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COMMONWEALTH OF MASSACHUSETTS
SUFFOLK SUPERIOR COURT
BUSINESS LITIGATION SESSION

BENJAMIN EDELMAN,

Plaintiff,

v.

Civil Action

PRESIDENT AND FELLOWS OF

2384CV00395-BLS2

HARVARD COLLEGE,

Defendant.

VIDEOTAPED DEPOSITION OF
AMY EDMONDSON

DATE: Monday, April 21, 2025

TIME: 9:37 a.m.

LOCATION: Zalkind Duncan & Bernstein LLP

65A Atlantic Avenue

Boston, MA 02110

REPORTED BY: Jared Reding

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1 BY MR. RUSSCOL:
 2 Q If the standing committee prepared its
 3 report and included information about collegueship
 4 and community values, in your view would that be
 5 consistent with these principles and procedures?
 6 MR. MURPHY: Objection.
 7 THE WITNESS: Yes.
 8 BY MR. RUSSCOL:
 9 Q How would that be consistent with what's
 10 written here?
 11 A It would be consistent if they -- in
 12 letters, which is the -- which is typical, the letters
 13 they have to review, people mentioned collegueship,
 14 it would be hard for them to ignore it I imagine.
 15 Q Did the FRB for Mr. Edelman receive
 16 information from those letters that you mentioned?
 17 A No.
 18 Q Not in 2017?
 19 A I don't think so.
 20 Q Did the FRB receive information in 2015 from
 21 letters that were written for Mr. Edelman?
 22 A No.
 23 Q How many faculty members come up for tenure
 24 in a typical year at HBS?
 25 A Five or six.

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1 Q And as a tenured faculty member are you
 2 typically aware of who is scheduled to apply for
 3 tenure in a given year?
 4 A In your unit.
 5 Q Only within your unit?
 6 A You get notice of who's coming up, but you
 7 would be aware of the ones in your unit.
 8 Q Were you aware when the FRB process was
 9 being developed that Mr. Edelman was expected to apply
 10 for tenure in 2015?
 11 A So when the process was being developed --
 12 Q Right.
 13 A Probably.
 14 Q Were the FRB principles and procedures
 15 adopted specifically to deal with Mr. Edelman's case?
 16 A No.
 17 Q When the FRB was first put into place what
 18 was the purpose of the FRB as you understood it?
 19 A To provide consistency across cases of
 20 alleged problematic behavior.
 21 Q And how was the structure and function of
 22 the FRB going to provide that consistency?
 23 A It would provide that consistency by having
 24 a reasonably stable group that would see multiple
 25 cases.

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1 Q Did you approach each FRB review with an
 2 open mind?
 3 A Yes.
 4 Q Did you approach the 2015 review of
 5 Mr. Edelman's case with an open mind?
 6 A Yes.
 7 Q Is it fair to say that you wanted to see
 8 where the evidence took you?
 9 A Yes.
 10 Q And did you approach the 2017 review of
 11 Mr. Edelman's case with the same open mind as in 2015?
 12 A Yes.
 13 Q Looking back at Exhibit 26, which is the
 14 final principles and procedures, again at page 3 of
 15 the document, I'll direct your attention to the first
 16 bullet point under Notes on Promotions, Reviews, and
 17 Reappointments. There's a reference to certain
 18 meetings that would occur annually or as otherwise
 19 needed. Do you see that?
 20 A Yes.
 21 Q So in the 2015 to 2017 timeframe, does that
 22 indicate that you and Angela Crispi and Paul Healy
 23 would meet at least annually based on the titles at
 24 that time?
 25 MR. MURPHY: Objection.

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1 THE WITNESS: I don't remember.
 2 BY MR. RUSSCOL:
 3 Q Did you ever meet with Paul Healy in the
 4 2015 to 2017 timeframe to discuss whether concerns
 5 about conduct had been raised for upcoming candidates?
 6 A I don't recall.
 7 Q Did you meet with Angela Crispi in that
 8 timeframe to discuss those questions?
 9 A No.
 10 Q Have you ever met with Paul Healy to discuss
 11 whether concerns about conduct had been raised for
 12 upcoming candidates for promotion?
 13 A I don't recall.
 14 Q Is Paul Healy still the senior associate
 15 dean for faculty development?
 16 A No.
 17 Q Who currently has that title?
 18 A Forrest Reinhardt.
 19 Q Have you -- strike that. When did Forrest
 20 Reinhardt take on that role?
 21 A I don't remember.
 22 Q When was the last time that you met with the
 23 senior associate dean for faculty development, whoever
 24 it was, to discuss whether concerns about conduct had
 25 been raised for upcoming candidates?

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1 A I don't remember.
 2 Q Was it this year?
 3 A No.
 4 Q Was it last year?
 5 A No.
 6 Q Have you ever had such a meeting where
 7 concerns about conduct were raised about someone other
 8 than Mr. Edelman?
 9 A Yes.
 10 Q Do you remember whether that was before or
 11 after the start of the pandemic?
 12 A No.
 13 Q How did you come to be the chair of the FRB
 14 in 2015?
 15 A The dean asked me to be.
 16 Q Was that Dean Nohria?
 17 A Yes.
 18 Q Did Dean Nohria say why you were chosen?
 19 A No.
 20 Q Did you receive any additional compensation
 21 or benefits for serving in that capacity?
 22 A No.
 23 Q What are the different steps that an FRB is
 24 supposed to take from the start of a review to the
 25 completion of its work?

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1 A Fact finding and meeting to discuss the fact
 2 finding.
 3 Q So what's the first thing that the FRB is
 4 supposed to do?
 5 A Write a document to the person in question
 6 to let them know there is a review.
 7 Q And what needs to be in that document?
 8 MR. MURPHY: Objection.
 9 THE WITNESS: I'm not sure completely.
 10 BY MR. RUSSCOL:
 11 Q After that document is sent to the faculty
 12 member, what happens next?
 13 A The -- the FRB meets to figure out a plan.
 14 Q And then after the FRB meets, what are the
 15 different steps that are taken for the fact-finding
 16 process you mentioned?
 17 A I guess it depends, but interviews,
 18 reviewing documents, whatever the fact finding
 19 entails.
 20 Q At what point in the process does the FRB
 21 interview the faculty member who's under review?
 22 A I think it's pretty early in the process,
 23 but I don't know if there's an exact point.
 24 Q Does the FRB ever interview that faculty
 25 member more than once?

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1 A I think so.
 2 Q And then once the FRB concludes its fact
 3 finding, what happens next?
 4 A It -- a report is written.
 5 Q And to whom is that report given?
 6 A Think it's given to the dean and the person
 7 under review.
 8 Q So is it fair to say that the end product of
 9 an FRB review is the final report
 10 A Yes.
 11 Q So after the FRB submits and presents its
 12 final report, then its work is done with regard to
 13 that faculty member?
 14 MR. MURPHY: Objection.
 15 THE WITNESS: I think it depends on
 16 what the report says is the next step.
 17 BY MR. RUSSCOL:
 18 Q So does the report sometimes indicate
 19 further steps for the FRB?
 20 A I don't know exactly what that means.
 21 Q So what further work does the FRB have after
 22 the submission of a report?
 23 MR. MURPHY: Objection.
 24 THE WITNESS: I think it depends on
 25 what the report says.

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1 BY MR. RUSSCOL:
 2 Q What are the different possibilities?
 3 MR. MURPHY: Objection.
 4 THE WITNESS: I don't know.
 5 BY MR. RUSSCOL:
 6 Q Who chose the members of FRB in 2015?
 7 A The dean.
 8 Q And was it also the dean who chose the
 9 members in 2017?
 10 A Yes.
 11 Q Did you know anything about the criteria for
 12 the FRB members?
 13 A I know there's some faculty and some staff,
 14 but otherwise I don't know -- I don't know that
 15 there's specific criteria.
 16 Q What was Dean Angela Crispi's role with
 17 respect to the FRB in 2015?
 18 A Was she -- I think she was a member.
 19 Q And did that role change at any point, or
 20 was she just a member throughout?
 21 A You mean is she -- a member throughout --
 22 Q Throughout the 2015 review of Mr. Edelman.
 23 A Yes, she was -- I -- I believe she was a
 24 member throughout.
 25 Q What about Dean Jean Cunningham's role?

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1 What was her role with respect to the FRB in 2015?
 2 A I can't tell you the title of it, but she
 3 was part of it, part of the FRB, but maybe ex officio,
 4 I'm not sure. I don't know.
 5 Q Was she a formal member of the FRB?
 6 A I honestly don't know.
 7 Q Did her role change at all during the 2015
 8 review of Mr. Edelman?
 9 A I don't think so.
 10 Q Is it your understanding that there was one
 11 FRB review for Mr. Edelman in 2015 and another FRB
 12 review in 2017, or that there was one FRB review that
 13 continued through that period?
 14 MR. MURPHY: Objection.
 15 THE WITNESS: I think it was one that
 16 continued.
 17 BY MR. RUSSCOL:
 18 Q What was the FRB asked to do in 2015?
 19 A Fact find and review what we learned.
 20 Q Fact find and review what specifically?
 21 A You -- the matters related to the
 22 allegations that had been brought to the dean.
 23 Q And just to spell it out, what were those
 24 allegations that had been brought to the dean?
 25 A I think -- I mean, as I recall, it was

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1 the -- the two separate things. One was the Sichuan
 2 Gardens incident, and the other was Blinkx conflict-
 3 of-interest concerns.
 4 Q And what was the FRB asked to do in 2017?
 5 A Assess -- look for evidence of learning
 6 and -- and change.
 7 Q Who asked the FRB to do that in 2017?
 8 MR. MURPHY: Objection.
 9 THE WITNESS: I don't know. Would be
 10 one of the deans.
 11 BY MR. RUSSCOL:
 12 Q Do you -- when you say "one of the deans,"
 13 who are the different deans that it might have been?
 14 A Paul Healy or Nitin Nohria.
 15 Q But you don't recall at this point which one
 16 of them it was?
 17 A No.
 18 Q How did you approach your role as chair of
 19 the FRB starting in 2015?
 20 A How do I approach it?
 21 Q Yeah.
 22 A Wanted to do a good job.
 23 Q Did you enter into the role as chair in 2015
 24 with a preference for whether the outcome would be
 25 positive or negative for Mr. Edelman?

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1 A No.
 2 Q What about in 2017? Did you go into the
 3 review with a preference for which way it would come
 4 out?
 5 A No.
 6 Q Have you ever served as a FRB chair or
 7 member for anyone other than Mr. Edelman?
 8 A Yes.
 9 Q Was the FRB process invoked for any faculty
 10 members other than Mr. Edelman prior to the end of
 11 2018?
 12 A I don't remember.
 13 Q Who would have that information?
 14 A The dean's office would have it.
 15 Q So Dean Nohria would know that?
 16 MR. MURPHY: Objection.
 17 THE WITNESS: I assume so. There is a
 18 record of all of the reports.
 19 BY MR. RUSSCOL:
 20 Q Was it important for Mr. Edelman's FRB to
 21 consider the evidence and any responses by Mr. Edelman
 22 before reaching any conclusions?
 23 A Yes.
 24 Q Was it important to give Mr. Edelman notice
 25 of the allegations against him at the beginning of the

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1 process?
 2 A I assume so.
 3 Q Was it important to give Mr. Edelman a fair
 4 opportunity to respond to the concerns that the FRB
 5 was looking into?
 6 MR. MURPHY: Objection
 7 THE WITNESS: Yes.
 8 BY MR. RUSSCOL:
 9 Q After you were asked to serve as chair of
 10 the FRB did you read the principles and procedures of
 11 the FRB?
 12 A Yes.
 13 Q Did you consult those principles and
 14 procedures while the FRB review of Mr. Edelman was
 15 going on?
 16 A I don't remember.
 17 Q Did you intend for the FRB to follow what
 18 the principles and procedures required?
 19 A Yes.
 20 Q In your view did the FRB, in its 2015 review
 21 of Mr. Edelman, comply fully with what the principles
 22 and procedures required?
 23 A Yes.
 24 Q Is the same true 2017?
 25 A Yes.

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1 Q Are you familiar with HBS community values?

2 A Yes.

3 Q What are the HBS community values?

4 A I don't -- I'm afraid I can't recite them.

5 Q Was the FRB tasked with deciding whether

6 Mr. Edelman upheld the HBS community values?

7 A I think so.

8 Q Did the FRB in 2015 reach any conclusions

9 about that?

10 A I -- I couldn't say.

11 Q Did the FRB in 2017 reach any conclusions

12 about whether Mr. Edelman upheld the HBS community

13 values?

14 A I don't know.

15 Q Do you believe Mr. Edelman complied with HBS

16 community values in his time at HBS?

17 MR. MURPHY: Objection.

18 THE WITNESS: I don't recall.

19 BY MR. RUSSCOL:

20 Q Did you ever have an opinion on that

21 subject?

22 A Possibly, but I don't remember.

23 Q You don't remember whether you ever believed

24 that he did or did not uphold HBS community values?

25 MR. MURPHY: Objection.

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1 THE WITNESS: I don't know.

2 BY MR. RUSSCOL:

3 Q Did you have to comply with HBS community

4 values in operating the FRB?

5 A Yes.

6 Q How did you communicate with other members

7 of the FRB about the FRB's proceedings?

8 A Well, in person and by email.

9 Q When you emailed about FRB business, did you

10 usually include all the members of FRB?

11 A I think so.

12 Q Did you always include all the members of

13 FRB?

14 A No. Sometimes it would be just Jean, I

15 imagine.

16 Q Were there times when you emailed only one

17 of the faculty members of the FRB?

18 A I don't remember.

19 Q Do you remember if you emailed any one of

20 the other faculty members individually more than any

21 others?

22 A No.

23 Q Who were the members of the FRB in 2015?

24 A Forrest, Angela, Len Schlesinger, and Jean,

25 I guess. I don't remember who else.

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1 Q Would you say that you're closer to any of

2 those members than any others?

3 A No.

4 Q Are there any of those FRB members with whom

5 you never exchanged any one-on-one emails about FRB

6 business?

7 A I don't remember.

8 Q Did you ever send any FRB-related emails

9 solely to Professor Reinhardt?

10 A I don't know.

11 Q Did you ever send FRB-related emails solely

12 to Professor Gilson?

13 A Professor Gilson joined in 2017.

14 Q Right. To be clear -- sorry, I should

15 clarify my question. Over the entire 2015 to 2017

16 period, so including both of Mr. Edelman's FRBs, did

17 you email any of the other members individually more

18 than any others?

19 A I don't recall.

20 Q Did you ever send FRB-related emails solely

21 to Professor Gilson?

22 A I don't know.

23 Q Did you ever send FRB-related emails solely

24 to Professor Schlesinger?

25 A I don't know.

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1 Q What evidence did the FRB gather during the

2 proceedings about Mr. Edelman?

3 MR. MURPHY: Objection.

4 THE WITNESS: Documents and interviews.

5 Quite a few.

6 BY MR. RUSSCOL:

7 Q So what documents did the FRB gather as part

8 of the evidence?

9 A Papers, emails, articles.

10 Q And you mentioned interviews. Are those the

11 interviews conducted by the FRB members?

12 A Yes.

13 Q And did the members take notes of those

14 interviews?

15 A Yes.

16 Q Was that all part of the evidence that you

17 were considering when framing the report?

18 A Yes.

19 Q So all of that was evidence that you

20 gathered in the FRB process?

21 A Right. Yes.

22 Q Who kept the evidence that you gathered?

23 MR. MURPHY: Objection.

24 THE WITNESS: Jean Cunningham, I think.

25 //

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1 allows you to recover or purge messages that have been
 2 deleted from the deleted items folder?
 3 MR. MURPHY: Objection.
 4 THE WITNESS: Not that I recall.
 5 BY MR. RUSSCOL:
 6 Q Have you ever selected to purge items and
 7 seen something like Figure 5, which says that messages
 8 will be permanently deleted?
 9 A Not specifically.
 10 Q Are you aware that in order for a message to
 11 end up in the purges folder a user would have to
 12 delete the message, then go into the deleted items
 13 folder and clear the whole folder, as shown in in
 14 Figure 1, or delete the specific message, as shown in
 15 Figure 2, and then click on the notification in Figure
 16 3 to look at the recoverable deleted items, then
 17 choose in Figure 4 to purge them, and then confirm the
 18 deletion in Figure 5?
 19 A No.
 20 MR. MURPHY: Objection.
 21 BY MR. RUSSCOL:
 22 Q Are you aware that, even after messages are
 23 permanently deleted, they won't actually be deleted if
 24 the organization has put a litigation hold in place to
 25 prevent relevant files from being permanently deleted?

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1 MR. MURPHY: Objection.
 2 THE WITNESS: Yes.
 3 BY MR. RUSSCOL:
 4 Q Are you aware that a litigation hold was put
 5 in place for Mr. Edelman's case
 6 A Yes.
 7 Q Do you know when that litigation hold was
 8 implemented?
 9 A No.
 10 Q Without revealing the substance of any
 11 communications with counsel, did any counsel for
 12 Harvard ever contact you about a litigation hold with
 13 regard to Mr. Edelman?
 14 A Yes, I think so.
 15 Q When did that occur?
 16 A I don't know.
 17 Q Did you ever go through and delete and purge
 18 any emails related to Mr. Edelman or the FRB?
 19 A Not on purpose, no.
 20 Q So I'm going to show you nine messages that
 21 I'll have individually marked as exhibits. I'll
 22 represent to you that they were all found in your
 23 Purges folder, and I'll ask you to take a few minutes
 24 to look at them, and then I'll have some questions for
 25 you. Here's the first one.

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1 MR. RUSSCOL: So Exhibit 30 is, for the
 2 record, Bates Number HBS0015698.
 3 (Exhibit 30 was marked for
 4 identification.)
 5 Again, for the record, Exhibit 31 is
 6 Bates Number HBS0015700.
 7 (Exhibit 31 was marked for
 8 identification.)
 9 Exhibit 32 is Bates Number HBS0015790.
 10 (Exhibit 32 was marked for
 11 identification.)
 12 I guess I'm short a copy of that one.
 13 This is an extra copy of that one.
 14 (Exhibit 33 was marked for
 15 identification.)
 16 Exhibit 34 is Bates Number HBS0015894.
 17 (Exhibit 34 was marked for
 18 identification.)
 19 Exhibit 35 is Bates Number HBS0015897.
 20 (Exhibit 35 was marked for
 21 identification.)
 22 Exhibit 36 is HBS0015901.
 23 (Exhibit 36 was marked for
 24 identification.)
 25 Exhibit 37 is HBS0018518.

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1 (Exhibit 37 was marked for
 2 identification.)
 3 And Exhibit 38 is HBS0020533.
 4 (Exhibit 38 was marked for
 5 identification.)
 6 BY MR. RUSSCOL:
 7 Q So is it fair to say that all of Exhibits 30
 8 through 38 are email messages that you either sent or
 9 received?
 10 A Yes.
 11 Q And some of them are from the 2015 time
 12 period, but others are from the 2017 time period?
 13 A Looks that way.
 14 Q Do you remember looking at any of these
 15 messages at any time after the summer of 2018?
 16 A No.
 17 MR. MURPHY: I'm sorry, David. Were
 18 you intending to exclude prep or not?
 19 BY MR. RUSSCOL:
 20 Q Did you intend to look at any -- or strike
 21 that. Do you remember looking at any of these
 22 messages at any time after the summer of 2018 before
 23 you met with counsel?
 24 A No.
 25 Q Did you intend to delete any of these

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1 about the projector issue other than from witness
 2 interviews?
 3 A I don't know.
 4 Q Did Dean Crispi provide the FRB with emails
 5 related to the projector issue?
 6 A I don't recall.
 7 MR. RUSSCOL: So this will be the next
 8 exhibit, 42.
 9 (Exhibit 42 was marked for
 10 identification.)
 11 BY MR. RUSSCOL:
 12 Q So I'd ask you to take a look at Exhibit 42,
 13 and I'll direct your attention at first to the second
 14 page. Based on what's on the second page, is it fair
 15 to say that on October 31, 2015, Dean Healy forwarded
 16 you an email from Professor Youngme Moon about the
 17 projector issue?
 18 A Yes. Looks like it.
 19 Q And at the time the projector issue came up,
 20 was Professor Moon the senior associate dean for the
 21 MBA program?
 22 A I don't remember.
 23 Q Well, looking at the first full paragraph of
 24 the email from Professor Moon, do you see where it
 25 says "An IT issue that arose in MBA during my

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1 tenure as SAD of MBA"?
 2 A Yes.
 3 Q So does that indicate that Professor Moon
 4 was the senior associate dean for the MBA program at
 5 the time?
 6 MR. MURPHY: Objection.
 7 THE WITNESS: It says "During my
 8 tenure," but I don't know if her tenure was still
 9 going on October 31.
 10 BY MR. RUSSCOL:
 11 Q Was she the senior associate dean of the MBA
 12 program when the projector issue came up?
 13 A It looks that way.
 14 Q Was this email from Professor Moon some
 15 evidence that the FRB obtained before its report was
 16 finalized?
 17 A October 31st? Yes. I think so.
 18 Q And that email from Professor Moon was never
 19 provided to Mr. Edelman through the FRB process; was
 20 it?
 21 A I don't know.
 22 Q Well, if it wasn't in the report, then he
 23 didn't receive it from the FRB. Is that fair to say?
 24 A I -- probably. I don't know.
 25 Q Did the FRB ever tell him that this email

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1 from Professor Moon existed?
 2 A I don't know.
 3 Q This email wasn't referenced or incorporated
 4 in the 2015 report; was it?
 5 A I don't know.
 6 Q Now, looking at the first page of this
 7 document, do you see at the bottom there's a response
 8 from you saying "This makes me a bit anxious"?
 9 A Mm-hmm. I see it.
 10 Q Why did receiving that new evidence make you
 11 anxious?
 12 A Well, I can read what it says here. I don't
 13 remember the moment, but --
 14 Q Well, you wrote that it makes --
 15 A Makes it --
 16 Q -- it sounds as if Mr. Edelman was "Not in
 17 any way the initiator projector gate"; right?
 18 A Right.
 19 Q And you wrote that you were likely to face a
 20 need to revise; right?
 21 A Yes.
 22 Q And at that point did you think you likely
 23 faced a need to revise because you realized that your
 24 understanding of the projector situation had been
 25 inaccurate?

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1 A Incomplete, not inaccurate. But I -- I'm --
 2 I'm writing that to Forrest and Jean.
 3 Q Did Professor Moon's email state that
 4 Professor Moon herself was concerned about the
 5 projector change?
 6 A Let me see. I'm sorry, what's the question
 7 about Professor Moon?
 8 Q Didn't her email indicate that she was
 9 concerned about the change?
 10 A About the change --
 11 Q In projectors?
 12 A Yes.
 13 Q And didn't her email say that Professor Moon
 14 sent a note to Steve Gallagher and then got the change
 15 delayed for a year?
 16 MR. MURPHY: Objection.
 17 THE WITNESS: Sorry, I have to read it
 18 more slowly. So the question is whether Youngme is
 19 happy that it was delayed? Is that -- sorry.
 20 BY MR. RUSSCOL:
 21 Q That she reached out to Steve Gallagher and
 22 got it delayed?
 23 A Right.
 24 Q And --
 25 A And she said "That's a good solution."

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1 Q Right. So --

2 A "Really good solution."

3 Q Right. So did the 2015 FRB report state

4 that Mr. Edelman sought to halt the project entirely

5 and that the change happened later than originally

6 planned because of cost?

7 MR. MURPHY: Objection.

8 THE WITNESS: I don't know.

9 BY MR. RUSSCOL:

10 Q If the 2015 report did say that, then

11 wouldn't this email contradict that?

12 MR. MURPHY: Objection.

13 THE WITNESS: I don't -- I'm not sure

14 it contradicts it.

15 BY MR. RUSSCOL:

16 Q You don't think it -- so if the report said

17 that the change happened later than originally planned

18 because of cost, you don't think Professor Moon's

19 statement that she got it delayed for a year and she

20 thought it was a really good solution contradicts

21 that?

22 MR. MURPHY: Objection

23 THE WITNESS: Contradicts what?

24 BY MR. RUSSCOL:

25 Q The statement in the FRB report that the

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1 change happened later than originally planned because

2 of cost.

3 MR. MURPHY: Objection.

4 THE WITNESS: I don't know. Could be

5 both.

6 BY MR. RUSSCOL:

7 Q Professor Moon was a senior faculty member

8 who was in charge of the MBA program when the

9 projector issue came up; right?

10 A As far as I can -- can read here, yes.

11 Q Did the FRB revise the report about the

12 projector issue after receiving this information?

13 A I don't recall.

14 Q Well, looking at the first page of this

15 document, you wrote about likely needing to revise,

16 but then do you see Dean Cunningham and Professor

17 Reinhardt indicating that a revision was not needed?

18 A Yes.

19 Q Does that refresh your recollection about

20 whether a revision actually happened?

21 A No, not directly. But if this is the last

22 email, maybe so.

23 Q Can you think of a reason why you wouldn't

24 want to revise the incomplete understanding -- strike

25 that. Can you think of a reason why you wouldn't want

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1 to revise the report in order to correct the

2 incomplete understanding of the projector issue?

3 MR. MURPHY: Objection.

4 THE WITNESS: The reason that would --

5 I would think is it's November 1, and the dean is very

6 eager to get our report, 'cause it's -- the time

7 matters.

8 BY MR. RUSSCOL:

9 Q So you think that you didn't correct

10 incomplete understandings on this issue because there

11 wasn't time to do that?

12 A No.

13 MR. MURPHY: Objection

14 THE WITNESS: I think both Jean and

15 Forrest didn't think it was needed.

16 BY MR. RUSSCOL:

17 Q Did you think it mattered whether

18 Mr. Edelman was the initiator of projector gate, as

19 you put it?

20 A No.

21 Q You didn't think that mattered?

22 A I didn't think that mattered, no.

23 Q Why didn't that matter?

24 A Because projector gate was not a very

25 important issue.

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1 Q What were the important issues in the FRB in

2 2015?

3 A I think the Sichuan Garden and the Blinkx.

4 Q And the rest of what was in the report was

5 not important?

6 MR. MURPHY: Objection.

7 THE WITNESS: It's important, but it

8 wasn't the most important, the top two.

9 BY MR. RUSSCOL:

10 Q When Mr. Edelman was being considered for

11 promotion in 2017, was the 2015 FRB report in the

12 binders for appointments committee members to review?

13 A I don't know.

14 Q Were you a member of the appointments

15 committee in 2017?

16 A Yes.

17 Q Did you review Mr. Edelman's binder in

18 preparation for the appointments committee meeting

19 that year?

20 A Yes.

21 Q Do you recall as you sit here today whether

22 the 2015 FRB report was there?

23 A I don't.

24 Q Would you expect it to be there?

25 MR. MURPHY: Objection.

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1 THE WITNESS: No.
2 BY MR. RUSSCOL:
3 Q Why not?
4 A I don't know. I just -- I've been told I
5 wasn't -- I wasn't supposed to be there. I mean, I
6 was -- I was supposed to be on the road, but then
7 something got cancelled, so I was there.
8 Q You're saying you were there at the
9 appointments committee meeting?
10 A Right.
11 Q I'm asking before the meeting did you review
12 Mr. Edelman's binder?
13 A I don't remember.
14 Q Okay. On the first page of Exhibit 42 in
15 the -- at the bottom in the first paragraph of your
16 email, do you see where you wrote "Perhaps this was
17 not the right one to pick, but from the data we had,
18 it seemed as if it was"?
19 A Yes.
20 Q Did you write that?
21 A Yes.
22 Q The data you had was complaints from media
23 services about Mr. Edelman making a ruckus over the
24 projectors; right?
25 MR. MURPHY: Objection.

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1 THE WITNESS: Yeah, I guess so. I
2 mean, the interview data or the -- I don't know if
3 it's the complaints, original complaints, or the
4 interview data.
5 BY MR. RUSSCOL:
6 Q So what would you consider the data that you
7 had on that subject?
8 A It would be the interview data or some other
9 information from the staff.
10 Q And by "The right one to pick," did you mean
11 choosing an incident that would make Mr. Edelman look
12 like a bad colleague?
13 A No.
14 Q Then what did you mean by "The right one to
15 pick"?
16 A Sorry. I don't know.
17 Q Is it possible that this issue might not
18 have been the right one to pick because it turned out
19 that other people had raised the same issue and that
20 Professor Moon viewed Mr. Edelman as a particularly
21 helpful faculty member on that issue?
22 MR. MURPHY: Objection.
23 THE WITNESS: I mean, are you saying
24 because other people were upset about it also that
25 it -- that means it's not problematic for the staff?

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1 BY MR. RUSSCOL:
2 Q Why did you consider Mr. Edelman's approach
3 to the projector issue problematic if he was
4 expressing concerns that were shared by other faculty
5 members and in a way that Professor Moon thought was
6 helpful?
7 MR. MURPHY: Objection.
8 THE WITNESS: I don't know. Not sure I
9 did, but.
10 BY MR. RUSSCOL:
11 Q Now, you mentioned earlier that Dean Crispi
12 was a member of the FRB; right?
13 A Yes.
14 Q Wasn't she also involved in some situations
15 that the FRB looked at?
16 MR. MURPHY: Objection.
17 THE WITNESS: What do you mean?
18 BY MR. RUSSCOL:
19 Q Was Dean Crispi involved in discussions
20 about the projector change personally?
21 A I don't know.
22 Q Was Dean Crispi involved in Mr. Edelman's
23 efforts to help food service workers whom he thought
24 were being underpaid?
25 A I don't know.

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1 Q Are you aware whether Dean Crispi provided
2 firsthand information to the FRB about either of those
3 topics?
4 A I don't remember.
5 Q If the notes and emails from the time
6 indicate that she did, would you have any reason to
7 doubt that?
8 MR. MURPHY: Objection.
9 THE WITNESS: No.
10 BY MR. RUSSCOL:
11 Q Now, Dean Cunningham was -- I think you
12 described her as maybe an ex officio member of the
13 FRB?
14 A I said I wasn't sure what her -- whether she
15 was ex officio or official -- officio.
16 Q Okay. But she had some association with the
17 FRB?
18 A Oh, yeah.
19 Q Was she also involved in some situations
20 that the FRB was looking at?
21 A I don't know what you mean.
22 Q Was Dean Cunningham involved in responding
23 to the Blinkx situation?
24 A I don't know.
25 Q Was Dean Cunningham involved in responding

Page 82

1 to the Sichuan Gardens situation in 2014?

2 A I don't have direct knowledge of that, but

3 she is in the dean's office.

4 Q Did you ever discuss with Dean Cunningham

5 her understanding of what happened within the dean's

6 office relating to Blinkx or Sichuan Garden?

7 A Her understanding of what happened in the

8 dean's office?

9 Q Yeah.

10 A I'm not sure.

11 Q Did you ever discuss with her her firsthand

12 actions with regard to Sichuan Garden or Blinkx?

13 MR. MURPHY: Objection

14 THE WITNESS: I don't remember.

15 BY MR. RUSSCOL:

16 Q If Dean Crispi or Dean Cunningham had any

17 firsthand knowledge regarding the issues that the FRB

18 was reviewing, did you try to compartmentalize that in

19 any way?

20 MR. MURPHY: Objection

21 THE WITNESS: What do you mean?

22 BY MR. RUSSCOL:

23 Q Did you try to separate out their roles as

24 member or staff of the FRB versus being a witness to

25 things that happened?

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1 A No, I mean.

2 Q Did you rely on Dean Crispi and Dean

3 Cunningham to give the FRB accurate information about

4 what happened when they knew what happened?

5 MR. MURPHY: Objection.

6 THE WITNESS: Yes.

7 BY MR. RUSSCOL:

8 Q If Dean Crispi or Dean Cunningham was

9 providing the FRB with information about what

10 happened, were they acting as members or staff of the

11 FRB or as witnesses or as both?

12 MR. MURPHY: Objection

13 THE WITNESS: I had never thought about

14 it.

15 MR. RUSSCOL: This will be the next

16 exhibit. Think it's 43.

17 THE REPORTER: Yep.

18 (Exhibit 43 was marked for

19 identification.)

20 BY MR. RUSSCOL:

21 Q So is this an email thread between you and

22 Jean Cunningham?

23 A Looks like it.

24 Q And looking toward the bottom of the

25 message, didn't Dean Cunningham ask whether she should

Page 84

1 be at an FRB meeting in 2015, and you said yes because

2 of the shared history here, in part?

3 MR. MURPHY: Objection.

4 THE WITNESS: So what's the question?

5 BY MR. RUSSCOL:

6 Q So didn't Dean Cunningham ask you whether

7 she should be at a particular FRB meeting, and you

8 said that it was much more pro than con given the

9 shared history here?

10 A Yes.

11 Q Does that shared history include her having

12 knowledge of relevant facts, including from her work

13 responding to the Blinkx and Sichuan Garden incidents

14 in 2014?

15 MR. MURPHY: Objection

16 THE WITNESS: I would think that's part

17 of the shared history.

18 BY MR. RUSSCOL:

19 Q Did Dean Cunningham forward several emails

20 to the FRB about those historical events regarding

21 Mr. Edelman?

22 A Is that what the attachment is?

23 Q I'm not referring specifically to the

24 attachment.

25 A Oh.

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1 Q I'm just asking in general.

2 A I don't remember.

3 Q Did Dean Cunningham report her impressions

4 about Mr. Edelman to the FRB based on her interactions

5 with him over the years?

6 A I don't recall.

7 Q Well, given that she had knowledge of

8 relevant facts and was providing that to the FRB,

9 isn't it fair to say that she was a witness to those

10 things?

11 MR. MURPHY: Objection.

12 THE WITNESS: A witness, yes. You said

13 the facts. She had relevant facts.

14 BY MR. RUSSCOL:

15 Q I'd like to refer back to Exhibit 41. And

16 specifically looking at page 13, which has the Bates

17 Number in the lower righthand corner, 15518.

18 A 5518.

19 Q So looking in the middle of the page in

20 between the two sets of asterisks, do you see where --

21 well, just to be clear, does Len refer to Professor

22 Schlesinger?

23 A Yes.

24 Q And does Angela refer to Dean Crispi?

25 A Yes.

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1 A I don't remember.
2 Q Do you see below the bullet points where it
3 refers to Mr. Edelman taking a step back from [REDACTED]'s
4 solution?
5 A "Ask that Ben" -- you're saying "Ask that
6 Ben reach out to Kate"?
7 Q No, I'm saying below the bullet points.
8 A Oh, sorry. Yes, I see that.
9 Q Is that information that Dean Crispi shared
10 with the FRB?
11 A I don't remember.
12 Q Did Dean Crispi mention to the FRB that the
13 specific subject where IT staff didn't want
14 Mr. Edelman involved was helping Professor [REDACTED]
15 with a hearing disability that affected his teaching?
16 A I don't recall.
17 Q Did Dean Crispi mention that Professor
18 [REDACTED] specifically wanted Mr. Edelman's continuing
19 involvement?
20 A No.
21 Q Did the FRB ask Professor [REDACTED] about the
22 IT help that Mr. Edelman was providing him?
23 A Not that I recall.
24 Q When senior faculty members asked for
25 Mr. Edelman's help with technical issues and he

Page 95

1 assisted them, do you think that demonstrates a lack
2 of collegueship?
3 A No.
4 MR. MURPHY: Objection.
5 BY MR. RUSSCOL:
6 Q Did that violate HBS's community values?
7 MR. MURPHY: Objection.
8 THE WITNESS: No.
9 BY MR. RUSSCOL:
10 Q Is one of the community values of HBS
11 respect for the dignity of others?
12 A Yes.
13 Q Did it show respect for the dignity of
14 Mr. Edelman's disabled colleagues to assist them with
15 challenges they were facing due to their disabilities?
16 A I would think so.
17 MR. MURPHY: Objection.
18 BY MR. RUSSCOL:
19 Q When members of the standing committee and
20 the appointments committee reviewed Mr. Edelman's
21 promotion-related materials, was that in physical
22 binders?
23 A I think so.
24 Q Did the binders include the FRB reports?
25 A I think so.

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1 Q It was unusual at that time for a promotion
2 binder to have an FRB report; wasn't it?
3 A Yes.
4 Q That hadn't ever happened before
5 Mr. Edelman; is that fair to say?
6 A Yes.
7 Q Is it fair to say that the standing
8 committee and appointment committee members were
9 likely to pay particular attention to what was in the
10 FRB report?
11 MR. MURPHY: Objection.
12 THE WITNESS: I don't know.
13 BY MR. RUSSCOL:
14 Q Was any of the opposition to Mr. Edelman's
15 promotion based on his teaching or scholarship?
16 MR. MURPHY: Objection
17 THE WITNESS: I don't know.
18 BY MR. RUSSCOL:
19 Q Do you remember -- strike that. You were at
20 the appointments committee meeting where Mr. Edelman's
21 promotion was being considered in 2017; weren't you?
22 A I don't remember it, but I was there.
23 Q Do you remember anyone raising any
24 objections to Mr. Edelman's qualifications on his
25 teaching or his scholarship?

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1 A As I said, I don't remember it.
2 Q In October 2015 do you recall receiving
3 expert -- strike that -- excerpts from 17 internal and
4 external letters that touched, in some way, on FRB
5 matters for Mr. Edelman?
6 A No.
7 MR. RUSSCOL: Next exhibit. Forty-
8 seven?
9 THE REPORTER: Yes.
10 (Exhibit 47 was marked for
11 identification.)
12 BY MR. RUSSCOL:
13 Q Taking a look at the bottom part of this, do
14 you see that Jean Cunningham, on October 20, 2015,
15 sent you a file titled Edelman Letter Quotes?
16 A Yes.
17 Q And then do you see your response, "Only one
18 colleague expresses what we seem to have come to see
19 on the FRB"?
20 A Yes.
21 Q Does that refresh your recollection about
22 whether you received excerpts from the letters from
23 colleagues for Mr. Edelman?
24 A Not really.
25 Q As of October 20, 2015, what had you come to

Page 98

1 see on the FRB?

2 A I don't remember.

3 Q Was it that you didn't think Mr. Edelman

4 should become a tenured professor at HBS?

5 A I was not judging that. We were looking for

6 the FRB process for the dean, not the promotion

7 process.

8 Q Do you have -- strike that. What did you

9 mean that "Only one colleague expresses what we seem

10 to have come to see on the FRB"?

11 A I don't know.

12 Q Did you mean by that only one colleague

13 shared any concerns about Mr. Edelman, the other 16

14 letters were positive?

15 MR. MURPHY: Objection.

16 THE WITNESS: I don't know.

17 BY MR. RUSSCOL:

18 Q Did you consider summarizing the information

19 in these letter quotes in the FRB report in 2015?

20 A I don't recall.

21 Q Did Dean Cunningham send the letter quotes

22 only to you and not to the other FRB members?

23 A I don't remember.

24 Q Was there any other time in 2015 or 2017

25 when she sent evidence to only you and not other FRB

Page 99

1 members?

2 A I don't know.

3 Q Did you send this letter quotes file to the

4 rest of the FRB?

5 A I don't know.

6 MR. RUSSCOL: Next exhibit, Exhibit 48.

7 (Exhibit 48 was marked for

8 identification.)

9 BY MR. RUSSCOL:

10 Q So do you see that on October 25, 2015, you

11 sent a file called "Edelman Letter Quotes" to Forrest

12 Reinhardt?

13 A I see that.

14 Q And did you write about that file, "These

15 quotes are largely positive"?

16 A Yes.

17 Q So the quotes from these letters for

18 Mr. Edelman were largely positive; is that fair to

19 say?

20 A These quotes from the letters from the

21 promotion packet.

22 Q And your view --

23 A Yes.

24 Q Okay. And your view that you expressed at

25 the time was that "These quotes may not have really

Page 100

1 altered the SC discussion." That's what you wrote.

2 What does SC refer to there?

3 A I don't know, but probably subcommittee. I

4 don't know. I mean, the subcommittee would have -- it

5 doesn't make sense, 'cause the subcommittee would have

6 had the -- the letters.

7 Q Could SC refer to subcommittee or standing

8 committee?

9 MR. MURPHY: Objection.

10 THE WITNESS: I don't know.

11 BY MR. RUSSCOL:

12 Q Well, whichever it was, you then continued

13 "I hope that our report will alter it"; right?

14 A "I hope that our report will alter it." I

15 don't know what that means, but.

16 Q Well, is it fair to say that you didn't

17 expect the quotes to alter the SC discussion because

18 you expected the either standing committee or

19 subcommittee discussion to be positive?

20 MR. MURPHY: Objection

21 THE WITNESS: No.

22 BY MR. RUSSCOL:

23 Q In what way did you hope that your report

24 would alter the discussion?

25 A The report was the cumulated evidence and

Page 101

1 conclusions from a whole process that the subcommittee

2 didn't have access to, so I would hope all that work

3 would be somewhat meaningful to them.

4 Q I believe you said a moment ago that what

5 you were doing as part of FRB as of October 20th was

6 for the deans and not related to promotions. Do you

7 recall saying that?

8 MR. MURPHY: Objection.

9 THE WITNESS: No.

10 BY MR. RUSSCOL:

11 Q Okay. So when we were talking about Exhibit

12 47 a moment ago, I believe I asked you about what

13 you'd come to see on the FRB and how it would impact

14 Mr. Edelman's tenure case, and you expressed that you

15 were focused on a report for the deans and not on the

16 implications for promotion. Did I misunderstand you?

17 MR. MURPHY: Objection.

18 THE WITNESS: Probably.

19 BY MR. RUSSCOL:

20 Q So what were you focused on as of October

21 20th?

22 A Completing a report of the FRB's process.

23 Q And not on how that report would impact the

24 standing committee or subcommittee's consideration of

25 tenure?

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1 MR. MURPHY: Objection.
 2 THE WITNESS: No. That wasn't the
 3 goal.
 4 BY MR. RUSSCOL:
 5 Q Okay. But then looking again at Exhibit 48,
 6 you hoped that your report would alter the discussion
 7 of the subcommittee or standing committee; isn't that
 8 right?
 9 A That's what it says. I don't recall what I
 10 mean.
 11 Q Now, these letter quotes that you -- strike
 12 that. These letter quotes were information that you
 13 and Professor Reinhardt were discussing in the context
 14 of the FRB work; is that fair to say?
 15 A Yes.
 16 Q And so that was evidence that was available
 17 to the FRB; wasn't it?
 18 A The quotes, yes. Well, I don't know
 19 actually. I can't -- I know -- at this moment it
 20 appears that Jean sent it to me, and I sent it to
 21 Forrest.
 22 Q Right. And you were both members of the FRB
 23 and considering it in the context of the FRB; right?
 24 A Correct.
 25 Q So that was evidence that had been gathered

Page 103

1 as part of the FRB process?
 2 MR. MURPHY: Objection.
 3 BY MR. RUSSCOL:
 4 Q Is that fair to say?
 5 A I don't know, 'cause we -- we were given
 6 a -- I don't know whether it was part of the FRB
 7 process or just part of the promotion review process.
 8 Q Did you have a role in the promotion review
 9 process?
 10 A No.
 11 Q Did Professor Reinhardt have a role in the
 12 promotion review process?
 13 A I don't know. Probably would not have been
 14 on the subcommittee at that point.
 15 Q Did Dean Cunningham have a role in the
 16 promotion review process?
 17 A No.
 18 Q So seems likely that if this was a document
 19 that Dean Cunningham was sharing with you and you were
 20 sharing with Professor Reinhardt in the context of the
 21 FRB that it was related to the FRB process; isn't that
 22 right?
 23 MR. MURPHY: Objection
 24 THE WITNESS: It was more input to us.
 25 //

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1 BY MR. RUSSCOL:
 2 Q That was input that you had before the
 3 report was finalized; wasn't it?
 4 A Correct.
 5 Q Now, before you sent this file to Professor
 6 Reinhardt, he asked you about incorporating the
 7 letters, and you wrote that it was tricky to do that.
 8 Do you remember that?
 9 A No.
 10 MR. RUSSCOL: Next exhibit, 49.
 11 (Exhibit 49 was marked for
 12 identification.)
 13 THE WITNESS: I see. Right. Right.
 14 BY MR. RUSSCOL:
 15 Q So looking down at the end of the second
 16 page and the third page of this document, do you see
 17 that this starts out as an email chain where you're
 18 circulating a draft FRB report and exhibits to the
 19 other FRB members?
 20 A Okay.
 21 Q Is that what it appears to be?
 22 A Just catching up. Slightly updated report.
 23 Okay. Exhibits and report draft. Yes.
 24 Q And then on the second page, Professor
 25 Schlesinger gives some feedback on the report; is that

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1 fair to say?
 2 A Yes.
 3 Q And then on the first page Professor
 4 Reinhardt responds and says that he's writing only to
 5 you. Do you see that?
 6 A Mm-hmm.
 7 Q Is that a yes?
 8 A Yes, sorry.
 9 Q And Professor Reinhardt asks -- he mentions
 10 that the report doesn't draw on the letters solicited
 11 in the promotion process; is that fair to say?
 12 A Yes.
 13 Q And he says he doesn't know what they say,
 14 but asks if you've seen the relevant portions of the
 15 letters?
 16 A So is this something other than what we were
 17 talking about just a few minutes ago?
 18 Q So just to clarify, looking back at the last
 19 few exhibits, so on -- for Exhibit 47, it shows that
 20 Dean Cunningham sent the letter quotes to you on
 21 October 20th, if you refer to that. And then Exhibit
 22 48 shows that you sent them to Professor Reinhardt on
 23 October 25.
 24 A Okay.
 25 Q So comparing those dates, do you see that --

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1 A Oh. Okay. So here, this is the 23rd.
 2 Q So this is in between when you received them
 3 and when you sent them to Professor Reinhardt; is that
 4 fair to say?
 5 A Yes. Yes.
 6 Q So Professor Reinhardt asked about
 7 incorporating the letter quotes and wrote "I write
 8 this without knowing whether on balance that
 9 information is favorable to the person or not"?
 10 A Yes.
 11 Q And you responded that it was tricky for two
 12 reasons; right?
 13 A Right.
 14 Q And one of the reasons why you thought it
 15 was tricky was that only one person's comments
 16 expressed real concern. Do you see that?
 17 A Yes.
 18 Q So it was tricky because you could say that
 19 one letter expressed concerns, but then you'd have to
 20 acknowledge that the other 16 letters were positive;
 21 right?
 22 A Right.
 23 Q And then the other reason it was tricky was
 24 that Mr. Edelman wasn't supposed to have access to the
 25 letters --

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1 A To the letters.
 2 Q -- because they were confidential, but he
 3 was entitled to receive the report; right?
 4 A Right.
 5 Q When thinking about how to deal with that
 6 situation that you found tricky, did you refer to the
 7 principles and procedures for the FRB?
 8 MR. MURPHY: Objection.
 9 THE WITNESS: I don't recall.
 10 BY MR. RUSSCOL:
 11 Q Did you ask Dean Healy how to handle the
 12 situation?
 13 A I don't recall.
 14 Q Did you ask anyone else for advice on how to
 15 handle that situation?
 16 A I don't recall.
 17 Q Did you have in mind the requirement in the
 18 principles and procedures that the FRB would have to
 19 share the evidence gathered with Mr. Edelman?
 20 MR. MURPHY: Objection.
 21 THE WITNESS: The -- Ben will see the
 22 report? Is that what you're --
 23 BY MR. RUSSCOL:
 24 Q I'm asking specifically about the part of
 25 the principles and procedures that says that the

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1 evidence gathered has to be shared with the person
 2 under review.
 3 MR. MURPHY: Objection.
 4 BY MR. RUSSCOL:
 5 Q Were you thinking about that?
 6 A No. I mean, not directly.
 7 THE VIDEOGRAPHER: You're hitting your
 8 microphone.
 9 THE WITNESS: What? Oh. I'm so sorry.
 10 THE VIDEOGRAPHER: I heard it though.
 11 THE WITNESS: Good. Good, good.
 12 BY MR. RUSSCOL:
 13 Q Did you consider summarizing the letters in
 14 some way that wouldn't have been attributable to
 15 particular writers?
 16 A I don't recall. I -- you know, I've been --
 17 I've been reading letters in promotion committee for
 18 20 years and have never seen a single negative
 19 collegueship comment except for that one. So it's
 20 not a -- it's not a thing people usually do.
 21 Q Do you see in Professor Reinhardt's email
 22 that he suggests "At least point out their existence
 23 and refer those readers of our report to the letters
 24 themselves"? Do you see that?
 25 A Yes.

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1 Q Did the FRB do that?
 2 A I don't -- I don't recall. I think not.
 3 Q Was your view that if you didn't mention the
 4 letter quotes in the report then you could avoid
 5 giving them to Mr. Edelman?
 6 A I -- I don't recall thinking about that.
 7 Q Well, if your understanding was that if that
 8 information was not included in the FRB's report, then
 9 Mr. Edelman wouldn't see that; is that fair to say?
 10 MR. MURPHY: Objection.
 11 THE WITNESS: Is it fair to say? I
 12 guess. I don't know.
 13 BY MR. RUSSCOL:
 14 Q What was the ultimate result of
 15 Mr. Edelman's promotion process in 2015?
 16 A 2015. The case -- he -- he withdrew the
 17 case, or somebody withdrew the case. The case didn't
 18 get heard.
 19 Q And the result was that he would have
 20 another two years before his case would be heard?
 21 A Correct.
 22 Q And after Mr. Edelman was given another two
 23 years to apply for promotion, is it fair to say you
 24 believe there should be interim checkpoints between
 25 2015 and 2017?

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1 A I don't recall.
 2 MR. RUSSCOL: Next exhibit, Exhibit 50,
 3 I believe.
 4 (Exhibit 50 was marked for
 5 identification.)
 6 BY MR. RUSSCOL:
 7 Q Are these notes of a call held among the FRB
 8 members in 2015?
 9 A Doesn't have a date that I can see.
 10 Q Well, taking a look at the contents of the
 11 first page and the reference to a two-year delay, does
 12 that seem like --
 13 A Okay.
 14 Q -- it occurred in 2015?
 15 A I'm catching up. But yes, that would be
 16 2015 then if it says a two-year delay.
 17 Q And looking three paragraphs from the
 18 bottom, do you see where you're identified as saying
 19 that the standing committee made a recommendation to
 20 the dean of a two-year delay?
 21 A Two -- two-year delay, yes.
 22 Q And then at the bottom it looks like Dean
 23 Crispi is asking "Should there be a one-year check in
 24 with someone?" and then at the top of the next page
 25 you're identified as saying, "You're right, there

Page 111

1 should be interim checkpoints." Do you see that?
 2 A Mm-hmm. I see that.
 3 Q Is that an accurate representation of what
 4 happened on that call?
 5 A You mean the notes?
 6 Q Yes.
 7 A I assume so. I don't recall the call
 8 directly.
 9 Q Why did you believe that interim checkpoints
 10 were appropriate?
 11 A I think I was agreeing with Angela.
 12 Q Well, what did you think interim checkpoints
 13 meant?
 14 A I don't -- I don't recall.
 15 Q Do you know whether there were any interim
 16 checkpoints, as you described?
 17 A I don't know. I assume there were ongoing
 18 conversations.
 19 Q But you weren't involved with any of that?
 20 A Correct.
 21 Q As of the end of 2015, had the FRB concluded
 22 that there would be another FRB review about
 23 Mr. Edelman in 2017 no matter what he did from 2015 to
 24 2017?
 25 A I think that was an assumption.

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1 Q Did anyone say that?
 2 A I don't recall.
 3 Q Did any of the deans tell you that that
 4 would happen?
 5 A I don't remember.
 6 MR. RUSSCOL: This will be Exhibit 51.
 7 (Exhibit 51 was marked for
 8 identification.)
 9 BY MR. RUSSCOL:
 10 Q Now, is Exhibit 51 a letter that you wrote
 11 to Mr. Edelman in 2017 to kick off the FRB process?
 12 A Looks like it.
 13 Q And at the end of the second paragraph, it
 14 states "Anticipating that the FRB would again be
 15 activated during summer/fall 2017 to review your
 16 conduct." Do you see that?
 17 A Yes.
 18 Q Who anticipated that the FRB would be
 19 activated again?
 20 A Anticipating -- let's see. The standing
 21 committee -- the -- either the dean's office or the --
 22 or the chair of the promotions committee.
 23 Q When you say "promotions committee," does
 24 that mean the standing committee or the appointments
 25 committee?

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1 A Appointments committee.
 2 Q Do you know who the chair of the
 3 appointments committee was in 2015?
 4 A Well, 2015 was Paul Healy.
 5 Q Would it always be the senior associate dean
 6 in Paul Healy's position?
 7 A Or the dean.
 8 Q Okay.
 9 MR. RUSSCOL: Next exhibit, Exhibit 52.
 10 (Exhibit 52 was marked for
 11 identification.)
 12 BY MR. RUSSCOL:
 13 Q Are these recommended actions and next steps
 14 for the FRB after Mr. Edelman's case was complete?
 15 A Looks like it.
 16 Q And the recommended actions don't include
 17 the FRB being in -- activated again in 2017; do they?
 18 MR. MURPHY: Objection.
 19 THE WITNESS: These are recommended
 20 actions for Ben.
 21 BY MR. RUSSCOL:
 22 Q Well, the next steps also don't include the
 23 FRB being activated again in 2017; do they?
 24 A They do not. They're not next. These are
 25 things that had to be done right away as I understand

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1 A I was agreeing with LP that not -- behaviors
 2 that were not the kind we would really want to have in
 3 our faculty.
 4 Q As of the start of the FRB process in spring
 5 2017 --
 6 A 2015.
 7 Q 2017 I'm referring to now.
 8 A Oh, oh, oh. Oh. Sorry. Sorry.
 9 Q Had there been serious questions raised
 10 about Mr. Edelman's conduct between the end of the
 11 2015 FRB process and that point in 2017?
 12 MR. MURPHY: Objection.
 13 THE WITNESS: I think some people
 14 thought so.
 15 BY MR. RUSSCOL:
 16 Q Who thought so?
 17 A I don't remember who thought so.
 18 Q Well, what were the serious questions that
 19 some people had raised about Mr. Edelman's conduct
 20 after the end of the first FRB process?
 21 A The -- I -- the one that comes to mind is
 22 the American Airlines suit, but I can't remember
 23 everything else that's in the 2017 process.
 24 Q Was the American Airlines lawsuit raised as
 25 an issue before the beginning of the 2017 FRB process?

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1 A I don't remember the timing.
 2 Q Do you remember any other serious questions
 3 being raised about Mr. Edelman's conduct in between
 4 the beginning of the first -- I mean, in between the
 5 end of the first FRB process and the beginning of the
 6 second FRB process?
 7 A As I said, I don't remember.
 8 Q And you don't remember who raised any of
 9 those serious questions; right?
 10 A No. They didn't raise them to me.
 11 Q So how did you find out about them if they
 12 weren't raised to you?
 13 MR. MURPHY: Objection
 14 THE WITNESS: The dean's office
 15 would -- is responsible for instigating the process.
 16 BY MR. RUSSCOL:
 17 Q How did that happen? How was that process
 18 instigated in 2017?
 19 A As I said before, this was all -- I think
 20 there was the -- always going to be the check in, what
 21 did we say, in -- see how it went, see how the two-
 22 year extension went.
 23 Q Was that communicated to Mr. Edelman in
 24 2015?
 25 A I don't -- I don't recall.

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1 Q Did you communicate it to Mr. Edelman in
 2 2015?
 3 A I don't recall.
 4 Q So you mentioned that questions about his
 5 conduct in between the two FRB processes were conveyed
 6 by the dean's office. Who --
 7 MR. MURPHY: Objection.
 8 BY MR. RUSSCOL:
 9 Q Who specifically in the dean's office passed
 10 on those concerns?
 11 MR. MURPHY: Objection
 12 THE WITNESS: I don't know.
 13 BY MR. RUSSCOL:
 14 Q Was there communication by email from
 15 someone in the dean's office about that?
 16 MR. MURPHY: Objection.
 17 THE WITNESS: I don't know. I don't
 18 recall.
 19 BY MR. RUSSCOL:
 20 Q Did you have a meeting with anyone in the
 21 dean's office about questions about Mr. Edelman's
 22 conduct before the start of the 2017 FRB?
 23 A Objection.
 24 Q Not that I recall.
 25 A Did you meet or talk with Paul Healy about

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1 that subject -- the 2017 process?
 2 MR. MURPHY: Objection.
 3 THE WITNESS: I don't remember.
 4 BY MR. RUSSCOL:
 5 Q Did you meet or talk with Dean Nohria before
 6 the start of the 2017 process about that?
 7 MR. MURPHY: Objection.
 8 THE WITNESS: Don't remember.
 9 BY MR. RUSSCOL:
 10 Q So you believe that there were serious
 11 questions about Mr. Edelman's conduct in between the
 12 two FRB processes, but the only thing that comes to
 13 mind at this point is the American Airlines lawsuit?
 14 MR. MURPHY: Objection.
 15 THE WITNESS: I mean, he was going to
 16 come back up for -- for tenure, so there was always
 17 the requirement that the -- the subcommittee -- I mean
 18 the FRB would reconvene, so I don't recall the -- how
 19 many, if any, complaints there were.
 20 BY MR. RUSSCOL:
 21 Q Okay. Well, the principles and procedures
 22 say there's supposed to be a meeting between the FRB
 23 chair, the senior associate dean, and the executive
 24 dean to discuss those issues; right?
 25 MR. MURPHY: Objection,

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1 THE WITNESS: If you say so.
 2 BY MR. RUSSCOL:
 3 Q And you don't remember having a meeting with
 4 Paul Healy and Angela Crispi to discuss that?
 5 MR. MURPHY: Objection.
 6 THE WITNESS: I don't remember.
 7 BY MR. RUSSCOL:
 8 Q Were there allegations that Mr. Edelman
 9 showed egregious behavior or a persistent and
 10 pervasive pattern of problematic conduct in between
 11 the end of the first FRB process and the beginning of
 12 the second FRB process?
 13 A I don't recall.
 14 Q Did the FRB have any evidence of misconduct
 15 by Mr. Edelman in between the two FRB processes before
 16 the 2017 FRB process started?
 17 A I don't recall.
 18 Q Did any of the FRB members or staff have
 19 personal knowledge of any allegations of misconduct
 20 against Mr. Edelman in between the two FRB processes?
 21 A I don't know.
 22 MR. MURPHY: Objection.
 23 BY MR. RUSSCOL:
 24 Q Did you?
 25 A I don't recall.

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1 Q As of March 2017 did you personally believe
 2 that Mr. Edelman had engaged in egregious behavior
 3 between November 2015 and March 2017?
 4 MR. MURPHY: Objection.
 5 THE WITNESS: Not that I recall.
 6 BY MR. RUSSCOL:
 7 Q As of March 2017 did you believe that
 8 Mr. Edelman had engaged in a persistent and pervasive
 9 pattern of problematic conduct between November 2015
 10 and March 2017?
 11 A Not that I recall.
 12 Q As of March -- strike that. As of March 31,
 13 2017, do you remember writing that the FRB has no
 14 cases pending and perhaps will not have any for a good
 15 long time?
 16 A No.
 17 MR. RUSSCOL: The next exhibit, Exhibit
 18 54.
 19 (Exhibit 54 was marked for
 20 identification.)
 21 BY MR. RUSSCOL:
 22 Q Do you see that at the bottom there's an
 23 email from Dean Nohria to Stuart Gilson inviting him
 24 to join the FRB?
 25 A Yes.

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1 Q And at the top do you see that on March 31,
 2 2017, you responded to welcome Professor Gilson to the
 3 FRB, and you wrote "Of course we have no cases pending
 4 and perhaps will not have any for a good long time"?
 5 A Yes.
 6 Q So at that time there were no FRB cases;
 7 right?
 8 MR. MURPHY: Objection.
 9 THE WITNESS: No new ones.
 10 BY MR. RUSSCOL:
 11 Q Well, you also wrote that you didn't expect
 12 to have any for a good long time. Is that fair to
 13 say?
 14 A It's fair to say I wrote that.
 15 Q So you wrote that to Professor Gilson, but
 16 it was incorrect?
 17 A Yes, I think it was incorrect, 'cause it
 18 doesn't -- it doesn't sound like the one that's
 19 already underway is included.
 20 Q So you wrote to Professor Gilson that you
 21 had no cases pending and perhaps will not have any for
 22 a good long time, but there was a case that you were
 23 about to start up again; is that what you're saying?
 24 MR. MURPHY: Objection.
 25 THE WITNESS: Well, we were not about

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1 to start it up. It's only March. I think it started
 2 up in the summer if I recall.
 3 MR. RUSSCOL: Next exhibit, 55.
 4 (Exhibit 55 was marked for
 5 identification.)
 6 BY MR. RUSSCOL:
 7 Q So is this an email that you sent to Jean
 8 Cunningham on April 20, 2017?
 9 A Looks like it.
 10 Q And it looks like it's a draft of a cover
 11 letter to the other FRB members; is that fair to say?
 12 A I think so.
 13 Q And so in the --
 14 A Oh, right. Correct. Yeah.
 15 Q In the second paragraph you write, "We are
 16 due to reconvene to revisit the Ben Edelman case;
 17 right?
 18 A Mm-hmm.
 19 Q Is that a yes?
 20 A Yes.
 21 Q And so in Exhibit 54, you wrote to Professor
 22 Gilson that there were no cases pending and perhaps
 23 will not have any for a good long time, but on -- in
 24 Exhibit 55 on April 20th you said "We're due to
 25 reconvene to revisit the Ben Edelman case." So did

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1 something change in between March 21st and April 20th?

2 MR. MURPHY: Objection.

3 THE WITNESS: It looks like I made a

4 mistake not considering that in my first message to

5 Stu.

6 MR. RUSSCOL: Can we go off the record?

7 THE VIDEOGRAPHER: Time is 12:47.

8 We're off the record.

9 (Off the record.)

10 THE VIDEOGRAPHER: Okay. We are back

11 on the record. The time is 1:44.

12 BY MR. RUSSCOL:

13 Q Professor Edmondson, is it your

14 understanding that in any FRB review the FRB has to

15 start by drafting an allegation?

16 A I think so.

17 Q And how did you approach that task in 2017

18 for Mr. Edelman?

19 A I think it was the understanding from the

20 prior FRB that we would meet again rather than write a

21 new letter, because didn't need a new letter.

22 Q Okay. So in 2017 there wasn't a separate

23 allegation that Mr. Edelman had committed misconduct?

24 A Not that I know of.

25 Q Okay. Is it fair to say that an allegation

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1 is something that can be proven true or not true?

2 MR. MURPHY: Objection

3 THE WITNESS: I'm not sure.

4 BY MR. RUSSCOL:

5 Q I'd like to direct your attention to Exhibit

6 51, which was previously introduced. So this is the

7 letter that you sent to Mr. Edelman to begin the FRB's

8 inquiry in 2017; is that right?

9 A It looks like it. It doesn't have a date,

10 but.

11 Q Is this letter an allegation?

12 A What?

13 Q Is this letter an allegation?

14 MR. MURPHY: Objection.

15 THE WITNESS: I don't think so.

16 BY MR. RUSSCOL:

17 Q Does it contain an allegation?

18 A Let me read it. It contains the old

19 allegations, the original allegations.

20 Q What were those original allegations?

21 A "Your conduct in the Blinkx and Sichuan

22 Garden incidents did not uphold the school's community

23 values. And" --

24 Q And so did this document allege that there

25 was any wrongdoing by Mr. Edelman between the end of

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1 the FRB's review in 2015 and the start of the FRB's

2 inquiry in 2017?

3 A I don't think so.

4 Q Did the FRB ever provide Mr. Edelman with

5 new or different allegations than what's included in

6 this document in 2017?

7 A I don't think so.

8 Q In August 2017 did Paul Healy forward you an

9 email from a faculty member about Mr. Edelman's

10 writings about Google and work for Microsoft?

11 A I don't recall.

12 MR. RUSSCOL: So this will be the next

13 exhibit. What number are we up to?

14 THE REPORTER: Fifty-six.

15 (Exhibit 56 was marked for

16 identification.)

17 THE WITNESS: Oh, it must be --

18 BY MR. RUSSCOL:

19 Q So looking at the second and third pages, do

20 you see that a faculty member whose name has been

21 redacted sent Paul Healy some supplementary material

22 related to Mr. Edelman and conflicts of interest?

23 A Yes, I'm reading it now.

24 Q And then on the second page did Paul Healy

25 send it to you and Jean Cunningham on August 17, 2017?

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1 A Looks like it.

2 Q Then did you discuss the contents of that

3 email with Jean Cunningham?

4 A I don't recall.

5 Q Looking at the first page of the document,

6 that quoted email from Jean, the third paragraph

7 refers to "In talking with Amy." Does that refresh

8 your recollection about whether you discussed it with

9 Jean Cunningham?

10 A No.

11 Q So you don't recall whether --

12 A I don't recall discussing it, but I can see

13 it here.

14 Q Did you believe that this conflict-of-

15 interest issue that was raised by that faculty member

16 was a new allegation that you weren't sure would be

17 within the scope of the FRB work you were doing at the

18 time?

19 A I don't recall.

20 Q Did Jean Cunningham write that it was, in

21 effect, an allegation of wrongdoing in the second

22 paragraph?

23 A "It's, in effect, an allegation of a

24 wrongdoing," yes.

25 Q And looking at the third paragraph, was Dean

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1 Cunningham indicating that she'd talked with you and
 2 that you and she were not clear that this really fell
 3 within the scope of the current FRB work, e.g., to be,
 4 in a sense, considering new allegations?
 5 A "We're not clear this really falls within
 6 the scope of the current FRB work, or maybe it is.
 7 We're not sure who we -- who should follow up with
 8 whoever."
 9 Q Did that accurately capture your thinking as
 10 of the date of that email from Jean Cunningham on
 11 August 24, 2017?
 12 MR. MURPHY: Objection.
 13 THE WITNESS: I don't recall.
 14 BY MR. RUSSCOL:
 15 Q Was the subject of Mr. Edelman's writings
 16 about Google and work for Microsoft ultimately
 17 considered in the FRB's 2017 report?
 18 A I don't recall.
 19 Q You don't remember whether that came up in
 20 the report?
 21 A I don't remember.
 22 Q If it would be helpful, the report is
 23 Exhibit 45 if you want to take a look.
 24 A Oh, okay.
 25 Q I'd direct your attention starting on page

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1 6.
 2 A Oh, page 6. Yes.
 3 Q So was the faculty member's concern and the
 4 Wall Street Journal article that they refer to
 5 discussed in the FRB's report?
 6 A It looks like it is.
 7 Q Who decided that that subject would be added
 8 to the FRB's mandate?
 9 A I don't remember.
 10 Q After --
 11 A -- the other one.
 12 Q After the email exchange that's in Exhibit
 13 56 where Dean Healy says he's going to follow up with
 14 that faculty member, did Dean Healy communicate with
 15 you further about whether the FRB should consider this
 16 issue?
 17 A I don't remember.
 18 Q Did you meet with Dean Healy after August
 19 25th about Mr. Edelman?
 20 A I don't recall.
 21 Q How did you communicate with Dean Healy in
 22 that time period? Was it by email, in person, by
 23 phone, a combination, other ways?
 24 A I don't remember.
 25 Q Did this email from the faculty member

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1 contain an allegation that Mr. Edelman engaged in
 2 misconduct under the principles and procedures of the
 3 FRB?
 4 A I think he's -- the person is saying "As
 5 more evidence is amassed, I'm not quite sure what to
 6 think, but I feel the need to be somewhat Bayesian in
 7 my updating." Meaning "I'm passing it along to you to
 8 see what you think."
 9 Q So would you consider that an allegation
 10 that the FRB could look into?
 11 MR. MURPHY: Objection.
 12 THE WITNESS: I think that's for the
 13 dean to decide.
 14 BY MR. RUSSCOL:
 15 Q So as FRB chair, you didn't have a role in
 16 deciding whether it was or was not an allegation --
 17 A No.
 18 Q -- that the FRB could look into?
 19 MR. MURPHY: Objection.
 20 THE WITNESS: No.
 21 BY MR. RUSSCOL:
 22 Q When you got the email from Dean Healy on
 23 August 17, 2017, what was the status of the FRB's
 24 inquiry?
 25 A I don't remember.

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1 Q Do you recall if the FRB had already
 2 interviewed Mr. Edelman?
 3 A I do not recall.
 4 Q Do you recall if the FRB had completed its
 5 witness interviews?
 6 A No.
 7 Q After this email exchange, the FRB requested
 8 more information from Mr. Edelman about his
 9 disclosures. Do you recall that?
 10 A No.
 11 MR. RUSSCOL: Next exhibit. Is that
 12 57?
 13 THE REPORTER: Yep.
 14 (Exhibit 57 was marked for
 15 identification.)
 16 THE WITNESS: Thank you.
 17 BY MR. RUSSCOL:
 18 Q Is this an email that you sent to
 19 Mr. Edelman on September 1, 2017?
 20 A Yes.
 21 Q And in this email do you ask Mr. Edelman for
 22 information about his outside activities and
 23 disclosures?
 24 A Yes.
 25 Q Before this email, had the FRB asked

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1 Mr. Edelman about those things?
 2 A I don't recall.
 3 Q Did you bring those things to Mr. Edelman's
 4 attention at all before this September 1st email?
 5 A I don't recall.
 6 Q Is it fair to say that it was two weeks
 7 between August 17th and September 1st from when you
 8 first learned of the issue to when you sent this email
 9 to Mr. Edelman?
 10 A I think that looks -- sounds right.
 11 Q And looking at the bottom of that message,
 12 did you ask Mr. Edelman for a response by September
 13 8th?
 14 A Yes.
 15 Q And you sent that on the Friday before Labor
 16 Day weekend; right?
 17 A Is that Labor Day weekend, the first?
 18 Q I can represent to you that Labor Day is on
 19 the first Monday in September.
 20 A Oh, yep. Okay.
 21 Q So --
 22 A So yes, it was the Friday before Labor Day
 23 weekend.
 24 Q And so you were asking him for a response to
 25 new issues within four business days?

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1 A Correct.
 2 Q Was that consistent with the usual timeframe
 3 for a response to allegations in an FRB review?
 4 MR. MURPHY: Objection.
 5 THE WITNESS: It's not -- it's not a
 6 response -- it's a list -- a complete listing of
 7 outside activities and work products, which should be
 8 already produced for the dean and on the CV anyway;
 9 right? So as I wrote, it's not a heavy lift, but if
 10 it is, if the timeframe isn't enough, we can clearly
 11 add more.
 12 BY MR. RUSSCOL:
 13 Q Well, you wrote that you hoped it was not a
 14 heavy lift, but looking in the middle of the page
 15 below the bullet points didn't you also realize that
 16 the complete listing of work products might be hard to
 17 fully reconstruct?
 18 MR. MURPHY: Objection.
 19 THE WITNESS: I think it's an attempt
 20 to be, you know, helpful and not assume it's sitting
 21 there ready to go, but I don't know why it would be
 22 hard I guess, except for maybe the online stuff.
 23 BY MR. RUSSCOL:
 24 Q Well, those two things in the bullet points
 25 weren't the only thing you were asking for; were they?

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1 A I don't know. "A complete listing of your
 2 outside activities, a complete listing of work
 3 products," oh, "and how you thought about them."
 4 That's true.
 5 Q And you were also asking Mr. Edelman to
 6 reflect on his role in the American Airlines
 7 litigation; right?
 8 A Yes.
 9 Q Is that a topic that had been brought up
 10 before September 1st?
 11 MR. MURPHY: Objection.
 12 THE WITNESS: I don't remember.
 13 BY MR. RUSSCOL:
 14 Q What was the report on impact of OTA bias
 15 and consolidation on consumers that's referenced
 16 there?
 17 A I'm not sure. I don't remember. OTA bias.
 18 Q Is it fair to say that the final FRB report
 19 in 2017 centered mostly around Mr. Edelman's outside
 20 activities, including the American Airlines lawsuit
 21 and his work for Microsoft?
 22 A I don't think so, no.
 23 Q Looking back at the report, which is --
 24 A Forty-five.
 25 Q -- Exhibit 45, aren't about five pages of

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1 the report devoted to the disclosures and of the
 2 American Airlines lawsuit?
 3 A Where does it begin? Let's see. Oh.
 4 Almost.
 5 Q And is it fair to say that those things
 6 first came into the picture for the FRB after this
 7 August 17th email from Dean Healy?
 8 A I don't remember when they first came into
 9 the picture.
 10 Q Is it fair to say that the HBS conflict of
 11 interest policy set the school's expectations around
 12 disclosures and conflicts of interest?
 13 MR. MURPHY: Objection.
 14 THE WITNESS: I think so.
 15 BY MR. RUSSCOL:
 16 Q Is the conflict of interest policy relevant
 17 to whether a faculty member violated community values
 18 with respect to a particular disclosure?
 19 A I think so.
 20 Q So if an FRB is evaluating a faculty
 21 member's disclosure, shouldn't it start by analyzing
 22 the applicability of the conflict of interest policy
 23 to each of those disclosures?
 24 MR. MURPHY: Objection.
 25 THE WITNESS: It's hard to say where it

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1 "Agree, that is of course the next painful step."
2 A Mm-hmm. I see it.
3 Q Why would it be painful for Mr. Edelman to
4 respond to the FRB's draft report in 2017?
5 MR. MURPHY: Objection.
6 THE WITNESS: I think it's always
7 painful to respond to a report.
8 BY MR. RUSSCOL:
9 Q Did you anticipate that Mr. Edelman would
10 have significant criticisms of the draft report?
11 A I don't -- I don't recall.
12 Q Were there specific parts of the draft
13 report that you thought he was going to criticize?
14 A No. I mean, not that I recall.
15 Q Do you recall that Mr. Edelman submitted a
16 written response to the draft report in 2017?
17 A I know he did. I don't recall it exactly.
18 Q How did the FRB evaluate whether or not any
19 revisions were needed in light of his response?
20 A I don't recall.
21 Q Did the FRB discuss that topic?
22 A I don't recall. We must have.
23 Q Did Mr. Edelman bring up questions about
24 whether a conflict that's directly related to a
25 publication is treated differently from one that's not

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1 directly related under the conflict of interest
2 policy?
3 A I don't recall.
4 Q Do you recall that Mr. Edelman wanted the
5 FRB to discuss in detail the application of the
6 conflict of interest policy to the disclosures he
7 made?
8 A No.
9 MR. MURPHY: Objection.
10 BY MR. RUSSCOL:
11 Q Did the FRB revise its report regarding the
12 conflict of interest policies in 2017?
13 MR. MURPHY: Objection.
14 THE WITNESS: I don't recall.
15 BY MR. RUSSCOL:
16 Q Did the FRB revise its report at all between
17 the draft and final stages?
18 A I don't remember.
19 Q I'd like to go back to Exhibit 45, the final
20 2017 report, and specifically looking at page 10 of
21 that document. Now, one of the issues that was
22 discussed in the 2017 FRB report is the American
23 Airlines lawsuit; is that fair to say?
24 A Yes.
25 Q And looking at the top of page 10, and

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1 specifically footnote 3, does the final report
2 indicate that a blog post called "Boarding Area"
3 criticized the American Airlines lawsuit by
4 Mr. Edelman?
5 A Wait, does the -- does the final report
6 indicate that?
7 Q Yes, I'm asking that -- final report.
8 A Looks like it -- by the headline of the
9 story -- right here at the top. Yes, both of those
10 are referenced.
11 Q Now, do you recall Mr. Edelman bringing up
12 in his response that the blog post referenced in
13 footnote 3 is actually from 2015?
14 A No. I don't.
15 Q Do you see the date in the web link for --
16 A Yes.
17 Q -- footnote 3 showing that it was published
18 on July 15, 2015?
19 A Yes.
20 Q So that couldn't have been about the
21 American Airlines lawsuit that was filed in 2017;
22 could it?
23 A No.
24 Q Do you recall Mr. Edelman bringing that to
25 the FRB's attention in his response?

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1 A No, I do not.
2 Q Clearly, the FRB didn't revise its report to
3 take out that reference, did it?
4 A It's still here.
5 Q Did the FRB cite any other evidence to show
6 that there was criticism of Mr. Edelman's involvement
7 in the American Airlines lawsuit?
8 MR. MURPHY: Objection
9 THE WITNESS: I don't know.
10 BY MR. RUSSCOL:
11 Q Well, take a look at the top of page 10. Is
12 there any other evidence besides that blog post from
13 2015 that supports that?
14 MR. MURPHY: Objection.
15 THE WITNESS: Yeah, I don't -- I don't
16 know. I don't remember exactly when the concerns
17 arose, but this is -- witness by the headline of the
18 story -- Professor Bazerman included in his note -- so
19 what's the question?
20 BY MR. RUSSCOL:
21 Q Is there any other evidence that the FRB
22 cited in its final report besides that blog post from
23 2015 to support the idea that there was public
24 criticism of --
25 A Oh. Oh, oh. Yeah.

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1 Q -- Mr. Edelman's involvement in the lawsuit.
2 A Oh.
3 MR. MURPHY: Objection.
4 THE WITNESS: We don't seem to be
5 citing any other public criticism.
6 BY MR. RUSSCOL:
7 Q As the FRB's report was being finalized in
8 2017, did you consider what exhibits needed to be
9 included with it?
10 A Did I?
11 Q Yes.
12 A No.
13 Q Was there any discussion about which
14 exhibits should be included?
15 A Not that I recall. I think we tried to
16 include everything that people might want to see, but
17 I don't recall discussions about it.
18 Q Who was responsible for putting the exhibits
19 together?
20 A I think Jean Cunningham put the exhibits
21 together.
22 Q Did you ever look back at the principles and
23 procedures document to confirm whether the exhibits
24 that were included with the report were consistent
25 with those principles and procedures?

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1 A Not that I recall.
2 Q So looking again at Exhibit 45, the final
3 report, and specifically about the bullet points that
4 are included on pages 4 and 5, are those all quotes
5 that are taken from the notes of an interview that an
6 FRB member conducted in July or August of 2017 for
7 that purpose?
8 A Yes, I think so.
9 Q Did the FRB have a set script for each
10 interview?
11 A I don't recall.
12 Q Would it have been important to maintain
13 some consistency across interviews by different
14 people?
15 A I don't -- well, I think they -- different
16 people had different potential perspectives, I mean,
17 viewpoints. You know, meaning different jobs. So
18 would probably not be easy to have them all be exactly
19 the same.
20 Q Did the FRB -- strike that. Was it
21 important for the interviews to be formal and
22 unbiased?
23 MR. MURPHY: Objection.
24 THE WITNESS: Formal and unbiased.
25 MR. MURPHY: I'm sorry, did you say --

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1 THE WITNESS: What do you mean by
2 "formal"?
3 MR. MURPHY: -- formal?
4 BY MR. RUSSCOL:
5 Q Formal and unbiased.
6 A What do you mean by "formal"?
7 Q Was it important for the interviews to all
8 follow a set format and be recorded in notes or some
9 other fashion?
10 A I don't think it was important they all
11 follow a set format, but I think it was important that
12 there were notes taken.
13 Q Did the FRB take any comments from emails or
14 other contexts and present them as if they were said
15 in an interview?
16 A I don't recall if we took input from
17 other -- from emails, but I don't think they would
18 have been misrepresented if so.
19 Q So looking at the bottom of page 3, it says
20 that members of the FRB met with 21 individuals. Are
21 the quotes that are reflected in the bullet points
22 from the interviews with those 21 individuals?
23 A To the best of my recollection.
24 Q Do you remember who those 21 individuals
25 were?

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1 A No, not off the top of my head.
2 Q Do you remember who you personally
3 interviewed?
4 A Not -- I didn't, but then we -- I did get
5 some reminder of that in the -- you know, this month
6 or last month.
7 Q Does it sound right --
8 A But I couldn't -- to it.
9 Q Does it sound right that you interviewed
10 Professors [REDACTED], [REDACTED], [REDACTED], [REDACTED]
11 [REDACTED] and [REDACTED]
12 A Sounds reasonable.
13 Q Do you know which people the other FRB
14 members interviewed?
15 A No.
16 Q Was there anyone who was quoted in the
17 report who wasn't interviewed by the FRB?
18 A I don't know.
19 Q Do you know how many people each of the
20 other FRB members interviewed?
21 A No.
22 Q While this process was going on, do you know
23 who specifically each one of them interviewed?
24 A Probably.
25 Q How was that information communicated to

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1 you?
2 A I don't remember.
3 Q Were the 21 interviews a significant part of
4 the FRB's process of gathering evidence?
5 A What do you mean "significant"?
6 Q Were they a substantial part of the
7 evidence-gathering process?
8 A I think they were an important part.
9 MR. RUSSCOL: I think this is Exhibit
10 62.
11 THE REPORTER: Yep.
12 (Exhibit 62 was marked for
13 identification.)
14 BY MR. RUSSCOL:
15 Q Is this an email from Jean Cunningham to you
16 dated July 13, 2017?
17 A Yes.
18 Q And looking at the first two pages, is it
19 fair to say that Dean Cunningham started with the list
20 of people including those that Mr. Edelman had
21 identified and tried to develop a plan for
22 interviewing them?
23 A Yes.
24 Q Looking on page 2, in the middle of the page
25 where it says "Crispi equals," is it fair to say that

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1 Dean Cunningham was recommending that Dean Crispi
2 could narrow down her interviews to [REDACTED],
3 [REDACTED], and then two to three more from IT?
4 A "I -- I'm guessing she'd be able to narrow
5 this down to [REDACTED], [REDACTED], and two or
6 three more." That's what it says.
7 Q And Dean Cunningham felt that would be
8 enough to be representative and feel reasonable to
9 Mr. Edelman, but not all of them? Is that what she's
10 expressing?
11 A That's what she's expressing, yes.
12 Q Did you agree with that?
13 A Yes. I think I did.
14 Q Did Dean -- strike that. Did Dean Crispi
15 interview [REDACTED], [REDACTED], [REDACTED], and
16 two to three more people from IT?
17 A I don't know.
18 Q Did you ever know that?
19 A I probably did know that.
20 Q Is it fair to say that there had been some
21 indications of conflicts between Mr. Edelman and the
22 IT department by that time?
23 A By that time?
24 Q Yes.
25 A I -- it's kind of outside my wheelhouse.

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1 Q Well, we talked earlier about the projector
2 issue back in 2015; right?
3 A Correct.
4 Q And there had been other times when
5 Mr. Edelman had had some controversies with the IT
6 department; is that fair to say?
7 A From perspective of other people saying so,
8 yes. No direct -- I have no direct knowledge of it.
9 Q And at that time was [REDACTED] fairly
10 high up in the IT department?
11 A I -- I don't know. I assume so.
12 Q So do you think it would be important to get
13 [REDACTED] perspective on those conflicts between
14 Mr. Edelman and others in IT?
15 A I'm not sure.
16 Q Do you know if anyone from the FRB
17 interviewed [REDACTED] ?
18 A I don't.
19 Q Are you aware that out of 21 interviewees,
20 only four of them were staff?
21 A No.
22 Q Did you do anything to make sure that the
23 breakdown of staff members was representative?
24 MR. MURPHY: Objection.
25 THE WITNESS: Not that I recall.

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1 Representative of -- of --
2 BY MR. RUSSCOL:
3 Q Representative of the perspective of staff
4 generally.
5 A Oh, no.
6 Q Did Dean Crispi give you notes from her
7 interviews?
8 A I don't recall.
9 Q Were any notes from interviews with
10 witnesses provided to Mr. Edelman in the FRB process?
11 A I don't know.
12 Q Do you recall that the FRB received some
13 emails from Ben Esty before its 2017 report was
14 finalized?
15 A No, I don't recall.
16 Q Did the FRB provide Mr. Edelman with copies
17 of any emails from faculty members as part of the FRB
18 process?
19 A Did -- did -- sorry, say that again?
20 Q Did the FRB provide Mr. Edelman with copies
21 of any emails from other faculty members as part of
22 the FRB process?
23 A I don't recall.
24 Q Isn't it true that the only ways that the
25 FRB provided Mr. Edelman with any of the evidence it

Page 166

1 A I don't recall.

2 Q Had the FRB met to discuss its conclusions

3 in between the completion of interviews on August 14th

4 and this initial draft?

5 A I don't recall.

6 Q Is it fair to say that this initial draft

7 included both positive quotes and negative quotes

8 about Mr. Edelman from interviews?

9 A Yes.

10 Q Did Dean Cunningham do a good job of

11 summarizing the feedback that you'd received?

12 A I think so.

13 Q Was it important that quotes in the report

14 be based on firsthand knowledge?

15 A That, I don't know.

16 Q Would it have been appropriate for quotes

17 included in the report to be based on rumors or

18 speculation?

19 A I'm sorry, just saw the -- shoot a rabbit.

20 I don't think that would be appropriate, rumors or

21 speculation.

22 MR. RUSSCOL: Think this will be

23 Exhibit 64.

24 THE REPORTER: Yep.

25 //

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1 (Exhibit 64 was marked for

2 identification.)

3 BY MR. RUSSCOL:

4 Q Now, are these notes from the first FRB

5 meeting in 2017?

6 A I don't know.

7 Q Are they notes from an FRB meeting in 2017?

8 A Again, I don't know.

9 Q So looking at the bottom of the second page,

10 do you see where it says "Our job is to assess whether

11 Ben understands what went wrong and whether there's

12 change that is genuine and sustainable"?

13 A I see that, yes.

14 Q Does that indicate that this was a meeting

15 during the 2017 FRB process?

16 A It -- it would seem to.

17 Q And looking at the top of the next page, did

18 the FRB discuss that personal interaction of witnesses

19 is important?

20 A Looks like it.

21 Q So is it fair to say that you were looking

22 for witnesses who personally interacted with

23 Mr. Edelman and could speak to their firsthand

24 knowledge?

25 A Or it's interacting with the witnesses

Page 168

1 personally as opposed to writing to them or something.

2 Q And below that it says that FRB wanted to

3 develop the same set of questions and each of you do

4 one to two interviews; right?

5 A Right.

6 Q So does that indicate that there was a plan

7 to develop a standard set of questions to ask

8 different interviewees?

9 A I don't think this qualifies as a plan. I

10 think this is just capturing conversation as it

11 unfolds. You know, what people say, which is pre --

12 pre plan.

13 MR. RUSSCOL: Next document. Exhibit

14 65.

15 (Exhibit 65 was marked for

16 identification.)

17 BY MR. RUSSCOL:

18 Q So is Exhibit 65 an interview script that

19 was circulated among the FRB members in 2017?

20 A Looks like it.

21 Q And so there were some standard questions

22 that each interviewer was going to ask; right?

23 A Well, suggested or helpful questions.

24 Q And --

25 A I don't think "standard" is necessarily the

Page 169

1 right word.

2 Q And was the first suggested question to have

3 the interviewee describe how long they've known

4 Mr. Edelman and how often they interacted with him and

5 in what context?

6 A It looks like it.

7 Q So it was important for the FRB to

8 understand the basis of knowledge of each of the

9 interviewees; right?

10 MR. MURPHY: Objection.

11 THE WITNESS: Probably helpful.

12 BY MR. RUSSCOL:

13 Q Is it fair to say that people who had more

14 interactions and closer interactions with Mr. Edelman

15 could be more informative regarding their firsthand

16 knowledge about him?

17 MR. MURPHY: Objection.

18 THE WITNESS: It depends. No, I don't

19 think it's fair.

20 BY MR. RUSSCOL:

21 Q Why not?

22 A Well, because people who have more

23 interaction with him have -- have more -- what's the

24 word I'm looking for? I mean, people who -- the

25 interactions -- I think we were, in many ways, more

Page 170

1 interested in interactions with people who don't have
2 so much interaction, because that's important to
3 assess.
4 Q Why is that important to assess?
5 A Because that's how --- that has a potential
6 impact on the -- the reputation of the school, and
7 presumably people in your own family and close friends
8 already know you and have a positive interaction of
9 you.
10 Q So why was it important to hear from people
11 who didn't interact with Mr. Edelman very much in
12 order to protect the reputation of the school?
13 A I think we wanted to know how they were
14 experiencing him as a colleague.
15 Q And with respect to each interviewee, you
16 wanted to know how that person experienced Mr. Edelman
17 as a colleague; right?
18 A Correct.
19 Q Looking back at the 2017 report, Exhibit 45,
20 on page 6. At the top of the page do you see a bullet
21 point, "With his superiors he has more of a filter"?
22 A Yes.
23 Q Do you know who said that?
24 A No.
25 Q Do you know whether that quote was based on

Page 171

1 firsthand knowledge?
2 A No.
3 Q Who's [REDACTED] ?
4 A He's a professor.
5 MR. RUSSCOL: So this will be Exhibit
6 66.
7 (Exhibit 66 was marked for
8 identification.)
9 BY MR. RUSSCOL:
10 Q Now, looking at the -- at this document, and
11 particularly the handwritten notations at the top, are
12 these interview notes of Professor Gilson from the
13 2017 FRB?
14 A Looks like it.
15 Q And looking at page 5 of the document, where
16 it says "[REDACTED]" at the top, in the second bullet
17 point do you see where it says "With his superiors he
18 has more of a filter"?
19 A Mm-hmm.
20 Q Is that a yes?
21 A Yes, sorry.
22 Q So does it seem like that is the source of
23 the bullet point in the final report?
24 A It does.
25 Q Now, looking at the top bullet point here,

Page 172

1 do you see where it says "Second third hand"?
2 A Mm-hmm.
3 Q Is that a yes?
4 A Yes.
5 Q So don't these notes indicate that it's
6 second- and third-hand information that [REDACTED]
7 [REDACTED] believed Mr. Edelman to be indelicate and
8 understood he might treat an assistant differently
9 from how he treats a superior?
10 A I think you'd have to ask Stu.
11 Q Well, looking at the second bullet point,
12 "With his superiors he has more of a filter" isn't the
13 whole quote; is it?
14 A No.
15 Q The full quote is "With his superiors he has
16 more of a filter, as we all probably do"; isn't it?
17 A That is the whole quote on this page.
18 Q Did you ever know that [REDACTED] added
19 those words, "as we all probably do"?
20 A No, and I don't know what else he said after
21 that or before it either.
22 Q Do those additional words change the meaning
23 of [REDACTED] comment that "With his superiors
24 he has more of a filter"?
25 MR. MURPHY: Objection.

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1 THE WITNESS: I don't think so. I
2 think it's something you say.
3 BY MR. RUSSCOL:
4 Q Well, isn't it an indication that having
5 more of a filter with one's superiors is common and
6 normal and not necessarily a violation of community
7 values?
8 A It's certainly not a violation of community
9 values to have a filter with your superior. It can be
10 a violation of community values to fail to have a
11 filter with people below you.
12 Q As you sit here today do you believe that
13 the quote in the FRB report is a fair and accurate
14 representation of what [REDACTED] told Professor
15 Gilson, even though it omits that the information was
16 second or third hand and that we all probably do have
17 more of a filter with superiors?
18 MR. MURPHY: Objection.
19 THE WITNESS: I do.
20 BY MR. RUSSCOL:
21 Q Were these interview notes from Professor
22 Gilson part of the evidence that the FRB gathered in
23 its inquiry?
24 A I think so.
25 Q Was it important for the quotes that made it

Page 174

1 into the report to pertain to interactions with
2 Mr. Edelman during the 2015 to 2017 period, given the
3 focus on what had changed since 2015?
4 A I don't know that everybody who was
5 interviewed was specifically told, "Only talk about
6 experiences since 2015." So I don't know.
7 Q Well, that's the issue that the FRB was
8 focused on; right?
9 A Yes.
10 Q But you're not sure if the interviewees were
11 similarly focused on that time period?
12 A Well, let's see. Nope. It says the FRB is
13 tasked with that assessment. I mean, we -- it says
14 that we told everybody, or we intended to tell
15 everybody, that we're specifically interested in his
16 conduct over these past two years.
17 Q Okay. So the quotes in the report should
18 have focused on that last two years time period;
19 right?
20 A They should have, yes.
21 Q Did the 2017 report include any quotes
22 describing Mr. Edelman's behavior prior to the fall of
23 2015?
24 A I don't know.
25 Q Looking back at the report, Exhibit 45, at

Page 175

1 page 5. In the middle of the page, the first bullet
2 point, do you see where it says "He can have a
3 tendency to threaten to take something to the next
4 level"?
5 A Mm-hmm. I do.
6 Q Do you know who said that?
7 A No.
8 Q Do you know what they're referring to?
9 A No.
10 Q Would you assume it was something within the
11 previous two years?
12 MR. MURPHY: Objection.
13 THE WITNESS: I wouldn't assume one way
14 or the other.
15 BY MR. RUSSCOL:
16 Q So even though you believe that the
17 interviewees were instructed to focus on the last two
18 years, and that's what the FRB was focusing on, you
19 aren't sure whether that particular comment pertains
20 to the previous two years?
21 A "He can have a tendency" seems to be --
22 describe a general tendency to me.
23 MR. RUSSCOL: So what number are we at?
24 THE REPORTER: Sixty-seven.
25 //

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1 BY MR. RUSSCOL:
2 Q Are these Dean Crispi's interview notes?
3 (Exhibit 67 was marked for
4 identification.)
5 A I don't know.
6 Q Do they appear to be interview notes with
7 four staff members?
8 A Yes.
9 Q Did Dean Crispi interview the staff members
10 in 2017?
11 A I think so.
12 Q Do you see at the top of the second page
13 where there's a bullet point that starts "Can have a
14 tendency to threaten to take something to the next
15 level"?
16 A Mm-hmm.
17 Q Is that a yes?
18 A Yes. Sorry.
19 Q And does that seem to be the source of the
20 bullet point in the report we were just looking at?
21 A It would seem to be.
22 Q Now, again, that's not the full contents of
23 that bullet point; is it?
24 A No.
25 Q Didn't [REDACTED] state, according to these

Page 177

1 notes, that "Mr. Edelman can have a tendency to
2 threaten to take something to the next level, but he
3 has taken a step back"?
4 A That's what the note says.
5 Q But that's not in the --
6 A I didn't hear her.
7 Q That's not in the FRB report; is it?
8 A No.
9 Q Two bullet points below that, do you see
10 where it says "I've seen him change his behavior
11 unless I'll just do it"?
12 A I see it.
13 Q Don't both of those things indicate that
14 Mr. Edelman had changed his behavior and was not just
15 threatening to take something to the next level
16 anymore?
17 MR. MURPHY: Objection.
18 THE WITNESS: Maybe, but "He has a hard
19 time thinking about other perspectives" is right above
20 it, "With Christine [ph] went backwards a bit," "Seems
21 to be trying, can be" -- it seems -- you know, I think
22 she's doing a good job of trying to be balanced.
23 BY MR. RUSSCOL:
24 Q But that balance of [REDACTED] statements
25 isn't reflected in the final report where it just says

Page 178

1 "He can have a tendency to threaten to take something
2 to the next level" --
3 MR. MURPHY: Objection.
4 BY MR. RUSSCOL:
5 Q -- is that fair to say?
6 A It doesn't -- it doesn't have some of the
7 worse ones either. So I can't say whether the balance
8 of [REDACTED] is reflected or not, really.
9 Q Well, when [REDACTED] said "I've seen him
10 change his behavior," that wasn't consistent with the
11 FRB's conclusion that Mr. Edelman hadn't changed his
12 behavior; was it?
13 MR. MURPHY: Objection.
14 THE WITNESS: We didn't have that
15 conclusion.
16 BY MR. RUSSCOL:
17 Q Was that conclusion something that was
18 discussed before the report was finalized?
19 A What do you mean?
20 Q Did the FRB discuss a conclusion that
21 Mr. Edelman had not changed his behavior in the
22 process of developing the report?
23 A I recall we discussed that we couldn't
24 really develop that conclusion.
25 Q So in essence, the conclusion was that there

Page 179

1 was no conclusion?
2 MR. MURPHY: Objection.
3 THE WITNESS: "We find ourselves unable
4 to say with full conviction that the issues raised
5 following the 2015 review have been satisfactorily
6 resolved. We represent to the best of our ability the
7 views and facts to which we had access as input."
8 BY MR. RUSSCOL:
9 Q So the FRB in 2017 didn't come to any
10 conclusion; did it?
11 A It came to the conclusion that we could not
12 state that the issues had been satisfactorily
13 resolved.
14 Q So did you conclude that Mr. Edelman had
15 engaged in misconduct?
16 MR. MURPHY: Objection.
17 THE WITNESS: That's not what I said.
18 BY MR. RUSSCOL:
19 Q I'm asking if you concluded that.
20 A No, we did not conclude that.
21 Q Did the FRB in 2017 conclude that
22 Mr. Edelman had violated HBS's community values?
23 A No.
24 Q Going back to page 5 of the final report,
25 Exhibit 45, right below the bullet point that we were

Page 180

1 just talking about, do you see a bullet point that
2 says "He's abrupt. He lacks grace. He's more apt to
3 pressure others. He asks questions the way you might
4 in a seminar"?
5 A Yes.
6 Q Do you know who said that?
7 A No.
8 MR. RUSSCOL: So Exhibit 68.
9 (Exhibit 68 was marked for
10 identification.)
11 BY MR. RUSSCOL:
12 Q Is Exhibit 68 notes of interviews that you
13 conducted for the FRB in 2017?
14 A Looks like it.
15 Q Looking at page 2, under [REDACTED],
16 bullet point Number 2, do you see where it says "He's
17 abrupt. He lacks grace"?
18 A Yes.
19 Q Does that seem to be the source for that
20 bullet point in the final report?
21 A It does.
22 Q And again, that's not all that [REDACTED]
23 [REDACTED] said about that; is it?
24 A No.
25 Q Didn't he go onto say, "But he's

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1 intellectually sharp, asks great questions, accepting
2 of an alternative argument. He agrees to disagree"?
3 A Yes. That's what it says.
4 Q Don't the statements that [REDACTED]
5 [REDACTED] believed Mr. Edelman accepted alternative
6 arguments and agreed to disagree contradict the FRB's
7 perspective that Mr. Edelman wasn't willing to
8 consider alternative views?
9 MR. MURPHY: Objection.
10 THE WITNESS: I think it depends on how
11 you interpret it. Agreeing to disagree, in my mind,
12 is about deciding you're not worth pushing, but he's
13 not budging.
14 BY MR. RUSSCOL:
15 Q Well, [REDACTED] also said
16 Mr. Edelman was accepting of an alternative argument;
17 right?
18 A Of its existence, yes.
19 Q And the FRB didn't include these statements
20 in the report; did it?
21 A No.
22 Q Looking at the first two pages of these
23 notes, and particularly the dates, I guess there isn't
24 a date on the first one --
25 A No.

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1 Q -- but the date of July 27th for the [REDACTED]
2 [REDACTED] interview, before August 1st of 2017 were
3 the only two interviews you'd conducted with [REDACTED]
4 [REDACTED] and [REDACTED]?

5 A I don't remember.

6 MR. RUSSCOL: This will be Exhibit 69.
7 (Exhibit 69 was marked for
8 identification.)

9 BY MR. RUSSCOL:

10 Q So is this an email, Exhibit 69, an email
11 that you sent to the other FRB members on August 1,
12 2017?

13 A Yes.

14 Q And --

15 A "I've done two of six," yes.

16 Q Yeah. So as of then, you said you've done
17 two of your six interviews --

18 A Yup.

19 Q -- and you wrote "One of my two interviews
20 wants to canonize our candidate; the other believes
21 him to be such a genius, allowances must be made." Do
22 you see that?

23 A Yes.

24 Q Which of those refers to [REDACTED]
25 [REDACTED]

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1 A I -- I don't know, but probably the second
2 one.

3 Q Meaning then that [REDACTED] wanted
4 to canonize him?

5 A Yes.

6 Q And then after that you wrote "sigh." What
7 did you mean by "sigh"?

8 A Our -- there, I sighed. Our job isn't to
9 decide -- I mean, we -- we don't -- the FRB does not
10 believe in a genius allowance.

11 Q What do you mean by "a genius allowance"?

12 A I think it means you -- if you're super
13 smart you don't have to follow the conduct rules.

14 Q Was it part of the FRB's goal for the report
15 to reflect the substance and weight of the evidence
16 that it gathered?

17 A Yes.

18 Q So is it fair to say that the FRB was trying
19 to include quotes that were representative of the
20 supporting evidence?

21 A Yes.

22 Q And so the report didn't include all the
23 positive things people said about Mr. Edelman; right?

24 A It didn't include all the positive or all
25 the negative.

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1 Q And it didn't disproportionately pick out
2 negative things that people said either?

3 A No.

4 Q I think we discussed earlier the FRB only
5 interviewed four staff members. Of those four staff
6 members, did you know that two of them, including
7 Mr. Edelman's faculty assistant, had only positive
8 things to say about him?

9 A Did I know that? I'm not sure.

10 Q Well, you can take a look at the notes,
11 which are in Exhibit 67.

12 Didn't [REDACTED] say that he had nothing
13 but positive things to say?

14 A That's what the note says.

15 Q And near the bottom of his section doesn't
16 it say "When I know I'll interact with him, I'm glad"?

17 A Yes, it does.

18 Q And looking at the next section, was
19 [REDACTED] Mr. Edelman's faculty support
20 specialist?

21 A Looks like it.

22 Q Do you see anything negative that she had to
23 say about Mr. Edelman?

24 A I do not.

25 Q Did you know that the two staff with only

Page 185

1 positive comments were quoted only once or twice each
2 in the FRB report, while the two staff who had some
3 negative things to say were quoted four times each?

4 A No.

5 Q Did Mr. Edelman identify several other staff
6 members who the FRB did not interview?

7 A I don't know.

8 Q The report doesn't indicate how well each
9 staff member knows Mr. Edelman; does it?

10 A I don't think so.

11 Q Is it fair to say that Mr. Edelman's faculty
12 support specialist would have had fairly extensive
13 dealings with Mr. Edelman?

14 A I imagine so.

15 Q Is it fair to say that she would have been
16 an important witness concerning the assertion that he
17 treated subordinates less well than he treated people
18 of equal or greater status?

19 A Maybe.

20 Q Don't you think appointments committee
21 members would have found it useful to know which
22 quotes came from staff who dealt with him more
23 frequently?

24 MR. MURPHY: Objection.

25 THE WITNESS: No.

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1 Q So you haven't had --

2 A And that's not a relationship that's as

3 common I think, versus research.

4 Q The FRB report in 2017 mentioned bifurcation

5 among responses. What did the FRB mean by that?

6 A I think what you're referring to is that

7 there were strong positives and strong -- strongly --

8 strongly held and felt positives, and strongly held

9 and felt negatives.

10 Q Did the FRB mean to convey that there were

11 roughly equal numbers of positive and negative

12 responses?

13 A I think we meant to convey that they were

14 equally important sources of input. I don't recall

15 being interested in the quantitative exact numbers.

16 Q Did anyone in the FRB look at those

17 quantitative numbers to figure out how many of the

18 interviews were positive and how many were negative?

19 A We divided up the interviews and we brought

20 back our findings, our data, and worked hard to

21 capture accurately the overall sense that we gained

22 from those interviews.

23 Q Isn't it true that most of the interviews

24 were strongly positive towards Mr. Edelman?

25 A That is not my sense, no.

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1 Q What is your sense?

2 A That it was somewhat balanced.

3 Q There were roughly equal numbers of positive

4 and negative interviews?

5 A I can't comment on the equal numbers. Keep

6 in mind that we interviewed people that Ben listed for

7 us to interview, along with a few others, I think.

8 MR. RUSSCOL: I think this will be

9 Exhibit 70.

10 (Exhibit 70 was marked for

11 identification.)

12 BY MR. RUSSCOL:

13 Q So please take a look at the document that's

14 been marked as Exhibit 70, and then let me know if

15 it's something that you wrote.

16 A Not sure -- what is what this is? I'm not

17 sure what this is.

18 Q Well, that was my question for you. Did you

19 write this document?

20 A It sounds like me.

21 Q Does the timing listed at the top of

22 November 17, 2017, help you recall what the context of

23 this was?

24 A Well, it's probably around the time of the

25 appointments committee meetings.

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1 Q Did you speak to the appointments committee

2 on behalf of the FRB during its consideration of

3 Mr. Edelman's promotion?

4 A I don't think so.

5 Q Did you speak to the appointments committee

6 at all?

7 A What do you mean? About this or --

8 Q Did you -- were you at the appointments

9 committee meeting for Mr. Edelman?

10 A I don't remember, but I've been told I was.

11 Q Do you recall speaking at that meeting?

12 A I don't.

13 Q So you're saying that you don't remember

14 being at that meeting, but you've been told you were

15 at that meeting?

16 A That's right. Yes.

17 Q But you don't have any firsthand

18 recollection of being there?

19 A No. I -- I thought I had missed it.

20 Q Are these at least in part notes that you

21 prepared --

22 A Yeah.

23 Q -- for the appointments committee meeting?

24 A Yeah. I mean, maybe I prepared them for

25 someone else. I don't know.

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1 Q Did anyone ask you to give prepared remarks

2 during the appointments committee meeting?

3 A I don't think so. I don't remember.

4 Q So you don't remember if you read this

5 document, or something like it, or gave it to someone

6 else to read --

7 A I don't.

8 Q -- at the appointments committee meeting?

9 A I'm pretty sure I didn't.

10 Q You're pretty sure you didn't what?

11 A Read it.

12 Q But you think you may have given it to

13 someone else?

14 A I don't know. I really don't remember.

15 But, I mean, they're -- these are rough. These

16 wouldn't be fully ready for being read. They're

17 rough. They look like rough notes to me.

18 Q Did you see anything in these notes that you

19 disagreed with?

20 A That I disagreed with?

21 Q Yes.

22 A No, I don't think so. Let's see. Keep --

23 third page. It sounds like I'm jotting something down

24 on the third page, just capturing things, but I don't

25 know. November 17th, the -- 2017. I don't -- I mean,

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1 A So I think [REDACTED] refers to [REDACTED] [REDACTED] thinks
2 his colleagues are crazy, which I believe refers to --
3 well, the American Airlines suit. That he, I think,
4 believes himself to be not -- be the only one or one
5 of the only ones who doesn't think the suit is insane.
6 That's my best interpretation.
7 Q So you believe it's saying that Stu is
8 reporting that --
9 A That [REDACTED] thinks the American Airlines suit
10 is not a good idea from the perspective of showing
11 good judgment.
12 Q And then the other comments, "What are they
13 thinking? Ben has no self-control. I can't see this
14 going forward. I think this is nuts." Is your
15 understanding that those are Professor Gilson's
16 comments or his report of what [REDACTED]
17 said?
18 A I think it's his report of what Professor --
19 Q Of what [REDACTED] said?
20 A What [REDACTED] said. Thank you.
21 Q Okay. And then below that, there's a line
22 that starts with "Len." What does that line mean?
23 A I don't know.
24 Q Do you think it means that Professor
25 Schlesinger spent 45 to 50 minutes meeting with the

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1 standing committee?
2 A I don't know. It could, or it could mean
3 he's going to, or it could mean someone else is going
4 to and he just said it.
5 Q Did you meet with the standing committee in
6 2017?
7 A I don't think so.
8 Q Do you believe that someone from the FRB met
9 with the standing committee?
10 A I don't know.
11 Q So below that where it says "Three themes,"
12 and the first one is "Who did we really talk to to
13 reach the conclusions?" who was asking that?
14 A I don't know.
15 Q Is that Professor Schlesinger's report of
16 questions that the standing committee were asking?
17 A I don't know. I mean, do we know when the
18 standing committee met? 'Cause that would maybe help,
19 whether it was before or after, but maybe it's after,
20 but I don't know.
21 Q So as you sit here today, you don't recall
22 whose perspective this indicates?
23 A No. I don't.
24 Q So you're not sure who wanted to understand
25 if people outside the NOM unit were enthusiastic?

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1 A No, I'm not.
2 Q You're not sure who --
3 A I'm not sure.
4 Q You're not sure who wanted to know how many
5 faculty and how many staff were interviewed?
6 A Correct.
7 Q Near the bottom of this page, do you see
8 where it says "We slaved over the last paragraph"?
9 A Yes. I do.
10 Q What does that mean to you?
11 A I think that means we slaved over how to
12 express our conclusion that we couldn't say for sure
13 that change or learning and -- had happened, getting
14 that word -- trying to get the wording right.
15 Q Was it your perspective that the burden was
16 on Mr. Edelman to show that he had changed?
17 MR. MURPHY: Objection.
18 THE WITNESS: I don't know what you
19 mean by "burden," but I think we did want him and
20 others to show that.
21 BY MR. RUSSCOL:
22 Q Is it fair to say that this document
23 indicates that someone or some group of people wanted
24 to know how many people were interviewed and who they
25 were?

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1 MR. MURPHY: Objection.
2 THE WITNESS: This is a pretty informal
3 document. This appears to be my scribbles, which I
4 didn't intend to be complete or, you know, whatever,
5 exhaustive, or even, you know, interpretable.
6 BY MR. RUSSCOL:
7 Q But it's showing that there was someone who
8 was asking, "Who did we really talk to, and how many
9 faculty, and how many staff," even though, as you sit
10 here today, you can't recall who that was; right?
11 MR. MURPHY: Objection.
12 THE WITNESS: Yeah. I mean, I think
13 it's right. I don't know though. Because, as I said,
14 I just -- I tend to type things randomly to stay
15 paying attention, but they're not intended to be
16 useful documents to anyone else.
17 BY MR. RUSSCOL:
18 Q Do you think this third page of the document
19 may have been your notes from an FRB meeting?
20 A Could be.
21 Q So it's possible that the middle part is
22 summarizing what another FRB member is saying was the
23 upshot of a meeting with the standing committee?
24 A It's not impossible.
25 Q Was the list of witnesses part of the

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1 evidence that the FRB gathered?
2 A Say it again?
3 Q Was the list of the witnesses that were
4 interviewed part of the evidence that the FRB
5 gathered?
6 MR. MURPHY: Objection.
7 THE WITNESS: I don't think we provided
8 the list.
9 BY MR. RUSSCOL:
10 Q I want to look again at the final report.
11 A Yep.
12 Q Exhibit 45.
13 A You mean page 45?
14 Q No, Exhibit 45 at page 10.
15 A Oh. Page 10. Oh, Exhibit 45, sorry. Yes.
16 Q Yeah.
17 A Right. Not our exhibits.
18 Q So I'm looking at page 10 in the Summary
19 section, the second paragraph. So it says "There were
20 a number of individuals within the group interviewed,"
21 and then the next sentence says "They experienced
22 Professor Edelman's interactions as disrespectful."
23 Do you see that?
24 A Yes.
25 Q What number of the individuals that FRB

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1 interviewed reported experiencing Professor Edelman's
2 interactions as disrespectful?
3 A I don't know.
4 Q Who would know that?
5 A I don't know the -- "They experienced
6 interactions as disrespectful and his work as not
7 always meeting standards of disclosure, imposing
8 reputational risk and damage to the school as well as
9 to themselves as members of the school's faculty." So
10 you know, it's a -- that -- that collection -- that
11 collection of concerns -- that sentence is doing a lot
12 of work. But I don't know how many off the top of my
13 head.
14 Q Do you remember any specific person
15 reporting that they experienced Professor Edelman's
16 interactions as disrespectful?
17 A No. I didn't -- I don't remember, no.
18 Q Who would know how many people and which
19 people reported that?
20 A I don't know.
21 Q Shouldn't you know that as the chair of the
22 FRB?
23 MR. MURPHY: Objection.
24 THE WITNESS: I was doing my best as
25 chair to capture -- to trust and capture my

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1 colleagues' data collected.
2 BY MR. RUSSCOL:
3 Q Did you do anything to verify that data that
4 was collected?
5 A No. As I said, I trusted my colleagues.
6 Q So looking later in that sentence, there's a
7 reference to not always meeting standards of
8 disclosure that pose a reputational risk and damage to
9 the school. Who expressed those concerns in their
10 interviews?
11 A Definitely more than one -- I mean, multiple
12 people, but I don't remember who.
13 Q Who would know who expressed those concerns
14 in their interviews?
15 A I don't know.
16 Q So you were trusting your colleagues to make
17 sure that the report accurately captured the
18 interviews?
19 A Yes.
20 MR. MURPHY: Objection.
21 BY MR. RUSSCOL:
22 Q Which colleagues were you trusting to do
23 that?
24 A All of them.
25 Q So all of the FRB members and Dean

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1 Cunningham?
2 A Yes.
3 THE WITNESS: It's pretty loud, isn't
4 it?
5 MR. RUSSCOL: This is going to be the
6 next exhibit, 71 I think.
7 THE REPORTER: Yep.
8 (Exhibit 71 was marked for
9 identification.)
10 BY MR. RUSSCOL:
11 Q Is this the FRB's draft report from 2017?
12 MR. MURPHY: Objection.
13 THE WITNESS: Looks like it.
14 BY MR. RUSSCOL:
15 Q Looking at page 5 of this document, in the
16 last full paragraph do you see where it says "What
17 concerns the FRB most is the intimation that Professor
18 Edelman manages up, interacting differently with at
19 least some staff than he does with faculty colleagues,
20 and differently with staff depending on whether other
21 faculty members are present during the exchange"?
22 A I see that.
23 Q What evidence supported that statement?
24 A I don't recall.
25 Q Would all of the evidence supporting that

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1 MR. MURPHY: Objection.
 2 THE WITNESS: What's the question?
 3 BY MR. RUSSCOL:
 4 Q It wasn't easy to go through that process
 5 and have the result be that Mr. Edelman was not a
 6 senior faculty member?
 7 MR. MURPHY: Objection.
 8 THE WITNESS: I'm sorry, that just --
 9 that question doesn't make sense to me.
 10 BY MR. RUSSCOL:
 11 Q Well, you were saying that it was obvious
 12 that Mr. Edelman shouldn't be on the senior faculty --
 13 A At some level it's obvious, given -- if you
 14 look at all of these notes, the concerns people have
 15 that his behavior is not predictable and can
 16 periodically create real problems for the dean, and so
 17 at some level, you know, a dean should not be having
 18 to field phone calls from people in the community or
 19 alumni that are expressing frustration. That's not a
 20 normal thing the dean would have to do about faculty
 21 members. So when that happens, I think it's probably
 22 unusual.
 23 Q And so you believe that the outcome of the
 24 process should be that Mr. Edelman wouldn't be on the
 25 senior faculty?

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1 A No.
 2 MR. MURPHY: Objection.
 3 THE WITNESS: I don't believe that. I
 4 believe that the process should exist, and people --
 5 thoughtful people should read it and follow it and
 6 make their own judgments, come to their own judgments.
 7 BY MR. RUSSCOL:
 8 Q So just above that in the notes from the
 9 same FRB meeting, someone indicated that the FRB was
 10 looking for affirmative evidence that Mr. Edelman has
 11 changed his behavior. Do you see that?
 12 A I do.
 13 Q And then below that it says "At face value
 14 we don't see the evidence." Do you see that?
 15 A I do.
 16 Q Who said that?
 17 A I don't know. I don't remember, if any, I
 18 mean. And it's not quite true, 'cause we did not stay
 19 out of the papers. What is the date of this? June.
 20 Q Was June 28, 2017, the first FRB meeting of
 21 2017?
 22 A I don't know. I don't recall.
 23 Q Had the FRB started conducting interviews as
 24 of that point?
 25 A I don't know. I don't remember.

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1 Q I'd like to direct your attention to Exhibit
 2 61.
 3 A Sixty-one?
 4 Q Sixty-one. So do you see near the middle of
 5 the page the email that you sent on September 24,
 6 2017?
 7 A Yes.
 8 Q The one that starts "Agree"?
 9 A Yes.
 10 Q And at the end of that message did you write
 11 "My prediction is that he will see our slant loud and
 12 clear"?
 13 A Yes.
 14 Q What did you mean by that?
 15 A Our concerns.
 16 Q So what did you mean by "slant"?
 17 A Oh. Just our -- our feelings after this
 18 long process.
 19 Q And what were your feelings after the long
 20 process at that point?
 21 A That we really didn't have a hell of a lot
 22 of confidence that he had learned and changed.
 23 Q Did you mean that the FRB's 2017 report had
 24 a slant against Mr. Edelman?
 25 A No.

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1 MR. MURPHY: Objection.
 2 THE WITNESS: I did not.
 3 BY MR. RUSSCOL:
 4 Q So then what slant was he supposed to see?
 5 A Well, if you're using "slant" to mean
 6 "bias," which I am not, then -- you know, our -- our
 7 conclusion -- which I think is pretty clear at the
 8 end; that we can't come to the conclusion as requested
 9 that -- that the issues raised following the 2015
 10 review have been satisfactorily resolved.
 11 Q And you predicted in that email that
 12 Mr. Edelman would see the slant; right?
 13 A That is what it says, yes.
 14 Q Did you hope that Mr. Edelman would see the
 15 writing on the wall and withdraw his application for
 16 tenure?
 17 A No.
 18 Q Did you think that there had been writing on
 19 the wall in that direction since 2015?
 20 A No. I had held out hope.
 21 Q Held out hope of what?
 22 A That there would be a more -- more visible
 23 change and at least been very careful for those two
 24 years.
 25 Q I'd like to refer to Exhibit 42.

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1 CERTIFICATE OF DEPOSITION OFFICER
 2 I, JARED REDING, the officer before whom the
 3 foregoing proceedings were taken, do hereby certify
 4 that any witness(es) in the foregoing proceedings,
 5 prior to testifying, were duly sworn; that the
 6 proceedings were recorded by me and thereafter reduced
 7 to typewriting by a qualified transcriptionist; that
 8 said digital audio recording of said proceedings are a
 9 true and accurate record to the best of my knowledge,
 10 skills, and ability; that I am neither counsel for,
 11 related to, nor employed by any of the parties to the
 12 action in which this was taken; and, further, that I
 13 am not a relative or employee of any counsel or
 14 attorney employed by the parties hereto, nor
 15 financially or otherwise interested in the outcome of
 16 this action.



 17
 18 JARED REDING
 19 Notary Public in and for the
 20 Commonwealth of Massachusetts
 21
 22
 23
 24
 25

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1 MARTIN F. MURPHY, ESQUIRE
 2 mfmurphy@manatt.com
 3 May 5, 2025
 4 RE: Edelman, Benjamin v. President And Fellows Of Harvard
 5 College, Et Al
 6 4/21/2025, Amy Edmondson (#7274360)
 7 The above-referenced transcript is available for
 8 review.
 9 Within the applicable timeframe, the witness should
 10 read the testimony to verify its accuracy. If there are
 11 any changes, the witness should note those with the
 12 reason, on the attached Errata Sheet.
 13 The witness should sign the Acknowledgment of
 14 Deponent and Errata and return to the deposing attorney.
 15 Copies should be sent to all counsel, and to Veritext at
 16 cs-ny@veritext.com
 17 Return completed errata within 30 days from
 18 receipt of testimony.
 19 If the witness fails to do so within the time
 20 allotted, the transcript may be used as if signed.
 21
 22 Yours,
 23 Veritext Legal Solutions
 24
 25

Page 227

1 CERTIFICATE OF TRANSCRIBER
 2 I, LYDIA WEISS, do hereby certify that this
 3 transcript was prepared from the digital audio
 4 recording of the foregoing proceeding, that said
 5 transcript is a true and accurate record of the
 6 proceedings to the best of my knowledge, skills, and
 7 ability; that I am neither counsel for, related to,
 8 nor employed by any of the parties to the action in
 9 which this was taken; and, further, that I am not a
 10 relative or employee of any counsel or attorney
 11 employed by the parties hereto, nor financially or
 12 otherwise interested in the outcome of this action.
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 LYDIA WEISS

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1 Edelman, Benjamin v. President And Fellows Of Harvard College
 2 Amy Edmondson (#7274360)
 3 E R R A T A S H E E T
 4 PAGE ___ LINE ___ CHANGE _____
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 24 Amy Edmondson Date _____
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