your rank; is  
22 that correct?

23 A Correct.

24 Q And walk me through the remainder, up to  
25 today, of your employment at SLU.

1           A     Then in 2000, I was appointed to Interim Vice  
2     President of Student Affairs. And in 2001, the interim  
3     became a permanent, as permanent as they are, position  
4     of Vice President of Student Affairs.

5           Q     Was that a permanent appointment or did the  
6     position itself become permanent?

7           A     It was -- it didn't become interim. The  
8     interim was dropped.

9           Q     I guess the best way to ask it, was the  
10    position of Vice President of Student Affairs in  
11    existence when you were appointed as interim?

12          A     Yes, it was.

13          Q     And who held the position prior to your  
14    appointment as interim?

15          A     Ms. Kim Hunter-Reed.

16          Q     So you replaced Ms. Reed.

17          A     Correct.

18          Q     In 2000, when you were appointed interim, who  
19    was the president of the university?

20          A     Dr. Sally Clausen.

21          Q     Would you describe for me your relationship  
22    with Dr. Clausen prior to your appointment as Interim  
23    Vice President of Student Affairs.

24          A     I had worked with Dr. Clausen in some  
25    international initiatives, which had become part of my

1 job in the College of Business. We had traveled to  
2 Germany to sign an agreement between Southeastern and a  
3 university in Boitblane to commence a brand-new program.  
4 And, you know, we had worked in that capacity.

5 Q Did you consider yourselves friends?

6 A Yes.

7 Q And had you and Dr. Clausen and your family  
8 and her family socialize together over the years?

9 A Off and on.

10 Q Was it fairly common knowledge that you and  
11 Dr. Clausen were friends with each other?

12 A Yes.

13 Q Prior to becoming a visiting Assistant  
14 Professor of Marketing at SLU in August of 1990, I guess  
15 the best way to start is, let's go back to your  
16 educational background and tell me where and when you  
17 went to college and all the way through your doctorate.

18 A My undergraduate degree is from the University  
19 of Windsor, in Windsor, Ontario Canada. I graduated in  
20 1978.

21 Q With a degree in --

22 A A bachelor of commerce.

23 Q Okay.

24 A A year later, I graduated with an MBA degree  
25 from the same institution.

1 Q Then where did you go?

2 A Then I worked in industry. I started with  
3 Proctor & Gamble Cellulose, worked in organizational  
4 development.

5 Q For Proctor & Gamble?

6 A Yes.

7 Q When did you work in organizational  
8 development for them?

9 A It was for approximately one year.

10 Q And what exactly is organizational  
11 development?

12 A We had a team approach to doing business. And  
13 my role was primarily a facilitator to ensure that teams  
14 were effective in their operation and, you know, we  
15 worked towards the goals of the organization.

16 Q So, basically, you were the facilitator among  
17 these teams that were organized throughout the  
18 corporation; is that correct?

19 A Correct, correct.

20 Q And as facilitator, what did you facilitate?

21 A We would have goal setting sessions, conflict  
22 resolution. It was part of our, I guess, human  
23 resources area. It was a service that we provided to  
24 the entire organization.

25 Q Did you have any involvement in human

1 resources by this point in time in your career?

2 A I had had a summer internship in the  
3 department. It was a human relations department. It  
4 was called Stelco Canada.

5 Q What company?

6 A Stelco.

7 Q Stelco, can you spell that for me, please.

8 A S-t-e-l-c-o.

9 Q Okay. So you did a summer internship in the  
10 human relations department.

11 A Correct.

12 Q And this was while you were getting your  
13 undergraduate degree or your master's?

14 A This was -- I'm sorry. Could you repeat that?

15 Q Was this while you were getting your  
16 undergraduate degree or your master's?

17 A This was, I believe, while I was doing my  
18 master's degree.

19 Q And what precisely did you do for that summer  
20 in the human relations department?

21 A Special projects.

22 Q Well --

23 A That's the best way to describe it.

24 Q How about you give me a description of your  
25 duties.

1 A My gosh. I really can't remember.

2 Q Did you, for example, have any involvement in  
3 any investigation of sexual harassment or gender  
4 discrimination?

5 A No.

6 Q As this was a company in Canada; is that  
7 correct?

8 A Correct.

9 Q They don't have those laws up there, do they?

10 A I don't know.

11 Q All righty. So we were talking about your  
12 work with Proctor & Gamble and you serving as a  
13 facilitator. That was in Canada as well; is that  
14 correct?

15 A Correct.

16 Q So would it be correct in my analysis that you  
17 didn't have any involvement in any sexual harassment or  
18 discrimination issues while you were with P & G?

19 A Correct.

20 Q Let's fast forward. You did organizational  
21 development for about a year. And then tell me what you  
22 did next.

23 A Then I accepted a job with a company by the  
24 name of Dome Petroleum Limited, D-o-m-e, in Calgary,  
25 Alberta. I worked with them as a recruiter.

1 Q Meaning you'd find folks to go work for them.

2 A Correct.

3 Q And again, am I correct that you would not  
4 have had any involvement in investigation or handling of  
5 any harassment or discrimination issues?

6 A Correct.

7 Q And you worked for Dome for how long?

8 A I worked for Dome until I moved to Louisiana,  
9 in 1987.

10 Q And at that time you moved to Louisiana, were  
11 you a citizen of Canada?

12 A Yes.

13 Q And you changed your citizenship sometime.  
14 When?

15 A No, I did not change my citizenship.

16 Q So sitting here today you're not an American;  
17 is that correct?

18 A Correct.

19 Q Do you work with some sort of green card?

20 A I have what's called a TN authorization.

21 Q Meaning what?

22 A Meaning that I have authorization to work in  
23 the capacity of, you know, my job at Southeastern.

24 Q Is that something that's renewed on an annual  
25 basis?

1 A Yes, it is.

2 Q And in order to get your renewal, correct me  
3 if I'm wrong, you have to get somebody at the university  
4 to sign off that he's still doing this job, he's still  
5 here?

6 A Correct.

7 Q He's hanging out.

8 A Correct.

9 Q All right. And who does that for you on an  
10 annual basis?

11 A That's done with Ms. Jessie Roberts in our  
12 human resources department.

13 Q When you came here in '87, tell me where you  
14 went to work.

15 A In 1987, I was a Ph.D. student at LSU.

16 Q So, at that time, you would have had a card to  
17 be a student in the United States.

18 A Correct. I believe it's an F1 Visa.

19 Q And you were with the College of Business at  
20 LSU?

21 A Correct.

22 Q And who was your major professor?

23 A My major professor was Dr. Bill Black.

24 Q Dr. whom?

25 A Bill Black.



1 Q And he's in marketing; am I correct?

2 A Correct.

3 Q Were you on a research track or were you on a  
4 thesis track?

5 A At the doctorate level, the two of them sort  
6 of merge. We had to do a dissertation to graduate, but  
7 that dissertation required extensive research.

8 Q Are you telling me at the LSU College of  
9 Business in their Ph.D. program they don't have two  
10 tracks to obtain a Ph.D.?

11 A Correct.

12 Q What was your dissertation on?

13 A My dissertation was on transactions,  
14 buyer/seller relationships.

15 Q And am I correct, at this point in time, we're  
16 speaking about, say, 1987, when you came to LSU, you had  
17 had no experience whatsoever regarding harassment or  
18 discrimination?

19 A Correct.

20 Q And since you went to college in Canada and  
21 got your MBA in Canada, am I also correct that you would  
22 not have had any aspect of your curriculum dealing with  
23 harassment or discrimination?

24 A Correct.

25 Q So you're at LSU, you're in the marketing

1 department, you're working on your dissertation.

2 A Uh-huh (affirmative response).

3 Q I'm assuming you had a graduate  
4 assistanceship; is that correct?

5 A That's correct.

6 Q And what classes did you teach?

7 A I taught Principles of Marketing.

8 Q Okay. And that was an undergraduate?

9 A That was an undergraduate class.

10 Q And in connection with the pursuit of your  
11 doctorate from LSU, did you have to take any classes?

12 A Yes.

13 Q Did you take any classes involving either  
14 issues of harassment or discrimination?

15 A No.

16 Q And so when were you granted your Ph.D.?

17 A 1992.

18 Q If I'm flipping back to my timetable here,  
19 that means before you were given your doctorate you were  
20 in a visiting assistant professor position?

21 A (Nodding head affirmatively.)

22 Q Is that correct?

23 A Correct.

24 Q At SLU?

25 A Correct.

1 Q In 1991, you were placed in a tenure track  
2 position but did not have your Ph.D., correct?

3 A Correct.

4 Q In 1993, after you got your Ph.D., you were  
5 then in a tenure track position.

6 A I was in a tenure track position, I believe,  
7 starting in 1992.

8 Q Sorry, you're correct. '93, you said you  
9 became the MBA Director Assistant Professor of  
10 Marketing.

11 A That's right.

12 Q Was your dissertation published?

13 A Yes.

14 Q Where?

15 A Well, all dissertations have to be published  
16 as part of graduation requirements.

17 Q So where was yours published?

18 A It was published according to the rules and  
19 guidelines of the graduate school of LSU.

20 Q Meaning that it was --

21 A It had to be bound.

22 Q But published in the sense, as I understand  
23 it, at the library at LSU. They have all of the  
24 dissertations --

25 A Right.

1 Q -- that have ever been done at LSU

2 A Correct.

3 Q -- on a bunch of shelves over there.

4 A Correct.

5 Q That's the sole extent of the publish; is that  
6 correct?

7 A Correct.

8 Q So if I wanted to go look at your  
9 dissertation, I got to go to the library.

10 A Correct.

11 Q Gotcha. By this point in time, when you  
12 obtained your Ph.D., just so we're clear, in 1992, you  
13 had had no training, no education, no experience with  
14 harassment or discrimination; is that correct?

15 A Correct.

16 Q By this point in time in your career, in 1992,  
17 am I correct that you had no experience, no training, I  
18 guess no exposure to student affairs?

19 A Correct.

20 Q When you obtained the interim appointment to  
21 Vice President of Student Affairs, in 2000, am I correct  
22 that you had no training, no education, and no exposure  
23 to harassment or discrimination?

24 A Correct.

25 Q When you obtained the interim position in

1 2000, am I correct that you had no training, no  
2 education, no exposure to student affairs?

3 A No.

4 Q How am I incorrect?

5 A I had had some exposure the year before. We  
6 had done a marketing plan for the division of student  
7 affairs in one of my classes. And I also served as  
8 chair of a search committee for a position in the  
9 division.

10 Q What position?

11 A Assistant Dean, Student Life.

12 Q In preparing this marketing plan, I assume  
13 that was a class project; is that correct?

14 A Correct.

15 Q And when you say a marketing plan, what was  
16 the focus or genesis of the study? What were you  
17 endeavoring to accomplish?

18 A We were trying to broaden the reach and  
19 awareness of the division of student affairs on campus.

20 Q So, in other words, let the kids on campus  
21 know what Student Affairs does for them.

22 A Correct.

23 Q So that would have been your exposure to  
24 student affairs at least at that point in your career.

25 A Correct.

1 Q And that would have been 1999; is that right?

2 A Right.

3 Q And am I correct, that given that this was a  
4 class project, your role would have been essentially  
5 oversight?

6 A Correct.

7 Q So the students would go out, gather the data,  
8 and come to you and say, hey, this is what we think.

9 A Correct.

10 Q So did you actually have any kind of day-to-  
11 day interaction with the division of Student of Affairs?

12 A No.

13 Q And you said you chaired one search committee  
14 for the Assistant Dean of Student Life?

15 A Correct.

16 Q And was that the first time you had chaired a  
17 search committee?

18 A Yes.

19 Q Was that the first time you had sat on a  
20 search committee?

21 A No.

22 Q How many search committees had you sat on  
23 previously?

24 A I don't recall.

25 Q The Assistant Dean of Student Life, who

1 ultimately obtained that job?

2 A As a result of the search committee?

3 Q Yes.

4 A There was no job extended, no job offer  
5 extended.

6 Q Okay. Was there any particular problem with  
7 this search?

8 A Not that I can recall.

9 Q Did you have no candidates?

10 A We had several candidates from which to  
11 choose. The committee determined that none were  
12 appropriate for the position that we were searching for.

13 Q Did you have any African-American candidates?

14 A Yes.

15 Q How many?

16 A I don't remember.

17 Q Would one be a fair number?

18 A No. I believe we had more than one.

19 Q And how many white candidates did you have?

20 A I don't remember.

21 Q And who was this position going to report to?

22 A The Dean of Students.

23 Q Which was whom?

24 A Dr. Jill Landesberg.

25 Q Did you ever tell my client that one of the

1 folks that y'all looked at in the search committee was  
2 overqualified?

3 A I don't remember.

4 Q In particular, the one African-American  
5 candidate?

6 A I don't remember.

7 Q Do you recall having a discussion with my  
8 client where she told you, after you said we've looked  
9 at all these people, we had one African-American  
10 applicant, we believe they're overqualified for the  
11 position, so we're not going to make any  
12 recommendations, whereupon she told you, you can't do  
13 that?

14 A I don't remember that.

15 Q It's possible?

16 A It's possible she could have said that.

17 Q Does Dr. Khandi Bourne mean anything to you?

18 A She was a candidate in the search committee,  
19 in the search.

20 Q And was she an African-American candidate in  
21 the search?

22 A Yes, she was.

23 Q And why was she rejected by the committee?

24 A I don't remember.

25 Q And Khandi, I think is K-h-a-n-d-i, B-o-u-r-n-



1 e; does that sound right?

2 MS. LANDESBURG:

3 Uh-huh (affirmative response).

4 BY MS. CRAFT:

5 Q When was the first time you met Dr.  
6 Landesberg?

7 A I believe it would have been in conjunction  
8 with this search committee.

9 Q What was your first impression?

10 A Jill was -- appeared to be self-assured, knew  
11 what she wanted, created an image that she was aware of  
12 all of the issues, aspects related to student affairs  
13 and its management.

14 Q Good qualities in somebody who's a Dean of  
15 Student Affairs?

16 A Uh-huh (affirmative response).

17 Q Yes?

18 A Uh-huh (affirmative response).

19 Q I'm sorry, you have to answer out loud.

20 A Yes. Yes, yes.

21 Q You said she created an image that she was  
22 aware of all these things. I find it a little bit  
23 unusual choice of words. Why would you say she created  
24 an image as opposed to did it, or do it?

25 A Well, at the time I met her I really didn't

1 have an understanding of exactly what she did.

2 Q Did you and Dr. Landesberg become friends?

3 A Yes, we did.

4 Q Did y'all socialize together?

5 A Yes, we did.

6 Q Prior to when you obtained this interim  
7 position had Dr. Landesberg ever discussed with you any  
8 concern she had relative to her position as Dean of  
9 Students?

10 A No.

11 Q Did she ever complain to you about how she was  
12 treated?

13 A I don't recall.

14 Q Did she ever come to you and talk to you, for  
15 example, about remarks being made about her faith?

16 A I recall comments that were made while I was  
17 the Vice President.

18 Q So prior to this time she didn't come talk to  
19 you about any issues or problems she was having?

20 A Not that I recall.

21 Q Did you know she was Jewish?

22 A Yes, I did.

23 Q How?

24 A Jill was very up front with her religion with  
25 everyone.

1 Q How was she up front with her religion with  
2 you?

3 A She told, we were Jewish, she and Vinnie were  
4 Jewish.

5 Q Like, do you remember how that conversation  
6 came about, or did she walk in the room and announce to  
7 you, I'm Jewish?

8 A I don't remember.

9 Q You don't recall it sticking out as any kind  
10 of deal?

11 A No.

12 Q Other than it just came up?

13 A I don't remember.

14 Q All righty. Do you recall ever asking her  
15 about her faith?

16 A No.

17 Q Had you ever met a Jewish person before?

18 A Oh, yes.

19 Q Ever have any issues with Jewish people  
20 before?

21 A No.

22 Q Now, when you became interim Vice President of  
23 Student Affairs in 2000, am I correct that Jill then  
24 reported directly to you?

25 A Correct.

1 Q All righty. And you said that after that  
2 point in time she came to you and talked to you about  
3 some issues she was having relative to her religion,  
4 some comments that were made.

5 A Uh-huh (affirmative response).

6 Q Would you tell me about those, please.

7 A She had made a comment about a discussion that  
8 she had had, and I don't know when it had happened, I  
9 don't recall when it had happened, with the Assistant  
10 Dean of Students.

11 Q Who was that person?

12 A That was Jim McHodgkins.

13 Q Please spell that for the court reporter.

14 A M-c-H-o-d-g-k-i-n-s.

15 Q What did she tell you?

16 A She had told me that he had made some comments  
17 about how he had wished that she were Christian.

18 Q Do you remember specifically what her comments  
19 were?

20 A I do not.

21 Q And she shared with you, did she not, that she  
22 was offended by that?

23 A I don't remember that.

24 Q Well, in what context did she tell you that  
25 Mr. McHodgkins, the Assistant Dean of Students, told her

1 he wished she was Christian?

2 A I'm sorry. Could you repeat that?

3 Q Yes. Well, you said that she came to you and  
4 you recall her saying something about Mr. McHodgkins  
5 saying to her he wished she was Christian.

6 A Uh-huh (affirmative response).

7 Q I'm just trying to figure out what, if  
8 anything else, she said or what was your impression of  
9 that comment. I mean, I wish that I'm six feet tall. I  
10 mean, how did that come up?

11 A I don't recall how that came up.

12 Q How many times did she tell you Mr. McHodgkins  
13 made that comment or similar comments to her?

14 A I don't recall.

15 Q Now, this was a guy that reported to her.

16 A Uh-huh (affirmative response).

17 Q Yes?

18 A Yes, it was.

19 Q And you were my client's supervisor; is that  
20 correct?

21 A Correct.

22 Q At that time were you aware whether or not SLU  
23 or the university system had a policy regarding  
24 discrimination or harassment?

25 A Yes.

1 Q Tell me what you recall the reporting  
2 requirements to be under that policy, if any.

3 A Well, if a person felt grief they could file a  
4 report, a written report, with their supervisor, with  
5 the ADA-EEO officer.

6 Q Correct me if I'm wrong, under that policy  
7 statement, a written report is not required; isn't that  
8 correct?

9 A I don't know.

10 Q Doesn't the policy say if you believe you're  
11 being harassed or discriminated against you need to  
12 report it or should report it to either your direct  
13 supervisor or somebody in human resources?

14 MR. DECUIR:

15 Objection, as to form. You can  
16 answer if you --

17 MS. CRAFT:

18 Go ahead. It's a leading question.

19 MR. DECUIR:

20 Right.

21 MS. CRAFT:

22 But I'm allowed to do that.

23 THE WITNESS:

24 Okay. Would you repeat that, please.

25 BY MS. CRAFT:

1 Q My question was, doesn't the policy at that  
2 time say that if you believe you're being harassed or  
3 discriminated against you can report it to your  
4 supervisor or to human resources, whatever your pleasure  
5 is?

6 MR. DECUIR:

7 The same objection.

8 MS. CRAFT:

9 Subject to the objection.

10 BY MS. CRAFT:

11 Q Go ahead.

12 A I don't know. I'd have to review the policy.

13 Q When was the last time you reviewed the  
14 policy?

15 A A couple of years ago.

16 Q How many folks do you supervise in the  
17 position that you currently hold?

18 A Directly or indirectly?

19 Q Well, let's go indirectly first, and then we  
20 go directly.

21 A Probably about 45 to 50.

22 Q That's the indirectly portion; is that  
23 correct?

24 A Right, right.

25 Q So that would include people you directly

1 supervise and the folks under them.

2 A Correct.

3 Q All righty. And how many people do you  
4 directly supervise?

5 A Eight.

6 Q Under what circumstances do you recall  
7 reviewing the university policy or the board policy  
8 several years ago?

9 A I don't recall.

10 Q Are you guessing that you did?

11 A I remember reviewing it, but I don't remember  
12 the context in which I reviewed that.

13 Q Okay. So where are you getting this business  
14 about they have to file a written report?

15 MR. DECUIR:

16 Same objection, as to form.

17 MS. CRAFT:

18 No problem.

19 BY MS. CRAFT:

20 A That's always been my understanding of the  
21 process, that if somebody wanted to move forward with a  
22 claim, that it had to be initiated, the process had to  
23 start with a written report.

24 Q Okay. Where did you get that --

25 A A written request.



1 Q Gotcha. Where did you get that understanding  
2 from?

3 A From our EEO-ADA officer.

4 Q Which was whom?

5 A Mr. Gene Pregeant.

6 Q And so when did you get this understanding  
7 from Mr. Pregeant?

8 A In conjunction with an incident related to one  
9 of our employees.

10 Q Who?

11 A Ms. Cecilia Palumbo.

12 Q Spell Palumbo for me, please.

13 A P-a-l-u-m-b-o.

14 Q And what was Ms. Palumbo's complaints?

15 A Ms. Palumbo was complaining about an e-mail  
16 that had been sent to her by another employee.

17 Q You were present during all of Dr.  
18 Landesberg's deposition yesterday; is that correct?

19 A Correct.

20 Q She described the situation where she came to  
21 you and said, "This e-mail was sent to Cecilia. She's  
22 very offended by it. I want you to come see it."

23 A Correct.

24 Q And you went with her to see it.

25 A Correct.

1 Q Would it be fair to say that the substance of  
2 the e-mail was sexually explicit?

3 A Yes, it was.

4 Q So was Ms. Palumbo's complaint one of sexual  
5 harassment?

6 A Correct.

7 Q And you clearly understood that my client  
8 claimed to you, initially, and said Cecilia is  
9 complaining about sexual harassment?

10 A Correct.

11 Q And she, being my client, used those magic  
12 words, sexual harassment, to you.

13 A I don't recall.

14 Q But you understood that's what she was saying.

15 A Correct.

16 Q Gotcha. So after my client came to you and  
17 relayed a sexual harassment complaint from a  
18 subordinate, you did what?

19 A I went and chatted with Mr. Pregeant. We  
20 talked about the process. He said, well, in order for  
21 us to initiate any investigation we need something in  
22 writing from Ms. Palumbo.

23 Q Now, this was, of course, after you saw the e-  
24 mail.

25 A Correct.

1 Q Did you show the e-mail to Mr. Pregeant?

2 A No.

3 Q And it is Mister, it's not Doctor; am I  
4 correct?

5 A It's Mister.

6 Q I gotcha. Did he ask to see the e-mail?

7 A Not that I can recall.

8 Q So after Mr. Pregeant says, hey, well, I got  
9 to have something in writing, you told him about the e-  
10 mail?

11 A Uh-huh (affirmative response).

12 Q Am I correct? You told him that my client had  
13 come to you relaying a sexual harassment complaint about  
14 a subordinate employee, you did what?

15 A Then I met with Cecilia and told her that if,  
16 you know, she wanted to go forward with a claim that she  
17 needed to put something in writing and get that to me.

18 Q And did you have an understanding that  
19 Cecilia's issues was with a supervisor of hers?

20 A Could you repeat that.

21 Q Was it somebody who was supervising her?

22 A No.

23 Q The person that sent the e-mail?

24 A No.

25 Q Who was it?

1                   A     It was an individual who worked in our housing  
2     department.

3                   Q     What was his job title?

4                   A     His job was -- Well, I don't recall the  
5     specific job title, but essentially he was a coordinator  
6     in our housing department.

7                   Q     Was that Mr. Truitt? Just so we know who  
8     we're talking about.

9                   A     Correct.

10                  Q     All righty. And did Mr. Truitt, as part of  
11     his position in this coordinator business, did he  
12     actually live in the dormitories?

13                  A     Yes.

14                  Q     Tell me the average age of the student body at  
15     SLU at that time.

16                  A     The average age would have been about 24.

17                  Q     For the live-ins.

18                  A     Now, I don't know specifically.

19                  Q     Okay. So you sat down and you talked to Ms.  
20     Palumbo and you relayed to her what Mr. Pregeant had  
21     told you; is that correct?

22                  A     Correct.

23                  Q     Did you also go back to Dr. Landesberg and  
24     tell her what you had found out?

25                  A     No, no.

1 Q All righty. And so what was Ms. Palumbo's  
2 response?

3 A That she would put something in writing.

4 Q Did she?

5 A Yes.

6 Q So what happened to her complaint?

7 A Her complaint was investigated.

8 Q By whom?

9 A By computing services, by the police, and by  
10 myself.

11 Q Excuse me, you did an investigation?

12 A Well, I coordinated the investigation.

13 Q By this point in time, what year are we  
14 talking about with Ms. Palumbo's issue?

15 A I don't recall exactly.

16 Q How about a year?

17 A 2001? But I'm not certain.

18 Q By 2001, had you had any training, education,  
19 or experience in conducting or overseeing any  
20 investigations of harassment or discrimination?

21 A I had been involved in some of the aspects of  
22 management of investigations.

23 Q Okay. Tell me how. How were you involved?

24 A Well, a suit involving another student, we  
25 would meet regularly to receive updates from an

1           investigative team.

2                           Q     A suit involving another student. It was a  
3           lawsuit?

4                           A     No. In a situation. Let me correct that. In  
5           a situation involving another student.

6                           Q     Was it a sexual situation?

7                           A     Potentially.

8                           Q     Potentially. But you didn't serve on the  
9           investigative team, as you identified that term for me.

10                          A     Correct. Correct.

11                          Q     Anything else?

12                          A     No.

13                          Q     So you have the one situation prior to Ms.  
14           Palumbo's.

15                          A     Correct.

16                          Q     And the one situation that you described as a  
17           suit involving another student, potentially involving  
18           sex in some fashion, was that a student-on-student  
19           issue?

20                          A     Correct.

21                          Q     Okay. So going back to my question, with  
22           respect to Ms. Palumbo, when you, as you've described,  
23           oversaw the investigation of her sexual harassment  
24           complaint, by that point in time you had had no  
25           training, education, experience, or exposure to

1 investigations of sexual harassment or discrimination  
2 with employees.

3 MR. DECUIR:

4 Objection, as to form.

5 MS. CRAFT:

6 Subject to the objection.

7 MR. DECUIR:

8 If you understand, you can answer.

9 THE WITNESS:

10 Could you repeat that, please.

11 MS. CRAFT:

12 Sure.

13 BY MS. CRAFT:

14 Q By the time you oversaw the investigation  
15 regarding Ms. Palumbo's sexual harassment complaint you  
16 had no experience, training, education, or exposure to  
17 sexual harassment -- well, I'll just say harassment or  
18 discrimination complaints involving employees.

19 MR. DECUIR:

20 Same objection for the Record.

21 MS. CRAFT:

22 Subject to the objection.

23 BY MS. CRAFT:

24 Q Go ahead.

25 A Correct.

1 Q Because the only other one you told me that  
2 you had was a student-on-student.

3 A Correct.

4 Q Now, are you familiar with Title IX?

5 A A little bit, yes.

6 Q How little bit are you familiar with Title IX?

7 A I understand that Title IX and other laws are  
8 part of the net or sets of considerations that are taken  
9 into account whenever we receive a sexual harassment  
10 complaint.

11 Q Do you have any idea who or what Title IX  
12 applies to?

13 A No.

14 Q Do you know anything about Title VII?

15 A No.

16 Q Do you even know what that does?

17 A No.

18 Q Do you have any idea about the civil rights  
19 laws, what they might do?

20 A No.

21 Q Do you know whether or not Title IX applies to  
22 employees?

23 A No, I don't.

24 Q Okay. I'm a little curious. This Cecilia  
25 Palumbo investigation that you oversaw for sexual



1 harassment, at the time you went and talked to Mr.  
2 Pregeant, you said he was the EEO. And I didn't write  
3 it down, EEO-ADA

4 A ADA, right.

5 Q What?

6 A Officer.

7 Q Officer. And so what was his job at the  
8 university?

9 A He was involved in issues related to employee  
10 versus employee, student versus employee, harassments,  
11 issues of conflict. He was potentially involved in the  
12 resolution of those issues.

13 Q Okay. How long had he had a position with  
14 SLU?

15 A I don't know.

16 Q How long had he been in this position with  
17 SLU?

18 A I don't know.

19 Q And was he a position that reported directly  
20 to you?

21 A No, he did not.

22 Q Who did he report to?

23 A He either reported to the president or the  
24 provost.

25 Q So he was out of your loop.

1 A Correct.

2 Q So why in the Palumbo incident was he not  
3 involved in this investigation of the sexual harassment  
4 complaint?

5 A He was involved. He was involved in -- Well,  
6 he wasn't involved directly in the investigation.

7 Q Why not?

8 A Because the investigation was conducted by the  
9 police and by our computer services folks. He was in  
10 the loop in this.

11 Q Okay. And who kept him in the loop?

12 A I did.

13 Q And at the end of the day, what did your  
14 investigation conclude?

15 A My investigation concluded that there had been  
16 an e-mail sent to Cecilia, and we concluded that Mr.  
17 Truitt needed to be disciplined.

18 Q Mr. Truitt was in my client's line of  
19 supervision; is that correct?

20 A I don't recall at that time.

21 Q Was she kept in the loop about this situation?

22 A No.

23 Q Was Ms. Palumbo in her line of supervision?

24 A Yes.

25 Q Okay. Did you ever make a statement to my

1 client regarding Ms. Palumbo's allegations, that you  
2 didn't believe anything could be done because it might  
3 constitute defamation?

4 A I don't recall that.

5 Q Is it possible?

6 A I don't recall that.

7 Q Okay. Now, you concluded or somebody  
8 concluded that Mr. Truitt needed to be disciplined; is  
9 that correct?

10 A Correct.

11 Q Who made that conclusion?

12 A I set him down with Mr. Pregeant.

13 Q So you and Mr. Pregeant decided he needed to  
14 be disciplined.

15 A Correct.

16 Q For what?

17 A For, number one, misusing state property.

18 Q Yes.

19 A And for, number two, threatening another  
20 individual.

21 Q Who did he threaten?

22 A Ms. Palumbo.

23 Q And how did he threaten her?

24 A Well, the e-mail was threatening. I don't  
25 know that threaten is the exact word. I'd have to look

1 at the file to determine the wording of the discipline  
2 note that was left on his file.

3 Q That was like a piece of paper stuck in his  
4 employment file?

5 A Correct.

6 Q He didn't have his pay cut or anything; am I  
7 correct?

8 A Correct.

9 Q He didn't have his access to the state  
10 computer systems restricted in any fashion?

11 A Correct.

12 Q Describe for me the e-mail, as you recall  
13 seeing it.

14 A It was a cartoon. It was entitled "The Horny  
15 Scarecrow," I believe, and it was a scarecrow dancing  
16 around and he had an erection. And then I said, I've  
17 seen enough.

18 Q Did you all ever save that e-mail?

19 A Yes.

20 Q Do you still have it?

21 A I don't.

22 Q Who does?

23 A The police department does.

24 Q They have it in evidence.

25 A Yes.

1 Q Why did you involve the police department?

2 A Because investigations like that, it's common  
3 that police would be involved in the investigation.

4 Q Okay. If I look at this disciplinary notice  
5 from Mr. Truitt, correct me if I'm wrong, I'm not going  
6 to see the words sexual harassment anywhere in there, am  
7 I?

8 MR. DECUIR:

9 Objection, as to form.

10 MS. CRAFT:

11 Subject to the --

12 BY MS. CRAFT:

13 A I don't recall.

14 Q In fact, the conclusion of your investigation  
15 was not one of sexual harassment, it was one of you  
16 basically scared her and you misused state property; is  
17 that correct?

18 A I don't recall.

19 Q Who put together the letter of discipline, as  
20 you've described it, for Mr. Truitt?

21 A I did.

22 Q Was he a Civil Service employee?

23 A No.

24 Q And did you title this letter of reprimand or  
25 caution or written reminder, or what?

1 A Letter of Counsel, I believe it was entitled.

2 Q Who did the counseling?

3 A I did.

4 Q Mr. Truitt was in your chain of command?

5 A Indirectly, yes.

6 Q You mentioned you had eight direct reports.  
7 Was that true throughout your tenure?

8 A It varied.

9 Q Okay. Well, let's talk about this time, in  
10 2001.

11 A Oh, I don't recall what the organizational  
12 chart looked like at that time.

13 Q When was this letter of counseling prepared?

14 A Are you asking for a date?

15 Q How about a year.

16 A It would have been shortly after the incident.  
17 I'm assuming it was in 2001, it occurred in 2001.

18 Q Do you specifically recall sitting down with  
19 Mr. Truitt and counseling him?

20 A Yes.

21 Q When did that take place?

22 A Sometime after the investigation had  
23 concluded.

24 Q Like, how long? Could it be in 2002?

25 A If the event occurred in 2002, then it would

1 have been in 2002. But I'm have problems remembering  
2 the date right now.

3 Q And so you're telling me this letter of  
4 counseling was placed in his file. What file?

5 A It was placed in his personnel file.

6 Q And where is his personnel file kept?

7 A Personnel files are contained in the HR  
8 office.

9 Q You keep mentioning the human relations.

10 A Human resources.

11 Q Is it the human resources office at SLU?

12 A Right.

13 Q Who was in charge of that office?

14 A Ms. Jessie Roberts.

15 Q And how long had Ms. Roberts been in that  
16 position?

17 A Many years.

18 Q Okay. Does Ms. Roberts have a college degree?

19 A Yes.

20 Q In what?

21 A I don't know.

22 Q And does Mr. Pregeant report to Ms. Roberts?

23 A No.

24 Q So human relations is something different from  
25 EEO-ADA officer?

1 A Correct.

2 Q Is it correct that the human resources  
3 department at SLU does not have any involvement in  
4 harassment or discrimination complaints at SLU?

5 A Rephrase that question, please.

6 Q Poorly phrased in my first instance. Mr.  
7 Pregeant reports directly to, I think you said, the  
8 provost and the president.

9 A Correct.

10 Q His office is entirely separate; is that  
11 correct?

12 A Correct.

13 Q My question is, his office is separate from  
14 human resources; is that correct?

15 A Correct.

16 Q All the functions of Mr. Pregeant's office,  
17 which you told me, where harassment and discrimination  
18 involving student and faculty or student and employees  
19 or employees on employees, that kind of thing, those are  
20 all entirely separate from human resources at SLU; is  
21 that correct?

22 A Correct.

23 Q So the person responsible at SLU, if I've got  
24 a problem of harassment or discrimination in employment,  
25 would be Mr. Pregeant.



1           A     You could also go to HR, too, and talk to the  
2     HR people if you had a problem.  You could go to anybody  
3     on campus if you had a problem.

4           Q     Yes.  And it wouldn't have to be in writing,  
5     would it?

6           A     Correct.

7           Q     Gotcha.  Now, if we're talking about the HR  
8     department, if I was working for SLU and I had a  
9     harassment issue and I went to the HR department,  
10    they're going to send me where?

11          A     To Mr. Pregeant.

12          Q     And if I came to you and I had a sexual  
13    harassment problem, you would send me where?

14          A     I would be involving Mr. Pregeant.

15          Q     Gotcha.  If I worked in, I don't know, one of  
16    your programs, the College of Business or the business  
17    school at SLU and I had a sexual harassment problem, I  
18    would get sent where?

19          A     To Mr. Pregeant.

20          Q     Is that written down somewhere?

21          A     I don't know.

22          Q     If I went to Ms. Jessie Roberts, she would  
23    send me to Mr. Pregeant; am I correct?

24          A     Correct.

25          Q     Gotcha.  And Ms. Roberts has no oversight or

1 supervisory responsibility over Mr. Pregeant; is that  
2 correct?

3 A Correct.

4 Q Gotcha. Did Ms. Palumbo have any complaints  
5 following this nude scarecrow thing?

6 A Yes, she did.

7 Q Well, tell me about those.

8 A Several months afterwards she reported that  
9 she ran into Mr. Truitt in the bookstore and, according  
10 to her, he winked at her.

11 Q And how did you find out about that complaint?

12 A She appeared at my office to tell me.

13 Q And had you already had a discussion with Dr.  
14 Landesberg about it?

15 A I don't remember.

16 Q Did Dr. Landesberg report to you that Ms.  
17 Palumbo believes she's being threatened and/or  
18 intimidated as a result of her complaint against Mr.  
19 Truitt?

20 A I don't remember that.

21 Q Is it possible?

22 A It's possible that Dr. Landesberg could have  
23 said that, but I don't remember.

24 Q Did my client send you an e-mail about it?

25 A I don't remember.

1 Q I gotcha. So Ms. Palumbo appeared at your  
2 door and said, he winked at me in the bookstore.

3 A Correct.

4 Q Was she upset?

5 A She was upset.

6 Q And had Mr. Truitt, according to you, been  
7 given some counseling that he's not to do anything or  
8 say anything to Ms. Palumbo?

9 A I told her -- I told Mr. Truitt that he should  
10 minimize interaction with Ms. Palumbo, yes.

11 Q And I probably asked you this, but maybe not,  
12 I don't know. I know Mr. Truitt was some sort of  
13 coordinator. He was living in the dorms with the kids  
14 on campus.

15 A Correct.

16 Q And Cecilia, I'm not sure I got her position.

17 A She's a secretary.

18 Q For whom?

19 A The Director of Disability Services.

20 Q And is that in Student Life or is that in HR?

21 A That would be Student Life.

22 Q And who was the Director of Disability  
23 Services?

24 A Ms. Eaton.

25 Q Ms. Eaton.

1 A Yes.

2 Q She's still the Director of Disability  
3 Services?

4 A Yes, she is.

5 Q Gotcha. So under what circumstances would Mr.  
6 Truitt, as the coordinator in the dorms who lives with  
7 the kids on campus, have involvement with Ms. Palumbo

8 MR. DECUIR:

9 Objection, as to form.

10 MS. CRAFT:

11 Gotcha.

12 BY MS. CRAFT:

13 Q -- would have involvement with Ms. Palumbo,  
14 who is the secretary for the Director of Disability  
15 Services?

16 A They both work -- they both reported  
17 indirectly to the Vice President of Student Affairs.

18 Q You.

19 A Yes.

20 Q Did they both also report to Dr. Landesberg or  
21 through her?

22 A I don't recall at that time.

23 Q So when she came to you, Ms. Palumbo, with  
24 this follow-up issue involving the same person, what, if  
25 anything, did you do?

1 A I talked to her; I talked to Mr. Truitt.

2 Q And what did Mr. Truitt say for himself?

3 A Mr. Truitt said that he nodded and smiled at  
4 her as he walked by.

5 Q Did he get counseling?

6 A I talked to him about, you know, the  
7 interaction. He did not get counseling.

8 Q Did you report it to Mr. Pregeant?

9 A I don't recall.

10 Q Did you tell Ms. Palumbo you need to put  
11 something in writing to Mr. Pregeant?

12 A I don't recall if that happened.

13 Q Did you understand the substance of Ms.  
14 Palumbo's complaint was that she believed she was being  
15 retaliated against?

16 A No, that was not -- never mentioned.

17 Q Did she tell you she was being harassed?

18 A She mentioned that particular incidence. She  
19 felt that she was being harassed.

20 Q Now, did you receive any other complaints from  
21 Ms. Palumbo, whether that was directly or indirectly  
22 through somebody else?

23 A Could you repeat that, please.

24 Q Did you receive any other complaints from Ms.  
25 Palumbo, whether that was directly from her or through

1 somebody else?

2 A About what?

3 Q Harassment, retaliation, or discrimination of  
4 any kind.

5 A Not that I can recall.

6 Q How about any other complaints involving Mr.  
7 Truitt?

8 A There was a complaint with Mr. Truitt with  
9 respect to an e-mail that was sent subsequent to the  
10 "Horny Scarecrow," which turned out to be a computer  
11 virus that was infecting computers all across the  
12 nation.

13 Q And who did this e-mail get sent to?

14 A A series of people who were on his e-mail  
15 list.

16 Q Well, who complained about it?

17 A I forget who complained about it.

18 Q Was it Ms. Eaton?

19 A Could have been.

20 Q And how did this complaint first come to your  
21 attention?

22 A I don't recall.

23 Q Did Dr. Landesberg come talk to you about it?

24 A I don't remember.

25 Q And so what, if anything, did you do when this

1 person, who could have been Ms. Eaton, said, I got an e-  
2 mail from Truitt?

3 A Looked into it and was determined that this  
4 was a computer virus, that this was not originated and  
5 had not originated by Mr. Truitt, that this was  
6 something that had infected computers randomly across  
7 the United States and elsewhere.

8 Q Who's the we that's doing the looking into it?

9 A I had some assistance from the folks in  
10 computing services on that issue.

11 Q And so they did what?

12 A They provided me with some information related  
13 to that particular e-mail, that type of e-mail that had  
14 been sent. And there was a lot literature that was  
15 posted online and whatnot about this particular e-mail  
16 or this particular virus that had infected computers.

17 Q Now, Mr. Truitt had a state owned computer; is  
18 that correct?

19 A Correct.

20 Q Something the university provided for him in  
21 connection with his position.

22 A Correct.

23 Q And was there a policy at SLU regarding use of  
24 computers? I'm sorry, the Internet. The Intranet at  
25 SLU is a better phrase.

1 A Correct.

2 Q Said you're not supposed to use it for  
3 personal reasons; is that correct?

4 A Correct.

5 Q And Mr. Truitt, using this state computer, as  
6 I understand it, says he got some sort of virus in his  
7 computer.

8 A Correct.

9 Q And what was e-mailed from the state owned  
10 computer?

11 A It was an e-mail that was entitled something  
12 about see my pictures.

13 Q So he had downloaded photographs of himself on  
14 the computer?

15 A No, not that I'm aware of.

16 Q Well, who were the pictures of?

17 A I have no idea. This was -- This was the  
18 title of the virus that was created. I don't know  
19 where, but this was not of Mr. Truitt.

20 Q In order to get the virus, did computing  
21 services tell you he had to have been online on the  
22 Internet as opposed to an Intranet connection?

23 A No.

24 Q Okay. So how did you conclude this  
25 investigation?



1 A Was not Mr. Truitt's fault.

2 Q Any other is- --

3 A That this had happened elsewhere too.

4 Q Any other issues with Mr. Truitt?

5 A Dr. Landesberg came and talked to me about a  
6 resident assistant, who did not want to come forward,  
7 who felt that Mr. Truitt potentially might be harassing  
8 her.

9 Q When, in time, are we talking about? This  
10 would be after the Palumbo stuff. It would be after the  
11 --

12 A It was during.

13 Q I'm sorry. During?

14 A During.

15 Q What?

16 A The Palumbo.

17 Q The first round with the nude scarecrow?

18 A Correct.

19 Q So am I correct, in timing, that Dr.  
20 Landesberg, she comes to you and says, Ms. Palumbo got  
21 this sexually harassing e-mail from Truitt?

22 A Uh-huh (affirmative response).

23 Q And then did she come back to you later and  
24 say, hey, there's a resident assistant who's having a  
25 problem too?

1 A Or a resident. Yes, she did.

2 Q And what does the term resident assistants  
3 mean? What do those folks do?

4 A These are student employees.

5 Q So they work for SLU.

6 A Correct.

7 Q And Dr. Landesberg told you what with respect  
8 to this resident assistant? What was her complaint?

9 A That she did not want to come forward, but Dr.  
10 Landesberg insisted that we were on notice and that we  
11 needed to investigate.

12 Q And so what did you do?

13 A I talked to Mr. Pregeant, and then reported to  
14 Dr. Landesberg, unless we have a name, we were not going  
15 to do anything, couldn't do anything under the privacy  
16 laws.

17 Q What privacy laws?

18 A The privacy laws of the State of Louisiana.

19 Q What privacy laws for the State of Louisiana?

20 A Privacy, I believe, is a protected right under  
21 the Constitution, State of Louisiana.

22 Q So who told you about this privacy being  
23 protected under the State Constitution?

24 A That's been an issue that we've used  
25 throughout our policies and procedures in dealing with

1 students with respect to sexual harassment.

2 Q Well, I thought you told me earlier on you  
3 didn't know what Title IX did and you don't know what  
4 Title VII is.

5 So are you telling me that somebody told you that  
6 there's this privacy law, so that's what we use to deal  
7 with sexual harassment complaints?

8 A That's right. You know, we have for --  
9 there's the reporting requirements with respect to Clery  
10 Act. There's a whole litany of issues that we have to  
11 take into account.

12 But, you know, the overarching principle in  
13 whether or not we go forward is the individual's  
14 privacy. And if he or she elects not to move forward or  
15 instruct us to move forward, we don't.

16 Q And so who told you she didn't want to move  
17 forward?

18 A Dr. Landesberg.

19 Q Did she tell you she knew who the student was?

20 A I don't believe so.

21 Q Did she tell you how she found out about the  
22 information?

23 A No, she did not.

24 Q You were present during her deposition  
25 yesterday; is that correct?

1 A Uh-huh (affirmative response).

2 Q Where she told you that she knew who the  
3 student was and communicated, at least, I believe it's  
4 this person, we can find out, and she had somebody else  
5 present in the meeting with you.

6 A No, she did not.

7 Q That didn't happen?

8 A That did not happen.

9 Q So after she comes to you and says, "I have  
10 information that Truitt is harassing this employee of  
11 SLU, she doesn't want to come forward, but we're on  
12 notice and we need to investigate," you went to Mr.  
13 Pregeant?

14 MR. DECUIR:

15 Objection, as to form.

16 MS. CRAFT:

17 Subject to the objection.

18 BY MS. CRAFT:

19 A When Dr. Landesberg had her initial discussion  
20 with me, I went to Mr. Pregeant.

21 Q And he said no, because we have some  
22 Constitutional Louisiana privacy deal, so, no, we don't  
23 do anything?

24 A No. He said, basically, if we're going to  
25 start the whole process, we need the individual to

1 identify herself and come forward.

2 Q Did you communicate that to Dr. Landesberg?

3 A Yes, I did.

4 Q And what did she say?

5 A She said that she would follow up and find out  
6 if the person wants to come forward.

7 Q Did you ever tell her at that time we cannot  
8 go forward with an investigation of Mr. Truitt? And  
9 this is the same time we're doing the nude scarecrow  
10 deal. Did you tell my client at that time, we can't do  
11 anything about this information you have because it  
12 would constitute defamation?

13 A I don't recall.

14 Q Possible?

15 A I don't think so.

16 Q Did Mr. Pregeant, in your discussions with  
17 him, ever talk to you about the requirements of federal  
18 law, that if an employer is on notice of a sexual  
19 harassing situation they must take action?

20 MR. DECUIR:

21 Objection, as to the form.

22 MS. CRAFT:

23 Subject to the objection.

24 BY MS. CRAFT:

25 A Our policy is such that we go forward if the

1 individual instructs us to do so.

2 Q What policy are we talking about now?

3 A This is sort of a university's policy.

4 Q Written down or unwritten? Or something Mr.  
5 Pregeant told you?

6 A It has been our practice.

7 Q Practice.

8 A Correct.

9 Q So we're clear, when we're talking about  
10 policy, at least in this instance, that's a practice of  
11 the university, not something written down; is that  
12 correct?

13 A It's a practice. I don't know if it's written  
14 down.

15 Q Gotcha.

16 A But it's a practice.

17 Q And who told you about this practice?

18 A Mr. Pregeant.

19 Q And you can't tell me how long Mr. Pregeant  
20 had been in this position?

21 A Before I moved to Student Affairs he had been  
22 in that position. But as to his exact hire date, I  
23 don't know.

24 Q Did Mr. Pregeant, to your knowledge, have any  
25 experience involving harassment or discrimination

1 issues?

2 A Could you repeat that, please.

3 Q Did Mr. Pregeant, to your knowledge, have any  
4 experience relating to harassment and discrimination  
5 issues?

6 A Yes.

7 Q What?

8 A I don't know specific incidences, but his job  
9 required that he be involved with many of those issues.

10 Q I understand Mr. Pregeant is a lawyer; is that  
11 correct?

12 A Correct.

13 Q Do you know where he practiced?

14 A Do I know where he practiced?

15 Q Yes. Before he went to work for SLU, what he  
16 did.

17 A Yes. I understand he worked for Mr. Seale for  
18 a time.

19 Q Oh, Mr. Seale at the end of the table.

20 A Correct.

21 Q Do you know if Mr. Pregeant did any employment  
22 discrimination or civil rights work at all in his  
23 career?

24 A I don't know.

25 Q Do you know how long he worked with Mr. Seale?

1 A I don't know.

2 Q So is it your understanding that the sum total  
3 of any kind of legal training, I'm sorry, legal  
4 experience, that Mr. Pregeant had would have been from  
5 his affiliation with Mr. Seale?

6 A I don't know. I'm not familiar with Mr.  
7 Pregeant's entire background.

8 Q Okay. Now, you mentioned a couple of things.  
9 And so I'm clear, you said, well, we have these  
10 requirements of FERPA, and then you said the Clery Act.

11 A Uh-huh (affirmative response).

12 Q What's FERPA?

13 A FERPA is the Federal Employee Regulation --  
14 the acronym escapes me -- Protection Act.

15 Q What does it do?

16 A It provides some guidelines on which the  
17 university has to offer notification of information.

18 Q It would be like the Buckley Amendment; does  
19 that sound better?

20 A That sounds better.

21 Q When you're talking about FERPA, that's a big  
22 ole universe. Buckley applies to universities and the  
23 privacy rights of students, correct?

24 A Correct.

25 Q And what do you understand -



1 THE WITNESS:

2 Can we take a quick break?

3 MS. CRAFT:

4 Sure.

5 (Off the Record, back on the Record)

6 MS. CRAFT:

7 We were talking about FERPA and the  
8 Clery Act.

9 THE WITNESS:

10 Right, right.

11 BY MS. CRAFT:

12 Q When did you first learn about the Clery Act?

13 A When I moved into Student Affairs, in 2000, I  
14 had discussions with all of my key players and Clery Act  
15 came up in the discussions at that time.

16 Q And would that be something that Dr.  
17 Landesberg told you about?

18 A I remember it more from the police department  
19 having that discussion.

20 Q Did you have that discussion with Dr.  
21 Landesberg?

22 A I don't recall.

23 Q Well, who with the police department talked to  
24 you about Clery?

25 A Chief Marek and Sergeant Gibson.

1 Q And Chief Marek's first name is what, sir?

2 A Paul, P-a-u-l.

3 Q And that's M-e --

4 A "A". M-a-r-e-k.

5 Q M-a-r-e-k, okay. So who brought up Clery Act  
6 between you and the Chief?

7 A I don't remember.

8 Q Well, I think you told me when you first moved  
9 in Student Affairs is when you first heard about the  
10 Clery Act.

11 A Correct.

12 Q And so it would have been from somebody; is  
13 that correct?

14 A Correct.

15 Q It wouldn't have been knowledge that you had.

16 A Correct.

17 Q Because we established, until you got there in  
18 2000, you didn't know anything about any of that.

19 A Right, right.

20 Q Okay. So what did Chief Marek talk to you  
21 about with respect to the Clery Act?

22 A That the police department gather our crime  
23 statistics and they have a reporting obligation on an  
24 annual basis to the Department of Education, and outline  
25 that we have an annual reporting obligation, as well as

1 maintaining a daily crime log of all of our incidents on  
2 campus, as well as providing notice when necessary.

3 Q What kind of notice?

4 A Something called Timely Notice, when there's  
5 an imminent danger to the campus community.

6 Q Who gets to make the decision of when notice  
7 gets sent?

8 A Typically, the police department generates  
9 that.

10 Q Well, I understand. But who makes the  
11 decision?

12 A Typically, it's been the police department  
13 that has generated that and made the decision.

14 Q Do you recall receiving a memorandum from my  
15 client about Clery?

16 A I do not.

17 Q Do you recall that she gave a seminar on the  
18 Clery Act in Baton Rouge?

19 A I do not.

20 Q Do you recall that she came back and gave you  
21 the materials relating to the Clery Act after giving her  
22 presentation in Baton Rouge on the Clery Act?

23 MR. DECUIR:

24 Objection, as to the form.

25 MS. CRAFT:

1 Subject to the objection.

2 BY MS. CRAFT:

3 A I do not.

4 Q What are the parameters surrounding the giving  
5 of timely notice?

6 MR. DECUIR:

7 Objection, as to the form of the  
8 question.

9 MS. CRAFT:

10 Well, I'm using timely notice as  
11 your phrase, as you've used it in  
12 conjunction with Clery.

13 BY MS. CRAFT:

14 Q You understand my question; am I correct?

15 A Correct.

16 Q All right. So what are the parameters?

17 A It has to be a crime that's covered by the  
18 Clery Act, a crime on campus or immediately adjacent to  
19 campus, and it has to pose a threat to the community, to  
20 the campus community.

21 Q So who makes the decision as to whether or not  
22 something poses a threat, as you understand it?

23 A Typically, that would be done in the police  
24 department.

25 Q Are there any parameters, as you understand

1 it, as to what constitutes something posing a threat?

2 A Yes. Well, it varies from situation to  
3 situation, obviously. But if, for example, we had an  
4 individual who was exposing himself, driving around  
5 campus exposing himself, we didn't know who that person  
6 was, timely notice would be required in that particular  
7 case because this person was running around at-large  
8 exposing himself and there was a potential threat to the  
9 community, where people needed to be aware of this  
10 particular incident.

11 Q What about if you knew who the person was?

12 A If we knew who the person was?

13 Q Yes.

14 A And do you want to provide a little more  
15 detail around that?

16 Q Well, you said, if we had somebody running  
17 around campus exposing himself and we didn't know who  
18 the person was.

19 A Correct.

20 Q So using your hypothetical, what if you knew  
21 who the person was, do you still have to send out timely  
22 notice?

23 A And they were caught, had been caught?

24 Q Well, I don't know. Is that a different  
25 dynamic?

1           A     Well, yes. In that particular case, if the  
2 incident had taken place, the individuals were known,  
3 and the incident had stopped, there wasn't a -- and if  
4 we had just found out at that particular point, there  
5 wouldn't be a need to provide timely notice because  
6 there's no imminent danger to the campus community at  
7 that particular point.

8           Q     So you mean if they had been arrested, no  
9 imminent danger?

10          A     That would be an example, yes.

11          Q     How about the fraternities at SLU, are you  
12 aware of any incidents involving the fraternities at  
13 LSU, repeat incidents?

14                   MR. DECUIR:

15                   Objection, as to form. You said LSU.

16                   MS. CRAFT:

17                   I'm sorry. A bad habit. Too much  
18 litigation under the bridge.

19 BY MS. CRAFT:

20           Q     At SLU.

21           A     I'm sorry. Would you repeat the question,  
22 please.

23           Q     At SLU.

24           A     Yes.

25           Q     And about the fraternities.

1 A Yes. And would you repeat the question again.

2 Q Do you have repeat incidents involving the  
3 same fraternity over a period of years --

4 A Yes.

5 Q -- would you deem that you were required to  
6 give timely notice?

7 A No.

8 Q Why not?

9 A It depends on the situation. It depends on  
10 the incident.

11 Q Well, let's talk about Delta Tau Delta, shall  
12 we?

13 A Okay.

14 Q Were you aware that they had a sexual assault  
15 incident in 1998?

16 A I am, yes.

17 Q And that's because Dr. Landesberg told you  
18 about it; am I correct?

19 A I don't remember that conversation.

20 Q How many other sexual assault incidents have  
21 occurred with respect to the Delta Tau Delta fraternity  
22 at SLU?

23 A There is an alleged sexual assault involving  
24 another student who committed suicide.

25 Q That would be Ms. Garza; is that correct?

1 A Correct.

2 Q And you say alleged. Why?

3 A We don't know if there was a sexual assault or  
4 not.

5 Q So are you telling me, under those  
6 circumstances, timely notice would not be required, as  
7 you appreciate it?

8 A In what particular circumstances?

9 Q With Delta Tau Delta, as you know it.

10 A Would you direct me with the Garza incident or  
11 with the previous, or with the 1998 incident that you  
12 talked about?

13 Q Well, let me ask a better question.

14 A Okay.

15 Q Of what incidents are you aware, whether  
16 directly or through other sources, of incidents  
17 occurring with respect to Delta Tau Delta?

18 A I'm aware of the 1998 incident. I'm aware of  
19 the Garza incident.

20 Q And the 1998 incident was a sexual assault?

21 A I'm aware that an individual claimed that  
22 there was a sexual assault and then dropped charges the  
23 next day.

24 Q And do you think that makes a difference under  
25 the Clery Act, as you understand it?



1 A Yes.

2 Q And where did you get that understanding from?

3 A Well, in that particular case, there's no  
4 imminent danger. So timely notice would not be  
5 required.

6 Q Where did you get that understanding from?

7 A From the police department.

8 Q So the sum total of your knowledge regarding  
9 the Clery Act is your reliance on the Chief of Police?

10 A And the individual who administers the Clery  
11 Act statistics on a day-by-day basis.

12 Q And that's Sergeant Gibson, am I taking it?

13 A Sergeant Gibson, correct.

14 Q What's his first name?

15 A Patrick.

16 Q Have you ever read the Clery Act?

17 A No.

18 Q Have you ever been given an outline of what it  
19 requires?

20 A Not that I can recall.

21 Q Tell me about the discussions you had with Dr.  
22 Landesberg regarding the Clery Act.

23 A I don't recall those discussions.

24 Q Did she ever talk to you about the Clery Act?

25 A She talked about the Clery Act when she wanted

1 to provide timely notice, in her mind, about incidents  
2 that had occurred.

3 Q And when was that?

4 A With that particular incident, with the Garza  
5 incident, and with an incident involving Kappa Alpha.

6 Q What was the incident involving Kappa Alpha?

7 A The incident involving Kappa Alpha involved a  
8 young girl or girls, if I recall correctly, who were at  
9 a bar with some Kappa Alpha individuals, two or three.  
10 They went back to the house with them, and the next  
11 morning -- I don't recall the exact specifics -- but I  
12 believe she awoke and somebody was fondling her.

13 Q And so my client came to you and said, we need  
14 to give notice?

15 A Correct.

16 Q And you said no?

17 A Correct.

18 Q And what did you base your saying no on?

19 A Because the aspects, the players and the  
20 incident was known. And in that particular case, much  
21 like the previous one, there was no imminent danger to  
22 the campus community.

23 Q And you base the sum total of your conclusion  
24 on what the Chief of Police told you about Clery; am I  
25 correct?

1 A No.

2 Q Well, what do you base it on?

3 A Mr. Gibson's discussions too.

4 Q Okay. So you got the two police officers  
5 telling you what they think Clery is. You've never read  
6 Clery.

7 A Correct.

8 Q As you've told me.

9 A Correct.

10 Q You don't even know what it says.

11 A Correct.

12 Q You understood that my client has a Ph.D. in  
13 education; is that correct?

14 A Correct.

15 Q In administration, in particular.

16 A Uh-huh (affirmative response).

17 Q Yes?

18 A Yes.

19 Q And you understand that she has, in fact,  
20 received training on Clery; is that correct?

21 A Correct.

22 Q You understand she has even given seminars on  
23 Clery; is that correct?

24 A Yes, I assume she has.

25 Q So when she came to you and said the

1 university must give notice, you said no based on what  
2 two police officers told you?

3 A Correct.

4 Q How many circumstances did you defer or did  
5 you disregard what my client, the Dean of Students, told  
6 you, based on her education, training, and experience,  
7 in favor of what somebody else told you?

8 A I can't recall.

9 (Ms. Penn exits.)

10 Q Did you routinely disregard the advice of my  
11 client?

12 A Routinely?

13 Q Yes.

14 A No.

15 Q Okay. So when she came to you about this  
16 Kappa Alpha incident, where the girl woke up and the guy  
17 was fondling her or guys were fondling her -- Or were  
18 there more than one girl? Two?

19 A I don't remember the specifics.

20 Q You said, no, we're not giving notice.

21 A Correct.

22 Q And did you decide at that time on the  
23 punishment, if any, that was going to be imposed on  
24 Kappa Alpha?

25 A No.

1 Q When did this Kappa Alpha incident occur?

2 A 2002.

3 Q When in 2002?

4 A I don't remember.

5 Q Early or late?

6 A I believe it would have been around late  
7 spring, early summer.

8 Q Late spring, early summer of 2002. Was there  
9 some sort of investigation?

10 A Yes, there was an investigation.

11 Q By whom?

12 A By the police department, and I believe Mr.  
13 McHodgkins was also involved in some of those  
14 discussions.

15 Q What about my client?

16 A I don't remember what role, if any, she had in  
17 the investigation.

18 Q As the Dean of Students, what were her job  
19 duties under your tenure?

20 A The Dean of Students oversaw disability  
21 services, student organizations, and Greek affairs,  
22 multi-cultural and international student affairs. She  
23 oversaw rec sports and wellness, student development,  
24 judicial program, SGA, campus activity sport.

25 Q So in her direct responsibility would be both

1 the fraternity involved --

2 A Uh-huh (affirmative response).

3 Q -- and the judicial function, which would be  
4 the prosecution of student code violations; is that  
5 correct?

6 A Well, the first step would be with the  
7 judicial officer.

8 Q Which was whom?

9 A Mr. Love. Milas Love.

10 Q And he reported to whom?

11 A He reported to Dr. Landesberg.

12 Q So Mr. McHodgkins position -- I don't know if  
13 you told me that -- what was his position?

14 A Assistant Dean of Student Development.

15 Q And what were his job duties?

16 A He oversaw the campus activities board, rec  
17 sports and wellness, student organizations, Greek  
18 affairs, leadership development.

19 Q And he reported to whom?

20 A Dr. Landesberg.

21 Q This Kappa Alpha incident, does the date of  
22 September 10, 2002 sound more correct than late spring,  
23 early summer?

24 A I don't know. But if that's the date of the  
25 Kappa Alpha incident, that's the date of the Kappa Alpha

1 incident.

2 Q Do you recall receiving e-mails from my client  
3 about the preparation and sending of a timely notice?

4 A No, I do not.

5 Q Do you recall an incident where she and the  
6 Chief of Police, I guess Mr. Marek, that you identified  
7 for me, sat down and prepared timely notice and you  
8 instructed both of them not to send it?

9 A I don't remember that.

10 Q Do you recall my client and Mr. Marek at some  
11 juncture preparing a timely notice document?

12 A I don't remember that.

13 Q Is it possible?

14 A That the two of them could have done a timely  
15 notice document?

16 Q Yes.

17 A It's possible that they could have done that,  
18 yes.

19 (Ms. Penn reenters.)

20 Q And is it possible that you instructed both of  
21 them not to send it?

22 A It's possible. Yes, I could have done that.

23 Q Now, at this time we're speaking about, and  
24 let's just talk about 2002, as I understand, that there  
25 was a move to have football at SLU; is that correct?

1 A Correct.

2 Q When did the football movement start?

3 A Well, the football movement had technically  
4 started when we canceled football back in the '80s. But  
5 the most recent football movement started probably in  
6 the late '90s.

7 Q And so where were y'all in the football  
8 movement process in the year 2002?

9 A We kicked off the season in 2003. So in 2002  
10 we would have -- in late summer of 2002, we would have  
11 hired a coach.

12 Q And did you do that in late summer of --

13 A Did I do that?

14 Q Did the university do that?

15 A Yes.

16 Q Well, who did they hire?

17 A Hal Mumme.

18 Q So he was hired in late summer of 2002, and  
19 y'all began, you meaning SLU, began the season the fall  
20 of 2003; is that correct?

21 A Correct.

22 Q So he had, like, a year or so to recruit?

23 A Correct.

24 Q I gotcha. Did y'all build a stadium or  
25 anything like that?



1 A No.

2 Q Did you improve the existing facility?

3 A Somewhat.

4 Q And when were the renovations or improvements  
5 complete?

6 A Prior to the start of the 2003 football  
7 season.

8 Q So maybe in like 2002 y'all were doing this  
9 renovation stuff?

10 A I don't recall the exact date of when all that  
11 started.

12 Q The university had committed substantial  
13 resources, had they not, to the resurrection of the  
14 football program?

15 A There were resources committed, yes.

16 Q Money.

17 A Yes.

18 Q Lots of money.

19 A Well, --

20 MR. DECUIR:

21 Objection, as to the form.

22 MS. CRAFT:

23 Subject to it.

24 BY MS. CRAFT:

25 Q How about more than a million dollars?

1                   A     Private money had to be raised to bring back  
2     the football program.

3                   Q     Okay. So you had to raise private money; am I  
4     correct?

5                   A     Correct.

6                   Q     There were some state matching funds as well?

7                   A     No.

8                   Q     Just private money.

9                   A     Private money.

10                  Q     And so when you raise private money at LSU to  
11     resurrect football --

12                             MR. DECUIR:

13                             Objection, as to the form. You're  
14     talking about LSU again.

15                             MS. CRAFT:

16                             Sorry. I keep doing that.

17     BY MS. CRAFT:

18                   Q     When you're raising the private money to  
19     resurrect the football --

20                   A     Right.

21                   Q     -- I'm assuming that the majority of the  
22     donations you're relying on are folks who are alumni.

23                   A     Correct.

24                   Q     And, in fact, that was the target group; was  
25     it not?

1 A Correct.

2 Q Was it your understanding that football  
3 couldn't be resurrected unless the private money was  
4 raised?

5 A Correct.

6 Q Gotcha. Now, how important were the  
7 sororities and fraternities to the resurrection of  
8 football?

9 A Fraternities, sororities, student  
10 organizations were all important to football and its  
11 success.

12 Q Why?

13 A We needed everybody's support to make football  
14 a success.

15 Q Okay. Well --

16 A Including alums, including faculty, staff,  
17 including students.

18 Q Did you ever communicate to my client that you  
19 needed the Greek folks, the Greek system, sororities and  
20 fraternities, to pack the stadium?

21 A I don't remember that.

22 Q Possible?

23 A Probably not, because there are only a couple  
24 of hundred Greeks. The Greeks could not pack the  
25 stadium.

1 Q Did you have any discussion with anyone above  
2 you in the hierarchy regarding the importance of  
3 football?

4 A The importance of football?

5 Q Yes.

6 A Yes.

7 Q Who?

8 A The present staff talked regularly about  
9 football and how important it was for it to succeed.

10 Q Did you have those discussions with Dr.  
11 Moffett?

12 A Yes.

13 Q Did you communicate to my client discussions  
14 you had with Dr. Moffett about the importance of  
15 football?

16 A Of the importance of football, yes, and the  
17 rest of my staff.

18 Q And you said the Greek people were only a  
19 couple hundred?

20 A Correct.

21 Q Does the number 800 sound about right?

22 A No.

23 Q How big is the stadium?

24 A 7500, 7600, maybe 8,000.

25 Q How big is the student section?

1 A 1,000, approximately.

2 Q Did you ever communicate to my client that Dr.  
3 Moffett does not want us to do anything to the  
4 fraternities because we need their support for football?

5 A No.

6 Q Did you ever have any of those discussions  
7 with Dr. Moffett?

8 A No, I did not.

9 Q Okay. Going back to the Delta Tau Delta  
10 house.

11 A Uh-huh (affirmative response).

12 Q Am I understanding correctly that no timely  
13 notice was sent with respect to the incident involving  
14 Ms. Garza?

15 A Correct.

16 MR. DECUIR:

17 Objection, as to the form of the  
18 question.

19 MS. CRAFT:

20 Okay. Subject to the objection.

21 BY MS. CRAFT:

22 Q Is that correct?

23 A Correct.

24 Q Gotcha. Now, as I understand it, Ms. Garza  
25 contended she was raped in December of 2000; is that

1 right?

2 A . I have not read the suicide note in a long  
3 time.

4 Q The suicide note was written sometime in the  
5 spring of 2001? Is that about right?

6 A Yes.

7 Q My client was on maternity leave; is that  
8 correct?

9 A Correct.

10 Q Was on maternity leave from about November of  
11 2000 until late March of 2001; is that correct?

12 A That's correct.

13 Q And in her absence from her position during  
14 this maternity leave, who was in charge of her job  
15 duties?

16 A I was.

17 Q Did anybody report to you, while my client was  
18 on maternity leave, that there was some contention that  
19 a girl had been raped?

20 A There was a report or an allegation that  
21 perhaps something of a sexual nature had happened  
22 between a student and members of a fraternity.

23 Q Of the Delta Tau Delta fraternity.

24 A No. No fraternity was named in the discussion  
25 I had.

1 Q Who did you have the discussion with?

2 A Mary Ann Callais.

3 Q Spell the last name for me.

4 A C-a-l-l-a-i-s.

5 Q And what did Mary Ann tell you?

6 A Mary Ann told me that at a weekend retreat or  
7 development program for the sorority community, that she  
8 had picked up wind of a possible sexual incident  
9 involving a female student and members of a fraternity.

10 Q Did she say sexual incident or didn't she say  
11 rape?

12 A I have no idea. I don't believe rape was  
13 used.

14 Q When Ms. Callais had this discussion with you,  
15 when did it take place?

16 A In February of that year.

17 Q February of '01, maybe?

18 A Yes.

19 Q My client is on maternity leave at this time?

20 A Correct.

21 Q Gotcha. Did Ms. Callais come into your office  
22 to have this discussion with you?

23 A Ms. Callais came to my office, yes.

24 Q And did she appear concerned about it?

25 A Ms. Callais appeared concerned? Somewhat.

1 Q And so she tells you that there's this, what  
2 I'm hearing, something going on, something has gone on,  
3 what, if anything, did you do?

4 A I told her that for us to move forward with  
5 any sort of investigation, that we needed some names.

6 Q Okay. So what did you do?

7 A I said, you know, bring me back some names and  
8 we can do something, we can start our investigation.

9 Q Did she?

10 A Did she bring me back names?

11 Q Yes.

12 A No.

13 Q Did she bring you back the fraternity name?

14 A No.

15 Q Or the sorority name?

16 A No.

17 Q Were you aware of any other discussions or  
18 reports by anybody else regarding the Garza incident?

19 A Could you --

20 Q Anybody else ever share any information with  
21 you or that you became aware of regarding the Garza  
22 incident besides Ms. Callais?

23 A Mr. Pregeant reported that Ms. Callais wanted  
24 to come and chat with me about the retreat from the past  
25 weekend.



1 Q Did Mr. Pregeant tell you whether or not Ms.  
2 Callais shared information with her about the substance  
3 of it?

4 A No.

5 Q Anybody else?

6 A That's it.

7 Q Ms. Callais' position was what?

8 A She's the Director of Student Organizations  
9 and Greek Affairs.

10 Q So after she came to you, you said we need  
11 names.

12 A Uh-huh (affirmative response).

13 Q Did you instruct her to go forth and find  
14 those names?

15 A I told her, give me some names and we can do  
16 something.

17 Q Did you pick up the phone and call my client  
18 about it?

19 A No, I didn't.

20 Q How often do y'all have alleged sexual  
21 assaults on the SLU campus?

22 A Rarely.

23 Q So it was an unusual incident; am I correct?

24 A Uh-huh (affirmative response).

25 Q Yes?

1 A Yes.

2 Q During my client's maternity leave, correct me  
3 if I'm wrong, you called her at home about various and  
4 sundry issues, am I correct, or instructed your staff  
5 to?

6 A I don't believe I would have instructed my  
7 staff. You know, I don't recall any specific phone  
8 calls. They may have happened, but I don't recall any  
9 specifics around phone calls.

10 Q But you understood there was no prohibition of  
11 contacting my client while she was on maternity leave  
12 about things that happened at the university.

13 A Correct, correct.

14 Q Even routine things that happened at the  
15 university.

16 A Correct.

17 Q But you have this unusual incident, rare, as  
18 you say, that occurs at the university, seems fairly  
19 serious to me, and nobody bothers to call my client?

20 A Correct.

21 Q When she came back from maternity leave, did  
22 you ever discuss it with her?

23 A No.

24 Q Why not?

25 A There was no point at that point because there

1 was nothing to move forward on. We had no names.

2 Q You sat through my client's deposition  
3 yesterday; is that correct?

4 A Correct.

5 Q She related the discussion she had with Ms.  
6 Callais. Do you remember that part of her deposition?

7 A Correct.

8 Q Where she says that Ms. Callais advised her  
9 that Ms. Callais had told you specifically what was  
10 alleged.

11 A Ms. Callais did not tell me specifically.

12 Q She also relayed an incident or relayed a  
13 discussion that apparently was had by the, I guess, head  
14 of the Panhellenic council or something like that, some  
15 other person.

16 A Uh-huh (affirmative response).

17 Q Are you aware of that?

18 A I'm aware of that, yes.

19 Q Tell me about that.

20 A Ms. Lane Vogel came to see me about working  
21 with local bars about possibly getting lids on go-cups  
22 because of the concerns over GHB.

23 Q And did she also discuss with you some  
24 allegation that she was aware of regarding a rape of a  
25 student?

1 A No.

2 Q Never happened.

3 A Never happened.

4 Q So if Ms. Vogel says it did, you say it  
5 didn't, she's a liar?

6 A She never had that discussion with me.

7 Q When did you have the cup discussion with Ms.  
8 Vogel?

9 A Oh, that, I don't recall.

10 Q Could it have been January of 2001?

11 A Could have been.

12 Q Cup lids sounds like a marketing idea to me.  
13 Was it your idea about the cup lids?

14 A I don't remember.

15 Q So how did this meeting happen with Ms. Vogel?  
16 Did she come and say, hey, I wish to discuss with you  
17 cup lids, or did you initiate the discussion with her,  
18 hey, I wish to discuss cup lids?

19 A She initiated the discussion.

20 Q And you're telling me, under oath, it was  
21 strictly about cup lids.

22 A It was strictly -- Well, it was a concern she  
23 had about GHB possibly being placed in drinks at local  
24 bars.

25 Q So what did she tell you about this concern

1 relating to GHB being placed in drinks at local bars?

2 A No specifics.

3 Q Do you remember anything else she said about  
4 the concern relating to GHB?

5 A No.

6 Q And is that when you came up with the idea, as  
7 a marketing professor, doing the cup lids?

8 A I don't recall all the specifics of our  
9 conversation.

10 Q Do you recall anything else about this  
11 conversation that you had with Ms. Vogel?

12 A No, I don't.

13 Q Did you know what GHB was?

14 A Yes.

15 Q Did you know what it was purportedly used for?  
16 Or had been used for, is a better phrase.

17 A GHB is also known as the date rape drug.

18 Q And Ms. Vogel came to you, in some form or  
19 fashion, and says she has a concern about this GHB date  
20 rape drug, and you're telling me she didn't discuss any  
21 reason why she had this concern all of a sudden?

22 A Correct.

23 Q When my client returned from maternity leave,  
24 did you discuss with her the discussion you had with Ms.  
25 Callais?

1 A I discussed that, yes, I did.

2 Q When?

3 A Over the phone, when I first heard that there  
4 had been a suicide.

5 Q You were in Hawaii; is that correct?

6 A Correct.

7 Q My client described that she tried to call you  
8 in Hawaii.

9 A Uh-huh (affirmative response).

10 Q And either you called her back or she called  
11 you back.

12 A Correct.

13 Q Somehow y'all talked.

14 A I called her back.

15 Q Tell me what your conversation was.

16 A As much as I can recall, she talked about a  
17 student had committed suicide. She provided some  
18 specifics around the incident.

19 Q What?

20 A I don't remember.

21 Q Did you at that time say, oh, my God, Mary Ann  
22 and I had had this discussion?

23 A I don't recall my specific wording, but my  
24 response was that must have been what Mary Ann had come  
25 to talk to me about.

1 Q So, in your mind, when my client called in  
2 Hawaii, when you were on vacation, and says this girl  
3 has committed suicide and she's claiming she was raped,  
4 the instant you heard that information you made the  
5 connection to what Mary Ann had told you; isn't that  
6 correct?

7 A Correct.

8 Q Had you followed up on any information that  
9 Mary Ann had given you?

10 A Mary Ann didn't give me any information.

11 Q Did you ever follow up with Mary Ann after you  
12 had this conversation with her?

13 A Not that I recall.

14 Q Did you send her any memo saying, Mary Ann,  
15 you need to get me the names?

16 A Not that I recall.

17 Q Did she ever follow up with you?

18 A Not that I recall.

19 Q Is it possible she sent you some e-mails  
20 outlining what she understood the information to be and  
21 you ignored them?

22 A No. I would have remembered that.

23 Q You're guessing?

24 A Pardon me? Oh, she did not send me any e-  
25 mails. I do not have any e-mails from Ms. Callais.

1 Q So you have this discussion with my client; am  
2 I correct?

3 A Uh-huh (affirmative response).

4 Q Yes?

5 A Yes.

6 Q Did my client say to you at that time, we  
7 should have done something?

8 A My client -- I remember Dr. Landesberg yelling  
9 at me over the phone saying, "Why didn't you call me  
10 about this? On all instances you need to call me."

11 Q So she was upset, correct?

12 A She was upset, yes.

13 Q And what was your response?

14 A I don't remember.

15 Q Did you tell her, as she testified yesterday,  
16 do you think I need to come back as Randy Matt?

17 A I remember asking the question, do I need to  
18 come back.

19 Q And what did she tell you?

20 A I don't remember.

21 Q At this point in time that we're speaking  
22 about, and let's talk about it in terms of when she's  
23 back from maternity leave and you're in Hawaii.

24 A Uh-huh (affirmative response).

25 Q Okay. At that point in time, can you tell me



1           whether or not there was any written procedure published  
2           throughout campus regarding sexual assaults and  
3           reporting sexual assaults?

4           A     I don't know.

5           Q     When did you first become aware that this  
6           Garza incident involved Delta Tau Delta?

7           A     When Dr. Landesberg had the conversation with  
8           me on the phone in Hawaii.

9           Q     And did she remind you at that time there had  
10          been a sexual assault incident in 1998 involving the  
11          same fraternity?

12          A     I don't recall that.

13          Q     So what's the next thing you remember about  
14          this incident?

15          A     I returned home at the end of spring break and  
16          an investigation was underway.

17          Q     My client was heading that investigation; is  
18          that correct?

19          A     I don't know if she was heading up the  
20          investigation. She was active in the investigation.

21          Q     She described a situation yesterday when she  
22          said that the interviews of these people were videotaped  
23          and then miraculously the videotapes were erased. Did  
24          you become aware of that information?

25          A     At some point later on, yes.

1 Q Did that disturb you at all?

2 A Yes, it did.

3 Q Ever seen that happen before?

4 A No.

5 Q What did you understand the investigation to  
6 be about?

7 A The investigation was about an alleged rape of  
8 Ms. Garza.

9 Q And did you have any involvement with this, as  
10 you described it, alleged rape with Ms. Garza after you  
11 got back from vacation?

12 A I served on sort of a management team, for  
13 lack of a better term, that met regularly to receive  
14 updates from the investigative team.

15 Q And who was on this management team?

16 A We had Dr. Clausen, Dr. Moffett, myself, Dr.  
17 Landesberg, Mr. McHodgkins, some folks from the police  
18 department were there. I believe that would have  
19 completed the set of folks involved. Mr. Glove.

20 Q When did you first become aware that there was  
21 litigation contemplated by Ms. Garza's family?

22 A Oh, gee, I don't remember.

23 Q Was an attorney involved in this, as you've  
24 described it, management team?

25 A No.

1 Q Was public relations folks involved?

2 A I don't remember if Mr. Abadie sat in on our  
3 meetings or not.

4 Q Do you recall Dr. Clausen, during one of these  
5 meetings, requesting, how do I tell the press about this  
6 situation?

7 A No, I don't.

8 Q By this point in time, and we're speaking, I  
9 guess, about the spring of 2001, had you ever seen this  
10 type of investigation, with this type of management  
11 committee, as you have described, occur at SLU?

12 A Yes, I had.

13 Q In connection with what incident?

14 A A Kappa Sigma incident in September of 2000.

15 Q What happened there?

16 A A young fraternity pledge was found on the  
17 floor of the Student Union with head injuries after a  
18 bar incident, thereafter a big party that the Kappa  
19 Sig's held after rush week.

20 Q By the way, did the Kappa Sig's get any kind  
21 of disciplinary action as a result of that?

22 A Yes, they did.

23 Q And what was their disciplinary action?

24 A They were moved off campus for three years.

25 Q They were suspended.

1 A They were suspended for three years, correct.

2 Q Now, in 1998, just as far as you know, can you  
3 tell me whether or not the Delta Tau Delta fraternity,  
4 whether the university had imposed any disciplinary  
5 action on Delta Tau Delta at that time?

6 A I believe not. I don't know. I don't  
7 remember. I was not involved in 1998.

8 Q How about after the Garza incident, was there  
9 any disciplinary action opposed upon Delta Tau Delta?

10 A Yes, there was.

11 Q Which was?

12 A I don't recall all the specifics, but there  
13 was some social probation imposed on the group. There  
14 was educational requirements. There was a requirement  
15 that the national would come in and do a thorough  
16 membership review.

17 Q What's social probation?

18 A Meaning they can't hold parties, gatherings.

19 Q But you know they did with Senator Hainkel; am  
20 I correct?

21 A No.

22 Q Nobody ever talked to you about that?

23 A With Delta Tau Delta?

24 Q Oh, I'm sorry. That was KA.

25 A Correct.

1 Q Did Delta Tau Delta hold any social events  
2 after that?

3 A Not that I'm aware of.

4 Q So how long was this social probation, i.e.,  
5 you can't have a party at the frat house?

6 A I don't remember.

7 Q What was the basis for imposing this social  
8 probation?

9 A That was one of a possible list of sanctions  
10 that could be selected.

11 Q I understand. But what are you sanctioning  
12 them for?

13 A I'd have to look back at the letter to see  
14 exactly what they had been charged with.

15 Q Well, what did you understand the  
16 precipitating incident to be for this, you can't hold  
17 parties at the frat house?

18 A That would be violation -- typically  
19 violations of the alcohol policy of the university.

20 Q Did it have anything to do with the Garza  
21 situation?

22 A I don't remember. That particular --

23 Q Yes, the social probation.

24 A Oh, social probation was one of the sanctions,  
25 I believe. As I said, I don't have the luxury of having

1 the sanction letter in front of me, one of the sanctions  
2 that was imposed.

3 Q For what?

4 A For, you know -- And as I said, I don't have  
5 the letter in front of me, because the letter would say  
6 exactly what they were charged with.

7 Q I'm not worried about it verbatim, sir.

8 A Right, right.

9 Q I just want you to tell me generally what you  
10 understood these folks couldn't have parties as a result  
11 of. What happened? Why?

12 A Why? I'd have to go back and look at notes to  
13 determine that exactly.

14 Q Do you have a general census as to what  
15 precipitating event caused there to be sanctions to even  
16 be considered in the first instance?

17 A The precipitating event was the suicide note  
18 that -- the suicide that we became aware of and the  
19 associated note.

20 Q And there was some connectivity to Delta Tau  
21 Delta; am I correct?

22 A Correct.

23 Q Now, you said when the guy fell over the  
24 balcony and hurt his head -- that guy lived; am I  
25 correct?

1 A Correct.

2 Q And the punishment imposed was three years off  
3 campus.

4 A Correct.

5 Q Suspended.

6 A Correct.

7 Q And, also, we talked a little bit about KA.

8 A Uh-huh (affirmative response).

9 Q What was going on with KA?

10 A KA, there was an incident with a girl or girls  
11 that had been taken back to their fraternity home.

12 Q The fondling.

13 A Correct.

14 Q Right.

15 A (Nodding head affirmatively.)

16 Q And so with the fondling, was there an  
17 investigation?

18 A Yes, there was.

19 Q And who did it?

20 A I believe the police were involved and I  
21 believe Mr. McHodgkins was involved.

22 Q And what was the sanction, if any, imposed on  
23 KA as a result of that?

24 A On that particular incident there was no  
25 sanction. They were sanctioned for alcohol violations.

1 Q These girls never retracted their statements,  
2 did they, with respect to what happened at the KA house?

3 A Yes, they did.

4 Q They did. How did they?

5 A They went into the police department and  
6 furnished a written statement.

7 Q Saying what, that it didn't happen or they  
8 didn't want to pursue it?

9 A They didn't want to pursue it.

10 Q I know you told me you have no familiarity  
11 with the Clery Act beyond that which the Chief of Police  
12 told you it contained, but do you have any idea whether  
13 or not the Clery Act has a specific regulation dealing  
14 with the incidents of victims withdrawing their  
15 complaint and still the university having requirements  
16 to do something?

17 A I do not.

18 Q So, as you understood it, these two girls came  
19 in and the sum total of their statement to the police  
20 was, we don't want to pursue it.

21 A Correct.

22 Q Did they give such a statement to the  
23 university?

24 A They did through the police department.

25 Q Well, the police department was conducting a



1 criminal investigation; isn't that correct?

2 A Correct.

3 Q Did the university send any notice to these  
4 girls advising them of their rights to continue with the  
5 student code of conduct violations regardless of whether  
6 or not they were pursuing criminal charges?

7 A I don't know.

8 Q Do you have an understanding that that's  
9 required?

10 A Yes, I do.

11 Q And you got that understanding from Dr.  
12 Landesberg; isn't that correct?

13 A Correct.

14 Q And you told her, no, we're not sending it.

15 A Sending --

16 Q The notice to the girls, that they had a right  
17 to continue in the student code of conduct process  
18 regardless of whether or not they were pursuing criminal  
19 charges.

20 A I don't recall that.

21 Q Well, what did you tell her when she said, we  
22 have to send a notice to the girls?

23 A I don't recall that conversation.

24 Q What conversations did you have with her about  
25 notifying the alleged victims of this assault involving

1 KA?

2 A I don't recall specific conversations with Dr.  
3 Landesberg.

4 Q Generally?

5 A Generally?

6 Q Yes.

7 A Well, I remember a conversation on timely  
8 notice and having the discussion that we weren't going  
9 to do that.

10 Q You told her you weren't going to do it.

11 A Yes, I did.

12 Q And you also recall her, because you told me a  
13 few minutes ago, maybe, like, seven questions ago, that  
14 she came to you and said, regardless of whether they're  
15 pursuing criminal charges, the university has a  
16 responsibility to notify the girls they have the right  
17 to pursue code of conduct violations. You told me that.

18 A Correct, I remember that.

19 Q She told you that.

20 A Uh-huh (affirmative response).

21 Q Yes?

22 A Yes, she told me.

23 Q And she told you that that was a matter of  
24 federal law; isn't that correct?

25 A I believe she would have done that, yes.

1 Q Okay. And you told her, no, we're not doing  
2 that either, didn't you?

3 A I don't remember that.

4 Q Well, was it ever done by the university?

5 A I don't remember. I'd have to look at some  
6 notes as to determine that.

7 Q If I wanted to request the note you're  
8 referring to, what am I going to ask for?

9 A Any and all notes related to the Kappa Alpha  
10 incident.

11 Q Same question with Delta Tau Delta, in this  
12 two year you can't have a party or whatever --

13 A Uh-huh (affirmative response).

14 Q -- would I request any and all notes related  
15 to the DTD incident?

16 A Correct.

17 Q All righty. When did the Kappa Alpha incident  
18 occur?

19 A I believe you said in September.

20 Q September of '02, correct?

21 A Correct.

22 Q How would you characterize the discussions you  
23 had with my client when she advised you that federal law  
24 required the university send notice to these girls  
25 regardless of whether or not they were pursuing criminal

1 charges?

2 A With the discussions we had, I would say that,  
3 you know, Dr. Landesberg was adamant that we had to do  
4 these things.

5 Q And what was your response? How would you  
6 characterize your response? Were you adamant that, no,  
7 we don't have to do these things?

8 A Correct. I was, you know, quite adamant that  
9 we weren't going to provide timely notice.

10 Q Okay. Did you discuss that with Dr. Moffett?

11 A No.

12 Q Did you discuss it with anybody, my client's,  
13 as you call it, being adamant --

14 A Right.

15 Q -- about the university fulfilling what she  
16 said were the requirements of federal law and your  
17 adamant refusal to do so?

18 A Could you rephrase that again, please.

19 Q Sure. When my client was adamant to you  
20 insisting that federal law required that the university  
21 take some action and you were adamantly saying, no,  
22 we're not going to do it, did you go to somebody and  
23 say, hey, I had this discussion with Dr. Landesberg, she  
24 says we're supposed to do this under federal law, I told  
25 her no?

1 A I don't think. I did not.

2 Q You didn't go ask the Chief of Police about  
3 this?

4 A No.

5 Q And am I correct that you have the sum total  
6 of one discussion with Chief Marek regarding the Clery  
7 Act in 2000, when you took office?

8 MR. DECUIR:

9 Objection, as to form.

10 MS. CRAFT:

11 Subject to it.

12 BY MS. CRAFT:

13 A I had several conversations with Mr. Marek and  
14 Mr. Gibson about the Clery Act.

15 Q How many is several?

16 A Two or three.

17 Q You had two or three discussions with them and  
18 those would have all been in 2000; is that correct?

19 A When I first started I had discussions with  
20 the police department, yes, as to I had some follow-up  
21 discussions as needed. But as to those specifics, I  
22 don't recall.

23 Q When did you have follow-up discussions as  
24 needed?

25 A When I needed some clarification on the Clery

1 Act and reporting. We were doing our annual report  
2 during the fall for the Department of Education and I  
3 wanted some further information, some clarification on  
4 how that whole process worked. There were several, you  
5 know, as-needed conversations, I would say, with the  
6 police on that.

7 Q On the reports that are sent to the Department  
8 of Education, who came up with the idea to separate the  
9 violations into categories involving alcohol and  
10 categories that don't have an alcohol designation?

11 A I don't know.

12 Q Can you tell me whether or not federal law  
13 allows you to do that?

14 A I don't know.

15 Q Who makes the decision as to whether or not to  
16 characterize a particular violation into an alcohol  
17 category as opposed to a non-alcohol category?

18 A The individual who's making the report makes  
19 that decision, as to what category that particular  
20 incident is reported under.

21 Q That would be Sergeant Patrick Gibson; is that  
22 correct?

23 A That's correct.

24 Q So am I correct that the university afforded  
25 Sergeant Gibson unfettered discretion to make a decision

1 as to whether or not items are even placed on the  
2 report?

3 MR. DECUIR:

4 Objection, as to form.

5 MS. CRAFT:

6 Subject to the objection.

7 BY MS. CRAFT:

8 A Mr. Gibson was responsible for reporting  
9 campus crimes under the provisions of the Clery Act.

10 Q And he was given discretion, am I not correct,  
11 by the university to determine what he puts on the  
12 report and what he doesn't?

13 A Correct.

14 Q Got it. We were talking about KA.

15 A Uh-huh (affirmative response).

16 Q And you had this adamant discussion with my  
17 client.

18 A Uh-huh (affirmative response).

19 Q That would have been in September of 2002; is  
20 that correct?

21 A Correct.

22 Q Mid September of 2002; is that correct?

23 A Approximately, yes.

24 Q Did she send you any follow-up e-mails  
25 regarding your requirements, the university's

1 requirements to comply with federal law?

2 A I don't remember.

3 Q Had she at that time given a seminar in New  
4 Orleans on the Clery Act and the reporting requirements  
5 for universities?

6 A I don't remember.

7 Q By the way, when she did seminars and had to  
8 leave, the university did travel vouchers or whatever it  
9 was they did, you're the person responsible for  
10 approving those; is that correct?

11 A Correct, correct.

12 Q Now, the KA situation, you told me about the  
13 girls who went back to the police and said, I don't want  
14 to pursue the criminal charges.

15 A Right.

16 Q Do you have any idea whether or not those  
17 girls had been threatened?

18 A I have no idea.

19 Q Can you tell me whether or not there was  
20 another incident involving the KA house -- oh, I don't  
21 know -- within 48 hours?

22 A There was a party that was held there.

23 Q Party by whom?

24 A By the fraternity.

25 Q What kind of party?



1           A     I believe it was in association with rush. I  
2     don't recall the specifics, but it was a party.

3           Q     Was there some sort of sponsor to the party?

4           A     I know that there were alums involved, but I  
5     don't know if there was a sponsor.

6           Q     How do you know alums were involved?

7           A     Because we discussed it somewhat after the  
8     fact.

9           Q     Who were the alums that you discussed after  
10    the fact?

11          A     Who were the alums?

12          Q     Yes.

13          A     At the party?

14          Q     Yes.

15          A     I have no idea.

16          Q     By the way, weren't you at the conference in  
17    New Orleans where my client gave a presentation?

18          A     I was at the conference in New Orleans, but as  
19    to the subject of the seminar, I don't recall.

20          Q     Well, you didn't go to her presentation, did  
21    you?

22          A     I don't remember.

23          Q     Weren't you listed in the program for this  
24    seminar, that you say you don't remember if my client  
25    went to or not?

1 A Was I listed in the program? Yes, I was.

2 Q Does a person by the name of Chen Wa  
3 (phonetic) mean anything to you?

4 A Chen Wa?

5 Q Yes.

6 A Yes.

7 Q How do you know her?

8 A She's a student or she's a graduate of  
9 Southeastern.

10 Q And were you friends with her?

11 A Uh-huh (affirmative response).

12 Q Yes?

13 A Yes. Well, I wouldn't say friends, but  
14 acquaintances, yes.

15 Q Because you worked with the International  
16 Students Association; is that correct?

17 A Correct.

18 Q And Chen Wa was a member of that association?

19 A Correct.

20 Q And as far as you know, she was the person who  
21 had the complaints involving Mr. Truitt.

22 A At the time I did not know that.

23 Q She talked to you about it, didn't she?

24 A She did not.

25 Q Never?

1 A Never.

2 Q Did you ever ask her about it?

3 A No.

4 Q When did you learn it was Chen Wa?

5 A In reading some of the materials that Dr.  
6 Landesberg submitted in association with her EEOC claim.

7 Q Did you talk to Chen Wa about it?

8 A No. She graduated at that time.

9 Q Okay. So Kappa Alpha has this private party.  
10 Did the name Senator Hainkel ever get bandied about?

11 A Uh-huh (affirmative response).

12 Q How so?

13 A Senator Hainkel was a Kappa Alpha.

14 Q And so how did it get bandied about in  
15 connection with this party?

16 A Members of the fraternity felt that they had  
17 immunity because of their association with the Senator.

18 Q Well, which members of the fraternity felt  
19 they had immunity?

20 A I think that was sort of a general attitude  
21 that the members had.

22 Q Where did you find out about this attitude?

23 A From reports of Mr. McHodgkins and others.

24 Q And who were the others?

25 A Ms. Harrison.

1 Q Dr. Landesberg?

2 A Dr. Landesberg, yes.

3 Q So it's reported to you that this fraternity,  
4 the KA fraternity, with this alleged sexual assault  
5 incident, 48 hours later has this party violation, that  
6 they claim to have immunity because Senator Hainkel is  
7 an alum of that fraternity; is that correct?

8 A Correct.

9 Q Didn't my client express to you the concerns  
10 she had over political pressure involving any sort of  
11 discipline of KA?

12 A Correct, she did. I remember she was  
13 concerned about that, yes.

14 Q What did she tell you about her concerns?

15 A I don't remember the specifics.

16 Q And what was the incident at this party?

17 A I don't recall what the exact incident was.

18 Q What was the discipline imposed?

19 A The discipline imposed was something that was  
20 unique to the university at this time. I was concerned  
21 that all of our discipline had been punitive and was not  
22 changing behavior in our fraternity community.

23 So I charged Mr. Love, Mr. McHodgkins, and Ms.  
24 Harrison to come up with an approach that would  
25 sanction, when necessary, but at the same time work

1           towards changing the climate of the organization.

2                       So the sanction that was devised was one that  
3           limited recruiting going forward to a small number of  
4           folks and recruiting individuals who had high grade  
5           point averages, which had never been a requirement of  
6           that particular group.

7                       Q     So that was --

8                       A     In addition to some other sanctions that I  
9           don't remember at this time.

10                      Q     So, wait. They didn't even get this social  
11           probation business?

12                      A     I don't remember.

13                      Q     What about this incident or incidents, plural,  
14           involving KA led you to the understanding -- and I wrote  
15           it down -- that you were concerned that the punitive  
16           measures applied in the past were, quote, not changing  
17           the behavior within our community, what behavior are you  
18           speaking about?

19                      A     Well, we would sanction people, give them  
20           disciplinary probation, give them social probation, and  
21           then they were back doing something that was against  
22           university policy.

23                      There was this constant repetition of sanctioning,  
24           then serving the sanction period, then there would be  
25           some sort of incident that would occur and, you know,

1 this vicious circle of sanctioning and then having an  
2 incident repeat itself.

3 We weren't changing the behavior of our  
4 fraternities. And obviously our approach would not be  
5 successful. So we needed to try a different approach  
6 that would impact the behavior of our fraternities.

7 Q And you used the phrase that this was unique.

8 A Yeah.

9 Q With respect to KA, correct?

10 A It was unique for the university.

11 Q This whole thing?

12 A We also applied it to Sigma Tau in a similar  
13 vain.

14 Q What did Sig Tau do?

15 A They had some alcohol violations. And we,  
16 too, implemented a sort of similar approach, with  
17 limiting recruiting to a very, very small number of  
18 folks who had high grade point averages.

19 Q High being what?

20 A 3.0 or greater.

21 Q What did Sig Tau do? You said alcohol  
22 violations?

23 A It had an alcohol violation.

24 Q Didn't they also have an incident where they  
25 stole a rape manual?

1 A I don't remember that.

2 Q Do you remember an allegation being about a  
3 fraternity stealing a rape manual from a sorority house?

4 A I do not remember that.

5 Q Did you ever receive an e-mail from my client  
6 about that?

7 A I don't remember that.

8 Q So for the first time, correct me if I'm  
9 wrong, this new thing that you put together, the first  
10 time this unique thing was done was with KA; is that  
11 correct?

12 A KA and Sig Tau were done concurrently.

13 Q Okay. But the first deal was KA, because Sig  
14 Tau was after the KA incident.

15 A The sanctioning, I believe, took place  
16 concurrently.

17 Q I understand.

18 A Right.

19 Q But incidents, KA was first, Sig Tau was  
20 second.

21 A In terms of the incidents, I don't recall the  
22 timing, when KA's went and when Sig Tau's happened.

23 Q What kind of message do you think that sent to  
24 the fraternity, this unique thing that you imposed to  
25 the same fraternity, that according to your Dean of

1 Students and many others, is saying we are immune from  
2 any sort of punishment because we have a senator?

3 A I think it sent a very strong message, that we  
4 were concerned about the health of our fraternity system  
5 and that we needed something that was different to  
6 change that, to change the health of our fraternity  
7 system.

8 Q So they still got to have parties?

9 A I'd have to look at the sanctioning, but I  
10 believe there was some form of social, social  
11 prohibition placed on the fraternity.

12 Q Like what?

13 A At the same time. I don't remember.

14 Q Did you ever order my client to stop  
15 investigating incidents involving students?

16 A Not that I remember.

17 Q In any fashion.

18 A Not that I remember.

19 Q Did you ever tell her to back off  
20 investigating incidents involving students at SLU?

21 A Not that I remember.

22 Q Did you ever tell her that any investigation  
23 did not need to proceed because on advice of counsel you  
24 were going to sit back and wait for the civil suit?

25 A Run that by me again, please.



1 Q Did you ever tell my client that on advice of  
2 some attorney or some counsel that y'all were going to  
3 wait on doing an investigation or stop where you were  
4 until the civil suit was either filed or over, or  
5 something like that?

6 A Do you want to give me a specific? I remember  
7 a conversation with respect to an allegation that a  
8 Department of Education suit has been filed and talking  
9 about civil action with respect to that. But that's the  
10 only incident that I can remember.

11 Q Tell me about that.

12 A That was --

13 THE WITNESS:

14 Can we take a quick break?

15 MS. CRAFT:

16 You can answer my question and  
17 then we can go ahead and take a break.

18 THE WITNESS:

19 Okay.

20 MS. CRAFT:

21 I hate to leave questions pending  
22 on the table.

23 THE WITNESS:

24 Right, okay.

25 BY MS. CRAFT:

1 Q Go ahead. Tell me about that.

2 A Dr. Landesberg went to a seminar out of state.

3 Q Is that the suicide seminar?

4 A I don't remember what she --

5 Q Go ahead. Sorry, I don't mean to interrupt  
6 you.

7 A She went to a program out of state, came back  
8 and said that an individual had approached her, wanted  
9 to find out some more information about the Garza  
10 incident. And that particular individual, or I don't  
11 know if it was the individual, but in association with  
12 that inquiry, anyway, there was an allegation that, you  
13 know, a Department of Education claim, concern had been  
14 filed.

15 Q And how did we get to the lawyers getting  
16 involved in that?

17 A Well, when I heard that, I went and chatted  
18 with Mr. Pregeant about that. And I believe he and I  
19 got on the phone and called Mr. Winston DeCuir, Sr. to  
20 get some clarification on that.

21 And Mr. DeCuir, I believe, informed us that,  
22 typically, if there's going to be any Department of  
23 Education action, it would take place after the civil  
24 suit had played out.

25 Q So did you communicate that to my client?

1 A Yes, I did.

2 Q Did you tell her not to investigate?

3 A No. There was nothing to investigate.

4 MS. CRAFT:

5 We can take a little break.

6 THE WITNESS:

7 Okay.

8 (Off the Record, back on the Record)

9 MS. CRAFT:

10 We were talking about a whole bunch of  
11 things, but I wanted to go back to the  
12 seminar in New Orleans, which I understood  
13 it was held in September of 2002; is that  
14 correct?

15 MS. LANDESBERG:

16 Uh-huh (affirmative response).

17 MS. CRAFT:

18 Right?

19 THE WITNESS:

20 Right.

21 MS. LANDESBERG:

22 Yeah.

23 BY MS. CRAFT:

24 Q And is it true that you asked my client to  
25 present at that seminar?

1 A I could have, yes.

2 Q Who is David Weir?

3 A He's my partner.

4 Q And was he also a lawyer for the university?

5 A He is on contract for immigration matters.

6 Q And didn't he sit in the front row of my

7 client's presentation on the requirements of the Clery

8 Act?

9 A He could have, yes.

10 Q And you told me that the sum total of your

11 knowledge of the Clery Act came from the Chief of

12 Police.

13 A No.

14 Q Where else did you get knowledge about it?

15 A Mr. Gibson as well.

16 Q I'm sorry. Both of them.

17 A Right.

18 Q Is that correct?

19 A Right. Yes.

20 Q Do you recall informing my client to obtain a

21 copy of the regulations regarding the Clery Act and to

22 give them to Mr. Marek?

23 A I don't remember that.

24 Q Do you know where the sum total of Chief

25 Marek's information or Sergeant Gibson's information

1           came regarding the Clery Act?

2                   A     I don't know specifically how they were  
3           trained up in that area.

4                   Q     Do you know whether or not you instructed  
5           Chief Marek to attend my client's seminar on the Clery  
6           Act in September of 2002?

7                   A     I don't remember.

8                   Q     Now, as Vice President of Student Affairs, it  
9           is your responsibility, is it not, to oversee all  
10          matters relating to students?

11                  A     No.

12                  Q     What matters relating to students do you  
13          oversee as the Vice President of Student Affairs?

14                  A     The Vice President of Student Affairs, at the  
15          time when Dr. Landesberg was working with us, oversaw  
16          auxiliary services, oversaw the police department, and  
17          oversaw the Dean of Students area.

18                  Q     And I think you told me that the Dean of  
19          Students oversaw the judicial office.

20                  A     Correct.

21                  Q     Which was Milas Love; is that correct?

22                  A     Correct.

23                  Q     That would have been that my client oversaw  
24          the imposition of the student code of conduct; is that  
25          correct?

1 A Correct.

2 Q And ultimately that was your responsibility.

3 A Correct.

4 Q And now do you oversee things in addition to  
5 Auxiliary Services, the police department, and the Dean  
6 of Students?

7 A I no longer oversee Auxiliary Services, but I  
8 oversee our office of public information.

9 Q Like media relations.

10 A Correct.

11 Q And Auxiliary Services does what?

12 A Auxiliary Services, is your question, does  
13 what, in terms of where did they report or what does  
14 Auxiliary Services oversee?

15 Q Generally, what does Auxiliary Services  
16 oversee?

17 A Auxiliary Services oversees many of the money  
18 making functions of the university, such as the  
19 bookstore, such as coin operated washing machines. They  
20 oversee the housing operation. They oversee our  
21 textbook rental program.

22 Q So when we spoke earlier about Mr. Truitt, who  
23 was in housing, he would have been in your line of  
24 supervision.

25 A Correct.

1 Q And he's still employed by the university?

2 A No, he is not.

3 Q What happened to him?

4 A He found a job at Vanderbilt University.

5 Q Did he get a raise, as my client described,  
6 after the Palumbo incident?

7 A He got a small merit increase.

8 Q And who was responsible for approving that  
9 small merit increase for Mr. Truitt?

10 A I would have.

11 Q And how close in time was it after you saw the  
12 e-mail that Mr. Truitt sent to Ms. Palumbo?

13 A I don't recall. The merit increases would  
14 have taken place in the fall of every year.

15 Q Now, you said you saw the documents my client  
16 submitted to the EEOC; is that right?

17 A Correct.

18 Q When?

19 A I don't recall the exact date.

20 Q What about a year?

21 A A year ago would be fine.

22 Q Now, we talked a little bit at the beginning  
23 of your deposition about some complaints that my client  
24 had regarding statements made about her religion.

25 A Uh-huh (affirmative response).

1 Q Do you remember that?

2 A Uh-huh (affirmative response).

3 Q Way back in the beginning of your deposition.

4 A Right, right.

5 Q And you said at the time, the ones you did  
6 recall, you were not the Vice President of Student  
7 Affairs.

8 A Uh-huh (affirmative response).

9 Q Right?

10 A Correct.

11 Q Okay. What complaints or issues or, I guess,  
12 unhappiness did my client express to you relating to her  
13 religion subsequent to that?

14 A She was upset over our 9/11 program.

15 Q What was she upset about?

16 A She was upset that there were prayers made and  
17 references made to Jesus.

18 Q By the way, this business that she initially  
19 reported to you, before you became Vice President of  
20 Student Affairs, the stuff about, you know, you really  
21 need to be Christian or whatever that she reported her  
22 subordinate was saying, did she ever stop telling you  
23 about that?

24 A About that particular individual?

25 Q Yes, yes.



1           A     I believe so. I don't remember any ongoing  
2 regular discussion about that particular individual.

3           Q     Well, isn't it true that up until October of  
4 2002 my client came to you and talked to you about this  
5 same subordinate making those comments and similar  
6 comments on a regular basis?

7           A     I don't remember that conversation.

8           Q     Did she ever talk to you about her being  
9 offended by someone telling her she needs to be a member  
10 of Jews for Jesus?

11          A     I don't remember that particular incident.

12          Q     Did you know what Jews for Jesus was?

13          A     Yes, I know what Jews for Jesus is.

14          Q     Did my client, you said she was concerned  
15 about the prayers made at the 9/11 ceremony?

16          A     Uh-huh (affirmative response).

17          Q     What was her concern?

18          A     Her concern was that we had prayers that  
19 mentioned Jesus and that we did not have anybody in the  
20 program that represented the Jewish faith.

21          Q     And 9/11 of what year?

22          A     This would have been 2001. It was not -- It  
23 was immediately after the disaster happened.

24          Q     And there was another 9/11 memorial service  
25 the following year, in 2002; is that correct?

1 A Correct.

2 Q And did my client also express some concerns  
3 at that time?

4 A I don't remember that.

5 Q What about the Hillel Organization, did she  
6 ever talk to you about that?

7 A She talked to me about Hillel.

8 Q What did she talk to you about?

9 A She talked to me about some frustration she  
10 had in recruiting students for that particular  
11 organization.

12 Q Well, what's her frustration?

13 A Her frustration was she couldn't find ten -- a  
14 significant mass of students so that she could go  
15 forward with that particular organizational plan to have  
16 it recognized by the university.

17 Q Well, hadn't it already been recognized by the  
18 university?

19 A I don't think it had. But I'd, you know,  
20 defer to any documents that we have back in the office  
21 on that.

22 Q Did she also express some frustration she had  
23 with respect to getting no information about Jewish  
24 students at the university?

25 A Yes, she did.

1 Q And what was that frustration?

2 A She wanted a process to be instituted whereby  
3 we could identify Jewish students, so that in turn they  
4 could be targeted to join this organization.

5 Q Did you think Hillel was a good idea?

6 A Yeah.

7 Q Why?

8 A It fostered another opportunity for students  
9 to connect with the university. It fosters an  
10 opportunity for others to learn about a different faith,  
11 people. It would be a good thing for the university.

12 Q Did my client come to you and complain about a  
13 Professor Lew, L-e-w, and her request that she be off on  
14 Yom Kippur?

15 A I remember Dr. Landesberg mentioned to me that  
16 Ms. Lew had some problems in getting time off for Yom  
17 Kippur.

18 Q And what were her problems in getting time off  
19 for Yom Kippur?

20 A I don't remember the specifics.

21 Q Any idea what Yom Kippur is in the Jewish  
22 faith?

23 A It's a high religious holiday.

24 Q It's an important holiday; am I correct?

25 A Yes, yes.

1 Q And you understand it's the most important  
2 holiday in the Jewish faith.

3 A Yes, yes.

4 Q And my client came to you about Yom Kippur in  
5 2002, and Ms. Lew; isn't that correct?

6 A Correct.

7 Q And so when my client came to you, didn't she  
8 report to you that Ms. Lew felt she was being  
9 discriminated against on account of her religion?

10 A I don't remember that claim being made.

11 Q Well, she said Ms. Lew couldn't get time off;  
12 am I correct?

13 A Correct.

14 Q So what, if anything, did you do?

15 A Nothing.

16 Q Did you call Mr. Pregeant or refer my client  
17 to Mr. Pregeant?

18 A No.

19 Q Was my client allowed time off for Yom Kippur?

20 A I believe so, yes.

21 Q And did she have to submit several requests to  
22 get time off for Yom Kippur in 2002?

23 A No.

24 Q The homecoming court, was there ever an issue  
25 with the homecoming court?

1 A Yes.

2 Q What was the issue?

3 A The issue with the homecoming court was, I had  
4 approached Dr. Landesberg to work with the SGA to see if  
5 we could inject some leadership that we needed in our  
6 homecoming court. And with respect to that, look at  
7 changing the grade point average requirement, changing a  
8 student organizational requirement, and looking at the  
9 voting process related to that.

10 Q Why?

11 A Why did I do that?

12 Q Yes.

13 A Because homecoming was a very important aspect  
14 of the university. We had worked hard with all of our  
15 student organizations to raise grade point average and,  
16 you know, we were wanting to foster leaders. That had  
17 not been done with our homecoming court.

18 Q Was homecoming court a student organization?

19 A Homecoming court was administered by a student  
20 organization.

21 Q Didn't you tell my client that there was some  
22 concern the homecoming court was getting too dark?

23 A I told Dr. Landesberg, yes, that the  
24 homecoming court was too dark.

25 Q Well, were the lights out in the stadium, or

1           what?

2                           A     No.

3                           Q     Well, what was too dark about the homecoming  
4           court?

5                           A     Well, the homecoming court was not  
6           representative of our student body, much like our  
7           cheerleaders and Lionettes are too white.

8                           Q     Well, so when you say too dark, that means it  
9           was too black.

10                          A     Yeah.

11                          Q     And didn't you tell my client that Dr. Moffett  
12           had expressed the concern that the homecoming court was  
13           too black and, hence, you instructed my client to change  
14           the process?

15                          A     I instructed Dr. Landesberg that we needed to  
16           look at leadership issues with respect to the homecoming  
17           court. I did not instruct Dr. Landesberg to change the  
18           process. SGA had to change the process.

19                          Q     But the reason you did so, correct me if I'm  
20           wrong, is because, as you told my client, Dr. Moffett  
21           was concerned it was too black.

22                          A     No. Dr. Moffett was concerned that we did not  
23           have a proper leadership component in our homecoming  
24           court.

25                          Q     So he didn't use the phrase too dark, you did?

1 A I did.

2 Q So it was your concern it was too black.

3 A Yes.

4 Q And Dr. Moffett's concern was there was no  
5 leadership of the homecoming court.

6 A We did not have students who were leaders,  
7 that we were trying to develop within all of our student  
8 organizations, yes.

9 Q Didn't my client tell you, when you said the  
10 homecoming court is getting, quote, too dark, that you  
11 cannot change the process to exclude black persons?

12 A I do not recall that comment by Dr.  
13 Landesberg.

14 Q Didn't she protest your statement that the  
15 homecoming court was too dark or, in the vernacular, too  
16 black?

17 A I do not recall any protest by Dr. Landesberg.

18 Q Didn't she tell you, I don't want to do that?

19 A I do not -- I do not recall that reaction, no.

20 Q The process was not changed, was it?

21 A The process of election was not changed. We  
22 did inject a grade point average minimum and we did  
23 inject a requirement that students had to belong to two  
24 organizations in order to participate in the court.

25 Q But that was after Dr. Landesberg was no

1 longer employed at the university; isn't that right?

2 A No.

3 Q When was that done?

4 A That was done shortly after the request was  
5 made to look at the homecoming court process.

6 Q Really. What was the racial makeup of the  
7 homecoming court in 2002?

8 A I don't recall offhand exactly what the  
9 numbers were, but of the seven people on the homecoming  
10 court, five or six were probably African-American  
11 students.

12 Q In 2002.

13 A In 2002, correct.

14 Q And in 2003, when y'all had your inaugural  
15 football season and the first homecoming court, correct  
16 me if I'm wrong, you had a majority white homecoming  
17 court.

18 A Correct.

19 Q So the process was changed sometime between  
20 2002, when you said the homecoming court was  
21 predominantly black, and 2003, when you had the first  
22 football game and trotted them out on the field as white  
23 girls, right?

24 A The process --

25 MR. DECUIR:







1 Dr. Landesberg, which they did.

2 Q And so when was she removed?

3 MR. DECUIR:

4 Objection, as to the form.

5 BY MS. CRAFT:

6 A She stepped down thereafter.

7 Q When?

8 A The fall or summer of 2002. I don't know. I  
9 can't -- Well, it wouldn't have been summer because the  
10 SGA wasn't in session then. During the fall of 2002?

11 Q Was it before or after you handed her a letter  
12 saying her position was eliminated?

13 A That was before.

14 Q When before?

15 A I don't recall the exact date when that  
16 happened, but the change in the SGA advisory capacity  
17 was made prior to the letter being handed to her.

18 Q Did she send you any memo about it?

19 A About what?

20 A What you contend was her stepping down as  
21 being SGA advisor.

22 A No, I don't recall a memo.

23 Q Were you aware of anything in writing that  
24 substantiates what you're saying was a voluntary step  
25 down on her part?

1 A No, I do not know of anything in writing.

2 Q Throughout the entire tenure of my client's  
3 employment at the university, correct me if I'm wrong,  
4 she put a lot of stuff in writing, didn't she? She e-  
5 mailed frequently. She sent memos frequently.

6 A Uh-huh (affirmative response).

7 Q Is that right?

8 A Uh-huh (affirmative response).

9 Q Yes?

10 A She sent letters, memos, yes.

11 Q And so on this occasion where you contend she  
12 stepped down, she didn't submit anything in writing, to  
13 your knowledge?

14 A Not that I recall.

15 Q Why would you care if the homecoming was too  
16 dark?

17 A My concern was one of leadership, first of  
18 all, that we wanted, you know, students on the  
19 homecoming court who were representative of student  
20 excellence, okay.

21 Q So black people aren't?

22 A No, I'm not saying that. We could care less  
23 whether the queen or the king were black, white,  
24 Chinese, whatever. But we wanted students who were up  
25 front, in public eye, we wanted those folks to be the

1 best of our best, potentially.

2 Q And black people weren't?

3 A No, I wasn't saying that.

4 Q You said, correct me if I'm wrong, you  
5 expressed to my client that the homecoming court is  
6 getting too dark.

7 A Correct.

8 Q And you told me that there were too many black  
9 people on the homecoming court. And now you're telling  
10 me the that concern was you wanted folks to be leaders  
11 and step out and be the best of the best.

12 And my question to you was, are you telling me  
13 that it was your impression that black people were not  
14 the best of the best at that university?

15 A No, I'm not. No, I'm not saying that. We  
16 wanted a homecoming court that obviously had leadership  
17 capabilities that we could feature. At the same time,  
18 we wanted a homecoming court that was representative of  
19 our student body too.

20 Q Representative how?

21 A Well, a demographic makeup.

22 Q So you wanted to impose a quota?

23 A No, I wasn't saying we needed to impose a  
24 quota. But we needed to bring that in line, that was  
25 more representative of our student organization, of our

1 student population.

2 Just as much like our cheerleaders are too white.  
3 We don't have any black representation on our  
4 cheerleading squad. We need to work to change that.

5 Q Well, have you met with anybody to say, hey,  
6 the cheerleading squad is too light?

7 A The folks that are working with the  
8 cheerleaders are working to inject more diversity in our  
9 cheerleading squad, yes.

10 Q When did you begin this initiative?

11 A Oh, that's -- that started around the same  
12 time, too, that we wanted more diversity in our  
13 cheerleading.

14 Q But the cheerleading squad had been in  
15 existence for a long time, right?

16 A I don't know when they were instituted.

17 Q When did you come to this realization that the  
18 cheerleading squad was too light and the homecoming  
19 court was too dark?

20 A Three years ago. Two, three years ago.

21 Q So, like, 2002, 2003?

22 A Correct.

23 Q Did you sit down with my client and give her  
24 any instructions with respect to the cheerleading squad  
25 being too light?

1 A No, I did not.

2 Q When the first homecoming court stepped out on  
3 the field at the very first inaugural homecoming game at  
4 SLU, correct me if I'm wrong, it was predominantly white  
5 for the first time in a long time.

6 A Correct.

7 Q And the cameras were there, weren't they?

8 A Correct.

9 Q And you all had big publicity at the  
10 university over that, didn't you?

11 A For homecoming?

12 Q Yes.

13 A Yes.

14 Q What other thing did my client talk to you  
15 about with respect to her religion and concerns she had  
16 about it?

17 A At this point I can't recall anything else.

18 Q Were you aware of some comments being made to  
19 her by Patsy? Who was that?

20 A Patsy Causey.

21 Q Who is she?

22 A She's the vice president. She was the Vice  
23 President of Student Affairs.

24 Q She had the job before Kim had the job, before  
25 you had the job.

1 A Correct.

2 Q And my client told you that Ms. Causey made  
3 some comments about my client's Jewish faith; am I  
4 correct?

5 A I don't remember those comments being made.

6 Q Like her son-in-law being the Jew baby?

7 A I don't remember that.

8 Q Did you ever hear Ms. Causey refer to her son-  
9 in-law as the Jew baby in my client's presence?

10 A I don't remember that.

11 Q Do you think Jew baby is an offensive term to  
12 someone of the Jewish faith?

13 A Yes.

14 Q And you would personally find it offensive;  
15 would you not?

16 A Yes.

17 Q How's about a comment, somebody asking a  
18 member of the Jewish faith whether or not their  
19 aggressiveness was a cultural characteristic, would you  
20 find that offensive?

21 A It depends on the context that it was asked.

22 Q Did my client talk to you about a comment made  
23 by Ms. Hunter to her about Dr. Landesberg's  
24 aggressiveness being a cultural characteristic as a  
25 Jewish person?



1 A I don't remember that.

2 Q Did you ever go and speak to this guy who was  
3 making the Jewish comments about "you need to be  
4 Christian" to my client?

5 A No.

6 Q And I think you told me you never instructed.  
7 Mr. Pregeant or never reported to Mr. Pregeant my  
8 client's discomfort that she expressed about this  
9 situation.

10 A Correct.

11 Q And as my client's supervisor, as a matter of  
12 policy at the university, were you not required in the  
13 instance of any form of discrimination or harassment to  
14 you yourself report to the EEO officer?

15 A I was never asked to follow up on those  
16 instances, on those comments.

17 Q I'm asking about as a matter of policy.

18 A I don't know what that policy is specifically.

19 Q The harassment/discrimination policy, you  
20 don't know what it is?

21 A I'm sorry? Yes, that's correct. Word for  
22 word, I don't.

23 Q Generally?

24 A Generally, any allegations need to be put in  
25 writing.

1 Q But you told me that was a matter of practice.

2 A Practice, correct.

3 Q And I think you told me that practice isn't  
4 written down anywhere that you're aware of.

5 A That I'm aware of, correct.

6 Q I gotcha. And I think you told me this  
7 practice, given that it's not written down, it was not  
8 communicated to the employees either, was it?

9 A I don't recall saying that.

10 Q Was it communicated to the employees, this  
11 practice?

12 A In Student Affairs?

13 Q Yes.

14 A If everybody was aware of that we do not move  
15 forward unless we have a permission of the individual to  
16 do so.

17 Q Well, how did everybody get this awareness?

18 A That was based on our practice.

19 Q Are you making an assumption?

20 A I guess in that particular case I am making an  
21 assumption.

22 Q Okay. Because correct me if I'm wrong, the  
23 entire time you've been at the university, the  
24 university has never conducted any training sessions  
25 regarding illegal discrimination or harassment that

1 you're aware of; isn't that right?

2 A I don't know. You'd have to ask our human  
3 resources people.

4 Q Well, I'm asking you. You've been there for a  
5 long time. You ever go to a training session about  
6 illegal harassment or discrimination?

7 A No, I have not.

8 Q During orientation of students at the  
9 university, can you tell me whether or not the  
10 university has ever communicated the disciplinary code  
11 or told students if you've been the victim of a sexual  
12 assault you can do these certain things?

13 A Uhh

14 Q Any training?

15 A I'm sorry. Any --

16 Q Any training to the students when they enter  
17 that university about what your policies are regarding,  
18 let's say, sexual assaults.

19 A Students receive a copy of our student  
20 handbook, which has various policies and procedures  
21 written in them.

22 Q So other than getting the booklet, nothing  
23 else.

24 A They receive notification on an annual basis  
25 as to where they can go and find out further information

1 about student policies and university policies, online  
2 and in the handbook, et cetera.

3 Q When did you start this annual notification?

4 A I don't know a specific date.

5 Q Whose idea was it?

6 A Dr. Landesberg talked about it, and I have her  
7 to thank for that.

8 Q Did you ever have a discussion with my client  
9 at anytime that she was to refrain from doing something  
10 or to stop doing something because SLU was bringing back  
11 football and the fraternities needed to support  
12 football?

13 A No.

14 Q And at the time you told me you came up with  
15 this unique thing for Kappa Sig and KA --

16 A No. Sig Tau and KA.

17 Q Sig Tau. I'm sorry. Sig Tau and KA. That  
18 was after you had raised the money to bring back  
19 football and then hired a coach, right?

20 A It would have been concurrent with around the  
21 time when the coach had been hired, yes.

22 Q Which means you already had the money.

23 A Correct.

24 Q Now, let's talk about the position of  
25 Assistant Vice President of Student Affairs. Is there

1 such a position?

2 A There is no such position as Assistant Vice  
3 President of Student affairs.

4 Q Okay. Is there some position similar to that?

5 A There is an assistant to the Vice President of  
6 Student Affairs.

7 Q Assistant to the Vice President of Student  
8 Affairs.

9 A Correct.

10 Q When was that position created?

11 A July 2002.

12 Q And what are the duties or what were the  
13 original duties of that position?

14 A The duties of the position were to help me  
15 market the division and assist the vice president as  
16 required.

17 Q And under what circumstances -- and let me  
18 back up and ask it this way: Your university runs on a  
19 fiscal year basis; is that correct?

20 A Correct.

21 Q And the fiscal runs from when to when?

22 A July 1 to June 30.

23 Q July 1 to June 30.

24 A Correct.

25 Q All righty. And so by July 1 your budget is

1 entirely in place for the following year; isn't that  
2 correct?

3 A Our budget is -- Our monies have been set,  
4 correct, as far as state appropriations are concerned.

5 Q Okay. And this position of Assistant to the  
6 Vice president of Student Affairs was created after the  
7 beginning of the fiscal year; is that correct?

8 A No. It was created concurrent with the start  
9 of the new fiscal year, in that particular case, July 1.

10 Q Well, maybe you can walk me through the  
11 process a little bit, because I'm not real familiar with  
12 how the legislature works.

13 But am I correct that when budgets are put  
14 together with the legislature and the appropriations are  
15 made, that's done sometime in the late spring, and then  
16 the governor signs it July 1; isn't that right?

17 A July 1 is the start of our budget year,  
18 correct.

19 Q But the monies have already been appropriated.  
20 And then you have the administerial act of saying, hey,  
21 this is my budget, July 1, correct?

22 A Correct.

23 Q Okay. So you created this new position. And  
24 it was a new position; am I correct?

25 A It was a new position according to the

1 Well, no, it was a former position that was moved to  
2 report to me.

3 Q Former position where?

4 A In the Dean of Students organization.

5 Q What was the title of the former position?

6 A The former position was in charge of  
7 assessment.

8 Q What was the title?

9 A I forget the exact title. Director of  
10 Assessment and Alcohol Education, perhaps.

11 Q Was that a position being occupied?

12 A No, it was not occupied. It had been vacant  
13 for sometime.

14 Q Vacant for how long?

15 A I don't recall. Maybe a few years. I don't  
16 recall offhand. I'd have to look at the records.

17 Q Who came up with the idea to create this  
18 position?

19 A I did.

20 Q Why?

21 A Because I needed some help.

22 Q Needed help how?

23 A I was assuming more and more duties related  
24 to, I think, management. I needed somebody to help me  
25 with correspondence. I have a good secretary, but

1           unfortunately memo writing and report writing is not one  
2           of her fortes.

3                        I needed somebody who could help me with oversight  
4           of all of the areas that I managed.  If there was  
5           something going on at the police department that  
6           required some follow up, I could task that person with.  
7           If there was something going on in Auxiliary Services  
8           that needed some of my attention, that person could work  
9           with people from Auxiliary Services.

10                      Q     But those two departments, correct me if I'm  
11           wrong, because I asked you twice in this deposition who  
12           they reported to, and you told me they reported to the  
13           Dean of Students.

14                      A     No.  The police department reports directly to  
15           the vice president.  Auxiliary Services, at the time,  
16           reported directly to the vice president.  And then we  
17           had the Dean of Students organization.  So I basically  
18           had three areas that reported to me.

19                      Q     So it was your idea to take this title of  
20           Director of Assessment that had been vacant for a number  
21           of years --

22                      A     Correct.

23                      Q     -- and to now take this vacant position and  
24           call it Assistant to Vice President of Student Affairs;  
25           is that correct?



1 A Correct.

2 Q And to do so, how did you functionally  
3 accomplish that goal?

4 A I made a request in my budget hearing to the  
5 vice presidents that I wanted to create that position,  
6 and the request was approved.

7 Q And was it ever been submitted to the Board?

8 A It would have appeared on an organizational  
9 chart that is submitted to the Board on an annual basis.

10 Q So at this time, when you wanted to take this  
11 title change and create this position to help you, you  
12 were inundated with work; am I correct?

13 A Busy.

14 Q You had a lot on your plate.

15 A Yes.

16 Q And so when did you come up with the idea to  
17 get rid of the position of Dean of Students? When you  
18 had all this work on your plate?

19 A No, that had been ongoing. I had come to the  
20 realization some time ago that, you know, we had sort of  
21 a duplication of the effort. We had two chief student  
22 affairs offices and we didn't need two.

23 Q Who were your two chief student affair people?

24 A The Dean of Students and the Vice President of  
25 Student Affairs.

1 Q So Dr. Landesberg and you.

2 A Correct.

3 Q Was Dr. Landesberg, like, sitting at work  
4 twiddling her thumbs every day, or was she actually  
5 doing a whole bunch of stuff?

6 A Dr. Landesberg was busy doing what she was  
7 involved with.

8 Q And so after that position was gone, correct  
9 me if I'm wrong, you then took over her duties; am I  
10 right?

11 A Correct.

12 Q All of them.

13 A Correct.

14 Q So you have this full plate and you took on  
15 more.

16 A They report directly to me, yes. All the  
17 people that formerly reported to Dr. Landesberg reported  
18 directly to me.

19 Q Well, when did you start having this thought  
20 about we have this duplicate thing?

21 A A couple of years previously.

22 Q Did you ever communicate that to Dr.  
23 Landesberg?

24 A No, I did not.

25 Q And did you make any memos about it?

1 A No.

2 Q When did you first communicate it to some  
3 person besides yourself that you wished to try to or at  
4 least eliminate my client's position so that you would  
5 assume the responsibilities for that position?

6 A I don't recall the exact date, but there had  
7 been several discussions over the previous two years  
8 about whether or not two chief student affairs officers  
9 were necessary.

10 Q Discussions with whom?

11 A Discussions with the president of staff.

12 Q Who?

13 A Well, that would involve the provost and the  
14 other vice presidents.

15 Q Give me some names.

16 A Dr. Crane is the Provost. Then Dr. Miller is  
17 the Vice President of University Advancement. Mr. Smith  
18 is the Vice President for Administration of Finance.

19 Q And Dr. Moffett.

20 A And Dr. Moffett, correct.

21 Q Did you first discuss this idea of eliminating  
22 the position that my client held with Dr. Moffett?

23 A I don't remember when and who was at that  
24 initial conversation.

25 Q Well, did you have some issue with how my

1 client was doing her job?

2 A Dr. Landesberg was doing a fine job.

3 Q Okay. And she was busy.

4 A Uh-huh (affirmative response).

5 Q Right?

6 A Uh-huh (affirmative response).

7 Q Yes?

8 A She was busy.

9 Q Yes?

10 A She was busy, yes.

11 Q She wasn't wasting her time, was she?

12 A Not to my knowledge.

13 Q She was actually doing work.

14 A Uh-huh (affirmative response).

15 Q That took up at least an eight-hour day,  
16 right?

17 A Uh-huh (affirmative response).

18 Q Yes?

19 A Correct. She put in an eight-hour day.

20 Q And you yourself were putting in eight-hour  
21 days.

22 A Correct.

23 Q So when was it presented to the Board that the  
24 Dean of Students' position would be eliminated?

25 A It wasn't presented to the Board.

1 Q Never?

2 A Never.

3 Q So if I go and look at the rolls, is it still  
4 going to be on the roll that it's vacant?

5 A No, the position was eliminated. In January  
6 '03, a new organizational chart was issued that showed  
7 that there is no Dean of Students' position.

8 Let me go back. The position elimination was  
9 approved administratively by the Board and staff.

10 Q When?

11 A In October of --

12 Q After you handed my client the letter; am I  
13 correct?

14 A I'm sorry. No, no, no, no. Let me back up.  
15 It would have been September or August. I'm sorry.

16 Q Well, because you know I requested a bunch of  
17 stuff and got a bunch of stuff from your attorneys --

18 A Uh-huh (affirmative response).

19 Q -- as numerous as they are in this room. And  
20 I recall that there was some sort of memorandum to the  
21 Board, and that was approximately two weeks after you  
22 handed my client her letter saying you're out of here.  
23 Does that timing sound about right?

24 A I'd have to look. I'd have to look at the  
25 date.

1           Q     Well, didn't you have to have administrative  
2 approval, at least administrative approval, to formally  
3 eliminate a position before you actually told somebody  
4 your position is eliminated? Did you understand that to  
5 be the process?

6           A     Uh-huh (affirmative response).

7           Q     Yes?

8           A     Yes. We sought approval by the Board office  
9 to eliminate the position. We did that.

10          Q     Okay. And do you understand that under the  
11 Board rules and regulations that were in existence in  
12 2002, that in order to formally eliminate a position you  
13 have to have a vote of the Board?

14          A     I'm not familiar with the exact Board rules.

15          Q     Were you familiar that process has to be  
16 formalized?

17          A     I'm not familiar with that.

18          Q     So not until January of 2003, correct me if  
19 I'm wrong, was the position of Dean of Student Affairs,  
20 that my client held, formally eliminated as a position  
21 in the organizational chart; isn't that right?

22          A     Correct.

23          Q     And that new organizational chart, in January  
24 of 2003, was adopted by the Board in January of 2003;  
25 isn't that correct?

1 A I don't know.

2 Q But for all intensive purposes, the formal  
3 abolition of that position occurred in January of 2003,  
4 yes?

5 A Correct.

6 Q Gotcha. Now, when you handed my client this  
7 letter -- And I think it was, what, October 2, 2002? --

8 A Correct.

9 Q -- did anybody approve it before you handed it  
10 to her?

11 A Yes.

12 Q Who?

13 A I had Mr. Pregeant look at it.

14 Q Why Mr. Pregeant?

15 A Well, Mr. Pregeant is oftentimes involved in  
16 sort of cursory legal review of issues.

17 Q Like discrimination issues?

18 A Correct. And also the President looked at the  
19 letter as well.

20 Q But you went to Mr. Pregeant, correct me if  
21 I'm wrong, with this letter you were going to hand to my  
22 client because you were concerned about discrimination  
23 issues; am I right? That's why you would have had him  
24 look at it.

25 A This had been a new venture for me, so I

1 wanted some input to make sure that it was done  
2 correctly.

3 Q Correctly, meaning avoid any discrimination,  
4 with Mr. Pregeant's involvement, right?

5 A Correct.

6 Q Because at the time you handed my client the  
7 letter you were aware, were you not, that she had some  
8 issues about how she had been treated as a Jewish  
9 person, right? Yes?

10 A She had raised those on several occasions  
11 during her tenure.

12 Q And at the time you had Mr. Pregeant look at  
13 it you were aware that my client had some issues with  
14 respect to the university's compliance with the Clery  
15 Act; am I correct?

16 A Correct.

17 Q And so that's why you went to Mr. Pregeant.

18 A As a matter of course, all letters, whether it  
19 be discipline letters, letters such as the one I  
20 presented to Dr. Landesberg, would be vetted through Mr.  
21 Pregeant's office. This was not an exceptional review  
22 on this particular case.

23 Q But to use your term, eliminating the position  
24 of the Dean of Students was a unique event; am I  
25 correct?



1           A     Right. Anytime a person is terminated, or in  
2 this particular case, we have a position eliminated, Mr.  
3 Pregeant would review the letter.

4                   MR. DECUIR:

5                   Jill, I was going to stop you and ask  
6 how much time do you have left because  
7 I was going to see if you wanted to take  
8 a few minutes to get some menus. So  
9 maybe --

10                   MS. PENN:

11                   Lunch is here.

12                   MR. DECUIR:

13                   Oh, lunch is here?

14                   MS. CRAFT:

15                   Oh, cool.

16                   MR. DE CUIR:

17                   Oh, I was going to say maybe if  
18 we could order it, we could arrange to  
19 have it brought between the two  
20 depositions.

21                   MS. CRAFT:

22                   Yes. I don't think I'm going to  
23 be too, too much longer.

24                   MR. DECUIR:

25                   Because I have about five minutes

1 of follow up.

2 MS. CRAFT:

3 Oh, that's fine.

4 MR. DECUIR:

5 Did you want to -- oh, it's here.

6 MS. PENN:

7 It's here. We can bring it in.

8 MR. DECUIR:

9 Did you want break here?

10 MS. CRAFT:

11 I'd kind of like to finish this line  
12 and maybe we can break and eat, and I'll  
13 make sure if I don't have anything else,  
14 and then that way we're not --

15 MR. DECUIR:

16 Okay. Finish up this line. Thank you.

17 BY MS. CRAFT:

18 Q In your tenure as a vice president with this  
19 university system, how many positions had you eliminated  
20 besides my client's?

21 A This is the first one. This is the only one.

22 Q I gotcha. Now, you were aware, were you not,  
23 after you handed her this letter, October 2, 2002, that  
24 she had received e-mails from the university placing her  
25 on the teaching schedule for the spring of 2003?

1 A I was not aware of that.

2 (Ms. Penn exits.)

3 Q Well, what was the plan? Was she to  
4 discontinue her services as of January 3, 2003?

5 A In the role of the students, yes.

6 Q And you had, in fact, talked to my client  
7 about continuing in some other role in affiliation with  
8 the university after January 3, 2003, hadn't you?

9 A No, I did not.

10 Q Well, what was she going to do? She was just  
11 going to be gone as of January 3rd?

12 A Correct. As it related to the role of Dean of  
13 Students, yes.

14 Q Okay. But was there a plan for her to do  
15 something else?

16 A There was no plan. Dr. Landesberg did not  
17 request whether or not she could pursue other  
18 opportunities. I would have been open to that type of  
19 discussion, but that never happened.

20 Q Well, did you have some idea in your head  
21 that, well, if I get rid of this position she can at  
22 least stay on and do other things? Didn't you have that  
23 discussion with her?

24 A I did not have that discussion with her.

25 Q Didn't she come to you after she received an

1 e-mail about teaching in the spring of 2003 semester,  
2 didn't she come to you and talk to you about that?

3 A I do not recall that.

4 Q Is it possible?

5 A It's possible, but I do not recall.

6 Q Do you recall receiving a copy of an e-mail  
7 where she had actually been listed to teach a class in  
8 the spring of 2003?

9 A I do not recall that.

10 Q Who is Jackie Pecararo? That's P-e-c-a-r-a-r-  
11 o.

12 A I have no idea who she is.

13 Q Were you aware --

14 A She's in H.R., perhaps.

15 Q I don't know.

16 A I don't know.

17 Q Were you aware of an e-mail sent to my client  
18 October 14, 2002? Which, by the way, is after you gave  
19 her a letter saying her position and her last day of  
20 work would be in January of '03.

21 A As it related to the Dean of Students'  
22 position.

23 Q Right.

24 A Right.

25 Q Am I correct, up until January 3, 2003, my

1 client could have, according to you, talked to you about  
2 some other position, perhaps, at the university.

3 A We could have talked about that possibility,  
4 yes.

5 Q So for all intensive purposes, the end of my  
6 client's employment really was January 3, 2003.

7 A As it related to the Dean of Students'  
8 position, yes.

9 Q Or any other position in the university,  
10 because according to you, between October 2nd and  
11 January 3rd, had she come to you and said, I'd like to  
12 stay on in some other role, you would have been open and  
13 receptive to that and probably would have helped, right?

14 A Correct.

15 Q Gotcha. Are you aware of an e-mail from  
16 Jackie Pecararo to my client, October 14, 2003, where  
17 Ms. Pecararo writes, "I have been told that you will be  
18 teaching a class for Human Development in the spring  
19 2003 session, CED 615-01?

20 MR. DECUIR:

21 Jill, I'm going to ask if you want  
22 him to answer a question about the e-mail  
23 that you're reading, you could at least  
24 show it to him.

25 MS. CRAFT:

1 Well, sure, it's right here. I mean,  
2 I produced it all. Y'all have this  
3 e-mail.

4 MR. DECUIR:

5 Well, but, I mean, we didn't know  
6 which documents you were going to use  
7 for today.

8 MS. CRAFT:

9 Well, that's all right.

10 BY MS. CRAFT:

11 Q Did you ever see this e-mail before (handing  
12 document)?

13 MR. DECUIR:

14 Thank you.

15 THE WITNESS:

16 Thank you.

17 BY MS. CRAFT:

18 A I have never seen that e-mail. No, I'm not  
19 aware of that.

20 Q Tell me, if you wouldn't mind, for the spring  
21 of 2003 semester when exactly do you finalize your --  
22 What do you call them? -- the curriculums, where you  
23 send out saying these are the classes we teach? When do  
24 you do that?

25 A That's sometime during the fall semester.

1 Q Isn't it true that you all have a deadline for  
2 that because you have to publish that directory  
3 September 15th?

4 A There's a deadline to publish the directory.

5 Q Of when?

6 A I don't know. I'm not responsible for that.

7 Q And if you're going to have somebody teach a  
8 particular class, like CED 615-01, they have to be  
9 listed or should be listed in this directory so people  
10 know who's teaching what.

11 A Not necessarily. In some cases, we're  
12 searching for instructors right up to the last minute  
13 before the semester starts.

14 Q Got it. What's overload employment form?

15 A Overload employment would apply to an  
16 individual who is working full time and has got some  
17 added or additional duties assigned to him or her for a  
18 short-term period.

19 Q Well, you just reviewed this October 14, 2002  
20 e-mail; is that correct?

21 A Correct.

22 Q And you read the part where it says, I will  
23 need your employment I.D. number and your social  
24 security number so I can complete the overload  
25 employment form. You read that part, right?

1                   A     Uh-huh (affirmative response).  
2                   Q     Yes?  
3                   A     Yes.  
4                   Q     And you understand that this would be for her,  
5     Dr. Landesberg, teaching a class in the spring of '03.  
6                   A     In reading that, yes.  
7                   Q     Did you ever notify -- because you said maybe  
8     Human Resources. Did you ever notify Human Resources of  
9     this position elimination?  
10                  A     Yes.  
11                  Q     When?  
12                  A     When the letter was issued, a copy was sent to  
13     Ms. Jessie Roberts.  
14                  Q     And you don't know whether Ms. Pecararo works  
15     for Ms. Roberts or not, right?  
16                  A     I do not.  
17                  Q     At the same time you're eliminating this  
18     position, according to you, correct me if I'm wrong,  
19     after you handed my client her letter, on October 2nd,  
20     you approved her for a merit increase, right?  
21                  A     After? No.  
22                  Q     Well, she received the merit increase October  
23     25th, after October 25, 2002.  
24                  A     Could I see that memo, please.  
25                  Q     Well, sure. It's a memo to her from you



1 (handing document).

2 A Right. And it's dated September 25th.

3 Q Read the substance of it for me, sir.

4 A This raise is subject to approval of the Board  
5 of Supervisors at their October 25, 2002 meeting.

6 Q And who was responsible for approving my  
7 client for a merit increase?

8 A Me.

9 Q At the same time you're telling me you're  
10 thinking about eliminating her position?

11 A Correct.

12 Q Why are you wasting state money?

13 A Because that's --

14 MR. DECUIR:

15  
16 Objection, as to the form of the  
17 question.

18 BY MS. CRAFT:

19 Q Because what?

20 A That's based on performance. We were  
21 eliminating the position because of duplication.

22 Q Well, this says received October 7, 2002. Do  
23 you know who that was received by October 7, 2002?

24 A Well, the letter was addressed to Dr.  
25 Landesberg, and I assume it was received by Dr.  
Landesberg (handing document).

1 Q Well, who was the signature on the received  
2 stamp?

3 A May I see that, please.

4 Q Sure (handing document).

5 A That's Dr. Landesberg's signature (handing  
6 document).

7 Q So let me see if I have this straight, and  
8 maybe you can help me out. If your memo truly was  
9 authored on September 25, 2002 --

10 By the way, where was your office in relation to  
11 Dr. Landesberg's office?

12 A Next door.

13 Q Okay. And when you typically sent memos to  
14 her, how did you do it?

15 A It was either walk down the hall or put it in  
16 the interoffice mail.

17 Q And the interoffice mail is not run by snails,  
18 is it?

19 A Correct.

20 Q The turnaround time would be what, a day?

21 A A day.

22 Q So how come, if this stamp is right, received  
23 October 7th, and your date is right, September 25th, it  
24 would have taken, gee, I don't know, 12 days?

25 A I have no idea why there is a discrepancy in

1           dates.

2                           Q     Did you hold onto it?

3                           A     I don't remember holding onto the memo.

4                           Q     Or could it be that this notion of eliminating  
5           the position came after September 25, 2002?

6                           A     No, it did not.

7                           Q     My client was also issued a pink slip.

8                           A     Okay.

9                           Q     Right?  And it was signed December 20, 2002,  
10           by Jessie Roberts.

11                          A     Okay.

12                          Q     What was the procedure at the university when  
13           somebody has been terminated?

14                          A     I don't know.

15                          Q     Well, was the procedure at the university,  
16           when somebody was terminated, whether it's a position to  
17           be abolished due to reorganization, can you tell me  
18           whether or not the pink slip went at the time of the  
19           first notification that this might happen or at the time  
20           that the action was final?

21                          A     I don't know.

22                          Q     But you would agree with me, would you not --  
23           I'm showing you this document.  This one is called  
24           Separation Notice Alleging Disqualification.

25                          A     Uh-huh (affirmative response).

1 Q The separation date is 1/3/03, right?

2 A Uh-huh (affirmative response).

3 Q Date last worked, 12/20/02, right?

4 A Uh-huh (affirmative response).

5 Q And the explanation given is position to be  
6 abolished due to reorganization.

7 A That's what it says, yes.

8 Q Because as of 12/20/02, the position of Dean  
9 of Students was not, in fact, abolished formally.

10 A The position existed until the start of  
11 January of '03.

12 (Ms. Penn reenters.)

13 Q Gotcha. And correct me if I'm wrong, between  
14 October 2, 2002 and January 3, 2003, you and Dr. Moffett  
15 and that team could have decided not to abolish the  
16 position of Dean of Students because it hadn't been  
17 formalized; am I right?

18 A Could you repeat that again?

19 Q You could have, you and the team, could have  
20 said, between October 2, 2002 and January 2003, we're  
21 not going to abolish this position, we've changed our  
22 mind.

23 MR. DECUIR:

24 Objection. Objection, as to the form.

25 MS. CRAFT:

1 Subject to the objection.

2 BY MS. CRAFT:

3 Q You could have changed your minds.

4 A We could have changed our minds, yes.

5 Q Absolutely.

6 MS. CRAFT:

7 We can go ahead and eat lunch. I may  
8 be done with you.

9 (Off the Record, back on the Record)

10 (Mr. David Sanders present.)

11 (Ms. Penn not present.)

12 MS. CRAFT:

13 I only have a few questions left for  
14 you.

15 BY MS. CRAFT:

16 Q Were you aware of a board mandated audit  
17 regarding the implementation of federal regulations at  
18 the university?

19 A No.

20 Q Did you have any involvement in the process?

21 A No.

22 Q Were you at any meetings or present at anytime  
23 where the disciplinary sanction relative to the KA  
24 fraternity house and football were discussed at the same  
25 time?

1           A     We talked about football and the fraternity  
2           and the need to have healthy fraternities because we  
3           needed their support and students support for football,  
4           yes.

5           Q     And was that a factor taken into consideration  
6           relative to your unique imposition or imposition of  
7           unique disciplinary sanctions against KA?

8           A     Regardless of whether or not football was  
9           going on, you had a sanctioning process that wasn't  
10          working because it wasn't changing behavior.

11          Q     With respect to the KA fraternity, it's true,  
12          is it not, that it was a factor, football was a factor  
13          in your creation of this disciplinary sanction unique to  
14          KA?

15          A     No, no. After some reflection on what we had  
16          done in the past and looking at, you know, this constant  
17          repetition of unchanged behavior, we developed this  
18          particular sanction because we wanted to make all of our  
19          Greek organizations healthy.

20          Q     And who is the we that did the development of  
21          it?

22          A     I believe Ms. Harrison, Mr. Love, and Mr.  
23          McHodgkins were involved in the process.

24          Q     And Dr. Landesberg was not involved in the  
25          process, as it relates to KA, because she had been given

1 the October 2nd notice from you; is that correct?

2 A Correct.

3 Q Now, this position of assistant to you --

4 A Correct.

5 Q -- who assumed that position?

6 A Ms. Carol Magendie.

7 Q Could you spell the last name for me, please.

8 A M-a-g-e-n-d-i-e.

9 Q And was there a search conducted for this

10 position?

11 A No.

12 Q It was just an appointment?

13 A Correct.

14 Q And was any other candidate considered for the

15 position?

16 A No.

17 Q Ms. Magendie is not Jewish?

18 A Correct.

19 Q And what is her educational background?

20 A Ms. Magendie has a bachelor's and a master's

21 degree and is working on her doctorate.

22 Q Her bachelor's is in what?

23 A I don't know what her bachelor's is in.

24 Q Her master's is in what?

25 A Is in religion, I believe.

1 Q And she's working on her Ph.  
2 that she was removed from a Ph.D. program?

3 A I don't know if she was remove  
4 program.

5 Q Well, was there some issue with an initial  
6 stab at the Ph.D. process?

7 A I know she did not complete her Ph.D. program  
8 at her original institution, at the original  
9 institution.

10 Q And was that because there was some issue  
11 about fraud?

12 MR. DECUIR:  
13 I'm going to object to this.

14 MS. CRAFT:  
15 That's fine.

16 MR. DE CUIR:  
17 I mean, to the extent he has  
18 knowledge of confidential records of  
19 her education, he can't disclose that.  
20 They're not --

21 MS. CRAFT:  
22 Well, how would he have knowledge of  
23 confidential -- They don't have a Ph.D.  
24 program at SLU. It's not a Buckley  
25 issue.



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MR. DECUIR:

No, they don't, but they have personnel information, which certain personnel information is not subject to the Public Records Act.

MS. CRAFT:

If it's shared from one institution to another, it's certainly isn't confidential.

MR. DECUIR:

I don't know that it was shared from one institution to the other.

MS. CRAFT:

That's fine.

MR. DECUIR:

It may have been part of an application. If you can verify that it's subject to public records, you can go into it. But if it is part of those, if it is one of those parts of her personnel file that's not subject to public records, I'm going to tell him he can't disclose it.

MS. CRAFT:

And I will note my objection for

1 the Record, under 44:1, under companion  
2 provisions, the only information that  
3 is not or is exempt from public records  
4 disclosure would be the social security  
5 of the individual, their address and  
6 their telephone number, only upon the  
7 submission of a written declaration in  
8 their personnel file specifically  
9 exempting that information from coverage.  
10 Medical records, by operation of law,  
11 are not to be included in a personnel file,  
12 hence, they're exempt.

13 MR. DECUIR:

14 As well as disciplinary records and  
15 performance evaluations.

16 MS. CRAFT:

17 I do not agree with that  
18 characterization.

19 MR. DECUIR:

20 Okay. Well --

21 BY MS. CRAFT:

22 Q Where was she getting her Ph.D. at?

23 A At the time she was studying at Southern  
24 University.

25 Q Okay. And were you aware of some issue

1 regarding her first stab at the Ph.D. process?

2 A I was aware that there were problems and she  
3 did not complete her Ph.D.

4 Q What did she tell you those problems were?

5 A She did not disclose what those problems were.

6 Q Did anybody tell you what those problems were?

7 A No.

8 Q Did you ask?

9 A No, I did not ask.

10 Q What background did she have in higher  
11 education administration?

12 A Ms. Magendie had worked for about six or seven  
13 years at Southeastern, Financial Aid. She had also  
14 worked in Auxiliary Services.

15 Q Where in Auxiliary Services?

16 A She was the Marketing Coordinator, and for a  
17 time also helped with the opening of our Southeastern  
18 Oaks apartment complex.

19 Q How much money was she paid when she assumed  
20 the position of assistant to you?

21 A Less than \$40,000.

22 Q And was that a raise from her prior position  
23 doing, what, financial aid?

24 A Her previous position was Marketing  
25 Coordinator. I don't recall if there was an increase in

1 salary. I believe not, but I'd have to look at the  
2 records.

3 Q Was she replaced in her Marketing Coordinator  
4 position?

5 A She was.

6 Q And so where did you obtain the funding for  
7 this new position?

8 A The funding for the new position was part of  
9 the budgeting process at the start of the year, at the  
10 start of the fiscal year.

11 Q And are you telling me at the start of the  
12 fiscal year, which would be July 1, that you had this  
13 meeting and said, I wish to create this position and I  
14 wish to pay this position 40,000-plus?

15 A Could you repeat that question, please.

16 Q At the start of the fiscal year --

17 A Right.

18 Q -- are you telling me that you had a meeting  
19 where you said, I wish to create this position and I  
20 wish to pay this position 40,000-plus?

21 A Before the start of the fiscal year I made the  
22 request for that particular position.

23 Q And that would have been the request to Dr.  
24 Moffett.

25 A And the rest of the presidential team, yes.

1 Q And so where did the money come from?

2 A The money could have come from tuition. It  
3 could have come from appropriations.

4 Q Where did this money come from for this  
5 position?

6 A Specifically, I don't know. I'm not the  
7 budget person.

8 Q Where did you request that the funds be  
9 allotted from?

10 A I don't make that request.

11 Q Who does?

12 A I don't know where that request originates.

13 Q If I went and pulled the legislative records  
14 relating to this particular fiscal year and the  
15 appropriations in the legislature, can you tell me  
16 whether or not I'm going to find a scintilla of  
17 testimony that says we're creating this new position, so  
18 we need appropriations?

19 MR. DECUIR:

20 Objection, as to form.

21 MS. CRAFT:

22 Fine. Subject to the objection.

23 BY MS. CRAFT:

24 A No.

25 Q Do you know whether or not it was even

1 discussed with the legislature?

2 A No.

3 MR. DECUIR:

4 Objection, as to form. You're  
5 presuming some facts that aren't in  
6 the Record.

7 MS. CRAFT:

8 Well, I'm just trying to figure  
9 it out, the genesis of where the  
10 appropriation for this position came  
11 from. As you know, the replacement  
12 of my client is very much an issue.  
13 And that's what we're getting at.

14 MR. DECUIR:

15 I do know. I do know that. But  
16 you may want to back up and ask him  
17 if he knows about the budgeting process.

18 MS. CRAFT:

19 Well, I just asked him where the  
20 money came from. He said he wasn't  
21 really sure, it could have been this  
22 or that, so.

23 BY MS. CRAFT:

24 Q Did you ever go testify before the legislature  
25 and say, I think I'm going to create this position, I

1           need some appropriations?

2                           A     No.

3   MR. DECUIR:

4   Objection, as to form.

5       BY MS. CRAFT:

6                           A     No.

7                           Q     To your knowledge, did anybody?

8                           A     No.

9                           Q     In these discussions about creating this  
10                           position, was there also a discussion about eliminating  
11                           my client's position, hence, freeing up some salary?

12                           A     No.

13                           Q     How much was my client making in October of  
14                           2002?

15                           A     Around 70,000, I believe.

16                           Q     Did you ever make a statement regarding the KA  
17                           house that we are told at this time we cannot sever our  
18                           relationship with this group because they are important  
19                           to football?

20                           A     I don't recall.

21                           Q     Is it possible?

22                           A     I don't recall making that statement.

23                           Q     Specifically, on September 18th, Wednesday  
24                           morning at 11:00 a.m.

25                           A     Could have. As part of our discussions, could

1 have.

2 Q You were aware, were you not, that my client  
3 routinely made notes of meetings that she had?

4 A Yes.

5 Q Have you had occasion to review any of the  
6 notes that she made, that we produced in this  
7 litigation?

8 A I reviewed some of the notes, yes.

9 Q Did you review one from September 18th?

10 A Yes, I did.

11 Q And in there it cites to you, Dr. O'Hara:  
12 We are told that at this time we cannot sever our  
13 relationship with this group because they are important  
14 to football.

15 A That's in the notes, yes.

16 Q But you can't tell me whether you made that  
17 statement or not.

18 A Correct.

19 Q Did you tell that group, which included my  
20 client, that you had told Dr. Moffett that the group,  
21 KA, was a renegade group and they hide behind Senator  
22 Hainkel?

23 A I told Dr. Moffett that, yes.

24 Q And did my client point out to you at that  
25 time that they have no active alumni and only 13 active



1 members?

2 A I don't remember that.

3 Q Did you say KA is here for the time being?

4 A Yes.

5 Q So it kind of sounds like, to me, as of  
6 September 18th, if that date is accurate, 11:00 a.m. on  
7 a Wednesday, that your mind was made up as to what was  
8 going to happen to KA regardless of the disciplinary  
9 process of the university, right?

10 A No.

11 Q Well, then, why would you make a statement, KA  
12 is here for the time being?

13 A Because Dr. Landesberg was moving to move that  
14 group off campus, and I wanted us to explore some other  
15 options as part of the sanctioning process.

16 Q Did you tell my client during this meeting  
17 that you're going to call the group together and talk to  
18 the executives?

19 A Yes.

20 Q Did you ever tell my client that you and Dr.  
21 Moffett were going to meet with them and the other  
22 fraternity, whatever it was --

23 A Sig Tau.

24 Q -- Sig Tau --

25 A Yes.

1 Q -- and read them the Riot Act?

2 A Yes.

3 Q And did you tell my client that's how you were  
4 going to handle these situations, with those two  
5 fraternities, at the same time?

6 A As an individual item?

7 Q Yes.

8 A No. We were --

9 Q You were what?

10 A We were going to meet with the groups, which  
11 we did, and we also followed up with sanctions.

12 Q During this meeting did Kay report another  
13 incident the night before at the KA house?

14 A Yes, she did.

15 Q And what was the incident she reported to you?

16 A It was a drinking -- a violation of our  
17 alcohol policy, I believe.

18 Q And this was on the heels of the sexual  
19 assault incident?

20 A Yes.

21 Q And it was on the heels of another drinking  
22 violation, same fraternity; am I correct?

23 A That, I'm not aware of.

24 Q Was the Sig Tau house allowed to have social  
25 events?

1 A I don't remember.

2 Q Was the Sig Tau house already on probation?

3 A I don't remember.

4 Q As part of your unique solution, as it relates  
5 to the Sig Tau house, did you lift their social  
6 probation in favor of this other unique solution you  
7 came up with?

8 A I'd have to look at the documents that relate  
9 to that specific sanction.

10 Q Well, under what circumstances would you lift  
11 a social probation that has been violated in favor of  
12 something that does not socially probate a fraternity?

13 A I'd have to look at the specifics of that  
14 situation.

15 Q Was KA, also, already on probation at the time  
16 you had this meeting on September 18th, Wednesday, 11:00  
17 a.m.?

18 A KA was on probation, yes.

19 Q What kind of probation had they been on?

20 A I don't recall.

21 Q Well, would it either be like social  
22 probation, or what?

23 A It could be social probation. It could be  
24 disciplinary probation.

25 Q What's the difference between the two?

1           A     Social probation means that they cannot have  
2 parties, gatherings, social gatherings. Disciplinary  
3 probation means that they're on notice that they have to  
4 be good citizens, but they can continue to meet and  
5 socialize, as they typically do.

6           Q     What was the KA house on probation for as of  
7 the date of this meeting?

8           A     I don't remember.

9           Q     Do you recall during this meeting that my  
10 client pointed out that it's your job at the university  
11 to make supervisors aware of the complications or the  
12 consequences and implications, including Department of  
13 Education violations, Title IX violations?

14          A     Yes, I remember she talked about that.

15          Q     And was it in an attempt to tell you that if  
16 we do this we could be violating Title IX?

17          A     That link was not made to my recollection.

18          Q     But it's possible. She said, we can't do this  
19 because we will violate Title IX; isn't that right?

20          A     I don't remember that specific statement.

21          Q     Generally, what do you remember her saying?

22          A     I remember her talking about we have an  
23 obligation. And I remember a discussion along those  
24 lines, but I do not remember the specifics, the subsidy  
25 with that.

1 Q Do you remember a meeting on Wednesday,  
2 September 18, 2002, at 4:00, about KA?

3 A We had several meetings about KA.

4 Q And on that night were they supposed to  
5 proceed with some sort of social event or have some  
6 social event?

7 A I don't recall.

8 Q Do you recall telling my client that Dr.  
9 Moffett was fed up with KA?

10 A I don't recall that.

11 Q Were these groups, Sig Tau and KA, ever placed  
12 on interim suspension?

13 A I don't recall.

14 Q Did my client also prepare written notations  
15 or typewritten notations of meetings that she had and  
16 circulated them among the folks in attendance?

17 A Occasionally she would do that, yes.

18 Q Do you recall receiving one about a meeting  
19 that you had with my client, Paul Marek, Jim McHodgkins,  
20 Milas Love, Patrick Gibson, and Hal Price, September 11,  
21 2002, at 8:00 in the morning regarding Kappa Alpha  
22 fraternity?

23 A I don't remember.

24 Q Do you recall it being reported to you during  
25 the meeting on September 11, 2002, at 8:00 a.m., that

1 one of the girls involved in this KA incident had been  
2 in the hospital?

3 A I don't remember that.

4 Q Who is Hal?

5 A Hal Price worked in our police department.

6 Q Do you recall during a meeting on September  
7 11th that Hal saying it's going through the judicial  
8 board?

9 A I don't remember that.

10 Q Who's Lawrence Landon?

11 A Lawrence Landon, I believe is a student or was  
12 a student who was a KA member.

13 Q In this notation from September 11th, there's  
14 an indication, timely notice to campus, in parenthesis,  
15 Jill.

16 A Uh-huh (affirmative response).

17 Q Was she assigned the task of sending out  
18 timely notice?

19 A No.

20 Q What's ATC?

21 A ATC, Alcohol/Tobacco Control.

22 Q And under what circumstances do they get  
23 called?

24 A I do not recall the rationale behind  
25 contacting ACT or if they were contacted at that time.

1 Q A notation from September 11th says ATC has  
2 been called.

3 A Okay.

4 Q In reference to the KA house in this incident.

5 A Okay. I don't recall.

6 Q Do you recall the gist of the sexual assault  
7 incident involving KA, being that Lawrence Landon, the  
8 president of KA, bought her screwdrivers and after the  
9 first drink felt -- three screwdrivers, Vodka and OJ,  
10 remembers vomiting in the bathroom, the next thing she  
11 remembers is someone slapping her face and fondling her  
12 breasts.

13 Do you remember that being the issue at the KA  
14 house?

15 A I remember fondling as being the issue, yes.

16 Q And do you remember anybody telling you that  
17 that same girl ended up in the hospital?

18 A I don't remember that.

19 Q When is it that you contend that this girl  
20 went to the police department and withdrew her  
21 complaints?

22 A I believe --

23 Q Or said, I don't want to pursue criminal  
24 charges?

25 A I believe it was the next day, later that day.

1 But it was done in quick order.

2 Q Did you ever see those documents?

3 A What documents?

4 Q The "I don't want to pursue criminal charge"  
5 document?

6 A Yes, yes.

7 Q When was it prepared?

8 A I'm sorry?

9 Q When was it prepared?

10 A I don't remember the date.

11 Q Did any KA people accompany this girl to the  
12 police department to say she's withdrawing her criminal  
13 complaint?

14 A I don't know.

15 Q And are you telling me that the entire time  
16 that you worked with Dr. Landesberg, while you were in  
17 your position as Vice President, that she never at  
18 anytime sent you a memo, copied you on a memo, an  
19 e-mail, or provided you documents about the requirements  
20 of the Clery Act?

21 MR. DECUIR:

22 Objection, as to form.

23 MS. CRAFT:

24 Subject to the objection. I just  
25 want it to be clear on the Record.



1 BY MS. CRAFT:

2 A I don't recall.

3 Q Is it possible?

4 A It's possible, yes. Dr. Landesberg would  
5 bring information back on conferences and whatnot and  
6 forward those to me. So it's possible that she could  
7 have sent me some information on the Clery Act.

8 Q After she left the university, who at the  
9 university had any expertise or knowledge regarding the  
10 Clery Act?

11 A Our police department.

12 Q That would be those two folks you referenced?

13 A Correct.

14 Q Both of whom went to her seminar?

15 A I don't know if both went to her seminar.

16 Q Did you delegate the task to anybody in that  
17 university to make sure that there's compliance with the  
18 Clery Act?

19 A That would be the responsibility of the police  
20 department.

21 Q Do you think the federal regulations say that  
22 you're allowed to delegate portions of the Clery Act  
23 responsibilities to the police department?

24 MR. DECUIR:

25 Objection, as to form.

1 MS. CRAFT:

2 Subject to the objection.

3 BY MS. CRAFT:

4 A I don't know.

5 Q Just some general background and I'm done. Do  
6 you know it is against the law in this country to  
7 retaliate against somebody because they report or  
8 complain about illegal discrimination and harassment in  
9 the workplace?

10 MR. DECUIR:

11 Objection, as to the form.

12 MS. CRAFT:

13 Subject to the objection. Y'all  
14 raised it as a defense.

15 BY MS. CRAFT:

16 Q Did you know that?

17 A Yes.

18 Q And how long have you known that?

19 A Several years.

20 Q Certainly before this lawsuit was filed; is  
21 that correct?

22 A Correct.

23 Q Did you understand that it is illegal to  
24 retaliate against an individual who contends that they  
25 have been harassed or discriminated against on account

1 of their religion?

2 A Yes.

3 Q Did you know it was illegal in this country to  
4 retaliate against an individual who reports sexual  
5 harassment in the workplace?

6 MR. DECUIR:

7 Object, as to the form of the question.

8 MS. CRAFT:

9 Subject to the objection.

10 BY MS. CRAFT:

11 A Yes, I am very well aware of that.

12 Q Did you know it is illegal in this country to  
13 retaliate against an individual who comes to you and  
14 complains about gender and equity at the university?

15 A Yes.

16 Q Did you know that it is against the law to  
17 retaliate against someone who blows the whistle on  
18 illegal practices at a university?

19 MR. DECUIR:

20 Objection, as to form.

21 MS. CRAFT:

22 Subject to the objection.

23 BY MS. CRAFT:

24 A Yes.

25 MS. CRAFT:

1 That's all I have. Thank you.

2 MR. DECUIR:

3 I've got a few questions for you.

4 EXAMINATION BY MR. DECUIR:

5 Q Dr. O'Hara, did you and Dr. Landesberg have a  
6 social relationship at all?

7 A Yes, we did.

8 Q Would you consider yourselves friends?

9 A Yes.

10 Q Did you attend the Bris for her children?

11 A No, I did not.

12 Q Did your partner?

13 A Yes, he did.

14 Q Did the two of you have any role in that Bris?

15 A Yes. We were appointed Kafada (phonetic).

16 Q And can you explain what is Kafada?

17 A Sort of like godparents.

18 Q Did you consider that an honor?

19 A Yes.

20 Q What year did she do that?

21 A The babies were born in 2001.

22 Q At any point prior to her asking you to be  
23 Kafada, did she talk to you about possibly having anti-  
24 Jewish sentiments?

25 A No.

1 Q Did she ever suspect you had anti-Jewish  
2 sentiments?

3 A No.

4 Q Do you think if you had anti-Jewish  
5 sentiments, you just didn't like Jewish folks, she would  
6 have asked you to be her children's Kafada?

7 MS. CRAFT:

8 Objection to speculation in the  
9 form of the question.

10 BY MR. DECUIR:

11 Q You can answer.

12 A I don't think she would have done that.

13 Q You talked about homecoming earlier. Who  
14 determines the procedures for voting for homecoming?

15 A The SGA does.

16 Q And if those procedures for voting for  
17 homecoming were to be changed, who would have to change  
18 them?

19 A The Student Government Association.

20 Q Now, what year, again, did you become Vice  
21 President of Student Affairs?

22 A 2000.

23 Q Okay. And Dr. Landesberg reported to you?

24 A Correct.

25 Q As Vice President, did you have the authority

1 to accept or deny any recommendations she made?

2 A Yes.

3 Q Were there occasions where you w  
4 her recommendations?

5 A Yes.

6 Q Were there occasions where you would deny her  
7 recommendations?

8 A Yes.

9 Q In an investigation or hearing board conducted  
10 by the Judicial Affairs Office, did Dr. Landesberg have  
11 any role in the appeal of the hearing board's  
12 determination?

13 A Yes. According to our process, Dr. Landesberg  
14 was in the appeal chain.

15 Q If she was in the appeal chain, would it have  
16 been appropriate for her to be involved in the original  
17 investigation?

18 A Not necessarily so.

19 Q Were there occasions where Dr. Landesberg may  
20 have altered a recommendation of the hearing board after  
21 an appeal?

22 A That could have happened, yes.

23 Q What is Gene Pregeant's job?

24 A Gene Pregeant is an EEO-ADA officer.

25 Q Do you know whether or not he stays informed

1 about legal issues within the EEO-ADA realm?

2 A Yes.

3 MS. CRAFT:

4 Objection, speculation.

5 BY MR. DECUIR:

6 Q You can answer.

7 A Yes.

8 Q Do you consult him about those issues?

9 A Yes, I do, regularly, as needed.

10 Q Do others in the administration consult Gene  
11 about those issues?

12 MS. CRAFT:

13 Objection, speculation, and no  
14 foundation under 104.

15 BY MR. DECUIR:

16 Q You can answer.

17 A Yes. Yes, they do.

18 Q In fact, isn't his job to serve that role for  
19 the entire campus.

20 A Correct.

21 MS. CRAFT:

22 Objection, leading.

23 BY MR. DECUIR:

24 A His role is to serve in a capacity for the  
25 campus.

1 Q If you can, in a given year, a calendar year,  
2 spring and fall semester, how many complaints, and I  
3 don't mean sexual assaults, I just mean complaints,  
4 whether they may be noise ordinances, alcohol,  
5 unapproved parties, would the administration or Student  
6 Affairs get about fraternities and sororities  
7 collectively?

8 A Oh, my. Less than 20.

9 Q Okay. And do you think the number would have  
10 been roughly similar while Dr. Landesberg was at the  
11 university?

12 A Yes.

13 Q And in those 20 or so complaints a year that  
14 you think you might receive, can you ever recall telling  
15 Judicial Affairs and Dr. Landesberg not to investigate  
16 one of them?

17 A We investigated all of those that needed to be  
18 investigated.

19 Q Now, at the end, Ms. Craft asked you about a  
20 September 18th meeting regarding Kappa Alpha.

21 A Uh-huh (affirmative response).

22 Q During that meeting, can you tell me whether  
23 or not Dr. Landesberg mentioned suspending rush?

24 A Possibly.

25 MR. DECUIR:



1 That's all I have.

2 MS. CRAFT:

3 I have some follow up.

4 RE-EXAMINATION BY MS. CRAFT:

5 Q You qualified your response to counsel's  
6 question, approximately four questions ago, about  
7 investigating, did you ever tell my client not to  
8 investigate.

9 I guess what I'm asking you is, you used the  
10 phrase "we investigated all complaints," you said, "all  
11 that needed to be investigated."

12 A Correct.

13 Q It's true, is it not, that you made the  
14 determination as to which of those complaints needed to  
15 be investigated, didn't you?

16 MR. DECUIR:

17 Object, as to form.

18 MS. CRAFT:

19 Subject to the objection.

20 BY MS. CRAFT:

21 Q You made that decision, didn't you?

22 A Correct.

23 Q And you would communicate to my client this is  
24 a complaint that does not need to be investigated; isn't  
25 that correct?

1 A Correct.

2 Q And she was bound by your order that you had  
3 decided this was a complaint that did not need to be  
4 investigated, wasn't she?

5 A Correct.

6 Q And you mentioned the Bris of my client's son;  
7 is that correct?

8 A Correct.

9 Q You did not attend the Bris, did you?

10 A Correct.

11 Q In fact, your partner did.

12 A Correct.

13 Q And so we can figure out the timing, correct  
14 me if I'm wrong, if you know, Brisess are typically  
15 conducted in the Jewish faith eight days after birth.

16 A Uh-huh (affirmative response).

17 Q Yes?

18 A Correct.

19 Q Why didn't you attend the Bris?

20 A Because I had a long-term standing commitment  
21 to teach a course in Germany, which I was obligated to  
22 follow up on. And I was in Germany teaching a course,  
23 which I had committed to several months, probably about  
24 a year previously.

25 Q Did you have an understanding to be the

1           godparents of a child in the Jewish faith you have to  
2           actually attend the Bris? Didn't you know that to be  
3           true?

4                           A     I'm not aware of that.

5                           Q     You actually have to sign the book. Did you  
6           know that?

7                           A     I did not know that.

8                                   MS. CRAFT:

9                                   That's all I have.

10                                   MR. DECUIR:

11                                   Thank you.

12           (Deposition concluded at 1:38 p.m.)

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

1  
2 This certification is valid only for a transcript  
3 accompanied by my original signature and original raised  
4 seal on this page.

5 I, Lynn S. Folkins, Certified Court Reporter, in  
6 and for the State of Louisiana, as the officer before  
7 whom this testimony was taken, do hereby certify that  
8 BRAD O'HARA, after having been first duly sworn by me  
9 upon authority of R.S. 37:2554, did testify as  
10 hereinbefore set forth in the foregoing 203 pages;

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

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

21  
22  
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24 Certified Court Reporter

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