

1 OHIO UNIVERSITY

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4 RE: DR. YUSUF KALYANGO

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7 VOLUME I

8 DECEMBER 10, 2020

9 8:30 a.m. - 5:07 p.m.

10 REMOTE VIDEOCONFERENCE, RE:

11 TENURE REVOCATION HEARING

12 FACULTY SENATE PROCEEDINGS HEARING

13 OF DR. YUSUF KALYANGO

14 - - -

15 HELD BEFORE: Dr. Robin Muhammad,
16 Hearing Committee Chair

17 COMMITTEE MEMBERS:

18 Lauren McMills
19 Charles Lowery
20 Mark Franz
21 Vladimir Marchenkov
22 Yehong Shao-Lucas
23 Sheryl House

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P R O C E E D I N G S

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HEARING COMMITTEE CHAIR MUHAMMAD:

Good morning, everyone. Thank you for being here. For the next two days, we will be covering as a hearing committee for the tenure revocation of Dr. Yusuf Kalyango. It's going to be a full two days. We have in excess of 20 witnesses, so I may be repeating instructions from time to time so that we can maintain high-quality listening and deal with any potential technical issues that might arise.

First, if you are not speaking, make sure that your mic is muted. On occasion if you have some connectivity issue, you may have to close out your video, and that's fine. But particularly when you are speaking or a witness is speaking, we would like to have your video on.

I'm Robin Muhammad, and I'm serving with the hearing committee of Drs. Mark Franz, Sheryl House, Charles Lowery, Lauren McMills, Vladimir Marchenkov, and Yehong Shao-Lucas.

I'm also, with the assistance of Angie Brock and Duane Bruce, going to be a timekeeper since we do have multiple witnesses to

1 go through, and we want to make sure that we keep
2 as close to that time schedule as possible with
3 re- -- in respect for both the proceedings and also
4 for the time of everyone involved.

5 Each witness has a 30-minute block
6 of time. Within that 30-minute block, the witness
7 can make a few statements at the very beginning or
8 be very, very brief and simply introduce
9 themselves.

10 Following that, the university will
11 proceed with questioning; and following the
12 university's questioning will be that of the
13 faculty member or his representative.

14 Once that is concluded -- and that
15 balance of time will be measured between the
16 questioning from the university and the faculty
17 member -- the hearing committee is free to ask
18 questions as well, but only at the conclusion of
19 the witness' testimony.

20 If you have any questions -- I say
21 this to both -- to the committee members, please
22 feel free to interject via a phone message to me or
23 some other means. We're going to try to be as --
24 moving -- moving it along as -- as smoothly as we
25 possibly can; but if there are some issues, please

1 don't hesitate to contact me either via email or
2 text.

3 We also have to be sensitive to the
4 fact that some of our witnesses today are FERPA
5 protected; and in that case, they will be -- we
6 will have the meeting room cleared of observers.

7 And I should take this opportunity,
8 observers are now here. Welcome to the
9 proceedings.

10 And Duane Bruce and Angie Brock will
11 be responsible for moving observers out during that
12 time of FERPA-protected testimony.

13 When those sorts of transitions are
14 taking place, we will have to pause from -- from
15 time to time. So we are keeping track of the time
16 as best we can, moving it along for fairness as
17 best we can. But I appreciate everyone's patience
18 and for an unprecedented virtual meeting and
19 hearing of this type.

20 Finally, this is being recorded by a
21 court reporter. And our thanks to them for being
22 here today to do that. It is also being recorded
23 through the means of Zoom. However, any other
24 recording without the express permission of the
25 hearing committee is strictly prohibited.

1 Following the hearing, the
2 transcript will be generated and will be part of
3 our report as the hearing committee and will be
4 made available to both parties.

5 Do I have any questions from the
6 hearing committee at this point?

7 Duane and Angie, can you please
8 confirm that all members of the hearing committee,
9 university representatives, faculty member and
10 faculty member's legal counsel are all present?

11 VLADIMIR MARCHENKOV: Robin, forgive
12 me. You mentioned contacting you by phone. Have
13 you shared your phone number by which we can
14 contact you with us?

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 Yes, I have. And I will do that again.

17 Is the chat feature available?

18 DUANE BRUCE: Yes.

19 VLADIMIR MARCHENKOV: Yes, I can see
20 it.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 I'll put that in there --

23 VLADIMIR MARCHENKOV: Thank you.

24 HEARING COMMITTEE CHAIR MUHAMMAD:
25 -- again. No problem.

1 Thank you for that, Dr. Marchenkov.
2 There.

3 I will mute my mic while Duane and
4 Angie confirm the presence of all parties.

5 Once we have done that, we will move
6 forward with the opening statement by the
7 university representative. Following that, there
8 will be the opening statement by the faculty member
9 or his legal counsel.

10 I'm asking that when each opening
11 statement is made, for the benefit of the committee
12 and for the court reporter, please announce your
13 name and spell your -- in particular, spell your
14 surname.

15 THE REPORTER: It would be helpful
16 if they would spell their full name so I can get it
17 correct.

18 HEARING COMMITTEE CHAIR MUHAMMAD:
19 Please spell your full name. Very good.

20 Thank you.

21 DUANE BRUCE: Everyone is here
22 that's on our list, committee members and counsel.

23 ANGELA BROCK: I don't see Diana.
24 Am I just missing her?

25 HEARING COMMITTEE CHAIR MUHAMMAD:

1 I'm sorry. Diana?

2 ANGELA BROCK: Sherwood (phonetic).
3 I'm not sure how you say her last name.

4 HEARING COMMITTEE CHAIR MUHAMMAD:
5 She is not on the committee.

6 ANGELA BROCK: Hum.

7 HEARING COMMITTEE CHAIR MUHAMMAD:
8 Yeah.

9 ANGELA BROCK: Oh, that's right.
10 She left.

11 Okay. We're good.

12 HEARING COMMITTEE CHAIR MUHAMMAD:
13 Thank you.

14 Well, in the interest of time, I
15 would like to move the agenda forward. And if the
16 university representative or their legal counsel is
17 ready, please speak at this point, and we will
18 monitor the time. Each opening statement is for
19 30 minutes.

20 MR. LOUKX: Thank you. And I'll try
21 to be brief.

22 Good morning. My name is
23 Adam Loukx. That's A-d-a-m, L-o-u-k-x. I'm an
24 associate general counsel with the university.
25 With me this morning is Elizabeth Sayrs,

1 Provost Elizabeth Sayrs.

2 I think at the outset, it's
3 important, given the importance of tradition, to
4 share why the university's case is being presented
5 by a university lawyer. Typically --

6 And fortunately, these types of
7 hearings are atypical.

8 -- it's my understanding that
9 academic committees like this traditionally hear
10 from the dean of the school.

11 Because in this case, as you
12 probably will hear in the evidence and maybe have
13 seen in the documents that you have reviewed, there
14 has been certain allegations made by a faculty
15 member against the dean and a few others, it seemed
16 untoward and perhaps distracting to -- to have that
17 occur.

18 I don't want to waste time on -- on
19 that. I just wanted to explain that I understand
20 that this breaks with tradition slightly and
21 thought that the committee was entitled to an
22 explanation as to why it's me instead of the dean.

23 You will hear from the dean. The
24 dean will be a witness that will talk with us
25 today.

1 Without further adieux on that
2 matter, let me just start by saying what this case
3 is not about.

4 It's not about Dr. Kalyango. He has
5 very impressive academic credentials. There's no
6 doubt that Dr. Kalyango has been a -- a super
7 professor; and in terms of academics, he's -- he
8 has -- he has contributed a lot professionally to
9 the university. And the university has great
10 respect for that. You will see in (inaudible) --
11 by Dr. Kalyango those impressive credentials. And
12 you will see -- throughout the course of the day,
13 you will hear that many of those same people that
14 were involved in this process assisted Dr. Kalyango
15 along the way with raises, retaining him, and
16 things of that nature.

17 So this isn't about Dr. Kalyango,
18 who is beyond reproach from an academic lens.

19 What this case is about --

20 It's also not about academic
21 freedom. There's no thing that will be brought up
22 by the university that would suggest that -- for
23 even a minute that any -- anything that
24 Dr. Kalyango has done by way of teaching or
25 research or any of that sort of thing is

1 controversial.

2 This case is about conduct, and it
3 is conduct that brings us here today.

4 The testimony you'll hear, the
5 documents that you will review will suggest that
6 Dr. Kalyango violated university policies regarding
7 sexual harassment, and not in a minor, remedial
8 way. And while this case doesn't call into
9 question Dr. Kalyango's laudatory academic
10 credentials, you will see throughout the evidence
11 and from the documents that -- that you reviewed
12 that that does play a part in the sense that there
13 is serious questions as to abuse or exploitation of
14 the power disparity between a faculty member and
15 students and employees that faculty
16 member oversees. This unequal power is a large
17 part of the concern that leads us today when
18 combined with those policy violations.

19 The university will show throughout
20 this case that the respondent joined the university
21 in 2008. In addition to instructional duties, he
22 was involved in the study for U.S. Institutes,
23 which you'll hear of by SUSI and (indiscernible) --
24 that's S-U-S-I -- and Young African Leaders
25 Association, Y-A-L-I. He also headed up the

1 International School of Journalism. In some of the
2 documents and perhaps in some of the testimony
3 you'll see that as IIJ. In his capacity as an
4 instructor with YALI, IIJ, and SUSI, he worked with
5 many graduate students, many undergraduate
6 students; and these students frequently made trips
7 to international conferences and programs.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 I'll refer to her for purposes
13 of this statement by [REDACTED] But you will hear from
14 [REDACTED]
15 [REDACTED]

16 Back in March of [REDACTED], [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED], [REDACTED]
20 [REDACTED]

21 filed a complaint against the
22 respondent with the ECRC. That complaint was filed
23 around, as the evidence will show, July 6, 2017.

24 In that complaint, the respondent
25 made some serious allegations that the -- by the --
Excuse me, not the respondent. [REDACTED] made some

1 serious allegations regarding Professor Kalyango's
2 treatment of her. In particular, there were
3 allegations raised that there were possible
4 violations of university Policies 3.004, which is
5 sexual harassment by quid pro quo, and Policy
6 40-001, harassment on the basis of gender.

7 In particular, [REDACTED] alleged, and you
8 will hear from her today, that amongst other
9 things, Professor Kalyango treated her in an overly
10 familiar manner; for instance, sending her overly
11 familiar communications and inappropriate requests,
12 asking for pictures to show his children or
13 discussing his personal lifestyle, divorce, and --
14 and things of that manner. And some of those
15 emails or texts had inappropriate -- like one text
16 you'll see ends with, Sweet dreams, and another has
17 a winking emoji.

18 Additionally, [REDACTED] -- or [REDACTED] will --
19 will describe how she was contacted at
20 inappropriate hours, [REDACTED];
21 that Professor Kalyango once volunteered or offered
22 to drive her from Ohio to [REDACTED] to see her
23 parents; [REDACTED]
24 [REDACTED]
25 [REDACTED]. But that's not the real gravamen.

1 The most serious thing that she
2 raised in her complaint and she'll talk about today
3 is that [REDACTED] was invited by Dr. Kalyango while they
4 were on the [REDACTED] trip to take a side trip
5 to [REDACTED]. You will see a text from -- from
6 Dr. Kalyango sent late March of [REDACTED] that describes
7 the trip. She asked, you know, What's this about,
8 What are we doing in [REDACTED] or words to that
9 effect. And you'll hear about this and see it in
10 the documents. But it's important to hear the
11 quote. The text says, But it's not [REDACTED]
12 It's actually [REDACTED]. I want to show you
13 something. I'm thinking something outside work.
14 Work is only in [REDACTED] It's for you sort
15 of. Yes, something you're interested in.

16 Now, she was excited about the
17 potential opportunity but understandably concerned
18 with the lack of detail as to the purpose of the
19 trip.

20 Shortly before departing to Africa,
21 she met with Dr. Kalyango, who suggested that they
22 would have to share a hotel room at [REDACTED] in
23 [REDACTED]. She rebuffed the suggestion with her
24 feeling that that was an inappropriate request, to
25 cohabitate with a professor of a university while

1 on a university trip.

2 So they go to Africa. They go on
3 the trip. They don't stay in the same room. But
4 things begin to change upon the return from Africa.
5 Suddenly a once full-of-praise Dr. Kalyango becomes
6 critical. You will hear about issues with expense
7 reports. You will hear both sides. And there are
8 two sides to every story. You will hear -- you
9 will hear about evaluations. But you will also see
10 and hear about an email where, despite having been
11 led to believe that she had a future with the
12 [REDACTED], Dr. Kalyango said, Well, this is for --
13 words to the effect of, Well, it was nice knowing
14 you; ah, Hopefully you can benefit from your
15 experience; and essentially saying, You're not with
16 us anymore. [REDACTED] resigned because it -- basically
17 considered she was in a position where she had been
18 constructively discharged, and she filed this
19 complaint that leads us here today.

20 It's important to note a few other
21 things about the [REDACTED] trip. The respondent paid
22 for most of [REDACTED]'s [sic] expenses while in [REDACTED]
23 except for the hotel room.

24 Ultimately, the ECRC conducted a
25 very exhaustive investigation, and you have seen or

1 have before you the documents of that
2 investigation, in fact, and -- and sustained the
3 charges that university policy had been violated.

4 You will also hear from [REDACTED].
5 [REDACTED] attended Ohio University between [REDACTED] and [REDACTED].

6 During that time she traveled on a trip with
7 Dr. Kalyango to [REDACTED]. It was in [REDACTED],

8 [REDACTED] You will hear that during the
9 trip, [REDACTED] raised concerns with other students as to
10 alleged improper behavior by Dr. Kalyango. She
11 told fellow students she was extremely troubled by
12 those actions, but she wouldn't report them due to
13 concerns that it would affect her ability to work
14 with Dr. Kalyango as a -- in a paid capacity when
15 she returned. Also she had -- you will hear her
16 tell you that she worried about the effect it would
17 have on her career.

18 She also indicated to her fellow
19 students that if -- if -- if somebody else raised
20 it, she would deny it.

21 In fact, the complaint was made with
22 Institutional Equity after that trip involving not
23 only, but primarily involved another member of
24 the -- of the party. But these issues were raised.
25 The ECRC did an inquiry; and you will hear that at

1 that time [REDACTED] did, indeed, deny it.

2 On the (indiscernible) of the [REDACTED]
3 case, however, [REDACTED] became aware of that complaint,
4 recognized the similarities with her own situation;
5 and she did make a complaint with ECRC, which was
6 subsequently thoroughly investigated.

7 You will hear [REDACTED] explain why she was
8 initially reluctant back in [REDACTED] and why she came
9 forward in [REDACTED]. Specifically [REDACTED] is going to
10 allege that respondent sexually harassed her during
11 the [REDACTED] trip. More than once respondent
12 attempted to hug and kiss her without consent.
13 Respondent, who does not drink, bought her drinks
14 and made other inappropriate overtures.

15 Respondent had offered her
16 employment subsequent to the return of the trip;
17 and, frankly, she needed the money. So before
18 taking that employment, she talked -- she will
19 testify that she talked to respondent and said,
20 Now, you can't do any of that stuff again. If I'm
21 going to work with you, it's got to be platonic.

22 Nevertheless, a few months later,
23 the respondent asked, in her capacity as an
24 employee, for her to drive him to a conference in
25 Washington, D.C., in his car. They drive to

1 Washington, D.C. Lo and behold, they get there,
2 and there's only one room, a suite, two rooms, two
3 beds. While at that hotel, [REDACTED] alleges that
4 respondent entered her room, sat in her bed, and
5 put her arm -- put his arm around her; and she had
6 to tell him words to the effect of, Leave me alone,
7 and remind him of the conversation that they
8 previously had.

9 Later, she was invited on a trip
10 to -- trip to Chili, Santiago, Chili, and then told
11 her that, for purposes of saving money or to make
12 it work within the budget, they would have to share
13 a hotel room there. That trip never materialized.

14 In terms of process, the university
15 will show that after the ECRC issued findings in
16 both the [REDACTED] and the [REDACTED] case, in compliance with the
17 faculty handbook, the provost convened the
18 University Professional Ethics Committee, UPEC, to
19 consider the matter.

20 Two separate UPECs, one for [REDACTED], one
21 for [REDACTED], convened; and both unanimously determined
22 sufficient cause existed to initiate loss of tenure
23 and dismissal proceedings against Dr. Kalyango.
24 It's under faculty handbook Roman numeral D5. And
25 each time, the provost that was then provost

1 accepted UPEC's recommendations. Both times
2 Dr. Kalyango appealed the recommendations to the
3 president, who reviewed the appeals and determined
4 sufficient cause to accept UPEC's recommendations.
5 And all these documents you have.

6 The president accordingly forwarded
7 the record to the School of Journalism in
8 compliance with 2D5 of the faculty handbook.

9 Based upon the UPEC recommendation,
10 the then-director of the school, Robert Stewart,
11 and in accordance with the faculty handbook, met
12 with respondent as -- as required by the handbook.
13 Director Stewart then consulted the School of
14 Journalism faculty, including members of the
15 promotion and tenure committee. After receiving
16 those views, Dr. Stewart recommended respondent be
17 detenured.

18 It then went to Dean Titsworth, who
19 scheduled or attempted to schedule four different
20 occasions a meeting with the respondent. The
21 respondent declined to attend those meetings. And
22 based upon the faculty handbook that the dean would
23 normally consult in the futility of further effort,
24 Dean Titsworth proceeded to recommend to the
25 provost that respondent be detenured.

1 Further, Dean Titsworth, based upon
2 the serious nature of the conduct and some
3 similarities between [REDACTED]'s and [REDACTED]'s cases,
4 recommended that the moral turpitude clause of the
5 handbook 2D5 be invoked.

6 The matter then went to
7 Provost Sayrs. Provost Sayrs met with the
8 respondent as required by the handbook; and
9 ultimately Provost Sayrs informed the
10 President Nellis she was unable to arrive at
11 settlement with respondent and forwarded the matter
12 to him for review. Those records are before you.

13 Based upon his review of the
14 records, President Nellis initiated loss of tenure
15 and dismissal proceedings against the respondent
16 and concurred with Provost Sayrs' recommendation
17 that the moral turpitude provision of the faculty
18 handbook be invoked.

19 The faculty member was advised of
20 his right to request the hearing that we're here
21 today. He obviously has evoked -- invoked that
22 provision of the handbook, and the evidence will
23 show that that was the process that was followed.

24 It goes without saying that this is
25 a serious matter, probably as serious of a matter

1 as any committee could meet for. It's no -- You
2 should not take lightly and the university
3 acknowledges the decision to detenure a tenured
4 faculty member; however, we believe that the facts
5 and the evidence when considered, including the
6 rebuttals and the other side of the sword, so to
7 speak, we believe that you will be satisfied that
8 there are sufficient grounds to detenure in
9 compliance with the process for that.

10 You will hear from me later after
11 the close of evidence summarizing what the evidence
12 showed and -- and further explaining why we believe
13 that Dr. Kalyango, despite his laudatory academic
14 credentials, has shown the basis of why there
15 should be detenuring in his case through his own
16 conduct.

17 Thank you.

18 HEARING COMMITTEE CHAIR MUHAMMAD:

19 Thank you, Mr. Loukx.

20 I want to pause for a moment, noting
21 the time, 8:58 a.m.

22 Is -- is Barb Nalazek on the meeting
23 as well?

24 BARBARA NALAZEK: Robin, I'm here.

25 HEARING COMMITTEE CHAIR MUHAMMAD:

1 Excellent. I wanted to let you know that there was
2 that request for witnesses to switch. I have not
3 heard back from the one who made the request, so
4 we'll be proceeding with the original time frame.

5 BARBARA NALAZEK: Okay. We were
6 trying to contact him.

7 HEARING COMMITTEE CHAIR MUHAMMAD:
8 Yeah, please mute -- mute your phones.

9 You were trying to contact him?

10 BARBARA NALAZEK: Yeah. We've
11 been -- we've been trying to contact him to bring
12 that change to his attention.

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 Okay. Well, it doesn't look like we're going to be
15 able to make it; but if you do hear from him,
16 please let me know and we'll -- we'll do what we
17 can. But I think the other witness is counting on
18 the original time frame.

19 BARBARA NALAZEK: Uhm, sure. Thank
20 you so much.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 Excellent. Thank you.

23 We'll now move, if Dr. Yusuf
24 Kalyango and his legal counsel are prepared, we're
25 slightly ahead of schedule, and we could open the

1 floor to your opening statement.

2 MR. LUTE: Thank you.

3 HEARING COMMITTEE CHAIR MUHAMMAD:

4 And would you please state your full name and spell
5 it for the benefit of the court reporter.

6 Thank you, Mr. Lute.

7 MR. LUTE: Certainly.

8 My name is Mel Lute -- that is
9 M-e-l, L-u-t-e -- on behalf of Yusuf Kalyango.

10 Good morning, ladies and gentlemen.

11 I have to echo the sentiment somewhat of -- of
12 counsel for the university in just reiterating that
13 this is an extremely serious matter. It could not
14 be more serious from the standpoint of Dr. Kalyango
15 and his career.

16 You are being asked to levy the most
17 severe sanction available to the university. If I
18 were to make an analogy to our criminal justice
19 system, it's basically the death penalty. It's the
20 most severe sanction the university has. And
21 because of that, the standard the university must
22 meet in this proceeding is the highest civil legal
23 standard available, which is clear and convincing
24 evidence. And you should keep that in mind, ladies
25 and gentlemen, when you're listening to the

1 testimony and when you're looking at the documents;
2 because if you're going to levy the most severe
3 sanction, there better be some pretty good
4 evidence; there better be overwhelming evidence.
5 Not only that some sort of policy violation
6 occurred, but that the conduct warrants putting
7 Ohio University's name, putting your name on the
8 stripping of this man's tenure and the destruction
9 of his career. And so that's what we're doing in
10 this -- in this hearing, is you are being asked by
11 the university to strip Dr. Kalyango of his tenure.

12 Now, counsel for the university
13 talked about the handbook and about this elaborate
14 process where all of the -- the UPEC committees
15 have met. And if this gives you a -- a sense of --
16 or a feeling that you're protected, that your
17 tenure is protected by some form of administrative
18 protections, you're going to find out at the
19 conclusion of this hearing or by the conclusion of
20 this hearing that the handbook was completely
21 ignored in this case. The deadlines were blown.
22 This proceeding that we're in right now, the
23 30-minute limit for witnesses, that's all made up.
24 It's all arbitrary. None of it is in the book.

25 This hearing has never been done

1 before. It's never been done before. We've got
2 many, many more questions than we'll be able to ask
3 because of this 30-minute time, but we'll do our
4 best with it.

5 But you should understand that for
6 the UPEC's committees, Professor Kalyango was not
7 allowed to address any of the witnesses against
8 him. He's never had his due process. He's never
9 had an opportunity to confront witnesses until
10 today. Imagine that.

11 Let's go back to the death penalty
12 analogy. Imagine that right before the person goes
13 to the chair, that's the first time they have to
14 confront their witnesses. That's what this process
15 is. It's backwards. And it's so opposite, the
16 traditions of our country, the Constitution, the
17 concept of due process, that this is how we find
18 ourselves here today. For the very first time on
19 the verge of losing his tenure, he finally,
20 Professor Kalyango finally through legal counsel
21 gets to question these witnesses. It's a pretty --
22 it's a pretty convoluted situation.

23 Now, what are the standards? What
24 are the standards? Well, the standards are you
25 have to determine whether a policy violation

1 occurred.

2 And this whole situation started in
3 [REDACTED] when [REDACTED] made her initial complaint. All
4 right?

5 Now, what was going on in [REDACTED]
6 Well, of course, the #MeToo movement was beginning
7 to gain momentum, and universities around the
8 country were struggling with how to deal with it.
9 Some did very well. Others did not. The
10 University of Virginia being a very famous example
11 of how a university can get swept up into a
12 cultural movement.

13 And that's kind of what happened
14 here. You're going to see this investigation got
15 completely off the rails. And in many ways, this
16 is the kind of thing that constitutional scholars
17 warned about when the Me Too movement arose, which
18 is, Let's not strip away due process,
19 Constitutional protection, privacy protections in
20 favor of a slogan. Let's not expose people
21 unwittingly to scurrilous allegations without any
22 evidence. And that's what happened in this case.

23 Now, the timeline is -- is very
24 significant; because when you listen to this
25 evidence, I want you to compare contemporaneous

1 actions of [REDACTED], what she was doing at the time she
2 was doing it, versus how she characterized it later
3 after she filed her complaint. And what you'll
4 find is, from when she was hired in [REDACTED]
5 [REDACTED] until she returned from Africa in [REDACTED]
6 [REDACTED], she's sending emails to her friends telling
7 them, It's a wonderful experience, I'm growing, I'm
8 enjoying myself, I feel good, I'm -- I'm having
9 these great experiences.

10 What are her complaints up until
11 that time about Dr. Kalyango? Her complaints are,
12 He texts me late at night. I don't like it when I
13 get texts at odd hours. He brings that up -- She
14 brings that up to Dr. Kalyango; and he says, Fine,
15 I won't do that.

16 But let's keep this in mind, ladies
17 and gentlemen. Do you know the reason Dr. Kalyango
18 texts people late at night? He's a single father.
19 He has two kids. He waits until he puts them to
20 bed before he sits down in his home office to
21 conduct his business. His students know that, and
22 most of them are aware of it and have no problem
23 with it.

24 [REDACTED] thought it impeded on her free
25 time; and so she, as the student, asked the

1 professor if he wouldn't text her during certain
2 times. And he tried to abide by that. He tried to
3 accommodate that.

4 Her other complaint is that his
5 texts were overly friendly. That's where we're at,
6 ladies and gentlemen, in this day and age. Her
7 testimony is his texts are overly friendly. But
8 you will see some of them.

9 Now, other than that, she's fine.
10 She loves it. She loves [REDACTED]

11 But the job was in two parts in
12 Africa. The first was in [REDACTED] where they
13 would make presentations in the [REDACTED].
14 At the conclusion of that, there was an opportunity
15 to go to [REDACTED], and there was an environmental
16 conservation presentation that needed to be done in
17 [REDACTED] [REDACTED] had the skill set to do that
18 presentation. In compensation for that,
19 Dr. Kalyango, paid for her to go [REDACTED]
20 which is a very, very unique experience that can
21 only be had in [REDACTED]. He had taken people on
22 those trips before. This was a good opportunity
23 for him to get this presentation done and also to
24 compensate her for that. She was in agreement with
25 that. There were no problems with that.

1 Further, she claims at some point in
2 time, Dr. Kalyango said, If we go to [REDACTED], we may
3 have to share a hotel room at the [REDACTED] Hotel.

4 He knows the area, he's been there
5 before. He says, We may have to share a hotel
6 room, but I will stay out of your way. That's not
7 how he put it. That's how [REDACTED] described the
8 conversation when she reported it; that he said, We
9 may have to share a room, but I will stay out of
10 your way. That's how it was proposed according to
11 [REDACTED].

12 Now, you will find that Dr. Kalyango
13 disputes that any such conversation occurred, and
14 we'll demonstrate why that's true. But from [REDACTED]'s
15 perspective, that's the egregious conduct, ladies
16 and gentlemen. That's it: "We may have to share a
17 hotel room. I'll stay out of your way."

18 Now, [REDACTED]'s reaction to that was, she
19 said, I'm not comfortable with that; I don't want
20 to do that. And so guess what happened? Nothing
21 happened. It didn't happen. They never stayed in
22 the same hotel. Dr. Kalyango never spoke of it
23 again. She had a wonderful experience in [REDACTED].
24 And as it turned out, Dr. Kalyango had an
25 opportunity to work directly with the president of

1 [REDACTED] during that trip, so he wasn't even in the
2 same city for most of the trip as [REDACTED].

3 So they fly home. During the trip
4 home, [REDACTED] does not sit next to Dr. Kalyango. That's
5 a problem, because normally on the way home from
6 these trips, Dr. Kalyango likes to reconcile the
7 budgetary materials and get all of the expense
8 reports in line so that when they hit the ground,
9 the spreadsheets are ready and he can turn them in,
10 because those are scrutinized by the State
11 Department. The money part of this trip is a very
12 important part of the accountability; and that was
13 [REDACTED]'s job, was to get that final report done.

14 Well, she doesn't sit next to him on
15 the plane. They land in New York for an eight-hour
16 layover where they should work on the budget. She
17 decides to go into New York City to visit her
18 friend.

19 Now they're home in Athens at the
20 end of June; and the deadline is rapidly
21 approaching for the expense report to be filed, and
22 [REDACTED] and Professor Kalyango cannot get
23 together.

24 Ultimately, [REDACTED] decides she's just
25 going to go home and visit her parents, so she

1 drops off the expense report and a box full of
2 receipts with some miscellaneous trash in it and
3 takes off.

4 Dr. Kalyango sees the expense report
5 and the box full of receipts, and he realizes the
6 expense report is very, very sloppy and improperly
7 done. He can't account for thousands of dollars of
8 money. The receipts don't make any sense. There's
9 trash inside the -- the box. And he's upset by it.
10 But he does his job, and Dr. Kalyango sorts through
11 the receipts, finds the missing money, reconciles
12 the expense report, and gets it filed on time.

13 And he sends a [REDACTED] email
14 to [REDACTED] where he expresses very direct criticism,
15 very specific criticism of why she messed up the
16 expense report and why it was important that she do
17 it properly for the future.

18 You will see that email. You can
19 discern for yourself whether it's an appropriately
20 phrased email. It is constructive criticism.

21 But it's a very important benchmark
22 in this case and in the evidence, ladies and
23 gentlemen, because -- because what happens is she
24 gets that email, and her reaction is that she gets
25 upset. For the first time she's being criticized

1 by Dr. Kalyango and she can't handle it, so she
2 pushes back. She blames him for not giving her
3 enough direction in an email.

4 And he finally responds by saying, I
5 apologize; It's all my fault. That's what it says
6 in the email. That's the last communication,
7 Dr. Kalyango saying to her, It's all my fault; I
8 apologize.

9 She resigns.

10 Now, counsel for the university
11 talked about a constructive discharge, but that's
12 not what the paperwork says, that's not what the
13 university says in its legal papers. It says she
14 quit. You will see her resignation letter. She
15 was not fired by Dr. Kalyango. She quit. Then she
16 initiated this procedure.

17 Now, when she filed a complaint, it
18 initiated an investigation process. And that's
19 really where this case went wrong; because the
20 investigator, Mr. Anaya, who will testify in this
21 case, he was responsible not only to follow the
22 university guidelines and policies, but also to
23 follow the federal law, ladies and gentlemen.
24 There is a federal body of law that applies in this
25 case to sexual harassment claims. This isn't just

1 whatever the university thinks sexual harassment
2 is. This is what the federal law says it is. And
3 the university is bound by that, as was their
4 investigator.

5 Now, Mr. Anaya, who was a lawyer,
6 was responsible for looking at the handbook, doing
7 his investigation. But also he was responsible for
8 knowing what evidence is required to establish
9 sexual harassment in the Sixth Circuit.

10 Now, Ohio University sits in Athens,
11 Ohio, which is in the Sixth Circuit of our federal
12 circuit system. It is governed by the law that
13 comes to us from the U.S. Supreme Court, and that
14 is interpreted in the Sixth Circuit.

15 What you will find is that the
16 federal law requires investigations of sexual
17 harassment be prompt and remedial. That phrase is
18 very important, ladies and gentlemen, "prompt and
19 remedial." "Prompt" meaning these allegations of
20 sexual harassment are so volatile, so sensitive in
21 the workplace, that these investigations must be
22 done promptly to protect the integrity of the
23 institution, to protect the privacy of the
24 individuals, the confidentiality of the process,
25 and to make sure that the outcome can be relied

1 upon. That comes to us through federal case law
2 all the way from the Faragher Boca Raton case from
3 the U.S. Supreme Court all -- up until today.
4 There are sexual harassment cases being decided in
5 the Sixth Circuit every week. But they are
6 consistent in that investigations must be prompt.

7 This investigation started in July
8 of 2017. You know when it ended? August of 2018,
9 13 months, ladies and gentlemen. 13 months seem --
10 That's -- that is about, oh, I don't know, ah,
11 12 months longer than it should have taken.

12 Even the EEOC guidelines look at
13 90 days as the outside limit for investigations of
14 this type.

15 So we know this investigation was
16 not prompt.

17 Now, you will see that during that
18 year, many things happened, many things happened;
19 and all of them were bad when it comes to looking
20 at how the investigation was handled.

21 For example, you're going to see
22 emails from [REDACTED], the complaining witness, emails she
23 sent directly to Mr. Anaya, emails addressed to him
24 as Tony; Hey, Tony, here's some more information
25 for you; Here's what we should do. He doesn't

1 brush her back. He doesn't tell her to stop
2 communicating with him. He doesn't impose
3 confidentiality upon her. When he proposes and she
4 refuses, he doesn't do anything about it.

5 There are press accounts, ladies and
6 gentlemen, from the university's newspaper, from
7 the -- from the university's radio station during
8 the investigation revealing details about the
9 allegations against Professor Kalyango. That
10 information came to them through [REDACTED] and [REDACTED]'s
11 friends. [REDACTED] is basically talking all over campus
12 to witnesses, to others, to the press during the
13 investigation. This is unheard of. But that's why
14 you don't take a year, you don't take 13 months to
15 do an investigation.

16 You're going to hear evidence,
17 ladies and gentlemen, that a professor, a faculty
18 member who had a disagreement with Dr. Kalyango
19 about a master's candidate, he gets upset because
20 his master's candidate is not accepted into the
21 Ph.D. program. And so he starts talking to [REDACTED], and
22 then he reaches out to the spouse of a person who
23 graduated [REDACTED] earlier to open up an old
24 investigation so he can dig up dirt on
25 Dr. Kalyango. A professor. And then he talks to

1 the press about it. And then the same professor at
2 a meeting of the faculty puts into the open the
3 fact that there are allegations against
4 Dr. Kalyango which he finds credible. He says this
5 to other faculty members during the investigation,
6 ladies and gentlemen. It's absolutely unheard of.

7 And all this time, Dr. Kalyango can
8 do nothing. He can't protect himself. There are
9 no protections for his privacy, for his reputation.

10 The only good thing about the
11 initial part of the investigation is that even
12 after Mr. Anaya investigated the allegations, he
13 did not notify the university that they should
14 remove Dr. Kalyango from his teaching
15 responsibilities or separate him from students
16 because he was some sort of a danger, not at all.
17 Dr. Kalyango continued to teach during the initial
18 part of the investigation. It wasn't until the
19 Memorandum of Findings was issued in August of 2017
20 that he was suspended. And that suspension was
21 very harmful to him, very hurtful to him and his
22 program and his students, his reputation locally
23 and internationally.

24 But what you will find is there was
25 no reason to do that. There was no reason to

1 suspend him, because there's no evidence anywhere
2 in this case of any sort of threats or anything
3 like that.

4 So what is at the heart of the
5 investigation? 03.004 in the handbook is sexual
6 harassment by quid pro quo, which reads,
7 (indiscernible) sexual advance, request for sexual
8 favor, physical or verbal conduct of a sexual
9 nature which must meet a subjective and objective
10 standard.

11 I'll tell you right now, ladies and
12 gentlemen, there is no evidence in this case of any
13 sexual advance, none; no evidence of a request for
14 sexual favors, none. You will see no texts between
15 these individuals mentioning any request for any
16 sort of sex, any romantic relationship. There is
17 no evidence of any touching. There's no evidence
18 of any pornography. There's no late-night texts.
19 There's no showing up at somebody's apartment.
20 Nothing. Nothing.

21 But Mr. Anaya in his investigation
22 has to come up with some way of translating the
23 conduct to meet this requirement. So what he finds
24 is the mere suggestion [REDACTED] says that they may have
25 to share a hotel room in [REDACTED] That

1 suggestion, the act of suggestion is a sexual
2 advance. That's it, ladies and gentlemen.
3 That's -- that's -- There's no -- There's nothing
4 else in the case. The suggestion that they may
5 have to share a hotel room, which Dr. Kalyango
6 denies making, but which [REDACTED] says was made; and
7 which she rebuffed and was never mentioned again
8 and which never happened, that suggestion is the
9 conduct that you're being asked to strip
10 Dr. Kalyango of his tenure for. That's it.

11 Now, how do we know that? We know
12 that because in Mr. Anaya's investigation, he says
13 it on page 33. He only -- Dr. Kalyango only
14 engaged in one extremely severe act; namely,
15 attempting to share a hotel room. That's the --
16 that's the [REDACTED] case, ladies and gentlemen.

17 And this is why Mr. Anaya believes
18 that that translates into a sexual act, just the
19 mere mention of possibly sharing a hotel room, the
20 hypothetical. The mentioning of a hypothetical
21 somehow in -- in this day and age is now considered
22 a sexual advance and a -- or a request for sexual
23 favors. Because he went to the [REDACTED] website,
24 ladies and gentlemen, and he read the reviews; and
25 Mr. Anaya read the reviews, and he found out that

1 there are beautiful sunsets you can see from

2 [REDACTED] Aha. Beautiful sunsets must mean the
3 only reason that they might have to share this room
4 is because Dr. Kalyango wanted to make a sexual
5 advance. That must be the reason.

6 This is the -- this is the reasoning
7 of Mr. Anaya, ladies and gentlemen.

8 And so he puts the question, and you
9 will see this on page 29 of the Memorandum of
10 Findings; he says to Dr. Kalyango, Okay, give me a
11 nonsexual reason why you proposed that you may have
12 to share a hotel room with [REDACTED]. Give me a nonsexual
13 reason.

14 Well, first of all, he denies ever
15 saying it.

16 Secondly, Mr. Anaya has put in this
17 Memorandum of Findings dated August 24th, 2018, the
18 most damning piece of evidence I've ever seen from
19 another lawyer, which is essentially he says to
20 Dr. Kalyango, your colleague, a tenured professor,
21 he says to him, Prove you're innocent. She says
22 you're guilty. Prove you're not. Prove you're not
23 guilty. Prove you didn't want to have sex with
24 her. It's on page 29. Prove it. Prove you had a
25 nonsexual reason. You can't do it, not to satisfy

1 him, even though there's no proof that he ever
2 asked anything sexual of her; never touched her,
3 never sent her any nude photos, never mentioned
4 anything sexual in any communications. There's no
5 witness you're going to hear from. There's no
6 document you are going to see that has anything
7 sexual.

8 So how does Mr. Anaya justify that?
9 Well, wait for it. He says, uhm, There's a winking
10 emoji that was sent one time in an email; so, you
11 know, that's pretty severe. There's a winking
12 emoji at one time. So we know that Dr. Kalyango
13 must be guilty, because he has -- he has to prove
14 his innocence.

15 I mean, it's like reading some --
16 it's To Kill a Mockingbird. It's unbelievable that
17 this has been turned on its head, ladies and
18 gentlemen, against our constitution, against the
19 concept of due process, innocent until proven
20 guilty.

21 This is the investigation your
22 university conducted.

23 Now, fortunately, the -- this
24 investigation was not conducted in a vacuum.
25 Mr. Anaya should have read the law. If he did, he

1 would understand that this is what is called a
2 single-act misconduct case. The [REDACTED] case is a
3 single-act misconduct case. What that means is
4 that in a single-act conduct -- misconduct case
5 involving hostile work environment, the -- in the
6 Sixth Circuit, the only way you can substantiate a
7 hostile work environment in a single-act misconduct
8 case is if the single act is one of two things:
9 rape or violent sexual assault. That's it.
10 Single-act misconduct cannot support within the
11 Sixth Circuit a hostile work environment.

12 So when Mr. Anaya uses terms like
13 "hostile work environment" and "quid pro quo," I
14 don't know where he's getting it from, because he's
15 not getting it from the law of the Sixth Circuit,
16 because he's not even close. If you walked into
17 any courtroom in the Sixth Circuit with this case
18 with this conduct, proposing to share a hotel room
19 that never happened, you'll get laughed out of
20 court, ladies and gentlemen; you'll get laughed
21 out, because single-act sexual harassment cannot
22 create a hostile work environment under the law as
23 it applies, and Mr. Anaya should have known that.

24 Now, there are any number of cases,
25 ladies and gentlemen, that -- that the court has

1 addressed regarding single instances of conduct
2 that have been presented as hostile work
3 environment. Cases where a boss snaps the bra
4 strap of an employee and calls her a stripper, the
5 court says, yes. Is it offensive? Yes. Is it a
6 hostile work environment? No.

7 HEARING COMMITTEE CHAIR MUHAMMAD:
8 Mr. Lute, you have four minutes. I beg -- I beg
9 your pardon. You have four minutes. Thank you.

10 MR. LUTE: Thank you.

11 And there are any number of other
12 cases where employers have done things that are
13 offensive, but it doesn't rise to the level of
14 hostile work environment, because it's considered a
15 single incident.

16 And here's the worst part or maybe
17 the most revealing. I told you that the last email
18 that Dr. Kalyango sent to [REDACTED] said, I apologize;
19 It's all my fault.

20 By the time --

21 This shows you how far off the rails
22 this investigation went and how [REDACTED] was able to
23 manipulate basically the investigator.

24 By the time the investigator gets to
25 the end of the investigation, he says on page 30 of

1 the Memorandum of Findings, he read Dr. Kalyango's
2 email that said, It's all my fault, he read that as
3 sarcasm, ladies and gentlemen, sarcasm. Now, he
4 read -- Mr. Anaya, the investigator, read that as
5 sarcasm, because [REDACTED] read it as
6 sarcasm, which shows you she was so far up his
7 investigation by that time that the investigation
8 had lost all credibility.

9 But even then, Mr. Anaya does not
10 recommend detenuring. He recommends perhaps some
11 form of discipline but nothing further.

12 But at the heart of the case, ladies
13 and gentlemen, is the proposal of a hypothetical
14 that never happened; and you're going to strip a
15 man of his tenure for it? Unbelievable.
16 Unbelievable.

17 Now, I ask you to keep an open mind
18 during this process, reserve your judgment till the
19 end.

20 You are not bound by anything that
21 UPEC did. You're not bound by any of this
22 rubber-stamping the provost did. They're just
23 passing it along. They want you to put your name
24 on this. For the first time ever, you're going to
25 detenure a professor of his stature, and you're

1 going to have to live with that.

2 So I ask you keep an open mind,
3 listen to the evidence, and particularly with
4 respect to Mr. Anaya and this investigation and
5 compare it to your own experience, and think about
6 the fact that you could be in this position. You
7 work with students every day. They're coming in
8 every year. You could find yourself in the very
9 same position, and think about the protections that
10 you would expect to have put in place for you.

11 Thank you.

12 HEARING COMMITTEE CHAIR MUHAMMAD:

13 Thank you, Mr. Lute. That concludes the opening
14 statements from both parties.

15 Our first witness that we'll hear
16 from will begin at 9:45.

17 I want to pause here and ask, Duane
18 and Angie, you're -- have eyes on the waiting room.
19 We've asked all witnesses to, as they come in, to
20 come in at least ten minutes early. But given that
21 we are a little bit ahead of schedule, I would ask
22 that we pause right now and take a small break of
23 about five minutes and then return.

24 Duane and Angie, my question for
25 you, is it best that everyone remain open and

1 online?

2 And I'm seeing the nod from our
3 court reporter. Thank you, Beth.

4 Let's do that for five minutes.
5 We'll come back at ten of. If the witness is
6 present and would like to move forward at 9:35,
7 then we can proceed. Otherwise, we'll proceed at
8 9:40 -- at 9:45.

9 So, everyone, thank you. Let's take
10 a break of five minutes. Please mute your mic, and
11 we'll see you back in five minutes.

12 DUANE BRUCE: Dr. Muhammad, since
13 the next few witnesses will be FERPA protected
14 should I move the folks that are observers into the
15 waiting room now or should I wait until after the
16 break?

17 HEARING COMMITTEE CHAIR MUHAMMAD:
18 Since we're not going to have any proceedings in
19 the next five minutes, I would say, yes, please do.

20 (Brief recess.)

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 If I could now hear from the university
23 representatives.

24 MR. LOUKX: This is Adam.

25 HEARING COMMITTEE CHAIR MUHAMMAD:

1 Thank you, Mr. Loukx.

2 And from the faculty member or
3 representative?

4 ANDREA ZIARKO: Yes. This is Andrea
5 Ziarko. I'm here.

6 HEARING COMMITTEE CHAIR MUHAMMAD:
7 Ms. Ziarko, will you be questioning?

8 MS. ZIARKO: Yes.

9 HEARING COMMITTEE CHAIR MUHAMMAD:
10 Thank you very much.

11 Duane, if you could bring our first
12 witness in, we'll -- we'll start.

13 DUANE BRUCE: The witness is in.

14 HEARING COMMITTEE CHAIR MUHAMMAD:
15 Thank you.

16 Ms. [REDACTED], this is Robin Muhammad.
17 Thank you for being here today.

18 [REDACTED]: Of course.

19 HEARING COMMITTEE CHAIR MUHAMMAD:
20 We have a 30-minute block. And just to give you a
21 sense of how we're handling each block of time for
22 witnesses, we're listening to any introductory
23 remark that you would like to make; and it can be
24 short, but please not more than ten minutes,
25 because we want to evenly divide the time. It's

1 perfectly fine just to make a few remarks, and then
2 we'll move right into questioning. First will be
3 the university's side to do the questioning,
4 followed by the faculty member and legal counsel's
5 questioning.

6 And my -- my job is to make sure, at
7 the very least, that we have this time roughly
8 evenly divided. Is that clear?

9 [REDACTED] Clear.

10 HEARING COMMITTEE CHAIR MUHAMMAD:
11 Great.

12 Also for everyone who is in the
13 hearing right now, with the -- the hearing, this is
14 a FERPA-protected testimony. The observers have
15 been moved out of the main meeting room. Please
16 keep your mic off unless you are speaking.

17 At the conclusion of -- of
18 30 minutes, if any member of the hearing committee
19 has a question, they can indicate so by calling on
20 me. If not, that will conclude the testimony.

21 I see the time is 9:44.

22 Ms. Ziarko -- Excuse me.

23 Ms. [REDACTED] please proceed.

24 [REDACTED] Well, good morning,
25 everybody. I appreciate you all being here. And

1 my only remark is that I am looking forward to
2 getting through this process as quickly and
3 equitably as possible.

4 HEARING COMMITTEE CHAIR MUHAMMAD:

5 Thank you.

6 Ms. Ziarko, is the university
7 representative --

8 Excuse me.

9 Mr. Loukx, I beg your pardon.

10 ADAM LOUKX: Thank you.

11 HEARING COMMITTEE CHAIR MUHAMMAD:

12 The university representative, please proceed with
13 questioning.

14 ADAM LOUKX: Thank you.

15 - - -

16 DIRECT EXAMINATION

17 BY MR. LOUKX:

18 Q. Good morning. [REDACTED], do you mind if
19 I call you [REDACTED]?

20 A. Of course, yes. That's great.

21 Thank you.

22 (Discussion held off the record.)

23 BY MR. LOUKX:

24 Q. Good morning again, [REDACTED]. My name
25 is Adam Loukx. We've never spoken before. I

1 wanted to introduce myself.

2 Given the -- the layout of this
3 hearing, as -- as Chairwoman Muhammad has
4 described, we've got about 30 minutes, so perhaps
5 the best thing to do is to give you a fairly broad
6 question.

7 Can you tell this committee about
8 your experiences with the respondent, Dr. Kalyango?
9 And I can follow up with some questions to you
10 to -- to help you through this. But I would like
11 to give you the floor to tell us what brings --
12 what brought you to bring a complaint against
13 Dr. Kalyango.

14 A. Yeah. Thank you.

15 So just so everybody knows, I have
16 my notes open that I took three years ago; and,
17 uhm, I might have to reference them throughout the
18 hearing. It is 4:46 in the morning where I am, so
19 my -- my brain might be working a tiny bit slow,
20 but I'm going to do my best.

21 So in [REDACTED], I was a student. I just
22 joined the university --

23 The lights just turned off. Hold on
24 one sec.

25 I was a student at Ohio University,

1 and I had just arrived there in spring. And I was
2 in the journalism school, and I ended up running
3 into Dr. Kalyango through a friend. And we had
4 both had a history in, like, international work;
5 and so I met him at his house during a Super Bowl
6 party; and immediately afterwards, you know, he
7 con- -- I -- I feel like he started to conduct
8 grooming behavior and would be overly friendly and
9 inappropriate towards me.

10 And eventually, uhm, when my guard
11 was down, he invited me to run all of the State
12 Department operations in Africa that were coming up
13 that summer, which was, you know, an opportunity I
14 couldn't really refuse. So I accepted. And then
15 the grooming behavior continued even though I tried
16 to do my best as a student and a young person to
17 put up more barriers. And then, uhm, some of the
18 culminating incidents was in -- while we were in
19 Africa, he, like, kind of grabbed me at a
20 nightclub, and I rebuffed his advances. And I feel
21 like also what happened was immediately after that
22 incident, he was very cold to me. His total
23 demeanor changed. He also attempted to coerce me
24 into sharing a hotel room with him the -- the day
25 before -- or two days before, 48 hours before we

1 got on the flight to Africa. So I was actually
2 unequipped to handle that -- that, uhm --

3 What am I trying to say?

4 -- that proposal, I guess.

5 And so there were a few incidents,
6 uhm, that were just kind of like ina- -- wildly
7 inappropriate that I tried to rebuff.

8 And then when I got back to the
9 United States, I was still working for him. And I
10 received an email that had quite a few fabrications
11 in it, [REDACTED] State
12 Department program with him; and I felt like that
13 was retaliation for rebuffing his advances.

14 And I also -- And he also -- There's
15 evidence that he manipulated evaluations and
16 expense reports. And part of the reasoning for
17 that was to fit his narrative that he probably
18 needed some -- some sort of evidence to, ah, fire
19 me. And he didn't really have it other than -- And
20 otherwise, he would have been -- it would have been
21 pretty obvious that he was harassing me. And so I
22 feel like he manipulated those documents in order
23 to kind of create some sort of paper trail to
24 justify firing me other than me rebuffing his
25 advances.

1 And so then that's why I approached
2 the university, because I initially, like, felt
3 like my job was on the line, I was under threat,
4 uhm, and I, yeah, didn't know where else to turn.

5 Q. Okay. Thank you. Well, you -- Let
6 me follow up a little bit with some of what you
7 just said.

8 You -- you referred to what you
9 believe was some grooming behavior. Can you tell
10 us a little bit more specifically what you mean by
11 that and examples of how you think that occurred?

12 A. Yeah, absolutely.

13 So right away, after Dr. Kalyang- --
14 Dr. Kalyango and I met, he would, uhm, text me
15 directly and invite me out to, uhm, breakfast,
16 lunches, dinners. And I started to kind of avoid
17 some of his text messages. And then he would kind
18 of use a little bit more manipulative language;
19 like if I said, uhm, Oh, you know, I have to work
20 really late, he goes, You work too late; come --
21 come out; let's -- let's -- let's go out.

22 And then he started to ask a lot of
23 personal questioning, asking me about my life in
24 high school, constantly asked me about my family
25 life, saying he wanted to hang out with my family.

1 He would send me random texts and emails that were
2 meant for his ex-wife. He would send me, like,
3 inspirational messages, a lot of compliments. He
4 always insisted on dropping me off and picking me
5 up from my house, which I always refused, because I
6 thought it was troublesome. He would ask me for
7 photos of myself for his kids, which sometimes I
8 would send, un- -- unfortunately. He --

9 Ah, I'm reading my, like, list right
10 now.

11 He would -- Oh, when I went for
12 spring break, he asked me for visual updates. He
13 put in all caps, "visual," as if he was looking for
14 images. And so, yeah, he asked -- he offered rides
15 to the airport, to CMH. He also offered me in
16 email rides to -- all the way to [REDACTED] from
17 Ohio where I lived with my dad. He also --

18 Ah, it was pretty unclear why I was
19 going to [REDACTED] for work, quote, unquote, for work,
20 until the final hour. Uhm, and so in [REDACTED] he --
21 I feel like that whole trip was kind of somewhat of
22 a gift. And he also took me on a 750-dollar
23 [REDACTED] tour (indiscernible) per person
24 out of his own money.

25 He would send me random texts, like,

1 early in the morning. Like I said before, he would
2 send me texts where he would be like, Oh, you're
3 working late? You need a break. Let's get dinner.
4 He would send me more texts in the morning, like,
5 Do you want a smoothie at like 8 in the morning.

6 Ah, let's see. Let's see.

7 Uhm, well, yeah. He would send me a
8 lot of photos.

9 Q. Let's stop right there and -- and
10 follow up on some of the things.

11 Now, the texts that you were
12 receiving at -- were these business-related
13 matters, related to your work for Dr. Kalyango?

14 A. Almost all of everything I said, ah,
15 was before I started working for him.

16 Q. Did Dr. Kalyango share personal
17 things with you about his personal life or anything
18 like that?

19 A. Oh, absolutely. Even from our first
20 meeting, he immediately went into, ah --

21 One of the major topics was his
22 divorce. I constantly tried to steer the
23 conversation back towards work and school, because
24 I -- that's what I had assumed that meeting was
25 going to be about. But he would always talk about

1 his divorce and his role in that matter, and he
2 would talk about his kids and romance and personal
3 life and things like that.

4 Q. And you had mentioned something
5 about a nightclub, I think, in Africa. Could you
6 tell us a little bit more about that?

7 A. Yeah. So I was -- we were in
8 [REDACTED] and I had just gotten back from a
9 Safari tour; and Dr. Kalyango was texting me to,
10 uhm, meet him out and mentioned how I could arrange
11 a driver with the front desk. So I --

12 Hold on. I'm just going to pull it
13 up and -- and just make sure I'm going to get the
14 dates right and stuff like that.

15 Okay. Well, I can't find the screen
16 right here. But anyways, I remember it. Okay.
17 Here it is.

18 So, yeah, we met outside of Bar
19 [REDACTED] Uhm, and I remember being, like,
20 distinct- -- I didn't want to go, because I had
21 distinctly just got back from the Safari and I was
22 really tired; but I felt like I kind of had to go.
23 So at that dinner, he bought me, like, three or
24 four drinks. Actually, it wasn't dinner. It was
25 just three or four drinks.

1 And then we went to a second club
2 called The [REDACTED] And inside of The [REDACTED]
3 he still offered me more drinks. I had like one.
4 I really wasn't interested in drinking that night.
5 And then at a certain point on the dance in
6 floor -- It was me, the driver Rodney, and
7 Dr. Kalyango. And at some point on the dance
8 floor, I had been, like, observing everybody and
9 finding the -- the cultural scene very interesting;
10 he grabbed my hands and pulled me and twisted me
11 around so that my backside was towards him and just
12 held me there for a couple seconds until I -- until
13 I just wiggled away. And then I asked Rodney -- I
14 just expressed that I was ready to go home and
15 asked Rodney to take me home.

16 Q. Now, was --

17 A. He took all of us home.

18 Q. Was Dr. Kalyango having drinks as
19 well?

20 A. No.

21 Q. The [REDACTED], let's talk a little bit
22 more about [REDACTED].

23 When did you first learn of an
24 opportunity to go on a trip to [REDACTED]

25 A. I learned about that -- Let's see.

1 Let's see.

2 It seemed -- I learned about it
3 pretty early. Well, I mean, all of this was pretty
4 quick, so I guess it couldn't have been that early.
5 Something for you. I remember what the text said.
6 Let me -- let me just look for it in my notes here.
7 I think I need to pull up the Memorandum of
8 Findings.

9 Well, before we went, he had sent me
10 a text. I have it somewhere in my notes here.
11 Uhm --

12 Q. And that, for the benefit of the
13 committee, is I think page 71 of the evidence pack.

14 A. Okay. Everybody's got it. Sweet.

15 Uhm, all right. So just going from
16 memory, in that text he said something like, I have
17 something for you, it's something special just for
18 you. And I remember getting that, and I had a few
19 moments to decide without any information. Like,
20 Say yes or no if you're going to [REDACTED]. And I was
21 like, Yeah, it's a work thing. I -- I -- Yes. Of
22 course, 'cause why would you say no to another
23 opportunity?

24 Uhm, and then it wasn't for a few
25 weeks later that a proposed itinerary for [REDACTED]

1 was given that it was kind of like an environmental
2 journalism trip; which, that's what I study, is
3 environmental journalism, so it seemed a little to
4 good to be true, which seems I guess it was.

5 And so I -- I know in the
6 transmittal letter, there's lots of information
7 about the details of the timing of the itineraries
8 in [REDACTED].

9 So I didn't really receive like a
10 clear itinerary until like the very last moment.
11 And the only kind of legitimate activity that was
12 going on was this conference that Dr. Kalyango was
13 putting together that I would be joining, or this
14 meeting -- actually, it was really just a dinner
15 that he ended up that very day skipping. Uhm, and
16 so it was only until the very day, which, you know,
17 you can see in the text messages and things like
18 that that I know that I was actually doing a little
19 bit of work in [REDACTED]

20 Q. At some point you alleged that
21 Dr. Kalyango had suggested sharing a hotel room.
22 Tell us about that. When did you hear that
23 suggestion?

24 A. Okay. Sounds good.

25 By the way, I just have the

1 transmittal letter up, so that text, I want to show
2 you something. I'm thinking of something outside
3 of work. Work is only in [REDACTED] It's for
4 you. Yes, something that you're interested in --

5 (Discussion held off the record.)

6 HEARING COMMITTEE CHAIR MUHAMMAD:

7 One moment. A couple of things. We'll be
8 transitioning to the faculty members' questioning
9 period in about two minutes. If those text
10 messages are particularly long, they may be
11 referenced in the -- in another report, I just
12 wanted you to be aware of that. But in two
13 minutes, we need to make that transition.

14 Beth, I think, is having some
15 audio -- has some audio questions. So if you do
16 read something out, [REDACTED], please be brief and --
17 and clear.

18 BY MR. LOUKX:

19 Q. You don't need to read that out.
20 It's in the evidence pack, page 71.

21 Since we've only got a few minutes
22 left, I want to transition a little bit over to the
23 expense reports.

24 Tell -- tell me, was the -- about,
25 in your own words, what happened with the expense

1 reports.

2 A. I mean, this -- In my words, I did
3 my expense reports. When I -- when I went through
4 them with some people from Ohio University, they
5 were perfect. They were only off by, like, one
6 U.S. cent after converting all of the different
7 currencies. And Dr. Kalyango alleges that my
8 expense reports were a mess, which they weren't.

9 Q. Did you try to meet --

10 A. And I --

11 Q. I'm sorry. Did you try to meet with
12 Dr. Kalyango for the expense report?

13 A. I did. I did try and meet with him
14 when we got back, and he was refusing to meet with
15 me and kind of made it impossible to do my work.
16 But I was outside of his office till like 9 o'clock
17 at night waiting for him at one point. And then
18 the next day -- This is something I have to just
19 refresh my memory on the timing of. And then,
20 yeah, he kind of refused to meet me.

21 And then, uhm, when he did get all
22 the -- the information, he didn't express any,
23 like, issues with it. He just sent me, like, a
24 huge email slamming it, saying it was like
25 incorrect, without giving me any opportunity to see

1 those expense reports again. And then I realized
2 that that was a total fabrication. And I believe
3 that he was, uhm -- I don't know what he was doing
4 and why he wanted his expense reports to indicate
5 different numbers than me, but I felt like he kind
6 of wanted to hide the expense reports for some
7 reason and he needed an excuse to do it. So he
8 wanted a paper trail to blame me, saying they were
9 bad; when, really, for some reason on his end, I
10 felt like he wanted them to be modified internally.

11 HEARING COMMITTEE CHAIR MUHAMMAD:

12 Thank you.

13 We'll need to transition now to the
14 balance of the questioning period with you from the
15 faculty member's representative Ms. Ziarko.

16 ANDREA ZIARKO: Thank you.

17

18 - - -

19 CROSS-EXAMINATION

20 BY MS. ZIARKO:

21 Q. Ms. [REDACTED], hi. My name is
22 Andrea Ziarko, and I'm one of the attorneys
23 representing Dr. Kalyango today.

24 A. Hi, Andrea. How are you?

25 Q. I'm fine. Thank you.

1 I want to pick up real quick where
2 you left off. You make quite serious allegations
3 of some type of financial misconduct by
4 Dr. Kalyango.

5 Now, there are no findings in the
6 Memorandum of Findings from the 13-month
7 investigation that Dr. Kalyango had any financial
8 misconduct in that. Correct?

9 A. Ah, right, 'cause that was not the
10 focus. So I would be happy to get back to the
11 focus of the investigation.

12 Q. Thank you.

13 Now, you're aware that Dr. Kalyango
14 denies any type of comment to you about asking you
15 to share a room in -- in [REDACTED]. Right?

16 A. Yeah. He's in his right to do that.
17 Yeah, as far as I know.

18 Q. And then, of course, he knew of this
19 [REDACTED] trip prior to the specific itinerary being
20 sent to you through your conversations with people
21 in [REDACTED] mainly [REDACTED] and during your
22 planning of this trip? 'Cause that was your job,
23 right, --

24 A. Yes.

25 Q. -- to plan your trip to -- to

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[REDACTED]

A. Ah, I think you're getting things confused. Yeah. So I planned the trip to [REDACTED], and [REDACTED] was in [REDACTED].

Q. Okay.

A. So I had emailed her very briefly. And, yeah, there was no actual, like, substance between -- in my emails with [REDACTED] and I.

Q. But you are aware of [REDACTED]. And then you did get the specific itinerary from Dr. Kalyango prior to the --

A. Yes.

Q. Okay.

A. Much later, yes.

Q. And you knew it included not only the [REDACTED] which, by the way, you also knew it was originally planned and paid for by Dr. Kalyango or his son. Right? His son was originally going to be going with him?

A. That is what he alleges. He told me earlier on that his son wasn't going. And, no, I didn't know we were going [REDACTED] until I was -- until it was a minute before we were leaving. And it was also unclear if that was actually happening or not, because it's not work

1 related.

2 Q. You said he had something in mind
3 that would be very interesting to you, which, of
4 course, you did participate in an environmental
5 conservation presentation, which is part of your
6 environmental studies. Correct?

7 A. This was totally unrelated from my
8 environmental studies degree.

9 Q. Did you participate in an
10 environmental conservation presentation that was
11 quite beneficial for you?

12 A. Ah, I was asked to, ah, run the
13 dinner at the last minute on the way there with no
14 context as to why I was going there; so I did
15 represent Kalyango and Ohio University on my way
16 there.

17 Was there much benefit to me? I
18 don't think so.

19 Q. Okay. So during your time in
20 [REDACTED] you actually had success and you were
21 excited about being there. You had a good time.
22 You worked well with the participants in the
23 program. Correct?

24 A. Yeah. I had a very good time with
25 the participants, and I did work well; although I

1 was under an extreme amount of stress from
2 Dr. Kalyango.

3 Q. Okay. Okay. Was there a point in
4 time where you actually cursed at Kalyango for your
5 perception of money exchange when you first arrived
6 in [REDACTED]

7 A. Absolutely not. That is a
8 fabrication.

9 Q. Okay. And did you cause a scene in
10 the hotel because of your dirty laundry, you were
11 upset about the price of cleaning your dirty
12 laundry?

13 A. Absolutely not. That was also a
14 fabrication. And Kalyango and [REDACTED] were
15 not present for any of my interactions with the
16 hotel staff.

17 Q. Did you confront Dr. Kalyango in
18 front of people and upset that he actually paid
19 your bill, then, before you left the hotel because
20 you didn't pay?

21 A. Ah, that would be another
22 fabrication. And I actually did pay for my
23 laundry.

24 Q. Okay. And, in fact, the only
25 complaint that you made in [REDACTED] was just

1 about having too much work to do and -- and it was
2 maybe a little too much for you or too hard or too
3 much was expected of you?

4 A. Ah, no. I think in the transmittal
5 letter, which everybody has, you can see text
6 messages to me and my friend [REDACTED] where I'm saying
7 it's the professor that makes me really feel
8 uncomfortable and there's this whole other adage
9 that is making my life and job a lot harder.

10 Q. So you refer to these texts with a
11 friend of yours, but the person who you spent
12 almost a hundred percent of your time, [REDACTED],
13 who was -- was your roommate there in [REDACTED]
14 as well, you know, she says that the only thing you
15 complained about to her, although you did get upset
16 about some of these other things with regard to the
17 money, you sort of had a fit about and the laundry,
18 that you were upset about the amount of work that
19 you had. Would -- would you disagree with that?

20 A. I wanted to --

21 So you said quite a few things
22 there.

23 Just to reiterate, I didn't have any
24 interaction -- any altercations with Kalyango or
25 the hotel staff. So Jeanette wouldn't have heard

1 anything like that, 'cause it didn't happen.

2 Sorry about this. I mean, it's 4 in
3 the morning where I am, and there's no light
4 outside.

5 And, ah, yeah, I only -- I only
6 talked to [REDACTED] about the challenges of our
7 work, which we both were discussing in detail. And
8 I didn't tell her anything else, because I wanted
9 her to be able to have her own professional
10 relationship and dynamic with Professor Kalyango,
11 who she saw as a mentor.

12 Q. Okay. Thank you.

13 Now, even in these texts that you
14 refer to, you state in there, and I quote, that you
15 liked the fact that Kaly- -- that Dr. Kalyango was
16 cool with mistakes and that the work was awesome;
17 and, in fact, even when you returned home, you
18 raved about the experience you had with
19 Professor Rogus and -- and some of the other
20 students that you interacted with. Correct?

21 A. Ah, I don't remember, like, raving
22 to Professor Rogus.

23 Q. Okay. Now, after your time in
24 [REDACTED], were there no incidences of, you know, any
25 type of sexual misconduct or anything?

1 You did actually fly with
2 Dr. Kalyango to [REDACTED] --

3 And I might have said that wrong.

4 When you were in [REDACTED]

5 When you flew to [REDACTED] afterwards
6 with Dr. Kalyango.

7 And you never actually stayed in the
8 same hotel room with him. Correct?

9 A. Yes, because I refused to stay at
10 the [REDACTED] Resort.

11 Q. There was never any intention of
12 that. You know, you saw the itinerary where
13 Dr. Kalyango was going to be in a completely
14 different city which was six hours away. Right?

15 A. I still stayed in the hotel room
16 which had his name on it. He said it was the only
17 one left and there was one king-size bed.

18 Q. Which you stayed in by yourself.
19 Right?

20 A. Yes, thankfully; but I --

21 Q. And -- and there are no
22 allegations --

23 A. I did pay for it -- I did pay for it
24 myself. His name was on the room, but I did have
25 to pay for it myself in the end.

1 Q. Right.

2 In part of these texts, I believe
3 you -- the -- it's sort of twofold. There's one
4 instance where you say it's weird that Dr. Kaly- --
5 I have to stay in this room that Dr. Kalyango paid
6 for; but then there's some -- some texts back and
7 forth with Dr. Kalyango on June 21st where you
8 asked him, The hotel is not paid for. Right?

9 And, in fact, Dr. Kalyango said to
10 you, it's -- he couldn't pay for it online because
11 there was no mechanism, so you can pay at the
12 checkout. Correct?

13 A. Ah, yes.

14 Q. Yes. Okay. Thank you.

15 Now, you knew what responsibilities
16 you had as part of your job.

17 Oh. And by the way, how old were
18 you when you in [REDACTED] when you started working with
19 Dr. Kalyango?

20 A. I was [REDACTED].

21 Q. Okay. And as part of this job that
22 you had, your responsibilities included reconciling
23 financial receipts, which were required for the
24 grant. Correct?

25 A. Yes, as I did.

1 Q. And did you ever ask Dr. Kalyango
2 for assistance with that and -- while you were over
3 in [REDACTED] or in [REDACTED] or while you were
4 traveling back and forth?

5 A. I think -- I'm sure at times when I
6 was being hired as an -- as an assistant, I was
7 asking him questions about how he wanted receipts
8 done. It was pretty vague. I remember -- 'Cause I
9 had done receipts for -- I had worked in the film
10 industry and other industries, so I had done
11 receipts before. So I remember at one point I was,
12 like, Do you want a number, you know, itemized; and
13 when I -- I remember specifically when I handed
14 them in to him, he was, like, pretty upset that
15 they were numbered, which I thought was
16 (indecipherable). So there was -- there was --
17 [REDACTED] and Ziarko talking at same
18 time.)

19 Q. You handed them in to him in a
20 plastic bag and --

21 A. Yeah, there was a very little amount
22 of --

23 That is -- yeah, I did give them to
24 him in a plastic bag, because that's a normal thing
25 to hand something over in.

1 Q. Okay. And you -- you knew you were
2 on a deadline, but you had some time, you thought,
3 to go back to [REDACTED] between the [REDACTED] program
4 and when the [REDACTED] program started back in Athens.
5 Correct?

6 A. Yeah. I had my rightfully-owned
7 vacation days where I was able to do whatever I
8 wanted, and I was able to --

9 Q. And, in fact --

10 A. Miss -- Please don't interrupt.

11 And so I was able to get all of my
12 work done in full as I was instructed to the best
13 of my ability before I left.

14 Q. My only question was whether you had
15 time to go to [REDACTED].

16 So, in fact, Dr. Kalyango emailed
17 you, then, later telling you very detailed about
18 the issues that -- that he had with the receipts.
19 And at the very end, in fact, after he goes through
20 everything and he has a note on there that says,
21 This message is meant to make you aware of what
22 transpired and so you're more aware in the future.
23 And it's always important to keep, you know,
24 supervisors abreast. And he says, I believe we
25 will have a better [REDACTED] which was what you

1 were hired to do as well.

2 So there's no indication on here
3 that he fired you or that he expected you to quit.
4 Correct?

5 A. There is a line in that email
6 that -- that said -- says something -- I don't have
7 the email in front of me, but it says something
8 along the lines of, uhm, well --

9 Q. I don't want you to paraphrase it.
10 The -- They have the email --

11 A. Well, let me finish. Let me finish.
12 So there's something related to
13 being fired from the [REDACTED] not the [REDACTED].

14 So I don't want to -- I don't want
15 to breeze over the fact that there was a line that
16 indicated my termination with [REDACTED] in that email.

17 Q. Well, actually, I do have this in
18 front of me, and it doesn't say that. So the
19 committee can see that for themselves. And then --

20 A. That is your reading of the email.
21 I had a more intimate understanding of the email.

22 Q. Okay. And, in fact, so this email
23 was sent about 1 o'clock on -- on July 5th. And
24 about five minutes later, you texted your friend,
25 [REDACTED] and explained to him about this long

1 email that you got from Dr. Kalyango and how he
2 put too much trust in you and that you screwed
3 things -- he says you screwed things up. And you
4 say to him -- you say to -- excuse me -- Ms. [REDACTED],
5 that you feel like you were being punished for
6 traveling to [REDACTED].

7 HEARING COMMITTEE CHAIR MUHAMMAD: I
8 just want to pause right here. There are two
9 minutes left. So for your response, [REDACTED], and then
10 we'll be transitioning to the next -- to the next
11 witness.

12 Excuse my interruption.

13 Q. So the fact of the matter is, you
14 were upset about getting critiqued in the email
15 from Dr. Kalyango, and you decided to, before you
16 even replied to him, contact the university and --
17 and complain about things that actually just never
18 happened.

19 A. That's -- that's your personal
20 opinion of the matter.

21 I, ah --

22 "Critique" is a normal part of a
23 workplace. I felt like he had put fabrications in
24 this email, and then he gave me no ability to
25 correct these said mistakes; so I had no recourse

1 with him directly. And at this point he had
2 already violated my trust to an extent where I felt
3 like I could not manage this with him directly in a
4 safe manner, which is why I approached the
5 university. And I'm happy I did so.

6 Q. Well, I'm glad you did think you
7 could manage it with him, because you -- you even
8 admitted that you tried to reach out to him when
9 you got back. You waited for him. You tried to --
10 to make meetings for him. And, in fact, you waited
11 on his -- outside of his office by yourself until
12 9:30 at night. You would have had no problem
13 working through these issues with him. Correct?

14 A. That was before I received this,
15 like, intense email, this vicious email.

16 MS. ZIARKO: Okay. Thank you.

17 HEARING COMMITTEE CHAIR MUHAMMAD:
18 Thank you.

19 [REDACTED] Thank you so much,
20 Ms. Ziarko.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 Thank you, [REDACTED]. Safe travels.

23 [REDACTED] Oh. Am I -- am I
24 done?

25 HEARING COMMITTEE CHAIR MUHAMMAD:

1 That is the -- the conclusion.

2 If the hearing committee --

3 We did have a question about the
4 evidence pack, one of the -- from the texts that
5 you referenced, but we do have that in our -- in
6 our archive of all the documents.

7 Are there any questions from any
8 hearing committee members other than the one I just
9 mentioned?

10 YEHONG SHAO-LUCAS: Can I ask
11 another question? Sorry.

12 HEARING COMMITTEE CHAIR MUHAMMAD:
13 Yes, please, Dr. Shao.

14 YEHONG SHAO-LUCAS: So for the
15 expense report, you did briefly mention it.

16 Have you been given any kind of
17 training or guidance about how to do the expense
18 report?

19 [REDACTED] Very little, yeah. I
20 had very little guidance. And when I -- when I
21 looked for more, Kalyango made himself unavailable.

22 YEHONG SHAO-LUCAS: So that's your
23 first time doing that kind of report, expense
24 report. Right?

25 [REDACTED] No. I had done

1 expense reports in my previous positions, and I
2 know that it can -- it's really important to have
3 the details right, depending on who your funding
4 body is, which is why I was trying to track down
5 Dr. Kalyango to make sure that they were perfect.

6 YEHONG SHAO-LUCAS: Thank you.

7 [REDACTED] Thank you, Dr. Shao.

8 HEARING COMMITTEE CHAIR MUHAMMAD:
9 Thank you. That concludes your testimony.

10 [REDACTED] Okay. Thank you.

11 Uhm, best of luck with everything. Thank you so
12 much for this process.

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 Thank you.

15 [REDACTED] Bye.

16 HEARING COMMITTEE CHAIR MUHAMMAD:
17 Duane and Angie, please move our next FERPA
18 protected witnessed, [REDACTED].

19 And again, the process is the same.
20 It's a 30-minute segment.

21 From university's side, who will be
22 questioning?

23 MR. LOUKX: I will. This is Adam.

24 HEARING COMMITTEE CHAIR MUHAMMAD:
25 Hi, Adam. Thank you.

1 And from the faculty member's side,
2 who will be questioning?

3 ANDREA ZIARKO: I will again. This
4 is Andrea Ziarko.

5 HEARING COMMITTEE CHAIR MUHAMMAD:
6 Thank you.

7 Might take a moment for bringing
8 this witness in. The witness is in.

9 Thank you, Duane.

10 Hello, [REDACTED].

11 [REDACTED] Hi there. How's it
12 going.

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 It's going well. I'm Robin Muhammad. I'm the
15 chair of the hearing committee.

16 We're going to be using this next
17 30 minutes for you to provide a statement, however
18 brief; and then we'll be moving directly into
19 questioning first from the university's side, and
20 then from the faculty member's side, from their
21 legal counsel.

22 Witnesses are free to make just
23 brief introductory remarks, or we can move directly
24 into the questioning. So the -- the floor is open
25 to you.

1 And if you go more than ten minutes,
2 then I'll -- I'll give you a signal that we need to
3 move on to the questioning.

4 [REDACTED] Sure. Okay. Thank
5 you.

6 So, yeah. I mean, I'll just briefly
7 describe three major incidents that I outlined in,
8 you know, the Memorandum of Findings in my original
9 complaint.

10 [REDACTED]
11 [REDACTED] . And, you know, I
12 was accepted to it that same -- around the same
13 time. Uhm, I grew more interested in international
14 journalism; and, you know, in the preparatory class
15 leading up to the (indiscernible) program, I
16 mentioned an interest in international journalism.

17 (Discussion held off the record.)

18 A. So I would have mentioned my -- my
19 interest in international journalism during these
20 classes leading up to [REDACTED]. So I would have been
21 aware of that.

22 So with that said, probably about
23 midway through the study abroad in [REDACTED], Yusuf
24 invited me to (indiscernible) his room. He said
25 something about his stocked fridge. So kind of

1 felt like hors d'oeuvres or happy hour. It seemed
2 harmless enough, so I went.

3 And while I was in his hotel room,
4 he put on music and asked me to dance, which I
5 thought was bizarre. Uhm, and it felt like it
6 lasted a long time, the song that was playing.
7 But, you know, when in [REDACTED], I guess. And -- and
8 that was kind of that. So that ended that
9 incident, but it was weird.

10 Uhm, later in the trip, uhm, there
11 was a night when he asked me to go next door to a
12 different hotel, which also had a bar. Ours had a
13 bar, but this one had a bar as well. And I
14 figured, you know, maybe he wanted to chat about my
15 career aspirations; ah, maybe he wanted to avoid
16 appearances of playing favorites, uhm, you know, in
17 front of some of the other students. So, you know,
18 for that reason, I -- I agreed, and we went next
19 door to this hotel, ah, which had an outdoor patio
20 area. Uhm, that's where we went.

21 Uhm, he bought me beer at the bar.
22 We went and sat outside. We talked for, I would
23 assume, more than an hour. I -- He bought another
24 beer for me. He was not drinking. To my
25 knowledge, Yusuf doesn't drink alcohol.

1 But, you know, we talked about, yes,
2 career aspirations. Also some more intimate
3 details of my life, my family. My parents in
4 particular are alcoholics. Uhm, they were not
5 helping me financially. I was kind of in financial
6 trouble, and including because of the trip to
7 [REDACTED], which I just thought was too good of an
8 opportunity to pass up.

9 Uhm, and when, you know, we wrapped
10 up our conversation and we were walking back from
11 the outdoor area toward the -- the door of that
12 hotel next door, that's when Yusuf kind of pressed
13 me against a wall, uhm, and he started to kiss me,
14 which was, I mean, shocking. It's still shocking.

15 Uhm, I -- I kind of pushed him back
16 and said, I'm -- you know, I'm sorry if -- if I
17 gave the wrong impression, but this is not
18 something I'm interested in. Uhm, and he didn't
19 pursue anything further.

20 Obviously, we still had to go back
21 to the hotel next door. I don't remember, uhm,
22 anything about the conversation or if there was any
23 as we walked back. I think I was in shock. Uhm,
24 so that happened.

25 And I -- I went I think that night

1 to a couple of my friends on the trip, uhm, to
2 their room and kind of said, you know, something
3 really weird just happened. I wasn't even honest
4 about it. I was kind of like, He tried to kiss me
5 instead of saying that he actually did. But
6 that's -- you know, that happened.

7 Within -- within a day, maybe within
8 12 hours, he sent me an email. He thanked me for
9 the conversation. He offered to help me with
10 anything at all that I could possibly want.

11 Uhm, I believe that same day, the
12 following day after this incident, he also called
13 my hotel room. And I didn't respond to his email.
14 I wasn't answering the phone. I was, you know,
15 really pretty put off by what had happened.

16 Uhm, but, obviously, I'm in [REDACTED].
17 There's not really anywhere I could go. So the
18 trip carries on.

19 What I really remember from there
20 is, you know, the -- the plane ride home. I
21 remember switching seats to avoid sitting next to
22 Yusuf. I think I blamed it on, you know, wanting
23 to go to a middle section of the airplane where I
24 could lie down on the return trip.

25 Uhm, so that -- that's the nutshell

1 of [REDACTED].

2 Uhm, I did deny these allegations to
3 the ECRC in [REDACTED] This was pre-Me Too.
4 Uhm, I really thought about all of this hard. I
5 didn't want to lie, but I also figured the only
6 thing that could come of it would be I would be
7 barred from the -- the [REDACTED] job, the Institute for
8 International Journalism, which came up during that
9 conversation on the patio, by the way. Yusuf had
10 all but offered me that job already, which should
11 be pretty clear, because I already was doing
12 something [REDACTED] for that job that I did get.

13 So I figured if I told the ECRC I
14 would be barred from that job. It paid \$15 an hour
15 when most jobs were paying 7 or 8 bucks an hour in
16 Athens. Uhm, it was a guarantee of, you know, most
17 time -- most weeks, at least, 30 hours, whereas
18 other jobs in Athens were half of that. And it was
19 something I actually wanted to do. It was
20 international-journalism related. It was, you
21 know, something that ultimately did advance my
22 career through the connections I met. So I denied
23 the allegations, because I -- I really didn't see
24 that I had a choice. I -- I had to make the money,
25 and I needed to further my career. Uhm, so I am so

1 sorry for that, but -- but that's what happened.

2 Uhm, so, you know, in doing that,
3 after having done that or maybe even right before,
4 I told Yusuf, Hey, I -- I'm going to deny this, I'm
5 going to say it never happened; but here's what --
6 what's going to be the thing from now on. You're
7 not going to do anything like that again, and we're
8 going to have a professional working relationship,
9 and we're going to move on. Like, that -- that's
10 the parameters. That's, you know, how I agree
11 to -- to carry on working for you. And he said
12 okay, so I thought we were good to go. That was an
13 in-person conversation.

14 Uhm, in April, he, you know, kind of
15 sprung this on me last minute, which there's social
16 media where you can see I said I was going to go to
17 a friend's party, and I didn't because I ended up
18 in D.C. He said he didn't want to drive to D.C.,
19 would I just take him; like, I could drive his car.
20 He would pay me 15 bucks an hour for the hours that
21 I drove, and he would give me a per diem to spend,
22 you know, while he was tied up basically renewing
23 the [REDACTED], which is what he was doing down
24 there, again, in [REDACTED]

25 Uhm, you know, I love D.C.; and I

1 needed the money, so why not. Is it a little
2 strange? Probably. But, you know, I, uhm --
3 again, I'm looking to build this -- this mentor, I
4 considered this connection, this -- this person who
5 I thought was going to be helping me with my
6 career. So I agreed to go.

7 Uhm, and when we arrived and dropped
8 off our stuff, I was a little bit dismayed to -- to
9 see that it was a suite that we were going to be
10 sharing. It did have two, like, partitioned areas.
11 So I think one was an actual -- I know one was a
12 bed. That's what I took. I think the other one
13 might have been like a sofa bed or something like
14 that. Uhm, but it was a little jarring. I -- I
15 think I just assumed we would be in separate rooms.
16 We were in [REDACTED].

17 But, anyway, uhm, you know, he went
18 to do his [REDACTED] thing. I went and explored. I have
19 check-ins from Foursquare all over D.C. to show,
20 like, everywhere I went that day. Uhm, you know, I
21 had dinner at this one establishment. Yusuf and I
22 met back up. We went to at least one bar. It
23 could have been two, but I -- I only remember one.
24 And -- and then we called it a night.

25 So when we were back in the hotel,

1 uhm, I had my pajamas on. I was lying in -- in
2 this bed. And Yusuf came over to me, and he sat on
3 the bedside and kind of put his arm over -- over my
4 body. Uhm, and I don't even know what he said,
5 because right away I was like, whoa, this is
6 exactly the thing I was saying. Like, I don't
7 want -- like, this can't happen.

8 And he had a similar reaction to
9 when I pushed him away from the kissing incident,
10 which was just like, oh -- like, oh, I didn't know
11 I was doing anything wrong, uhm, which -- which is
12 fine, I guess. But again, he didn't pursue
13 anything further after that happened. You know,
14 called it a night, went to bed. Uhm, so that --
15 that was basically how that one ended.

16 And then one more I'll get to
17 quickly. I'm running out of time.

18 There was, in the middle of all of
19 this a conference in Santiago, Chili -- it was
20 going to be in June. I have proof that Yusuf
21 bought me a ticket to go in February. Uhm, in June
22 he canceled. He said that he had an emergency come
23 up. It sounds like he might have still gone. I
24 don't really know, but I didn't end up going. But
25 I have an email from him where he said in July,

1 like, Oh, hey but there's another conference in
2 Chili in October, so maybe we could do that. Uhm,
3 that never ended up panning out. But this was
4 another situation where we had kind of gotten into
5 a little bit of a tiff, because he had said that
6 the only way I could go to this first conference
7 was if we shared a hotel room. And I said, ah,
8 really not trying to do that again. And so, yeah,
9 like I said, Santiago never happened.

10 So, uhm, in closing, you know, I --
11 I always felt bad about lying. I am not -- Like, I
12 didn't want to have to do that. I didn't feel like
13 I had a choice. I wanted to clear the record. I'm
14 a journalist. Don't like also being allowed to
15 (indecipherable). Uhm, Me Too obviously really got
16 me thinking about this. And then, you know, I did
17 hear murmurings that possibly some other women had
18 been in similar situations. So, uhm, I really felt
19 it was on me to not let a cycle continue.

20 HEARING COMMITTEE CHAIR MUHAMMAD:

21 Thank you, [REDACTED].

22 With the balance of time that we
23 have, we'll now move to the university's side to do
24 the questioning.

25 Please bear in mind, both the

1 university's side and the faculty member's side,
2 all of our witnesses here are here on a voluntary
3 basis. We have a limited period of time. So being
4 able to hear what they have to say and not speaking
5 over one another is really very important. And we
6 already have audio challenges simply because we're
7 on a virtual platform. And with that, I'll turn it
8 over to the university's side for questioning for
9 about ten minutes, and then we'll shift to the
10 faculty member's side.

11 MR. LOUKX: Thank you.

12 MS. ZIARKO: Thank you.

13 Oh, I'm sorry.

14 MR. LOUKX: Is it me? I don't want
15 to go out of turn.

16 HEARING COMMITTEE CHAIR MUHAMMAD:
17 It's you, Adam. You're the university's side.

18 MR. LOUKX: Thank you. Thank you.

19 - - -

20 DIRECT EXAMINATION

21 BY MR. LOUKX:

22 Q. I don't know if you were aware, but
23 Dr. Kalyango denies the trip to D.C. and denies the
24 Chilean trip plans. You had indicated that you --
25 you produced text messages, which are in the

1 evidence packet that shows that you were in D.C.

2 Is there anything else you can add
3 that would suggest why you can show your presence
4 in D.C. with Dr. Kalyango?

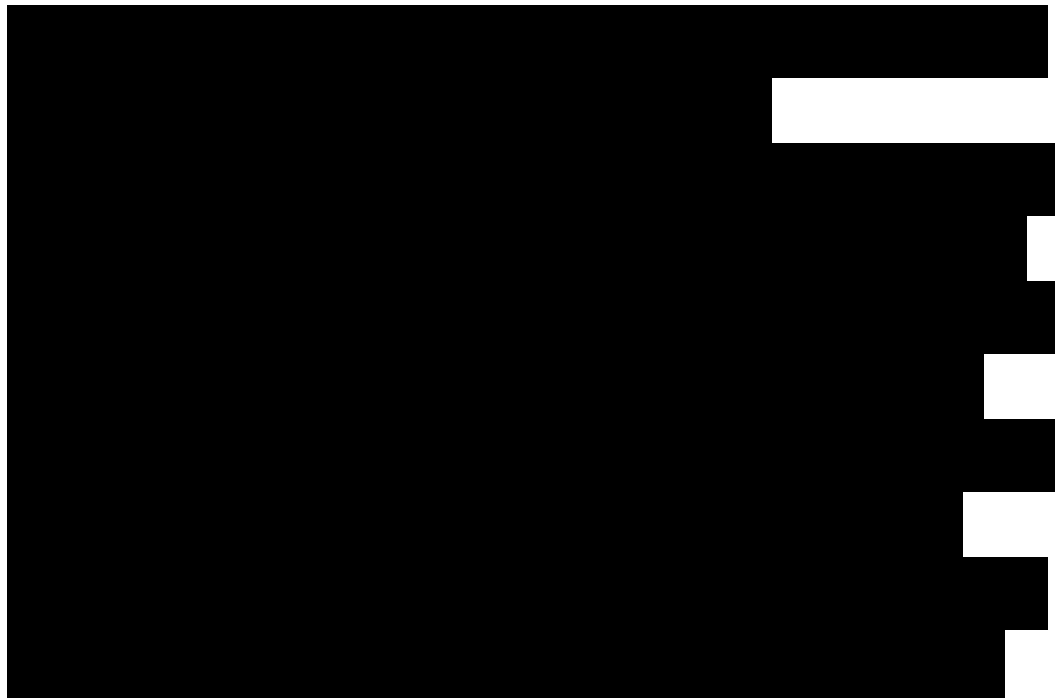
5 A. Uhm, well, the -- the, uhm -- the
6 Foursquare check-ins that I have, include one at
7 the Renaissance Hotel, you know, I believe on
8 April 21st of [REDACTED]. Uhm, I was able to produce an
9 itinerary, ah, of the hotel trip, which, of course,
10 does have Yusuf's name on it; he was the one who
11 purchased the hotel room, but it was from the same
12 dates. So I believe it's 19, 20 and 21, but, you
13 know, right around there in April [REDACTED]. We have --
14 I produced evidence that Yusuf was in the
15 Renaissance D.C. Hotel. And one of the social
16 media things that I'm alluding to is actually me
17 checking into the Renaissance Hotel.

18 Q. I hate to get in an area that is
19 certainly private, but I don't know if you're aware
20 of this; but Dr. Kalyango has denied that the
21 things in [REDACTED] could have happened in part
22 [REDACTED]

23 Do you have any comments on that?

24 A. Yeah. Uhm, you know, I found that
25 to be a rather bizarre, uhm, suggestion. [REDACTED]

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Q. Thank you.

Now, there was a Professor Kenny on the [REDACTED] trip as well, not associated with Ohio University, but with an African university. I understand that Dr. Kalyango said this could not have happened because he was always there.

Are you aware of Professor Kenny?

A. I'm aware of Kenny, yes.

Q. I think Kenny is his first name, just to be clear. I'm sorry.

What is your response to that this couldn't have happened because Dr. Kenny would have been there?

A. Yeah. Kenny Makungu was around a lot certainly; uhm, but -- but he also went home at

1 the end of the night. He had a house. He lives --
2 he lives in [REDACTED] He wasn't staying in
3 the hotel constantly.

4 You can see in the trip itinerary
5 that there were times where, you know, we
6 definitely were scheduled for things even up to
7 midnight sometimes, but there were other times
8 where our nights ended at 8, and Kenny went home
9 and we had free time. And, you know, the time that
10 we were on the patio that I discussed was one of
11 those nights.

12 Q. And you talked about an earlier
13 denial to the Institutional Equity, ECRC's
14 predecessor, in a case; and that case was --
15 actually involved Kenny. Is that correct?

16 A. Right. I believe the -- the initial
17 complaint was about Kenny, and -- and the concerns
18 about me and Yusuf was kind of a secondary part of
19 that complaint.

20 Q. Okay. What were the complaints
21 about Kenny, just --

22 A. Uhm, so I -- I learned some of this
23 later and I knew some of this then.

24 Uhm, so the thing that I was
25 certainly aware of was that Kenny was drinking a

1 lot, uhm, and he was in some cases drinking and
2 driving with students from Ohio University in the
3 car. There was an unfortunate incident where one
4 of my friends actually chose to jump out of the
5 vehicle rather than remain in it with Kenny. Uhm,
6 and so it was that bad. And I was aware of that
7 during the trip. And I knew that, ah, you know,
8 my -- another of my friends was going to complain
9 about that post-trip. I didn't learn about till
10 later that, you know, she had said that he also --
11 Kenny also made sexual advance toward her; uhm, you
12 know, tried to get her into his home and things
13 like that. So I learned about that later.

14 Q. Okay. Now, we have heard, at least
15 in opening statements, that you were put up to
16 making your most recent complaint, somebody put you
17 up to it. Can you comment on that?

18 A. It's -- it's infuriating, actually,
19 uhm, you know, to suggest that I can be bought or
20 something like that, or that I would make up some
21 story for someone else. Uhm, this really happened.
22 Ah, and it was jarring and unfortunate. You know,
23 to have a professor push you up against a wall and
24 put his tongue in your mouth is a really bad
25 situation. Uhm, and then I had felt I had to lie

1 about it, and I still believe that that's probably
2 true, in [REDACTED]. And then I had to live with having
3 lied about it. And then I had to learn that this
4 possibly happened to another woman and maybe it was
5 my fault. Uhm, I came forward because I needed
6 this issue to be out there. There is just nothing
7 else to it.

8 MR. LOUKX: Thank you.

9 Well, I will defer the remaining
10 time to allow cross-examination.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 Thank you, Adam.

13 You have ten minutes.

14 MS. ZIARKO: All right. Thank you.

15 - - -

16 CROSS-EXAMINATION

17 BY MS. ZIARKO:

18 Q. Hi. My name is Andrea Ziarko, and
19 I'm one of the attorneys representing Dr. Kalyango.

20 And you've tes- -- well, you've
21 stated that you did not initiate the complaint
22 against Dr. Kalyango back in [REDACTED] when you
23 had -- in realtime when you had traveled to [REDACTED]
24 or when you got back to O.U. And it was actually
25 initiated by an anonymous letter. Is that right?

1 A. The [REDACTED] complaint?

2 Q. Yes.

3 A. I did not initiate it, so I'm not
4 sure who did. I -- I have a feeling who did. It
5 wasn't told to me.

6 Q. And when you were sent an email
7 from -- from the university asking about this, you
8 admitted you specifically denied it. And you -- in
9 fact, you repeatedly denied it over several emails.

10 A. Ah, so there were two separate
11 things. Uhm, one was the former entity of the
12 ECRC, and the second was, I believe, Global
13 Affairs.

14 Q. Okay.

15 A. So there were two separate things.
16 And the first one I agreed to a meeting, and I
17 denied these allegations in person.

18 The second was, I -- I believe, the
19 Global Affairs in which, yes, I sent an email and
20 again said, I already told you people I -- this
21 didn't happen, yes. And I explained earlier why I
22 did that.

23 Q. And even at the time, though, you --
24 you state -- And I'm going to quote from -- from
25 your email here: Rest assured that I am not the

1 type of personality who would not speak out about
2 something due to fear or something along those
3 lines. I have been through a lot in my life and I
4 don't allow others to take advantage of me.

5 Are those your words?

6 A. Those are my words.

7 Q. Okay. And so what you're saying now
8 is that you lied back then so that you could
9 advance in your studies and your career, for your
10 benefit?

11 A. And -- and afford to stay at Ohio
12 University, yes.

13 Q. Okay. Now, Miss [REDACTED], despite this
14 denial, the university actually went ahead with
15 their investigation, and I think it was a twofold
16 investigation both with Kenny that we were talking
17 about as well as Dr. Kalyango. Correct?

18 A. I -- I don't know what the
19 university did or didn't do.

20 Q. Okay. Well, actually, they did.
21 There -- there was an investigation, and it -- it
22 came back unsubstantiated against Dr. Kalyango, but
23 not only for your denial and --

24 And by the way, Dr. Kalyango denies
25 that he ever acted inappropriate with you in

1 [REDACTED]. Correct?

2 A. Ah, that's my understanding, yes.

3 Q. Right.

4 And so the -- the Memorandum of
5 Findings came back that it was unsubstantiated
6 based on the denial, as well as the fact that there
7 was no independent evidence at all to indicate the
8 truth of those statements.

9 A. Okay.

10 Q. So -- so there's no evidence,
11 statements of anybody that you said you talked to
12 in [REDACTED] regarding any appropriate --
13 inappropriate behavior from Dr. Kalyango.

14 Did -- Now, you stated that nobody
15 forced you to come forward now, but did somebody
16 initiate this process with you from the university?

17 A. No. Uhm, no. I called Bob Stewart,
18 I believe was the first person that I called.

19 Q. Okay. So you called out of the
20 blue. Nobody called you to say, Hey, can you come
21 back and talk about these instances that happened
22 back, you know, eight years, nine years ago?

23 A. Nobody called me.

24 Q. Did anybody call your wife?

25 A. I can't speak for my wife.

1 Q. Okay. So are you saying this is
2 just a coincidence that this timing of this came
3 right about the time that another student was
4 making certain allegations against Dr. Kalyango?

5 A. I might have -- I was probably aware
6 of those at the time. And I said in my opening
7 statement that -- that murmurings about this
8 possibly having happened to other women is part of
9 what made me finally come forward, but I was
10 already considering it. And, you know, it doesn't
11 change the validity of what I said.

12 Q. Okay. So where -- where -- where
13 are you living or where were you living at the time
14 that you did come forward with these allegations?

15 A. I would have been in an apartment in
16 Hamden, Connecticut.

17 Q. Okay. So you're in Connecticut.
18 And you heard murmurings of what was supposed to be
19 a confidential investigation going on at Ohio
20 University at the time?

21 A. I -- Journalists talk. I -- It's
22 unfortunate, but that's -- there are very, very few
23 things that we don't hear. Uhm, we're a plugged-in
24 community, and that's -- that goes for Ohio
25 University and every other newsroom I've ever

1 worked.

2 Q. Okay. So it's not really
3 coincidence, then, that you decided at that time to
4 recant what you said you lied about back in [REDACTED]?

5 A. Coincidence might be the wrong word;
6 but I wasn't told to do it, I wasn't persuaded to
7 do it, I wasn't offered any benefit to do it. In
8 fact --

9 Q. I didn't say you were offered
10 anything for that. Okay.

11 Now, you continued to work with
12 Dr. Kalyango through the remainder of your career
13 at O.U. Right?

14 A. Correct.

15 Q. Yes, and when you returned from
16 [REDACTED].

17 And then you graduated, and you --
18 Did you get a job right afterward?

19 A. Uhm, no, I didn't. I actually went
20 on a postgraduate grant to [REDACTED], Africa. So, yes,
21 Yusuf was one of the people in charge of, you know,
22 handing out those grants, along with a couple other
23 professors who interviewed for it. My
24 understanding is it was a competitive grant. And I
25 went to [REDACTED] probably, like, October [REDACTED] to,

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[REDACTED]

Q. Okay. And -- and Dr. Kalyango was not with you on that trip. Right?

A. He was not with me.

Q. Okay.

A. He had a separate study abroad that did cross paths. It was the same -- It was during a period of the same time while I was in [REDACTED] that he also was in [REDACTED].

Q. And did you become employed after that trip or --

Are you employed right now?

A. I'm employed right now. And, yes, I came home from that trip and started searching for jobs and then finally landed one in Upstate New York.

Q. Okay. So you graduated, you proceeded on with your career; and then more than seven or eight years later, you decided to -- to come back and, you know, assert these allegations against Dr. Kalyango.

Now, the only evidence that you submitted in staying at the same hotel as Dr. Kalyango was some screenshots of -- of different places in Washington, D.C. Is that

1 right?

2 A. The screenshot of a geolocation
3 check-in that you can't make unless you actually
4 are within the area of the hotel.

5 Q. Okay. And what were your job
6 responsibilities at that time?

7 A. Uhm, I was working [REDACTED] Yusuf, as I
8 believe the title was the [REDACTED]
9 [REDACTED]. So it was,
10 you know, multimedia, writing stories, sometimes
11 driving, uhm, doing, you know, errands, things like
12 that.

13 Q. Okay.

14 HEARING COMMITTEE CHAIR MUHAMMAD:
15 I'm sorry to interrupt. The time remaining is two
16 minutes.

17 MS. ZIARKO: Okay. Thank you.

18 Q. You said that you drove Dr. Kalyango
19 to Washington, D.C.

20 Do you remember what kind of car you
21 were driving on the way down?

22 A. You know, I -- I don't remember the
23 car exactly. It was a silver, metallic, you know,
24 four-door; more of a boaty kind of car from what I
25 remember. And it wasn't only me who would drive

1 it. From time to time, you know, he would have
2 some of his [REDACTED] -- other [REDACTED] colleagues, you
3 know, [REDACTED] (phonetic) [REDACTED]
4 (phonetic) would sometimes drive his vehicle as
5 well.

6 Q. Is that -- is that an SUV, you said,
7 or a four-door or --

8 A. I -- I recall it being a car, not an
9 SUV.

10 Q. Okay. And, in fact, there -- there
11 are no documents generated through your work with
12 O.U. that evidence any type of stay either at
13 Washington or in Santiago, Chili. And I know you
14 didn't stay there, but your proposed stay.
15 Correct?

16 A. Ah, correct about Santiago.
17 That was a two-part question.

18 I -- You know, I was paid for
19 driving to Washington, D.C., and I do believe I was
20 paid through the [REDACTED]
21 [REDACTED]. (Indecipherable) position. I already
22 (indecipherable). I don't have the same bank
23 account. I didn't keep pay stubs from -- from
24 [REDACTED] But I can't say for sure that O.U. didn't
25 pay for that.

1 Q. So conveniently, I guess, you know,
2 when you come forward eight years later, there is
3 no evidence to -- to document this.

4 A. Eight years is a long time.

5 Q. Uh-huh.

6 HEARING COMMITTEE CHAIR MUHAMMAD:

7 All right. Thank you both. That brings us to the
8 end of this particular testimony.

9 Thank you, [REDACTED] for being here.

10 And thank you both, to both sides,
11 for being here.

12 We're now at a point where if any
13 member of the hearing committee has a question for
14 our witness?

15 Hearing -- hearing none --

16 Or let me double-check my texts
17 since I'm multitasking. Very good. That has been
18 clarified. Excellent.

19 So we don't have any follow-up
20 questions from the hearing committee.

21 Again, thank you, [REDACTED].

22 VLADIMIR MARCHENKOV: Robin, may I
23 ask one question?

24 HEARING COMMITTEE CHAIR MUHAMMAD:

25 Oh. Absolutely.

1 Audio lag time.

2 VLADIMIR MARCHENKOV: I'm sorry.

3 Let me turn my camera on, too. Yes.

4 Hello, [REDACTED]. My name is Vladimir
5 Marchenkov, a member of the hearing committee.

6 When you applied for jobs, did you
7 ever ask Yusuf Kalyango for recommendations,
8 letters of recommendations since you worked with
9 him extensively during your years with --

10 [REDACTED] I did. I did. I
11 did, and I -- you know, I got them from time to
12 time. But there was a place called The Talking
13 Points Memo in New York City, a job I really
14 wanted; uhm, and in the reference letter, Yusuf
15 spelled it Talking Memo Points, which rendered the
16 letter useless for obvious reasons and kind of made
17 me see how little he really actually wanted to be
18 doing this, uhm, on my behalf. So after that, I
19 stopped asking.

20 VLADIMIR MARCHENKOV: Thank you.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 Thank you.

23 We'll now take a break. Our next
24 witness, also FERPA protected, will be here for an
25 11 to 11:30 time slot. Please mute your mics or

1 cancel your -- or close out your video for this
2 brief break. And please be back a few minutes
3 before 11. And Duane and Angie will bring that
4 witness from the waiting room into the hearing
5 space. Thank you.

6 (Brief recess.)

7 DUANE BRUCE: [REDACTED] is in the room.

8 HEARING COMMITTEE CHAIR MUHAMMAD:
9 And the observers are still outside. Yes?

10 DUANE BRUCE: Yes, they are.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 Thank you.

13 Hello, [REDACTED]. This is
14 Robin Muhammad. I'm chair of the hearing
15 committee.

16 [REDACTED] Hi. Good morning.

17 HEARING COMMITTEE CHAIR MUHAMMAD:
18 Thank you for being here today.

19 [REDACTED] Absolutely.

20 HEARING COMMITTEE CHAIR MUHAMMAD:

21 Just to let you know the process, we have this
22 30-minute block of time and -- for each witness
23 that appears over the next two days. We're asking
24 each witness if they want to make a few
25 introductory remarks, that's fine. Otherwise, just

1 for our court reporter, you can definitely give
2 your name, first and last name and spell it for --
3 for clarity purposes.

4 If you want to simply move right
5 into questioning, we can do that.

6 First the questioning will come from
7 the university's side and then from the faculty
8 member's side, and the balance of time that is
9 there will be divided between those two. After
10 that, if there are any questions from the hearing
11 committee, there might be one or two, there might
12 not be, and then that will conclude the testimony.

13 [REDACTED] All right.

14 HEARING COMMITTEE CHAIR MUHAMMAD:
15 So go ahead and introduce yourself.

16 [REDACTED] Absolutely. My name
17 is [REDACTED] My first name is [REDACTED],
18 [REDACTED]; and my last name is [REDACTED]

19 Uhm, I do have a statement if it would be all right
20 to read that.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 Yes, just with one caveat. If it's more than ten
23 minutes, I will be signaling that your time is up.
24 Thank you.

25 [REDACTED] Uhm, before I begin, I

1 do want to thank the faculty members who are here
2 and taking this time to listen during what's the
3 end of a very busy and chaotic semester. So I'm
4 grateful for your willingness to listen and your
5 time this morning.

6 Like I said, my name is [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

And while I was
10 a master's student, I did work under Dr. Kalyango
11 as part of the [REDACTED] during the summer of
12 [REDACTED].

13 (Discussion held off the record.)

14 A. I should probably note that I
15 believe I am here because I think I'm something of
16 an expert witness, though I never wanted to be one.

17 I, myself, am a survivor of sexual
18 abuse in intimate partner violence. I was
19 diagnosed with posttraumatic stress disorder nearly
20 a decade ago. So I know all too well how the
21 symptoms of posttraumatic stress in survivors of
22 gender (indecipherable) violence manifests.

23 So when [REDACTED] came over to my
24 house after returning from her trip to Africa with
25 Dr. Kalyango, my radar immediately went off that

1 something was wrong.

2 When describing [REDACTED] I always say
3 that I've never had a friend like her before, and
4 I'll never have a friend like her again. She's
5 adventurous and effervescent and full of life and
6 energy and curiosity, and she can make friends with
7 a brick wall even over Zoom. So when [REDACTED] returned
8 from Africa and she was anxious, -- she was -- had
9 trouble finding everyday words in normal
10 conversations, and there are a few occasions where
11 she told me the same pretty basic story multiple
12 times -- I knew there was something wrong.

13 While I was cooking dinner for us
14 one night, [REDACTED] told me about some of
15 Dr. Kalyango's actions and asked if they were
16 inappropriate. I'm grateful that in that moment,
17 because of my own experience with trauma, I had a
18 moment of clarity where I understood that this was
19 an important moment, and how I responded to [REDACTED] in
20 that moment was critical.

21 I told [REDACTED] that I believed her,
22 that I supported her; and I pointed her in the
23 direction of resources should she choose to make a
24 report.

25 I continued to work for Dr. Kalyango

1 throughout the summer of 2017 as part of the [REDACTED]
2 [REDACTED].

3 I cannot describe to you what it is
4 like as a survivor to work for someone who has
5 victimized a friend, especially when that person
6 holds your future in their hands, as Dr. Kalyango
7 did as a member of our graduate committee.

8 While I was scared, I did the job
9 that had to be done and built warm and professional
10 relationships with the visiting scholars.

11 Working for Dr. Kalyango was the
12 single worst work experience I have ever had in my
13 life, and that comes from someone who has worked
14 multiple part-time jobs simultaneously from the age
15 of 15 including waitressing, bartending, working
16 retail, and teaching preschoolers how to swim while
17 getting (indecipherable).

18 Dr. Kalyango frequently called me
19 after an hour I would consider to be appropriate
20 for a person in a position of power to contact a
21 student. Dr. Kalyango held meetings only in the
22 evenings or at night in his office in the
23 journalism suite in Schoonover Center. I felt
24 there was no appropriate reason for a professor in
25 a position of power to demand that a female student

1 employ me after hours. And both my own trauma
2 therapist and my family affirmed that I should not
3 put myself in such an unsafe position, especially
4 after what happened to [REDACTED].

5 So when I was called as a witness in
6 [REDACTED]' Title IX investigation, I did the right
7 thing. I answered questions, I provided
8 information, and I told the truth.

9 In my entire life, I have never been
10 let go from a job; and during [REDACTED], I was not once
11 reprimanded either by Dr. Kalyango or the other
12 faculty member in charge of the [REDACTED]. I
13 had no idea that either of these faculty members
14 were unhappy with my job performance until months
15 later when the other faculty member made complaints
16 about me to our current graduate director, the
17 incoming graduate director, and the director of the
18 school.

19 Dr. Kalyango and the other faculty
20 member involved in [REDACTED] painted a completely false
21 picture of my work performance for department's
22 graduate committee and leadership and made a number
23 of allegations about me that O.U.'s Title IX
24 investigation found to be demonstrably false.

25 As a result of these false

1 statements, I was initially denied admission to our
2 Ph.D. program, a decision that was unanimously
3 overturned. While I was readmitted and my own
4 memorandum in finding -- of findings invalidated
5 the lies that Dr. Kalyango and his associates told
6 about me, that doesn't mean that my subsequent
7 experience here at O.U. has been warm or welcoming
8 or safe.

9 Following the committee's decision,
10 I felt I had no validity with those in the highest
11 positions of power in the school, people who I had
12 come to admire and trust. My character was
13 questioned on false pretenses while I had no
14 ability to counteract it given the power structure
15 in place in the school. It didn't matter that I
16 [REDACTED] had published
17 peer-reviewed research, [REDACTED]
18 [REDACTED], and had glowing student evaluations.
19 My word, my work, and my previous working
20 relationships with faculty and students didn't
21 matter as much as Dr. Kalyango's account, as he was
22 a professor in a position of power.

23 As a result of the discord sowed by
24 Dr. Kalyango in our department, I have been unable
25 to take classes due to the fact that they were

1 taught by Dr. Kalyango supporters who have made me
2 feel unwelcome in the program. I have been unable
3 to work with certain professors on research, and I
4 feel unsafe even using certain entrances to my own
5 office due to the continued hostility of some of
6 the members of our faculty.

7 I spent years in therapy trying to
8 regain my own self-confidence and to silence the
9 voice of Dr. Kalyango in my head that says I do [REDACTED]
10 deserve to be a Ph.D. student here or that I'm
11 insubordinate or that the kind, warm relationships
12 that I built with SUSI scholars were not real.

13 But despite the efforts of
14 Dr. Kalyango and others to silence me, I'm still
15 here; and [REDACTED]
16 [REDACTED] that Dr. Kalyango tried to prevent me from
17 attending.

18 When I mentioned earlier that I see
19 myself as something of an expert witness, it isn't
20 just because of my own experience with trauma.

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
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[REDACTED]

As you might have put together by now, [REDACTED] experience with Dr. Kalyango and my own subsequent experience coincided with the emergence of the Me Too movement. What made me to (indecipherable) powerful was the combination of individual survivors' stories and the magnitude of impact that harassment has had on their lives, but also the way those individual's stories exposed systems of power that enable and perpetuate harassment today.

This is the case with Dr. Kalyango. His individual actions have profoundly upended individual lives like [REDACTED] and mine, but also those who love her. As you know, academia is a system where power dynamics, money, and titles can make or break careers, especially in elite programs like the ones here at O.U. Female students make up roughly 60 percent of all graduates from journalism programs in the United States. But around each 30, there's a massive attrition rate from women in the industry due in part to the fact that journalism is not hospitable to women and because race and

1 gender-based harassment are sky high.

2 Here at O.U., Dr. Kalyango's closest
3 associate and SUSI colleague taught until recently
4 in the Rogers Ailes Broadcast Newsroom. Each
5 semester, our journalism school sent a handful of
6 students to intern under one of the most highly
7 recognized Me Too perpetrators, Matt Lauer, who was
8 fired in 2017 due to allegations of sexual
9 misconduct.

10 These are not just big-city problems
11 or famous people issues. This is happening right
12 here at your university to your students, and you
13 have the chance to do something about it.

14 Over the past several years, I
15 focused my energy on what I can do to help
16 dismantle systems of power.

17 While revoking Dr. Kalyango's tenure
18 will not fix academia or make O.U. entirely
19 equitable, it's a small concrete step you can take
20 with the power that you hold to make O.U. more safe
21 for students like myself and the students in your
22 own classrooms.

23 I ask you from teacher to teacher to
24 consider whether you would let a female student of
25 yours travel, meet, or work alone with

1 Dr. Kalyango.

2 But I also want you to consider when
3 listening to witnesses like me over the next two
4 days that those of us who are testifying have
5 absolutely nothing to gain from telling the truth.
6 In fact, we're making ourselves more vulnerable
7 again by doing so.

8 But I want to end by speaking to
9 you, Dr. Kalyango, directly. Your actions were
10 wrong full stop. And while you've attempted to sow
11 in me a seed of doubt in my abilities and myself,
12 you failed. Instead, your hate has empowered me to
13 be a better, more outspoken advocate for myself,
14 for my students, and other people who feel their
15 voice has been silenced.

16 I'm a practicing Catholic, and my
17 faith has buoyed me through this ordeal. And I
18 want you to know that I've prayed for you and for
19 your family every day for the last three and a half
20 years.

21 I've struggled with my anger towards
22 you and those in your inner circle who have also
23 hurt me, but I want you to know that I found it in
24 myself to forgive you. I don't excuse your
25 behavior and minimize what you have done, but

1 you're forgiven, and I'm not afraid of you anymore.

2 And I have become more resilient and
3 determined not only to prove you wrong, but to
4 prove myself right that I have a place here and a
5 voice. And I want you to know that you have the
6 ability to do the right thing, to take
7 responsibility for your actions and to apologize,
8 and I sincerely hope you'll take that opportunity.

9 Thank you.

10 HEARING COMMITTEE CHAIR MUHAMMAD:

11 Thank you, [REDACTED].

12 [REDACTED]: You're welcome.

13 HEARING COMMITTEE CHAIR MUHAMMAD:

14 We'll turn now to 10 minutes of questioning from
15 the university's side followed by 10 minutes of
16 questioning from the faculty member's side. And if
17 there are any questions from the hearing committee
18 at the conclusion of that 20 minutes, we'll hear
19 them at that point.

20 MR. LOUKX: Thank you.

21 - - -

22 DIRECT EXAMINATION

23 BY MR. LOUKX:

24 Q. Good morning, [REDACTED]

25 A. Good morning, Adam.

1 fact, made an ECRC complaint. Is that correct?

2 A. Uhm, someone made one for me before
3 I had the chance to do so myself.

4 Q. Okay. What was that complaint
5 about?

6 A. Uhm, that complaint happened after I
7 was denied admission from the Ph.D. program here at
8 O.U. And truly, I -- I was dumbfounded, because at
9 least on my merits, there was no reason I should
10 have been denied for that program. I had been
11 admitted to two more prestigious and higher profile
12 programs and offered the highest amount of
13 scholarships that both of those programs offer. So
14 if I had been accepted by two better schools, I had
15 no reason to believe that I would not be admitted
16 here at O.U.

17 Q. And did you have any understanding
18 of why you weren't admitted in that initial?

19 A. Yes. My understanding was that
20 during the graduate committee meeting,
21 Dr. Kalyango, uhm, attended and made it abundantly
22 clear that there were a number of problems with my
23 attitude or personality or work performance. I'm
24 not really sure. But my understanding of that
25 meeting was that it was very hostile and angry.

1 Uhm, and in retrospect, after reading my own
2 Memorandum of Findings, I found out a lot of things
3 that were said about myself that were not true at
4 all and were, indeed, proven false.

5 Q. Now, did that meeting occur after
6 [REDACTED] filed her complaint?

7 A. Yes, absolutely.

8 Q. You would -- you were a friend of
9 [REDACTED]

10 A. I was. We became friends after [REDACTED]
11 made her complaint. We were more of acquaintances
12 before that summer. Uhm, I have everybody over to
13 my house multiple times a year and even weekly if
14 they want for pre-COVID family dinners. [REDACTED]
15 [REDACTED] school. And so
16 everybody knows me and is familiar with me, but we
17 weren't close friends until after this happened.

18 Q. Is it well known that you were
19 friends with [REDACTED] in the journalism
20 community?

21 A. Absolutely. Absolutely.

22 Q. Did Dr. Kalyango know?

23 A. He would have to, yes.

24 Q. I'm sorry. A little mental block.

25 You indicated when you read the MOF,

1 you saw lots of things were being said about you
2 that were untrue.

3 Go ahead and elaborate a little on
4 that, and then I have a follow-up question or two.

5 A. Sure. Absolutely.

6 On the MOF itself in the conclusion,
7 while the claim was unsubstantiated, uhm, they --
8 there's a paragraph about how I -- the respondent,
9 who here is Dr. Kalyango, said I was antagonistic
10 or incompatible or that I had poisoned the well,
11 those things never happened. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 There was an allegation that I had contacted the
16 State Department, which was proven to be
17 demonstrably false.

18 A number of issues reported by the
19 other person in charge of [REDACTED] were also not
20 corroborated by witnesses. Uhm, I -- There's no
21 documentary evidence that any communication
22 occurred between myself and the State Department.
23 Uhm, there were [REDACTED] scholars who said that I did a
24 great job and made them feel comfortable and safe.
25 Uhm, that there's no corroborating evidence that

1 any complaint was made to the State Department by
2 any [REDACTED] scholar. Ah, a number -- in a survey that
3 they did, most of the scholars said that I -- they
4 highly praised my work. Uhm, they weren't able to
5 confirm that I had stirred up anyone, which never
6 happened. Uhm, they all were -- made positive
7 comments about me.

8 And so these statements that were
9 made not only to the graduate committee, but to the
10 Title IX investigator, were not true and they were
11 proven to be untrue.

12 Q. Now, it was alleged in the
13 [REDACTED] case that you -- that [REDACTED] had given
14 you expense reports to give to Dr. Kalyango. Is
15 that true?

16 A. That is true. Yes, she did.

17 Q. And at least one of the statements
18 was that you resented the fact that [REDACTED] gave you
19 those expense reports. Is that true?

20 A. Absolutely not. It was my idea to
21 take the reports in. I had a meeting after hours
22 with Dr. Kalyango, and I had driven her home. And
23 since I was going back to the office, I offered to
24 take them. It was my idea.

25 MR. LOUKX: Okay. Well, thank you

1 very much.

2 At this point there will be a little
3 cross-examination. And again, thank you for your
4 help.

5 [REDACTED] Absolutely.

6 HEARING COMMITTEE CHAIR MUHAMMAD:
7 Thank you very much, Adam. We'll turn now to the
8 faculty member's side and legal counsel for
9 follow-up questions of 10 minutes.

10 MS. ZIARKO: Thank you.

11 - - -

12 CROSS-EXAMINATION

13 BY MS. ZIARKO:

14 Q. Hi, Miss [REDACTED]. My name is Andrea
15 Ziarko, and I'm one of the lawyers representing
16 Dr. Kalyango.

17 You indicated that a complaint was
18 initiated on your behalf, but you did not initiate
19 it. Right?

20 A. That's correct.

21 Q. And, in fact, that was [REDACTED]
22 who initiated that complaint. Right?

23 A. I actually have no idea who did it
24 to this day, not a clue.

25 Q. Okay. And then -- But that --

1 Within the Memorandum of Findings,
2 your allegations were, in fact, deemed
3 unsubstantiated. Correct?

4 A. That's correct.

5 Q. Right. Okay.

6 A. But not all of the allegations were
7 incorrect.

8 So if you look at the Memorandum of
9 Findings on the very second to last page, it says
10 that two of the things --

11 There's -- there's three portions to
12 the complaint, one that I participated in in an
13 investigation; that was substantiated. The second
14 was that the respondent took adverse action. That
15 was substantiated. What was not able to be
16 substantiated was not that Dr. Kalyango did not do
17 anything unethical or that he didn't take any
18 adverse action. It was simply that they could not
19 establish that he did it because of my
20 involvement --

21 Q. Miss [REDACTED], you indicated that you
22 did participate in the investigation. And as I'm
23 looking through Mr. Anaya's notes within the
24 investigation, you know, you talked about your --
25 the texts that you and Dr. Kalyango exchanged. And

1 you say your texts were always about work, and it
2 was a ridiculous number of emails. That's your
3 complaint to Dr. Kalyango with regard to the
4 investigation into Ms. [REDACTED].

5 A. Would you point that out or reread
6 that, because I'm not sure what you're referring
7 to.

8 Q. Did you or did you not say that your
9 number of emails was an issue with Dr. Kalyango?
10 Was that part of your complaint?

11 A. No.

12 Q. Okay. And that -- that they were
13 always about work?

14 A. I wouldn't expect them to be about
15 anything but work, because I was working for
16 Dr. Kalyango.

17 Q. That's right. Okay.

18 Now, you -- you mentioned that you
19 are sort of here as an expert; but you don't have a
20 psychology degree or a medical degree right now, do
21 you?

22 A. Nope.

23 Q. Okay. Thank you.

24 And, in fact, well, you also -- you
25 know, you -- you brought up your Catholicism and

1 that you are Catholic.

2 A. I am.

3 Q. Now, when -- when Miss [REDACTED] texted
4 you after she received a constructive criticism
5 email from Dr. Kalyango, she states to you, Dr. K
6 just wrote me a long email about how he put too
7 much trust in me and how I screwed everything up
8 with all of the paperwork for [REDACTED] And your
9 immediate response to that Oh, JFC. He's like a
10 half hour late to bring [REDACTED] and I cash. He's an
11 ass.

12 What does JFC stand for?

13 A. Jesus fucking Christ.

14 Q. Okay. And so that's your immediate
15 reaction.

16 And then when Miss [REDACTED] follows up
17 with you, she states that there were ten days
18 between when the program ended and then when I went
19 to [REDACTED], and she also states that she feels
20 like she's being punished with that email for going
21 to [REDACTED].

22 You did receive those texts. Right?

23 A. I mean, it's -- Apparently you have
24 them. I -- I don't know what texts you're
25 referring to, and it's been three and a half years.

1 So I don't have a catalog of what texts I received
2 three and a half years ago.

3 Q. Okay. Did you also encourage [REDACTED]
4 to go talk to Sweendog in those texts?

5 A. I did. He was the graduate
6 director.

7 Q. And who is Sweendog?

8 A. Sweendog is Mike Sweeney. He is the
9 former graduate director.

10 Q. Okay. Professor Mike Sweeney. Is
11 that right?

12 A. That's correct.

13 Q. Okay. Now, on your -- You just --
14 You -- you do not care for Dr. Kalyango. I think
15 we established that in your statement. Right?

16 A. I had no reason not to care for him
17 until he harmed one of my friends.

18 Q. Well, your initial -- Like I said,
19 your initial response to Ms. [REDACTED] was, He's an
20 ass before she had explained anything to you
21 about --

22 A. Well, we had (inaudible) in person
23 before that about what had happened, about how --
24 the conversation that I mentioned in my statement
25 about her being at my house and explaining in

1 detail how he had harassed her repeatedly. That to
2 me would indicate someone that you would call an
3 ass whether or not you're Catholic.

4 Q. When was that conversation, again?

5 A. It was immediately upon her return
6 from Africa.

7 Q. Okay. Now, on your website, your
8 official website for Ohio University, you state
9 that you are -- let me -- here -- you are exhausted
10 by the -- is it the cisheteropatriarchy?

11 A. (Inaudible.)

12 Q. What does that mean?

13 A. So that refers to a number of
14 interacting and intersecting systems that maintain
15 power from people who are marginalized, and it's
16 been exhausting. As I'm sure you know, as a woman
17 who has a high-achieving career, that there are a
18 lot of people who don't want to see you succeed.

19 Uhm, I come from an incredibly blue
20 collar background. I -- I had never met anyone
21 with a Ph.D. before I went to college. I worked,
22 as I stated, multiple minimum wage jobs. I've seen
23 racism and sexism rampant, and those things are
24 exhausting, as I'm sure a lot of other people have
25 noticed.

1 Q. And yet we sit here today, and you
2 are getting -- [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 A. Hopefully.

6 Q. Okay. And you were not with [REDACTED]
7 during any of these incidents that she alleges now
8 against Dr. Kalyango?

9 A. That's correct.

10 Q. So you never witnessed any type of
11 inappropriate behavior from Dr. Kalyango?

12 A. Towards [REDACTED], no.

13 Q. Okay. Thank you.

14 A. You're welcome. Have a good one.

15 Q. You too.

16 HEARING COMMITTEE CHAIR MUHAMMAD:

17 Thank you both.

18 At this time, if there are any
19 questions from the hearing committee members?

20 Hearing none, I'll conclude that we
21 don't have any other follow-up questions for you,
22 [REDACTED]. Thank you for being here. Have a good
23 rest of the day.

24 [REDACTED] Thank you all very
25 much. Appreciate it.

1 HEARING COMMITTEE CHAIR MUHAMMAD:
2 We have one more witness slot before we break for
3 lunch.

4 Duane, we're moving into now a
5 period where we've got a witness that is not FERPA
6 protected.

7 Do we have any observers that we
8 need to usher back in?

9 DUANE BRUCE: Yes, there is one, and
10 I will put them back in the observer space.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 And I believe our next witness is here,
13 Dr. Sweeney.

14 DUANE BRUCE: Yes. Dr. Sweeney is
15 here, and I will bring him in now.

16 HEARING COMMITTEE CHAIR MUHAMMAD:
17 Thank you.

18 (Discussion held off the record.)

19 HEARING COMMITTEE CHAIR MUHAMMAD:
20 I'm sorry, but I cannot -- we're getting a lot of
21 static. We're trying to stick to the schedule.
22 I've got some of your emails, but this is -- this
23 is a little too much juggling at the 11th hour.

24 BARBARA NALAZEK: Okay. Thank you.

25 MR. LOUKX: My understanding is that

1 the other witness might be in the waiting room and
2 that Professor Sweeney is willing to change times
3 with him if that's possible to accommodate that
4 witness.

5 HEARING COMMITTEE CHAIR MUHAMMAD:
6 The last email I have from -- from Dr. Sweeney is
7 that he wanted this time.

8 MR. LOUKX: Is that correct,
9 Professor Sweeney? I --

10 MICHAEL SWEENEY: I'm happy to go at
11 any time. I would just like to have it locked
12 down. I can easily move to 2:20 or 2:30.

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 If you're willing to do so, that's very much --
15 that's very much appreciated. So if you come back
16 at 2:30.

17 Duane, I'm going to ask you to send
18 another link.

19 DUANE BRUCE: Actually, Dr. Sweeney
20 can use the same link to come back at 2:30.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 All right. Then we'll have that locked down,
23 because we're cognizant of the fact that you have
24 already made changes.

25 MICHAEL SWEENEY: I pushed the

1 beginning of a Ph.D. proposal (indecipherable) from
2 3 to 3:30; so if I start at 2:30, I am hoping we
3 can be done easily by 3:30.

4 HEARING COMMITTEE CHAIR MUHAMMAD:
5 By 3.

6 MICHAEL SWEENEY: Well, yes, but as
7 I suspect, these things don't go like train
8 schedules.

9 HEARING COMMITTEE CHAIR MUHAMMAD:
10 They were going pretty well so far, but I
11 appreciate your accommodation.

12 So we'll see you back here at a few
13 minutes before 2:30 if you don't mind.

14 MICHAEL SWEENEY: Sounds great. See
15 you then.

16 HEARING COMMITTEE CHAIR MUHAMMAD:
17 Thank you, Dr. Sweeney.

18 MR. LOUKX: Thank you, Dr. Sweeney.

19 HEARING COMMITTEE CHAIR MUHAMMAD:
20 And with that, could you please move Dr. Morris.

21 DUANE BRUCE: Yes, I'm taking -- I'm
22 bringing him in now.

23 HEARING COMMITTEE CHAIR MUHAMMAD:
24 Thank you.

25 DUANE BRUCE: Dr. Morris is in.

1 HEARING COMMITTEE CHAIR MUHAMMAD:

2 And the observers as well?

3 DUANE BRUCE: Yes.

4 HEARING COMMITTEE CHAIR MUHAMMAD:

5 That's fine. Thank you.

6 Dr. Morris, thank you for being
7 here. I'm Robin Muhammad. I'm the chair of the
8 hearing committee. We have a 30-minute block for
9 your testimony. We're asking each witness to make
10 an introductory remark, including the name -- their
11 name, first and last name, and please spell it for
12 our court reporter.

13 If you have a lengthier statement to
14 make initially, then we'll limit -- we have to
15 limit that to ten minutes. Otherwise, you can just
16 make your introductory remark of who you are, and
17 then the balance of the 30 minutes will be divided
18 evenly between the university's representative and
19 the faculty member's representative. Following
20 that, if there are any questions from the hearing
21 committee, we'll entertain them at that time.

22 So with that, I ask -- I give the
23 floor to you to make your introductory remarks.

24 Can you hear -- can you hear us all
25 right, Dr. Morris? You can't?

1 DUANE BRUCE: It seems that when he
2 connected, he did not connect with audio.

3 HEARING COMMITTEE CHAIR MUHAMMAD:

4 Can he hear -- can he hear --

5 I'm going to send him a message.

6 Does he need to log out and log back
7 in again?

8 (Discussion held off the record.)

9 HEARING COMMITTEE CHAIR MUHAMMAD:

10 Were you able to hear what I said?

11 JEREMY MORRIS: Not at all. I don't
12 know why. I don't use Zoom very often. I usually
13 use Team, so I'm not as familiar with the format.
14 But I hear you now.

15 HEARING COMMITTEE CHAIR MUHAMMAD:

16 Very good.

17 We have 30 minutes for your
18 testimony. Please state your name and spell it for
19 the court reporter. If you have any introductory
20 remarks, please limit them to no more than ten
21 minutes. Otherwise, you can also just simply allow
22 for the questioning to begin after you introduce
23 yourself. We'll evenly divide that between the
24 university's side and the faculty member's side.

25 JEREMY MORRIS: Okay. My name is

1 Jeremy Morris, J-e-r-e-m-y, M-o-r-r-i-s.

2 And the only introductory remark I
3 have is thank you for accommodating me and allowing
4 me to speak at this time.

5 HEARING COMMITTEE CHAIR MUHAMMAD:
6 You're very welcome.

7 And with that, now we can turn to
8 the university representative for questioning.

9 MR. LOUKX: Thank you.

10 HEARING COMMITTEE CHAIR MUHAMMAD:
11 It will probably be a little more than ten minutes
12 since we have this block.

13 MR. LOUKX: Actually, I expect this
14 will be very brief.

15 - - -

16 DIRECT EXAMINATION

17 BY MR. LOUKX:

18 Q. Professor Morris, thank you for
19 joining us today.

20 Do you know 

21 A. Yes.

22 Q. And how do you know her?

23 A.  several years
24 ago.

25 Q. And as a neighbor, did you ever have

1 occasion to speak with her from time to time?

2 A. Occasionally.

3 Q. At some point, DID [REDACTED] ever tell
4 you about a plan to go to Africa on a university
5 trip?

6 A. Ah, yes. She told me she was going
7 to Africa, but she didn't specify that it was a
8 university trip. She just said she was going. At
9 the time. I mean, I know subsequently that it was
10 a university trip; but at the time that she first
11 spoke of it, she mentioned that she would be taking
12 a trip to Africa.

13 Q. Did she say anything else about the
14 African trip that caused you any concern?

15 A. Yes. The day before she left, sort
16 of incidentally at my house, she mentioned that one
17 of the people that she was going on this trip with,
18 she was worried would make unwanted romantic
19 gestures towards her during the trip and that she
20 was -- She -- she expressed to me some concern that
21 there was some interest on the part of someone she
22 was going with on the trip and that she was not
23 interested; but also because she was going on this
24 trip, she wasn't sure how to handle that.

25 Q. Did she mention anything about hotel

1 accommodations?

2 A. Yes. She mentioned that there may
3 be some point in which she would have to stay or
4 there would be a point at which she would be
5 staying with the person she was speaking of; and
6 that's what her concern consists, then, largely was
7 how the -- what she was -- She just said she was
8 worried about how her accommodations might figure
9 into, uhm, these -- her -- her -- her suspicion or
10 her worries that this might be an opportunity
11 for -- or not an opportunity -- but a time at which
12 there would be some romantic advances, I suppose is
13 the best way to put it, on the part of this other
14 person.

15 Q. And you didn't know who the other
16 person is?

17 A. No, I didn't know who it was.
18 She -- I'm not even sure she even mentioned his
19 name. I didn't really even know her full name at
20 the time. She was just at my house and just
21 expressing concern about this trip she was going on
22 and just sort of offhand conversation.

23 Q. And you don't know the respondent in
24 this case, Dr. Yusuf Kalyango?

25 A. No. No, I do not. Didn't even know

1 his name until it was in the newspapers.

2 Q. And you are a professor here at Ohio
3 University, but not in -- in his department?

4 A. No. I have no professional
5 connections with either one of these people.

6 Q. Okay. Well, thank you very much. I
7 promised I would be brief. There may be some
8 cross-examination questions for you, but thank you
9 again for coming in.

10 A. You're welcome. Thank you.

11 And as I said, I don't know that I
12 have very much to contribute, but I -- I did want
13 to say what -- you know, what I originally reported
14 as a witness.

15 Q. Thank you.

16 HEARING COMMITTEE CHAIR MUHAMMAD:

17 Thank you, Adam.

18 Now we can hear from the faculty
19 member's side.

20 - - -

21 CROSS-EXAMINATION

22 BY MR. LUTE:

23 Q. Good morning, Mr. Morris. My name
24 is Mel Lute, and I'm one of the lawyers that
25 represents Dr. Kalyango.

1 Can you hear me?

2 A. I can. Good morning to you, as
3 well.

4 Q. Yeah. I don't think I have a whole
5 lot of questions either, but I just want to ask you
6 a few things.

7 I take it that at the time you had
8 this discussion with [REDACTED] that throughout
9 whatever she told you, when you walked away from
10 that conversation, you did not know the identity of
11 the person she was talking about.

12 A. No, I didn't know who she was
13 talking about.

14 Q. All right. And with respect to the
15 conduct --

16 First of all, at some point in time,
17 you spoke with an investigator, a Mr. George
18 Antonio Anaya. Is that correct?

19 A. Yes. This is, ah, subsequent to her
20 coming back from the trip.

21 Q. All right. And just so you know,
22 I've read your -- your -- his summary of your
23 statement, and so some of my questions come from
24 that, okay, just so you know where I'm -- where I'm
25 coming from.

1 And it's true, isn't it, that --
2 that your disclosures to Mr. Anaya, you indicated
3 that [REDACTED] did not tell him that this unknown
4 individual had made any sexual advances, but that
5 he was trying to get her to hang out with him in a
6 nonprofessional relationship. That's the -- that's
7 what you told Mr. Anaya. Is that correct?

8 A. I -- I don't remember if that's the
9 words I used. Uhm, I -- Pretty much what I -- what
10 I've said already. She was worried --

11 When she spoke with me before the
12 trip, she was not reporting any kind of misconduct.
13 She was worried about something that might happen
14 on the trip.

15 Q. All right. And however it was that
16 she characterized it to you, you knew she was a
17 grad student. Right?

18 A. No. I -- I knew subse- -- I found
19 out subsequently that she was a grad student. I
20 didn't know what her status was at the university
21 at the time, --

22 Q. Okay.

23 A. -- at the time of our initial
24 conversation.

25 Q. All right. And --

1 A. I --

2 Q. And what was your --

3 A. I -- I should say that, you know,
4 there was -- there was a fair amount of time that
5 elapsed between this initial conversation and my
6 interview with the investigator.

7 Q. All right. And what was your status
8 at the university when you first had that
9 conversation with [REDACTED]

10 A. My status at the university was as a
11 group to instructional faculty with the philosophy
12 department.

13 Q. Okay. So does that mean --

14 And I'm -- I'm not as familiar with
15 your hierarchy.

16 Does that mean that you were a
17 professor?

18 A. Well, I -- It's funny you ask that.
19 I think the terms -- the official term for me at
20 the time was an associate lecturer.

21 Q. Okay. Okay. Very well.

22 But you were an employee of the
23 university?

24 A. Oh, certainly. Yes.

25 Q. Okay. And so if you had a concern

1 based upon how [REDACTED] characterized her -- her
2 issues before she left for the trip, if you felt
3 that she was in danger of some nefarious conduct,
4 you would have pressed her on more details to find
5 out the identity of the other person, wouldn't you?

6 A. Ah, I don't know if I could describe
7 the way I felt as her being in danger.

8 She was expressing worry about
9 unwanted romantic advances. That's -- I don't -- I
10 don't remember feeling that she was in danger.

11 You know, when I spoke to the
12 investigator, this was after I had -- you know,
13 after she had subsequently came back and, uhm, you
14 know, reported the incident and so forth. So, you
15 know, that -- that's -- My understanding at that
16 point was different from my initial conversation.
17 Initially it was simply her being worried about
18 going on a trip and being with someone that she was
19 afraid would make unwanted advances. I don't -- I
20 don't know if that constitutes danger.

21 Ah, this -- this was something I --
22 I tried to make clear to the investigator, that her
23 remarks were -- were somewhat vague. And, you
24 know, I suppose I was concerned, but I didn't know
25 her that well, and I -- I tried to -- I didn't

1 really know what to tell her. Uhm, I didn't guess
2 that she was in any danger.

3 Q. I guess what I'm getting at there
4 is, you -- however concerned you were, it wasn't --
5 you weren't concerned enough to take any action in
6 terms of contacting your superiors at the
7 university or pressing her for the kind of details
8 you would need in order to make an official report.
9 Is that right?

10 A. I didn't know what to do.

11 Q. So you didn't do anything?

12 A. Ah, I -- I didn't know that I could
13 do anything. She was leaving the next day.

14 Q. All right. And so despite whatever
15 concerns she expressed to you, you had the
16 impression that she ended up going on the trip
17 anyway?

18 A. Ah, yeah. I -- I -- I just assumed
19 that she was going on the trip because she wasn't
20 there. As I said, she was my neighbor.

21 Q. All right. Now, you told -- you
22 said earlier you didn't know Professor Kalyango's
23 identity until you read about it in the paper.
24 When did you read about it in the paper?

25 A. Well, I'm sure that -- I'm sure that

1 she mentioned his name or someone mentioned his
2 name, you know, one of the investi- -- between her
3 coming back and the investigator, but I didn't
4 remember his name. It's not as if I knew him. I
5 didn't put a name to a face and couldn't remember
6 his name.

7 So, you know, the only time I became
8 sort of familiar with his -- his name was, you
9 know, when I -- when I began hearing about it
10 from -- I can't remember if it was in the newspaper
11 first or the investigator first, you know, the
12 local newspaper.

13 Q. Okay. So it was the Athens News?

14 A. I -- I -- It was either that or The
15 Post or some -- some -- some -- either -- It may
16 have been even some campus news article. I don't
17 remember if it was the news article, the
18 investigator, or her who first mentioned him by
19 name; but, you know, as I said, his -- I'm not -- I
20 don't know him and I have no professional
21 connection with him. So even at this point, it --
22 to me, I -- I mean, I don't -- I don't know the
23 person, so it was diffi- -- I would never have
24 remembered his name.

25 Q. When's the last time -- when's the

1 last time you spoke to [REDACTED]

2 A. It's been a while. I can't
3 remember. Probably a year. She -- she's no longer

4 [REDACTED]

5 Q. Uh-huh.

6 A. I apologize I can't be more helpful.
7 I just really don't have that much --

8 Q. No. I appreciate it.

9 Thank you, sir. Those are all the
10 questions I have. Thank you.

11 HEARING COMMITTEE CHAIR MUHAMMAD:

12 Thank you, Mr. Lute.

13 Thank you, Dr. Morris. And with
14 that, we can turn to any questions that there might
15 be from hearing committee members.

16 SHERYL HOUSE: Robin, this is
17 Sheryl House. I have a question.

18 HEARING COMMITTEE CHAIR MUHAMMAD:
19 Please.

20 SHERYL HOUSE: Mr. Morris, you
21 indicated you did not know who she was speaking of,
22 just that she was concerned. But did she indicate
23 that this person was a faculty member or a person
24 like a boss, or just -- did she just -- she was
25 concerned about (inaudible) --

1 JEREMY MORRIS: I -- I can't
2 remember exactly how she expressed it, but it
3 seems -- the way I kind of remember it is they were
4 sort of joint chaperones of some sort. I didn't
5 know what her status was, so I wasn't -- You know,
6 I couldn't say if she -- I don't think she told me
7 he was her boss or anything of that sort. And
8 that -- As I said, I wasn't -- since I really
9 didn't know her status, I didn't know their
10 respective status. She may have mentioned that to
11 me. I just don't remember. As I said, if -- if --
12 You know, it -- I'm pretty sure she didn't -- she
13 never told me that she was his student or vice
14 versa.

15 SHERYL HOUSE: Thank you.

16 JEREMY MORRIS: Yeah. I'm just
17 trying to tell you what I knew at the time, which
18 is not very much.

19 HEARING COMMITTEE CHAIR MUHAMMAD:
20 Thank you, Dr. Morris.

21 Well, that concludes this piece of
22 testimony. Thank you again, Dr. Morris, for being
23 here.

24 And with that, we can now move into
25 a break period. We have a few additional minutes.

1 So we will have a lunch break from this time until
2 a few minutes before 12:45. And then we'll convene
3 and bring in our next witness.

4 Again, please turn off the mic and
5 turn off the video until you are returning to the
6 meeting. If there are any technical issues, I'm
7 sure Duane and Angie will make us aware of it.

8 And anything that, Duane, that
9 you -- or Angie, you want us to be aware of in the
10 interlude of one hour to make sure that we're
11 consistent?

12 DUANE BRUCE: Nothing from my
13 perspective. Everything seems to be going well
14 from a technical perspective.

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 Okay. Excellent.

17 People should just leave it on, not
18 log off, just leave it on and come back?

19 DUANE BRUCE: It really makes -- it
20 really makes no matter as long as they're back on
21 by -- They'll be able to come back using the link,
22 so.

23 HEARING COMMITTEE CHAIR MUHAMMAD:
24 Yes. Definitely be back no later than 12:40 --
25 excuse me -- yeah, 12:40 p.m.

1 (Thereupon, a luncheon recess was
2 taken from 11:46 a.m. until 12:43 p.m.)

3 HEARING COMMITTEE CHAIR MUHAMMAD:
4 We'll start with our next -- our next witness. We
5 have several for this afternoon before the
6 university representative will rest their case.
7 And then following that, we -- we will have two
8 witnesses that will be initiating the witnesses
9 called by the faculty member.

10 Duane, would you please escort
11 Dean Titsworth into the room.

12 Dean Titsworth, can you hear us?

13 DEAN SCOTT TITSWORTH: Yes, I can
14 hear you fine.

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 Thank you very much. Thank you for being here
17 today.

18 We have a 30-minute block of time
19 for each witness. Your block will involve any
20 introductory remarks that you want to make. We do
21 ask that if you read from a statement or any -- in
22 any way extensively refer to a -- a passage from a
23 document just -- to just speak very slowly for the
24 benefit of the court reporter and, of course, for
25 the benefit of the hearing committee members.

1 During that 30 minutes, following
2 whatever remarks you make in your introduction, the
3 balance of time will be divided between the
4 university representative for questioning and then
5 the faculty member's representative for
6 questioning.

7 DEAN SCOTT TITSWORTH: Okay.

8 HEARING COMMITTEE CHAIR MUHAMMAD:
9 So begin whenever you're ready.

10 DEAN SCOTT TITSWORTH: Certainly.

11 So as I'm sure you're all aware, I'm
12 Scott Titsworth, Dean of the Scripps College of
13 Communication. I've been at Ohio University since
14 2001 and have been dean for ten years now.

15 To begin my statement, I would like
16 to state that, uhm, I have had no direct contact
17 with any of the complainants in the ECRC cases
18 involving Dr. Kalyango. Although both of those
19 students were in the Scripps College of
20 Communication, I did not work directly with
21 Miss [REDACTED] or Miss [REDACTED] in any substantive way.
22 My actions in this case were influenced -- were not
23 influenced by any relationship with the
24 complainants or Dr. Kalyango; but, rather, they
25 were pertinent to the -- they were based upon

1 pertinent documents and findings related to
2 Dr. Kalyango's behaviors, as I'm sure that has been
3 reviewed or will be reviewed by this committee.

4 Let me turn secondly to talking for
5 the majority of the statement about my actions as
6 they pertain to the handbook requirements for the
7 dean in situations like this.

8 On October 20th -- I'm sorry. On
9 August 24th of 2018, I received notice from the
10 Office of Equity and Civil Rights Compliance that
11 there were substantiated findings that Dr. Kalyango
12 had violated university policy on sexual
13 harassment. The initial steps that I took upon
14 receiving that notice were to review faculty
15 handbook sections that were relevant to such
16 situations. In particular at that stage,
17 Section 2Q4, which is titled Proceedings of
18 Complaints Involving Sexual Harassment by Faculty,
19 was what I looked at most immediately. Later there
20 were other sections that became also relevant.

21 Also, on August 24th of 2018, based
22 upon a request from the Office of Equity and Civil
23 Rights Compliance, I wrote Dr. Kalyango a letter
24 stating that his faculty workload would be
25 reassigned to focus exclusively on research and

1 administrative tasks related to seeking an
2 administrative grant relevant to his research.

3 Further, at the request of the ECRC
4 office, he was asked to work remotely by me and not
5 to come to the university facilities without first
6 providing 24 hours' notice to myself, ECRC, and
7 Dr. Bob Stewart, director of the School of
8 Journalism. The basis for that can be found in
9 Section 2Q4B of the faculty handbook, which
10 essentially states that at any point ECRC can
11 request that the provost institute interim measures
12 to prevent the possibility of continued harassment
13 or discrimination on the part of -- that would
14 impact students.

15 On September 7th of 2018, I referred
16 the case to the provost and faculty senate chair
17 per handbook Section 2Q5C, which states, If the
18 ECRC MOF presents findings of sexual misconduct
19 violations in accordance with Policy Number 3.004,
20 the dean will forward the complaint to the provost
21 and chair of faculty senate to convene a review
22 committee of the university professional ethics
23 committee.

24 On May 30th of 2019, I received
25 notification from ECRC that a second investigation

1 also substantiated findings of sexual harassment by
2 Dr. Kalyango. On that same day, which was May 30th
3 of 2019, I referred that second case to the provost
4 and faculty senate chair following the same
5 handbook process used that I just mentioned.

6 Throughout the process for both
7 cases, I received documents in addition to the ECRC
8 findings from the conclusions reached by the two
9 UPEC committees.

10 In addition to that, I also received
11 responses to -- to Dr. Kalyango's appeals of those
12 UPEC decisions from President Nellis.

13 And so those were documents that
14 were guiding several of my actions that happened
15 subsequently.

16 On March 18th of 2020, I received
17 notice from Director Bob Stewart in the school of
18 journalism that his recommendation, based upon
19 Section 2D5A of the faculty handbook was that the
20 detenuring process -- was that they were
21 recommending detenuring Dr. Kalyango as a result of
22 the UPEC recommendations as well as the ECRC
23 findings.

24 On March 19th, I made the first of
25 what would be four attempts to schedule a

1 consultation meeting with Dr. Kalyango. He
2 declined each of those meetings. Those meetings
3 were -- were requested to happen on March 20th,
4 March 27th, April 2nd, and April 13th, again, of
5 2019.

6 On the fourth invitation, I
7 indicated that it would be his final opportunity to
8 meet with me; and that if he failed to do so, I
9 would fulfill my obligations in the faculty
10 handbook in making a recommendation to the provost.
11 That language exists in Section 2D5A and states
12 that, The Dean will normally then consult jointly
13 with the faculty member and chair. If the Dean
14 declines -- decides to recommend suspension from
15 duty or dismissal, he/she will submit his or her
16 recommendation in writing to the provost who will
17 then carry the process forward.

18 Because the handbook language says
19 that I will normally meet with the faculty member
20 and because he declined those meetings, I felt that
21 it was my responsibility to continue on with the
22 process and make the recommendation to the provost.

23 On April 16th of 2020, I sent the
24 provost a letter recommending a loss of tenure and
25 consideration of the moral turpitude clause that

1 exists in the faculty handbook.

2 Prior to writing that letter, the
3 November --

4 Prior to writing that letter, I
5 carefully reviewed all the documentation that I had
6 at that stage, which included the November 9, 2019,
7 UPEC committee, which concluded that Dr. Kalyango
8 engaged in, quote, a pattern of unprofessional and
9 inappropriate behaviors and that he engaged in,
10 quote, grooming behaviors towards student.

11 Similarly, the November 11th, 2019,
12 UPEC committee concluded that Dr. Kalyango's
13 behaviors were, quote, especially disturbing
14 because he engaged in such behaviors on, quote,
15 repeated occasions.

16 That 2019 UPEC committee concluded
17 that, quote, It would be inappropriate for
18 Dr. Kalyango to continue to teach, advise, or
19 supervise students.

20 Of course, as a dean, I know that
21 those activities are essential to the role of a
22 faculty member. Those conclusions drew into
23 question the ability of the faculty member to carry
24 out those responsibilities, and that weighed
25 heavily in my determination that his tenure should

1 be revoked, as well as the language that -- that
2 caused me to think that the provost should consider
3 the moral turpitude point in the faculty handbook.

4 The report from Dr. Stewart,
5 speaking on behalf of the school of journalism, was
6 consistent with the UPEC recommendations and also
7 recommended a loss of tenure and dismissal.

8 Following each UPEC decision,
9 Dr. Kalyango appealed the decision to
10 President Nellis. I also reviewed
11 President Nellis' responses to his appeals. In
12 both instances, President Nellis denied the appeal
13 and concluded, quote, There is sufficient cause to
14 initiate loss-of-tenure proceedings. In both
15 cases, he referred the case to the school of
16 journalism for the proceedings to commence.

17 Based upon my understanding of the
18 cases, as outlined in the ECRC Memorandum of
19 Findings, the UPEC decisions, which raised grave
20 considerations about the appropriateness of
21 Kalyango's continuing to work with students in any
22 way, the recommendation of the school of journalism
23 and the denials of the appeals by President Nellis,
24 I concluded that the necessary recommendation for
25 me was that the provost -- that -- to the provost

1 was that Dr. Kalyango's tenure be revoked and that
2 he be dismissed immediately.

3 It was my belief that the wording of
4 the UPEC decisions pointed to a grave violation of
5 ethical and moral standards for a faculty member;
6 in particular, the observations that, quote,
7 grooming behaviors stemming from a, quote,
8 disparity of power were apparent, and that they
9 occurred on, quote, repeated occasions; and that
10 such behaviors made working with students, quote,
11 inappropriate.

12 I felt justified because of that
13 language in coming to the conclusion that the moral
14 turpitude clause of Section 2D5G in the faculty
15 handbook be considered by my superiors.

16 At each step where the faculty
17 handbook required me to take particular action or
18 to make recommendations, I did so based upon the
19 documentation in the case; I categorically deny
20 that there were any other motivating factors; and
21 that my actions were simply based upon the facts as
22 they were sitting on my desk at the time.

23 Let me state finally that my own
24 personal interactions with Dr. Kalyango up to the
25 stage at which the ECRC findings were issued were

1 all very positive. Dr. Kalyango was a very
2 successful faculty member in the school who led
3 successful efforts to bring varying State
4 Department grants to the school and college. In
5 particular, the SUSI program and the YALI programs
6 of which he was a principal investigator were
7 critical in helping the school and college achieve
8 our goals of being a worldwide leader in the field
9 of communication and education.

10 Soon after becoming interim dean, I
11 think it's also important to note that Dr. Kalyango
12 was being recruited away to another university. I
13 worked with Dr. Stewart to make a counteroffer to
14 Dr. Kalyango; and in accepting that counteroffer
15 on November 22nd of 2011, Dr. Kalyango stated,
16 Thank -- quote, Thank you for showing that you
17 value my contributions to academia and for having
18 the great confidence in the kind of scholarship in
19 teaching that I bring to Ohio University in the
20 Scripps College of Communication.

21 I point this out only to suggest
22 that prior to understanding the grave violations of
23 university policy that Dr. Kalyango engaged in, as
24 stipulated and found in the ECRC findings, I had a
25 very positive relationship with him and respected

1 him as a faculty member. In short, I had a high
2 regard for his work. But, of course, at this
3 stage, that work can't be considered in a vacuum.
4 Once I had learned that he had violated university
5 policy, I had to look at those actions and the
6 conclusions of the investigators and, as well, the
7 independent faculty UPEC committees and make a
8 determination that, in my opinion, it would be
9 inappropriate; in fact, it would be, uhm, not
10 reasonable for Dr. Kalyango to continue as a
11 faculty member in the Scripps College of
12 Communication.

13 In good conscious, I cannot support
14 Kalyango's continuing as a faculty member in our
15 college, because his repeated actions have violated
16 the fundamental trust that is present in all
17 faculty/student relationships; and thus, I made the
18 recommendation that I did.

19 With that I'll be happy to answer
20 questions.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 Thank you.

23 We turn now to the university
24 representative who is questioning for the balance
25 of time, roughly eight minutes.

1 MR. LOUKX: Thank you.

2 - - -

3 DIRECT EXAMINATION

4 BY MR. LOUKX:

5 Q. Thank you, Dean, and good afternoon.
6 I have to say, with your statement, you've really
7 taken the wind out of my sail, so there's not a
8 whole lot more to ask.

9 You mentioned something about the
10 disparity of power. What is -- what is that? I'm
11 sure I'm the only one on this call that doesn't
12 really know, but tell me what you mean by "the
13 disparity of power."

14 A. Well, my interpretation, based upon
15 what was written in the ECRC findings, was that
16 because Dr. Kalyango was making plans for trips
17 with students, in one case involving a trip outside
18 of the United States and in another case a trip
19 within the United States, because he was making
20 those arrangements, providing resources for the
21 students to go in some cases and essentially
22 controlling how the student experienced those
23 trips, he was using power. And based upon what was
24 written in the ECRC statements, and as well as the
25 conclusions arrived at by the UPEC committee, those

1 constituted what could be perceived as grooming
2 behaviors by the faculty member in making
3 arrangements for those trips.

4 So that disparity of power as I
5 interpret it in the circumstances is that he was
6 able to use his status as a faculty member that
7 would be rightly taking students potentially on
8 research trips and doing other activities with
9 them, he was able to create conditions that allowed
10 the behaviors to occur that the students found
11 violated their ability to engage in education
12 without harassment.

13 Q. Thank you.

14 Now, you had indicated that you had
15 reached out to Dr. Kalyango on at least four
16 occasions to set up a meeting in compliance with
17 the handbook?

18 A. That's correct.

19 Q. And on the fourth time, you
20 indicated that if he did not meet, you would -- or
21 words to the effect that if he didn't meet with
22 you, you would have to move forward. Is that
23 correct?

24 A. That is correct.

25 Q. Did you hear anything back in

1 response to that?

2 A. Ah, he sent me emails, I mean, on
3 each -- each of the -- at least the first three
4 invitations. He would decline the invitation and
5 provide some reason.

6 So, for example, when he declined
7 the first invitation, the reason that he provided
8 was that he had to find childcare or something to
9 that effect.

10 In a couple of the subsequent
11 declines of the opportunity to meet with me, he
12 pointed to FOIA requests that he had filed with the
13 office of legal affairs as a reason for declining.

14 I do not recall at this time if he
15 provided an explanation for not meeting on the
16 fourth and final occasion; but in each instance,
17 because they were done through the university
18 calendaring system, he declined the invitation.
19 And, of course, in the fourth instance, I did
20 attend that virtual meeting. I was in that virtual
21 meeting, if -- if you will, to see if he would show
22 up, and he did not.

23 Q. Thank you.

24 Now, you had talked a little bit
25 about your determination that the moral turpitude,

1 the handbook, should be raised.

2 Can you tell us how you define moral
3 turpitude and why you believe it's appropriate in
4 this case?

5 A. My understanding of moral turpitude
6 is that it exists when behaviors are undertaken
7 that violates severely the moral and ethical
8 standards of a community. And so you find moral
9 turpitude as being present in several professional
10 communities, including university faculty. In
11 fact, there are -- there are learned societies that
12 say that institutions or departments, if you will,
13 should be free of sexual harassment. And so when a
14 faculty member would engage in activities that go
15 contrary to those norms, I think that at least that
16 idea should be questioned.

17 In the particular fact pattern
18 surrounding this case, I thought it was especially
19 pertinent because there was a repetition of similar
20 behaviors across multiple years with different
21 students that, in my estimation, made this a very
22 unique case that warranted consideration of that
23 issue.

24 Q. Thank you.

25 Now, you've been pretty clear in

1 your statement that you believe that detenuring is
2 appropriate here.

3 Did you consider a lesser sanction?

4 A. Ah, no. And -- and I point
5 specifically to an in- -- the independent UPEC
6 committee that does not involve faculty from our
7 college who are reading the situation, according to
8 my understanding, as faculty members at the
9 university that have an interest in the -- in the
10 success of the university. They concluded that it
11 would be, quote, inappropriate for him to continue
12 advising or teaching students. Uhm, I agree with
13 that based upon the circumstances. But it's just
14 not my opinion. It's also the opinion of other
15 faculty members that came from the faculty
16 senate-appointed UPEC committee.

17 Q. Thank you.

18 Well, at this time I think Mr. Beck
19 will have a few questions for you. And thank you
20 again, Dean.

21 A. Certainly.

22 HEARING COMMITTEE CHAIR MUHAMMAD:
23 Mr. Beck? Please proceed. Approximately eight to
24 nine minutes.

25 - - -

CROSS-EXAMINATION

BY MR. BECK:

Q. Good afternoon, Dean. My name's Greg Beck, and I'm one of the lawyers that represents Dr. Kalyango.

Our oldest daughter is a proud graduate of Scripps (inaudible). So I'm -- I'm happy to tell you that.

But is it fair to say, sir, that the determination that you made was based upon the documents that had been given to you by others who did a more in-depth investigation?

A. That is correct.

Q. And -- and to the extent that those investigations were perhaps flawed or based upon invalid law, that, of course, could have some impact in your overall determination?

A. Ah, I can't speak to the fact that those would be flawed or not. I know that my job, according to the faculty handbook, is to examine the recommendation that is given to me by the UPEC committee. The UPEC committee made the determination that a loss of tenure was warranted, and so that was where I take it from there.

Q. But, for instance, you keyed in on a

1 word that was used by the UPEC committee,
2 "grooming."

3 Now, have you actually researched
4 what the United States Department of Justice
5 defines that term to mean?

6 A. It's not my role to do that
7 research. It's my role to look at the language
8 that's presented to me by the faculty members; and,
9 of course, I can't speak to whether they researched
10 that as they were using that language.

11 However, what I would say is that
12 grooming, while I'm sure it does have a precise
13 legal definition, I think it also has what faculty
14 members would understand to be an abuse of power in
15 a situation like this. And so it is one of those
16 instances where, although you may not know the
17 precise legal definition, you know it when you see
18 it.

19 Q. But it's very serious, isn't it?

20 Grooming is actually designed to
21 mean the power dynamic between an adult and a
22 child. That's the specific definition by the
23 United States Department of Justice.

24 Aren't you a little concerned that
25 the UPEC committee is throwing around a term of art

1 to destroy the career of one of your professors?

2 A. It seems reasonable to me that if
3 the UPEC committee looked at the fact patterns that
4 were present in ECRC findings and found that there
5 was a pattern of behavior from Dr. Kalyango that
6 appeared as if he was trying to manufacture
7 circumstances that would place a student in an
8 uncomfortable situation, and they conclude that
9 they think that is grooming, then that becomes a
10 community-accepted standard, you know, according to
11 their interpretation of the facts.

12 Q. Well, the same question with respect
13 to the definition of a "hostile work environment"
14 or what it means by prompt and remedial action
15 under the Federal Ohio law, Sixth Circuit law. I
16 mean, you didn't research those, either; did you?

17 A. No.

18 Q. And you didn't know whether or not
19 the investigator in this particular case actually
20 understood what those terms mean when he reached
21 the conclusions in his MOF, do you?

22 A. I can't speak to that.

23 Q. And you don't know whether --

24 A. I know that our investigators have
25 training, but your specific question is not one

1 that I've spoken with to the investigator or any of
2 the people in ECRC.

3 Q. Well, let's talk about training.

4 Who is responsible for -- in the
5 Scripps School -- School of Journalism to ensure
6 that all the professors are actually trained on
7 your diversity policies?

8 A. The university has the ECRC
9 department that provides training to faculty
10 members. In fact, President Nellis not too long
11 ago actually had faculty members, all faculty
12 members, all members of the university community go
13 through training related to what constitutes sexual
14 violence and sexual harassment, duty to report,
15 et cetera.

16 But that wasn't the first time. I
17 mean, this information is readily available on
18 university websites. It's readily available, ah,
19 in, uhm, you know, certain department documents
20 that may exist.

21 And also I would point to the
22 national journalism accrediting body that says that
23 departments should be free of sexual harassment.

24 And so there are multiple sources
25 that indicate to faculty members that harassing

1 behavior is inappropriate.

2 Q. But in your particular policy, you
3 use specific words like "hostile work environment,"
4 "quid pro quo."

5 If Dr. Kalyango testifies that since
6 the time he arrived in 2008 until [REDACTED]
7 after these events occurred he had received no
8 training whatsoever in diversity or sexual
9 harassment, do you dispute that?

10 A. I think that -- I think that's
11 wrong. I mean, I think that there is information
12 and training that's available for faculty members.
13 I think that there is information posted in public
14 places that says that sexual harassment and -- and
15 other forms of discrimination are prohibited by
16 university policy.

17 Ah, and so I think that, you know,
18 it would be incorrect to say that he had no
19 information that said you shouldn't engage in
20 sexual harassment. That would be a false claim. I
21 mean, it would not be true.

22 Q. What I'm asking you, sir, is, the
23 training is much different than just reading it.
24 Training talks about the parameters, the structure,
25 the boundaries, helps you to understand exactly

1 what these terms mean. For instance --

2 A. Well, so, for example, then, the --

3 Q. For instance, a hostile work
4 environment is a very specific legal term that's in
5 your policy. And are you trying to say that people
6 just reading that in your policy have enough
7 knowledge by just reading it that they won't engage
8 in that conduct whatsoever?

9 A. I think that they're on notice that
10 that type of conduct is inappropriate at that
11 stage.

12 But when you use the word
13 "training," you would need to define precisely what
14 you mean by that; because, for example, when the
15 school of journalism engages in their strategic
16 objective -- you know, strategic priorities, one of
17 their priorities is to be nondiscriminatory and to
18 avoid sexual harassment, which, of course, would
19 have involved faculty discussions that Kalyango
20 would have been a part of to understand what those
21 behaviors are that the school is prohibiting. And
22 so the faculty themselves would have discussed
23 amongst themselves in creating the strategic
24 priorities what those behaviors are. To me that
25 constitutes a type of training. And so he would

1 have been involved in those. That's in addition to
2 all of the other university information that would
3 have been available to faculty members that defines
4 what sexual harassment is and why it should be
5 avoided.

6 Q. So someone just reading this and
7 having this information would understand the term
8 "severe and pervasive"?

9 A. That's not what I said. What I said
10 was that, as a faculty member, Kalyango was
11 involved in multiple discussions about what sexual
12 harassment is. Whether that was technically called
13 a training session that was sponsored by the
14 university or whether that was a faculty meeting
15 where those topics were discussed, I still think
16 that involves that the faculty member had knowledge
17 that certain types of behaviors that would, for
18 example, involve creating trips where you would
19 take students and then say that they have to stay
20 in a hotel room with you would be prohibited. To
21 me a faculty member would understand that that
22 would be inappropriate behavior.

23 Q. You mentioned that Dr. Stewart
24 actually had an obligation or did consult with the
25 faculty.

1 pretty direct. Assume for purposes of my question,
2 so we'll clear up this ambiguity, that, in fact,
3 Dr. Stewart only consulted with 11 of the 27 or so
4 faculty members. Do you believe that is an
5 adequate inquiry of the faculty on such an
6 important decision as detenuring?

7 A. But the phrasing of your question
8 right now is assuming facts that I don't believe
9 that I can assume is true, at which point it's a
10 hypothetical. And as a hypothetical, I think that
11 you're taking the committee into an area that
12 potentially confuses the issue.

13 Dr. Stewart's responsibility was to
14 consult with the faculty. He did that, and he drew
15 a conclusion as the director of the school that a
16 loss of tenure was justified.

17 Q. Let me make it easier.

18 "Consulting with the faculty" means
19 consulting with the entire faculty. Correct?

20 A. It means consulting with the
21 faculty. Correct.

22 Q. The entire faculty. Not just a
23 handful, not just a few, not, then, less than the
24 majority, but the entire faculty. Is that true?

25 A. Ah, I believe it probably is true,

1 yes.

2 I -- I think the handbook language
3 specifically says that the director should consult
4 with the faculty and the promotion and tenure
5 committee, which, of course, is in some cases a
6 subset of the faculty.

7 HEARING COMMITTEE CHAIR MUHAMMAD:
8 We have two minutes.

9 MR. LUTE: You know, I think that's
10 all I have.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 I'm sorry to interrupt.

13 MR. LUTE: I'm sorry. I think
14 that's all I have. Thank you.

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 Thank you, Dean Titsworth.

17 Now I'll turn to any committee
18 hearing member or members who might have a question
19 at this point for Dean Titsworth.

20 I pause in recognition of lagging
21 audio.

22 All right. Hearing none,
23 Dean Titsworth, thank you for attending.

24 DEAN SCOTT TITSWORTH: Ms. Muhammad
25 and members of the committee, there's never a good

1 time for something like this to occur, but know
2 that I appreciate your respect and reverence for
3 the process, and I wish you all well.

4 HEARING COMMITTEE CHAIR MUHAMMAD:
5 Thank you.

6 Duane, we can now transition to our
7 next witness, Dr. Stewart.

8 Mr. Beck, will you also be
9 questioning on behalf of the faculty member?

10 GREGORY BECK: I will. Thank you.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 Thank you.

13 DUANE BRUCE: Dr. Muhammad,
14 Dr. Stewart is in the room.

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 He is.

17 Thank you, Dr. Stewart, for being
18 here.

19 We have a 30-minute opportunity for
20 your testimony. This is being recorded and
21 certainly transcribed by a court reporter, so we've
22 been asking each witness when they introduce
23 themselves and state their name and spelling of
24 their name, to speak slowly and clearly. And also,
25 if you plan to read from a -- a printed statement

1 or some document, again, simply speak slowly and
2 clearly so that we can capture all of that for the
3 benefit of the court reporter and the committee.

4 Following your -- any statement,
5 however brief or long, hopefully not longer ten
6 minutes, the balance of that time will be divided
7 between the university representative and the
8 faculty member's representative for questioning.
9 At that point, if there's any questions from the
10 hearing committee, we'll entertain those at the
11 conclusion of that 30 minutes.

12 So whenever you're ready, please
13 introduce yourself. And putting your mic on,
14 please.

15 (Discussion held off the record.)

16 ROBERT STEWART: Can you hear me
17 now?

18 HEARING COMMITTEE CHAIR MUHAMMAD:
19 Yes.

20 ROBERT STEWART: Okay. Thank you.

21 My name is Dr. Robert Stewart, a
22 recently retired director of the E.W. Scripps
23 School of Journalism.

24 And I don't have a prepared
25 statement, but I would simply indicate what my role

1 was in this process.

2 As the director of the school of
3 journalism at the time when this recommendation
4 went forward, it was my role, according to the
5 faculty handbook, to make the recommendation on
6 behalf of the faculty of the school of journalism
7 to the dean of the college of communications,
8 Dean Scott Titsworth. So my role was to -- per the
9 faculty handbook, to consult with my faculty and
10 members of the P&T committee before making a
11 recommendation, which is what I did this past
12 February 2020.

13 I retired at the end of May, took
14 the buyout; so I am now not employed by the
15 university any longer. So that's -- that's really
16 the only statement I think I can make.

17 HEARING COMMITTEE CHAIR MUHAMMAD:
18 Thank you, Dr. Stewart.

19 We'll turn now to the university
20 representative for questioning of approximately
21 12 minutes; yeah, for approximately 12 minutes.
22 Yes.

23 MR. LOUKX: Thank you.
24
25

- - -

DIRECT EXAMINATION

BY MR. LOUKX:

Q. Dr. Stewart, good afternoon.

A. Good afternoon.

Q. I want to cover a few different things. I'm going to start off a little bit by asking you to describe your relationship before all of this. And by "all of this," this process. What was your relationship with Dr. Kalyango? Can you describe it?

A. I -- Yes. I would describe it as very collegial and very mutually beneficial. I supported Dr. Kalyango in my role as the -- in my role as director, I supported the work that he did as the director of the Institute for International Journalism. Uhm, I -- I think I was seen by the faculty in general as -- as a keen supporter of his and in all of the different things that he was involved in. He was a very productive and proactive director of the Institute for International Journalism.

And at the time that he was offered the job at Ohio University back in 2008, I was actually in that role as director of the institute

1 while also serving as the associate director for
2 the school of journalism; and, uhm, I suggested
3 giving up that appointment as director of the
4 Institute for International Journalism so that
5 could be offered to him as a way to entice him to
6 come to Ohio University, because we -- we really
7 wanted him to -- to come.

8 Q. Thank you.

9 Now, at -- at some point --

10 Obviously, we're here to discuss the
11 detenuring process and, in particular, your role in
12 the process and you described it a little bit in
13 your statement.

14 Can you tell us exactly how you went
15 about making the recommendation that you did?

16 A. Uhm, yes. So first of all, just a
17 quick review. And I don't think much time needs to
18 be spent on this. But a Memorandum of Findings on
19 the [REDACTED] complaint was forthcoming back
20 in -- on August 24th of 2018; and when I received
21 that, uhm, you know, Dean Titsworth made the
22 decision to suspend Dr. Kalyango. So I had to deal
23 with the fallout from that as far as staffing and
24 so forth and so on. And then May 30th of 2019, the
25 Memorandum of Findings was issued on the second

1 complaint. So we had these two complaints, these
2 two Memorandums of Findings. And then there was a
3 whole set of appeals that Dr. Kalyango chose to
4 pursue. Ultimately, the second set of those
5 appeals was -- came to an end in November of 2019,
6 at which point it came to -- to me from the provost
7 and the president with recommendations to pursue
8 making a decision about detenuring. And so at that
9 point I was -- I had informed the faculty that when
10 we came back from winter break, you know, we would
11 be having meetings with faculty members to --
12 individual faculty members who wanted to give their
13 input as far as what the school of journalism
14 should recommend or what I should recommend.

15 The handbook specifically states
16 that the director is to make a recommendation after
17 consulting with -- with the members of the
18 department, the faculty and the members of the P&T
19 committee.

20 First of all, am I -- am I going too
21 fast? I can slow down if necessary.

22 (Discussion held off the record.)

23 A. So the faculty had indicated that
24 they would want some time to look at the
25 Memorandums of Findings, and so -- in consultation

1 with The Office of Legal Affairs and ECRC. There
2 was a methodology put in place to make those
3 findings available to faculty to review, which they
4 then had the winter break and part of January to
5 review those documents. And then the plan was to
6 set up face-to-face individual meetings with
7 everybody who wanted to participate in that
8 conversation with me to -- to give me their
9 consultations.

10 And then at the point when we were
11 going to have those meetings, COVID had hit; and so
12 we set up those individual meetings by telephone.
13 That happened in the month of February.

14 So I took all that input, made notes
15 of those conversations; and then based on that
16 input and based on my own reading of the -- of the
17 findings, I made the recommendation to -- for
18 detenuring.

19 Q. Thank you.

20 Now, at any point in that process,
21 did you talk to Dr. Kalyango?

22 A. Yes. There was -- We actually had
23 two meetings. One was just a briefing to tell him,
24 you know, all the process that was going on. That
25 happened several months ago.

1 But then the one that's referred to
2 and called for in the handbook, you know, after the
3 Memorandum of Findings had come forward, it says
4 that the department -- I'm reading from the
5 handbook now, and -- and this is what happened,
6 indeed; the facul- -- the department chair will
7 discuss the matter with them -- that is, the
8 faculty member -- in a personal conference. The
9 matter may be settled by mutual consent at this
10 point.

11 So we did have that meeting. We met
12 in a conference room at -- in the HR building. And
13 that was in, I think, February 21st of this year.

14 Q. Thank you.

15 Now, you indicated that you had
16 invited faculty to consult with you, and not all --
17 not everyone wished to participate. Is that right?

18 A. That is correct.

19 Q. And what faculty did you invite?

20 A. So the school of journalism allows
21 all group one -- what we used to call group one and
22 group two faculty members --

23 These are all full-time faculty
24 members who are -- who are not on, you know, a
25 semester-to-semester contract.

1 -- to participate fully in faculty
2 meetings and vote. There are some restrictions on
3 what the instructional faculty members can vote on.
4 But in this case, everyone who had an opinion who
5 was a full-time faculty member was invited to
6 schedule a conference with me. My administrative
7 assistant contacted everyone to facilitate
8 scheduling these 30-minute meetings with me.

9 Q. And in regards to the promotion and
10 tenure members, were they included?

11 A. Yes, every single one of them would
12 have been included in that invitation.

13 Q. Thank you.

14 And to change the -- change the
15 direction just a little bit, did -- did you know
16 either of the complainants in a -- I think we're on
17 a public meeting, so I won't give them by the
18 names, but [REDACTED] or [REDACTED]?

19 A. I knew them in my capacity as
20 director of the school of journalism and as a
21 faculty member. That is correct.

22 Q. And we heard from one of the
23 complainants, [REDACTED], this morning that she had called
24 you at some point?

25 A. Yes.

1 Q. Go ahead.

2 A. Yes, that is correct. I believe
3 that would have been in March of 2019. She reached
4 out -- She just graduated, you know, back in [REDACTED],
5 I believe it was. And, you know, I was not around
6 then. I did not have any regular contact with her
7 in those intervening years. But she reached out to
8 me to tell me about her interaction with
9 Dr. Kalyango back in 20- -- late [REDACTED] or early
10 [REDACTED]

11 Q. Hum.

12 So her purpose in calling you, as
13 you understood it, was just to tell you that or was
14 there anything else to the conversation?

15 A. She, uhm -- she wanted to explain to
16 me what had happened and also to explain to me why
17 she had not filed a complaint back when the
18 incidents had -- had happened. She was employed by
19 the [REDACTED] by
20 Dr. Kalyango at that time and expressed in this
21 conversation in March of 2019 that she desperately
22 needed that job and she did not feel like she could
23 file the complaint and jeopardize her employment
24 with [REDACTED].

25 Q. And did you ever have occasion to

1 talk to the other complainant?

2 A. The only time I talked --

3 Well, she was my teaching assistant
4 in the fall of -- I believe it was the fall of
5 [REDACTED], but we never had a conversation about the
6 complaint. The only interactions we ever had were
7 with respect to her duties as my teaching
8 assistant.

9 I did call her and brief her at the
10 point when the school of journalism had made the
11 recommendation for detenuring just to give her an
12 update. And that was at the suggestion of The
13 Office of Legal Affairs.

14 Q. Okay. And a change in directions
15 again just a little bit.

16 Of the members of the faculty who
17 had declined to meet with you in consultation, did
18 any of them give any reason for why they did not
19 want to participate?

20 A. Uhm, they -- the -- the two
21 specifically who gave -- who talked to me about it
22 just said they were uncomfortable with being part
23 of that conversation. Uhm, you know, I could
24 speculate as to why they didn't want to
25 participate. But I do think that in general there

1 is a reluctance sometimes to participate in these
2 processes because, you know, your name goes -- sort
3 of goes into the record, and it can make it
4 difficult to interact with faculty members who may
5 have a particular position. So sometimes it's
6 easier just to sort of duck and not participate.

7 It's like any other kind of faculty
8 meeting. You know, people don't always come to
9 every faculty meeting.

10 Q. Uh-huh.

11 A. So I didn't take it as anything
12 other than just wanting to avoid being part of this
13 process.

14 Q. Did you ever consider --

15 HEARING COMMITTEE CHAIR MUHAMMAD:

16 You have two minutes left, Adam. I'm sorry to
17 interrupt. You have about two minutes.

18 MR. LOUKX: That's fine. Thank you.

19 Q. Did you ever consider meeting with
20 the faculty en masse?

21 A. You know, I made the decision based
22 on, ah, what I thought would -- would be a very
23 difficult meeting. There were strong feelings on
24 both sides. And I -- I was concerned that it would
25 be difficult for the faculty to actually sort of

1 move on from that conversation. And when I read
2 the faculty handbook and it was -- to me it was
3 quite clear that I was not required to actually
4 count up a vote, that it was better for the
5 department and for the school moving forward to
6 avoid that kind of clash. It had happened in
7 another department. It had caused enormous hard
8 feelings, was my understanding; and I did not
9 believe it was necessary for us to go through that
10 and still be in compliance with the faculty
11 handbook. I consulted with O.U. legal affairs, and
12 they said that my interpretation was fine.

13 Q. Thank you very much. I think -- I
14 think Mr. Beck may have a few questions for you;
15 but again, thank you for coming in and testifying
16 today.

17 A. You're welcome.

18 HEARING COMMITTEE CHAIR MUHAMMAD:
19 Thank you.

20 Mr. Beck?

21 GREGORY BECK: Thank you.

22 - - -

23 CROSS-EXAMINATION

24 BY MR. BECK:

25 Q. Good afternoon, Dr. Stewart. How

1 are you?

2 A. Good afternoon. Thank you.

3 Q. I asked Dean Titsworth this same
4 question. It is true, isn't it, that you did not
5 do any independent investigation on your own about
6 any of these allegations?

7 A. That's correct. The only
8 conversation I had about any of this was with
9 [REDACTED] who called me and wanted to tell me
10 her story; but I did not seek her out, and I did
11 not do any other investigations.

12 Q. But it is true, isn't it, that
13 shortly after these allegations arose, Dr. Kalyango
14 wrote you and Dean Titsworth a very detailed email
15 on [REDACTED], [REDACTED] and sort of explained his
16 position? Do you recall that?

17 A. Uhm, I recall getting some
18 communications with him, and that sounds right.

19 Q. And -- and at the end of that email,
20 he asked for any advice that you can offer or
21 wisdom.

22 And did you get back to him in any
23 way at that point?

24 A. I don't recall.

25 Ah, I saw my role as being as

1 hands-off as possible so that the ECRC could do its
2 job. And my job was to wait on that process. So
3 I -- I guess I would be a little surprised if I had
4 offered them any advice.

5 Q. And -- and to the extent that the
6 underlying investigation conducted by the
7 investigator himself or the conclusions reached by
8 UPEC were faulty or wrong, that would have
9 certainly negatively impacted your decision
10 process?

11 A. Well, my job was not to investigate
12 this, and I was not in a position, you know, to
13 weigh their findings against any findings I would
14 have found, because I was not supposed to do any
15 investigation.

16 Q. Well, I guess that's my point,
17 Doctor, is that, for instance, if UPEC and the
18 investigator concluded let's say wrongly that there
19 was a hostile work environment, you relied upon
20 that representation even if it was false. True?

21 A. Correct, just simply because I was
22 not given a role to do any investigation. So I had
23 to take their findings at face value.

24 Q. And to the extent that there were
25 factual issues and conclusions reached by the

1 investigator that, you know, this committee, this
2 senate may turn out to be wrong, that also would
3 have negatively influenced your opinions in this
4 case?

5 A. Certainly in theory that's true; but
6 there was no role for me to -- to do an
7 investigation, so there was really no option.

8 Q. So you were simply forced to accept
9 everything that had been found below and then make
10 decisions going forward?

11 A. Correct.

12 Q. Now, in this issue with consulting
13 the faculty, has there ever been a more serious
14 issue that you've ever had to present to the
15 faculty than detenuring a colleague?

16 A. No, there has not been.

17 Q. So what I'm trying to understand,
18 sir, and I understand your explanation; but
19 shouldn't you have insisted that all of the faculty
20 members participate in this decision, as
21 uncomfortable as it might be, because the handbook
22 requires for you to consult with the faculty?
23 Right?

24 A. That's correct, but there's nothing
25 in the handbook that says everyone is required to

1 participate in that process. And certainly I would
2 never mandate everybody participate if -- if for
3 whatever reason they chose not to.

4 Q. Even on such a significant issue as
5 destroying a person's vocation and career?

6 A. I would never be able to point to
7 anything in the handbook that says I have that
8 authority to require them to participate.

9 Q. So if you only consid- -- contacted
10 one faculty member, do you think that would have
11 been adequate?

12 A. No. I -- Everyone was invited to
13 participate. Now, if only one had participated, I
14 would have put a call out again. But we had, I
15 thought, substantial participation; and, you know,
16 the --

17 Q. How many?

18 A. Uhm, off the top of my head, it was
19 certainly more than half of -- of the full-time
20 faculty members. And I don't have the number off
21 the top of my head, though.

22 Q. Well, as I recall the numbers, it
23 was 11 of the 27 faculty members. Does that sound
24 right?

25 A. I don't have 27 full-time faculty

1 members.

2 Q. How many do you have?

3 A. It would have been, depending on --
4 You know, when the count was taken at that time, it
5 probably would have been about 24 or 25.

6 Q. And of those people that you
7 consulted, was it a landslide for detenuring? I
8 mean, was it a vast majority or was it simply like
9 a one-vote differential?

10 A. It was not a -- it was not a
11 unanimous decision, but it also wasn't close.

12 Q. What were those numbers?

13 A. Remem- -- remember, this is not a
14 vote. And, in fact, some people talked to me and
15 never actually stipulated their recommendation.
16 They just shared with me some thoughts about it,
17 but they never actually made a recommendation.

18 But I believe there were about four
19 out of the 11 or so who, for whatever reason, did
20 not want to vote for detenuring.

21 Q. And so there was some portion of the
22 seven that didn't want to give an opinion either
23 way. That's true?

24 A. Ah, I believe there was only one in
25 that category, to be honest. The rest were all

1 quite clear about how they -- they felt.

2 Q. And you were satisfied that, because
3 you had a -- by these numbers, 60 percent, that was
4 enough for you to move forward without consulting
5 everybody else about this very important decision?

6 A. That's correct.

7 Q. Now, at the time that all this was
8 going on, were you under any investigation by the
9 ECRC for any complaints that were ongoing?

10 A. No.

11 Q. You are now. That's correct?

12 A. I am now. That's correct.

13 Q. And those were posed by Dr. Kalyango
14 with respect to his belief that there has been some
15 policy violations with respect to this whole
16 process. Is that true?

17 A. That's correct.

18 Q. And you --

19 A. And that -- that complaint came
20 following my making the recommendation, not before.

21 Q. Is it important for the university
22 also to follow policy?

23 A. Yes.

24 Q. All right. So you gave us a nice
25 explanation about how long this process takes. Is

1 it true that under the policy the university is to
2 have this investigation up and down in 90 days?

3 A. Yes. But I do believe, if you'll
4 let me offer what I believe is a rational
5 explanation, this involved an international
6 investigation, which involved different time zones
7 and different cultures and different -- people in
8 different countries; and I -- I do believe that had
9 a serious impact on the investigator's ability
10 to -- to do this in a timely way.

11 Q. It was just one -- It was just the
12 African continent. Is that correct?

13 A. Correct.

14 Q. So that was the excuse, that this
15 took 13 months to complete because there were a
16 handful of witnesses in Africa that the
17 investigator couldn't track down?

18 A. That was my understanding.

19 I -- I think there was also a number
20 of different investigations going on at the same
21 time, and that also slowed it down from my
22 understanding.

23 Q. But you understand that these
24 investigations need to be prompt and done very
25 quickly?

1 A. That certainly is what is called
2 for, yes.

3 Q. Because over time people's memories
4 and attitudes and rationales change. If you give
5 them more time, things could change. Is that
6 right?

7 A. Uhm, if you say so, yes.

8 Q. All right. You know, Doctor, I
9 think that's all I have. Thank you.

10 A. You're welcome.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 Thank you, Mr. Beck.

13 Thank you, Dr. Stewart.

14 We turn now to any hearing committee
15 members who might have a question at this time.

16 Hearing none, we'll allow this
17 testimony to conclude.

18 Thank you, Dr. Stewart, for coming
19 here today. We appreciate your time.

20 ROBERT STEWART: You're welcome.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 Duane, do I understand our next witness is in
23 the -- in the waiting room?

24 DUANE BRUCE: Yes. I will let him
25 in now.

1 HEARING COMMITTEE CHAIR MUHAMMAD:
2 Good afternoon, Mr. Anaya. I'm Robin Muhammad.
3 I'm the hearing committee chair.

4 Can you hear me all right?

5 Oh, you will want to turn your mic
6 on.

7 GEORGE ANTONIO ANAYA: There we go.
8 How's that? Can you hear me now?

9 HEARING COMMITTEE CHAIR MUHAMMAD:
10 That's very good. Thank you so much for being here
11 today.

12 We have a 30-minute block for your
13 testimony. We're asking each witness to state
14 their name, spell their first name -- first and
15 last name, excuse me, for the benefit of the court
16 reporter, but also to make sure that we have good
17 audio particularly for the hearing committee
18 members. If you make a statement or refer to a
19 document of any length during your introductory
20 remarks, please speak slowly and clearly, again,
21 for the benefit of the court reporter.

22 During the 30 minutes, you are free
23 to make an extended or a very brief introductory
24 remark, no more than ten minutes, or it may be even
25 quite a bit briefer. That's fine. We'll move

1 right into questioning first from the university's
2 side and then from the faculty member's side. And
3 at the conclusion of that 30 minutes, we'll open it
4 up to any possible questions from the hearing
5 committee.

6 GEORGE ANTONIO ANAYA: Okay.

7 HEARING COMMITTEE CHAIR MUHAMMAD:
8 Thank you very much. The floor is yours. Please
9 proceed.

10 GEORGE ANTONIO ANAYA: Thank you.

11 My full name is George Antonio
12 Anaya, the last name is spelled A-n-a-y-a. I go by
13 my middle name, Antonio, and I'm typically called
14 Tony; so if there was any confusion about that, you
15 may see things from George or from Tony, but they
16 are both me.

17 I wanted to let the -- the committee
18 members know a little bit about the process with
19 regard to this investigation, because I believe
20 that the Memorandum of Findings speaks for itself
21 to a great degree.

22 When a complaint comes to the Office
23 of Equity and Civil Rights Compliance, the first
24 step is to determine if the matter passes
25 gatekeeping. And that is function that's performed

1 typically by the Title IX coordinator. In this
2 case that was Sara Trower at the time.

3 So the -- the very first
4 determination that gets made is are the
5 allegations, if true, would they or could they
6 constitute a violation of Ohio University Policy
7 03.004 or 40.001. Those are the two policies that
8 Equities and Civil Rights Compliance is responsible
9 for, maintaining compliance -- You know, those
10 policies allow us to maintain compliance with the
11 law, and Equities and Civil Rights Compliance is
12 charged with making sure that the university
13 maintains the environment that is in compliance
14 with the law through those policies.

15 When I came to the -- to Ohio
16 University in early May of 2017, I had -- I had
17 been a licensed attorney, and I'm still a licensed
18 attorney in the state of Ohio and -- and other
19 places. I had been practicing law for over
20 20 years. I had -- My practice had included
21 discrimination cases representing both universities
22 against complainants and representing complainants
23 against universities. But when my -- when I -- So
24 I'm very familiar with investigative techniques,
25 with burdens of proof, with legalese, with --

1 but -- but very importantly for this position, very
2 familiar with the gathering of evidence and the
3 assessment of evidence as a --

4 Because my role here is that of a
5 neutral investigator. I am not an advocate for
6 either party. I cannot be an advocate for either
7 party. That would be inappropriate. My obligation
8 is to determine and gather all of the relevant
9 evidence that is either provided by the parties or
10 that I might have been directed to by a witness or
11 that may be sort of the natural -- you know,
12 natural evidence that you would gather in a
13 particular case.

14 And that sometimes can be a
15 time-consuming matter, and I'll get to that in a
16 second.

17 After all of that evidence has been
18 put together, both of the parties are always
19 provided a complete opportunity to review all of
20 that evidence. The evidence will typically, and in
21 this case did, consist of numerous witness
22 statements and literally hundreds of pages of
23 documentation.

24 Once all of that evidence has been
25 gathered and the parties have had plenty of

1 opportunity to respond thereto and -- and both
2 parties are very well aware of the entirety of
3 information that I will be basing my decision on,
4 then I sit down and draft the first part of my
5 Memorandum of Findings, which in Dr. Kalyango's
6 case begins in Roman numeral IV or V, and that is
7 the section that I -- that is entitled Factual
8 Assertions of Findings of Fact.

9 It is imperative that before I even
10 begin to make a decision that I have determined
11 what facts, operative facts, if you will, the
12 evidence actually establishes. Once I have drafted
13 that Factual Assertions and Findings of Facts in
14 the Memorandum of Findings, then I -- I apply the
15 Ohio University policies to those facts, because
16 that is -- the evidence is what will dictate the
17 outcome with regard to the policy, because my
18 decisions have to be made by the evidence. And
19 what the evidence establishes is more likely than
20 not what occurred. So each of those operative
21 facts first has to be determined: what does the
22 evidence establish, and then that evidence has to
23 be applied to the university policies we're
24 responsible for now. And that's, then, of
25 course, -- the Section V of the Memorandum of

1 Findings is the analysis, the application of all
2 those facts, the policy to the facts of this case.

3 I know that there are questions here
4 with regard to the -- the length of the
5 investigation.

6 Our office has the responsibility to
7 conduct a prompt and thorough and unbiased
8 investigation; and, of course, we do aspire to
9 complete all our -- our investigations as quickly
10 as is reasonably possible given the nature of the
11 investigations. Aspirationally, we would be
12 hopeful to complete our investigations within
13 90 days; but given the potential ramifications of
14 an investigation of this nature -- and we are
15 literally living through those ramifications today
16 and tomorrow -- it would be inappropriate to
17 prioritize speed over accuracy and completeness in
18 an investigation.

19 This was a complicated
20 investigation. It's not unusual for the more
21 complicated investigations to run over 90 days.
22 Uhm, there were over 20 -- There were 23 witnesses
23 that were interviewed. They were -- those were
24 provided to me by both parties. They were spread
25 over numerous time zones; and, in fact, several of

1 them were in Africa. There were over 300 pages of
2 documentation that was provided from both of the
3 parties.

4 In fact, part of our process is,
5 when we gather all of the evidence, like I said, we
6 provide that to the parties in the form of an
7 evidence packet for the parties to review.

8 There was so much documentation --
9 documentary evidence in the initial evidentiary
10 packet that both parties provided additional
11 documentation and information that had to be shared
12 with the other party prior to a decision being
13 made. There was a second, a supplemental
14 evidentiary packet that was provided to both
15 parties containing new documentation and
16 information that was provided in response to the
17 original evidence packet. So that was an
18 additional time that was necessary for the parties
19 to respond, provide additional documentation. That
20 was in -- was also exchanged with the parties.
21 They got the supplemental evidence with the packet.
22 And when I received the parties' responses to
23 supplementary evidence packet, that was the point
24 where -- You know, eventually these cross-responses
25 resolved to each party saying, This is my position,

1 and it's the truth, with no additional documents,
2 no new documentation or no new evidence. And
3 that's when I'm at the point that I can make the
4 decision. They've had the opportunity to respond
5 to all of the evidence.

6 Now, in this case, like I stated,
7 there was a lot of documentary evidence. That was
8 part of the timing issue. There was some delay in
9 this case that was attributable to Dr. Kalyango,
10 uhm, one being that we had to schedule interviews
11 around Dr. Kalyango's travel schedule. And that
12 was fine. There's no -- You know, he's not
13 penalized for that in any way. I don't take that
14 to mean that there's any issue with his candor or
15 anything. It's simply we have to schedule around
16 his travel so that the interviews can be conducted.
17 At that time they were all conducted, obviously, in
18 person, which is much more practicable for these
19 kinds of investigations.

20 So -- But interestingly, and I think
21 that it is important in this case, the initial
22 notice was sent to Dr. Kalyango on July 17th, 2017.
23 There was an investigation that had been opened by
24 virtue of a complaint that had been received by
25 ECRC.

1 Uhm, on August 2nd, we -- we,
2 Sara Trower and I, conducted the first interview of
3 Dr. Kalyango. Uhm, at the close of that interview,
4 it was clear that two primary bodies of evidence
5 were going to be the expense reports from the [REDACTED]
6 African trip and the evaluation forms that were
7 completed by the participants in the [REDACTED].
8 Those were essential, because tho- -- there were
9 deficiencies claimed in those by Dr. Kalyango that
10 needed to be assessed because that was a central
11 part of -- of his position with regard to this
12 case.

13 Uhm, at first Dr. Kalyango told me
14 he had sent those to the State Department, he would
15 have to request those. I asked him to request
16 those. I asked him periodically through the course
17 of the investigation if he could provide those.
18 But those were not provided to my office until
19 January 9th of 2018. That was 160 days after they
20 had been first requested, and I don't know what
21 that puts us at. 175 days or something from the
22 first date of notice of the -- of the
23 investigation.

24 So it was -- it was, I think, very
25 clear to Dr. Kalyango that we were going to be

1 unable to resolve this in -- in that initial
2 90 days. I didn't have the documentation that was
3 necessary at that point. But once, then, I did
4 have all that information, I began to put that
5 information together, I drafted the statement of --
6 like I said, created the Memorandum of Findings,
7 exchanged the -- I'm -- I'm sorry -- created the
8 evidentiary packet, distributed the evidentiary
9 packet, took their responses, distributed those,
10 took those responses and then drafted my findings
11 of fact, and then drafted the analysis reaching the
12 conclusion that it was more likely than not, which
13 is the standard under Policy 03.004 and 40.001, it
14 was more likely than not that there was, in fact, a
15 violation of university policy in this case.

16 And I think it's also important to
17 understand that -- that the evidence is what drives
18 my decisions in these cases. It absolutely has to
19 be. That is my role. And there was significant
20 evidence in this particular case that supported
21 [REDACTED] allegations but did not support
22 Dr. Kalyango's, uhm, assertions of what had
23 occurred.

24 Uhm, and let -- while the -- I will
25 say that the evidentiary -- or the Memorandum of

1 Findings stands -- speaks for itself, there are
2 several points in there that I think are very
3 important to -- uhm, to focus on. One, first is
4 the statement of Jeremy Morris. He's Witness H.
5 He appears at page 30 of the summary of statements.
6 Jeremy Morris stated and reiterated, I believe he
7 stood on this position that he had a conversation
8 with [REDACTED] that was at the end of May of [REDACTED]
9 wherein she had disclosed to him that Dr. Kalyango
10 had requested that she spend the night in the hotel
11 room with her. That was extraordinarily important
12 for several reasons.

13 First of all, he clearly put that
14 meeting at the end of May of [REDACTED] prior to he --
15 when he, himself, had left town that year.

16 Number two, he had recollection that
17 the meeting at which Dr. Kalyango had told
18 [REDACTED] that he wanted to spend the night with
19 her in Africa was on a Sunday, May 28, [REDACTED], which
20 is the date that [REDACTED] said -- had reported
21 that Dr. Kalyango had made that overture to
22 her was, in fact, the Sunday, the last Sunday in
23 May. So --

24 HEARING COMMITTEE CHAIR MUHAMMAD:
25 Mr. Anaya.

1 GEORGE ANTONIO ANAYA: Yes, ma'am.

2 HEARING COMMITTEE CHAIR MUHAMMAD:

3 I'm sorry to interject. This is Robin Muhammad.

4 GEORGE ANTONIO ANAYA: Yes.

5 HEARING COMMITTEE CHAIR MUHAMMAD:

6 The narrative that you're giving, I don't want to
7 cut it short, but I do want you to be aware that we
8 have a balance of time for questioning from both
9 the university's side and from the faculty member's
10 side. So if you could be brief in the next minute
11 or two, that would be much appreciated.

12 GEORGE ANTONIO ANAYA: I understand
13 that. There is so much here, frankly, and with
14 all --

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 Understood.

17 GEORGE ANTONIO ANAYA: And I
18 absolutely respect the time line.

19 Let me just direct, then, you to
20 several things very quickly.

21 We have the discussion of the hotel
22 reservation itself. That was the email, page 166
23 of the evidence packet; and there were numerous
24 contradictory and consistent explanations provided
25 by Dr. Kalyango regarding that which made it

1 extremely important.

2 Uhm, there was the issue of the
3 debriefing. When the parties returned from Africa,
4 the complainant had produced email documentation
5 that established that she had requested a meeting
6 with Dr. Kalyango but that he had first canceled a
7 meeting, then he had failed to appear for a
8 meeting; uhm, and there was no opportunity for the
9 debriefing to occur primarily because Dr. Kalyango
10 did not allow that to occur when they first
11 returned from Africa.

12 And -- and Dr. Kalyango did not deny
13 that [REDACTED] email was accurate when she had
14 made those statements to him, ah, that she had
15 tried to meet with him when they had first returned
16 from Africa, but was then unable to because he had
17 not appeared -- ah, he had canceled for one
18 meeting, I believe, and not appeared for a second.

19 Third, the evaluation forms. If you
20 look at the Memorandum of Findings at [REDACTED]
21 [REDACTED] you will see a number of changes made
22 that were made to those, that Dr. Kalyango was the
23 only one who had an opportunity to make the changes
24 to. Those were not enormously significant in
25 their -- in the nature of the changes that were

1 made, but the changes that were made did not
2 comport with Dr. Kalyango's statement alleging that
3 [REDACTED] had made the changes; rather, they --
4 the evidence established that he had had the
5 opportunity to change those.

6 HEARING COMMITTEE CHAIR MUHAMMAD:
7 I'm going to have to -- I have to stop you there.

8 Perhaps some of this can be followed
9 up during Q and A.

10 Adam, would you like to take over at
11 this point for approximately nine minutes?

12 MR. LOUKX: Oh, thank you. Thank
13 you.

14 - - -

15 DIRECT EXAMINATION

16 BY MR. LOUKX:

17 Q. And good afternoon, Tony. And thank
18 you for what you've provided so far. I do -- I
19 don't want to cut you off midthought. So you were
20 talking about the evaluations. If you want to
21 continue that, go ahead; and then I'll have a few
22 other questions for you.

23 A. Certainly.

24 The -- the evaluations were telling
25 not only because there was such a substantial delay

1 in them having been produced by Dr. Kalyango when
2 they were central to his theory of the defense of
3 the case; uhm, but they were also significant
4 because the original document that was provided to
5 me from [REDACTED] very early in the investigation
6 was her summary of those evaluation forms that she
7 herself had created looking at the -- holding up in
8 front of herself that the handwritten reports
9 provided by the [REDACTED] participants, and then
10 transposing their statements into a summary rubric,
11 if you will. She then handed off the original
12 underlying documents to Dr. Kalyango. So she no
13 longer had those. But what she did provide me was
14 her original summary that she had sent to
15 Dr. Kalyango as part of her work for the [REDACTED]
16 [REDACTED]

17 HEARING COMMITTEE CHAIR MUHAMMAD:
18 And please refer to initials of students.

19 GEORGE ANTONIO ANAYA: Oh, I'm
20 sorry. [REDACTED], complainant. May I call her
21 complainant? Is that acceptable simply because
22 it's very common?

23 HEARING COMMITTEE CHAIR MUHAMMAD:
24 Yes.

25 A. Okay. So the complainant in this

1 case, in the [REDACTED] case, provided me this -- the
2 document that showed her summary. When the
3 underlying handwritten evaluation forms themselves
4 were produced in January of 2018, those documents,
5 the underlying handwritten original documents from
6 the [REDACTED] participants precisely matched the textual
7 summary that [REDACTED] had created. There were
8 no discrepancies from what -- the documents she had
9 provided to me very early in the investigation and
10 the underlying documents that were provided to me
11 by Dr. Kalyango in January of 2018. There were, I
12 believe, eight or nine discrepancies between those.
13 The document -- the underlying documents that
14 Dr. Kalyango provided me, along with his summary of
15 those underlying documents that he provided me at
16 the same time, his summary was slightly different
17 than [REDACTED] summary; and all of the
18 differences in Dr. Kalyango's summary were slightly
19 different than the underlying documentation that
20 was provided by the -- the [REDACTED] participants
21 themselves, if that makes sense.

22 So that those -- the only person who
23 had the opportunity to change what Dr. Kalyango
24 gave me was Dr. Kalyango himself, and it didn't
25 match the underlying document. So that raised a

1 question as to, uhm, you know, candor and
2 credibility as well.

3 Uhm, and yet another significant
4 doc- -- piece of documentary evidence were the
5 flight reservations that were produced by
6 Complainant [REDACTED] in this case. Late in the
7 investigation they were produced in response to
8 Dr. Kalyango's written response to the original
9 evidence packet and the original -- in his
10 statement on August 2nd, Dr. Kalyango had said that
11 he made all the -- the flight reservations, which
12 was accurate; and that he could have put
13 complainant anywhere he wanted on those flights but
14 he chose not to. Uhm, he -- he didn't sit her next
15 to him. [REDACTED] had reported that she had been
16 sitting next to him -- scheduled to sit next to
17 him --

18 Q. Let me interrupt here just a little
19 bit. Make sure the initials --

20 A. I'm so sorry.

21 Q. But it might be a good break given
22 the limited time?

23 A. Sure.

24 Q. You also did some other
25 investigations that involved Dr. Kalyango. Very

1 briefly, one for [REDACTED] --

2 A. Yes.

3 Q. -- and I don't know for [REDACTED].

4 A. [REDACTED].

5 Q. And a sentence or two each just so
6 you can say something on those, and then we'll
7 let -- I believe Mr. Beck will have some
8 cross-examination questions to give you.

9 A. Certainly.

10 With regard to the [REDACTED] case, there
11 was also a finding in that case, there were also --
12 there was also documentary evidence in that case
13 that supported the position of the complainant and
14 did not support the position of Dr. Kalyango. And
15 again, evidence made the decision in that case.

16 It was also from the last case,
17 Complainant [REDACTED]. Complainant [REDACTED] had alleged that
18 Dr. Kalyango had retaliated against her because she
19 had participated in the investigation of
20 Complainant [REDACTED]. And while that investigation
21 revealed a number of different things that occurred
22 regarding Dr. Kalyango and the -- the student
23 complainant in that case, [REDACTED], the evidence simply
24 did not establish that Dr. Kalyango knew or should
25 have known clearly that [REDACTED] did have, in fact --

1 My apologies again. I'm so sorry.
2 -- that Student [REDACTED] had testified in
3 [REDACTED]'s case. And because the evidence did not
4 establish that [REDACTED] had not -- did not establish that
5 she -- that Dr. Kalyango knew that the Complainant
6 [REDACTED] had testified in [REDACTED]'s case, there could not be a
7 finding that Dr. Kalyango had retaliated against
8 Student [REDACTED]. The evidence did not support that.
9 And because, again, the evidence drives these
10 decisions, there could not have been a finding in
11 that case, because the evidence simply didn't
12 allow.

13 Q. Thank you.

14 I -- I misspoke earlier. It looks
15 like, is it Mr. Lute may be the cross-examiner. If
16 I have any of extra time, I'll defer that to him.

17 And thank you, Tony, quite a bit.
18 Thanks.

19 MR. LUTE: Thank you.

20 HEARING COMMITTEE CHAIR MUHAMMAD:

21 Well, it would help if I would unmute myself.

22 Mr. Beck or Mr. Lute, which of you will be
23 following up with the questioning on behalf of the
24 faculty member?

25 MR. LUTE: This is Mel Lute. I'll

1 be following up with Mr. Anaya.

2 HEARING COMMITTEE CHAIR MUHAMMAD:

3 Thank you.

4 - - -

5 CROSS-EXAMINATION

6 BY MR. LUTE:

7 Q. Mr. Anaya, a couple times during the
8 course of your statement, My office did this and we
9 did that, and I want to find out, how many
10 investigators did you have in your office when you
11 started the [REDACTED] investigation?

12 A. Uhm, there were -- there was myself,
13 there was Kerri Griffin, who is currently the Title
14 IX coordinator, did some investigative work,
15 although she was also -- also had responsibility
16 for matters involving, I believe, the ADA at that
17 time when it was covered by our office. So she
18 was -- her time was split. And there was an
19 investigator who was responsible solely for matters
20 involving students, allegations involving students.
21 Ah, then -- So even though he wasn't an
22 investigator at the time, he was not an
23 investigator who would have been assigned to a case
24 involving a faculty member. And then there was one
25 other investigator who was a full-time investigator

1 who also did investigations of matters involving
2 allegations against faculty and staff.

3 So there was a full-time student
4 investigator, there were two full-time faculty
5 staff and student investigators because we covered
6 all three of those, and then there was, you know,
7 the part-time investigator, Kerri Griffin.

8 Q. All right. And so you -- how many
9 people did you bring in to help with this
10 investigation?

11 A. Ah, this investigation was conducted
12 by Sara Trower initially and then myself, so just
13 two.

14 Q. And so you said you came to O.U. in
15 May of 2017. Was the [REDACTED] investigation the first
16 sexual harassment investigation against a faculty
17 member that you conducted for O.U.?

18 A. I believe that it was.

19 Q. And in addition to being bound by
20 the university's guidelines and policies, you're
21 also bound by federal law with respect to
22 Title VII, Title IX, and the interpretation of
23 sexual harassment. Is that true?

24 A. That is true.

25 Q. All right.

1 A. But my job is to apply the policy.
2 I -- My -- my job is to apply the policy, okay?
3 And the policy is found in 03.004 and 40.001, okay?

4 My -- As an -- as a civil rights
5 investigator, my posi- -- our -- our office in its
6 entirety has responsibility for assuring that we
7 are part of the entire team of the university that
8 makes sure that those policies, 40.001 and 03.004,
9 reflect the law. But my job as an investigator,
10 and when I make a finding, is to apply the policy
11 to the facts.

12 Q. Very well, sir.

13 But you understand O.U. sits in
14 Ohio, which is in the Federal Sixth Circuit. You
15 know that. Right?

16 A. Yes, I am aware.

17 Q. All right. And so within the Sixth
18 Circuit, there is a federal law that has developed
19 involving findings of hostile work environment,
20 quid pro quo, sexual harassment. That is to
21 provide guidance to legal professionals in their
22 assessment of whether or not there has been sexual
23 harassment or hostile work environment or quid pro
24 quo.

25 Do you understand that?

1 A. I understand that.

2 Q. Now, you spent a great deal of time
3 in your statement, almost three-quarters of it, I
4 think, justifying how long your investigation took.
5 And I take it you -- you did that because you're
6 sensitive to the fact that this investigation was
7 well outside the realm of what is the norm. True?

8 A. It was -- it did take longer than
9 would have been anticipated, yes.

10 Q. Well, 13 months is a heck of a lot
11 longer than 90 days. Right?

12 A. Uhm, "heck of a lot longer"? I'm
13 not -- Is that a legal term of art?

14 It is longer, yes. It did --
15 This --

16 I'm not saying that this
17 investigation didn't take time. It did. It would,
18 frankly, have been faster if Dr. Kalyango had
19 produced some of the documents earlier.

20 Q. Well, isn't it true, sir, that one
21 of the reasons that the U.S. Supreme Court and most
22 of the district courts within the Sixth Circuit had
23 mandated that sexual harassment investigations be
24 prompt is because the subject matter is incredibly
25 sensitive, volatile to the workplace, and can be

1 incredibly damaging if the investigation is not
2 kept under control and concluded in a timely
3 manner? That's what the body of law reflects,
4 doesn't it?

5 A. Ah, I will tell you that I have not
6 read all of that case law.

7 Assuming that your position is
8 correct, ah, which I cannot -- I will. I'll
9 take -- take it for granted, and I'll take -- and
10 I'll assume that what you say is correct. This was
11 a situation where it was -- because of the
12 ramifications, it was imperative that it be
13 thorough and complete and reasonably prompt. There
14 are not hard --

15 Q. Right.

16 A. There are not hard deadlines in the
17 law with regard to what constitutes a prompt
18 investigation. I am not aware of a court saying
19 that if it's not completed in a certain period of
20 time, then it is de facto, uhm, not prompt.

21 Q. But let's look at the facts. The
22 facts is over the 13 months that transpired since
23 you started the investigation, the witness [REDACTED] spoke
24 to pretty much anybody she wanted to
25 (indiscernible) benefit of any confidentiality that

1 was imposed by you in the course of the
2 investigation. Isn't that true?

3 Mr. Anaya? What happened?

4 DUANE BRUCE: It looks like he
5 logged out or got logged out for some reason.

6 HEARING COMMITTEE CHAIR MUHAMMAD:
7 Okay. Could you contact him directly and ask him
8 to come back? We'll hold the clock.

9 ANGELA BROCK: I'll do that.

10 HEARING COMMITTEE CHAIR MUHAMMAD:
11 Thank you, Angie.

12 HEARING COMMITTEE CHAIR MUHAMMAD:
13 My apologies, Mr. Lute. We will hold the clock.

14 MR. LUTE: Thank you.

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 Angie, were you able to reach him?

17 ANGELA BROCK: I haven't received an
18 email back, and I tried his phone number and it
19 went unanswered. Sorry.

20 HEARING COMMITTEE CHAIR MUHAMMAD:
21 Thank you.

22 MICHAEL COURTNEY: Robin, this is
23 Mike Courtney. Can you hear me okay?

24 HEARING COMMITTEE CHAIR MUHAMMAD:
25 Yes.

1 MICHAEL COURTNEY: I just spoke with
2 Tony. Apparently the power went off and he's
3 turning everything back on. So he's in the process
4 of doing that. It may be another minute or two.

5 HEARING COMMITTEE CHAIR MUHAMMAD:
6 Thank you.

7 A. Counsel, my humblest apologizes. My
8 computer apparently somehow had become unplugged
9 and it just ran out of juice right at that moment.
10 But I am back, and my apologies.

11 BY MR. LUTE:

12 Q. That's all right.

13 We were talking about your
14 investigation. And it's true, isn't it --

15 I mean, we have in the evidence
16 packet emails from [REDACTED] to you. You did receive
17 emails from [REDACTED]. Correct?

18 A. That is correct.

19 Q. And in her emails, her various
20 emails, she addresses you as Tony. Is that right?

21 A. That is correct.

22 Q. All right. So you're getting emails
23 addressed to you as Tony from the complaining
24 witness.

25 Is that how you normally conduct an

1 objective investigation?

2 A. If people choose to ref- -- refer to
3 me as Tony or George or Mr. Anaya or the
4 investigator, ah, that -- that doesn't change what
5 the evidence is. Uhm, I mean, there was no --

6 If you're implying that there was
7 some sort of inappropriate, you know, familiarity
8 with Miss [REDACTED] -- with Miss [REDACTED], with the complainant
9 in this case or if that -- if there was some level
10 of familiarity with the complainant that somehow
11 tainted my assessment of the evidence in this case
12 or -- or somehow tainted the investigation, uhm,
13 that is not accurate. The -- My decisions, again,
14 they have to be made based on the evidence.

15 Q. That's not the issue, sir.

16 What I'm -- what I'm -- I guess I
17 want to explore is the issue of boundaries.

18 Whether you were influenced by her
19 or not, certainly allowing the complainant to
20 correspond with you in this way left the door open
21 for the complainant to believe she was on the
22 investigative team, and that's certainly reflected
23 in the fact that she's talking about the
24 investigation all over town, all over school, all
25 over the department of journalism during your

1 investigation. You knew that. Right?

2 A. That's correct.

3 We -- we cannot put a gag order on a
4 party. We do not have that authority nor could we.
5 The -- the brand-new Title IX regulations that had
6 been released have made it clear that it's
7 inappropriate to place any kind of a gag order or
8 restriction on somebody's communications.

9 Does that mean that there could have
10 been some possibility that she was tainting other
11 witnesses?

12 One of the things that is necessary
13 in the assessment of the evidence in these cases is
14 to take into consideration the source of the
15 particular information, right?

16 We -- When the initial gatekeeping
17 process is done, a complainant's allegations are
18 ac- -- are accepted as true for the purposes of
19 determining if there could or could not be a
20 violation.

21 You're very familiar, I'm sure, with
22 the theory of the motion to dismiss. It's the same
23 type of analysis. But once that crosses the
24 gatekeeping threshold, there's not a presumption of
25 truth in terms of statements of parties or

1 witnesses. So that -- Ah, it's always taken into
2 consideration what the source of the information is
3 and if it could or could not or might have been
4 tainted in some particular way.

5 Q. Well, aside from the issue of a gag
6 order, there were no protections put in place
7 during the course of your investigation for
8 Dr. Kalyango's reputation or for his privacy or for
9 his confidentiality, were there?

10 A. Uhm, I'm -- I'm not sure what kind
11 of protections you're talking about. The Office of
12 Equity and Civil Rights Compliance does not
13 publicly discuss the nature or course of conduct
14 over investigations; that is, you know, other than
15 to --

16 Q. What about --

17 A. I'm sorry.

18 Q. What about Mike Sweeney publicly
19 discussing it in a -- in a committee meeting
20 disclosing the allegations against Dr. Kalyango
21 where you've got a colleague of his, a professor,
22 openly discussing it while your investigation was
23 going on in February of 2018? You had to be aware
24 that that was going on. What did you do to stop
25 it?

1 A. There's nothing appropriate to do to
2 stop that. They have a First Amendment right to
3 carry on that discussion, right? If they're --

4 Now, I can take into
5 consideration --

6 Again, in the statement of the
7 witnesses, we have to look at do they have a
8 particular bias or a reason to be particularly
9 biased, and could that bias be driving their
10 statements. Obviously, the parties always have
11 their inherent bias, right? That --

12 Q. Let's go to the merits. Let's go to
13 the merits of your investigation.

14 So sexual harassment by quid pro quo
15 requires unwanted sexual advance, requests for
16 sexual favors, physical or verbal conduct of a
17 sexual nature.

18 Now, just so we're clear for the
19 panel, there's no sex in this case, is there?

20 A. Are you talking about sexual
21 intercourse, physical sexual intercourse defined by
22 the FBI or defined by our --

23 Q. There's no physical -- there's no
24 physical sexual advance, sir, in this case; is
25 there?

1 A. There was a physical sexual advance.
2 He spoke to her and said, Spend the night in the
3 room with me. That was an advance, that as the
4 evidence showed when we go through the Memorandum
5 of Findings, you will see that that -- by virtue of
6 the relationship between the parties, by virtue of
7 the context in which that was supposed to occur was
8 an inappropriate sexual advance.

9 There was not physical sex in this
10 case, no.

11 Q. Well, and there's no late-night
12 naked texts and all the other weird stuff people do
13 with their phones in sexual harassment cases. I
14 mean, that's not in this case; is it?

15 A. No.

16 Q. Now, on page 33 of your Memorandum
17 of Findings, you say, Respondent only engaged in
18 one extremely severe act; namely, attempting to
19 share a hotel room.

20 I mean, that's essentially the --
21 the offensive conduct that was the focus of your
22 investigation. Correct?

23 A. Well, the totality of the conduct
24 involved was the focus of the investigation, all of
25 it, because the entire evidentiary packet supports

1 the analysis in the Memorandum of Findings.

2 Now, in terms of --

3 Q. Right. And --

4 A. I'm sorry?

5 Q. It comes down to that proposal.

6 A. Correct. That is correct.

7 Q. [REDACTED] says -- I'm sorry. [REDACTED].

8 A. Correct.

9 Q. [REDACTED] told you he said, We may have to
10 share a hotel room, but I'll stay out of -- That's
11 the way she put it when she told you it occurred,
12 isn't it?

13 A. That's correct.

14 Q. That -- I'll stay out of your way,
15 that's her -- that's her characterization of it.
16 Correct?

17 A. That's correct. That was her
18 characterization of his statement. That was her
19 characterization of her statement.

20 HEARING COMMITTEE CHAIR MUHAMMAD:

21 Mr. Lute, you have two minutes remaining.

22 MEL LUTE: Thank you.

23 Q. Despite that, sir, you state on
24 page 29 that the respondent gave you no -- has
25 provided no reasonable nonsexual (indiscernible)

1 for requesting that the complainant share a hotel
2 room with him.

3 A. That's correct.

4 Q. Now, so you're essentially saying to
5 him, [REDACTED] says you're guilty. Prove you're not.
6 You're guilty until you prove you are innocent.
7 That's what you're asking him on page 29 of your
8 Memorandum of Finding: Prove you did not have a
9 sexual motive. Right? That's your approach in
10 this case.

11 A. No. That's inaccurate, okay? That
12 is a singular point in --

13 Q. It's in the memo.

14 A. It is in the memo, but it is a
15 singular point in the 45-page memorandum filled
16 with innumerable additional documents that all were
17 the basis for the finding that the policy was
18 violated.

19 Q. Well, when you go -- when you go on
20 to sort of rank the offensiveness of various
21 conduct, you actually have in there, Potentially
22 more offensive is a winking emoji in an email.

23 I mean, did you seriously contend
24 that this could be a hostile work environment, a
25 single-incident hostile work environment, where a

1 winking emoji is an effective piece of evidence to
2 establish your cause of action?

3 A. No. The --

4 Q. Are you serious about that?

5 A. Uhm, the Memorandum of Findings --

6 Q. Memorandum of Findings --

7 A. Counselor, I'm going to go back to
8 this and say -- and answer your question this way.

9 That is one extremely minor issue --
10 excuse me -- in over 300 pages of documents and
11 45 pages of witness statements that is not the
12 basis for the finding of the violation in this
13 case. The totality of the evidence is the basis of
14 the finding of the violation in this case,
15 particularly the fact that there were, as I have
16 already articulated, a number of different
17 instances in which the -- the factual evidence
18 contradicted Dr. Kalyango's statement. That was
19 the basis for the finding in this case, is that
20 there were significant credibility issues with
21 regard to Dr. Kalyango's statement, because there
22 were numerous documents that contradicted
23 Dr. Kalyango's statements.

24 I have to take everything that's
25 said by [REDACTED] with a grain of salt, and I

1 take everything that was said by Dr. Kalyango with
2 a grain of salt, the grain of salt being the fact
3 that these are coming from very interested parties
4 in the investigation.

5 Q. Well, assuming that you carefully
6 used the phrase -- that you cared about the words
7 you used in the Memorandum of Findings, and you did
8 state on page 33 to us, One extremely severe act
9 regarding the hotel room, you're familiar with the
10 fact that single-incident hostile work environment
11 cases do not hold up in the Sixth Circuit unless
12 the single incident involves either rape or violent
13 sexual assault. I mean, you're familiar with those
14 cases, I take it?

15 A. This is not a case before the Sixth
16 Circuit.

17 This is a case where the application
18 of the policy of the university, 03.004 and 40.001
19 are the operative documents. So whether this
20 amounted to a violation --

21 Q. You're not bound by the law?

22 A. I'm sorry?

23 Q. You're not bound by the law?

24 A. I am bound by the law, but this --
25 but this is a situation where we are applying the

1 university policy to what occurred. That was the
2 single very severe situation that occurred.

3 There was a second fairly
4 significant situation that occurred, and that was
5 the July 5th email from Dr. Kalyango to [REDACTED]
6 that was lambasting her for her work performance in
7 this particular case to the degree that she felt
8 that she was being told that she was not welcome to
9 continue working with Dr. Kalyango any further.
10 That was also a fairly significant part of the
11 finding of the violation. That was the act that
12 was overtly retaliatory.

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 I'm going to have to call time. I'm going to have
15 to call. We've run over it a little bit.

16 Please, Mr. Lute, do you want to
17 make a final statement, and then we need to --
18 We're going to be breaking and then bringing in the
19 remainder of the witnesses.

20 MR. LUTE: Thank you. I just have
21 one last question.

22 Q. It's true, isn't it, that neither [REDACTED]
23 nor [REDACTED] sustained any documented loss as a result of
24 any act on the part of Dr. Kalyango?

25 A. That's not accurate. The -- the

1 documented loss in -- in [REDACTED]'s case was the
2 opportunity to continue working in [REDACTED];
3 and -- and even beyond that, the opportunities that
4 would have been presented --

5 Q. But she resigned her position.

6 A. She resigned her position under --
7 What her position was, it was essentially a
8 constructive discharge, and that --

9 (Parties talking simultaneously.)

10 HEARING COMMITTEE CHAIR MUHAMMAD:

11 At this point, any of the hearing committee
12 members, do you have a question?

13 CHARLES LOWERY: Robin, I -- I do
14 have one.

15 HEARING COMMITTEE CHAIR MUHAMMAD:

16 Go ahead, Dr. Lowery.

17 CHARLES LOWERY: So, Mr. Anaya, a
18 lot of the discussion was about the duration of
19 time it took for you to do the investigation.

20 At the end of 90 days, based on the
21 findings you had at that time, would the outcome of
22 your determination have been any different?

23 GEORGE ANTONIO ANAYA: I -- I will
24 be -- I will answer that to the best that I can.

25 It could not have occurred at the

1 end of the 90 days because I was still collecting
2 significant evidence from numerous witnesses and
3 parties, including documentary evidence from
4 Dr. Kalyango himself, that, as I had stated, was
5 not provided for some significant period of time.

6 In this particular case, due to the
7 number of witnesses and the complexity and the
8 number of the documents, it could not have been
9 reasonably concluded in a fair and thorough manner
10 in those initial 90 days.

11 CHARLES LOWERY: Okay. Thank you.
12 That's -- that's fine.

13 GEORGE ANTONIO ANAYA: Uh-uh.

14 HEARING COMMITTEE CHAIR MUHAMMAD:
15 All right. That's -- that's going to have to
16 conclude this piece of testimony.

17 Let me give you -- everyone an idea
18 of what the remainder of the afternoon is going to
19 look like. We're going to take a very, very brief
20 break and come back at 2:30. At 2:30 we have a
21 witness and then we have one at 3 o'clock. The one
22 at 3 o'clock is also FERPA protected. Following
23 that second witness, from 3:30 to 4, the university
24 representative will rest their case; and then we
25 will have the first two of the faculty member's

1 witnesses called beginning at 4 o'clock.

2 So we pause here very briefly,
3 literally just two or three minutes, then we need
4 to be back here as we bring in our next witness.

5 Thank you, Mr. Anaya. Thank you,
6 Mr. Lute.

7 GEORGE ANTONIO ANAYA: Thank you
8 very much for your time.

9 HEARING COMMITTEE CHAIR MUHAMMAD:
10 And thank you, Adam.

11 (Brief recess.)

12 HEARING COMMITTEE CHAIR MUHAMMAD:
13 Duane, would you please bring in Dr. Sweeney.

14 DUANE BRUCE: Dr. Sweeney is here.

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 Thank you.

17 Dr. Sweeney, thank you; and in a
18 way, welcome back to the proceedings.

19 We have a 30-minute period for your
20 testimony. Please introduce yourself. And for the
21 benefit of the court reporter's transcription,
22 spell your name, first and last. If you have
23 introductory remarks, please proceed to make them,
24 no -- no more than ten minutes. That will be
25 followed by questioning first from the university's

1 side and then from the faculty member's side. If
2 at the end of that 30 minutes we feel there's --
3 any member of the hearing committee wants to ask a
4 question, then we will have a question at that
5 point. But we anticipate being able to wrap this
6 up in around 30 minutes as we have many of the
7 other witnesses.

8 And you know me. I'm Robin
9 Muhammad. I'm the hearing committee chair.

10 Please proceed.

11 (Discussion held off the record.)

12 MICHAEL SWEENEY: Thank you for this
13 opportunity.

14 My name is Dr. Michael S. Sweeney.
15 And I'll spell that. Michael is M-i-c-h-a-e-l. I
16 use my middle initial. It is S, as in Steven,
17 period. My last name is Sweeney, S-w-e-e-n-e-y.
18 I'm a professor in the E.W. Scripps School of
19 Journalism. And for most of my stay here, I
20 have -- I was the associate director of our
21 graduate studies.

22 So, uhm, I came here in 2009. I was
23 hired in 2009. And part of my -- my hiring was to
24 be examined by the faculty, be questioned by the
25 faculty, and then voted on by the faculty. And

1 Dr. Kalyango was part of that process. I -- I
2 don't know whether we had a lot of conversation or
3 even met before the vote. But the vote was
4 positive.

5 And so once I was on the faculty,
6 uhm, I -- I developed an admiration for
7 Dr. Kalyango. A very well-respected researcher who
8 has made a name for himself internationally with
9 the quality and quantity of his research about
10 global communication. So when I was graduate
11 director, simultaneously for most of those years, I
12 was also head of the Promotion and Tenure
13 Committee. And as the head of that committee, I
14 encouraged Dr. Kalyango and the faculty on the
15 committee to have Dr. Kalyango go up early for
16 promotion to associate professor and also to go up
17 early for promotion to full professor. And I did
18 that because Dr. Kalyango was a star, and we wanted
19 to nail him down before he got poached by another
20 university.

21 So everything I've said to you so
22 far is evidence that I hold no grudge against
23 Dr. Kalyango, no personal animosity, no vendetta.
24 Okay?

25 So where do I come into this story?

1 As graduate director and in my relationship with
2 graduate students.

3 It was the middle of the night,
4 summer evening, I think [REDACTED] late June or early
5 July, uhm, I couldn't sleep. I woke up. And 2 in
6 the morning I checked my email, and I had been
7 copied on an email by a graduate student

8 [REDACTED] In this email --

9 HEARING COMMITTEE CHAIR MUHAMMAD:
10 I'm sorry, Dr. Sweeney. Please only use initials,
11 if you would, please.

12 MICHAEL SWEENEY: [REDACTED]

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 Uh-huh. Thank you.

15 A. Okay. The email was from a graduate
16 [REDACTED] and in this email, she abruptly
17 resigned from the [REDACTED]
18 [REDACTED] program that
19 we run here on campus, which is very well thought
20 of. And she had been employed by that group run by
21 Dr. Kalyango. And in her resignation email, she
22 said some things that really suggested that she had
23 been subjected to some kind of abuse. And I
24 immediately, given the tone, suspected something
25 that was sexually improper.

1 And so I, as a -- What is it? What
2 do they call it? I'm a required reporter. When I
3 hear something like this, I have to report it
4 through the (indiscernible). And so I was going to
5 do that, but I was waiting for [REDACTED] to reply to me.
6 She -- she did not.

7 So a day later, [REDACTED] --

8 Sorry. It's going to get -- it's
9 going to take a little getting used to this
10 shorthand.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 Thank you, though.

13 MICHAEL SWEENEY: [REDACTED] made her
14 complaint to the Title IX office, and that sort of
15 got this whole complaint going.

16 So at that point I didn't see [REDACTED] for
17 a few days, but I did see other grad students. As
18 you know, the grad students in a particular program
19 tend to become very tight, a cohort that supports
20 each other. It's like they're all in a bunker for
21 three years and shells are going overhead.

22 Other grad students came and told me
23 about the issues involved with -- with [REDACTED] and her
24 resignation. And one of those grad students is [REDACTED].
25 And [REDACTED], on her own, without my suggesting anything,

1 made her own statement to the Title IX office in
2 support of [REDACTED]. Part of what she was reporting was
3 what she saw as [REDACTED] worked in the Study of the U.S.
4 Institute; and also, I guess, reports about how [REDACTED]
5 was handling the situation, how it impacted her
6 physically, mentally, and so on.

7 So this was a -- this was a time
8 when a lot was happening at the time.

9 I'm going to fast forward a little
10 bit to when we moved in [REDACTED] to decide
11 whom to admit to the masters and Ph.D. programs.

12 So real quick. I've got three
13 minutes, it looks like.

14 [REDACTED] was a master's student. She
15 applied to our graduate, our Ph.D. program. [REDACTED]

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

But the grad committee met in my absence. The way we work it is I, as the graduate director, would provide files, dossiers on all the Ph.D. applicants to all the members of the grad committee, who would then vote and rank order them; and we would make offers with our -- gave money to the top ranked applicants.

I was not there at that meeting. I set it up, but the day before I became very sick and had to be LifeFlighted to Riverside Hospital.

In my absence, Dr. Amy Edmondson --
MICHAEL SWEENEY: Do we do initials for professors, too?

HEARING COMMITTEE CHAIR MUHAMMAD:
No.

A. Okay. In my absence, Dr. Amy Edmondson ran the meeting; and she called me about it afterwards. And so she said that [REDACTED] had been blackballed by Dr. Kalyango, [REDACTED] had been blackballed by Dr. Kalyango. And before the

1 vote, he came in and spoke at length, 10 to 20
2 minutes Dr. Edmondson says, and just ripped [REDACTED] as
3 a -- as inappropriate for admission to our graduate
4 program and concluded that if, according to
5 Dr. Edmondson, that if we let her in he would never
6 work with another graduate student again. The
7 graduate committee then voted not to make her an
8 offer.

9 Uhm, when I got back to the
10 university after being in the hospital, I set about
11 trying to rectify this at another meeting of the
12 graduate committee already scheduled to pick our
13 masters and Ph.D. students of the year. I decided
14 that I would revisit the vote to blackball [REDACTED].
15 Dr. Kalyango was not there; he was not there at
16 that meeting. The -- I and the graduate committee,
17 after I explained to them why I thought [REDACTED]
18 should be admitted, reversed their decision, and we
19 admitted her. So that, I am sure, is a huge part
20 of the animus that Dr. Kalyango apparently feels
21 toward me.

22 In addition to reversing the
23 decision on [REDACTED], I -- I took some actions that I
24 want to mention. One is, uhm, I spoke up. The
25 Athens News called me and asked me to comment, and

1 I decided to give them a comment. And I was very
2 particular in what I said. And the reason I spoke
3 up -- I'll back up.

4 What I said was I had spoken with
5 the accusers at length. They came to me and -- and
6 their cohort. And you could tell they felt strong
7 fear and anxiety. It manifested itself physically.
8 They were shaking. They had difficulty talking.
9 They told me their stories. So I told the Athens
10 News that these students, these accusers told me
11 their stories and I found them credible. And I
12 still do. And I did that because graduate
13 students, they were getting hammered in the press,
14 and they felt they did not have the power or the
15 ability to speak up.

16 Uhm, there is a power balance
17 between faculty and graduate students. Uhm,
18 they're not regular students and they're not
19 faculty, and they rely on the goodwill of the
20 faculty to succeed in graduate school and to get
21 jobs. And here their names were being dragged
22 through the dirt. They were wondering whether it
23 would be possible for them to ever get academic
24 jobs after raising these accusations, after having
25 the courage to raise these accusations and -- and

1 know what kind of abuse typically is reigned on
2 those who had this courage. But they were afraid
3 that if they said something that it would come back
4 and haunt them, that it would make our school an
5 even more hostile work environment and they may
6 have trouble getting jobs when they finally got
7 their Ph.D.s and were trying to leave. I mean,
8 Google's forever, right? Huge stories and such.
9 So I spoke up. I did that very carefully.

10 The other thing I did --

11 And I know I'm out of time. I'll
12 just say this real quickly.

13 -- I called [REDACTED] (phonetic)
14 about [REDACTED]. So [REDACTED] was a
15 master's student [REDACTED], and I
16 was on her committees for masters and Ph.D. I
17 think I was on both. Uhm, I had her in class. I
18 was very close to her, and after graduation stayed
19 close to her. [REDACTED]

20 [REDACTED]
21 [REDACTED].
22 [REDACTED] was an undergraduate here.
23 I spoke to her, I don't know, two or three times.
24 I was never close to her. But I knew her story
25 from Dr. -- oh, jeez -- [REDACTED]. I'm so sorry. I

1 cannot get used to this. I heard the story of [REDACTED]
2 from [REDACTED] and how [REDACTED] had made a complaint,
3 not -- Actually, the friends -- the friends of [REDACTED]
4 had made a complaint to the Title IX office at some
5 point earlier alleging actions by Dr. Kalyango
6 similar to those alleged in the complaint by [REDACTED].

7 Why did I call [REDACTED]? I called her
8 because it was a piece of news that I thought she
9 needed to know. I did not speak to [REDACTED]
10 I did not ask [REDACTED] to do anything. This is a
11 piece of news in Athens, Ohio, that we think you
12 should know in [REDACTED]

13 It was my hope that [REDACTED] would talk
14 to [REDACTED] and they would reassess what they would
15 do; but I was in no way pushing, threatening,
16 indicating at all what I expected the outcome of
17 that conversation to be. I did that because this
18 problem has been a cloud over our school. It has
19 interfered with just about everything that we've
20 tried to do to recruit graduate students to have
21 harmony in the school, uhm, to -- to not have a
22 split between the faculty.

23 I want -- I want the -- the hurting
24 to stop. I want to go back to where we were.

25 As I said, I acted because I found

1 these accusations credible; and they were offensive
2 to me, and I feel disgust.

3 HEARING COMMITTEE CHAIR MUHAMMAD:

4 Thank you, Dr. Sweeney. I apologize for having to
5 interrupt you, but we want to make sure we have the
6 balance of time for questioning.

7 MICHAEL SWEENEY: That was my ending
8 point anyway, so good call.

9 HEARING COMMITTEE CHAIR MUHAMMAD:

10 Well, good. Thank you.

11 And let's move to, first,
12 questioning from the university's side.

13 Mr. Loukx, are you questioning from
14 the university's side?

15 MR. LOUKX: Yes. Thank you.

16 - - -

17 DIRECT EXAMINATION

18 BY MR. LOUKX:

19 Q. Professor Sweeney, thank you for --
20 especially for indulging us in the shift of witness
21 times.

22 You talked a little bit about a
23 power disparity between the student and the
24 professor. Can you tell us if that played any role
25 in your -- You ended your statement with saying

1 "disgust." Is there a relationship between this
2 power disparity and why you felt disgust?

3 A. Well, yes. I recruited these
4 students. I -- I spoke to them at length. My door
5 was always open to them, and -- and I had a steady
6 stream of them coming into my office. And I -- I
7 see them, uhm, struggling so hard, working so hard.
8 And then having this burden placed on them of
9 having to -- to make these accusations and then
10 deal with the repercussions of it, being shunned by
11 certain professors, not knowing whether they could
12 take certain classes or -- or have certain
13 professors on their -- on their committees; and
14 finally, not knowing whether, if when they went to
15 apply for jobs after graduation --

16 And the -- the universities looking
17 at hiring them made some calls and came across
18 these accusations, many speak to the accusers, that
19 that would -- would prevent them from getting jobs
20 outside the university.

21 I mean, graduate students can have
22 their lives made or -- or broken by professors, and
23 that's -- that's just the way it is.

24 And, uhm, so, yes, I -- I felt that
25 the actions being taken against the accusers were

These students had real soul-crushing issues to deal with, and they felt like they had no one who would -- who could help them. They came to me. I listened. I tried to point them in directions to give them help. Uhm, and I did all this because I felt they were getting -- they were getting shafted, they were getting absolutely shafted for doing the right thing.

God, this is screwed up. It's where
I am.

Q. As a professor, you have to be mindful, I suppose. I'm going to ask you, how do you handle that power differential with -- with students?

A. Oh, my goodness.

For me, I draw a line in my behavior

1 that I don't cross. Uhm, I treat them as -- as if
2 they were professors, even though they're not.
3 Uhm, I don't exploit them. Let me give you an
4 example.

5 Uhm, it is not uncommon at some
6 graduate schools when a professor writes a paper
7 with the student that, no matter how -- how much
8 the professor or the student contributes, the
9 professor gets first name on the article or the
10 book or whatever. And, uhm, I think that's crazy.
11 You decide who is first author based on who does
12 the work. And so that's always been a rule of
13 mine. If I collaborate with a student, here's how
14 we're going to do it. Uhm, and that collaboration
15 is always professional.

16 Uhm, you don't ask a student to do
17 something that you wouldn't be doing -- wouldn't do
18 yourself. You don't ask them to cross ethical
19 lines. You try to be supportive in this very
20 difficult time of their lives. Uhm, and frankly,
21 you try to give them a -- a hand, you know, out of
22 that bunker where they're hiding for three years.
23 You know, you try to make sure that they have all
24 the tools at -- at their ready to -- to deal with
25 whatever comes their way and then get out of

1 graduate school.

2 And so I -- as much as I love them,
3 I always keep them a little bit at arm's length.
4 How's that?

5 Q. There are dangers, I suppose, in
6 exploiting that power differential?

7 A. Yes, of course.

8 Imagine that you are a student and a
9 professor asks you to do something unethical. What
10 do you do?

11 If you complain, then maybe that --
12 you've broken that relationship with that
13 professor. And you need that professor to be on
14 your team. I mean, every- -- everyone in our
15 school has a particular area of expertise; and if
16 you want to do a dissertation in subject X and the
17 professor who does subject X is the one who asks
18 you to break a law or do something immoral, what do
19 you do? Because if you say no, you may have lost
20 the path to -- to do the dissertation that -- that
21 your thesis -- that you want to do to get your
22 degree. But if you say yes, well, you -- that
23 would be very disturbing, uhm, first of all, to
24 realize that the graduate school is, you know, run
25 like some -- some Mafia business; and secondly, to

1 feel like you're trapped; ah, you're a made man or
2 a made woman and you can't get out.

3 Yeah. Professors have the power to
4 really make grad students feel uncomfortable and
5 make difficult decisions, decisions that they
6 shouldn't have to deal with along with all the
7 other pressures in graduate school.

8 HEARING COMMITTEE CHAIR MUHAMMAD:
9 Thank you, Dr. Sweeney.

10 I want to give the faculty member's
11 side an opportunity as well to ask some questions.

12 MR. LUTE: Thank you.

13 - - -

14 CROSS-EXAMINATION

15 BY MR. LUTE:

16 Q. Thank you, Professor Sweeney. My
17 name is Mel Lute. I'm one of the lawyers that
18 represents Dr. Kalyango.

19 A. What was your last name again,
20 please?

21 Q. Lute, L-u-t-e.

22 A. Got it. Thank you.

23 Q. Sir, you understood that there was
24 an investigation going on regarding [REDACTED]; and you
25 knew from talking to [REDACTED] that the university was

1 conducting an investigation in 2017, 2018. Is that
2 right?

3 A. I knew from [REDACTED] and -- and other
4 sources, yes.

5 Q. All right. Did you ever speak to
6 Mr. Anaya, the investigator for the university?

7 A. Yes, at least twice.

8 Q. On how many -- How many occasions?

9 A. It's at least twice. It may be
10 three times.

11 Q. And what was the subject of that
12 conversation?

13 A. He asked me about, uhm, the [REDACTED] case.
14 He asked me, you know, what -- what she had said to
15 me, what I had done in response.

16 Q. Well, let me ask you this.

17 Did you reach out to him or did he
18 reach out to you with respect to the [REDACTED] matter?

19 A. That's a good question, and I'm not
20 sure. I'm not sure.

21 Q. Regardless, you understood that
22 there was an investigation going on.

23 And had you ever been involved in an
24 investigation of sexual harassment where the
25 accusation was against a faculty member?

1 A. No.

2 Q. All right. But you understand that
3 Dr. Kalyango was entitled to due process. You
4 understand that and you agree with that; don't you?

5 A. Of course.

6 Q. All right. If you knew there was an
7 investigation going on and you knew the university
8 was required to -- to accord Dr. Kalyango and [REDACTED]
9 due process in that regard, why did you get into
10 it? Why did you get in the middle of it?

11 A. What does one mean by getting in the
12 middle of it? I pointed out --

13 Q. You said that you had to take
14 action, you had to take action because you were
15 tired of them getting hammered.

16 A. Well --

17 Q. You knew there was an investigation.
18 Why didn't you just let it run its course? Why did
19 you have to get involved?

20 A. Because these grad students couldn't
21 wait.

22 Q. Couldn't wait for due process?

23 A. Couldn't wait to have, ah --

24 The process that -- the due process
25 that we're undergoing now has been slow. It's

1 2020. The complaint was made -- It's almost 2021.
2 The complaint was made in the summer of 2017.

3 As these -- these [REDACTED],
4 as [REDACTED] and [REDACTED], were in the process of trying to
5 finish up and in [REDACTED]
6 [REDACTED]
7 [REDACTED], I had to act for a couple
8 reasons. One is, as [REDACTED] said to me, [REDACTED]
9 [REDACTED], what am I going to do? Go back and be
10 a waitress?

11 Here is probably the strongest Ph.D.
12 candidate I've ever seen; and if she's denied by
13 O.U., that would have a serious effect, I think, on
14 her being accepted anywhere else: Well, your own
15 school didn't want to take you; why should we take
16 you. So there was a timing element to this. It
17 had to be settled so that she could get into the
18 Ph.D. program. Okay?

19 The other reason --

20 Q. Why do you have to eliminate
21 Dr. Kalyango in order to deal with whether [REDACTED]
22 gets -- gets in on a second vote?

23 A. I don't -- I don't understand why
24 you say I have to eliminate him.

25 I have to make sure that all the

1 facts are --

2 Go ahead.

3 Q. What do you mean by "dealt with"?

4 The university was investigating it. That is
5 dealing with it. You didn't need to do anything to
6 deal with it other let the investigation run its
7 course.

8 A. While this was also going on,
9 graduate students from outside are applying to our
10 program. So, uhm, as graduate director, when I
11 have a graduate student -- or when I have an
12 applicant in our graduate program I try to invite
13 them to campus. And if they come, I show them
14 around. I have them meet as many professors as
15 possible. And one of the things I always do is I
16 have them meet with the graduate students with me
17 not present so that they can ask the graduate
18 students whatever they want and make an informed
19 decision about whether to come to Scripps School or
20 not.

21 And I was told by another professor,
22 Amy Edmondson, that one graduate student that we
23 really wanted, highly recruited, great student,
24 decided not to come here because Dr. Kalyango was
25 still on the faculty.

1 Dr. Kalyango's presence on the
2 faculty was affecting our ability to recruit
3 graduate students and faculty members --

4 Q. And you think --

5 A. -- after 2017, 2018, and so on.

6 Q. And you think speaking to the Athens
7 News while this investigation was going on and
8 spilling information to the press about the
9 allegations against Dr. Kalyango, you think that
10 helps that, you think that helps Ohio University's
11 reputation and its ability to recruit other people?

12 A. I think defending --

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 The final -- final two minutes.

15 A. Okay. I think defending what is
16 right is going to be good for Ohio University in
17 the long run.

18 And, yes, I spoke up. And what did
19 I say when I spoke up? I said I talked to these
20 students. Their lives were incredibly impacted. I
21 believed them. That was the gist of my talk.

22 How is that inappropriate when
23 you're trying to defend justice? How is that
24 wrong?

25 Q. Does justice -- Justice, in

1 your opinion, sir, while your colleague,
2 Professor Kalyango, is undergoing the investigative
3 process, you stepped into that process, put your
4 finger on the scale, and declared to the world what
5 you think justice is at that point in time?

6 A. After -- after Dr. Kalyango spoke up
7 and he put his finger on the scale.

8 Who would respond to him? The
9 graduate students felt they could not.

10 Justice is a balance. Both sides
11 get to speak. The accusers were not being heard.

12 Q. So -- Well, they're being heard
13 because the investigation is being done by the
14 university.

15 And just to that point, sir, when

16 [REDACTED]
17 [REDACTED] at that point there was only one
18 investigation against Dr. Kalyango, and that was
19 the [REDACTED] investigation. Within two weeks, you had
20 forced the initiation of two additional
21 investigations, [REDACTED] and [REDACTED]. That was your doing,
22 sir. Isn't that true?

23 A. I deny that accusation. I did not
24 force anyone.

25 Q. You just said you made the call to

1 [REDACTED]
2 [REDACTED]. That means [REDACTED] wasn't suffering
3 from her time at O.U. and she just coincidentally
4 got involved. You reached out to her. You
5 initiated it. Isn't that true?

6 A. Is reaching out the same as being a
7 puppet master?

8 Q. You said that. I didn't.
9 Those are all of my questions.

10 Thank you, sir.

11 A. You're welcome. Thank you.

12 HEARING COMMITTEE CHAIR MUHAMMAD:

13 Are there any questions from the hearing committee?

14 VLADIMIR MARCHENKOV: Yes, Robin, if
15 I may.

16 HEARING COMMITTEE CHAIR MUHAMMAD:

17 Yes, please.

18 VLADIMIR MARCHENKOV: Professor
19 Sweeney, my name is Vladimir Marchenkov. I'm a
20 member of the -- of the hearing committee.

21 You mentioned in your remarks that
22 there was a split among the faculty --

23 MICHAEL SWEENEY: Uh-huh.

24 VLADIMIR MARCHENKOV: -- in the
25 Scripps School.

1 MICHAEL SWEENEY: Yes.

2 VLADIMIR MARCHENKOV: Was
3 Professor Kalyango the cause of that split?

4 MICHAEL SWEENEY: Yes.

5 VLADIMIR MARCHENKOV: And you're
6 referring to the processes involving [REDACTED]

7 MICHAEL SWEENEY: Yes.

8 VLADIMIR MARCHENKOV: Okay.

9 MICHAEL SWEENEY: The split occurred
10 because a handful of professors, I think by my
11 count, maybe three, were friends with Dr. Kalyango
12 and supported him in this. And by my count, the
13 rest of the faculty sided with the accusers. And
14 so that's a difficult situation in a school
15 where -- where people are divided over something so
16 incendiary.

17 VLADIMIR MARCHENKOV: Yes. Thank
18 you. And I have one more question, if I may.

19 You mentioned that actions were
20 being taken against the accusers. What were the
21 actions? the nonadmission of [REDACTED]? Or were there
22 other actions on Professor Kalyango's part?

23 MICHAEL SWEENEY: From what the grad
24 students told me, they were being frozen, frozen
25 out by these professors; that if they would meet in

1 the hallway, there would be moments of hostility
2 and words exchanged. And so they -- they felt that
3 this issue had made the Scripps School a hostile
4 work environment; and [REDACTED] -- to such an extent that
5 [REDACTED] did not want to be in the building. And I think
6 that's probably also true of some of the other grad
7 students.

8 VLADIMIR MARCHENKOV: You refer to
9 grad students. Just to -- to clarify. So there
10 were more -- the group included -- that you met
11 with included others than [REDACTED] and [REDACTED]?

12 MICHAEL SWEENEY: Yes. [REDACTED]
13 [REDACTED]. Uhm, and
14 after all this occurred, after the accusations
15 started to -- to occur --

16 Uhm, as I said, I've got grad
17 students coming into my office all the time talking
18 to me. And not only the ones that we've listed,
19 but also part -- grad students and their cohort who
20 would come by and describe the actions of [REDACTED]
21 and themselves [REDACTED]. One of them is -- has the
22 initials [REDACTED]. One of them was [REDACTED]. Uhm, and what
23 they were telling us was that the -- [REDACTED] and [REDACTED]
24 had done -- had done good work. What they were
25 doing was they -- [REDACTED]

1 replying to, rebutting the accusations being made
2 by Dr. K that their work was, uhm, subpar; that
3 they had -- had done terrible work. And what these
4 grad students told me was that they had never
5 received anything but positive feedback from Dr. K
6 and the rest of the SUSI scholars.

7 So -- so, yes. In other words,
8 these other students were coming in to -- to
9 reinforce what the original accusers were telling
10 me.

11 VLADIMIR MARCHENKOV: Thank you.
12 That's all.

13 MICHAEL SWEENEY: Thank you,
14 Vladimir.

15 HEARING COMMITTEE CHAIR MUHAMMAD:
16 Thank you, Dr. Sweeney, for your testimony today.

17 That concludes that portion for us,
18 and we'll be moving on to another witness.
19 Again -- And thank you for your exceptional
20 flexibility in moving the schedule around for us
21 today. It's much appreciated.

22 MICHAEL SWEENEY: I'm glad I could
23 help. Thank you.

24 HEARING COMMITTEE CHAIR MUHAMMAD:
25 Thank you.

1 Duane?

2 DUANE BRUCE: Yes.

3 HEARING COMMITTEE CHAIR MUHAMMAD:

4 It's now time to move our observers to a nonhearing
5 room.

6 DUANE BRUCE: Right. So I'll be
7 moving the attendees or the observers to a breakout
8 room for the next testimony.

9 HEARING COMMITTEE CHAIR MUHAMMAD:

10 Yes. And then once that's done, let me know, and
11 then please escort our next witness in.

12 DUANE BRUCE: Okay. All of the
13 attendees -- or the observers are in the waiting
14 room, so I am bringing in the next witness.

15 HEARING COMMITTEE CHAIR MUHAMMAD:

16 Thank you.

17 HEARING COMMITTEE CHAIR MUHAMMAD:

18 Hi, [REDACTED] [REDACTED] can you hear me?

19 (Discussion held off the record.)

20 HEARING COMMITTEE CHAIR MUHAMMAD:

21 I'm Robin Muhammad. I'm the hearing committee
22 chair. Thank you for coming today.

23 [REDACTED] Uh-huh. Sure.

24 HEARING COMMITTEE CHAIR MUHAMMAD:

25 We have a 30-minute block for your testimony, which

1 will involve any introductory remarks that you
2 might have.

3 [REDACTED] Okay.

4 HEARING COMMITTEE CHAIR MUHAMMAD:

5 And then we'll shift to questions from the
6 university's side, --

7 [REDACTED] Okay.

8 HEARING COMMITTEE CHAIR MUHAMMAD:

9 -- followed by questions from the faculty member's
10 side, even -- evenly divided.

11 [REDACTED] Okay.

12 HEARING COMMITTEE CHAIR MUHAMMAD: I

13 ask for the benefit of the court reporter and the
14 committee members that you state your name and
15 spell it.

16 [REDACTED] Okay.

17 HEARING COMMITTEE CHAIR MUHAMMAD:

18 If you have -- Do you have a re- -- Excuse me. Do
19 you have a written statement at all or any document
20 that you are going to be referring to that you know
21 of?

22 [REDACTED] No.

23 HEARING COMMITTEE CHAIR MUHAMMAD:

24 Okay. If you did, it was just a reminder to speak
25 slowly and clearly, because we're managing late

1 afternoon audio on Zoom.

2 [REDACTED] Okay. Okay.

3 HEARING COMMITTEE CHAIR MUHAMMAD:

4 And so with that, please introduce yourself.

5 [REDACTED] Sure.

6 My name is [REDACTED] spelled

7 [REDACTED] I was a graduate of [REDACTED]

8 [REDACTED]. I graduated in [REDACTED]

9 [REDACTED]; and I

10 was a student on who went on the [REDACTED] trip to

11 [REDACTED]

12 HEARING COMMITTEE CHAIR MUHAMMAD:

13 Thank you.

14 [REDACTED] Sure.

15 HEARING COMMITTEE CHAIR MUHAMMAD:

16 From the university's side, is it Adam?

17 - - -

18 DIRECT EXAMINATION

19 BY MR. LOUKX:

20 Q. Good afternoon, [REDACTED]; and thank
21 you for appearing here today.

22 A. You're welcome.

23 Q. You know, you -- you just indicated
24 that you were on a trip to [REDACTED] in [REDACTED].

25 A. Uh-huh.

1 Q. You know [REDACTED]

2 A. Yes.

3 Q. And how did you know her?

4 A. Well, we initially met -- Before the
5 trip there was a short, uhm, orientation, if you
6 will, maybe three, four weeks, where we met once a
7 week to go over, you know, what to expect in
8 [REDACTED], what the trip would entail. So we met
9 during that orientation. Uhm, I'm calling it a
10 course, but it's not really a course. It was like,
11 uhm, just a -- a meeting that went on for about a
12 month or so. That's where we first met.

13 Q. And she traveled to [REDACTED] as well?

14 A. Yes.

15 Q. How many students, about, do you
16 figure went on that trip?

17 A. Somewhere around, I'd say, between
18 20 and 25.

19 Q. Now, did you have an opportunity
20 while in [REDACTED] to -- to interact with [REDACTED]

21 A. Yes.

22 Q. And is there any particular
23 interaction where the subject of Dr. Kalyango came
24 up?

25 A. Yes.

1 Q. Just, was there several or one or
2 more?

3 A. Uhm, it was really one main
4 conversation that happened where she spoke about
5 some of their interactions in length, so I would
6 say that conversation was probably about 15,
7 20 minutes.

8 Q. Could you tell us a little bit about
9 that conversation?

10 A. Sure.

11 Uhm, so it was at the hotel in
12 [REDACTED] that we were staying at. Uhm, she
13 came into the room that I was sharing with another
14 student named [REDACTED] and was basically, I
15 really need to talk to you both. I need to get
16 this off my chest. Uhm, Dr. Kalyango has called me
17 on a few times at the hotel. He invited me to go
18 to dinner with him one evening. Uhm, he slow
19 danced with me at one point and tried to kiss me.
20 And he made her stay on the phone with him at the
21 hotel for a specific period of time. He made her
22 stay on the phone until she would agree to go out
23 with him when we went to the [REDACTED]. So, you
24 know, I mean, it was just -- for her I think it,
25 like, kind of just shock and disbelief and, you

1 know, what do I do. And so I think, you know, we
2 were all just equally as surprised by it.

3 Q. And did -- you indicated that was
4 really the only conversation you had with her about
5 Dr. Kalyango?

6 A. Yes.

7 Q. Now, when you were in [REDACTED], did --
8 was there any free time where that kind of stuff
9 could have happened?

10 A. There would have been. We did have
11 a tight schedule during, I would say, from 8 a.m.
12 to 7, 8 o'clock most days. But certainly anytime
13 later into the evening, into the night hours, there
14 definitely could have been time for those things to
15 occur. And we did have some afternoon breaks, too,
16 before dinner.

17 Q. While I don't want to put words in
18 his mouth, it's my understanding that Dr. Kalyango
19 suggests that a Professor Kenny -- and I -- I can't
20 pronounce his last name --

21 Are you familiar with a Professor
22 Kenny?

23 A. Yes.

24 Q. And he is a professor in Africa at
25 another institution. Is that correct?

1 A. That's correct.

2 Q. And it's my understanding that --
3 that Dr. Kalyango says that nothing of this sort
4 could have happened because they were always
5 together.

6 Do you have any thoughts on that
7 from your observation?

8 A. I mean, uhm, you know, Kenny did
9 live in [REDACTED]. He wasn't staying at the hotel
10 with us. And, I mean, in any situation, you're not
11 going to be with someone 24 hours a day. There
12 would be times in the morning before breakfast, we
13 had afternoon breaks on the trip, after our
14 internships and before dinner, and then usually
15 things would wrap up in the evenings around 8,
16 9 p.m. So, you know, any time during those breaks,
17 it would be your free will to do what you want with
18 your discretion. So, uhm, no, they weren't
19 together at all times every single day.

20 Q. Now, when you returned from Africa,
21 you completed an evaluation for I believe it was
22 Global Affairs. Is that right?

23 A. Yes.

24 Q. And in that evaluation, you had
25 raised concerns?

1 A. Uh-huh.

2 Q. Can you tell us a bit about those?

3 A. Yeah. So I did fill it out
4 anonymously; but what I had written is that, you
5 know, I just thought that some things occurred
6 between a professor and students that I felt were
7 not appropriate. Uhm, I did not list names, to my
8 knowledge; but I did say that there was an instance
9 that had occurred between Kenny and myself that
10 made me very uncomfortable. I did go into some
11 more detail as to what that was, but I did not
12 mention [REDACTED] or Dr. Kalyango by name. That
13 discussion came up later when I was brought back
14 into the Office of Education office for further
15 questioning, and I elaborated on what [REDACTED] had
16 told me during that trip. And, uhm, yes.

17 Q. So initially you had raised some
18 concerns about Dr. Kenny, who I understand will
19 be --

20 A. Uh-huh.

21 Q. -- here tomorrow?

22 A. Right.

23 Q. What were those concerns?

24 A. Uhm, yeah. So we were coming back
25 to the hotel in the [REDACTED] region. Later in

1 the evening he said something to me like, you know,
2 if -- if you would like to come back to my room
3 later, you can.

4 And I said, Okay, would it be a
5 group of us coming back? I named maybe six or
6 seven others.

7 He said, No. If those students want
8 to escort you to my door, that is fine; but I only
9 want you to come in.

10 So, you know, my stomach kind of
11 just dropped out, I got very hot. I was just, you
12 know, pretty much sickened to my stomach. And
13 luckily, that's as -- as far as that went.
14 Nothing -- Any physical interaction didn't occur,
15 but that was a conversation that happened.

16 Q. And where was Dr. Kalyango when that
17 occurred?

18 A. Uhm, he would have been in the other
19 van, I believe. We were going back to the hotel.
20 Kenny usually drove a van. We had another driver
21 on the trip. So Dr. Kalyango would have been in
22 the other vehicle. He was not in the same van as
23 us.

24 Q. I see.

25 Were there any other concerns that

1 you raised with the Office of Global Affairs or
2 International Studies? I'm sorry.

3 A. No.

4 Q. Was there anything about drinking?

5 A. Uhm, to be honest, I don't remember
6 if I had said anything about that; but I know that
7 there was a cohesive response or numerous --
8 numerous responses that did mention that they were
9 concerned about Kenny's drinking while driving
10 students.

11 Q. Okay.

12 A. And I very well could have put that
13 in the report. I haven't seen that report in
14 eight, nine years now. But I -- that was a concern
15 as well.

16 Q. As a result of your evaluation, is
17 it your understanding that Institutional Equity
18 opened an inquiry on this?

19 A. They did. And through process of
20 elimination, because I was a student adviser of the
21 [REDACTED], you know, I think just
22 knowing journalism students, they were able to,
23 uhm, basically find out that I had written the
24 survey by process of elimination. And I was
25 brought in for questioning, yes.

1 Q. And did you have any conversation
2 with [REDACTED] about -- about what was going on with
3 the investigation and evaluation, et cetera?

4 A. Uhm, let's see. So I let her know
5 that I had been brought in for questioning.

6 And she did say at the time, I want
7 you to know, [REDACTED] that I am going to deny
8 everything that you said.

9 And I told her that's -- you know,
10 that's her prerogative. She can do what she wants.

11 And that was pretty much the end of
12 that discussion.

13 Q. Okay. Well, I really don't think I
14 have a whole lot more questions. I appreciate your
15 help.

16 A. Sure.

17 Q. The remaining time, I think
18 Dr. Kalyango's representative may have a few
19 questions for you.

20 A. Okay. Thank you.

21 - - -

22 CROSS-EXAMINATION

23 BY MS. ZIARKO:

24 Q. Hi. Good afternoon, Ms. [REDACTED]

25 A. Hi.

1 Q. My name is Andrea Ziarko, and I'm
2 one of Dr. Kalyango's representatives here.

3 A. Hi. Nice to meet you.

4 Q. So I will also try and be as brief
5 as possible. It's getting late in the afternoon
6 here. I know everybody is probably getting a
7 little antsy here.

8 A. Yeah.

9 Q. The program that you went to in
10 [REDACTED] was that put on by Ohio University or --

11 A. Yes.

12 Q. -- was it through another school?
13 Okay. All right.

14 A. Uh-huh.

15 Q. And you stated that you were not
16 Ms. [REDACTED] roommate while you were over there.
17 Correct?

18 A. Correct, we were not roommates.

19 Q. Okay. And when you -- And did you
20 witness any of these events that Miss -- that you
21 said Miss [REDACTED] stated to you?

22 A. The only instance that I witnessed
23 is we were at breakfast one morning, and
24 Dr. Kalyango and [REDACTED] were walking up the
25 hallway together, which I thought was a little odd.

1 But again, there was no touching during that
2 interaction. I just thought it was a little odd
3 that they were coming together. And that was after
4 an evening, to my knowledge, that she had stayed in
5 his guest suite. She did have too much to drink at
6 the time. Apparently, there was someone else there
7 from the hotel staff that was watching her. But
8 they did come up to breakfast together the next
9 morning, which I thought was a little odd.

10 Did I witness anything else? No.

11 Q. Now, the complaint that you made
12 when you returned back to Athens --

13 A. Right.

14 Q. -- stated, aside from the issues
15 that you've put forth with Kenny that you just
16 testified to, you said, Overall, I feel like the
17 program directors were way too forward with the
18 girls on the trip.

19 A. Uh-huh.

20 Q. And is that what prompted the
21 investigation into Dr. Kalyango?

22 A. To my understanding, yes. And then
23 when I was brought in for questioning, I did
24 mention names. You know, I did say [REDACTED] and
25 Dr. Kalyango. I don't believe I said that in my

1 survey of the trip, but I did give names when I was
2 brought in for questioning by the Office of
3 Education Abroad.

4 Q. And when you spoke to them, you told
5 them what you told us here today, that
6 (indiscernible) certain things --

7 A. Yes.

8 (Discussion held off the record.)

9 Q. Now, during this investigation, both
10 [REDACTED] and Dr. Kalyango denied that any of
11 these actions took place.

12 A. That's right. And [REDACTED] did tell
13 me that she was going to deny it.

14 HEARING COMMITTEE CHAIR MUHAMMAD:
15 The audio is kind of weaving in and out. I don't
16 think it's any --

17 [REDACTED] Is this better?

18 HEARING COMMITTEE CHAIR MUHAMMAD:
19 That's excellent for me.

20 [REDACTED] Okay.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 Miss Ziarko?

23 ANDREA ZIARKO: I can hear her. Can
24 you hear me?

25 HEARING COMMITTEE CHAIR MUHAMMAD:

1 Yes.

2 ANDREA ZIARKO: Okay. Okay.

3 BY MS. ZIARKO:

4 Q. Now, the investigative report also
5 states that, aside from both Miss [REDACTED] denial
6 and Dr. Kalyango's denial that there was no
7 evidence to substantiate those claims. Now, I
8 don't know if you know that or not.

9 A. Right.

10 Q. But you stated that there were 20 to
11 25 people over in [REDACTED] with you.

12 A. Uh-huh.

13 Q. And -- and all -- presumably a
14 thorough investigation was had, and -- and nobody
15 else could substantiate any of these claims, which
16 is why the Memorandum of Findings came back
17 unsubstantiated.

18 Have you spoken with Miss [REDACTED]
19 anytime since that [REDACTED] incident about this?

20 A. No. We've stayed in touch a little
21 bit on social media. You know, I'll comment on a
22 picture here and there or -- or make a comment;
23 but, no, we have not had any conversations at
24 length.

25 Q. Okay. I don't have any other

1 questions. Thank you.

2 HEARING COMMITTEE CHAIR MUHAMMAD:

3 Thank you very much.

4 [REDACTED] You're welcome.

5 HEARING COMMITTEE CHAIR MUHAMMAD:

6 Are there any questions from the hearing committee
7 members?

8 (Discussion held off the record.)

9 YEHONG SHAO-LUCAS: Hi. I have a
10 quick question.

11 So you mentioned that [REDACTED] went
12 to your room and told you about the -- what
13 happened. Were you the only one? Did you say
14 there was somebody else there?

15 [REDACTED] Uhm, there was one
16 other. Her name is [REDACTED] She was my
17 roommate.

18 YEHONG SHAO-LUCAS: Okay. So did --
19 was she ever asked by the offices or the
20 investigators?

21 [REDACTED] I don't think so.
22 She had not written anything in her survey after
23 the -- the after-trip survey, to my knowledge; so I
24 don't think that she was brought in ever for
25 questioning. I don't think so.

1 YEHONG SHAO-LUCAS: All right.

2 Thank you.

3 HEARING COMMITTEE CHAIR MUHAMMAD:

4 Thank you, Dr. Shoa-Lucas.

5 And thank you, [REDACTED], --

6 [REDACTED] You're welcome.

7 Sure.

8 HEARING COMMITTEE CHAIR MUHAMMAD:

9 -- for coming here today and giving your testimony.

10 [REDACTED] Uh-huh.

11 HEARING COMMITTEE CHAIR MUHAMMAD:

12 It's much appreciated for the process.

13 [REDACTED] Sure. You're
14 welcome. Okay.

15 HEARING COMMITTEE CHAIR MUHAMMAD:

16 Duane? We have a transition now to the university
17 representative resting the case.

18 DUANE BRUCE: Can I take the -- Give
19 me just a second to take the --

20 HEARING COMMITTEE CHAIR MUHAMMAD: I
21 understand, yes, you have to move some things
22 around. We actually have a couple of minutes, so
23 hopefully that will help with that transition.

24 I will say, as well, for everyone,
25 following the university representative's resting

1 of the case, we still have two additional witnesses
2 for this afternoon before we adjourn. These two
3 witnesses have been asked here by the faculty
4 member, by Dr. Kalyango. Our format is essentially
5 the same -- the same; but one important difference,
6 the lead on questioning will now shift to the
7 faculty member's representative. So again, the
8 witness will come in, be introduced or introduce
9 themselves; and then we will shift to the -- excuse
10 me -- the faculty member's representative having
11 the first moment of questioning, then followed by
12 the university.

13 And if I could ask -- Oh, Adam,
14 there you are. Will you be presenting for the
15 university at this point from the -- for resting
16 the case?

17 MR. LOUKX: Yes. And just to
18 clarify, I just want to be sure we're talking about
19 the same thing. I understand summations are
20 tomorrow.

21 HEARING COMMITTEE CHAIR MUHAMMAD:
22 Indeed. Summations are tomorrow. Summations are
23 at the end of the day. They are 15 minutes.

24 MR. LOUKX: Okay. Because I see a
25 half an hour for the university resting. And

1 frankly, we should get a little bit of time back.
2 We've introduced the testimony that you've heard
3 today and intend to offer no further testimony as
4 far as the case in chief.

5 We further submit the documents that
6 have already been submitted to the committee into
7 evidence for whatever consideration the committee
8 deems relevant. And with that, we pass the baton,
9 so to speak, to the respondent; and we'll reserve
10 summation until tomorrow.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 Very well.

13 Our next witness is scheduled to be
14 here at 4, so we will take a break for about
15 15 minutes and reconvene to hear those -- those
16 final two witnesses for the day before adjourning.

17 Is that agreeable with both sides?

18 MR. LOUKX: Yes.

19 HEARING COMMITTEE CHAIR MUHAMMAD:
20 Excellent.

21 Please mute your mics and videos and
22 be back, please, in 15 minutes.

23 (Brief recess.)

24 MR. LOUKX: University is here.

25 HEARING COMMITTEE CHAIR MUHAMMAD:

1 Mr. Beck, will you be leading the questioning
2 period for these two witnesses?

3 GREGORY BECK: Yes, for these next
4 two, I will.

5 HEARING COMMITTEE CHAIR MUHAMMAD:
6 So again, for everybody's benefit, the two final
7 witnesses for the day are witnesses called by
8 Dr. Kalyango's counsel. They will make their
9 individual introduction. They will have the same
10 30-minute period of time. This time, though, the
11 counsel for Dr. Kalyango will be -- propound the
12 first set of questions followed by the university.
13 And again, at the end of that 30 minutes, if there
14 are questions from any member of the hearing
15 committee, we will pause for those and entertain
16 them as well.

17 And with that, Duane, if you could
18 please send in Dr. Rogus.

19 DUANE BRUCE: Dr. Rogus is here.

20 HEARING COMMITTEE CHAIR MUHAMMAD:
21 Thank you, Dr. Rogus, for being here. I am
22 Robin Muhammad. I'm the hearing committee chair.

23 How is the audio?

24 MARY ROGUS: I can hear you just
25 fine. Can you hear me now?

1 HEARING COMMITTEE CHAIR MUHAMMAD:

2 Yes.

3 MARY ROGUS: And it's not Dr. Rogus.

4 HEARING COMMITTEE CHAIR MUHAMMAD:

5 Oh, I'm sorry.

6 MARY ROGUS: That's okay. I don't
7 want to claim a degree that I don't have.

8 HEARING COMMITTEE CHAIR MUHAMMAD: I
9 appreciate that. Well, Ms. Rogus, will that do?

10 MARY ROGUS: That's fine, or Mary.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 Very good.

13 We have a 30-minute period for
14 each -- each witness. You will have this 30-minute
15 period. We invite witnesses to introduce
16 themselves and make any introductory remark that
17 they would like to make. Then we move into the
18 questioning which will be led by Dr. Kalyango's
19 legal team, and then we will switch to questions
20 from the university's side.

21 MARY ROGUS: Okay.

22 HEARING COMMITTEE CHAIR MUHAMMAD:
23 Following that 30-minute period, if there are
24 questions from the hearing committee, then we will
25 entertain them at that time.

1 MARY ROGUS: Okay.

2 HEARING COMMITTEE CHAIR MUHAMMAD:
3 We are asking the witnesses to say their name and
4 spell it for the benefit of the court reporter.

5 MARY ROGUS: Sure.

6 HEARING COMMITTEE CHAIR MUHAMMAD:
7 And if you have a written statement or are going to
8 read from any document, just be mindful of audio
9 considerations and speak as clearly and as slowly
10 as possible if -- if that's going to be your
11 choice.

12 MARY ROGUS: Okay. Sure.

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 All right. Thank you -- thank you so much. So
15 please introduce yourself.

16 MARY ROGUS: Good afternoon. My
17 name is Mary Rogus. I am an associate professor in
18 the E.W. Scripps School of Journalism. I've been
19 here in the Scripps School and at Ohio University
20 for 21 years. Hard to believe after an itinerant
21 career as a broadcast journalist, so. And I am
22 here and willing to answer any questions that you
23 have.

24 I have known Dr. Kalyango since he
25 was first hired. I was chair of the search

1 committee which brought him to Ohio University in
2 the Scripps School, and I have worked very closely
3 with him on several international exchange programs
4 through the State Department. He's also a
5 colleague as a broadcast journalism professor, so.

6 HEARING COMMITTEE CHAIR MUHAMMAD:

7 Thank you. And with that, I'll turn it over to
8 Mr. Beck.

9 GREGORY BECK: Thank you,
10 Dr. Muhammad.

11 - - -

12 DIRECT EXAMINATION

13 BY MR. BECK:

14 Q. Thank you, Professor Rogus, for
15 being here.

16 There's two issues or two different
17 students I want to talk to you about; and the time
18 is short, so I want to cut to the chase on these
19 things.

20 A. Uh-huh.

21 Q. I'm going to use their initials.

22 One is [REDACTED], and I -- that forms the basis of most of
23 our questions. And the other would be [REDACTED] with
24 respect to whatever you know about her. Not --

25 [REDACTED]. [REDACTED]

1 A. Okay.

2 Q. I'm sorry.

3 Because both of those ladies were
4 people with whom you had -- you spoke to the
5 investigator. Is that correct?

6 A. That's correct.

7 Q. And by the way, just so the panel
8 knows, how much time did you spend with the
9 investigator?

10 A. Uhm, it was about six hours over
11 three different sessions.

12 Q. All right. Now, you expressed the
13 fact that you knew Dr. Kalyango since he was hired
14 back in 2008.

15 Had you traveled on YALI trips with
16 him before?

17 A. Uhm, yes. As part of the program,
18 I, uhm, went as an assistant on two of the [REDACTED]
19 workshop trips, to [REDACTED] and to [REDACTED].

20 Q. And in those trips, did you handle
21 the financial reconciliation of those things that
22 [REDACTED] was required to do in this particular situation?

23 A. Yes, I did.

24 Q. And is that an important function
25 for anyone that's handling or traveling on these

1 trips?

2 A. Uhm, it's absolutely vital because,
3 uhm, on these workshops, traveling to different
4 African countries and dealing with participants
5 from different African countries, we tended to take
6 thousands of dollars in cash, uhm, simply because
7 it was much easier to handle per diems and paying
8 panelists and things like that in U.S. dollars
9 rather than dealing with a lot of different
10 currencies among the different countries of the
11 participants.

12 So, uhm, we had to ensure absolutely
13 that every penny was accounted for and there was a
14 receipt for every penny. It was absolutely vital,
15 because nothing can kill a grant program faster
16 than problems with the financials. So it was a
17 very important job.

18 And even though I had worked for
19 Dr. -- with Dr. Kalyango for years and with budgets
20 on our grants, he still gave me the same speech
21 that I'm sure he gave to every grad assistant who
22 was given that; how important it was, it was vital
23 that it was done every day.

24 And it was very simple. There were
25 four categories on a spreadsheet. You put the

1 date, who the money went to or what the expense was
2 for and how much it was, was it in local currency
3 or U.S. dollars. And then I had four envelopes for
4 receipts. You put the receipt in the category from
5 the spreadsheet. That was it basically.

6 Q. Thank you for that.

7 And was this the type of job you
8 could ignore till the last second or was it
9 something that needed to be done as you went?

10 A. No. You had to do it every day
11 because, for example, some of the receipts were in
12 local language. So, you know, if Yusuf gave me a
13 receipt or Dr. Millesen gave me a receipt or some
14 of the assistants gave me a receipt, you know, I
15 would put a Post-It note on it, what it was for in
16 English; and then that night, every night, entered
17 the information in so that it was accurate, so that
18 it was timely, so that there was a receipt, some of
19 which were like that big, didn't get lost in the
20 shuffle. It was absolutely vital that -- that it
21 was done every night, and Dr. Kalyango made that
22 clear in the instructions to me when I did that,
23 particularly when I did it the first time, the
24 first trip that I accompanied him with.

25 Q. Your understanding was this was a

1 task that [REDACTED] was supposed to do on this [REDACTED] trip
2 in [REDACTED]

3 A. Yes. Yes. That was her major
4 assignment, as was the major assignment for every
5 graduate assistant who went on these very work --
6 various workshop trips.

7 Q. Now, when did you meet [REDACTED]?

8 A. Uhm, I met her when she interviewed
9 for a graduate assistantship with the other program
10 that I worked -- codirected with Dr. Kalyango, the
11 [REDACTED]
12 [REDACTED]

13 Q. That's the [REDACTED]?

14 A. That is the [REDACTED], yes.

15 Q. And was she hired in [REDACTED]
16 about the same time she started working for [REDACTED]?

17 A. Uhm, yes. I think we interviewed in
18 late February and made the assignments, the -- the
19 students we were going to hire right before spring
20 break in March.

21 Q. So during this period of time,
22 between [REDACTED] when these folks
23 went to the [REDACTED] trip, which you did not attend, --

24 A. Right.

25 Q. -- did you have the opportunity to

1 observe [REDACTED] interactions with Dr. Kalyango in --
2 in April and May and so forth?

3 A. Uhm, only in the sense that we
4 had -- uhm, we had two staff meetings, uhm, before
5 the various students left for their, you know,
6 summer things that they would do in May and early
7 June before we got geared up into the full
8 preparations for the -- for the arrival of the --
9 our SUSI scholars. So we had two staff meetings
10 just to orient the -- the graduate assistants and
11 outline expectations; and then a second meeting I
12 believe during finals week where we gave each, uhm,
13 grad assistant their main assignment, as well as
14 outline the other duties and a time-line schedule
15 for the -- the two weeks or so before the scholars
16 arrived, and then gave them also a copy of the
17 syllabus for the six-week program.

18 Q. To sort of speed this along so the
19 panel understands, the [REDACTED] program was going to
20 start shortly after they came back from Africa at
21 the end of June. Is that correct?

22 A. Yeah. It was not quite two weeks.
23 Uhm, our scholars arrived on July 6th. And so the
24 two weeks before the scholars arrive are extremely
25 busy, pretty much full-time work, setting up

1 apartments, you know, getting all the final
2 paperwork, confirming all our reservations, all the
3 things you need to do for the care and feeding of
4 18 international scholars from 18 different
5 countries for six weeks.

6 Q. So during that period of time, from
7 the time you returned from [REDACTED] in, like,
8 June 24th up until July 6th, did you have a chance
9 to observe Miss -- [REDACTED] and Dr. Kalyango together
10 working on the [REDACTED] preparation?

11 A. Oh, absolutely.

12 Q. And did you notice anything
13 different in their interaction?

14 A. Not at all.

15 Q. All right. Was [REDACTED] in your opinion,
16 from your observations, did she show any sign of a
17 problem with respect to anything that may have
18 occurred in Africa or before then?

19 A. Uhm, no. In fact, we had -- they
20 arrived back on Saturday. We had a staff meeting
21 that Monday, uhm, to get things geared up. And
22 when I walked into the room, I -- she jumped up and
23 threw her arms around me. And I said -- I was
24 like, Okay, I've only met you twice, but that's
25 okay. And I said, How was Africa? And she was

1 exuberant. Uhm, she talked about what an
2 incredible experience it is, what beautiful
3 countries, how much she enjoyed, you know, being
4 part of the workshops, and can't wait to go back.

5 Q. Did she say -- did she say it was
6 the best experience of her life?

7 A. Uhm, I don't recall those exact
8 words, but it wouldn't surprise me. She was very,
9 very excited about the experience that she had and
10 just, you know, she was exuberant; I mean, which,
11 you know, she was a very animated person so, you
12 know. But even for her animation that we saw in
13 the interview, she was -- she was exuberant.
14 That -- that's the best word I can -- I can use to
15 describe, uhm, whenever she talked about the -- the
16 time in Africa.

17 Q. All right. So Professor Rogus, I'm
18 going to get to the point, though, of while
19 Dr. Kalyango was still in Africa, did you have
20 conversations with him in preparation for the SUSI
21 presen- -- scholars that were going to arrive?

22 A. Yes. Yes.

23 Q. And during -- during the course of
24 those conversations, was there ever a situation in
25 which he expressed some concern, himself, about [REDACTED]?

1 A. Yes.

2 Q. And what was the source -- what was
3 that -- what was the substance of those
4 conversations?

5 A. Well, we had -- I mean, we exchanged
6 a lot of emails about various things; but we had a
7 Skype call where, you know, we really wanted to
8 nail things down. I guess it was probably about
9 ten days before he returned. And, uhm, he had --
10 he had expressed some concerns about the work
11 that -- that [REDACTED] was doing with the budget. He said
12 she didn't seem to understand the importance of it;
13 uhm, that he was concerned that she wasn't getting
14 the details.

15 Uhm, the spreadsheets are kept on a
16 drive; so, you know, he could access those and see
17 if stuff was in. So he was constantly reminding
18 her, you know, make sure you put this in every day.
19 Uhm, and -- and so he said, I'm thinking of
20 changing her assignment for [REDACTED], because she was
21 going to do something similar for the [REDACTED]
22 dealing with the stipends that all of the scholars
23 got to buy equipment. It's another budget thing
24 where you have to, you know, take care of receipts
25 and orders and make sure they're not overspending

1 their stipend, that type of thing.

2 And my response to him was, Well,
3 you know, do we need to replace her on [REDACTED] Uhm,
4 and -- and --

5 Q. What did he say?

6 A. Go ahead.

7 Q. What did he say?

8 A. He said no. He said, you know, I'm
9 just going to change her assignment. And he said,
10 you know, there had been a couple of incidents that
11 he was a little concerned about. Uhm, one in
12 particular where she apparently had some
13 demonstrations or exhibitions of anger over a
14 dry-cleaning bill, uhm, in the middle of the hotel
15 lobby where they were, you know, in front of
16 participants, in front of, you know, hotel staff
17 and that kind of thing.

18 Uhm, but he said, most importantly,
19 her interactions with the participants were very
20 good. That's an important part of what the grad
21 assistants do in [REDACTED], because they are with the
22 scholars much more even than Dr. Kalyango or
23 myself. And so he felt that she would be good with
24 the scholars. And so he didn't want to replace her
25 on [REDACTED]. He merely wanted to change her assignment

1 to something that didn't deal with any of the grant
2 funding.

3 Q. So, now, I just want to fast
4 forward. You then -- They returned from Africa.
5 They're all working on projects to get ready for --

6 A. Uh-huh.

7 Q. -- scholars to arrive. And then
8 suddenly you receive an email transmission from [REDACTED]
9 and what -- essentially about her status. And what
10 did that email say?

11 A. Uhm, well, uhm, I got this email
12 just before 9 o'clock on the Monday night where
13 the -- we had just started the program. That day
14 was the first day of official programming. And it
15 said that she was stepping down, uhm, as a [REDACTED]
16 grad assistant effective immediately. She
17 expressed concern about working with Dr. Kalyango.

18 Q. Did you call her about that? Did
19 you call her about that?

20 A. Of course. I mean, even though she
21 said she had been talking to people at the
22 university and they advised her that this was
23 the -- the best remedy for the situation, uhm,
24 given her concerns, of course I immediately called
25 her. I mean, she was -- she was -- I was her --

1 one of her supervisors. Uhm, I'm a mandatory
2 reporter. But more importantly, I was very
3 concerned, uhm, at the language of the email. I
4 wanted to know what was going on, because, you
5 know, I was blindsided. I had no clue that there
6 was any problem. There was no indication in any of
7 the times that she was working with Dr. Kalyango,
8 uhm, that they were having problems --

9 Q. Now, later --

10 A. -- or anything like that.

11 Q. Now, later in that conversation, did
12 you offer to support her and help her in any way
13 possible?

14 A. Of course I did.

15 Q. Uh-huh.

16 A. I mean, I spent the first five years
17 of my career in television news rooms as the only
18 female, so I know what sexual harassment is. I
19 know about living through a hostile workplace. And
20 I also knew that at that time you did not report
21 anything. So of course, you know, I --

22 Q. Let me ask you this.

23 A. Yes.

24 Q. Let me ask you this.

25 Did later [REDACTED] through her

1 legal counsel make a representation, a false
2 representation about the substance of that
3 conversation that you just revealed to us?

4 A. Yeah. She lied. She said [REDACTED]
5 [REDACTED] that I had tried to convince her not to
6 file a complaint; that I didn't believe her; that,
7 you know, I was only trying to get her not to file
8 a complaint because of, you know, my close working
9 relationship with Dr. Kalyango. That is a flat-out
10 lie.

11 Q. All right. And then one other thing
12 I want to raise with you, then, Doctor, is --

13 By the way, did Mr. Anaya tell you
14 to keep confidential the discussions that he had
15 with you with respect to the investigation?

16 A. No, not at all.

17 Q. And to your knowledge, did [REDACTED] spread
18 the information about this investigation and her
19 claims among [REDACTED] scholars and her cohort -- cohort
20 of graduate students?

21 A. Well, if she didn't, I don't know
22 who did, because, I mean, in our conversation she
23 told me she couldn't talk about anything that
24 happened because she was in the process of filing a
25 complaint. But very quickly things changed among

1 the relationship between the two [REDACTED] grad
2 assistants who were also in her master's cohort and
3 Dr. Kalyango. There was hostility. Uhm, there was
4 direct, you know, disrespect even in front of the
5 scholars.

6 Uhm, we had told the grad assistants
7 that they were to say nothing more than that [REDACTED] had
8 resigned for personal reasons, which was the truth;
9 and, you know, if they had any questions, they
10 could talk to me or Dr. Kalyango. But that was
11 what we were going to say to the scholars.

12 Q. Is it fair to say -- is it fair to
13 say that the dissemination of this information by
14 [REDACTED] and her friends had a negative effect on the
15 SUSI scholars and also the whole graduate program?

16 A. Uhm, I -- I really don't know that I
17 can speak to the graduate program.

18 Uhm, you know, I know that
19 Dr. Kalyango, who was a much-favored mentor and --
20 and faculty member working with the graduate
21 program, tended to be frozen out from new graduate
22 students working with him. And it created, uhm, a
23 great deal of difficulty for us in the program.

24 And one of the other graduate
25 assistants told me that a group of the scholars had

1 confronted her, asking what's the real reason that
2 [REDACTED] had resigned and was it because of how
3 Dr. Kalyango treated her.

4 So I don't know how they would know
5 to ask that question if somebody didn't tell them
6 what was going on.

7 Q. One final question, and then I'll
8 allow my colleague to inquire.

9 You had an opportunity, then, to
10 review Miss -- [REDACTED]'s work, the detail management
11 that she was required to follow in the [REDACTED]
12 [REDACTED]. Is that correct?

13 A. Yes.

14 Q. And after she resigned, how would
15 you describe to the panel the -- the detail
16 management of the work that she performed for [REDACTED]

17 A. Uhm, it -- it was not quite as much
18 of a mess as the financials when they gave them
19 back and tried to rectify with the grant, uhm,
20 program. But she was responsible for making a
21 series of reservations of vehicles that we used.
22 She was given a spreadsheet that day by day by day
23 said, We need, you know, a 12-passenger van from
24 this day through this day; We need three minivans
25 this day through this day; We need a car this day

1 through this day. We made all the reservations
2 through O.U. transportation.

3 When she resigned, I requested all
4 those reservations, uhm, so that I could confirm
5 them and make sure that everything was correct.

6 Uhm, I finally had to go over to
7 O.U. transportation and sit down with one of the
8 managers to correct what I would imagine was about
9 a third of the reservations were wrong. They were
10 wrong vehicles. They were wrong dates.

11 Q. And from your understanding, that is
12 the exact same situation that Dr. Kalyango faced
13 with respect to the financials, because he had to
14 use the director of budget to assist and to correct
15 the financials from the [REDACTED] Is that
16 correct?

17 A. Well, yes. I mean, he --
18 Dr. Kalyango would normally sit down with our
19 budget person in the school and spend a day maybe
20 rectifying all the finances from the grant. It
21 took them two-plus days.

22 And when I spoke to, uhm -- to her,
23 I said, I hear you're having --

24 She goes, Oh, my God, it's a
25 disaster; what a mess.

1 And it was the next to the last
2 program after three years. So she would know the
3 difference between being organized and doing it the
4 right way and the mess that they were handed.

5 HEARING COMMITTEE CHAIR MUHAMMAD:
6 Thank you, Professor Rogus. Thank you, Mr. Beck.

7 GREGORY BECK: Thank you.

8 HEARING COMMITTEE CHAIR MUHAMMAD:
9 We'll refer to now to the university counsel for
10 further questions.

11 ADAM LOUKX: Thank you.

12 - - -

13 CROSS-EXAMINATION

14 BY MR. LOUKX:

15 Q. And good afternoon, Ms. Rogus.

16 A. Good afternoon.

17 Q. You indicated that you've worked
18 with Dr. Kalyango for years; --

19 A. That's correct.

20 Q. -- correct?

21 And you would consider yourself to
22 be a good friend of Dr. Kalyango. Correct?

23 A. I am a colleague and, yes, I am a
24 good friend.

25 Q. And over the -- that period of time,

1 you have developed certain loyalties toward
2 Dr. Kalyango. Is that fair to say?

3 A. Uhm, yes, that's fair to say.

4 Q. [REDACTED] is a big part of your life.
5 I mean, I understand you're enthusiastic and you
6 have every right to be with the successes of that
7 program. Is that correct?

8 A. It -- it was very successful; uhm,
9 and it was successful because we worked well
10 together, we had separate skills, and those skills
11 meshed.

12 Q. And is it fair to say that when
13 something comes along that disrupts [REDACTED], you kind
14 of take umbrage of that? Would that be fair?

15 A. We worked very, very hard to make it
16 a successful program. So, you know, would I be
17 concerned at things that disrupt it? Absolutely.

18 Q. Now, you indicated that you've gone
19 on at least two programs, I think I heard you say,
20 to Africa?

21 A. Yes.

22 Q. One of them was to [REDACTED] and the
23 other one I didn't write down fast enough. Where
24 was that?

25 A. [REDACTED].

1 Q. [REDACTED].

2 When was the [REDACTED] trip, out of
3 curiosity?

4 A. The [REDACTED] trip was the end of the
5 second year of the program; so that would have
6 been, uhm -- yeah, it was the last set of workshops
7 in [REDACTED].

8 Q. [REDACTED] Okay. Thank you.

9 Now, when you went on those -- those
10 what sound like fascinating trips to Africa, did
11 you go on any excursions?

12 A. Yes.

13 Q. And did -- who paid for the
14 excursions?

15 A. Uhm, some of them I paid for.
16 Others, uhm, Dr. Kalyango contributed. For
17 example, he paid for our bus that took us from
18 [REDACTED]. He paid for the hotel the night
19 we stayed in the [REDACTED] capital. And he paid for
20 the safari that we all took once we got to the --
21 the resort in [REDACTED].

22 Q. Thank you. Now --

23 A. And partially, understand, that was
24 because I wasn't getting paid. Right.

25 Q. Okay.

1 A. So I couldn't be paid even graduate
2 assistant money, because it was designed for
3 graduate students. So he covered my expenses and
4 added some of those extras as compensation for the
5 work that I did.

6 Q. Now, did you go on those excursions
7 alone; i.e., did the whole [REDACTED] go or they
8 were excursions that you went on alone?

9 A. Uhm, this was not [REDACTED]. This was
10 [REDACTED].

11 Q. Oh, I'm sorry.

12 A. And, no, I did not go alone. It was
13 myself, Dr. Judy Millesen and her family and, uhm,
14 [REDACTED] and Yusuf and,
15 uhm, his sons and his wife. His ex-wife joined us
16 as well.

17 Q. Thank you.

18 Now, I thought I heard you say that
19 prior to the African trip you had only really
20 interacted with [REDACTED] twice. And you said that in
21 context of when she hugged you and you were
22 thinking, Oh, wow, I've really only talked to you
23 twice. I didn't want to misunderstand you.

24 A. Ah, no. That's correct. Well,
25 actually three times. When we were -- when she

1 interviewed and then the two staff meetings we had
2 prior to their going to Africa and the -- the
3 two-week crunch -- the two-week crunch getting
4 ready for the arrival of the [REDACTED] scholars.

5 Q. So you didn't know her that well?

6 A. Uhm, not beyond, you know --

7 I mean, we had extensive materials
8 for her, uhm, interview and application for the
9 SUSI program and, you know, two to three-hour
10 (inaudible); but, no, I didn't know her personally
11 that well.

12 Q. And you didn't train her how to do
13 the expense reports?

14 A. No.

15 Q. Thank you.

16 Now, while -- during the
17 [REDACTED] trip, apparently --

18 You didn't go on that trip. Right?

19 A. No, I did not.

20 Q. Apparently, there was a side trip
21 involving [REDACTED] and Professor K to [REDACTED] Are you
22 aware of that?

23 A. I was vaguely aware. It was not --
24 It was not front and center on my radar. I was
25 much more focused on 18 scholars arriving in a

1 month.

2 Q. I gotcha. And fair enough.

3 So you weren't involved in the
4 scheduling and -- and all the -- all the agenda
5 making of that?

6 A. No.

7 Q. That was Dr. Kalyango's own thing?

8 A. Ah, yes. The [REDACTED] program was
9 pretty much his -- uhm, his -- his baby, if you
10 will. Uhm, you know, I helped with the initial
11 grant proposal; and he would, you know, do ideas
12 off of me. And then, like I said, I -- I was able
13 to kind of see how it worked on the inside
14 development of the program when I went with them to
15 [REDACTED] as -- as an assistant.

16 Q. Now, did -- you indicated that you
17 had a conversation with [REDACTED] after she emailed that
18 she quit effective immediately or words to that
19 effect. Right?

20 A. Of course. Of course. I was very
21 concerned by the language that she used in her
22 email and the fact that, you know, I was one of her
23 supervisors, I'm a mandatory reporter. So -- And I
24 was just concerned because, you know, by that time
25 we had spent a lot of time together getting ready,

1 so I felt like I knew her much more than, uhm --

2 Q. Have you talked to her since then?

3 A. Uhm, we've had some interactions,
4 uhm, which I would not describe as pleasant. She
5 has harassed me with responses to texts -- or not
6 texts, but Twitter tweets that I put out when I was
7 attending, uhm, or participating in sexual
8 harassment programs. She put a Post-It note on my
9 door of my office. And we had three interactions,
10 uhm, during the investigation process and after the
11 investigation was released where she was like --
12 made statements like, You should believe women and,
13 uhm, it would be nice if faculty believed victims.

14 One was in a -- a public theater,
15 uhm, a full theater where she made a statement to
16 that effect where several of my colleagues and
17 people that I knew were around me, so.

18 Q. Now, you've -- you also had some
19 words with her be- -- in the aftermath of all this,
20 too. Isn't that correct?

21 A. I responded back to her that I
22 didn't want to talk to her, that I didn't -- I
23 didn't want to interact with her, and I thought
24 what she was doing was terrible, --

25 Q. Now, did you --

1 A. -- ending someone's career and
2 faculty --

3 Q. On one occasion did you tell her in
4 response to her greeting to, Screw you, quote,
5 Screw you? Isn't that true?

6 A. I may have. You know, by this
7 time --

8 Q. You don't like her, it's fair to
9 say?

10 A. You know, it's not a question of
11 liking her or not liking her. I liked her a lot
12 when she was working with us. I thought she was --
13 I thought she was impressive when we hired her.
14 She was diligent and enthusiastic in the first
15 couple of weeks of preparation. And then this all
16 happened.

17 And initially I was ready to say,
18 Okay, this has been some horrible misunderstanding;
19 uhm, somebody -- that there was a cross
20 communication. I mean, I was willing to give her
21 that benefit of the doubt because what I've seen
22 and know of her during the time that I had worked
23 with her.

24 And as this has escalated and then,
25 you know, I guess [REDACTED] and she

1 totally twisted my words and accused me of trying
2 to manipulate her and get her to drop her
3 complaint, I -- I had to believe what Dr. Kalyango
4 had been telling me from day one, that this was not
5 true, he did not do this, he never had any
6 intentions.

7 And, you know, I mean, understand,
8 as a survivor of sexual harassment in a hostile
9 workplace, it doesn't matter how long I knew him
10 and what good friends we were. I told him flat
11 out -- and excuse my language, but, you know, I
12 told him after I read the reports and the
13 interviews and everything, I said, Look, you know,
14 if I ever find out that this is true, that you made
15 an indecent proposal, I told him I would cut his
16 balls off.

17 Q. You would -- Yeah. You would agree,
18 wouldn't you, that if [REDACTED] allegations that he
19 desired to share a hotel room in [REDACTED] are
20 correct, that that would be bad behavior by a
21 professor. You would agree with that?

22 A. I absolutely agree that that would
23 be inappropriate behavior.

24 Q. But you personally don't believe it?

25 A. I personally don't believe it.

1 Q. Now, are you familiar with another
2 complaint --

3 HEARING COMMITTEE CHAIR MUHAMMAD:
4 Mr. Loukx, this could be the last question. We're
5 kind of wrapping this up so we can get to the --
6 our next witness, the next person.

7 MR. LOUKX: Thank you.

8 HEARING COMMITTEE CHAIR MUHAMMAD:
9 Indeed.

10 BY MR. LOUKX:

11 Q. Are you familiar with allegations by
12 an [REDACTED] from [REDACTED]?

13 A. Very vaguely. Uhm, I -- I really --
14 I really don't know much of the details about that.
15 Uhm, Dr. Kalyango mentioned that there was another
16 complaint, uhm; but we really didn't talk that much
17 about it. And I only vaguely knew [REDACTED], so I -- I
18 really don't know much about -- about that case at
19 all.

20 Q. Okay. Thank you very much. And
21 thank you.

22 HEARING COMMITTEE CHAIR MUHAMMAD:
23 Thank you, Professor Rogus.

24 Now is a moment for any member of
25 the hearing committee to ask questions.

1 SHERYL HOUSE: Robin, this is Sheryl
2 House, I have a question.

3 HEARING COMMITTEE CHAIR MUHAMMAD:
4 Please.

5 SHERYL HOUSE: You indicated that --
6 how important the grant is. I think as faculty
7 here, we all understand that.

8 What kind of training did you have?
9 I have two questions.

10 What kind of training were you
11 provided to do those expense reports, or had you
12 done those in the past so you were aware of those?

13 And then, are you aware of any
14 training that was provided to [REDACTED]?

15 MS. ROGUS: When we got to [REDACTED],
16 which was my first trip with him, Dr. Kalyango
17 showed me the spreadsheet, the four categories
18 which aligned with four categories of the grant,
19 and said, Look, you need to put the date here, you
20 put the -- who the -- who it goes to or who gets
21 paid; and then there was a column for the local
22 currency and a column for U.S. dollars, you put
23 that in. And then he gave me four envelopes that
24 were labeled with those same four categories and he
25 said, You put the receipt in the envelope that

1 matches the category and you do it every night.
2 That was it. That was all I needed. It was a
3 pretty simple system.

4 SHERYL HOUSE: Are you aware if he
5 did the same training with [REDACTED]?

6 MS. ROGUS: I would be stunned if he
7 didn't because of how important it was. And the
8 most nerve-wracking part of the [REDACTED] grant was the
9 thousands of dollars in cash we were taking and had
10 to account for.

11 I mean, you blow that, and you blow,
12 you know, the grant. You blow years of goodwill
13 with the State Department. So it was important.

14 SHERYL HOUSE: Thank you.

15 YEHONG SHAO-LUCAS: Can I ask a
16 follow-up question to that?

17 HEARING COMMITTEE CHAIR MUHAMMAD:
18 Sure.

19 YEHONG SHAO-LUCAS: Okay. So did it
20 ever happen before that maybe there was some --
21 something wrong with the expense report and Dr. K
22 had to work with you to correct that?

23 MS. ROGUS: Uhm, the only time we
24 had problems with the expenses, uhm, was during the
25 SUSI program when I had, like, \$250 in cash to go

1 out and buy some supplies and my office was broken
2 into and it was stolen out of my purse. So we had
3 a little anxiety at that point of how we were going
4 to account for that \$250. But other than that, no,
5 we never had major problems.

6 And to my knowledge, and I can't
7 guarantee this, but in the --

8 I mean, we did four sets of two
9 workshops a year for three years with the YALI
10 program.

11 My understanding, and in
12 conversations with our budget officer, that [REDACTED]
13 [REDACTED] workshop was the only one that was a
14 complete mess. The rest, you know, rectified
15 within a relatively short period of time.

16 And the system was the same, because
17 I went the second year and the [REDACTED] trip
18 was one of the next to last in the third year.

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 YE HONG SHAO-LUCAS: Thank you.

24 VLADIMIR MARCHENKOV: Robin, have we
25 got a moment for me to ask?

1 HEARING COMMITTEE CHAIR MUHAMMAD:

2 Absolutely.

3 VLADIMIR MARCHENKOV: Thank you.

4 Professor Rogus, my name is
5 Vladimir Marchenkov. I'm a member of the hearing
6 committee, and my --

7 MARY ROGUS: Good afternoon.

8 VLADIMIR MARCHENKOV: Good
9 afternoon.

10 My question has to do with what
11 we've heard from prior testimony, and there were --
12 or it was indicated that the investigation and what
13 surrounded the investigation caused a split among
14 the faculty at the Scripps School of Journalism and
15 that Professor Kalyango was responsible for that
16 split. And that -- the second -- So there are
17 two -- I'll ask both questions at once so that --
18 for the sake of time.

19 And the second question was that
20 actions were being taken by faculty on
21 Dr. Kalyango's side against the students who were
22 accusing him of -- of sexual harassment.

23 I wanted to hear your response to
24 those statements. Are they true? Are they true or
25 not, as far as you know?

1 MS. ROGUS: As -- as various members
2 of the faculty learned about [REDACTED]'s accusations and
3 the investigation, certainly there were some
4 faculty members who were more supportive of
5 Dr. Kalyango, others who didn't know him as well or
6 maybe hadn't worked with him who tended to, as the
7 times were -- and, you know, my inclination is the
8 same -- to believe any accusation that a woman
9 these days would make, because it's about high time
10 that we started believing.

11 So were there, you know, those who
12 were more supportive and those who were not?
13 Certainly.

14 Uhm, I'm not sure what you mean by
15 actions against the -- against students who
16 supported [REDACTED]. What -- Can you be more specific
17 about --

18 VLADIMIR MARCHENKOV: Well, I think
19 the language used was that the students were frozen
20 out, were kind of repelled by professors, and were
21 denied interactions when they needed them with
22 their professors.

23 MS. ROGUS: I'm absolutely not aware
24 of that happening at all. Uhm, you know, in fact,
25 I had multiple interactions with one of the two

1 grad assistants who was, you know, very close to

2 [REDACTED] --

3 VLADIMIR MARCHENKOV: Uh-huh.

4 MS. ROGUS: -- after the accusations
5 were made. And, you know, uhm, so I -- I'm not
6 aware of any retaliation against any student who
7 supported [REDACTED]. Not -- not at all. Uhm, that's --
8 that is not the nature of our faculty.

9 VLADIMIR MARCHENKOV: Thank you very
10 much. Thank you.

11 HEARING COMMITTEE CHAIR MUHAMMAD:
12 Thank you, Professor Rogus. This concludes the
13 testimony for you.

14 And thank both sides for the
15 questions on -- on behalf of each side.

16 We'll move now to our final witness
17 for the afternoon, and then we will convene --
18 briefly at the end I'd like to speak to both sides
19 about an adjustment that might be made given that
20 the university has yielded their time. So we'll
21 think about what we might want to do with the
22 summation time, perhaps expand it to 30 minutes
23 each for each side. So at the conclusion of this
24 testimony, please don't log off rapidly. I would
25 like to meet just briefly certainly with the

1 committee and both representative sides. And then
2 the committee itself will convene entirely
3 separately just to -- to follow up ourselves.

4 So with that, Duane, would you be
5 able to move our final witness to the main room,
6 Dr. Judith Millesen.

7 DUANE BRUCE: She is in the room.

8 HEARING COMMITTEE CHAIR MUHAMMAD:
9 Thank you, Dr. Millesen. I'm Robin Muhammad. I'm
10 the committee hearing chair. Thank you for being
11 here today to give your testimony.

12 Are you able to hear me all right?

13 JUDITH MILLESEN: I am. Thank you
14 very much.

15 Are you able to hear me?

16 HEARING COMMITTEE CHAIR MUHAMMAD:
17 Indeed.

18 JUDITH MILLESEN: Excellent.

19 HEARING COMMITTEE CHAIR MUHAMMAD:
20 We have a 30-minute slot for your testimony. With
21 each witness, we've given about 30 minutes. What
22 we invite witnesses to do is to introduce
23 themselves. Please spell your last name and first
24 name for the benefit of the court reporter. And
25 make any introductory remarks that you would like

1 to make. The time we try to divide relatively
2 evenly between both the university questions and
3 the faculty member's questions. The faculty
4 member's representative will lead with those
5 questions.

6 So it's for you now to make that
7 introduction. And if your statement goes on past
8 ten minutes, I might give a -- a signal to -- to
9 wrap it up. But it can be as brief or up to that
10 point as long as you would like.

11 JUDITH MILLESEN: Great. Thank you
12 so much.

13 So my name is Judy Millesen. My
14 formal name is Judith, J-u-d-i-t-h. Last name is
15 Millesen, M-i-l-l-e-s-e-n. I do go by Judy.

16 So I am a professor of political
17 science at the College of Charleston. I am also
18 the MPA director there. I have been at the College
19 of Charleston for -- I'll just be starting my
20 fourth year. I worked at Ohio University for
21 18 years. When I left, I was professor of public
22 administration at the Voinovich School of
23 Leadership and Public Affairs.

24 Is there other information that you
25 need about who I am?

1 HEARING COMMITTEE CHAIR MUHAMMAD:
2 No. That -- that's fine. Whatever introductory
3 remarks you want to make.

4 JUDITH MILLESEN: So, yeah. I -- I
5 elected to not make introductory remarks and to
6 just begin being questioned.

7 HEARING COMMITTEE CHAIR MUHAMMAD:
8 Thank you.

9 I think we can turn now to Mr. Beck,
10 I believe will be representing the faculty member.

11 GREGORY BECK: Thank you,
12 Dr. Muhammad.

13 - - -

14 DIRECT EXAMINATION

15 BY MR. BECK:

16 Q. Dr. Millesen, just so we can get to
17 the issue, how long have you known Dr. Kalyango?

18 A. Five years.

19 Q. And did you meet him in your
20 professional capacity?

21 A. Uhm, yes, I did.

22 Q. And there has been a lot of talk the
23 panel has heard all throughout the day about
24 various trips that Dr. Kalyango would make overseas
25 and to -- through the [REDACTED].

1 Did you ever accompany him on any of
2 those trips?

3 A. Yes, I accompanied him on all of
4 them.

5 Q. And, in fact, you were on the
6 June [REDACTED] trip that sort of forms some of the basis
7 of this investigation and our meeting here today.
8 Is that correct?

9 A. Yes, I was.

10 Q. Now, tell us about, when did you
11 meet -- and I'm going to refer to her only by her
12 initials, [REDACTED]. When did you meet her?

13 A. Shortly before the trip. I don't
14 have an exact memory of the time, but we typically
15 started planning the specifics of the trip about
16 six weeks to -- before -- before the trip. And by
17 the time we had gotten to this trip, we had done so
18 many of them, the prep -- the pre-trip prep was
19 somewhat rote. You know, we had done it a lot. So
20 shortly before, maybe four to six weeks.

21 Q. And in that -- and that would have
22 been, let's say, most of May of [REDACTED], because I
23 think you went early June, --

24 A. Uh-huh.

25 Q. -- May 1st or June 1st. So you

1 would have had some interaction with [REDACTED] in [REDACTED] of
2 [REDACTED]?

3 A. Yes.

4 Q. And you were able to watch her
5 interactions with Dr. Kalyango during that period
6 of time?

7 A. Uhm, so, yes. But like I said, that
8 might have been, I don't know, three meetings
9 before the trip, three -- three meetings with the
10 three of us before the trip --

11 Q. Uh-huh.

12 A. -- maybe. I -- I could pull out a
13 calendar if it was necessary.

14 Q. I guess what I'm asking you, Doctor,
15 is did you notice anything unusual about the
16 interaction between Dr. Kalyango and [REDACTED], or did [REDACTED]
17 express any concerns to you whatsoever about her
18 interaction with Dr. Kalyango before you actually
19 left for Africa?

20 A. No --

21 Q. All right.

22 A. -- to both questions.

23 Q. Okay. Thank you.

24 Now, you have not only attended all
25 of these [REDACTED] trips, but you've done some site

1 excursions, what we'll call site excursion trips
2 with Dr. Kalyango?

3 A. Yes, and my family as well.

4 Q. That was my next question.

5 You've actually taken some of your
6 family members. Is that correct?

7 A. Yes, that's true.

8 Q. And just so the panel knows, your --
9 your daughter actually did some babysitting for
10 Dr. Kalyango. Is that correct?

11 A. So he did -- She did not. I offered
12 it. So at the time that we traveled with my
13 family, so that was the trip to [REDACTED]; and
14 Dr. Kalyango offered to -- to do a side trip to
15 Uganda if we wanted to. And that was his
16 birthplace. And so I was like, yeah, I thought
17 that sounded like a great idea. And it was the
18 holiday time. It was the December trip. And --
19 and my partner and I thought it would be a -- a
20 really nice gift to give the kids for their holiday
21 gift, and so they flew out. We were there for
22 maybe the first week. I think they flew out the
23 second week, as did the family of my co-presenter,
24 [REDACTED]; her daughter also came out. So my
25 family and [REDACTED] daughter all came together, and

1 Dr. Kalyango's family was there. And so we all
2 went together. And what I offered him was for my
3 daughter to babysit if that was necessary. My
4 daughter and my son were both 15 at the time.

5 Q. Now, in your trips and excursions
6 with Dr. Kalyango in the past, was there any
7 indication whatsoever that there were any problems
8 with him as to how he interacted with students or
9 anything of that nature?

10 A. No, none that I'm aware of.

11 Q. Now, did you speak with the
12 investigator in this case, Mr. Anaya?

13 A. I did.

14 Q. And did he ask you questions with
15 respect to -- similar to what I'm asking you, like,
16 what did you do there and how many -- how much
17 experience you've had with Dr. Kalyango?

18 A. Yes.

19 Q. Now, did he ask you about any
20 conversations that you had with [REDACTED] while you were
21 in [REDACTED]

22 A. Yes, he did.

23 Q. And -- and what did he ask you? In
24 other words, what questions was he asking you about
25 with respect to those conversations?

1 A. So I don't remember the exact
2 questions, but he did ask me questions about the
3 interactions; uhm, did I have a con- -- did I have
4 conversations with her, what were the interactions
5 like. But most of his questions seemed to be -- My
6 recollection of most of the questions seemed to be
7 around money and how money was being spent and who
8 spent -- how money was being spent and whether or
9 not I paid for my own things. So, like, that
10 excursion came up and I said, yes.

11 He also -- There was also about,
12 like, who paid for, like, incidental things.
13 And -- and the laundry was one -- a conversation, a
14 piece that came up. So I -- I felt like most of
15 the questions were around money. But that's what
16 I'm remembering.

17 And, yes, he did ask me if I had
18 conversations with her.

19 Q. And what did you tell him about any
20 conversation you had with [REDACTED], and specifically
21 about any concern that she had with Dr. Kalyango
22 while you were in [REDACTED]?

23 A. So the -- the conversation that she
24 had with me was that she told me that --

25 Again, you have to remember this is

1 like [REDACTED] years ago, and so, like, I'm pulling up
2 what I can remember of that.

3 So that she wasn't sure about how
4 she should respond to some interactions that she
5 had had with Dr. Kalyango. And the two that I
6 remember specifically were that she mentioned
7 receiving messages, text messages and emails -- I
8 think she also said emails, but I -- I know she
9 said text messages -- late in the evening; and then
10 she mentioned concerns that were related to a trip
11 that was planned at the end of the time that I was
12 supposed to -- that I was in- -- involved. So
13 those are the two things that I remember
14 specifically, so -- in -- in that one conversation.

15 And then there was also something
16 about a laundry charge, but I don't think it was in
17 that same exact -- the -- the first conversation
18 that she and I had.

19 Q. And do you recall what advice you
20 gave her with respect to these concerns that she
21 expressed?

22 A. Uhm, yes, I do remember. I -- I
23 said to her, around the phone, I said, ah, that I
24 told her that I believe that she should shut off
25 her cell phone and that she should explain to

1 Dr. Kalyango that -- that she was committed to the
2 work but that she was turning her phone off at
3 10 p.m. or 11 p.m. or whatever time she wanted to
4 turn her phone off and that she would respond to
5 queries in the morning; and that if she felt like
6 that was a challenge or a problem, that she
7 should -- and to ask him if he had a concern about
8 that.

9 Uhm, and then I -- I also told her,
10 I do remember telling her that if she had concerns
11 about the trip that she should clarify the details
12 of the trip after the camp; and that if she felt
13 uncomfortable doing either of those two things,
14 speaking with him about the text messages or about
15 the trip, I would be happy to sit with her.

16 Q. Did you perceive in that
17 conversation that she was expressing to you any
18 concern for her safety or anything about sexual
19 harassment or anything of that nature?

20 A. No, I did not. I thought it was
21 professional development advice.

22 Q. And -- and did she, by the way,
23 before -- You guys were in a -- I think you were in
24 [REDACTED] for two weeks or three weeks. During
25 that period of time, did she come -- circle back to

1 you and ask for your help in any way?

2 A. Well, like I said, that laundry
3 thing, I can't remember if it was that day or a
4 later day, and that -- she did ask for help with
5 the laundry thing. I think it was later, because
6 the initial conversation was early in the trip and
7 so she wouldn't have had a laundry bill by then.
8 So there was a second -- I think that was probably
9 the second time.

10 Q. Yeah. I want to --

11 A. But no sexual thing.

12 Q. Okay. And -- and so she never had a
13 subsequent conversation with you again expressing
14 concerns about Dr. Kalyango or any communication
15 with him. Is that correct?

16 A. None that I can recall.

17 Q. All right. Now, on the laundry
18 issue, did that have to do with her being charged
19 for a laundry expense and she didn't want to pay
20 the bill or something of that nature?

21 A. So my recollection was that it was
22 way more expensive than she thought it was going to
23 be and didn't realize that she was going to have to
24 pay for that. I offered to help her. My
25 understanding is that Dr. Kalyango also offered to

1 help her settle out that bill. Uhm, and I'm not
2 really -- I know I didn't help her. I'm not really
3 sure what the final settlement of the laundry bill
4 was.

5 Q. Now, Dr. Millesen, if -- if Miss --
6 if [REDACTED] had expressed to you concerns that you
7 thought involved her safety or any type of
8 discrimination or violation of policy, what would
9 have been your reaction at that point?

10 A. So I would have walked myself right
11 over to Dr. Kalyango's room, I would have
12 confronted him, and then I would have called the
13 university, determine what actions I should have
14 take -- or I should take, because we were traveling
15 in a foreign country and I didn't know -- I
16 wouldn't know what to exactly do.

17 Q. So after you returned, was there
18 ever a situation in [REDACTED] sent you
19 an email asking you to be a reference for her?

20 A. Yes, there was. She did send me an
21 email asking me to be a reference.

22 Q. And tell us about that. What
23 happened? What -- what arose after that?

24 A. So I received an email from her
25 asking if she -- if I would serve as a reference.

1 Uhm, and then in that email, she, ah -- she
2 mentioned that --

3 So I have the email right here. Can
4 I look at the email?

5 Q. Yes. It's in the records. But go
6 ahead.

7 A. Okay. So I just don't want to say
8 something wrong, so I'd like to look at the email
9 while I'm -- while I'm responding.

10 And so basically what she said was,
11 uhm, that she wanted me to serve as a reference, to
12 which I replied I would not or I didn't think that
13 was probably in her -- you know, that -- that I
14 didn't really think that I would -- could be able
15 to give her the kind of information and that I
16 wasn't her supervisor. So that's typically what a
17 reference wants.

18 She responded and said, uhm, you
19 know, That's okay, perfectly fine. And then she
20 told me that she had stepped away from [REDACTED] made a
21 claim to the Title IX office, was trying to hold
22 Dr. Kalyango accountable for behavior that she had
23 mentioned that she didn't specify in the email.

24 And I completely freaked out when I
25 saw --

1 Oh, and then said that, uhm, you
2 know, that she was -- when she spoke to me in -- in
3 [REDACTED], she said that what she was actually
4 trying to do was to alert me about whether she
5 should be worried about anything, not necessarily
6 about work advice, which I thought I was providing
7 her, was professional development advice.

8 And I completely freaked out. And I
9 stood up from my desk -- and right at that moment,
10 like, stood up from my desk, walked over to the
11 Title IX office, went in there and said, I received
12 this email; I am completely freaked out about this;
13 this is not at all what happened in the -- in -- in
14 our conversation; I don't exactly know how to
15 respond and what to do next. And I asked for
16 assistance.

17 I spoke for about an hour with
18 Kerri Griffith, I believe is her name, and she
19 offered me assistance and help. She helped me
20 to -- Griffin. Griffin. And she -- she helped me
21 to craft a response. I crafted that response, and
22 in that response said that I was uncomfortable
23 having any more conversations around this issue or
24 any other -- any other issue without being --
25 without being in the presence of a Title IX

1 officer.

2 Q. Is it fair to say, Dr. Millesen,
3 that [REDACTED] had -- was not candid in what she -- in
4 describing the conversation she had with you in
5 that email?

6 A. There -- there -- Yeah. No. I
7 would say not candid in what her allegations were.

8 Q. Because in your mind, there was no
9 discussion that alerted you to any real issue she
10 had with Dr. Kalyango other than professional
11 development?

12 A. Correct.

13 Q. And you explained all this to
14 Mr. Anaya, the investigator. Is that correct?

15 A. To my recollection, that's correct.

16 Q. That's all I have. Thank you so
17 much.

18 HEARING COMMITTEE CHAIR MUHAMMAD:
19 Thank you, Mr. Beck. We can turn now to
20 questioning from the university representative.

21 MR. LOUKX: Thank you.

22 - - -

23 CROSS-EXAMINATION

24 BY MR. LOUKX:

25 Q. Good afternoon, Professor Millesen.

1 A. Good afternoon.

2 Q. Now, as I understand it from your
3 testimony --

4 You don't mind if I call you Judy?

5 A. Not at all, sir.

6 Q. In fact, isn't it -- students often
7 call you -- master's students and others that you
8 work with, you're on a first-name basis?

9 A. No, that is not correct.

10 Q. It is not? Okay.

11 Because I understand that you had
12 some issue with [REDACTED] calling you by your first name.
13 Is that right?

14 A. I had more of an issue with her
15 calling me J dog.

16 Q. You indicate that you've known
17 Dr. Kalyango for five years and accompanied him on
18 many trips to -- to Africa, or I guess [REDACTED] trips.

19 Are those always to Africa, I
20 suppose?

21 A. The ones I went on were, yes.

22 Q. And you answered a question that I'm
23 not sure I understood the answer to, so I just
24 wanted to make sure I understood correctly.

25 You said that when you talked to

1 Tony Anaya at the ECRC, you had -- you had the
2 impression that he was asking a lot of financial
3 questions and asked about payment of excursions.

4 And I think I understood you to say
5 that when you went on an excursion when you were in
6 [REDACTED], --

7 A. Yes.

8 Q. -- you paid for it?

9 A. I did pay for it, yes.

10 Q. Okay. Just wanted to make sure I
11 understood that.

12 Do you remember when you were in
13 [REDACTED]?

14 A. Ah, I have it written right here.
15 [REDACTED].

16 Q. Now, in the statement that you gave
17 to -- to Tony Anaya, he did, as you just indicated,
18 ask about conversations you had in [REDACTED]
19 with [REDACTED]?

20 A. Yes.

21 Q. And it was your impression that you
22 were giving career development advice?

23 A. Yes.

24 Q. Is it true that basically your
25 attitude toward [REDACTED] was that you shouldn't -- I'm

1 going to quote from the witness statement. I don't
2 know if they're your words or not -- that, You
3 shouldn't bitch to a full professor?

4 A. So my understand- -- my re- -- my
5 recall of that was that she, ah, had confronted him
6 and -- about a meeting that, ah, he was late for
7 and that he either was late or didn't show up, and
8 that she told -- my -- my memory is that there --
9 that she had confronted him and was, uhm -- you
10 know, said that she had confronted him about that
11 meeting. And I -- I -- I think that I said
12 something along -- I did say that; and I also said,
13 There are alternative ways to handle this. For
14 example, you could have left if you -- if he was
15 that late and sent him an email or a text message
16 that said that you were sorry, that you had
17 other -- you know, you had another arrangement or
18 you had other things that you needed to do and that
19 you would like to reschedule the meeting. But to
20 confront him and to be argumentative was not
21 actually in very good form.

22 Q. And certainly by suggesting you
23 shouldn't complain to a full professor rather -- or
24 I guess the word was bitch, does that -- did any
25 part of that have to deal with the power

1 differential between a professor and a master's
2 student, --

3 A. I -- I --

4 Q. -- it's probably not a good idea?

5 A. Yeah, yeah, yeah. So I'm not sure
6 that I would have said "bitch" to a student, but I
7 am fairly certain I said that to Tony. But I am
8 pretty sure I probably wouldn't have said that to a
9 student.

10 Q. Fair enough.

11 A. So -- uhm, so I -- so in terms of
12 the power differential, again, when -- my
13 understanding was that I was offering professional
14 development advice. And so as in that capacity, I
15 do understand the power differential, which is why
16 I might have -- I -- I said something along the
17 lines of, Look, here's an alternative way you could
18 have handled that.

19 Q. Now, in regards to the laundry
20 issue, you had used the word my under- -- or words
21 "my understanding" a few times when you were going
22 over that.

23 Did you witness [REDACTED]'s interactions
24 with the hos- -- with the hotel? Excuse me.

25 A. I did not.

1 Q. You learned about them from -- from
2 Dr. Kalyango?

3 A. No. I learned about them from her.

4 Q. Did she tell -- How did she tell you
5 that that went? Did she say that she was yelling
6 or creating a scene, or what was her description of
7 the laundry issue?

8 A. That -- She didn't say anything
9 about --

10 I -- I don't remember the exact
11 words, and I don't remember if she said she was
12 yelling or screaming; but she did tell me that she
13 was -- had gone and complained and -- and was
14 complaining.

15 Q. And that could have been done
16 discreetly, right? I mean, we don't know whether
17 it was discreet or -- or if it was something that
18 would have negatively affected based on what she
19 told you?

20 A. Yeah. I -- I have no idea of what
21 the interaction actually looked like. I just know
22 that she had complained.

23 Q. Oh. Fair enough, then. And sorry
24 to pry with these questions.

25 A. No, no. You're fine.

1 Q. The -- After [REDACTED] had come to what
2 I'm going to call, just for conversational
3 purposes, the career development type of exchange
4 you had with her, did you tell Dr. Kalyango about
5 that exchange?

6 A. Ah, I don't remember. I don't -- I
7 don't -- I don't remember. I don't think so.

8 Q. Now, you had mentioned that amongst
9 the things that [REDACTED] raised with you at the career
10 development meeting, again, just kind of coining
11 that term, was a trip she was taking toward the end
12 of [REDACTED] trip.

13 What was your understanding of that?

14 A. So I don't know very much about
15 that. I -- So I think she said that she was going
16 to present something there. I -- That he -- I know
17 that he --

18 I don't really know any of the
19 details. I don't know any of the details. It
20 wasn't -- My trip ended at the end of the [REDACTED]
21 thing. I didn't know any of the details.

22 Q. Was it your understanding that trip
23 was, in fact, to [REDACTED], or did you not -- did you
24 not know even that much detail?

25 A. No, no, no. I -- I did know that it

1 was -- was going to go on to [REDACTED] uhm, and that
2 my understanding was that there was another
3 project, another project that Dr. Kalyango had, and
4 that she was continuing on as part of that project.

5 Q. And was that understanding from [REDACTED]
6 or from Dr. Kalyango or a combination?

7 A. Some combination.

8 Q. Fair enough.

9 Now, you had indicated that these
10 [REDACTED] trips had become, I think your word was
11 "rote"?

12 A. Yes.

13 Q. Was there -- There's been an issue
14 raised about expense reports.

15 Do you know if there was any
16 training offered to the graduate assistants for --
17 for expense reports, or was that rote, was that
18 just assumed?

19 A. So --

20 Q. If you don't know, that's fair, too.

21 A. Yeah, I don't really know.

22 So my part was rote, because I had
23 built the curriculum, I had delivered the sessions.
24 This was the sixth one. And mostly I just needed
25 to understand and know about what the in-country or

1 the pre-trip responsibilities were in terms of a
2 visa, in terms of travel arrangements, and in terms
3 of anything that he wanted me to carry. By the
4 time we had gotten to the sixth trip, I knew what I
5 was expected to do.

6 Q. In the five years or --

7 And I might be miss --

8 In the trips that you took with [REDACTED]
9 and Dr. Kalyango, was it typical that a graduate
10 student and he would go off for something like this
11 [REDACTED] trip?

12 A. So I don't know that I would call --

13 So I'm uncomfortable with the way
14 that you said that, because --

15 Q. Fair enough. I --

16 A. -- I'm uncomfortable with --

17 It's not -- it's not uncommon for
18 him to have a student accompany him on a
19 work-related trip, and that my understanding is
20 that the trip following the [REDACTED] trip was a
21 work-related trip.

22 Q. Fair enough.

23 One final question. I know it's
24 getting toward the end of the day, and I appreciate
25 your patience with me.

1 A. Uh-huh.

2 Q. I know you indicate you've only
3 known Dr. Kalyango for five years, so I suspect --
4 I suspect you may not have an answer for this.

5 But were you -- do you have any
6 knowledge of a other -- another complainant with
7 the initials [REDACTED] from [REDACTED]?

8 A. I do not.

9 Q. Okay. I lied. I have one more
10 question. Bear with me.

11 A. Sure.

12 Q. You would agree with me that if it
13 is, in fact, true that Dr. Kalyango suggested
14 staying in a hotel room with a female graduate
15 assistant in [REDACTED], that that would be very bad
16 conduct. Is that true?

17 A. I would agree that faculty members
18 should not spend the night in hotel rooms with
19 students.

20 Q. Thank you.

21 And this time I'll keep my promise.
22 I have no more questions. And I sure appreciate
23 your help with this today.

24 A. Sure thing.

25 HEARING COMMITTEE CHAIR MUHAMMAD:

1 Thank you, Mr. Loukx.

2 Are there any questions from the
3 hearing committee members?

4 All right. Well, hearing none,
5 thank you again, -- excuse me -- Dr. Millesen, for
6 attending today's hearing.

7 JUDITH MILLESEN: Thank you.

8 HEARING COMMITTEE CHAIR MUHAMMAD:
9 We appreciate your time in the process.

10 JUDITH MILLESEN: Thank you very
11 much, Dr. Muhammad. If there's anything else I can
12 do, please let me know.

13 HEARING COMMITTEE CHAIR MUHAMMAD:
14 Take care.

15 JUDITH MILLESEN: Bye-bye.

16 HEARING COMMITTEE CHAIR MUHAMMAD:
17 And with that, Duane, we -- we're going to move
18 into just a -- just the hearing committee will have
19 a discussion in a moment. But I did want to
20 suggest that the hearing committee can consider the
21 length of the summations.

22 Now, right now our schedule for
23 tomorrow is, I believe, 15 minutes each. If there
24 is an interest in having that be expanded to
25 30 minutes, I'd like to hear from each side. If

1 not, if there's no interest there, then we'll leave
2 the schedule as is.

3 MR. LOUKX: Well, thank you. I will
4 defer largely to Mr. Beck. I tend to be laconic,
5 and 15 minutes is a -- is a good time. But
6 15 minutes flies, too, especially with the
7 complexity of the many issues. So I will defer to
8 my colleague for his thoughts; and whatever his
9 thoughts are, I'm good with.

10 MR. BECK: Well, I appreciate that,
11 Adam.

12 I do agree that under normal
13 circumstances we should probably -- we could
14 probably do this in 15 minutes. I mean, we argue
15 before the Supreme Court in 15 minutes. But I
16 think the -- I would feel a little more comfortable
17 if I had a little more time than that. I would say
18 no more than 30 would be appropriate.

19 HEARING COMMITTEE CHAIR MUHAMMAD:
20 Then, I will take that back to the hearing
21 committee, and we will consider that and let
22 everyone know later on tonight what we've decided,
23 because, again, this has to be approved by the
24 committee. That's why I wanted to put it out
25 there.

1 Let's see. I think that's all that
2 I had. So if -- Duane, if you could excuse the
3 observers, the meeting is officially adjourned for
4 today.

5 We will reconvene tomorrow morning
6 at 8:30. If the hearing committee would please
7 stay on the line, along with Beth, our court
8 reporter, for a moment, I just want to make sure
9 that we make some notes about logistics.

10 And I appreciate everyone's time.
11 Thank you. I will see representatives from both
12 sides tomorrow morning.

13 MR. LOUKX: Thank you.

14 ANDREA ZIARKO: Thank you.

15 DUANE BRUCE: Robin, would you like
16 me to stop recording now?

17 HEARING COMMITTEE CHAIR MUHAMMAD:
18 Yes, please. We have adjourned.

19 - - -

20 Thereupon, the proceedings adjourned at
21 approximately 5:07 p.m.

22 - - -

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24

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C E R T I F I C A T E

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THE STATE OF OHIO:

SS:

COUNTY OF FRANKLIN:

I, Beth A. Higgins, a Professional Reporter and Notary Public in and for the State of Ohio, do hereby certify that the foregoing is a true, correct, and complete written transcript of the proceedings in this matter to the best of my ability;

That the foregoing was a remote videoconference hearing taken by me stenographically and transcribed by me with computer-aided transcription;

That the foregoing occurred at the aforementioned time and place;

That I am not an attorney for or relative of either party and have no interest whatsoever in the event of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 10th day of January, 2021.

/s/Beth A. Higgins
Notary Public, State of Ohio

My Commission Expires: July 16, 2025.

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