

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK COUNTY SUPERIOR COURT
BUSINESS LITIGATION SESSION

BENJAMIN EDELMAN,

Plaintiff,

v.

Civil Action No.

PRESIDENT AND FELLOWS OF HARVARD

2384CV00395-BLS2

COLLEGE,

Defendant.

DEPOSITION OF JOSHUA COVAL

DATE: Monday, July 14, 2025

TIME: 10:06 a.m.

LOCATION: Remote Proceeding

5485 Twin Knolls Road

Columbia, MD 21045

REPORTED BY: Robert Lombardi

<p style="text-align: right;">Page 14</p> <p>1 appear to be the document that governs Faculty Review 2 Boards at the Business School?</p> <p>3 A Yeah. I mean, again, like, it looks 4 consistent with the kind of document that they 5 would've had us read when -- if they were -- they 6 wanted to refresh our memory as to what the Review 7 Board would do.</p> <p>8 But again, if I -- you know, my memory is 9 not very good. I definitely did not read those things 10 closely back at that time. So if it's, you know, 11 very, very different than what I -- we read at the 12 time, I would not know that.</p> <p>13 Q If you look at the last page of the 14 document --</p> <p>15 A Yeah.</p> <p>16 Q -- it appears that it was last revised April 17 28th in 2015. Do you see that?</p> <p>18 A Yeah.</p> <p>19 Q Do you recall a faculty meeting in 2015 at 20 which the concept of a Faculty Review Board was 21 discussed?</p> <p>22 A Sorry. Could you repeat that? My 23 connection's starting to act up.</p> <p>24 Q Of course.</p> <p>25 Do you recall a faculty meeting in 2015 at</p>	<p style="text-align: right;">Page 16</p> <p>1 someone, you know, for a promotion. And then I guess 2 also the person who is sort of in charge of the 3 promotions process in general sort of attends the 4 meetings; I don't know if they're formally on the 5 meeting -- the committee or not. But there are for 6 sure three -- three faculty members that are typically 7 on those meeting, on those committees, and they -- 8 they, you know, as I'm sure, you know, previous 9 interviewees have been discussed -- as discussed with 10 you, they send out for letters, that kind of stuff.</p> <p>11 Q And the person who oversees the process 12 generally, is that the senior assistant dean for 13 faculty development?</p> <p>14 A I think that's correct.</p> <p>15 Q And in 2017, would that have been Paul 16 Healy?</p> <p>17 A I think so. Like, I guess Forrest took over 18 at some point, but I don't know. Yeah, I think that 19 sounds -- that sounds right. That would be my guess.</p> <p>20 Q Okay. Looking back at that same question -- 21 or, I'm sorry. Strike that.</p> <p>22 Looking back at that same sentence, what's 23 the Standing Committee?</p> <p>24 MR. ALBANO: Objection.</p> <p>25 You can answer -- objection for the</p>
<p style="text-align: right;">Page 15</p> <p>1 which Faculty Review Boards were discussed?</p> <p>2 A No.</p> <p>3 Q Do you recall any meeting where a policy or 4 procedure regarding Faculty Review Boards was 5 presented to the faculty?</p> <p>6 A I don't. I -- that doesn't mean I wasn't 7 there and paying attention. But it was just so long 8 ago, I don't.</p> <p>9 Q Yeah, fair enough.</p> <p>10 If you scroll up one page to what's marked 11 as page 3, there's a section there titled "Notes on 12 Promotions, Reviews and Reappointments." Do you see 13 that?</p> <p>14 A Yeah.</p> <p>15 Q And in the third bullet point in that 16 section, it says, "If no serious questions about 17 conduct are raised, the promotion review and 18 reappointment case will proceed to the subcommittee or 19 Standing Committee."</p> <p>20 Do you see that sentence?</p> <p>21 A Yep.</p> <p>22 Q What is a "subcommittee"?</p> <p>23 A I could be wrong, but I think the 24 subcommittee refers to the, you know, the -- I guess 25 it's three faculty members that are chosen to evaluate</p>	<p style="text-align: right;">Page 17</p> <p>1 record.</p> <p>2 THE WITNESS: Sorry. What?</p> <p>3 MR. ALBANO: You can go ahead and 4 answer the question --</p> <p>5 THE WITNESS: -- anyway --</p> <p>6 MR. ALBANO: -- answer.</p> <p>7 THE WITNESS: All right.</p> <p>8 BY MS. O'MEARA-COSTELLO:</p> <p>9 Q Yes.</p> <p>10 A So I -- again, I apologize. My memory's not 11 perfect on these things. But they created, at some 12 point -- I think after I got tenure -- they created 13 a -- another layer between sort of the subcommittee 14 and the -- the promotions committee where, like, all 15 the different subcommittees that were -- would meet 16 and evaluate their own candidates would then meet as a 17 group and evaluate each other's candidates and have a 18 vote. I think they called that the "Standing 19 Committee." There might be another term for it. 20 Maybe I'm getting this confused of something else. 21 But that sort of -- of my memory of it.</p> <p>22 Q And do you know when a Standing Committee 23 was incorporated as part of the promotions process at 24 HBS?</p> <p>25 A I could guess. I don't -- I think I could</p>

<p style="text-align: right;">Page 38</p> <p>1 A Yes.</p> <p>2 Q Okay. Who was that?</p> <p>3 A [REDACTED].</p> <p>4 Q I'm going to ask you to look at Exhibit 65.</p> <p>5 A Okay.</p> <p>6 Q So this isn't a document that I think you</p> <p>7 have any reason to have seen before. I will represent</p> <p>8 to you that, based on other deposition testimony, I</p> <p>9 understand it to be a document that members of the</p> <p>10 Faculty Review Board prepared to use when they</p> <p>11 interviewed witnesses.</p> <p>12 And so I'm going to ask you to take a look</p> <p>13 at it. And once you've had a chance to read it, I'll</p> <p>14 have a couple questions.</p> <p>15 A Okay.</p> <p>16 Okay. I think I got -- got the gist of it.</p> <p>17 Q Okay. So the first two paragraphs I</p> <p>18 understand to be kind of a preamble that members of</p> <p>19 the Faculty Review Board would give to people that</p> <p>20 they were interviewing.</p> <p>21 Do you recall a member of the Faculty Review</p> <p>22 Board essentially saying these things to you?</p> <p>23 A I don't, but it's possible they did.</p> <p>24 Q I will represent to you that I believe,</p> <p>25 based on prior deposition testimony and documents</p>	<p style="text-align: right;">Page 40</p> <p>1 you have exhibits going up to 234, then let's call it</p> <p>2 234.</p> <p>3 (Exhibit 234 was marked for</p> <p>4 identification.)</p> <p>5 THE WITNESS: Sorry. You -- you wanted</p> <p>6 me to open this document?</p> <p>7 BY MS. O'MEARA-COSTELLO:</p> <p>8 Q Yes. Sorry.</p> <p>9 A Okay.</p> <p>10 Q Yes.</p> <p>11 A Okay.</p> <p>12 Q So I will represent to you that this is a</p> <p>13 document that was produced to us in discovery. It</p> <p>14 appears to be notes of your interview with Stuart</p> <p>15 Gilson.</p> <p>16 Do you have any reason to think that it's</p> <p>17 not a genuine documentation of what was said during</p> <p>18 your interview?</p> <p>19 A No, I do not. It seems quite consistent</p> <p>20 with my -- these memories. Or "feelings," if you want</p> <p>21 to call them that, since I don't seem to be</p> <p>22 remembering things too precisely.</p> <p>23 Q Is there anything in this document that you</p> <p>24 believe you didn't say?</p> <p>25 A I don't have any reason to believe that</p>
<p style="text-align: right;">Page 39</p> <p>1 produced in this case, that Stuart Gilson would've</p> <p>2 interviewed you.</p> <p>3 A Okay.</p> <p>4 Q Does that refresh your recollection at all?</p> <p>5 A Marginally. Very marginally.</p> <p>6 Q Okay. Looking at the second half of the</p> <p>7 document, there's a number of of questions preceded by</p> <p>8 plus signs. Do you see that?</p> <p>9 A Yes.</p> <p>10 Q Were you asked those questions in your</p> <p>11 interview?</p> <p>12 A Again, I don't remember the interview. It's</p> <p>13 possible but, you know.</p> <p>14 Q I'm going to ask you to look at a document</p> <p>15 that we haven't previously marked as an exhibit, which</p> <p>16 is HBS18979. I'll give you a chance to look at that.</p> <p>17 MS. O'MEARA-COSTELLO: And I'd like to</p> <p>18 mark this as Exhibit 217.</p> <p>19 MS. ZOIA: Ruth, I think we're actually</p> <p>20 at Exhibit 234.</p> <p>21 MS. O'MEARA-COSTELLO: Are we? Okay.</p> <p>22 I will take your word for it.</p> <p>23 I actually had reached out to our</p> <p>24 paralegal with that question this morning, and what I</p> <p>25 got back was that she believed we were at 217. But if</p>	<p style="text-align: right;">Page 41</p> <p>1 there is anything here that I didn't say. I -- you</p> <p>2 know, it's possible I was misquoted, but I don't have</p> <p>3 reason to believe that that's the case.</p> <p>4 Q At the top of the page it says, "2nd/3rd</p> <p>5 hand knows BE to be 'indelicate,' understands he might</p> <p>6 treat an assistant differently from how he treats a</p> <p>7 superior (JC doesn't like that)."</p> <p>8 Do you know what the source of that</p> <p>9 information was?</p> <p>10 A The information that he treats assistants</p> <p>11 differently than superiors?</p> <p>12 Q Yes.</p> <p>13 A I don't know. Yeah, I don't know. Maybe it</p> <p>14 was the -- yeah, I don't. I mean, maybe it was the --</p> <p>15 when he came up for associate, something in with that,</p> <p>16 or -- yeah, I don't really know.</p> <p>17 Q Is that something that you had witnessed</p> <p>18 firsthand?</p> <p>19 A No, it is definitely not.</p> <p>20 Q Do you recall someone telling you that that</p> <p>21 was true of Ben?</p> <p>22 A I don't even think -- I don't -- I don't</p> <p>23 recall that, no.</p> <p>24 Q Okay. Did Stewart Gilson ask you how you</p> <p>25 knew that Ben might treat an assistant differently</p>

<p style="text-align: right;">Page 42</p> <p>1 from how he treats a superior?</p> <p>2 A I -- yeah, I -- unfortunately, I -- I --</p> <p>3 literally, the -- my only memory of this interview is</p> <p>4 the document you have, you know, put in front of me.</p> <p>5 I mean, I don't know. I -- given that document</p> <p>6 exists, I now, you know, I guess, fairly confident the</p> <p>7 interview did take place. But I don't really have</p> <p>8 much of a -- you know, I don't have any memory of the</p> <p>9 interview. And looking at these comments, they seem</p> <p>10 roughly consistent with my vague memory of how I felt</p> <p>11 about Ben and felt about this case. But, you know, I</p> <p>12 haven't thought about it in ten years. That's, you</p> <p>13 know -- or five years. I don't know.</p> <p>14 Q Looking at the document, are you able to</p> <p>15 identify which of the comments here are based on your</p> <p>16 personal experiences dealing with Ben, versus</p> <p>17 information you might have received second or third</p> <p>18 hand?</p> <p>19 A Yeah, I don't know. I mean, I guess all of</p> <p>20 this is sort of some combination of second/third hand</p> <p>21 and, you know, my interactions with him.</p> <p>22 I -- all my interactions were very</p> <p>23 favorable. He's a very -- you know, I remember him as</p> <p>24 a very direct person and I, you know -- anytime I</p> <p>25 would've a conversation with him about something, I</p>	<p style="text-align: right;">Page 44</p> <p>1 him to lead a, you know, a case-based discussion on</p> <p>2 his own, because he can't see who has their hands up.</p> <p>3 And so he needs somebody else to call on them.</p> <p>4 And he -- you know, he -- he's incredible.</p> <p>5 But still, it's unfortunate that, you know, we can't</p> <p>6 take full advantage of his -- his incredible skills,</p> <p>7 because he just doesn't know who has their hands up</p> <p>8 and he can't really adjudicate that part of it. And</p> <p>9 so I thought that this would be really, really helpful</p> <p>10 for [REDACTED]</p> <p>11 And, you know, we have this -- these four</p> <p>12 buttons in front of every student, and they're</p> <p>13 underutilized. And it -- thought one great thing that</p> <p>14 they could be used for is for students to register</p> <p>15 their eagerness to get in on the conversation. And so</p> <p>16 it turned out they were -- I -- I remember they were</p> <p>17 fairly challenging to work with, because there was</p> <p>18 some very specific software that governed how they</p> <p>19 interacted with the -- the, you know, the network and</p> <p>20 so on.</p> <p>21 And Ben was willing to, you know, take on</p> <p>22 that challenge. And he, I think, learned about it and</p> <p>23 started to write some code, and rewire things, and</p> <p>24 whatnot. And then, if memory serves, it kind of</p> <p>25 occurred just as we went into this process, and it</p>
<p style="text-align: right;">Page 43</p> <p>1 came away from it thinking that he was -- you know,</p> <p>2 his heart was in the right place and he was, you know,</p> <p>3 trying to make the world a better place, and working</p> <p>4 hard, and doing all the right things. I don't know.</p> <p>5 That was sort of my impression of him as a person.</p> <p>6 Where that impression came from, I can't at</p> <p>7 all pinpoint what conversation it was or, you know,</p> <p>8 whether it was actually something I heard secondhand</p> <p>9 that -- you know, it's possible some of that was --</p> <p>10 you know, some of it was from that, as well.</p> <p>11 Q There's a mention in here of [REDACTED].</p> <p>12 Right?</p> <p>13 A Yeah.</p> <p>14 Q And I think you mentioned that he was your</p> <p>15 friend who had a vision problem.</p> <p>16 A Correct.</p> <p>17 Q And did you personally interact with Ben</p> <p>18 around his attempts to help with that?</p> <p>19 A Yeah. I mean, I don't, you know, a hundred</p> <p>20 percent remember the -- how it got started or how much</p> <p>21 of the interactions were in person, or over email, or</p> <p>22 whatever. But, you know, I was very excited about the</p> <p>23 prospect of having this way that students could, you</p> <p>24 know -- I mean, I've taught with Randy, you know,</p> <p>25 before. And, you know, it -- it's very difficult for</p>	<p style="text-align: right;">Page 45</p> <p>1 kind of got stopped. So I always was very sad that it</p> <p>2 didn't -- that, you know, that that didn't get get</p> <p>3 done, because I thought it would've been incredibly</p> <p>4 helpful for Randy. And it, you know, it -- it did not</p> <p>5 get done since then, sadly.</p> <p>6 Q Looking again at the notes from your</p> <p>7 interview, there's a quotation: "With his superiors,</p> <p>8 he has more of a filter, as we probably all do."</p> <p>9 Do you know what the basis for that</p> <p>10 statement was?</p> <p>11 A I -- you know, I don't know at all. But</p> <p>12 I -- I don't feel like I had -- I don't remember</p> <p>13 having any firsthand knowledge of those first two</p> <p>14 bullet points. So I suppose, you know, I would guess</p> <p>15 that they are a reaction to some -- you know, maybe</p> <p>16 his associate promotion case, and some concerns that</p> <p>17 came out surrounding that.</p> <p>18 Q With his associate promotion case, that's</p> <p>19 not something that the Standing Committee would've</p> <p>20 been involved in. Right?</p> <p>21 A Not directly. But, you know, like with all</p> <p>22 of these promotion cases, you have your associate</p> <p>23 case, and it kind of a little bit sets the stage for</p> <p>24 the tenure case. And so, you know, there -- there are</p> <p>25 outstanding questions that are raised during the</p>