

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 SHERMAN DIVISION
4
5 TIMOTHY JACKSON, *
6 *
7 Plaintiff, *
8 *
9 VS. * CASE NO. 4:21-CV-00033-ALM
10 *
11 LAURA WRIGHT, ET AL., *
12 *
13 Defendants. *

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15
16
17 ORAL AND VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
18 JENNIFER COWLEY
19 SEPTEMBER 26, 2024

20
21 ORAL AND VIDEOTAPED VIDEOCONFERENCE
22 DEPOSITION OF JENNIFER COWLEY, produced at the instance
23 of the Plaintiff, and duly sworn, was taken in the
24 above-styled and numbered cause on the 26th day of
25 September, 2024, from 9:04 a.m. to 2:58 p.m., before
26 Carla A. Sims, AAS, CSR, RPR, in and for the State of
27 Texas, reported by method of machine shorthand, via Zoom
28 videoconference, pursuant to the Federal Texas Rules of
29 Civil Procedure and the provisions stated on the record
30 or attached hereto.

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REPORTER'S NOTE

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13 Please note that due to the quality
14 of the transmission data for a Zoom videoconference,
15 cross-talk causes audio distortion in the testimony when
16 preparing a videoconference transcript.

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A P P E A R A N C E S

1 ALL PARTIES AND WITNESS APPEARED VIA
2 ZOOM VIDEOCONFERENCE

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<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">5</p> <p>1 PROCEEDINGS</p> <p>2 (Time 9:04 a.m.)</p> <p>3 VIDEOGRAPHER: Today is September 26th,</p> <p>4 2024. The time is 9:04 a.m. Central. We're on the</p> <p>5 record.</p> <p>6 (The witness was sworn)</p> <p>7 MR. ALLEN: Do you want the attorneys to</p> <p>8 all state their name for the record?</p> <p>9 COURT REPORTER: That would be fine.</p> <p>10 MR. ALLEN: This is Michael Thad Allen for</p> <p>11 the Plaintiff Timothy Jackson.</p> <p>12 MS. QUIMBY: This is Mary Quimby,</p> <p>13 Assistant Attorney General with the Texas Attorney</p> <p>14 General's Office. I represent the defendants in this</p> <p>15 matter and Jennifer Cowley in this deposition.</p> <p>16 MR. STOWERS: Renaldo Stowers, Deputy</p> <p>17 General Counsel for the University of North Texas System.</p> <p>18 MR. BOSEMAN: Shelby Boseman, Chief Legal</p> <p>19 Officer at the University of Texas at Arlington.</p> <p>20 JENNIFER COWLEY,</p> <p>21 having been first duly sworn, testified as follows:</p> <p>22 EXAMINATION</p> <p>23 BY MR. ALLEN:</p> <p>24 Q. Thank you, President Cowley. As you just</p> <p>25 heard, I represent Timothy Jackson in this case. Thank</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">7</p> <p>1 A. Yes.</p> <p>2 Q. You don't recall the name of that employee?</p> <p>3 A. I don't remember their exact name.</p> <p>4 Q. If you don't remember their exact name, do you</p> <p>5 know the name and as much as you can remember?</p> <p>6 A. They were an employee in the College of</p> <p>7 Engineering.</p> <p>8 Q. What was the nature of the suit? And I'm just</p> <p>9 asking for your -- I'm sorry. I'm just asking for your</p> <p>10 understanding, not, you know, the legal definition. But</p> <p>11 do you understand the -- give me your understanding,</p> <p>12 please, of the nature of the suit.</p> <p>13 A. It was a personnel related lawsuit.</p> <p>14 Q. When you say that, personnel related, what do</p> <p>15 you mean?</p> <p>16 A. Related to work conditions.</p> <p>17 Q. Was it a discrimination suit?</p> <p>18 A. Discrimination was one of the accusations by</p> <p>19 the plaintiff.</p> <p>20 Q. On the basis of what?</p> <p>21 A. I believe it was on the basis of national</p> <p>22 origin.</p> <p>23 Q. What was the professor's national -- or excuse</p> <p>24 me. Strike that, please.</p> <p>25 What was the employee's national origin, if you</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">6</p> <p>1 you for attending the deposition today. Could I just ask</p> <p>2 you to state your name for the record, please.</p> <p>3 A. It's Jennifer Cowley, and last name is spelled</p> <p>4 C-o-w-l-e-y.</p> <p>5 Q. So just as a preliminary matter, I just wanted</p> <p>6 to go over some of the so-called rules of the road in a</p> <p>7 deposition. Have you ever been deposed before?</p> <p>8 A. I have.</p> <p>9 Q. When were you deposed?</p> <p>10 A. I don't recall the exact year. Around 2018 or</p> <p>11 2019.</p> <p>12 Q. What was the matter in which you were deposed?</p> <p>13 The case, legal matter?</p> <p>14 A. It was a legal matter related to the University</p> <p>15 of North Texas.</p> <p>16 Q. Can you identify the case?</p> <p>17 A. I would not be able to give you a case number.</p> <p>18 Q. Do you know the parties?</p> <p>19 A. I recall generally the nature of the matter but</p> <p>20 wouldn't be able to give you the exact names. That would</p> <p>21 be -- have to be something to look up.</p> <p>22 Q. Was the University of North Texas being sued?</p> <p>23 A. Yes.</p> <p>24 Q. Was the University of North Texas being sued by</p> <p>25 one of its own employees?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">8</p> <p>1 recall.</p> <p>2 A. I don't recall their exact national origin.</p> <p>3 Q. And the employee we're talking about, just</p> <p>4 remind me, was the plaintiff or a witness?</p> <p>5 A. Can you repeat the question?</p> <p>6 Q. The employee in this case that you -- we've</p> <p>7 been talking about, this was the plaintiff in the case?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. So you've mentioned this case in 2018,</p> <p>10 2019 in which you testified. Were there any other</p> <p>11 depositions that you gave in your -- in the past?</p> <p>12 Excuse me.</p> <p>13 A. No.</p> <p>14 Q. Well, since you've been deposed before, some of</p> <p>15 the things I'll say now are probably -- are things that</p> <p>16 you heard about in your first deposition back in 2018 or</p> <p>17 2019. And some of the problems I think we've already</p> <p>18 encountered, but we'll just go over these rules or</p> <p>19 instructions, if you will.</p> <p>20 First I'm going to ask you a question. Is</p> <p>21 there anything that would prevent you from testifying</p> <p>22 truthfully today?</p> <p>23 A. No, there is not.</p> <p>24 Q. You're not on any medications?</p> <p>25 A. No medications.</p>

1 Q. You're not suffering from an illness or a
2 mental condition that would impair your memory or ability
3 to testify?

4 A. No.

5 Q. One thing that may happen from time to time
6 today is your attorney will object. That's part of
7 creating a record for the court. It does not relieve you
8 of the obligation to answer the question truthfully. Is
9 that understood?

10 A. Yes.

11 Q. There are some few exceptions. They will be
12 very clear if they come up because your attorney will
13 instruct you not to answer a question. But those are --
14 usually doesn't come up, but if it does, trust me. It
15 will be very clear.

16 If you don't understand a question or you want
17 clarification of a question that I ask, please interrupt
18 me at any time. That's perfectly normal. It's probably
19 because I posed an unclear question. And I want you to
20 be able to answer the question clearly as well. Is that
21 clear?

22 A. Yes.

23 Q. By the same token, if you do not ask for
24 clarification of a question, I'll understand from that
25 that you comprehend the question as asked. Is that

1 understood?

2 A. Yes.

3 Q. Can you explain for the court what you did to
4 prepare for today's deposition but with one exception.
5 I'm not going to ask you what your attorneys and you
6 discussed in terms of legal advice.

7 Although it is not privileged to state that you
8 met with your attorney, I'm not going to ask what they
9 said. So with that as a caveat, let me rephrase the
10 question. Can you explain what you have done to prepare
11 for today's deposition?

12 A. For today's deposition I reviewed the Ad Hoc
13 Review Panel Report that was prepared.

14 Q. Did you review any other documents?

15 A. I did not.

16 Q. And I think we'll get to this, but you're
17 referring to the Ad Hoc Panel Report that was issued on
18 November 25th, 2020?

19 A. Correct.

20 Q. Okay. You didn't review any of your
21 correspondence?

22 A. I did not.

23 Q. Did you speak to anyone in preparation for your
24 deposition today?

25 A. Only legal counsel.

1 Q. By legal counsel, do you mean Mary Quimby?

2 A. Correct.

3 Q. Did you also speak with Renaldo Stowers?

4 A. I did.

5 Q. And approximately how long did you meet with
6 your attorneys?

7 A. An hour or an hour and a half in total.

8 Q. Was the University of Texas Arlington counsel,
9 I believe Shelby Boseman, in attendance?

10 A. He was.

11 Q. Any other attorneys in attendance during your
12 preparation?

13 A. There was one other, Ben. I'm sorry. I don't
14 remember Ben's last name.

15 Q. If I said Walton, would that refresh your
16 memory?

17 A. Yes. That sounds correct.

18 Q. We probably know Ben Walton better than you do
19 by now.

20 A. I'm sure.

21 Q. And all of these attorneys are employed by the
22 State of Texas in one capacity or another?

23 A. Correct.

24 Q. To the best of your knowledge, they're all paid
25 for by the taxpayers of Texas?

1 A. I couldn't speak to the source of funding for
2 any individual position.

3 Q. Are you aware of any private funding for the
4 defense of this lawsuit?

5 A. I am not.

6 Q. I want to ask you now about your career and
7 qualifications as a kind of introductory part of our
8 deposition. But the first question I guess I want to ask
9 is you were provost in 2020 at the University of North
10 Texas, right?

11 A. That's correct.

12 Q. And at some time between now and then, you left
13 the University of North Texas, right?

14 A. Correct.

15 Q. Can you state for the record when you left the
16 University of North Texas and why?

17 A. I left in the year of 2022 to become the
18 President at the University of Texas at Arlington.

19 Q. Is the University of Texas at Arlington a
20 different university system from the University of North
21 Texas?

22 A. It is. That's correct. It's a different
23 system.

24 Q. And so just to sum up, they're freestanding
25 university systems, correct?

<p><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">13</p> <p>1 A. Correct.</p> <p>2 Q. Since you left in 2022, you were aware of this</p> <p>3 lawsuit at the time you departed for the University of</p> <p>4 Texas at Arlington, right?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Can you briefly describe your</p> <p>7 educational career? By that I mean the degrees you've</p> <p>8 earned, what schools you attended, when you graduated</p> <p>9 starting with your undergraduate degree to the present?</p> <p>10 A. Sure. I received a Bachelor of Science in</p> <p>11 Political Science from Texas A&M in 1994, a Master's of</p> <p>12 Urban Planning degree from Texas A&M University in 1996,</p> <p>13 a Master's of Public Administration degree from the</p> <p>14 University of North Texas in 1997, a Ph.D. degree from</p> <p>15 Texas A&M University in 2000.</p> <p>16 And then later, I believe it was in 2020, a</p> <p>17 Master's of Interdisciplinary Studies degree from the</p> <p>18 University of North Texas.</p> <p>19 Q. I think you mentioned a Ph.D. at Texas A&M</p> <p>20 University, right?</p> <p>21 A. That's correct.</p> <p>22 Q. What was that in?</p> <p>23 A. It was in Urban and Regional Science.</p> <p>24 And I'm going to ask for just a very brief</p> <p>25 pause so I can shut a door. There is some noise in the</p>	<p><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">15</p> <p>1 Q. You finished that degree in 1997.</p> <p>2 A. Yes.</p> <p>3 Q. Then you went to the Ph.D. in Urban and</p> <p>4 Regional Science. Is that what it was?</p> <p>5 A. That's correct.</p> <p>6 Q. And that was also at Texas A&M?</p> <p>7 A. That's correct.</p> <p>8 Q. You got -- earned that degree in 2000?</p> <p>9 A. That's correct.</p> <p>10 Q. Did you go directly from the Public</p> <p>11 Administration program at the University of North Texas</p> <p>12 after graduation into the Ph.D. program?</p> <p>13 A. I did not. I worked professionally as a city</p> <p>14 planner for the City of Amarillo for a brief time before</p> <p>15 I returned to get my Ph.D.</p> <p>16 Q. Okay. So you were not in academia at that</p> <p>17 time?</p> <p>18 A. At what time?</p> <p>19 Q. In that period between earning the 1997 Public</p> <p>20 Administration Degree and returning for your Ph.D.</p> <p>21 A. Correct. In 1997 I was employed by the City of</p> <p>22 Amarillo.</p> <p>23 Q. So then there was about a 20 year period</p> <p>24 between the Ph.D. and your return to get a Master's in</p> <p>25 Interdisciplinary Studies?</p>
<p><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">14</p> <p>1 backgrounded that I'd like to shut out if that's okay.</p> <p>2 Q. Before you go, if you want a break at any</p> <p>3 time -- I should have said this -- feel free to ask.</p> <p>4 This is appropriate obviously but if you need -- you</p> <p>5 know, obviously yes. So do we need to go off the record,</p> <p>6 or it's just on the other side of the room or whatnot?</p> <p>7 A. It's on the other side of the room. I'll be</p> <p>8 back in 30 seconds, I think.</p> <p>9 Q. Okay. Yeah. That's fine.</p> <p>10 A. Okay.</p> <p>11 Q. Thank you. So let me see if I've got this</p> <p>12 right. You had a poli-sci degree from Texas A&M, your</p> <p>13 undergraduate degree, in 1994?</p> <p>14 A. That's correct.</p> <p>15 Q. And that was a BS?</p> <p>16 A. Correct.</p> <p>17 Q. Then you went on to get a Master's Degree in</p> <p>18 Urban Planning in 1996?</p> <p>19 A. That's correct.</p> <p>20 Q. Did I hear rightly that was also at Texas A&M?</p> <p>21 A. Correct.</p> <p>22 Q. Then immediately thereafter, you got a Master's</p> <p>23 in Public Administration but this time from the</p> <p>24 University of North Texas, right?</p> <p>25 A. That's correct.</p>	<p><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">16</p> <p>1 A. Correct.</p> <p>2 Q. And that last degree was earned at the</p> <p>3 University of North Texas?</p> <p>4 A. That's correct.</p> <p>5 Q. And I assume but I'm going to ask was that</p> <p>6 while you were also working as the provost for the</p> <p>7 University of North Texas?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. Thank you. So some of this you've now</p> <p>10 just answered, but can you describe your professional</p> <p>11 career in academia starting with your first job and up</p> <p>12 through the present?</p> <p>13 A. Correct. I worked as a research scientist for</p> <p>14 Texas A&M University. And then I went to Ohio State</p> <p>15 University where I served as a faculty member moving from</p> <p>16 the rank of assistant professor up to full professor.</p> <p>17 I served in a variety of administrative roles</p> <p>18 including as the Head of the City and Regional Planning</p> <p>19 Program, Associate Dean of the College of Engineering,</p> <p>20 Vice Provost in the Office of the Provost of Ohio State</p> <p>21 University.</p> <p>22 I then left Ohio State University in 2017 to go</p> <p>23 to the University of North Texas to become the provost</p> <p>24 where I served for approximately five years before moving</p> <p>25 to the University of Texas at Arlington in 2022 to become</p>

1 the president.

2 Q. So when -- when did you enter the faculty at
3 Ohio State? What year?

4 A. 2001.

5 Q. And you were a faculty in what department?

6 A. City and Regional Planning.

7 Q. Was that in the Engineering School?

8 A. It was in the School of Architecture which is
9 in the College of Engineering.

10 Q. Thank you. And then you became an associate
11 dean, correct?

12 A. After I was the Head of the City Planning
13 Program, I became the Associate Dean.

14 Q. And remind me. Associate Dean of what?

15 A. Academic Affairs.

16 Q. And when did you assume that position?

17 A. I believe it was around 2011.

18 Q. And then you became the Vice Provost at the
19 Ohio State University?

20 A. Yes.

21 Q. When did you become the -- excuse me -- Vice
22 Provost?

23 A. 2014.

24 Q. What were your duties as Vice Provost?

25 A. I had a range of duties that included capital

1 planning for the university as well as responsibility for
2 the regional campuses of the university.

3 Q. Does capital planning mean overseeing
4 construction of new building, investment in
5 infrastructure, things like that?

6 A. Correct. Just to clarify, it would be the
7 planning for those new facilities.

8 Q. Thank you. When you took the job at the
9 University of Texas Arlington as president, did you
10 consider that a promotion or an advancement? Let's say
11 an advancement in your career?

12 A. It was an advancement opportunity.

13 Q. Did you receive that advancement opportunity
14 based in part on your track record at the University of
15 North Texas as a provost?

16 MS. QUIMBY: Objection, form.

17 You can answer.

18 A. You would have to ask the Board of Regents why
19 they chose to hire me, but I think it is reasonable that
20 my track record was a reason for selection.

21 Q. (By Mr. Allen) Thank you. And I'm assuming you
22 did extensive interviews for that job?

23 A. Correct.

24 Q. Did they ask you about your experience and
25 accomplishments as the Provost of the University of North

1 Texas?

2 A. Correct.

3 Q. Extensively?

4 A. In the interviews, I pulled from the range of
5 experiences across my career at both the University of
6 North Texas and Ohio State University.

7 Q. Did you discuss this lawsuit with anyone at the
8 University of Texas Arlington during the interview
9 process?

10 A. I disclosed any legal matters with the Vice
11 Chancellor of Academic Affairs prior to my hiring.

12 Q. Did you just disclose it, or was it also
13 discussed?

14 A. I believe the vice chancellor asked a couple of
15 questions regarding the nature of the matters.

16 Q. What did you tell him?

17 A. I described the basics of the case, that there
18 was pending litigation and the basic nature.

19 Q. Well, why don't you state for the record what
20 you understand the basic nature of the case to be and
21 what parts of that you discussed with the people at
22 University of Texas Arlington?

23 MS. QUIMBY: Objection, form.

24 You can answer.

25 A. I explained that it was a matter involving a

1 faculty member who raised concerns about the way that his
2 journal was handled. And I believe that at the time, I
3 shared an example news article that described the basic
4 nature of Dr. Jackson's arguments.

5 Q. (By Mr. Allen) Which news article are you
6 referring to?

7 A. I believe I shared the New York Times article
8 on the matter.

9 Q. And if you remember, is that the article by
10 Michael Powell, the journalist Michael Powell?

11 A. I have no recollection of who the author is.

12 Q. Did you discuss the allegations that Professor
13 Jackson was making concerning the infringement of his
14 First Amendment rights?

15 MS. QUIMBY: Objection, form.

16 You can answer.

17 A. I did state that this was a First Amendment
18 case.

19 Q. (By Mr. Allen) Did you discuss with people at
20 the University of Texas Arlington that the journal
21 Professor Jackson has published has been prevented from
22 further publication by the University of North Texas?

23 MS. QUIMBY: Objection, form.

24 You can answer.

25 A. We did not discuss any details. I did share

1 with Shelby Boseman pending litigation, but that's the
2 only person I had any discussion with.

3 **Q.** (By Mr. Allen) And I'm sorry. I should have
4 said that. He didn't object or I'm assuming those were
5 not privileged conversations because I'm not asking about
6 it since he's counsel. But that was during your
7 interview?

8 **A.** No. That was after -- Shelby Boseman was not
9 involved in my interview process.

10 **Q.** Okay.

11 **A.** It was after I started at UTA.

12 **Q.** Okay. But in your interview process, it was
13 not discussed that the Journal of Schenkerian Studies,
14 which is the journal in question, had ceased publication?

15 **A.** There was no detailed conversations about the
16 Journal of Schenkerian Studies or Dr. Jackson. I simply
17 disclosed that there was pending litigation.

18 **Q.** Now, I understand you said before, you're not
19 aware of whether or not the Texas taxpayers pay the four
20 attorneys who are here attending your deposition. But
21 they do -- you do know that the university -- excuse me.
22 That your salary is paid by the Texas taxpayers, right?

23 MS. QUIMBY: Objection, form.

24 You can answer.

25 **A.** My salary is in part paid by the taxpayers and

1 in part paid by tuition dollars of students who attend
2 the University of Texas at Arlington.

3 **Q.** (By Mr. Allen) That they pay to the state,
4 right?

5 MS. QUIMBY: Objection, form.

6 **A.** The students pay those dollars directly to the
7 university. The university is a state institution.

8 **Q.** (By Mr. Allen) Thank you. Would you answer the
9 same if I asked you about your salary when you were the
10 Provost of the University of North Texas?

11 **A.** It would be a similar answer, yes.

12 **Q.** And the University of North Texas is also a
13 state institution, right?

14 **A.** That's correct. It's a state supported
15 institution.

16 **Q.** I assume over the course of your academic
17 career, going back to that, that you've published
18 scholarship?

19 **A.** Correct.

20 **Q.** And I understand these are very different
21 fields from the field of music theory. Can you explain
22 for the record how many publications you have?

23 **A.** I couldn't tell you an exact number. It's many
24 publications, many journal publications and other forms
25 of publications.

1 **Q.** Sure. Well, let's start with journal
2 publications. And I understand that you may not know the
3 exact number. That's perfectly normal. But could you
4 just state for the record approximately how many journal
5 articles you've published in academic journals?

6 **A.** I'll say as an order of magnitude, maybe 40
7 journal articles.

8 **Q.** And when you said other forms of publications,
9 have you published chapters in academic books?

10 **A.** Yes.

11 **Q.** About how many?

12 **A.** Maybe half a dozen.

13 **Q.** Have you published any academic books?

14 **A.** I have.

15 **Q.** How many?

16 **A.** I've served as the editor for a couple of
17 volumes, maybe four.

18 **Q.** And you know as the provost and president of an
19 academic institution what a monograph refers to, right?

20 **A.** Yes.

21 **Q.** Can you state for the record what academics
22 mean when they say a monograph?

23 **A.** A common word would be book that one has
24 published and written themselves or with coauthors.

25 **Q.** Okay. So have you published any monographs?

1 **A.** I have not.

2 **Q.** As opposed to an edited volume of -- it's
3 loosely -- a monograph is usually a book that addresses a
4 specific scholarly subject and coherently by the single
5 author, right?

6 **A.** Correct. With other authors.

7 **Q.** Right. And obviously could coauthor. But
8 we're not talking about a collection of different essays
9 addressing -- addressing different topics, right?

10 **A.** Correct.

11 **Q.** And so I only ask that because I think most
12 people who aren't in the world of academia, don't -- you
13 know, they don't just go to the book store and buy a
14 quote "monograph." So now that that's cleared, did I ask
15 if you've published a monograph?

16 **A.** I have not published a monograph.

17 **Q.** Okay. And now, of course, it's obviously an
18 extensive publication record which is unsurprising for
19 someone who's achieved what you have. Have you ever
20 published articles that were not peer reviewed?

21 **A.** I have.

22 **Q.** And again I'm not asking for an exact number on
23 the dot, but approximately how many were not peer
24 reviewed?

25 **A.** I'll offer some clarification. So I

1 believe --

2 **Q.** Sure.

3 **A.** -- one was published in a journal. I have many
4 that were published for professional publications such as
5 magazines.

6 **Q.** I was just going to ask what do you mean by
7 professional publications?

8 **A.** For example, professional magazines, news
9 letters, things of that nature that are published by
10 professional societies. You know, my discipline of city
11 planning, there are people who are city planners that
12 practice professionally, and so it's writing to that
13 professional practice audience.

14 **Q.** And so I -- I mean, in a way law school is the
15 same way, right, but at different. So you -- I'm just
16 trying to get a handle on this. Do academics also turn
17 to professional publications as a source of scholarship?

18 **A.** Depending on their discipline.

19 **Q.** Well, in your discipline.

20 **A.** In my discipline of city planning, it would be
21 common to write both for a scholarly audience as well as
22 to have publications for a professional audience. And
23 they would publish in a wide range of outlets, for
24 example, law journals, city planning journals, history
25 journals. It would range depending on their

1 specialization.

2 **Q.** And so you -- what you're describing as
3 professional publications are certainly considered
4 sources of scholarship among academics in your field.

5 **A.** It would be the application of scholarship to
6 the professional field so a translation of scholarly work
7 to a professional audience.

8 **Q.** And approximately how many of these
9 publications have you published that were professional
10 publications, as you characterized it?

11 **A.** Many.

12 **Q.** And when we discussed your journal articles,
13 the articles you've had in academic books and the edited
14 volumes, you weren't including these publications
15 earlier?

16 **A.** Correct.

17 **Q.** Okay. So about how many of these publications,
18 which are many, I understand that. Can you just give me
19 a ballpark?

20 **A.** If you include technical reports, magazine
21 articles, news letter publications, all of that, 50 plus.

22 **Q.** And the one publication in a journal, which was
23 that? Do you know the -- it seemed like you had a
24 specific publication in mind. So if that might be one
25 that you actually know the title of, would you state that

1 for the record?

2 **A.** You know, I'm not positive the name of the
3 journal, but it was -- the publisher was the University
4 of Southern Mississippi.

5 **Q.** When you edited the four volumes of books,
6 explain the peer review process for those four edited
7 volumes.

8 **A.** The proposals for articles were peer reviewed,
9 as I recall, and then the articles were submitted for
10 those books. So we selected which chapter -- which ideas
11 would be the best ideas to include in the book, and then
12 it went through an editorial review process in the
13 creation of those volumes.

14 **Q.** What were the presses involved, if you
15 remember?

16 **A.** Ohio State University was one of the presses.
17 I would have to look at my CV to review further.

18 **Q.** Okay. And this one journal article that you
19 published that was not peer reviewed, were you ever
20 accused of becoming a racist because you published a
21 non-peer reviewed article?

22 **MS. QUIMBY:** Objection, form.

23 **A.** No one has reached out to me about that article
24 that I happened to publish. I should also clarify that I
25 have -- while I was thinking of that specific article, I

1 have also published a small number of law review articles
2 as well.

3 **Q.** (By Mr. Allen) Can you explain for the court
4 the difference in the review process for law reviews
5 compared to many other mainstream academic journals?

6 **A.** I'm not an attorney that runs a law review, so
7 I can't speak to a high degree of specificity. But
8 generally speaking, law reviews have a high degree of
9 engagement with students in the review process compared
10 to a journal that goes through peer review with scholars
11 in their field.

12 **Q.** It's common for law reviews to be edited by
13 students, correct?

14 **MS. QUIMBY:** Objection, form.

15 **A.** It absolutely can. Sorry. It is entirely
16 possible for a law review to have student editorial.

17 **Q.** (By Mr. Allen) To your knowledge, were the law
18 reviews you published in edited by students?

19 **A.** I don't have that information.

20 **Q.** Do you know what the law reviews are you
21 published in?

22 **A.** I would have to look at my CV, but I believe
23 one of them was out of Tulane. I don't recall the other
24 what you --

25 **Q.** And certainly no one ever said you were less of

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">29</p> <p>1 a scholar for publishing --</p> <p>2 MS. QUIMBY: I'm sorry. Is she frozen?</p> <p>3 MR. ALLEN: I'm sorry. She looks frozen.</p> <p>4 Excuse me.</p> <p>5 MS. QUIMBY: Yeah. It's okay.</p> <p>6 VIDEOGRAPHER: Off the record, 9:36.</p> <p>7 MS. QUIMBY: Can we go off the record?</p> <p>8 (Recess taken from 9:36 to 9:38)</p> <p>9 VIDEOGRAPHER: The time is 9:38. We're on</p> <p>10 the record.</p> <p>11 Q. (By Mr. Allen) President Cowley, you've never</p> <p>12 been criticized for publishing --</p> <p>13 VIDEOGRAPHER: We lost her again.</p> <p>14 THE WITNESS: No. I'm here. I can -- I</p> <p>15 can see you. Can you hear me?</p> <p>16 VIDEOGRAPHER: Hold on one second.</p> <p>17 (Discussion off the record)</p> <p>18 VIDEOGRAPHER: All right. Good to go.</p> <p>19 Thank you. Sorry about that.</p> <p>20 MR. ALLEN: May we proceed? Thank you.</p> <p>21 Q. (By Mr. Allen) So my apologies, President</p> <p>22 Cowley. So my question -- just following up on your</p> <p>23 publication and law reviews. And you had said you had</p> <p>24 personal knowledge that at least the Tulane law review</p> <p>25 was edited by a student?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">31</p> <p>1 MS. QUIMBY: Objection, form.</p> <p>2 Go ahead.</p> <p>3 A. I will note that when I went up for full</p> <p>4 professor that one of the questions that was raised was</p> <p>5 around the publication that was in that University of</p> <p>6 Southern Mississippi editorial -- editorial edited volume</p> <p>7 and why I chose to publish in a journal that was not</p> <p>8 widely recognized.</p> <p>9 Q. (By Mr. Allen) It was because it was not widely</p> <p>10 recognized was the focus of their critique?</p> <p>11 A. The evaluation criteria in my discipline is</p> <p>12 relative positioning of any particular journals, and this</p> <p>13 was categorized as a tier three journal in part because</p> <p>14 it was not peer reviewed and because it had very low</p> <p>15 recognition.</p> <p>16 Q. And just getting back to the law review</p> <p>17 articles that I guess you said there were three maybe?</p> <p>18 Am I --</p> <p>19 A. I recall writing two. One of them was</p> <p>20 republished in another law journal. So it makes three</p> <p>21 publications but two articles, as I recall.</p> <p>22 Q. Sure, sure. And I assume that the getting</p> <p>23 something recognized by having it republished is actually</p> <p>24 -- distinguishes a publication, right?</p> <p>25 A. It could.</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">30</p> <p>1 A. I did not say that. I said that I know that a</p> <p>2 publication in a law review. I believed it was out of</p> <p>3 Tulane.</p> <p>4 Q. And you've never been criticized for publishing</p> <p>5 in a student run journal if the law reviews were student</p> <p>6 run?</p> <p>7 A. The evaluation of my record is based on the</p> <p>8 quality of the publications and the extent to which</p> <p>9 people use those publications to further their own</p> <p>10 scholarship.</p> <p>11 Q. Not whether it was peer reviewed or not?</p> <p>12 MS. QUIMBY: Objection, form.</p> <p>13 Go ahead.</p> <p>14 A. In my discipline, there would be an expectation</p> <p>15 of peer review as a significant component of the overall</p> <p>16 scholarly work.</p> <p>17 Q. (By Mr. Allen) I understand but my question was</p> <p>18 different. My question was you've never been criticized</p> <p>19 for publishing a non-peer reviewed article, have you?</p> <p>20 MS. QUIMBY: Objection, form.</p> <p>21 Go ahead.</p> <p>22 A. My scholarly record has not been criticized.</p> <p>23 Q. (By Mr. Allen) And to your knowledge, you've</p> <p>24 never been criticized for publishing in a student run</p> <p>25 journal?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">32</p> <p>1 Q. Were you ever criticized for publishing in law</p> <p>2 reviews?</p> <p>3 A. No. Planning law is an accepted area of</p> <p>4 planning practice, and so it was relevant to the work I</p> <p>5 was doing.</p> <p>6 Q. And I know you testified that you weren't sure</p> <p>7 whether those law reviews were student edited or not, but</p> <p>8 do you remember going through a peer review process with</p> <p>9 any of those law reviews?</p> <p>10 A. I don't recall the details. In both of those</p> <p>11 cases, I copublished with attorneys who obviously had far</p> <p>12 more familiarity with the law review process.</p> <p>13 Q. But that wasn't my question. It was do you</p> <p>14 remember a peer review process for any of those law</p> <p>15 review articles?</p> <p>16 A. I don't recall that.</p> <p>17 Q. You've never edited an academic journal, have</p> <p>18 you?</p> <p>19 A. I have not served as an editor. I have served</p> <p>20 on editorial boards.</p> <p>21 Q. What were you on the editorial board -- strike</p> <p>22 that, please.</p> <p>23 Can you state for the record what academic</p> <p>24 journals you served on the editorial board for?</p> <p>25 A. I would need to look at my CV for more detail,</p>

1 but an example of one is the Journal of Planning
 2 Literature.
 3 **Q.** When did you serve on the Journal of Planning
 4 Literature?
 5 **A.** Rough time period, maybe 2015 or 2016, and I
 6 think I discontinued my service in maybe 2018.
 7 **Q.** So approximately a two, three year stint?
 8 **A.** It could have been longer. I'd have to review
 9 my CV for details.
 10 **Q.** Sure. Are you familiar with an organization
 11 whose acronym is COPE, C-O-P-E?
 12 **A.** I am.
 13 **Q.** What does that stand for?
 14 **A.** I don't recall what it stands for, but it's an
 15 organization that provides information about editorial
 16 roles in journals. They're focused on publications.
 17 Professional -- I shouldn't say professional
 18 publications. They're an organization that supports
 19 publications and advice to those who seek to publish.
 20 **Q.** If I said it's the Committee On Publication
 21 Ethics, would that refresh your memory?
 22 **A.** Yes. That sounds very familiar.
 23 **Q.** When you were serving on the board of editors
 24 for the journals that -- and one of which you remembered
 25 was the Journal of Planning Literature. Is that it?

1 **A.** That's correct.
 2 **Q.** Do you remember them using the Standards of the
 3 Committee on Publication Ethics?
 4 **A.** I would have had to have gone back and reviewed
 5 the materials that were provided to all of the editorial
 6 board members. But this journal is considered one of the
 7 best in its field and follows common scholarly practices.
 8 **Q.** So is your answer that you don't remember the
 9 Committee on Publication Ethics setting standards for
 10 those journals or you weren't -- let me strike that.
 11 Do you remember the Committee on Public
 12 Education Standards being required for any of the
 13 journals you served as a member of the editorial board?
 14 **A.** I do not recall that. I do recall expectations
 15 of upholding ethics in the publication process.
 16 **Q.** What was your understanding of, quote, "ethics
 17 in the publication process," closed quote?
 18 **A.** Just as an example in the peer review process,
 19 making sure that that was double blind as just an
 20 example.
 21 **Q.** Can you explain for the record what double
 22 blind? I mean that's something -- every academic knows
 23 what that means, but people on the jury may not. So can
 24 you please explain what the means?
 25 **A.** For example, both the author and the reviewer

1 of the publication would not be known to each other.
 2 **Q.** Is it your view that a publication that is not
 3 double blind in the sense of a double anonymous review of
 4 an article is unethical?
 5 **MS. QUIMBY:** Objection, form.
 6 Go ahead.
 7 **A.** No. There are many types of publications that
 8 would have different expectations for how they're
 9 produced and what types of reviews they would be
 10 undertaking.
 11 **Q.** (By Mr. Allen) And is there anything wrong with
 12 the journal being student edited?
 13 **A.** There is nothing inherently wrong with having a
 14 student edited journal.
 15 **Q.** It's not unethical to have a student edited
 16 journal, right?
 17 **A.** It would depend on the nature of how that
 18 journal was run.
 19 **Q.** There is nothing inherently wrong with having a
 20 student edited journal, right?
 21 **A.** I'll repeat that it would depend on how that
 22 journal was run.
 23 **Q.** It's a yes or no question, President Cowley.
 24 You can't answer it yes or no?
 25 **A.** Of course I can answer yes and no questions.

1 **Q.** The question is pretty simple. Is there
 2 something inherently wrong with having a student edited
 3 journal in academia?
 4 **MS. QUIMBY:** Objection, form.
 5 Go ahead.
 6 **A.** Students can organize and run a journal.
 7 **Q.** (By Mr. Allen) Ethically, right?
 8 **MS. QUIMBY:** Objection, form.
 9 **A.** It is possible for a student run journal to be
 10 run in an ethical way. It would depend on the specific
 11 nature of a journal to determine whether it was or was
 12 not being conducted in an ethical way.
 13 **Q.** (By Mr. Allen) Is it ethical for a student
 14 editor to lie about the supervisory board of their
 15 journal?
 16 **MS. QUIMBY:** Objection, form.
 17 **A.** I can't speak to any circumstance that you're
 18 providing information about.
 19 **Q.** (By Mr. Allen) I'm not providing any
 20 information. I'm asking you a question based on your
 21 experience of editing academic books, publishing in
 22 academic journals, and serving on the editorial board of
 23 various journals which you've testified to. Is it
 24 ethical --
 25 **A.** Can you --

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">37</p> <p>1 Q. Yeah, sure. Is it ethical for a student editor</p> <p>2 to lie about the advisory board of their journal?</p> <p>3 MS. QUIMBY: Objection, form.</p> <p>4 A. There is not sufficient information for me to</p> <p>5 answer that question.</p> <p>6 Q. (By Mr. Allen) Yeah, there is. I just asked</p> <p>7 you if a student editor lies about the advisory board of</p> <p>8 their journal, is that considered ethical in publishing?</p> <p>9 MS. QUIMBY: Objection, form.</p> <p>10 A. I don't have the circumstances you're referring</p> <p>11 to, so I cannot answer this question.</p> <p>12 Q. (By Mr. Allen) So you're refusing to answer the</p> <p>13 question if a student editor lies about their advisory</p> <p>14 board whether that's ethical or not?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. This is context dependent, and you haven't</p> <p>17 provided any context so I'm not going to answer this</p> <p>18 question.</p> <p>19 Q. (By Mr. Allen) When you were the provost, was</p> <p>20 the University of North Texas sued for violations of the</p> <p>21 First Amendment to the United States Constitution?</p> <p>22 A. This lawsuit is a First Amendment case.</p> <p>23 Q. Were there any others?</p> <p>24 A. You said during my time as provost?</p> <p>25 Q. Yes. 2020 to 2022. Was that it? Did I get</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">39</p> <p>1 MS. QUIMBY: Objection, form.</p> <p>2 You can answer.</p> <p>3 A. Faculty are free to express their viewpoints.</p> <p>4 For example, if they wanted to write an article, they</p> <p>5 could express what they preferred to express in that</p> <p>6 article.</p> <p>7 Q. (By Mr. Allen) And was that how you interpreted</p> <p>8 it while you were the Provost of the University of North</p> <p>9 Texas?</p> <p>10 A. Do you mean in the context of this case?</p> <p>11 Q. No. From 2017 to 2022, before and after.</p> <p>12 A. Can you repeat your question?</p> <p>13 Q. Sure. Let's do it this way. Did you interpret</p> <p>14 your -- did you -- scratch that, please.</p> <p>15 Did you interpret the First Amendment rights to</p> <p>16 free speech to apply differently at the University of</p> <p>17 North Texas than they do at the University of</p> <p>18 Arlington -- University of Texas at Arlington?</p> <p>19 A. No.</p> <p>20 MS. QUIMBY: Object to form.</p> <p>21 Go ahead.</p> <p>22 A. No.</p> <p>23 Q. (By Mr. Allen) Sorry. I didn't hear your</p> <p>24 answer.</p> <p>25 A. No.</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">38</p> <p>1 that right?</p> <p>2 A. 2017 to 2022.</p> <p>3 Q. Oh, yes. You're correct. Sorry about that.</p> <p>4 A. It's okay.</p> <p>5 Q. So from 2017 to 2022, was the University of</p> <p>6 North Texas sued for violations of the First Amendment to</p> <p>7 the United States Constitution?</p> <p>8 A. I can't recall any specific lawsuits other than</p> <p>9 this one.</p> <p>10 Q. While you were the provost, did the university</p> <p>11 receive any grievances from faculty for the violation of</p> <p>12 their First Amendment rights?</p> <p>13 A. The grievance process does flow through my</p> <p>14 office, and some cases would make it to my office. But</p> <p>15 as it relates to First Amendment, I don't recall any</p> <p>16 specific First Amendment cases.</p> <p>17 Q. While you were the provost, did the university</p> <p>18 receive grievances from faculty for the violation of</p> <p>19 their academic freedom?</p> <p>20 A. Not while I was provost.</p> <p>21 Q. Based on your experience as provost and now, I</p> <p>22 suppose, as President of the University of Texas at</p> <p>23 Arlington, can you state for the record your</p> <p>24 understanding of how the First Amendment protects the</p> <p>25 speech rights of faculty?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">40</p> <p>1 Q. Thank you. I'm sorry. We're all talking over</p> <p>2 each other.</p> <p>3 A. And just to let you know, you're cutting out</p> <p>4 just a little bit. So if I ask you to repeat a question,</p> <p>5 it's just because there is some little missing pieces.</p> <p>6 Q. Absolutely. And that goes under the category</p> <p>7 of always feel free to interrupt me to ask for</p> <p>8 clarification. I don't know why that's happening. I</p> <p>9 appreciate you bringing it to my attention though.</p> <p>10 When you were Provost at the University of</p> <p>11 North Texas, what limitations did you believe could be</p> <p>12 placed on the First Amendment for faculty speech?</p> <p>13 MS. QUIMBY: Objection, form.</p> <p>14 A. So I think there are some differences between</p> <p>15 academic freedom and freedom of speech. So, for example,</p> <p>16 if a faculty member was teaching a science class and they</p> <p>17 were using class time to speak about a topic that is</p> <p>18 completely unrelated to the content of the class, that</p> <p>19 may not be appropriate.</p> <p>20 Q. (By Mr. Allen) That's one example. So let me</p> <p>21 sum up. Is this -- just so I can tell if I understand</p> <p>22 correctly, right. In general terms, if a professor is</p> <p>23 opining in class about something completely unrelated to</p> <p>24 the class, that's not necessarily protected. Is that</p> <p>25 your view?</p>

1 A. My view would be that the instructor is
2 responsible for teaching the content related to the
3 class. And if that strays too far and the content is not
4 being covered, that may not be protected under academic
5 freedom.

6 Q. Would it be protected under the First
7 Amendment?

8 MS. QUIMBY: Objection, form.

9 Q. (By Mr. Allen) And understand I'm not asking
10 you to give a legal conclusion. I'm asking for your
11 understanding as provost.

12 A. I'm not an attorney, so I would not be able to
13 speak in specificity. Generally speaking, faculty have
14 the freedom to express their views in public. Express
15 their views through publications and other outlets.
16 There are some limited occasions such as not teaching the
17 content of a class where their speech may be questioned.

18 Q. So you mentioned the example of not teaching
19 the content of a class. Are there other areas in which
20 the right of faculty to speak can be limited despite the
21 First Amendment, as you understood it as provost?

22 MS. QUIMBY: Objection, form.

23 A. If there is a specific context in which you're
24 trying to ask, you could ask that.

25 Q. (By Mr. Allen) Well, I'm asking you. The

1 context is your job as provost. What are the limitations
2 on faculty speech that you were prepared to enforce as
3 provost, notwithstanding the First Amendment?

4 A. I would reframe it. My responsibility as the
5 provost is to protect the free speech rights of our
6 faculty and their ability to express themselves in
7 appropriate forums.

8 Q. Is the speech of professors in academic
9 journals generally understood by you as protected speech?

10 A. Generally speaking, yes.

11 Q. So as you sit here today, you are -- excuse me.
12 Can I ask again though as a provost, what limitations
13 besides the teaching content in class that was completely
14 off topic which you explained before.
15 Were there other limitations that you considered to be
16 important for the First Amendment rights of faculty
17 speech?

18 MS. QUIMBY: Objection, form.

19 A. I have not witnessed examples of where I felt
20 that faculty did not exercise their free speech rights
21 appropriately.

22 Q. (By Mr. Allen) So as you sit here today, that's
23 the only example you can give that a teacher might be
24 teaching off topic in class or saying something?

25 A. That's the example I'm choosing to give, yes.

1 Q. And you can't think of any other examples?

2 A. Not in the moment.

3 Q. Okay. Now, you had brought this up before, and
4 I understand that they overlap. How is academic freedom
5 different from the protections of faculty to speak freely
6 that are granted by the First Amendment?

7 MS. QUIMBY: Objection, form.

8 A. Faculty members are employees of a university,
9 and they have certain roles and responsibilities. There
10 are policies and procedures that govern the roles and
11 responsibilities of a faculty member.

12 What I choose to say is as an individual
13 citizen in social media, out in the world, wherever I
14 want to say it, is distinct and different from my role as
15 a faculty member in an institution where I have a primary
16 responsibility to fulfill the mission of teaching our
17 students, engaging in scholarship, and providing public
18 service.

19 Just as any employee in any organization, I do
20 not have ultimate freedom to say anything that I might
21 wish to say that there are certain expectations of
22 professionalism. And going back to the example in the
23 classroom that if I am hired to teach city planning, I
24 should be teaching city planning.

25 Q. (By Mr. Allen) Can you state for the record

1 what you mean when you, in university documents as
2 Provost for the University of North Texas, use the term
3 diversity and inclusion? What does that mean, diversity
4 and inclusion?

5 A. You would have to refer to any relevant UNT
6 policy as it relates to any use of those terms.

7 Q. So as you sit here today, you don't remember
8 what you meant when you wrote diversity and inclusion in
9 documents at the University of North Texas?

10 A. It would be context dependent.

11 Q. Depends on what context?

12 A. For example, the University of North Texas has
13 a diverse student body that is representative of the
14 state of Texas.

15 Q. When you say diverse student body, what do you
16 mean? What constitutes this diversity?

17 A. Age, veteran status, ability or disability,
18 race, gender, so on and so forth. The students at the
19 University of North Texas come from a diverse set of
20 backgrounds.

21 Q. When you say ability or disability, do you mean
22 what we -- what we conventionally think of as disability
23 rights?

24 A. Can you repeat that question, please?

25 Q. Sorry. Did I cut out? Yeah. When you say

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">45</p> <p>1 ability or disability, are you referring to things like</p> <p>2 physical disabilities, mental disabilities, psychiatric</p> <p>3 conditions, things of that sort?</p> <p>4 A. Correct.</p> <p>5 Q. Do you understand anything else by the term</p> <p>6 abilities in that definition you just gave?</p> <p>7 A. The university has an office that provides</p> <p>8 accommodations to students that have a range of</p> <p>9 conditions that may require some accommodation within the</p> <p>10 university.</p> <p>11 Q. So in terms of diversity, you've mentioned age,</p> <p>12 veteran status, disability status, race, gender.</p> <p>13 And I think you said something like backgrounds.</p> <p>14 Anything else that constitutes diversity at the</p> <p>15 University of North Texas?</p> <p>16 A. I mentioned veteran status. But there is, of</p> <p>17 course, intellectual diversity, diversity of thought.</p> <p>18 Q. So as provost when -- if you -- it came to your</p> <p>19 attention that there was uniformity of thought, would</p> <p>20 that be a concern of yours?</p> <p>21 MS. QUIMBY: Objection, form.</p> <p>22 A. It would depend on the context.</p> <p>23 Q. (By Mr. Allen) Let's say if the -- in the music</p> <p>24 theory program, if it came to your attention that there</p> <p>25 was a prevalent orthodoxy among the faculty, would that</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">47</p> <p>1 how would the professor best deem to achieve those</p> <p>2 learning outcomes.</p> <p>3 Q. (By Mr. Allen) As you understood it, what's the</p> <p>4 relationship between race relations and music theory as</p> <p>5 you were managing the university including its music</p> <p>6 history, ethnomusicology and theory program?</p> <p>7 MS. QUIMBY: Objection, form.</p> <p>8 A. I'm not a music theorist, so I couldn't speak</p> <p>9 with specificity about music theory. It's up to our</p> <p>10 faculty to determine what are the appropriate, in this</p> <p>11 case, theorists to be able to study and discuss and</p> <p>12 connect those things to current day matters might be</p> <p>13 appropriate.</p> <p>14 Q. (By Mr. Allen) So as you sit here today, you</p> <p>15 are -- is it your testimony that orthodoxy in the music</p> <p>16 theory program was not a concern of yours?</p> <p>17 MS. QUIMBY: Objection, form.</p> <p>18 A. I didn't have specific information that would</p> <p>19 indicate this is or is not an issue.</p> <p>20 Q. (By Mr. Allen) And the controversy that</p> <p>21 surrounded my client didn't provide you to any specific</p> <p>22 information that there was some sort of orthodoxy in the</p> <p>23 music theory program?</p> <p>24 MS. QUIMBY: Objection, form.</p> <p>25 A. I did not have information as such.</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">46</p> <p>1 be a concern to you as a provost?</p> <p>2 MS. QUIMBY: Objection, form.</p> <p>3 A. I'm not a music theorist, so I couldn't speak</p> <p>4 superficially to musicology or music theory. But just</p> <p>5 giving a broader example, it's not uncommon in fields to</p> <p>6 come to a consensus around a particular theory, for</p> <p>7 example.</p> <p>8 You know, if you think about the advancement of</p> <p>9 science, then sometimes there needs to be consensus that</p> <p>10 this is the correct direction to then advance future</p> <p>11 directions. But that's highly dependent on the</p> <p>12 individual field and different perspectives.</p> <p>13 Q. (By Mr. Allen) You mentioned, you know, that a</p> <p>14 professor shouldn't be teaching off their topic, correct?</p> <p>15 In class, correct?</p> <p>16 A. If I am responsible for teaching a city</p> <p>17 planning class, then I would expect the content to be</p> <p>18 related to city planning. I would not expect that that</p> <p>19 class would be teaching music theory.</p> <p>20 Q. You expect your music theory faculty -- when</p> <p>21 you were provost, did you expect your university faculty</p> <p>22 to be expounding on race relations in their classrooms?</p> <p>23 MS. QUIMBY: Objection, form.</p> <p>24 A. That would be context dependent, so it would be</p> <p>25 looking at are the learning objectives in the course and</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">48</p> <p>1 Q. (By Mr. Allen) Back to the idea of academic</p> <p>2 freedom. As you understood it, were there</p> <p>3 responsibilities that went along with the enjoyment of</p> <p>4 academic freedom?</p> <p>5 MS. QUIMBY: Objection, form.</p> <p>6 A. Yes.</p> <p>7 Q. (By Mr. Allen) What were those</p> <p>8 responsibilities?</p> <p>9 A. With academic freedom comes responsibility to</p> <p>10 fulfill our mission. So just going back to the example</p> <p>11 of teaching, I, as an individual faculty member or any</p> <p>12 faculty member, are given the freedom to determine what</p> <p>13 is appropriate to bring into their classroom.</p> <p>14 But with that comes the responsibility that</p> <p>15 you're teaching in a way that is going to achieve</p> <p>16 appropriate learning outcomes for that discipline and</p> <p>17 helping that student to grow professionally in their</p> <p>18 knowledge of the subject area.</p> <p>19 Q. Was one of the missions of the University of</p> <p>20 North Texas to combat racism?</p> <p>21 A. That is not in the mission. That's not stated</p> <p>22 in the mission.</p> <p>23 Q. So when you say our mission, what were you</p> <p>24 referring to?</p> <p>25 A. The university's mission statement.</p>

1 **Q.** Can you summarize as best you can what the
 2 UNT's mission statement was in the time you were provost?
 3 **A.** I could not state that word for word but
 4 generally speaking to advance the learning of our
 5 students, their preparation to launch once they graduate
 6 and to foster discovery.
 7 **Q.** I think you would agree that that mission would
 8 be the same for any student regardless of race, right?
 9 **A.** Correct.
 10 MS. QUIMBY: Objection, form.
 11 **Q.** (By Mr. Allen) Would you consider it
 12 irresponsible in the context of the assertion of academic
 13 freedom at the University of North Texas while you were
 14 provost to say something that offends the UNT's policies
 15 of diversity and inclusion?
 16 MS. QUIMBY: Objection, form.
 17 **A.** Can you rephrase the question?
 18 **Q.** (By Mr. Allen) Sure. Would you consider it
 19 irresponsible of a faculty member to criticize UNT's
 20 policies of diversity?
 21 MS. QUIMBY: Objection, form.
 22 Go ahead.
 23 **A.** Faculty are free to express criticisms of UNT
 24 policies. There are appropriate shared governance
 25 processes for which a faculty can express dissent.

1 **Q.** (By Mr. Allen) And you'd give the same answer
 2 if I asked if it was irresponsible to critique UNT
 3 policies of, quote, "inclusion" as well, right?
 4 **A.** Any policy can be critiqued by a faculty
 5 member.
 6 **Q.** And we talked earlier about this concept of
 7 diversity. What -- what about the commitment of the
 8 University of North Texas to inclusion? What did that
 9 mean while you were provost?
 10 **A.** The university's goal is to create a welcoming
 11 environment for all students to aim in helping them to
 12 feel that they belong at the university and that they
 13 feel free to engage with faculty, fellow students, and
 14 staff.
 15 MR. ALLEN: I'm sorry, Madam Reporter.
 16 Can you read back that answer to me? I didn't think I
 17 heard it.
 18 (Requested portion read back)
 19 **Q.** (By Mr. Allen) So in your view, inclusion means
 20 this feeling of belonging for all students --
 21 MS. QUIMBY: Objection, form.
 22 **Q.** (By Mr. Allen) -- as one -- of one of the
 23 components?
 24 **A.** Well, you haven't pointed to a specific policy
 25 that you're referencing.

1 **Q.** Well, I'm asking you your understanding. You
 2 were there for seven years, right? No. 2007 --
 3 **A.** Five years.
 4 **Q.** Five years. And other that five years, you
 5 don't -- you didn't have an understanding of what
 6 inclusion meant? You need to have the specific policy
 7 now?
 8 **A.** No. Earlier you referenced and asked about
 9 policies, and so I'm just clarifying what your intention
 10 is in this question.
 11 **Q.** I'm trying to find out what you understand by
 12 inclusion. And you mentioned welcoming to all students,
 13 fostering a sense of belonging at the university,
 14 encouraging students to feel free to engage with faculty,
 15 students, and staff, right?
 16 **A.** Yes.
 17 **Q.** So I just sort of -- those sound very abstract
 18 but very noble. And I just want to understand what you
 19 mean by a student's sense of belonging at the university.
 20 **A.** I think a successful outcome would be where a
 21 student feels a sense of connection, that they may have
 22 faculty members that they have felt comfortable working
 23 with and engaging with in and outside of the classroom;
 24 That they may have a student organization or
 25 some kinds of activities on campus for which bring them

1 joy and connectivity, and they feel like the university
 2 is a place where they're thriving.
 3 **Q.** What does the, you know, ascribed category of
 4 race have to do with diversity and inclusion at the
 5 University of North Texas, as you understood it?
 6 MS. QUIMBY: Objection, form.
 7 **A.** Your question is how is race connected to
 8 diversity and inclusion at the university?
 9 **Q.** (By Mr. Allen) Yes.
 10 **A.** Race is one descriptive category of individuals
 11 that attend the university. The university, for example,
 12 is a Hispanic serving institution because of the
 13 significant number of Hispanic students who have chosen
 14 to attend the University of North Texas. Race and
 15 ethnicity is one form of diversity.
 16 **Q.** And obviously you would want anyone to feel
 17 included on the base of race, right?
 18 **A.** We would want every student of the University
 19 of North Texas to feel included at UNT.
 20 MS. QUIMBY: Can we take a break, please?
 21 MR. ALLEN: Sure. We've been going about
 22 an hour.
 23 VIDEOGRAPHER: Off the record, 10:13.
 24 (Recess taken from 10:13 to 10:23)
 25 VIDEOGRAPHER: The time is 10:23. We're

1 on the record.

2 Q. (By Mr. Allen) Who is John Richmond?

3 A. John Richmond is the Dean of the College of
4 Music at UNT.

5 Q. Was he there for your entire tenure as provost?

6 A. He was.

7 Q. Did he also teach?

8 A. I know he has taught in the past. I'm not
9 aware of any teaching responsibilities in his capacity as
10 dean.

11 Q. Was it his obligation to combat racism at the
12 University of North Texas?

13 MS. QUIMBY: Objection, form.

14 A. There is no explicit charge to combat racism by
15 any employee at the university.

16 Q. (By Mr. Allen) Now or then?

17 A. I have no knowledge of what's happening at the
18 university today.

19 Q. So when you speak about what is going on at the
20 University of North Texas, you're speaking from your
21 experience from 2017 to 2022, right?

22 A. Correct. So I'm not aware that there was a
23 policy that explicitly required individuals to combat
24 racism which is the question you asked.

25 Q. Would that be within the scope of his job as

1 the Dean of the School of Music to commit the school to
2 combating racism?

3 A. It is the responsibility of the dean, in his
4 role in leadership, to support an environment that would
5 welcome all students.

6 MR. ALLEN: Could you read the question
7 again for the witness? I don't think she answered my
8 question.

9 (Requested portion read back)

10 Q. (By Mr. Allen) Could you please answer the
11 questions instead of that vague answer you gave before?

12 MS. QUIMBY: Objection, form.

13 A. It is the role and responsibility of each dean
14 to make sure that we're creating an environment where all
15 students are welcome. It would be the purview of each
16 leader to best determine how they would achieve that in
17 their individual unit.

18 Q. (By Mr. Allen) So in his individual unit, was
19 committing the School of Music to combating racism within
20 his authority as dean?

21 MS. QUIMBY: Objection, form.

22 A. I'm not aware of explicit documents or
23 requirements that you're referring to.

24 Q. (By Mr. Allen) I didn't ask if you were aware
25 of documents. I asked a pretty simple question.

1 MR. ALLEN: Can you repeat the question to
2 the witness, please?

3 (Requested portion read back)

4 A. And I responded it's up to each dean to
5 determine in the best way for which they are going to
6 ensure that there is a welcoming environment for all
7 students.

8 Q. (By Mr. Allen) So is that, yes, he can do that?
9 Is that your answer? He may do --

10 A. He may do what? Can do what?

11 Q. Commit the School of Music to combating racism.

12 A. There is no reason for you to get agitated.

13 This is a professional discussion.

14 Q. You're not answering my question. I asked is
15 that then permitted?

16 A. Is what? Is what?

17 Q. Is it permitted to Dean Richmond to commit the
18 School of Music to, quote, "combating racism?"

19 A. I'm not aware of a commitment that Dean
20 Richmond has made, and you've not provided a specific
21 commitment. So I can't respond further.

22 Q. Why can't you respond? I'm asking you a very
23 simple, straightforward question. If you are going to
24 refuse to answer the question, just say so. Is he
25 allowed --

1 (Cross-talk)

2 A. You've not worded --

3 Q. Is Dean Richmond allowed --

4 A. You've not worded the question --

5 Q. Was Dean Richmond allowed to commit the School
6 of Music to, quote, "combating racism" under your
7 leadership as provost?

8 A. As I have stated, the dean, at his discretion,
9 can best determine the methods and approaches for which
10 he will create a welcoming environment for all students.

11 If racism is, in fact, an issue in the college, it would
12 be his purview to think about how best to address that so
13 that there is a welcoming environment for all students.

14 Q. So does that mean your answer is yes to that
15 question?

16 A. I provided my answer.

17 Q. Were you aware of any racism in the school
18 of -- excuse me -- the College of Music while you were
19 provost?

20 A. There are from time to time racist incidents
21 that happen across the university. Those are typically
22 reported into what was at that time -- I won't remember
23 the exact name of the office.

24 But there was an office that took all reports
25 of potential discrimination and investigated those to

1 determine if there was an incident of discrimination and
2 the matter would be dealt with. I'm not familiar with
3 specific examples in the College of Music.

4 **Q.** So maybe this has already answered this
5 question, but let me ask it anyway. My client, Timothy
6 Jackson, did you ever know of any incident that he was
7 investigated for allegations of racism?

8 **A.** I am not familiar with any incidents that he
9 may have been named in.

10 **Q.** Were you aware of any specific actions that my
11 client was supposed to have engaged in that were
12 considered racist?

13 MS. QUIMBY: Objection, form.

14 **A.** Can you repeat that question?

15 **Q.** (By Mr. Allen) Can you identify or do you
16 remember any specific actions that my client supposedly
17 engaged in that were considered racist?

18 MS. QUIMBY: Objection, form.

19 **A.** I understand that concern was raised by the
20 faculty and students that he may have engaged in
21 activities that could be deemed as racist.

22 **Q.** (By Mr. Allen) Do you know what specific
23 activities they were referring to?

24 **A.** Specifically it was referring to a publication
25 that he had produced a journal article.

1 **Q.** So basically publishing something. That was
2 the only activity that was identified to your office?

3 **A.** That is the activity that I am aware of.

4 **Q.** So they basically thought his speech was
5 racist.

6 MS. QUIMBY: Objection, form.

7 **A.** I can't speak to what others' thoughts were.

8 **Q.** (By Mr. Allen) Well, I'm talking about what was
9 reported to your office. You heard allegations that he
10 had spoken in a journal article or a publication and that
11 was racist. Is that fair?

12 MS. QUIMBY: Objection, form.

13 **A.** There was a letter from the students and from
14 the faculty, separate letters, that were shared with my
15 office that raised concerns about the publication of the
16 Journal of Schenkerian Studies as well as concerns about
17 Dr. Jackson's specific journal article.

18 **Q.** (By Mr. Allen) Okay. Thank you. And just for
19 the record, is that Volume 12 of the Journal of
20 Schenkerian Studies?

21 **A.** Correct.

22 **Q.** This is maybe a good point to transition to
23 discussing your understanding of the professional
24 standards of scholarship, as they were maintained by the
25 University of North Texas.

1 So let me ask you. I think we would agree --

2 well, let me just ask that under your leadership as
3 provost, the University of North Texas was committing to
4 upholding the highest professional standards of
5 scholarship, right?

6 **A.** It is an expectation of our faculty to engage
7 in scholarship if they're in a tenure system position.
8 And it's an expectation of those who are in positions
9 that engage in scholarship that they should be behaving
10 in professional ways.

11 **Q.** And did you expect the University of North
12 Texas press to uphold the highest standards of
13 professional scholarship?

14 **A.** The University of North Texas press has a
15 responsibility to make sure that we're producing
16 publications of a professional nature.

17 **Q.** Was the University of North Texas press under
18 your authority as provost?

19 **A.** The university press reports to the university
20 libraries, and the university libraries reports to the
21 provost office.

22 **Q.** Okay. Incidentally did Dean Richmond report
23 directly to you?

24 **A.** Dean Richmond reported at that time directly to
25 me.

1 **Q.** And his division chairs reported directly to
2 him.

3 **A.** Correct. That was my understanding, yes.

4 **Q.** Good. Did the University of North Texas strive
5 to hold itself to professional standards that differed
6 from other state universities?

7 **A.** That would be context specific. But generally
8 speaking, the research universities across the state
9 strive to meet the same general professional standards.
10 Not every university is going to have every discipline.
11 And their are variations cross disciplines in terms of
12 expectations.

13 **Q.** And to your knowledge, did the University of
14 North Texas press strive to establish different standards
15 than for other comparable publications in whatever fields
16 it was publishing?

17 **A.** I can't speak to that.

18 **Q.** You didn't supervise the activities of the
19 University of North Texas press in that kind of detail?

20 **A.** No, not directly. That was the purview of the
21 university libraries.

22 **Q.** Okay. Is it unprofessional to publish articles
23 that offend other academics?

24 **A.** It is quite common for scholars to engage in
25 disagreements.

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">61</p> <p>1 Q. Is it quite common for professionally published</p> <p>2 work to offend other scholars in their field?</p> <p>3 A. It is possible for a person to be offended, but</p> <p>4 I can't speak to any individual.</p> <p>5 Q. I'm not asking you to speak to any individual.</p> <p>6 I'm asking you if, in your experience both as a scholar</p> <p>7 and academic administrator, it was common for faculty to</p> <p>8 publish professionally in ways that offended their</p> <p>9 colleagues?</p> <p>10 MS. QUIMBY: Objection, form.</p> <p>11 A. I would reframe that to say it is not uncommon</p> <p>12 for faculty to produce scholarship that may be questioned</p> <p>13 by others.</p> <p>14 Q. (By Mr. Allen) I want you to answer my</p> <p>15 question, Ms. Cowley. And I would appreciate it if you</p> <p>16 don't reframe my question but actually listen and answer</p> <p>17 the question I asked. Is that fair?</p> <p>18 A. Repeat your question.</p> <p>19 Q. Are you going to answer it, or are you going to</p> <p>20 reframe it? Can I ask a question and have it answered?</p> <p>21 A. You can ask the question. I will answer to the</p> <p>22 best of my ability.</p> <p>23 Q. In your experience as both a publishing</p> <p>24 academic and as a university administrator, was it common</p> <p>25 for scholars to professionally publish articles that</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">63</p> <p>1 A. It is perfectly reasonable for colleagues to</p> <p>2 raise concerns about other colleagues to express their</p> <p>3 viewpoint on any particular colleague's behavior.</p> <p>4 Q. (By Mr. Allen) Including calling for them to be</p> <p>5 fired?</p> <p>6 MS. QUIMBY: Objection, form.</p> <p>7 A. Any individual could choose to say that I</p> <p>8 believe a colleague should be fired.</p> <p>9 Q. (By Mr. Allen) Sure. They can choose to say</p> <p>10 that, but my question is different. Is it professional</p> <p>11 conduct for them to call for their colleague to be fired?</p> <p>12 MS. QUIMBY: Objection, form.</p> <p>13 A. That's context specific.</p> <p>14 Q. (By Mr. Allen) I just gave the context. The</p> <p>15 faculty of the University of North Texas MHTE program,</p> <p>16 was that professional conduct for them to call for</p> <p>17 Professor Jackson to be fired?</p> <p>18 MS. QUIMBY: Objection, form.</p> <p>19 A. The faculty raised serious concerns regarding</p> <p>20 the publication of the Journal of Schenkerian Studies.</p> <p>21 And some of those faculty believed that the publication</p> <p>22 was so serious that they believed it could result in</p> <p>23 Dr. Jackson being fired. That was their viewpoint.</p> <p>24 Q. (By Mr. Allen) Of course, it's their viewpoint.</p> <p>25 But my question is was that professional behavior of them</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">62</p> <p>1 offended their faculty colleagues?</p> <p>2 MS. QUIMBY: Objection, form.</p> <p>3 A. I take issue with the word offensive. Is it</p> <p>4 common for scholars to disagree with each other?</p> <p>5 Absolutely. There are varying viewpoints and</p> <p>6 perspectives on many different issues. As for offend in</p> <p>7 my own discipline, I can't think of any article that has</p> <p>8 offended me. So it is common? I can't say to the extent</p> <p>9 to which it is common.</p> <p>10 Q. (By Mr. Allen) Were you aware that Professor</p> <p>11 Jackson published an article that offended his</p> <p>12 colleagues?</p> <p>13 A. I am aware that Dr. Jackson published an</p> <p>14 article that raised concerns by his professional society.</p> <p>15 Q. You don't know whether it offended the</p> <p>16 colleagues he had at the University of North Texas?</p> <p>17 A. I know that his colleagues expressed concerns.</p> <p>18 I can't speak to whether they were offended or not.</p> <p>19 Q. Is it professional for a faculty to call for</p> <p>20 their colleague to be fired because they disagree with</p> <p>21 their viewpoints?</p> <p>22 A. That would be context specific.</p> <p>23 Q. Was it professional for the UNT faculty to call</p> <p>24 for Professor Jackson to be fired?</p> <p>25 MS. QUIMBY: Objection, form.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">64</p> <p>1 as scholars to call for him to be fired?</p> <p>2 A. It's absolutely professional for colleagues to</p> <p>3 call out and raise concerns about publication practices.</p> <p>4 Q. Was it professional for the graduate student,</p> <p>5 Rachel Gain, to call Professor Jackson a piece of shit?</p> <p>6 MS. QUIMBY: Objection, form.</p> <p>7 A. I have no knowledge of that statement.</p> <p>8 Q. (By Mr. Allen) Assume for me, please, that that</p> <p>9 did happen. Would that be professional conduct of a</p> <p>10 graduate student?</p> <p>11 MS. QUIMBY: Objection, form.</p> <p>12 A. That would be context specific.</p> <p>13 Q. (By Mr. Allen) On Twitter, for instance, would</p> <p>14 that be professional conduct?</p> <p>15 A. If a student is acting in their individual</p> <p>16 capacity as an individual, they're free to express</p> <p>17 whatever they wish.</p> <p>18 Q. Including insulting their professor, right?</p> <p>19 A. That would be their choice.</p> <p>20 Q. Would it be professional -- let me strike that.</p> <p>21 Is it professional as a faculty member to call</p> <p>22 for an academic publication to be shut down if they</p> <p>23 disagree with the viewpoints expressed in the</p> <p>24 publication?</p> <p>25 MS. QUIMBY: Objection, form.</p>

1 A. It could be professional if their concerns are
2 related to the nature in which the publication was
3 produced.

4 Q. (By Mr. Allen) You called for Professor Jackson
5 and the -- well, let me strike that.

6 You called for the Journal of Schenkerian
7 Studies to be investigated, right?

8 A. I formed an ad hoc review panel to review the
9 concerns raised by the Society for Music Theory.

10 Q. So you were investigating the Society for Music
11 Theory?

12 MS. QUIMBY: Objection, form.

13 A. No. To clarify, the Society for Music Theory
14 raised concerns about the production process for Volume
15 12 of the Journal of Schenkerian Studies. I formed an ad
16 hoc panel to review the concerns that were raised and
17 determine and make recommendations.

18 Q. (By Mr. Allen) And your understanding of their
19 concerns were only that it was produced in an
20 unprofessional manner?

21 MS. QUIMBY: Objection, form.

22 A. That was the charge that I gave to the
23 committee.

24 Q. (By Mr. Allen) I'm not asking that. I said the
25 Society for Music Theory, your understanding of their

1 concerns were that -- were solely that the journal was
2 not produced in a professional manner?

3 A. They had broader concerns. The concerns that I
4 chose to charge the ad hoc committee with were
5 exclusively related to how the journal was produced.

6 Q. What were their broader concerns, President
7 Cowley?

8 A. I would have to go back and review their
9 specific letter that they submitted to the university.

10 Q. As you sit here today, you can't remember
11 their, quote, "broader concerns," closed quote, as you
12 just characterized them?

13 A. My recollection was they raised concerns
14 specific to the journal's publication process and that
15 there were concerns regarding some of the journal
16 articles.

17 Q. What were their concerns concerning some of the
18 journal articles?

19 A. Again I would have to go back and look at that
20 specific letter that was submitted.

21 Q. As you sit here today, you can't remember what
22 their broader concerns are or were? That's your
23 testimony today?

24 MS. QUIMBY: Objection.

25 A. Correct.

1 Q. (By Mr. Allen) I'm sorry. Could you state your
2 answer? It was just spoken over just by accident. What
3 was your answer?

4 A. Correct.

5 Q. Thank you. You wanted the so-called ad hoc
6 panel to investigate the Journal of Schenkerian Studies,
7 correct?

8 A. I requested that the ad hoc panel review the
9 production of Volume 12 of the Journal of Schenkerian
10 Studies.

11 Q. And you specifically instructed them to do so
12 objectively, right?

13 A. You would have to refer to the specific charge
14 that I gave to the committee.

15 Q. As you sit here today, you can't remember
16 instructing them to conduct an objective investigation?

17 A. I would want to look at the specific charge.
18 But the general intention was that they would conduct a
19 review of the production process, focusing on the process
20 and procedures that were used to produce the journal.

21 Q. Did you -- so that again wasn't my question.
22 And this will take a lot less time if you would answer my
23 question instead of answering the question that you
24 apparently want to answer.

25 I asked about objectivity; do you understand

1 where it's talking about the objectivity of the
2 investigation. And my question is you don't remember
3 instructing them to give an -- to undertake an objective
4 investigation?

5 MS. QUIMBY: Objection, form.

6 A. Again I would want to review the specific
7 charge that I gave to the ad hoc panel to determine
8 whether I used the word objective.

9 Q. (By Mr. Allen) As a provost instructing a
10 faculty panel to undertake any investigation, were you
11 indifferent to whether they did it objectively or not?

12 MS. QUIMBY: Objection, form.

13 A. The expectation is that they would undertake a
14 reasonable review of the matter and draw reasonable
15 conclusions.

16 Q. (By Mr. Allen) As you used the word, quote,
17 "reasonable," is that the same as objective in your view?

18 A. You haven't defined the word objective.

19 Q. Well, that's what I'm trying to ask you about.
20 What do you understand by an objective investigation,
21 President Cowley?

22 MS. QUIMBY: Objection, form.

23 A. An objective investigation would review
24 relevant materials and draw reasonable conclusions based
25 on the information that they have gathered in that review

1 process.

2 **Q.** (By Mr. Allen) Could we agree that disregarding
3 evidence that tended to show that my client, Professor
4 Jackson -- let me strike that.

5 Would you agree that disregarding exculpatory
6 evidence is not objective?

7 **MS. QUIMBY:** Objection, form.

8 **A.** I can't speak to any specific evidence that the
9 committee did or did not review, so I
10 can't (inaudible).

11 (Cross-talk)

12 **Q.** (By Mr. Allen) I'm not asking -- can we
13 just -- can we be clear? I did not ask you about
14 that. This will really take a lot less time if you just
15 answer the question. I'm asking about standards of
16 university investigations under your leadership as
17 provost in general terms.

18 Is it objective for UNT investigations, in your
19 view, if they disregarded exculpatory evidence?

20 **MS. QUIMBY:** Objection, form.

21 **A.** Again this is context dependent, so I can't
22 speak to any particular evidence that has or has not been
23 presented to that committee.

24 **Q.** (By Mr. Allen) In what context, would
25 disregarding exculpatory evidence be objective? Maybe

1 you can enlighten me.

2 **A.** I couldn't speak to any specific examples.
3 You haven't provided appropriate context.

4 **Q.** Can you provide me with any examples in which
5 disregarding exculpatory evidence would be objective?

6 **MS. QUIMBY:** Objection, form.

7 **A.** If that evidence was falsified.

8 **Q.** (By Mr. Allen) Any other examples of how it
9 would not be objective to disregard exculpatory evidence?

10 **A.** Not that I can think of off the top of my head
11 in the moment.

12 **Q.** Would a witness lying to an investigatory panel
13 be an example of how did you put it? Falsifying
14 evidence?

15 **MS. QUIMBY:** Objection, form.

16 **A.** That would be context specific, so I can't
17 speak to an individual statement.

18 **Q.** (By Mr. Allen) You can't speak to the -- to the
19 -- what your testimony today is that you can't speak to
20 whether lying to an investigation panel would be somehow
21 objective or not?

22 **A.** I can't speak to what the nature of a lie would
23 be or the context in which a lie was presented.

24 **Q.** So is it your testimony today that there are
25 some context specific situations in which it's okay to

1 lie to an investigation committee?

2 **A.** I would need further context. So in general is
3 lying appropriate? No. Is telling someone that you like
4 their tie when you don't really? Is that a problematic
5 lie? Perhaps not. So it really depends on the context
6 and what the communication was to the panel and what the
7 nature of that evidence was.

8 **Q.** Did you understand the ad hoc committee to be
9 asking about people's tie colors?

10 **A.** No. I presume they did not ask about tie
11 colors. I simply provided an example.

12 **Q.** Are there any rules or policies of the
13 University of North Texas that would make it a violation
14 for graduate students to lie about their professors in a
15 way that was material? In a way that compromised and
16 prejudiced them? Not tie colors and things you just
17 mentioned but about real material situations?

18 **A.** I would have to review the Student Code of
19 Conduct to see if there was something -- if there would
20 be something that would be applicable. But generally
21 speaking, the Student Code of Conduct governs student
22 behaviors.

23 **Q.** As you sit here today, you can't remember
24 whether that is against the policies of the University of
25 North Texas?

1 **A.** I have no details about what lies you're
2 speaking of, so I can't respond further to this question.

3 **Q.** Well, I wasn't speaking of a lie in particular.
4 Now I'm asking is that -- is telling a material lie about
5 a professor, would that violate a policy or rule of the
6 university? And you're saying you don't really know
7 unless, I guess, you went and read some policies. Is
8 that your answer?

9 **A.** My understanding is there is not a specific
10 policy that would state specifically what you have said.
11 Generally speaking, the Student Code of Conduct governs
12 student conduct, but it does not go into that level of
13 detail to say if a student says a lie about a professor,
14 then it would be a violation of the Student Code of
15 Conduct.

16 **Q.** In the course of an investigation, is it the
17 responsibility of an investing panel like the ad hoc
18 committee to raise new violations in the course of their
19 investigation if they come across evidence of a different
20 policy violation than they're investigating?

21 **MS. QUIMBY:** Objection, form.

22 **Q.** (By Mr. Allen) Maybe it's a bad question. You
23 understand my question?

24 **A.** Would you perhaps rephrase it?

25 **Q.** Sure. You convened a so-called ad hoc panel,

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">73</p> <p>1 right?</p> <p>2 A. Correct.</p> <p>3 Q. To investigate what I believe you said is</p> <p>4 Volume 12 of the Journal of Schenkerian Studies, right?</p> <p>5 A. Correct.</p> <p>6 Q. And if in the course of that investigation they</p> <p>7 discovered evidence of different policy violations, did</p> <p>8 they have an obligation to report those to the</p> <p>9 university? In other words, not about the journal's</p> <p>10 publication practices but they discovered some or policy</p> <p>11 violation. Would you expect those to be brought to your</p> <p>12 attention?</p> <p>13 MS. QUIMBY: Objection, form.</p> <p>14 A. That would be context dependent. So if it was</p> <p>15 related to the publication of the Journal of Schenkerian</p> <p>16 Studies and they determined that there was a policy that</p> <p>17 may have been violated, then, sure, they can bring that</p> <p>18 forward as part of their recommendations.</p> <p>19 Q. (By Mr. Allen) Were they obligated to, or they</p> <p>20 just can do that if they feel like it?</p> <p>21 A. They were responsible for responding to the</p> <p>22 specific charges that were outlined. That was their duty</p> <p>23 and responsibility.</p> <p>24 Q. Right. And I didn't ask about that. I asked</p> <p>25 if that was something they must do or something they</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">75</p> <p>1 Q. (By Mr. Allen) So your answer is yes?</p> <p>2 MS. QUIMBY: Objection, form.</p> <p>3 A. I have provided my response.</p> <p>4 Q. (By Mr. Allen) So you're refusing to answer yes</p> <p>5 or no?</p> <p>6 A. Correct.</p> <p>7 Q. About the College of Music, can you give -- and</p> <p>8 to as your experience as provost, how important is the</p> <p>9 College of Music to the University of North Texas?</p> <p>10 And let me preface that by saying I think at</p> <p>11 all universities, even the most prestigious, some</p> <p>12 departments or colleges have more prestige or reputation</p> <p>13 than others. And I'm just trying to get you to assess</p> <p>14 where the College of Music stood in the relative, say,</p> <p>15 reputational heft of programs at the University of North</p> <p>16 Texas.</p> <p>17 A. Of course, as a provost, we value all academic</p> <p>18 programs and their contributions. It's a bit like your</p> <p>19 children. You love them all.</p> <p>20 Q. Sure.</p> <p>21 A. The College of Music has an excellent global</p> <p>22 reputation and is a point of pride for the university.</p> <p>23 Q. More so than other programs? I mean, I'm not</p> <p>24 asking you to badmouth other programs, so it's not about</p> <p>25 that, please. I'm just trying to get a sense of is it</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">74</p> <p>1 could do. If they find evidence of another UNT policy</p> <p>2 violation, should they bring that to your attention?</p> <p>3 MS. QUIMBY: Objection, form.</p> <p>4 A. Again that's context dependent. I think could</p> <p>5 is the right answer depending on the context.</p> <p>6 Q. (By Mr. Allen) So they had discretion to do</p> <p>7 that. Is that your answer?</p> <p>8 A. Their responsibility was to respond to the</p> <p>9 specific charge that was given to them. Without further</p> <p>10 context of what you're talking about, I can't respond</p> <p>11 further.</p> <p>12 Q. Is it objective in an investigation to limit</p> <p>13 yourself strictly to a charge that was given to you such</p> <p>14 as you gave to the ad hoc panel?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. Can you repeat your question?</p> <p>17 Q. (By Mr. Allen) Sure. Is it the hallmark of an</p> <p>18 objective investigation to limit the investigation</p> <p>19 strictly to your charge in the case of the ad hoc panel?</p> <p>20 A. That was the responsibility of the ad hoc panel</p> <p>21 was to respond to those charges.</p> <p>22 Q. So your answer is yes?</p> <p>23 MS. QUIMBY: Objection, form.</p> <p>24 A. The committee produced a report that responded</p> <p>25 to those charges.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">76</p> <p>1 more so than other programs, the College of Music?</p> <p>2 A. There are a number of programs that are very</p> <p>3 highly ranked across the university and others that do</p> <p>4 not have as high of a ranking. The same is true within</p> <p>5 the College of Music; that there is some programs that</p> <p>6 are more well known than others.</p> <p>7 Q. How well known is the music theory program at</p> <p>8 the University of North Texas compared to peer programs</p> <p>9 at other universities?</p> <p>10 A. I couldn't speak specifically to the music</p> <p>11 theory program. It is the music performance program that</p> <p>12 is the most well known.</p> <p>13 Q. Does it rank highly nationally?</p> <p>14 A. Which program?</p> <p>15 Q. The one you just mentioned. The performance</p> <p>16 program.</p> <p>17 A. Yes.</p> <p>18 Q. And if you know, how highly is the University</p> <p>19 of North Texas overall ranked nationally?</p> <p>20 A. It would depend on the ranking institution that</p> <p>21 you were looking at.</p> <p>22 Q. Well, I don't know. U.S. News & World Reports.</p> <p>23 That's a very common one.</p> <p>24 A. I would say that UNT is ranked in the upper</p> <p>25 200s nationally.</p>

- 1 **Q.** And is the College of Music ranked higher than
2 the general ranking of the university?
- 3 **A.** U.S. News & World Report does not rank music
4 schools.
- 5 **Q.** Do you know of any rankings of programs like
6 the College of Music?
- 7 **A.** Billboard magazine, for example, has a ranking
8 of music performance programs. And if I recall, they're
9 typically ranked the top 25 nationally.
- 10 **Q.** Okay. So whereas the university is ranked in
11 the, I guess, upper 200s. Is that how you put it?
- 12 **A.** Yeah. I think that's fair.
- 13 **Q.** 200 and above?
- 14 **A.** That's fair.
- 15 **Q.** But -- so we can at least agree that the
16 College of Music, by ranking 25th and above, is -- has a
17 higher weight, if you want to call it that, than the
18 university as a whole?
- 19 **MS. QUIMBY:** Objection, form.
- 20 **A.** I want to be cautious in how you frame that.
21 The -- there are far fewer music schools than there are
22 universities. And so it's a relative weighting but --
- 23 **Q.** (By Mr. Allen) Sure.
- 24 **A.** -- generally speaking, the College of Music's
25 reputation exceeds that of the university as a whole.

- 1 **Q.** Thank you. Moving on to this special status at
2 the University of North Texas that it's bestowed on
3 faculty called Distinguished University Research
4 Professor. Did I get that right?
- 5 **A.** Yes. That is one of the titles.
- 6 **Q.** Can you explain what a university --
7 Distinguished University Research Professor is?
- 8 **A.** It's a title that is bestowed upon a university
9 professor based on their record of scholarly
10 accomplishments. It is a committee that reviews
11 nominations each year, and they select faculty that they
12 think best represent the qualifications.
- 13 **Q.** What's the name of the committee, if you know?
- 14 **A.** I don't recall the name of the committee, but
15 it would be something like the Faculty Awards Committee.
- 16 **Q.** Okay. And do you know how -- excuse me. Let
17 me back up. It's not a permanent designation, is it,
18 like an endowed chair?
- 19 **A.** No. It is up for review periodically, and
20 there is a limit to the number of people in the
21 university that can hold that title.
- 22 **Q.** How many are there total, if you know?
- 23 **A.** I don't recall that number.
- 24 **Q.** Do you know in a ballpark? Like is it more
25 than ten?

- 1 **A.** I would say it represents no more than one to
2 two percentage of the faculty.
- 3 **Q.** Okay. How many faculty total at the University
4 of North Texas?
- 5 **A.** Order of magnitude, 1,200, but a portion of
6 those would be tenure system which are the ones that
7 could be potentially eligible for this so, say, 600 or so
8 tenure system faculty.
- 9 **Q.** Okay. Is a tenure system meaning the same as
10 tenure track?
- 11 **A.** Correct.
- 12 **Q.** Okay. So of approximately 600 professors --
13 and I understand that's not an exact number -- about one
14 to two would be chosen? And I'm not trying to put words
15 in your mouth. Is that correct? One or two percent
16 would be chosen as Distinguished University Research
17 Professors?
- 18 **A.** You'd have to look at the explicit criteria,
19 but I think it's fair to say that it's a limited number
20 of faculty on the campus.
- 21 **Q.** And, of course, they're spread throughout the
22 disciplines, correct?
- 23 **A.** Correct. They're not all located in the
24 College of Music.
- 25 **Q.** And here is my followup question. It's not the

- 1 case that there is a Distinguished University Research
2 Professorship designated for each discipline, is it?
- 3 **A.** Correct. It's a university-wide designation.
- 4 **Q.** And it's merit based.
- 5 **A.** Correct.
- 6 **Q.** Predominantly based on research achievements.
- 7 **A.** Correct.
- 8 **Q.** And you said they are evaluated periodically,
9 right?
- 10 **A.** Correct.
- 11 **Q.** And do you recall how often they are evaluated
12 to maintain that status?
- 13 **A.** I don't recall the exact number of years but,
14 ballpark, every five or six years.
- 15 **Q.** Okay. What are the perquisites that come with
16 a Distinguished University Professorship?
- 17 **A.** There is the title of University Distinguished
18 Professor, and then there is a compensation that comes
19 with that recognition. It's a nominal compensation.
- 20 **Q.** Approximately how much?
- 21 **A.** I'd have to review the criteria. I don't
22 recall off the top of my head.
- 23 **Q.** You said it's nominal. Does that mean it's not
24 -- it's not a significant percentage of their salary, for
25 lack of a better metric?

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">81</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 A. It's an acknowledgment of the recognition and</p> <p>4 achievement.</p> <p>5 Q. Do they get any research funds?</p> <p>6 A. I don't recall that.</p> <p>7 Q. And in assessing their achievements, when</p> <p>8 someone goes up for a Distinguished University Research</p> <p>9 Professorship, are their achievements measured by the</p> <p>10 standards of their field?</p> <p>11 A. Their colleagues would submit a nomination that</p> <p>12 was positioned around why their scholarship has created</p> <p>13 substantial impact.</p> <p>14 Q. Thank you. And you're aware that Timothy</p> <p>15 Jackson was a Distinguished University Research</p> <p>16 Professor?</p> <p>17 A. I am.</p> <p>18 Q. And to your knowledge still is, correct?</p> <p>19 A. I have no knowledge since I left the university</p> <p>20 of his particular title.</p> <p>21 Q. There is no prohibition at the University of</p> <p>22 North Texas against professors publishing on issues</p> <p>23 outside their immediate field of research, right?</p> <p>24 A. Correct.</p> <p>25 Q. And in fact that's quite normal, isn't it?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">83</p> <p>1 be a preference.</p> <p>2 Q. It would be a preference, meaning a scholarly</p> <p>3 achievement? I'm just trying to figure out what you mean</p> <p>4 by it. That's all.</p> <p>5 A. In order to achieve tenure, they would have a</p> <p>6 record of scholarly achievement.</p> <p>7 Q. Okay. And would the answer be more or less the</p> <p>8 same if I asked you the same questions about a dean?</p> <p>9 A. For a dean it would be a combination of</p> <p>10 experience in the faculty role and accomplishments as a</p> <p>11 faculty member combined with leadership experiences.</p> <p>12 Q. I did want to ask you a few more questions</p> <p>13 about the University of North Texas press.</p> <p>14 MR. ALLEN: And I was going to suggest,</p> <p>15 Mary, that I don't think this will take that long and</p> <p>16 maybe then we can take another break. It will be in</p> <p>17 about another hour that's gone by. Is that something</p> <p>18 that's fair?</p> <p>19 MS. QUIMBY: You're asking to take a break</p> <p>20 in an hour?</p> <p>21 MR. ALLEN: No, no. After this next set</p> <p>22 of questions. Well, I'm mindful that we have gone about</p> <p>23 another hour, not quite. And I was going to say I'm</p> <p>24 going to go through these questions, and then maybe we'll</p> <p>25 see if that's a time to take a break.</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">82</p> <p>1 A. It's entirely possible for a faculty member to</p> <p>2 publish outside of their field. Their annual reviews and</p> <p>3 promotions would be largely dependent on publications in</p> <p>4 their field.</p> <p>5 Q. Is there a level of scholarly achievement that</p> <p>6 is required to become a division chair?</p> <p>7 A. The qualifications and criteria to become a</p> <p>8 division chair are not based on a scholarly record.</p> <p>9 Q. So is your answer no?</p> <p>10 A. Can you repeat the question?</p> <p>11 Q. Is there a level of scholarly achievement</p> <p>12 required to become a division chair?</p> <p>13 A. There is not a specific requirement.</p> <p>14 Generally speaking, a faculty and leadership would be</p> <p>15 looking for some level of experience that would provide</p> <p>16 the requisite skills to lead a department.</p> <p>17 Q. So is it fair to say a record of scholarly</p> <p>18 achievement helps but it not the main qualification?</p> <p>19 MS. QUIMBY: Objection, form.</p> <p>20 Q. (By Mr. Allen) For a division chair. Excuse</p> <p>21 me.</p> <p>22 A. I would say generally speaking, a preference</p> <p>23 would be someone who is tenured and achieved the rank of</p> <p>24 tenure because of their involvement in the promotion and</p> <p>25 tenure processes. It's not a requirement, but it would</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">84</p> <p>1 MS. QUIMBY: Yeah. I think that's fair.</p> <p>2 I think around 11:30 or 11:15 would be fine.</p> <p>3 MR. ALLEN: Okay.</p> <p>4 Q. (By Mr. Allen) And again is that okay with you,</p> <p>5 President Cowley?</p> <p>6 A. Yes. I'd just like a lunch break at some</p> <p>7 reasonable time from 11:30 to --</p> <p>8 Q. Of course.</p> <p>9 A. -- to you know --</p> <p>10 Q. No one wants you to starve all day. Certainly</p> <p>11 not.</p> <p>12 As much as you know in your time as provost,</p> <p>13 how was the University of North Texas press organized?</p> <p>14 A. During my time as the provost, the university</p> <p>15 press was under the libraries and operated within the</p> <p>16 university library.</p> <p>17 Q. Do you know anything about its organizational</p> <p>18 structure? I mean this is the structure within the</p> <p>19 university. I understand that. The press itself, how</p> <p>20 was it organized?</p> <p>21 A. So the director of the press reported to the</p> <p>22 dean of the university libraries, I believe.</p> <p>23 Q. Who was that?</p> <p>24 A. Diana Bruxvoort.</p> <p>25 Q. She's the head of the libraries?</p>

- 1 A. The dean -- she was the dean of the libraries
 2 during the time that I was provost or --
 3 Q. Do you know who --
 4 A. -- for a portion of the time that I was
 5 provost.
 6 Q. And do you know who was the head of the North
 7 Texas press -- University of North Texas press? Sorry.
 8 A. His name is escaping me in the moment, but I am
 9 familiar with him.
 10 Q. If I said Christman, is that the individual?
 11 A. Yes. That's correct.
 12 Q. Do you know what his responsibilities were?
 13 A. His responsibilities were to administer the UNT
 14 press.
 15 Q. And what did those -- what did administering
 16 the UNT press involve for him?
 17 A. A range of duties. For example, they produced
 18 certain books. They had responsibility, for example, for
 19 producing the Journal of Schenkerian Studies, the final
 20 journal publication, and other -- and other publications.
 21 Q. Approximately how many journals did the
 22 University of North Texas press put out?
 23 A. That, I couldn't tell you.
 24 Q. Do you know if they published other journals in
 25 the area of music and music theory?

- 1 A. I couldn't tell you that.
 2 Q. Now, you've already mentioned the case of the
 3 Journal of Schenkerian Studies. If it was genuinely
 4 found to have violated some sort of policies of the
 5 university, was the University of North Texas press
 6 ultimately responsible for that?
 7 MS. QUIMBY: Objection, form.
 8 A. Responsible for what?
 9 Q. (By Mr. Allen) Well, I'm not saying anything
 10 specific. I mean, did the University of North Texas
 11 press have any responsibility for exercising oversight of
 12 the journals it published?
 13 A. The journal -- I'm sorry. The UNT press, as I
 14 understand it, was responsible for publishing what the
 15 editor of the journal provided. And so they published
 16 whatever content was produced by the Journal of
 17 Schenkerian Studies.
 18 So they served as the publisher. So one of the
 19 questions was around what is their process for review,
 20 and I believe that's part of what the ad hoc task force
 21 looked at.
 22 Q. And just to clarify, when you say their, who
 23 are you referring to? The university press?
 24 A. Let me --
 25 Q. Or the journal of -- you know what I mean?

- 1 MR. ALLEN: Can you read the answer she
 2 gave back? It's just I don't know who their is, and it's
 3 just a point of clarification.
 4 A. Okay.
 5 (Requested portion read back)
 6 Q. (By Mr. Allen) So the clarifying question was
 7 just their process over the view. Which -- who were you
 8 referring to there? The university press or the Journal
 9 of Schenkerian Studies?
 10 A. Oh, you mean the reference to the ad hoc task
 11 force's charge?
 12 Q. Yeah. So we have got a few layers here. You
 13 had mentioned that they were supposed to review their
 14 process for review.
 15 A. The journal. The journal of --
 16 (Cross-talk)
 17 Q. Just the journal?
 18 A. But --
 19 Q. So that --
 20 A. -- as part of that, they interviewed the UNT
 21 press to understand their role and involvement.
 22 Q. Okay. And that's -- that's sort of my followup
 23 question. In general for journals under its label, the
 24 University of North Texas press, do you know what their
 25 responsibility was for monitoring the processes of those

- 1 journals?
 2 A. As I recall, they did not have a direct role in
 3 monitoring those processes for the development of the
 4 journal. Their step in the process is once the content
 5 was produced, to make sure that it was published.
 6 Q. More like an operations view of it. Is that
 7 fair?
 8 A. You'd have to ask the editor -- I mean the
 9 journal publisher more details. But my general
 10 understanding is theirs was an operational role to make
 11 sure that the journal's content was published.
 12 Q. Okay. Now, we've already discussed this
 13 Committee On Publication Ethics or called COPE. And if I
 14 say COPE, we'll know what I'm referring to, right?
 15 A. Yes.
 16 Q. Was COPE and its standards required by the
 17 University of North Texas press in 2020?
 18 A. I can't speak to that.
 19 Q. Was that something that the so-called ad hoc
 20 panel investigated?
 21 MS. QUIMBY: Objection, form.
 22 A. The charge to the committee was not specific to
 23 COPE. The committee in its review -- the ad hoc task
 24 force in its review process does reference COPE as it
 25 relates to a couple of items that they identified.

1 Q. (By Mr. Allen) But as you sit here today, you
 2 have no knowledge whether the University of North Texas
 3 press imposed these COPE standards on journals under its
 4 label?
 5 A. I do not.
 6 Q. After this investigation of the Journal for
 7 Schenkerian Studies that was conducted by the ad hoc
 8 panel, were the COPE standards imposed on the University
 9 of North Texas press?
 10 A. No, not to my knowledge.
 11 Q. Do you know -- and this is perhaps similar.
 12 But do you know if the University of North Texas press
 13 imposed COPE standards on any other journal? Leave out
 14 the JSS, the Journal of Schenkerian Studies. Were
 15 they --
 16 A. I have no knowledge of that.
 17 Q. Okay. Is there any policy at the University of
 18 North Texas while you were there that publications that
 19 don't follow COPE should be closed?
 20 A. No.
 21 Q. And do you understand the COPE standards to
 22 forbid anonymous publications?
 23 A. The use of anonymous publications is extremely
 24 rare and unusual, but I do not believe that the COPE
 25 standards say they're not permitted.

1 Q. Thank you. And do you -- do you understand the
 2 issue that -- of potential conflict of interest when an
 3 editor publishes an article in the journal that is under
 4 their control as an editor?
 5 MS. QUIMBY: Objection, form.
 6 A. Can you repeat the question?
 7 Q. (By Mr. Allen) Sure. Let's strike that
 8 question.
 9 Let's go back to your experience. You said you
 10 were on the board of editors of at least one journal,
 11 right?
 12 A. Correct.
 13 Q. And I think you said more but you only gave one
 14 example as one you remembered, right?
 15 A. Correct.
 16 Q. And is there a conflict of interest raised by
 17 someone on the board of editors publishing in the journal
 18 on which they are one of the board members?
 19 A. It would be a question of how that review
 20 process is handled to ensure that there is not a conflict
 21 of interest.
 22 Q. Sure. Do you remember the journals that you
 23 worked on as a board member having an express conflict of
 24 interest policy?
 25 A. I recall that as a point of conversation in

1 training for new board members, but I don't recall
 2 specifically whether there was a policy or not.
 3 Q. What was the nature of those discussions?
 4 Could you be more specific? I'm just going back one
 5 second. I want to -- it's -- what was the name of the
 6 journal you gave?
 7 A. The Journal of Planning Literature.
 8 Q. And that was one among others. But the Journal
 9 of Planning Literature, so let's focus on that. Were you
 10 saying when you were on the board there you did some sort
 11 of training?
 12 A. They had -- I'll call it an orientation for new
 13 board members. They held a board meeting and provided an
 14 overview of responsibilities and update on the journal's
 15 turnaround times and other kinds of facts and details
 16 about the journal and then talked about roles and
 17 responsibilities as a board -- editorial board member.
 18 Q. And you recalled the issue of this conflict of
 19 interest that we've just discussed coming up?
 20 A. I do.
 21 Q. About how long was that meeting?
 22 A. I believe it was a couple of hours long. But
 23 that's been more than a decade ago, so I don't recall
 24 specific details.
 25 Q. I understand. But how long -- inasmuch you can

1 remember, how long did they spend talking about conflicts
 2 of interest?
 3 A. I could not tell you that.
 4 Q. Do you remember if it was a lengthy
 5 conversation or a short one?
 6 A. I don't recall any details. Only that the
 7 topic came up.
 8 Q. Do you know that board members did publish in
 9 that journal?
 10 A. It would not surprise me that board members
 11 published in that journal. It's one of the top journals
 12 in the field.
 13 Q. And wouldn't publication in the journal be seen
 14 as a qualification for people who were put on the board?
 15 MS. QUIMBY: Objection, form.
 16 A. I can't know what the editor -- how the editor
 17 decided who should be serving on that board.
 18 Q. (By Mr. Allen) And I know you talked about
 19 being on the board of that journal, but you also said you
 20 had been on the board of editors of other journals. And I
 21 know you said you couldn't name them, but does any other
 22 conversation about conflict of interest stand out in your
 23 work as a board member of those other journals?
 24 A. That was the one that stood out in my mind. I
 25 don't recall others.

- 1 **Q.** So coming back to COPE. Sorry. We did a
2 little bit of a circle there. Do you understand COPE do
3 forbid the publication by an editor in a journal under
4 their authority?
- 5 MS. QUIMBY: Objection.
- 6 **A.** I don't recall that it forbids, but it needs to
7 be carefully managed.
- 8 **Q.** (By Mr. Allen) Do you know what COPE recommends
9 as, quote, "careful management" for those kinds of
10 situations of conflicts of interest?
- 11 **A.** I'd have to go back and review. I believe that
12 that was a topic that came up in the ad hoc report, but I
13 don't recall the specific details.
- 14 **Q.** And, of course, I'm not talking about the ad
15 hoc report. I'm talking about COPE. If you don't know,
16 then that's fine to say so. So as for editors, let's
17 talk about editors first. Is it safe to say you don't
18 know in detail what COPE says other than that it should
19 be handled carefully when an editor publishes in their
20 own journal?
- 21 **A.** I think that's an adequate level of detail at
22 this point that I'd want to go back and review those
23 standards. And if I was the editor of a journal, then I
24 would certainly be looking for counsel and wisdom if I
25 were to pursue something like that.

- 1 **Q.** And would the same go for a member of the board
2 of editors?
- 3 **A.** It would be typical for there to be procedures
4 or a discussion with the editor about how to handle a
5 submission.
- 6 **Q.** Okay. And to your knowledge, does COPE forbid
7 non-peer reviewed articles in academic journals?
- 8 **A.** No.
- 9 **Q.** Does COPE provide guidelines for who should be
10 invited to publish in an academic journal and under what
11 circumstances?
- 12 MS. QUIMBY: Objection, form.
- 13 **A.** No. I don't believe it goes into that level of
14 specificity.
- 15 **Q.** (By Mr. Allen) Do you know if COPE provides any
16 guidelines on what the meaning of a commentary is in an
17 academic journal?
- 18 **A.** I would have to review COPE guidelines.
- 19 **Q.** But as you sit here today, you're not aware of
20 any?
- 21 MS. QUIMBY: Objection, form.
- 22 **A.** Not specifically.
- 23 **Q.** (By Mr. Allen) And if I asked the same question
24 or set of questions about a quote, "symposium," would
25 your answer be the same?

- 1 **A.** It would be the same.
- 2 **Q.** Okay. Have you heard of the Journal of
3 Theoria? It's spelled like theory but with i-a instead
4 of y on the end. Theoria.
- 5 **A.** I have heard of it.
- 6 **Q.** What is the Journal of Theoria?
- 7 **A.** That, I couldn't tell you. Only that it's a
8 journal that's in the College of Music at UNT.
- 9 **Q.** Do you know if it's also published by the
10 University of North Texas press?
- 11 **A.** I have no information on that.
- 12 **Q.** If I was to tell you it is published by the
13 University of North Texas press, can I ask you to assume
14 that it is?
- 15 **A.** If you state it, then I have no reason to
16 believe it's not true.
- 17 **Q.** I'm sure your counsel will point it out to you
18 if I'm misstating something and will have that
19 opportunity. But my followup question is actually a
20 pretty simple one.
- 21 As a provost, do you believe that the Journal
22 of Theoria should be subject to different rules for
23 publishing academic articles than the Journal of
24 Schenkerian Studies which is also published by the
25 University of North Texas press?

- 1 **A.** I can't speak to that because I don't know what
2 rules or procedures Theoria uses. I have no familiarity
3 with Theoria other than simply knowing it exists.
- 4 **Q.** Well, you certainly had one journal
5 investigated for its procedures for publishing a
6 symposium in 2020, right?
- 7 **A.** Correct.
- 8 **Q.** Should the Journal of Theoria be subject to
9 different standards than were applied in that
10 investigation?
- 11 MS. QUIMBY: Objection, form.
- 12 **A.** If the Society of Music Theory wrote to the
13 university and expressed concerns over that journal, then
14 certainly we would review the -- I would have, as the
15 provost, reviewed that journal and its publication
16 processes.
- 17 **Q.** (By Mr. Allen) But you never heard of the
18 journal for music -- excuse me. Strike that, please.
- 19 You never heard of the Society for Music Theory
20 expressing any concerns over the publication of Theoria,
21 right?
- 22 **A.** Correct. I do not believe my office ever
23 received any complaints regarding Theoria.
- 24 **Q.** And then just back to my previous question.
25 Do you really think there should be different standards

1 for the Journal of Schenkerian Studies than there are for
2 Theoria?

3 MS. QUIMBY: Objection, form.

4 A. Different journals will choose different forms
5 of publication whether they're editorial reviewed or peer
6 reviewed and have, you know, a breadth of ways of
7 communicating. Should they all do that in a professional
8 way? Yes.

9 Q. (By Mr. Allen) Should they be subjected to the
10 same standards by the University of North Texas press?

11 MS. QUIMBY: Objection, form.

12 A. What do you mean by standards?

13 Q. (By Mr. Allen) Well, I don't know. You went in
14 and, you know, investigated one journal but not the
15 other. That's clear, right? As you just said, you just
16 testified to that.

17 A. The reason we investigated the Journal of
18 Schenkerian Studies is because the Society of Music
19 Theory raised explicit concerns regarding the production
20 of Volume 12 of the Journal of Schenkerian Studies. If
21 any professional society wrote to the university
22 expressing concerns over a publication, then it likewise
23 would have received an investigation.

24 MR. ALLEN: I'm going to move to strike
25 that answer as completely nonresponsive.

1 Q. (By Mr. Allen) If you could focus on the
2 question I'm asking, it would go a lot faster. I know
3 you had the Journal of Schenkerian Studies investigated,
4 and you didn't have the Journal of Theoria investigated.
5 We just have already established that. What I'm asking
6 is there was an outcome by the ad hoc panel about the
7 Journal of Schenkerian Studies, right?

8 A. The outcome was recommendations for how the
9 Journal of Schenkerian Studies could improve.

10 Q. Okay. And should those same standards of
11 publication be applied to all journals in the College of
12 Music?

13 MS. QUIMBY: Objection, form.

14 A. I can't speak to other journals in the College
15 of Music because I'm not familiar with what standards or
16 approach they use.

17 Q. (By Mr. Allen) Would it be okay under your
18 leadership as provost for there to be double standards?
19 One standard for the Theoria and one standard for the
20 Journal of Schenkerian Studies?

21 MS. QUIMBY: Objection, form.

22 A. There are different forms of publication. I
23 have no knowledge of whether or not these other journals
24 that you speak of have a peer review practice or other
25 practices.

1 Q. (By Mr. Allen) So that was never of concern to
2 you that there might be double standards in the College
3 of Music?

4 MS. QUIMBY: Objection, form.

5 A. My concern was specific to the Journal of
6 Schenkerian Studies and the concerns raised by the
7 Society of Music Theory.

8 Q. (By Mr. Allen) And, you know, while you might
9 guess by the title Theoria that Theoria is a journal of
10 music theory, right?

11 A. But is --

12 Q. It's sort of in the title.

13 A. But music theory did not raise concerns about
14 Theoria.

15 Q. Right. You said that, I think, about six
16 times. My question is very different though. Should
17 both journals of music theory be abiding by the same
18 standards that are imposed by the University of North
19 Texas?

20 MS. QUIMBY: Objection, form.

21 A. I don't know what standards Theoria uses, so I
22 can't speak to that with more specificity.

23 Q. (By Mr. Allen) And you remain completely
24 uncurious about it too, don't you?

25 MS. QUIMBY: Objection, form.

1 A. Mr. Allen, I don't work for the University of
2 North Texas anymore. My concerns at the present day are
3 focused on my own institution that I work at today.

4 Q. (By Mr. Allen) And it wouldn't bother you as
5 provost that Theoria went along its merry way doing the
6 same things that the Journal for Schenkerian Studies had
7 done so long as the Society for Music Theory never
8 complained? That's your testimony today?

9 MS. QUIMBY: Objection, form.

10 A. Each of our faculty members is expected to
11 behave in professional ways and uphold standards of their
12 disciplines. I can't speak to who the person is that's
13 responsible for Theoria or for anything about that
14 journal.

15 Q. (By Mr. Allen) Are you aware that Theoria
16 published articles without per review?

17 A. I'm not. As I have said, I have no knowledge
18 of Theoria other than it is a journal.

19 Q. So if Theoria is publishing articles without
20 peer review, is that something that would have been a
21 concern to you as the provost if you had known?

22 MS. QUIMBY: Objection, form.

23 A. Not necessarily. If they were producing
24 another form of review such as editorial review and doing
25 that in a professional way, that's not at issue.

1 **Q.** (By Mr. Allen) So it can be done in a
2 professional way to publish articles without peer review,
3 correct?

4 MS. QUIMBY: Objection, form.

5 **A.** Correct.

6 **Q.** (By Mr. Allen) And you're aware that another
7 author who is not a University of North Texas employee
8 named Philip Ewell was at the center of this controversy
9 surrounding the Journal for Schenkerian Studies, right?

10 **A.** I am aware that there was a speech that
11 Dr. Ewell -- I believe his name is Ewell -- gave.

12 **Q.** It is E-w-e-l-l.

13 **A.** Okay.

14 **Q.** Just so we're clear. All right. And Professor
15 Ewell has testified that his plenary address at the
16 Society of Music Theory was published in a music theory
17 journal called Spectrum which is maintained by the
18 Society for Music Theory.

19 **A.** I have no --

20 **Q.** I don't suppose -- you don't have any knowledge
21 of that, right?

22 **A.** Correct.

23 **Q.** And he testified that that article was
24 published without peer review. Is that proper?

25 MS. QUIMBY: Objection, form.

1 **A.** There is nothing saying that one has to use
2 peer review. If you're going to choose peer review,
3 editorial review, you know, some other form, then there
4 are professional practices that are associated with how
5 each of those are executed. I cannot speak to Spectrum
6 or any other journal, as I have no knowledge of those.

7 **Q.** (By Mr. Allen) Wouldn't it be a double standard
8 if the Society of Music Theory was complaining about an
9 article critical of Professor Ewell that was published in
10 the Journal for Schenkerian Studies being published
11 without peer review but was happy to publish Philip Ewell
12 without peer review? Isn't that a double standard?

13 MS. QUIMBY: Objection, form.

14 **A.** I can't speak to that without context. If the
15 professional standards were being used by another journal
16 that Dr. Ewell published in then --

17 **Q.** (By Mr. Allen) We're talking -- just --

18 MR. ALLEN: I move to strike that as
19 nonresponsive.

20 **Q.** (By Mr. Allen) We're talking about the context
21 of whether it was peer reviewed or not. Is that clear?
22 One article is published by Philip Ewell without peer
23 review in Spectrum, a Journal of Music Theory Society, or
24 the Society for Music Theory.

25 Another is published critical of Philip Ewell

1 by another journal, the Journal of Schenkerian Studies,
2 without peer review. But the Society for Music Theory is
3 terribly upset about the one critical of Philip Ewell.
4 Isn't that a double standard?

5 MS. QUIMBY: Objection, form.

6 **A.** You would have to talk to the Society of Music
7 Theory. I can't speak for them.

8 **Q.** (By Mr. Allen) Wouldn't that be relevant to
9 your ad hoc panel investigation?

10 MS. QUIMBY: Objection, form.

11 **A.** The charge of the panel was specifically to
12 look at the Journal of Schenkerian Studies, not to look
13 at other journals. They were to look at the practices of
14 how Volume 12 was produced.

15 **Q.** (By Mr. Allen) So it wasn't relevant at all to
16 the panel how other journals in the field published. Is
17 that your testimony today?

18 MS. QUIMBY: Objection, form.

19 **A.** The University of North Texas does not publish
20 Spectrum.

21 **Q.** (By Mr. Allen) No. But you're saying it wasn't
22 relevant to the ad hoc panel's investigation to inform
23 itself about how other journals in music theory publish
24 to determine standards of publication?

25 MS. QUIMBY: Objection, form.

1 **A.** They, as far as I know, did not review
2 other -- other journals in music theory.

3 **Q.** (By Mr. Allen) Thank you. So do you know who
4 the faculty member Frank Heidberger is in the Department
5 of Music Theory, I believe, at the University of North
6 Texas?

7 **A.** I am aware that he is a faculty member in the
8 department.

9 **Q.** Do you know him personally, by any chance?

10 **A.** I have met him on a handful of occasions.

11 **Q.** And incidentally I don't know if the music
12 theory program is a department. I think former
13 division --

14 **A.** They may be called divisions.

15 **Q.** It's a division? Yeah.

16 **A.** Yeah. Those words could be used
17 interchangeably for our purposes.

18 **Q.** Okay. And I just want to apologize if I
19 mischaracterize it. That's all.

20 **A.** Yeah.

21 **Q.** But to my -- the best of my knowledge, he works
22 in the Music Theory Department, and he is the editor of
23 Theoria. Were you aware of that?

24 **A.** I was not.

25 **Q.** Are you aware that he published Philip Ewell in

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">105</p> <p>1 Theoria without peer review?</p> <p>2 A. I was not.</p> <p>3 Q. Without this double blind peer review that</p> <p>4 we've discussed?</p> <p>5 A. I was not.</p> <p>6 MS. QUIMBY: Objection, form.</p> <p>7 Q. (By Mr. Allen) You have never heard of any</p> <p>8 complaints that that happened, right?</p> <p>9 A. No.</p> <p>10 Q. Obviously the Society for Music Theory didn't</p> <p>11 complain about that or you would have investigated it,</p> <p>12 right?</p> <p>13 A. If I had received a complaint from the Society</p> <p>14 for Music Theory, we would have reviewed their concerns.</p> <p>15 Q. Is it your testimony that that double standard</p> <p>16 is of no concern to the ad hoc committee either?</p> <p>17 MS. QUIMBY: Objection, form.</p> <p>18 A. I can't say that there is a double standard.</p> <p>19 Again I don't have sufficient information to know what</p> <p>20 Theoria did or did not do.</p> <p>21 Q. (By Mr. Allen) So publishing Philip Ewell in</p> <p>22 Theoria in the same year, 2020, as Timothy Jackson's</p> <p>23 article came out in the Journal for Schenkerian Studies,</p> <p>24 both without double blind peer review, that doesn't</p> <p>25 strike you as a double standard that the SMT complains</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">107</p> <p>1 A. I can't speak to that. It was not part of the</p> <p>2 explicit charge to the ad hoc task force.</p> <p>3 Q. And you wanted them to sort of just follow your</p> <p>4 orders, right?</p> <p>5 MS. QUIMBY: Objection, form.</p> <p>6 A. I gave the specific charge to review Volume 12</p> <p>7 of the Journal of Schenkerian Studies.</p> <p>8 Q. (By Mr. Allen) And you wanted them to follow</p> <p>9 your orders, right?</p> <p>10 A. I expected them to follow the specific charge</p> <p>11 which was to evaluate the Journal of Schenkerian Studies,</p> <p>12 Volume 12.</p> <p>13 Q. Did you have any evidence that they didn't</p> <p>14 follow your so-called charge?</p> <p>15 A. I don't have any evidence of that.</p> <p>16 Q. How is a charge different from an order to do</p> <p>17 something? Maybe you could explain that to me. I don't</p> <p>18 really understand.</p> <p>19 A. A committee is often given a charge to say this</p> <p>20 is what we want you to take on.</p> <p>21 Q. And they do it, right?</p> <p>22 A. Yes. Typically the committee would review the</p> <p>23 matter that they were being asked to review.</p> <p>24 Q. And so you want them to do what you tell them</p> <p>25 to do, right?</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">106</p> <p>1 about one and not about the other?</p> <p>2 MS. QUIMBY: Objection, form.</p> <p>3 A. That is context dependent. If proper editorial</p> <p>4 review standards were followed, there may be no concern.</p> <p>5 Q. What are the proper editorial review standards</p> <p>6 that you would want to be followed in that context?</p> <p>7 MS. QUIMBY: Objection, form.</p> <p>8 A. I would need to see the publication itself to</p> <p>9 understand the context with how it presented itself.</p> <p>10 For example, did it communicate that this was an</p> <p>11 editorial reviewed piece or not?</p> <p>12 Q. (By Mr. Allen) That's something they probably</p> <p>13 should have done, right?</p> <p>14 A. I can't speak to that journal.</p> <p>15 Q. You can't speak to that either? You can just</p> <p>16 give a yes or no answer. You can't speak to that either?</p> <p>17 A. I can't speak to that.</p> <p>18 Q. Do you think it would be relevant for the ad</p> <p>19 hoc panel, convened to investigate the Journal for</p> <p>20 Schenkerian Studies, that they inform themselves of</p> <p>21 Theoria's publication practices?</p> <p>22 A. That was not their charge.</p> <p>23 Q. So that wouldn't be relevant either, right?</p> <p>24 A. That wasn't part of the charge.</p> <p>25 Q. Does that mean it's not relevant?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">108</p> <p>1 A. I want them to review the matter they were</p> <p>2 asked to review.</p> <p>3 Q. Were you aware that Frank Heidberger published</p> <p>4 in Theoria, his own journal?</p> <p>5 MS. QUIMBY: Objection, form.</p> <p>6 A. I have repeatedly told you I have no knowledge</p> <p>7 of Theoria other than it is a journal that exists, so I</p> <p>8 have no knowledge. So this line of questioning, you're</p> <p>9 free to ask but you're going to get the same response</p> <p>10 each time that I simply have no knowledge.</p> <p>11 Q. (By Mr. Allen) And you didn't inform yourself</p> <p>12 either, right?</p> <p>13 MS. QUIMBY: Objection, form.</p> <p>14 A. I have not read Theoria, nor would I have a</p> <p>15 reason to read Theoria.</p> <p>16 Q. (By Mr. Allen) If you knew that Theoria was</p> <p>17 publishing its editor without a conflict of interest</p> <p>18 policy, would that be of concern to you as a provost?</p> <p>19 MS. QUIMBY: Objection, form.</p> <p>20 A. I can't speak to the specific context.</p> <p>21 Q. (By Mr. Allen) What more about the context do</p> <p>22 you need to know? It has no conflict of interest policy.</p> <p>23 Please assume that. And Frank Heidberger publishes in</p> <p>24 it. Please assume that. That would not be of concern to</p> <p>25 you as provost when you were having another journal</p>

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">109</p> <p>1 investigated for the same exact thing?</p> <p>2 A. If there were serious concerns --</p> <p>3 MS. QUIMBY: Form.</p> <p>4 A. -- raised then I would have done the same thing</p> <p>5 I did with the Journal of Schenkerian Studies which is to</p> <p>6 charge a task force and ask them to review the matter.</p> <p>7 Q. (By Mr. Allen) So what you're saying is that</p> <p>8 you were sort of taking your direction from the Society</p> <p>9 for Music Theory?</p> <p>10 MS. QUIMBY: Objection, form.</p> <p>11 A. The Society for Music Theory is the one that</p> <p>12 raised the concerns about the publication. As both the</p> <p>13 university that had editorial as well as publication</p> <p>14 responsibilities, we reviewed the matter.</p> <p>15 Q. (By Mr. Allen) So is your answer yes? You</p> <p>16 basically took the cue from the Society for Music Theory?</p> <p>17 MS. QUIMBY: Objection, form.</p> <p>18 A. I took the concerns raised by the Society of</p> <p>19 Music Theory and investigated their concerns as it</p> <p>20 relates to the publication of Volume 12 of the Journal of</p> <p>21 Schenkerian Studies.</p> <p>22 Q. (By Mr. Allen) Were you aware of a single</p> <p>23 instance in which Theoria, while you were provost,</p> <p>24 published anything that was considered controversial?</p> <p>25 A. I have no knowledge.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">111</p> <p>1 Q. Do you recall what the faculty letter said?</p> <p>2 A. I recall the faculty letter raised concerns</p> <p>3 relative to the publication of the journal.</p> <p>4 Q. Anything else?</p> <p>5 A. I believe they also raised some concerns around</p> <p>6 the treatment of Dr. Ewell's work.</p> <p>7 Q. What -- excuse me. Anything else?</p> <p>8 A. That's what I recall at the moment. If you</p> <p>9 want to show me the letter, I'd be happy to review it.</p> <p>10 Q. Well, one of the purposes is asking what you</p> <p>11 know and then we can look at -- we may look at it. I</p> <p>12 don't know. But that's one of the purposes now. Do you</p> <p>13 remember the faculty letter incorporating the student</p> <p>14 letter by reference?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. I don't recall that. There may have been a</p> <p>17 link. I don't remember.</p> <p>18 Q. (By Mr. Allen) Do you remember learning of the</p> <p>19 student letter through the faculty letter, by any chance?</p> <p>20 A. I don't recall how I learned.</p> <p>21 Q. And you said they raised concerns about the way</p> <p>22 the journal was organized. Is that -- or something to</p> <p>23 that effect or run?</p> <p>24 MS. QUIMBY: Objection, form.</p> <p>25 A. They raised concerns about the publication</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">110</p> <p>1 MR. ALLEN: Can we go off the record,</p> <p>2 please?</p> <p>3 VIDEOGRAPHER: Off the record, 11:36.</p> <p>4 (Recess taken from 11:36 to 11:49)</p> <p>5 VIDEOGRAPHER: On the record, 11:49.</p> <p>6 Q. (By Mr. Allen) So, President Cowley, I wanted</p> <p>7 to go into the Schenker controversy which has been in the</p> <p>8 background of all of our questions here. When did the</p> <p>9 controversy surrounding the Journal of Schenkerian</p> <p>10 Studies first come to your attention as provost?</p> <p>11 MS. QUIMBY: Objection, form.</p> <p>12 A. I recall it was around the summer of 2020.</p> <p>13 Q. (By Mr. Allen) And how did it come to your</p> <p>14 attention?</p> <p>15 A. The Society for Music Theory issued a letter</p> <p>16 that was provided to my office, and I understood that</p> <p>17 there were letters from faculty and students as well.</p> <p>18 Q. Did you see any of the faculty or student</p> <p>19 letters?</p> <p>20 A. I did.</p> <p>21 Q. When did those come to your attention?</p> <p>22 A. It would have been in the same general time</p> <p>23 period. I don't recall specific dates.</p> <p>24 Q. Do you recall what the student letter said?</p> <p>25 A. Not the details.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">112</p> <p>1 process.</p> <p>2 Q. (By Mr. Allen) Okay. And what were those</p> <p>3 concerns, to the best of your memory now?</p> <p>4 A. That, I don't recall.</p> <p>5 Q. And you said they raised concerns about the</p> <p>6 treatment of Philip Ewell, right?</p> <p>7 MS. QUIMBY: Objection.</p> <p>8 A. Of his work, of his scholarship.</p> <p>9 Q. (By Mr. Allen) And what were those concerns</p> <p>10 about the treatment of his scholarship?</p> <p>11 A. That, I don't recall.</p> <p>12 Q. Does the Society for Music Theory have any</p> <p>13 organizational relationship to UNT?</p> <p>14 A. I believe some of our faculty are members of</p> <p>15 the Society of Music Theory.</p> <p>16 Q. Is there any obligation of the University of</p> <p>17 North Texas to consult the Society for Music Theory?</p> <p>18 A. No. Well, okay. Let me say in the context of</p> <p>19 a journal publication, but I don't know whether there is</p> <p>20 any accreditation or other kinds of professional</p> <p>21 relationships. That would live within music theory.</p> <p>22 That would be a departmental question.</p> <p>23 Q. But there is none to your knowledge, right?</p> <p>24 A. None to my knowledge.</p> <p>25 Q. And you don't remember any of the specific</p>

1 concerns, I believe you said earlier, that the student
 2 letter raised?
 3 **A.** I don't recall the details of the student
 4 letter.
 5 **Q.** How were these letters circulated?
 6 **A.** You mean -- do you mean how did I receive?
 7 **Q.** Well, let me back up. You're referring to them
 8 as letters, right? Did you get them as letters?
 9 **A.** Could you explain what --
 10 **Q.** Like in the mail? Well, I don't know. Mostly
 11 we get letters in the mail. So you didn't get them in
 12 the mail, right?
 13 **A.** They were emailed.
 14 **Q.** You got it in email?
 15 **A.** I believe.
 16 **Q.** Did you get them on social media?
 17 **A.** No.
 18 **Q.** And what -- what occurred next, as you remember
 19 it?
 20 **A.** So I recall at the time, the Society of Music
 21 Theory submitted a letter, that the dean made me aware of
 22 this letter correspondence. And I contemplated what
 23 appropriate next steps would be.
 24 **Q.** Had the dean done anything by that time?
 25 **MS. QUIMBY:** Objection, form.

1 **A.** I don't recall the exact timeline of who did
 2 what when.
 3 **Q.** (By Mr. Allen) Okay. I'm going to start
 4 introducing some exhibits.
 5 **A.** Okay.
 6 **Q.** And perhaps your counsel has advised you about
 7 this, but from time to time, I'll present you with
 8 documents. We'll give them an exhibit number. They get
 9 to see them. You get to see them, and then I'll ask you
 10 questions about them.
 11 **A.** Okay. I'm going to remove myself from the
 12 spotlight to make it easier. That way I can see whatever
 13 it is you're presenting if that's okay.
 14 **Q.** I still want to see you but, yeah, I mean,
 15 obviously I want you to be comfortable. Can you see the
 16 exhibit as I put it on screen?
 17 **A.** Yes, I can.
 18 **MR. ALLEN:** Now, I should have introduced
 19 this earlier, but I'm introducing for the record Exhibit
 20 1, a document that's captioned re: Notice of taking
 21 deposition.
 22 (Deposition Exhibit No. 1 was marked)
 23 **Q.** (By Mr. Allen) Do you recognize this document,
 24 President Cowley?
 25 **A.** I do not recognize it.

1 **Q.** Is it your understanding that you appeared at
 2 this deposition today in response to this document?
 3 **A.** I am at this deposition, yes.
 4 **Q.** Did you respond to the notice of deposition
 5 served by plaintiff in this case?
 6 **A.** My counsel would have helped me with that
 7 process.
 8 **MR. ALLEN:** I'm going to mark for the
 9 purposes of the record Exhibit 2. It's an email from
 10 John Richmond on July 31, 2020.
 11 (Deposition Exhibit No. 2 was marked)
 12 **A.** I'll just note that not all of the email is
 13 visible because of the way the slider is set up, so it's
 14 partially cut off.
 15 **Q.** (By Mr. Allen) Thanks for pointing that out.
 16 I wasn't aware of that, and I'm going to try to fix
 17 it -- what we need to do. Is that all visible now to
 18 you?
 19 **A.** Yes. It is now. Thank you.
 20 **Q.** Okay. Likewise. Thanks for pointing that out
 21 to me.
 22 **A.** I have read the document.
 23 **Q.** Thanks. Do you remember getting this email?
 24 **A.** Yes, I do.
 25 **Q.** And you're on the CC line, right?

1 **A.** Correct.
 2 **Q.** And just for the purposes of the record, that
 3 email Jennifer.Cowley@UNT.edu, that was your official
 4 email?
 5 **A.** That's correct.
 6 **Q.** So if there is any email in the record that has
 7 that email in one of the lines, we can associate that
 8 with you in your position as provost, correct?
 9 **MS. QUIMBY:** Objection, form.
 10 **A.** Generally speaking, yes. I did receive emails
 11 as a faculty member at UNT, but it's unlikely I would
 12 have received emails about this matter as a faculty.
 13 **Q.** (By Mr. Allen) Did you have a separate email as
 14 a faculty member?
 15 **A.** No. It was the same email address, but
 16 students might choose to email me asking questions about
 17 planning, that sort of thing.
 18 **Q.** Did you use any other email to conduct the
 19 business of provost?
 20 **A.** This was my official email as provost.
 21 **Q.** Okay. So this is July 31st, 2020, at 9:30 in
 22 the morning, more or less, 9:35. And Dean Richmond is
 23 announcing a formal investigation, correct?
 24 **A.** That's what it appears to say.
 25 **Q.** Had you discussed this with him beforehand?

1 **A.** I don't recall the exact timeline of when we
2 spoke, but we did have a conversation about the provost
3 office engaging in a review of the publication.

4 **Q.** And just so I understand correctly, did Dean
5 Richmond have independent authority to investigate the
6 Journal of Schenkerian Studies?

7 **A.** The college could certainly have the ability to
8 review some matters. I'm not clear exactly from this
9 email precisely what was intended to be investigated.
10 But the provost's office took the responsibility of
11 forming an ad hoc task force to review the publication of
12 Volume 12.

13 **Q.** Okay. And we'll get to that in a minute. I
14 guess my question is a little different. Let me ask a
15 different one. Dean Richmond of the College of Music,
16 did he have any authority over the University of North
17 Texas press?

18 **A.** He does not.

19 **Q.** And if you know, could he independently
20 investigate a journal published by the University of
21 North Texas press?

22 MS. QUIMBY: Objection, form.

23 **A.** He would certainly have the ability to have
24 conversations with -- with key members that would be
25 involved in a journal.

1 **Q.** (By Mr. Allen) Let me rephrase the question a
2 bit. Did he have the authority to conduct an official
3 investigation of a journal published by the University of
4 North Texas press?

5 **A.** The journal is in the College of Music, so he
6 would be -- it would be possible for him to review a
7 journal. What I suspect -- I won't suspect. I'll leave
8 it at that.

9 **Q.** Well, what I'm trying to figure out is if --
10 well, let me ask this. Was this formal investigation, is
11 he referring to the investigation conducted in
12 conjunction with your office?

13 **A.** I can't speak to what Dr. Richmond was
14 communicating in that message. What I can say is that
15 the provost office was the one who led the review of the
16 Journal of Schenkerian Studies.

17 **Q.** Okay. And if he was -- let me put it this way.
18 If he was stepping beyond his authority and CC'ing you on
19 it as the provost, we would expect you to send an email
20 correcting that's, I guess, exceeding his authority,
21 wouldn't we?

22 MS. QUIMBY: Objection.

23 **Q.** (By Mr. Allen) Let me strike that question.
24 Your attorney is probably correct.

25 If this was improper for him to begin an

1 investigation without your authorization, you certainly
2 would have responded to that, right?

3 MS. QUIMBY: Objection, form.

4 **A.** The dean and I certainly had a conversation
5 regarding what role the provost office would have and the
6 formation of the ad hoc -- that I would take on the
7 formation of an ad hoc task force to review the matter of
8 the journal.

9 **Q.** (By Mr. Allen) And did you do that before he
10 made this announcement?

11 **A.** The task force commenced in August, so a
12 decision regarding the provost office launching a review
13 would have been roughly around this time. But it took a
14 couple of weeks to request members to join, to have them
15 accept, and then to launch their first meeting.

16 **Q.** Sure. So what I'm trying to get at is if he's
17 doing this with your authority or not.

18 MS. QUIMBY: Objection, form.

19 **A.** I can't speak to what Dr. Richmond was saying,
20 you know (inaudible).

21 **Q.** (By Mr. Allen) Well, you can speak to what's
22 said in the email. And I'm not interested in what he was
23 saying to you or thinking right that. I'm asking was
24 this sent with your authority?

25 MS. QUIMBY: Objection, form.

1 **Q.** (By Mr. Allen) Do you approve of this?

2 **A.** Dean Richmond clearly drafted this message.
3 What I'm communicating is the investigation happened
4 through the office of the provost through the ad hoc task
5 force.

6 **Q.** But you're not able to testify, as you sit here
7 today, whether when he says we've begun a formal
8 investigation, that that is the same thing as the
9 investigation you authorized through the ad hoc panel?

10 **A.** I can't speak to that.

11 **Q.** If he was acting outside the scope of his
12 authority, was that something that you would approve?

13 MS. QUIMBY: Objection, form.

14 **A.** The dean and I coordinated so that he was aware
15 that the provost's office would be conducting a review of
16 the Journal of Schenkerian Studies. I am not aware that
17 he undertook any other investigation outside of what the
18 provost office undertook.

19 **Q.** (By Mr. Allen) Is it fair to say since you're
20 CC'd on this email that you knew of the controversy by
21 this time, July 31st?

22 MS. QUIMBY: Objection, form.

23 **A.** I was aware in the summertime, and it seems by
24 this email that certainly I would have been aware by this
25 point in July.

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">121</p> <p>1 Q. (By Mr. Allen) Now, it also says, The</p> <p>2 university, the College of Music, and the Division of</p> <p>3 Music, Theory, and Ethnomusicology reaffirm our</p> <p>4 dedication to combating racism on campus and across all</p> <p>5 academic disciplines.</p> <p>6 Do you see that line?</p> <p>7 A. I do see that line.</p> <p>8 Q. What is the, quote, "dedication to combating</p> <p>9 racism on campus and across all academic disciplines"</p> <p>10 that he's referring to?</p> <p>11 A. I can't speak to that. You'd have to ask Dean</p> <p>12 Richmond.</p> <p>13 Q. Do you believe he said that as something he was</p> <p>14 simply making up on the spot?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. I have no knowledge of what Dean Richmond was</p> <p>17 thinking when he made that statement.</p> <p>18 Q. (By Mr. Allen) He's not referring to a policy</p> <p>19 of the provost's office?</p> <p>20 MS. QUIMBY: Objection, form.</p> <p>21 A. There is not a policy in the provost office</p> <p>22 that would directly speak to racism.</p> <p>23 Q. (By Mr. Allen) He's not addressing a policy of</p> <p>24 the president's office?</p> <p>25 MS. QUIMBY: Objection, form.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">123</p> <p>1 A. You would have to speak to Dean Richmond about</p> <p>2 what his intent was.</p> <p>3 Q. (By Mr. Allen) I'm asking what you understood.</p> <p>4 I didn't ask about his intent. Could you please answer</p> <p>5 the question as asked?</p> <p>6 A. As I read this email, the part I'm focused on</p> <p>7 is what was the responsibility of the provost office.</p> <p>8 The responsibility the provost office took was related to</p> <p>9 an investigation of the conception and production of the</p> <p>10 12th Volume of the Journal of Schenkerian Studies.</p> <p>11 Q. Could you answer the question I asked you</p> <p>12 though?</p> <p>13 MR. ALLEN: Could you read the question</p> <p>14 back to the witness?</p> <p>15 Mary, we're going to be here a very long</p> <p>16 time if she won't answer the questions. We're going to</p> <p>17 be here all day if she continues to make nonresponsive</p> <p>18 answers, and I'm going to move to strike the answer as</p> <p>19 nonresponsive. If she wants to do that, we can do that,</p> <p>20 but she has to answer the question eventually. Okay?</p> <p>21 THE WITNESS: You need to calm down.</p> <p>22 MR. ALLEN: Could you read the question</p> <p>23 back to me?</p> <p>24 THE WITNESS: There is no need to be</p> <p>25 agitated. This is a professional dialogue.</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">122</p> <p>1 A. It's unclear what policy he is referring to, if</p> <p>2 at all.</p> <p>3 Q. (By Mr. Allen) Was the school dedicated to</p> <p>4 combating racism?</p> <p>5 A. That's a conversation you'd have to have with</p> <p>6 Dean Richmond.</p> <p>7 Q. Was the university dedicated to combating</p> <p>8 racism?</p> <p>9 A. The university was dedicated to filling its</p> <p>10 mission which we've discussed earlier.</p> <p>11 Q. Is he referring to that mission here?</p> <p>12 A. It does not appear that he's referring to the</p> <p>13 mission.</p> <p>14 Q. But you don't have any idea what he's referring</p> <p>15 to then?</p> <p>16 A. No. You would have to speak to Dean Richmond.</p> <p>17 Q. Did you understand from this message that</p> <p>18 investigating the Journal of Schenkerian Studies was part</p> <p>19 of a dedication to combating racism?</p> <p>20 A. I don't recall that conclusion.</p> <p>21 Q. The fact that he said that he reaffirms our</p> <p>22 dedication to combating racism right after he said he was</p> <p>23 going to investigate the journal leads you to believe</p> <p>24 they were unconnected?</p> <p>25 MS. QUIMBY: Objection, form.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">124</p> <p>1 Q. (By Mr. Allen) (Inaudible) do not answer</p> <p>2 questions that you are asked, Professor Cowley. Maybe</p> <p>3 you can do that at the University of Texas Arlington.</p> <p>4 But here I would prefer that you would answer questions</p> <p>5 as asked.</p> <p>6 A. And I would prefer --</p> <p>7 MR. ALLEN: Can you read the question?</p> <p>8 A. -- that you calm down and behave in a</p> <p>9 professional manner.</p> <p>10 Q. (By Mr. Allen) What about my -- what about my</p> <p>11 behavior do you find unprofessional since this seems to</p> <p>12 be a big topic as provost of the University of North</p> <p>13 Texas?</p> <p>14 MS. QUIMBY: Can we move on? Can we move</p> <p>15 on and reread the question like you've asked a couple</p> <p>16 seconds ago instead of badgering the witness?</p> <p>17 MR. ALLEN: I'm not badgering the witness.</p> <p>18 She's not answering.</p> <p>19 Could you reread the question to the</p> <p>20 witness, please, Madam Court Reporter?</p> <p>21 (Requested portion read back)</p> <p>22 MR. ALLEN: And the question before that</p> <p>23 was about the email. Can we go back to that one?</p> <p>24 (Requested portion read back)</p> <p>25 MS. QUIMBY: I'm going to renew my</p>

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">125</p> <p>1 objection to that question.</p> <p>2 A. My response is the same as it was before, that</p> <p>3 the provost office took responsibility for the formal</p> <p>4 investigation of the conception and production of the</p> <p>5 12th Volume of the Journal of Schenkerian Studies, and</p> <p>6 you have seen that charge. And so from this email, what</p> <p>7 I take away is my part of the responsibility was the</p> <p>8 investigation of the Journal of Schenkerian Studies.</p> <p>9 Q. (By Mr. Allen) And my question was did you</p> <p>10 consider the dedication to combating racism unconnected</p> <p>11 to Dean Richmond's call for a formal investigation?</p> <p>12 MS. QUIMBY: Objection, form.</p> <p>13 A. I can't draw conclusions of what his intent</p> <p>14 was. What I'm telling you is the specific responsibility</p> <p>15 that the provost office took was related to the</p> <p>16 investigation of the conception and production of the</p> <p>17 12th Volume of the Journal of Schenkerian Studies.</p> <p>18 Q. (By Mr. Allen) I know. You've repeated that</p> <p>19 now, I think, four times. And I've repeated the question</p> <p>20 which I want you to ask which is -- which I want you to</p> <p>21 answer which is not about Dean Richmond's intentions.</p> <p>22 I'm asking about what you understood. Is that clear?</p> <p>23 A. And I've been clear.</p> <p>24 Q. I'm asking about what you understand. Is that</p> <p>25 clear?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">127</p> <p>1 responsibility that would be relevant.</p> <p>2 Q. (By Mr. Allen) So you found the third sentence</p> <p>3 relevant but not correct?</p> <p>4 MS. QUIMBY: Objection, form.</p> <p>5 A. A portion of the third sentence is relevant to</p> <p>6 the investigation that my office undertook.</p> <p>7 Q. (By Mr. Allen) Do you know of any document in</p> <p>8 which you informed Dean Richmond that the second sentence</p> <p>9 was not something you were going to charge the ad hoc</p> <p>10 panel with investigating?</p> <p>11 A. I did not respond to this email communication,</p> <p>12 as far as I know.</p> <p>13 Q. Did you tell Dean Richmond that the, quote,</p> <p>14 "dedication to combating racism" was not part of the</p> <p>15 investigation of Schenkerian Studies?</p> <p>16 MS. QUIMBY: Objection, form.</p> <p>17 A. I communicated to Dean Richmond what the charge</p> <p>18 of the committee -- of the ad hoc task force would be.</p> <p>19 Q. (By Mr. Allen) Did you communicate to him that</p> <p>20 the dedication to combating racism was not part of the</p> <p>21 investigation of the Journal of Schenkerian Studies?</p> <p>22 MS. QUIMBY: Objection, form.</p> <p>23 A. We did not have that explicit conversation.</p> <p>24 What I communicated was what the charge would be.</p> <p>25 MR. ALLEN: Sorry about that. I'm going</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">126</p> <p>1 A. I have been clear. My answer is clear that the</p> <p>2 provost office -- my view is what my responsibility was</p> <p>3 relative to the investigation of the Journal of</p> <p>4 Schenkerian Studies.</p> <p>5 Q. And you understood these to be unconnected, the</p> <p>6 dedication to combating racism on behalf of the</p> <p>7 university and the investigation of the Journal of</p> <p>8 Schenkerian Studies?</p> <p>9 MS. QUIMBY: Objection, form.</p> <p>10 A. The charge -- the charge to the ad hoc</p> <p>11 committee was specific to the process and procedures used</p> <p>12 to produce this volume. It's not the --</p> <p>13 Q. (By Mr. Allen) And the third -- I'm sorry. I</p> <p>14 wanted you to finish.</p> <p>15 A. No. That's okay. You can go ahead.</p> <p>16 Q. Okay. The third sentence says, We likewise</p> <p>17 remain deeply committed to the highest standards of music</p> <p>18 scholarship, professional ethics, and academic freedom</p> <p>19 and academic responsibility.</p> <p>20 Did I read that correctly?</p> <p>21 A. That's what he stated.</p> <p>22 Q. Was this also unconnected to the call for a</p> <p>23 formal investigation?</p> <p>24 MS. QUIMBY: Objection, form.</p> <p>25 A. As an editor of a journal, there is an academic</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">128</p> <p>1 to mark as Exhibit 3 the following printout -- what</p> <p>2 appears to be a printout of the UNT webpage. At least it</p> <p>3 has a URL in the upper right-hand corner which seems to</p> <p>4 be cut off actually in the document we have, so I</p> <p>5 apologize for that.</p> <p>6 (Deposition Exhibit No. 3 was marked)</p> <p>7 A. Okay.</p> <p>8 Q. (By Mr. Allen) I think you're --</p> <p>9 A. The text is readable.</p> <p>10 Q. Yes. I'm just going to put this one away and</p> <p>11 put it away again.</p> <p>12 A. It appears that that's the same language that</p> <p>13 was in the prior email you showed, but I would have to</p> <p>14 compare the two to see if they are the same.</p> <p>15 Q. Would you like me to post the other Exhibit</p> <p>16 Number 2 online again so you can see them and compare</p> <p>17 them?</p> <p>18 A. It's only if you think it's relevant.</p> <p>19 Q. Well, I think we can move on because the</p> <p>20 document will show that, but I just have a few brief</p> <p>21 questions about this. You agree that this is on the</p> <p>22 College of Music's website?</p> <p>23 A. It appears that it's on the College of Music</p> <p>24 website, and I have no reason to question that it's not.</p> <p>25 Q. And this -- the portion of the URL we have,</p>

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">129</p> <p>1 music.UNT.edu, that is the typical web address URL for</p> <p>2 the College of Music?</p> <p>3 A. I have no reason to believe it's not.</p> <p>4 Q. And this is also appearing over the name of not</p> <p>5 only John Richmond but Division Head Benjamin Brand,</p> <p>6 right?</p> <p>7 A. Correct. Those are the two leaders.</p> <p>8 Q. Now, is it your understanding that what goes up</p> <p>9 on the university's website is an official statement of</p> <p>10 the university?</p> <p>11 MS. QUIMBY: Objection, form.</p> <p>12 A. Not necessarily.</p> <p>13 Q. (By Mr. Allen) Okay. And could they do</p> <p>14 this --</p> <p>15 A. It's a statement of those two individuals.</p> <p>16 Q. Right. But it's also being published on the</p> <p>17 website of the university, right?</p> <p>18 MS. QUIMBY: Objection, form.</p> <p>19 A. It's on the College of Music's website which is</p> <p>20 part of the university.</p> <p>21 Q. (By Mr. Allen) So this is my question. Can</p> <p>22 they publish things, puts things up on the website of the</p> <p>23 university without your permission?</p> <p>24 A. Yes. Just as every faculty member posts</p> <p>25 materials on the website without seeking a specific</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">131</p> <p>1 for the record a letter dated July 31st, 2020, to Laura</p> <p>2 Wright, Lesa Roe, John Richmond, Jennifer Cowley, and</p> <p>3 Benjamin Brand.</p> <p>4 (Deposition Exhibit No. 4 was marked)</p> <p>5 Q. (By Mr. Allen) Do you recognize this letter,</p> <p>6 President Cowley?</p> <p>7 A. I recall receiving a letter like this. I</p> <p>8 presume it's the same letter.</p> <p>9 MR. ALLEN: I think she's frozen. Oh,</p> <p>10 you're back.</p> <p>11 Q. (By Mr. Allen) I believe you answered you do</p> <p>12 recall receiving the letter? It's just because you froze</p> <p>13 on my end. I didn't hear your answer.</p> <p>14 A. Yes. I believe so. I haven't seen the</p> <p>15 contents yet, but I recall receiving a letter like this.</p> <p>16 Q. And I'm not trying to keep it from you, and</p> <p>17 we'll get to that. But this is -- this is your correct</p> <p>18 address at the University of North Texas?</p> <p>19 A. Correct. The provost@UNT is a generic provost</p> <p>20 office email address.</p> <p>21 Q. Sure. Who is Laura Wright?</p> <p>22 A. She's the chair -- was the Chair of the Board</p> <p>23 of Regents at the time for the University of North Texas</p> <p>24 System.</p> <p>25 Q. Do you have any reason to believe that she</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">130</p> <p>1 approval process.</p> <p>2 Q. You would agree though this isn't the personal</p> <p>3 webpage of John Richmond, right?</p> <p>4 A. No.</p> <p>5 Q. It's not the person --</p> <p>6 A. I agree -- I agree with your statement.</p> <p>7 Q. It's not the personal webpage of Benjamin</p> <p>8 Brand, right?</p> <p>9 A. Correct.</p> <p>10 Q. It's the webpage of the College of Music, an</p> <p>11 institution within the University of North Texas,</p> <p>12 correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Did you know they were putting this up online?</p> <p>15 A. I did not.</p> <p>16 Q. And they again say they are reaffirming the</p> <p>17 university, the College of Music, and the Division of</p> <p>18 Music History, Theory, Ethnomusicology's dedication to</p> <p>19 combating racism, correct?</p> <p>20 A. That is what's stated.</p> <p>21 Q. And as the provost, do you know what they're</p> <p>22 talking about there that they're publishing on the</p> <p>23 College of Music's webpage?</p> <p>24 A. I was not aware that this existed.</p> <p>25 MR. ALLEN: So I'm marking as Exhibit 4</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">132</p> <p>1 didn't get this?</p> <p>2 A. I would have no reason to believe that.</p> <p>3 Q. Did anyone from the Board of Regents, including</p> <p>4 Laura Wright, ever contact you about the Journal of</p> <p>5 Schenkerian Studies?</p> <p>6 A. No one from the Board of Regents contacted me.</p> <p>7 Q. And you have no knowledge of the Board of</p> <p>8 Regents doing anything about the Journal of Schenkerian</p> <p>9 Studies controversy summer of 2020?</p> <p>10 A. No. I have no knowledge of that.</p> <p>11 Q. Okay.</p> <p>12 A. Are you asking me to read a portion of this or</p> <p>13 would you --</p> <p>14 Q. If you want the whole thing, I can even email</p> <p>15 it to you or something of that nature to your counsel.</p> <p>16 But I'm going to direct you. It's not -- it's six pages.</p> <p>17 But in the interest of moving along, I want to direct</p> <p>18 your attention to specific parts of it. Is that fair?</p> <p>19 A. Okay. That's fair.</p> <p>20 Q. At any time, President Cowley, (inaudible) more</p> <p>21 or need more information that's in the letter to inform</p> <p>22 your testimony, just tell me. Okay?</p> <p>23 A. Okay.</p> <p>24 Q. I'm going to go to the first paragraph here.</p> <p>25 A. Can you move the arrow to point to whether --</p>

1 you mean the very first paragraph on the page?

2 Q. Yes.

3 A. Okay.

4 Q. See this one?

5 A. Yes.

6 Q. I should have been more specific. Thank you.

7 And in specific, the letter states, This morning, Dean
8 Richmond -- sorry. That wasn't very felicitous since the
9 pop-up occurred right where I was trying to show you.

10 It says, This morning, Dean John Richmond
11 announced that the school will conduct a full
12 investigation.

13 Do you see that?

14 A. Yes, I see that.

15 Q. Do you consider the announcement of a full
16 investigation to be an action of the school?

17 MS. QUIMBY: Objection, form.

18 Q. (By Mr. Allen) Let me strike that. An
19 investigation by the school is an action of the school,
20 right?

21 MS. QUIMBY: Objection, form.

22 A. So the way it's phrased here is different than
23 the way it was phrased in the letter that Dean Richmond
24 sent out. I understand it's a different author, so I
25 understand that. As we've described before, the

1 university through the provost office ultimately
2 conducted the investigation.

3 Q. (By Mr. Allen) Right. And you consider the
4 investigation to have been an action of the school
5 ultimately, right?

6 A. It was an action of the provost's office.

7 Q. Okay. Thank you. Now, I just -- I just have a
8 few more brief questions. Here are some -- actually, why
9 don't you go ahead and read this briefly because the
10 purpose of the letter, as it says, is to, quote, "some
11 attachments" that were attached to this letter which are,
12 I believe, the letters of the students and the faculty
13 that you referred to earlier.

14 But why don't you read them, and then I'll just
15 ask you if that is the case.

16 A. Can you unhighlight? That will make it a
17 little easier. Thank you.

18 Q. Yeah. Let me get that. Is that all on screen
19 for you, President Cowley?

20 A. It is. Don't scroll up any more, please.

21 Q. I will take my hands off the scroll.

22 A. Okay. I've read through the indented text on
23 Page 3 at the top.

24 Q. Okay.

25 A. If you'd like me to read further, just let me

1 know.

2 Q. Well, let's just start with that. The graduate
3 students sent you a letter or you received something by
4 email from them, correct?

5 A. It was not directly from the graduate students.
6 But I believe at some point --

7 Q. Oh, okay.

8 A. -- Dean Richmond shared the students'
9 statement.

10 Q. Just if you remember, and I realize it's been a
11 long time, is this a -- is this an excerpt of that
12 communication that you received?

13 MS. QUIMBY: Objection, form.

14 A. I don't recall, but I don't have a reason to
15 believe it would not be.

16 Q. (By Mr. Allen) And that's perfectly fair. If
17 you could just read the -- I'll move this up so we're
18 just dealing with the second block quote, It's my
19 representation, and in the letter that this is the
20 faculty statement that you received at some point which
21 you also testified to earlier.

22 And I'm just going to ask you if, to the best
23 of your memory, this is an excerpt of that statement you
24 were referring to earlier in your testimony that you
25 received in the summer timeframe?

1 A. Yes. I have no reason to believe it's not, and
2 I recall some of the information in here.

3 Q. Okay. And then so this brings me to the heart
4 of my question. This letter raises the issue of whether
5 my client, Timothy Jackson's, rights under UNT's Policy
6 06.035, academic freedom and academic responsibility,
7 were being violated. Do you see that?

8 A. Would you like me to read that paragraph?

9 Q. You can read as much as you like, but I'm just
10 asking to confirm that that was brought to your attention
11 in this letter.

12 A. Yes. It exists in this letter.

13 Q. Okay. And to your knowledge, was there ever
14 any investigation of the potential violation of my
15 client's academic freedom and academic responsibility
16 (inaudible)?

17 MS. QUIMBY: Can you repeat that? I'm
18 sorry. You just cut out.

19 THE WITNESS: Yeah. You cut out.

20 Q. (By Mr. Allen) I'm sorry. To your knowledge,
21 was there ever any investigation of the allegations that
22 my client's academic freedom and academic responsibility
23 rights under this policy were being violated?

24 A. There was not a direct investigation.

25 However, the investigation conducted by my office was

1 restricted to the editorial and publication processes of
 2 the journal and not of Dr. Jackson himself as an
 3 individual.
 4 **Q.** So that wasn't my question. To your knowledge,
 5 was there any investigation of Professor Jackson's
 6 allegation that the academic freedom and academic
 7 responsibility policy had been violated?
 8 **A.** No. There was no formal investigation of his
 9 allegations that UNT Policy 06.035 was violated.
 10 **Q.** Okay. Now I think we will come to the Ad Hoc
 11 Panel Report that you had discussed earlier.
 12 **A.** Given that it's 12:30 and you're going to be
 13 transitioning --
 14 **Q.** Oh, is it a time for --
 15 **A.** -- is it an appropriate time for a lunch break?
 16 **Q.** I'm glad you brought that up and certainly.
 17 Why don't we do that, and then I can get the exhibit up
 18 and possibly premarked with the court reporter.
 19 **MR. ALLEN:** Shall we go off the record?
 20 **VIDEOGRAPHER:** The time is 12:27.
 21 (Recess taken from 12:27 to 1:01)
 22 **VIDEOGRAPHER:** The time is 1:01. We're on
 23 the record.
 24 **MR. ALLEN:** So I'm going to mark as
 25 Exhibit 4 (sic) for the record an email that appears to

1 be from Jennifer Cowley to John Ishiyama on August 3rd,
 2 2020.
 3 **Q.** (By Mr. Allen) Do you see the exhibit?
 4 **A.** I do.
 5 **Q.** President Cowley?
 6 **A.** Yes.
 7 (Court Reporter made a clarification on
 8 the exhibit)
 9 **MR. ALLEN:** I mismarked it?
 10 (Court reporter made a clarification on
 11 the exhibit)
 12 **MR. ALLEN:** Can we go off the record for a
 13 second?
 14 **VIDEOGRAPHER:** Off the record, 1:02.
 15 (Recess taken from 1:02 to 1:06)
 16 **VIDEOGRAPHER:** On the record, 1:06.
 17 **MR. ALLEN:** So after being instructed by
 18 the Court Reporter, we were a little off numbered on the
 19 exhibits, and I apologize, President Cowley. I'm going
 20 to mark for the record Exhibit 5 and strike the past
 21 marking of Exhibit 4. The exhibit is the same. It's an
 22 email from the witness, Jennifer Cowley, to John Ishiyama
 23 on August 3rd, 2020.
 24 (Deposition Exhibit No. 5 was marked)
 25 **Q.** (By Mr. Allen) Do you see the witness -- excuse

1 me. Do you see the exhibit, President Cowley?
 2 **A.** I do see the exhibit.
 3 **Q.** Do you recognize this document?
 4 **A.** I do.
 5 **Q.** Did you send this email?
 6 **A.** Yes, I did.
 7 **Q.** And you had discussed earlier that you -- you
 8 know, it takes some time in a large organization to
 9 convene a committee or a panel, as you did in the case of
 10 the ad hoc committee. And is this an email that was sent
 11 to Professor Ishiyama convening the committee?
 12 **A.** It was not yet convening the committee. It was
 13 inviting membership on the ad hoc.
 14 **Q.** And this is August 3rd, 2020, right?
 15 **A.** Correct.
 16 **Q.** So this is three days after that email by John
 17 Richmond announcing the investigation of the Journal of
 18 Schenkerian Studies and committing the university, the
 19 music school, and so forth to combating racism, correct?
 20 **MS. QUIMBY:** Objection, form.
 21 **A.** That is what his email said. That is not what
 22 I convened the ad hoc task force to --
 23 **Q.** (By Mr. Allen) I understand. Sorry. I'm going
 24 to cut you off. I understand your testimony. You have
 25 testified to that, but this is three days after John

1 Richmond's announcement, correct?
 2 **A.** It is three days after John Richmond's
 3 announcement. That is correct.
 4 **Q.** Okay.
 5 **MR. ALLEN:** I think I've got the right one
 6 here. Okay. I'm going to mark -- now I'm going to mark
 7 as Exhibit 6 for the record an email from Jennifer Cowley
 8 of August 6, 2020, to various professors at the
 9 University of North Texas.
 10 (Deposition Exhibit No. 6 was marked)
 11 **Q.** (By Mr. Allen) Have I characterized this
 12 document correctly?
 13 **A.** Yes.
 14 **MS. QUIMBY:** Can you do me a favor and
 15 zoom in just little bit? The font is a little small. I
 16 can read it, but I'm straining a bit.
 17 **MR. ALLEN:** Let me see what I can do here.
 18 **MS. QUIMBY:** If you can. It's not the end
 19 of the world. I'm just saying if you can zoom a bit.
 20 **MR. ALLEN:** What I have to do, I think, is
 21 make it bigger on screen and then -- is that better?
 22 **MS. QUIMBY:** Yes. Perfect. Thank you.
 23 **Q.** (By Mr. Allen) And I apologize, President
 24 Cowley, but that makes me have to rearrange some things
 25 on my screen.

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">141</p> <p>1 A. I understand.</p> <p>2 Q. Here we go. Okay. Is this the charge that you</p> <p>3 discussed before?</p> <p>4 A. No.</p> <p>5 Q. What is this document?</p> <p>6 A. This is an email to panel members notifying</p> <p>7 them when we will be meeting and that I'll be issuing the</p> <p>8 charge on the 12th.</p> <p>9 Q. Okay. And so this is three days after you</p> <p>10 wrote to John Ishiyama, correct?</p> <p>11 A. Correct. I issued invitations to panel</p> <p>12 members. They responded back, yes, they would</p> <p>13 participate. And once I had a committee, then I issued</p> <p>14 this -- this email to the panel members.</p> <p>15 Q. And are all of the people in the to line, are</p> <p>16 those professors who have agreed to serve on the panel?</p> <p>17 A. They are. One accepted but then later</p> <p>18 withdrew.</p> <p>19 Q. Can you identify that individual, please?</p> <p>20 A. I believe it was Professor Dubrow.</p> <p>21 Q. Was Professor Dubrow -- that's the correct</p> <p>22 pronunciation, I hope. Was he replaced by a panel</p> <p>23 member?</p> <p>24 A. She was.</p> <p>25 Q. Sorry. She. Thank you. And who was she</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">143</p> <p>1 university as Dean Richmond had done with Benjamin Brand</p> <p>2 in the exhibit we had seen earlier?</p> <p>3 A. That, I do not recall.</p> <p>4 Q. Okay. So you state -- is this a statement that</p> <p>5 you crafted?</p> <p>6 A. I crafted with the support of Jim Berscheidt in</p> <p>7 the Office of University Communications.</p> <p>8 Q. Thank you. And the first line is the</p> <p>9 university of North Texas -- the first line of the</p> <p>10 statement -- well, let me scratch that.</p> <p>11 The second sentence of the statement says, The</p> <p>12 University of North Texas is committed to academic</p> <p>13 freedom and the responsibility that goes along with this</p> <p>14 freedom. This dedication is consistent with and not in</p> <p>15 opposition to our commitment to diversity and inclusion</p> <p>16 and to the highest standards of scholarship and</p> <p>17 professional ethics.</p> <p>18 Did I read that right?</p> <p>19 A. You did read that correctly.</p> <p>20 Q. Okay. So how -- were you concerned that the</p> <p>21 investigation of the ad hoc panel might be seen as</p> <p>22 inconsistent with diversity and inclusion?</p> <p>23 A. I'm sorry.</p> <p>24 MS. QUIMBY: Renaldo, I don't think you're</p> <p>25 muted.</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">142</p> <p>1 replaced by?</p> <p>2 A. It was a faculty member in the College of</p> <p>3 Business. His name is escaping me right now, but it</p> <p>4 would be in the report.</p> <p>5 Q. Okay.</p> <p>6 A. The Ad Hoc Panel Report.</p> <p>7 Q. And except for this other professor, this is</p> <p>8 the ad hoc panel, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And I understand you've now said that Dubrow</p> <p>11 also left for what I assume are unrelated reasons?</p> <p>12 A. She chose not to participate in the panel.</p> <p>13 Q. Okay. This is a statement of the University of</p> <p>14 North Texas regarding the formation of the panel,</p> <p>15 correct?</p> <p>16 A. In the middle of the email, it is the statement</p> <p>17 that UTA had or -- I'm sorry -- UNT had issued regarding</p> <p>18 the formation of this panel.</p> <p>19 Q. Was the statement issued in another location in</p> <p>20 addition to this email?</p> <p>21 A. It was available for press inquiry if they</p> <p>22 communicated with the Office of Media Relations.</p> <p>23 Q. I see.</p> <p>24 A. Or University Communications.</p> <p>25 Q. Was it published on the website of the</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">144</p> <p>1 MR. ALLEN: No. I think you're -- I'm</p> <p>2 sorry. If you heard that sound in the background, that</p> <p>3 might be my dog. I apologize for that.</p> <p>4 MS. QUIMBY: I think there was -- I</p> <p>5 thought I heard someone's voice as well. I'm sorry. I</p> <p>6 didn't mean to interrupt for the sake of interrupting.</p> <p>7 I just wanted to --</p> <p>8 MR. ALLEN: No. It wasn't -- it wasn't</p> <p>9 taken that way.</p> <p>10 Q. (By Mr. Allen) So I'm just going to --</p> <p>11 A. Can you repeat?</p> <p>12 Q. -- try to rephrase the question. Yes. Thank</p> <p>13 you, sorry.</p> <p>14 Why would you put in the statement, This</p> <p>15 commitment to academic freedom and the responsibility</p> <p>16 that goes along with this freedom (inaudible) statement</p> <p>17 about diversity and inclusion?</p> <p>18 A. I'm sorry. You cut out in the middle. Can you</p> <p>19 repeat that one more time?</p> <p>20 Q. Sure. Why do you express a commitment to</p> <p>21 academic freedom and responsibility along with a</p> <p>22 commitment to diversity and inclusion? Why is that</p> <p>23 included there?</p> <p>24 A. I'm reflecting back. It's been, you know, a</p> <p>25 number of years since I drafted that sentence. You know,</p>

1 there were a lot of concerns being raised from different
2 perspectives and different individuals.

3 The intent of this particular communication was
4 to say that the university was going to conduct a review
5 and that this doesn't -- that this meant that we were
6 going to look at academic responsibility and make sure
7 that we're upholding standards.

8 Q. How could those be inconsistent with diversity
9 and inclusion?

10 A. They might not be.

11 Q. Was anyone alleging that they were?

12 A. Was anybody alleging what was?

13 Q. Was anyone alleging that commitment to
14 diversity and inclusion was somehow inconsistent with the
15 commitment to academic freedom and the responsibility
16 that goes with this freedom?

17 A. Not that I was aware of.

18 Q. Why did you put it in the statement then?

19 A. I can't recall. That was a number of years
20 ago.

21 Q. So as you sit here today, you have no idea why
22 you included that verbose statement in the document in
23 Exhibit 6?

24 MS. QUIMBY: Objection, form.

25 A. I don't recall the exact reasons that I wrote

1 those particular words.

2 Q. (By Mr. Allen) Was anyone arguing that academic
3 freedom might harm diversity on campus?

4 A. No, not that I'm aware of.

5 Q. Clearly you would not argue that, say, a racial
6 minority is somehow harmed by academic freedom, would
7 you?

8 MS. QUIMBY: Objection, form.

9 A. You're asking me to draw a conclusion?

10 Q. (By Mr. Allen) I'm asking you your
11 understanding as provost. Clearly you would not argue
12 that academic freedom would somehow harm racial
13 minorities, would you?

14 MS. QUIMBY: Objection, form.

15 A. Yeah. You're making a statement.

16 Q. (By Mr. Allen) I'm asking a question. No.
17 I'm asking a question. As provost would you understand
18 academic freedom -- let me scratch that.

19 In your understanding as academic -- as the
20 Provost of the University of North Texas, would you not
21 agree that academic freedom would not harm racial
22 minorities?

23 MS. QUIMBY: Objection, form.

24 A. I would say that academic freedom does not have
25 to be inconsistent with a commitment to diversity and

1 inclusion.

2 Q. (By Mr. Allen) Would you agree that academic
3 freedom does not harm racial minorities?

4 A. I would not make that statement.

5 Q. You do not agree with that statement?

6 MS. QUIMBY: Objection, form.

7 A. I do not agree with how you stated that
8 statement.

9 Q. (By Mr. Allen) Do you believe academic freedom
10 harms racial minorities, President Cowley?

11 A. That's not a statement I would make.

12 Q. I'm glad. But you will not make the statement
13 that academic freedom does not harm racial minorities.

14 Is that your testimony today?

15 A. Yeah. I would not make that statement.

16 Q. Can you identify any context in which academic
17 freedom harms racial minorities?

18 A. You'd have to provide context.

19 Q. I'm asking you to provide context. Can you
20 provide any context in which academic freedom would harm
21 racial minorities?

22 MS. QUIMBY: Objection, form.

23 A. I'm not going to respond to that question.

24 MR. ALLEN: I'm sorry. Did you direct her
25 not to answer?

1 A. No. I said I'm not going to respond to that
2 question.

3 Q. (By Mr. Allen) Oh, I thought that was your
4 attorney speaking. So you're refusing to answer that
5 question. I see. Would you agree with the statement
6 that academic freedom does not harm the inclusion of
7 racial minorities at the University of North Texas as
8 provost?

9 MS. QUIMBY: Objection, form.

10 A. Your wording is unclear.

11 Q. (By Mr. Allen) What's unclear about it?
12 Please explain for the record what you find unclear about
13 the question would you agree with the statement that
14 academic freedom does not harm the inclusion of racial
15 minorities at the University of the North Texas?

16 A. It's wordy and confusing. Could you simplify
17 your statement?

18 Q. Do you agree with the statement that the
19 commitment to academic freedom does not harm racial
20 inclusion?

21 A. I would not make that statement.

22 Q. Can you think of any context in which academic
23 freedom harms racial inclusion?

24 A. No. But if you want to provide an example, I
25 could respond to that.

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">149</p> <p>1 Q. But you can't provide an example yourself in</p> <p>2 your experience as provost, right?</p> <p>3 A. Not off the top of my head.</p> <p>4 Q. Can you provide one in your experience as the</p> <p>5 President of the University of Texas at Arlington?</p> <p>6 MS. QUIMBY: Objection, form.</p> <p>7 A. Not off the top of my head.</p> <p>8 Q. (By Mr. Allen) Why did you choose panel members</p> <p>9 from outside the College of Music?</p> <p>10 A. I purposely chose panel members outside of the</p> <p>11 College of Music because the content of the journal --</p> <p>12 journal publications was irrelevant. It was about how</p> <p>13 the conceptualization and production of the volume</p> <p>14 occurred.</p> <p>15 And therefore selecting committee members that</p> <p>16 were outside of the College of Music, they brought</p> <p>17 different perspectives and different experiences relative</p> <p>18 to production of journals and would not be knowledgeable</p> <p>19 particularly about Schenkerian Studies.</p> <p>20 Q. Was it the content being Schenkerian Studies</p> <p>21 that you thought was irrelevant to the panel's</p> <p>22 investigation?</p> <p>23 MS. QUIMBY: Objection, form.</p> <p>24 A. The charge to the committee was not based on</p> <p>25 content. Selecting committee members from outside of the</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">151</p> <p>1 A. My expectation is that they would collect</p> <p>2 evidence and conduct interviews that would allow them to</p> <p>3 draw reasonable conclusions as it relates to the</p> <p>4 conception and production of this volume.</p> <p>5 Q. Okay. Would that meaning of objectively, as</p> <p>6 you use it in this statement, would it qualify as</p> <p>7 objectively doing their business correctly to ignore</p> <p>8 evidence that key witnesses were lying?</p> <p>9 MS. QUIMBY: Objection, form.</p> <p>10 Q. (By Mr. Allen) Is that objective?</p> <p>11 A. You would have to provide specific evidence</p> <p>12 that that was the case.</p> <p>13 Q. So you can't say, as you sit here today,</p> <p>14 whether the definition of objective investigation, as you</p> <p>15 set forth in this statement, would basically condone</p> <p>16 ignoring a witness -- excuse me -- evidence that a</p> <p>17 witness was lying? Is that your testimony?</p> <p>18 MS. QUIMBY: Objection, form.</p> <p>19 A. Your statement was unclear.</p> <p>20 Q. (By Mr. Allen) Okay.</p> <p>21 A. It was jumbled.</p> <p>22 Q. Yeah. No. You're right. Let me strike that.</p> <p>23 Are you able to testify today -- let me strike</p> <p>24 that again.</p> <p>25 Is it your testimony today that whatever you</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">150</p> <p>1 college meant that there was some arm's length distance,</p> <p>2 and it was unlikely that faculty members and other</p> <p>3 disciplines would have specific knowledge of the content</p> <p>4 areas being discussed in the journal.</p> <p>5 Q. (By Mr. Allen) Did you ever consider getting a</p> <p>6 music theorist from outside the University of North Texas</p> <p>7 to advise the panel?</p> <p>8 A. I did not.</p> <p>9 Q. And would you answer the same if I said to</p> <p>10 participate in the panel? You never thought of including</p> <p>11 an outside music theorist to participate in the ad hoc</p> <p>12 panel, right?</p> <p>13 A. I considered whether people involved in music</p> <p>14 should or should not be involved and made the decision</p> <p>15 that ultimately I felt it was more appropriate to exclude</p> <p>16 people from the College of Music or music generally.</p> <p>17 Q. And is that -- well, strike that and move on.</p> <p>18 You also said, The panel members who are</p> <p>19 outside the College of Music will examine objectively the</p> <p>20 process followed in the contention and production of</p> <p>21 Volume 12 of the Journal of Schenkerian Studies.</p> <p>22 Did I read that correctly?</p> <p>23 A. Correct.</p> <p>24 Q. Are you able to explain now what you meant by</p> <p>25 objectively?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">152</p> <p>1 meant by objectively set forth in this email did not</p> <p>2 encompass a requirement that the ad hoc panel be</p> <p>3 attentive to the fact that witnesses were lying to them?</p> <p>4 MS. QUIMBY: Objection, form.</p> <p>5 A. Participants in the process of being</p> <p>6 interviewed would be expected to share information that</p> <p>7 they believe to be truthful, and it would be up to the</p> <p>8 panel to evaluate the information that they received.</p> <p>9 Q. (By Mr. Allen) So evidence of truth or untruth</p> <p>10 would be relevant to an objective inquiry, right?</p> <p>11 A. Maybe. Depending on the context.</p> <p>12 Q. It would be important to an objective inquiry</p> <p>13 not to exclude exculpatory evidence, right?</p> <p>14 MS. QUIMBY: Objection, form.</p> <p>15 A. I can't speak to that. That's context</p> <p>16 dependent.</p> <p>17 Q. (By Mr. Allen) What -- in what context for the</p> <p>18 investigation of activities at the University of North</p> <p>19 Texas would it be appropriate to ignore exculpatory</p> <p>20 evidence?</p> <p>21 A. I'm not suggesting it would be.</p> <p>22 MS. QUIMBY: Objection, form.</p> <p>23 A. We're talking specifically about this</p> <p>24 investigation and any --</p> <p>25 Q. (By Mr. Allen) No. That's not true. Wait. I</p>

1 just want to cut you off. I asked you a specific
2 question. Can you name a context in which it would be
3 relevant to ignore exculpatory context in an
4 investigation at the University of North Texas?

5 You supply the context. Enlighten us what
6 context would be appropriate in an objective
7 investigation under your responsibility as provost to
8 ignore exculpatory information?

9 MS. QUIMBY: Objection, form.

10 A. This is your interview. If you want to provide
11 further context, you're welcome to. Otherwise, my answer
12 is no.

13 Q. (By Mr. Allen) Did you expect the ad hoc panel
14 to ignore exculpatory evidence?

15 A. My expectation is that the panel would review
16 evidence that was presented and make determinations that
17 would influence their recommendations.

18 Q. Does this mean you did or did not expect them
19 to ignore exculpatory evidence?

20 MS. QUIMBY: Objection, form.

21 A. The panel was charged with reviewing evidence
22 and determining that it's most relevant to support their
23 recommendations -- to support the formation of
24 recommendations.

25 Q. (By Mr. Allen) Now, you said that the

1 University of North Texas was, quote, "not investigating
2 Timothy Jackson," closed quote, right?

3 A. The charge of the committee was to review the
4 conception and production of Volume 12 of the Journal of
5 Schenkerian Studies. This professor was involved in the
6 journal and so would be part of the review process. But
7 Dr. Jackson himself was not -- the charge was not about
8 Dr. Jackson. It was about the journal.

9 Q. And you've said it's not -- you're not
10 investigating the journal, right? You're just
11 investigating Volume 12. Was that your testimony?

12 A. The conception and production of Volume 12.

13 Q. What policy or rules of the University of North
14 Texas were being followed when this investigation was
15 ordered?

16 MS. QUIMBY: Objection, form.

17 A. Part of this review was to determine whether or
18 not there could have been violations of university
19 policy. University policies are generally fairly broad,
20 and they are not policies specific to journals themselves
21 but could fall under other policies.

22 And so the charge of the ad hoc committee was
23 to make a determination around whether or not there were
24 any issues related to the conception and production of
25 Volume 12 of the Journal of Schenkerian Studies.

1 Q. (By Mr. Allen) Was the so-called ad hoc panel
2 following any established process for investigation
3 established by the University of North Texas?

4 A. There are specific -- there are specific
5 processes for certain types of policy violations.
6 However, in this case, at the beginning of the process,
7 it was unclear whether there were or were not any policy
8 violations.

9 Therefore, there was not an established
10 procedure for which one would follow. Hence, I
11 determined the best path forward was to form an ad hoc
12 committee to review this matter.

13 Q. So the very name ad hoc kind of indicates that
14 there was no policy being applied, right?

15 A. I wouldn't draw that conclusion.

16 MS. QUIMBY: Objection.

17 A. But an ad hoc panel or committee are, from time
18 to time, organized by the provost's office or other
19 offices to review a matter that doesn't clearly fall
20 within a specific policy or procedure.

21 Q. (By Mr. Allen) Was there ever a rules violation
22 found by the ad hoc panel?

23 A. The panel did not find that there was a
24 specific policy violation.

25 Q. Did the ad hoc panel find that Timothy Jackson

1 violated any rules of the university?

2 A. As I mentioned, their charge was not to review
3 Dr. Jackson specifically but to review the production of
4 Volume 12.

5 Q. Can you answer my question, please?

6 A. Can you repeat your question?

7 MR. ALLEN: Can you read the question to
8 the witness, please, Madam Court Reporter?
9 (Requested portion read back)

10 A. Their recommendations were on how the Journal
11 of Schenkerian Studies could be improved, and they were
12 not targeted specifically at Dr. Jackson. They were
13 targeted at how the journal could be improved.

14 Q. Does this mean your answer is, no, they didn't
15 find that he violated any rules?

16 MS. QUIMBY: Objection, form.

17 A. The committee did not state that there were any
18 specific policy violations by Dr. Jackson.

19 Q. (By Mr. Allen) Okay. Thank you. Now, I
20 believe you've testified that the Ad Hoc Panel Report
21 came out on November 25th of 2020, right?

22 A. I don't recall the date, but if you say that's
23 when it is, I have no reason to believe otherwise.

24 Q. And then on September 7th, I believe, in
25 advance of that, did you send a letter to Professor

1 Jackson?

2 **A.** Do you have a copy of that letter?

3 **Q.** I'm trying to find it. Yes.

4 **MR. ALLEN:** I'm going to mark for the

5 record -- now I'm afraid to say where we are.

6 **Madam Court Reporter,** are we on Exhibit 7?

7 **COURT REPORTER:** Yes. We are on Exhibit

8 7.

9 **MR. ALLEN:** Can I mark for the record

10 Exhibit 7, a letter of September 7, 2020.

11 (Deposition Exhibit No. 7 was marked)

12 **Q.** (By Mr. Allen) And, President Cowley, bear with

13 me. I can't stand when people do this to me, but it's

14 almost inevitable. I've got to scroll through to show

15 you your signature. Okay? So I'm not trying to make you

16 cross eyed.

17 **A.** That is my signature.

18 **Q.** So now back to the top. Is it accurate to say

19 that Exhibit 7, the letter of September 7, 2020, is a

20 letter sent by you to Timothy Jackson?

21 **A.** That's correct.

22 **Q.** I'm sorry. Did you answer and I didn't hear

23 it?

24 **A.** Yes. I said that's correct.

25 **Q.** Okay. I apologize. I think it -- we had a

1 little bit of a delay in the audio feed.

2 So here you tell him -- I'm just going to skip

3 down to the third paragraph -- that the university is not

4 investigating him or the journal, correct?

5 **A.** Can I read that paragraph?

6 **Q.** Oh, yeah. I'm not trying to rush you.

7 Please, if you want me to reposition it on the page or

8 whatnot, just tell me.

9 **A.** That's okay. Okay. I've read that paragraph.

10 **Q.** Okay. And you inform him in the first sentence

11 of that paragraph, The university is investigating

12 neither you nor the Journal of Schenkerian Studies,

13 correct?

14 **A.** That's what that sentence states.

15 **Q.** But then you go on to say that it is actually

16 investigating Volume 12, right?

17 **A.** Correct. That's correct.

18 **Q.** But somehow that's not investigating the

19 journal, right?

20 **A.** It's investigating a particular volume of the

21 journal, a particular publication.

22 **Q.** And you also say here -- and I'm going to take

23 this off -- The university has discretion, if not the

24 obligation, to look into these circumstances, right?

25 **A.** Correct.

1 **Q.** Now, you had the discretion to look into

2 Timothy Jackson's complaints that his colleagues were

3 violating his academic freedom as well, did you not?

4 **MS. QUIMBY:** Objection, form.

5 **A.** As the provost, I have the ability to look into

6 concerns that a faculty member may raise.

7 **Q.** (By Mr. Allen) And you're very concerned to put

8 an end to misinformation and mischaracterization,

9 correct, about this matter, the investigation of the

10 Journal for Schenkerian Studies?

11 **A.** Into the mischaracterization about the review

12 of Volume 12 of the Journal of Schenkerian Studies.

13 **Q.** Is this a concern about objectivity you're

14 expressing here in this final sentence? Is that a fair

15 characterization?

16 **MS. QUIMBY:** Objection, form.

17 **A.** No.

18 **Q.** (By Mr. Allen) You raised the issue of the

19 grievance that Timothy Jackson brought to your attention

20 in that letter that we looked at earlier in the

21 deposition which was dated July 31st, 2020, in this final

22 paragraph that begins on this first page, right?

23 **A.** Are you referring to his claim related to

24 academic freedom?

25 **Q.** Yes.

1 **A.** Okay. Just let me read that paragraph.

2 **Q.** I'm going to represent that it goes onto the

3 next page here too, so I'll move it up just a bit.

4 There you go. I'm sorry.

5 **A.** That's okay. I reached the end of that

6 paragraph.

7 **Q.** I'm calling up the letter. And you -- your

8 statement here is that apparently your counsel, the

9 counsel of the university I assume, pointed out that he

10 could not identify the policy under which he was filing a

11 grievance. He, meaning Timothy Jackson, is that how you

12 understood that sentence?

13 **A.** Correct.

14 **Q.** Do you recall that letter referring to the

15 academic freedom policy of the university?

16 **A.** I recall a policy number, but we'd have to go

17 back and look at the letter.

18 **Q.** And you're sort of anticipating what I was

19 going to do here is -- this is the letter of July 31st,

20 2020, from the law firm Allen Law, LLC, to you, Jennifer

21 Cowley. Do you remember seeing this exhibit earlier?

22 **A.** Yes, I do.

23 **Q.** And I apologize to counsel and to you because

24 of the question we have about numbering. I'm just going

25 to refer to the letter and the record will reflect how it

1 was introduced as an exhibit. I'm going to skip down to
 2 this sentence here. Do you recall seeing this sentence
 3 earlier in the deposition?
 4 **A.** Let me read it. I do recall.
 5 **Q.** Absolutely.
 6 **A.** But just let me read it. Okay. I've read that
 7 paragraph.
 8 **Q.** And I'm going to flip back to Exhibit 7.
 9 Isn't it clear that this is a policy identified in that
 10 letter that Timothy Jackson alleged was being violated?
 11 **MS. QUIMBY:** Objection, form.
 12 **A.** Dr. Jackson or his counsel, whoever drafted the
 13 letter. There is no action so no action had been taken
 14 for him to grieve.
 15 **Q.** (By Mr. Allen) Didn't you read in that letter
 16 that the investigation was already announced by Dean
 17 Richmond and that the -- I think you testified earlier
 18 that an investigation is something that is done by the
 19 university, correct?
 20 **A.** Correct. But reviewing the publication of a
 21 journal issue does not in and of itself constitute a
 22 violation of anyone's academic freedom.
 23 **Q.** Okay. So your testimony today is that placing
 24 the journal under investigation does not count as an
 25 action for the purposes of the violation of that policy

1 that we just discussed?
 2 **MS. QUIMBY:** Objection, form.
 3 **A.** The journal was not placed under investigation.
 4 There was a review of Volume 12 of that publication.
 5 **Q.** (By Mr. Allen) So investigating a volume of a
 6 journal is not investigating the journal. Is that your
 7 testimony today?
 8 **A.** It's not a holistic investigation of a journal.
 9 It is a review of a single publication.
 10 **Q.** It's still an investigation, right?
 11 **A.** Correct.
 12 **Q.** And your testimony today is that that -- that
 13 an investigation cannot count as an action that might
 14 violate UNT Policy 06.035, academic freedom and academic
 15 responsibility?
 16 **A.** Correct.
 17 **Q.** Okay. I think we may be done with this one.
 18 Sorry to pause, President Cowley. I want to make sure I
 19 number my exhibits correctly going forward, so I'm trying
 20 to be more careful.
 21 Did you in advance of convening the ad hoc
 22 panel, which I know you've testified there was that email
 23 that we looked at but was not the convening of the panel.
 24 And I'm not saying that but eventually it was
 25 (inaudible).

1 **THE WITNESS:** We can't hear you.
 2 **MS. QUIMBY:** Yeah. You just froze for a
 3 minute.
 4 **MR. ALLEN:** Sorry. Am I back on?
 5 **THE WITNESS:** You are now.
 6 **Q.** (By Mr. Allen) Sorry. I wanted to ask you a
 7 question about what happened after the panel was
 8 convened. And I'm not implying that it was convened on
 9 the day that email was sent to all the members that we
 10 discussed, but at some point it was convened, right?
 11 **A.** Correct. Are we still referring to this
 12 document, or are we moving on to a different topic?
 13 **Q.** No. I'm moving on to a slightly different
 14 topic.
 15 **A.** Okay. Thank you.
 16 **Q.** I'll put -- I'll put Exhibit 6 back up. After
 17 August 6, at some point the panel was convened, correct?
 18 **A.** That's correct.
 19 **Q.** And they met with you in your office, I assume?
 20 **A.** I believe it was a virtual meeting, but I don't
 21 recall the details.
 22 **Q.** Of course, I forget. This is the COVID era
 23 we're talking about. So was Timothy Jackson informed in
 24 advance that he would have an opportunity to respond to
 25 the Ad Hoc Panel Report?

1 **A.** I don't recall that.
 2 **Q.** Eventually you did ask Professor Jackson to
 3 respond to the Ad Hoc Panel Report, right?
 4 **A.** I just want to clarify your question. Are you
 5 asking if he participated in the -- in the ad hoc panel?
 6 **Q.** Well, I'll strike the question.
 7 We'll move on because I think it will come up
 8 in the course of other documents. Let's say before we
 9 move on to the actual Ad Hoc Panel Report itself, did you
 10 ever as provost express concern about the Journal of
 11 Schenkerian Studies before 2020?
 12 **A.** No. I'm not sure I knew we had a Journal of
 13 Schenkerian Studies before 2020.
 14 **Q.** And if I ask you the same question about the
 15 Center for Schenkerian Studies, did you ever have any
 16 concern about the Center for Schenkerian Studies prior to
 17 2020?
 18 **A.** Not concerns but I cannot recall with
 19 specificity. I believe his center may have been up for
 20 review, but that may not be true. So I don't know that I
 21 had any concerns, but there is regular review processes
 22 that happened related to centers.
 23 **Q.** And you were aware that had -- the Center for
 24 Schenkerian Studies had been reviewed previously,
 25 correct?

1 A. Given its length of time, I believe that would
2 have been true.

3 MR. ALLEN: I'm going to mark for the
4 record Exhibit 8. This is a Center Review Report period
5 2013 to 2016 with Bates Number JACKS_067377.

6 (Deposition Exhibit No. 8 was marked)

7 Q. (By Mr. Allen) Is that visible to you,
8 President Cowley?

9 A. It is.

10 Q. Now, I don't know if you have seen this
11 document before, so I'll just ask do you see center
12 review documents as provost?

13 A. I typically do not. Those report to someone in
14 my office.

15 Q. Okay.

16 A. And then if there are specific concerns, those
17 could be elevated to me.

18 Q. How often are centers reviewed?

19 A. There is a regular review period. I don't
20 recall the exact time period, but that's in university
21 policy.

22 Q. Since it's 2013 to 2016 in the title of this,
23 is it a three year review period?

24 A. I would not be surprised if that was the case.

25 Q. Okay. This says reports to, and it clicks the

1 chair box here. Do you see that?

2 A. I do.

3 Q. Is that your understanding that the Center for
4 Schenkerian Studies was supposed to report to the chair
5 meaning Division Chair Benjamin Brand?

6 A. Well, as you see, there are two boxes checked.
7 One that says it's an academic center that reports
8 through the provost office, and then it reports to the
9 chair of the Division of Music History, Theory, and
10 Ethnomusicology.

11 Q. So was he center, I suppose? Let's say the
12 center was responsible to reporting both to your office
13 and to the division chair?

14 A. It would report to the chair on day-to-day
15 matters, and then it would fall under the review of the
16 provost's office as it relates to broader center reviews.

17 Q. Okay. And were you aware of other faculty
18 associated with this center?

19 A. I knew there were faculty related to the
20 center. A center is not a one person entity.

21 Q. Right, right. And I think those -- is it
22 correct to -- I'm sorry. I can't get -- this is -- one
23 second. This should do it. Sorry. I wanted to get this
24 all on screen at the same time, and Adobe Acrobat wasn't
25 cooperating.

1 This is a spreadsheet, I guess, that was
2 printed out. Is that how that these documents are
3 maintained by the university? It's a spreadsheet that
4 you fill in?

5 A. This looks like a general template. I don't
6 know if it's the identical template that was used for the
7 later review of his center, but it doesn't look
8 inconsistent with reports I've seen in the past.

9 Q. Okay. And there is a -- it says in this
10 section names of center/institute administrators and
11 staff. And it lists Timothy Jackson, Stephen Slottow,
12 Diego Cubero, and Ellen Bakulina. Did I -- is that
13 correct?

14 A. That would appear -- is what appears on the
15 page.

16 Q. And you don't have any reason to believe this
17 was false, right?

18 A. No.

19 Q. Do you know who Benjamin Graf is?

20 A. Yes.

21 Q. Was he on faculty at the time you were provost?

22 A. For a portion of the time that I was provost.
23 I'm not exact certain the exact date he started as a
24 faculty.

25 Q. Okay. So the last question I'll ask about

1 this, I think, is -- which you may have already answered,
2 and I apologize. But prior to 2020, no one brought
3 concerns to your attention that the Center for
4 Schenkerian Studies was being mismanaged?

5 A. No.

6 MS. QUIMBY: Objection, form.

7 MR. ALLEN: I'm going to mark as -- Madam
8 Court Reporter, are we up to 9? Exhibit 9?

9 COURT REPORTER: Yes, sir. Exhibit 9.

10 MR. ALLEN: I'm going to mark as Exhibit 9
11 the Ad Hoc Review Panel Report, a Review of Conception
12 and Production of Volume 12 of the Journal of Schenkerian
13 Studies dated volume -- dated November 25, 2020.

14 (Deposition Exhibit No. 9 was marked)

15 Q. (By Mr. Allen) Did I read that correctly?

16 A. Yes.

17 Q. And do you recognize this as the Ad Hoc Panel
18 Report that we have discussed previously in our
19 deposition today?

20 A. Yes, I do.

21 Q. Thank you. And it's still your testimony that
22 they weren't investigating Journal of Schenkerian Studies
23 because they were only investigating one volume?

24 A. The charge to the committee was to review the
25 conception and production of Volume 12.

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">169</p> <p>1 Q. Now, do you know if this panel report ever made</p> <p>2 clear to Timothy Jackson in advance that he would be</p> <p>3 invited to respond?</p> <p>4 MS. QUIMBY: Objection, form.</p> <p>5 A. I'm not certain. I know there were some</p> <p>6 communications such as the letter you showed, but I don't</p> <p>7 recall specifically.</p> <p>8 Q. (By Mr. Allen) Okay. If that was part of the</p> <p>9 process of the investigation by the ad hoc panel, would</p> <p>10 you expect them to put that in the report?</p> <p>11 MS. QUIMBY: Objection, form.</p> <p>12 A. I would expect that the people that they</p> <p>13 interviewed as part of their review would be included or</p> <p>14 referenced in the report.</p> <p>15 Q. (By Mr. Allen) But that's not my question.</p> <p>16 That he would have a chance to respond to the</p> <p>17 investigation report. If that was going to be part of</p> <p>18 the process, would you expect them to put that in the</p> <p>19 report?</p> <p>20 A. Their charge was to provide recommendations to</p> <p>21 me on their findings.</p> <p>22 Q. Yeah. They have a section that goes background</p> <p>23 information and scope of review, right?</p> <p>24 A. Uh-huh.</p> <p>25 Q. You remember reading that, correct?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">171</p> <p>1 A. Yes, I do.</p> <p>2 Q. So this was Exhibit 2 to the Ad Hoc Panel</p> <p>3 Report, and this is the Executive Board of the Society of</p> <p>4 Music Theory's statement, right?</p> <p>5 A. Yes. That's what it appears to be.</p> <p>6 Q. And the first line says, The Executive Board of</p> <p>7 the Society for Music Theory condemns the antiblack</p> <p>8 statements and personal ad hominem attacks on Philip</p> <p>9 Ewell perpetuated in several essays included in the</p> <p>10 symposium on Philip Ewell's 2019 SMT plenary paper</p> <p>11 published by the Journal of Schenkerian Studies, right?</p> <p>12 A. You read that correctly.</p> <p>13 Q. Did you understand from that -- this is the</p> <p>14 statement by the SMT which you said prompted you to</p> <p>15 convene an investigation, right?</p> <p>16 A. Correct.</p> <p>17 Q. And you understood -- well, let me back up.</p> <p>18 And you read it, I assume, carefully at the time, right?</p> <p>19 A. Correct.</p> <p>20 Q. Did you understand from that headline which we</p> <p>21 just read, the Executive Board of the Society for Music</p> <p>22 Theory condemns the antiblack statements and personal ad</p> <p>23 hominem attacks on Philip Ewell.</p> <p>24 You understood that as indicating their primary</p> <p>25 concern was with the procedural methods followed by the</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">170</p> <p>1 A. I do. I don't recall the details.</p> <p>2 Q. And here it is on Page 3 to 4 of the report,</p> <p>3 correct?</p> <p>4 A. Okay, yes.</p> <p>5 Q. Here in our review, To begin, they say we first</p> <p>6 reviewed the concerns expressed about the journal's</p> <p>7 editorial and review processes raised in public</p> <p>8 statements raised by three different groups.</p> <p>9 And they list them right here, correct?</p> <p>10 A. Yes, they do.</p> <p>11 Q. And you understand there were exhibits attached</p> <p>12 to the Ad Hoc Panel Report that were actually those</p> <p>13 concerns, those statements of concern that they just</p> <p>14 referenced in those three numbered paragraphs?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. Yes. I was aware that those were included as</p> <p>17 appendices, if you will, to the report.</p> <p>18 Q. (By Mr. Allen) And here is -- I'm sorry if this</p> <p>19 overlaps. You'll see these stamps at the top of the page</p> <p>20 or because the document has been filed in court.</p> <p>21 A. Okay.</p> <p>22 Q. Just so I'm clear about that to you. And I'm</p> <p>23 not arguing that those were part of the document.</p> <p>24 A. Okay.</p> <p>25 Q. Do you see this Exhibit 2 stamp up here?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">172</p> <p>1 journal in publishing Volume 12?</p> <p>2 MS. QUIMBY: Objection, form.</p> <p>3 A. That is not the conclusion that I drew.</p> <p>4 Further down in the statement, it specifically --</p> <p>5 Q. (By Mr. Allen) We'll get there. Don't -- I'm</p> <p>6 just asking. Look, this will go a lot faster if you just</p> <p>7 answer the question. In the first sentence, they're</p> <p>8 primarily concerned with what they call antiblack</p> <p>9 statements and personal ad hominem attacks, right?</p> <p>10 A. I do not draw the conclusion that that's their</p> <p>11 primary concern.</p> <p>12 Q. Do you think that by putting it in much larger</p> <p>13 font that the rest of the statement, that that had no</p> <p>14 meaning to them?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 Q. (By Mr. Allen) Is that insignificant to you?</p> <p>17 A. I cannot draw a conclusion about what the SMT</p> <p>18 executive board thought.</p> <p>19 Q. And you draw no conclusion from the fact that</p> <p>20 they put that first in their statement?</p> <p>21 A. I did not draw a conclusion from that being the</p> <p>22 first statement.</p> <p>23 Q. Then the second statement, the executive</p> <p>24 board -- excuse me. There it is again. Sorry. No, no.</p> <p>25 This is the second statement.</p>

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">173</p> <p>1 The Executive Board of the Society for Music</p> <p>2 Theory condemns the antiblack statements and personal ad</p> <p>3 hominem attacks on Philip Ewell perpetuated in the</p> <p>4 essays.</p> <p>5 And then they go -- then they say, The</p> <p>6 conception of the symposium didn't meet ethical and</p> <p>7 professional scholarly standards, right?</p> <p>8 A. Yes.</p> <p>9 Q. Were you aware that the Society for Music</p> <p>10 Theory has its own statements on academic freedom?</p> <p>11 A. I don't recall if I was familiar with that or</p> <p>12 not.</p> <p>13 Q. I'm just scrolling through this. See how this</p> <p>14 is Exhibit 3 to the Ad Hoc Panel Report?</p> <p>15 A. Yes.</p> <p>16 Q. And this is the one from the graduate students,</p> <p>17 right?</p> <p>18 A. Correct.</p> <p>19 Q. And just really quickly, is this the student</p> <p>20 statement that you earlier testified you read before you</p> <p>21 decided to convene the Ad Hoc Panel Report?</p> <p>22 A. Yes.</p> <p>23 Q. Excuse me. The ad hoc panel. I said report</p> <p>24 but before you convened the ad hoc panel?</p> <p>25 A. Correct.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">175</p> <p>1 We, the undersigned faculty members of the</p> <p>2 University of North Texas Division of Music History,</p> <p>3 Theory, and Ethnomusicology stand in solidarity with our</p> <p>4 graduate students in their letter of condemnation of the</p> <p>5 Journal of Schenkerian Studies. We wish to stress that</p> <p>6 we are speaking for ourselves individually and not on</p> <p>7 behalf of the university;</p> <p>8 The forthcoming issue, a set of responses to</p> <p>9 Dr. Philip Ewell's plenary lecture at the 2019 Society</p> <p>10 for Music Theory Annual Meeting, is replete with racial</p> <p>11 stereotypes and tropes and includes personal attacks</p> <p>12 directed at Dr. Ewell.</p> <p>13 Did I read that correctly?</p> <p>14 A. You read that correctly.</p> <p>15 Q. So that's the thing they emphasized first,</p> <p>16 correct?</p> <p>17 A. That's the thing they stated first.</p> <p>18 Q. And you didn't think stating something first</p> <p>19 means you're emphasizing it more than things that come</p> <p>20 later?</p> <p>21 A. I don't draw that conclusion.</p> <p>22 Q. Then they say, To be clear, not all responses</p> <p>23 contain such egregious material. Some were thoughtful</p> <p>24 and meaningfully addressed and amplified Dr. Ewell's</p> <p>25 remarks about systemic racism in the discipline.</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">174</p> <p>1 Q. Thank you. And as Exhibit 4, they attach this,</p> <p>2 Statement of UNT faculty on Journal of Schenkerian</p> <p>3 Studies. Did I read that correctly?</p> <p>4 A. You did.</p> <p>5 Q. Is this the statement by the faculty that you</p> <p>6 read?</p> <p>7 A. It appears to be the statement by the faculty.</p> <p>8 I just want to clarify my recollection is that there were</p> <p>9 many things that were happening around the same period of</p> <p>10 time, and so I'm not certain of the date that each</p> <p>11 individual letter was submitted. The primary letter that</p> <p>12 alerted me we needed to undertake a review was from the</p> <p>13 -- from the Society for Music Theory.</p> <p>14 Q. Okay. Yet this letter was also considered by</p> <p>15 you at that time, right?</p> <p>16 A. This letter was submitted around the time of</p> <p>17 the convening of the committee.</p> <p>18 Q. And I just want to call your attention to this</p> <p>19 paragraph here. Have you had a chance to read that</p> <p>20 paragraph?</p> <p>21 A. Give me a moment to read it. Okay. I've read</p> <p>22 that paragraph.</p> <p>23 Q. So this is the first paragraph to the faculty</p> <p>24 statement that we've been talking about. And I just --</p> <p>25 well, we'll read it into the record:</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">176</p> <p>1 Did I read that correctly?</p> <p>2 A. You read that correctly.</p> <p>3 Q. So did you understand that talks or -- excuse</p> <p>4 me -- articles in the symposium of Volume 12 that, quote,</p> <p>5 "amplified Dr. Ewell's remarks" were considered by the</p> <p>6 faculty not to be egregious?</p> <p>7 MS. QUIMBY: Objection, form.</p> <p>8 A. Could you restate that?</p> <p>9 Q. (By Mr. Allen) Sure. They say not everything</p> <p>10 was egregious, right? Not all responses contain such</p> <p>11 egregious material, right?</p> <p>12 A. I think the sentence you read shares their</p> <p>13 statement.</p> <p>14 Q. And says, Some were thoughtful and meaningfully</p> <p>15 addressed and amplified Dr. Ewell's remarks, right?</p> <p>16 A. That's what the sentence says.</p> <p>17 Q. So my question is did you understand from that</p> <p>18 that the faculty found articles in the symposium not to</p> <p>19 be egregious when they amplified Dr. Ewell's remarks?</p> <p>20 MS. QUIMBY: Objection.</p> <p>21 A. I didn't draw any conclusion.</p> <p>22 Q. (By Mr. Allen) Only at the end they say,</p> <p>23 Dr. Ewell was not afforded the opportunity to respond in</p> <p>24 print.</p> <p>25 Did I read that correctly?</p>

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">177</p> <p>1 A. You did read that correctly.</p> <p>2 Q. And then they also note a lack of clearly</p> <p>3 defined peer review process which they seem very</p> <p>4 concerned about, right?</p> <p>5 A. Correct. And then the next paragraph goes on</p> <p>6 to raise concerns about the editorial and publication</p> <p>7 process.</p> <p>8 Q. I'm going to -- I'm going to get to that. I</p> <p>9 want to ask one more question about that. Were you aware</p> <p>10 that Dr. Ewell was sent a call for papers as part of the</p> <p>11 publishing of the symposium?</p> <p>12 MS. QUIMBY: Objection, form.</p> <p>13 A. I believe I became aware of that at some point.</p> <p>14 I can't recall if it was in the report or in some other</p> <p>15 communication.</p> <p>16 Q. (By Mr. Allen) Is receiving a call for papers</p> <p>17 consistent with, quote, "not afforded the opportunity to</p> <p>18 respond in print"?</p> <p>19 MS. QUIMBY: Objection, form.</p> <p>20 A. The statement here is what the faculty's</p> <p>21 perceptions were.</p> <p>22 Q. (By Mr. Allen) I know. I'm asking what your</p> <p>23 perception is as a lifelong academic published author and</p> <p>24 provost and now president of a university tasked with</p> <p>25 producing real knowledge. Is it consistent with the</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">179</p> <p>1 A. You read that. And then they say --</p> <p>2 (Cross-talk)</p> <p>3 Q. But he was --</p> <p>4 A. -- unacceptable.</p> <p>5 Q. -- afforded the opportunity to respond,</p> <p>6 correct, based on what you know?</p> <p>7 MS. QUIMBY: Objection, form.</p> <p>8 A. I later came to understand that what you just</p> <p>9 stated is true, that he was sent the call.</p> <p>10 Q. (By Mr. Allen) So this is basically a lie,</p> <p>11 correct, about their colleague --</p> <p>12 MS. QUIMBY: Objection, form.</p> <p>13 Q. (By Mr. Allen) -- Timothy Jackson?</p> <p>14 MS. QUIMBY: Objection, form.</p> <p>15 A. I would not characterize it that way. The</p> <p>16 faculty had a concern. They raised it. It was reviewed,</p> <p>17 and the report finds the conclusions of the ad hoc panel.</p> <p>18 Q. (By Mr. Allen) You don't think these faculty</p> <p>19 members, who are members of the Society for Music Theory,</p> <p>20 also got the call for papers?</p> <p>21 A. I have no knowledge of who received what.</p> <p>22 Q. You think they -- is it your impression that</p> <p>23 they just learned about the call for papers from the Ad</p> <p>24 Hoc Panel Report?</p> <p>25 MS. QUIMBY: Objection, form.</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">178</p> <p>1 statement that Philip Ewell was not afforded the</p> <p>2 opportunity to respond in print --</p> <p>3 A. The faculty --</p> <p>4 Q. -- but he got a call for papers?</p> <p>5 A. The faculty raised this as a concern.</p> <p>6 Dr. Jackson later conveyed that Dr. Ewell was provided an</p> <p>7 opportunity to respond or was received the call.</p> <p>8 Q. Okay.</p> <p>9 A. Those are --</p> <p>10 Q. Is that consistent with the statement, He was</p> <p>11 not afforded the opportunity to respond? He, Ewell?</p> <p>12 A. The faculty raised this as a concern. They</p> <p>13 were concerned that he had not been provided an</p> <p>14 opportunity.</p> <p>15 Q. They didn't raise it a -- as a concern. They</p> <p>16 say it's a fact, right? They say it's a fact.</p> <p>17 MS. QUIMBY: Objection, form.</p> <p>18 A. You would have to ask the faculty members their</p> <p>19 intent.</p> <p>20 Q. (By Mr. Allen) Let's -- let's ask the document</p> <p>21 that. I'm not asking about your understanding of their</p> <p>22 intent. I'm asking about your understanding. They say</p> <p>23 here in black and white, The fact that he was not</p> <p>24 afforded the opportunity to respond.</p> <p>25 Did I read that right?</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">180</p> <p>1 A. I have no idea what information these faculty</p> <p>2 members had at the time.</p> <p>3 Q. (By Mr. Allen) When you saw that this statement</p> <p>4 was inconsistent with what they had found by the ad hoc</p> <p>5 panel, did you find that to be worthy of investigation?</p> <p>6 MS. QUIMBY: Objection, form.</p> <p>7 A. Why would I investigate the faculty members for</p> <p>8 making a statement that was not fully true?</p> <p>9 Q. (By Mr. Allen) Because they're openly lying</p> <p>10 about their colleague.</p> <p>11 MS. QUIMBY: Objection.</p> <p>12 Q. (By Mr. Allen) You don't think that's</p> <p>13 concerning in an academic department?</p> <p>14 MS. QUIMBY: Objection, form.</p> <p>15 A. It's not uncommon that one makes a statement</p> <p>16 that may later be found to be untrue.</p> <p>17 Q. (By Mr. Allen) Is it common for faculty under</p> <p>18 your leadership to make comments that they affirmatively</p> <p>19 know not to be true?</p> <p>20 A. I have no knowledge that they knew that this</p> <p>21 was untrue.</p> <p>22 Q. If a faculty member got the call for papers</p> <p>23 that they knew was distributed to Philip Ewell and then</p> <p>24 made the affirmative statement that it was a fact that he</p> <p>25 was not afforded the opportunity to respond --</p>

- 1 A. I'm not going to --
- 2 Q. -- would that be problematic?
- 3 A. I'm not going to go further with this. I
- 4 cannot respond. You'd have to ask the faculty members
- 5 what they did or did not know.
- 6 Q. So you're refusing to answer the question yet
- 7 again?
- 8 A. Yes.
- 9 Q. Here, the next paragraph, They endorse the call
- 10 for action outlined in their student letter.
- 11 Did I read that correctly?
- 12 A. You read that correctly.
- 13 Q. And this is a URL right here, correct?
- 14 A. That's correct. There is a URL.
- 15 Q. Is it your understanding that that linked to
- 16 this Exhibit 3 statement by the students?
- 17 MS. QUIMBY: Objection, form.
- 18 A. I don't know that to be true. But if you say
- 19 it is, I have no reason to question that.
- 20 Q. (By Mr. Allen) I am just going to stop our
- 21 share screen for a moment and share -- do you see this?
- 22 Is it big enough to read for you, President Cowley?
- 23 A. It is not large enough to read. I can see
- 24 there is a document, but it would need to be enlarged.
- 25 Q. Oh, that's maybe too large now. Do you see

- 1 that?
- 2 A. I see that.
- 3 Q. So I'm just going to represent to you that this
- 4 is the document that comes up online when I click on that
- 5 URL.
- 6 A. Okay. I have no reason to believe that that's
- 7 not the case.
- 8 Q. Is this the same statement that we have seen
- 9 attached to the Ad Hoc Panel Report as the student
- 10 statement?
- 11 MS. QUIMBY: Objection, form.
- 12 A. It looks similar. I have no reason to question
- 13 that it's not the statement.
- 14 MR. ALLEN: And I'm just going to let the
- 15 record reflect that I am going to print this which
- 16 President Cowley and I have just examined by clicking on
- 17 that link and send it to the Court Reporter and mark it
- 18 as -- what are we up to, Madam Reporter? Exhibit 10?
- 19 COURT REPORTER: Yes, sir. Exhibit 10.
- 20 (Deposition Exhibit No. 10 was marked)
- 21 MS. QUIMBY: Before we go on, can we take
- 22 a quick five minute break?
- 23 MR. ALLEN: Yeah. That will allow me to
- 24 get these exhibits. All right.
- 25 VIDEOGRAPHER: Going off the record.

- 1 (Recess taken from 2:09 to 2:18)
- 2 VIDEOGRAPHER: On the record, 2:18 p.m.
- 3 Q. (By Mr. Allen) Do you see Exhibit 9 up again,
- 4 the Ad Hoc Panel Report, President Cowley?
- 5 A. No. It's showing a statement of UNT faculty.
- 6 Q. I understand. Do you see this is Exhibit 4?
- 7 I'm going to take you to somewhere else in the --
- 8 A. I understand.
- 9 Q. -- panel report. Again my purpose wasn't to
- 10 confuse you here. I wanted to get where they say the
- 11 panel charge, so we're going to go to Page 3, the panel
- 12 charge. And I just want to clarify something. Do you
- 13 see this is the section on Page 3 of the document --
- 14 A. Yes.
- 15 Q. -- on the panel charge?
- 16 A. Yes. I see that.
- 17 Q. This would have been the charge that you
- 18 conveyed to the panel, correct?
- 19 A. Can I read it, please?
- 20 Q. Oh, absolutely. I didn't mean to rush you
- 21 through it.
- 22 A. Okay. I have now read that.
- 23 Q. So it says here on August 6, 2020, they
- 24 received the -- an email from you inviting them to be
- 25 members of the panel, right?

- 1 A. Correct.
- 2 Q. That email is going to be attached as Exhibit
- 3 1, right?
- 4 A. I believe so.
- 5 Q. And by that, I mean Exhibit 1 to the Ad Hoc
- 6 Panel Report which we've introduced into the record here
- 7 for this deposition as Exhibit 9.
- 8 A. Okay.
- 9 Q. And then they quote in that email, The provost,
- 10 meaning you, stated that the purpose of the panel was to
- 11 examine objectively the process -- the processes
- 12 following -- followed in the conception and production of
- 13 Volume 12 of the Journal of Schenkerian Studies, right?
- 14 A. Correct.
- 15 Q. So I just want to take you to Exhibit 1.
- 16 Scrolling through the document is this one, right?
- 17 A. Yes.
- 18 Q. And I just want you to confirm -- we talked
- 19 about this before, I believe. And I just want to confirm
- 20 that Exhibit 1 in this Ad Hoc Panel Report is, in fact,
- 21 the same email as Exhibit 6, I believe we marked in the
- 22 record earlier, which was your email of August 6, 2020?
- 23 A. Can you flip back just so I can confirm?
- 24 Q. I can.
- 25 A. It does appear to be the same email. It's just

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">185</p> <p>1 formatted differently.</p> <p>2 Q. I apologize. When working with electronic</p> <p>3 records, they often go all kinds of sideways directions</p> <p>4 with regard to format.</p> <p>5 A. Yes.</p> <p>6 Q. Thank you for that. So there is only one other</p> <p>7 thing I want to -- we're going to go really quickly to</p> <p>8 one section. So as far as I can tell, there is only one</p> <p>9 section where they address the content of the journal,</p> <p>10 and that's in this section.</p> <p>11 A. Let me review that.</p> <p>12 Q. Absolutely. And if I can -- well, let me do</p> <p>13 something which I think will make our life easier.</p> <p>14 A. Okay.</p> <p>15 Q. Do you remember reading this section of the</p> <p>16 journal? I mean, excuse me, of the Ad Hoc Panel --</p> <p>17 A. Yes.</p> <p>18 Q. -- Report? And is it the kind of story that</p> <p>19 kind of stood out in your mind at the time?</p> <p>20 A. I couldn't say that.</p> <p>21 Q. Okay. But the story is here that Levi</p> <p>22 Walls -- and do you know who Levi Walls was?</p> <p>23 A. I believe he was a graduate student associated</p> <p>24 with the journal.</p> <p>25 Q. That he was sort of forced into Dr. Jackson's</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">187</p> <p>1 Q. (By Mr. Allen) I'm just curious. At the</p> <p>2 University of North Texas, is it somehow the proper job</p> <p>3 of an editor of a journal to censor people?</p> <p>4 MS. QUIMBY: Objection, form.</p> <p>5 A. The way you've characterized it, that it is the</p> <p>6 responsibility of a journal editor to review the content</p> <p>7 of an article and make recommendations after having</p> <p>8 reviewed it.</p> <p>9 Q. (By Mr. Allen) Well, apparently Levi Walls told</p> <p>10 them he was instructed not to censor people, right? Isn't</p> <p>11 that what you understand from this passage?</p> <p>12 MS. QUIMBY: Objection, form.</p> <p>13 A. That's what it states.</p> <p>14 Q. (By Mr. Allen) Did you understand something</p> <p>15 different from what it states?</p> <p>16 A. I draw no conclusion from that statement.</p> <p>17 Q. So my question is at the University of North</p> <p>18 Texas, is it the job of editors to affirmatively censor</p> <p>19 people?</p> <p>20 A. That's not an accurate statement.</p> <p>21 Q. Okay. Thank you. Well, let me just clarify</p> <p>22 one last question about that because I didn't make a</p> <p>23 statement. I asked a question. But is your testimony</p> <p>24 that at the University of North Texas, it is not an</p> <p>25 accurate statement that editor's job -- the editor's job</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">186</p> <p>1 car and told that it's not his job to censor people,</p> <p>2 right?</p> <p>3 MS. QUIMBY: Objection, form.</p> <p>4 A. It states, He stated that after raising</p> <p>5 concerns, he was taken into Dr. Jackson's car where</p> <p>6 Dr. Jackson told him it was not his job to censor people</p> <p>7 and told not to do it again.</p> <p>8 Q. (By Mr. Allen) Did you think this was a</p> <p>9 significant finding by the ad hoc panel?</p> <p>10 A. I don't know that I thought about it that way.</p> <p>11 I was primarily looking at the recommendations that the</p> <p>12 committee drew based on the evidence they reviewed.</p> <p>13 Q. I've always been confused by this passage. So</p> <p>14 it says, Dr. Jackson told Levi Walls, one of the graduate</p> <p>15 students working as an editor on the journal, it's not</p> <p>16 his job to censor people, right?</p> <p>17 MS. QUIMBY: Objection, form.</p> <p>18 A. I don't understand what you're asking.</p> <p>19 Q. (By Mr. Allen) Well, let me just read it into</p> <p>20 the record. The ad hoc panel repeats this story that</p> <p>21 Levi Walls was taken into Dr. Jackson's car where</p> <p>22 Dr. Jackson told him that it was not his job to censor</p> <p>23 people, right?</p> <p>24 MS. QUIMBY: Objection, form.</p> <p>25 A. That's the statement in the report.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">188</p> <p>1 is to censor people?</p> <p>2 A. The way that's worded is very confusing.</p> <p>3 Q. Well, your answer is confusing to me. That's</p> <p>4 why I'm trying to ask it again.</p> <p>5 A. An editor --</p> <p>6 Q. It would help -- can you answer my question yes</p> <p>7 or no? That would probably be the easiest way. At the</p> <p>8 University of North Texas --</p> <p>9 A. No. Let me -- I hope I can answer this in a</p> <p>10 clear way.</p> <p>11 Q. Sure.</p> <p>12 A. The editor's job is to review the articles that</p> <p>13 are submitted and to make recommendations regarding those</p> <p>14 articles where applicable. That may mean further</p> <p>15 investigation or further explanation of a concept in</p> <p>16 those articles. It's not to censor but rather to make an</p> <p>17 article better and ready for publication.</p> <p>18 Q. Okay. Thank you. Now, if there was evidence</p> <p>19 that Levi Walls was lying about this story, would that</p> <p>20 not be relevant to the investigatory process with the ad</p> <p>21 hoc panel?</p> <p>22 A. I can't --</p> <p>23 MS. QUIMBY: Objection, form.</p> <p>24 A. I can't speak to Levi Walls beyond what's in</p> <p>25 this report.</p>

1 **Q.** (By Mr. Allen) I'm not asking you to speak to
 2 Levi Walls. I'm asking you to speak to your standards of
 3 objectivity when you convened the ad hoc panel.
 4 Would it be consistent with the mission to investigate
 5 objectively to disregard evidence that Levi Walls lied
 6 about this incident?
 7 **MS. QUIMBY:** Objection.
 8 **A.** I don't -- I would need context to understand
 9 specifically what Levi Walls said in order to draw any
 10 specific conclusion.
 11 **Q.** (By Mr. Allen) I'm not asking you to comment on
 12 the context. Let's assume that he was lying.
 13 **A.** I'm not going to make any assumptions.
 14 **Q.** You're not going to -- okay.
 15 **MR. ALLEN:** I'm just going to say for the
 16 record, Mary, the more she does this, the more it makes
 17 it impossible to finish the deposition. But I'm going to
 18 go on --
 19 (Cross-talk)
 20 **THE WITNESS:** That's your choice.
 21 **MR. ALLEN:** And if need be --
 22 **THE WITNESS:** You can choose to take as
 23 long as you want.
 24 **MR. ALLEN:** -- I'm going to move for more
 25 time from the course -- the court and ask that UNT pay

1 for it because this is incredibly unresponsive, the way
 2 she's answered questions the entire deposition. I'm just
 3 putting that on the record.
 4 **THE WITNESS:** Are you going to move on to
 5 another question?
 6 **Q.** (By Mr. Allen) No. Since you're insisting on
 7 evidence, we're going to go get some more evidence.
 8 **A.** Okay. Are you calling this to a close --
 9 (Cross-talk)
 10 **Q.** Is that fair?
 11 **A.** -- or do you wish to --
 12 **Q.** No.
 13 **A.** -- continue the questioning?
 14 **Q.** We're going to keep going.
 15 **A.** Okay. Then ask your next question.
 16 **Q.** Well, I've got to go the -- I wasn't
 17 anticipating that you would want this evidence just so
 18 you could answer a simple question, so I'm having to go
 19 get the evidence.
 20 **MR. ALLEN:** Madam Court Reporter, what
 21 number of exhibit are up to now? Exhibit 11?
 22 **COURT REPORTER:** Yes, sir. We are on 11.
 23 **MR. ALLEN:** Sorry, President Cowley.
 24 We're almost there. I just have to keep track of the
 25 exhibits. So I'm marking as Exhibit 11 the deposition

1 transcript of Levi Walls that was taken on May 18th,
 2 2021.
 3 (Deposition Exhibit No. 11 was marked)
 4 **Q.** (By Mr. Allen) I'm going to represent to you
 5 that the following testimony that Levi Walls gave under
 6 oath, President Cowley, was about the car incident. So
 7 I'm just going to read this as it goes. Incidentally --
 8 the question:
 9 There is -- there was an incident discussed by
 10 the ad hoc panel in which you apparently sat in Timothy
 11 Jackson's car and discussed censorship on the journal.
 12 Do you remember that discussion?
 13 Yes.
 14 All right. Can you describe that meeting in its
 15 entirety?
 16 I was on my way to the office which was in Bain.
 17 So I was crossing the parking lot, and we ran into each
 18 other.
 19 And I don't remember what struck up the
 20 conversation. I'm sure it was either about analysis or
 21 the journal. And -- but it began to lightly snow, and he
 22 suggested we go into his car. I, of course, didn't
 23 object. And in the car, we talked about -- I know we
 24 talked about Suzanne Clark's contribution. And I think
 25 that's how we got onto the topic of just general

1 contributions that we didn't agree with.
 2 So I'm just going to represent for the record
 3 that Suzanne Clark's contribution was very pro Ewell and
 4 affirmed Ewell's point of view. That's very significant
 5 as we go on.
 6 And he, meaning Jackson, said that we shouldn't
 7 censor people's -- the contents of people's writing. And
 8 considering that this was the day after my exchange with
 9 Wiener -- Barry Wiener, another author -- I assumed that
 10 was in relation to that, as I was expecting to be
 11 approached about that communication.
 12 Were you ever approached about your
 13 communications with Barry Wiener?
 14 Not explicitly but I took this communication in
 15 the car to be directly related. And we discussed
 16 censorship before. And you said to me, you know, at
 17 least at that time agreed that it wasn't the job of the
 18 editor to censor the authors, correct?
 19 The answer of Levi Walls: I told him I agreed. I
 20 didn't actually agree. I just said that I agreed because
 21 that was what he wanted.
 22 So you lied, in other words?
 23 Yes.
 24 And Suzanne Clark, was that the name of the
 25 author you remember discussing directly?

<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">193</p> <p>1 Answer: Yes.</p> <p>2 Was she pro or anti Ewell?</p> <p>3 She was pro Ewell.</p> <p>4 So this discussion about censorship you had in</p> <p>5 the car was actually about Suzanne Clark and not about</p> <p>6 Barry Wiener.</p> <p>7 Am I understanding that correctly?</p> <p>8 It started out about Suzanne Clark.</p> <p>9 And the way I remember the conversation, it</p> <p>10 tilted more about the responses in general.</p> <p>11 Did I read that all correctly?</p> <p>12 A. Yes. I believe you read that all correctly.</p> <p>13 Q. So did you see that Levi Walls admitted that he</p> <p>14 lied?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. What comes across is that he felt uncomfortable</p> <p>17 telling his faculty supervisor his true opinion.</p> <p>18 Q. (By Mr. Allen) Did you see that they were</p> <p>19 talking about Levi Walls bringing up a pro Ewell author</p> <p>20 and Timothy Jackson told him not to censor a pro Ewell</p> <p>21 author?</p> <p>22 MS. QUIMBY: Objection, form.</p> <p>23 Q. (By Mr. Allen) Is that what you took away from</p> <p>24 that?</p> <p>25 MS. QUIMBY: Objection, form.</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">195</p> <p>1 he raised concerns taken into Dr. Jackson's cars.</p> <p>2 Dr. Jackson told him he was not to censor people which</p> <p>3 was in the context of what you just shared. And that</p> <p>4 largely the content in here is accurate, but there is a</p> <p>5 point which is not accurate.</p> <p>6 Q. (By Mr. Allen) And the point that's not</p> <p>7 accurate you consider not to be relevant to the</p> <p>8 investigation. Is that your testimony?</p> <p>9 A. No. I did not say that.</p> <p>10 Q. Okay.</p> <p>11 MR. ALLEN: I'm going to mark the next</p> <p>12 exhibit at this time. I think we're on Exhibit 12,</p> <p>13 correct?</p> <p>14 COURT REPORTER: Yes, sir.</p> <p>15 MR. ALLEN: Thank you, ma'am.</p> <p>16 Marking Exhibit 12 for the record, a</p> <p>17 letter of November 30th, 2020.</p> <p>18 (Deposition Exhibit No. 12 was marked)</p> <p>19 Q. (By Mr. Allen) Do you recognize this</p> <p>20 document --</p> <p>21 A. I do recognize --</p> <p>22 Q. -- Exhibit 12?</p> <p>23 A. -- this document.</p> <p>24 Q. You sent this document to Dr. Jackson on</p> <p>25 November 30th, 2020?</p>
<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">194</p> <p>1 A. I was not paying attention to the pro or anti.</p> <p>2 I was focused on the exchange.</p> <p>3 Q. (By Mr. Allen) You asked for the context, and</p> <p>4 here is the context.</p> <p>5 A. Yes. I understand.</p> <p>6 Q. And he says on Line 25 of Page 97:</p> <p>7 So you lied in other words -- the</p> <p>8 question.</p> <p>9 And on Line 1 of Page 98 of the deposition, he</p> <p>10 says:</p> <p>11 Yes.</p> <p>12 A. Yes. I see that.</p> <p>13 Q. Does it not matter to you that Levi Walls was</p> <p>14 lying?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. I don't understand how this is directly</p> <p>17 relevant to the recommendations of the committee. What</p> <p>18 are you trying to ask me?</p> <p>19 Q. (By Mr. Allen) Well, you just answered my</p> <p>20 question. You don't consider the fact that Levi walls</p> <p>21 was lying about the incident in the car to be relevant to</p> <p>22 the panel's decision, correct?</p> <p>23 MS. QUIMBY: Objection, form.</p> <p>24 A. What I take away is that Mr. Walls shared with</p> <p>25 the panel his concerns about the content of pieces, that</p>	<p style="text-align: right;"><i>Jennifer Cowley 09/26/2024</i></p> <p style="text-align: right;">196</p> <p>1 A. Yes.</p> <p>2 Q. And you're writing to share the recommendations</p> <p>3 of the ad hoc panel, correct?</p> <p>4 A. Correct.</p> <p>5 Q. The recommendations were what, according to</p> <p>6 your letter?</p> <p>7 A. That they're in the attached report.</p> <p>8 Q. Okay. And you summarize the charge to the</p> <p>9 panel in the second paragraph of this letter?</p> <p>10 A. Correct.</p> <p>11 Q. Was that meant to stand as an accurate</p> <p>12 representation of the charge that we just examined which</p> <p>13 was attached as an exhibit to the ad hoc panel report?</p> <p>14 MS. QUIMBY: Objection, form.</p> <p>15 A. Recall that that was a letter to convene the</p> <p>16 committee. It was not the statement of the charge.</p> <p>17 That letter said that the charge would be issued in</p> <p>18 the -- in the meeting.</p> <p>19 Q. (By Mr. Allen) Is there any document that</p> <p>20 reflects the charge?</p> <p>21 A. The committee report provides a brief summary</p> <p>22 of the charge but does not go into this level of depth.</p> <p>23 Q. So under their section of the charge, right,</p> <p>24 they attached Exhibit 1 which was your email of</p> <p>25 August 6, 2020, right?</p>

- 1 MS. QUIMBY: Objection, form.
- 2 A. Correct. I believe they also -- that they made
- 3 reference to that, but I don't remember the exact details
- 4 of what they wrote in that particular section.
- 5 Q. (By Mr. Allen) Did you take issue with anyone
- 6 on the ad hoc panel that they did not include the actual
- 7 charge and only include your email of August 6, 2020?
- 8 A. No. I didn't request changes to their report.
- 9 Q. So there is no record of, I guess, what you
- 10 consider an error of correcting that error?
- 11 MS. QUIMBY: Objection, form.
- 12 A. I didn't consider it an error.
- 13 Q. (By Mr. Allen) Okay. Looking at the third
- 14 paragraph, you say, The panel has produced the report
- 15 with findings, right?
- 16 A. Correct.
- 17 Q. And then you request that Timothy Jackson, as
- 18 the director for the -- of the Center for Schenkerian
- 19 Studies, develop a plan to address the recommendations by
- 20 December 18th and submit that plan to Benjamin Brand and
- 21 Dean John Richmond for review and approval.
- 22 Did I summarize that correctly?
- 23 A. You did.
- 24 Q. And so the deadline was December 18th, 2020?
- 25 A. Correct.

- 1 Q. Do you recall Timothy Jackson meeting that
- 2 deadline?
- 3 A. I do not recall. I know that there was some
- 4 back and forth between he and Dr. Brand, but I don't
- 5 recall the details.
- 6 Q. Timothy Jackson was invited to respond as
- 7 Director of the Center for Schenkerian Studies to the Ad
- 8 Hoc Panel Report, correct?
- 9 A. This letter tells him he can communicate with
- 10 his department chair and dean about a plan to respond to
- 11 the recommendations.
- 12 Q. Do you know of any other time before this that
- 13 Timothy Jackson was invited to respond to the Ad Hoc
- 14 Panel Report?
- 15 A. No, not that I'm aware of or recall.
- 16 Q. Okay. So it's only after the conclusions of
- 17 the ad hoc panel that he was invited to respond?
- 18 MS. QUIMBY: Objection, form.
- 19 A. He was not invited to respond. He was invited
- 20 to develop a plan to address the recommendations.
- 21 Q. (By Mr. Allen) And you think that's different
- 22 from a (inaudible). Is that your testimony today?
- 23 A. You cut out.
- 24 Q. I said your testimony -- I'm sorry that I cut
- 25 out, but I'll just rephrase it. So your testimony today

- 1 is that the invitation to provide a, quote, "plan" is
- 2 different from an invitation to provide a response?
- 3 That's your testimony today?
- 4 MS. QUIMBY: Objection, form.
- 5 A. The -- it depends on what his plan looks like.
- 6 If he had particular concerns related to the
- 7 recommendations and wanted to provide an alternative,
- 8 that would be for him to discuss with he and the chair.
- 9 Q. (By Mr. Allen) Did you ever read the response
- 10 of Timothy Jackson?
- 11 A. I don't recall if I saw that or not.
- 12 Q. The Ad Hoc Panel Report was put up on UNT's
- 13 webpage, right?
- 14 A. Yes.
- 15 Q. And it's still there to this day, to the best
- 16 of your knowledge?
- 17 A. I have no knowledge of whether it's there or
- 18 not at this time.
- 19 Q. Was it there the entire time you were provost?
- 20 A. No. Because I was provost before this -- the
- 21 committee report was issued.
- 22 Q. Oh, that's a good point. Of course, I mean
- 23 during your tenure as provost, as soon as the report was
- 24 put online, it remained there for the entire time you
- 25 remained at the University of North Texas?

- 1 A. I'm not sure if it was taken down during that
- 2 time or not, but I know that I requested that it be
- 3 posted online.
- 4 Q. Did you ever post Timothy Jackson's response to
- 5 the ad hoc panel online?
- 6 A. I did not, no.
- 7 Q. Is there any reason you did not?
- 8 MS. QUIMBY: Objection.
- 9 A. This was a university report. It was made
- 10 available. There was no obligation or expectation that
- 11 we would provide any others' viewpoints or perspectives
- 12 and post those online.
- 13 Q. (By Mr. Allen) Was it a decision you made ahead
- 14 of time not to post Timothy Jackson's response to the Ad
- 15 Hoc Panel Report?
- 16 MS. QUIMBY: Objection, form.
- 17 A. I had no knowledge that he would or would not
- 18 produce a response to the report. It's very common that
- 19 committee reports were posted online, and this ad hoc
- 20 task force report was posted online.
- 21 Q. (By Mr. Allen) And you only invited him here on
- 22 November 30th to develop a, quote, "plan" to address the
- 23 recommendations, right?
- 24 MS. QUIMBY: Objection.
- 25 A. Correct.

- 1 **Q.** (By Mr. Allen) And you didn't -- whatever you
2 call that, a plan, I don't really mind if you call it a
3 plan or response. But you didn't have any intention of
4 posting that online, right?
- 5 **A.** No. At this point, this matter moved from the
6 provost's office to the department office.
- 7 **Q.** Meaning it was under the responsibility of
8 Benjamin Brand?
- 9 **A.** Correct. To work with Benjamin Brand and Dean
10 Richmond and Dr. Jackson to develop a -- to implement the
11 recommendations or develop a plan that was responsive to
12 those recommendations.
- 13 **Q.** Do you know what Benjamin Brand did about the
14 Ad Hoc Panel Report?
- 15 **A.** I'm aware that he reviewed it and had a
16 discussion with Dr. Jackson.
- 17 **Q.** Did he discuss that with you as well?
- 18 **A.** Discuss what?
- 19 **Q.** The conversation he had with Dr. Jackson about
20 the report that you just mentioned.
- 21 **A.** I don't recall.
- 22 **Q.** Is that the kind of thing he would have
23 discussed with his provost?
- 24 **MS. QUIMBY:** Objection, form.
- 25 **A.** A department chair has limited conversations

- 1 with the provost. Typically conversations are with the
2 dean because the dean directly reports to me. There were
3 on occasions opportunities for Dr. Brand and
4 Dr. Richmond to discuss matters, but I don't recall any
5 details following the issuance of the report.
- 6 **Q.** (By Mr. Allen) Before we go on, did you talk to
7 Dean Richmond about the consequences of the Ad Hoc Panel
8 Report?
- 9 **MS. QUIMBY:** Objection, form.
- 10 **A.** What do you mean by consequences?
- 11 **Q.** (By Mr. Allen) What was going to be done.
12 What was going to be implemented. Did you ever talk to
13 Dean Richmond about that?
- 14 **A.** Dean Richmond let me know that -- that
15 Dr. Brand had had a conversation that they had asked for
16 this plan, and he talked to me about some next steps.
- 17 **Q.** What were the next steps that Dean Richmond
18 discussed with you?
- 19 **MS. QUIMBY:** Objection, form. I'm sorry.
- 20 **A.** He mentioned whether or not Dr. Jackson would
21 be the editor or not or what changes might occur in the
22 journal.
- 23 **Q.** (By Mr. Allen) Had any concrete steps that he
24 indicated to you had been decided?
- 25 **A.** I don't recall specifics.

- 1 **Q.** Okay. Do you recall more or less the date of
2 this discussion?
- 3 **A.** It seems to me it would have been in December
4 or January.
- 5 **Q.** Okay. Did he discuss with you the reaffirmed
6 commitment to combating racism?
- 7 **MS. QUIMBY:** Objection, form.
- 8 **A.** We did not have a discussion about that.
- 9 **MR. ALLEN:** I'm going to mark as Exhibit
10 13 an email from Benjamin Brand to Timothy Jackson dated
11 December 11, 2020, for the record.
- 12 **THE WITNESS:** Is it possible to make that
13 just a little bit larger?
- 14 **MR. ALLEN:** Yes. If you could give me
15 just one second. Just making sure I don't get my
16 exhibits mixed up again.
- 17 **Madam Court Reporter,** we're on the Exhibit
18 13, correct?
- 19 **COURT REPORTER:** Yes. The one you're
20 marking now is Exhibit 13.
- 21 **MR. ALLEN:** Thank you.
- 22 (Deposition Exhibit No. 13 was marked)
- 23 **Q.** (By Mr. Allen) So let me see if I can expand
24 this for you, President Cowley. Is that better?
- 25 **A.** Yes. That's better.

- 1 **Q.** And just to make sure I'm not hiding anything
2 from you, I'll represent to you that this was already
3 introduced as a court document as an exhibit. That's why
4 it has this stuff on here.
- 5 **A.** Okay.
- 6 **Q.** I don't want you to think there is a page I'm
7 not showing you. Okay? This is, so far as I know, the
8 whole email. Now, I know you're not on this email, so I
9 don't expect you to know about it. But I am going to ask
10 you if you were aware of this email on December 11, 2020?
- 11 **A.** I'm still reading the email.
- 12 **Q.** Okay. Go ahead.
- 13 **A.** Okay. I'm sorry. What was your question?
- 14 **Q.** Were you aware of this email?
- 15 **A.** I don't know that I was aware of the email. I
16 was aware that there was a meeting that was going to
17 happen between Dr. Brand and Dr. Jackson.
- 18 **Q.** And you don't -- were you aware of the outcome
19 of the meeting?
- 20 **A.** There were several outcomes that were discussed
21 in this particular -- potential outcomes that were
22 discussed in this email. Is there one in particular
23 you're interested in?
- 24 **Q.** So I'm just trying to find out what you at the
25 time understood as the outcomes that were implemented at

1 the meeting between Benjamin Brand and Timothy Jackson on
2 December 11, 2020.

3 **A.** So I was aware that there was a conversation
4 and there was a discussion about how editorial duties
5 might be handled moving forward.

6 **Q.** Do you know what -- beyond that general level,
7 do you know concretely what was the outcome? What
8 administrative action was proposed at the meeting?

9 MS. QUIMBY: Objection, form.

10 **A.** From reading this email, it looks like there
11 were several different potential outcomes that were
12 discussed, and so I just knew that there were discussions
13 of options.

14 **Q.** (By Mr. Allen) And one of the options was
15 Number 3 which was a non-option, right? Benjamin Brand
16 says, I cannot support a plan according to which you
17 would remain involved in the day-to-day operations of the
18 journal and its editorial process in particular, given
19 the panel's findings of editorial mismanagement of the
20 acronym JSS.

21 Did I read that correctly?

22 **A.** You did read that correctly.

23 **Q.** And you understood JSS is an acronym for
24 Journal of Schenkerian Studies, right?

25 **A.** Yes. I assume that's the acronym.

1 **Q.** So did you understand by that, as you sit here
2 today, that Timothy Jackson was going to be removed from
3 the JSS?

4 **A.** What I read from this is that there are several
5 different options that could include housing the journal
6 elsewhere, starting a new journal, finding an editor and
7 chief, that several different options were outlined. I
8 don't know what the choice was in terms of the -- at this
9 time from that meeting.

10 **Q.** So you find that language ambiguous: I cannot
11 support a plan according to which you would remain
12 involved in the day-to-day operations of the journal?

13 MS. QUIMBY: Objection, form.

14 **A.** As I read that, I hear the chair saying that
15 keeping the journal as it is and having him as the editor
16 would not be acceptable to Dr. Brand.

17 **Q.** (By Mr. Allen) Okay. Are you aware that the
18 Journal of Schenkerian Studies has never published again?

19 **A.** I was not aware of that. I was aware that
20 there was a call for editors.

21 **Q.** Were you aware that Dean Richmond testified in
22 open court that the journal had been, quote, "put on
23 ice," closed quote?

24 **A.** No. I was not aware of that.

25 **Q.** Well, I think I know the answer to this, but I

1 want to ask you anyway. Did you direct the University of
2 North Texas press to cease publication of the journal?

3 **A.** I did not.

4 **Q.** Okay. And this -- okay. I think that will
5 probably be the last exhibit but -- and I only have one
6 more series of questions, and it might be the last
7 question. Did you have anything to do with the committee
8 allegedly formed to reconstitute the journal at the
9 University of North Texas?

10 MS. QUIMBY: Objection, form.

11 **A.** I have no knowledge of a committee to
12 resubstitute the journal.

13 **Q.** (By Mr. Allen) Let me put it in a different way
14 just to make sure we understand what we're talking about.
15 You were aware that a committee was formed to look for a
16 new editor of some sort?

17 MS. QUIMBY: Objection, form.

18 **A.** I don't know that I knew it was a committee.
19 I knew there was an effort to find an editor for the
20 journal and some kind of call for nominations for
21 editors.

22 **Q.** (By Mr. Allen) And did you have anything to do
23 with that as provost is my question?

24 **A.** I was informed that this was a planned action.

25 **Q.** But it wasn't something your office was

1 involved in directly?

2 **A.** No.

3 **Q.** Did you have --

4 **A.** Once the report was issued, the actions to move
5 forward were delegated to the department.

6 **Q.** Okay.

7 MR. ALLEN: Okay. I think I'm going to
8 pass the witness then, Mary, and you can go ahead and --
9 I'm going to take this down too. Excuse me. Do you want
10 to take a break or --

11 MS. QUIMBY: Yeah. Can we just take five,
12 please?

13 MR. ALLEN: Absolutely.

14 VIDEOGRAPHER: Off the record, 2:53.

15 (Recess taken from 2:53 to 2:57)

16 VIDEOGRAPHER: On the record, 2:57 p.m.

17 MS. QUIMBY: Thank you. I will reserve my
18 questions for trial.

19 MR. ALLEN: Okay. President Cowley, thank
20 you so much for spending the time today sitting for
21 deposition.

22 COURT REPORTER: Ms. Quimby, do you want
23 to purchase a transcript?

24 VIDEOGRAPHER: Off the record.

25 COURT REPORTER: We are still on --

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1 MS. QUIMBY: I'm sorry?

2 COURT REPORTER: We are still on the

3 record.

4 Do you want to purchase a transcript?

5 MS. QUIMBY: Yes, please.

6 COURT REPORTER: Okay. I don't know if I

7 need to ask Boseman and Stowers. So if you guys are

8 there and want a transcript, you need to speak up now.

9 MR. BOSEMAN: No, I do not. This is

10 Shelby Boseman. No. Thank you.

11 MR. STOWERS: And no, I do not. This is

12 Renaldo Stowers.

13 VIDEOGRAPHER: You done, Carla?

14 COURT REPORTER: Yes.

15 VIDEOGRAPHER: Off the record, 2:58.

16 (Time 2:58 p.m.)

17 (End of deposition)

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: JENNIFER COWLEY

3 DATE: SEPTEMBER 26, 2024

4	PAGE	LINE	CHANGE	REASON
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Jennifer Cowley 09/26/2024 211

1 _____

2 _____

3

4 I, JENNIFER COWLEY, have read the foregoing

5 deposition and hereby affix my signature that same is

6 true and correct except as noted above.

7

8 _____

9 JENNIFER COWLEY

10 THE STATE OF _____)

11 COUNTY OF _____)

12 Before me, _____, on this day

13 personally appeared JENNIFER COWLEY, known to me (or

14 proved to me under oath or through _____)

15 (description of identity card or other document) to be

16 the person whose name is subscribed to the foregoing

17 instrument and acknowledged to me that they executed the

18 same for the purposes and consideration therein

19 expressed.

20

21 Given under my hand and seal of office this the

22 _____ day of _____, 2024.

23

24 _____

25 NOTARY PUBLIC IN AND FOR

THE STATE OF _____

My Commission Expires: _____

Jennifer Cowley 09/26/2024 212

1 UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 SHERMAN DIVISION

4 TIMOTHY JACKSON, *

5 Plaintiff, *

6 VS. * CASE NO. 4:21-CV-00033-ALM

7 LAURA WRIGHT, ET AL., *

8 Defendants. *

9

10 REPORTER'S CERTIFICATION

11 ORAL AND VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

12 JENNIFER COWLEY

13 SEPTEMBER 26, 2024

14 I, CARLA A. SIMS, AAS, CSR, RPR, in and for the

15 State of Texas, hereby certify to the following:

16 That the witness, JENNIFER COWLEY, was duly sworn by

17 me and that the transcript of the oral deposition is a

18 true record of the testimony given by the witness;

19 I further certify that pursuant to FRCP Rule

20 30(f)(1) that the signature of the deponent:

21 _XX_ was requested by the deponent or a party

22 before the completion of the deposition and is to be

23 returned within 30 days from date of receipt of the

24 transcript.

25 If returned, the attached Signature and Corrections

1 pages contain any changes and the reasons therefor;
 2 _____ was not requested by the deponent or a party
 3 before the completion of the deposition.

4 That the deposition transcript was submitted on
 5 October 30, 2024, to Ms. Mary Quimby, attorney for the
 6 witness, for examination, signature, and return to me by
 7 the 2nd day of December, 2024;

8 That the amount of time used by each party at the
 9 deposition is as follows:

10 Mr. Michael Thad Allen.....04 HOURS:38 MINUTES
 Ms. Mary Quimby.....00 HOURS:00 MINUTES
 11 Mr. Renaldo L. Stowers.....00 HOURS:00 MINUTES
 Mr. Shelby Boseman.....00 HOURS:00 MINUTES

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5 I further certify that I am neither counsel for,
 6 related to, nor employed by any of the parties or
 7 attorneys in the action in which this proceeding was
 8 taken. Further, I am not a relative or employee of any
 9 attorney of record in this cause, nor am I financially or
 10 otherwise interested in the outcome of the action.

11 Certified to by me this the 14th day of October,
 12 2024.
 13
 14
 15

16 Carla A. Sims, AAS, RPR
 Texas CSR No. CSR-6125
 17 Expiration Date: 04-30-26
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 20 Firm registration No. 436
 Firm registration Expires 5-31-25
 21
 22
 23
 24
 25

1 FURTHER CERTIFICATION
 DEPOSITION OF JENNIFER COWLEY

2 The original deposition was/was not returned to the
 3 deposition officer on the _____ day of _____,
 4 20__.

5 If returned, the attached Changes and Signature
 6 page contains any changes and the reasons therefor;

7 If returned, the original deposition was delivered
 8 to Mr. Michael Thad Allen, Custodial Attorney;

9 That \$ _____ is the deposition officer's
 10 charges to the Plaintiff for preparing the original
 11 deposition transcript and any copies of exhibits;
 12

13 Certified to by me this _____ day of _____,
 14 20__.

15
 16
 17
 18
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