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MICHIGAN STATE UNIVERSITY
DISMISSAL FOR CAUSE HEARING COMMITTEE

In the Matter of Dr. Selman Akbulut
/

DISMISSAL FOR CAUSE HEARING
BEFORE COMMITTEE MEMBERS JOHN WM. REIFENBERG, JR., JAMES SMITH,
AND GALE STRASBURG
COUNSEL FOR MSU: WILLIAM WHITBECK

East Lansing, Michigan - Friday, August 23, 2019

APPEARANCES:

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ALSO PRESENT:

Ms. Kara Yermak

REPORTED BY:

Ms. Marjorie Covey, CSR-2616
Certified Shorthand Reporter
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1 East Lansing, Michigan

2 August 23, 2019 - 9:40 a.m.

3 MR. REIFENBERG: On the record.

4 CROSS-EXAMINATION (Continued)

5 BY DR. PROMISLOW:

6 Q. Okay. Selman, I'm going to hand you two documents, FM-7 and
7 FM-9. These are from the faculty member's Binder Tab F, and
8 I believe it's 24 and 25.

9 MS. DOUKOURE: I'm going to object to, on the face
10 of it, to charging party trying to admit documents that are
11 in my binder because they're not their documents. They were
12 not put in their binder to be their evidence. I've not
13 admitted them and I object to them as wholly inappropriate.

14 DR. PROMISLOW: I thought FM-7 --

15 MS. DOUKOURE: I'm sorry, I thought you said out of
16 our binder.

17 DR. PROMISLOW: I'm just giving the panel the
18 binder numbers, FM-7 and FM-9. Admitted evidence.

19 MS. DOUKOURE: Okay. I just wanted to be sure.
20 When you said F and you said our binders, I thought you were
21 talking about documents in our binder.

22 DR. PROMISLOW: Understood. I was confused all day
23 yesterday. But I finally got it.

24 MR. REIFENBERG: And how do those correspond to the
25 numbering?

1 DR. PROMISLOW: In the faculty member's binder they
2 are Tab F-24 and tab F-25. The 24 and 25 are the circles at
3 the top.

4 BY DR. PROMISLOW:

5 Q. Okay. So do you recall these documents, Selman?

6 A. Yes.

7 Q. Can you just tell us briefly what they are so everyone knows?

8 MR. REIFENBERG: Which one?

9 THE WITNESS: Which one are we --

10 BY MR. PROMISLOW:

11 Q. Let's start with F-24.

12 A. 24, okay. Okay. So this is the e-mail Carolyn sent me,
13 telling me that because my graduate student is getting near
14 his Dissertation Completion Fellowship, would I want \$2,700
15 from my grant to move to his account so to give to him on top
16 of the fellowship he gets. She's asking to me because this
17 fellowship has some rules like student can only use one
18 credit for each semester of this fellowship to take a course,
19 to sit in the course, if he wants to, if he needs a credit.

20 I said, of course. Because I knew he doesn't need
21 this, but I want his last year in grad school to be as smooth
22 as possible because he's one of my students, I said of course
23 you can, sure, no problem.

24 By the way, he does not need credits to get the
25 PhD. He did all his credit requirements in the university.

1 Q. So my question just to clarify the record, these payments are
2 salary, not tuition, is that correct?

3 A. He just asking if I could pledge 2,700 to look -- this is --
4 I'm answering Carolyn. I don't know why she's -- why she's
5 directing this. All I know is this going for use of my grad
6 students.

7 I mean you are the unit leader, and you know, you
8 should know what that means.

9 Q. Okay. So your statement is that you don't know if this
10 dollar amount is tuition, is that correct? I just want a
11 clear statement for the record.

12 A. I mean she's just asking me did I want to pay him the,
13 through student project -- I don't know what that is. And
14 then I said whatever you need to do.

15 And then I also mentioned that -- I also remind her
16 that I'm paying air tickets, he's one of the students I'm
17 paying air tickets.

18 MR. REIFENBERG: Could you speak up a little bit?

19 THE WITNESS: I'm also adding the remark that in
20 addition to this, I'm also paying the air tickets. He's one
21 of the students I'm paying the air tickets to send to the
22 resource center in New York, because that's -- in August, to
23 participate in this conference. So I was reminding her of
24 that. Apart from this, I'm paying some money to, for him.

25 BY DR. PROMISLOW:

1 Q. So can you make a clear statement whether these payments are
2 for salary --

3 A. No.

4 Q. Or towards -- okay.

5 JUDGE WHITBECK: No what? No, he can't make a
6 clear statement or no --

7 THE WITNESS: No, I can't.

8 JUDGE WHITBECK: So you don't know?

9 THE WITNESS: I can't make a clear statement, I
10 don't know what his question --

11 BY DR. PROMISLOW:

12 Q. We got it.

13 A. This is 24.

14 Q. I'm done with both.

15 A. Okay.

16 Q. I view them as the same.

17 Q. Okay. I'd like to hand you FM-11 which is from the Binder
18 Tab F, circle 23.

19 Okay. Can you -- do you remember this document,
20 Selman?

21 A. If you give me a minute, I will look through it.

22 Yes, I do remember.

23 Q. Okay. Is it true that the goal of the Dissertation
24 Completion Fellowship is to give students time away from
25 course and teaching to be able to complete their thesis?

1 A. Two answers. One is the Dissertation Completion Fellowship
2 is relatively new. You told us -- you keep telling us
3 different rules about this.

4 In fact, I remember talking to you when you came to
5 my office, you know, what is this about? What is this one
6 credit rule?

7 And you told me, these are designed for chemistry
8 students who spent time in lab. This is my first
9 information. Then when I ask to put money towards Luke, I
10 just want to know, what is this? Does this have to do with
11 the issuance, to compliment his issuance or what?

12 It's just a question. Because these things are --
13 I didn't even know there was a difference between the first
14 dissertation, you know, this is a new thing, completion and
15 then dissertation continuation, something like this.

16 So they keep telling different things because they
17 designed these things from CNS, College of Natural Science,
18 which those people are very close to Keith. Keith always
19 brings the new rules from College of Natural Science. It
20 confuses me.

21 Q. Okay. So was that a yes or a no?

22 A. Repeat the question.

23 Q. The question is isn't the goal of the Dissertation Completion
24 Fellowship to give students time away from teaching and
25 course work so that they can complete their thesis?

1 A. I don't know.

2 Q. Okay. Thank you.

3 Yesterday, in your testimony you called teaching
4 Math 124 a humiliation, didn't you?

5 A. No. No. I said what you did to Kirrill Vaninsky in course
6 124 was humiliation.

7 The reason I said that is because evidently there
8 is some mistake about taking exams or homework as a
9 punishment. I mean you told him that to teach this course
10 you are going to put a supervisor on top of him and that he
11 will teach under that supervisor, and supervision which is a
12 humiliation for a senior faculty. And that supervision is
13 only given for newcomers, you know, foreign students, and
14 whatever. The course is low enough.

15 So I thought that was a humiliation. I talked to
16 him many times. I know he felt pain, and he was sick on top
17 of it.

18 Q. Isn't it true that there are many tenured professors who
19 teach Math 124?

20 A. Of course, I taught it many times.

21 Q. Haven't Teena Gearhart and Benjamin spent two or three years
22 redesigning the course including its curriculum?

23 A. If you want my honest opinions, you give too much. You gave
24 them this job which doesn't require anything, just
25 rearranging courses, and now you give them a lot of credit

1 for working these things, these courses.

2 They don't -- I think it was -- they don't need
3 this. You don't need to do that. I know they haven't done
4 much in terms of change. I've been here 37 years. I don't
5 know the difference between what they did before and now.
6 But they're getting a lot of credits, and not from teaching,
7 and then, you know, getting support for doing this. Because
8 they are, in my honest answer, they are your close -- your
9 people that you support in the department, your favorites,
10 these couple, one of them will testify against me here.

11 Q. So SIRS forms are the student evaluation forms that students
12 submit at the end of the semester to evaluate courses, aren't
13 they?

14 A. Toward the end, yes.

15 Q. In your testimony yesterday, you made an allegation that I
16 was involved in an effort to falsify SIRS forms, is that
17 correct?

18 A. Yes.

19 Q. Do you have evidence to that?

20 A. Yes.

21 Q. Have you presented it to this Court?

22 A. Yes.

23 Q. Can you identify that evidence?

24 A. I mean I don't know what it's called, what number it is, but
25 I can tell you, I can explain to you what it is because I'm

1 talking my heart. Should I tell you?

2 Q. Yes.

3 A. Okay. So that was -- you don't blame me for giving the wrong
4 answer. I mean this is the time I was only teaching two
5 courses, 996, which you pretend doesn't exist and 425,
6 complex analysis course. It was very, very stressful, very
7 difficult courses for me. So I was hoping I was doing a good
8 job.

9 In the first course, I got the book through; in the
10 second course, I did my best to teach complex analysis to
11 these students. But then I found out afterwards that you
12 just arbitrarily changed numbers on the first one, you know.
13 It was an insult to me.

14 But then the time came in the evaluation time, you
15 need to collect our evaluations, find out evaluation to
16 present to the committee. I'm looking and there is only one
17 evaluation for course 425. It is -- it was shocking for me
18 because I know there are 15 people in that course. And at
19 that time we were giving the evaluation. Since then we make
20 it more electronic, okay?

21 So I'm looking here because I should mention it's
22 very hard usually to please undergraduates, especially
23 undergraduates that are about to graduate. It's easy to
24 please them in their early years because I think that's one
25 of the corruptions of our university, you just give them by

1 grades. In one occasion, the chair came to my office, he
2 told me, give everybody a C. I recorded this. In this
3 course, give everybody a C.

4 So people get -- I mean early on they don't know.
5 They think it's a normal process. But towards -- they become
6 as junior and senior, they realize what's happening, and they
7 put incredible amount of pressure for instructor to give high
8 grades because they only have excuse like, we are about to
9 graduate, we need this, I want this, I must have this to go
10 this job or that job.

11 It's very stressful if you are trying to do a good
12 job teaching complex analysis.

13 Another effect, with the teaching of these higher
14 level courses, if I'm not one of the chair's favorites, and
15 the people usually separate these courses like honor section
16 and not honor. So Ph.D. good students only going to other
17 sections and they usually get, the chair's favorite get those
18 courses, the few students, they can hold those classes in
19 their offices.

20 The rest, now I'm facing the rest of the students
21 who need these credits. And that they let them pass through
22 to the earlier classes, and without really doing much work.

23 And once I said my conscious, I have to teach these
24 people. On the other side I feel my heart for this because
25 the students came to this level without knowing anything.

1 So I'm torn between them. And so that's the
2 difference, and that's the explanation, why it's hard to get
3 a good evaluation for these courses.

4 And if I just say give everybody A's, and they are
5 shorted because some people will get angry because who have
6 put effort in this course.

7 So this is also parenthesis, now I close
8 parenthesis.

9 So I realized and I went to the computer person,
10 Steve in our department. I said, Steve, this doesn't make
11 sense. By hand I gave this evaluation. There can't just be
12 one evaluation. I know -- I know there were more students.

13 And the computer specialist tell me, no, this is
14 not people's fault because they are given by
15 computer-sensitive number sheets, they can not be changed.

16 You should just talk to -- because after we collect
17 them, we sent them to the scoring department. Scoring
18 department and central department outside of math department.
19 And they took the computer centers, and they will tell you.

20 So I took my time and I go to computer department.
21 And I asked them, who was in charge of that? Nancy, they
22 told me Nancy. And I took her e-mail and called her. And
23 she said, yeah. She told me the same thing. It is
24 impossible to change this scores.

25 I told her, please, look carefully.

1 Then she called back to me, and she said oh, the
2 course numbers have changed. 425 changed to some other
3 similar number, reading course or similar course.

4 While Keith was changing the numbers in the
5 graduate course, I guess he also changed the numbers of this
6 425. So that the evaluations are looking it's for like 490
7 or something like this, for similar courses.

8 The evaluation did not have much weight. You have
9 a lot of weight when you teach a course like the other -- so
10 that kind of takes all the value of my evaluations.

11 Then I made a report of this to the person who was
12 in charge of doing our annual evaluation, Professor John
13 Hall. I told him this was atrocious, because I have, you
14 know, Nancy's phone number, e-mail, and that's what she told
15 me, they are not supposed to do this.

16 And then I reported this. And then during the OIE
17 investigation, they were asking us a lot of questions. Like
18 why isn't he admitting -- there are biases in admitting
19 foreign graduate students from Middle East.

20 So I got through the list, and also, I remember,
21 that is also has to do with the courses, I also reported to
22 this OIE.

23 And then we had a lot of back and forth. One of
24 the responses I got quoting Keith, Keith said it was just an
25 honest mistake. Just an honest mistake.

1 That's my understanding.

2 Q. Okay. In testimony yesterday, your testimony and also with
3 your counsel, it was pointed out that I failed to catch what
4 you considered to be an error in the personnel committee's
5 evaluation of your grant status on your current year annual
6 review, is that correct?

7 A. Correct.

8 Q. Did you ever ask me to correct them?

9 A. If I get a report from you, and you get zero annual
10 evaluations because you talk -- you express opinion, and this
11 and that. It is in the bottom of the -- this is nothing
12 compared to what I see. This is a horror story.

13 Q. For your 2015 annual review, you did ask me to modify the
14 personnel -- or did you ask me to modify the personnel
15 committee's evaluation of your teaching from good to
16 excellent?

17 A. I always ask to modify, and I don't really expect to get an
18 answer from you.

19 Q. I corrected that annual review, didn't you?

20 A. No. Not this -- as far as I know, no. This was too late.

21 Q. Okay. I'd like to hand you FM -- I'm sorry, I'd like to hand
22 you submitted document FM-20, Tab T, regarding the Tulane
23 University.

24 Is it true -- I'm sorry, do you recognize this
25 document?

1 A. Yes, I do.

2 Q. Is it true that you were the first person to disseminate this
3 at least widely within the MSU Math Department? Is that
4 true?

5 A. To my knowledge, I'm not the first person because this was
6 already disseminated. People who saw this told me about
7 this. So the person that told me about this, Tulane faculty,
8 he told me that he learned this from graduate students. They
9 got -- he saw this, and he thought it was a confidential
10 inside between faculty, but then all graduate students were
11 talking about it, he told me.

12 So I heard this from grad students. I mean the
13 thing that sticks out here is aside from -- he's talking
14 about aside from his lack of suitable mathematical
15 credentials, he is most odious person I have ever met. And
16 when he learning of me, he considered was -- his reaction is
17 disgust, it was disgust. He's disgusted hearing this.

18 I know this person, I know who this person is. It
19 could be one of either Wolfson or Fintushel, because we have
20 two senior people from Tulane and both were on Advisory
21 Committee in 2015. There was a topologist, and Jon sometimes
22 can be called topologist. And we only have two people
23 transferred from there, I know for sure.

24 My guess is the topologist, but it could be Wolfson
25 too, but they always act together. And the topologist make

1 us hire -- ask us to hire Wolfson.

2 I helped to -- I'm the one who recruited the
3 topologist from Tulane. He came here, he asked could we also
4 hire Wolfson. At the time he looked not best fit, but I
5 support him, okay, if you watch for him.

6 So I remember it very well, how we hired these two
7 people. So they are the two senior people we hired from
8 Tulane, and most likely it is the topologist he's talking,
9 because he says topologist in here.

10 Q. But you were the first person to post this e-mail to MSU
11 mathematics bulk serve?

12 A. Bulk serve, sending the e-mail?

13 Q. Yes.

14 A. Yes, I sent this to my department. I thank for my
15 department, for thinking of me highly, that's all I said.

16 Q. After you did that, did you also send a bulk e-mail to the
17 math department entitled An Open Letter to Ron Fintushel
18 asking him if he sent that letter?

19 A. I was expecting the person who wrote this to apologize, I'm
20 sorry. That's one problem in this university, people do
21 horrible things, they can not make themselves, I apologize to
22 you. We are human beings. We do make mistakes. The best
23 thing, best way to repair it, you step forward and apologize.

24 I knew who this person is, but, no.

25 I mean he had said no, that's not me -- he's a

1 junior person, we hired him later, so I know, not by -- I
2 know one of the two for sure, one is Fintushel or Jon
3 Wolfson. They always act together, and they support each
4 other, hiring and, you know. So it could be one of them.

5 So I was expecting man to speak up. I didn't -- I
6 wasn't angry. If you look at my, this letter it says, you
7 know, I think my e-mail heading was saying here, I think --
8 the earlier part, that I thank my department for thinking of
9 me in such a high esteem. But this was sarcasm.

10 Normally they could have just said, okay, Selman,
11 okay, honest mistake, we shouldn't have done that. That
12 would have been closed for me.

13 Q. Didn't Matt Hedden testify that the sender, the person who
14 originally sent the original text was retired at the time it
15 was sent?

16 A. Keith, I don't know. We have two people we hired from
17 Tulane, two senior people. Their ages are close to each
18 other. Either one, either Ron Fintushel or Jon Wolfson. I'm
19 not a detective. I really don't like to chase after this
20 person who write this. I just only want -- only thing I can
21 say, I see this -- I find this very strange, and then I was
22 giving them the room to apologize.

23 You know, they could just reply to this e-mail
24 before making me directly ask them. I'm sorry, I did -- I
25 took this person off that I could, but this was sent to

1 everybody by mistake. I would have accepted such an
2 explanation.

3 But this is real damage, damaging to talk about me
4 because it's impugning my reputation. I'm known in many
5 places. You mention my reaction when I go to some conference
6 in Germany, in Holland, and people just drop these kind of
7 things, this is very painful for me.

8 This is one of the reasons I explain that such
9 things happen, I have no records, but put it on my website
10 because I do not want to explain the same thing to hundreds
11 different people every conference I go. It is very painful.

12 It's like some abuse victim, everyone asking,
13 telling you what happened. So I thought best way
14 psychologically, and otherwise, every time something like
15 this happen, I make PDF, I put on website, I tell them to
16 just go read what I wrote.

17 Q. Okay. It can be difficult to explain the same incident over
18 and over again, can't it?

19 A. It's very difficult for me. I really do not like to explain
20 that I was victim.

21 Just ask anybody. Just ask -- always this is the
22 sort of -- the story about the rape victims. They don't like
23 to talk about this. It's a horrible thing, maybe first time
24 they explain it with the hope that the person will be caught
25 to prevent it; but ten times people asking how did it happen,

1 why, it's not pleasant. It's not pleasant for me to remember
2 this.

3 Q. So my prior question was about Matt Hedden's testimony, for
4 which I believe you were here. And I believe Matt -- is it
5 true that Matt Hedden testified that the sender of this
6 comment that you find objectionable, which is objectionable
7 was retired at the time this was sent? Did Matt Hedden
8 testify to that?

9 A. I don't know. I don't know.

10 Q. Okay. This e-mail didn't affect the administrative review
11 process, did it?

12 A. I don't know.

13 Q. Didn't the e-mail -- the e-mail came to light almost a year
14 after the administrative due process was done, is that
15 correct?

16 A. I don't know. This e-mail talks about character
17 assassination, about impugning my reputation. I'm a known
18 topologist all over the world. This such a thing is not a
19 good thing. Already I got the result in here that I was
20 denied, they changed their mind. Why change their mind to
21 the distinguished speaker?

22 If I was the chair, if I get such information, I
23 wouldn't invite the person because I don't know what this
24 means. It's really damning about the person I'm thinking
25 about.

1 I think he did the right thing by taking
2 information from Michigan State University because he's
3 thinking, my God, what this guy might have done that I might
4 not have known. So that's my -- that's my assessment of
5 this.

6 Q. Okay. I'll take the document back.

7 Do you recall sending an e-mail in October 2014
8 indicating that you want to withdraw the offer of support,
9 financial support that had been made to Asadi?

10 A. I have to see the exact e-mail but I can tell you what I know
11 about that.

12 So then Asadi wanted to come here, come and spend a
13 sabbatical. And then there was some talks that, you know,
14 with Carolyn. I also did mention of course he visit us, I
15 could have used my excess funds for my visitors, graduate
16 students, he could be one of them if he needed money, if that
17 was his question.

18 But then this kept happening about cancelling
19 courses. I got -- I just was real suspicious of Keith's
20 motives in doing those things. And then -- this visitor
21 couldn't come. So I wanted to double make sure that he
22 cannot -- he is going to supply him housing, we were going to
23 help him get housing before, he couldn't come.

24 So I told him, if anything, I promise this housing,
25 so I'm withdrawing this because he can not come.

1 I did end up paying some of money towards his
2 housing. I think it was \$5,000 or something because I had
3 excess funds. That portion of it I use it.

4 But I'm telling you, telling you this information
5 that he shouldn't go -- you know, he had come because of this
6 visitors, then he can not use it any place. In fact we had
7 some exchange, we two, and I told him that my funds, first
8 priority for graduate students, Keith, don't you agree?

9 Yes, you said.

10 First priority spending my funds should be graduate
11 students, if I can put this figure here, like \$10,000. This
12 be for graduate students I want, I plan to use for my
13 graduate students.

14 So I didn't want him to just tell people, you know,
15 tell Carolyn stop these funds, you know, he can not use it.

16 He said, Akbulut, I agree with you, yeah, should be
17 for graduate students, money should be for graduate students.
18 Even this level, I feel completely uncomfortable because I've
19 been here 37 years, I never have to give an account to the
20 chair about the details about my grant. Only people I need
21 to tell the inspectors, my NSF system administrators. I
22 always correspond directly and I resolve this.

23 But the chair, who doesn't really know all the
24 details of my grant, I feel uncomfortable with just talking
25 what my grant should be encumbered, what I have, what I don't

1 have. And sending direct e-mails to Professor Asadi is very
2 hurtful to me because he puts me in like a beggar position.

3 He didn't ask money. I said he could be able to
4 help him maybe get some teaching, and then from my grant I
5 can support that, period.

6 After that, normally I would tell my secretary, the
7 grant person looking for the grant, in this case what
8 happened, sign this, I want this amount, and that is it.

9 But he's talking about me sending him e-mails,
10 talking dollars and cents and what he will get and what he
11 won't get. This is unpleasant. People should not be subject
12 to this.

13 That's all. You get it for your research. And you
14 don't want to look like you are asking money, begging money.
15 So that's my view of that.

16 Q. Okay. I guess in summary that's a yes then?

17 MS. DOUKOURE: I'm going to object to him
18 characterizing my client's testimony on the record as if he's
19 testifying himself for my client.

20 DR. PROMISLOW: Okay.

21 BY DR. PROMISLOW:

22 Q. Can you summarize that as a yes or no?

23 A. You asked me what I remembered about it, I told you what I
24 remembered. There is no yes or no.

25 Q. Okay. I won't force you to a yes or no. I accept your

1 answer.

2 JUDGE WHITBECK: Could you say that again?

3 DR. PROMISLOW: I said I will not force him into a
4 yes or no answer, I accept his answer. Is that an allowed
5 statement?

6 MS. DOUKOURE: I don't mind.

7 BY DR. PROMISLOW:

8 Q. In the department meeting of 2015, did I state that the
9 department contributed \$5,000 to Asadi for his health
10 insurance?

11 A. The meeting that I -- there was presented a motion, in the
12 beginning of -- I waited a long time, first of all. There
13 was long other business happening in there, discussion about
14 pre-calculus whatever, I might have sat there two hours.

15 You said, okay, you can present your motion.

16 Okay. I got up, I was presenting my motion. And
17 then just as I started presenting, I gave -- I made my
18 minutes from the recording. I recorded the minutes of that.
19 And you are asked by Matt Hedden, and -- it's written there,
20 what is it -- they were worried that I will get a course
21 deduction that I don't deserve, something like this, that I'm
22 making this motion, even if I get the course reduction. And
23 you told me you gave me course reduction. They want to make
24 sure I don't get that. So they put the questions, how
25 much -- how much was your penalty in terms of dollars?

1 You said clearly \$10,000 for not teaching the
2 course, 5,000 I'm charging you for his visitors, his
3 visitor's health insurance, that's what you said clearly.

4 Q. Okay. Thank you, I think that's exactly it.

5 Was that an incorrect statement that I made?

6 A. Not correct statement.

7 Q. If I had said the department had contributed 5,000 to Asadi's
8 lodging so he could afford his health insurance, would that
9 have been a correct statement?

10 A. I don't know. I don't know.

11 Q. Okay.

12 A. I don't know what you -- you are trying to make some kind of
13 formulation so this will not be lie. But I won't be part of
14 this, the interpretation. You said \$5,000 insurance, I was
15 prepared for this because remember previously I told Carolyn,
16 if he comes to your office, tries to make -- ask you to make
17 any payment on behalf of me, and she immediately, she called
18 me, I come, and then I knew what was happening.

19 I stopped her. And you didn't know that I had this
20 thing with Carolyn, but you got up there and make the wrong
21 claim. And then you went to the OIE decision and made the
22 same lie there. It is written, your response.

23 That's all I know.

24 Q. Did you -- did you call the MSU police to report that I had
25 embezzled \$5,000 from your grant?

1 A. Okay. So this is now five years, coming towards five years,
2 and I'm asking you could you please correct this? You could
3 have just said, I made a mistake, it was an oversight, I'm
4 really sorry that I'm putting you through this. You could
5 have just corrected this.

6 Then I'm asking and I'm asking and asking.

7 Then I said, look, this is an embezzlement. And
8 people told me -- I never told about the police. The
9 incident happened like this.

10 Then around that time my bank called me, they told
11 me there is something wrong in your credit card records. Oh,
12 somebody got something on my credit card.

13 I said, no, that's not my payment. They corrected
14 it, the MSU credit union. But they told me as a rule I
15 should call police, and make them know of this. It's very
16 serious thing changing credit card records. This should be
17 reported to police.

18 So then I told them, I called the police, and I
19 told them about the credit card. I was so surprised in 10
20 minutes the police was at my door. He said oh, yeah, this
21 person can be caught.

22 While he was doing his report, I asked him like
23 what if I -- what if this happened on campus, somebody took
24 \$5,000 from my account, can I still call police?

25 And the police said, yeah, of course you can. So

1 can I make a report that my chair is taking \$5,000 and is not
2 returning it to me?

3 He said, oh, but this has to be through campus
4 police.

5 What's the difference?

6 He said, no, it has to be campus.

7 So the university is like a different country.
8 You're not responsible to anybody from outside. So I came --
9 I just asked the same question of the campus police, and they
10 said yeah. I told them is it part of your duties? They
11 said, yes.

12 We take the report, we take it to some committee,
13 committee decides whether they do investigation or not, they
14 call it -- anyway, audit, an audit. So the police came and
15 took the report.

16 And then a few days, maybe a week or two later, I
17 get a reply from the MSU police. They say, we put this
18 through to this committee they are talking about. And they
19 decided to audit. They decided to audit. So I felt good.
20 Somebody in audit will tell Keith to give the \$5,000 back.
21 Okay.

22 So I'm still waiting, now it's two or three years,
23 it's they're still investigating, still investigation, still
24 investigation. Only thing I can get is somebody in this
25 university is stopping this. Because the investigation is

1 just looking at that record and deciding it.

2 I mean I say something about this, what I say about
3 Terry Curry. In five years I go five times to Terry Curry's
4 office. I ask him to correct the false reporting my grant,
5 and correct this course number, the claim of the course
6 numbering.

7 He said, I will do it, I will investigate it,
8 writes on his paper. And then months, years, he doesn't do
9 it. Somebody tells him don't do it.

10 Normally just go to CGS.MSU, check records and then
11 reply to them. That's what banks do if somebody gets money
12 from your credit card, immediately they find out, like in
13 this case, they correct it, they give the money back, and
14 they insist in going after the person. They said this is a
15 criminal issue, we have to activate.

16 Why doesn't this principle apply on campus is
17 beyond me.

18 Q. Thank you. I'm going to hand you FM-21, marked but not
19 admitted.

20 MS. YERMAK: It was admitted.

21 MS. DOUKOURE: It was admitted.

22 DR. PROMISLOW: It was?

23 MS. YERMAK: Yes, you were out of the room.

24 DR. PROMISLOW: Oh, okay.

25 JUDGE WHITBECK: What's the --

1 DR. PROMISLOW: It has no binder number, it was
2 added late. I don't remember what we called it. Extra
3 document --

4 MS. DOUKOURE: Is it the final investigation
5 report?

6 DR. PROMISLOW: Yes.

7 BY DR. PROMISLOW:

8 Q. Is it true that you were a respondent in this investigation?
9 And Beth Gagnier is the claimant?

10 A. I don't respond in investigation. Somebody called us, sends
11 e-mail and said they would like to meet with us.

12 I understand Eylem meet with somebody, and I also
13 got, shortly after this, I also got the notice that they want
14 to meet me. I think it was investigative lawyers from
15 Cleveland or something, came just for this.

16 So I went, and I told whatever I know.

17 Q. So you received a copy of the report?

18 A. This is just recently.

19 Q. Okay.

20 A. Three days, maybe a week, I don't know.

21 Q. Okay.

22 A. Yeah. I did.

23 Are you going to get -- your campus identification
24 number and that -- yes, I did.

25 Q. So you retweeted a tweet by Eylem about Beth Kovisto,

1 correct?

2 A. Yes.

3 Q. And you sent an e-mail to Beth's colleagues and supervisors
4 that called her Statement of Impact letter a hate letter. Is
5 that correct?

6 A. I didn't -- no.

7 Q. Can I hand it to you? I'd like to hand you this document,
8 CP-60. So in the charging party's original binder, it's Tab
9 11, N6, N for November. It's CP-60.

10 A. Is there a question?

11 Q. Yeah. Just so the question was you sent the e-mail contained
12 in CP-60, in which you call Beth's Statement of Impact a hate
13 letter, okay?

14 A. Okay. Let me explain my answer.

15 I was long time lieutenant -- director in this, and
16 I had some principles how to write e-mail. My principle is
17 when I receive an e-mail, I usually reply to the e-mail,
18 whatever they attach, I reply. I don't try to maliciously,
19 intentionally put some people that have nothing to do with
20 this.

21 So I think I got an e-mail saying that these people
22 are getting awards. So I thought it was strange because
23 these people are -- there is a hate letter writers to me, I
24 call for these hate letters. I mean these secretaries are
25 put there to help us, I was nothing other than pleasant to

1 Beth Gagnier, nothing, she's always nice to me. I've always
2 been polite to her.

3 In fact we have almost zero interaction because I
4 do two secretaries below her. So I'm completely shocked when
5 I see her letter, which I call hate letter. She's saying
6 that I'm frightening her, I'm harassing her, I'm toxic and
7 all those things. Somebody fed her these words to say, write
8 about me.

9 I don't call this good staff. Staff's job is doing
10 a good job, managing the grants properly, and doing a good
11 job.

12 If you read her letter about me, which I called
13 hate letter, one of her complaints is she calls me that -- I
14 would see you helping me submit my grants rather they are
15 obstructing the solution. She saw this as insulting
16 harassment. I'm reminding her what her job is. Her job is
17 to help us distribute federal grant money, not to obstruct us
18 in distributing federal grant money. Because by this time,
19 she's not answering to me if this money was sent to this
20 conference party or what that was used to do.

21 And now I know what happened, if you -- that I'm
22 finding out through these hearings that you put some filters
23 in my e-mail. I had no idea which my e-mail went where. I
24 mean this is really horrible thing that you are doing in my
25 opinion. Now I don't know what e-mail, who receive what

1 e-mail.

2 I technically ask the secretaries, could you please
3 do that, could you please do that.

4 So you -- by putting these filters, you emboldened
5 them to be very nasty to me. Normal secretary, normal staff
6 would never write a letter to a person she's supposed to be
7 helping. Never happens.

8 I think it's clear to me you emboldened them, you a
9 terrible person, whatever, this e-mail. That's what I'm
10 guessing, because she always polite to me, nice, smiles when
11 I see her on campus.

12 So somebody made her do this and she feels
13 comfortable. Just imaging right now, this committee was nice
14 enough to open this meetings, I was real pleased. So I sent
15 a message to my department, colleagues come in to this open
16 meeting, you are all invited to come in, see, watch it. And
17 I know for a fact that there are many faculty and staff would
18 want to see these meetings.

19 But they're frightened. They tell me, they don't
20 know what will happen, and they're frightened. One person,
21 we can not get one person. This speaks to the state of our
22 math department. I know they're dying to find out what's
23 happening in these meetings, yet they can not come in here.

24 I know as soon as I go to the department, they'll
25 ask what happened. Of course I will not answer to them. I

1 would tell them you should have done your duty to come here
2 if your interested because the committee would be interested.
3 So that's my explanation of the behavior.

4 She came and sit here and she was completely
5 different person. She kept looking me in the eye and just
6 sitting there. It's clear, somebody told her, it's no
7 problem. Somebody told her you can just write this e-mail
8 and just sit there and testify about it. I know I'm not that
9 person that she wrote in the e-mail. There is no reason she
10 should slander me, I didn't do anything to her.

11 Q. Okay. The OIE investigation concluded that you did not
12 violate the antidiscrimination policy, is that correct?

13 A. Yes.

14 Q. Okay. Are you familiar -- if you'd turn to page 17 of this
15 document.

16 JUDGE WHITBECK: Which document?

17 DR. PROMISLOW: This OIE document which is now in
18 front of the -- the document CP, FM-21.

19 BY DR. PROMISLOW:

20 Q. Turn to page 17. Are you familiar with the second paragraph?

21 A. Yes, of course. As I told you, it's the principle. My rule
22 is if I receive an e-mail, I have a right to hit the reply
23 button and reply to the e-mail.

24 So I must have got something from the Natural
25 Science Department about these people's awards.

1 Of course I was affected, I can express my opinion.
2 I'm not worried about who will see, who won't see.
3 I'm after truth. I want to see things truthfully, what I
4 believe right, what I believe is wrong. So if -- it is -- I
5 would be very glad, very happy if this, all Natural Science
6 you saw my e-mail, the reply portion, because it relates to
7 this secretary of Natural Science, and the award for Natural
8 Science.
9 Q. Could you read the third sentence of the second paragraph,
10 this is a -- it starts with 'this is a.' Could you just read
11 that sentence?
12 A. Although the --
13 Q. It starts with, 'this is a.' Second paragraph.
14 A. Oh, second paragraph?
15 Q. Third sentence it says, 'this is a.'
16 A. This is a serious disparaging comment made by person in a
17 position of power relative to claimant.
18 Q. This is referring to your e-mail, correct?
19 A. I didn't make any personal remark. I never make any personal
20 remark.
21 Q. I'm just asking, is that what the document says?
22 A. This is -- this says serious -- writing, it says serious
23 disparaging comment made by person in a position of power
24 related to claimant.
25 Yes, it's my prerogative to characterize this

1 letter that written about me. For me it's a hate letter.

2 Q. Is it true that this OIE statement indicates that you are in
3 a position of power over Beth --

4 A. I know what my position is. I've been with this institution
5 for 37 years, I know what my prerogative is. If somebody
6 organized people to write such letters about me, I have a
7 right to correct that as to what kind of letters they are,
8 and then reply, hit the reply button and tell them that they
9 don't -- that it's not part of their job description to write
10 such letters.

11 Q. It's true that the OIE stated that you are in a position of
12 power over Carolyn Wemple, is that correct?

13 A. I'm not sure what that means. I mean you have -- you have
14 some problem of deciding who can say to whom what. I mean
15 you made some formulation, people in position of power, and
16 you can't say this.

17 JUDGE WHITBECK: Just for the record, Carolyn
18 Wemple is not a party to this proceeding. Is it the
19 reference to Beth Gagnier?

20 DR. PROMISLOW: Sorry. I did misspeak.

21 Let me rephrase my question.

22 BY DR. PROMISLOW:

23 Q. It's also true that you were in a position of power over
24 Carolyn Wemple, is that correct?

25 A. I'm not sure because these people are connected in the

1 Natural Science, College of Natural Science. The College of
2 Natural Science have power over me, you've seen in these
3 hearings, the power over me to put dismissal for cause
4 process. So I don't know in what capacity she has the power,
5 in the pecking order. Because Beth is high level, your top
6 level, and she's connected with the College of Natural
7 Science. I don't know who has power over that.

8 All I know in this, in what experiences I have
9 lived through, I have no power. Everybody has power but me,
10 evidently.

11 Q. If you'd look at the third paragraph on page 17, if you'd
12 just review that for a second.

13 A. Okay.

14 MS. DOUKOURE: The one that's written, 'although.'

15 BY DR. PROMISLOW:

16 Q. Although there is no evidence, and then if you could read the
17 second sentence, 'a reasonable person?'

18 If you could read for us the second sentence?

19 A. Yes. I read it.

20 Q. Okay. Could you read for us the second sentence of that
21 paragraph that starts, 'a reasonable person?'

22 A. A reasonable person may well be deterred from engaging in
23 protected activity if he or she knew that doing so would
24 result in being described as hateful to his or her
25 professional network by someone with considerable standing in

1 the network.

2 Q. Okay. So do you agree that the OIE found that these actions
3 would deter a reasonable person from participating in an OIE
4 investigation?

5 A. I cannot read their mind. I know what effect this had to me,
6 because it affected my standing in the department, in the
7 world and all over the place. As you see I'm about to get
8 fired for nothing.

9 And she just testified here, just writing me
10 letters for request, for doing your job, and running my
11 grants, constituted as an insult to her. You cannot give
12 such a staff awards sheet. Job of staff is to make
13 department run, not to go around writing letters, hate
14 letters like this.

15 That is scaring, this is frightening because -- she
16 sat there and made all these allegations, they're all
17 slanders because there is no evidence, trying to make them
18 reach every point, ask her to point where the slanders are,
19 you know, the attacks are. She couldn't.

20 I know, I still can not get angry with her because
21 she's always pleasant to me, I'm always pleasant to her.
22 It's a mystery.

23 Q. Okay. Would you look at the fourth paragraph on this page?
24 Just review it and let me know.

25 A. Should I say what --

1 Q. I was going to ask you a quick question about it.
2 So does the OIE in this paragraph indicate that you
3 have a right to defend yourself --
4 MS. DOUKOURE: I'm going to object. He's asking
5 not what the OIE states, but a quotation of a legal standard
6 within the report.
7 DR. PROMISLOW: What I'm trying to elicit is the
8 meaning of the first sentence of the fourth paragraph, that's
9 all I'm trying to elicit, or what the professor considers to
10 be the meaning of the first sentence.
11 JUDGE WHITBECK: What you consider to be the
12 meaning?
13 DR. PROMISLOW: I'm asking -- I'd like to ask his
14 interpretation of the meaning of the first sentence of the
15 fourth paragraph.
16 JUDGE WHITBECK: Well, he can not read the mind of
17 the writer.
18 DR. PROMISLOW: Okay.
19 JUDGE WHITBECK: You can him what it says and what
20 he thinks it means.
21 THE WITNESS: I can tell you.
22 BY DR. PROMISLOW:
23 Q. Can you read for us the third sentence of the fourth
24 paragraph that starts with 'it is difficult to see.'
25 A. Okay. It says, it is difficult to see Respondent Akbulut's

1 e-mail sent to many people who have nothing to do with
2 determination process in a context wholly unrelated to the
3 process as an attempt to defend himself rather than attempt
4 to intimidate claimant.

5 You want me to interpret this?

6 Q. No. Thank you, I think that's good.

7 You said yesterday in your testimony that you did
8 not intend for Beth to see the tweet that you made. Is that
9 correct?

10 A. I did say that. The tweet -- by the way it's just a board,
11 just like there is a board on your door, you put your
12 opinions, and people can come to your door and read those
13 opinions. That's what Twitter is.

14 Q. Sure. Was it your intent for Beth to see the tweet?

15 A. I don't know.

16 Q. Okay.

17 A. I don't have any intent. I just want people who want to look
18 at my Twitter, see my opinions. Twitter is the place I put
19 my opinions.

20 I don't -- I can't tell what other people think of
21 it or are going to be looking or not looking. I'm not
22 intending someone to come to my board and see what I wrote.
23 Doesn't concern me.

24 Q. But you did -- you did intend for her to see the e-mail --

25 A. No.

1 Q. -- submitted as CP-60?

2 A. No. I don't intend anybody to see anything. I just express
3 my opinion. That's called free speech, Keith.

4 Q. But she was a direct recipient of the e-mail, correct?

5 A. You mean the previous e-mail?

6 Q. Wasn't she a direct recipient of the e-mail?

7 A. The previous e-mail.

8 Q. CP-60, I believe I handed it to you.

9 A. This one, right (indicating)?

10 Q. Yes.

11 A. I replied to the e-mail I received, I push the reply button
12 and I express my opinion. Of course I am a professor at this
13 institution. If I see people getting awards for wrong
14 reason, then I of course -- and they tell me, this happened,
15 I push the reply button. I say this is not right thing to
16 do.

17 It is my job, I consider this my duty. Because
18 this is my research institute that I spent 37 years trying to
19 improve it.

20 Q. Okay. I'll take these documents back.

21 Yesterday you testified that the whole university
22 system, MSU university system was corrupt, is that correct?

23 A. More or less. The way the parts that I come in touch with is
24 real corrupt. But there are still places that could be -- I
25 can't give you examples, which gives me hope, which I see as

1 corruption, I only talking about the corruptions that I see.

2 There are many offices, I went to your office, I
3 went to Dean -- I couldn't go to dean's office, I go to
4 associate of dean's office. I go to associate provost's
5 office many, many times. I met with provost a couple of
6 times. And then I went to the faculty office many time, Phil
7 Donahue, that convinced me they are corrupt, they're not
8 doing their job, clear. I can present proof.

9 But there are things that I consider that are
10 hopeful. For instance, that I also had to go a couple of
11 times to report them directly, and they were just nonchalant.
12 They just would not listen. I also think Board of Trustees
13 should be people that listen to people.

14 But I saw some hopeful signs because in the Board
15 of Trustee meeting, I saw a gymnast, little statute, you
16 know, of a woman, and just directly told the president, the
17 president, I come to your office with my mom, just talking
18 about, with big tears in my eyes, she said, you wrote on
19 piece of paper \$300,000, gave it to me, is this enough for
20 you to be quiet and make you happy?

21 And she said, you know, I will not -- I didn't come
22 there to get money from you. I'm here to get my dignity.

23 People who did that to me, I want them to bring
24 them justice. This is a young woman. This is what kind --
25 this is the people that we need in our university.

1 She -- I talk to myself, well maybe this university
2 does have people, some good ethics. This is a girl, this
3 doesn't come with age or your office or whether you're a dean
4 or provost. She proved to me, she has a bigger ethical value
5 then the provost, everybody concerned.

6 The other ones they are sitting with poker face
7 just sitting with no reaction, they just keep repeating the
8 same thing. You can tell when you're talking to somebody, I
9 might be talking to you, Keith, in front of me, but I'm
10 really addressing some inner, you know, some inner rot in
11 you, ethics in your deeds, that you use that to respond to
12 me.

13 That is what frightening to me about the
14 university, our university, corruption is big. Somebody has
15 to come here, make a real -- to make it like a real
16 university, like I used to know this. We need to have some
17 outside checks and balances to keep this in balance.

18 Otherwise people just -- I have a problem, I can't
19 do anything. Like the perfect example is yourself. I have
20 power, I can't do nothing. I say excuse me, no. No. I
21 teach that course, and I told you, I have power, I can make
22 you do this.

23 This university doesn't work like this. You sit
24 down and you see how things are done, what are the
25 contractual agreements, what is this person's contribution,

1 what's the difference between this mathematics or that
2 mathematics, and then you make it an honest ethical decision,
3 and in the decision they know his heart or her heart that the
4 writing is done.

5 I don't get that feeling at all with the provost,
6 at all with the dean's office, at all with the grievance
7 office, and they told me -- Tom Tomlinson is a professor of
8 ethics, he showed me something, some ethic things, but he
9 could have stopped the process there, because three or four
10 of us sat together, and we had chats.

11 He didn't tell me go ahead with this penalty. But
12 he could have just said, Keith, I don't want you to push that
13 forward because he told me, he told us, he believes in free
14 speech, just maybe some modification. He could have followed
15 it through, but you sent all these people who testified here
16 that declare that I am -- that I deserve to be fired.

17 It shouldn't have gone that far. If I was afraid
18 of being fired, Keith, would I spend five years of my life,
19 five years of my life taking chances to go for some course,
20 teaching some course? Do you think the course that you gave
21 me make any difference for me? That really -- I could have
22 paid it from my grants. I can use my grants to buy off my
23 courses. It doesn't impress me that you give me courses.

24 I'm here in that department meeting, I told them
25 people talking about how much money, I clearly said, I'm not

1 concerned about the money, you gave to me the money I lose or
2 not lose. I'm here to correct a principal that you are
3 giving me Abrogation of Duty Penalty for nothing, and that
4 you're not big enough to say, I'm so sorry, I shouldn't have
5 done this. And you're going to all the contorted arguments
6 and around and around and around making me go to many, many
7 offices, exactly the same stories as the victim's, abuse
8 victims. I don't deserve this. I need to spend my time
9 doing research in this university.

10 And then you are there to help me facilitate this
11 as a unit leader, not to make obstructions constantly,
12 constantly, you know. I'm not supposed to do your job. Your
13 job, all the student numbers and the grant numbers, rather
14 than just looking at the server, yes, it is done, you have to
15 convene committees, administrative review committees, they
16 are going for months, and they are doing nothing. They could
17 have just logged into server, check what I said is true.

18 But they didn't want to do that. They just want
19 long story, wives' tales, this happened to you back there.
20 And we talked to this person, you know.

21 It was embarrassing for me to listen, Terry Curry
22 here, he's very highly paid administrative, provost office,
23 asking him how did you investigate this, he said, well I
24 investigated talking to Keith. I talked to Keith.

25 I mean this is not how the investigation is done,

1 it is not up to me to teach them how to investigate.

2 Then I go to his office, carpets, secretaries,
3 receptionists, you know, he has all this stuff. It could
4 have been five minutes to tell them, you know, just check
5 this guy, his teaching numbers and grant numbers.

6 But it is clear he had no intention to correct
7 this. It is clear to me. You told me, don't even bother,
8 that you already had the penalty I was getting. You cannot
9 do that, Keith.

10 Q. You testified yesterday that you expected, anticipated an
11 independent committee to conduct the administrative review of
12 your Abrogation of Duty Penalty.

13 How did you expect the committee to form?

14 A. Well then frequent agreements were sent back to me, back to
15 Terry Curry's office, he told me Terry Curry should be part
16 of this recused list, this Bill Donahue told me. The second
17 time they made me fill form accusing him too, because they
18 told me he's part of it.

19 On top of it they refused to consider the issue
20 with the grievance office, send me back to Terry Curry's
21 office. So I asked him, what should I do? He said only
22 recourse you have is to go and write the letters to dean to
23 conduct administrative review process.

24 But Terry, he refuses to talk to me, I never met --
25 I sent him so many e-mails, I tried to make an appointment,

1 refused to talk to me.

2 He told me, Akbulut, sometimes they will, the
3 community will decide, they will have an independent
4 committee look into this.

5 I, in all my wildest dreams -- you know, I wrote
6 that and send my e-mail, I would have never thought Dean
7 Kirkpatrick will give that back to you, that job back to you
8 and you give this job, your Advisory Committee, most of you
9 were chosen at the time, and then those are the people that
10 testify against me here, there is other people, write
11 administrative review report.

12 I mean this could have been -- this technically
13 should have been done with independent people. These people
14 working on the review, they hate me, they want to get rid of
15 me. They don't look at me in my face in elevators.

16 Normal person say, well you have a right, we
17 shouldn't kick him out of the Advisory Board. They kick my
18 out of Advisory Board. I'm telling them, please don't put me
19 out, give me this opportunity to show my records. And they
20 told me flat out, this is not the grievance committee, we are
21 not supposed to question you. Leave.

22 So I left. This is how the university works,
23 that's what I call corruption.

24 So big circle -- a big circle out of the pack, I
25 checked it, I came back to the same place that your Advisory

1 Committee write the report which could have taken like five
2 or ten minutes, but they didn't, they just wrote long wives'
3 tales. We give our -- he was coming to my office and telling
4 me, I'm trying to make an acceptable math department, I'm
5 like a criminal, we are not following my advice. This is the
6 young person that I hired in my math department.

7 All the sudden you emboldened these people to act
8 like this. It's frightening. The institute that I work
9 with, that I, that I'm facing this kind of treatment. It was
10 wrong. It was wrong process.

11 Nobody -- no court should accept this. No court,
12 legal court that is set to review the report, it's a serious
13 report. Those people should have recused themselves.

14 Q. Have you read the Administrative Review Policy?

15 A. I didn't. But I know there are policies written all over the
16 place, like your election, like the review, everything is
17 violated. Like the graduate students right to vote. We had
18 graduate students can vote, one vote in math department. You
19 involve -- you change all those rules, we have those rules in
20 our books, you change. I don't know what is rule and what is
21 not rule because you constantly change it. And Natural
22 Science is helping you. This is atrocious.

23 I mean see this is very strange. We are having
24 these hearings, principal charger has not showed up, he is
25 the the principal charger. You are not the principal

1 charger. Principal charger is the Dean of Natural Science.
2 Day one, he is not here because he knows that his job isn't
3 in jeopardy if he shows. He did agree to the principal
4 charges, this new dean. My guess is, if he -- this was
5 probably condition of him taking the job. Normal person
6 would never be principal charger to a hearing that he never
7 shows up. He should have come himself first to make the
8 charge. That's very, very strange.

9 Normal person would talk to me. The new Dean
10 doesn't talk to me. Acting Dean, Carol Sisk, never talk to
11 me, and then you constantly lie about these things like you
12 are denying me sabbatical two years in a row. I'm 70 years
13 old. I have research project, I have made arrangement all
14 over the world and you're not letting me go to my sabbatical.

15 You send me e-mail saying that faculty committee
16 decided to deny you sabbatical. First thing I did was go to
17 faculty committee, person I know in faculty committee, did
18 you make such a decision?

19 They said, no, we didn't. And it was verified in
20 testimony in here. So you unilaterally decided I'm not going
21 to get my sabbatical. You moved it to the Dean's office; so
22 Dean at the time Sisk, I wrote to her office, waiting for her
23 decision, that's a three-step position.

24 She told me, well I decide to keep this. I said
25 what reason? What is your reason?

1 Same thing Keith did. Evidently she didn't even
2 read the report. Evidently you guys talked amongst each
3 other.

4 So then I start writing provost office, I'm still
5 waiting. I'm supposed to do my sabbatical the second year,
6 provost doesn't answer. I'm asking provost, like this is
7 according to books, this should be three-step process, and
8 she never decide. I mean this is corruption. This is the
9 corruption A1.

10 Then you said do you know this rule? I see none of
11 the rules apply.

12 Q. Do you think Terry Curry was corrupt in this process?

13 A. I believe he's corrupt, he's an enabler. An enabler means
14 doing things without checking.

15 Q. And the provost, do you think she is corrupt?

16 A. I think provost is -- I cannot say corrupt, but she doesn't
17 know -- she's not doing her job. I met her twice. First
18 time she just didn't pay attention, just 15 minutes. I talk
19 to her all the serious issues. She told me 15 minutes up, I
20 have to go to another meeting, nothing.

21 So then after the serious Dismissal For Cause
22 process started, I think one of the rules is I have to meet
23 her, I could bring a witness.

24 I brought Eylem because she knows the department
25 and the graduate student situation. We sat there, exchanged

1 pleasantries, we talked whole hour. And I explained the
2 problem, and I decided I better not try to explain everything
3 from beginning because people only have so much concentration
4 power, let me concentrate on one of them, that was you
5 forging the evaluations, 450 evaluations, complex analysis.

6 Because I knew 100 percent what happened, I told
7 you earlier, this is about the university, our faculty
8 evaluation, my course evaluations.

9 No reaction. She just had empty looks, and she
10 shook her head, and then I -- I convinced her about some
11 points.

12 And then again she told me, Akbulut, are you proud
13 of what you did for this university? I said, yes, I'm proud
14 of this.

15 She said, aren't you ashamed of this stuff that
16 happened? I was recording it.

17 I said, no, I made a big contribution to this
18 university.

19 She said, you didn't teach your courses.

20 And then Eylem said, no, he did teach that course.
21 I was in that course. And she got mad at her, at the grad
22 student, young lady, don't raise your voice to me, I'm not
23 talking to you. And then she got up, and then she proceeded
24 to tell me about retirement, okay?

25 She's basically -- I told her I don't take such

1 things seriously.

2 She's just in the middle of -- I'm there explaining
3 about the department situation, she's talking about
4 retirement.

5 So she shouldn't do that. This is -- she doesn't
6 know her job. I don't believe she's -- I don't consider that
7 proper academician. Normal academician don't act like this.
8 Academicians act like academicians. They listen, they
9 process, and they reply to questions. She's just empty
10 looks.

11 I mean this person is the highest academic officer
12 in our university. It is wrong, this university has to clean
13 up this stuff. And I took these chances, I took all this
14 pain, not for one course reduction, nothing, jeopardizing my
15 job.

16 I did it because I really believe in ethics, and
17 that improving this university. If I help this university
18 improve itself, the working of itself, contribute to it, I
19 would be more than -- I would be very happy. I don't care.

20 You can fire me. So you fire me, what happen? I
21 mean they think that is a threat. Akbulut, look, do you know
22 what will happen? Terry Curry and both of them, if you fired
23 then you won't have health insurance. If you live by
24 yourself you -- I don't want to be part of such discussion,
25 that's not the subject. That's not their job. They don't

1 know what their job is, they don't go just by -- they either
2 fire you or award you.

3 So all these people testifying, they all got their
4 awards from College of Natural Science. Yet I'm defending
5 the workings of this university. I'm critical of the
6 corruption. I give examples, I'm threatened to be fired. We
7 are not 500 B.C., we are 2019 and we still have to teach
8 people in this day how to be ethical, how to be truthful and
9 how to make the university work. That's my answer to you.

10 Q. Did do you consider Interim Dean Sisk and Dean Kirkpatrick to
11 also be corrupt in this process?

12 A. Very corrupt.

13 Q. Associate Dean Rick Schwartz?

14 A. Very corrupt.

15 Q. And the Administrative Review Panel?

16 A. Corrupt.

17 DR. PROMISLOW: Okay, no further questions.

18 MR. REIFENBERG: Well, this is a natural break.
19 We're just about at 11.

20 MS. YERMAK: Yep, two to 11.

21 MR. REIFENBERG: So we'll take a break.

22 (At 10:58 a.m. went off the record.)

23 (At 11:15 a.m. went on the record.)

24 MR. REIFENBERG: Are we ready?

25 MS. DOUKOURE: Yes, please.

REDIRECT EXAMINATION

BY MS. DOUKOURE:

Q. Professor Akbulut, Professor Promislow asked you about the OIE investigation involving Wolfson, Schenker and Kirkpatrick. Do you recall testifying about that?

A. There are a couple of, at least two investigations like that.

Q. Do you recall --

A. One by myself, the other one myself with Kirrill Vaninsky and Vladimir Peller. I don't know which one he's referring to.

Q. Did you file an OIE report in conjunction with other professors?

A. Yes. In the first one it was inconclusive. I might have explained to you what happened. And then they convinced me to be part of their reporting. They want to file the report.

I said my experience was terrible in the first one. And you have a page from the first one entered into the record. And that they convinced me to be a part of it together, so I did it together for them.

Q. And that OIE report, who would have been the respondents or who were you alleging had committed some error against the three of you?

A. I think always Jon Wolfson, Keith Promislow, Kirkpatrick, and I don't remember if Terry Curry, I don't know.

Q. What happened with that OIE investigation?

A. It took forever, I mean there was a few back-and-forths that

1 you will see some from response from Keith, like
2 characterizing this forging evaluations as an honest mistake,
3 it was back and forth. It take -- it took forever.

4 It was conducted by Tracy Leahy. I don't know if
5 she's still there, she's probably fired, they fired so many
6 of them, you know. So we were asking her, asking her three
7 years almost.

8 And then she said, I'm almost finished. I was
9 going to send you, but I send it to OGC.

10 Q. And who --

11 A. Officer of General Counsel for revision, revision.

12 I objected to that because this is exactly the
13 question I asked OIE before my first investigation. I told
14 them I don't want to play these games with offices connected
15 to each others. This is after the first lawyers told me,
16 assured me that's not the case.

17 But nevertheless, this was a complete difference.
18 This is the second report, and this is what I was afraid of,
19 the report went for revision to Office of General Counsel for
20 revision.

21 So I kept -- we kept asking Tracy, isn't this
22 right? I mean we are waiting a report against university
23 administration, you are sending to the administration lawyer
24 for revision.

25 And she replied to me its attorney-client relations

1 we have with OGC. This was a shock to me.

2 I mean they have attorney-client relationship with
3 Office of General Counsel. So general counsel can even
4 redact it or revise it or whatever, and that's what they told
5 to us.

6 At that time I was on my feet. They send back the
7 revised report. So there is, I think the revised report is
8 around somewhere. I was disgusted to say the truth.

9 Q. So is it your understanding that the OIE report was redacted
10 and edited by the Office of General Counsel?

11 A. That's what Tracy said. Tracy said they are sending to the
12 office for revision.

13 How can you send report to people that you are
14 filing complain to revise it? What kind of corruption is
15 this?

16 Q. With regards to -- I'm going to hand you back what is FM-21,
17 it's the OIE report where you were a respondent.

18 A. Okay.

19 Q. Do you know whether or not this is a first version of this
20 report?

21 A. No. I don't know. This is one version. I just see report,
22 date of it. I have to refresh my memory if first version or
23 second version. Maybe this is the second version, because
24 this is just a couple days ago.

25 Q. Do you know whether anybody was given a chance to revise that

1 report prior to it being issued?

2 A. I would not be surprised because I only saw example in the

3 previous filing.

4 MS. DOUKOURE: I'm going to hand everybody a

5 document.

6 BY MS. DOUKOURE:

7 Q. Professor Akbulut, what's the date of this document?

8 A. December 27, 2018.

9 Q. And what is the title of this document?

10 A. Preliminary Investigative Report, Michigan State University,

11 Office of Institutional Equity.

12 Q. If you look at the document CP-21, and the document that I

13 just handed to you, does it have the same case number?

14 A. You mean the one before, the one with August 14? Compare

15 this one to it?

16 Q. Yes.

17 A. Case number, date. There is no -- okay. Okay. Yes, it has

18 the same case number.

19 Q. And under the, what we call the RE line, which is the R-E

20 line, does it have the same caption?

21 A. You mean does it say the same thing?

22 Q. Yes.

23 A. Later one is the name of investigator written on it. The

24 first earlier one, no name of investigator entered.

25 Q. But is it regarding the matter of Beth Gagnier, Eylem Yildiz

1 Selman Akbulut?

2 A. Correct.

3 Q. So is this report and that report regarding the same matter?

4 A. They are not because evidently -- this says Investigator

5 Rachel King in compliance.

6 Q. And what's the title of this document?

7 A. The title that -- Preliminary Investigative Report, Michigan

8 State University, Office of Institutional Equity.

9 Q. In your opinion, does this appear to be a version of the

10 final document?

11 A. This appears to be a version, just looking roughly.

12 Q. Does it appear to have been created prior to the FM-21 being

13 submitted to you?

14 A. Maybe you should say final and then --

15 Q. Sure. Is it dated prior to the final report?

16 A. It is dated prior to the final report, yes.

17 Q. Okay.

18 MS. DOUKOURE: I'm not going to ask that it be

19 admitted. I just wanted everybody to see it so we could be

20 all on the same page.

21 MR. REIFENBERG: You're not going to ask us --

22 MS. DOUKOURE: No, I'm not.

23 BY MS. DOUKOURE:

24 Q. Professor Akbulut, you're familiar, we've discussed at length

25 what brought about this report regarding the tweet. Are you

1 familiar with who brought the tweet to everybody's attention?

2 A. I have no idea. You write a tweet, you let people -- you let

3 people see, any person that comes to your site.

4 Q. Did you hear Beth Gagnier testify that she had not complained

5 to the OIE's office about your tweet, and that she didn't

6 know about it until somebody else had complained?

7 A. I'm not -- I don't remember her testimony completely. I

8 think I heard something to the effect.

9 Q. Professor Promislow asked you a lot about this report, and he

10 made -- regarding whether you had position of power over Beth

11 Gagnier. Do you tell Beth Gagnier what time to come to work?

12 A. I have no position of power over Beth Gagnier. Beth Gagnier

13 is a senior administrative assistant to the chair. She

14 doesn't report to me.

15 Q. Did you hire her?

16 A. No.

17 Q. Can you fire her?

18 A. No.

19 Q. Can you direct her daily activities?

20 A. No.

21 Q. Can you tell her what time to take her lunch?

22 A. No.

23 Q. Can you tell her what time to come to work each day?

24 A. No.

25 Q. Does her job rely on you giving her directions?

1 A. No. And I don't determine her raises or salaries.

2 Q. Was it your testimony when Professor Promislow asked you some
3 questions regarding your grad student Luke, was it your
4 testimony that certain grad students have told you that they
5 were told not to speak with you?

6 A. Yes. He said to graduate students, and I heard it more than
7 one place, source.

8 So, yes. And then people are told -- in fact one
9 specific gossip I got from grad students is they were told at
10 one time, stay away from Professor Akbulut, Professor
11 McCarthy and Professor Ivanov in choosing your --

12 Q. How many professors that the grad students were told not to
13 talk to have filed an OIE complaint against Professor
14 Promislow?

15 A. I don't know. Eylem would know better because she's friends
16 with these people.

17 Q. Can you list for us again the names of the professors that
18 you heard were not --

19 A. Yes. It was my name, John McCarthy, and Nick Ivanov.

20 JUDGE WHITBECK: Excuse me for just one second, for
21 the sake of the record.

22 You referred to an OIE complaint against Professor
23 Promislow.

24 MS. DOUKOURE: Yes.

25 JUDGE WHITBECK: We haven't seen nor heard about

1 that.

2 MS. DOUKOURE: No. But it's been testified to
3 extensively.

4 JUDGE WHITBECK: I'm sorry?

5 MS. DOUKOURE: I said it's been testified about
6 extensively.

7 JUDGE WHITBECK: By whom?

8 MS. DOUKOURE: By Professor Akbulut. The OIE
9 Report was filed against Jon Wolfson, Schenker and
10 Kirkpatrick.

11 JUDGE WHITBECK: And when was this?

12 BY MS. DOUKOURE:

13 Q. Do you recall what year it was.

14 A. I think it started in 2015.

15 Q. 2015?

16 JUDGE WHITBECK: And there is a report?

17 THE WITNESS: I never -- I'm never sure whether the
18 report was completed. Let me repeat what was said. You have
19 a page from the report saying that he paid \$5,000 from my
20 account to visiting Professor Asadi, that was that page was
21 in there.

22 JUDGE WHITBECK: So the two pages that are in your
23 exhibits and have been admitted --

24 MS. DOUKOURE: Yes.

25 JUDGE WHITBECK: -- are from this report.

1 MS. DOUKOURE: They're from a preliminary copy that
2 Professor Akbulut received. He's never received the final
3 report was his testimony.

4 THE WITNESS: I can explain what happened.

5 MS. DOUKOURE: That's okay.

6 JUDGE WHITBECK: So there is a preliminary report?

7 MS. DOUKOURE: Yes.

8 JUDGE WHITBECK: And from that preliminary report
9 you had admitted two pages?

10 MS. DOUKOURE: That's right.

11 JUDGE WHITBECK: But there is no final report.

12 MS. DOUKOURE: We've never seen a copy of it. It's
13 Professor Akbulut's testimony.

14 JUDGE WHITBECK: Thank you.

15 MR. REIFENBERG: So can you go back to your
16 question again?

17 MS. DOUKOURE: I don't remember my question.

18 MR. REIFENBERG: Something about how many grad
19 students.

20 JUDGE WHITBECK: Sorry.

21 MS. DOUKOURE: That's okay, it happens.

22 THE WITNESS: I can tell you what the director told
23 me about it.

24 BY MS. DOUKOURE:

25 Q. That's okay, we'll come back to that.

1 You stated a few seconds ago, or a minute ago about
2 that Professor Ivanov had, was one of the professors that
3 students were told not to talk to. That was your testimony?
4 A. That's what I heard through the grapevine.
5 Q. Do you recall seeing an e-mail that was admitted on direct
6 examination -- or on the charging party's case that talks
7 about your MSU website and things you have to remove from
8 your MSU website?
9 A. E-mails from whom?
10 Q. From Keith.
11 A. Asking me to remove them?
12 Q. Yes.
13 A. I don't know. I mean he was unhappy about this. He might
14 have asked to remove.
15 Q. Were you ever asked to remove a link from Professor Ivanov's
16 block from your website?
17 A. Not that -- I don't remember such thing.
18 Q. Did Professor Ivanov keep a blog?
19 A. I assumed -- he is very opinionated colleague. He likes to
20 report things that he sees defective and a problem. And he
21 was a good citizen about talking about general mathematics in
22 general, all that happens in the math department.
23 Until recently, until this Dismissal for Cause
24 hearing started, I assumed somebody warned him not to do
25 that, close his blog. And now I noticed that there is not --

1 when you click, it's blocked. It says you have to get
2 permission from him to see that blog.

3 I never asked -- somebody must have said something
4 to the university, this is my conjecture because he would
5 never take back what he wrote for many years. He would
6 never. But someone must have given him a warning to take
7 this back.

8 But then you can still see blog, because, you know,
9 websites, you can go back and -- a month ago you can find the
10 website.

11 Q. Was his blog critical of MSU math department?

12 A. Very critical of MSU math department. Very critical of Keith
13 Promislow, Jon Wolfson, and all their mistakes, all the stuff
14 they do, policies, impact on our university. In one of the
15 letters -- one of the articles was about, it was saying
16 Professor Akbulut is discriminated by math department, and
17 Keith Promislow.

18 And then he extensively wrote about the Middle
19 Eastern grad students too. So he had a meeting with, and
20 he's probably fired. And he talked about me -- he has
21 pictures in the blog, but somebody told him to keep this
22 confidential.

23 So Eylem told me as an experiment, sent this
24 e-mail, clicked that link asking for permission to see his
25 blog, and permission come through.

1 But people who know him, it takes a minute to see
2 it because you can go back, with the software, it can go back
3 any time to see the blog and what's happened, 2017, December
4 2017, the blog itself stopped writing anymore.

5 I know he got a warning from somebody from the
6 university. But now, blog itself may be difficult to read,
7 to reach.

8 Q. Professor Promislow asked you extensively about whether or
9 not you thought the research done in your Math 996 class was
10 important to Luke Williams; did Luke Williams do research in
11 that class that proved his thesis?

12 A. That proved he exists?

13 Q. Prove his thesis.

14 A. Prove his thesis. Yes, his thesis is solution of a problem
15 generated during the thesis which I put in my book, that
16 problem still exists. He not only proved that he solved the
17 problem, he ended up proving the conjecture of two Japanese
18 mathematicians, which they conjectured something more
19 general, he did that.

20 In fact, you can see the video of it if you go to
21 the You Tube and I click my name or his name, through this
22 conference in New York, there was a conference about the
23 group. And during that conference I was giving sequence of
24 talks about four-dimensional species. In my last lecture,
25 because I was very much impressed with Luke doing this, I

1 said, you know, I told Luke, we can just take half an hour
2 from my time, just go talk about yours.

3 So the last part of my talk, you just click it and
4 you'll see Luke Williams explaining the proof of the problem
5 from my book. And he thanked me, and then I got up and
6 continued with my series of lectures.

7 Q. Would people have known that Luke Williams was studying at
8 MSU?

9 A. Which people?

10 Q. The people at your conference and other people who watched
11 that.

12 A. Of course. I was very proud. We had all the five guys
13 related to MSU up there in the group, and they were very
14 visible in the research institute. That's our pride.

15 Q. On cross-examination, Professor Promislow asked you about
16 Luke Williams' request for an override. Do you know if Luke
17 ever withdrew his request for an override?

18 A. I have no idea. All I know is Luke wanted me to run this
19 course, keep coming back and forth to me, and, you know,
20 filing for all rights that's been given to him. And I'm just
21 trying to enter conversations. It is completely crazy,
22 crazy.

23 Math does not work this way. It's not a basketball
24 game. They're trying to turn it to basketball, five second
25 rule, you're five seconds late, you're out. It doesn't work

1 that way. You can not do this two months before, three
2 months before the course. You eliminate people. These are
3 valuable research courses. You cannot do that. If you do
4 that, you're not qualified to be chairs.

5 Q. Did you -- has any evidence been admitted by either us or by
6 the charging party to your knowledge that indicates Luke
7 Williams withdrew his request to enter your class?

8 A. I don't have any such thing. Because he was in the classroom
9 day one to the end, and he couldn't -- and conferences he
10 attended afterwards. What more should one have to do to
11 prove to you that he was part of this course?

12 Q. When you asked Carolyn Wemple to make sure to use funds from
13 your grants to pay tuition for Luke Williams, did you believe
14 that she would take all the necessary steps to make sure his
15 money went through?

16 A. I completely agreed. Generally I don't have -- generally she
17 is believable person. I don't have any reason to not trust.
18 And she was very -- she said, Akbulut, no problem, I will
19 take care of this.

20 Because I was thinking, this is crazy, there is no
21 way they would kick this student off for no reason, this is a
22 successful student, and after all this, but I better go down
23 Carolyn and make sure.

24 I go to her office and talked to her, and said
25 please pay whatever he wants for this course, 600 something.

1 Q. Had she --

2 A. She said of course, Professor Akbulut, it will be done.

3 Q. Had you and Carolyn Wemple had many conversations about the

4 availability of funds in your grants?

5 A. I held several conversations. Some of them I had -- I send

6 an e-mail to verify and confirm.

7 Q. In August of 2014 did Carolyn Wemple ask you if you could

8 pledge \$2700 for Luke Williams?

9 A. Yes.

10 Q. Did that indicate that in August of '14 there was money for

11 your grants available?

12 A. I had money, lots of money. This is 2,700 just goes to Luke

13 Williams just in case he needs to pay --

14 Q. Right. But did that indicate that there was available funds

15 in your grants in August of 2014?

16 A. It indicates that, plus I get time sheets. I know how much

17 is in my grants, because there so many grants.

18 Q. Did you spend \$15,000 out of your grant money in the spring

19 and summer of 2015?

20 A. Approximate amount. So this is kind of a personal --

21 personal confirmation for me, after they were saying that

22 this guy is encumbered, I spent about 15, maybe 15, 14, 15, I

23 can't give you a correct figure of my grant, because that was

24 the money available. I didn't know how much -- you have to

25 use this money until the end of August.

1 So I gave -- and another student because who was
2 being threatened to get kicked out of the program, he took
3 too long. So I contributed him approximately \$8,000 or
4 something.

5 And then his visitors, I paid for his housing,
6 maybe 4 or \$5,000 for his housing, and then for myself. All
7 of this was maybe about \$15,000.

8 Q. Was that after you were told there was no funds in your
9 grants?

10 A. Exactly. Yes.

11 Q. Did you use those funds because if you didn't, the grant was
12 going to close?

13 A. That is always the problem, usually the problem is not
14 finding the money. You have to have enough time to spend the
15 money. In the several years I've been there, I got almost --
16 over a couple years, I get grants every year, almost. And I
17 never heard the word encumbered until Keith --

18 Q. Could you have used those funds to support Luke Williams and
19 Asadi?

20 A. To do what?

21 Q. To support -- did you ever use that money, the \$15,000?

22 A. Yeah, I could have used them. I felt like I was pushed. I
23 have this money and I need to use it, I need to use it.

24 At the same time, these people are agreeing,
25 sending messages that my grant is encumbered, I don't have

1 grants. So I was completely confused. I have the problem of
2 too much money in my grants.

3 Q. I'm going to show you a copy of Charging Party CP-57 in the
4 binder.

5 Professor Akbulut, are you familiar with this
6 document?

7 A. It's a letter to the hiring faculty from Keith Promislow.

8 Q. And is this the document that talks about the agreement that
9 you and Keith came to regarding the abrogation --

10 A. No. This is -- this is an announcement. After this I
11 thanked Keith Promislow, I was at his office, I thought he
12 was making amend, he was atoning to what happened because
13 that's what it says.

14 Q. Was it your understanding that in addition to the teaching
15 reduction, that you would also have the academic -- the
16 letter removed from your academic file?

17 A. That was my assumption. I read it, it just says -- basically
18 if you looked into it, I would have been found right, that's
19 what it's saying. But in the beginning he's covering -- Jon
20 Wolfson is making intentions because he has the right to make
21 the rules.

22 For me important part is number three, he's saying
23 I would have been found right if he properly reviewed.

24 So that's he's basically saying, admitting that --
25 and also he's admitting that the course is run.

1 So I went to his office, and I thanked him, he was
2 kind of jovial. He said, let me give you something. So he
3 wants to put me on Advisory Committee, I was -- usually, you
4 know, I'm put out.

5 Q. When you left his office was it your understanding that all
6 of the penalties associated with the Abrogation of Duty
7 Penalty would be erased from your record?

8 A. That's my understanding, even though I was unhappy that I was
9 put through this pain. But I was willing to make bygones be
10 bygones. Because by my e-mail I can show you, I thanked him.

11 But then later when I asked him, he said no. No.
12 No. This is a different issue, Abrogation of Penalty cannot
13 be removed.

14 So what is this? One course, you know, giving the
15 exception is not impressive to me. I can buy that from
16 grants. The grants, if I don't use this grants, they return
17 to NSF. I can use them -- give it to visitors, I could have
18 paid myself to buy my teaching.

19 Q. Was it ever your desire to just get out of teaching a class?

20 A. No. I love teaching. I want to meet with students, and
21 other things that you can see in my teaching track over the
22 years, I have no desire to get out of teaching. Sometimes
23 very, very lower classes is most challenging, in fact. So
24 sometimes I experiment with those things and see if I can
25 teach math to a very low class.

1 Q. In your opinion did giving you the teaching release make you
2 whole from what had happened to you? Did it repair all of
3 the damage?

4 A. It did not repair the damage. This was -- as I said, as I'm
5 saying to you, it doesn't impress me because I have money to
6 buy my own teaching.

7 What impressed me is he is atoning here, he's
8 apologizing here. This is a letter, it says here, they also
9 determined that apart of series of miscommunications, that
10 Professor Akbulut met the established criteria and that the
11 appeal process outlined above would have resulted in the
12 course running.

13 They're just basically saying that he's right. I
14 thought this is removed, the penalty is removed, I'm back to
15 becoming normal citizen. I didn't realize he just continued
16 with the game.

17 As soon as I heard that, I started taking other
18 steps.

19 Q. I'm going to show you what's labeled as FM-7, it is behind
20 tab --

21 JUDGE WHITBECK: Can I stop you for just a second?

22 MS. DOUKOURE: Yes.

23 JUDGE WHITBECK: With respect to this agreement,
24 can we agree that it was not an agreement? In other words an
25 agreement involved both sides agreeing to the same thing.

1 You perhaps meant one thing, Dr. Akbulut understood
2 it as something else.

3 MS. DOUKOURE: I mean legally, yes, it would not be
4 an agreement.

5 JUDGE WHITBECK: So you agree there was no
6 agreement?

7 MS. DOUKOURE: Yes.

8 JUDGE WHITBECK: Do you agree there was no
9 agreement?

10 DR. PROMISLOW: I guess so for there to be an
11 agreement --

12 MS. DOUKOURE: There has to be a meeting of the
13 minds.

14 JUDGE WHITBECK: Let him answer.

15 MS. DOUKOURE: I'm sorry.

16 DR. PROMISLOW: Does a lengthy discussion that
17 results in a written document --

18 MS. DOUKOURE: My client had no hand in writing
19 this document.

20 JUDGE WHITBECK: The answer is no.

21 DR. PROMISLOW: I'm not familiar with the
22 technical, with legal definitions --

23 JUDGE WHITBECK: Was there a meeting of the minds
24 between you and Dr. Akbulut?

25 DR. PROMISLOW: Can you define meeting of the

1 minds?

2 JUDGE WHITBECK: Yes, did you meet to the same
3 thing.

4 DR. PROMISLOW: At the time I thought we had agreed
5 to the same thing. It was my understanding at the time that
6 we had agreed, but I don't know fully what Professor Akbulut
7 was thinking.

8 I left the meeting believing --

9 JUDGE WHITBECK: Well so the answer to my question
10 is, no, you wouldn't agree with it?

11 DR. PROMISLOW: Yes, I don't agree.

12 JUDGE WHITBECK: Thank you.

13 BY MS. DOUKOURE:

14 Q. Okay. I'm going to backtrack, it will take me a minute.

15 FM-7 is behind Tab F, document number 25, in the
16 responding party's binder?

17 MR. REIFENBERG: 25, yes?

18 MS. DOUKOURE: Yes. My tab F, circle 25.

19 BY MS. DOUKOURE:

20 Q. Professor Akbulut, what's the date of this e-mail?

21 A. There is a couple of e-mails in here, August 15, 2014.

22 Q. Does this e-mail show in your opinion that money is available
23 in the grant still to be pledged?

24 A. Of course. It says that.

25 And I also am very careful, people playing with my

1 grant money, to give to other people before graduate
2 students. I'm mostly saying that, remember, the 10,000 --
3 they're talking about my spending the 10,000. This is a time
4 he was sending e-mails, writing about my grant.

5 Q. Does this e-mail discuss at all the possibility of grad
6 students taking course work with your grant money?

7 A. So there are three parts of this e-mail.

8 Q. Correct.

9 A. First part, middle part --

10 Q. Does any part of this e-mail chain discuss the possibility of
11 grad students taking course work with your grant money?

12 A. Yeah. Just in case, I should emphasize, let me -- I would
13 like to process the 10K to go to support of graduate students
14 in as much as possible, this means as much as possible, not
15 every cent of it.

16 Q. Okay.

17 A. My grant could have been more. The 10,000, at least, you
18 make sure that is spent on graduate students.

19 Q. I'm going to show you now what is marked as FM-11, it is
20 document F-23 in our binder.

21 Does this e-mail confirm that even as a graduate
22 student in a dissertation fellowship that Luke Williams was
23 free to take classes?

24 A. Of course. This was the quote of Jon Wolfson's message. Jon
25 Wolfson very clearly he wrote students -- he says the

1 Dissertation Completion Fellowship cannot take a course.
2 That was the sentence.

3 So she's explaining, I must have misunderstood you,
4 that isn't a policy that math grad student with DCF cannot
5 take more than one credit, okay. The DCF only pays one
6 credit.

7 Q. Do you know if any other graduate students who have a
8 dissertation fellowship have ever been allowed to take
9 classes?

10 A. Of course. You can just sit in a class with one credit or a
11 class with no credit and just say I want to audit that class.
12 Because remember, they are enrolled students, they are
13 graduate students. They are one of our graduate students.

14 They jump through a lot of hoops to come to MSU to
15 become a grad student. They have a right to take any class.

16 But if you want -- if they want to get credits, you
17 know, they have to pay something, or it has to be covered by
18 the department -- it would be -- this number is put so that
19 there won't be empty classrooms.

20 If you have enthusiastic students want to take a
21 course, we will be more than happy, even if they just audit
22 the class. And if they happen to need credits, then they
23 have to satisfy the financial part of it, either somebody has
24 to cover that, usually the departments covers it.

25 Q. I'm going to take that document back from you.

1 On cross-examination Professor Promislow asked you
2 about a fraudulently changed student evaluation form. How
3 many students took Math 425 in the spring semester of 2015?

4 A. I think it was 15.

5 Q. And if you can recall, how many course evaluations were
6 initially labeled as being submitted for course 425?

7 A. All of them. Because I just got entered into the class, and
8 I give them specially prepared evaluation forms. It's
9 written on it 425, and they fill out these evaluation forms.

10 Q. At some point did you become aware that 425 -- Math 425 in
11 spring of 2015 did not have listed as having 15 complete
12 course evaluation forms?

13 A. Yeah. It came surprise to me because then by that time I was
14 start paying attention to the remarks that the chair enters
15 of our evaluations. Some things are not mentioned. Then
16 threats that I'm not going to get raise, I shouldn't use -- I
17 should use e-mail, department e-mails, all these things. All
18 this is full of excuses why my evaluations are coming in
19 wrong.

20 Then I noticed also my course evaluation, he says,
21 well he teaches graduate course, but this undergraduate
22 evaluation or something like that. So first thing I had in
23 mind, check this, because that was -- people enter sometimes
24 evaluations in the koofers.com, there is a private website
25 that students can make this, outside of university, make

1 evaluations.

2 If you go there, under my name you'll see in ten
3 years my 425 evaluations there were many, many happy
4 students. Only recently there are -- people can go screw up
5 your evaluations too. Because of these hearings, somebody
6 entered, we suspect that could be, they're saying that
7 Akbulut is a horrible teacher in 996.

8 He's just been filing this thing in August of this
9 year, only a week or two weeks ago. And the evaluations
10 about my course, Math 996 in 2015 saying he was the most
11 horrible person, and he has bad hair style too.

12 Q. With regard to --

13 A. I mean this -- people just know that they can do this kind of
14 evaluation.

15 So then you have to read, at the bottom of it, it
16 says student of mechanical engineering -- or some type of
17 engineering.

18 I know that all five students, math students, those
19 are the ones that got the PhD's, I had no engineering student
20 in there. So everything is wrong. It is wrong. It is just
21 insult upon insult.

22 Q. Of the math -- the spring 425 -- yeah, spring 2015, 425 math
23 class evaluations, do you know what happened to the rest of
24 those evaluations that were not initially reported?

25 A. No. Class -- you give all those evaluations and then you ask

1 random student, could you please, if you don't have class
2 after this, could you collect them, take it to math office.

3 And they usually comply. You give them 10, 15
4 minutes, sit there.

5 So that number is returned, people may not be the
6 same as course numbers, there might be some few less, I don't
7 know. I assume there were 15, there was 15 there.

8 But then I was reading Keith's report, on the
9 evaluations, I went to computer person. I told her to bring
10 that up, there should be record of it.

11 And then the scoring department on campus, they
12 told me these things have changed, the number of the course
13 has changed. It won't be the number 996. Half is now
14 reported as eight, nine thousand, 990. I assume he didn't
15 want it to look like five students course change, so you
16 could not tell, half of this class was 890, 990, and the 425
17 because 480, I don't know, something.

18 It's insignificant course. So that's why it wasn't
19 there.

20 Q. Was the discrepancy between the course evaluations from
21 spring semester of '15 Math 425 found after you realized that
22 Keith had placed that information on your yearly review?

23 A. Yes. Yes. I saw that. Then I went and found Nancy and I
24 met Nancy in the scoring department and she told me that they
25 changed -- they change course numbers. I think Keith changed

1 course number.

2 Q. Did you talk to Keith about what happened?

3 A. This is too painful to confront people. How many times can
4 you say to people, are you liar, why are you doing this?
5 It's too painful. So I wrote to person who was in charge of
6 doing annual evaluation, John Hall, John Hall.

7 Q. I'm going to hand you what is marked as FM-22, it is the 2018
8 annual review.

9 JUDGE WHITBECK: What did we mark this as?

10 MS. DOUKOURE: FM-22.

11 BY MS. DOUKOURE:

12 Q. You testified at least twice now, once yesterday and once on
13 cross-examination, that this report contains incorrect
14 information about you?

15 A. Yes.

16 Q. And you just testified that a 2015 report contained incorrect
17 information about you. Correct?

18 A. All the other reports, yes. 2017 also.

19 Q. He asked you on cross-examination whether or not you had ever
20 asked him to correct this report. Do you recall him asking
21 you that?

22 A. I didn't. It's his job to do -- not to report wrong things.

23 Q. Have you found that when you've asked Keith to correct his
24 mistakes, that that has been an easy task?

25 A. It could be an easy task, but in the past I did ask

1 corrections, and sometimes some corrections are made. But
2 there are so many of them, it's hurtful.

3 For instance, I feel this should be not excellent,
4 it should be outstanding. Why? Because I want to be
5 compared to person who got outstanding. Because this person
6 wrote more papers, got more, did more work.

7 So those things I cannot prove. But the factual
8 things I can point out, like this, like this report.

9 Q. Has Keith always been easy to admit his mistakes?

10 A. Never.

11 Q. I'm going to give you what's marked as FM-20. It is behind
12 Tab T.

13 Professor Akbulut, you testified about this
14 document already, correct?

15 A. Yes.

16 Q. It was your testimony that you heard it from a grad student
17 about this information from the grad student, correct?

18 A. Yes.

19 Q. Did that grad student --

20 A. Also a colleague.

21 Q. A colleague, okay. Did that colleague tell you who sent the
22 original e-mail to Tulane University?

23 A. No, he didn't. He just was expressing surprise. So that's
24 what he told me about it. Then I heard from other grad
25 students.

1 Q. That colleague who told you about this e-mail, was he from
2 inside or outside MSU?

3 A. He's a Tulane faculty. He told me about it.

4 Q. Pardon?

5 A. He's a Tulane faculty who told me about this because this
6 message is from him. And he told me he himself heard about
7 this from a graduate student.

8 Q. Do you know for certain when the original e-mail was sent?

9 A. Was sent?

10 Q. Not your e-mail, but the original e-mail that you --

11 A. Yesterday I told you I looked it up, and it is February 27 or
12 something. I told you that date.

13 Q. But did you --

14 A. I don't keep the date in my pocket.

15 Q. But did you know at the time that you heard this information
16 when the original e-mail had been sent?

17 A. No. No. No, I don't.

18 Q. Was it possible that when this was sent the person who sent
19 it was still on the MSU staff?

20 A. Which person?

21 Q. Whoever sent the original e-mail to Tulane.

22 A. He has nothing to do with MSU staff. He got his degree in
23 Yale or someplace like this. Then he got the job in Tulane,
24 at Tulane. I know him because --

25 Q. I think you misunderstood my question.

1 The e-mail that had all this derogatory information
2 about you?

3 A. Kalka's e-mail.

4 Q. Yes. At the time, is it possible that Kalka sent that e-mail
5 at the time he was still working as an MSU faculty?

6 A. Kalka was never MSU faculty. I know he was a close friend of
7 Ron Fintushel and Jon Wolfson's, very, very close friend.
8 They always talking about Kalka, because they came from
9 Tulane here.

10 Q. Did Professor Kalka ever have a position to evaluate your --

11 A. No.

12 Q. Your -- your abilities as a --

13 A. No.

14 Q. Was he ever in a position to evaluate your personality as a
15 faculty of MSU?

16 A. No. I don't know him. He admits himself, he knows a senior
17 topologist that he consulted about me, that's what the senior
18 topologist told him.

19 Q. I'm going to take that document back.

20 Do you know how many times Keith Promislow said he
21 gave Asadi \$5,000 for his health insurance?

22 A. I don't know the number. Two places it sticks in my mind, in
23 the whole department, the others, the OIE report, the
24 position in the OIE report.

25 Q. Did Keith Promislow ever say that he gave money to Professor

1 Asadi so that Professor Asadi could afford his health
2 insurance?

3 A. No. No. No. No health insurance discussion.

4 Q. Did he affirmatively state that he gave Professor Asadi money
5 for, to cover his health insurance?

6 A. Never. He never said that. In one of the meetings he came
7 to my office, he originally said he could give Asadi a
8 teaching -- help him with the sabbatical, he agreed to that,
9 he wanted to see his communications, he agreed. And I
10 informed Asadi that he could get that support.

11 But one day when he came to my office, Keith, he
12 told me, well he looked at this e-mail and he said his
13 English is not good, he decided not to give him support.

14 He said again, we are a professional team, you
15 should not do that.

16 Then he proceeded to tell me that he might give him
17 \$5,000 for something. I told him, I don't want no part of
18 this. You are -- whatever you want to do, you go ahead and
19 do it.

20 Q. Did you ever hear Professor Promislow admit his mistake
21 regarding Mr. Asadi's \$5,000 in front of the entire math
22 department?

23 A. Never.

24 Q. Did Mr. -- did -- do you know if Professor Promislow ever
25 corrected his mistake about Mr. Asadi's money to the OIE?

1 A. Mr. Asadi to -- admitted he corrected his mistake to OIE? I
2 don't know his communications. But he is, I think he has a
3 very bad track record with me about telling the truth.

4 Q. Did Professor Promislow ever correct his mistake regarding
5 the \$5,000 he gave to Mr. Asadi to you?

6 A. No.

7 MS. DOUKOURE: I have no further questions.

8 DR. PROMISLOW: I have nothing.

9 MR. REIFENBERG: So any questions from you?

10 MR. STRASBURG: No.

11 MR. SMITH: Yes. When you provide materials for
12 your annual review, do you provide copies of your grants?

13 THE WITNESS: I gave the numbers of my grants, the
14 official numbers, I list them, sure.

15 MR. SMITH: So as a faculty member you prepare your
16 accomplishments for the year?

17 THE WITNESS: Yes.

18 MR. SMITH: And that includes your grants?

19 THE WITNESS: Very carefully. They can click and
20 check.

21 MR. SMITH: And do you also include your teaching
22 evaluations?

23 THE WITNESS: Yes.

24 MR. SMITH: So the evaluation committee had both
25 the information about your grants and about your teaching

1 evaluations?

2 THE WITNESS: Yes.

3 MR. SMITH: In front of them as they prepared the
4 report?

5 THE WITNESS: Yes, technically they should get the
6 teaching evaluation. The server, MSU server, they can go,
7 teaching server, and then get those things.

8 MR. SMITH: You do not provide them directly?

9 THE WITNESS: I do, still do. But at that time it
10 was more paperwork, but now they get it electronic, so they
11 can see it.

12 But in that particular case, I had no evaluations.
13 I didn't know that at the time. I found out after the fact
14 that this happened.

15 MR. SMITH: Okay. And then you sent a lot of
16 e-mails and posted a lot of things on a website, and I've
17 been listening for the last week, and do you consider
18 everything that you've done to have been in a collegial
19 manner?

20 THE WITNESS: Certainly.

21 MR. SMITH: Okay. And do you consider everything
22 that you've done to have been civil behavior?

23 THE WITNESS: Certainly.

24 MR. SMITH: Thank you.

25 THE WITNESS: May I add something?

1 MR. SMITH: Sure.

2 THE WITNESS: When people say you sent a lot of --
3 first of all you started to say you send a lot of e-mails to
4 website. I don't send e-mails to website, I post them on my
5 website. As far -- you post things.

6 MR. SMITH: Sure.

7 THE WITNESS: About sending e-mails, you cannot
8 hold against a person if you are a citizen of this
9 university, you are a professor, things happening around you,
10 those lists are formed for that purpose to raise objections,
11 to provide opinions. And I remember, I am old enough to
12 remember when we established this list, a college of people,
13 please, you know, involve in discussion, the hiring
14 discussion as chair election discussions so we run a healthy
15 department.

16 We start with that and then now we come to this.
17 Every time you see some innocent request, you sent too many
18 e-mails. You seen it in here, she's showing you normal
19 e-mail, collegiate e-mail, she's saying this is an insult for
20 us.

21 This is what happened to this university. This is
22 a part of corruption. This mindset changed.

23 MR. SMITH: Thank you.

24 THE WITNESS: You're welcome.

25 MR. REIFENBERG: I think we're done.

1 MS. DOUKOURE: I think we're done, sir.

2 THE WITNESS: Thank you.

3 MS. DOUKOURE: I'm sorry. I have to say something,
4 right? That was our last witness. I'm looking around like I
5 don't know what to do.

6 MR. REIFENBERG: I was waiting for the next
7 witness.

8 MS. DOUKOURE: I know, I assumed everybody could
9 read my mind, apparently, but --

10 MR. REIFENBERG: Because according to the list you
11 still have two?

12 MS. DOUKOURE: We had two witnesses who backed off
13 for what my client has stated on the record was fear of
14 retribution.

15 PROFESSOR AKBULUT: Can I say --

16 MS. DOUKOURE: No, you can't say anything else.

17 MR. REIFENBERG: So if you finished your witnesses,
18 then they have --

19 MS. DOUKOURE: Rebuttal, I guess.

20 MR. REIFENBERG: -- rebuttal.

21 MS. KELLEY: We have some binders. We have binders
22 with rebuttal exhibits that we'll pass out.

23 (At 12:15 p.m. went off the record.)

24 (At 12:20 p.m. went on the record.)

25 MR. REIFENBERG: Okay.

1 MS. DOUKOURE: Can you give me a hint as to who
2 you're calling?

3 DR. PROMISLOW: Beth Gagnier.

4 JUDGE WHITBECK: Is this your only witness?

5 DR. PROMISLOW: No.

6 JUDGE WHITBECK: How many witnesses do you have?

7 DR. PROMISLOW: We have seven. Some are very
8 short.

9 MS. DOUKOURE: If this testimony is going to be
10 duplicative, I'm going to make a standing objection that
11 they're only allowed to address things that were brought up
12 on faculty member's case, because this is not a criminal
13 proceeding, and if they address things that were already
14 addressed in their case in chief, then I'll object because
15 they have a lot of witnesses they've already called.

16 MR. REIFENBERG: It's clear from the disciplinary
17 appendix two that they are limited to -- limited to new
18 matters introduced in the faculty member's case.

19 MS. DOUKOURE: Thank you.

20 DR. PROMISLOW: We're doing our best to address the
21 issues that were raised.

22 MR. REIFENBERG: It strikes me as you go through
23 this there might be objections.

24 MS. DOUKOURE: I mean, I wouldn't put it past
25 myself.

1 MR. REIFENBERG: I wouldn't either, just to make it
2 clear.

3 DR. PROMISLOW: The number may be large but some of
4 them are brief. Some of them have two pieces of paper.

5 MR. REIFENBERG: We don't have a list of them, do
6 we?

7 DR. PROMISLOW: No, there is not a list of them.

8 REBUTTAL DIRECT EXAMINATION

9 BY DR. PROMISLOW:

10 Q. Could you please identify yourself, give us your name?

11 A. Beth Gagnier, G-A-G-N-I-E-R, formerly Koivisto.

12 MS. DOUKOURE: One second. Just only because -- a
13 very minor procedural matter. This witness has not been
14 sworn in. Are we requiring people to be sworn or are we
15 reminding them they are under oath?

16 MR. REIFENBERG: This is the first time she --

17 MS. DOUKOURE: It is, yes, it is.

18 MR. REIFENBERG: Probably just to cover all bases,
19 let's have her re-sworn.

20 THE REPORTER: Do you solemnly swear the testimony
21 you are about to give will be the truth, the whole truth and
22 nothing but the truth?

23 MS. BETH GAGNIER: I do.

24 BY DR. PROMISLOW:

25 Q. Okay. Can I ask you to identify yourself and your role at

1 MSU?

2 A. My name is Beth Gagnier, formerly Koivisto. I'm the unit
3 administrator in the math department, so I supervise the
4 entire support staff. I've been there about eight years.

5 Q. Okay. I'm going to hand you what is the contents of Tab 3-C
6 from the second binder, the rebuttal binder, the Charging
7 Party Rebuttal Binder. That is too long, the Charging Party
8 Rebuttal Binder, 3-C.

9 Can you identify this e-mail for us?

10 A. I can. It's an e-mail exchange between a former employee and
11 I'm copied on them.

12 Q. And --

13 A. And it's asking.

14 MS. DOUKOURE: I'm going to object to this
15 testimony and to this document on the basis that this witness
16 has already testified about Professor Akbulut's NSF grants.
17 Charging party knew that the balance of the NSF grants were
18 going to be at issue. At the time they could have presented
19 this on direct testimony since she did testify extensively on
20 direct testimony of the NSF grants. She didn't do that.
21 Therefore this is not proper rebuttal material.

22 MR. REIFENBERG: Okay. We're going to let it in,
23 but with the limitation that if this becomes repetitive,
24 we're not going to.

25 MS. DOUKOURE: I'm going to renew my objection

1 because this witness asked on cross-examination during
2 charging party's presentation in chief whether or not she had
3 any specific knowledge of any of the actual encumbrances of
4 Professor Akbulut's grants. She testified at that time, this
5 is not rebuttal information.

6 MR. REIFENBERG: I stand by my ruling.

7 MS. DOUKOURE: I continue my objection because this
8 is the charging party getting a second bite of the apple.

9 MR. REIFENBERG: Be careful though.

10 DR. PROMISLOW: I agree, really one document on
11 grants, and one on --

12 JUDGE WHITBECK: Once again, I really can't hear
13 you.

14 DR. PROMISLOW: I'm sorry.

15 MR. REIFENBERG: Let me be clear, if it's
16 repetitive, we're going to strike it.

17 DR. PROMISLOW: I understand.

18 MS. DOUKOURE: Just based on that statement that if
19 it's repetitive, you're going to strike it, I don't believe
20 that that's the standard. If they're introducing new
21 information that they had at the time that they presented
22 their witnesses, that they testified about, they can not now
23 go back and relook at information that was not in their
24 binder. They had this material available to them before
25 August 2nd. They knew that this was an issue, they could

1 have brought this issue as proof in chief that his grants
2 were not encumbered. They did not do so.

3 The standard is not whether or not this is
4 repetitive. The standard is whether or not they had a chance
5 to testify about this on direct, and he didn't, and now
6 they're trying to bring it. That is not proper rebuttal
7 material.

8 MR. REIFENBERG: I stand by my ruling, my ruling is
9 final.

10 MS. DOUKOURE: And I'm not trying to fight, just
11 make a record so everybody is clear.

12 DR. PROMISLOW: Okay.

13 BY DR. PROMISLOW:

14 Q. Briefly, Beth, can you characterize the exchange at the --
15 the second set of e-mails that's been highlighted? Who is it
16 from, who is it to?

17 MS. DOUKOURE: Going down or up?

18 DR. PROMISLOW: In the middle and then up.

19 MS. DOUKOURE: Okay.

20 BY DR. PROMISLOW:

21 Q. The one dated Wednesday, May 14, 2014.

22 A. It's a clarification where Professor Akbulut says, you told
23 me there would be 18,000; 10,000 toward Asadi housing, 8,000
24 towards -- I don't know how to pronounce, Yasui's housing.

25 Q. Okay. And then above, can you give us an indication of

1 response?

2 A. Ms. Wemple responds, correct, Selman, there will be

3 approximately 8K reminding after providing housing for your

4 visitor. I was simply letting Anne know that 10K is

5 available for faculty. This information needs to be included

6 in the export control form as part of the visa issue process.

7 Q. And you were involved in all these processes?

8 A. Correct.

9 Q. And to your understanding, does this indicate that -- do

10 these two transactions consume the remaining balance of the

11 grant?

12 A. Correct.

13 DR. PROMISLOW: Okay. I move to admit.

14 MS. DOUKOURE: My objection stands.

15 JUDGE WHITBECK: He's ruled.

16 DR. PROMISLOW: So I can go?

17 MS. DOUKOURE: That's just a procedural thing.

18 DR. PROMISLOW: Thank you.

19 I have a question, I don't know how these were

20 enumerated.

21 (At 12:26 p.m. Exhibit CP-67 marked.)

22 BY DR. PROMISLOW:

23 Q. Okay. And now I'm handing you the contents of Tab 3-A from

24 the charging party's rebuttal.

25 Can you identify this document?

1 A. Yes. This is an export control worksheet for Asadi -- I'm
2 not going to even attempt to pronounce the last name.

3 Q. There is only one Asadi today.

4 MS. DOUKOURE: And I think that's what we've been
5 calling him all along.

6 THE WITNESS: Okay.

7 MR. REIFENBERG: That's not his whole name.

8 MS. DOUKOURE: No. But at this point I don't think
9 you have to say a last name.

10 BY DR. PROMISLOW:

11 Q. Is this the same document that was referred to in the
12 previous e-mail?

13 A. Yes, the export control form.

14 Q. And the purpose of this document?

15 A. This is a requirement in order to get the visitors, this
16 particular visitor who was applying for a J-1 visa.

17 Q. And is there a grant number indicated on the visa?

18 A. There is. It's one of Professor Akbulut's grants.

19 Q. And is there a name associated with the grant, MSU sponsor,
20 about the third line from the bottom?

21 A. Thank you. Correct. Professor Akbulut.

22 Q. So what is the significance of this?

23 A. He's sponsoring this visitor to come, and he's sponsoring him
24 to be on this visa.

25 JUDGE WHITBECK: Where is the grant number?

1 THE WITNESS: In the tenth line down from the top.
2 JUDGE WHITBECK: MSU account number?
3 THE WITNESS: That is correct.
4 MR. REIFENBERG: This is in essence a visa
5 application?
6 THE WITNESS: This is an export control worksheet,
7 it's a requirement from the university for the visa
8 application.
9 MR. REIFENBERG: Okay.
10 BY DR. PROMISLOW:
11 Q. And the purpose of the export control is what?
12 A. To certify the questions on the second page.
13 Q. Does it establish a financial link if there is a promise to
14 support?
15 A. It does.
16 Q. Okay. I'm going to hand you an e-mail.
17 DR. PROMISLOW: Oh, I move to admit --
18 MS. DOUKOURE: I have no objections.
19 DR. PROMISLOW: -- as CP-68.
20 (At 12:20 p.m. Exhibit CP-68 marked.)
21 BY DR. PROMISLOW:
22 Q. And I would like to hand you a document, it is Tab 8-A from
23 the Charging Party Rebuttal Binder.
24 Do you recognize this document?
25 A. I do.

1 Q. Okay. And can you characterize it for us?

2 MS. DOUKOURE: I'm going to object to this
3 testimony as well. We been here this entire time discussing
4 e-mails. They put no less than 1500 pages in their binder.
5 This witness testified extensively about e-mails that she
6 received and that Carolyn Wemple received regarding this
7 issue.

8 This was clearly available to charging party on
9 their direct case. They have -- excuse me.

10 DR. PROMISLOW: Okay.

11 MS. DOUKOURE: They have failed to put it in and
12 now are trying again to put in evidence that they had and had
13 control of at the same time, and are now re-litigating the
14 same issues that they put on direct case because they didn't
15 pick the right documents.

16 DR. PROMISLOW: This is not an e-mail about
17 targeting or harassment. It's an e-mail about the state --
18 indicating the words of Professor Akbulut.

19 MS. DOUKOURE: We have been here this whole time
20 discussing the words of Professor Akbulut, the whole time.
21 This entire case is about the words of Professor Akbulut.

22 They chose --

23 DR. PROMISLOW: These --

24 MS. DOUKOURE: Excuse me. They chose not to put
25 this in their binder, they chose. They made a decision, they

1 presented their case.

2 Now they're trying to re-present their case in
3 chief through rebuttal. That is not appropriate to use a
4 rebuttal testimony, and it is repetitive in the nature that
5 this witness has testified extensively about the words of
6 Professor Akbulut on her direct and cross-examination during
7 this charging party's case in chief.

8 DR. PROMISLOW: It addresses his frame of mind and
9 it is not about targeting and harassment.

10 MS. DOUKOURE: This frame of mind, targeting
11 harassment has been the issue the whole time. They didn't do
12 it, now they want do it.

13 MR. REIFENBERG: Why are you adding this? Because
14 it does seem to be somewhat repetitive of what was going on
15 before. What do you need --

16 DR. PROMISLOW: Am I allowed to characterize?

17 MS. DOUKOURE: No. You can say your intent.

18 DR. PROMISLOW: Thank you. My intent is to show
19 Professor Akbulut's feeling towards the e-mail agreement that
20 was made at the end of August of 2015, that attempted to
21 resolve the entire dispute.

22 MS. DOUKOURE: They introduced that e-mail exhibit
23 at the time of their case in chief.

24 MR. REIFENBERG: She's absolutely right. So we
25 will deny you the ability to bring this in.

1 DR. PROMISLOW: Okay. Okay.

2 BY DR. PROMISLOW:

3 Q. Okay. I'd like to hand you the contents of the Faculty
4 Members' Binder D-20. I believe it has an FM number, but I
5 don't remember what it is. Binder E, number 20.

6 MS. DOUKOURE: Is it charging party --

7 DR. PROMISLOW: I'm referring to your binder.

8 MS. DOUKOURE: There is nothing from D-20 that's
9 submitted, according to my records. Are you sure it's D?
10 Because D-20 was not admitted.

11 DR. PROMISLOW: Maybe.

12 MR. REIFENBERG: This discussion is off the record.
13 (At 12:35 p.m. went off the record.)
14 (At 12:36 p.m. went on the record.)

15 MR. REIFENBERG: So that's the first page under D?

16 DR. PROMISLOW: First page on D and it has a 20.
17 20.

18 MR. REIFENBERG: Was this admitted?

19 MS. DOUKOURE: No, it was not admitted.

20 MR. REIFENBERG: It was not admitted, okay.

21 MS. DOUKOURE: It was not admitted.

22 DR. PROMISLOW: It's not been admitted?

23 MR. REIFENBERG: Not yet.

24 BY DR. PROMISLOW:

25 Q. So can you talk briefly about what a CGA FIN document might

1 be under the contract documents -- CGA, Contract Grants
2 Association, financial document, are you familiar with these?

3 A. A CGA, it's called a CGA FIN report is a financial report
4 from the university EPS system.

5 Q. Okay. What is the purpose? What information do they give?
6 Do they give totals?

7 A. There has been many updates between the time that EPS started
8 and now, so --

9 MS. DOUKOURE: I'm going to object to this
10 testimony. This testimony was testified to on direct
11 examination of charging party's witness. At least two
12 witnesses testified regarding types of grants and how you
13 check them, both Jeff Schenker and Matt Hedden provided this
14 testimony already. And it is therefore duplicative and not
15 rebuttal testimony. She's testifying to CGA, what a CGA is,
16 how you check grants.

17 JUDGE WHITBECK: Just for clarification, are we
18 talking about an e-mail with Professor --

19 MS. DOUKOURE: There is no document.

20 JUDGE WHITBECK: What?

21 MS. DOUKOURE: He's not talking about any specific
22 document.

23 JUDGE WHITBECK: What is this exhibit?

24 DR. PROMISLOW: I thought it had been admitted but
25 apparently it's not. I made a typographical error.

1 MS. DOUKOURE: He moved on.

2 DR. PROMISLOW: I moved on from that.

3 JUDGE WHITBECK: What's that?

4 DR. PROMISLOW: I asked to present that document to
5 the witness under the assumption that it had already been
6 admitted; but it had not been admitted, so I could not
7 present it to the witness because it's in the binder for
8 Professor Akbulut.

9 JUDGE WHITBECK: So therefore?

10 DR. PROMISLOW: Therefore I'm asking her a question
11 about -- she has no document in front of her and I'm asking
12 her an informational question.

13 MS. DOUKOURE: And that information is about CGA
14 grants, what information is shown when you check them, and
15 that information was already provided by both Matt Hedden and
16 Jeff Schenker.

17 DR. PROMISLOW: I maintain the information
18 presented by Matt Hedden and Jeff Schenker is substantially
19 different. They are not experts on the internal documents in
20 the CGA system.

21 MS. DOUKOURE: It doesn't matter. They presented
22 it in their case in chief. She testified in the case in
23 chief. They could have asked her about it at that time if
24 they thought their witnesses had testified incorrectly. That
25 was their witnesses that they questioned that they're now

1 saying testified incorrectly, that they need to question this
2 witness about. That's not proper rebuttal evidence and I'd
3 ask she not be asked those questions.

4 MR. REIFENBERG: We agree with the objection, and
5 rule that you can't provide this evidence.

6 DR. PROMISLOW: Okay.

7 I'd like to present you with the contents of
8 document 3-H.

9 MR. REIFENBERG: 3-H from?

10 DR. PROMISLOW: 3-H from the Charging Party's
11 Rebuttal Binder.

12 MR. REIFENBERG: Just to be clear, a real quick
13 question on Asadi?

14 MS. DOUKOURE: This one (indicating)?

15 DR. PROMISLOW: Yep, that's it. I'm sorry, I'm
16 looking in the wrong place in my binder.

17 BY DR. PROMISLOW:

18 Q. There you go. Do you recognize this document?

19 A. I do.

20 Q. Can you give us an idea what it's about?

21 A. You had inquired on how much was given to Asadi by the
22 department for his housing.

23 I responded with, we paid him -- we paid \$4505.68
24 for his rent.

25 MS. DOUKOURE: Again, object to this as duplicative

1 testimony. How much money was paid for Mr. Asadi's rent --
2 actually how much money was paid and what the purpose was has
3 already been entered into evidence.

4 In fact, Professor Promislow himself testified to
5 that on direct examination and therefore it is improper
6 rebuttal testimony.

7 DR. PROMISLOW: The point was the veracity of the
8 statement and my --

9 MS. DOUKOURE: The veracity was about you lying
10 about it being for insurance and not about housing, this
11 proves that you lied about it twice.

12 MR. REIFENBERG: Finish what you were saying.

13 DR. PROMISLOW: I think I was, that the purpose of
14 submitting this information is to establish in fact \$5,000
15 was transferred at, for Mr. Asadi's benefit to pay for his
16 housing.

17 MS. DOUKOURE: The veracity of the question wasn't
18 about whether or not he paid the money; the veracity of the
19 question went to show whether he lied about the purpose for
20 which he paid the money, and this document proves it.

21 So I'm objecting, even though this actually proves
22 my point, because it is not proper rebuttal testimony.

23 MR. REIFENBERG: He's already testified that he
24 spent it, so we agree with the challenge.

25 DR. PROMISLOW: Okay. One last document.

1 BY DR. PROMISLOW:
2 Q. I'd like to hand you the contents of Tab 5-Q.
3 A. Okay.
4 Q. Do you recognize this document?
5 A. I do.
6 Q. All right. All right. Are you substantially the author of
7 this?
8 A. I am.
9 Q. Can you describe this to us?
10 A. This is a document established for teaching assignments, for
11 deadlines for everything that has to happen in order for the
12 teaching assignments in the math department to be done in a
13 timely fashion.
14 Q. Okay.
15 A. And to meet all the deadlines --
16 MS. DOUKOURE: I'm going to object to this --
17 JUDGE WHITBECK: Let her finish.
18 MS. DOUKOURE: I'm sorry, but I'm objecting to this
19 testimony. Do you want me to let her finish the testimony
20 first?
21 JUDGE WHITBECK: Yes.
22 MS. DOUKOURE: Okay.
23 BY DR. PROMISLOW:
24 Q. Has this document --
25 JUDGE WHITBECK: Stop. She's still --

1 MS. DOUKOURE: She's still testifying.

2 DR. PROMISLOW: I'm sorry.

3 THE WITNESS: So that we can meet all the
4 university deadlines for hiring, for assignment and getting
5 people the access they need so they can teach.

6 MS. DOUKOURE: Okay. I'm going to object now that
7 she's finished. I didn't mean to interrupt you, it's usually
8 important to object.

9 I'm objecting to it on two basic grounds. The
10 first is there has been extensive testimony regarding
11 deadlines for classes. They didn't present any document
12 regarding anything about deadlines. They brought up
13 deadlines in their case in chief with regards to faculty
14 assignments. They could have presented the document then,
15 they didn't, but they testified to it any way. Therefore it
16 is duplicative.

17 And the second ground is that this document itself
18 is irrelevant because this document was created on 1-8-2019
19 for the 2019 math department teaching assignments. Therefore
20 this document doesn't tend to prove or disprove whether or
21 not there was actually any deadlines or any writing of
22 deadlines in 2014, which is the time at issue.

23 DR. PROMISLOW: So there was testimony that the
24 deadlines changed many times, and that the reason for
25 changing of the deadlines was to generate confusion and to

1 control -- to generate confusion amongst students, it was
2 confusing, and that the deadlines served no purpose.

3 MS. DOUKOURE: They testified about their deadlines
4 in the case in chief, and they knew it was going to be an
5 issue because they testified about it in their case in chief.
6 Had they wanted to present proper evidence of what those
7 deadlines were, they could have. They chose not to.
8 Therefore this is inappropriate rebuttal testimony because
9 they could have testified about it, and they didn't.

10 MR. REIFENBERG: We find that it's not relevant.

11 DR. PROMISLOW: Okay. I have no further questions.

12 MR. REIFENBERG: Given that we're about 15 minutes
13 past 12:30 --

14 MS. DOUKOURE: I have literally one question about
15 this, and then this witness I'm presuming will be free to go?

16 DR. PROMISLOW: I'm sure the witness will
17 appreciate it.

18 MS. DOUKOURE: Just for the witness's sake --

19 MR. REIFENBERG: I'm assuming you finished your
20 rebuttal?

21 DR. PROMISLOW: I have finished with this witness.

22 MS. DOUKOURE: I have literally one question, it's
23 with regard to Charging Party 67, it's 3-C in the binder.

24 MR. SMITH: Which binder?

25 MS. DOUKOURE: The red binder. The one you just

1 got, the first document that we saw.

2 REBUTTAL CROSS-EXAMINATION

3 BY MS. DOUKOURE:

4 Q. You recall testifying about this document, correct?

5 A. Correct.

6 Q. Can you read to us -- I lied, three questions. Can you read
7 us the second sentence, not the sentence that says, correct
8 Selman, the one that starts after that?

9 A. There will be approximately 8,000.

10 Q. Yes.

11 A. After providing housing to the visitor, I was simply letting
12 Anne know that 10,000 is available for housing.

13 Q. It says there will be approximately 8,000 after providing
14 funding for the housing for your visitor, does that mean that
15 after providing housing for Asadi and Yasui, that there still
16 is money left in grants?

17 A. I need to read further down if you can give me just a second.

18 Q. I just need you to focus on the top, I'm really just looking
19 for an answer about the statement.

20 The statement says will there be approximately
21 8,000 remaining after providing housing funds for your
22 visitors.

23 Does that indicate to you that there, after the
24 housing, there was still additional funds available in the
25 grants?

1 A. The wording after the e-mail says there will be approximately
2 8,000 remaining after providing housing for your visitor,
3 meaning one.

4 And there is -- below where he wrote -- where
5 Professor Akbulut wrote, there will be 10,000 for Asadi and
6 8,000 towards Yasui. I was simply letting Anne know that
7 10,000 is available for the housing.

8 Q. And then there would be how much left?

9 A. It doesn't -- in this top paragraph it does not say.

10 Q. It doesn't say there will be \$8,000 left?

11 A. She is saying there is \$8,000 remaining to provide housing
12 for the visitor.

13 Q. After providing housing for your visitor?

14 A. There is two visitors, and two dollar amounts.

15 Q. Right.

16 A. So 8,000 for one visitor, 10,000 for the other visitor.

17 Q. Did you produce any documentation that indicates to this
18 tribunal whether \$8,000 was paid out of Professor Akbulut
19 grants for Asadi's housing?

20 A. I have not provided any documentation.

21 Q. Okay.

22 MS. DOUKOURE: I have no further questions.

23 JUDGE WHITBECK: I am absolutely unclear about one
24 issue, and I hate to go here, because I don't want to open up
25 a hornet's nest, but was approximately \$5,000, give or take,

1 paid for the visitor -- visitor Asadi's housing?

2 THE WITNESS: It was.

3 JUDGE WHITBECK: Was it paid for from grant funds

4 administered by Dr. Akbulut?

5 THE WITNESS: The \$5,000 for housing was paid for

6 by the department general fund.

7 JUDGE WHITBECK: Out of the general fund?

8 THE WITNESS: Correct.

9 JUDGE WHITBECK: Not the grant funds?

10 THE WITNESS: Correct.

11 JUDGE WHITBECK: That's all I want to know.

12 MS. DOUKOURE: Okay. No hornet's nest here. Thank

13 you.

14 MR. REIFENBERG: Off the record.

15 (At 12:52 p.m. went off the record.)

16 (At 1:42 p.m. went on the record.)

17 REBUTTAL DIRECT EXAMINATION

18 BY DR. PROMISLOW:

19 Q. Can you state your name and position?

20 A. My name is Richard Hensh. I'm a teaching -- senior teaching

21 specialist and assistant to the chair in the Department of

22 Mathematics.

23 Q. Do your duties include supervision of IT?

24 A. They do.

25 Q. All right. And in what capacity?

1 A. I'm responsible for providing numerous data queries from the
2 university and the department databases. And I have in the
3 past and currently have helped drive new IT projects in the
4 department, whether they be web based or otherwise.

5 Q. Have you interacted with data bases involving SIRS, the
6 student information?

7 A. Yes, I have. SIRS is the Student Instructional Rating
8 System. Yes, I have.

9 Q. Were you instrumental in the conversion from the manual SIRS,
10 paper SIRS forms to the online SIRS forms? Did you have
11 strong interaction there?

12 A. I did. I did not design the questions, but I understand how
13 to get information from both systems.

14 Q. So allegations have come up in this hearing that --

15 MS. DOUKOURE: I'm going to warmly caution
16 Professor Promislow from testifying in this matter. He's
17 testifying as to what was stated.

18 DR. PROMISLOW: Thank you.

19 BY DR. PROMISLOW:

20 Q. Do you have any experience with SIRS data, irregularities in
21 SIRS data that you can tell us about?

22 A. Yes. There -- the department went from paper forms, the
23 bubble sheets in pre-2016 to the online electronic system in
24 the fall of 2016.

25 The previous paper forms I was aware of several

1 irregularities. Would you like me to describe --

2 Q. Yes, please.

3 A. Okay. The paper forms, the faculty were evaluated by
4 students using, for lack of a better term, let's say form
5 two, and graduate students were evaluated using form one.
6 From time to time the graduate student or the faculty member
7 would distribute the wrong forms. So this was an error, a
8 clerical error, I take it.

9 So the scores were -- they still were there but
10 they were kind of worded a little bit differently. They
11 looked at a different set of tables, that's a little
12 technical.

13 Something that I've experienced personally was when
14 the -- when the packets are returned to the faculty member,
15 the faculty member can read the scores that they were given
16 for each of the, usually five or six questions, and they can
17 also read the student comments. And then each packet from
18 the SIRS forms includes a summary of the instructor's ratings
19 for that packet, their averages, and then the overall rating
20 for the instructor's peers for that particular course.

21 Is that reasonably clear so far?

22 Q. So let me direct you in question. Did you have incidents,
23 particularly prior to the online system, where there were
24 irregularities or errors in the SIRS data?

25 A. Yes.

1 Q. Was that common?

2 A. No, I don't think they were common, but they do happen
3 occasionally.

4 Back to what I was saying, the summary sheet given
5 to myself, as it turned out, and another faculty member, the
6 summary data for our peers should have agreed, and it did
7 not. It was a very strange error, one that I could not
8 explain.

9 The error certainly came from the scoring office,
10 which is the office that tallied the paper forms. That's
11 the -- that's the error that I was experiencing firsthand.
12 And that's all I can really testify to with direct knowledge.

13 Q. Okay. Thank you.

14 DR. PROMISLOW: I've got no further questions.

15 MS. DOUKOURE: I wasn't sure if you were done.

16 DR. PROMISLOW: Right. That means three different
17 things.

18 MS. DOUKOURE: Yes, it does.

19 DR. PROMISLOW: I'm done with him.

20 MS. DOUKOURE: While you guys were conversing I
21 wanted to leave room for you to do something else.

22 REBUTTAL CROSS-EXAMINATION

23 BY MS. DOUKOURE:

24 Q. I have only a couple questions for you.

25 Are you familiar with the irregularity -- any

1 irregularities that happened with regards to Professor
2 Akbulut's Math 425 class scoring?

3 A. Yes. We exchanged a couple of e-mails about the
4 irregularities and I -- he asked a few questions, I responded
5 back. I don't know whether that e-mail has been entered into
6 evidence or not.

7 Q. And with these irregularities that are caused by an improper
8 form, would it cause -- or maybe a better question is could
9 it cause the course numbers to be different than what the
10 students placed on the sheet itself?

11 A. It's possible.

12 Q. So if a student filled out a form that said math -- it was
13 for Math 425, would it -- could it place those scores in a
14 Math 490 course?

15 A. Yes. Yes. That's possible.

16 Q. Could that data -- could those numbers also be changed
17 remotely by other people?

18 A. It's possible. They're paper forms.

19 MS. DOUKOURE: I have no further questions.

20 DR. PROMISLOW: I have no redirect, no surrebuttal,
21 no redirect.

22 THE REPORTER: Do you solemnly swear the testimony
23 you are about to give will be the truth, the whole truth and
24 nothing but the truth?

25 DR. PROMISLOW: I do.

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REBUTTAL DIRECT EXAMINATION

BY MS. KELLEY:

Q. Keith, did you ever change any of the SIRS scores regarding any of Professor Akbulut's courses?

A. No, I did not.

Q. Are you familiar with the OIE report involving Professor Wolfson brought by Middle Eastern graduate students?

A. Yes, I am.

Q. Did you receive a copy of that?

A. I did.

MS. DOUKOURE: I'm going to object. This testimony it not proper rebuttal testimony. This witness directed -- answered questions on direct examination by the charging party's counsel, Ms. Kelly, during their principal case in chief about this OIE report. It is improper for them to be bringing that same evidence again on rebuttal.

MS. KELLEY: I do not believe we raised the Professor Wolfson issue at all. That was asked on cross-examination in our case. We did not raise Professor Wolfson's issue. I just have a couple questions that I want to talk to him about.

MR. REIFENBERG: Can you keep the questions limited, please?

MS. KELLEY: Yes, I just have a couple.

BY MS. KELLEY:

1 Q. And what -- remind everyone what the finding was in the case
2 brought against Professor Wolfson.

3 A. Can you be more specific? You're talking about the case
4 against the Middle Eastern --

5 Q. Yes, the one I just mentioned brought by the Middle Eastern
6 graduate students.

7 A. Yeah. There were two principal claims, one of sort of a
8 material discrimination where they were prevented from
9 receiving access to funds or various things people seek, and
10 that part was -- there was no finding on that.

11 There was a second finding about issues of
12 discrimination and generating a hostile work environment, and
13 there were findings on that issue.

14 Q. Can you turn to 4-B in the Rebuttal Binder? Do you have it
15 with you there?

16 A. I do not have a copy.

17 Q. I'll bring you mine.

18 MS. DOUKOURE: That's B?

19 MS. KELLEY: 4-B as in boy.

20 BY MS. KELLEY:

21 Q. Can you identify that?

22 A. I can.

23 Q. And what is it?

24 A. This is the Letter of Reprimand that was issued to Professor
25 Jon Wolfson following the OIE finding and it's dated November

1 30, 2015.

2 Q. Can you explain the decision to give Professor Wolfson a
3 Letter of Reprimand?

4 A. Well the basis was the finding of the OIE report which showed
5 that he created a hostile environment, that was in violation
6 of Michigan State University's antidiscrimination policy.

7 Q. Why was a Letter of Reprimand sufficient in your mind?

8 A. Well this was clearly a first event -- first offense in this
9 category. Professor Wolfson had been working -- had taken
10 the position of graduate director, as I became chair, and we
11 had been given a substantial indication from the college that
12 they felt that our graduate program needed to be improved;
13 particularly the time to degree was too long, and we were
14 also in a bit of a crisis because we were having trouble
15 tracking students.

16 And so we engaged on a very ambitious attempt to
17 rebuild the graduate program, basically from A to Z, sort of
18 once-in-a-generation sort of thing you might do.

19 And one of the first issues that Professor Wolfson
20 had to deal with was the issue of eight students who were not
21 in good standing, had been in the program for three or four
22 years and had not yet passed the qualifying exams, which
23 meant that four years involved -- four years into the program
24 they did not yet know if they would remain in the program.
25 And so he had to deal with these students.

1 So his first step was to give these students, these
2 eight students, set for them a final chance to take
3 qualifying exams, and then it would either be in or out. And
4 it was the interactions with these students, four were
5 domestic, four were international, that precipitated the
6 claims.

7 Many of the claims originated from the interaction
8 with students. And so my feeling was that he was not
9 deliberately trying to generate a hostile environment, but it
10 was rather a lack of skill and judgement in his interactions,
11 which was, which I found very regrettable. But it was not an
12 overt to attempt to go out and generate a hostile
13 environment. It was a lack of skills in handling situations
14 that are difficult, telling students that they may not be in
15 a program in which they were a third or fourth year, it's
16 very difficult.

17 What he failed to see was that it was much more
18 difficult for an international student to hear than for a
19 domestic student.

20 MS. DOUKOURE: I object to him testifying about
21 what Professional Wolfson failed to understand, because he
22 can't. He doesn't know what Professor Wolfson understood.
23 And the OIE report found that he clearly engaged in
24 discriminatory behavior in violation of the university
25 policy.

1 MS. KELLEY: I think we're ready to move on anyway.

2 THE WITNESS: Can I address another point in the
3 letter?

4 BY MS. KELLEY:

5 Q. Yes, go ahead, what else do you have to say about it?

6 A. At the end of the letter, I recognized the seriousness of the
7 situation, and I required that he take a prohibitive
8 harassment training, that I installed an associate director
9 for the graduate program who would be responsible for
10 interacting with graduate students. So any graduate students
11 who felt they were not comfortable speaking with Professor
12 Wolfson had someone else to go to.

13 And I clearly indicated that further incidents of
14 insensitivity would be grounds for more serious interaction.
15 So that was the first response and subsequent responses would
16 be more serious.

17 Q. Did he take that training?

18 A. He did.

19 Q. Did he accept his penalty?

20 A. He did.

21 Q. He did not complain about it to others in the math
22 department?

23 A. He did not. And he had no subsequent -- there has been no
24 subsequent findings against Professor Wolfson.

25 Q. Did he receive a zero percent raise for that or just the

1 Letter of Reprimand? I don't know the answer to that.

2 A. He did not receive a zero percent raise. He did -- he
3 received a Letter of Reprimand which was an official letter
4 in his file.

5 Q. Thank you.

6 Regarding the two pages of the preliminary OIE
7 report that are in evidence, I'm sorry, I don't know the
8 exhibit number, whereby you were a respondent in that OIE
9 case, correct?

10 A. There is a -- there are many OIE cases. There was a case,
11 but only one with finding.

12 So I think you're talking about the case with the
13 four claimants who -- no, that's the case with Wolfson --
14 there was Wolfson and Promislow; and then Wolfson, Promislow,
15 Schenker and Kirkpatrick.

16 Q. Regardless, in either of those cases in which you were
17 responding, there was not a finding?

18 A. There was no finding.

19 Q. So that was really horribly stated.

20 Was there a finding in either of the OIE cases in
21 which you were a respondent?

22 A. No. All OIE cases in which I was a claimant -- in which I
23 was a --

24 Q. No. I'm talking about the ones where you were a respondent,
25 Keith.

1 A. I'm sorry. A respondent is a --

2 Q. A respondent in an OIE case is the one accused of behavior.

3 A. Oh, I'm sorry. I transposed the word claimant and
4 respondent, my apologies.

5 In all cases in which I was a respondent, there was
6 no finding.

7 Q. There has never been an OIE finding against you?

8 A. There has never been an OIE finding against me.

9 Q. Okay.

10 JUDGE WHITBECK: Excuse me for a second.

11 MS. KELLEY: I don't have any further questions.

12 JUDGE WHITBECK: For the sake of the record, I
13 think there are case numbers assigned to OIE cases, right?

14 MS. KELLEY: There may be, I just can't locate the
15 two pages that were -- I can find it, if the committee feels
16 it's important.

17 MS. DOUKOURE: To be honest with you, the real
18 issue is the two OIE complaints filed by Professor Akbulut,
19 and -- one by him and one by him and several other faculty,
20 we don't have the final copy of it, so it doesn't have the
21 information on it.

22 But he's testified -- we've had testimony about it.
23 And we can only identify it as the two OIE reports. So --

24 JUDGE WHITBECK: Stop for a minute.

25 There is one exhibit of a final investigative

1 report, FM-21. It has a case number 02078-2018.

2 MS. DOUKOURE: Yes.

3 JUDGE WHITBECK: Is that the --

4 MS. KELLEY: No, Professor Promislow is not a
5 respondent in that OIE case.

6 JUDGE WHITBECK: All right. There is another OIE
7 case, do you know the case number?

8 MS. KELLEY: No, I do not.

9 JUDGE WHITBECK: Okay. It's not in evidence?

10 MS. KELLEY: Two pages of the preliminary report
11 where Professor Promislow is a respondent are in evidence.

12 JUDGE WHITBECK: But we don't know the case number?

13 MS. DOUKOURE: No.

14 BY MS. KELLEY:

15 Q. Keith, did you receive a final version of that report, the
16 same report that has the two pages that are in evidence?

17 A. I believe I've received a final version of every report in
18 which I've been named, so, yes, I should have one.

19 Q. And there were no findings against you in the final reports?

20 A. No. There are no findings against me in any OIE
21 investigations.

22 MS. KELLEY: Thank you.

23 MS. DOUKOURE: I have two minor questions. Maybe
24 seven, depending on how they turn out.

25 REBUTTAL CROSS-EXAMINATION

1 BY MS. DOUKOURE:

2 Q. Were you a respondent in the OIE investigation against

3 Professor Wolfson?

4 A. No, I was not a respondent in the OIE investigation that

5 implicated Professor Wolfson.

6 Q. But you testified in that investigation, correct?

7 A. I provided testimony in it, yes.

8 Q. Okay.

9 A. That's a distinction.

10 Q. Sure. And it's your testimony that he was found to have

11 engaged in harassing or discriminatory behavior in violation

12 of MSU's policy, correct?

13 A. That was the statement in the finding, yes.

14 Q. And it's your testimony here today that that finding was a

15 result of his conduct with students, correct?

16 A. Primarily with students, and one or two faculty members, if I

17 remember all the events correctly.

18 Q. And it was your statement that he had not intentionally tried

19 to engage in creating that hostile environment, but that he

20 had a lack of proper ability to, self awareness of what he

21 was doing? Is that fair to say?

22 A. I would say it's difficult, as it has been pointed out many

23 times to gauge people's intent.

24 Q. Right.

25 A. But I do know that Professor Wolfson -- Professor Wolfson has

1 a noted inability to engage in what is often considered
2 socially acceptable conversation.

3 Q. And that's also one of the findings, is it not? Or it's
4 discussed in that report, isn't it?

5 A. I don't think it's particularly -- I don't think that the
6 finding emphasizes that he's -- I don't know quite what the
7 right word is, rude is maybe the colloquialism. But it's the
8 behavior that he -- the actions that he takes that he was
9 censored for, rather than his skill sets.

10 So he was censored for actions which -- statements
11 which were very regrettable.

12 Q. And is his inappropriate or, as you characterized it, rude
13 behavior well known in the department?

14 A. He has a pension for being -- yes, I would say it's
15 relatively known.

16 Q. Does he have a pension for rubbing people the wrong way?

17 A. Rubbing people the wrong way?

18 Q. Yes, are you familiar with that colloquialism?

19 A. I am. There are times that he can, yes. That can be true.

20 Q. It's your assertion you've offered him training, correct?

21 A. As part of the reprimand he was instructed to take training,
22 yes.

23 Q. Did you provide Professor Akbulut with any training prior to
24 any of these proceedings?

25 A. No, I did not provide --

1 MS. DOUKOURE: I have no further questions.
2 MS. KELLEY: I'm sorry, I don't have any questions
3 for you.
4 You're done.
5 MR. REIFENBERG: Any questions?
6 MR. STRASBURG: No.
7 MR. SMITH: No.
8 (At 2:04 p.m. went off the record.)
9 (At 2:10 p.m. went on the record.)
10 MR. REIFENBERG: So do you have another witness?
11 DR. PROMISLOW: We do not at this time.
12 MR. REIFENBERG: So you've finished your rebuttal?
13 DR. PROMISLOW: We are done with rebuttal.
14 MS. DOUKOURE: I have nothing further at this time.
15 MR. REIFENBERG: Then I guess the next step is --
16 you wouldn't want to start your final arguments today?
17 MS. KELLEY: We do not.
18 DR. PROMISLOW: We do not.
19 MR. REIFENBERG: So next Monday, 9:30 in the Hannah
20 building, do you know where that is?
21 MS. DOUKOURE: That's where we had our meeting
22 before.
23 (At 2:11 p.m. went off the record.)
24 (At 2:13 p.m. went on the record.)
25 MR. REIFENBERG: Just to clarify the record with

1 respect to closing arguments, charging party gets closing
2 argument, respondent --

3 MS. DOUKOURE: Yes.

4 MR. REIFENBERG: -- faculty member gets their
5 closing argument. And the idea is to try to keep all that --
6 try to keep each of the arguments within an hour's time.

7 MS. DOUKOURE: I think that's fair.

8 MS. KELLEY: I just want to clarify also that --

9 MR. REIFENBERG: It doesn't say the hours on the
10 guidelines, but it does say within an hour I think on the
11 policies.

12 MS. DOUKOURE: Sure.

13 MS. KELLEY: Something says an hour, I think it's
14 the Administrative Order perhaps.

15 MR. REIFENBERG: The guidelines didn't say that, we
16 didn't specify.

17 MS. KELLEY: No, and neither does the policy.

18 However I do want to state that we have a
19 PowerPoint presentation, and the -- which will be tweaked.
20 It's already in binders, but of course it's not going to
21 reflect the actual events here. So I just wanted to let you
22 know that we will be --

23 MR. REIFENBERG: What you present will be part of
24 the record, not the stuff that's in the binder.

25 MS. DOUKOURE: I'm going to object anyway to the

1 use of PowerPoint presentations.

2 MS. KELLEY: Why?

3 MS. DOUKOURE: Because it's not testimonial in
4 nature. Oral arguments are by way of nature oral arguments.

5 MS. KELLEY: I think the policy allows for a
6 PowerPoint presentation.

7 I think it's just an aid for the committee. I'm
8 not asking that the PowerPoint be evidence for the committee.

9 MS. DOUKOURE: It's not going to be admitted as a
10 exhibit?

11 MS. KELLEY: No. It's in our binder.

12 MS. DOUKOURE: If it's not going to become part of
13 the actual transcripts, like the actual physical --

14 MS. KELLEY: No.

15 MS. DOUKOURE: -- then I don't mind.

16 MR. REIFENBERG: It's just for purposes
17 of presentation.

18 MS. KELLEY: It's for demonstrative purposes only.

19 MS. DOUKOURE: I'm sorry.

20 MR. REIFENBERG: We don't have chalkboards.

21 All right. So we will see you all at 9:30 a.m. on
22 Monday.

23 Anything we need to know about parking near the
24 Hannah building?

25 Off the record.

1 (At 2:16 p.m. went off the record.)
2 (At 2:20 p.m. went on the record.)
3 (At 2:20 p.m. Exhibit CP-69 marked.)
4 MS. DOUKOURE: We just would like the record to
5 reflect that the last document testified to by Professor
6 Promislow has been admitted as CP-69.
7 Thank you.
8 (Proceedings adjourned at 2:21 p.m.)
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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 126 pages, is a complete, true and correct record, to the best of my ability, of the Dismissal for Cause Hearing held on August 23, 2019.

DATE: August 27, 2019



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