

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK SUPERIOR COURT
BUSINESS LITIGATION SESSION

BENJAMIN EDELMAN,

Plaintiff,

v.

Civil Action No.

PRESIDENT AND FELLOWS OF HARVARD

2384CV00395-BLS2

COLLEGE,

Defendant.

DEPOSITION OF ANGELA CRISPI

DATE: Tuesday, June 17, 2025

TIME: 9:39 a.m.

LOCATION: Zalkind Duncan & Bernstein LLP

65A Atlantic Avenue

Boston, MA 02110

REPORTED BY: Jared Reding

JOB NO.: 7309634

<p style="text-align: right;">Page 14</p> <p>1 Q What's your current title?</p> <p>2 A I'm executive dean for administration, and</p> <p>3 senior lecturer.</p> <p>4 Q Has your title changed in the last ten</p> <p>5 years?</p> <p>6 A Only with the addition of senior lecturer.</p> <p>7 Q As executive dean, what are your</p> <p>8 responsibilities in that role?</p> <p>9 A Yeah, I'd encapsulate it in three -- three</p> <p>10 parts. One is I oversee the administrative side of</p> <p>11 Harvard Business School. So to put that in order of</p> <p>12 magnitude, that's about nearly -- over -- nearly 2,500</p> <p>13 staff, and operating budget of about \$1 billion. So I</p> <p>14 oversee that side of the work.</p> <p>15 I partner closely with the dean, so in the</p> <p>16 things that are just kind of ideas, and then the</p> <p>17 execution of those ideas. And then I'm at the</p> <p>18 intersection of a lot that relates to the university.</p> <p>19 So there's a sizable amount to that side, and --</p> <p>20 Q And you mentioned partnering closely with</p> <p>21 the dean. Are you a direct report to the dean?</p> <p>22 A Yes, I am. I'm the only administrative</p> <p>23 report to the dean.</p> <p>24 Q Okay. And who reports to you?</p> <p>25 A So I have 14 direct reports, and the 14</p>	<p style="text-align: right;">Page 16</p> <p>1 A Yes, I played a role.</p> <p>2 Q Okay. What was the role that you played?</p> <p>3 A Primarily editing, offering opinion, and</p> <p>4 then thinking about the process of approval for it</p> <p>5 overall.</p> <p>6 Q Okay. I'm going to ask that we mark this</p> <p>7 as, I believe, Exhibit 160. So we'll mark it, and</p> <p>8 then I'll hand it to you.</p> <p>9 (Exhibit 160 was marked for</p> <p>10 identification.)</p> <p>11 A Sure.</p> <p>12 Q I'll let you take a look at that, and then</p> <p>13 I'm going to ask if you can identify it.</p> <p>14 A Yes, I can identify it.</p> <p>15 Q Okay. What is that?</p> <p>16 A This is at the point before the April</p> <p>17 faculty meeting, where we are drafting the guidelines</p> <p>18 for the -- for the faculty of what would be the</p> <p>19 Faculty Review Board.</p> <p>20 Q Okay. And you write that you're trying to</p> <p>21 do a side-by-side comparison to CRB, to see where</p> <p>22 there are gaps. What is CRB?</p> <p>23 A CRB is the conduct review board, which is</p> <p>24 for students.</p> <p>25 Q Okay. When you were looking for gaps, what</p>
<p style="text-align: right;">Page 15</p> <p>1 direct reports are leading different parts</p> <p>2 administratively of the school. Examples might be</p> <p>3 chief financial officer, chief information officer,</p> <p>4 head of the MBA program. But it's a range of</p> <p>5 individuals.</p> <p>6 Q Does that encompass essentially all of the</p> <p>7 staff of Harvard Business School within the reporting</p> <p>8 structure up to you?</p> <p>9 A Exactly, because each of those 14, and the</p> <p>10 pieces that they have, add to the 2,500.</p> <p>11 Q Okay. Are there staff at Harvard Business</p> <p>12 School who don't ultimately report up through their</p> <p>13 supervisors to you?</p> <p>14 A No.</p> <p>15 Q And was this the same in 2015?</p> <p>16 A Yes, it would've been.</p> <p>17 Q Okay. And same in 2017?</p> <p>18 A Yes. There's some additional new</p> <p>19 departments that wouldn't have existed that now exist,</p> <p>20 but the same -- the same structure.</p> <p>21 Q And in 2015, you were a member of the</p> <p>22 Faculty Review Board; right?</p> <p>23 A Yes.</p> <p>24 Q Okay. Did you participate in drafting the</p> <p>25 Faculty Review Board's principles and procedures?</p>	<p style="text-align: right;">Page 17</p> <p>1 were you looking for?</p> <p>2 A I was looking for comparables of how -- of</p> <p>3 process; timeline to decision-making; types of</p> <p>4 sanctions that are done; the role of gathering</p> <p>5 evidence, and having findings, and assessing a</p> <p>6 situation. So it was looking for comparables of</p> <p>7 those.</p> <p>8 Q Okay. Were there ways in which the FRB's</p> <p>9 ultimate procedures diverged from the CRB procedures?</p> <p>10 A No, the essence of it are the same.</p> <p>11 Q Was that your intent, to make sure that the</p> <p>12 essence would be essentially the same?</p> <p>13 A Yes.</p> <p>14 Q Okay. And was there a faculty meeting -- I</p> <p>15 think you have just said, actually, that there was a</p> <p>16 faculty meeting where the FRB procedure was discussed?</p> <p>17 A Yes, that was in April.</p> <p>18 Q Okay. I'm going to ask that we mark this as</p> <p>19 Exhibit 61 -- I'm sorry. 161. All right. I'm going</p> <p>20 to ask if you can identify those as notes that you</p> <p>21 took, at an April 29, 2015, faculty meeting?</p> <p>22 (Exhibit 161 was marked for</p> <p>23 identification.)</p> <p>24 A Yes, they're mine.</p> <p>25 Q Okay. Who would've been in attendance at</p>

<p style="text-align: right;">Page 18</p> <p>1 that meeting?</p> <p>2 A The faculty meeting is comprised -- well,</p> <p>3 it's -- 300 faculty are invited. And then there is</p> <p>4 the dean, and there are about maybe 20 -- 15 staff.</p> <p>5 Q Okay. So that's tenured and also non-tenure</p> <p>6 faculty?</p> <p>7 A Absolutely. Yep.</p> <p>8 Q Okay. And is this the meeting at which the</p> <p>9 FRB procedure was discussed?</p> <p>10 A Yes.</p> <p>11 Q Did faculty have questions about the</p> <p>12 procedure?</p> <p>13 A Well, I mean, looking at this -- you know,</p> <p>14 reminded that there was a question about an attorney</p> <p>15 being a part of the process. I -- I'm seeing on the</p> <p>16 third bullet that appropriate question about timing,</p> <p>17 how quickly this would work, and -- but from others,</p> <p>18 those would be just the -- what I'm imagining</p> <p>19 were -- were certainly two questions that would've</p> <p>20 arisen.</p> <p>21 Q Okay. Were the faculty generally supportive</p> <p>22 of the proposal?</p> <p>23 A Yes.</p> <p>24 Q Was anyone not supportive?</p> <p>25 A Not that I'm aware, no.</p>	<p style="text-align: right;">Page 20</p> <p>1 it stated that the executive dean of</p> <p>2 administration -- that they would be a staff point of</p> <p>3 view. So I was not surprised that that was me.</p> <p>4 Q Okay. Had you ever served on a conduct</p> <p>5 board in the past?</p> <p>6 A Yeah, I've been the secretary of the</p> <p>7 Academic Performance Committee. I have served on the</p> <p>8 conduct review board. I was the one who founded for</p> <p>9 the university the Ombuds office, and I also served as</p> <p>10 an ombuds.</p> <p>11 I've been involved in Title IX cases, and I</p> <p>12 was one of the founders of the community values effort</p> <p>13 at the school. So many -- and -- and what I'm</p> <p>14 not -- also staff. Staff grievance processes, any of</p> <p>15 those -- those types of things.</p> <p>16 Q When you say "the community values effort at</p> <p>17 the school," what are you referring to?</p> <p>18 A I'm referring to 1998 under Dean Kim Clark,</p> <p>19 when we actually established the community values.</p> <p>20 Q Okay. So you're talking about the values</p> <p>21 themselves, as opposed to a process for evaluating</p> <p>22 compliance with them?</p> <p>23 A Exactly.</p> <p>24 Q Okay. And in fact, the FRB process was the</p> <p>25 process for evaluating compliance with them that</p>
<p style="text-align: right;">Page 19</p> <p>1 Q On the right side, there's a section that</p> <p>2 says "to do," and then there's four names. Do you</p> <p>3 know what those are?</p> <p>4 A I honestly am betting that I was looking and</p> <p>5 realizing I needed to talk to Arthur Segal, something</p> <p>6 to Peter Tufano about, and don't -- make sure to get</p> <p>7 to Ray Goldberg. It's a form of a to-do list,</p> <p>8 probably, for me.</p> <p>9 Q Okay. Did it have any relationship to the</p> <p>10 principles and procedures of the FRB?</p> <p>11 A No, I'm sure not, because real estate,</p> <p>12 working with financial -- and we were doing something</p> <p>13 with agribusiness. Three -- as I look at that, it's</p> <p>14 sure very -- three very different topics.</p> <p>15 Q Okay. And at some point, you became a</p> <p>16 member of the Faculty Review Board; right?</p> <p>17 A I -- I did.</p> <p>18 Q Was that after you had participated in</p> <p>19 drafting the procedures for it?</p> <p>20 A Yes.</p> <p>21 Q Who asked you to join that board?</p> <p>22 A Dean Nitin Nohria.</p> <p>23 Q Did you have an understanding of why you</p> <p>24 were asked to be a member of the board?</p> <p>25 A Yes. I mean, if looking at the guidelines,</p>	<p style="text-align: right;">Page 21</p> <p>1 eventually was formed?</p> <p>2 A Yeah. Exactly.</p> <p>3 Q Okay. And was Jean Cunningham the staff</p> <p>4 member who was supporting the FRB?</p> <p>5 A Yes, she was.</p> <p>6 Q Okay. And what was her job title at the</p> <p>7 time?</p> <p>8 A She is associate dean of faculty affairs and</p> <p>9 educational affairs.</p> <p>10 Q Before your service on the FRB, did you know</p> <p>11 Ben Edelman?</p> <p>12 A Yes, I did.</p> <p>13 Q And how did you know him?</p> <p>14 A I would've first known of him in 2007, when</p> <p>15 he arrived.</p> <p>16 Q At what point did you actually get to know</p> <p>17 him personally?</p> <p>18 A I would say more -- about two years -- maybe</p> <p>19 let's say two years ago, two years from then. So that</p> <p>20 would've been like -- call that around 2009, and more</p> <p>21 like -- in like a social context, at faculty meetings,</p> <p>22 at the faculty holiday, or start-of-year dinners.</p> <p>23 Q All right. At some point, did you have</p> <p>24 interactions with him in your professional role that</p> <p>25 were not just social interactions?</p>

<p style="text-align: right;">Page 22</p> <p>1 A At some point along the way, but much later, 2 yes. Yeah. 3 Q Okay. When did you have those interactions? 4 A Beginning around 2010. 5 Q Okay. And what were those interactions? 6 A Much at that point was -- maybe just about 7 some of the things that he wished to see getting done, 8 and having a conversation about how we might do those, 9 but we didn't have much interaction. 10 Q Okay. What were the things that you wanted 11 to see getting done? 12 A Things like the projectors, as an example. 13 That was probably the most telling. For the most 14 part, I'm relying on the individuals who work for me 15 to work with their teams directly. So there was not a 16 lot of intervention on my part. 17 Q Okay. Were you aware of individuals that 18 you worked with having interactions with him? 19 A Yes. 20 Q Okay. So tell me about those interactions. 21 A So in my leadership position with 14 direct 22 reports, I spend time with them routinely, on a 23 predictable pattern. So when we meet, they have 24 it -- they have things they want to talk about in 25 reverse; I have things to talk about.</p>	<p style="text-align: right;">Page 24</p> <p>1 to dental insurance of a staff member. So there was 2 a -- there was a variety. 3 Q Okay. So I want to go through them 4 individually. 5 A Okay. Sure. 6 Q So you said one was about changing an 7 office. What was that? 8 A That was very early on, and -- and resolved 9 itself, but was adjustments to the -- his office. 10 That might have been additional projection, things 11 that he would want to see done, and -- and to -- to 12 his office, to a little bit more additional equipment. 13 Q Okay. Why was that raised to your level? 14 A Because it's not something we do; right? We 15 provide a standard office setup for a faculty member, 16 and we do that for various reasons. And so we don't 17 make -- we will make some adjustments, but of the type 18 where we are mounting things to ceilings, and 19 other -- and doing other big changes, it legitimately 20 came to me as something that they saw as an outlier 21 were grappling with what to do. 22 Q Okay. Who raised that to your attention? 23 A I'm not recalling, but I believe it was 24 probably operations, the team that would execute on 25 that.</p>
<p style="text-align: right;">Page 23</p> <p>1 And so as an example, they might bring to me 2 and say something that they are working on, something 3 they were grappling with, and we problem-solve 4 together to figure out what what solutions might be. 5 That's an example of the cadence that would happen, 6 and the kinds of things that would surface. 7 Q Okay. Can you tell me what specific things 8 had surfaced related to Ben Edelman before the 2015 9 FRB review board? 10 A Yeah, like -- so if we use some of 11 those -- the projector as an -- as an example of just 12 a team, like the IT team, trying to figure out a 13 matter that they are trying to resolve, but a set of 14 approaches that he wants to take, and they're 15 struggling with how to find what the right approach is 16 to do. 17 Q Okay. So it sounds like the projector issue 18 is one example. 19 A Yes. 20 Q Were there other examples? 21 A There are other examples that I could see, 22 that they would bring to me, that might be around just 23 things to do with changing the office, that wanted to 24 do -- interactions with faculty of things that he was 25 assisting with. So it was a different -- one related</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Okay. Do you have a memory of talking to 2 any specific person about it? 3 A No. 4 Q About when was that? It would've been, it 5 sounds like, early. 6 A Early on, yeah. I don't -- I can't 7 precisely know the year, but I'm imagining it's in 8 that 2007 to 2009 time period. 9 Q What ended up happening with the office? 10 A We did not make the changes. 11 Q Okay. Was making the request a violation of 12 HBS's community values? 13 A No. 14 Q Did you communicate to Ben that you weren't 15 going to make the changes, or did someone else do 16 that? 17 A Someone else did that. 18 Q Okay. Do you know how that conversation 19 went? 20 A Not specific -- no, I don't. 21 Q Okay. You also mentioned interactions with 22 assisting faculty. Can you tell me what you're 23 referring to by that? 24 A Just things that might be in the way of 25 assistive -- assisted aides for them that, again, very</p>

<p style="text-align: right;">Page 26</p> <p>1 well-intentioned, but are ones that we need to be able 2 to execute within a backdrop of what's doable. 3 There's a range of context to it. So all, yes, 4 well-intentioned efforts on his part. 5 Q Were other specific faculty members that you 6 recall this being an issue with? 7 A [REDACTED]. There was [REDACTED]. 8 I mean, later -- those would be two that come to mind. 9 Q Okay. Were those before or after 2015? 10 A I'm not certain. 11 Q Okay. Who would've raised those to your 12 attention? 13 A The -- most likely in this regard, it could 14 have been the IT group, but also what's known as the 15 Division of Research and Faculty Development. Those 16 are individuals like Valerie Porciello, as a name, who 17 work directly with faculty, and those type of things 18 for accommodations for faculty. 19 Q Okay. Do you recall any other faculty 20 members that there were issues with Ben assisting? 21 A Not -- nothing comes to mind. Is there 22 anything particularly that you're wondering about? 23 Q I'm just trying to make sure that I've 24 exhausted your memory. 25 A Okay.</p>	<p style="text-align: right;">Page 28</p> <p>1 came to see me about it, because it had been raised 2 by -- by Ben. And then it came through me through 3 Ellen Mahoney, HR, as well. 4 Q And ultimately, what did you do to resolve 5 the situation? 6 A Do what I would do in a common thing, is 7 let's look into it. Let's understand -- is there 8 merit to doing this? Why haven't we done it? What's 9 the situation? 10 So we've just kind of taken stock -- with 11 Ellen Mahoney, not with Peter Tufano. He brought the 12 issue, but really we needed to understand from an 13 employment reason, why hadn't this happened, and can 14 we do anything about it? 15 Q Okay. Was it a violation of HBS community 16 values for Ben to have raised this issue? 17 A No. 18 Q Were there any other matters that were 19 raised to you by staff about Ben Edelman prior to 20 2015? 21 A The projectors. 22 Q The projectors? 23 A Yeah. 24 Q And so tell me about the projectors. 25 A Yeah, the projectors was a complicated one,</p>
<p style="text-align: right;">Page 27</p> <p>1 Q And then you mentioned an issue about dental 2 insurance -- 3 A Yes. Yes. 4 Q -- for a staff member? 5 A Yes. This is an individual that was on our 6 dining team, and the dining team is part of a separate 7 organization, Restaurant Associates; a union, Local 8 26. And so it was for an individual named Jean Adams. 9 Q Okay. And what was Ben's involvement in 10 that? 11 A Again, he had understood from her that she 12 did not have dental coverage, and she was having an 13 issue getting that coverage. 14 Q And did he do any -- did he do something in 15 response to that concern? 16 A He brought that forward to Professor Peter 17 Tufano. It was raised, and then -- and had come 18 through to our HR team, Ellen Mahoney, who's the chief 19 human resource officer. And so it kind of made its 20 way through several -- several different avenues. 21 Q Okay. And ultimately, it made its way to 22 you? 23 A Yes, yes, yes. 24 Q And who raised it to you? 25 A It was raised to me by Peter Tufano, who</p>	<p style="text-align: right;">Page 29</p> <p>1 that lasted for a long -- a while. The projectors was 2 a situation that we have a normal capital review 3 process, in that we knew that we needed to replace the 4 projectors that were at the end of lifecycle. 5 They were ten years old. They're the 6 cornerstone of a classroom for the -- for the faculty 7 and the students. And so that's -- that's where we 8 had been in -- really coming into 2013, when it first 9 came on about we needed to replace the projectors. 10 Q Okay. So you needed to replace the 11 projectors. Was there a plan to also change the 12 projectors at that point? 13 A Yes. We were going to -- we had to swap 14 them out; right? You end up with equipment that you 15 can't -- that -- that has outlived its life, and so we 16 had to replace them. 17 Q Right. Were you replacing them with the 18 same kind of projector, or a different kind of 19 projector? 20 A It was a different one. I think it was 21 known as a Christie projector, that we were replacing 22 them with. 23 Q Okay. And what was Ben's involvement in the 24 question about the replacement of the projectors? 25 A When Ben heard about it, he was concerned</p>

<p style="text-align: right;">Page 30</p> <p>1 about the move to being widescreen, because of the</p> <p>2 belief that going to widescreen would impact the</p> <p>3 amount of real estate on a slide, which would have a</p> <p>4 ripple effect for a faculty member.</p> <p>5 Q Did other faculty members have that concern?</p> <p>6 A I think as -- because he raised it, there</p> <p>7 were about three others who also then saw legitimacy</p> <p>8 to the question.</p> <p>9 Q Who were those three?</p> <p>10 A I don't recall.</p> <p>11 Q Okay. And ultimately what ended up</p> <p>12 happening with the projectors?</p> <p>13 A We changed the projectors, ultimately,</p> <p>14 because we had to.</p> <p>15 Q Okay. You changed them to the widescreen</p> <p>16 projection that Ben objected to?</p> <p>17 A Yep. Yes.</p> <p>18 Q And when did that happen?</p> <p>19 A We would've installed them in 2015.</p> <p>20 Q Was there any other issue about Ben Edelman</p> <p>21 that staff raised to you prior to 2015?</p> <p>22 A Yes, but again, some -- many -- some of the</p> <p>23 things were related to technology, different systems</p> <p>24 that we had. But they were -- yes.</p> <p>25 Q Okay. What issues related to technology do</p>	<p style="text-align: right;">Page 32</p> <p>1 thought that he had not listened to the other side of</p> <p>2 the argument?</p> <p>3 A Well, I think one is going to be the issue</p> <p>4 of the projector, from -- eventually that legitimately</p> <p>5 raised and did a number of things to just study, to</p> <p>6 pilot, to seek other opinions. But there is just a</p> <p>7 constancy of questioning what we were doing, and so</p> <p>8 not listening to people's expertise.</p> <p>9 Q Okay. Other than the projectors incident,</p> <p>10 is there any other example of a time when you thought</p> <p>11 that he was not listening to the other side, or to</p> <p>12 other people's opinions?</p> <p>13 A Well, I would raise the Sichuan Gardens</p> <p>14 situation. That was another incident.</p> <p>15 Q And did that involve you in your role</p> <p>16 as -- I'm sorry -- as executive dean?</p> <p>17 A Yeah. Yeah. Yeah.</p> <p>18 Q I'm talking to a lot of people with HBS</p> <p>19 titles.</p> <p>20 A No worries.</p> <p>21 Q Did that impact your role as executive dean?</p> <p>22 A Yes, it did.</p> <p>23 Q Okay. So tell me about how.</p> <p>24 A So when that happened, there was an</p> <p>25 explosion of opinion. And the explosion of opinion is</p>
<p style="text-align: right;">Page 31</p> <p>1 you recall being raised to you?</p> <p>2 A There were things related to video tools. I</p> <p>3 know there was Kaltura.</p> <p>4 Q Okay. What's Kaltura?</p> <p>5 A That is like a video technology that we use</p> <p>6 in the classroom.</p> <p>7 Q Okay. Do you know when the issue about</p> <p>8 Kaltura was raised to you?</p> <p>9 A I don't recall.</p> <p>10 Q Do you recall whether it was before or after</p> <p>11 2015?</p> <p>12 A It may have been after. I'm not sure.</p> <p>13 Q Do you recall any other issues being raised</p> <p>14 prior to 2015?</p> <p>15 A Not at this moment, no.</p> <p>16 Q Any other ways in which Ben had come to your</p> <p>17 attention in your role?</p> <p>18 A No -- what -- no.</p> <p>19 Q Did you have a reaction to the issues that</p> <p>20 had been brought to your attention about him?</p> <p>21 A Yes, I did. I -- I think -- again,</p> <p>22 well-intentioned. It's the process of making those</p> <p>23 opinions known, and not listening to the other side of</p> <p>24 the argument about what we can or can't do.</p> <p>25 Q Okay. What were the instances in which you</p>	<p style="text-align: right;">Page 33</p> <p>1 from alumni, and internal audience, students, the</p> <p>2 media. And if -- back to my set of responsibilities,</p> <p>3 marketing communication connects to me, the MBA</p> <p>4 program, anything with external relations and alumni.</p> <p>5 So I was absolutely of the nexus of a lot of</p> <p>6 agitation.</p> <p>7 Q And what did you do to respond to the</p> <p>8 agitation that was coming to you?</p> <p>9 A For one is meeting collectively with the</p> <p>10 people who are facing this issue, what will be our</p> <p>11 response. So that we needed to be able to -- when</p> <p>12 things were being asked of us, be able to respond to</p> <p>13 it. And -- and that -- that really became just trying</p> <p>14 to organize chaos, and provide clarity of message,</p> <p>15 from our point of view.</p> <p>16 Q So when you say that you were meeting</p> <p>17 collectively with the people facing the issue, who did</p> <p>18 you meet with?</p> <p>19 A Oh -- Brian Kenny, who's the chief of</p> <p>20 marketing communications. At the time, that would've</p> <p>21 been probably Steve Nelson or Brit Dewey, who was</p> <p>22 heading the MBA program.</p> <p>23 There would've been Ralph James, who was</p> <p>24 heading external relations. We had Nancy Dellarocco</p> <p>25 in executive education. We had Jean Cunningham in the</p>

<p style="text-align: right;">Page 34</p> <p>1 dean's office. That's just a sample. This had a wide 2 ripple effect. 3 Q Did you hold -- when you say meeting 4 collectively, does that mean that you held one meeting 5 with sort of all of the stakeholders on the issue? Or 6 that you meant -- you know, you held a number of 7 different meetings? 8 A A bit of both. Like, there is going to be 9 one where we caucus together to understand the 10 situation, and try to determine what to do. And then 11 there's going to be -- as everyone goes off and 12 attends to their side of things, then there would be a 13 number of individual conversation that's taking place 14 about how it's going, what they're seeing, are we 15 bending the curve in the agitation or not. It would 16 be that. 17 Q Okay. And so you were part of most of those 18 conversations? 19 A Much of -- many of them, yes. 20 Q Okay. The large meeting where everyone 21 caucused together, do you know -- were all of the 22 people that you just named to me part of that meeting? 23 A Likely, yes, because that is a senior 24 management team that's together on a regular basis. 25 They're a subset of those 14. And so oftentimes in a</p>	<p style="text-align: right;">Page 36</p> <p>1 takes their action items. So they're 2 not -- they're -- yeah. So that -- that's how the 3 format is. 4 Q Okay. Would anyone have followed up with 5 you individually about how their action items were 6 going, or what they were accomplishing? 7 MR. MURPHY: Objection. 8 You can answer. Yeah. 9 THE WITNESS: Likely. Likely. 10 BY MS. COSTELLO: 11 Q Do you recall anyone in particular following 12 up with you after that meeting? 13 A No. But as an example, if the students were 14 then raising money, and they had raised \$500 to be 15 able to help the restaurant owner, that would be an 16 example of something that occurred late -- that was 17 then occurring about the donations students were 18 doing. And again, we would not get in the middle of 19 that, but that would be something where I'm kept 20 informed about actions people are taking. 21 Q Okay. Would people have been seeking your 22 guidance about any actions that they were taking? 23 MR. MURPHY: Objection. 24 THE WITNESS: No. 25 //</p>
<p style="text-align: right;">Page 35</p> <p>1 crisis, it's not the full 14; it's a subset depending 2 on the crisis. And this was a crisis that affected 3 them. 4 Q Right. And might not affect some other 5 departments under your control, but -- 6 A Exactly. Like the CIO wasn't seeing as 7 much; the CFO isn't seeing as much. So it really 8 could -- it's those who basically are intersecting 9 with large constituents. 10 Q Okay. Do you know when that meeting was 11 held? 12 A I don't. 13 Q Okay. Did you take notes at that meeting? 14 A No. 15 Q Do you know whether anyone took notes at the 16 meeting? 17 A They may have. Yeah. 18 Q Coming out of the meeting, was there a set 19 of kind of action items that was circulated in any 20 way? 21 A No. 22 Q Do you think that there was any email 23 correspondence following up on that meeting? 24 A I don't remember. Again, those are meetings 25 where we meet, we talk about things, and everybody</p>	<p style="text-align: right;">Page 37</p> <p>1 BY MS. COSTELLO: 2 Q Okay. So Brian Kenny reported to you? 3 A Yes. 4 Q Did he discuss with you in any kind of 5 ongoing way what kind of response he and his team were 6 making to the incident? 7 A Not specifically, no. 8 Q What was your reaction to Ben's conduct in 9 the Sichuan Garden situation? 10 A You know -- sadness. Disappointment. And 11 that same sadness and disappointment would be for our 12 team, who had to pick up the pieces. 13 Q Were there any other incidents where there 14 were concerns about -- well, first of all, let me back 15 up a little bit. So we've talked about a number of 16 incidents that were brought to your attention by HBS 17 staff, or by people that you supervised; right? 18 A Yep. 19 Q Have you told me all of the incidents of 20 that kind that you remember prior to 2015? 21 A As I recall right now, yes. 22 Q Okay. And then we've also discussed the 23 Sichuan Garden situation, which came to your 24 attention, but probably not really through staff so 25 much as through the news.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q Do you recognize this exhibit?</p> <p>2 A I recognize my handwriting. So again, I</p> <p>3 recognize the handwriting, but I don't know what</p> <p>4 context I was writing it.</p> <p>5 Q Okay. So these are notes that you took at</p> <p>6 some point; right?</p> <p>7 A Mm-hmm.</p> <p>8 THE REPORTER: That's a yes? Sorry.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. COSTELLO:</p> <p>11 Q Do they appear to be notes concerning Ben</p> <p>12 Edelman?</p> <p>13 A Yes.</p> <p>14 Q Does it memorialize a conversation that you</p> <p>15 were part of?</p> <p>16 A No.</p> <p>17 Q Does it memorialize your own thoughts about</p> <p>18 Ben?</p> <p>19 A No. It -- this can be well be -- I am just</p> <p>20 trying to do some like memory jogs for myself,</p> <p>21 of -- of different things. But I don't know, again,</p> <p>22 the timing of when this would've been that I was doing</p> <p>23 this.</p> <p>24 Q Okay. There's a list of incidents here.</p> <p>25 A Mm-hmm.</p>	<p style="text-align: right;">Page 52</p> <p>1 A Yes, it is.</p> <p>2 Q And then you write "CIO search." What does</p> <p>3 that refer to?</p> <p>4 A There was a transition of CIOs during this</p> <p>5 time from Stephen Laster to Steve Gallagher, and then</p> <p>6 also after Steve Gallagher left us to become the CIO</p> <p>7 of Stanford University. And I remember seeking his</p> <p>8 opinion about the CIO search. So that's probably what</p> <p>9 that was, of having -- having sought his opinion.</p> <p>10 Q Did you have a negative interaction with him</p> <p>11 around the CIO search?</p> <p>12 A Nope.</p> <p>13 Q And then the next bullet point says, "Wanted</p> <p>14 to submit case to HBP without assigning copyright."</p> <p>15 Is that the case copyright issue that's reflected in</p> <p>16 Exhibit 115, the notice letter?</p> <p>17 A I believe so, yes.</p> <p>18 Q And then the final bullet point on this page</p> <p>19 says, "Jean Adams getting dental insurance"?</p> <p>20 A Yes.</p> <p>21 Q And that's the matter related to Jean Adams</p> <p>22 dental insurance that we've discussed?</p> <p>23 A Yes, it is.</p> <p>24 Q On the second page, it says, "I'm no</p> <p>25 expert." Do you know what that's referring to?</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. MURPHY: Sorry. You got to keep</p> <p>2 saying either --</p> <p>3 THE WITNESS: Yes. Yes. Yes, yes.</p> <p>4 MR. MURPHY: -- yes, or no, or</p> <p>5 something else.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. COSTELLO:</p> <p>8 Q It feels unnatural, but we'll keep reminding</p> <p>9 you. So under "incidents," the first is travel.</p> <p>10 Would you assume that that refers to the travel</p> <p>11 arrangements issue that's reflected in the FRB's</p> <p>12 letter?</p> <p>13 MR. MURPHY: Objection.</p> <p>14 THE WITNESS: I assume so.</p> <p>15 BY MS. COSTELLO:</p> <p>16 Q Was there any other issue about travel with</p> <p>17 Ben?</p> <p>18 A Later follow on American Airlines and</p> <p>19 baggage fees. But that was not -- that was likely not</p> <p>20 this.</p> <p>21 Q Okay. And then the second bullet point is</p> <p>22 Aldritch projector changes?</p> <p>23 A Yep. Yes.</p> <p>24 Q And is that the projector issue that's</p> <p>25 described in Exhibit 115, the notice letter?</p>	<p style="text-align: right;">Page 53</p> <p>1 A I believe that was something he said in the</p> <p>2 written form -- in written form, in potentially</p> <p>3 an -- an email, about -- that he's not an expert in</p> <p>4 things. So it was just a three-word memory jog.</p> <p>5 Q Okay. What were you jogging your memory</p> <p>6 about?</p> <p>7 A You know, just that those -- the -- having</p> <p>8 said those three words.</p> <p>9 Q And then the next bullet point, on the</p> <p>10 second page, says, "2009 inquiries about president and</p> <p>11 fellows copyright on cases." Is that a separate issue</p> <p>12 about case copyright, or is it a different detail of</p> <p>13 the same issue?</p> <p>14 A I don't know. I don't recall.</p> <p>15 Q Do you recall which case copyright issue was</p> <p>16 meant to be included in Exhibit 115, the notice</p> <p>17 letter?</p> <p>18 MR. MURPHY: Objection.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MS. COSTELLO:</p> <p>21 Q And then the last bullet point on the second</p> <p>22 page says "2007 request to open up HBS firewall." Do</p> <p>23 you recall what that incident was?</p> <p>24 A I do. And again, it was an early-on</p> <p>25 incident, since he arrived in 2000, of precisely what</p>

<p style="text-align: right;">Page 54</p> <p>1 it says. He hoped to have the firewall open for 2 himself, where, of course, we can't do that as a 3 one-off. And we have an alternative of being able to 4 use VPN. But that was an early-on request that he had 5 asked for. That's the extent of what I remember. 6 Q Okay. Do you -- it sounds like you didn't 7 open up the firewall? 8 A No. 9 Q Did someone communicate that to him? 10 A Yes. I don't know who, but I'm sure 11 somebody did. 12 Q Okay. Do you recall any follow-up on that 13 communication? 14 A No. 15 Q Okay. Anything about how the communication 16 went? 17 A No. 18 Q Okay. And 2007 would've been his first year 19 at HBS? 20 A I believe so, yes. 21 Q Was that an incident in which you thought 22 that he had violated HBS community values? 23 A No. 24 Q Looking again at the first page, two of 25 these have check marks next to them, the Aldritch</p>	<p style="text-align: right;">Page 56</p> <p>1 pattern for myself of naming the actual meeting and 2 the date. This does not have that. So this suggests 3 to me that this is some form of just my own 4 note-taking. 5 Q Okay. And the thoughts expressed would be 6 your own thoughts? 7 A Likely. But then if some -- again -- yes. 8 But if it's like, "know-it-all" and "I'm no expert," 9 it's -- again, it's things recalling whether said by 10 then or said by others. 11 Q Okay. I'm going to ask that we mark this as 12 Exhibit 164. 13 (Exhibit 164 was marked for 14 identification.) 15 Okay. So I'll give you a minute to look 16 that over. 17 A Thank you. 18 Q Okay. Is this a document that you prepared? 19 A Yes. 20 Q Okay. When did you prepare it? 21 A Probably -- it does not have a date on 22 it -- after spring of two thousand -- probably summer 23 of 2015, when the FRB started. It's ineffective for 24 the record. 25 Q I can represent to you that the metadata on</p>
<p style="text-align: right;">Page 55</p> <p>1 projectors, and the "wanted to submit case to HBP 2 without assigning copyright." Do you know why those 3 have check marks? 4 A No, I do not. 5 Q Is it possible that it's because those were 6 things that you thought should be included in the 2015 7 FRB process? 8 MR. MURPHY: Objection. 9 THE WITNESS: No, I don't. 10 BY MS. COSTELLO: 11 Q Looking at this list of incidents, are these 12 all things that happened prior to the 2015 FRB process 13 beginning? 14 A Yes. 15 Q Does that help you place in time at all when 16 you might've taken these notes? 17 A Probably before 2015. 18 Q Okay. The top of the first page also has 19 three bullet points. The third is "know-it-all." Was 20 that your opinion? 21 A Not mine alone. 22 Q And is your best memory that these are not 23 notes of an FRB meeting? 24 A I don't think so. I don't think so, because 25 they don't have what you would see as a typical</p>	<p style="text-align: right;">Page 57</p> <p>1 the document suggests that it was prepared by you on 2 July 28th of 2015. Does that sound about right to 3 you? 4 A Yes, it does sound right. 5 Q That would've been about three days before 6 the notice letter, which is Exhibit 115; right? 7 A Right. Right -- I'm sorry. You're saying 8 it's before this July 31st letter? 9 Q Right. 10 A Yes, exactly. And after what would have 11 probably been the first meeting of the gathering of 12 the FRB. 13 Q Okay. Had someone asked you to put together 14 this information? 15 A Yes. As the FRB, it would've been important 16 for us to chronicle the -- the situations that we were 17 aware of. So this would've been chronicling incidents 18 that I would've been aware of. 19 Q Was there a specific directive to you at the 20 FRB's first meeting, saying, "Can you please put this 21 together?" 22 MR. MURPHY: Objection. 23 THE WITNESS: No, that's just a 24 practice I would do on my own. 25 //</p>

<p style="text-align: right;">Page 58</p> <p>1 BY MS. COSTELLO:</p> <p>2 Q And is it fair to say that these are</p> <p>3 excerpts from email exchanges?</p> <p>4 A Yes.</p> <p>5 Q And it seems to be regarding incidents that</p> <p>6 are within the list that you made for yourself in</p> <p>7 Exhibit 163, your handwritten notes; right?</p> <p>8 A True. Yes.</p> <p>9 Q Okay. And some of these incidents end up</p> <p>10 being included in Exhibit 115, the notice letter;</p> <p>11 right?</p> <p>12 A Yes.</p> <p>13 Q And others are not; right?</p> <p>14 A That's correct.</p> <p>15 Q How was that determination made?</p> <p>16 A I don't remember. Which one are you</p> <p>17 referring to? Or --</p> <p>18 Q Which one am I referring to?</p> <p>19 A Yeah. Which one are you thinking about?</p> <p>20 Q Well, so the dental coverage issue is not</p> <p>21 included in the notice letter; right?</p> <p>22 A Correct.</p> <p>23 Q And the HBS firewall question from 2007 is</p> <p>24 also not included in the notice letter, but is</p> <p>25 included here?</p>	<p style="text-align: right;">Page 60</p> <p>1 A In 2015, yes. It would've been.</p> <p>2 Q Okay. So you wouldn't necessarily send</p> <p>3 everything to people via email?</p> <p>4 A Not necessarily.</p> <p>5 Q Is this a document that you shared with Ben</p> <p>6 Edelman?</p> <p>7 A No.</p> <p>8 Q All right. So going back to the question</p> <p>9 about projectors.</p> <p>10 A Sure.</p> <p>11 Q Understanding that I think you described</p> <p>12 that as an issue that was ongoing for a couple of</p> <p>13 years, had you received email correspondence about</p> <p>14 that issue?</p> <p>15 A Yes.</p> <p>16 Q About how much?</p> <p>17 A You know, it came from different places and</p> <p>18 different people. It came at different time periods</p> <p>19 because of the longevity of the issue, but there</p> <p>20 would've been people that were on Steve</p> <p>21 Gallagher -- Steve Gallagher, for sure. And Steve</p> <p>22 Gallagher's team, such as Kate Targett, as a -- as an</p> <p>23 individual who was certainly at the nexus of this.</p> <p>24 Q Okay. What was Kate Targett's title?</p> <p>25 A Kate Targett, I believe, was the director of</p>
<p style="text-align: right;">Page 59</p> <p>1 A Correct.</p> <p>2 Q Is this a document that you provided to</p> <p>3 other members of the FRB?</p> <p>4 A I don't recall. Probably, but I don't know</p> <p>5 for certain.</p> <p>6 Q Do you think it was prepared for the purpose</p> <p>7 of sharing with other members of the FRB?</p> <p>8 MR. MURPHY: Objection.</p> <p>9 THE WITNESS: I -- I would think I was</p> <p>10 preparing it, even just for the sake of myself, making</p> <p>11 sure to be equipped with an -- of an understanding.</p> <p>12 And again, memory. But I don't recall what happened</p> <p>13 with this.</p> <p>14 BY MS. COSTELLO:</p> <p>15 Q Okay. Wasn't it important for the FRB</p> <p>16 members to have the same information as each other as</p> <p>17 they were making decisions?</p> <p>18 A Yes.</p> <p>19 Q Is it possible that you would've shared this</p> <p>20 with them in hard copy?</p> <p>21 MR. MURPHY: Objection.</p> <p>22 THE WITNESS: Possibly.</p> <p>23 BY MS. COSTELLO:</p> <p>24 Q Was it your practice to share paper copies</p> <p>25 with people in meetings?</p>	<p style="text-align: right;">Page 61</p> <p>1 media services.</p> <p>2 Q Okay. And so is media services a team</p> <p>3 within, essentially, IT at the school?</p> <p>4 A Yes. It's -- it's a team, and a sizable</p> <p>5 team, because they're responsible for the -- you know,</p> <p>6 35-plus classrooms, and all of the project rooms, and</p> <p>7 everything with all -- think of all the technology</p> <p>8 that's in them. And so they service them, they equip</p> <p>9 them. But yes, she was overseeing all of that.</p> <p>10 Q Okay. And I think you described projectors</p> <p>11 as the cornerstone of a classroom?</p> <p>12 A Yes.</p> <p>13 Q And so is it fair to say that how the</p> <p>14 projectors function is an important question?</p> <p>15 A Absolutely.</p> <p>16 Q It's a significant question for media</p> <p>17 services?</p> <p>18 A Absolutely.</p> <p>19 Q Did you have a view, you know, in early</p> <p>20 2015, about Ben's conduct regarding the dispute about</p> <p>21 projectors?</p> <p>22 A It would have just been frustration for the</p> <p>23 team, that they needed to move on with executing that</p> <p>24 we had planned to do, and stop studying, stop talking</p> <p>25 about it, talk -- stop debating it. So it was -- you</p>

<p style="text-align: right;">Page 62</p> <p>1 know, we -- we needed to get to work.</p> <p>2 Q Okay. And actually, looking at Exhibit 164</p> <p>3 that we were just examining, the top email there is</p> <p>4 from you to Ben?</p> <p>5 A Yes.</p> <p>6 Q And your note above it says it's from</p> <p>7 February, 2015. Are you essentially expressing that</p> <p>8 view to him?</p> <p>9 A Yes, I am.</p> <p>10 Q Did you share that view with other members</p> <p>11 of the FRB?</p> <p>12 A Yes.</p> <p>13 Q Okay. When did you share it?</p> <p>14 A I don't know precisely.</p> <p>15 Q Would you have discussed it in meetings that</p> <p>16 you had with the other FRB members?</p> <p>17 MR. MURPHY: Objection.</p> <p>18 THE WITNESS: Likely, as just trying,</p> <p>19 again, to help them to understand a chronology of</p> <p>20 events.</p> <p>21 BY MS. COSTELLO:</p> <p>22 Q Did you gather evidence for the FRB about</p> <p>23 the projectors issue?</p> <p>24 MR. MURPHY: Objection.</p> <p>25 THE WITNESS: No. I -- I mean, I</p>	<p style="text-align: right;">Page 64</p> <p>1 corner. If you look at the page that's Bates stamped</p> <p>2 HBS0015778 --</p> <p>3 A 778 -- towards the front?</p> <p>4 Q Towards the back.</p> <p>5 A Towards the back. Okay. 778 -- got it.</p> <p>6 Q Okay. So between that page and page 15786,</p> <p>7 is this email correspondence regarding the projector</p> <p>8 issue?</p> <p>9 A Yes, it is.</p> <p>10 Q Okay. Did you provide that correspondence</p> <p>11 to the FRB?</p> <p>12 A Yes, I -- I likely provided it to Jean</p> <p>13 Cunningham.</p> <p>14 Q And then Jean was the staff person --</p> <p>15 A Staffing person, exactly. Yep. Yes.</p> <p>16 Q Okay. Did you -- these are all emails that</p> <p>17 you are copied on?</p> <p>18 A Correct.</p> <p>19 Q Did you collect any evidence on this issue</p> <p>20 from anyone else?</p> <p>21 MR. MURPHY: Objection.</p> <p>22 THE WITNESS: At this particular point</p> <p>23 in time, or over the few years of this issue?</p> <p>24 BY MS. COSTELLO:</p> <p>25 Q Well, during your time on the FRB.</p>
<p style="text-align: right;">Page 63</p> <p>1 would've done some things -- wanting to do a lot of</p> <p>2 look-backs, so that I could understand -- actually</p> <p>3 make sure I understood the technical issues, as -- as</p> <p>4 much as I'm capable. I'm not a technical person. And</p> <p>5 wanting to just understand the ranges of actions that</p> <p>6 we would have taken.</p> <p>7 So much of it would have been that.</p> <p>8 And it could have even been also just to also test</p> <p>9 understanding, and not want to have anything wrong,</p> <p>10 of -- if -- in those one-on-ones with Steve Gallagher,</p> <p>11 just to -- again, just to test my own understanding.</p> <p>12 BY MS. COSTELLO:</p> <p>13 Q Okay. Other than this Exhibit 164, did you</p> <p>14 provide the FRB with email correspondence about the</p> <p>15 projectors issue?</p> <p>16 A I may have, but I'm not certain.</p> <p>17 Q Okay. I'm going to show you what we have</p> <p>18 marked previously as Exhibit 6. And I'll let you take</p> <p>19 a look at it, but then I'm going to ask if you can</p> <p>20 identify that as the FRB's 2015 report.</p> <p>21 A Okay. Thank you.</p> <p>22 Q Is that the FRB's 2015 report?</p> <p>23 A Yes, it appears that way.</p> <p>24 Q Okay. If you look at -- the pages are not</p> <p>25 numbered, but they have a Bates stamp in the bottom</p>	<p style="text-align: right;">Page 65</p> <p>1 A No, I would not have.</p> <p>2 Q And at the time that you received this</p> <p>3 correspondence, you weren't yet a member of the FRB;</p> <p>4 right?</p> <p>5 A Oh, yes. No, I was not on the FRB.</p> <p>6 Correct. Correct.</p> <p>7 Q Okay. The FRB didn't exist, actually?</p> <p>8 A Didn't even exist, correct. Correct.</p> <p>9 Q I think that the most recent email exchange</p> <p>10 reflected in this report is on page 15785. Is that</p> <p>11 the same email that we were just looking at in Exhibit</p> <p>12 164?</p> <p>13 A Yes, it is.</p> <p>14 Q But this one includes the headers showing</p> <p>15 when it was sent, and the subject?</p> <p>16 A That's correct.</p> <p>17 Q Okay. So that's an email from you to Ben</p> <p>18 Edelman on February 17, 2015; right?</p> <p>19 A Correct.</p> <p>20 Q And you're essentially telling him that the</p> <p>21 decision has been made, and is final?</p> <p>22 A Yes.</p> <p>23 Q And he needs to move on?</p> <p>24 A Yes. Exactly.</p> <p>25 Q Did you also receive other emails, besides</p>

<p style="text-align: right;">Page 66</p> <p>1 these emails, about the projector issue?</p> <p>2 A In the -- leading up to this, yes.</p> <p>3 Q How did you select these emails to include</p> <p>4 to the FRB?</p> <p>5 A It would be ones that I was trying to choose</p> <p>6 that would show the importance of this to him, and</p> <p>7 what his reason for it is. But also trying to show</p> <p>8 the attempt at -- we've done certain actions, and we</p> <p>9 need this to end. So I was showing a pattern of</p> <p>10 thoughtful emails from Steve in particular about just</p> <p>11 the -- the trajectory of this.</p> <p>12 Q Okay. Had you conferred with Jean</p> <p>13 Cunningham about these emails at the time that they</p> <p>14 were sent?</p> <p>15 A And this was sent in 2014 -- we probably did</p> <p>16 talk about -- you know, just again -- like in</p> <p>17 mutual -- just how to think about this situation.</p> <p>18 Q I'm going to ask that we mark this as</p> <p>19 Exhibit 165.</p> <p>20 (Exhibit 165 was marked for</p> <p>21 identification.)</p> <p>22 Okay. I'm showing you what we've marked as</p> <p>23 Exhibit 165. Is that correspondence between you and</p> <p>24 Jean Cunningham?</p> <p>25 A Yes, it is.</p>	<p style="text-align: right;">Page 68</p> <p>1 A Make sure I got there. Okay. Bingo. I got</p> <p>2 it.</p> <p>3 Q So that's the email that you ultimately send</p> <p>4 in response to Ben's February 12th email; right?</p> <p>5 A Yes.</p> <p>6 Q Was that the end of the question about</p> <p>7 projectors?</p> <p>8 A It should have been.</p> <p>9 Q But was it?</p> <p>10 A Not necessarily. No.</p> <p>11 Q Okay. So what happened after that with the</p> <p>12 projector issue?</p> <p>13 A He asked for -- that one room would remain</p> <p>14 with the original technology, so that he wouldn't have</p> <p>15 to make an adjustment.</p> <p>16 Q Right. And did you have a role in</p> <p>17 responding to that request?</p> <p>18 A It would've come back to me from Steve</p> <p>19 Gallagher that it was being asked of Kate and the</p> <p>20 team, could there be a one off solution for him?</p> <p>21 Q Okay. If you look at -- and did you direct</p> <p>22 them on how to respond?</p> <p>23 A I believe I did -- I believe I did, and I</p> <p>24 would've said, "No. We are back to -- we are done."</p> <p>25 Q If you look at page 15778 --</p>
<p style="text-align: right;">Page 67</p> <p>1 Q Okay. So you received first an email from</p> <p>2 Ben on February 12, 2015, and he communicates that</p> <p>3 he's trying to find an alternative to avoid reducing</p> <p>4 projection display surface; right?</p> <p>5 A Yes. Yes.</p> <p>6 Q Did you consider his email to be a violation</p> <p>7 of HBS community values?</p> <p>8 A Nope.</p> <p>9 Q Did it irritate you?</p> <p>10 A Yes.</p> <p>11 Q And you send it to Jean Cunningham,</p> <p>12 then -- a little more than an hour after you receive</p> <p>13 it, with a frowny face emoji; right?</p> <p>14 A Yes.</p> <p>15 Q And then her answer is she offers to help</p> <p>16 you draft a response; right?</p> <p>17 A Yes.</p> <p>18 Q Did she help you to draft your response?</p> <p>19 A No.</p> <p>20 Q Looking back at the FRB's report,</p> <p>21 Exhibit 6 -- again, looking at that same page,</p> <p>22 15785 --</p> <p>23 A Yes.</p> <p>24 Q Sorry. I want to give you a second to get</p> <p>25 there --</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. MURPHY: I'm sorry. You have</p> <p>2 to -- you said "mm-hmm" again. So just be careful.</p> <p>3 THE WITNESS: Yes. Yes. Yes.</p> <p>4 15778 -- okay. Yes.</p> <p>5 BY MS. COSTELLO:</p> <p>6 Q Does that page have an email from Steve</p> <p>7 Gallagher to you, on Wednesday, January 21, 2015?</p> <p>8 A Yes, it does.</p> <p>9 Q Okay. And is that email concerning Ben's</p> <p>10 request to treat one room differently, so that he</p> <p>11 could teach in it?</p> <p>12 A Yes, it does.</p> <p>13 Q Okay. It looks like that actually may have</p> <p>14 happened before the February 12th correspondence?</p> <p>15 A That's correct.</p> <p>16 Q Okay. So after your email on February 17,</p> <p>17 2015, do you have any memory of anything further</p> <p>18 happening with the question of the projectors?</p> <p>19 A I don't.</p> <p>20 Q Okay. I'm going to show you what we've</p> <p>21 previously marked as Exhibit 44.</p> <p>22 A Thank you. Okay.</p> <p>23 Q Does that refresh your recollection -- well,</p> <p>24 first of all, actually -- strike that. Is this email</p> <p>25 correspondence between you and Steven Gallagher on</p>

<p style="text-align: right;">Page 70</p> <p>1 March 2, 2015?</p> <p>2 A That's right. It's -- it's Steve sending me</p> <p>3 an FYI to keep me informed.</p> <p>4 Q Okay. Does that refresh your recollection</p> <p>5 about whether there was further developments on the</p> <p>6 projectors question after February 17th of 2015?</p> <p>7 A Yes.</p> <p>8 Q Okay. So in this email, Steve</p> <p>9 Gallagher -- just to be clear, he's the CIO; right?</p> <p>10 A That's correct.</p> <p>11 Q So he's the person who supervises the IT</p> <p>12 department, including media services?</p> <p>13 A That's right.</p> <p>14 Q And he says, "Beth and I met with Felix on</p> <p>15 Friday to discuss our most persistent topic." Is the</p> <p>16 "most persistent topic" here projectors?</p> <p>17 A Yes.</p> <p>18 Q And who's Felix?</p> <p>19 A Felix Oberholzer-Gee is a tenured professor</p> <p>20 in the strategy unit. He was also -- there was a</p> <p>21 transition where he was then heading the MBA program,</p> <p>22 and he was on the Academic Technology Steering</p> <p>23 Committee. So multiple -- multiple hats in a</p> <p>24 leadership position.</p> <p>25 Q Was he the head of the Academic Technology</p>	<p style="text-align: right;">Page 72</p> <p>1 students are gone.</p> <p>2 And so we had missed the window of the</p> <p>3 winter, of -- of January, 2015, when this was -- when</p> <p>4 that's when we had intended to be able to do this.</p> <p>5 And so now, being "predictable where this would was</p> <p>6 going to go" was, we're going to miss -- we might miss</p> <p>7 the window again, not where we -- I -- I don't think I</p> <p>8 would have read this as a decision one way or the</p> <p>9 other, but this is just going to be prolonged.</p> <p>10 Q Okay. What was your reaction to getting</p> <p>11 this email?</p> <p>12 A Frustration.</p> <p>13 Q He then goes on to say, "If Felix changes</p> <p>14 his mind on this, I am now inclined to capitulate or</p> <p>15 modify our approach." Do you know what ended up</p> <p>16 happening after the meeting where they did a</p> <p>17 side-by-side comparison?</p> <p>18 A I don't recall specifically here, but I</p> <p>19 believe it came back to the Academic Technology</p> <p>20 Steering Committee, who did decide to move forward.</p> <p>21 Q Did you share this email with the other</p> <p>22 members of the FRB?</p> <p>23 A I don't think so, but I -- but perhaps I</p> <p>24 did. I don't know.</p> <p>25 Q Okay. Is it fair to say that it's not among</p>
<p style="text-align: right;">Page 71</p> <p>1 Steering Committee?</p> <p>2 A I believe it may have been a co-chair with</p> <p>3 Steve Gallagher.</p> <p>4 Q Okay. So he would've been the senior</p> <p>5 faculty person?</p> <p>6 A That's -- that's correct.</p> <p>7 Q And he writes, "Felix has asked that we</p> <p>8 bring together the three to five faculty who have</p> <p>9 raised concerns about the new projection strategy. He</p> <p>10 would like us to present their most dense and</p> <p>11 challenging slides in a side-by-side comparison,</p> <p>12 likely between the updated Aldritch 209 pilot</p> <p>13 classroom and an existing classroom.</p> <p>14 "Needless to say, I think we can pretty</p> <p>15 reasonably predict where this is going to go." Did</p> <p>16 you understand that to mean that he expected Felix to</p> <p>17 prefer the old projection approach?</p> <p>18 A No, not necessarily.</p> <p>19 Q What did you understand him to mean?</p> <p>20 A That we can predict where this is going to</p> <p>21 go, that we are going to keep on studying this, and</p> <p>22 have -- and it's going to drag on making a decision.</p> <p>23 To be cognizant of -- we have very few windows of time</p> <p>24 to do this work. We either do it in the winter when</p> <p>25 students are gone, or we do it in the summer when</p>	<p style="text-align: right;">Page 73</p> <p>1 the emails included in the draft report, Exhibit 6?</p> <p>2 A I did not see it here. I don't see it.</p> <p>3 Q Okay. If you had shared this email with</p> <p>4 other members of the FRB, would you have forwarded it</p> <p>5 to them?</p> <p>6 MR. MURPHY: Objection.</p> <p>7 THE WITNESS: I don't think so. I -- I</p> <p>8 don't think I would have.</p> <p>9 BY MS. COSTELLO:</p> <p>10 Q You think you would've printed it out and</p> <p>11 handed it to them?</p> <p>12 A Again, 2015; right? We weren't always</p> <p>13 forwarding everything all the time. But again, I'm</p> <p>14 not certain.</p> <p>15 Q Okay. On at least one occasion, you'd</p> <p>16 forwarded correspondence on this topic to Jean</p> <p>17 Cunningham; right?</p> <p>18 A Sure.</p> <p>19 Q Did you share this development with her?</p> <p>20 MR. MURPHY: Objection.</p> <p>21 THE WITNESS: Likely, yes.</p> <p>22 BY MS. COSTELLO:</p> <p>23 Q Do you recall doing that?</p> <p>24 A I don't recall.</p> <p>25 Q Do you remember having any direct</p>

<p style="text-align: right;">Page 74</p> <p>1 conversation with her about it?</p> <p>2 A I don't recall a direct conversation, but I</p> <p>3 could imagine that, again, at the time period, this is</p> <p>4 seeking her -- her opinion about how to think about</p> <p>5 this.</p> <p>6 Q In the time period, you know, in 2015, would</p> <p>7 you have been texting with Jean Cunningham?</p> <p>8 A No, not at all.</p> <p>9 Q Okay. All right. I'm going to ask that we</p> <p>10 mark this as Exhibit 166.</p> <p>11 (Exhibit 166 was marked for</p> <p>12 identification.)</p> <p>13 A Thank you.</p> <p>14 Q Is that your response to Steve Gallagher's</p> <p>15 March 2, 2015, email?</p> <p>16 A Yes, it is.</p> <p>17 Q Okay. And you write, "Oh, boy. Sort of</p> <p>18 wish I hadn't stuck my neck out"?</p> <p>19 A That's me.</p> <p>20 Q Okay. When you say "sort of wish I hadn't</p> <p>21 stuck my neck out," are you referring to your February</p> <p>22 17, 2015, email to Ben?</p> <p>23 A Likely, yes.</p> <p>24 Q Okay. In the email that Steven is</p> <p>25 forwarding to you from Felix Oberholzer, he writes,</p>	<p style="text-align: right;">Page 76</p> <p>1 another side of the equation, which is for the</p> <p>2 student. And again, this is equipment that was ten</p> <p>3 years old, and had to be changed. And you only have</p> <p>4 certain windows to be able to change it, and you have</p> <p>5 to change it at scale. So that's -- that's a factor</p> <p>6 to it.</p> <p>7 But the other side of the equation is the</p> <p>8 student, and visual clarity, brightness. And so we</p> <p>9 knew what this is -- what this technology would do.</p> <p>10 So of course there's the all-important piece for the</p> <p>11 faculty member, but we are also balancing that 90</p> <p>12 students are sitting in a classroom. You need to be</p> <p>13 able to have a better projection.</p> <p>14 Q Is a side-by-side comparison of the two</p> <p>15 options one reasonable way to assess that?</p> <p>16 A Yep.</p> <p>17 Q And that would give everyone an opportunity</p> <p>18 to see what the student's experience would be as well;</p> <p>19 right?</p> <p>20 A Correct. Which is why we would've done this</p> <p>21 in a couple of other classrooms, to be able to test</p> <p>22 the -- test the reality.</p> <p>23 Q Okay. I'm going to ask that we mark this as</p> <p>24 167. Okay. I'll give you a minute to look that over.</p> <p>25 //</p>
<p style="text-align: right;">Page 75</p> <p>1 "We will invite Arthur and Jim as well"?</p> <p>2 A Yes.</p> <p>3 Q Do you know who Arthur and Jim are in this</p> <p>4 context?</p> <p>5 A I don't -- Jim -- Jim Sebinus? I -- I'm</p> <p>6 trying to think of how many Arthurs there are. Arthur</p> <p>7 Segal? I don't know -- recall.</p> <p>8 Q I'm wondering if it refreshes your</p> <p>9 recollection at all about who the other faculty were</p> <p>10 who objected to the change.</p> <p>11 A I don't. I don't know which other ones</p> <p>12 there were. I'm imagining as people who would have</p> <p>13 been even like in the finance unit that were going to</p> <p>14 have these kind of denser slides, but I don't remember</p> <p>15 who they were.</p> <p>16 Q Is the purpose of having projectors and</p> <p>17 screens in classrooms to facilitate pedagogy?</p> <p>18 A Absolutely.</p> <p>19 Q And Ben expressed the view that the change</p> <p>20 in projection was bad for teaching; right?</p> <p>21 A It was his belief, yes.</p> <p>22 Q Did you ever look into whether he was</p> <p>23 correct about the problems that he said the change</p> <p>24 would cause?</p> <p>25 A Oh, for sure we did. But there's also</p>	<p style="text-align: right;">Page 77</p> <p>1 (Exhibit 167 was marked for</p> <p>2 identification.)</p> <p>3 A Thank you. Okay.</p> <p>4 Q Okay. Is that October, 2015, correspondence</p> <p>5 between you and Steven Gallagher?</p> <p>6 A Yes, it is.</p> <p>7 Q Does that refresh your recollection at all</p> <p>8 as to what the outcome of the Academic Technology</p> <p>9 Steering Committee's comparison of the projection</p> <p>10 options was?</p> <p>11 A Yes. With that split decision, Felix</p> <p>12 breaking the tie; right?</p> <p>13 Q Okay. And ultimately, in what direction was</p> <p>14 the tie broken?</p> <p>15 A To the original place that we needed it to</p> <p>16 go, that we would change the projectors and go to</p> <p>17 widescreen.</p> <p>18 Q So you write, "With the projector situation</p> <p>19 with Ben Edelman, do you think he helped us avoid a</p> <p>20 significant blunder we would've otherwise made in</p> <p>21 changing our classroom projectors?" That suggests to</p> <p>22 me that things didn't happen as originally planned.</p> <p>23 MR. MURPHY: Objection.</p> <p>24 THE WITNESS: I don't see it that way.</p> <p>25 I -- I think the significant blunder is not the choice</p>

<p style="text-align: right;">Page 78</p> <p>1 of do it or don't do it, but that it was done 2 thoughtfully, that we would think about it from other 3 points of view, like the faculty support specialists 4 who are going to redo the slides. So "avoid a 5 significant blunder" is not just the technology or 6 not, but other aspects to the decision. 7 BY MS. COSTELLO: 8 Q So your recollection is still that following 9 that meeting of the Academic Technology Steering 10 Committee, the change went forward? 11 A Yes. 12 Q So Steve writes at 3:11 p.m., kind of in the 13 middle of the first page, "Note that half of all 14 classrooms still remain widescreen." Wasn't the plan 15 to move all the classrooms to widescreen? 16 A Yes. 17 Q Okay. So again, doesn't that imply that the 18 plan didn't go forward as it was originally made? 19 MR. MURPHY: Objection. 20 THE WITNESS: To date, all of them went 21 that way. And they went that way soon after this, 22 because we had no choice, because the technology was 23 changing. If this went half of the classrooms will 24 remain wide, and the others -- we were trying to find 25 a compromising place.</p>	<p style="text-align: right;">Page 80</p> <p>1 see it. 2 Q Did you share the information that Steve 3 shared with you in this email with the other members 4 of the Faculty Review Board? 5 A This may have come after the Faculty Review 6 Board. I don't see that in here. 7 MS. COSTELLO: Okay. I think that now 8 is actually a good time for a break, and we've been 9 going for a while, so -- okay with every -- let's go 10 off the record and take a ten-minute break. 11 THE REPORTER: Yep. We are off the 12 record at 11:18 a.m. 13 (Off the record.) 14 THE REPORTER: We are back on record at 15 11:38 a.m. 16 BY MS. COSTELLO: 17 Q All right. Thank you. So I'm going to ask 18 that we mark this as Exhibit 168, I think. 19 (Exhibit 168 was marked for 20 identification.) 21 A Okay. 22 Q Okay. Recognizing that you weren't copied 23 on it at the time, have you ever seen that before? 24 A No. 25 Q Okay. It appears to be an email from Felix</p>
<p style="text-align: right;">Page 79</p> <p>1 BY MS. COSTELLO: 2 Q In the top email to you, Steve Gallagher 3 describes Ben's participation in the Academic Steering 4 Committee meeting? 5 A Yes. 6 Q Is that the same as the Academic Technology 7 Steering Committee? 8 A Yes, it is. It is. Absolutely. 9 Names -- names shift, or, yes. But that's it. 10 Q And Steve writes that "Ben's input at that 11 meeting was balanced and contributed to a constructive 12 discussion"; right? 13 A Yes. 14 Q At the time that you had this correspondence 15 with Steve, you were a member of the Faculty Review 16 Board; right? 17 A That's correct. 18 Q Did you share this correspondence with the 19 Faculty Review Board? 20 A I don't -- I don't recall. 21 Q It's not included in the FRB's report; 22 right? 23 A The report you gave me? 24 Q Yes. 25 A I did -- I didn't see it, but I -- I didn't</p>	<p style="text-align: right;">Page 81</p> <p>1 Oberholzer to a group of faculty at HBS, including Ben 2 Edelman, James Sebinus, and Arthur Segal, and copying 3 Steve Gallagher and Elizabeth Clark; right? 4 A Yes. 5 Q Concerning widescreen projection? 6 A Yes. 7 Q And it communicates that, "After careful 8 consideration of the pros and cons, we've decided not 9 to change the screens in the MBA classrooms, and we 10 will still purchase new widescreen projectors, but 11 we'll overthrow to the current aspect ratio"? 12 A Yes. 13 Q Okay. Does that refresh your recollection 14 of what ultimately ended up happening with the 15 projectors question? 16 A Well, it is consistent with -- we replaced 17 the projectors. So it's -- it's absolutely consistent 18 with that understanding. 19 Q Okay. So -- but in replacing the 20 projectors, they kept the aspect ratio the same, so 21 that real estate wouldn't be lost, essentially; right? 22 MR. MURPHY: Objection. 23 THE WITNESS: Perhaps. Or maybe it 24 became a choice of what you could do, one or the 25 other. But from my vantage point, we changed</p>

<p style="text-align: right;">Page 82</p> <p>1 the -- we changed the projectors.</p> <p>2 BY MS. COSTELLO:</p> <p>3 Q Do you know whether this solution described</p> <p>4 in this email was the solution that Ben had been</p> <p>5 advocating for?</p> <p>6 A I'm not sure.</p> <p>7 Q Would you have been informed at the time of</p> <p>8 what decision was made at the meeting?</p> <p>9 MR. MURPHY: Objection.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. COSTELLO:</p> <p>12 Q Even though Steve had emailed you on March</p> <p>13 2nd to let you know that the meeting was going to</p> <p>14 happen and a decision would be made, do you think he</p> <p>15 didn't follow up with you?</p> <p>16 A No, I would -- I would have been informed if</p> <p>17 we weren't going to be pursuing the capital project to</p> <p>18 put the project -- the projectors in. Whether or not</p> <p>19 this went from aspect ratio to -- I would not have</p> <p>20 been informed on that.</p> <p>21 Q So do you think that you got any update at</p> <p>22 all from Steve Gallagher after that meeting?</p> <p>23 A I don't know.</p> <p>24 Q I'm going to show you what we've marked</p> <p>25 previously as Exhibit 26. Yeah, that's all my copy.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q And you were the executive dean for</p> <p>2 administration in both years?</p> <p>3 A I am, yes.</p> <p>4 Q Okay. Did you hold the meeting that's</p> <p>5 described here with Paul Healy and Amy Edmondson in</p> <p>6 2015?</p> <p>7 MR. MURPHY: Objection.</p> <p>8 THE WITNESS: I routinely asked at the</p> <p>9 point of promotion for a faculty member, and given a</p> <p>10 list of names of individuals where there is some</p> <p>11 incident or reason for concern, from a staff</p> <p>12 perspective in the area of community citizenship. So</p> <p>13 that would have been a consistent practice, and</p> <p>14 remains, of being asked for any insights on anybody up</p> <p>15 for promotion.</p> <p>16 BY MS. COSTELLO:</p> <p>17 Q So you're saying that someone asks you for</p> <p>18 that information, essentially annually?</p> <p>19 A Absolutely. Yes.</p> <p>20 Q Okay. Who usually asks you that?</p> <p>21 A Rae Mucciarone is the secretary of the</p> <p>22 faculty. She works directly with the senior associate</p> <p>23 dean for faculty development. She asks me.</p> <p>24 Q Okay. And that she was there in 2015 as</p> <p>25 well?</p>
<p style="text-align: right;">Page 83</p> <p>1 A Yes, yes. Yep. Got it.</p> <p>2 Q Are those the principles and procedures that</p> <p>3 govern the FRB?</p> <p>4 A Yes, they are.</p> <p>5 Q Okay. If you look at the third -- what's</p> <p>6 marked on the bottom as page three?</p> <p>7 A Yes.</p> <p>8 Q There's a section titled "Notes on</p> <p>9 promotions, reviews and reappointments." Do you see</p> <p>10 where I'm looking?</p> <p>11 A Yes, I do. Yes.</p> <p>12 Q And the first bullet point there says, "The</p> <p>13 senior associate dean for faculty development will</p> <p>14 meet annually or as otherwise needed with the chair of</p> <p>15 the FRB and the executive dean for administration";</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q In 2015, the senior associate dean for</p> <p>19 faculty development was Paul Healy; right?</p> <p>20 A That's right.</p> <p>21 Q And in 2017, still Paul Healy; right?</p> <p>22 A Correct -- yep. Correct.</p> <p>23 Q And the chair of the FRB in both years was</p> <p>24 Amy Edmondson; right?</p> <p>25 A That's true.</p>	<p style="text-align: right;">Page 85</p> <p>1 A Yes.</p> <p>2 Q So that would've been consistent?</p> <p>3 A Yes, it is.</p> <p>4 Q Did you hold a meeting with Paul Healy about</p> <p>5 that topic?</p> <p>6 A I don't think so, no.</p> <p>7 Q Okay. And in that case, I'm guessing you</p> <p>8 also didn't hold a meeting with Paul Healy and Amy</p> <p>9 Edmondson?</p> <p>10 A What date -- when are you referring to?</p> <p>11 Q Well, in -- let's start with 2015.</p> <p>12 A Prior to the FRB?</p> <p>13 Q Yes.</p> <p>14 A I don't think -- no.</p> <p>15 Q Okay. In 2015, did Rae Mucciarone -- am I</p> <p>16 pronouncing her name right?</p> <p>17 A Yes, you are. Yeah.</p> <p>18 Q Okay. In 2015, did Rae Mucciarone reach out</p> <p>19 to you about whether there were staff concerns about</p> <p>20 candidates for tenure?</p> <p>21 A Yes.</p> <p>22 Q When would she have made that outreach?</p> <p>23 A She generally makes -- asks -- or it depends</p> <p>24 on when somebody's up for promotion. Some people,</p> <p>25 their cases come forward in November; and for some</p>

<p style="text-align: right;">Page 90</p> <p>1 know, among the many people who report up to you, that</p> <p>2 you spoke to about him?</p> <p>3 A Again, in the course of those one-on-ones, I</p> <p>4 would've -- already have seen for myself. So I -- I</p> <p>5 didn't need to directly ask people, "Do you have</p> <p>6 anything," because I had accumulated a set of</p> <p>7 incidences that I -- that I saw for myself.</p> <p>8 Q Okay. And so you didn't need to reach out</p> <p>9 to anyone again before reporting back to Rae</p> <p>10 Mucciarone?</p> <p>11 A No. Which I may need to do with others</p> <p>12 where there hasn't been that same thing. And so I</p> <p>13 just need to ask them, "Is there anything here on any</p> <p>14 of these individuals that you want to make me aware</p> <p>15 of?"</p> <p>16 Q Do you do that for everyone who's coming up</p> <p>17 for tenure, or is there a process where you decide who</p> <p>18 to ask about?</p> <p>19 A Nope. Up for assistant to associate, or</p> <p>20 associate to -- and whoever is up for promotion.</p> <p>21 Again, I will want to not just leave it that I'm the</p> <p>22 only one taking a look at it, but ask colleagues.</p> <p>23 Q But in Ben Edelman's case in 2015, you felt</p> <p>24 like you had the personal knowledge, and chose not to</p> <p>25 ask colleagues?</p>	<p style="text-align: right;">Page 92</p> <p>1 Q Okay. Prior to the formation of the FRB in</p> <p>2 2015, how would that concern be handled once you'd</p> <p>3 raised it?</p> <p>4 A The faculty member, the senior associate</p> <p>5 dean, would take it up directly with the unit head who</p> <p>6 oversees that specific academic discipline. Perhaps</p> <p>7 there's a conversation between the senior associate</p> <p>8 dean and the dean, but that's really out of my hands</p> <p>9 at that point.</p> <p>10 Q Starting in 2015 and going forward, would</p> <p>11 Amy Edmondson reach out to you about candidates for</p> <p>12 tenure?</p> <p>13 A No.</p> <p>14 Q Okay. It continued to be the same process</p> <p>15 before and after the FRB was formed?</p> <p>16 A That I recall, yes.</p> <p>17 Q Okay. So in the FRB's 2015 process, we</p> <p>18 talked about that you had produced emails to the FRB</p> <p>19 about the projectors issue; right?</p> <p>20 A Yes.</p> <p>21 Q Did you provide any other documents to the</p> <p>22 FRB?</p> <p>23 A Not that I would -- no. Again, not that I'm</p> <p>24 aware of.</p> <p>25 Q Did you gather any documents from anyone</p>
<p style="text-align: right;">Page 91</p> <p>1 A I had personal -- yes, I had personal</p> <p>2 knowledge. Yes.</p> <p>3 Q And when you spoke to Rae Mucciarone, did</p> <p>4 she take notes?</p> <p>5 A I don't know.</p> <p>6 Q Did she do anything that you're aware of to</p> <p>7 memorialize the information that you were sharing?</p> <p>8 A Not that I saw.</p> <p>9 Q Was there a specific set of incidents or</p> <p>10 concerns that you raised to her about Ben Edelman?</p> <p>11 A No, because she wasn't -- wouldn't be the</p> <p>12 one in receiving of what the specific incidents are.</p> <p>13 She's more -- she's looking for more of a yes or a no.</p> <p>14 Q Was there anyone else in 2015 that you</p> <p>15 raised a concern about?</p> <p>16 A I don't believe so.</p> <p>17 Q In general, if you gave her a "Yes, there's</p> <p>18 a concern" in that exchange, would someone else follow</p> <p>19 up with you?</p> <p>20 A Possibly the senior -- like the senior</p> <p>21 associate dean who she's reporting back to, of saying</p> <p>22 like, "Here are the individuals, and there is a yes as</p> <p>23 it relates to some of these." And then the senior</p> <p>24 associate dean likely reaches out to say, just tell me</p> <p>25 more.</p>	<p style="text-align: right;">Page 93</p> <p>1 else?</p> <p>2 A I noticed in your report about -- maybe</p> <p>3 there was a communication with [REDACTED]. But no,</p> <p>4 I can't think of any others that I would've done.</p> <p>5 Q Okay. Did you ask anyone to provide you</p> <p>6 with correspondence, for example, that you hadn't</p> <p>7 originally been copied on?</p> <p>8 A No. No, no.</p> <p>9 Q Is it fair to say that any documents you did</p> <p>10 provide to the FRB were documents that you already had</p> <p>11 because you had been included in that correspondence</p> <p>12 originally?</p> <p>13 A I don't know.</p> <p>14 Q Okay. I'm going to ask that we mark this as</p> <p>15 169.</p> <p>16 (Exhibit 169 was marked for</p> <p>17 identification.)</p> <p>18 A Thank you.</p> <p>19 Q Are those notes that you took at the FRB's</p> <p>20 first meeting in 2015?</p> <p>21 A Yes.</p> <p>22 Q Okay. And that meeting was July 23, 2015;</p> <p>23 right?</p> <p>24 A That's correct.</p> <p>25 Q Did the notes reflect things that were said</p>

<p style="text-align: right;">Page 94</p> <p>1 during the meeting?</p> <p>2 A Some -- some, yes.</p> <p>3 Q Okay. Do some not reflect things that were</p> <p>4 said during the meeting?</p> <p>5 A Some are just my own thoughts and action</p> <p>6 items for me.</p> <p>7 Q Okay. Is that -- the things on the right</p> <p>8 are your thoughts and action items?</p> <p>9 A Yes.</p> <p>10 Q Okay. So when you write "doesn't end,"</p> <p>11 that's your own thought; right?</p> <p>12 A Yes.</p> <p>13 Q That was a feeling that you had about Ben?</p> <p>14 A That's correct.</p> <p>15 Q But it's not something that you think you</p> <p>16 said out loud at the meeting?</p> <p>17 A I don't believe so.</p> <p>18 Q Okay. And then you also write, "I'm no</p> <p>19 expert, I don't" -- and it looks like just a W; that</p> <p>20 might be incomplete -- and then "I'm not a CIO." What</p> <p>21 are those bullet points?</p> <p>22 A The middle one -- yes, that didn't get</p> <p>23 completed, so I don't know what that would be. But</p> <p>24 "I'm no expert" and "I'm not a CIO" would have been</p> <p>25 things that he would have said.</p>	<p style="text-align: right;">Page 96</p> <p>1 be the CIO?</p> <p>2 MR. MURPHY: Objection.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. COSTELLO:</p> <p>5 Q Why was that -- was it surprising to you?</p> <p>6 A No. No. But I just wondered if -- does he</p> <p>7 want to be asked to be the CIO? He has a lot of</p> <p>8 opinions about it. He clearly sees himself as an</p> <p>9 expert, and perhaps he wishes to be a candidate.</p> <p>10 But --</p> <p>11 Q But he didn't want to be a candidate?</p> <p>12 A No. No.</p> <p>13 Q And in fact, he was a member of the faculty?</p> <p>14 A Correct.</p> <p>15 Q Why is that something that struck you?</p> <p>16 MR. MURPHY: Objection.</p> <p>17 THE WITNESS: Again, because of the</p> <p>18 irony of "I'm an expert in technology and know what</p> <p>19 the answers are, but I don't claim to be a CIO." So</p> <p>20 it -- again, it was just -- it was just these</p> <p>21 immediate impressions of being peculiar.</p> <p>22 BY MS. COSTELLO:</p> <p>23 Q Okay. And then on the left side, there's</p> <p>24 the four bottom bullet points -- "activism," "find</p> <p>25 loopholes," "crusader," and "do-gooder." Am I reading</p>
<p style="text-align: right;">Page 95</p> <p>1 Q Okay. What was the significance of him</p> <p>2 saying "I'm no expert"?</p> <p>3 A For me, it's the irony of "I'm no expert,</p> <p>4 but I just don't ever stop, and keep trying to be the</p> <p>5 expert." So that struck me, always, of the irony of</p> <p>6 that.</p> <p>7 Q Is that a thought that you expressed to</p> <p>8 other members of the FRB?</p> <p>9 A No.</p> <p>10 Q What about "I'm not a CIO"? First of all,</p> <p>11 what was the context in which Ben had said that?</p> <p>12 A This is when I -- in seeking his insights</p> <p>13 for a CIO search. And I will make, as a practice,</p> <p>14 wanting to get faculty opinion when we're searching</p> <p>15 for a senior position, and seek out faculty who have</p> <p>16 an area of expertise. And clearly, he cared about and</p> <p>17 understood technology, so it would be important for me</p> <p>18 to learn from him about what he thought.</p> <p>19 But I just recall in that conversation both</p> <p>20 the -- the wisdom and opinions that he would've</p> <p>21 offered about that, is -- I -- I think there was an</p> <p>22 exchange where I asked and said, "Would you want to be</p> <p>23 the CIO?" And he said, "I'm not a CIO." So that was</p> <p>24 a takeaway for me, of just -- just an impression.</p> <p>25 Q Did it bother you that he wouldn't want to</p>	<p style="text-align: right;">Page 97</p> <p>1 all of those correctly?</p> <p>2 A Yes, you are.</p> <p>3 Q Okay. Are those things that were said in</p> <p>4 the meeting?</p> <p>5 A I don't recall.</p> <p>6 Q Were they things that you thought?</p> <p>7 A No, I don't think -- I don't think so. They</p> <p>8 probably could have been -- I -- I don't know if these</p> <p>9 are from other things people had said at some point in</p> <p>10 time, but I don't think they are my own thoughts.</p> <p>11 Q Okay. I am going to show you -- I guess</p> <p>12 we'll mark this as Exhibit 170.</p> <p>13 (Exhibit 170 was marked for</p> <p>14 identification.)</p> <p>15 A Thank you.</p> <p>16 Q Is that an email from you to Jean Cunningham</p> <p>17 on July 29, 2015?</p> <p>18 A Yes, it is.</p> <p>19 Q And you say, "Here are six emails related to</p> <p>20 2BE matters, one classroom projectors/screens, four</p> <p>21 emails, two dental insurance, two emails"; right?</p> <p>22 A Correct.</p> <p>23 Q So you're transmitting emails to her?</p> <p>24 A Correct.</p> <p>25 Q Do you believe that the emails about</p>

<p style="text-align: right;">Page 98</p> <p>1 classroom projectors are the emails that end up being 2 included in the FRB's 2015 report? 3 A Yes. 4 Q Had you and Jean had a discussion before you 5 sent this email, about -- you know, about you sending 6 her some information? 7 A With the date being July 29, and what we 8 just looked at of July 23rd, and what I believe -- I'm 9 chronicling a chronology -- is that there was a 10 takeaway of putting together some information. And 11 so -- as -- since she is staffing the FRB, I'm 12 providing her with information that -- that was 13 needed. 14 Q Okay. And you're pointing to Exhibit 169, 15 where you wrote "chronology" at the top? 16 A Correct. 17 Q Okay. And so your belief is that you were 18 doing this to help the FRB make a chronology? 19 A Exactly. 20 Q Had Jean given you any direction about what 21 kinds of documents would be helpful? 22 A No. 23 Q You write, "There were lots of 'FYI, heavy 24 sigh'-type emails"? 25 A Yes.</p>	<p style="text-align: right;">Page 100</p> <p>1 may have been a pattern sequence of -- of the event, 2 like the projectors. So they were just trying to 3 calibrate like the breadth of activities and -- and 4 that's what that would've been. 5 BY MS. COSTELLO: 6 Q Okay. And again, you're referencing again 7 169? 8 A Yes, I am. 169. Yes. 9 Q Okay. At the meeting on July 23, 2015, had 10 the FRB determined what incidents it would 11 investigate? 12 A Well, Blinkx, and Sichuan Garden, and then 13 staff interaction were three specifically. So they 14 would've known those were lanes that they were going 15 to -- they were going to need to explore. 16 Q Ultimately, the FRB gave Ben notice of four 17 specific areas of staff interaction; right? 18 MR. MURPHY: Objection. 19 THE WITNESS: Yes. 20 BY MS. COSTELLO: 21 Q How were those selected? 22 A And you're referring to the ones that we 23 looked at in -- 24 Q I'm referring to Exhibit 115, which is the 25 notice letter to Ben. That's probably near the bottom</p>
<p style="text-align: right;">Page 99</p> <p>1 Q What are you referring to there? 2 A There's going to be lengthy email exchanges 3 over time, because of the length of the projector 4 situation in general, that maybe are -- don't have a 5 lot -- aren't as substantive as some of the other 6 ones. And so I didn't provide those -- what I would 7 call "heavy sigh," just exasperated, type of -- of 8 emails, and instead chose the ones that were the most 9 meaningful. 10 Q Okay. And you write, "I think these 11 examples are what you had in mind." What had she told 12 you about what she had in mind? 13 MR. MURPHY: Objection. 14 THE WITNESS: This wouldn't have been 15 "you," her specifically, but what the FRB overall had 16 in mind. So this wasn't just, "What did Jean want?" 17 BY MS. COSTELLO: 18 Q Okay. So it's "you" plural? 19 A This would've been -- yeah, yeah. Exactly. 20 Yeah. 21 Q So what did you know about what the FRB had 22 in mind? 23 MR. MURPHY: Objection. 24 THE WITNESS: Again, back to this 25 conversation here, is just wanting to have where there</p>	<p style="text-align: right;">Page 101</p> <p>1 of your stack. 2 A Yeah -- no, no. Yes. They would've chosen 3 that those were the four they specifically wanted to 4 look at. 5 Q You were part of the FRB; right? 6 A Yes, I was. 7 Q So were you part of that decision? 8 A I would have been, yes. 9 Q Okay. So how was that decision made? How 10 were those four things chosen? 11 A I -- I don't remember. 12 Q Was the decision made at the July 23rd 13 meeting? 14 A I don't think so, because again, we 15 were -- we were looking to see what the chronology was 16 of other things. So I don't think it would -- it 17 wouldn't have been definitively then. 18 Q At any point, did you have an opinion about 19 which staff matters were the most serious? 20 A The only one would have been in addition to 21 these -- well, if these other ones are there, it 22 would've been for sure projectors. 23 Q Okay. And projectors is in here? 24 A Yes, exactly. 25 Q Did you have strong feelings about any of</p>

<p style="text-align: right;">Page 110</p> <p>1 the purpose of the litigation was that he was talking 2 about?</p> <p>3 A No, no. It wasn't -- it was just talking 4 about, just in generalities, what had happened.</p> <p>5 Q What did you know about the litigation? 6 MR. MURPHY: Objection. 7 THE WITNESS: What did I know? 8 BY MS. COSTELLO: 9 Q Yeah. 10 A About that particular situation? 11 Q Well, you expressed that you thought it was 12 peculiar that he was happy about the litigation; 13 right? 14 A Yes. 15 Q So I'm wondering why that was peculiar. 16 MR. MURPHY: Objection. 17 THE WITNESS: I don't -- I have nothing 18 to offer. 19 BY MS. COSTELLO: 20 Q Did you think that it was improper for an 21 HBS faculty member to be involved in litigation? 22 A No, not at all. 23 Q Did you have any information about whether 24 the litigation that he undertook was in the public 25 interest?</p>	<p style="text-align: right;">Page 112</p> <p>1 Q And you say, "There was a meeting mainly to 2 get everyone on the same page, since that he was 3 missing the pictured 35 classrooms"?</p> <p>4 A Yes.</p> <p>5 Q Did you ever tell the FRB that ultimately 6 the change that he was objecting to did not happen? 7 A I don't know. 8 Q Okay. On page 15521, I believe that this is 9 still part of the notes of the same September 9, 2015, 10 meeting. Do you agree with that? 11 A That -- that looks right. Yes. 12 Q It's a little confusing, because we've got a 13 lot of notes in one exhibit. So toward the bottom of 14 that page, it says, "Angela, whiteboard with names, 15 personal statement, the fact that he's intentionally 16 going after businesses." Do you see that? 17 A I do. 18 Q Does that reflect something that you said? 19 A Seems to be, yes. 20 Q What were you referencing when you noted the 21 fact that he's intentionally going after businesses? 22 A Well, prior to this, the conversation was 23 about Blinkx, and we had talked about the restaurant. 24 And so I was commenting on what seemed to be that 25 pattern of where he was putting his -- putting his</p>
<p style="text-align: right;">Page 111</p> <p>1 A No -- 2 MR. MURPHY: Objection. 3 BY MS. COSTELLO: 4 Q If you look at page 16 of the document, 5 which I think is -- they don't seem to be numbered, so 6 give me one second. 7 A No worries. 8 Q I'll try to find the Bates number for you. 9 So actually, it looks to me like notes of the FRB's 10 September 9th meeting begin on page 15516; right? 11 A 15516? 12 Q Yes. 13 A Okay. One sec. Okay. 14 Q Okay. So that's the start of what seemed to 15 be notes on the September 9th meeting of the FRB in 16 2015. Do you agree with that? 17 A I would agree, yeah. 18 Q Okay. And the next couple of pages seem to 19 be a continuation of the same notes from that same 20 date? 21 A Correct. 22 Q Looking at page 15518, it quotes, I presume, 23 Len Schlesinger, as saying, "How did the projector 24 issue ultimately end?" 25 A Yes.</p>	<p style="text-align: right;">Page 113</p> <p>1 emphasis. 2 Q When you said "whiteboard with names," what 3 was that referencing? 4 A I'd have to go back to see his personal 5 statement. 6 Q Okay. Ultimately, in 2015, Ben's 7 appointment was extended for two years, between 2015 8 and 2017; right? 9 A Correct. 10 Q And the understanding was that he would 11 again be a candidate for tenure in 2017; right? 12 A That's right. 13 Q Between 2015 and 2017, did you meet with 14 anyone about what he would be expected to do? 15 MR. MURPHY: Objection. 16 THE WITNESS: Yes. 17 BY MS. COSTELLO: 18 Q Okay. What meeting happened? 19 A There were recommend -- recommendations to 20 the dean on what actions would take place. Paul Healy 21 and Nitin Nohria would have been making considerations 22 about what those -- what those requests would be for 23 that two-year time period. 24 Q Okay. I'm going to show you what we have 25 previously marked as Exhibit 140.</p>

<p style="text-align: right;">Page 114</p> <p>1 A Okay.</p> <p>2 Q Are these notes of a meeting on December 10,</p> <p>3 2015?</p> <p>4 A They are, yes.</p> <p>5 Q These are notes that you took; right?</p> <p>6 A Correct.</p> <p>7 Q And it appears to be a meeting between -- it</p> <p>8 has a list of what appear to be participants on the</p> <p>9 far right-hand corner; is that right?</p> <p>10 A Exactly. It looks at the -- members of the</p> <p>11 FRB meeting with the dean.</p> <p>12 Q Okay. And did you meet with that group of</p> <p>13 people about Ben around that date?</p> <p>14 A Well, I would -- I was at this meeting, yes.</p> <p>15 Q Do you remember the meeting generating a</p> <p>16 plan for what was supposed to happen next?</p> <p>17 A Yes. I mean, you can see in "specifics" on</p> <p>18 down -- is trying to find alternative and actionable</p> <p>19 things to ask him to do, and offer to him to do, that</p> <p>20 would make for a meaningful two years.</p> <p>21 Q Okay. And at the bottom of the</p> <p>22 page -- actually, if you look at the top set of bullet</p> <p>23 points, it says in the middle of those, "needs to be</p> <p>24 observed, interacted, supported"; is that right?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 116</p> <p>1 Q And then it says "IT adv. committee." Is</p> <p>2 that referencing the Academic Technology Steering</p> <p>3 Committee?</p> <p>4 A Exactly. Probably shorthand for "advisory,"</p> <p>5 but it was -- but -- yeah. But it was that committee.</p> <p>6 Q Okay. And did he join that committee?</p> <p>7 A Yes, he did.</p> <p>8 Q And the fourth I have a little bit of</p> <p>9 trouble reading. I see "executive coach two by</p> <p>10 something coach" -- do you know what that word is?</p> <p>11 A Two by -- I don't -- I don't know. But I</p> <p>12 got "two by coach."</p> <p>13 Q Okay. Was having an executive coach a</p> <p>14 requirement for Ben?</p> <p>15 A No, it was not a requirement. It was -- it</p> <p>16 was an option for him.</p> <p>17 Q Okay. And then finally, the last bullet</p> <p>18 point says, "Every six months, a conversation with</p> <p>19 straight talk."</p> <p>20 A Yes.</p> <p>21 Q Was the plan for someone to have a</p> <p>22 conversation with Ben every six months?</p> <p>23 A Again, not with anything that was specific</p> <p>24 put in place. But that could have been at the unit</p> <p>25 level; that could have been a unit head; that could</p>
<p style="text-align: right;">Page 115</p> <p>1 Q Was there a plan for how Ben would be</p> <p>2 observed, interacted, supported, between 2015 and</p> <p>3 2017?</p> <p>4 A Usually, that happens at the unit level. So</p> <p>5 he was going to be moving to a different group. And</p> <p>6 so that would often -- that would happen at the -- at</p> <p>7 the faculty level.</p> <p>8 Q He was moving to a different teaching group;</p> <p>9 right?</p> <p>10 A Correct. Different teaching group.</p> <p>11 Q Did he remain part of the NOM unit?</p> <p>12 A I don't know. I don't recall.</p> <p>13 Q Okay. Under "specifics," it says "teaching</p> <p>14 group LCA." Was he joining the LCA teaching group?</p> <p>15 A Leadership and corporate accountability,</p> <p>16 yes. That was a first-year course that he was going</p> <p>17 to be asked to teach.</p> <p>18 Q Okay. And it says "move his office"?</p> <p>19 A Correct. Move his office from Baker Library</p> <p>20 to Morgan Hall, and so give him an opportunity to have</p> <p>21 new colleagues around him.</p> <p>22 Q And did he do that?</p> <p>23 A Yes.</p> <p>24 Q Okay. And he also taught LCA; right?</p> <p>25 A Yes, he did.</p>	<p style="text-align: right;">Page 117</p> <p>1 have been the senior associate dean. But that's where</p> <p>2 it would -- would happen.</p> <p>3 Q Was Ben's unit head Brian Hall?</p> <p>4 A Yes.</p> <p>5 Q Okay. He wasn't present at this meeting;</p> <p>6 right?</p> <p>7 A No.</p> <p>8 Q Was anyone at this meeting supposed to</p> <p>9 follow up with Ben after this meeting?</p> <p>10 A Yes, because he would be informed about what</p> <p>11 the expectations would be, and what would be provided</p> <p>12 to him. And Brian Hall would have been informed.</p> <p>13 Q Oh, it's -- I was trying to figure out the</p> <p>14 exhibit number. Excuse me.</p> <p>15 A No worries.</p> <p>16 Q Okay. I am going to show you what we've</p> <p>17 previously marked as Exhibit 52.</p> <p>18 A Okay.</p> <p>19 Q Is this also a memo seemingly memorializing</p> <p>20 the same action steps that we just discussed?</p> <p>21 A Yes, exactly. An outcome of this meeting</p> <p>22 here.</p> <p>23 Q Do you know who this was shared with?</p> <p>24 A Nitin, Paul Healy -- the individuals that</p> <p>25 were at this meeting.</p>

<p style="text-align: right;">Page 118</p> <p>1 Q Okay. This document, and also Exhibit 140, 2 your notes of the meeting -- neither seems to discuss 3 how Ben's progress would be evaluated. 4 MR. MURPHY: Objection. 5 BY MS. COSTELLO: 6 Q Is that fair to say? 7 MR. MURPHY: Objection. 8 THE WITNESS: Yes. 9 BY MS. COSTELLO: 10 Q Was how his progress would be evaluated 11 something that was discussed in that time period? 12 A There's built-in mechanisms for feedback; 13 right? He was given a two-year extension on his 14 appointments clock, which has all kinds of evaluation 15 mechanisms in it -- how did his teaching go, how did 16 his research go, as well as -- back to community and 17 citizenship. 18 In a teaching group, you're getting regular 19 feedback. I mean, there's many different, then, 20 mechanisms for feedback. Something specific -- it's 21 not noted here, but there's a lot that is known as 22 feedback mechanisms. 23 Q So understanding that there are three areas 24 that HBS typically looks at for tenure; right? 25 A Sure. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 positions, and I would provide him with those. 2 He would be welcome to find somebody on his 3 own, but then -- if that was on -- that was on him to 4 pursue. So I was equipping him with a curated list. 5 Q Okay. I'm going to ask that we mark this as 6 Exhibit 172. 7 (Exhibit 172 was marked for 8 identification.) 9 A Thank you. 10 Q Is that correspondence between you and Ben 11 in March, 2016, about the idea of an executive coach? 12 A It is, yes. 13 Q And then the top email is an exchange 14 between you and Ellen Mahoney and Valerie Porciello; 15 right? 16 A That's correct. 17 Q And that's on March 22, 2016? 18 A Yep, that's correct. 19 Q And you're asking them for advice about how 20 to respond to Ben; right? 21 A Right. I am, yes. 22 Q You ask -- did they give you any advice? 23 A I would assume -- yes. Yes. 24 Q Okay. Do you know what it was? 25 A Valerie and Ellen would have providing me</p>
<p style="text-align: right;">Page 119</p> <p>1 Q And those are, essentially, your research or 2 scholarship, your teaching, and your compliance with 3 community values; is that fair to summarize? 4 A Correct. Correct. Yeah. 5 Q Was there a specific built-in mechanism to 6 offer faculty members feedback on their compliance 7 with community values? 8 A Nothing specific, no. 9 Q When I ask about how progress would be 10 evaluated -- at the end of the two years, Ben would be 11 up for tenure again; right? 12 A Correct. 13 Q Was there discussion in 2015 of how his 14 progress specifically related to the community-values 15 part of his tenure case would be evaluated in 2017? 16 A No, we did not go through specifics. 17 Q On the question of an executive coach, did 18 you discuss that with Ben? 19 A I did. 20 Q What were those discussions? 21 A I talked with him about types of coaches; 22 right? There's lots of different types of coaches. 23 How we would provide him with ideas of who those 24 coaches might be, looking at who we had retained for 25 faculty and who we had retained for senior leadership</p>	<p style="text-align: right;">Page 121</p> <p>1 with just -- you know, relevant coaches that could 2 answer the questions that he has. And then also for 3 me to understand who would be the point of contact to 4 make this, if he -- when he makes his choice, to kind 5 of handle it from here. 6 Q Okay. Right. You write, "Do you think once 7 he returns to me with preferences, someone else should 8 be his point of contact?" 9 A Correct. Knowing that I -- I shouldn't be 10 his point of contact. Somebody else, then, would be 11 helping to set up -- would receive the RFP; we'd be 12 paying the bill; we'd be doing all of those sets of 13 things on his behalf. 14 Q Okay. Why did you think that you shouldn't 15 be the point of contact for that? 16 A Oh, because I mean that -- again, that's not 17 one for me. That's one that -- if somebody has a 18 coach, the coach is meant to be there to help the 19 person. I'm not meant to be supervising what the 20 coach is doing or not. 21 So we'd put it at a level of -- of others 22 who can engage with him more closely. And that's 23 consistent with other faculty who have coaches. I 24 don't get into the intervention of that coach, but how 25 to set up who that might be, and then they take it</p>

<p style="text-align: right;">Page 122</p> <p>1 from there with -- with other individuals. So</p> <p>2 there's -- that would be a consistent practice.</p> <p>3 Q When you say that "they take it from there</p> <p>4 with other individuals," is there someone at HBS who</p> <p>5 would still be involved in that relationship, versus</p> <p>6 the person just working directly with the coach?</p> <p>7 A I mean, there's the administrative side of</p> <p>8 working with the coach -- again, the paying of the</p> <p>9 bills, and setting up the contract, and all -- all of</p> <p>10 that that comes with it. And then the other side can</p> <p>11 be, if the individual wants it, and they want to take</p> <p>12 the feedback that they're getting from a coach, and</p> <p>13 work with their unit head or their faculty member to</p> <p>14 say, "This is what I'm learning. This is how I'm</p> <p>15 trying to improve," there's a -- there's a</p> <p>16 relationship with the coach and somebody else besides</p> <p>17 the individual, if the individual wants that.</p> <p>18 So that -- that does take place. Sometimes</p> <p>19 the faculty member wants to do this on their own, and</p> <p>20 that's fine.</p> <p>21 MS. COSTELLO: I have this marked as</p> <p>22 173 -- whoops, I'm giving you the wrong set.</p> <p>23 (Exhibit 173 was marked for</p> <p>24 identification.)</p> <p>25 MR. MURPHY: Thank you.</p>	<p style="text-align: right;">Page 124</p> <p>1 Q What was unusual about it?</p> <p>2 A The gift of having a coach I have not</p> <p>3 experienced anybody turns down, because either they</p> <p>4 want to improve -- they want a third party to offer</p> <p>5 them feedback, and get feedback from other people, and</p> <p>6 help them to grow and develop. So this was not a</p> <p>7 requirement; it was an option, and I just found</p> <p>8 that -- just peculiar. Why wouldn't you take the gift</p> <p>9 of having a coach who can help you improve?</p> <p>10 Q I mean, is one possible reason that you're</p> <p>11 not confident that coaching would help to improve?</p> <p>12 MR. MURPHY: Objection.</p> <p>13 THE WITNESS: No. No. We all improve</p> <p>14 with a coach, and everybody who has been extended the</p> <p>15 opportunity to have a coach has taken it, and found</p> <p>16 that it just helps them improve. But that was</p> <p>17 something that -- it was -- of</p> <p>18 his -- wouldn't -- wasn't of his choosing.</p> <p>19 BY MS. COSTELLO:</p> <p>20 Q Who else has been offered a coach and taken</p> <p>21 advantage of it?</p> <p>22 MR. MURPHY: Objection.</p> <p>23 THE WITNESS: Individuals who are in</p> <p>24 new leadership positions. Individuals who have a</p> <p>25 particular -- they may not be the best at presentation</p>
<p style="text-align: right;">Page 123</p> <p>1 THE WITNESS: Thank you.</p> <p>2 BY MS. COSTELLO:</p> <p>3 Q Actually, I'm going to have you set that</p> <p>4 aside for a minute. That was not what I -- I'll get</p> <p>5 back to it, but that's not what I intended to have</p> <p>6 marked right now.</p> <p>7 A No problem.</p> <p>8 Q Give me one second to -- I had skipped over</p> <p>9 a couple things, and now I'm -- okay. All right.</p> <p>10 Let's mark this as 174.</p> <p>11 (Exhibit 174 was marked for</p> <p>12 identification.)</p> <p>13 A Thank you.</p> <p>14 Q Okay. Is that the email that you ultimately</p> <p>15 responded to Ben's questions about an executive coach</p> <p>16 with?</p> <p>17 A Yes.</p> <p>18 Q Ultimately, did he take you up on the offer</p> <p>19 of coaching?</p> <p>20 A No, he did not.</p> <p>21 Q Did that offend you?</p> <p>22 A No, I wasn't offended.</p> <p>23 Q Were you bothered?</p> <p>24 A No, I wasn't bothered, but I find it -- I</p> <p>25 found it unusual.</p>	<p style="text-align: right;">Page 125</p> <p>1 skills. They may not have been the best in team</p> <p>2 environments. So coaches -- there are coaches for</p> <p>3 lots of different reasons.</p> <p>4 And they can be both developmental,</p> <p>5 because of just -- they need to get stronger in a</p> <p>6 particular domain, like presentation, sometimes</p> <p>7 because it is a new position taking place. But people</p> <p>8 who have a coach generally don't find it to be that</p> <p>9 that is something that was a useless endeavor.</p> <p>10 BY MS. COSTELLO:</p> <p>11 Q So your view is that on every single</p> <p>12 occasion that someone had used a coach at HBS, it had</p> <p>13 been useful to them?</p> <p>14 A That I have seen it, yes. We are a learning</p> <p>15 organization; right? We're professional development,</p> <p>16 and trying to always improve how you do your work is</p> <p>17 something people come to us for.</p> <p>18 So we have 12,000 people who come to</p> <p>19 executive education, and 75 coaches who help them, and</p> <p>20 they are always eager to have them. So this was</p> <p>21 different, and not having somebody who thought this</p> <p>22 could be helpful.</p> <p>23 Q I'm going to ask that we mark this document</p> <p>24 as -- oh. Actually, it's already marked as Exhibit</p> <p>25 141. Are those notes that you took of a meeting on</p>

<p style="text-align: right;">Page 126</p> <p>1 September 27, 2016?</p> <p>2 A Yes, they are.</p> <p>3 Q And was that a meeting between you, Nitin</p> <p>4 Nohria, and Paul Healy?</p> <p>5 A Yes.</p> <p>6 Q And a meeting about Ben Edelman; right?</p> <p>7 A Correct. Nitin and Paul would meet on a</p> <p>8 regular basis anyway, so this could have been a normal</p> <p>9 meeting they had, and they asked me to join a portion</p> <p>10 of it. But -- but yes, on that topic.</p> <p>11 Q Okay. And you write at the top, "Check in.</p> <p>12 How's it going getting coach?" Does that indicate</p> <p>13 that they were checking in with you?</p> <p>14 A More generally, I think they also wanted to</p> <p>15 know like how was it it going overall, knowing that</p> <p>16 2017 would be a time of when his promotion comes back</p> <p>17 again. So this was -- this was a bit of that check-in</p> <p>18 that they were doing.</p> <p>19 Q Okay. But they were asking you for</p> <p>20 information about how it was going; is that fair?</p> <p>21 A It would've come up in that context, yes.</p> <p>22 Q The second bullet point says "check in with</p> <p>23 him"; right?</p> <p>24 A Mm-hmm.</p> <p>25 Q Were they directing you to check in with</p>	<p style="text-align: right;">Page 128</p> <p>1 mean contact someone in October?</p> <p>2 A October. Yeah.</p> <p>3 Q Okay. It's not a person?</p> <p>4 A No, no, no. It's definitely not a person.</p> <p>5 It's a time. It's a time.</p> <p>6 Q And it says "touch base with him again." Is</p> <p>7 "him" Ben Edelman there?</p> <p>8 A It likely is, yes.</p> <p>9 Q Okay. And so was the plan for you to touch</p> <p>10 base with Ben?</p> <p>11 A It would've come up, yes.</p> <p>12 Q Well, when you say "it would've come up,"</p> <p>13 I'm not sure what that means.</p> <p>14 MR. MURPHY: Objection.</p> <p>15 THE WITNESS: I don't know if the touch</p> <p>16 base with him is me touching base with him, checking</p> <p>17 in with the unit head to be sure that someone else has</p> <p>18 checked in with him. So I'm not -- from the notes,</p> <p>19 not entirely sure if I -- if that was my takeaway to</p> <p>20 touch base with Ben, or to ensure that somebody else</p> <p>21 was doing that.</p> <p>22 BY MS. COSTELLO:</p> <p>23 Q Okay. After this meeting, did you touch</p> <p>24 base with Ben?</p> <p>25 A I don't recall.</p>
<p style="text-align: right;">Page 127</p> <p>1 him?</p> <p>2 MR. MURPHY: Objection.</p> <p>3 THE WITNESS: I don't think so. I</p> <p>4 don't -- I don't know who specifically was supposed to</p> <p>5 do the check-in, but there was meant to be some</p> <p>6 check-in.</p> <p>7 BY MS. COSTELLO:</p> <p>8 Q Okay. Do you know anything about what form</p> <p>9 that check-in was supposed to take?</p> <p>10 A No.</p> <p>11 Q On the side, it says "to do"?</p> <p>12 A Right. Yes.</p> <p>13 Q It seems like it's often your practice --</p> <p>14 A My practice. My practice, absolutely.</p> <p>15 Q -- to write your own to-do notes on the</p> <p>16 right-hand side of the notes?</p> <p>17 A Yes.</p> <p>18 Q Is this a to-do list for you to do?</p> <p>19 A It is a to-do list for me to do, not for</p> <p>20 them to do. And so I can see in here of just checking</p> <p>21 in with some other people, to just see -- take a pulse</p> <p>22 check of how it's going. Again, hoping that there's</p> <p>23 growth. So yes, that would've been a to-do list for</p> <p>24 me.</p> <p>25 Q Okay. It says "contact Oct." Does that</p>	<p style="text-align: right;">Page 129</p> <p>1 Q Did you touch base with Brian Hall, who was</p> <p>2 his unit head, about him?</p> <p>3 A I don't think so. No. I wouldn't -- that</p> <p>4 wouldn't be something I would do.</p> <p>5 Q So when you say that that wouldn't be</p> <p>6 something that you would do, does that indicate that</p> <p>7 that's probably not what this note means?</p> <p>8 MR. MURPHY: Objection.</p> <p>9 THE WITNESS: I wouldn't be connecting</p> <p>10 with Brian about Ben. I don't enter into the faculty</p> <p>11 lane in that regard.</p> <p>12 BY MS. COSTELLO:</p> <p>13 Q Okay. So when it says "touch base with him</p> <p>14 again," is "him" Ben?</p> <p>15 MR. MURPHY: Objection.</p> <p>16 THE WITNESS: I don't recall.</p> <p>17 BY MS. COSTELLO:</p> <p>18 Q Okay. But this is a list of the things that</p> <p>19 you were going to do; right?</p> <p>20 A Yes.</p> <p>21 Q Not anyone else?</p> <p>22 A Yes. Yes.</p> <p>23 Q So it says "touch base with him again," and</p> <p>24 then it's followed by a bullet point saying "circle</p> <p>25 back with PH and NN," that's Paul Healy and --</p>

<p style="text-align: right;">Page 130</p> <p>1 A Nitin Nohria. Exactly.</p> <p>2 Q Did you circle back with Paul Healy and</p> <p>3 Nitin Nohria after this meeting?</p> <p>4 A I don't recall.</p> <p>5 Q Looking back at the other side of the page</p> <p>6 on the left-hand side, the fifth bullet point down</p> <p>7 seems to say, "Encouraged to talk to him." And then</p> <p>8 the next one says, by mid-October, "How's it going?</p> <p>9 Here's what seems -- do you need/want to coach?" Is</p> <p>10 that describing outreach that someone was going to do</p> <p>11 to Ben?</p> <p>12 A Outreach somebody would do, yes.</p> <p>13 Q Okay. Was the "somebody" you?</p> <p>14 A It may have been. I don't recall.</p> <p>15 Q Okay. Did you reach out to Ben again about</p> <p>16 the question of a coach?</p> <p>17 A I don't believe so. I don't know.</p> <p>18 Q I mean, Exhibit 174 was an exchange with Ben</p> <p>19 about the coaching question; right? That seems to be</p> <p>20 in April of 2016.</p> <p>21 A Got it. Yes. When we were going to be</p> <p>22 setting up the prospect of a coach. Right.</p> <p>23 Q Do you think you ever followed up with him</p> <p>24 again after this email exchange?</p> <p>25 A I don't think I did.</p>	<p style="text-align: right;">Page 132</p> <p>1 Q Looking back at your to-do list on the side,</p> <p>2 the next to last bullet point seems to say, "Steve,</p> <p>3 keep me posted." Is that referring to Steve</p> <p>4 Gallagher?</p> <p>5 A Steve Gallagher. Likely because he was on</p> <p>6 the Academic Technology Steering Committee, and would</p> <p>7 want to know how is he doing as a -- as a member.</p> <p>8 Q Okay. And actually, I can't read the bottom</p> <p>9 bullet point in that section. Can you read it?</p> <p>10 A Do -- the bottom one would be "do a 'for the</p> <p>11 record'." Again, so if I'm learning new things, make</p> <p>12 sure that I'm -- I'm keeping track of that.</p> <p>13 MS. COSTELLO: Okay. It's 12:54, so</p> <p>14 let's go off the record and maybe take our lunch break</p> <p>15 now, if that works.</p> <p>16 MR. MURPHY: Sure. Sounds good.</p> <p>17 THE REPORTER: Sure. We are off the</p> <p>18 record at 12:54 p.m.</p> <p>19 (Off the record.)</p> <p>20 THE REPORTER: All right. We are back</p> <p>21 on the record at 1:52 p.m.</p> <p>22 BY MS. COSTELLO:</p> <p>23 Q All right. Thank you. So sticking with the</p> <p>24 time period between 2015 and 2017, in which Ben's</p> <p>25 appointment had been extended for two years -- in that</p>
<p style="text-align: right;">Page 131</p> <p>1 Q Did you reach out to him and give him any</p> <p>2 feedback?</p> <p>3 A Not that I'm aware of, no.</p> <p>4 Q Okay. A little farther down, the third</p> <p>5 bullet point up from the bottom on Exhibit 141. It</p> <p>6 seems to say, "Eventually tell NN and PH every four to</p> <p>7 six weeks." Was that reflecting further</p> <p>8 communications that you were going to have with Nitin</p> <p>9 Nohria and Paul Healy?</p> <p>10 A Could be.</p> <p>11 Q Okay. Did you check in with Nitin Nohria</p> <p>12 and Paul Healy about Ben's situation every four to six</p> <p>13 weeks?</p> <p>14 A No.</p> <p>15 Q It then says, "Have Joe and others be</p> <p>16 observant." Is "Joe" there Joe Baderacco?</p> <p>17 A Yes, it is Joe Baderacco.</p> <p>18 Q Okay. Would you have communicated with Joe</p> <p>19 Baderacco about being observant about Ben?</p> <p>20 A No. No.</p> <p>21 Q And then at the bottom, it says, "He</p> <p>22 deserves the feedback"; right?</p> <p>23 A Correct.</p> <p>24 Q Is "he" there referring to Ben?</p> <p>25 A I'm sure, yes. Yeah.</p>	<p style="text-align: right;">Page 133</p> <p>1 time period, were you gathering feedback from staff</p> <p>2 about Ben Edelman?</p> <p>3 A More around like fall of 2016. Not right</p> <p>4 away; right? But later on, just as a form for just</p> <p>5 like -- "All parties, how's it going?" So in that</p> <p>6 context -- and again, in a piece of -- in the normalcy</p> <p>7 of the times I'm with them, then raising it as "how's</p> <p>8 it going?" So it would be that way. But it wasn't</p> <p>9 like a deliberately, "I'm coming out and asking all of</p> <p>10 you."</p> <p>11 Q Yeah. But it was maybe something you would</p> <p>12 add to the agenda, for a check-in meeting that you</p> <p>13 were doing regularly?</p> <p>14 A Exactly.</p> <p>15 Q Okay. Is that something that you did with</p> <p>16 all of your direct reports?</p> <p>17 A No. No, I did not.</p> <p>18 Q Okay. Was it something you did with just</p> <p>19 the direct reports that you knew had interaction with</p> <p>20 Ben Edelman?</p> <p>21 A Yes. Yes.</p> <p>22 Q Did you have conversations with Ben Edelman</p> <p>23 about -- I'm sorry. Did you have conversations about</p> <p>24 Ben Edelman with [REDACTED] ?</p> <p>25 A Yes.</p>

Page 134

1 Q Okay. I'm going to ask you to look back at
 2 what I had marked as Exhibit 173 previously. Are
 3 those notes that you took on a conversation with Steve
 4 Gallagher about Ben Edelman?
 5 A Yes. Yes, it is.
 6 Q Okay. It says "Ben E., Steve G." at the
 7 top, but Ben wasn't present for that meeting; right?
 8 A That's correct. Just Steve.
 9 Q Okay. And generally speaking, are the notes
 10 here things that Steve said to you in that meeting?
 11 A Yes.
 12 Q And he's describing Ben's interactions with
 13 IT; is that fair to say?
 14 A Yes, and the Academic Technology Steering
 15 Committee. But --
 16 Q That was going to be my next --
 17 A -- that was a form of IT. Yes. Okay.
 18 Yes -- but yes.
 19 Q Okay. It also discusses the Academic
 20 Technology Steering Committee; right?
 21 A Indeed. Yes.
 22 Q Okay. And at the bottom, it says, "Biggest
 23 fear is what happens when he's" -- do you know what
 24 the completion of that thought was?
 25 A No, I don't.

Page 135

1 Q Is it possible that it's missing the word
 2 "tenured"?
 3 MR. MURPHY: Objection.
 4 THE WITNESS: I don't recall for this,
 5 no.
 6 BY MS. COSTELLO:
 7 Q Okay. I'm going to ask that we mark this as
 8 175. And these are notes that it appears to me that
 9 you took, dated December 7, 2016. Is -- would you
 10 identify them the same way?
 11 (Exhibit 175 was marked for
 12 identification.)
 13 A Yes. Yes.
 14 Q And are these conversations of notes from
 15 one meeting, or a compilation of notes from several
 16 meetings?
 17 A One meeting. One meeting.
 18 Q Who were you meeting with?
 19 A Atypical of me not to have who it is at the
 20 top, but I can tell from the top four that this is
 21 [REDACTED]. Likely [REDACTED].
 22 Q Okay. So number 6 is Ben Edelman; right?
 23 A Yes.
 24 Q Are numbers 1 through 5 unrelated to Ben?
 25 A Complete -- yes, absolutely unrelated.

Page 136

1 Q Okay. Do you think that this is the notes
 2 from the kind of regular check-in meeting that you
 3 were describing?
 4 A Exactly. Because number 3 is organization.
 5 It's about people on his team, things that were
 6 happening with individuals. So this is like a
 7 standard array of topics that we might have.
 8 Q Okay. On number 6, you had written [REDACTED]
 9 [REDACTED] -- am I pronouncing her name right?
 10 A Yeah -- this would've been two people. So
 11 again, the way I would go about doing this is, people
 12 I should probably be in touch with -- [REDACTED]
 13 being one, who was running the MBA program; and [REDACTED]
 14 [REDACTED] doctoral program, being another. So it's two
 15 people.
 16 Q Okay.
 17 A Yeah, no problem.
 18 Q I read that as one person's name. Why were
 19 you going to be in touch with [REDACTED]?
 20 A Yeah -- [REDACTED]
 21 Q [REDACTED] Sorry.
 22 A No problem. [REDACTED] was on the Academic
 23 Technology Steering Committee, so I would've wanted to
 24 get -- probably coming up in conversation, to get her
 25 insights. And [REDACTED], I'm not recalling why I

Page 137

1 would have gotten in touch with him.
 2 Q Who is [REDACTED]?
 3 A He -- this is 2016. [REDACTED] was -- I believe
 4 he was in the doctor -- chairing in the doctoral
 5 programs. He's running the doctoral programs. He had
 6 had multiple transitions, so I was trying to timeline
 7 him. But he would've been in the doctoral programs.
 8 Q Is he somebody who had a particular reason
 9 to be interacting with Ben Edelman?
 10 A No, but both of them are on academic
 11 programs. So there are going to be things just in
 12 terms of the execution of academics, whether
 13 that -- that it could have been just to round out an
 14 understanding, but --
 15 Q Did you follow up with Jana?
 16 A I assume so.
 17 Q Okay. And what about with John Korn?
 18 A I would assume so, as well.
 19 Q Were they in the class of people that you
 20 had regular check-in meetings with as well?
 21 A Exactly. So this is a note to myself that
 22 when I have a one-on-one, I want to -- I should add
 23 this to the -- my list, and see what their list is.
 24 But that would be a way for me to just build my own
 25 tickler for it.

Page 142

1 realize I'm -- this is in his -- this is in his court,
2 so to speak.
3 Q Okay. And so then she responds to you and
4 says, "Just to be sure, when you ask him how he wants
5 to proceed, do you mean -- one, does he want someone
6 to talk with Ben now about the flare-ups [REDACTED] and
7 [REDACTED] are hearing about; or two, what evidence will
8 the FRB and/or subcommittee need from people like [REDACTED]
9 and [REDACTED] when the time comes?"
10 And you respond and say, "I guess mostly
11 one. I tend to lean toward feedback will be gathered
12 when the time comes. I just don't want the staff to
13 fall into any jam that would have someone think we
14 waited until the end to say what we experienced";
15 right?
16 A Correct.
17 Q So it seems like you had at some point
18 recounted to her that there were concerns raised by
19 Steve Gallagher and [REDACTED]?
20 A I don't recall [REDACTED] -- what -- what the
21 situation was. But the spirit of this is
22 developmentally wanting to make sure that things
23 are -- how things are going for him, versus it gets to
24 the end of the line and then everybody finds out. So
25 there's a form of wanting to keep something on a

Page 143

1 track.
2 Q Are you wanting to keep Paul Healy in the
3 loop about the concerns that you're hearing about?
4 A No, I wouldn't be doing -- I wouldn't be
5 doing that. I'd be going through Rae and Valerie for
6 that.
7 Q Okay. But was your goal in talking to Rae
8 and Valerie that they would keep Paul Healy in the
9 loop?
10 A I assume they would.
11 Q Okay. And you wanted Valerie to ask him how
12 to proceed; right?
13 A Yes.
14 Q Okay. And at the top of this email chain,
15 she says, "Thanks I'll -- got it. Thanks. I'll
16 report back after I talk with Paul"?
17 A Yes.
18 Q Did she ever get back to you about having
19 had a conversation with Paul on this?
20 A I don't remember.
21 Q At this point, you had already gotten some
22 feedback from staff about Ben's behavior between 2015
23 and 2017; right?
24 A Correct.
25 Q And had you shared that information with

Page 144

1 anyone?
2 A I don't remember.
3 Q Okay. Had you discussed it with Valerie
4 Porciello?
5 A Well, clearly. Yes, clearly I did. Yes.
6 Q Beyond this email exchange, do you remember
7 what you communicated to her?
8 A No, I don't.
9 Q After this email exchange, were you given
10 any kind of direction about what you should do with
11 that feedback?
12 A No.
13 Q Was [REDACTED] interviewed by the FRB in
14 2017?
15 A I don't recall. I don't -- I don't
16 remember.
17 Q Okay. Do you know which team member of [REDACTED]
18 [REDACTED] had had a problem with Ben?
19 A No, I don't remember that either.
20 Q Okay. And I think we've established that
21 you were in touch with [REDACTED] about Ben
22 between 2015 and 2017; right?
23 A Right.
24 Q And he was giving you feedback about Ben;
25 right?

Page 145

1 A Absolutely.
2 Q I'm going to ask that we mark this as
3 Exhibit 177.
4 (Exhibit 177 was marked for
5 identification.)
6 A Thank you.
7 Q Is that an email exchange between [REDACTED]
8 [REDACTED] and Ben Edelman that [REDACTED]
9 forwarded to you in December, 2016?
10 A Yes. Yes.
11 Q Is that one example of [REDACTED] giving you
12 feedback about Ben?
13 A Yes.
14 Q Okay. I'm going to also mark this as
15 Exhibit 178. Is this another, possibly earlier in
16 that same thread, email between [REDACTED] and
17 Ben that [REDACTED] is forwarding to you?
18 (Exhibit 178 was marked for
19 identification.)
20 A Yes, it is.
21 Q Okay. Also in December of 2016; right?
22 A Correct.
23 Q Is that another example of [REDACTED]
24 sharing -- keeping you updated on Ben?
25 A Yes, it is.

<p style="text-align: right;">Page 150</p> <p>1 [REDACTED] ?</p> <p>2 A Yes, I assume -- I believe so.</p> <p>3 Q Was there a concern about Ben's interactions</p> <p>4 with [REDACTED]</p> <p>5 A The concern being that he's not an expert in</p> <p>6 accommodation for individuals with a disability. And</p> <p>7 so while attempting to be helpful, that was not his</p> <p>8 expertise.</p> <p>9 Q And who is Kate?</p> <p>10 A I don't know.</p> <p>11 Q And on the side, you've written "Paul," with</p> <p>12 an arrow. Did that mean you were going to follow up</p> <p>13 with Paul?</p> <p>14 A That would be the practice of -- to</p> <p>15 Paul -- yes, to Paul Healy.</p> <p>16 Q Did you reach out to Paul Healy at some</p> <p>17 point after this meeting at the end of January in</p> <p>18 2017?</p> <p>19 A I don't know.</p> <p>20 Q I think you said that you didn't direct</p> <p>21 [REDACTED] to bring concerns about Ben to you.</p> <p>22 Did you give anyone on the staff the direction to</p> <p>23 bring concerns about Ben to you?</p> <p>24 A They're always welcome to bring concerns,</p> <p>25 which is, you know, standard practice. But I also</p>	<p style="text-align: right;">Page 152</p> <p>1 know, adding that as an agenda item to meetings;</p> <p>2 right?</p> <p>3 A Sure. Yeah.</p> <p>4 Q Did you give them any kind of instruction</p> <p>5 about gathering feedback from their own subordinates?</p> <p>6 MR. MURPHY: Objection.</p> <p>7 THE WITNESS: No, but I would want them</p> <p>8 to be doing the same thing that I would be doing, is</p> <p>9 just always keeping their antenna up, always</p> <p>10 supporting their teams. So that would be something</p> <p>11 that they would do.</p> <p>12 BY MS. COSTELLO:</p> <p>13 Q I'm going to mark this as 181.</p> <p>14 (Exhibit 181 was marked for</p> <p>15 identification.)</p> <p>16 A Okay.</p> <p>17 Q Again, this is going slightly back in time</p> <p>18 from the last exhibit. But this is an email to you</p> <p>19 from [REDACTED], dated December 15, 2016; is that</p> <p>20 right?</p> <p>21 A That's correct.</p> <p>22 Q Is this another example of [REDACTED] giving you</p> <p>23 feedback about Ben during that time period?</p> <p>24 A It's an example of [REDACTED] being exasperated</p> <p>25 with Ben again, like prior times with the projector.</p>
<p style="text-align: right;">Page 151</p> <p>1 wanted them to know that if they had feedback that</p> <p>2 they wanted to extend to him, that they should do</p> <p>3 that.</p> <p>4 This was meant to be a time period of growth</p> <p>5 where he needed feedback, so be open and honest with</p> <p>6 him. So I think there would've been a lot that was</p> <p>7 just happening in that -- in that way.</p> <p>8 Q Okay. So you think that you directed staff,</p> <p>9 though, to give feedback to Ben directly?</p> <p>10 A I don't think I directly said that, but yes,</p> <p>11 there would be -- maybe in some instances with some</p> <p>12 people like Steve Gallagher, is giving him the -- the</p> <p>13 latitude to speak up.</p> <p>14 Q I'm not trying to put words in your mouth,</p> <p>15 but I'm wondering -- what do you recall communicating</p> <p>16 to staff about how they should approach interactions</p> <p>17 with Ben during this time period?</p> <p>18 A "Staff" is a very broad phrase that you're</p> <p>19 using there. This would've been -- if I was saying</p> <p>20 anything to anyone, it was a few people like Steve</p> <p>21 Gallagher, who would have had those interactions. And</p> <p>22 I don't recall what I would've said, other than just</p> <p>23 entrusting them to -- to speak up.</p> <p>24 Q We discussed that you were working on</p> <p>25 gathering feedback, and that took the form of, you</p>	<p style="text-align: right;">Page 153</p> <p>1 Q His first line says, "I know you're planning</p> <p>2 to meet with Ben in the near term." Did you have a</p> <p>3 meeting scheduled with Ben sometime -- you know,</p> <p>4 shortly after the date of this email?</p> <p>5 A I don't remember.</p> <p>6 Q Do you have a memory of meeting with Ben in</p> <p>7 that time period?</p> <p>8 A No, I don't.</p> <p>9 Q Do you recall meeting with Ben at any point</p> <p>10 between, you know, the end of the FRB in 2015 and the</p> <p>11 start of the 2017 FRB?</p> <p>12 A No.</p> <p>13 Q Okay. I'm going to give you -- actually,</p> <p>14 I'm going to have this marked as Exhibit 182.</p> <p>15 (Exhibit 182 was marked for</p> <p>16 identification.)</p> <p>17 A Okay.</p> <p>18 Q Are these notes that you took?</p> <p>19 A Yes, they are.</p> <p>20 Q They're dated 6/28/17; right?</p> <p>21 A Yes.</p> <p>22 Q Was that the date of the FRB's first meeting</p> <p>23 in 2017?</p> <p>24 A I don't know if that was the exact date.</p> <p>25 But I am kind of giving myself the lay of the land</p>

<p style="text-align: right;">Page 154</p> <p>1 of -- of a situation.</p> <p>2 Q Okay. Do you think that these are notes</p> <p>3 that you took for yourself?</p> <p>4 A That -- I believe so, yeah.</p> <p>5 Q Okay. As opposed to notes that you took</p> <p>6 during a meeting, where you're writing down what other</p> <p>7 people are saying?</p> <p>8 A Correct. Correct. There's an orderliness</p> <p>9 to it. They're a little less on the fly. Correct.</p> <p>10 Q Were these perhaps notes that you made</p> <p>11 preparing for the FRB meeting?</p> <p>12 MR. MURPHY: Objection.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MS. COSTELLO:</p> <p>15 Q Was it -- do the notes contain feedback that</p> <p>16 you were planning to share with the FRB?</p> <p>17 A Yes, if relevant.</p> <p>18 Q Did you share the information that's</p> <p>19 contained in here to the FRB?</p> <p>20 A When asked eventually, be -- in terms of</p> <p>21 gathering feedback about how did the two years go,</p> <p>22 then I would have offered this.</p> <p>23 Q On the left-hand side, you have notes that</p> <p>24 say "situations"?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 then yes, it was wrong. This was not about him</p> <p>2 knowing what to do to provide them support.</p> <p>3 Q Who was an expert in accommodations?</p> <p>4 A We have a professional team that handles</p> <p>5 that.</p> <p>6 Q Who are the members of that -- or who were</p> <p>7 the members of that team at that time?</p> <p>8 A That's at the Office of the Disabilities for</p> <p>9 the university. There are individuals that do this</p> <p>10 for faculty, staff, and students, from mobility issues</p> <p>11 to learning difference. So there is a team of people</p> <p>12 who can work through what the options are.</p> <p>13 Q Do you know whether [REDACTED] felt</p> <p>14 like those people were adequately helping him?</p> <p>15 A I don't know.</p> <p>16 Q Did you communicate with [REDACTED]</p> <p>17 directly about the situation ever?</p> <p>18 A I did not.</p> <p>19 Q And [REDACTED] -- did you think that</p> <p>20 Ben was doing something wrong in that situation?</p> <p>21 A No, but we could be doing it better or</p> <p>22 differently if we brought experts into this more</p> <p>23 closely.</p> <p>24 Q Again, did you know whether [REDACTED]</p> <p>25 felt like HBS had been adequately accommodating her</p>
<p style="text-align: right;">Page 155</p> <p>1 Q And the first bullet point is ' [REDACTED]</p> <p>2 [REDACTED] right?</p> <p>3 A Yes. Yep.</p> <p>4 Q And who is ' [REDACTED] here?</p> <p>5 A [REDACTED] is a professor who had hearing</p> <p>6 issues, so needed a hearing assist -- accommodation.</p> <p>7 And [REDACTED], also a faculty member who has a</p> <p>8 disability, and is sight impaired.</p> <p>9 Q And how was Ben involved in [REDACTED]</p> <p>10 situation?</p> <p>11 A He was trying to help him to find improved</p> <p>12 technology, so that he could hear better in the --</p> <p>13 Q And what about [REDACTED]?</p> <p>14 A There too -- I think he was trying to find</p> <p>15 technologies and approaches to help her with her lack</p> <p>16 of sightedness in the classroom.</p> <p>17 Q Was that a situation in which you thought</p> <p>18 that Ben was failing to comply with HBS community</p> <p>19 values?</p> <p>20 A No.</p> <p>21 Q Was it a -- well, taking them one at a time,</p> <p>22 was [REDACTED] situation a situation in which you</p> <p>23 thought that Ben was doing something wrong?</p> <p>24 A From the standpoint of not respecting other</p> <p>25 people's opinions who are experts in accommodations,</p>	<p style="text-align: right;">Page 157</p> <p>1 disability?</p> <p>2 A I don't know.</p> <p>3 Q Did you communicate with her directly about</p> <p>4 the situation at all?</p> <p>5 A No.</p> <p>6 Q The next bullet point is "LMS and Kaltura,"</p> <p>7 if I'm reading that right?</p> <p>8 A Yep.</p> <p>9 Q What is LMS?</p> <p>10 A Learning Management System.</p> <p>11 Q And Kaltura, I think you told me earlier,</p> <p>12 some kind of a video system?</p> <p>13 A The video -- exactly.</p> <p>14 Q What was Ben's involvement with LMS and</p> <p>15 Kaltura?</p> <p>16 A I don't recall. I don't recall. I know he</p> <p>17 was working on something to do with a participation</p> <p>18 tracker, but I don't know if this was related to that.</p> <p>19 Q The next bullet point says "Apple TV." I</p> <p>20 know what Apple TV is --</p> <p>21 A I know. At the time --</p> <p>22 Q -- but what was the reason that this was a</p> <p>23 relevant situation involving Ben?</p> <p>24 A I don't recall. I don't recall the</p> <p>25 specifics on this either.</p>

<p style="text-align: right;">Page 158</p> <p>1 Q The next one says "rolling cart." 2 A A rolling cart was again to do with like 3 multimedia. I know there were issues around moving 4 this cart at multiple places. Where would we put it? 5 Where would we store it? But that's the gist of what 6 I recall. 7 Q Did someone report to you that there were 8 concerns about Ben and the rolling cart in some way? 9 A This is what I just -- I heard was taking 10 place, but I heard about. 11 Q What did you hear was taking place? 12 A Just frustration. Just this continuous 13 frustration of neverending "solutioning" to problems. 14 Q So you heard of frustration that Ben was 15 engaging in some kind of "solutioning" to a problem 16 involving the rolling cart? 17 A You could take this entire list, and see 18 that it was continuous "solutioning" on so many 19 different topics. 20 Q And the voting app -- do you know what that 21 was? 22 A This is a polling tool that we use in the 23 classroom, where -- you know, professor asks the 24 question; you can answer A, B, C, D; and then 25 it -- and then it projects. So that's what the</p>	<p style="text-align: right;">Page 160</p> <p>1 MR. MURPHY: Objection. 2 THE WITNESS: I don't. 3 BY MS. COSTELLO: 4 Q Are most of these notes on Exhibit 182 about 5 Ben's interactions with the IT department? 6 A Not all. I can see that some, such as 7 "better when faculty are in the room" on the left 8 side, second positive from the bottom, as being when 9 he would've been in a governance group. 10 Q Is that -- 11 A The Academic Technology Steering Committee, 12 yes. 13 Q Okay. So not directly involved with IT, but 14 related to technology at the school? 15 A Correct. 16 Q Do you know who told you that he was better 17 when faculty are in the room? 18 A Fellow members like [REDACTED]. 19 Q Do you know how many Academic Technology 20 Steering Committee meetings had occurred between when 21 Ben joined and June of 2017? 22 A I don't know. 23 Q Did you know back in 2017 how many there had 24 been? 25 A No, I don't recall.</p>
<p style="text-align: right;">Page 159</p> <p>1 application is, and I don't recall the specifics 2 about -- but I know he was involved in having ideas 3 about that. 4 Q Okay. So it's a pedagogical tool that you 5 would use during class? 6 A Correct. 7 Q And I take it from what you said before, 8 that this is something that someone was frustrated 9 with his behavior around it? 10 A Yes. 11 Q Do you recall who? 12 A I don't know if this might have been [REDACTED] 13 [REDACTED] Could have been [REDACTED] again because 14 of media services and the technology in the classroom. 15 Q Do you know who it was who was involved in 16 the rolling cart situation with Ben? 17 A I don't recall. 18 Q And then the final thing is Canvas. 19 A Canvas is a learning management system. And 20 so as we were migrating to Canvas as a -- as a 21 solution, just -- again, I don't recall specifics 22 related to Canvas, but there were clearly some issues 23 people were raising. 24 Q Okay. Do you recall who would've been 25 raising those issues?</p>	<p style="text-align: right;">Page 161</p> <p>1 Q Do you know how many of its meetings Ben 2 attended? 3 A No, I don't. 4 Q Was [REDACTED], or [REDACTED] 5 [REDACTED] the head of the Academic Technology 6 Steering Committee for -- the faculty member who was 7 senior on that committee? 8 A Exactly. It was [REDACTED] as his 9 co-chair. 10 Q Okay. Do you know how many of the meetings 11 Professor [REDACTED] attended? 12 A No, I do not. 13 Q Okay. Do you know what subjects were 14 discussed in any of the meetings? 15 A There would be things as we're seeing up 16 above, like a learning management system, things that 17 can be related to just Canvas coming forward. It can 18 be related to technology in the classroom. So I'm not 19 completely aware, but I couldn't -- well, I'm sure 20 those were the types of topics. 21 Q Is it possible that Ben's participation in 22 the committee varied based on his level of interest in 23 the topic? 24 MR. MURPHY: Objection. 25 THE WITNESS: I don't know.</p>

Page 162

1 BY MS. COSTELLO:
2 Q Do you know who else was on the committee?
3 A No, I don't recall, off about the top of my
4 head.
5 Q Was [REDACTED] on the committee?
6 A That sounds right.
7 Q And was [REDACTED] also on that
8 committee?
9 A That sounds right.
10 Q In the kind of second main section, it says
11 "overall" at the top in these notes --
12 A I'll look at that -- oh, yes. Yes.
13 Q There are four bullet points; right? And
14 they say, first, "Constantly have to keep boundaries
15 clarified." And then the second one says, "He will
16 forever be a handful." Do you see that?
17 A I do.
18 Q And then it has a semicolon, and it says
19 "[REDACTED]; [REDACTED]."
20 A [REDACTED], [REDACTED].
21 Q Okay. Is "he will forever be a handful"
22 something that one of those people said to you?
23 A I don't know.
24 Q Had you spoken to [REDACTED] about
25 Ben before writing these notes?

Page 163

1 A No.
2 Q Is this an opinion of yours, that he will
3 forever be a handful?
4 A No, I don't think it's just mine.
5 Q Well, it might not be just yours, but is it
6 yours?
7 MR. MURPHY: Objection.
8 THE WITNESS: No.
9 BY MS. COSTELLO:
10 Q You don't think that he will forever be a
11 handful?
12 A We hadn't yet hit the discussion to find out
13 if that was going to be the case or not.
14 Q So whose opinion was this?
15 MR. MURPHY: Objection.
16 THE WITNESS: I don't know.
17 BY MS. COSTELLO:
18 Q Why do you think you wrote it down in your
19 notes?
20 A I don't know.
21 Q The next bullet point says, "Know-it-all,
22 doesn't know as much as he thinks he knows." Are you
23 quoting someone there?
24 A Those I had heard before -- other people
25 say, yes.

Page 164

1 Q Who had said it?
2 A [REDACTED] being one. I'm not
3 recalling others, but I certainly know that was one
4 person.
5 Q At the bottom of the page, under "hopes," it
6 says -- it has a set of bullet points there, too;
7 right?
8 A Sure. Yes.
9 Q And the middle bullet point says, "Stop
10 badmouthing IT, spreads negative opinions"; right?
11 When had Ben badmouthed IT?
12 A A lot.
13 Q Okay. So --
14 A With -- with fellow faculty, whether
15 even -- let's say what you said about [REDACTED],
16 who then had opinion about what he was going to
17 receive or -- or not. So these -- these -- he would
18 bring negativity about the team.
19 Q When did he first bring negativity about the
20 IT team?
21 MR. MURPHY: Objection.
22 THE WITNESS: Pre-2015, we saw it.
23 BY MS. COSTELLO:
24 Q Were there specific things that you felt
25 like Ben was badmouthing IT about?

Page 165

1 A Some -- many of those instances that we
2 talked about. The projector, other things where
3 there -- there was a workaround of him going
4 to -- of -- of having a different point of view, and
5 not, again, entrusting to people who are experts, but
6 then talking to his fellow colleagues about -- about
7 his opinions.
8 Q How did you feel about Ben badmouthing IT?
9 A It's unfair.
10 Q Did you want to defend IT from criticism?
11 A No, no, no. Not at all.
12 Q Did you think that HBS faculty should not
13 criticize the performance of IT staff?
14 A No.
15 Q Were other people critical of IT?
16 A Yes.
17 Q Was Nitin Nohria sometimes publicly critical
18 of IT?
19 A Yes.
20 Q Was it a violation of community values to
21 criticize IT?
22 A No.
23 Q Was it a reasonable goal for the FRB to stop
24 Ben from criticizing IT?
25 MR. MURPHY: Objection.

<p style="text-align: right;">Page 166</p> <p>1 THE WITNESS: Say that again?</p> <p>2 BY MS. COSTELLO:</p> <p>3 Q Was it a reasonable goal for the FRB to</p> <p>4 have, to stop Ben from criticizing IT?</p> <p>5 MR. MURPHY: Objection.</p> <p>6 THE WITNESS: Yes, because it's in the</p> <p>7 how that it's done, in the constancy of it being done,</p> <p>8 which comes back to respect.</p> <p>9 BY MS. COSTELLO:</p> <p>10 Q Can you point me to a particular</p> <p>11 communication by Ben that was disrespectful of IT?</p> <p>12 A No, but when emails are very long, and</p> <p>13 lengthy, and they're repeated, it's very hard for</p> <p>14 individuals to feel like they're being heard.</p> <p>15 Q I'm going to show you what we've already</p> <p>16 marked as Exhibit 46.</p> <p>17 A Okay.</p> <p>18 Q Is this a document that you prepared?</p> <p>19 A Yes, I did.</p> <p>20 Q And it seems to reflect that it was compiled</p> <p>21 for the purpose of the June 28, 2017, FRB meeting;</p> <p>22 right?</p> <p>23 A Yes.</p> <p>24 Q Is that the case?</p> <p>25 A Yes. Yes.</p>	<p style="text-align: right;">Page 168</p> <p>1 A I don't recall. I don't recall.</p> <p>2 Q Okay. It looks like this section is about</p> <p>3 intersections with the media services team. Would it</p> <p>4 have been somebody from media services that you're</p> <p>5 quoting?</p> <p>6 A Probably [REDACTED]. Probably [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 Q Okay. It's not you, though?</p> <p>9 A No, no, no, no, no. Oh, no, no. But it's</p> <p>10 probably [REDACTED].</p> <p>11 Q Okay. Do you know why Ben requested to</p> <p>12 store the cart in Aldritch?</p> <p>13 A I don't remember.</p> <p>14 Q Were there also attachments included with</p> <p>15 this memo?</p> <p>16 A I don't remember.</p> <p>17 Q I will represent to you that from reading</p> <p>18 it, it looks like there are places where you described</p> <p>19 there being attachments.</p> <p>20 A Okay. Got it.</p> <p>21 Q Okay. Was this memo included in the FRB's</p> <p>22 2017 report?</p> <p>23 A I don't recall.</p> <p>24 Q I am going to share with you what we</p> <p>25 previously marked as Exhibit 64.</p>
<p style="text-align: right;">Page 167</p> <p>1 Q And it seems to cover much of the same</p> <p>2 subject matter as the notes that we just looked at in</p> <p>3 Exhibit 182; is that right?</p> <p>4 A Yes.</p> <p>5 Q Did you give FRB members a copy of this</p> <p>6 document?</p> <p>7 A The opening paragraph would suggest yes.</p> <p>8 Q Do you remember whether you did?</p> <p>9 A I don't remember.</p> <p>10 Q I mean, was the purpose of putting it</p> <p>11 together to communicate this information to the FRB?</p> <p>12 A Yes.</p> <p>13 Q And did you do that in some form?</p> <p>14 A This was likely the form.</p> <p>15 Q Okay. Did you share this document with Ben?</p> <p>16 A No.</p> <p>17 Q So looking at the bottom of the first page,</p> <p>18 it lists intersections with media services team, and</p> <p>19 these are essentially the same -- or at least a subset</p> <p>20 of the situations listed in Exhibit 182; right?</p> <p>21 A Correct.</p> <p>22 Q Number 4 is the rolling cart, and it says,</p> <p>23 "This request to store the cart somewhere in Aldritch</p> <p>24 boomeranged back to me at least three times." Do you</p> <p>25 know who "me" is in that sentence?</p>	<p style="text-align: right;">Page 169</p> <p>1 A Okay.</p> <p>2 Q Are those notes of an FRB meeting?</p> <p>3 A I don't know. They're not familiar to me.</p> <p>4 Q At the bottom, there's a statement</p> <p>5 attributed seemingly to you, where it says</p> <p>6 "Angela" -- I'm sorry. The bottom of the first page.</p> <p>7 A Oh. Yes.</p> <p>8 Q It says, "Angela -- didn't take us up on the</p> <p>9 coach. Staff input -- he will perennially be a</p> <p>10 handful. If he gets tenure, we're in for it. When</p> <p>11 there are senior faculty in the room, he can bite his</p> <p>12 tongue and hold back. When faculty are not in the</p> <p>13 room, it's a different story. That's certitude." Is</p> <p>14 this something that you said at an FRB meeting?</p> <p>15 A If this is a record, then yes.</p> <p>16 Q Well do you think that that's not a correct</p> <p>17 report of something that you said?</p> <p>18 MR. MURPHY: Objection.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 BY MS. COSTELLO:</p> <p>21 Q Was it a view that you held?</p> <p>22 A It was a concern.</p> <p>23 Q I'd like to have this be marked as</p> <p>24 Exhibit 183.</p> <p>25 //</p>

<p style="text-align: right;">Page 170</p> <p>1 (Exhibit 183 was marked for 2 identification.) 3 A Thank you. Okay. 4 Q Are those that notes that you took of an FRB 5 meeting on June 28th of 2017? 6 A Yes, that's right. 7 Q And looking at this, does it refresh your 8 recollection at all about whether this was the first 9 meeting of the FRB in 2017 or not? 10 A The first meeting -- because again, this is 11 not a -- this is just notes along the way in that 12 meeting, how will the process go forward? Suggest the 13 first. 14 Q Okay. And there are a couple of lists here; 15 right? One on the side says "people," and it's 16 circled. Are those people that the FRB thought it 17 would interview you? 18 MR. MURPHY: Objection. 19 THE WITNESS: I don't know, but people 20 that would have had interactions or relevant 21 information. 22 BY MS. COSTELLO: 23 Q Okay. And then at the bottom, there's a 24 word that I can't read, underlined, and then there's 25 another list of what seemed to be last names. First</p>	<p style="text-align: right;">Page 172</p> <p>1 is that right? 2 A Yes. 3 Q You didn't take these notes; right? 4 A No. 5 Q Have you seen them before? 6 A I saw them in preparatory materials, yes. 7 Q Okay. Were they shared with you at the 8 time, in 2017? 9 A No. No. 10 Q On the top of the second page -- actually, 11 if you look at the bottom of the first page, there's a 12 paragraph that starts "Crispi," and then there's a 13 paragraph at the top of the second page. I think that 14 the paragraph of the top of the second page is still 15 describing your input. Do you agree that that's the 16 case? 17 A Appears so. 18 Q And it looks like you're relaying feedback 19 from the IT and staff side? 20 A Yes. 21 Q Is that feedback that you had shared with 22 Ben? 23 A No. 24 Q And then the second sentence -- and you 25 write, "If he gets tenure, we're going to have him</p>
<p style="text-align: right;">Page 171</p> <p>1 of all, can you read the word that's underlined? 2 A Believe it's "process." 3 Q Okay. And then are these similarly the 4 names of people who would have had relevant 5 information? 6 A Yes. 7 Q And some of them overlap; right? 8 A Correct. 9 Q Is "[REDACTED]"? 10 A Yeah, exactly. 11 Q "[REDACTED]" is "[REDACTED]"; right? 12 A Yes. "[REDACTED]" -- yes. 13 Exactly. 14 Q And at the top, the first bullet point, you 15 write, "Arrogant, corrosive, embodies NBER." Were 16 those your views? 17 A No. 18 Q Were those views that someone else expressed 19 in the meeting? 20 A Yes. 21 Q Do you know who that was? 22 A No. 23 Q Okay. I'm going to show you what we've 24 previously marked as Exhibit 73. These appear to be 25 notes of the FRB's meeting on June 28, 2017, as well;</p>	<p style="text-align: right;">Page 173</p> <p>1 forever." Is that a concern that someone had 2 expressed to you? 3 A I mean, it's come up in other context, so I 4 can't identify to any specific person. But it -- it 5 was a thought. 6 Q Was it a concern that you had? 7 A It was a worry. 8 Q That you would have to continue dealing with 9 him? 10 A Yes. Not me, the organization. 11 Q And your staff? 12 A Correct. 13 Q And then ultimately you also? 14 A And ultimately a lot of others. 15 MS. COSTELLO: Okay. I'd like to take 16 just a five- or ten-minute break, if that's okay? Go 17 off the record? 18 MR. MURPHY: Sure. 19 THE REPORTER: We are off the record at 20 2:58 p.m. 21 (Off the record.) 22 THE REPORTER: We are back on record at 23 3:10 p.m. 24 MS. COSTELLO: All right. Thank you. 25 //</p>

<p style="text-align: right;">Page 174</p> <p>1 BY MS. COSTELLO:</p> <p>2 Q So in 2017, did the FRB interview Ben</p> <p>3 Edelman?</p> <p>4 A Yes.</p> <p>5 Q I'm going to show you what we've previously</p> <p>6 marked as Exhibit 121, and I think that's double sided</p> <p>7 on your copy. Are those notes that you took on Ben's</p> <p>8 interview?</p> <p>9 A Yes, they are.</p> <p>10 Q And it looks to me like the numbers reflect</p> <p>11 different questions that the FRB asked Ben; is that</p> <p>12 accurate?</p> <p>13 A Yes.</p> <p>14 Q So were there other questions that the FRB</p> <p>15 asked during this interview?</p> <p>16 A I don't remember.</p> <p>17 Q Had the FRB prepared those three questions</p> <p>18 ahead of time?</p> <p>19 A Ahead of time, we would have -- we would</p> <p>20 have -- and also would have said to him, in the letter</p> <p>21 to him, about wanting to see about growth. That there</p> <p>22 were -- there were multiple -- there were like these</p> <p>23 kind of three things of what was learned, what took</p> <p>24 place.</p> <p>25 Q Do you remember specific additional</p>	<p style="text-align: right;">Page 176</p> <p>1 A Yes, I would have. Yes.</p> <p>2 Q Okay. Do you know if you kept your</p> <p>3 handwritten notes?</p> <p>4 A I don't. I don't remember.</p> <p>5 Q During his interview, did you ask Ben about</p> <p>6 Christine Exley?</p> <p>7 MR. MURPHY: Objection.</p> <p>8 THE WITNESS: I don't remember.</p> <p>9 BY MS. COSTELLO:</p> <p>10 Q Is any discussion of her situation reflected</p> <p>11 in here?</p> <p>12 A I don't see it.</p> <p>13 Q Do you expect that if you had asked him</p> <p>14 about Christine Exley, and he'd answered, that it</p> <p>15 would be reflected in your notes?</p> <p>16 A I would think so.</p> <p>17 Q Did you ask him about Kaltura?</p> <p>18 A I don't recall.</p> <p>19 Q Again, if you had asked him about his</p> <p>20 interactions with staff around Kaltura, would you have</p> <p>21 expected that it would be reflected in your notes?</p> <p>22 A Yes.</p> <p>23 Q Do you see it here?</p> <p>24 A No.</p> <p>25 Q Did you ask Ben about his request to staff</p>
<p style="text-align: right;">Page 175</p> <p>1 questions that he was asked during the interview?</p> <p>2 A No, I do not.</p> <p>3 Q There's also text in here that's italicized,</p> <p>4 and above it, it says "me." Am I right that these are</p> <p>5 not things that were said in the meeting?</p> <p>6 A Right. That's just my notes to self.</p> <p>7 Q Okay. So those were your thoughts?</p> <p>8 A Yes.</p> <p>9 Q And otherwise, is the text that's in regular</p> <p>10 text basically Ben's answers to the questions?</p> <p>11 A Yes.</p> <p>12 Q During his interview, did anyone ask Ben</p> <p>13 about the situation with Elon Kohlberg?</p> <p>14 A I don't recall.</p> <p>15 Q Is there anything in these notes reflecting</p> <p>16 any discussion of that issue?</p> <p>17 A I don't see it specifically.</p> <p>18 Q Do you think you took these notes</p> <p>19 contemporaneously?</p> <p>20 A Yes -- no. No. I don't know if I had my</p> <p>21 laptop with me and was doing some, versus they were</p> <p>22 handwritten.</p> <p>23 Q Okay. Do you think that -- if they were</p> <p>24 handwritten, do you think that you typed this up from</p> <p>25 your handwritten notes?</p>	<p style="text-align: right;">Page 177</p> <p>1 regarding Apple TV?</p> <p>2 A I don't recall.</p> <p>3 Q Do you see it in here?</p> <p>4 A No.</p> <p>5 Q Would you have expected that if you had</p> <p>6 asked him that question and he'd answered, that it</p> <p>7 would be in your notes?</p> <p>8 A Not necessarily.</p> <p>9 Q Why not?</p> <p>10 A Because this wasn't a transcript, so there</p> <p>11 could have been some things that we talked about that</p> <p>12 this was not as if I was keeping a record.</p> <p>13 Q So it wasn't a transcript -- how were you</p> <p>14 choosing what to write down?</p> <p>15 A Just different impressions along the way.</p> <p>16 Things that were said.</p> <p>17 Q Were you writing down the things that were</p> <p>18 said that you thought were most important?</p> <p>19 A No. Came up about Canvas, so certainly that</p> <p>20 was there, in question number one. So I don't -- I</p> <p>21 don't know why, but --</p> <p>22 Q Do you think that you did ask him about</p> <p>23 Apple TV?</p> <p>24 A I don't remember that.</p> <p>25 Q Did you ask him about his interactions with</p>

<p style="text-align: right;">Page 178</p> <p>1 staff about the rolling cart?</p> <p>2 A Don't remember that.</p> <p>3 Q You don't remember asking?</p> <p>4 A No.</p> <p>5 Q Did you ask him about his interactions with</p> <p>6 staff about the voting app?</p> <p>7 A I don't remember that.</p> <p>8 Q You don't remember asking?</p> <p>9 A No.</p> <p>10 Q And it does reflect that there was some</p> <p>11 discussion of Canvas --</p> <p>12 A My recollection of the interviews is that</p> <p>13 he's asked these questions, and he has a conversation</p> <p>14 with us. This is not one where we're interrogating</p> <p>15 him back and forth about different line -- different</p> <p>16 line items.</p> <p>17 Q And so when you say he's asked these</p> <p>18 questions, he's asked these three questions that are</p> <p>19 reflected here?</p> <p>20 A Likely this was the approach to the</p> <p>21 interview.</p> <p>22 Q Did you relay to him in the interview that</p> <p>23 staff members had raised concerns about how he'd</p> <p>24 interacted with them about Canvas?</p> <p>25 A No, I didn't -- I don't recall.</p>	<p style="text-align: right;">Page 180</p> <p>1 (Exhibit 184 was marked for</p> <p>2 identification.)</p> <p>3 A Thank you. Okay.</p> <p>4 Q So these appear to be notes that you took on</p> <p>5 an August 14, 2017, conference call?</p> <p>6 A Yes.</p> <p>7 Q Do you know what the call was about?</p> <p>8 A A debrief of the interview.</p> <p>9 Q Okay. So this was a call with other members</p> <p>10 of the FRB?</p> <p>11 A Correct.</p> <p>12 Q And it would've happened after the interview</p> <p>13 then?</p> <p>14 A Correct.</p> <p>15 Q Okay. But on the same day?</p> <p>16 A Appears that way.</p> <p>17 Q And in the middle of the page -- give me</p> <p>18 just one second. So a little bit of a third bullet</p> <p>19 point down, basically, it says, "IT thinks he knows</p> <p>20 more than he does." Do you see that?</p> <p>21 A Yes.</p> <p>22 Q Is that something that you relayed to the</p> <p>23 group during that call?</p> <p>24 A I'm not sure if I would've said that, or</p> <p>25 somebody else said that.</p>
<p style="text-align: right;">Page 179</p> <p>1 Q Do you believe that you did?</p> <p>2 A I don't remember.</p> <p>3 Q Did you share these notes with anyone?</p> <p>4 A I don't think so.</p> <p>5 Q Did anyone else on the FRB take notes during</p> <p>6 that meeting?</p> <p>7 A Could have been any one of my fellow</p> <p>8 members. I don't know what their practice is.</p> <p>9 Q So someone could have, but you don't know of</p> <p>10 someone taking notes?</p> <p>11 A Yes. Right.</p> <p>12 Q Okay. Was Jean Cunningham present for Ben's</p> <p>13 interview?</p> <p>14 A Yes.</p> <p>15 Q Did you have a copy that didn't include your</p> <p>16 italicized thoughts?</p> <p>17 A I don't remember that.</p> <p>18 Q Okay. Did anyone else share notes with you</p> <p>19 from the meeting?</p> <p>20 A Follow -- following the meeting?</p> <p>21 Q Yeah. Following the meeting, did anyone</p> <p>22 else share notes with you that they had taken about</p> <p>23 what was said?</p> <p>24 A No.</p> <p>25 Q I'd like to have this marked as Exhibit 184.</p>	<p style="text-align: right;">Page 181</p> <p>1 Q Would someone else have known what IT's</p> <p>2 views were?</p> <p>3 A It would have -- likely have been me,</p> <p>4 because I was gathering staff insights. So likely me.</p> <p>5 Q Was anyone else on the FRB doing that same</p> <p>6 thing at that point, and gathering staff insights?</p> <p>7 A No. Ben had given us suggested faculty and</p> <p>8 staff, and so I took the responsibility of asking</p> <p>9 several of the staff he suggested.</p> <p>10 Q And you also had gathered feedback in the</p> <p>11 intervening years?</p> <p>12 A Exactly. Exactly.</p> <p>13 Q And then in the bottom corner, it has again</p> <p>14 a list of people -- bottom-right-hand corner.</p> <p>15 A Yes. Yes.</p> <p>16 Q Were those people that the FRB contemplated</p> <p>17 interviewing?</p> <p>18 MR. MURPHY: Objection.</p> <p>19 THE WITNESS: These were people -- like</p> <p>20 [REDACTED] [REDACTED] [REDACTED] and [REDACTED] are people that he</p> <p>21 recommended we speak to for staff -- as staff. And</p> <p>22 they were people that I had a conversation with, based</p> <p>23 on his recommendation.</p> <p>24 BY MS. COSTELLO:</p> <p>25 Q Okay. And [REDACTED] is also on that</p>

<p style="text-align: right;">Page 182</p> <p>1 list; right?</p> <p>2 A He did not suggest [REDACTED], but I</p> <p>3 knew [REDACTED] insights needed to be -- needed</p> <p>4 to be known.</p> <p>5 Q Okay. And so [REDACTED] was somebody</p> <p>6 that you independently identified as having relevant</p> <p>7 information; is that fair?</p> <p>8 A That's fair.</p> <p>9 Q How did the FRB divide up the interviews</p> <p>10 that it conducted in 2017?</p> <p>11 A Well, in him offering a range of faculty</p> <p>12 from his unit, not from his unit, and then a</p> <p>13 collection of staff is -- I took the staff side. I</p> <p>14 don't know how the faculty divvied up who they would</p> <p>15 talk to.</p> <p>16 Q Are you the one person who interviewed</p> <p>17 staff?</p> <p>18 A Yes, I am.</p> <p>19 Q And Ben Edelman initially suggested a list</p> <p>20 of witnesses for the FRB as you said; right?</p> <p>21 A Correct.</p> <p>22 Q And then did the FRB ask him to cut the list</p> <p>23 down somewhat?</p> <p>24 A No. If -- in fact, they asked him to -- to</p> <p>25 take another look at his list and see if there's</p>	<p style="text-align: right;">Page 184</p> <p>1 the first page that he's marking people's names with</p> <p>2 asterisks who he thinks are most informative; is that</p> <p>3 right?</p> <p>4 A Correct.</p> <p>5 Q Okay. And the list of staff that Ben is</p> <p>6 suggesting that you interview starts on page three of</p> <p>7 the document. Do you see that?</p> <p>8 A I do.</p> <p>9 Q And the first person that he lists is [REDACTED]</p> <p>10 [REDACTED] You did interview [REDACTED]; right?</p> <p>11 A I did.</p> <p>12 Q Okay. The second person that he lists is</p> <p>13 Paul Craig of HBS IT. Did you interview Paul Craig?</p> <p>14 A No.</p> <p>15 Q And if you didn't, then no one did; right?</p> <p>16 Because only you were doing the staff interviews?</p> <p>17 A That's correct.</p> <p>18 Q Why not interview Paul Craig?</p> <p>19 A Because he noted that his primary contact</p> <p>20 was [REDACTED], further down in that paragraph.</p> <p>21 Q And so -- well, I think he says more</p> <p>22 recently, "My primary contact for such matters has</p> <p>23 been [REDACTED]"; right?</p> <p>24 A Yes.</p> <p>25 Q And she's also starred; right?</p>
<p style="text-align: right;">Page 183</p> <p>1 anybody else that should be added, of which I know</p> <p>2 somebody like [REDACTED] was somebody that was</p> <p>3 added.</p> <p>4 Q Okay. [REDACTED]; is that right?</p> <p>5 A Nolan. Thank you. Yes, [REDACTED] Thank you.</p> <p>6 Yeah.</p> <p>7 Q All right. I ask that we mark this as</p> <p>8 187 -- 185.</p> <p>9 (Exhibit 185 was marked for</p> <p>10 identification.)</p> <p>11 A Thank you.</p> <p>12 Q Is that an email from Amy Edmondson sharing</p> <p>13 Ben's reworked list of witnesses with the rest of the</p> <p>14 FRB?</p> <p>15 A That's correct.</p> <p>16 Q Okay. And I'm going to ask that we mark</p> <p>17 this as 186.</p> <p>18 (Exhibit 186 was marked for</p> <p>19 identification.)</p> <p>20 A Thank you.</p> <p>21 Q And I'll give you a minute to look it over,</p> <p>22 and then I'm just going to ask if you can recognize</p> <p>23 that as the list that Ben had sent.</p> <p>24 A Yes, this is it. Yep. Recognize this.</p> <p>25 Q And Ben indicates in the second paragraph on</p>	<p style="text-align: right;">Page 185</p> <p>1 A Yes, she is.</p> <p>2 Q Okay. And so you -- what was [REDACTED]</p> <p>3 title?</p> <p>4 A I don't recall. Director of educational</p> <p>5 technology, perhaps. I don't recall.</p> <p>6 Q And what was Paul Craig's title?</p> <p>7 A Director of learning technologies. Again,</p> <p>8 I'm not -- I don't know precisely what his title was.</p> <p>9 Q Did you have any sense of how much time Ben</p> <p>10 had spent working with Paul Craig, versus with [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 A Not from this, no.</p> <p>13 Q Did you have that sense from anyone else?</p> <p>14 A No.</p> <p>15 Q Did you ask anyone that?</p> <p>16 A No.</p> <p>17 Q Then in the next paragraph, Ben lists</p> <p>18 Matthew Briggs and Paul Shoemaker; right?</p> <p>19 A Yes.</p> <p>20 Q Did you interview Matthew Briggs?</p> <p>21 A I did not.</p> <p>22 Q Why not?</p> <p>23 A What I was doing is there's four categories</p> <p>24 of people, staff, that Ben was suggesting. And</p> <p>25 somebody like Willis on the educational -- teaching</p>

<p style="text-align: right;">Page 190</p> <p>1 A There was no other -- no other reason, other 2 than availability of the individual, compressed time 3 to have the interview, and wanting to make sure I 4 covered four -- four of his topic areas. 5 Q When you say there was no issue other than 6 availability of the individual, do you recall there 7 being a problem with Paul Shoemaker's availability? 8 A I don't. 9 Q Okay. What about Matthew Briggs? Do you 10 recall a problem with his availability? 11 A Don't know. 12 Q Ben also has Niel Francisco starred. And he 13 also suggests Michael Solious, but without a star; 14 right? 15 A Right. 16 Q For Niel Francisco, was your reason for not 17 interviewing him just that you already had someone 18 else from IT that you were interviewing? 19 A Again, availability and -- and had the topic 20 area covered. 21 Q And you did interview [REDACTED]; right? 22 A I did, yeah. 23 Q And which of your four categories was 24 [REDACTED] in? 25 A She would be in a faculty support</p>	<p style="text-align: right;">Page 192</p> <p>1 talked to about teaching? 2 A Yes. 3 Q I'd like to have this marked as Exhibit 187. 4 So I'll give you a minute to look that over. 5 (Exhibit 187 was marked for 6 identification.) 7 A Thank you. 8 Q And I realize that you don't appear to be 9 copied on it. 10 A No problem. Okay. 11 Q So does this appear to be correspondence 12 between Jean Cunningham and Amy Edmondson in July of 13 2017, about the FRB conducting interviews? 14 A Yes. 15 Q And again, recognizing that you weren't 16 copied on this, on the third page with the Bates 17 stamp, HBS 0020418, in the third paragraph down, it 18 writes -- I believe that this is Jean -- or 19 not -- this is Jean writing, "Crispi, [REDACTED] [REDACTED] 20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] and 21 [REDACTED] Basically all the staff. 22 That gives her nine, and I'm guessing she'd 23 be able to narrow this down to [REDACTED] [REDACTED] 24 [REDACTED] and then two to three more from IT, enough to 25 be representative and to feel reasonable to Ben, but</p>
<p style="text-align: right;">Page 191</p> <p>1 specialist. So whereas you see Imilda Dundas oversees 2 the faculty support specialist, and Jenny Sanford was 3 one of his in 2015 to '16, out of those three names, 4 went to [REDACTED] 5 Q Why [REDACTED] and not the others? 6 A [REDACTED] because she had been working him in 7 this two-year time period. 8 Q Jenny Sanford has as well; right? Was there 9 a reason to choose one over the other? 10 A Recency. Also, because she was an LCA 11 course assistant. And because he was teaching in LCA, 12 she would just have -- she would have a broad 13 perspective. 14 Q He then lists Lee Gross in the MBA 15 registrar's office. 16 A Yes. 17 Q Which of your four categories would Lee 18 Gross fall into? 19 A Into the -- the teaching side. And so Lee 20 Gross actually works for [REDACTED]. [REDACTED] 21 is the school's registrar. And so in this one of 22 understanding the range of like learning the things 23 that happen in a classroom, that [REDACTED] would be, [REDACTED] 24 would be a good person to talk to. 25 Q And so is [REDACTED] the one person that you</p>	<p style="text-align: right;">Page 193</p> <p>1 not all of them. Did you discuss with Jean Cunningham 2 or Amy Edmondson who you would be interviewing? 3 A No, but I knew that -- not surprised in 4 seeing -- because like again, the staff side that I 5 would take, you know. And a staff side honestly is 6 because they're also -- they often don't feel they 7 have voice with faculty. 8 And so there would be a level of candor that 9 they would offer to me. So that makes sense as to why 10 I would have them. But yeah, I -- I can well see 11 what's here. 12 Q Was there discussion following up on this 13 exchange? Did someone communicate to you and to the 14 other members of the FRB what the plan was for who 15 would conduct what interviews? 16 A They must have, in order for us to know what 17 we had to execute on. Yeah. 18 Q Do you have any memory of in what form it 19 was communicated? 20 A I don't. 21 Q So Jean writes, "I'm guessing she'd be able 22 to narrow this down to [REDACTED] [REDACTED] [REDACTED] and 23 then two to three more from IT." 24 A That looks right. Yep. 25 Q Ultimately, did you interview [REDACTED]</p>

<p style="text-align: right;">Page 194</p> <p>1 [REDACTED]</p> <p>2 A [REDACTED] had certainly been insights along</p> <p>3 the way, over time period. So had received a lot of</p> <p>4 in insights throughout that time period. I don't</p> <p>5 think I specifically interviewed him at this</p> <p>6 particular point -- juncture.</p> <p>7 Q Did you communicate the insights that you'd</p> <p>8 gotten from your prior communications with Steve</p> <p>9 [REDACTED] to the other members of the FRB?</p> <p>10 A Yes, I would have brought those in. Yes.</p> <p>11 Q Did you share them with Ben?</p> <p>12 A No.</p> <p>13 Q This also suggests that the plan was for you</p> <p>14 to interview [REDACTED] [REDACTED] [REDACTED] and two to</p> <p>15 three more from IT. Did you discuss with anyone else</p> <p>16 on the FRB that you had decided to interview only one</p> <p>17 person from IT?</p> <p>18 A So the suggestion was to me of being able to</p> <p>19 do the -- to -- to narrow the -- to narrow it down.</p> <p>20 But I don't recall being given like a script interview</p> <p>21 these -- or not a script, but a meeting from the</p> <p>22 statement -- a list, interview these people.</p> <p>23 Q Were you told to just select whichever staff</p> <p>24 people you wanted, or were you given some sense of</p> <p>25 what the hope was, in terms of who you would</p>	<p style="text-align: right;">Page 196</p> <p>1 specifically, if she knew it as to why the choice</p> <p>2 of -- of who was selected.</p> <p>3 BY MS. COSTELLO:</p> <p>4 Q But if you gave her the names of the people</p> <p>5 that you intended to interview, she would be able to</p> <p>6 look at the list and know that only one of those</p> <p>7 people was from IT; right?</p> <p>8 MR. MURPHY: Objection.</p> <p>9 THE WITNESS: Likely. Maybe. I can't</p> <p>10 say for certain.</p> <p>11 BY MS. COSTELLO:</p> <p>12 Q Do you think that you did give her a list of</p> <p>13 the people that you intended to interview?</p> <p>14 A I don't know.</p> <p>15 Q Did you discuss with anyone whether or not</p> <p>16 you intended to interview [REDACTED] as part of</p> <p>17 this process?</p> <p>18 A It had come up in that conversation on June</p> <p>19 28th with the FRB.</p> <p>20 Q Okay. And so you're showing me Exhibit 183,</p> <p>21 and that has a list of people that includes [REDACTED]</p> <p>22 right?</p> <p>23 A Correct. And he's repeated down here, so</p> <p>24 his name was probably in some context of somebody who</p> <p>25 should be talked to.</p>
<p style="text-align: right;">Page 195</p> <p>1 interview?</p> <p>2 MR. MURPHY: Objection.</p> <p>3 THE WITNESS: That I would be able to</p> <p>4 choose. And again, I was choosing based on category</p> <p>5 of -- of individual.</p> <p>6 BY MS. COSTELLO:</p> <p>7 Q Who did you discuss that with?</p> <p>8 A I don't think I talked to anybody about it.</p> <p>9 I don't recall.</p> <p>10 Q Did you talk to anyone about who you planned</p> <p>11 to interview at any point?</p> <p>12 A I believe there was a point where we at</p> <p>13 least let Amy know who we were going to be talking to,</p> <p>14 so that Amy understood between Len, Stu, and myself,</p> <p>15 the -- the wide net that we were casting.</p> <p>16 Q Do you think that you gave Amy a list of the</p> <p>17 people that you were going to interview?</p> <p>18 A I don't recall giving her a list, but I -- I</p> <p>19 might have, whether verbally or -- verbally.</p> <p>20 Q Okay. But your best memory is that Amy knew</p> <p>21 that you intended to interview only one person from</p> <p>22 IT; is that right?</p> <p>23 A I don't know --</p> <p>24 MR. MURPHY: Objection.</p> <p>25 THE WITNESS: I don't know that</p>	<p style="text-align: right;">Page 197</p> <p>1 Q Okay. Did you tell anyone that you didn't</p> <p>2 plan to interview him?</p> <p>3 A It was not so much that it would be an</p> <p>4 interview, but we would be looking back at what had</p> <p>5 happened over the last two years, for the range of</p> <p>6 things that [REDACTED] had experienced.</p> <p>7 Q Did you talk to anyone about whether he</p> <p>8 should be interviewed by the FRB in 2017?</p> <p>9 A I don't know.</p> <p>10 Q So [REDACTED] then, is the one IT witness</p> <p>11 that you did interview; right?</p> <p>12 A Yes.</p> <p>13 Q What was her title at HBS? I may have just</p> <p>14 asked you that.</p> <p>15 A No, you did -- you did ask me, and it was</p> <p>16 something to the effect of probably like director of</p> <p>17 educational technology, something to -- like that.</p> <p>18 Q Who did she report to?</p> <p>19 A She reported to Beth Clark, who reported to</p> <p>20 Steve Gallagher, I believe.</p> <p>21 Q And then Steve Gallagher reported to you?</p> <p>22 A Report to me. Yep.</p> <p>23 Q Why of the several IT people that Ben</p> <p>24 identified was [REDACTED] the one that you chose to</p> <p>25 interview?</p>

<p style="text-align: right;">Page 198</p> <p>1 A In some respects, it was a new perspective</p> <p>2 that wasn't media services. It was a new perspective</p> <p>3 because of some of these learning management systems,</p> <p>4 and Kaltura, and Canvas, and some of the things you're</p> <p>5 seeing, plus the intersection with Academic Technology</p> <p>6 Steering Committee.</p> <p>7 Q Before interviewing her, had you ever spoken</p> <p>8 with her about Ben?</p> <p>9 A Not to my recollection.</p> <p>10 Q Had [REDACTED] ever talked to you about</p> <p>11 interactions between [REDACTED] and Ben?</p> <p>12 A Not that I remember.</p> <p>13 Q What was your overall sense from your</p> <p>14 interview with [REDACTED]?</p> <p>15 A That she had had positive experiences.</p> <p>16 Q Did you use a script to interview the people</p> <p>17 that you interviewed as part of the FRB process?</p> <p>18 A I don't recall a specific script, but more</p> <p>19 did we talk just directionally about -- I was doing a</p> <p>20 look back to see if we had directionally talked about</p> <p>21 the kinds of conversations we would have. But</p> <p>22 following the script, I -- no.</p> <p>23 Q I will show you what we've marked as</p> <p>24 Exhibit 65, and ask if you recognize that.</p> <p>25 A I don't specifically remember it, but it</p>	<p style="text-align: right;">Page 200</p> <p>1 using a script to make sure that you were asking</p> <p>2 everyone the same questions?</p> <p>3 A I don't -- I don't recall that. But of</p> <p>4 course, like if I'm -- if I'm contacting the</p> <p>5 individuals that he recommended, they need to know why</p> <p>6 I'm calling, because I could be calling about a</p> <p>7 thousand topics.</p> <p>8 And so they would know in a cone of silence</p> <p>9 why we're talking about this, as evidenced by this</p> <p>10 preface. But again, that would just be what I</p> <p>11 would -- I don't know if I was following this verbatim</p> <p>12 or not. But they would've had an -- an idea about why</p> <p>13 we were having a conversation.</p> <p>14 Q Okay. And so the top preface describes why</p> <p>15 you're having the conversation; right?</p> <p>16 A Correct.</p> <p>17 Q And then at the bottom, there's a bunch of</p> <p>18 plus signs and questions next to each?</p> <p>19 A Yes.</p> <p>20 Q Do you think that you ask those questions of</p> <p>21 the witnesses that you interviewed?</p> <p>22 A Some I wouldn't have asked, like the Green</p> <p>23 Book standard about -- I mean, I wouldn't</p> <p>24 have -- specifically have framed it from the stand</p> <p>25 book of the Green Book. They wouldn't know what that</p>
<p style="text-align: right;">Page 199</p> <p>1 would make sense for us to have had this.</p> <p>2 Q If you look at Exhibit 187, which is the</p> <p>3 correspondence between Jean Cunningham and Amy</p> <p>4 Edmondson, on the next-to-last page of that document,</p> <p>5 with the Bates stamp ending 19, it looks like there's</p> <p>6 a little bit of a draft of this document in there?</p> <p>7 A Yes.</p> <p>8 Q Does any of that refresh your memory of</p> <p>9 whether there was a script that you all intended to</p> <p>10 use for interviews?</p> <p>11 A It would make sense that this is what we</p> <p>12 were following, yes.</p> <p>13 Q Okay. It sounds like you don't really</p> <p>14 remember it.</p> <p>15 A I don't -- I don't, but this would -- this</p> <p>16 would be the right -- this would be likely what we</p> <p>17 were following.</p> <p>18 Q Okay. Do you think that</p> <p>19 you -- understanding that you don't have a specific</p> <p>20 memory of it, do you think that these are essentially</p> <p>21 the questions that you were asking in your interviews?</p> <p>22 A Yes.</p> <p>23 MR. MURPHY: Objection.</p> <p>24 BY MS. COSTELLO:</p> <p>25 Q Was there ever discussion within the FRB of</p>	<p style="text-align: right;">Page 201</p> <p>1 means. So I wouldn't have been following</p> <p>2 this -- verbatim.</p> <p>3 Some I might not even have been asking,</p> <p>4 because "please describe how long you have known Ben,"</p> <p>5 and I've known -- I know they've known him for a very</p> <p>6 long time, or [REDACTED] had known him for a couple of</p> <p>7 years. So there might've been some nuance to some of</p> <p>8 the questions, but that I was trying to calibrate on</p> <p>9 all of these.</p> <p>10 Q Generally speaking, would you have tried to</p> <p>11 find out what the basis for someone's knowledge about</p> <p>12 Ben was?</p> <p>13 A Yes.</p> <p>14 Q And would you have tried to find out the</p> <p>15 context in which they'd interacted with him?</p> <p>16 A Yes.</p> <p>17 Q In deciding who to interview, did you do</p> <p>18 anything to try to learn anything about what</p> <p>19 interactions possible witnesses had had with Ben,</p> <p>20 beyond, you know, reading the document that Ben sent</p> <p>21 you about them?</p> <p>22 A Yeah, in part, just to open up to hear their</p> <p>23 perspective about -- "Ben suggested we talk to you,"</p> <p>24 you know. "Tell me more." So it would've been in</p> <p>25 that type of approach.</p>

<p style="text-align: right;">Page 206</p> <p>1 THE WITNESS: No, but in a -- no. But</p> <p>2 in a comparable way, if people -- if he served on the</p> <p>3 Academic Technology Steering Committee, I would've had</p> <p>4 insights for someone like [REDACTED] about also</p> <p>5 what she was experiencing on that same committee.</p> <p>6 BY MS. COSTELLO:</p> <p>7 Q Okay. So when you were thinking about who</p> <p>8 to interview, you were interviewing [REDACTED] --</p> <p>9 A Yes.</p> <p>10 Q -- as the person on the Academic Technology</p> <p>11 Steering Committee, essentially?</p> <p>12 MR. MURPHY: Objection.</p> <p>13 THE WITNESS: No, not just that.</p> <p>14 Partly because it was important to -- to Ben that this</p> <p>15 was somebody that was on the committee that he would</p> <p>16 like someone to talk to.</p> <p>17 BY MS. COSTELLO:</p> <p>18 Q Of your four categories, what category was</p> <p>19 Willis Emmons representing?</p> <p>20 MR. MURPHY: Objection.</p> <p>21 THE WITNESS: He was more in that</p> <p>22 teaching -- teaching side. And what I would've</p> <p>23 understood is also being that the academic</p> <p>24 teaching -- the Academic Technology Steering</p> <p>25 Committee.</p>	<p style="text-align: right;">Page 208</p> <p>1 A That's correct.</p> <p>2 Q Was her email generally -- or I'm sorry.</p> <p>3 Was her interview generally positive?</p> <p>4 A Yes.</p> <p>5 Q I'm going to show you -- actually, I'm going</p> <p>6 to mark this as Exhibit -- is that email</p> <p>7 correspondence between you and the other members of</p> <p>8 the FRB and Jean Cunningham as its support staff?</p> <p>9 (Exhibit 188 was marked for</p> <p>10 identification.)</p> <p>11 A Yes.</p> <p>12 Q And that's dated August 1, 2017; right?</p> <p>13 A Correct.</p> <p>14 Q And the top email is from you on the first</p> <p>15 page; right? And you write, "And I've completed four</p> <p>16 interviews, all informative. It was interesting,</p> <p>17 peculiar who he didn't list, if you ask me"?</p> <p>18 A Correct.</p> <p>19 Q So as of August 1, 2017, had you completed</p> <p>20 all of your interviews then?</p> <p>21 A No, because still [REDACTED] was August 10.</p> <p>22 So I complete --</p> <p>23 Q Who was the fourth interview, do you think?</p> <p>24 A I don't know. No, I don't know. But this</p> <p>25 was a way for just Amy to make sure that we were all</p>
<p style="text-align: right;">Page 207</p> <p>1 BY MS. COSTELLO:</p> <p>2 Q Okay. I thought that [REDACTED] was the</p> <p>3 teaching side.</p> <p>4 MR. MURPHY: Objection.</p> <p>5 THE WITNESS: She's the classroom</p> <p>6 student side. So [REDACTED] is the director of</p> <p>7 teaching and learning. He's a former faculty member.</p> <p>8 He works with faculty on helping to make them</p> <p>9 effective in the classroom, but he also served on the</p> <p>10 Academic Technology Steering Committee, so he brings a</p> <p>11 unique perspective to that committee.</p> <p>12 So when Ben offers him, it's -- it's</p> <p>13 for a number of different reasons. Also, because he's</p> <p>14 teaching for the first time in LCA, a new -- a new</p> <p>15 course for him, in a new teaching group that is</p> <p>16 unfamiliar, in a new relocated office. So [REDACTED] has</p> <p>17 other perspectives to bring to bear in the faculty</p> <p>18 side.</p> <p>19 BY MS. COSTELLO:</p> <p>20 Q What did you learn from his interview about</p> <p>21 his interactions with Ben?</p> <p>22 A Mostly positive. And varied -- and varied</p> <p>23 interactions with him.</p> <p>24 Q And [REDACTED] had been Ben's faculty</p> <p>25 support specialist; right?</p>	<p style="text-align: right;">Page 209</p> <p>1 on track with the interview, trying to do this</p> <p>2 as -- as quickly as needed to be done.</p> <p>3 Q All four of your interviews were completed</p> <p>4 prior to Ben's interview on August 14th of 2017; is</p> <p>5 that right?</p> <p>6 A That's correct.</p> <p>7 Q Did you ask Ben at his interview about any</p> <p>8 of the feedback that you've gotten from the interviews</p> <p>9 you conducted?</p> <p>10 A No.</p> <p>11 Q You write, "It was interesting/peculiar who</p> <p>12 he didn't list, if you ask me"?</p> <p>13 A Yes.</p> <p>14 Q What did you mean by that?</p> <p>15 A There's just individuals that you -- I would</p> <p>16 have imagined that he would have liked to have heard</p> <p>17 about how he had grown, over the last two years.</p> <p>18 Q Who are those individuals?</p> <p>19 A Again, [REDACTED], or [REDACTED].</p> <p>20 Potentially like a [REDACTED], if you think of other</p> <p>21 people who could comment on watching his evolution,</p> <p>22 but there wasn't that.</p> <p>23 Q Okay. The FRB was free to interview people</p> <p>24 that Ben didn't identify; right?</p> <p>25 A Yes. Yes.</p>

<p style="text-align: right;">Page 210</p> <p>1 Q Did the FRB interview [REDACTED] ?</p> <p>2 A We did not formally interview him, but this</p> <p>3 is where -- again, then looking back at what the</p> <p>4 things that I had in the -- in having the</p> <p>5 conversations, if he didn't ask that individual, and</p> <p>6 raise that -- and raise as a -- somebody to talk to,</p> <p>7 that we would want to just make sure that we</p> <p>8 understood what -- what [REDACTED] perspective was.</p> <p>9 Q And your understanding of [REDACTED]</p> <p>10 perspective was based on your prior communications</p> <p>11 with him, prior to the beginning of the FRB's process;</p> <p>12 is that right?</p> <p>13 A Yes. I don't know if anybody else</p> <p>14 interviewed [REDACTED] at all.</p> <p>15 Q I will represent to you that we have</p> <p>16 everyone else's interview notes and it doesn't appear</p> <p>17 so.</p> <p>18 A Right.</p> <p>19 Q Do you have a memory of anyone telling you</p> <p>20 that they had interviewed steve?</p> <p>21 A No. No, nor memory of [REDACTED] saying, "I've</p> <p>22 been interviewed." So on either side of the equation,</p> <p>23 no memory of it.</p> <p>24 Q And your understanding was that the plan was</p> <p>25 for you to be the person to interview the staff?</p>	<p style="text-align: right;">Page 212</p> <p>1 A Yes.</p> <p>2 Q Did she incorporate quotations from</p> <p>3 interviews that everyone had conducted?</p> <p>4 A I don't think I would call it quotations,</p> <p>5 but rather themes, in some -- but they were not direct</p> <p>6 quotes.</p> <p>7 Q Okay. How did she get the information from</p> <p>8 which to incorporate those themes?</p> <p>9 A I don't recall if those went to Amy. And</p> <p>10 what would've been on that -- and if it was going</p> <p>11 direct -- I don't recall.</p> <p>12 Q I'm going to show you what we've previously</p> <p>13 marked as Exhibit 70.</p> <p>14 A Okay. Okay.</p> <p>15 Q Have you seen this document before?</p> <p>16 A No.</p> <p>17 Q So I will represent to you that this is a</p> <p>18 document that was produced to us in discovery, and</p> <p>19 that it -- metadata appears to show that Amy Edmondson</p> <p>20 is its author.</p> <p>21 A Yes. Yeah.</p> <p>22 Q And is November 17, 2017 -- am I right that</p> <p>23 that would've been after the FRB had completed its</p> <p>24 report in 2017?</p> <p>25 A That is right.</p>
<p style="text-align: right;">Page 211</p> <p>1 A Correct.</p> <p>2 Q And [REDACTED] would've been in that category;</p> <p>3 right?</p> <p>4 A [REDACTED] would've been in the category, yes.</p> <p>5 Q Did the FRB in 2017 interview [REDACTED] ?</p> <p>6 A No.</p> <p>7 Q What about [REDACTED] ?</p> <p>8 A No.</p> <p>9 Q Did you suggest that they be interviewed?</p> <p>10 A No, we wanted to receive who he had</p> <p>11 suggested. But there would be ones of just -- we</p> <p>12 should have an informed opinion from individuals so</p> <p>13 that we can -- we can see what they have observed over</p> <p>14 the last two years.</p> <p>15 Q Did you share the notes that you had taken</p> <p>16 from your interviews with anyone?</p> <p>17 A No, not that I remember.</p> <p>18 Q So Exhibit 67 is your notes from your</p> <p>19 interviews; right?</p> <p>20 A Yes, yes, yes, yes.</p> <p>21 Q Did you provide a copy of that to anyone</p> <p>22 else on the FRB?</p> <p>23 A No, I don't think so. No.</p> <p>24 Q Was there ultimately a process where Jean</p> <p>25 Cunningham did a first draft of her 2017 FRB report?</p>	<p style="text-align: right;">Page 213</p> <p>1 Q Would that have been close in time to the</p> <p>2 appointments committee meeting in Ben's case?</p> <p>3 A Yes.</p> <p>4 Q Okay. So at the bottom of the first page,</p> <p>5 there is a set of kind of numbered bullet points?</p> <p>6 A Yes.</p> <p>7 Q And the first says "his behavior over the</p> <p>8 past 24 months," and there's a sub-sub-section A,</p> <p>9 where she writes, "The group was split, with more</p> <p>10 positive than negative, and equal intensity on both</p> <p>11 sides. The list of interviewees was supplied by Ben,</p> <p>12 with two to three added staff interviews that were</p> <p>13 consistent with the other staff interviews." Were</p> <p>14 there two to three added staff interviews beyond the</p> <p>15 list of people that Ben asked to have interviewed?</p> <p>16 A I don't recall that specifically. But</p> <p>17 whether [REDACTED] or others were ones that there</p> <p>18 was a conversation with, who did that direct? I</p> <p>19 don't -- I don't recall.</p> <p>20 Q So your recollection was that you were the</p> <p>21 only person who interviewed staff; right?</p> <p>22 A Yes.</p> <p>23 Q And you interviewed four staff people, all</p> <p>24 of whom had been suggested by Ben?</p> <p>25 A Correct.</p>

<p style="text-align: right;">Page 214</p> <p>1 Q You didn't conduct two or three additional 2 staff members by people that Ben didn't identify; 3 right? 4 MR. MURPHY: Objection. 5 THE WITNESS: Not that I recall with 6 the same level of precision of that. 7 BY MS. COSTELLO: 8 Q And when you say "that" -- 9 A Yeah. Yeah. 10 Q -- you're referring to Exhibit 65, which is 11 the set of interview notes? 12 A Correct. 13 Q Okay. Just making sure that the record is 14 clear. It's easy to refer to a document. 15 A No -- no worries. 16 Q Do you know why Amy would've made this 17 statement in this document? 18 MR. MURPHY: Objection. 19 THE WITNESS: No. 20 BY MS. COSTELLO: 21 Q No idea where that comes from? 22 A The fact that she saw it, but I don't know 23 specifically. 24 Q Did you receive copies of notes of 25 interviews that the other FRB members had conducted?</p>	<p style="text-align: right;">Page 216</p> <p>1 look at it, but I'm going to ask you whether you could 2 recognize it as the FRB's final report from 2017. 3 A Okay. Sure. Okay. Yes. This is it. 4 Q And starting on page four, it contains a 5 number of comments from witnesses in different 6 bullet-pointed sections; is that correct? 7 A Correct. 8 Q And who selected the quotes -- or the 9 comments to use? 10 A These were not interviews and having a 11 transcript and a record; right? They were 12 conversations. And so what we wanted to be able to do 13 is to capture positives and negatives, and positives 14 from faculty -- you know, the -- you know -- so just 15 do those from like -- you see like the non -- non-NOM 16 colleagues and those who were. So what you see here 17 is a collection of -- from all of those interviews 18 that everybody did, a series of those positives and 19 continued challenges. 20 Q So my question was, who selected these 21 comments out of -- you know, all of the comments that 22 were received in the interviews? 23 A Amy and Jean, as a first pass. And then we 24 would have, in -- in shaping the report, offered 25 insights about if they -- if there were other</p>
<p style="text-align: right;">Page 215</p> <p>1 A No. Nope. 2 Q In 2017, the FRB's focus was on the period 3 between 2015 and 2017; is that right? 4 A That's right. 5 Q Did you ask witnesses whether the 6 interactions that they were describing with Ben 7 happened in that time period? 8 A No. 9 Q Were you involved in drafting the FRB's 10 report in 2017? 11 A Yes, I would have helped. 12 Q Is it fair to say that Jean Cunningham did 13 the first draft of the report? 14 A I'm not certain what -- what her role was 15 with Amy. 16 Q Okay. But you weren't the person who did 17 the first draft? 18 A No. No. 19 Q Okay. But you gave input, as did other 20 members of -- 21 A As did other members. Exactly. We 22 were -- we collectively needed to offer a point of 23 view. 24 Q I'm going to pass you what's been previously 25 marked as Exhibit 45. And I'll give you a minute to</p>	<p style="text-align: right;">Page 217</p> <p>1 way -- other ones to bring in or not. 2 Q Did you do anything to check the accuracy of 3 the comments that came from your interviews? 4 A I would've calibrated them against just the 5 notes I -- I might have taken, but also calibrated 6 them against the sets of -- and pulse checks that 7 would have happened with -- with others in the -- in 8 the months beforehand, just when I was just doing 9 a -- getting a read on how he was doing. 10 Q Is your understanding that each of these 11 bullet points comes from someone's notes of their 12 interviews? 13 A No, not necessarily. Again, I -- I don't 14 know if these are -- because these aren't direct 15 quotes. 16 Q How do you know that they're not direct 17 quotes? 18 A Well, they're not in quotation marks. 19 There's no specific attribution to the individual who 20 said it. 21 Q So if you look at the top of page four, it 22 says, "In assessing whether his conduct had changed 23 since 2015, they made comments such as" -- is your 24 read that these are not the actual comments that were 25 made by witnesses in their interviews?</p>

<p style="text-align: right;">Page 218</p> <p>1 MR. MURPHY: Objection.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 BY MS. COSTELLO:</p> <p>4 Q Do you know which of these bullet pointed</p> <p>5 comments were made by people that you interviewed?</p> <p>6 I'm not necessarily asking you to go through and</p> <p>7 compare. Let me rephrase the question before you do</p> <p>8 that.</p> <p>9 A Yeah. Please. Yeah.</p> <p>10 Q In 2017, did you compare your interview</p> <p>11 notes to the comments listed in the report?</p> <p>12 A Not doing -- no -- a one-for-one, no.</p> <p>13 Q Okay. Did you add any quotations to the</p> <p>14 report?</p> <p>15 MR. MURPHY: Objection.</p> <p>16 THE WITNESS: Yeah, I don't recall.</p> <p>17 BY MS. COSTELLO:</p> <p>18 Q I will show you what we have previously</p> <p>19 marked as Exhibit 129.</p> <p>20 A Okay. Okay.</p> <p>21 Q Is this an earlier draft of the 2017 FRB</p> <p>22 report?</p> <p>23 A Yes, it would be.</p> <p>24 Q Okay. And this draft has comment bubbles on</p> <p>25 the side from someone who's listed as "CA 3." Is that</p>	<p style="text-align: right;">Page 220</p> <p>1 you're talking about the four people in --</p> <p>2 A These four. Correct. In -- in</p> <p>3 67 -- Exhibit 67.</p> <p>4 Q All right. Thank you.</p> <p>5 A No problem.</p> <p>6 Q So the comment "He goes off on tangents or</p> <p>7 down rabbit holes, and he doesn't know as much as he</p> <p>8 thinks he knows" -- is that something that someone</p> <p>9 said to you?</p> <p>10 A Yes, I had heard that.</p> <p>11 Q Who did you hear that from?</p> <p>12 A I don't recall. I'm looking here. I'm</p> <p>13 looking on the -- [REDACTED].</p> <p>14 Q So I see that [REDACTED] says -- on the</p> <p>15 fifth bullet point under Carie's name on Exhibit 67, I</p> <p>16 see that it says, "Tendency to go down rabbit holes</p> <p>17 that others are not interested in"; right?</p> <p>18 A Correct. Correct.</p> <p>19 Q I don't see her saying "He doesn't know as</p> <p>20 much as he thinks he knows." Do you see that?</p> <p>21 A No, I do not.</p> <p>22 Q On the fourth bullet point on [REDACTED]</p> <p>23 interview -- sorry, still looking in that same</p> <p>24 place -- she writes, "So smart, blows everyone out of</p> <p>25 the water with his knowledge." Is that something that</p>
<p style="text-align: right;">Page 219</p> <p>1 you -- or CA, and then the comments are numbered -- do</p> <p>2 you see what I'm talking about?</p> <p>3 A The pink box? The pink highlighted box?</p> <p>4 Q Yes. Is "CA" you?</p> <p>5 A Is CA 1 me? I don't know. I don't recall.</p> <p>6 Q So there's a comment on page 3 that's CA 1.</p> <p>7 And then on two pages farther in, so on page five -- I</p> <p>8 apologize; the pages aren't numbered --</p> <p>9 A Yep. I think I see it.</p> <p>10 Q -- so we have to count. There are two more,</p> <p>11 CA 2 and CA 3. Does it seem like the comments are</p> <p>12 numbered rather than the numbers being part of the</p> <p>13 person's identity?</p> <p>14 A That would seem that way.</p> <p>15 Q Can you tell from looking at those comments</p> <p>16 whether CA is you?</p> <p>17 A Looks like me.</p> <p>18 Q Okay. And on that page 5, you add two</p> <p>19 comments; right? As new bullet points?</p> <p>20 A Yes. Yes.</p> <p>21 Q Where did those comments come from?</p> <p>22 A Those would be in the insights in</p> <p>23 the -- from like [REDACTED] and others, not -- I</p> <p>24 don't see those directly from these individuals.</p> <p>25 Q Okay. When you say "these individuals,"</p>	<p style="text-align: right;">Page 221</p> <p>1 she said to you?</p> <p>2 A If it's here, yes.</p> <p>3 Q Okay. Would that be consistent with [REDACTED]</p> <p>4 [REDACTED] having the view that Ben doesn't know as much</p> <p>5 as he thinks he knows?</p> <p>6 MR. MURPHY: Objection.</p> <p>7 THE WITNESS: I don't know.</p> <p>8 BY MS. COSTELLO:</p> <p>9 Q So again, looking at the quote in the draft</p> <p>10 FRB report here, "He goes off on tangents or down</p> <p>11 rabbit holes, and he doesn't know as much as he thinks</p> <p>12 he knows." Is that something that someone said to</p> <p>13 you, other than one of the four people that you</p> <p>14 interviewed as part of the FRB's process?</p> <p>15 MR. MURPHY: Objection.</p> <p>16 THE WITNESS: I don't know.</p> <p>17 BY MS. COSTELLO:</p> <p>18 Q The next bullet point down says, "He leaves</p> <p>19 a lot of unproductive work for people, since he jumps</p> <p>20 to 'solutioning' without thinking through implications</p> <p>21 or engaging others." That's also a comment that you</p> <p>22 added; right?</p> <p>23 A It seems so.</p> <p>24 Q Did someone say that to you?</p> <p>25 A Likely -- and [REDACTED], [REDACTED],</p>

<p style="text-align: right;">Page 222</p> <p>1 some of the emails that we would've looked at, that it</p> <p>2 would have come through then. But it was not in one</p> <p>3 of these four.</p> <p>4 Q You think it's likely that someone else said</p> <p>5 it, though?</p> <p>6 A Yes.</p> <p>7 Q Do you think that they said it in these</p> <p>8 words, or do you think that you are summarizing --</p> <p>9 A I am summarizing. Again, these -- again,</p> <p>10 you can see I'm not ever taking a transcript and doing</p> <p>11 the reporting like this type.</p> <p>12 Q I can represent to you that in general, the</p> <p>13 words that are included in these comments appear in</p> <p>14 the same words in the interview notes, and that the</p> <p>15 exception is these two quotes. Do you have a memory</p> <p>16 of where you found these two quotes to add them?</p> <p>17 MR. MURPHY: Objection.</p> <p>18 THE WITNESS: No, I don't.</p> <p>19 BY MS. COSTELLO:</p> <p>20 Q Your comment next to the quote says, "I have</p> <p>21 added a few additional comments from my interviews."</p> <p>22 A Again, was it conversations with [REDACTED]</p> <p>23 [REDACTED] or [REDACTED], or what -- but they're</p> <p>24 not here as a direct quote.</p> <p>25 Q And when you say they're not here, again,</p>	<p style="text-align: right;">Page 224</p> <p>1 MR. MURPHY: Are you at a breaking</p> <p>2 point at some point? Just -- we've been going for</p> <p>3 quite a while here.</p> <p>4 MS. COSTELLO: We have. I'm -- why</p> <p>5 don't I ask about this next exhibit, and then I think</p> <p>6 that will be a reasonable time to take a break.</p> <p>7 MR. MURPHY: Sure.</p> <p>8 MS. COSTELLO: Is that --</p> <p>9 MR. MURPHY: I don't have any, so hang</p> <p>10 on.</p> <p>11 MS. COSTELLO: I'm sorry. Okay.</p> <p>12 MR. MURPHY: I do. I'm sorry.</p> <p>13 Apologies.</p> <p>14 BY MS. COSTELLO:</p> <p>15 Q Is this an email from you to the other</p> <p>16 members of the FRB and Jean Cunningham on September</p> <p>17 23rd of 2017?</p> <p>18 A That is correct.</p> <p>19 Q Is this your email transmitting the draft of</p> <p>20 the document that we were just looking at?</p> <p>21 A It would seem to be, if that's what the</p> <p>22 attachment draft is here.</p> <p>23 Q Okay. You write in the email, "I've weighed</p> <p>24 in with some comments and a few additional quotes from</p> <p>25 my interviews"; right?</p>
<p style="text-align: right;">Page 223</p> <p>1 you're talking about Exhibit --</p> <p>2 A Exhibit 67, four people.</p> <p>3 Q Okay. Do you feel confident that each of</p> <p>4 those quotes was said by a single individual at some</p> <p>5 point to you?</p> <p>6 MR. MURPHY: Objection.</p> <p>7 THE WITNESS: I don't know, but I -- I</p> <p>8 feel somewhat confident about that.</p> <p>9 BY MS. COSTELLO:</p> <p>10 Q Is it possible that the comments reflect</p> <p>11 your own view of it then?</p> <p>12 A No.</p> <p>13 MR. MURPHY: Objection.</p> <p>14 BY MS. COSTELLO:</p> <p>15 Q Did you tell anyone on the FRB anything</p> <p>16 about where these comments came from, other than your</p> <p>17 comment on the side here, "I've added a few additional</p> <p>18 comments from my interviews"?</p> <p>19 A I don't recall.</p> <p>20 Q Did anyone follow up with you about these</p> <p>21 comments and ask you where they came from?</p> <p>22 A No.</p> <p>23 Q I will ask that we mark this as Exhibit 189.</p> <p>24 (Exhibit 189 was marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 225</p> <p>1 A Mm-hmm.</p> <p>2 Q And are the few additional quotes from your</p> <p>3 interviews the bullet pointed comments that we were</p> <p>4 just looking at?</p> <p>5 A Yes.</p> <p>6 Q All right. I think we can take a break now,</p> <p>7 if that works for everyone.</p> <p>8 A Okay.</p> <p>9 MS. COSTELLO: Let's go off the record.</p> <p>10 THE REPORTER: All right. We are off</p> <p>11 the record at 4:32 p.m.</p> <p>12 (Off the record.)</p> <p>13 THE REPORTER: We are back on record at</p> <p>14 4:47 p.m.</p> <p>15 MS. COSTELLO: All right. Thank you.</p> <p>16 BY MS. COSTELLO:</p> <p>17 Q I'm going to ask that we mark this as</p> <p>18 Exhibit 190.</p> <p>19 (Exhibit 190 was marked for</p> <p>20 identification.)</p> <p>21 A Thank you. Okay.</p> <p>22 Q Is this correspondence between you and the</p> <p>23 other members of the FRB and Jean Cunningham dated</p> <p>24 October 10, 2017?</p> <p>25 A Yes, it is.</p>

<p style="text-align: right;">Page 226</p> <p>1 Q And looking at the second email down from 2 the top at the first page, Amy Edmondson writes at 3 7:53 a.m., "The only pause I had is that we didn't 4 acknowledge his multi-page list of good deeds, and I 5 wondered about that." 6 A Okay. 7 Q Is this email exchange discussing what to 8 include in the FRB's final report in 2017? 9 A Yes. Specifically, I believe, about 10 the -- the American Airlines case. 11 Q So I think that -- is it fair to say that 12 one impetus for the exchange is an email that Brian 13 Hall sent to the FRB members at 3:43 a.m. on October 14 10, 2017? 15 A Yes. It -- it appears Brian would've sent 16 it to Amy, Len, and Stu, not to me. So he sent it to 17 the faculty members on the FRB. 18 Q Okay. And then -- 19 A And then it was forwarded along in a chain 20 to me. 21 Q Okay. And Amy Edmondson sent it to you and 22 Jean? 23 A Exactly. 24 Q Okay. And one question that seems to have 25 been discussed -- and I see this in Stuart Gilson's</p>	<p style="text-align: right;">Page 228</p> <p>1 A I believe so, yes. 2 Q And your response to that is counterpoint, 3 there would be a list of hassles that correspond with 4 some of these, plus problems he's caused, too? 5 A Yes, because there were other problems we 6 didn't include in the report. So why add, you know, 7 more on the -- on adding over tilt -- over tilting on 8 good deeds? We should make sure that we also had some 9 things that we maybe didn't -- but I don't know 10 precisely what happened. 11 Q What things did you consider including in 12 the report, and not include in the report, that were 13 problems? 14 A Well, things like the AA -- the American 15 Airlines suit. 16 Q Isn't the American Airlines suit included in 17 the report? 18 A Yes, it is. My apology. Yes, it is. 19 Q Okay. So when you write, "There would be a 20 list of hassles that correspond with some of these, 21 plus problems he's caused, too," what did you have in 22 mind? 23 MR. MURPHY: Objection. 24 THE WITNESS: I don't know. 25 //</p>
<p style="text-align: right;">Page 227</p> <p>1 email at 7:18 a.m. on the first page is whether the 2 American Airlines suit should be discussed in the 3 report; right? 4 A Correct. 5 Q And he expresses the view that it should be; 6 right? 7 A Correct. 8 Q And you write back to him and express the 9 view that you shouldn't make adjustments in response 10 to what Brian wrote; is that fair? 11 A Correct. 12 Q And then Amy responds and says, "The only 13 pause I had is that we didn't acknowledge his 14 multi-page list of good deeds, and I wondered about 15 that." Is the multi-page list of good deeds something 16 that Ben Edelman provided to the FRB? 17 A I'm not sure. I don't know. 18 Q If you look at the second page, number 1 in 19 Brian Hall's list of issues, I guess, reads as 20 detailed in Ben's appendix to his October 5, 2017, 21 reply to your report, "Ben regularly helps staff and 22 junior colleagues." Do you see that? 23 A Yes, I do. 24 Q Is that the list of good deeds that Amy is 25 referencing?</p>	<p style="text-align: right;">Page 229</p> <p>1 BY MS. COSTELLO: 2 Q Did the FRB conduct any further interviews 3 after receiving Ben's October 5, 2017, response to the 4 report? 5 A Not that I recall. 6 Q Did it gather any additional evidence after 7 that date? 8 A No. 9 Q When the FRB interviewed Ben, did you ask 10 him about why he declined the offer of coaching? 11 A I don't recall. It was in -- it was in his 12 statement, but I don't recall if it was in the 13 interview. 14 Q Okay. But you recall reading in his 15 statement -- 16 A Yeah. 17 Q -- so you did receive an explanation from 18 him? 19 A Yes. 20 Q Did members of the FRB meet prior to the 21 appointments committee meeting about Ben's case? 22 A I don't think so. 23 Q Did members of the FRB maybe speak on the 24 phone prior to the appointments committee meeting in 25 Ben's case?</p>