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MICHIGAN STATE UNIVERSITY
DISMISSAL FOR CAUSE HEARING COMMITTEE

In the Matter of Dr. Selman Akbulut

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DISMISSAL FOR CAUSE HEARING
BEFORE COMMITTEE MEMBERS JOHN WM. REIFENBERG, JR., JAMES SMITH,
AND GALE STRASBURG

COUNSEL FOR MSU: WILLIAM WHITBECK

East Lansing, Michigan - Wednesday, August 21, 2019

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East Lansing, Michigan

Wednesday, August 21, 2019 - 9:32 a.m.

EFSTRATIA KALFAGIANNI

(At 9:32 a.m., called by Dr. Promislow and
previously sworn by the reporter, testified as
follows)

CROSS-EXAMINATION

BY MS. DOUKOURE:

Q. Good morning.

A. Good morning.

Q. My name is Amy Doukoure. I'm an attorney. I'm defending
Professor Akbulut in these proceedings.

Can you say your last name for me just so I know
I'm saying it correctly, please?

A. Kalfagianni. Kalfagianni.

Q. Kalfagianni?

A. Yes.

Q. Okay. So you testified yesterday that you did not sit on any
of the committees that occurred in the original penalty
against Professor Akbulut; correct?

A. Yes. I was not on the advisory or the review part of it.

Q. And you testified yesterday that Professor Akbulut was a
well-established mathematician when he came to MSU; correct?

A. Yes. He was established mathematician, yes.

Q. And you testified yesterday that he was well-respected in the

1 field such that you knew his name prior to coming to MSU;
2 correct?

3 A. He had written a textbook -- a expository text of some -- and
4 I may need this in my field, expository text, so I have seen
5 his graduate students. That's correct. Yes.

6 Q. Is he still well-respected in his field?

7 A. Which field?

8 Q. Math.

9 A. I don't know how to answer this question. The mathematics is
10 one thing. I don't think the latest behavior is helping
11 himself.

12 Q. I'm asking you if he is still currently renowned as a
13 mathematician outside of MSU.

14 A. He's established, well-known, but then again it's load. When
15 you run the department, you have to be doing something. Yes.

16 Q. Is he still doing research, if you know?

17 A. I don't follow his research, but I suppose he does. He post
18 paper, yes.

19 Q. He's still publishing papers; correct?

20 A. Yes.

21 Q. He's still lecturing at national and international
22 universities; correct?

23 A. I haven't been following history, but yes, it's part of the
24 job, yes.

25 Q. Okay. And if he's been invited to speak nationally and

1 internationally pursuant to research he's doing to MSU, that
2 would necessarily provide at least some reputational benefit
3 to MSU; correct?

4 A. Oh. I am not doubting that his mathematics has contributed
5 to MSU. I'm not doubting that. Nobody is.

6 Q. Okay. Thank you. You said that -- yesterday when you
7 testified you said that you began serving on the Advisory
8 Committee around the time that Professor Akbulut was being
9 considered for serious discipline; is that correct?

10 A. I was elected to the Advisory Committee starting 4, 2017,
11 yes.

12 Q. Okay. And that the Advisory Committee determined they didn't
13 want to serve on Professor Akbulut's matter because they
14 thought that it would be better handled by people who had not
15 already -- like who are external to the department; correct?

16 A. I'm sorry? Can you repeat?

17 Q. Sure. Because the question was really sloppy. I'm sorry.
18 So you testified that the Advisory Committee has stated that
19 they didn't want to serve on Professor Akbulut's panel
20 anymore regarding the serious discipline because you
21 thought -- they thought it would be better if there was an
22 independent group of people who looked at it; correct?

23 A. I testified that the Advisory Committee's -- the majority of
24 the Advisory Committee had that thought right after we
25 received the message from Selman that was presented here

1 which we took and is a threat. This is what I testified.
2 After that people said that they -- they don't -- they no
3 longer wish to participate in this, not because they were
4 afraid they were going to jail, but because they did not want
5 to be in the middle of the -- of the situation that the
6 previous five committee find themselves.

7 Q. But didn't you also testify it would be helpful if it didn't
8 appear that there were conflicts because people had -- people
9 were already involved with this matter? Wasn't that your
10 testimony yesterday as well?

11 A. I'm sorry? Would you repeat?

12 Q. Wasn't it your testimony yesterday that the committee thought
13 that it would be -- there would be less conflicts of interest
14 if people who were not already involved decided the matter?

15 A. The committee wanted -- the committee as the whole department
16 wanted this to stop. Right. At that point we decided that
17 we cannot handle it ourselves. It is better that it be
18 handled by the university.

19 Q. And yesterday you testified that you were offended by the
20 email regarding salaries; correct?

21 A. Correct.

22 Q. And you testified that students asked you about the email
23 about salaries; correct?

24 A. Postdocs. My postdocs, yes.

25 Q. You said postdocs and students I believe was your actual

1 testimony. Did any student ask you about that email?

2 A. Not that email, no. It was my postdoc.

3 Q. Because there was no students on that email; correct?

4 A. I am -- I don't remember. I don't remember. This particular

5 email postdocs asked me. It was sent to math faculty. I am

6 certain that it was sent to math faculty and postdocs asked

7 me.

8 Q. So if you testified yesterday that students asked you about

9 this email, that was a mistake; correct?

10 A. I didn't testify that.

11 Q. The information that Professor Akbulut put in that email, is

12 it public information?

13 A. Which information?

14 Q. The information about salaries. Is that information that's

15 public to people inside of MSU?

16 A. The salaries we get or the email?

17 Q. The salaries.

18 A. The salaries we get, I believe it is public. One can find

19 it.

20 Q. So if you wanted to go look at everybody's salary in the math

21 department, that would be something that you would be

22 relatively capable of doing; correct?

23 A. I never done it, but it is my understanding that you can do

24 that for public universities. However, however, what is not

25 public information is comparisons between people and --

1 Q. But if I find your salary and I find Professor Akbulut's
2 salary, I could compare those relatively simply --

3 A. You can compare those. Definitely you can compare those.
4 And I never looked at Professor Akbulut's salary, but I feel
5 confident that it would be higher because he has worked much
6 longer than me here. One thing that is not correct -- that
7 is not correct, Professor Akbulut also put the number of
8 publications that -- of the ten faculty members that were on
9 the list. The number of publications as they show on the
10 server maintained by the American Mathematical Society.
11 Professor Akbulut has served many times on the Personnel
12 Committee, the committee that evaluates people, and this is
13 not how we evaluate people. We don't look at what the salary
14 is. There are several components and there is a very
15 rigorous way that is given to us by the college I believe.

16 Q. Was he providing an employment evaluation in that email?

17 A. No.

18 Q. So how the department and the Advisory Committee for
19 personnel matters evaluates publications and salary increases
20 is -- wasn't the aim of that email; correct?

21 A. What are you asking me? What is our process for evaluating
22 faculty?

23 Q. I'm not. Because you gave me the process. What I'm asking
24 you, that process really isn't relevant to the information
25 that Professor Akbulut submitted, is it?

1 A. No. I don't know. The message, as I said yesterday, was to
2 say that a number of people are promoted by the
3 administration and are receiving bonuses for doing the
4 administrative review. However, my name was there and the
5 other female topologist name was there. None of us had
6 served on these administrative reviews. In fact, I always
7 wanted to ask why was my name there.

8 Q. Did you ever ask Professor Akbulut?

9 A. No.

10 Q. Okay. But all the information, that was factual?

11 A. Excuse me?

12 Q. The information that was presented about you in that email,
13 was it factual?

14 A. Was it what?

15 Q. True.

16 A. I have -- the information was that I received a percentage of
17 salary and I had a number of publications. I have not
18 calculated the percentage of my salary. If it was correct or
19 not. That is irrelevant to me.

20 Q. Okay.

21 A. What is important is that this message implied that I have
22 received some kind of bonuses to do some type of business.
23 It was sent to the faculty and to my understanding it was
24 sent to chairs of other departments.

25 Q. Did it actually say anything about you? Did it mention you

1 serving on any committees?

2 A. No.

3 Q. Have you served on any committees?

4 A. Ever? Now? Then?

5 Q. At that time.

6 A. At that time I might have -- I don't remember. I was not on

7 the Advisory Committee. I might have -- I serve on

8 committees every year. I don't remember if I -- I'm sure I

9 was, but I don't remember.

10 Q. But you didn't serve on any of the committees --

11 A. Related to this case? No.

12 Q. Thank you. And it didn't mention that you had, did it? The

13 email didn't mention that you had served on any committees;

14 correct?

15 A. No.

16 Q. And, in fact, there were many people whose salaries were

17 listed that were not part of any of the committees involved

18 with Professor Akbulut; isn't that correct?

19 A. Many people?

20 Q. There were other people besides you that had not served on

21 any of those committees; correct? If you can recall.

22 A. I don't recall. There may have been one or two, but I --

23 mostly it was the people on the committees.

24 Q. Except for you and maybe one or two other people? That's

25 your testimony?

1 A. Except for me for sure. I don't remember about the others.
2 Q. Sure. And when you testified about -- I'm going to show you
3 the email. The email is not really my main focus, but I'm
4 going to show it to you to refresh your memory since it's
5 been like a half a day. I'm talking about CP-60.
6 A. Which email?
7 Q. CP-60 is for everybody else's benefit. I just want to review
8 the document. CP-60 was under Tab N6. That's 11.N6; right?
9 A. Yes.
10 MR. REIFENBERG: I'm sorry?
11 MS. DOUKOURE: That's okay.
12 MR. REIFENBERG: 11 which?
13 MS. DOUKOURE: N, as in Nancy, 6.
14 BY MS. DOUKOURE:
15 Q. I'm sorry. We're just waiting for everybody.
16 A. Oh.
17 Q. This is the email that you testified yesterday was the
18 original email, just to be specific, was about an award you
19 received; correct?
20 A. (Nodding.)
21 Q. And people who received this email surely would have known
22 that you received an award; correct?
23 A. I'm sorry? Could you -- I can't hear you.
24 Q. They would have certainly seen that you had received an
25 email? People that were part -- that were party to the

1 original email knew that you were receiving the award;
2 correct?

3 A. They know that I received the award? Is that the question?

4 Q. Yes. The original email. I'm talking about the email where
5 it says --

6 A. I don't think this is the official announcement of the awards
7 to the college. I think people in the mathematics department
8 knew because it was announced, but basically it stays
9 confidential until it's announced officially. No. People
10 don't know.

11 Q. It's not on here. It's clearly not on here. It's missing
12 from this email. But do you know who the original email was
13 sent to?

14 A. It is the entire -- the entire faculty of the College of
15 Natural Sciences.

16 Q. Is the email addressed to that listserv, NatSci.economics?

17 A. It's addressed NatSci -- yes.

18 Q. So the original email was sent to NatSci.economics at MSU?

19 A. That was the message -- Professor Akbulut replied to the
20 message of Dean Duxbury.

21 Q. Okay. So that's the original -- I'm sorry. That's the
22 original email. So it went to that listserv; correct?

23 A. That is the list, the tenure. Not tenure. Because I had
24 postdocs asking. A friend of mine who's a postdoc in
25 chemistry, she received this message. I believe it is the

1 faculty list for that.

2 Q. For NatSci.economics?

3 A. Yes.

4 Q. And then so Professor Akbulut's email is sent to the same

5 email address, NatSci.economics; correct?

6 A. It is sent to that, yes.

7 Q. And then it's sent to the NatSci dean; correct?

8 A. Yes.

9 Q. And then it's sent to Fordsara@msu. Do you know who Sara

10 Ford is?

11 A. I don't know who Sara Ford is. I know Osowski, Valerie is a

12 communications person. She writes news of the college.

13 Q. Okay. And you don't know who Sara Ford is, though; correct?

14 A. No.

15 Q. And this is not sent to students; correct?

16 A. I'm sorry?

17 Q. This email of Professor Akbulut was not sent to any students;

18 right?

19 A. As far as I know.

20 Q. You testified that after this award letter went out you

21 received several hundred hits on your web page?

22 A. Yes.

23 Q. But this email is sent to the same group of persons that the

24 original email was sent to; correct?

25 A. Correct.

1 Q. So anybody who saw that you were getting an award might be
2 interested in seeing your work on their website; correct?

3 A. In principle, yes. But when I received the second award, the
4 university award, this did not happen.

5 Q. Right. But the original award could have sent people to your
6 web page; correct?

7 A. In principle, yes.

8 Q. And the email that went out by Professor Akbulut did not go
9 to a larger body of audience of people including students you
10 stated; correct?

11 A. I'm sorry? What was that?

12 Q. Professor Akbulut's response email did not go to students;
13 correct? You testified to that.

14 A. This email, yes. Yes.

15 Q. Right. And this email did not go to anybody outside of MSU;
16 correct?

17 A. Well, I don't have a way to know that. Right? It is not --
18 it may very well be. For instance, in our department faculty
19 may leave but still maintain their email address for a few
20 years. I have no way to know that. So a person may well be
21 working at the University of Missouri say and had left MSU
22 but still maintain an address.

23 Q. Okay. But the -- this --

24 A. So I cannot answer this question.

25 Q. I understand that. But Professor Akbulut certainly did not

1 address this email to people outside of MSU?

2 A. These are the addresses. Dean Duxbury, NatSci academics,
3 Ford, Sara, and Osowski, Valerie. Yes. Those are the
4 addresses.

5 Q. And none of those are people -- he didn't address this email
6 to anybody outside of MSU? That's correct?

7 A. I'm sorry?

8 Q. This email is not addressed to anybody outside of --

9 A. This does not contain any addresses outside MSU, yes. The
10 ones I see here.

11 Q. So it's equally likely that people who received the original
12 email and a second email could have been driven to your
13 website to check out your research and the reason why you
14 were receiving the award; correct?

15 A. I said in principle, yes. It is not -- however, however,
16 Dean Duxbury imposed a filter on this address after that, so
17 no one is able to send email to this address unless they ask
18 permission from the college.

19 Q. I think you testified to that yesterday; correct?

20 A. Yes. And I also said when I received the second award, I did
21 not see any of this activity on my web page.

22 Q. But you still can't tell the difference between whether it
23 was the original announcement of the award or the other
24 email? You have no idea because they came out to the same
25 people?

1 A. Technically, no. But knowing that several people came to me
2 at the awards ceremony and told me that they read the letter,
3 they were led to go to Professor Akbulut's page to look at
4 the documents, I cannot say that people went on my web page
5 to check my research on it.

6 Q. But you don't know; correct?

7 A. Mathematically speaking, no. But it is a fact that several
8 people talked to me about this.

9 Q. About the email; correct?

10 A. About the email. We addressed the situation in the
11 department, and I said that yesterday --

12 Q. Did those people tell you they went to your website to check
13 you out afterwards?

14 A. Excuse me?

15 Q. Did those people say that his letter drove them to your
16 website?

17 A. No, they did not.

18 MS. DOUKOURE: Okay. Thank you. I have nothing
19 further.

20 MR. REIFENBERG: Redirect?

21 DR. PROMISLOW: Yes.

22 REDIRECT EXAMINATION

23 BY DR. PROMISLOW:

24 Q. Hi, Effie. Can you just -- you have served on the Personnel
25 Committee in the Department of Mathematics?

1 A. Several times, yes.

2 Q. Which is the committee which does raises?

3 A. Yes.

4 Q. And can you tell us a little bit about the three main
5 categories that --

6 MS. DOUKOURE: I'm going to object. Her direct
7 testimony did not cover this. It is not relevant. I did not
8 ask her on cross-examination. I specifically said that there
9 are no interest. She testified on cross-examination that the
10 email that Professor Akbulut was not relevant to the process
11 in which raises are given. Therefore, I'm going to object to
12 this because form is inappropriate. She didn't testify to it
13 on direct and she did not testify to it on cross and it is
14 inappropriate.

15 A. I said there's a very rigorous process.

16 MS. DOUKOURE: You have to wait till the judges
17 answer.

18 MR. REIFENBERG: I sustain the objection.

19 MS. DOUKOURE: Thank you.

20 DR. PROMISLOW: Then I've got no questions.

21 Thank you.

22 JUDGE WHITBECK: Thank you. You are done.

23 MS. DOUKOURE: After this witness leaves I'd
24 like to address something with the Court before we bring the
25 next witness in, please.

1 MR. REIFENBERG: But we're not finished.

2 MS. DOUKOURE: Oh, I'm sorry.

3 MR. REIFENBERG: Any questions? No questions.

4 All right. Now.

5 MS. DOUKOURE: Do we want to wait for Ms. Kelley
6 to return?

7 MR. REIFENBERG: Yes.

8 MS. DOUKOURE: I just would like to address
9 something.

10 MR. REIFENBERG: Would you like to take a break?

11 MS. DOUKOURE: I'd like to address something
12 that happened yesterday which I felt was very inappropriate,
13 and I'd like to preface this by saying I did not come here to
14 argue with people or to fight with people or to scream at
15 people or to have people scream at me. I came up here in a
16 professional capacity to defend my client and to make a
17 record. There are certain things that need to be made on the
18 record so that there's a clear record. We have went through
19 seven witnesses so far. Four of those witnesses have
20 outright refused to answer questions in a responsive manner.
21 I have asked this panel to direct witnesses to answer
22 questions that I have asked because they flat out refused to
23 do so. If I ask somebody like I asked Ms. Floyd yesterday a
24 question about whether or not she and her committee reviewed
25 certain documents and she says that's not our mandate, that

1 is not a responsive answer to that question. I might be able
2 to understand what she means. Ms. Yermak might be able to
3 understand what she means. You guys might understand what
4 she means, and the charging party might understand what she
5 means at this time. We are going through at least 12 other
6 witnesses, five are our witnesses, and seven days of
7 testimony, and the record will not reflect an actual answer
8 to my question, so I have to repeatedly ask people to
9 actually answer questions, and then this panel is shouting at
10 me. Ms. Kelley is screaming that I'm not being nice to the
11 witnesses, and I have asked for them to answer a question.
12 In addition to that, Ms. Floyd was allowed to scream at me
13 yesterday on the record and that's not appropriate. She
14 demanded that I explain my questions to her, why she should
15 answer them. She told me -- she said flat out she wasn't
16 going to answer them. She did indicate it wasn't relevant in
17 a very belligerent and violent manner. And when I tried --
18 and when this panel did not step in and I tried to remind her
19 that she's not allowed to ask me questions and she doesn't
20 get to decide what's relevant, I was reminded that that's not
21 appropriate. And all I was trying to do is get her to answer
22 a question about something the document said. I asked her a
23 question does this document say such and such and her
24 response was "I'M not answering that. It's not relevant.
25 You tell me why this is relevant. Your client has had enough

1 process. This is enough. I don't understand why we're
2 here." And we can read the record back because she said all
3 of that. And I feel I'm up here to make a record and have
4 some process, even if it's not a formal process, and I
5 don't -- I've done cases that are like way more emotional
6 than this case ever should be. I've done abuse and neglect
7 cases. I have done child custody cases. And I have never,
8 never been screamed at like that. Because somebody refuses
9 and has stated that they're refusing to answer a question and
10 not had the tribunal in charge direct the witness to not
11 address people like that or to have to answer questions on
12 the record. That's not appropriate. And it was very -- the
13 lack of professionalism and the belligerence that was allowed
14 in this room yesterday was humiliating to me personally. And
15 normally when a witness would act like that and not answer
16 questions, and the judge can tell you this, you can object to
17 their answer as being non-responsive. You can ask for their
18 testimony to be stricken and non-responsive testimony to be
19 stricken and you can ask a witness to be redirected to answer
20 questions, and I have tried all of those things, and instead
21 the witness was allowed to belittle me, to call me
22 ridiculous, and to scream at me. And going forward I would
23 like that not to happen again. I'm here to ask -- none of
24 these witnesses I'm assuming were subpoenaed to be here
25 because I didn't see a single subpoena, so they volunteer --

1 it's not a pleasant experience for anybody, but everybody who
2 has testified here has volunteered to testify or at least at
3 a minimum agreed to testify, and they should be told that
4 they have to answer questions honestly and truthfully and to
5 the best of their ability from both sides whether they like
6 it or whether they assume that it's relevant or not. And the
7 other thing I did not appreciate is when the witness was
8 screaming at me, you have Professor Promislow laughing,
9 nodding his head in agreement, and she -- the witness was
10 looking at him for affirmation. She kept repeatedly looking
11 at him and he was nodding and he was smiling, and at that
12 moment that's when my client is told he's not allowed to
13 respond to something that he heard that he disagrees with.
14 And we have Professor Promislow signaling the witness his
15 agreement with what she says while she's in
16 cross-examination, and I understand he's not a witness -- or
17 that he's not an attorney and he probably wasn't doing it
18 intentionally, but she was clearly looking back and forth at
19 him for his approval while she was acting in such an
20 egregious and belligerent manner. And while this is not a
21 formal proceeding, this is a process. This is part of the
22 required process. And it has to be fair and equitable and
23 people have to be professional and there has to be a record
24 made. People have to respond to questions. I'm asking going
25 forward that if I ask a question and somebody gives a

1 non-responsive answer and I have to re-ask the question three
2 times I don't get belittled for asking that question again
3 until I get an actual answer to my question, because
4 yesterday three witnesses refused, said, well, I don't think
5 that's relevant and here's why I don't think that's relevant
6 and didn't give an actual answer.

7 MR. REIFENBERG: If you remember yesterday when
8 we were talking about actions on the part of the people at
9 the tables, I didn't single out the professor. It's
10 unacceptable to have anyone at the tables affect the
11 testimony of the witnesses, and I agree with you in terms of
12 that. But that applies to everybody. Now -- and if you
13 remember, I ruled that. Now, I agree that you've had
14 difficulty with respect to non-responsive people. If that's
15 the case, then the proper approach to take is to challenge
16 that and ask me, not have us step in. But you're right. I
17 mean, if somebody's being non-responsive, they shouldn't be
18 non-responsive. And certainly you can ask us. And if, in
19 fact, it occurs again, then please complain about them being
20 non-responsive. We can't just step in straightaway. Now --

21 MS. DOUKOURE: I understand that.

22 MR. REIFENBERG: In the same situation, if, in
23 fact, there's difficulty with, in fact, how she's
24 cross-examining people, it should also be your job to step in
25 and talk about that instead of getting into a battle here.

1 But I agree with you. Non-responsive actions on the part of
2 the witness is not acceptable and, in fact, that should be
3 dealt with, but the proper way to deal with it is to ask me
4 to order them. I can't step in without you asking me.

5 MS. DOUKOURE: Right. But I believe that I've
6 done that. I believe that I've looked several times to the
7 panel and said can you instruct the witness to answer the
8 question. I do believe I've done that and if you look
9 through the record, I think that it will show that.

10 MR. REIFENBERG: And if you look at the record,
11 too, you'll remember that when you did ask me I asked her to
12 respond. But obviously you felt that it hasn't occurred
13 enough times. And non-responsive actions on the part of the
14 witness, you're absolutely right. So from now on, please, if
15 that's happening, stop and ask me to work it out. What tends
16 to happen is that -- and the unfortunate thing and what we
17 got into was I think it's because of the non-responsive
18 aspect then you start questioning rapid fire and so the
19 best --

20 MS. DOUKOURE: After repeating the same question
21 that she refused to answer.

22 MR. REIFENBERG: I know. The best thing to do
23 there is just say please, they're being non-responsive and
24 order them to answer and we'll try to deal with that.

25 MS. DOUKOURE: Sure. And I also do not want the

1 witnesses to demand that I explain to them why any of this is
2 relevant, why my questions are relevant. That was so
3 inappropriate yesterday.

4 MR. REIFENBERG: The same response. If, in
5 fact, they're doing that and you have -- and you have
6 difficulty with that, then ask me to order that. We really
7 shouldn't -- we shouldn't be stepping in. Unless you order
8 us. Now, as I was saying before, I mean, part of this --
9 some of our difficulty has to do with, too, you have the
10 ability if, in fact, she's asking questions that you don't
11 agree with the ability to step in too. Maybe that would make
12 things a little bit easier in that sense if you think that
13 she's going too far.

14 DR. PROMISLOW: I just was trying to avoid
15 stepping over the questions. There wasn't much room for me
16 to speak. I just felt it was on top of. But it's my
17 responsibility to stop the process if it's going on.

18 MR. REIFENBERG: Hopefully we can make it less
19 conflict really in that sense.

20 MS. DOUKOURE: That would be great.

21 DR. PROMISLOW: That would be appreciated all
22 the way.

23 MR. REIFENBERG: And, you know, this -- although
24 at first this might seem to be not as bad as a child custody
25 thing, obviously there are -- people's feelings have been

1 badly hurt in this situation.

2 MS. DOUKOURE: Sure.

3 MR. REIFENBERG: And so it's probably as bad as
4 two parents fighting over who gets the custody of the child
5 or the dog or something like that. All right. Thank you.
6 So we are --

7 DR. SMITH: We're all good.

8 MR. REIFENBERG: So is there another witness?

9 DR. PROMISLOW: Yes.

10 RAJESH KULKARNI

11 (At 10:12 a.m., called by Dr. Promislow and
12 sworn by the reporter, testified as follows)

13 DIRECT EXAMINATION

14 BY DR. PROMISLOW:

15 Q. Thank you. Can you please state your full name?

16 A. Rajesh Kulkarni.

17 Q. Can you give us your background as it relates to this process
18 and administrative issue?

19 A. I have been a professor at MSU since 2013. I came here to
20 MSU in 2002, so I've been with the department for 17 years.

21 Q. If you can speak into the microphone. The sound is -- the
22 quality here is very --

23 A. So I was -- I became a full professor in June of 2013. I've
24 been in the university since 17 years. And I was on the
25 Advisory Committee for the past two years starting with 2017

1 and ending in 2019. May of 2019.

2 Q. You were an elected member of the Advisory Committee?

3 A. Yes. I was an elected member of the Advisory Committee.

4 Q. I'm going to hand you --

5 A. Actually I was also -- it may pertain to this, but I was also
6 a member of the Personnel Committee I think 2015 to 2017. I
7 was also an elected member of the committee.

8 Q. I'm going to hand you the exhibit from binder Tab 11.23,
9 which has already been admitted as CP-31 I believe.

10 (Discussion off the record at 10:16 a.m.)

11 (Back on the record at 10:16 a.m.)

12 BY DR. PROMISLOW:

13 Q. So, Rajesh, do you recognize this document?

14 A. Yes, I do.

15 Q. Can you describe it for us and place it in context?

16 A. So this was during the time when I was on the Advisory
17 Committee. There was repeated emails from Selman that people
18 were starting -- people were already quite bothered by it,
19 and at some point the Advisory Committee got a few
20 complaints, maybe several complaints from various people in
21 the department, and the Advisory Committee was considering
22 what should be done about it. One of the options that we
23 were considering was some sort of serious discipline. And at
24 this point there were so many emails that some of the
25 Advisory Committee members were actually afraid of getting in

1 the situation. So we requested a meeting with the university
2 counsel. I don't remember her name. Kristen Zako (ph)
3 maybe. Kristen Zako (ph), Terry Curry, the Advisory
4 Committee, and Keith. We had a meeting, I think this was
5 probably following this email, about serious discipline, but
6 shortly before this email there was a meeting between the
7 university legal counsel and the Advisory Committee, and so
8 this email came about that time, and it's basically only
9 added to the threat that everybody felt about how should we
10 proceed about it, and the suggestion in the email that if you
11 sign anything that Selman perceives as faulty might result in
12 us going to jail is not something that sat well with the
13 Advisory Committee or for that matter anyone who agreed with
14 the document of this nature. We in the end decided for two
15 reasons. One, because we were afraid and, second, because we
16 thought that it best to have it outside the department to
17 avoid any appearance of conflict of interest, that outside
18 committee should look into it and which is what happened in
19 the end.

20 Q. So, in your mind, was the primary reason to go -- to request
21 the outside committee to avoid the appearance of conflict of
22 interest or because of a sense of apprehension about perhaps
23 being targeted?

24 MS. DOUKOURE: I'm going to object to that
25 question because he said afraid. He did not qualify it.

1 Therefore, Professor Promislow is now qualifying and adding
2 onto testimony received by this witness inappropriately.

3 A. Well, I did say that we were afraid --

4 JUDGE WHITBECK: Hold on.

5 MR. REIFENBERG: You really are leading the
6 witness. Can you just --

7 DR. PROMISLOW: Rephrase, yes.

8 MR. REIFENBERG: Focus on asking direct
9 questions instead of testifying for him.

10 DR. PROMISLOW: Sure.

11 BY DR. PROMISLOW:

12 Q. So you could you summarize for us the points that -- the goal
13 of the AdCom in requesting the --

14 MS. DOUKOURE: I object. Asked and answered.

15 MR. REIFENBERG: I don't think that's been
16 answered.

17 MS. DOUKOURE: He asked what the goals were.
18 Professor Kulkarni stated that it was, number one, because
19 they were afraid. That was the only word used. Number two,
20 because it was best to avoid the appearance of a conflict of
21 interest.

22 MR. REIFENBERG: You may ask the question. It
23 hasn't been asked and answered.

24 DR. PROMISLOW: Okay. Could I rephrase it?

25 BY DR. PROMISLOW:

1 Q. During this time were you personally afraid and what were you
2 afraid of? Could you specify what the fear was?

3 A. So let me clarify. The two points are not unrelated. That
4 the two points that I made, namely the first that the
5 Advisory Committee must feel afraid. I might even go ahead
6 and say that we felt somewhat threatened. And second one was
7 that we wanted to avoid an appearance of conflict of
8 interest. They're not unrelated because the department
9 already had gone through this process -- not this process,
10 but having an internal committee look into this situation
11 once before, and we were getting emails a year and a half
12 after this event, that it clearly meant that -- clearly
13 indicating that in view of Selman the committee had not been
14 fair to him, implying a -- implying that there was some sort
15 of corruption behind all of this. So we wanted to avoid this
16 possibility. Some members felt threatened because they don't
17 want to be in this situation where two years down the line
18 they're still getting emails about this. And so this is what
19 I mean by also appearance of conflict of interest. It's
20 not -- it was to avoid any confrontation at all costs because
21 we just -- we couldn't deal with it. I mean, we were --
22 basically we felt we should not get involved in it at that
23 point.

24 Q. I'm going to hand you a new document. It's the content of
25 binder Tab 11F, F as in fawn I guess. It's not been admitted

1 previously.

2 (Discussion off the record at 10:22 a.m.)

3 (Back on the record at 10:23 a.m.)

4 BY DR. PROMISLOW:

5 Q. Rajesh, can you summarize this for us? I'm sorry. Can you
6 describe this document for us?

7 A. This is a letter that I wrote as an impact letter of the
8 University Committee on Faculty Affairs when a serious
9 discipline was being considered, which eventually I think --
10 well, that's not what I would say. But this was a document
11 which was basically an impact for this committee to say how
12 these events have impacted various members of the faculty,
13 especially those of us who were on various committees during
14 this process.

15 JUDGE WHITBECK: Off the record.

16 (Discussion off the record at 10:24 a.m.)

17 (Back on the record at 10:24 a.m.)

18 BY DR. PROMISLOW:

19 Q. Can you summarize for us what you think the main points
20 you're trying to make?

21 A. I would say that I'm not -- I was not happy to write this
22 letter. It really tore me apart to write this letter. It
23 was unpleasant to write it. I debated for a long time what I
24 wanted to put in it. I think it mostly says in my view what
25 I had been observing with communications between Selman and

1 other faculty members of the department and including a small
2 part that I played in it, and I just -- I just listed what I
3 thought were consequences of all of this communication. It
4 affected me personally very, very much. I -- I lost sleep
5 over it. Selman has mocked me about it, but it is true that
6 I've lost a lot of sleep over it. I've lost a lot of time
7 over it. And people have been unwilling to serve on
8 committees. His suggestion has been that the ten people who
9 are on the committees are the same ten people, but I will
10 have him know, have everyone know that I've always, except
11 for the hiring committee, which is not an elected committee,
12 I've never been appointed to a committee. I've always gone
13 on committees by winning elections. So far I've not lost a
14 single election in the department and I'm proud to say that.
15 And so to suggest that there is some kind of -- something
16 nefarious going on all the time, this is what I addressed in
17 the second paragraph to say that people are unwilling because
18 they're afraid, and that's really what the document says. In
19 fact, I really wish none of this would ever have happened,
20 but here we are.

21 Q. Do you recall Selman's response when he ultimately received
22 your statement of impact?

23 A. Say that again.

24 Q. Do you recall Selman's response when he ultimately received
25 your statement of impact?

1 A. So I was -- I think this was in fall of 2018. The department
2 had certain amount of funds that are at the discretion of the
3 chair. There are various research groups in the department
4 and they want a certain amount of money so you can invite
5 some people for seminars and visits. The money is not a
6 problem, but somebody has to manage that money. Each group
7 has a representative that is given the responsibility of
8 handling that money. But the academic year in 2018, 2019 I
9 was that member because Keith asked me to be in charge of it.
10 I mean, there are four or five of us or six of us. Usually
11 the responsibility is given to most senior members of the
12 department or at least you have to be tenured presumably just
13 because you don't want to burden other people with more
14 things to do than necessary. So it was my turn last year.
15 It is not a big deal. It is not the first time I've done it.
16 Nobody has ever complained about anything. Selman sent an
17 email asking me to either step down or not -- accusing Keith
18 or -- essentially asking me to not have this duty. And the
19 reason was because he said that this letter that I wrote was
20 prejudicial hate mail. To which one of my other colleagues,
21 George Pappas, he responded saying that he doesn't see
22 anything either prejudicial or hate mail about it and so --
23 so, I mean, that was Selman's reaction. But that's the
24 reaction that I know.

25 Q. Thank you. I'd like to just hand you a document that's --

1 MS. DOUKOURE: Are you going to admit this
2 document?

3 DR. PROMISLOW: Oh, I'm sorry. I'm going to
4 move to admit. Thank you. I'm going to move to admit the
5 document you currently have in your hand, which is --

6 MS. DOUKOURE: 61.

7 DR. PROMISLOW: -- going to be I think CP-61.

8 MS. DOUKOURE: I have no objections.

9 MARKED FOR IDENTIFICATION:
10 CHARGING PARTY EXHIBIT 61
11 10:29 a.m.

12 BY DR. PROMISLOW:

13 Q. Now, I would like to hand you the contents of binder
14 Tab 11.S11.

15 DR. SMITH: S as in Sam?

16 DR. PROMISLOW: 11 Sam 11. Yes.

17 BY DR. PROMISLOW:

18 Q. Rajesh, can you identify this document?

19 A. Yes. This is the email that I referred to earlier that was
20 sent by Selman to Keith asking to replace Matt Hedden and I
21 from the responsibility of the university's small seminar
22 fund that we were given for seminars.

23 Q. And there are links on it? Can you describe the links?

24 A. Oh, there are links on it, and the second link is in
25 reference to the letter that I just talked about, the impact

1 letter that I just talked about. And the first letter is
2 Matt's letter I assume. And the last link is -- I don't know
3 what that is. In this email Selman says that because I wrote
4 this incriminating hate letter, how -- how can I be expected
5 to support his visitors. As a matter of fact, he has never
6 asked me -- asked any monies from me when I had this
7 responsibility in the past or within the last year, so there
8 is no basis for saying such a thing. In fact, I would not do
9 such a thing. I mean, in reality actually there are other
10 reasons why -- I mean, I'm -- my area is very different from
11 Selman's, so it's also strange to suggest it, that we have
12 some common area and we -- that I might object to giving him
13 money.

14 Q. Would it be logical for Professor Akbulut to request a
15 visitor funded from the algebra common torts fund?

16 A. No. It's not really logical I would say. I mean, this is --
17 if even -- if anything happened, then usually he would
18 request Matt Hedden and then Matt Hedden would come and talk
19 to me and say, well, if you -- here is a visitor that lies
20 between our two areas so could we split the money. That's
21 really how it would happen. I mean, usually it would be
22 expected for Selman to ask Matt Hedden for the money.

23 Q. What's your response to -- what was your response to having
24 your statement of impact characterized as a hate letter?

25 A. First of all, in the -- in the current climate I was very

1 concerned because I don't know what it means, hate letter, so
2 I actually checked the definition of what hate letter means.
3 It's -- one of the definitions that I saw, it is a very angry
4 letter. When I read that letter, and I've read that letter
5 at least 50 times by now, I don't see anything angry about
6 it. In fact, I was not angry. I was hurt. But I was
7 definitely not angry. I was upset and somewhat unhappy that
8 I had to write a letter in the first place, but I was
9 definitely not very angry. I don't have any hate for Selman
10 and I don't have hate for anything. I mean, this is not --
11 it was not meant as a letter that will -- that should or
12 could be used against him in a hateful manner. This was not
13 about the letter. If you read the letter, there is just
14 no -- I don't see any way of concluding that it's a hate
15 letter, and it's -- it was not a letter written in a court of
16 law. It was a letter written for my colleagues. It was not
17 meant to go on Twitter. It was not meant to go to the entire
18 university, to the maybe lieutenant governor. Who knows.
19 President of the American Math Society and whatever. I don't
20 know. But there's just no end to it. I mean, this letter
21 was written for a few colleagues to say what is happening in
22 the department. In fact, I don't suggest anything in it
23 anywhere what I hope are the consequences of writing the
24 letter. I'm just writing out what I think is happening and
25 how it is hurting the department and him. I just don't -- I

1 just don't understand this. I mean, this is -- there are --
2 there are multiple times when I've had pressure with this
3 whole situation. My goal is very minimal. I mean, I don't
4 claim to be an important person in the department or in this
5 matter. However, I will say that every time I've had
6 pressure, this comes back and this comes back in a very
7 negative way. I was on the Personnel Committee. This came
8 back again that there is something nefarious in his
9 evaluation. No. In fact, when I was on the Personnel
10 Committee, the Personnel Committee considers three separate
11 characteristics, research, teaching, and service, and each
12 individual has a certain weight attached to it. Most people
13 have 40 percent research, 40 percent teaching, and 20 percent
14 service duty associated with them. And this is -- the
15 committee looks at each aspect separately and makes an
16 opinion and we write our opinion and send it to Keith.
17 Unless there is a considerable majority opinion on anything,
18 it doesn't go in the document. And, in fact, every time I --
19 so for the two years that I was there, both years we spent
20 more time on Selman's case than anyone else. Not because we
21 wanted to write something negative, but because we wanted to
22 make sure that there is no way of even appearance of conflict
23 of interest or there is nothing prejudicial that we write
24 about it. And so I don't see it. And then we get these
25 emails saying that, oh, he's got his -- suggesting that I got

1 the salary raise which is in the top ten percent for top ten
2 people within the department because I must be on this
3 committee and because I'm a part of this. The fact of the
4 matter is that research productivity only counts for
5 40 percent of your salary raise. The remaining is 40 percent
6 teaching and 20 percent service. I mean, I just don't
7 understand how all of this is lost in this process. The same
8 thing when I was on the Advisory Committee. When I was on
9 the Advisory Committee we are spending enormous amount of
10 time trying to be fair. And so there you go.

11 BY DR. PROMISLOW:

12 Q. You kind of wandered off the question.

13 DR. PROMISLOW: So I'd like to move to admit
14 this document.

15 MS. DOUKOURE: I have no objection.

16 DR. PROMISLOW: This is CP-62.

17 MARKED FOR IDENTIFICATION:

18 CHARTING PARTY EXHIBIT 62

19 10:37 a.m.

20 BY DR. PROMISLOW:

21 Q. Could you just give us a brief summary of --

22 A. You didn't give me the document.

23 Q. I'm sorry?

24 A. You didn't give me the document.

25 Q. No. I don't have a document for you.

1 A. Oh, sorry. Okay.

2 Q. Could you just give us a brief summary of why you decided to
3 testify?

4 MS. DOUKOURE: I'm going to object to relevance.
5 Why did he decide to testify is not relevant. We're here to
6 discuss facts of the case.

7 JUDGE WHITBECK: Do you have a response?

8 DR. PROMISLOW: Oh, I'm sorry. I believe it
9 suggests a motivation for the impact of what he's been
10 exposed to. Gives his side of it.

11 MS. DOUKOURE: I mean, he can ask about the
12 impact and he has asked and this witness talked at length
13 about impact, but motivation for testifying is not relevant
14 in this matter.

15 MR. REIFENBERG: You're right. That's true.
16 Why are you asking the question about his motivation about
17 testifying?

18 DR. PROMISLOW: I'm just asking him to
19 characterize the cost and balance between the difficulty in
20 testifying and he -- the sense of trying to push towards a
21 solution. I'm trying to extract his inner thought process.

22 MS. DOUKOURE: He's already testified to that.
23 And that's not relevant.

24 DR. PROMISLOW: Okay. Can I rephrase the
25 question? I'd like to rephrase the question.

1 MR. REIFENBERG: Please rephrase the question.

2 DR. PROMISLOW: Okay. Thank you.

3 BY DR. PROMISLOW:

4 Q. Do you feel that it's appropriate to move towards dismissal
5 for cause in this case?

6 A. So here is your answer.

7 MR. REIFENBERG: Can you speak more loudly?

8 BY DR. PROMISLOW:

9 Q. Do you feel it's appropriate to move towards dismissal for
10 cause in this case?

11 A. As an absolute last recourse, I don't see any other option
12 because we have exhausted every other option. Every time we
13 have tried to come up with a solution, Selman has rebuffed
14 it. I mean, the existence in the department is sometimes
15 unbearable these days because like these emails that we
16 continuously get are -- maybe this is false, but it certainly
17 makes me feel that they're impugning my reputation as well as
18 well as the reputation of my very distinguished colleagues.
19 Asking -- for example, asking me to recuse was really a minor
20 thing in the whole scheme of things, but the same thing has
21 happened to other people. George Pappas, who is a very, very
22 distinguished colleague, he was asked to recuse himself from
23 the Personnel Committee. Jeff Schenker was asked to recuse
24 himself from being the graduate director. At this point if
25 you take all the people who are willing to do these very

1 time-consuming jobs that are actually -- actually take away
2 from the thing that we love, which is to do some research,
3 then the department will not function. At this point people
4 who are willing to put their time into running the
5 department, they're obstructed in doing so because we've
6 spent so much time and energy in dealing with Selman's
7 complaints and Selman's what are in my view accusations
8 than -- for instance, what I consider are slanderous comments
9 are really --

10 MS. DOUKOURE: I'm going to object. He is so
11 far down the lane against what was questioned. He is at this
12 point non-responsive.

13 MR. REIFENBERG: I think he's well beyond.

14 BY DR. PROMISLOW:

15 Q. Yeah. Can you come to the conclusion, please?

16 A. Well, so my point is that when -- as a member of the Advisory
17 Committee, we tried every possible recourse in my view and
18 this is the last possible avenue left. I'm not happy about
19 it, but I don't see what else we can do.

20 DR. PROMISLOW: Thank you. I have no further
21 questions.

22 CROSS-EXAMINATION

23 BY MS. DOUKOURE:

24 Q. Good morning, Mr. Kulkarni.

25 A. Good morning.

1 Q. Is that how you say your name?

2 A. Kulkarni.

3 Q. Kulkarni. My name is Amy Doukoure. I am an attorney. I'm
4 representing Professor Akbulut in this matter. Do you mind
5 if I question you from a sitting position?

6 A. It's up to you.

7 Q. Thank you. I'd like to start actually with the end of your
8 testimony and move backwards if that's okay. You testified
9 that several very distinguished colleagues, and I think you
10 named by name, yourself, Jeff Schenker, and Professor
11 Pappas --

12 A. I was careful not to call myself distinguished because I'm
13 not.

14 Q. Fair enough. All three of you, distinguished or not, were
15 asked to step down from the committees; correct?

16 A. Yes.

17 Q. And you said that at least at a minimum Jeff Schenker and
18 Pappas are distinguished colleagues; correct?

19 A. Among others. I mean, I just picked those two examples, but
20 there are others who are distinguished who were also asked to
21 step down.

22 Q. But you called them distinguished colleagues; correct?

23 A. Yes.

24 Q. And Selman is also a distinguished colleague; correct?

25 A. I have no doubt.

1 Q. I'm sorry. I didn't catch that.

2 A. Yes. I said yes.

3 Q. And he's distinguished in the area of mathematical topology;

4 correct?

5 A. Yes. Just topology. Yes.

6 Q. Just topology. And isn't he also distinguished in algebraic

7 geometry?

8 A. Not in the sense that algebraic geometry is used in general.

9 Q. But he has distinguished research on the concepts of

10 algebraic geometry; correct?

11 A. No. It is -- he is -- he did some work in a subject called

12 real algebraic geometry, which is a very different subject

13 from what is traditionally understood to be algebraic

14 geometry.

15 Q. So he is distinguished in your saying of the area what would

16 be considered real algebraic geometry?

17 A. Yes.

18 Q. Which is a subset of algebraic geometry?

19 A. No.

20 Q. It's completely different?

21 A. Yes.

22 Q. It's closely related to algebraic geometry?

23 A. No. It's not closely related. It is related but not closely

24 related.

25 Q. And you stated that people who are willing or put time and

1 effort into running the department outside of things such as
2 research, like Jeff Schenker and George Pappas, who were
3 asked to step down from committees, that the department
4 couldn't run if there was nobody left; correct?

5 A. Well, not only because of the two, but, like I said, those
6 are two examples I chose. If people who are within Selman's
7 orbit of what I might construe as anger, then that would be a
8 larger number.

9 Q. During the time that distinguished colleagues were serving on
10 committees, did Selman serve on any committees?

11 A. Yes.

12 Q. Which one?

13 A. Advisory Committee.

14 Q. Pardon?

15 A. Advisory Committee.

16 Q. Advisory Committee. Do you remember which years?

17 A. 2015, 2016.

18 Q. Was he ever appointed or recommended for another committee
19 after that?

20 A. That's not under my purview. He has never run for election.
21 In the 17 years not once has he run for election. That's up
22 to him. He could have filed election and people who ran make
23 a choice. But he has chosen not to run for the election.

24 Q. Before you run for election isn't it true that you actually
25 get nominated to run?

1 A. You can self-nominate yourself.

2 Q. You can self-nominate?

3 A. Yes. I have self-nominated myself at least once I think.

4 Q. So it's maybe not that he hasn't chosen to run but maybe he

5 chose not to self-nominate?

6 A. I don't see the difference. That's -- that's spreading

7 rumors. I don't see the difference. When you self-nominate,

8 you run for the election.

9 Q. Right. But there's a nomination process. It's generally

10 understood that somebody says, hey, I think you'd be good at

11 this and I think this person should hold that position;

12 correct?

13 A. By and large. But I wouldn't say necessarily. Because --

14 Q. But by and large --

15 A. Because people do -- I mean, I think the self-nomination

16 happens at a fairly reasonably high rate. I don't know.

17 This is actually up to Keith because all the nominations are

18 sent to him.

19 Q. So all the nominations go through Keith?

20 A. Well, I mean, somebody -- somebody -- actually it's not

21 Keith. Sorry. It used to be someone named Jerry Gardner,

22 who just passed away, and since he's passed away I don't know

23 who we send the nominations to. But there is a gatekeeper

24 and you send either self-nomination or nomination for other

25 people to that person and then that person usually contacts

1 the relevant faculty member, unless it's a self-nomination,
2 to ask whether they're willing to run for the election and
3 then there is an election.

4 Q. Sure. But the nomination -- the term "nomination" indicates
5 that somebody is presenting you -- or not you but I'll use
6 the term colloquially here, you or somebody else as saying,
7 hey, I think that this person would be a good fit for this
8 position; correct? I mean, that's what nomination means.

9 A. Possibly. I mean, it's -- I guess what I'm trying to get is
10 it's not like we have -- we have six or seven, I can't
11 remember members, on the Advisory Committee, for example.
12 Each year we elect two members. Right? So you usually want
13 full professors to serve on the committee or maybe if there
14 is an associate professor who's doing very well, then you
15 nominate him or you consider nominating him. So if there --
16 for example, if they're never in the department, that would
17 not be a good person to serve on the Advisory Committee
18 because they're never in the department. They don't know
19 what's really happening. So these kind of considerations
20 come into play.

21 Q. Those would be considerations say if you wanted to elect
22 somebody, you would look at their record whether they'd be
23 the right person; correct?

24 A. I didn't -- I can't understand. What did you say?

25 Q. I said what you're talking about now is the election process,

1 isn't it? If somebody self-nominates and they don't -- and
2 you don't think that they're in the department enough,
3 clearly you're not going to vote for them. That's not what
4 I'm talking about. I'm talking specifically about nominating
5 people.

6 A. Yeah. I'm talking about nomination too.

7 Q. You can nominate somebody and you can nominate yourself, but
8 the word "nomination" means that somebody thinks that
9 somebody else or themselves is a good fit for a position;
10 correct?

11 A. Yes. So different from what you said now and the first time
12 is that you can also consider yourself to be fair.

13 Q. Right. But the nomination process -- like not everybody gets
14 a nomination or like going to elect a president soon and each
15 party has to nominate and while there is a self-nomination
16 process, somebody has to accept that nomination; correct?

17 A. No. Actually I think the -- once somebody is nominated, that
18 person automatically runs whether they're willing to run for
19 the election. There is no vetting after that point.

20 Q. So anybody who nominates, that person can run as long as
21 they're willing?

22 A. Yes.

23 Q. Sure. But isn't it also true that if Selman didn't
24 self-nominate, some people might not be comfortable
25 self-nominating them for positions?

1 A. No. When you vote, you don't know whether the person was
2 self-nominated or someone else nominated them.

3 Q. Right. But that doesn't negate the fact that somebody might
4 not feel comfortable self-nominating themselves. They might
5 want their peers to nominate them; isn't that true?

6 A. I don't think so.

7 Q. You don't think so?

8 A. No.

9 Q. Okay.

10 A. I mean, because just because -- just because it's not -- I
11 think -- I mean, in a sense we are just trying to get people
12 to serve on committees. It's not really -- it's not like --
13 there is no prestige associated with it. Maybe you can say,
14 okay, you know more about the inner workings on the
15 department if you're on the Advisory Committee for a period
16 of two years. But it's not -- I mean, in fact, it's a lot of
17 work. It's a lot of extra time that you spend on these
18 committees.

19 Q. Sure.

20 A. So I wouldn't agree that --

21 Q. That's not what I'm asking. I'm not asking --

22 A. No. I'm getting to it. I'm answering your question. So
23 what you are saying is that there has to be a certain -- like
24 you are thinking that nomination is a level of respect.

25 Q. I mean, I don't want you to guess what I'm thinking. I

1 don't. In fact, I don't want you at all to assume what I'm
2 thinking or assume what I'm asking you.

3 A. I have to interpret your question in one way or the other,
4 so . . .

5 Q. My question is very straightforward, is whether or not people
6 might not feel comfortable self-nominating themselves.

7 A. They will -- they'll feel comfortable self-nominating.

8 Q. Everybody in the world will feel comfortable --

9 A. I will not agree with that. I can't speak for everybody.
10 But there are people who have self-nominated themselves and
11 have gone to win elections.

12 Q. Are there other people who have not self-nominated?

13 A. Yes.

14 Q. And isn't it possible that those people have not
15 self-nominated because they don't feel comfortable
16 self-nominating?

17 A. It's possible I suppose.

18 Q. That's all I'm asking you.

19 A. Okay.

20 Q. And isn't it true that some people who serve on that
21 committee are also appointed?

22 A. Each committee has a different structure, so there are -- I
23 think probably on all committees there is somebody who's
24 pointed.

25 Q. So just about if not all committees have somebody who's

1 appointed to that committee; correct?

2 A. I think so. I don't know for sure, though.

3 Q. Who appoints those individuals?

4 A. I think Keith.

5 Q. You think Keith. And on the Advisory Committee how many

6 positions are there?

7 A. Seven I think. Or six. Maybe six. Six or seven. I'm not

8 sure.

9 Q. Six or seven.

10 A. Yeah.

11 Q. If you know, how many of those six or seven people are

12 elected?

13 A. I think four. Because each year we elect two I think. It's

14 a two-year committee, so there are four people that are

15 elected.

16 Q. So you will elect two this year and then two different ones

17 will be next year and there will be another election next

18 year? Is that the system?

19 A. Yes.

20 Q. And then two are appointed by the chair?

21 A. No. If you're appointed by the chair, then I think you are

22 not there for two years. You are there for one year I think.

23 Q. But there are two each year -- the committee runs from year

24 to year; correct?

25 A. I can't -- say that again.

1 Q. Like it runs -- like it has its own cycle, like its own
2 yearly cycle; right? So is it for the 2019-2020 school --
3 A. Academic year.
4 Q. Okay. So it runs from academic year; right?
5 A. Almost. But there are issues that come up in the summer
6 sometimes. So usually it's really for one year but the
7 in-person meetings are during the academic year.
8 Q. Okay. And then so somebody who has served for an academic
9 year technically?
10 A. Yes.
11 Q. Okay. And there's six, maybe seven, but at least six people
12 who serve on the committee for an academic year?
13 A. Yes.
14 Q. So if there are six people, that means two people, whether
15 they're appointed every year or every two years, you said
16 probably every year there are two people on that -- on the
17 committee each year out of six that are appointed by the
18 chair?
19 A. I would say so, yeah.
20 Q. Okay.
21 A. I mean, these numbers are -- I'm not hundred percent sure,
22 but they're within the ballpark. I mean, they're not --
23 Q. I mean, six or seven basically is the same anyways.
24 A. Yeah.
25 Q. So it could be either two or three people appointed by the

1 chair, which is --

2 A. Yeah.

3 Q. -- not a large discrepancy. We can agree; correct?

4 A. (Nodding.)

5 Q. I'm going to hand you what's labeled as CP-31. The numbers

6 don't mean anything to you I promise. They're just for us.

7 A. Yeah.

8 Q. And I believe that is 11.23. Professor Kulkarni, do you

9 recall testifying about this email a few minutes ago?

10 A. Regarding Kulkarni?

11 Q. Do you recall testifying about this?

12 A. Yes.

13 Q. And in this email, this is the email where you said that

14 people will go to jail if they put signed information that

15 Selman perceives as faulty? That was your testimony;

16 correct?

17 A. Yes.

18 Q. Can you show me on here where it says that Selman is going to

19 judge what's faulty and what's not faulty?

20 A. Well, the first sentence says, "My suggestion to AdCom

21 members is not to sign any documents along the way of

22 penalizing your colleagues." That doesn't say that there is

23 directly or indirectly, so, I mean --

24 Q. Does that say do not sign any documents penalizing because

25 Selman Akbulut? Is that statement -- is that what that says?

1 A. No, it doesn't, but it does --

2 Q. Okay. And then the next sentence says that he -- "I think,"

3 the I is Selman Akbulut, "think Promislow put 5 previous

4 members in trouble by making them sign faulty document about

5 federal funds."

6 A. Yeah.

7 Q. And that they can go to jail for that.

8 A. Yes.

9 Q. Does it say that he's going to judge what's faulty or do you

10 think that people will just go to jail because Selman tells

11 people they have to go to jail?

12 A. No. Selman is saying that they can go to jail because they

13 signed faulty documents.

14 Q. Because if they signed a faulty document. But does it say

15 Selman will decide what's faulty and then you go to jail?

16 A. Yes.

17 Q. That's what this says?

18 A. That's what it says.

19 Q. It says -- show me. I'd like you to point that out where it

20 says Selman is going to decide what's faulty and you're going

21 to go to jail.

22 A. He's saying that I think Promislow put five members in

23 trouble by making them sign faulty documents about federal

24 funds which they know is not correct. There are multiple

25 statements here that I think are false or at least he has no

1 way of knowing that they are false. Right? He is saying
2 that they know he's not --
3 Q. I would like you just --
4 A. I'm getting to it. I'm getting to it.
5 Q. No. Let me --
6 DR. PROMISLOW: Please don't talk over each
7 other.
8 MS. DOUKOURE: I don't think that that's a
9 proper objection and I don't think that's appropriate from
10 that side of the table.
11 JUDGE WHITBECK: I didn't hear it. Did you
12 hear?
13 MR. REIFENBERG: I didn't.
14 DR. PROMISLOW: I'm trying to instruct the
15 witness not to speak over.
16 MS. DOUKOURE: And I don't think that Professor
17 Promislow has the right to instruct THE witness from the
18 charging party's table. That's wholly inappropriate.
19 JUDGE WHITBECK: He should ask you.
20 MR. REIFENBERG: Yes. Please, if you have
21 difficulty with what's going on, ask us.
22 DR. PROMISLOW: Okay. Thank you.
23 MS. DOUKOURE: I would ask this committee to
24 please instruct the witness to answer the specific question
25 that I'm asking.

1 MR. REIFENBERG: Can you please answer the
2 question?
3 A. I think I am. Because --
4 BY MS. DOUKOURE:
5 Q. Let me repeat the question so we can all be clear about what
6 the actual question is. I would like you to show me on this
7 document where it says that Selman will decide that
8 something's faulty resulting in going to jail.
9 A. I think the question is not fair. I can't answer that
10 question.
11 MS. DOUKOURE: I'm going to ask --
12 A. Because --
13 MS. DOUKOURE: I'm going to ask --
14 A. Can I finish my sentence? Because --
15 MS. DOUKOURE: Please instruct the witness to
16 answer the question.
17 MR. REIFENBERG: Can you please answer the
18 question?
19 A. So here's my problem. She's asking me to prove something to
20 her. I can't prove something in one sentence. I'm waiting
21 to prove.
22 MR. REIFENBERG: She's asking you to point out
23 where something is said.
24 MS. DOUKOURE: That's correct.
25 A. Yes. But --

1 MS. DOUKOURE: I'm not asking for his inference
2 because he's given his inference. I'm asking him to show
3 me --

4 A. Okay. The second sentence is my -- "I think Promislow (along
5 with Kirkpatrick) put 5 previous AdCom members in trouble by
6 making them sign faulty documents about federal funds, which
7 they know is not correct (because the PI has been telling
8 them so, and official memos showing them so). They could go
9 to jail for this." So Selman is saying in my view this is
10 where I point out that Selman is saying that they will go to
11 jail.

12 BY MS. DOUKOURE:

13 Q. Do you think that Selman has the power to take somebody to
14 jail?

15 A. He could threaten.

16 Q. He could threaten, but do you think that he has the power to
17 put somebody in jail?

18 A. I believe no.

19 Q. Do you think that if somebody signs a faulty document and a
20 police report is filed there would be a completely different
21 process?

22 A. I believe so, yes.

23 Q. Do you think that if somebody files -- signs a faulty
24 document there should be a consequence to their action?

25 A. I can't answer that question yes or no.

1 Q. You don't -- so you can't answer -- if somebody does
2 something wrong --

3 A. I can't answer that question because it's -- it's too broad.

4 Q. If somebody does something that is illegal, should there be a
5 penalty?

6 A. Yes.

7 Q. If signing a faulty document regarding the funds of somebody
8 else with the realm of a federal grant is illegal, should
9 there be a consequence for signing that faulty document?

10 A. I need to hear the question again.

11 Q. Sure. If it is illegal for somebody to sign documents about
12 federal funding, like an NSF grant, should that person
13 receive a penalty?

14 A. Yes.

15 Q. But Selman would not be giving that penalty, would he?

16 A. Yes.

17 Q. Yes, he would?

18 A. No, he wouldn't.

19 Q. He would not; correct?

20 A. Yes. Yes.

21 Q. That would be somebody else?

22 A. Yes.

23 Q. So Selman is not threatening to put any specific person in
24 jail in this email, is he?

25 A. I can't answer that question.

1 Q. Does he name anybody and say you're going to jail?
2 A. Say that again.
3 Q. Does he name anybody and say you're going to jail? The
4 document's in front of you if you'd like to refresh your
5 memory.
6 A. No. I mean --
7 Q. That's a no; correct?
8 A. No. I didn't say that.
9 Q. Whose name is mentioned in this document as going to jail?
10 A. The previous Advisory Committee.
11 Q. It says they could go to jail.
12 A. Yes.
13 Q. If they signed a faulty document?
14 A. No. They did sign a faulty document.
15 Q. Right. And they could go to jail?
16 A. Yes.
17 Q. Would anything have to happen or is Selman going to cart them
18 off to jail?
19 A. Say that again.
20 Q. Is anything else going to happen in between or is Selman just
21 going to cart them off to jail?
22 A. So you're asking me whether they will go to jail. The answer
23 is no.
24 Q. That's not what I'm asking you.
25 A. Then I don't understand your question. I mean --

1 Q. I'm asking you in between Selman making an accusation of
2 something being faulty and being a crime and that individual
3 or those five individuals, as you said, going to jail,
4 something else would need to take place; correct?

5 A. Yes.

6 Q. So he's not actually threatening to take people to jail?

7 DR. PROMISLOW: Objection. Asked and answered.

8 MS. DOUKOURE: I don't believe that there's been
9 an answer.

10 MR. REIFENBERG: Can you just answer the
11 question whether or not he would go to jail? She's asking
12 whether or not Selman --

13 BY MS. DOUKOURE:

14 Q. I'm asking whether or not Selman is telling somebody that
15 he's coming to take them to jail.

16 MR. REIFENBERG: Regardless of what you think of
17 the question, just answer it.

18 A. So whether Selman will take them to jail?

19 BY MS. DOUKOURE:

20 Q. Yes.

21 A. No.

22 Q. I'd like to move on to CP-62. It's under Tab 11.S11. It's
23 the last exhibit entered. I'm just waiting for everybody to
24 catch up to us. I know. It's a little bit down time.
25 Right?

1 MS. DOUKOURE: Are we ready?

2 BY MS. DOUKOURE:

3 Q. Okay. Professor Kulkarni, do you recall testifying about

4 this document a few moments ago?

5 A. Yes, I do.

6 Q. Prior to testifying -- or during your testimony about this

7 document, you testified that there are some funds that are

8 given each year to invite speakers; is that correct?

9 A. Yes.

10 Q. And this document is a document that actually allocates --

11 like notifies, I guess, it appears to everybody because it's

12 addressed to faculty; correct?

13 A. Yes.

14 Q. How much funds each department is getting and who's going to

15 be in control of those funds; correct?

16 A. Yes.

17 Q. You also testified that generally senior faculty is given the

18 responsibility of dealing with inviting speakers and funds.

19 Wasn't that your testimony?

20 A. Yes. But it's --

21 Q. Are you the senior faculty in algebraic --

22 A. I'm one of the senior faculty I would say.

23 Q. Are you the -- and who would be considered senior faculty,

24 the senior most faculty in geometry and topology, if you

25 know?

1 A. Probably Selman.

2 Q. Probably Selman. Do you know when Matt Hedden became a full
3 professor, a tenured professor?

4 A. I think it was either this year or last year. I'm not sure.

5 Q. So maybe 2019, maybe 2018?

6 A. This year. Actually I made a mistake. Because he got
7 written as an assistant professor. So clearly my statement
8 was wrong.

9 Q. When did he become a tenured professor, if you know? If you
10 don't know, you don't know.

11 A. Six years ago. About six years ago. 2012 maybe or something
12 like that.

13 Q. That's when he became tenured?

14 A. I mean, usually -- there are six years between becoming a
15 full professor and getting tenure.

16 Q. Okay. So let's take a step back. Do you know when he came
17 to MSU?

18 A. No.

19 Q. Do you --

20 A. I mean, I can work it out. It must have been 2008 or so.

21 Q. 2008. Would it surprise you that his testimony yesterday
22 said that he came here a lot later than that?

23 A. It wouldn't surprise me. I wouldn't know why -- why would I
24 remember his CV?

25 Q. Okay. Well . . . And so you're not sure when he became a

1 tenured professor?

2 A. No.

3 Q. Okay. But certainly your testimony is that the most --

4 senior most professor in geometry and topology would be

5 Professor Akbulut; correct?

6 A. Yes.

7 Q. Has Professor Akbulut invited speakers before?

8 A. I guess so. I don't know for sure.

9 Q. But he has in the past invited speakers?

10 A. Yes. I'm sure. Yeah.

11 Q. And he's participated in seminars?

12 A. Yes.

13 Q. Within the math department?

14 A. Yes.

15 Q. Do you know when the last time Selman was placed in the

16 position that Matt Hedden was placed in with being able to be

17 over top of the funds to invite speakers?

18 A. I think this is only the second or third year that we are

19 doing this.

20 Q. Pardon?

21 A. This is the second or the third year we have had a need like

22 this I think.

23 Q. Sure. So has Selman ever?

24 A. I don't know. I mean . . .

25 Q. Okay.

1 A. Can I make a correction? I think I made a mistake because I
2 see that Ekaterina Rapinchuk was one of the organizers.
3 She's an assistant professor. So clearly it's not restricted
4 to professors. I mean, it is -- everybody gets a chance with
5 the peers. I think just -- I don't know how Keith decides
6 this. But this is not restricted to professors or even
7 tenured professors.

8 Q. So it's solely at the discretion of Professor Promislow?

9 A. I guess so.

10 Q. Okay.

11 MS. DOUKOURE: This would be an appropriate
12 place to stop.

13 MR. REIFENBERG: Then let's stop now for ten
14 minutes. That means 11:20.

15 (Recess taken at 11:10 a.m.)

16 (Back on the record at 11:23 a.m.)

17 BY MS. DOUKOURE:

18 Q. Mr. Kulkarni, when you testified on direct examination do you
19 recall testifying that you had -- that you and your Advisory
20 Committee had tried everything to solve this problem?

21 A. I didn't say that. I said that at this point we have no
22 recourse. So the Advisory Committee recommended that this
23 should be -- after Selman's email, not as a consequence of it
24 but just to get the timing right, the Advisory Committee
25 recommended to the chair, then he recommended to the dean

1 that she -- Cheryl Sisk was the dean then, that she should
2 appoint a committee within the college to look into serious
3 discipline.

4 Q. But you testified that you had tried everything -- your exact
5 words is we tried everything. Are you saying now that you
6 didn't try anything?

7 A. No. We did. I mean, so what I'm saying is that by we --
8 when I say we tried everything, I meant the -- the math
9 department had run its course for what can be done because
10 Advisory Committee recommended that we should -- to ask the
11 dean to form a committee outside of it, at which point -- at
12 which point it went outside of the purview of that committee.

13 Q. That wasn't the context of your testimony. Let me reframe my
14 question.

15 A. Yeah.

16 Q. When you were testifying about why you thought termination
17 was necessary, you testified that if there's nothing left to
18 be done because we tried everything to resolve this problem,
19 and I'm asking you do you recall stating that?

20 A. Yes. But let me ask you do you mean legally? I don't
21 understand the question.

22 MS. DOUKOURE: I'm going to ask that this
23 witness not be allowed to question me.

24 THE WITNESS: I understand I'm not allowed to
25 ask --

1 MR. REIFENBERG: You can ask for clarification.

2 A. Yes. Okay. I'm going to ask for clarification because I

3 don't understand -- I don't understand whether you are asking

4 whether we had exhausted our legal possibilities or all

5 possibilities that we as mathematicians can understand?

6 BY MS. DOUKOURE:

7 Q. I'm asking you what you said, so my frame of mind is not

8 relevant. I'm asking you did you say that you exhausted all

9 remedies?

10 A. Yes. I said that, yes.

11 Q. With regards to solving the problem?

12 A. Yes.

13 Q. What did you try?

14 A. So this -- this is -- this pertains only to the emails, so

15 we -- at some point we thought that maybe we can curtail his

16 access to the email, but that's not possible and that's not

17 right. Then because the documents were on the department web

18 servers, the access to the department web server could be

19 curtailed. The emails had stopped and so we -- at that --

20 that is the point at which -- and I think there were other

21 avenues that were pursued, like this Tom -- Professor Tom. I

22 can't remember his name.

23 Q. Tom Tomlinson?

24 A. Tomlinson.

25 Q. Were you in meetings with Professor Tom Tomlinson?

1 A. No.

2 Q. So you can't testify about Tom Tomlinson, then; correct?

3 A. No. I can. Because I'm not talking about his testimony.

4 I'm saying that the suggestion or the discussions about

5 whether that avenue should be pursued happened in the

6 Advisory Committee, and then even when that failed, it came

7 up again in the Advisory Committee, at which point we said we

8 should go and meet with the lawyers if any serious discipline

9 is to be contemplated.

10 Q. So everything was focused on shutting Selman down; correct?

11 A. No.

12 Q. What did you do to try to reach out to Selman in an effort to

13 mitigate his feelings in this situation, if anything?

14 Because what --

15 A. People -- people did try to communicate with him --

16 Q. I'm asking you what you did.

17 A. What I personally did?

18 Q. Yes.

19 A. Nothing.

20 Q. Nothing. So you didn't try everything. What you tried is

21 shutting his access to email because that was your testimony;

22 correct?

23 A. See, you're using I in two different ways. I object to that.

24 Because when you're saying that whether I did something

25 personally to reach out to him, you want to use it as I, but

1 when you're saying you tried to shut his access to his
2 website down, then -- then it's not me because it was the
3 collective decision of -- whether -- actually it was
4 authorized I think by somebody even higher up than Keith.
5 It's not -- I wasn't picking out the side.

6 Q. So you're testifying -- I asked you a question about your
7 participation in solving this problem --

8 A. Yes.

9 Q. -- and you gave me several examples of your participation.

10 A. Okay. So --

11 Q. I'm not asking you -- just for clarification, I'm not asking
12 you what Professor Promislow did. I'm not asking you what
13 Tom Tomlinson did. I'm not -- when I speak about what you've
14 done, that could be you personally in your individual
15 capacity or what you're aware of in your capacity on a
16 committee that took action. I'm not asking you about
17 anything else other than that because that's all really you
18 entails. So if you'd like me to start again.

19 A. No. I can -- I can answer this. So if you're asking me
20 about me, let me go back. At some point I did ask Selman why
21 is it that he simply not let the course go, because this has
22 happened to all of us. Our courses have been canceled. None
23 of have control of that. I mean, I've taught reading courses
24 and an additional course with seven students. So this is --

25 Q. So your testimony now is that your attempt to reach out to

1 Selman was to tell him --

2 A. Not to tell him. To ask him.

3 Q. To ask him to let it go --

4 A. To which -- to which his answer was there was no grievance.

5 The answer and question were unrelated.

6 Q. Is there a process for filing a -- if you have a problem with

7 something that happened to you at the university, is there a

8 process for that?

9 A. I would not know.

10 Q. So you don't know anything about a grievance process?

11 A. No. Because --

12 Q. So you don't know whether that's a valid answer or not?

13 Because if there was a process where he could have complained

14 about what happened to him and that process didn't take

15 place --

16 A. No. Actually his answer was invalid. If I'm asking him why

17 didn't you just accept that the course was canceled, the

18 answer that there wasn't a grievance is not a relevant answer

19 in my opinion.

20 Q. Your prior testimony wasn't that you had asked him why he

21 didn't teach the class. Your prior testimony was that you

22 asked him why don't you just let this go and that he

23 responded that he didn't have a grievance. Those are not the

24 same things.

25 A. Okay. I asked him precisely why -- why did you not just

1 teach the course that was canceled on the side while also
2 fulfilling your duties of the course that were assigned.

3 Q. So your attempt at solving the problem was to reach out to
4 Selman to be able to make your own judgment about what he did
5 was correct?

6 A. No. Because first of all --

7 Q. I believe that's your testimony. I asked you what did you do
8 and you said you personally reached out to him and asked him
9 why didn't you just go ahead and teach this course.

10 A. No. But, I mean, I was also in communication with other
11 faculty members who did try to reach out to him.

12 Q. I'm not asking you what they did. I'm asking what you did.

13 A. But my talking to them and giving them advice is also doing
14 something; right? So how can you not -- how can I say that I
15 did nothing? I mean, there were people who tried to reach
16 out to him, and before they did reach out to him, I had
17 extensive conversations with them and I made suggestions
18 about what is likely to work, what is not likely to work, and
19 so this was my contribution.

20 Q. So you advised other people how they should approach Selman?

21 A. No. I did not advise how they should approach Selman, but
22 when the issue came up whether some people would approach
23 him, I -- this was -- this was a conversation among
24 colleagues. This is not a court of law that we were talking
25 about, so it is not like we are giving advice this is what

1 you should do. That's just not how we operate.

2 Q. So you guys had a lot of conversations about Selman; correct?

3 A. We were what?

4 Q. You and your colleagues had a lot of conversations about

5 Selman?

6 A. I don't know if a lot, but surely several conversations.

7 Q. And in those conversations you indicated to them what you

8 believed Selman's behavior may or may not be; correct?

9 A. This was actually -- this was I think early on. I don't

10 know -- I don't think there was so many emails at that point.

11 Q. Is that a yes?

12 A. I don't know how to answer that question yes or no.

13 Q. Because you testified that you and your colleagues got

14 together and you gave them advice about what you think may or

15 may not have worked with Selman. That was your testimony;

16 correct?

17 A. I can't answer that for sure because now I'm confused about

18 what the meaning of what advise means. Advise is not a

19 directive.

20 Q. That was your word.

21 A. I understand. I mean, actually did I use the word "advise"?

22 Q. We can read it back, but yes, you did use the word "advise."

23 You said I advised them what may or may not work with Selman.

24 A. I take it back. I can't -- I don't think -- I mean, it's --

25 as I said, I'm un -- in conversations with colleagues nobody

1 is giving anybody advice. It's a conversation and we are
2 trying to come up with some reasonable solution.

3 Q. And you gave your opinion?

4 A. I gave my opinion.

5 Q. About what you think may or may not work with my client?

6 A. What may -- actually what -- what is it that we should try to
7 do to make it work.

8 Q. Was any of those things that you tried to do to make it work
9 anything other than shutting down his email or shutting down
10 his access to his website?

11 A. Yes.

12 Q. What were they?

13 A. So at some point my good friend Mr. Shapiro approached Selman
14 to talk to him about what the situation was. I had extensive
15 conversations with Michael about this. I also --

16 Q. I'm reminding you of the question. I'm asking you what other
17 things did you suggest or discuss as a way to solve the
18 problems other than shutting down my client's email and
19 shutting down his access to his web page.

20 A. What specific suggestions did I make?

21 Q. Yes. Or that were discussed by you.

22 A. I need some time because this was four years ago now. I have
23 to think from four years precise conversations we had four
24 years ago.

25 JUDGE WHITBECK: If you don't know, say you

1 don't know.

2 A. I don't remember.

3 BY MS. DOUKOURE:

4 Q. Is there a policy in the Advisory Committee for when somebody
5 applies for sabbatical? Does that go in front of the
6 Advisory Committee?

7 A. It didn't used to be the case.

8 Q. When did it start being the case?

9 A. I think either this year or last year. Last year I think we
10 discussed it very briefly, but this year we discussed it
11 more.

12 Q. Discussed what?

13 A. Each individual case.

14 Q. Each individual case of what?

15 A. Sabbatical application.

16 Q. The record has to be clear. I'm not trying to be difficult.
17 I promise.

18 A. I understand.

19 Q. Okay. Does the Advisory Committee have a duty to make a
20 decision on applications of professors for sabbatical?

21 A. I don't know if we have a duty. I don't know.

22 Q. So when you guys discuss the case of somebody who applied for
23 sabbatical, then what happens? You just discuss it and
24 then --

25 A. No. So this year actually this is the first time that we

1 actually sat down and tried to come up with the policy
2 guideline for deciding how to -- it used to be that the
3 college -- it's tied up with the college in the end, but this
4 year we decided that before we make recommendations to the
5 college we will come up with our internal department
6 guideline, so a lot of the discussion this year was centered
7 around this point.

8 Q. So if I'm parsing out your testimony correctly, the Advisory
9 Committee would look at somebody's request for sabbatical and
10 make a recommendation?

11 A. To the chair, yes.

12 Q. To the chair.

13 A. Yes.

14 Q. How long has that happened?

15 A. How many years?

16 Q. Yes.

17 A. I don't know. Because before this two-year period I was not
18 on the Advisory Committee for a long time.

19 Q. Did you ever take sabbatical?

20 A. Yes.

21 Q. How did you get a sabbatical?

22 A. I just applied to the college. I don't know. You -- no. To
23 the department. You submit papers. You request a sabbatical
24 by submitting some papers to the HR secretary within the --
25 within the department I think.

1 Q. Within the department?

2 A. Yeah. And then they -- I don't know what happens after that.

3 Q. But at least for the last two years you guys made a
4 recommendation?

5 A. Yeah. I think -- I would say last year. I don't really
6 remember what happened the year before. Even though I was on
7 the committee, I just don't remember it.

8 Q. Did Selman ever apply for sabbatical while you were on the
9 committee?

10 A. I think this year he definitely did.

11 Q. What about last year?

12 A. Probably the year before, yeah, I think he did.

13 Q. Did you guys make a recommendation as to his sabbatical?

14 A. We did not make a recommendation.

15 MS. DOUKOURE: Okay. I have no further
16 questions.

17 DR. PROMISLOW: I have a couple questions.

18 REDIRECT EXAMINATION

19 BY DR. PROMISLOW:

20 Q. Rajesh, couple quick questions. If someone is -- do you know
21 during the nomination process for department committees if a
22 nomination has to be accepted -- to be nominated, does it
23 have to be accepted by the person being nominated?

24 A. Yes.

25 Q. So it could be that somebody asked someone to be nominated

1 and they said no and then no one would ever know?

2 A. That's right. That is true, yeah.

3 Q. So in this case it could be possible that people had

4 approached Professor Akbulut to be nominated, he did not

5 accept, and no knowledge would have been disseminated; is

6 that correct? No one would have ever heard of that?

7 A. It's possible. I have no way of knowing.

8 DR. PROMISLOW: Okay. That's my only question.

9 Thank you.

10 THE WITNESS: Can I --

11 DR. PROMISLOW: No.

12 THE WITNESS: No? I'm done.

13 MR. REIFENBERG: Questions? You're finished.

14 JUDGE WHITBECK: Thank you.

15 THE WITNESS: Thank you.

16 (Off the record at 11:40 a.m.)

17 (Back on the record at 11:41 a.m.)

18 BETH GAGNIER

19 (At 11:41 a.m., called by Dr. Promislow and

20 sworn by the reporter, testified as follows)

21 DIRECT EXAMINATION

22 BY DR. PROMISLOW:

23 Q. Can you please state your name for the record?

24 A. Beth Gagnier.

25 Q. Have you used other names?

1 A. Formerly Koivisto.

2 JUDGE WHITBECK: Would you spell your last name?

3 THE WITNESS: It's G-A-G-N-I-E-R.

4 BY DR. PROMISLOW:

5 Q. Thank you. Can you introduce yourself and explain your role

6 in the matter before us today?

7 A. Sure. I am the staff unit administrator, so I supervise --

8 the entire support staff rolls up to me, and I've been in the

9 Department of Mathematics for about eight years.

10 Q. If you could just pull the microphone a little bit closer.

11 The acoustics in here are very difficult.

12 A. Is that better?

13 Q. Did you receive an award recently from the college?

14 A. I did. I received the Jack Breslin Distinguished Staff Award

15 in 2018 and the College of Natural Science Staff Award in

16 2018.

17 Q. Do you have a supervisory role over Carolyn Wemple?

18 A. I do. She reports directly to me.

19 Q. How many years have you known Carolyn?

20 A. I've known Carolyn eleven or 12 years.

21 Q. Okay. I'd like to hand you a document that's already been

22 admitted. It's Tab 13.1.D. It's CP-17.

23 (Discussion off the record at 11:42 a.m.)

24 (Back on the record at 11:43 a.m.)

25 BY DR. PROMISLOW:

1 Q. So can you identify briefly this document for us?

2 A. I can. It's an email from Professor Akbulut directed to

3 Carolyn Wemple, copied to myself and my supervisor at the

4 time, Rick Hensh, and a few people at the NSF.

5 Q. So just for clarification, how many parts are there to the

6 email?

7 A. There's -- well, the original one was to Carolyn and it --

8 Q. So you're discussing the -- your comments are pertaining to

9 the part at the bottom; correct?

10 A. Correct. Where it starts with "Dear Carolyn."

11 Q. Let's focus on the part at the bottom. Can you identify the

12 recipients for us on the bottom half of this email?

13 A. Yes. Not only myself and Rick Hensh but there are three --

14 looks like three program officers with the NSF.

15 Q. So can you identify the information that's being requested?

16 A. Yes. So when I read this email, Professor Akbulut is

17 basically asking Carolyn to correct her mistake. He's

18 implying that she is mismanaging his NSF accounts and

19 accusing her of mismanaging his funds.

20 Q. Can you read the date of that as part of the email for us?

21 A. The date is May 16, 2016.

22 Q. So at this point in time have similar requests been made that

23 were disseminated to a broad audience?

24 A. Yes.

25 Q. More than two?

1 A. Yes. Many.

2 Q. More than ten?

3 A. Yes.

4 Q. More than 20?

5 A. I'm not sure about that.

6 Q. Okay. So you have a direct supervisory role of Carolyn

7 Wemple; is that correct?

8 A. I do.

9 Q. Do you meet with her frequently in a professional capacity?

10 A. Yes, we do.

11 Q. So you're aware of --

12 MS. DOUKOURE: I'm going to object because now

13 he's putting words in the witness's mouth again.

14 MR. REIFENBERG: Ask your question.

15 DR. PROMISLOW: Sorry. Sustained.

16 BY DR. PROMISLOW:

17 Q. Okay. Can you characterize the impact that these emails were

18 having on Carolyn Wemple?

19 MS. DOUKOURE: I'm going to object to this

20 witness testifying to an impact on a third person. That

21 person could have been brought before us to testify about the

22 impact. That would be at a minimum hearsay. At a minimum

23 this person has not been qualified as a witness -- or as an

24 expert witness in other people's state of minds. She can

25 testify to what she's observed Carolyn doing or not doing but

1 not the impacts.

2 MR. REIFENBERG: Can you ask a more direct
3 question about observation, please?

4 DR. PROMISLOW: Yes.

5 BY DR. PROMISLOW:

6 Q. Did you discuss with Carolyn specifically the impact that
7 these emails were having on her?

8 A. Yes, I have.

9 Q. Did you feel as her supervisor it was affecting her job
10 performance?

11 A. Absolutely.

12 Q. Was Carolyn Wemple at this time having health issues?

13 A. She was. Carolyn was going through a second round of
14 metastasized breast cancer at the time and chemotherapy.

15 Q. So --

16 A. She did state to me --

17 MS. DOUKOURE: I'm going to object to this
18 witness testifying about something that somebody told her as
19 inadmissible hearsay, especially when that person could have
20 been called as a witness to testify.

21 MR. REIFENBERG: Back to the policy that full
22 evidence rules are not governing.

23 MS. DOUKOURE: I understand that. But there's
24 best evidence. They have not made an argument that Carolyn
25 Wemple is unavailable to testify. If Carolyn Wemple is

1 available to testify, this witness should not be allowed out
2 of fairness and equity in this proceeding to testify to
3 hearsay that I can then not cross-examine.

4 MR. REIFENBERG: Can you restructure your
5 question so that you're not asking for hearsay or at least --

6 DR. PROMISLOW: I think I'll move on to my next
7 question.

8 MR. REIFENBERG: -- things that she's actually
9 observed, the witness has actually observed?

10 DR. PROMISLOW: I'll move on.

11 THE WITNESS: Can I add something? Ms. Wemple
12 broke her foot this morning and is not able to testify.

13 DR. PROMISLOW: I'm sorry?

14 THE WITNESS: Ms. Wemple broke her foot this
15 morning and is not able to testify.

16 MS. DOUKOURE: She may not be available today
17 but she was available the last three days and she may be
18 available the next coming four days that we have scheduled.
19 She's not legally --

20 MR. REIFENBERG: Well, that's beside the point
21 with respect to this. So ask questions about what she can
22 observe.

23 DR. PROMISLOW: All right. I understand.

24 BY DR. PROMISLOW:

25 Q. Did you ask me to take steps to shield Carolyn Wemple from

1 these emails?

2 A. I did.

3 Q. Do you recall what the steps were?

4 A. We had decided to notify the dean and ask for advice. We had
5 also rerouted her emails so that they would go to Richard
6 Hensh, and Rick or I would be the one responding to any
7 requests from Dr. Akbulut.

8 Q. Do you recall when the email rerouting began?

9 A. 2015, early 2015.

10 Q. Perhaps January 2015?

11 MS. DOUKOURE: I'm going to object because he is
12 clearly at this point testifying and trying to color the
13 testimony of this witness by providing her and feeding her
14 information.

15 A. I had already said early 2015.

16 JUDGE WHITBECK: Can we go off the record for a
17 moment, please?

18 DR. PROMISLOW: Yes.

19 (Discussion off the record at 11:50 a.m.)

20 (Back on the record at 11:50 a.m.)

21 BY DR. PROMISLOW:

22 Q. So I can't remember if I asked you this question or not.
23 Were these efforts successful?

24 A. No.

25 Q. I'm going to hand you an item from binder Tab 11b. 11b, as

1 in bravo.

2 MS. DOUKOURE: This one's not admitted yet?

3 DR. PROMISLOW: It's not admitted. It's a new
4 one.

5 BY DR. PROMISLOW:

6 Q. Can I ask that you identify this -- can you identify this
7 document?

8 A. I can.

9 Q. Can you put it in context for us? Can you describe it?

10 A. I can. It begins in April of 2017. It is addressed to the
11 entire Department of Mathematics and copied to Terry Curry.
12 It is addressed to Carolyn Wemple and myself. It is --
13 sounds demanding, yes or no to two questions. And he
14 reiterates -- from Professor Akbulut and he reiterates that
15 he's asked these questions several times, and then at the
16 bottom he refers to fraud and embezzlement. Feels
17 threatening in the fact that, you know, if you don't do
18 these, this is -- this is what this looks like. Carolyn and
19 I had talked about this email along with many others.
20 She's -- it's caused her a great amount of stress and
21 embarrassment, frustration, job satisfaction plummeting.
22 Q. If I can clarify, the comments you just made are specifically
23 addressing the part of the email at the very bottom, the
24 initiating one -- sorry. Can you identify the part of the
25 email you're addressing?

1 A. Yes. Where it starts "Last time I looked Fraud and
2 Embezzlement is defined as 'the act of withholding assets for
3 the purpose of conversion of such assets, by one or more
4 persons to whom the assets were entrusted, either to be held
5 or to be used for specific purposes."
6 Q. Can you indicate to me where -- which part you're reading
7 from? I've lost contact with you.
8 A. The very last paragraph on Page 2.
9 Q. On Page 2. Okay. So just remind us. This email, what's the
10 date of this part of the email you're looking at?
11 A. April 23rd, 2017.
12 Q. And can you identify the recipients of this part of the
13 email?
14 A. It was sent to the entire Department of Mathematics, copied
15 to Terry Curry and addressed to myself and Carolyn Wemple.
16 Q. So the information that's being requested here from Carolyn
17 and from yourself, is this a new request for information
18 that's been provided already?
19 A. No.
20 Q. So can you tell us when was the information provided?
21 A. It had been provided several times over the last few years.
22 Even in the email he -- Professor Akbulut says, "I know you
23 already answered them to me several times in words, in
24 writings of emails and in official memos . . ." He's trying
25 to persuade faculty that he says are resisting to believe the

1 answers.

2 Q. So do you feel the email's really addressed to you?

3 A. It's addressed to myself and Carolyn.

4 Q. Okay. There were multiple requests for information. Was the
5 information provided to Professor Akbulut the same every
6 time? Did you provide him with the same information?

7 A. This gets a little more tricky. So the information had been
8 provided several times. I did not see every document that
9 was given to Professor Akbulut. These grants in 2014, the
10 financial system that MSU uses did not -- if you got just a
11 financial report out of business negligence, they weren't
12 reflective of what was in the grant. Encumbrances weren't.
13 For example, if you had \$100,000 in your grant, really to
14 spend if that report said that, there were things like
15 indirect costs that were still in 100,000, so you really
16 didn't have \$100,000 to spend. You had \$48,000 to spend.
17 That's just one example. Carolyn Wemple's the research
18 administrator in the department, so her role is to provide
19 support to faculty who have research accounts with the
20 university. Professor Akbulut asked her for the same
21 information in different formats in different ways many, many
22 times, it felt like until he got the answer that he wanted,
23 until he could see something that he could use. Faculty
24 often have conversations and emails with the research
25 administrator talking about expenses, trying to run different

1 scenarios on how much they would have if they did this or if
2 they did that. So there's not a real clear-cut answer to
3 that question I guess is what I'm saying.

4 Q. Did you have an opportunity to observe the impact that this
5 email has had upon Carolyn, upon the whole staff that you
6 supervise?

7 A. I have. I've had many conversations. Carolyn and I do
8 one-on-one meetings. The level of stress and frustration and
9 humiliation --

10 MS. DOUKOURE: I'm going to object. This
11 witness is not qualified as an expert in psychology and
12 cannot testify to somebody else's level of frustration,
13 humiliation, any other psychological condition because that's
14 not what she's trained to do and they have not qualified her
15 as an expert for such.

16 DR. PROMISLOW: This is her role in the unit is
17 to monitor the staff and to observe their functioning. This
18 is exactly what she's supposed to be doing. This is her
19 expertise.

20 MS. DOUKOURE: She's supposed to be determining
21 their functioning with regards to how they perform their
22 duties, whether they perform their duties. She is not
23 supposed to be -- there is no job in the world where you're
24 required as a manager to determine whether somebody's level
25 of humiliation or somebody's level of anxiety or stress.

1 Those are psychological conditions. She can testify to
2 whether or not Carolyn was able to complete her duties,
3 whether or not she had a downturn in the ability to complete
4 her duties, but she cannot testify to somebody's state of
5 mind.

6 MR. REIFENBERG: Can you ask a question that
7 wouldn't be talking about her state of mind, would be talking
8 about observable criteria of stress?

9 BY DR. PROMISLOW:

10 Q. Were specific -- at any time did you have -- did Carolyn
11 bring up specific indicators for stress?

12 A. Carolyn specifically told me --

13 MS. DOUKOURE: I'm going to object because this
14 witness cannot -- first of all, we haven't determined what an
15 indicator of stress is. This witness is not capable of
16 determining what an indicator of stress is, and I'm going to
17 continue to reobject to this witness testifying about what
18 somebody who's capable of testifying and available to do so
19 could testify to out of fairness and equity.

20 MR. REIFENBERG: Could you question her about
21 observable behavior, something that didn't require expert
22 knowledge on the part of something?

23 DR. PROMISLOW: Sure.

24 BY DR. PROMISLOW:

25 Q. Beth, were there any specific observations that you made

1 about Carolyn and her behavior?

2 A. Yes. Her physical appearance when we would have
3 conversations regarding this matter, her face would get
4 flushed and red. She would get choked up. She would get --
5 I wouldn't -- she didn't actually cry but water would fill in
6 her eyes. She was visibly upset.

7 Q. Thank you.

8 DR. PROMISLOW: I'm going to move to submit
9 this. I believe it's CP-63.

10 JUDGE WHITBECK: Are you sure this is not
11 already admitted?

12 DR. PROMISLOW: Yes. There are -- clarification
13 on this document. It has 11D is related -- originated out of
14 a similar document from Matt Hedden's submission, but the
15 second half has not been submitted.

16 MS. DOUKOURE: And I would ask that the top
17 portion that has already been submitted be stricken as
18 duplicative.

19 JUDGE WHITBECK: It's already admitted.

20 MS. DOUKOURE: Right. But it's only part of it
21 and she can't testify or authenticate the rest of it. And we
22 only need the last page.

23 MR. REIFENBERG: So basically strike the top
24 part.

25 MS. DOUKOURE: That's correct.

1 DR. PROMISLOW: I'm happy to submit only the
2 last page. That's my intent. CP-63.

3 MR. REIFENBERG: So are you submitting just the
4 last page or the -- I just want to clarify. Which part?

5 DR. PROMISLOW: I submitted only the last page,
6 the second page.

7 MR. REIFENBERG: Not anything on the first page?

8 DR. PROMISLOW: Nothing on the first page. And
9 if the Court wishes that the top above the black line be
10 struck, but that's relevant information, so . . .

11 MR. REIFENBERG: Okay.

12 MS. YERMAK: I'm sorry. Can I be clear? So the
13 last page should, this be stricken, the top part?

14 MS. DOUKOURE: I'm not asking for that.

15 MS. YERMAK: Okay. Thank you.

16 MARKED FOR IDENTIFICATION:

17 CHARGING PARTY EXHIBIT 63

18 12:04 p.m.

19 BY DR. PROMISLOW:

20 Q. Okay. I'd like to hand you an item. This is binder Tab 11H.
21 It has not been admitted. Beth, can you tell me if you
22 recognize this document?

23 A. I do.

24 Q. Could you just give us a quick scan perhaps and just tell us
25 what your main points are that you're making?

1 A. Yes. This is my statement of impact on from my perception
2 what has been going on with Professor Akbulut's behavior and
3 how the communication, the constant bombarding of the same
4 question over and over, by copying the entire department,
5 other university officials, outside officials, with the NSF,
6 and the impact that it's had. It was hard to describe in
7 words honestly. It took me a while to write this. It's been
8 very disruptive. It was very disruptive to the staff in the
9 department. Folks were in fear. They didn't want to --
10 their jobs are to support faculty, students, and other units.
11 They were fearful of making a mistake or saying something
12 wrong, that that would get construed and then sent out to
13 many other folks, not only the full department, but outside
14 the department, so much so I was telling them just to either
15 send them to me or delete them, any emails that they received
16 from Professor Akbulut. If he's asking for something that
17 they were to send it to me.

18 DR. PROMISLOW: I'm going to move to admit.

19 MS. DOUKOURE: I have no objections.

20 MARKED FOR IDENTIFICATION:

21 CHARGING PARTY EXHIBIT 64

22 12:06 p.m.

23 BY DR. PROMISLOW:

24 Q. When you were awarded the Distinguished Staff Award, was this
25 recognized by a tweet that originated from the College of

1 Natural Science?

2 A. Actually when I received the Breslin, the Distinguished Staff
3 Award, at the university level, it was tweeted by the College
4 of Natural Science.

5 Q. I'd like to hand you a document. It is the content of binder
6 Tab 11.S12. S for Sam or summer.

7 MR. REIFENBERG: Did you say S like Sam?

8 DR. PROMISLOW: S like Sam.

9 BY DR. PROMISLOW:

10 Q. Can you identify this document for us, Beth?

11 A. I can. It is a retweet. It's like a retweet of a retweet I
12 think. At the bottom Eylem's. It starts with "Koivisto's
13 accomplishments #MSU." She had originally retweeted the
14 original tweet that was sent out by CNS congratulating my
15 award, and she talked -- she has three actual points.
16 There's two showing here. But highlighted what she thinks my
17 accomplishments are. That was then retweeted by Professor
18 Akbulut with the statement that's here that he didn't know it
19 was my job to slander faculty.

20 Q. So is there a link inside of this?

21 A. There is and that link is to my statement of impact.

22 Q. So what was your reaction when you were first informed of
23 this?

24 A. I was surprised. I didn't know it had happened. I was
25 contacted by OIE, Office of Institutional Equity, because it

1 had been reported to them by somebody else and that was the
2 first I was made aware of it.

3 MR. REIFENBERG: Can I get a clarification here?
4 Did your last name change?

5 THE WITNESS: It did. It did. It was Koivisto
6 when I won the award and it is now Gagnier.

7 BY DR. PROMISLOW:

8 Q. At the time of most of this documents preparation it's
9 correct that you were Koivisto?

10 A. Correct.

11 DR. PROMISLOW: So I think that was moved to
12 admit. Is that okay? Move to admit.

13 MS. DOUKOURE: I'm going to object. It's not
14 relevant. This is activity that Professor Akbulut engaged in
15 not from this time, not in his official capacity as MSU
16 person. This is, in fact, protected free speech that he
17 engaged in on Twitter. This witness has already testified
18 that she did not know about it until somebody else notified
19 her about it. So it's not relevant to his duties within the
20 math department or whether or not he violated math policies
21 with behavior pursuant to his actual position at MSU. This
22 happened on his free time exercising his legal free speech
23 rights and therefore it's not relevant to this proceeding.

24 MR. REIFENBERG: We will admit it for what it's
25 worth.

1 MARKED FOR IDENTIFICATION:
2 CHARGING PARTY EXHIBIT 65
3 12:11 p.m.
4 DR. PROMISLOW: CP-65.
5 BY DR. PROMISLOW:
6 Q. I've just got one last document for you here. This is the
7 contents of binder Tab 11.N6.
8 DR. PROMISLOW: And I believe it's been
9 previously admitted just recently, so it should be -- I don't
10 know the CP number.
11 MS. YERMAK: Repeat it back to me.
12 DR. PROMISLOW: 11.N6. Binder Tab 11.N6.
13 MS. YERMAK: It's CP-60.
14 DR. PROMISLOW: CP-60.
15 BY DR. PROMISLOW:
16 Q. Do you recognize this document, Beth?
17 A. I do.
18 Q. Can you give us just a brief overview of what it is?
19 A. This is when I won the College of Natural Science Staff
20 Award. An announcement went out to the NatSci faculty, and
21 then Professor Akbulut sent it on November 9 of '18. Sorry.
22 Trying to read. To the Dean's Office of Natural Science,
23 sent it to all NatSci academics, which was roughly 900
24 people, and I also actually received this, so -- and so did
25 my staff, so even though it might not look like that on here,

1 but the Department of Mathematics received this as well.
2 Where he states that this year's winners include hate letter
3 writers, and then he put links to -- the one links to my
4 statement of impact. It was from Professor Akbulut.

5 Q. Could you summarize for us what impact this had on you or
6 perhaps the whole event?

7 A. It was humiliating and embarrassing. Most of the NatSci
8 academic list people I don't know. They do not know me. The
9 impact is unknown quite honestly. In terms of what it does
10 to my reputation professionally. I did feel like if I
11 applied for a job somewhere that they might see that name and
12 go, hmm, bring pause to whether they would actually consider
13 me as a candidate. For someone who doesn't like to be in the
14 spotlight to begin with, you know, these awards were humbling
15 and honoring and they became a focus of embarrassment.

16 Q. Okay. Thank you.

17 DR. PROMISLOW: I have no further questions.

18 JUDGE WHITBECK: So the CP number was what?

19 DR. PROMISLOW: That was 60, CP-60. But it's
20 not a new one.

21 MR. REIFENBERG: Cross?

22 CROSS-EXAMINATION

23 BY MS. DOUKOURE:

24 Q. Good afternoon, Ms. Gagnier?

25 A. It's Gagnier.

1 Q. Gagnier. Okay. Ms. Gagnier. My name is Amy Doukoure. I am
2 an attorney representing Professor Akbulut in these
3 proceedings. Do you mind if I sit?
4 A. Not at all.
5 Q. I'm going to hand you a document you've already seen today
6 that you previously testified about. It's CP-17. And that
7 is 13.1.D. You recall testifying previously about this
8 email; correct?
9 A. Yes.
10 Q. And in this email you indicated that there are three or four
11 grant offices of the NSF attached to this email; correct?
12 A. Correct.
13 Q. When a professor is acting as PI on an NSF loan, do they owe
14 the NSF fiduciary duty?
15 A. The award is given to the faculty member through the
16 university, so the university has a fiduciary responsibility.
17 Q. And then who is able to withdraw funds or allocate funds
18 under a grant under those circumstances?
19 A. The faculty member is.
20 Q. The faculty member is?
21 A. The faculty member is under the rules and regulations of the
22 NSF.
23 Q. Are you familiar with the term PI?
24 A. I am.
25 Q. What does that mean?

1 A. Principal investigator.

2 Q. Principal investigator. What duties are entailed with the
3 principal investigator function under an NSF grant?

4 A. They run the research and approve spending.

5 Q. And they're ultimately accountable for how that money is
6 spent; correct?

7 A. There are several people that can be held accountable for how
8 that money is spent.

9 Q. And the PI is one of those people; correct?

10 A. Correct.

11 Q. So they have a duty to ensure that their grant money is spent
12 under the guidelines with which the grant was given?

13 A. Correct.

14 Q. And the grants that this email talks about are Professor
15 Akbulut's grants where he is PI; correct?

16 A. Correct.

17 Q. And he's asking for information because he believes, and I'm
18 not asking you whether you agree, but he believes that there
19 has been some misunderstanding about the allocation of the
20 funds in his grant; correct?

21 A. Can you ask me that question again? I want to make sure I'm
22 there.

23 Q. Sure. So he's sending this email to try to clear up what he
24 believes are errors or discrepancies in the way his funds
25 were either allocated?

1 A. I don't know if I can speak to the why.

2 Q. I mean, I believe that you've already spoken to the why.

3 You've attributed a lot of intent to my client. You said he

4 was trying to do this, his intent was to do this. What is

5 this email asking?

6 A. He's asking Carolyn to explain herself and correct her

7 mistake.

8 Q. What are his exact words?

9 A. Should I read the whole email or just that portion?

10 Q. Not the whole email. Just that portion.

11 A. Okay. "So could you please explain this discrepancy, and

12 correct your mistakes managing my grants."

13 Q. So he's saying that there's a discrepancy; correct?

14 A. He's saying there is a discrepancy.

15 Q. And he's asking her to correct what he thinks is a

16 discrepancy; correct?

17 A. He says and correct your own mistake.

18 Q. Right. Because who is the person who will account -- who

19 does the accounting for these grants?

20 A. Well, this is -- he was addressing Carolyn Wemple.

21 Q. Right. And if there was a discrepancy about whether his

22 grant was encumbered or whether funds were used one way or

23 another way, she would be the person to address that;

24 correct?

25 A. Correct.

1 Q. So he's saying there's a discrepancy; correct?
2 A. Correct.
3 Q. And he's asking her to fix it; correct?
4 A. He says correct your mistake.
5 Q. Is that a yes? Is he asking her to fix something
6 resulting -- that resulted in a discrepancy, whether it's her
7 mistake, anybody's mistake? Is he asking her to fix what he
8 thinks led to a discrepancy in his accounts?
9 A. Yes. Okay.
10 Q. Would that be part of her duties?
11 A. It would be.
12 Q. Did you oversee the drafting of a memo in 2016 regarding the
13 funds available in Professor Akbulut's grants?
14 A. I don't recall.
15 Q. Do you know whether or not Carolyn Wemple submitted a
16 memorandum or created such a memorandum that detailed -- or
17 that provided any balances for at least two of Professor
18 Akbulut's grants?
19 A. In --
20 Q. In 2016, yes. I'm sorry.
21 A. I don't recall. No. I don't think so, no.
22 Q. So you did not participate in the drafting of such a memo is
23 your testimony?
24 A. I would have to see the memo.
25 Q. Do you do any day-to-day work with the grant funding or PIs

1 themselves?

2 A. On a day-to-day basis?

3 Q. Yes.

4 A. No.

5 Q. Have you ever?

6 A. Yes.

7 Q. So you're familiar what the process for how grants become

8 encumbered; correct?

9 A. Correct.

10 Q. And is there circumstances in which grants can be encumbered

11 by a non-binding promise of a professor?

12 A. I guess in what -- I guess I need a little more clarity.

13 Q. Sure. So if somebody is coming to visit here and Professor

14 Akbulut is like, hey, I'll give you \$10,000 when you get here

15 and then changes his mind, is that something that could take

16 place?

17 A. It is.

18 Q. And he could reallocate that same \$10,000 to somebody else if

19 he chose?

20 A. It is.

21 Q. I'd like to move now to what's been admitted as CP-63, which

22 is the last page of 11b.

23 DR. PROMISLOW: Can you clarify this document?

24 11?

25 DR. SMITH: 11 D or B?

1 MS. DOUKOURE: Boy. I'm sorry. It's CP-63.
2 I'm doing my best I promise to keep up with the tabulation of
3 these documents.
4 BY MS. DOUKOURE:
5 Q. Do you recall testifying a few minutes ago about this
6 document?
7 A. I do.
8 Q. In this email you said it was threatening and harassing;
9 correct?
10 A. I said I felt like it was, yes.
11 Q. Can you read the first line of the email for me after "Dear
12 Carolyn and Beth"?
13 A. "Forgive me for taking your available time."
14 Q. That's not threatening so much, is it?
15 A. It's interpretation, in my opinion.
16 Q. But there's nothing inherently nefarious about those words;
17 correct?
18 A. With that specific sentence, no.
19 Q. And then the next sentence, please.
20 A. "Would you please answer the following questions YES or NO?"
21 Q. There's nothing inherently nefarious about would you please
22 either; correct?
23 A. Correct.
24 Q. And then he's asking you to provide specific answers to two
25 questions; correct?

1 A. Correct.

2 Q. Would those two questions be within either the purview of you
3 or Carolyn Wemple to be able to answer?

4 A. There was -- can you ask me again? I'm sorry.

5 Q. I know. It's not easy to be up there I'm sure. Those two
6 questions, which just for clarification are actually labeled
7 as 1 and 2; correct?

8 A. Correct.

9 Q. Okay. Would you be able to answer those questions?

10 A. Not with a yes or a no just how he asked. This is the
11 following questions, yes or no.

12 Q. Okay. So if I ask you right now did Professor or Chair
13 Promislow use \$5,000 of department funds to pay for Mohammad
14 Asadi's health insurance, that's not a question that you'd be
15 able to answer?

16 A. I would -- well, I would have to look at --

17 Q. Right. I'm not asking you to answer it. I promise. You do
18 not have to answer that question today. I'm asking whether
19 in your -- within the scope of your job you would have the
20 information at some point to be able to answer that question.

21 A. Correct.

22 Q. So yes, you would?

23 A. Correct.

24 Q. Okay. I just want to make sure. And then the second
25 question, is that something that you would have been able to

1 answer?

2 A. That would have been something that -- it would have taken me
3 probably a long time. Carolyn Wemple would be the best
4 person to answer that question.

5 Q. So it's fair to say, then, that both of those questions could
6 have been answered by either you or Carolyn Wemple?

7 A. Yes.

8 Q. And that this email, while sent to a wider audience, was
9 addressed to two people who had the ability to answer those
10 two questions?

11 A. Yes.

12 Q. Does this document explicitly say that you are being accused
13 of embezzlement or fraud?

14 A. To me it felt like there was an implication of that by the
15 last paragraph.

16 Q. Are you familiar with all of the circumstances regarding --
17 or a large portion of circumstances regarding Professor
18 Akbulut's allegations of the encumbrances of his grants?

19 A. Can you -- I'm sorry. I need you to repeat that question.

20 Q. Do you know the general sense of what he's complaining about?

21 A. Yes.

22 Q. And isn't it true that a lot of times he complained that
23 Professor Promislow actually prevented him from using his
24 grant?

25 A. He complained of that.

1 Q. And not necessarily that Carolyn Wemple or yourself had done
2 any stealing of his funds; correct?

3 A. It felt that way.

4 Q. But he never said that, did he?

5 A. This was addressed to myself and Carolyn and it talks about
6 fraud and embezzlement, so I think fraud, that was a
7 reasonable -- for us that was a reasonable --

8 Q. I'm not -- I'm not judging your reasonableness.

9 A. Okay.

10 Q. I'm really not making a judgment on that. I'm asking you
11 whether it's possible or whether this document states that he
12 was accusing you or Carolyn Wemple of embezzlement?

13 A. The document is addressed to Carolyn and myself and it talks
14 about fraud and embezzlement, so does he come out and say I'm
15 going to charge you with fraud and embezzlement? No. But it
16 is addressed to Carolyn and I and he talks about fraud and
17 embezzlement and we're financial officers for the department,
18 so . . .

19 Q. But would you also be the ones that somebody would come to if
20 they wanted say an accounting of whether or not somebody took
21 \$5,000 from them fraudulently to pay for a different -- like
22 Professor Asadi, for instance? You'd have that information?

23 A. We would have that information, but we are also the purse of
24 these funds, so that would be our responsibility, and if
25 there was any question on fraud and embezzlement within the

1 department, the natural people who would be looked at would
2 be myself and Carolyn Wemple.

3 Q. Right. And also the person who made the fraudulent request
4 for \$5,000 to pay for Mr. Asadi's health insurance; correct?

5 A. I don't know that I can speak to that honestly.

6 Q. That's fair. I'm going to ask you about the letter that you
7 wrote without giving it back to you. Is that okay? I'm not
8 going to ask you -- I promise you I won't ask you to recall
9 the contents of it. I just don't think it's necessary to go
10 through the whole thing.

11 A. Okay.

12 Q. You wrote a letter about -- they're calling it an impact
13 statement, so was it your intent to write a letter about
14 Professor Akbulut's behavior that was intended to show how it
15 has affected, you know, maybe yourself and people under your
16 direction?

17 A. That would be correct.

18 Q. Okay. And you wrote that letter as a request of Professor
19 Promislow; correct?

20 A. Professor Promislow asked if I would be willing to write a
21 statement of impact.

22 Q. So he solicited this letter from you?

23 A. He asked if I would write it.

24 Q. And you drafted it?

25 A. I drafted it.

1 Q. And you submitted it to him?

2 A. I did.

3 Q. And it's fair to say that it's an honest and accurate

4 representation of how you felt?

5 A. Correct.

6 Q. So it doesn't impugn any -- if somebody read this letter, it

7 wouldn't necessarily impugn any portion of your character as

8 dishonest; correct?

9 A. Correct.

10 Q. So if other people were looking at it, it really just talks

11 about Professor Akbulut? It doesn't really say anything

12 about you, does it?

13 A. Well, I believe it talks about how -- the impact that it was

14 having.

15 Q. Right. And it talks about the impact it had on you, but it

16 doesn't say anything about your character?

17 A. No.

18 Q. Your ability to function in the workplace?

19 A. No.

20 MS. DOUKOURE: I have nothing further. Oh,

21 wait. That's not true. I lied. I have one more question.

22 It can be done in like two minutes I promise.

23 MR. REIFENBERG: Okay.

24 MS. DOUKOURE: And then I don't know if you guys

25 have any questions.

1 MR. REIFENBERG: Well, let me get to that.

2 BY MS. DOUKOURE:

3 Q. You testified about a tweet that was brought to your
4 attention?

5 A. Um-hmm.

6 Q. About that Professor Akbulut had retweeted somebody else's
7 retweet with comment about the award you won; correct?

8 A. Correct.

9 Q. And just for the record, we're talking about CP-65, which is
10 admitted. And you testified that you were not aware of that
11 tweet until the OIE brought it to your attention; correct?

12 A. Correct.

13 Q. And that tweet does not tag or -- are you familiar with that
14 term? It doesn't tag your Twitter?

15 A. I am familiar with that term.

16 Q. Okay. Does it at you?

17 A. No.

18 Q. So it doesn't mention your Twitter handle at all?

19 A. Right. But the hashtag MSU puts it out to the entire --
20 anyone who follows MSU is my understanding.

21 Q. I mean, the hashtag MSU does not call you out, correct,
22 personally?

23 A. No. It doesn't come to like my Twitter.

24 Q. It doesn't post it on your Twitter account; correct?

25 A. Correct.

1 Q. And your name is not hashtagged in it; correct?

2 A. Correct. Correct.

3 Q. And you were made aware of this by the OIE report, provided

4 by the OIE?

5 A. Correct.

6 JUDGE WHITBECK: Excuse me, counsel. Are you

7 saying OIG or OIE?

8 MS. DOUKOURE: OIE. Office of Institutional

9 Equity.

10 JUDGE WHITBECK: OIE.

11 MS. DOUKOURE: That is correct.

12 BY MS. DOUKOURE:

13 Q. So they brought it your attention?

14 A. Correct.

15 Q. Do you know if there was an investigation?

16 A. There was.

17 Q. Do you know what the results of that investigation are?

18 A. I do.

19 Q. What are they?

20 A. Without looking at the report, I would like to --

21 Q. Isn't it true that that OIE investigator determined that

22 Professor Akbulut was not targeting you?

23 A. Again, I don't -- there were no sanctions issued if that

24 makes any --

25 Q. That's the only thing you remember? No sanctions?

1 A. Well --

2 Q. I mean, it's a long report.

3 A. It is a very long report.

4 Q. And I'm not asking you to recall any of the --

5 A. And I didn't read it.

6 Q. And if you don't recall the general crux of the report, you

7 can say that.

8 A. Yeah. I mean, there were no findings, I guess.

9 Q. There was no finding against Professor Akbulut; correct?

10 A. Correct.

11 MS. DOUKOURE: Thank you. Now I really, really

12 have nothing further.

13 MR. REIFENBERG: Then I suggest that we stop

14 here.

15 MS. KELLEY: Can we let the witness go or do you

16 have questions?

17 MR. REIFENBERG: Well, are you going to --

18 DR. PROMISLOW: No.

19 MS. KELLEY: No, we do not. We have no

20 redirect.

21 DR. SMITH: No questions.

22 MR. REIFENBERG: Then we'll let the witness go.

23 (Recess taken at 12:36 p.m.)

24 (Back on the record at 1:31 p.m.)

25 RICHARD J. HENSH

1 (At 1:31 p.m., called by Dr. Promislow and sworn
2 by the reporter, testified as follows)

3 DIRECT EXAMINATION

4 BY DR. PROMISLOW:

5 Q. Would you please state your full name for the record?

6 A. Richard J. Hensh.

7 Q. Can you give us your background at MSU and why it relates to
8 this process we're here for today?

9 A. I'm a senior teaching specialist and assistant to the chair.
10 Obviously I have teaching duties. My duties as assistant to
11 the chair, I provide the department with data. I query data
12 whenever asked, whenever I'm asked. And I'm also the
13 supervisor of the staff.

14 MS. DOUKOURE: I'm sorry. I could not hear the
15 last like half of that sentence.

16 BY DR. PROMISLOW:

17 Q. Could you pull the microphone close to you?

18 A. I'm sorry.

19 Q. The acoustics in here are super deadening. You almost have
20 to eat the microphone.

21 MS. DOUKOURE: I couldn't hear who you were
22 supervising.

23 A. The staff. Specifically Beth Koivisto reports directly to
24 me, the finance officer.

25 BY DR. PROMISLOW:

1 Q. How long have you been at MSU?

2 A. As an instructor, since 1994.

3 Q. I'm going to hand you a document that has already been

4 admitted as CP-18. It's Tab 13.1F. Everyone with me? Rick,

5 do you recognize this document?

6 A. Yes.

7 Q. Can you remind us of the date it was sent and if you could

8 verify briefly just the contents? We've all seen it before.

9 MS. DOUKOURE: I'm going to object to the form

10 of the question. That's a compound question.

11 BY DR. PROMISLOW:

12 Q. Can you give us the date?

13 A. It's dated May 5th -- excuse me. May 17th, 2016.

14 Q. And the content particularly of the third -- the email at the

15 bottom and the second emails?

16 A. The one that begins "Dear Carolyn"?

17 Q. The one that begins, yes, "Dear Carolyn." At the bottom of

18 the first page.

19 A. Okay. This is an email from Selman Akbulut to our person

20 that's in charge of NSF funds, among other things, Carolyn

21 Wemple, asking for balances in one or more of Professor

22 Akbulut's NSF grants.

23 Q. Did I ask you to take action about these emails?

24 A. Yes.

25 Q. Can you tell us what the action was?

1 A. You asked me to figure out some way that Carolyn would not
2 see these emails. So what we did with Carolyn's permission,
3 and I made sure that I informed you and Beth, we set up an
4 email filter so that emails that had certain key words, like
5 abrogation, would not -- Carolyn would not see them. They
6 would be forwarded to me and then I would convey the question
7 to Carolyn.

8 Q. So was the filter successful?

9 A. Initially I thought it would be, but Carolyn needed to
10 receive certain correspondence from Selman that were not
11 related to this particular question and so setting it up was
12 difficult. It was somewhat successful but not completely
13 successful.

14 Q. When did you start?

15 A. Shortly after. Sometime during -- during this time period.
16 Roughly in the month of May 2016.

17 Q. Okay. Can you explain to us why -- was it communicated to
18 you why the filter should be put in place?

19 A. Yes. I was aware of the situation that was -- that was
20 ongoing, the situation being that Selman had continued to ask
21 Carolyn effectively the same question over and over, phrasing
22 it a somewhat different way. In addition to that, he also
23 indirectly -- he also sent out correspondences related to
24 this issue, Abrogation of Duty, for example, that was sent to
25 the entire department, which she receives email from, and

1 also from time to time the staff was copied and she received
2 emails. She's a staff person, so she received those emails
3 as well.

4 Q. I guess I don't have to move to admit. That's already
5 admitted. So I'm going to hand you another binder tab here.
6 It's Tab 11.11G. I'll take that one. Do you recognize this
7 document, Rick?

8 A. I do.

9 Q. Can you describe it for us?

10 A. This is my letter dated April 21st, 2018, to members of the
11 University Committee on Faculty Affairs detailing two
12 instances concerning Professor Akbulut's interactions with
13 the math department staff.

14 Q. Can you loosely describe it for us?

15 A. The first incident involves Professor Akbulut discovering
16 that the department would no longer provide postage stamps
17 for anybody, and then he followed that up with an email to
18 the entire department upset about the new policy, and it was
19 just -- it was something that he had done before, but this
20 was the instance that I could recall specifically, so I
21 included it in my letter. It was -- the summary of that
22 particular issue was -- it was, in my opinion, his effort to
23 bully the staff. That's all I need to say about that one.
24 The second one?

25 Q. If you want to add something.

1 A. Not to the first one. Okay. The second incident is a little
2 bit -- it focuses on the issue that you asked about earlier.
3 The emails that were sent to Carolyn directly or indirectly
4 had been ongoing since sometime in 2014. I was asked --
5 excuse me. I was under the impression or I understood
6 specifically, I think I saw the email, that Selman was
7 directed to stop sending Carolyn emails about the Abrogation
8 of Duty issue and then emails in general, and when he
9 refused, then I set up this email filter that I described
10 earlier.

11 Q. So is there anything about the interaction between Carolyn
12 and Selman that you observed directly or perceived that was
13 most troubling to you?

14 A. Once the email filter was in place, the email messages along
15 this line, this Abrogation of Duty email, would come into my
16 inbox and it was very disheartening. I saw the letters as
17 basically an attack, and the thing that made it all the more
18 toxic, in my opinion, was that everybody seemed to be copied
19 on these emails. It wasn't always the case, but it happened
20 sufficiently often enough where the staff, the chair,
21 sometimes the dean of the college, on occasion the president
22 of the university. Carolyn had been undergoing a second
23 round of chemotherapy during this period, and just speaking
24 from my own personal experience I know the effect it had on
25 me. I can't imagine how it would be to somebody who's going

1 through chemotherapy. So I tried to do the best I could to
2 make sure this filter worked because I didn't see any other
3 way around the situation.

4 DR. PROMISLOW: I'd like to move to admit.

5 MS. DOUKOURE: I have no objection.

6 MARKED FOR IDENTIFICATION:

7 CHARGING PARTY EXHIBIT 66

8 1:42 p.m.

9 BY DR. PROMISLOW:

10 Q. What would it mean to you personally if Selman remains in the
11 department?

12 A. Let me answer that question two ways. If he remained in the
13 department and continued to send the emails as he had
14 throughout the years, it's very disruptive. It's -- it's --
15 it's a toxic atmosphere. On the other hand, if the emails do
16 not continue, I don't have a -- I don't have a problem. The
17 email issue and the badgering of the staff is my primary
18 concern, and there is no indication that that will stop based
19 on since 2014.

20 DR. PROMISLOW: Thanks. I have no further
21 questions.

22 MR. REIFENBERG: Cross.

23 CROSS-EXAMINATION

24 BY MS. DOUKOURE:

25 Q. Good afternoon, Mr. Hensh. My name is Amy Doukoure. I'm an

1 attorney. I'm representing Professor Akbulut in this matter.
2 Is it okay if I sit?
3 A. Yes.
4 Q. Okay. I have very few questions for you.
5 With regards to the filter that you put on
6 Carolyn Wemple's emails, was Professor Akbulut made aware of
7 that filter before you had done it, if you know?
8 A. I don't know.
9 Q. You didn't tell him, though?
10 A. I did not.
11 Q. Okay. Once that -- those emails were filtered to your email
12 address, did you forward them on to Carolyn Wemple?
13 A. Not directly. Sometimes I would rephrase the question and
14 send it on to her so that there was less -- just so it stated
15 some facts. In particular I didn't forward it on to Carolyn
16 if the email contained information that was essentially sent
17 to her at some earlier time.
18 Q. Okay. Did anybody -- I want to be very specific. Once those
19 emails were filtered to your email address, did anybody
20 provide a response to Professor Akbulut's emails that you
21 determined that you would not forward on to Carolyn Wemple?
22 A. No. Unless -- unless the information was new.
23 Q. I'm sorry?
24 A. Unless the information -- unless the request was new and --
25 so there's -- there's two possibilities. That's one

1 possibility. The other possibility --

2 Q. Let me clarify. I'm not asking you whether or not she

3 refused to do --

4 A. No, no. Okay. Clarify.

5 Q. Yeah. I'm not asking you that. I'm just asking you the

6 emails that ask her questions that you failed to forward on

7 to Carolyn Wemple, whether those emails were ever responded

8 to.

9 A. Sometimes I responded to them.

10 Q. With regards to questions about his grant in 2014, did

11 anybody respond to those emails?

12 A. From time to time, yes.

13 Q. The bulk of them, were they responded to?

14 A. I don't know the answer to that.

15 Q. With regards to -- strike that.

16 Are you aware of a situation where Carolyn

17 Wemple was asked about \$5,000 that was paid for Mr. Asadi's

18 health insurance?

19 A. I don't recall that specific instance.

20 Q. Okay. I'm going to give you an exhibit. If you can give me

21 one second to get that exhibit.

22 MS. DOUKOURE: I'm going to hand this witness

23 what's marked as CP-63. It is the last page of what was in

24 the binder Tab 11b, as in boy.

25 BY MS. DOUKOURE:

1 Q. Have you had a chance to review the document?
2 A. Yes.
3 Q. Do you recall whether or not you've ever seen this email
4 before?
5 A. I can't be a hundred percent sure, but I don't recall this
6 document.
7 Q. The date of this document is April 23rd, 2017, at 7:14 p.m.
8 Is that before or after the filter was put on Carolyn
9 Wemple's email?
10 A. After.
11 Q. Have you read the document now that I've given it to you?
12 A. Yes.
13 Q. Do you believe this document may have been filtered from
14 Carolyn Wemple's email?
15 A. I don't know. Since I didn't see it, it's possible that it
16 was not filtered.
17 Q. So you don't know if he was ever provided a response to this
18 email?
19 A. I cannot verify one way or the other.
20 Q. That's fair. In your letter you reference an incident
21 regarding Professor Akbulut requesting postage stamps?
22 A. Correct.
23 Q. And then finding out that the department no longer provided
24 postage stamps for mail. That's the incident we're speaking
25 of?

1 A. Correct.

2 Q. Was that a new policy?

3 A. It was not an official policy one way or the other.

4 Q. Had the department provided postage stamps to professors when

5 they had asked for it before?

6 A. The department did not. The staff -- I understand that the

7 stamps came by way of courtesy from one or more of the staff

8 members.

9 Q. Out of their pocket or out of stamps they had pursuant to

10 their job functions?

11 A. No. They -- I should be clear. The -- at least when I used

12 that facility, I -- I gave money for the stamps, so it was

13 a -- we just bought them there from them.

14 Q. From them?

15 A. They weren't -- they weren't given gratis. At least to me,

16 so . . .

17 Q. So if Professor Akbulut had gotten stamps before and there's

18 not an official policy and now there's a new policy, that

19 might have been a surprise to him?

20 A. Yes.

21 Q. It might have led to a complaint or two about the fact that

22 he could no longer, you know, stamp things in the office?

23 A. I myself was subject to the same policy. I was surprised.

24 And when I discovered the policy, I went out and bought my

25 own stamps and just kept them in my office.

1 Q. But there could have been somebody complaining or grumbling
2 about it?

3 A. Correct.

4 MS. DOUKOURE: I have no further questions.

5 MR. REIFENBERG: No further questions?

6 MS. DOUKOURE: No.

7 MR. REIFENBERG: Redirect?

8 REDIRECT EXAMINATION

9 BY DR. PROMISLOW:

10 Q. So, Rick, once the filter was in place, did you and Beth
11 Gagnier effectively assume joint responsibility for Professor
12 Akbulut's post award services on his grants?

13 A. Not for all of them. Just for the ones that were -- well,
14 let me -- let me rephrase that. We effectively worked on his
15 post grants -- we assumed that responsibility, but I never
16 really asked for clarification from Carolyn. There were some
17 correspondences that she needed to continue with Selman.
18 That's why we didn't -- at least she had no objection,
19 because we didn't filter out everything. It would have been
20 so much easier to set up the filter if we had filtered out
21 all these emails but she didn't want that.

22 Q. Can you just give us an estimate how many emails the filter
23 captured?

24 A. In the time span starting in May of 2016 through I think
25 November with -- most of November, there were at least 16

1 emails that had the words "abrogation" or "abrogation of
2 duty" that Carolyn received directly or indirectly. That's
3 what she was copied on. I didn't search -- I didn't count
4 any other sources of emails.

5 DR. PROMISLOW: Thank you.

6 MR. REIFENBERG: So these are the ones that were
7 captured by the filter in 2016?

8 THE WITNESS: That's correct.

9 DR. PROMISLOW: Yes.

10 MR. REIFENBERG: Any other questions?

11 DR. PROMISLOW: I'm done.

12 MR. REIFENBERG: I guess you're excused.

13 DR. PROMISLOW: Okay. We have no other
14 witnesses at this time.

15 MR. REIFENBERG: Are you ready to present yours?

16 MS. DOUKOURE: Sure. Can I have like two
17 seconds to switch gears? Actually I know it's a little bit
18 early, seven minutes early. Should we break now and come
19 back and start?

20 MR. REIFENBERG: I'm sorry?

21 MS. DOUKOURE: I said it's seven minutes before
22 we're supposed to take a break, so I was going to say if we
23 can break seven minutes early and then come back, that may be
24 more logical.

25 MR. REIFENBERG: That makes sense.

1 MS. DOUKOURE: Okay. Thank you.

2 DR. PROMISLOW: Can I just ask a procedural
3 question? In between the end of their witness testimony and
4 the rebuttal case is there a break or is this -- or is -- I
5 just don't know how the process works. Do we just follow
6 immediately? I'm just wondering about binder -- files for
7 binders, do those need to be prepared now or completed now or
8 if there's new --

9 MR. REIFENBERG: You mean final --

10 DR. PROMISLOW: Finalization of the rebuttal
11 binder. When does that need to be completed? I simply don't
12 know.

13 DR. SMITH: Yeah. Because I have a binder that
14 was delivered to me, just last week I got it, and is that
15 binder complete or are there some other things that will come
16 for that?

17 MS. YERMAK: That's complete.

18 DR. SMITH: That is complete, so nothing else
19 will be added?

20 DR. PROMISLOW: That's the charging binder.

21 DR. SMITH: No, no. The respondent.

22 MS. DOUKOURE: So that's our binder. And it's
23 almost complete. We have at least one rebuttal document that
24 we will be submitting that I spoke about earlier.

25 DR. SMITH: Maybe you can just provide that as

1 an additional item.

2 MS. DOUKOURE: I will.

3 DR. SMITH: Yeah. Not a problem. Yeah. It's
4 not a problem at all.

5 (Discussion off the record at 1:54 p.m.)

6 (Back on the record at 1:55 p.m.)

7 MS. KELLEY: I think the question was do you
8 need to have the rebuttal exhibits in advance, and no. You
9 will get them at the start of our rebuttal case. That makes
10 sense; right?

11 MS. DOUKOURE: I mean, you can't have a rebuttal
12 before a --

13 MS. KELLEY: Right.

14 DR. PROMISLOW: It doesn't happen before that.

15 MS. KELLEY: No.

16 MS. DOUKOURE: I think, yeah, that would put an
17 undue burden on you. We'd have to guess.

18 MR. REIFENBERG: All right. So then we're going
19 to take a break.

20 MS. DOUKOURE: Okay. Thank you.

21 (Recess taken at 1:55 p.m.)

22 (Back on the record at 2:10 p.m.)

23 MS. DOUKOURE: Administratively, it's my
24 understanding that I get to make oral arguments now; correct?

25 MR. REIFENBERG: You can make an opening.

1 MS. DOUKOURE: Would you prefer if I stand to
2 make opening arguments?

3 DR. SMITH: You're fine there as long as we can
4 hear you.

5 MS. DOUKOURE: I find this microphone to be a
6 lot easier to use than that one, but if the panel feels it's
7 more respectful to stand, I will do that.

8 So this proceeding has convened and has taken
9 place over several days now in an attempt to show that
10 Professor Akbulut's conduct has brought a level of, the
11 allegations are disharmony and disrepute to the math
12 department. The problem that was faced by Professor Akbulut
13 has been characterized by the charging party as minimal,
14 something he should have gotten over relatively quickly, and
15 that he had had enough process. Due to testimony of the
16 defense witnesses, it will become evident to this panel that
17 there was already an environment of a level of toxicity in
18 the math department that was present prior to Professor
19 Akbulut's Abrogation of Duty Penalty that resulted from
20 several discrepancies and several abnormalities that had
21 happened in the department, including what appears to be
22 appointments that were not in conjunction with the bylaws as
23 required. It will also become evident that there is some
24 credible evidence that many of the allegations against
25 Professor Akbulut for the Abrogation of Duty Penalty were

1 either misinterpreted or misrepresented to the panels that
2 were deciding those issues, that credence was not given to
3 Professor Akbulut regarding the amount of money that he --
4 that was available within his funds for the NSF with which to
5 pay the tuition for certain students that would put him over
6 the cap. There will also be evidence that there, in fact,
7 was another student who had wished to apply who was denied
8 because she applied several minutes too late. There will be
9 evidence put forth that he, in fact, did teach the exact
10 class that was canceled. There will be evidence put forth
11 that he had a 1-2 teaching load for the year that he was
12 supposed to -- for the year that this took place, meaning he
13 was teaching one in the fall and two in the spring, and he
14 did, in fact, teach two courses in the spring.

15 There will be evidence of other corruption that
16 took place by persons within the department who had the
17 ability to affect raises, that had the ability to affect
18 class assignments, and that had the ability to affect the
19 overall atmosphere in the department as well as the ability
20 to influence negatively inferences and understandings about
21 my client's behavior and personality and that that person
22 did, in fact, do other things to try to bring disrepute to
23 Professor Akbulut, including changing registration numbers on
24 classes, not the actual number of people who registered but
25 the registration numbers, and also tampering with student

1 evaluation forms to provide lower student evaluations for
2 Professor Akbulut than was actually ascribed by students
3 themselves.

4 All of these things we will argue and we will
5 present evidence led to a certain amount of mistrust on
6 behalf of Professor Akbulut towards the department and
7 towards the process that he received. Evidence will indicate
8 that Professor Akbulut was not trying to harass or intimidate
9 people but rather just to clear his name, remove blemishes
10 from his academic record that were put there, and try to
11 bring a level of transparency to the goings-on in the
12 department that had not been there before and to expose some
13 of the corruption that had taken place that was leading to
14 other -- himself and other department members to feel that
15 there was a level of corruption in the math department and a
16 level of hostility towards certain members of the math
17 department in favor of other members.

18 We're really here today because Professor
19 Promislow was criticized for his actions because he made a
20 mistake, and instead of clearing up that mistake, he doubled
21 down on it by continuing to bring processes, continuing to
22 inflame people in the department against my client, to
23 continue to speak with members and get them -- of the
24 department and get them on his side. You've heard testimony
25 to that already. We are really here because Professor

1 Promislow, as expressed in his own testimony here today --
2 not today but during this proceeding, sees in pictures, so
3 sometimes he says things that are not necessarily accurate
4 and then he cannot admit his inaccuracies and instead tries
5 to clear them up by putting other inaccuracies and pointing
6 the fingers at other people about why they don't just get
7 over things.

8 This is not something that Professor Akbulut
9 took lightly. He has a long history at MSU, as you've
10 already heard and you will continue to hear, where he is a
11 renowned mathematician whom students appreciate taking his
12 class. He is well-published. He has brought money into the
13 university. Before this Abrogation of Duty Penalty there has
14 been no testimony that anybody has had any negative
15 interactions with Professor Akbulut. In fact, many of the
16 people who have testified so far have stated they came to
17 Michigan State University in the math department because of
18 Professor Akbulut. And we will put further testimony on over
19 the next course of the next couple of days that continues to
20 talk about the positive impact that Professor Akbulut has had
21 on the math department, on the reputation of MSU, on his
22 colleagues, and on graduate students who ultimately got their
23 Ph.D. doing research under Professor Akbulut.

24 And with that, I'd like to call my first
25 witness. I'm calling Ustun Yildirim.

1 MS. KELLEY: And I don't believe this witness
2 was on our Witness List. It was on the Amended Witness List
3 which was provided late.

4 MS. DOUKOURE: I'm assuming that's an objection
5 despite the fact that I didn't hear one.

6 MS. KELLEY: It's an objection.

7 MR. REIFENBERG: Did you hear the objection?

8 MS. DOUKOURE: I did not, but I heard an
9 objection now. This witness is -- was provided to the panel
10 on time. There was an issue possibly with service of the
11 charging party, but the regulations say it must be provided
12 by the panel -- all things must be submitted to the panel by
13 August 2nd. This was in my binder which was received by the
14 panel on August 2nd.

15 MS. KELLEY: Your guidelines state that five
16 sets of all exhibits and five sets of Witness Lists shall be
17 filed with Kara Yermak with a copy to the opposing party by
18 five p.m. on Friday, August 2nd.

19 MS. DOUKOURE: And I believe you're the only
20 person who may not have gotten that because of a clerical
21 error, and there's no prejudice here and there's no prejudice
22 to providing a witness late.

23 MS. KELLEY: There's no such prejudice in the
24 guidelines.

25 MR. REIFENBERG: When was the final Witness List

1 provided to her?

2 MS. DOUKOURE: I provided it to her yesterday I
3 think.

4 MS. KELLEY: I take it -- I don't know.

5 MS. DOUKOURE: Yesterday or the day before. I
6 provided it by email yesterday or the day before.

7 MR. REIFENBERG: When were you made aware of the
8 fact that she hadn't gotten it?

9 MS. DOUKOURE: The day before that.

10 MR. REIFENBERG: Is there any other information
11 we need? Now, can you tell me in terms of the fact that
12 you're challenging these witness lists what harm exists
13 because of the delay for qualification purposes?

14 MS. KELLEY: Well, we don't know that they were
15 going to testify, so, you know, all of that that goes with
16 it.

17 MR. REIFENBERG: I'm just trying to see what the
18 effect of the late presentation was.

19 DR. PROMISLOW: It's an impact to our
20 preparation.

21 JUDGE WHITBECK: I'm sorry?

22 DR. PROMISLOW: Our ability to prepare.

23 MS. DOUKOURE: My Witness List is not required
24 to provide any content regarding the substance of the
25 testimony. Only theirs is. Therefore, they have a name.

1 They don't know what my witness is going to testify. I'm not
2 sure how much their preparation has been affected by late
3 notice. Not a single document is going to be entered under
4 this witness. Not a single document that we provided to this
5 panel or to Ms. Kelley or the charging party bears this
6 witness's name.

7 MR. REIFENBERG: So the only information that
8 was given to them late was the Witness List?

9 MS. DOUKOURE: That's correct.

10 MR. REIFENBERG: Not the documents?

11 MS. DOUKOURE: All those documents are documents
12 they've had for months because they were provided at the
13 initial hearing, pre hearing I think it was actually called.

14 MR. REIFENBERG: What remedies are you
15 proposing?

16 MS. KELLEY: That they not be allowed to
17 testify. There are two witnesses who were originally listed.
18 That's who we expected would be testifying here at this
19 hearing.

20 MR. REIFENBERG: I'm just trying to clarify
21 where you're going with this. So you want us to strike the
22 last two witnesses?

23 MS. KELLEY: Unless of course, you know, they
24 are rebuttal witnesses -- or surrebuttal witnesses. Then she
25 would be allowed to bring new witnesses. So I would expect

1 that the two witnesses that we timely received notice of
2 would testify. Anybody beyond that would have to be a
3 surrebuttal witness to be a new witness. Does that make
4 sense?

5 MS. DOUKOURE: No. But there's been a lot of
6 discussion here --

7 MS. KELLEY: I was addressing the hearing
8 committee. I'm trying to be polite. I think I've been
9 accused of being very impolite. So . . .

10 MR. REIFENBERG: All I was asking you --

11 MS. DOUKOURE: I'm sorry. My answer was not to
12 you. I wasn't telling you no. That was not my intent. My
13 intent was not to say no, it's no clear. My intent was to
14 say no, that's not accurate. But for clarity, there's been a
15 lot of discussion here about what grad students know or
16 didn't know and discussed and how it impacted grad students.
17 This student was a grad student during this time. He will be
18 testifying in rebuttal to comments made specifically by
19 Kalfagianni. Specifically he can rebut statements that she
20 made about grad students as well as other comments made about
21 what other grad students knew.

22 MR. REIFENBERG: It's the decision of the
23 hearing committee to deny the objection and to allow the
24 witnesses.

25 MS. DOUKOURE: Thank you.

1 MR. REIFENBERG: Can I just ask you another
2 question? This isn't the -- you asked us about a person who
3 was flying in on Friday. Is that still --

4 MS. DOUKOURE: He was leaving on Friday. We do
5 have somebody who is flying in from Russia who will not be
6 available to testify until four p.m. Friday because he is --

7 MR. REIFENBERG: I was just confused about.

8 MS. DOUKOURE: No. He was supposed to be
9 leaving -- he's the one that I asked if we could have first
10 in case we didn't start before Friday.

11 MR. REIFENBERG: Okay.

12 MS. KELLEY: I apologize. Just a clarification.
13 So all of the witnesses on the Amended Witness List will be
14 allowed to testify in the faculty member's case?

15 MR. REIFENBERG: Yes.

16 MS. KELLEY: Okay.

17 MR. REIFENBERG: Is this a student or former
18 student?

19 MS. DOUKOURE: Former student.

20 MR. REIFENBERG: Then, Kara, can you close the
21 doors? Because the courtroom has to be closed.

22 USTUN YILDIRIM

23 (At 2:27 p.m., called by Ms. Doukoure and sworn
24 by the reporter, testified as follows)

25 DIRECT EXAMINATION

1 BY MS. DOUKOURE:
2 Q. Can you please state your name and spell it for the record?
3 A. My name is Ustun Yildirim. It's spelled U-S-T-U-N,
4 Y-I-L-D-I-R-I-M.
5 Q. And how are you associated with Michigan State University?
6 A. I was a Ph.D. student here.
7 Q. When were you a Ph.D. student here?
8 A. Sorry?
9 Q. When? What years?
10 A. I start my Ph.D. study here in the fall of 2012 and I
11 graduated 2018, like fall 2018.
12 Q. Are you familiar with Professor Akbulut?
13 A. Yes, I am.
14 Q. How are you familiar with Professor Akbulut?
15 A. I was his student. He was my advisor. We also did research
16 together. He's my collaborator as well.
17 Q. And how do you find -- did you know anything about Professor
18 Akbulut prior to coming to Michigan State?
19 A. I mean, I heard of his research, yeah. But not a lot of
20 details. Like he's -- like he's a very famous foremost
21 researcher in the world.
22 Q. And when you came to Michigan State, how did you find
23 Professor Akbulut's teachings?
24 A. I find that he was like real dedicated to mathematics, and
25 like because I wanted to be a really good mathematician, I

1 thought he was -- he has to be my advisor. Basically that's
2 like how I decided to be his student.

3 Q. And while he was advising you, did you develop a relationship
4 with Professor Akbulut?

5 A. Sure. I mean, like yeah. Like we were -- I mean, of course
6 we -- like we became friends. I mean, we would go to like --
7 you know, have dinners or I would go to his house. Yeah.

8 Q. Overall if you had to describe Professor Akbulut's character,
9 how would you describe it?

10 A. I mean, as I said, he's a very dedicated mathematician and
11 he's -- he's always like truthful. He -- he -- he has a --
12 like he like pursues truth at any cost.

13 Q. He pursues truth at any cost?

14 A. Yeah.

15 Q. Did you have any interactions with anybody else in the math
16 department besides Professor Akbulut?

17 A. Yes. Graduate director, Jon Wolfson, for example. I mean,
18 of course I took many classes. You know, I -- I took my
19 comprehensive exam, and in my committee there were like four
20 professors. I took -- I mean, I defended my thesis and there
21 were like four professors there, so yeah, there were other
22 people as well.

23 Q. Can you characterize your interactions with Professor
24 Wolfson?

25 A. Yeah. So like, I mean, I took his -- first of all, like he

1 was a graduate director, so like whenever we had some sort
2 of, I mean, question about like my studies, I would, you
3 know, go ask him about that, and I also took a course from
4 him. It was a geometry class. And in that class I noticed
5 that he was like not really treating students equally. In
6 fact -- I mean, there were only a few students. I remember
7 four students right now, but I don't remember if there were
8 maybe some -- like maybe one or two more possibly. Maybe
9 not. And like basically there was only one student that he
10 was like clearly favoring and all the others were, I mean,
11 basically discriminated.

12 Q. If you can recall, how many students took that class with
13 you?

14 A. I mean, I remember four students.

15 Q. Is that a typical number of students to be in a graduate
16 studies class?

17 A. Yeah. I mean, yeah. Four is typical.

18 Q. Do you recall any time that there was less than four students
19 in a graduate studies class?

20 A. Yes. But, I mean, usually -- I mean, so like normally
21 courses are only -- like other than the year -- like 2000 --
22 I mean, before 2015 like the courses would run with like less
23 than five people. Four people would be okay for the course
24 to start, like as far as I can remember. And even then
25 people would drop the courses and, you know, over time like

1 people would -- I mean, the courses would run with less than
2 four people.

3 Q. When was the last school year that you took an actual class
4 at MSU?

5 A. I mean, I believe in my last year I was only taking
6 dissertation credits. I mean, I really don't remember, but
7 it's probably like 2016. Like, I mean, excluding the
8 dissertation credits.

9 Q. You took classes in Turkey? Is that what you're saying?

10 A. No. No.

11 Q. I didn't hear what you said, so I'm trying to clarify.

12 A. In 2016, like 2016 was probably the last year I took actual
13 classes.

14 Q. And you started -- so before 2015, if you can recall, how
15 long did you have to register for spring classes?

16 A. Sorry?

17 Q. How long? How late on the calendar year did you register for
18 spring classes prior to 2015?

19 A. Like how long? Sorry. I'm not --

20 Q. So the calendar year runs from September -- I mean, I'm
21 sorry. The academic year runs from September to May of the
22 next year.

23 A. Right.

24 Q. The spring semester would be starting in January.

25 A. Right.

1 Q. How long did you have before -- or when was the -- do you
2 remember what the cutoff was to register for classes?

3 A. That I don't really remember. Yeah.

4 Q. Do you remember if it was summertime, if it was wintertime?

5 A. For -- for fall classes?

6 Q. For spring classes.

7 A. For spring classes? I mean, it was not summertime. But I
8 can't remember when in the fall.

9 MR. REIFENBERG: Just for some information, are
10 you talking about the course taught by Wolfson?

11 MS. DOUKOURE: I'm sorry. Right now we're
12 talking just generally.

13 DR. SMITH: But you were?

14 MS. DOUKOURE: We were, yes.

15 DR. SMITH: And can we have the course name,
16 number, and semester, please?

17 BY MS. DOUKOURE:

18 Q. If you remember, the course name, number, and semester of the
19 class you took with Professor Wolfson.

20 A. Okay. I mean, so I took the geometric analysis course. I
21 mean, like unfortunately I don't remember those details, but
22 of course they're in my, you know, transcript. I can easily
23 look it up.

24 DR. SMITH: I'm just curious about what semester
25 that was.

1 A. I believe it was in like 2014, but I'm not entirely sure.
2 BY MS. DOUKOURE:
3 Q. Do you recall if it was a winter or spring semester class?
4 A. Sorry. I can't --
5 Q. Do you recall if it was a winter or spring semester class?
6 A. I don't recall.
7 Q. Okay. That's fine. Have you had any interactions with
8 Professor Promislow?
9 A. I mean, just like mainly just small talks and -- yeah. Yeah.
10 Mainly just small talks basically.
11 Q. Do you know what his role is in the university?
12 A. What is that?
13 Q. Do you know what Professor Promislow's role is in the math
14 department?
15 A. Yeah. I mean, he -- he served as the chair, department chair
16 in recent years.
17 Q. Did he ever inquire about your research?
18 A. No.
19 Q. While you were studying at MSU, did you become familiar with
20 the overall environment in the math department?
21 A. I mean, yes, I did.
22 Q. Can you describe for this panel what the overall atmosphere
23 was like in the math department?
24 A. So, I mean, initially, I mean, like in my first like maybe
25 one or two years I thought like everything was, you know,

1 good. There were no problems. I didn't, you know, notice
2 anything specifically. And over time I was hearing like many
3 stories from students who said that they were like being
4 discriminated and so on, and I still didn't experience
5 anything personal until basically my last year, which at that
6 point I -- I mean, I applied for -- for a dissertation
7 continuation fellowship. This is like summer 2017. And I
8 was denied that fellowship, and I asked like what was the
9 reason for that, and they told me that only dissertation
10 completion fellowships were granted, and -- but I know for a
11 fact that the chair's student at the time applied for
12 dissertation continuation fellowship, and I asked her about
13 this again whether I'm -- like maybe I'm misremembering, so I
14 asked her, and she said that she can testify about that, that
15 she applied for the continuation fellowship, but,
16 nevertheless, she got dissertation completion fellowship. So
17 that's when I realized for sure, you know, from firsthand
18 that there's something wrong in the department.

19 Q. And whose student was that?

20 A. The student who got the fellowship?

21 Q. That's correct.

22 A. That's department chair's, Keith Promislow's student.

23 Q. And Keith Promislow's student got a fellowship?

24 A. Yes. There were a couple of other students as well who got
25 the dissertation completion fellowships, but I don't know

1 about their detail. I didn't ask them whether they applied
2 for actually for completion or continuation.

3 Q. Was her situation similar to yours with regards to where she
4 was at in the process for her dissertation?

5 A. She actually graduated like one year -- I think she just
6 graduated like this year. So like she graduated after I did.
7 So she was -- I mean, when I applied, I was in my fifth year
8 and I believe she was in her fourth year, so like I was at --
9 like I was closer to writing a dissertation.

10 Q. And it's your testimony that they told you you're not
11 qualified?

12 A. No. They just -- what they said was only -- well, what they
13 said was only dissertation completion fellowships were
14 granted. However, I double-checked with her to make sure
15 like -- because beforehand she told me that she was also
16 applying for the dissertation continuation fellowship, so I
17 just double-checked with her and she told me again that she
18 actually applied for a continuation fellowship, but,
19 nevertheless, she actually got completion fellowship. Like
20 something that she did not apply for initially. Yeah.

21 Q. Other than that situation, is there anything about your time
22 at MSU in the math department that stands out?

23 A. Well, I mean, like of course -- so after like Selman got
24 penalized for like -- had this like salary, you know,
25 deduction penalty, he was asking like for like proper like

1 assessment of the whole process and basically people were
2 ignoring him. That was also the case. Like in the whole --
3 like almost everybody in the department was ignoring him.

4 Q. Did that event -- if at all, how did those events shape your
5 time here at MSU?

6 A. Oh. I mean, it was like really, really bad. Like it had
7 really, really bad effects on me actually. I mean, I was --
8 like all my life I wanted to be like a really good
9 mathematician, and like just in my last year like with all
10 the events that were happening I started thinking about like
11 quitting mathematics basically, and it's like a life-changing
12 event for me. It impacted me deeply.

13 Q. Did you feel that Professor Akbulut was treated fairly with
14 regards to that penalty?

15 A. I don't think so. Because like -- I mean, basically they
16 just ignored him. Like there's no way that can be like fair
17 treatment.

18 Q. In spring of 2015 do you recall which courses that you took?

19 A. Spring 2015?

20 Q. Yes.

21 A. I remember taking Selman's special topics and topology course
22 which whose subtitle was like 4-Manifolds and Seiberg-Witten
23 equations, which -- and Seiberg-Witten equations is part of
24 my thesis, by the way. That's the title actually. So I
25 definitely remember that course. I mean, right now I don't

1 remember any specific course like, I mean, specific for that
2 semester.

3 Q. Did you suffer any -- I'm going to strike the word "suffer."

4 Can you describe for us the registration process
5 for registering for Professor Akbulut's Math 996 course that
6 you just talked about, please?

7 A. Right. So there was a link on the department's website.
8 It's -- I guess it was called like -- like override request.
9 Like you would click on that link and you would enter the
10 details, like course code and like the professor you want to
11 work with and like the section number, like your preferred
12 section number. Of course there was only one section.
13 And -- oh, I guess maybe there were two sections. But,
14 anyway, so like you fill out that form and you submit that
15 and -- but I don't know how that works afterwards like. I
16 don't know where that request goes to.

17 Q. Did you follow that process to register for that class?

18 A. Yes.

19 Q. Is there anything that stands out in your mind about anything
20 that happened after you registered for that class?

21 A. I mean, personally I didn't have any -- like I was able to
22 enroll in that class, like I didn't -- like personally I was
23 able to enroll in that class.

24 Q. Did you receive any later correspondence regarding that class
25 from the enrollment office?

1 A. Enrollment office? I -- I mean, I -- like does that include
2 like graduate office or, I mean, graduate --

3 Q. It includes any correspondences that you may have received --

4 A. Yeah. Yes, I did. Yeah.

5 Q. And what was the substance of those correspondences?

6 A. So basically they were saying that like the -- there were not
7 enough like enrolled students at the time of the deadline and
8 because of that like the course was going to be canceled, but
9 when I -- I mean, like -- but when I talked with my friends,
10 there were like -- like five people who were interested in
11 taking this class, and, I mean, in fact, we -- we did, you
12 know -- like we -- this course meets regularly actually with
13 like five registered students, and at the time actually we
14 wrote affidavits for stating that like five of us actually
15 took this course and this course ran.

16 Q. Would it have affected your research if this course was not
17 able to run?

18 A. Yes. Definitely. I mean, as I said, the subtitle of this
19 course is actually part of my thesis.

20 Q. Did you do research -- did the research that you did in this
21 course affect your thesis directly?

22 A. Yes. Yes.

23 Q. Can you describe that for us?

24 A. So these -- I mean --

25 Q. I mean, not when you talk with mathematicians, but like what

1 was the impact of this class on your overall research?

2 A. I see. So like basically this was a course that gave us like

3 the big pictures and big tools that helped us deal with like

4 four-dimensional spaces, and -- and in my thesis what I did

5 was basically I took those tools and tried to apply them in

6 seven-dimensional spaces, but basically we were applying the

7 same tools.

8 Q. If you could characterize the impact of the research by

9 giving it a value, would you say that it had -- what level of

10 value did this class have on your research?

11 A. Oh. Like ten out of ten. I mean . . .

12 Q. And how many students took this class with you?

13 A. So there were like five registered students and there were

14 two like visiting faculty who would attend the classes

15 regularly, and I believe there were one or two other students

16 who sometimes like attended class and sometimes not.

17 Q. Would you say -- how would you describe the attendance of

18 this class, comparing the number of students in this class

19 with other graduate courses that you had taken previously?

20 A. I mean, it's actually -- because this is a very like special

21 topics and topology class, this is -- that level of

22 attendance is actually almost incredible.

23 JUDGE WHITBECK: Counsel, can you -- I'm sorry.

24 Could you just clarify for us? My understanding was that

25 this course was canceled. Are we now talking about the

1 reading course?

2 MS. DOUKOURE: Yes.

3 JUDGE WHITBECK: Okay. That Dr. Akbulut taught
4 and then he took?

5 MS. DOUKOURE: That's correct.

6 BY MS. DOUKOURE:

7 Q. Have you taken any reading courses before?

8 A. No. Not at all.

9 Q. Would you have -- are you familiar with the substance of what
10 a reading course would be? Like in comparison to a --

11 A. I'm not actually -- like I didn't -- I always tried to take
12 named courses. Oh. Well, actually I think one summer I was
13 a TA, and if you're a TA, you're supposed to -- you have to
14 take a class. I think one of those might have been like a
15 reading course. Yeah. And -- but, I mean, I basically
16 continued doing my research. Like there was nothing specific
17 on -- you know.

18 Q. Were there other students in that reading course with you?

19 A. No. I mean, that's like a personal thing. Like your reading
20 courses are usually just done with you and the professor.

21 Q. Do you know if any other students did research that led to a
22 Ph.D. out of Professor Akbulut's 996 class?

23 A. Yeah. So like my friends that were taking that course, like
24 two of them were solving actually problems from Selman's
25 textbook, which he completed during that semester as far as I

1 can remember, and basically their Ph.D. theses were like just
2 like solving those problems. Like but they were like,
3 nevertheless, original problems.

4 Q. Are you aware of the number of students -- are you aware of
5 the number of students that got their Ph.D. out of the
6 research in that class?

7 A. I mean, like all five of the students have graduated, yeah,
8 like have got Ph.D. from that class, yeah.

9 Q. Did anybody other than Professor Akbulut contact you with
10 regards to that -- whether or not you took that class?

11 A. No.

12 Q. Did Professor Promislow ever ask you about that class?

13 A. No.

14 Q. Do you know if Luke Williams took that class?

15 A. Sorry?

16 Q. Do you know if Luke Williams took that class?

17 A. Oh, yeah, I do.

18 Q. Do you know if Luke Williams got his Ph.D. out of research he
19 did in that class?

20 A. Yes.

21 Q. How many credits did you get for that class?

22 A. I mean, as far as I can remember, it was three. Three
23 credits.

24 Q. How many credits would you have gotten if it would have been
25 the 996 class? Is there a difference in the credits that you

1 were given for the class?

2 A. I believe for -- I mean, I'm really not sure about that, but
3 like I believe in the reading course you get to choose how
4 much credit you will get, and I'm -- I mean, I believe I got
5 like three credits and like -- so it's like independent of
6 whether it was 996 or a reading course.

7 Q. What are you currently doing?

8 A. Oh, I'm a visiting assistant professor at the University of
9 Rochester. I'm -- University of Rochester. I do
10 mathematical research and teaching there.

11 Q. Are there any -- is there anything that you'd like to tell us
12 about any differences in the atmosphere at Rochester versus
13 the atmosphere at MSU?

14 A. Well, actually yeah, there is. So --

15 DR. PROMISLOW: Objection. What's going to --
16 address the relevance.

17 MS. DOUKOURE: There's been a lot of accusations
18 about my client that he's made the overall atmosphere here
19 poor, and we've talked about atmosphere at this university,
20 so I'm trying to elicit information regarding the continued
21 information about the atmosphere. It's all information that
22 was originally addressed by charging party.

23 DR. PROMISLOW: How is this relevant to the
24 charges that Selman has harassed --

25 MS. DOUKOURE: I mean, if my client's behavior

1 did not create an environment that was not suitable, we would
2 not be here.

3 MR. REIFENBERG: Can you focus your questions
4 more on the atmosphere, then? Because it seems like we're
5 getting a lot of extra information. But fine. Go ahead and
6 talk about the atmosphere.

7 BY MS. DOUKOURE:

8 Q. Is there anybody or anything that you felt at MSU made you
9 feel like you were going to leave mathematics?

10 A. Well, yes. Mainly like, I mean, he's not a graduate director
11 anymore, but Jon Wolfson and like I see it as an extension of
12 Keith Promislow.

13 Q. And is there any reason why or what -- if there is a reason,
14 what's the reason why you see Professor Promislow as an
15 extension of Jon Wolfson?

16 A. Oh. Well, because there were like chair elections at some
17 point, and if my like memory serves me right, like Jon
18 Wolfson ran for, you know, president all by himself, and then
19 like Akbulut like objected to that because like, I mean, he
20 said like it was like against the department's bylaws, and
21 then like later, I don't know what happened, but immediately
22 like Keith Promislow was elected and afterwards like two sort
23 of key positions like Jon Wolfson was chosen.

24 Q. Would you characterize -- if you characterized the events
25 regarding who got the postdoctoral fellowship with regards to

1 your desire to leave mathematics, how has that impacted you?

2 A. Can you repeat the question?

3 Q. Sure. I don't want to put words in your mouth so I'm trying

4 to structure my question very carefully.

5 A. Sure.

6 Q. With regards to the postdoctoral fellowship that you did not

7 receive -- or that --

8 A. Yeah. That's the dissertation fellowship.

9 Q. That's what I mean. Thank you. The post dissertation

10 fellowship that you did not receive but was given to

11 Professor Promislow's student, --

12 A. Right.

13 Q. -- if you could characterize -- well, if you can characterize

14 how that made you -- how that made you feel about the math

15 department at MSU if it had any affect at all. How would you

16 characterize that?

17 A. Oh, I mean, that made it very clear to me that like that

18 process was not fair at all, and that made -- that also made

19 me think that, well, if that -- even -- like even if that is

20 not fair, then there must be many other things that is not

21 like fairly, you know, treated. And that was -- I mean, I

22 applied for that fellowship in the fall semester of the year

23 that I was going to graduate, and which is a key semester for

24 any Ph.D. student because that's the semester that you have

25 to finish all your like research and apply to many like

1 numbers of universities, so that's the semester where you
2 need the time the most, so when I -- when I was denied that,
3 like it was clear to me -- I mean, so it made me feel like
4 there were -- like that would prevent me from like preparing
5 a proper application for -- for my postdoctoral position and,
6 you know, therefore possibly not get a like fair position in
7 the future.

8 Q. And when you saw Professor Promislow's student obtain a
9 fellowship that she had not even applied for, can you
10 describe the impact, if any, that that had on you?

11 A. I mean, yeah. Like I was basically like devastated because,
12 I mean, like I was not only thinking about that fellowship
13 but I was also thinking about all the years that's going to
14 be ahead of me, because I saw that even at this level if I'm,
15 you know, being treated not fairly, then I felt like I'll
16 have to deal with these kind of problems for the rest of my
17 life if I was going to continue doing mathematics. I mean,
18 of course I'm continuing to do mathematics. So that made me
19 fear for my life -- for the rest of my life basically, for --
20 for -- from events like this.

21 Q. Did Professor Akbulut have any hand, to your knowledge, in
22 giving that fellowship to Professor Promislow's student?

23 A. Hand?

24 Q. Yeah. Did he assist her in getting that?

25 A. No.

1 Q. Do you know how she obtained that fellowship?

2 A. I mean, they said like everybody who applied for a completion
3 fellowship got it. Like you just fill out a form. I mean,
4 she just filled out a form like I did, and we both signed --
5 I mean, we checked the box that said continuation fellowship.
6 At least that's what she told me. And -- and like the
7 process is just that simple basically. You just fill out the
8 form. I believe also -- I mean, you also -- you're also
9 supposed to write like a summary or like a document that
10 describes your research and like at what level you are and
11 things of that nature. But this continuation fellowship in
12 the past have been given to students who are just in their
13 second or third year actually as far as I know, so like the
14 level of progress is not -- is clearly not that important.
15 Although, by the way, I have to add I sincerely believe that
16 I was a much better student than she was, and I have good
17 reasons to claim that too. Because when we were -- we took
18 an ODPD qualifying exam, I was teaching everybody how to
19 solve these problems. I -- I taught like my office mates --
20 so have never taken geometry and topology courses, qualifying
21 courses, but they have passed the qualifying exams. That's a
22 very, very rare thing in MSU's math department's history, and
23 I helped them study for that exam. Basically I was their
24 instructor for that class.

25 Q. So when you saw Professor Promislow's student get a

1 dissertation fellowship that she did not apply for and that
2 you felt that she told you she did not apply for and that you
3 felt she was not qualified -- more qualified for it than you,
4 did that have any effect on how you felt -- how you perceived
5 the math department at MSU?

6 A. I mean, like if I have to summarize it in a single word, I
7 would say like it's corrupt.

8 Q. Did it have any effect on whether you felt things happening
9 in MSU math department were fair?

10 A. Can you repeat that? Sorry.

11 Q. I said did it have any effect on whether or not you believed
12 things that took place in the math department at MSU took
13 place --

14 A. Yes. So like as I told -- as I said earlier, I was hearing
15 about these like various different students being
16 discriminated against, but I never had like firsthand chance
17 to like witness their positions, and this was like my
18 firsthand experience, so now I was like pretty much convinced
19 that all of those earlier accusations were like most likely
20 true.

21 Q. After you graduated from MSU could you apply to stay here and
22 do any work here?

23 A. Not at all.

24 Q. Why is that?

25 A. I mean, this is not a good environment at all. Like -- so

1 whenever I come here actually, I just want to quit
2 mathematics. Like so it's not a productive environment. I
3 only -- it just reminds me like how -- no matter how -- how
4 like honest you are in your -- in your pursuit of let's say,
5 I mean, in this case mathematics, there can -- like people
6 can try other ways, like they may try to beat you not in
7 mathematics but using some other illegitimate ways.

8 Q. And who, if anybody, do you think has contributed to that
9 overall feeling that you have about MSU?

10 A. Jon Wolfson and Keith Promislow.

11 MS. DOUKOURE: I have nothing further.

12 CROSS-EXAMINATION

13 BY DR. PROMISLOW:

14 Q. Hello. Do you mind if I remain seated? It is much more
15 comfortable.

16 A. Sure.

17 Q. Thank you. And do you mind if I call you Ustun?

18 A. Sure. Yeah.

19 Q. My name's Keith Promislow.

20 A. Yeah.

21 Q. I just want to ask you a couple of very low pressure
22 questions. So you mentioned that you're currently at
23 University of Rochester?

24 A. That's true.

25 Q. So what's your status there?

1 A. I am a visiting assistant professor, which is like postdoc
2 position.

3 Q. So is it typical for someone who's a postdoc or someone who's
4 going to be applying for a tenure track position after the
5 postdoc to request letters of recommendation from their major
6 professor? Is that a typical thing to do?

7 A. Major professor?

8 Q. Yeah? I'm sorry. Your thesis advisor.

9 A. Yeah.

10 Q. Can you just tell us so we have a record how many graduate
11 students are there in the mathematics department?

12 A. In Rochester or here?

13 Q. No. Here at MSU. Order of magnitude.

14 A. Sorry.

15 Q. Order of magnitude. More than ten?

16 A. Yeah. More than ten. I mean, I -- as far as I remember,
17 like when I -- when I first got admitted, there were like
18 maybe like 20 more students who were admitted that year, so
19 multiplying that by five or something, like about hundred I
20 would guess, but I'm not sure.

21 Q. So when you were discussing the dissertation completion
22 fellowship and the dissertation continuation fellowship, --

23 A. Right.

24 Q. -- they sound very similar, you were discussing my student?

25 A. Uh-huh.

1 Q. Are you comfortable saying her name or can I -- I want to
2 make sure we're talking about the same person.

3 A. Yeah. I'm comfortable. Haria Krutsche (ph).

4 Q. Haria (ph), yes. Thank you. I just want to make sure we're
5 talking about the same person. When you asked her if she had
6 applied for a dissertation completion fellowship or a
7 dissertation continuation fellowship, was she certain or did
8 she seem certain that she knew the difference?

9 A. Well, yeah. I double-checked with her.

10 Q. Yeah. You asked her was she certain?

11 A. Yes. Yes. She said she can even testify if necessary. I
12 mean, this -- this -- like I asked her just like after summer
13 2017. Like what is it? Two years ago. She said that she
14 can even testify if we -- if she needs to.

15 Q. Would it surprise you if I told you she asked me which one
16 she had applied for after she received it and she said I'm
17 not certain which one I got? Would that surprise you?

18 A. Can you repeat the question?

19 Q. Would you be surprised if I told you that she asked me after
20 receiving the fellowship which one she had gotten?

21 A. I mean, I asked her after she had gotten the fellowship which
22 one she applied for again and she answered continuation, so,
23 yeah, that would surprise me.

24 Q. Okay. So do you recall the process of applying for the
25 dissertation continuation fellowship?

1 MS. DOUKOURE: I'm going to object to asked and
2 answered. This witness went over the process which he used
3 to apply extensively.

4 DR. PROMISLOW: But can I point out that he
5 missed a step?

6 MS. DOUKOURE: I mean, you can testify again in
7 rebuttal.

8 DR. PROMISLOW: Okay. Why don't I make my
9 question more specific.

10 BY MS. DOUKOURE:

11 Q. Does a dissertation continuation fellowship require a letter
12 of support and statement of progress by the major professor?
13 And here today major professor means thesis advisor.

14 A. I think statement of progress is something that I wrote.
15 Like it's not made by the professor. I think that was one of
16 the items. But yeah, there's a -- there's a letter
17 requirement also from the advisor, yeah.

18 Q. So you would be surprised if I showed you a document that
19 outlined the steps in the package and listed as Step Number 4
20 a letter of support and statement of progress by the major
21 professor? That would be surprising?

22 MS. DOUKOURE: I'm going to object. Don't
23 answer yet. I'm going to object to this line of questioning
24 because the process by which she would have applied whether
25 or not she needed a letter is not at issue in this case

1 because this witness testified that he was told by the person
2 at issue that there was two boxes to check, dissertation
3 completion fellowship and dissertation continuation
4 fellowship, and that this witness did not -- this witness was
5 told by the person in question that she did not check the
6 dissertation completion fellowship, that she only checked the
7 dissertation continuation fellowship box. So the process is
8 not at issue. The issue is whether or not she applied for a
9 specific fellowship.

10 DR. PROMISLOW: Can I clarify? I can move on to
11 another point, so . . .

12 MR. REIFENBERG: Seems to me that you opened the
13 door about the process and I think more information about the
14 process would be useful.

15 DR. PROMISLOW: Am I allowed to --

16 MR. REIFENBERG: Yeah. Be very specific.

17 DR. PROMISLOW: Okay.

18 BY DR. PROMISLOW:

19 Q. I'm just specifying the process you went through. I'm not
20 talking about my former student anymore. Can you say -- are
21 you aware of the document that the thesis advisor must supply
22 as part of this application?

23 A. Yeah. There was a letter like of recommendations or
24 something like that that the professor -- I mean, advisor was
25 to provide, yes. That's true.

1 Q. And are you aware that the nomination package -- would you be
2 surprised if I would submit a document saying the nomination
3 package requests a letter of support and statement of
4 progress by the major professor?

5 A. I mean, I don't remember the exact thing. So sure. I mean,
6 it's a very similar statement, yeah.

7 Q. And are you aware -- so your advisor, Professor Akbulut,
8 should support -- should submit a letter of support that
9 contains a statement of progress by the major professor. Are
10 you aware of the contents of that letter? It's not normal,
11 is it?

12 A. No. No, I was not.

13 Q. So you don't know if the letter he submitted satisfied all
14 the requirements of the letter? You don't know that because
15 you didn't see it; right?

16 A. Well, the reason given to me was not that -- it doesn't have
17 anything to do with the letter he wrote. They told me only
18 the completion fellowships were granted. So why is this
19 relevant?

20 Q. Well, that's my right to ask the question. I'm sorry. I get
21 to establish relevance. Thank you. So I have a follow-up
22 question. Did you ultimately receive a dissertation
23 completion fellowship or continuation fellowship before you
24 left MSU?

25 MS. DOUKOURE: I'm going to object. That's a

1 compound question.

2 BY DR. PROMISLOW:

3 Q. Okay. Did you ultimately receive either a dissertation
4 continuation or completion fellowship?

5 A. I received completion fall 2018 after I already got a
6 position. So it didn't really help me with my applications
7 at that point.

8 Q. Just to clarify, that was the next semester; is that correct?

9 A. No. Next year.

10 Q. The next year. Okay.

11 A. Well -- sorry. Summer. Summer 2018, which is not the next
12 semester, but it's the second to next semester.

13 Q. Do all --

14 JUDGE WHITBECK: I'm sorry, but I'm unclear.
15 What was the answer to the question? Did you receive that
16 fellowship or not?

17 THE WITNESS: Two semester later, yes, I did,
18 which was not helping me while -- which didn't help me while
19 I was applying for positions.

20 JUDGE WHITBECK: You answered the question as
21 yes; correct?

22 THE WITNESS: Yes. That's true.

23 BY DR. PROMISLOW:

24 Q. Is it typical that most graduate students at MSU received one
25 of these semesters -- sorry. Excuse me. Let me rephrase.

1 MS. DOUKOURE: I'm going to object. This
2 witness -- I'm not sure if this witness is qualified. He
3 hasn't laid a foundation for this witness to qualify to know
4 what's typical of all graduate student processes here.

5 DR. PROMISLOW: Well, I mean, he's complaining
6 about being discriminated against. It's the norm. I'm just
7 asking him to verify the norm.

8 MR. REIFENBERG: Well, you're asking him a
9 question about the norm. Does he know about the norm? Or
10 should he know about the norm?

11 DR. PROMISLOW: I assume it's common knowledge
12 among grad students.

13 A. I'm not sure how often people get them.

14 BY DR. PROMISLOW:

15 Q. That's fair. You mentioned something -- I thought you
16 described it as the events -- the events, and I'm
17 paraphrasing, the events around the, sort of -- it's called
18 difficulties with Selman Akbulut, and I'm just curious can
19 you give us an indication of your source of information for
20 those events? How did you hear about them? Where?

21 A. I mean, like there were so many events, which ones -- I mean,
22 of course I received emails. I was one of the students, so
23 like, for example, when I went to like student information
24 website of MSU, I've seen that my like course name was
25 changed. I mean, basically through emails and this website.

1 I mean, mainly. There isn't anything else that I remember
2 right now.

3 Q. Would you say you did -- made a considerable effort to dive
4 in and do your own research or just from what you -- did you
5 gather your information from what you heard incidentally?

6 MS. DOUKOURE: I'm going to object to compound
7 question.

8 BY DR. PROMISLOW:

9 Q. Okay. Let me see if I can phrase the construction of my
10 question more. Did you gather your information through an
11 explicit attempt to delve into the subject?

12 A. I mean, so we -- we -- like the five students who were taking
13 this course got together and we wrote this like affidavit and
14 like the statements there are clear, so that's basically them
15 telling me that they wanted to take this course and this
16 course ran.

17 Q. Did you do any other -- take any actions beyond that to try
18 and get to the underlying issues?

19 A. I mean, we -- I believe we sent an email, like -- like a
20 group of five of us, like requesting that this course code
21 would not be changed. I mean, I don't remember anything
22 other on that that specifically.

23 Q. So you testified about the content of the reading class that
24 you took that replaced Professor Akbulut's topics class. Are
25 you familiar with the words sort of topics class, reading

1 class? Do you understand the difference between these two
2 groups of classes or courses?

3 A. I mean, like in my experience, even though I'm not like
4 hundred percent sure about this, like reading courses are
5 usually run only with like one or at most two students, like
6 in my experience as far as I can tell. But a topics course
7 is -- like reaches a wider audience, but of course it's a
8 very specialized topic anyway, so it's usually like four is a
9 large number already. So that's . . .

10 Q. So is it usual that a topics class have a fixed content to
11 it? It doesn't change through the year?

12 A. No. Topics classes change content.

13 Q. And reading classes also can change content?

14 A. Yeah. They also change content.

15 Q. So when you took this class as a reading class, do you feel
16 it disadvantaged you in any way that it was a reading class?
17 Did you get the same benefit if it was a reading class or a
18 topics class?

19 A. I mean, I did, but I took a normal class, and like reading
20 classes are like from the outside -- for -- from -- if
21 somebody's just reading my transcript, I want them to be
22 informed more properly of the nature of what the course that
23 I have taken.

24 Q. So if Professor Akbulut ultimately received credit for
25 teaching the reading class, in your mind, is there any harm

1 to you or Professor Akbulut for the class that ran
2 specifically?

3 MS. DOUKOURE: I'm going to object to compound
4 question.

5 MR. REIFENBERG: Try to break it down.

6 BY DR. PROMISLOW:

7 Q. If Professor Akbulut received full credit for running the
8 reading class, can you identify any harm that was then done
9 to him inside of the class?

10 A. I'm not sure what -- what it means to say that.

11 Q. Let me try again. That wasn't a well articulated question.
12 You testified that replacing the topics class with a reading
13 class caused some, I can't remember the exact word, but
14 frustration and dismay among students?

15 MS. DOUKOURE: I'm going to object to his
16 question because he said you testified to and then he
17 admitted that he doesn't know what he's actually testified
18 to. I'm going to ask him to retract the question and
19 formulate a new question that doesn't mischaracterize
20 testimony.

21 BY DR. PROMISLOW:

22 Q. Was the primary harm to Professor Akbulut in replacing the
23 topics class with a reading class the fact that he did not
24 receive credit for teaching the reading class?

25 MS. DOUKOURE: I'm going to object to his

1 question because this witness does not have a basis to know
2 the entirety of the harm that was submitted to Professor
3 Akbulut and it was also not addressed on direct which makes
4 it an improper question. This door was not open. Harm to
5 Professor Akbulut was not addressed on direct. It is not
6 therefore a proper topic for cross.

7 BY DR. PROMISLOW:

8 Q. You testified that no one was listening to Professor
9 Akbulut's or Selman's complaints after he received the
10 Abrogation of Duty Penalty?

11 A. Right.

12 Q. Do you know the basis for the Abrogation of Duty Penalty?

13 A. I mean, I believe it's the claim that he doesn't like --
14 so -- so there was a course that was assigned instead of his
15 topics course and then basically because like he taught this
16 class and not the other one, he got the penalty.

17 Q. Do you know if he filed a grievance or requested any
18 administrative review?

19 A. I believe he did.

20 Q. Do you know the outcome of those proceedings?

21 A. So -- like the outcome -- I mean, so -- so he -- I mean, like
22 the outcome is basically again, like I said, like -- I mean,
23 like -- I think his requests are ignored.

24 Q. So you said that Professor Wolfson discriminated between
25 students in the class you took with him. Was there a

1 general -- can you clarify whom he discriminated against?
2 Was there a particular group he discriminated against, a
3 class? I mean --

4 A. There was only one student. He was -- like he would always
5 like talk with and like -- like laugh with, and anyone
6 else -- to anyone else he -- he didn't have the same attitude
7 or behavior.

8 Q. So is that different than playing favorites or discriminate
9 if you understand the distinction. I can elaborate.

10 A. I mean, if you're playing favorites towards a person, you're
11 playing -- I mean, that's -- that's -- you're putting a
12 discrimination. I don't see the difference. I'm sorry.

13 Q. Let me ask you did the person that he played favorites to,
14 did they belong to an obviously different class, people of
15 different country of origin or any other visible distinction
16 or was there --

17 MS. DOUKOURE: I'm going to object to relevance.

18 DR. PROMISLOW: Well, the claim is that
19 Professor Wolfson discriminates against people of Middle
20 Eastern origin.

21 MS. DOUKOURE: I mean, that's not this --

22 A. I didn't use that word. I didn't say Middle Eastern origin.

23 MS. DOUKOURE: Don't say anything yet. Wait
24 till they rule, please. I don't know whether you have to
25 answer or not. Okay?

1 MR. REIFENBERG: The point was made --

2 MS. DOUKOURE: The point was not made by this
3 witness.

4 MR. REIFENBERG: -- that Wolfson discriminated
5 against.

6 MS. DOUKOURE: The point was not made by this
7 witness. This witness did not --

8 MR. REIFENBERG: Yes, it was.

9 MS. DOUKOURE: I'm sorry. If I could finish.
10 The point was not made by this witness that he discriminated
11 against Middle Eastern students. This witness testified that
12 he picked one student and didn't -- and that he -- and
13 discriminated against the one in favor of the other. There
14 was no -- nothing in this testimony -- in this witness's
15 testimony about class.

16 MR. REIFENBERG: No one said anything about
17 discriminating against a particular group of people. But he
18 did say that Wolfson was discriminating against; right?

19 THE WITNESS: Yeah.

20 MS. DOUKOURE: Yes.

21 MR. REIFENBERG: So he's asking what was the
22 basis of the discrimination, and I think that's perfectly
23 reasonable.

24 MS. DOUKOURE: That's fine.

25 DR. PROMISLOW: Yeah. That's fine with me.

1 A. I mean, I don't know what -- like what would be a basis for
2 discrimination. Like --

3 BY DR. PROMISLOW:

4 Q. Well, was the person that Professor Wolfson was talking with
5 all the time of say Caucasian or North American origin and
6 the people he was not talking to were of Middle Eastern
7 origin? Was that the case?

8 A. I mean, if -- like as far as I remember, I was the only
9 Middle Eastern student in that class. The other two students
10 who were not -- like who were -- who he wouldn't, you know,
11 like treated as well were actually Chinese American students
12 and like his favorite was a European student.

13 Q. So you compared the outcome of the dissertation completion
14 fellowship awarded in which you received -- you did not
15 receive the fellowship and my student did. Can you identify
16 the country of origin of my graduate student, Haria
17 Krutsche (ph)?

18 A. Turkey.

19 Q. Turkish.

20 DR. PROMISLOW: I've got no further questions.
21 Thank you.

22 MR. REIFENBERG: Any questions?

23 DR. SMITH: No.

24 MR. REIFENBERG: Just to follow up on the
25 discrimination issue. At one point in time, I'm not talking

1 about Wolfson's class, when you were being asked about the
2 atmosphere, and if I get this correctly, you said that you
3 were hearing that various students were being discriminated
4 against.

5 THE WITNESS: Right.

6 MR. REIFENBERG: What do you mean by that in
7 terms of -- in light of what was being said? Were you
8 thinking that those -- were you hearing that the students
9 were treated differently because of ethnic origin, religion,
10 being shorter? I don't know. But you said there was
11 discrimination, so obviously you had some feeling in mind
12 about the basis for that discrimination.

13 THE WITNESS: For the basis?

14 MR. REIFENBERG: Well, I mean, when you said
15 you'd heard from many students that they were being
16 discriminated against. Was there a group of students who
17 were certain characteristics that said they were being
18 discriminated against? I'm just trying to get what --

19 THE WITNESS: I mean, one -- so, I mean, I
20 clearly like remember -- I mean, more or less, there were two
21 cases, and in both cases those students were from the Middle
22 East, but I'm not necessarily claiming that that's -- that's
23 like the main reason.

24 MR. REIFENBERG: When you said discriminated
25 against, what do you mean? Do you mean they were treated

1 differently for a particular reason?

2 THE WITNESS: Oh. Well, I mean --

3 MR. REIFENBERG: Can you identify what was the
4 reason? Because there's a distinction between treating
5 people differently and treating people differently for the
6 wrong reasons. I'm trying to get at --

7 MS. DOUKOURE: I mean, I disagree with that. I
8 would object to that characterization of treatment. Any time
9 you treat people differently, whether it's for any reason or
10 no reason at all, it's --

11 MR. REIFENBERG: What about prohibited
12 categories?

13 MS. DOUKOURE: Pardon?

14 MR. REIFENBERG: Prohibited categories of
15 treating people with respect to discrimination. We won't get
16 into that. But the bottom line is typically with respect to
17 discrimination there's usually a feeling that someone is
18 treated differently for, you know, a wrongful reason.

19 THE WITNESS: I mean, in that case -- but what
20 I'm saying is that they're treated -- I'm being treated
21 differently.

22 MR. REIFENBERG: And I'm not arguing whether
23 they're treated differently. I'm just trying to get at you
24 were hearing this from a group of people that there was
25 discrimination going on. Did what you were hearing say

1 specifically anything about what the basis for the conclusion
2 was?

3 THE WITNESS: Right. So I also heard that like
4 they were like being discriminated against because of like
5 their origin, but -- but, I mean, I just heard about that. I
6 don't know if that's the reason or not.

7 MR. REIFENBERG: That's what I'm trying to get
8 at. Because it wasn't clear. You just said that you had
9 heard that people were being discriminated against.

10 THE WITNESS: Yeah. But I don't know if that's
11 really the basis or not.

12 MR. REIFENBERG: I don't have any more
13 questions.

14 MS. DOUKOURE: Can I redirect, then?

15 MR. REIFENBERG: Go ahead.

16 REDIRECT EXAMINATION

17 BY MS. DOUKOURE:

18 Q. I have just a couple questions on redirect. Did you complete
19 your application for the dissertation fellowship?

20 A. Yeah.

21 Q. Do you know whether applications for dissertation fellowships
22 and letters of recommendation associated with them are
23 confidential?

24 A. As far as I know, yeah. They are confidential.

25 Q. Would you have any reason to know what the contents of

1 Professor Akbulut's letters are?

2 A. No.

3 Q. Did anybody tell you that was the basis for the denial of

4 your application?

5 A. No.

6 Q. Would that have any bearing on whether or not Professor

7 Promislow's student got a fellowship that she didn't apply

8 for?

9 A. I'm sorry. Can you like rephrase the question? I'm not

10 sure.

11 Q. Sure. Would Professor Akbulut's letter of recommendation for

12 you have any bearing on whether or not Professor Promislow's

13 student got a fellowship that she had not applied for?

14 A. No. Like the reason given to me has nothing to do with like

15 the letters.

16 Q. Were you ever offered a fellowship that you had not applied

17 for?

18 A. No.

19 Q. You stated later that you did eventually receive a

20 dissertation fellowship?

21 A. Right. Completion.

22 Q. Completion fellowship. Was that under the same process?

23 A. Maybe like one item was slightly different, but more or less,

24 yeah.

25 Q. Did you have to submit a new application?

1 A. Yes.

2 Q. So he didn't just bump you up to a different --

3 A. No.

4 Q. You testified about your reading courses, the one reading

5 course you said you took.

6 A. Uh-huh.

7 Q. Did it have a set schedule?

8 A. Yes.

9 Q. Did it meet with the same students every week?

10 A. Yes.

11 Q. Was it structured or independent?

12 A. It was structured.

13 Q. Did it cover as much -- was it structured similar to

14 Professor Akbulut's 996 course that he taught?

15 A. Yeah. Sorry. Maybe I misunderstood you. Like which reading

16 course are you --

17 Q. The one that you took when you were a TA.

18 A. Oh. No. That was not structured. That was like a personal

19 class. I mean, that was a personal reading course. Sorry.

20 Can you repeat the question?

21 Q. Yeah. I'm sorry. Let me start over. The reading course

22 that you took when you were a TA, I'm assuming you clarified

23 the record, did it have a set schedule?

24 A. No.

25 Q. Where did it meet?

1 A. Just over email actually.

2 Q. So you never actually met in the classroom?

3 A. No. In fact, we were both in Turkey at the time when I was

4 taking that reading course.

5 Q. Did Professor Akbulut's reading course meet over email, the

6 one he taught in the spring of 2015?

7 A. I mean, it's -- it's basically part of my -- it was part of

8 our like research that we were doing already, so, I mean, in

9 a sense we're still doing the same thing. It's -- like that

10 reading course is --

11 Q. Would you characterize Professor Akbulut's course that you

12 took in the spring of 2015 to be the same as the reading

13 course you took when you were a TA?

14 A. Not at all.

15 Q. What, if any, were the differences?

16 A. I mean, like that special topics in topology class was a --

17 course was very, very similar to any other like typical

18 course that you would, you know, take in college, but the

19 reading course was -- like, as I said, we never -- like there

20 were no set schedules. There was no -- basically no

21 requirements. We were just discussing and advancing our

22 research.

23 MS. DOUKOURE: I have nothing further.

24 DR. STRASBURG: I just want to make sure I

25 understand the process for applying for these fellowships.

1 Are these administered at the department level or the college
2 level?

3 THE WITNESS: I believe it's like at the college
4 level.

5 DR. STRASBURG: So who makes the decisions on
6 the dissertation continuation fellowships?

7 THE WITNESS: So what I was told was basically
8 first there's like an initial decision within the department.
9 Like people within the department would send their
10 applications to the graduate director and then he would
11 select some of those applications and then he would pass them
12 on to the college level.

13 DR. STRASBURG: Where they make the first cut.

14 THE WITNESS: Yeah. There's like two levels.

15 MS. DOUKOURE: Okay. You're all set. Can I ask
16 for five minutes to, I think Professor Promislow called it a
17 bio break last time.

18 (Recess taken at 3:37 p.m.)

19 (Back on the record at 3:46 p.m.)

20 EUILEM YILDIZ

21 (At 3:46 p.m., called by Ms. Doukoure and sworn
22 by the reporter, testified as follows)

23 DIRECT EXAMINATION

24 BY MS. DOUKOURE:

25 Q. Good afternoon. Can you please state and spell your name for

1 the record?

2 A. My name is Euilem Yildiz, E-U-I-L-E-M, Y-I-L-D-I-Z.

3 Q. Thank you. And how are you associated with MSU?

4 A. I'm a new Ph.D. I spent my last six years in MSU

5 mathematics. I just graduated.

6 MR. REIFENBERG: So you were a student. You

7 just graduated?

8 THE WITNESS: Yes. I just got my degree

9 certification today.

10 MR. REIFENBERG: Okay. Because of the fact that

11 she's a student --

12 THE WITNESS: I'm not a student anymore.

13 JUDGE WHITBECK: Former student.

14 MR. REIFENBERG: Former student.

15 MS. DOUKOURE: Even if you're a former student,

16 we have to close the hearing.

17 MR. REIFENBERG: Just to make -- just

18 double-check.

19 MS. DOUKOURE: Got it.

20 BY MS. DOUKOURE:

21 Q. When did you start at MSU if you can recall?

22 A. Six years ago. 2013.

23 Q. And who was your advisor at MSU?

24 A. My advisor is Matthew Hedden.

25 Q. How much research did you do under Matthew Hedden?

1 A. Some. I mean, he -- I did one reading class with him. He
2 gave me one of my research problem and I had some
3 discussions.

4 Q. How would you characterize his influence over your research?

5 A. I mean, I'm -- somehow it turns out that I didn't really
6 wrote my thesis. It got flow theory that he does research,
7 but we have some connections of course like -- like he has
8 great connections.

9 Q. Is Professor Hedden's specialty, I don't know if that's the
10 correct word because I'm not a math person, but specialty --
11 how is Professor Hedden's specialty in math associated, if at
12 all, with Professor Akbulut's specialty in math?

13 A. Very close. I mean, both working in geometric topology.
14 Matthew is more working on like he got flow theory. I can
15 say maybe Akbulut's research is more general like, you know.

16 Q. How are you familiar, if at all, with Professor Akbulut?

17 A. Very familiar. I knew him before I come here from Turkey.
18 So he's my collaborator. He's my friend. Yeah.

19 Q. How long have you known Professor Akbulut?

20 A. Eight years approximately. I'm not sure.

21 Q. How would you characterize Professor Akbulut's character?

22 A. Strong, honest. He's a really, really good mathematician. I
23 respect a lot. I respect his math and his personality a lot.
24 He's -- he's -- he's one of the greatest person I've ever
25 met.

1 Q. Have you had a chance to interact with Professor Promislow at
2 all?

3 A. Have I heard what?

4 Q. Had a chance to interact with Professor Promislow at all?

5 A. Yes.

6 Q. And how would you characterize those interactions?

7 A. My first interaction was -- let me tell you about the facts.
8 Then you can tell what was this interaction exactly. It was
9 just the Office of Institutional Equity concluded that -- no.
10 The first one actually -- I'm not sure about the order, but I
11 think the first one -- I emailed two times to Keith. One was
12 about the class cancellation. The other was about the Office
13 of Institutional Equity conclusion which is saying that
14 there's a discrimination against the Middle Eastern grad
15 students in the math department. So on one of the cases we
16 just -- I mean, after that conclusion we emailed Keith and
17 ask about so what they are going to do about that case
18 because there were like many issues and many struggles, and
19 after the report of the office we ask him as a chair of the
20 department and he said that it's confidential, he cannot talk
21 to us, and the decision is made by human resource. If we
22 want, we can talk to Terry Curry about the issue. Then we
23 emailed to Terry Curry about that, and he literally said that
24 decision is left to the department, so it's not due to Terry
25 Curry. So by that time we thought that he is lying or Terry

1 Curry is lying, so they were not both, you know, answering
2 us. And we left that issue. We had to left because we
3 didn't have any chance like in other things to do at the
4 university by that time.

5 And my second interaction about his course
6 cancellation. We as students, Luke wrote a email to Keith
7 because we come together, so we wrote something to show our
8 desire for the course, and he literally like emailed us back
9 saying that, oh, he understood that we are very concerned
10 about our course. I mean, I may not be really wording
11 exactly the same. It was something like that. They can find
12 out in that email. He say that but Professor Akbulut if he
13 wants he can run a reading course instead of that course and
14 he forced our course numbers changed without our consent and
15 he didn't -- he didn't say anything else to us. He just
16 forced us by changing our course number.

17 Q. If we take those two events one at a time, when you emailed
18 Professor Promislow regarding your concerns about the OIE
19 report against Professor Wolfson, why, if anything, would
20 make that concerning to you?

21 A. Why did -- why we did email?

22 Q. Why would that be concerning to you, if at all?

23 A. Because there were like many issues going on at the math
24 department and there were like obvious discriminations
25 against a group of people and we didn't want them to keep

1 this guy in the office because, I mean, this really he was
2 like extreme at every students and like to all of us
3 actually. We even think about that you're in the department,
4 you are a grad student. You can't even go to your grad
5 office. So we want them to remove this person from the
6 office. That's why we like emailed him. So the concern was
7 like we want them to do something to act on it. And so that
8 was a concern. But it turns out that they already decide
9 about it and the university higher office is like HR. They
10 just -- they come together. They talk about that. They
11 decide about that and they just played with us.

12 Q. How, if at all, did that influence your time in the math
13 department at MSU?

14 A. How -- how -- how?

15 Q. How at all did Professor Promislow's response regarding the
16 OIE investigation influence your feelings about your time in
17 the math department at MSU?

18 A. I mean, like literally I can tell easily like they would
19 probably say that's the case, so I've never visited like
20 graduate chair's office again. I never talk to them again.
21 I mean, I'm kind of -- I felt that I have to protect myself.
22 I tried to stay away from -- from this administrative
23 offices, so I've never visited them. I've never ask anything
24 to them again. So I was just -- you know, I was just
25 protecting myself.

1 Q. Did you feel that you were treated with honesty in Professor
2 Promislow's response to your email? Do you feel that
3 Professor Promislow responded honestly to the email you sent
4 asking him to take action --

5 A. Actually it wasn't me. It was like a group of people. I was
6 on the cc. Kaveh was the person who emailed him exactly, but
7 I was on the cc and he like kind of emailed back to Kaveh.
8 So what we told all together, it was honest. By that time we
9 thought he is just literally like lying when he say that the
10 decision made by Terry Curry because when we asked Terry
11 Curry, he said that the decision made like left to the
12 department, it's not about HR. So we thought that, you know,
13 so they are not -- it's not gonna -- it's not -- it's not --
14 it's gonna change anything. The OIE report is not going to
15 change anything, so . . .

16 Q. Did you see any differences in Wolfson after the OIE report
17 came out? Can you characterize --

18 A. I've never met -- I've never met him.

19 Q. Are you amongst the group of people ethnically that he was
20 found to have discriminated against?

21 A. Yes, I was. And indeed that's why I was part spreading that
22 report, but if you read that report, there are many issues,
23 but the issues about me is not in that report actually
24 because how I was participating in that report, one night I
25 saw the primary --

1 JUDGE WHITBECK: Counsel, could you have her
2 slow down?

3 MS. DOUKOURE: Oh, yeah. Sure.

4 BY MS. DOUKOURE:

5 Q. You and I have a very similar speaking pattern where we speak
6 very rapidly, but it makes it a little bit hard to follow.
7 So if you could just slow down your speech a little bit, that
8 would probably be helpful to everybody.

9 A. Sure.

10 Q. So you were saying that your OIE -- your --

11 A. Oh, how I'm enrolled with the OIE report.

12 Q. That's correct.

13 A. So one night I saw this primary claimant Amina (ph), she was
14 crying in the department restroom, so -- and which I just ask
15 her what is going on, and we started to chat about the
16 things. But kind of like couple weeks ago something I had a
17 very, very bad experience. I went to -- I mean, I was
18 assigned some course assignment which was impossible to do
19 that. It was something like, you know, I was assigned three
20 classes. The one is in Wells Hall. The other is like in
21 some other corner of the university. And like there are only
22 20 minutes between those two and, you know, it was impossible
23 to make it for me. So I went to the office. I ask the
24 graduate secretary, and she yelled to me, she shout to me
25 that I'm a liar, this is not that big, I can do it. But, you

1 know, then when I complain about it more, she say to me you
2 have to learn how to speak in this country. Like kind of
3 like it was like really humiliating, and he -- she literally
4 kicked me out from the office. But then they didn't put this
5 issue into the report because that's literally about not
6 Wolfson, the secretaries of Wolfson, so but they basically
7 whatever the manner of this office exactly the same, you
8 know. If -- if -- for instance, if Keith is just making the
9 secretaries, secretaries acting in that way. So I think that
10 was that kind of experience. I shared that experience with
11 that one. Then we start to talk about. Then we learn about
12 the Iranian students. You know, if you are from Iran, means
13 you cannot go home during the summer, which is very
14 traditional in terms of summer sports. You have to have
15 summer sport. You have a priority. And it turns out that
16 Wolfson didn't give any single Iranian student summer sport
17 by that time. Then people start to complain. We are coming
18 together and talking, so it started that process, and other
19 Iranian people come out and they started to complain about
20 that fact. Eventually they were assigned but at the very,
21 very last minute like, you know, after they had too much
22 problems. And, for instance --

23 JUDGE WHITBECK: Can you just slow down, please?
24 Just speak a little more slowly.

25 THE WITNESS: Okay. I'm sorry. You can stop me

1 again.

2 JUDGE WHITBECK: Well, I'll try not to.

3 A. Okay. And other issues like they have funding in the
4 department, like they have money to give the graduate
5 students, and in terms of that, Jon Wolfson, the graduate
6 chair, like emailed group of students and calling them, you
7 know, to apply to this scholarship privately, and he gave
8 this scholarship to those people, and there were like three
9 people, and we were completely out, and he knows that
10 actually because he also give testimony to the Office of
11 Institutional Equity, Keith, by saying that there is some
12 tie-breaking conditions. They have to pick like students.
13 Like there were some silly things I even don't remember. But
14 the point is they were giving fundings to the group of
15 people. I mean, they are literally -- what they are doing,
16 they were like that's -- like they give every kind of
17 flexibility and they used everything, all the funds, like all
18 the opportunities to -- to their own people, for the people
19 who are in their group, in their circle, and when it comes to
20 us, they used the rules to harass us, to keep us away from
21 everything, and they were extremely rude to us. I mean, I
22 was yelled and many other grad students yelled in their face.
23 This is written in the report openly. There are witnesses.
24 The graduate chair yelled on students, not only
25 discriminating using their opportunities, but also they

1 are -- they were extremely harassing. So anyway nothing
2 happened of course. They kept Jon Wolfson in the office and
3 they put Jeffrey Schenker between the students and the chair,
4 graduate chair. But he was still the decision-maker. There
5 remain other instances that I don't remember, but literally
6 there were like many other things. Like there was -- there
7 were students that I've never met I read on the report, in
8 the same report, about things that -- like stories they came
9 from Saudi Arabia, they just had to leave just because of
10 this hassle regularly. There were like many other things. I
11 mean, but yeah. Maybe I should stop at that point.

12 BY MS. DOUKOURE:

13 Q. With regards to the complaints that were made regarding the
14 discrimination by Jon Wolfson, did you feel that adequate
15 protections were taken to ensure that you felt safe going to
16 the graduate department?

17 A. Did I feel what?

18 Q. Safe. Did you feel comfortable being able to go to the
19 graduate department?

20 A. No. I've never been in Wolfson's office. That's what I'm
21 saying to you. Actually after that report we were kind of
22 labeled. I mean, like let me tell you one thing. Like on
23 the first date of these hearings I saw the graduate chair
24 Jeff Schenker in the elevator. We didn't say each other hi.
25 I'm a graduate student. He's the graduate chair. You can

1 easily tell what kind of relationships we have. I've
2 never -- I've never been to the grad office. I didn't go.
3 So I didn't feel comfortable to talk to them and I didn't
4 talk to them actually. I tried to talk to secretaries.
5 Unfortunately some of them I also had very bad experiences,
6 but, I mean, at least there were some good people that I can
7 communicate still.

8 Q. Did this happen while Keith Promislow was director of the
9 math department?

10 A. Actually you know what? That's very funny because when I
11 come to the math department at first, it was so peaceful
12 place for me. There were like a graduate chair. His name is
13 Casim Abbas and he was extremely kind and nice person. Has a
14 really nice personality. And like everything was so cool.
15 Like still people really like him. Like everybody. Like
16 there is no single person that can, you know -- but they
17 just -- after Keith became a chair and Jon Wolfson became a
18 graduate chair, things changed like so sharply. Like so
19 sharply.

20 Q. If you could characterize the people that you thought were
21 responsible for creating your apprehension with the math
22 department, who would those people be?

23 A. Jon Wolfson, Keith Promislow. I can count other people, but
24 I think those are the two who has the power during all those
25 times and power unfortunately, you know, it's enough to

1 manipulate everyone, so that's why I will just blame those
2 two people. If there were like some like decent people
3 around or some decent people who were given some positions
4 around like Casim Abbas, then things will be really
5 different. Those people picked the people in the department
6 they can easily manipulate and use in their favor and I think
7 that's what happens.

8 Q. Now, talking about the second instance that you brought up
9 regarding your interactions with Professor Promislow, you
10 said it was in conjunction with an email that you sent, that
11 you and some other students sent. Can you please describe
12 for us the circumstances around sending that -- why you sent
13 that email? Like tell us what brought that about.

14 A. Okay. That's the class cancellation issue. So we were
15 supposed to take that class. Actually we did. It said like
16 topics class in my field and geometry and topology, so I was
17 one of the person who helped him to wrote the notes actually.
18 And -- okay. It turns out how it starts for me, I saw Luke
19 Williams, one of the students, they claim that he didn't
20 enroll or he didn't want to enroll or Selman's money was not
21 enough for him to pay or like the fifth student, Luke
22 Williams, I saw him in the learning center, so we were like,
23 you know, we all enrolled for the class and he told me that
24 he just was upstairs in the graduate office. Graduate office
25 told him he cannot enroll to that class because he has some

1 fellowship, he has to pay his own tuition. So that's how it
2 starts. Then like there are many issues like, you know,
3 going on there. This was, by the way, before the deadline
4 for sure, like before this 20 -- October 21st. So then there
5 was something going on between -- there were exchanges
6 between Selman and the secretaries and the -- you know, maybe
7 Keith and, I don't know, other people, so they decided to
8 cancel our class. Like Jon Wolfson emailed us that so
9 there's not enough student in the class so he is canceling
10 the class. But let me mention here that is a total lie.
11 There's five students rule, because as a student I know from
12 firsthand before and after there were always classes in the
13 same level opened with less than five students. Even with
14 three students. After they changed the rule. I mean, they
15 played many cards to cancel that class. The point was to
16 harass Selman and, you know, cancel our research class. They
17 played this NSF money card. They played that five students
18 rule card. They played that deadline card. But they were
19 all fake. Why I'm saying that, in math department everything
20 is so flexible. I mean, you know, the faculty do what they
21 want. Rules are to make things suit. Rules are there to
22 make the things like run smoothly, so people normally help
23 each other. They are flexible to each other. But when it
24 comes to Selman, they try to create every kind of stupid
25 rules to cancel that class. So eventually the semester start

1 and there are still emails going around between those people.
2 You know, they still claim that they want to cancel class.
3 By the way, let me tell you normally they put these deadlines
4 but that's their, you know, explanation to the issue to make
5 sure that there is no conflict between the teaching of the
6 graduate students and the classes. There were no conflict at
7 all. Everything is accommodated. Students were there. The
8 professor was there. Like we were all up to take that class
9 and those people just, you know, eagerly for no reason didn't
10 want to accept class because they want to fight. They want
11 to just, you know, do something to him. That was the only, I
12 mean, the only thing. So we come together and like we
13 emailed him, and he just, you know, emailed back saying that,
14 oh -- I mean, it's just, you know, very I would call very
15 dishonest and, you know, why does it matter. Okay. I
16 understand you are really concerned about it, but this
17 Professor Akbulut decided to open -- if Professor Akbulut
18 wants, he can run reading course. He just, you know, email
19 in that manner. And Akbulut email him back saying that you
20 are confusing here. There is a reading class we are doing
21 every Friday, so this is our research class. It will take
22 place this date, this date, that time, that time, students
23 are here, I'm here, then yeah. Then they go farther steps to
24 penalize him. So they did different -- I mean, they just
25 used -- they just used every kind of rule to harass him.

1 Maybe also to harass us. I don't know.

2 Q. Do you know how many students were on that email?

3 A. Several. Several.

4 Q. So do you know when that email took place?

5 A. It was January maybe 9, because I was just checking.

6 Probably something January. Just after the semester starts.

7 Q. And prior to that had you had the ability to check enrollment
8 numbers online for classes?

9 A. Well, of course. I was continuously. Because I know it's
10 fake. I'm telling you there were always classes with less
11 than five students. Before this like deadline or, you know,
12 five students rule whatever. They are changing rules like
13 every semester. But there were always like five students,
14 for instance, in complex and this is still given by Volberg.
15 It's a -- it's a senior class. So they didn't cancel it at
16 that time. It has four students, and the fifth students
17 enrolled to that class in January something and the fifth
18 student was Amina (ph) actually. She was the primary
19 claimant for this -- for this OIE investigation. She
20 unfortunately had to leave to the department because she was
21 not given any hearing. She was -- she was dealt in a really,
22 really harsh way.

23 JUDGE WHITBECK: Counsel, before you go on with
24 this.

25 MS. DOUKOURE: Sure.

1 JUDGE WHITBECK: The email from the students
2 including this witness, is that going to be introduced? Is
3 there a document available?

4 MS. DOUKOURE: It's in our binder.

5 JUDGE WHITBECK: I beg your pardon?

6 MS. DOUKOURE: It is in our binders.

7 JUDGE WHITBECK: Could you identify it for me?

8 MS. DOUKOURE: Hang on.

9 DR. PROMISLOW: Can we instruct the witness not
10 to type on her laptop while she's on the witness stand?

11 THE WITNESS: I'm trying to find the email.

12 MR. REIFENBERG: No.

13 MS. DOUKOURE: It's okay. I can find it.

14 MR. REIFENBERG: We'll find it from her.

15 MS. DOUKOURE: And please direct Professor
16 Promislow not to direct any single comment other than
17 cross-examination to my witness. Shaking his head, saying
18 no, no, no to my witness is wholly inappropriate. It is
19 under Tab F. Would you like me to -- it is under Tab F.
20 It's Number 9, but it's actually Page 8 under Tab D.

21 MR. REIFENBERG: Tab D?

22 MS. DOUKOURE: Yes. It's Tab D and it's the
23 actual eighth document but there's a big circled 9 on the
24 top.

25 JUDGE WHITBECK: B as in bravo?

1 MS. DOUKOURE: I'm sorry. D as in David.
2 DR. PROMISLOW: What's the number?
3 MS. DOUKOURE: The number on top is 9, but I
4 think it's actually the eighth document.
5 DR. PROMISLOW: I don't have 9.
6 MS. DOUKOURE: I lied. It's at Tab F. I
7 skipped two tabs. My bad.
8 MR. REIFENBERG: Tab F then?
9 MS. DOUKOURE: Yes.
10 MR. REIFENBERG: And the number?
11 MS. DOUKOURE: The number at the top is 9. The
12 number at the bottom is 13.
13 DR. SMITH: Is there a date on it?
14 MS. DOUKOURE: It says to whom it may concern
15 and there's all the signatures under that.
16 DR. SMITH: Is there a date on this?
17 MS. DOUKOURE: Pardon?
18 MR. REIFENBERG: A date. Does it have a date?
19 MS. DOUKOURE: It doesn't appear that this copy
20 has a date.
21 JUDGE WHITBECK: And is there a response from
22 Dr. Promislow?
23 MS. DOUKOURE: I'm going to enter this one
24 because there is -- I'm sorry. I'm going to give her this
25 one and we'll talk about this document because there is a

1 second document.

2 JUDGE WHITBECK: Well, but is there a response
3 from Dr. Promislow?

4 MR. REIFENBERG: To this email.

5 MS. DOUKOURE: We don't have that response, but
6 this witness is qualified to testify to that response.

7 THE WITNESS: I do have this email.

8 DR. PROMISLOW: I'd like to object that we're
9 going to discuss a document that I can't inspect? My
10 response to this document may be discussed without me being
11 able to see the document?

12 MS. DOUKOURE: You have the document in your
13 binder.

14 DR. PROMISLOW: Oh, you're not going to hand it
15 to her. Okay. Point of clarification. So the document's in
16 the binder, but it's not going to be admitted at this point?

17 MS. DOUKOURE: You have a binder.

18 DR. PROMISLOW: Yes.

19 MS. DOUKOURE: The document's in your binder.

20 MR. REIFENBERG: He's asking if the document's
21 been admitted yet.

22 MS. DOUKOURE: The document can't be admitted.
23 She hasn't identified it yet.

24 DR. PROMISLOW: And my response to this email,
25 is that in the binder?

1 MS. DOUKOURE: Why is he asking about this now?
2 This is not appropriate. He's --

3 JUDGE WHITBECK: Actually it is appropriate.
4 She testified about both. All I'm asking is do you have the
5 document? You have one. Do you have the other?

6 MS. DOUKOURE: We don't have his response to
7 that, but we have another document that we will enter that
8 has a response from his office. And I reiterate that
9 Professor Promislow's objection to this document based on the
10 lack of response of him is inappropriate and it should not be
11 sustained.

12 JUDGE WHITBECK: Look, either we have
13 Dr. Promislow's response or we do not. Which is it?

14 MS. DOUKOURE: I don't.

15 JUDGE WHITBECK: We do not have it.

16 MS. DOUKOURE: It's not in our exhibits, no.

17 JUDGE WHITBECK: All right. That's all I wanted
18 to know.

19 MS. DOUKOURE: I know. Just for clarification,
20 I was not addressing your concerns at all. I was addressing
21 Professor Promislow's objection to this document based on
22 lack of response.

23 JUDGE WHITBECK: He can't object to it yet. We
24 have not yet offered it as an exhibit.

25 MS. DOUKOURE: I know. But he did object.

1 BY MS. DOUKOURE:

2 Q. Do you recognize this document? The document that I handed

3 you. Do you recognize it?

4 A. Yes.

5 Q. Can you describe for us what the document is?

6 A. That is the document that we wrote -- we had to write and we

7 had to sign to convince the chair, Keith Promislow, that we

8 are here to take that class and please let us take the class.

9 JUDGE WHITBECK: All right. I'm sorry. One

10 other question. There seems to be handwritten notations on

11 this document.

12 MS. DOUKOURE: We can strike those. The same we

13 did for plaintiff's.

14 JUDGE WHITBECK: Perhaps say that again.

15 MS. DOUKOURE: I'm sorry. The way that we --

16 the same way that we -- okay. This document has two sets of

17 handwritten notes on it.

18 JUDGE WHITBECK: One at the top and one at the

19 bottom.

20 MS. DOUKOURE: Well, the number at the top was

21 for notation in the booklet. There's also the signatures.

22 Those are actual original signatures, but the notation at the

23 bottom total of seven students can be scratched off the same

24 way we scratched it off.

25 JUDGE WHITBECK: Do you have that?

1 DR. PROMISLOW: I haven't looked yet.

2 JUDGE WHITBECK: Do you have the document?

3 MS. YERMAK: I do not have it yet.

4 JUDGE WHITBECK: But you know what to do when

5 you do get it? Which is to strike that --

6 MS. YERMAK: I'm supposed to strike it off,

7 extraneous material, handwritten notes.

8 MS. DOUKOURE: That's correct. I believe she

9 identified this document.

10 JUDGE WHITBECK: Yes.

11 MS. DOUKOURE: Okay. Then I'll move on from

12 there.

13 JUDGE WHITBECK: Do you wish to admit it?

14 MS. DOUKOURE: Not yet. But I will.

15 BY MS. DOUKOURE:

16 Q. Can you tell me do you recognize the signatures? You need to

17 sit. I'm sorry.

18 A. Do I have to sit?

19 Q. I think so.

20 A. So people don't like see me, so I want them to see me.

21 Q. Does anybody mind if she stands?

22 THE WITNESS: That's for them, not for me. Do

23 you want me to stand up? Do you mind if I stand up?

24 DR. SMITH: Either way.

25 THE WITNESS: All right. Maybe that's easier

1 for you.

2 BY MS. DOUKOURE:

3 Q. Do you recognize the signatures that are on this document?

4 A. Yes.

5 Q. How many signatures appear on this document?

6 A. Six written signatures and the seventh student was not in --

7 in -- it's not seen by that time, and he sent his willingness

8 for the class in an email, so we put his name.

9 MR. REIFENBERG: Which student is that?

10 THE WITNESS: Wei Fan.

11 MS. DOUKOURE: It's the first name.

12 MR. REIFENBERG: And do you have any idea when

13 this was dated?

14 MS. DOUKOURE: That's what I was going to ask

15 her.

16 BY MS. DOUKOURE:

17 Q. Do you recall when this email was sent to -- first of all,

18 let's address. Do you know who this document was sent to?

19 A. Who this document is sent?

20 Q. Yes. Who did this group of people send this document to?

21 A. Luke email this document to Keith.

22 Q. Were you cc'd on the email?

23 A. We were cc'd. I mean, I don't have this on the cc but on the

24 reply I have.

25 Q. And what was Professor Promislow's response?

1 A. I just told you the plan was if Selman wants he can go with
2 reading class and they canceled the class. The response
3 something was like that and he forcefully -- after that,
4 after that point he forcefully changed our course number.

5 MS. DOUKOURE: I'd like to move to admit this as
6 I believe we're labeling it FM, faculty member's first
7 exhibit.

8 DR. PROMISLOW: I just have a request that the
9 date be indicated, that the date of the email be indicated
10 when it's admitted for the record.

11 MR. REIFENBERG: Yeah. Can you do that?

12 MS. YERMAK: Yes.

13 DR. PROMISLOW: And just remind us what the date
14 is.

15 THE WITNESS: Do you want me to say the date of
16 the email? It's probably January something like maybe 9 or
17 around that point. You can find out. 2015.

18 DR. PROMISLOW: Thank you. Then I have no
19 objection.

20 MARKED FOR IDENTIFICATION:

21 FACULTY MEMBER EXHIBIT 1

22 4:24 p.m.

23 MS. DOUKOURE: I'm going to give the witness
24 what is the contents of the same tab, so Tab F, and it is the
25 page that's demarcated with number 11 at the top.

1 MR. REIFENBERG: Circled 11?

2 MS. DOUKOURE: Yes.

3 BY MS. DOUKOURE:

4 Q. Do you recognize this document?

5 A. Yes.

6 Q. Can you identify this document, please?

7 A. I mean, that is a document that just before the semester

8 starts we don't want any -- any conflict between our

9 scheduling the class. In case of conflict I wrote on behalf

10 of all these five students to the secretary, Britta, who is

11 the one who also kicked me from the office and yelled at me,

12 so I wrote to like graduate secretary and ask her to consider

13 our class, please, and be careful about our teaching

14 assignments.

15 Q. Who assigned your teaching assignments?

16 A. The graduate chair and the graduate secretaries. I guess the

17 graduate chair is the kind of --

18 Q. So is it important for them to understand your course load as

19 well? Would they have to know what your course load is in

20 order to be able to assign teaching assignments?

21 A. Our -- yeah. Of course. Of course.

22 Q. Can you tell me what the date of this email is?

23 A. It's November 5.

24 Q. Which year?

25 A. 2015.

1 Q. 2015 or 2014?

2 A. Oh. It's 2014. I'm very sorry. Yeah. Just starting
3 January 2015. That's 2014.

4 Q. Can you remind me again when did you receive an email stating
5 that the class was canceled?

6 A. Oh. That was on something October. I don't know. Like
7 October -- late October.

8 Q. So if you had to characterize the time between receiving this
9 email and these one -- these students expressing their
10 concerns about the class, how many days is that about?

11 A. Like almost ten to 15 days something.

12 Q. And how many students are you writing on behalf of?

13 A. Five.

14 Q. And are any of these five students the same students that
15 were on the letter that was admitted previously?

16 A. They were all in that letter.

17 MR. REIFENBERG: Do we have a copy of that email
18 canceling the class?

19 DR. SMITH: We do. It's in here someplace. I
20 read it.

21 MS. DOUKOURE: We do have it. It's in there.
22 But we don't have it . . .

23 BY MS. DOUKOURE:

24 Q. Ultimately --

25 A. There are external students besides those five students and

1 let me tell you about those two students also. The one is
2 Wei Fan. He was a graduate student of Selman Akbulut. He
3 was not allowed to enroll the classes because he was not
4 assigned teaching by that time. Actually, to be honest, the
5 graduate office supposed to be flexible and consider him as a
6 possible student but they will not. And the sixth -- seventh
7 student was Shu-man. Shu-man also was -- shows interest and
8 we ask her, okay, I think the student -- she was a new
9 students office main also and they were working on something
10 together by that time and Shu-man tried to register but she
11 was the one they let in late and her request was returned,
12 like, you know, declined from the graduate office. They said
13 that they cannot -- they cannot approve her override because
14 she was one day late.

15 MR. REIFENBERG: Can you focus her testimony
16 with questions, please?

17 MS. DOUKOURE: I can. But I wanted to object.
18 A little of it's being directed to that. Professor Promislow
19 had a witness Matthew Hedden who testified, and I'm not
20 exaggerating, we can look at the record, he testified
21 45 minutes straight without being asked a question yesterday.
22 There were at least three witnesses who testified for over
23 ten minutes without being asked a question. I will do my
24 best to keep us on track with that being said.

25 BY MS. DOUKOURE:

1 Q. So you sent this email ten days -- or 15 days after the
2 course cancellation email with five students on it. Is the
3 response to that email shown on here?

4 A. I don't remember.

5 Q. Can you read it off -- is it on the document that you were
6 provided, the response? I'm sorry. My question is wrong.
7 What was your email in response to?

8 A. Actually the email that's saying that they are going to start
9 these assignments soon, so they want us to make -- yeah. You
10 have to do -- oh, yeah. They are saying that literally they
11 are going to make this class assignment, so we have to make
12 our final choices about the classes because they don't want
13 any, you know, conflict.

14 Q. Can you read the last line of that email that's dated
15 November 3rd, 2014?

16 A. "If you haven't signed up for your classes yet, you will have
17 to do so today or tomorrow."

18 Q. In your understanding, does that indicate people were still
19 switching in and out of classes?

20 A. Yes.

21 Q. Was it still possible to change your course at this time?

22 A. For sure.

23 MS. DOUKOURE: I'd like to move to have this
24 admitted as FM-2.

25 DR. SMITH: This is the one that has 11 at the

1 top?

2 MS. DOUKOURE: It is. Hearing no objection.

3 DR. PROMISLOW: I have no objection.

4 MARKED FOR IDENTIFICATION:

5 FACULTY MEMBER EXHIBIT 2

6 4:31 p.m.

7 BY MS. DOUKOURE:

8 Q. Overall with regards to the concerns we've addressed and the
9 two emails you just testified to regarding the course that
10 you and other students were trying to take that was
11 ultimately kept canceled, what, if any, feelings did you have
12 about the department as a result of your interactions with
13 regards to this class?

14 A. I mean, it was clear to us they are -- they are doing
15 everything on purposely and they are attacking kind of to
16 Selman and they sacrifice our research and it was -- I mean,
17 we tried, but they were -- they were not really hearing us.

18 Q. Did you feel like they took the concerns of the students
19 regarding your courses -- I'm sorry. Did you feel that they
20 were taking the concerns of the graduate students seriously?

21 A. Not at all.

22 Q. Did you feel like Professor Promislow when you sent that
23 email to him addressed your concerns truthfully?

24 A. No.

25 Q. When you sent that email to Professor Promislow, did you feel

1 that your concerns and the concerns of the other six students
2 on that email were addressed at all?

3 A. Not at all.

4 Q. Ultimately do you know how many students took this -- the
5 reading course that Professor Akbulut taught?

6 A. It's not a reading course. It's -- they changed the
7 numbering, but it was -- it was a reading course. It was
8 Math 996, topics in topology. We did what we were promised.

9 Q. And how many students --

10 A. Five students. It started with five students and it ended up
11 with exactly these five students and those five students are
12 from the group, those seven people who wrote, and plus two
13 visiting faculty all during the time visiting to Michigan
14 State University, they were participating actively.

15 JUDGE WHITBECK: I'm sorry. I have to admit
16 it's confusing again. I understood there was a reading
17 course.

18 MS. DOUKOURE: Well, I think, and I don't want
19 to speak for anybody, but I think that her testimony was not
20 that it wasn't classified as a reading course but that it
21 wasn't a reading course.

22 THE WITNESS: The reading course something
23 different. They changed our numbering.

24 MS. DOUKOURE: One second. One second.

25 JUDGE WHITBECK: Let's try to be consistent with

1 what we're talking about here. There was a reading course;
2 right?

3 MS. DOUKOURE: I mean, their contention is that
4 it was a reading course. Our statement this whole time has
5 been and people have testified, including their witness
6 Matthew Hedden, that it was actually taught as a real course.

7 JUDGE WHITBECK: Okay. I'm really much narrower
8 than that.

9 MS. DOUKOURE: Sure.

10 JUDGE WHITBECK: She's assigning a course number
11 to it. Was there a course number assigned?

12 MS. DOUKOURE: The course number 996 is the
13 course number that was associated with the class that was
14 canceled.

15 JUDGE WHITBECK: Does the reading course have a
16 course number?

17 MS. DOUKOURE: I'm sure it does. I don't know.

18 DR. SMITH: May I speak?

19 MS. DOUKOURE: Sure.

20 JUDGE WHITBECK: Of course.

21 DR. SMITH: Math 990 was taught that semester
22 with three students. Math 890 was taught that semester --

23 THE WITNESS: Yes.

24 DR. SMITH: So there were five students total in
25 the reading course. But for some reason two of them, I'm not

1 sure exactly why, it appears that two students --

2 THE WITNESS: He's secretive. You should ask
3 him, Promislow. Yeah.

4 MS. DOUKOURE: You can't do that. I'm sorry.

5 THE WITNESS: I'm sorry. Yeah. Okay.

6 MS. DOUKOURE: Yes. That's why there's some
7 confusion how we characterize this because Professor
8 Promislow decided how he was going to assign the credits and
9 the course loads for people after the class already began.

10 MR. REIFENBERG: So this course that was taught
11 in substitution --

12 DR. SMITH: It was a reading course.

13 MS. DOUKOURE: Yeah. This course --

14 MR. REIFENBERG: You said one was two and one
15 was three.

16 MS. DOUKOURE: So what happened -- and I don't
17 really want to get into this because people will testify and
18 people in the defense will testify about what happened
19 because Professor Promislow has the ability to testify. What
20 actually happened was -- and this is what we've been saying
21 all along. This was on direct. Is that Math 996 was
22 canceled. Professor Akbulut taught the class anyways and
23 Professor Promislow characterized it to give the students
24 credit as a reading course. And what this gentleman just
25 said is that he gave some of them a reading course credit in

1 one math and course number and he gave three of them reading
2 courses -- or provided under a different course number.

3 MR. REIFENBERG: But were they in the same
4 course?

5 MS. DOUKOURE: They were. They all took the
6 same class.

7 MR. REIFENBERG: And heard the same information
8 from the same person?

9 MS. DOUKOURE: That's correct. Yes. They're
10 all . . .

11 DR. PROMISLOW: Can I just give a one-word point
12 of clarification? We generate something called shadow
13 courses for a technical reason, so there was a reading class
14 and then a shadow class, and I can explain why it was, but --

15 MS. DOUKOURE: But all five people, regardless
16 of how Professor Promislow would like to characterize how he
17 created the course descriptions, all five people and plus two
18 visiting professors took the same class.

19 DR. SMITH: But the five students that were
20 enrolled in what was the course content of 996 ended up in
21 890 and 990 that semester?

22 MS. DOUKOURE: That's correct.

23 DR. SMITH: Thank you.

24 MS. DOUKOURE: You're welcome.

25 MR. REIFENBERG: Just trying to clarify.

1 MS. DOUKOURE: I know. I know. We're just
2 trying to make sure we're all talking about the same thing.
3 I get it.

4 DR. SMITH: But it is confusing on our end.

5 MS. DOUKOURE: I mean, I understand it's
6 confusing. It's confusing to try to address it from this
7 side of the table too. I'm trying to remember where we were
8 at.

9 BY MS. DOUKOURE:

10 Q. I think we were talking specifically about the course itself,
11 so let's go there. How many people took the course? How
12 many people took this course?

13 A. Five.

14 Q. How many people -- were all of them graduate students?

15 A. Yes.

16 Q. Did anybody else take the course that wasn't a graduate
17 student?

18 A. Two visiting faculty, one from Japan, one from Iran.

19 Q. And if you could characterize the content of this course in
20 relation to the importance to your work, how would you
21 characterize that?

22 A. Our -- all these five graduate students and one of the
23 visiting faculty from Japan, his research was closely tied to
24 that course, and all our research projects and our thesis
25 closely depends on Akbulut and this course. In fact, I will

1 be giving lecture in Harvard this semester and I'll be using
2 notes from this course.

3 Q. If you could characterize the importance or the influence of
4 Professor Akbulut's contribution to your time at MSU, how
5 would you characterize it?

6 A. It's priceless.

7 Q. If you compared -- if you could compare Professor Akbulut's
8 influence on your time at MSU versus what we've already
9 talked about happening at MSU with regards to your
10 experiences in the grad department itself, how would you --
11 could you compare those two things?

12 A. Do you want me -- I'm sorry. I'm clarifying. Do you want me
13 to compare the -- Selman's contribution to my time at MSU and
14 the other things?

15 Q. Yes.

16 A. That's going on around; right?

17 Q. Yes.

18 A. I mean, if Selman was not around, if I was one of the other
19 graduate students like Amina (ph) or, you know, other people
20 who had to leave, like from Saudi Arabia or from Iran, if I
21 was one of them, I couldn't -- I don't think I could -- I
22 could -- I could have finished my Ph.D. That was not
23 possible. He was so supportive. I mean, like . . .

24 Q. If Selman was not here and you're saying that you couldn't
25 finish -- you wouldn't have been able to finish your Ph.D.,

1 what factors would have contributed to that?

2 A. Ph.D. is already really hard. I mean, it's -- it's really

3 hard. So you are coming from foreign country, you have no

4 connections here, you're kind of alone and weak and you have

5 to -- you know, you have many challenges. Your first year

6 you are taking qualifying classes and then you have to

7 produce research. Then you have to apply to jobs. I mean,

8 there are many, many challenging things going on and you have

9 to work really hard and it's really stressful, and if Selman

10 was not around, I don't think I could have done because I

11 knew from the firsthand that other people had to leave. I

12 mean, not because they were not able to finish. They were

13 not able to get Ph.D. mathematics. For instance, Amina (ph),

14 I mean, she was treated really, really badly by these people

15 and she had to leave, but she's a Ph.D. from University of

16 Missouri right now and she's graduated like at the same year

17 with me. So she was able to do that. She had the capacity.

18 But, you know, when people are so hostile to you -- for

19 instance, can I elaborate a little bit? For instance, like

20 if you're not welcome to the seminars -- for instance, like

21 Effie Kalfagianni. She was given the money by Keith to

22 organize the geometry and topology seminars in the

23 department, and she was the organizer. So the seminars are

24 important for us because speakers comes to that seminar, so,

25 I mean, it's the only chance for us to come together to meet

1 with these speakers and they go -- people go to dinner to
2 interact and talk math, whatever, so there's a funding in the
3 department which was given in the last two years to Effie in
4 the department. Effie doesn't talk to me at all. I mean,
5 when she sees me, she looks other side. So now I'm a
6 graduate student and I'm expected to participate and I
7 participated and I did it, but somehow, you know, when people
8 like, you know, when people around, you're sharing the same
9 things, that kind of makes you stronger, so I felt much more
10 stronger and some of that. So even though I knew that I was
11 not welcome but I went, and because Selman was also going,
12 you know, that talks, and it was kind of encouragement for
13 me. It gives me strength to be. It was not easy.

14 Q. You mentioned Professor Kalfagianni in the statement you made
15 and how she didn't make you feel welcome. How closely
16 related is her specialty, for lack of a better word, because
17 that's sort of a layman's term, how closely related is her
18 research or specialty to what you were studying?

19 A. In the basic level, so we speak a similar language.
20 That's -- that's I guess all. I mean, I took many classes
21 from Effie, by the way, and, I mean, I was always respecting
22 her but somehow suddenly she changed her manner. I mean, we
23 are in the same field. I took classes from her. I took like
24 topics classes from her. I sit in her class.

25 Q. So would you characterize your treatment by Effie

1 Kalfagianni, Professor Kalfagianni, as being one of the
2 reasons you were not comfortable at MSU?

3 A. I can say that. Yes.

4 DR. PROMISLOW: You said what was -- can you
5 repeat the answer? I'm sorry.

6 THE WITNESS: I think she asked me if this is
7 one of the reason that I don't feel comfortable at MSU. I
8 said yes.

9 BY MS. DOUKOURE:

10 Q. Can you characterize or can you compare Professor Akbulut's
11 contribution to your research in contrast with Professor
12 Hedden, who you testified was your advisor's contribution to
13 your research?

14 A. I can easily say that I was easily talking to Matthew with
15 Selman, so his -- his contribution -- I mean, my advisor
16 contributed, too, but Selman's contribution was I guess
17 higher.

18 Q. When you emailed Professor Promislow regarding the course
19 that he was attempting to -- that he had canceled or that had
20 been canceled for the spring of 20 -- I'm sorry, spring of
21 2015, did you feel comfortable to go to your advisor and ask
22 him for assistance?

23 A. About this issue?

24 Q. Yes.

25 A. That was -- probably I assigned him as my advisor after that.

1 Okay. I only -- once I communicate with my advisor about
2 those issues. I know that I was in trouble and this trouble
3 is gonna go like long, so I just went to my advisor and ask
4 him could you please -- I mean, can we please -- okay. Those
5 are the things that I'm not sure -- I'm in right now and
6 they're not pleasant things. Can we please keep our
7 relationship professional and not talk about that kind of
8 things, and he was respectful. So we never talked about that
9 things. So I wasn't comfortable, but my only concern was,
10 you know, if they really kind of damaged my relationship with
11 my advisor, it was -- it was a really big concern, but then
12 it didn't happen, so . . .

13 Q. Were you recently the subject of an OIE report regarding
14 tweets that you made on Twitter?

15 A. Say again.

16 Q. I said were you recently subjected to an OIE investigation
17 involving --

18 A. Oh, yes.

19 Q. Let me finish the whole question just so the record's there.
20 Resulting from tweets that you made on Twitter? I was just
21 trying to finish the question. Were you subjected to an OIE
22 investigation resulting from tweets that you made on Twitter?

23 A. Yes.

24 Q. And can you tell me if you know what's the subject -- can you
25 kind of explain?

1 A. My tweet was about the corruption at Michigan State
2 University. My thought was -- okay. My -- my -- I was
3 trying to mention -- I literally said that the person, the
4 secretary, it's Beth, she was also testifying today here,
5 Beth was kind of doing some dirty things for administrators
6 and somehow they -- she got -- she got promoted. Like when I
7 saw that, I knew that her contributions to the previous OIE
8 investigation, and she was also in one occasion very rude to
9 me. She canceled my own research fellowship that she -- she
10 restored, and I had some bad interaction with her, and she
11 made really disgusting comments about another graduate
12 student, and she wrote a letter to Professor Selman Akbulut,
13 so I thought this was a coincidence, and she get rewarded.
14 She got award from College of Natural Science as
15 distinguished staff award while she was extremely hostile to
16 me, to another Iranian graduate students and to Selman
17 Akbulut, and I thought that, you know, that's kind of --
18 that's kind of corruption.

19 Q. I'm going to show you a document. The document I'm showing
20 her has already been admitted. I'm going to show you a
21 document. It is labeled as CP-65. It is in charging party's
22 binder 11.S12. For the record, can you describe the document
23 that's in front of you?

24 A. I tweeted about Beth's accomplishment at MSU. I mean, she --
25 she --

1 Q. That's okay. That's fine.

2 A. Okay. She -- sorry.

3 Q. I just wanted you to identify it.

4 A. Okay. That's my tweet and Selman's retweet.

5 Q. Okay. That's Selman's retweet of your tweet. So just for

6 the record, the Twitter handle Eylem Zeliha, that's your

7 Twitter handle; correct?

8 A. Correct.

9 Q. Okay. Just so that we're -- I just wanted to identify the

10 document properly. Is this the tweet that subjected you to

11 an OIE investigation at MSU?

12 A. Yes.

13 Q. In your tweet did you -- are you familiar with the terms like

14 tag and at or hashtag?

15 A. I'm familiar with tag, hashtag, at.

16 Q. Did you tag any -- sorry.

17 JUDGE WHITBECK: I'm sorry. Her tweet is what

18 in this?

19 MS. DOUKOURE: It's the bottom portion where it

20 says Eylem Zeliha and then there's like the at symbol and it

21 says Eylem Zeliha. It's like the document itself is an

22 ineloquent representation of what Twitter looks like. But

23 it's the bottom portion.

24 JUDGE WHITBECK: I'm sorry. Could you just

25 identify again the tweet?

1 MS. DOUKOURE: Sure. It's everything that comes
2 like next to and below the words Eylem Zeliha.

3 JUDGE WHITBECK: So this is her tweet?
4 "Koivisto's accomplishments number sign MSU."

5 MS. DOUKOURE: Hashtag, yes, MSU.

6 JUDGE WHITBECK: Okay.

7 MS. DOUKOURE: Back then we called that the
8 pound sign, but they've got new words for things now.

9 BY MS. DOUKOURE:

10 Q. When you sent this tweet, did you tag Ms. Koivisto in this
11 tweet?

12 A. Not at all, no.

13 Q. Did you tag MSU in this tweet?

14 A. There is no tag in this tweet.

15 Q. I'm sorry?

16 A. No.

17 Q. Did you intend -- was it your purpose for sending this tweet
18 to -- for professor -- for Ms. Koivisto to see it?

19 A. No.

20 Q. Ultimately what was the outcome of the investigation, the OIE
21 investigation?

22 A. It doesn't violate the Michigan State University's
23 anti-discrimination rules and whatever, something like that.

24 Q. Were you assessed any penalties?

25 A. No.

1 Q. Were you found to have committed any infractions?

2 A. No.

3 MS. DOUKOURE: I have no further questions for
4 this witness.

5 DR. PROMISLOW: So we have five minutes; is that
6 correct?

7 MR. REIFENBERG: I don't know. Yes. We have
8 five minutes.

9 DR. PROMISLOW: Shall I go for five minutes or
10 should we do it tomorrow?

11 MR. REIFENBERG: It strikes me that you're
12 probably not going to ask questions that will take five
13 minutes to answer.

14 DR. PROMISLOW: I imagine it will take more than
15 five minutes to --

16 MR. REIFENBERG: Then we should come back
17 tomorrow at noon and start with your cross.

18 DR. PROMISLOW: And we should all eat lunch
19 before.

20 MR. REIFENBERG: All right. Let's stop.

21 (At 4:55 p.m., hearing adjourned)

22

23

24

25

1 STATE OF MICHIGAN)
2 COUNTY OF WAYNE)ss
3)

4 I certify that this transcript, consisting of 216
5 pages, is a complete, true, and correct transcript of the
6 Dismissal for Cause Hearing and testimony taken in this
7 hearing on August 21, 2019.

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